Basic information

2014/2151(INI) INI - Own-initiative procedure	Procedure completed
Towards a renewed consensus on the enforcement of intellectual property rights: an EU action plan **Subject** 3.50.15 Intellectual property, copyright 3.50.16 Industrial property, European patent, Community patent, design and pattern 4.60.02 Consumer information, advertising, labelling 7.30.30.10 Action against counterfeiting	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	SVOBODA Pavel (PPE)	11/11/2014
	Shadow rapporteur KÖSTER Dietmar (S&D) DZHAMBAZKI Angel (ECR) CAVADA Jean-Marie (ALDE) ANDERSSON Max (Verts /ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	STIHLER Catherine (S&D)	24/09/2014
CULT Culture and Education	COSTA Silvia (S&D)	26/02/2015
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	3353	2014-12-04

European Commission	Commission DG	Commissioner
	Financial Stability, Financial Services and Capital Markets Union	BIEŃKOWSKA Elżbieta

Key events

Date	Event	Reference	Summary
01/07/2014	Non-legislative basic document published	COM(2014)0392	Summary
24/11/2014	Committee referral announced in Parliament		
04/12/2014	Resolution/conclusions adopted by Council		Summary
07/05/2015	Vote in committee		
19/05/2015	Committee report tabled for plenary	A8-0169/2015	Summary
08/06/2015	Debate in Parliament		
09/06/2015	Decision by Parliament	T8-0220/2015	Summary
09/06/2015	Results of vote in Parliament		
09/06/2015	End of procedure in Parliament		

Technical information

Procedure reference	2014/2151(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/01745

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE549.140	05/02/2015	
Committee opinion	CULT	PE544.344	05/03/2015	
Committee opinion	IMCO	PE546.649	25/03/2015	
Amendments tabled in committee		PE552.123	27/03/2015	
Committee report tabled for plenary, single reading		A8-0169/2015	19/05/2015	Summary

Text adopted by Parliament, single reading		T8-0220/2015	09/06/2015	Summary

European Commission

Document type	Reference	Date	Summary
Commission document (COM)	COM(2014)0392	01/07/2014	Summary
Commission response to text adopted in plenary	SP(2015)529	05/11/2015	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	DE_BUNDESRAT	COM(2014)0392	21/10/2014	

Towards a renewed consensus on the enforcement of intellectual property rights: an EU action plan

2014/2151(INI) - 09/06/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 529 votes to 143, with 28 abstentions, a resolution on the Commission communication entitled: 'Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU Action Plan'.

General remarks: the **EU faces a high number of intellectual property rights infringements**. The volume and financial value of these infringements are alarming and illustrate the added value which IPR represent for the European economy in global competition. IPR infringements, including counterfeiting, discourages growth, job creation, innovation and creativity. They cause both non-material and economic damage to European undertakings and bring about heavy economic and fiscal losses to states.

In this regard, Parliament welcomed the Commission action plan. Its key objective should be to ensure the **effective, evidence-based enforcement of IPR**, which plays a key role in stimulating **innovation, creativity, competitiveness, growth and cultural diversity**. Ensuring fair remuneration for creators should be a crucial element of the EU action plan.

According to members, the enforcement of IPR is not merely a driver for jobs and growth across the Union but is essential for the **proper functioning of the single market**. Moreover, IPR are not just copyrights but also **trademarks and patents**, among others, and that each of these is vital to the value of Europe's goods and services. The Commission is urged to continue the work of taking IPR into account as a factor in the competitiveness of the European economy.

Involving all actors in the supply chain, both on- and offline: Parliament stated that all actors in the supply chain have a role to play in the fight against IPR infringement and should be involved in this process. It stressed:

- the importance of ensuring the **application of due diligence throughout the supply chain**, including the digital supply chain and all the key actors and operators therein, such as creators, artists and rights holders, producers, intermediaries, internet service providers, online sales platforms, end users and public authorities;
- the need for operators in the industry to exchange information about **platforms** which provide access to content that infringes IPR, and to take coordinated and proportionate measures, such as notice and takedown, to reduce the income generated from such content and platforms; such measures should not include the non-judicial blocking of websites;
- the importance of **sector-based agreements and good practice guides** to combat IPR infringements; members welcomed the approach of depriving IPR infringers of their revenues by means of agreements between right-holders and their partners;
- **the involvement of organised crime in international IPR-infringing activities** and the high importance of delivering a European coordinated solution, strengthening the audit measures in place while implementing the 'follow the money' principle, to safeguard consumer interests.

Consumer awareness and information: welcoming the approach taken by the Commission to develop targeted awareness campaigns, Parliament recommended a broader information campaign regarding the Intellectual Property Right Holders and Enforcement Authorities Platform so that right holders have a more active role in defending their rights across the European Union.

It considered that at the same time that **consumers should be better able to identify infringing offers so that they can decide not to proceed with a given purchase**. They called on the Commission and the Member States to reflect further on the possible development of a harmonised system of procedures for notification/withdrawal of infringing goods and content, so that consumers and undertakings can take action when they are misled, in the same way as they can act to draw attention to undesirable content.

Developing new business models: Members reiterated their demand that the Commission and the Member States put more pressure on the industry to develop, in all Member States, licit offers that are both diversified and attractive so that consumers genuinely have every opportunity to purchase licit goods or to use licit content.

The resolution stressed the need for a more **holistic approach** increasing the availability and consumption of innovative and affordable legal offers, based on business models that are adapted to the internet and that allow for the removal of barriers, creating a truly European digital single market, while maintaining a balance between the rights of consumers and the protection of innovators and creators.

Moreover, the resolution:

- emphasised the importance of **improving civil enforcement procedures for SMEs and individual creators as regards IP**, as they play a key role in the creative and cultural sectors and often do not have the capacity to have their rights enforced, given the complexity, cost and length of such procedures;
- called on the Commission to make full use of the data collected by the **European Observatory on Infringements of Intellectual Property Rights**, to draw conclusions with regard to, and propose solutions for improving, IPR enforcement that can be used by policy-makers;
- welcomed the establishment by the Commission of an expert group on IPR enforcement, and calls on it to ensure that Parliament is involved more closely;
- invited the Commission to come up with a detailed assessment of the limitations of the current legal framework as regards online activities and, if appropriate, with **proposals for adapting the EU legislative framework to the internet environment**;
- reiterated its call for an **IPR strategy**, including a comprehensive legal framework to combat IPR infringement adapted to the online environment, with full regard for fundamental rights and freedoms, fair trials, proportionality and data protection;
- reiterated that a modern pro-competitive and consumer-friendly **copyright framework** is needed;
- insisted on the need to **support and facilitate the work performed by customs services in mutual cooperation** which plays an important role in the fight against IPR infringement in cross-border trade, by clarifying operational rules.

Lastly, the report stressed the need for **precise detection systems** that lead to the swift interruption of commercial-scale IPR-infringing activities.

Towards a renewed consensus on the enforcement of intellectual property rights: an EU action plan

2014/2151(INI) - 01/07/2014 - Non-legislative basic document

PURPOSE: to propose an EU Action Plan on the protection of Intellectual Property Rights (IPR).

BACKGROUND: the EU needs innovation and creativity to stay competitive relative to countries with lower labour, energy and raw materials costs. A recent study has estimated that IPR-intensive sectors account for around **39% of EU GDP** (worth some EUR 4.7 trillion annually) and, taking indirect jobs into account, up to 35% of all jobs.

The March 2014 European Council reaffirmed the importance of intellectual property as a key driver for growth and innovation and highlighted the need to **fight against counterfeiting** to enhance the EU's industrial competitiveness globally.

At EU level, statistics on **customs detentions** for suspected violations of IPR at its external border recorded **more than 90 000 cases in 2012**. Around 70% of these cases related to postal and courier traffic, a reflection of the growth of e-commerce. In total, almost 40 million articles were detained, with an estimated value - in terms of equivalent genuine products - of just below EUR 1 billion.

One Member State has estimated that **81% of IPinfringing products are associated with organised crime**. It calculates that while the illicit revenue generated by organised crime in these activities was over EUR 100 million, the cost to its economy as a whole - in terms of direct lost revenue to legitimate businesses, lost revenue to the exchequer, lost jobs and high enforcement costs - came to almost five times that amount (EUR 470 million).

In order to dissuade commercial scale infringements, the Commission must apply a **holistic, balanced and flexible system** that can react rapidly to the evolving challenges that face the EU knowledge economy.

CONTENT: this Communication sets down a **ten point action plan** which constitutes a decisive first step in building an effective IP enforcement policy targeted at commercial scale infringements at EU and national levels. The objective should be to arrive at a renewed consensus on how Intellectual Property Rights are exercised, and in a manner which **fully involves all relevant stakeholders**.

A number of the actions will be implemented by the Commission where appropriate in partnership with the Office for Harmonization in the Internal Market (OHIM), which since June 2012 houses the European Observatory on Infringements of Intellectual Property Rights.

The Action Plan focuses on the following issues:

Raising awareness of consumers, employees and clients: in 2014, the Observatory shall assist Member States to launch **targeted communication campaigns** aiming to raise awareness amongst citizens, especially young people on the economic harm caused by commercial scale IP infringements, as well as campaigns to highlight the benefits for consumers from choosing IP respecting products and to facilitate access to such products.

Ensuring the integrity of supply chains: the diffusion of Information and Communications Technology (ICT) has facilitated the development of ever longer - and frequently global - supply chains. While these developments are positive, they have also been applied by IP-infringing commercial operators. The Commission will launch a series of **consultation actions** on applying due diligence throughout supply chains as a means to prevent

commercial scale IP infringements. On the basis of the collected information it intends to develop an **EU due-diligence scheme** for this purpose. It will, in the first instance, seek to encourage the voluntary take-up of the scheme.

Infringing products on the internet: "follow the money": the Commission will facilitate the development of further **voluntary Memoranda of Understanding** to reduce the profits of commercial scale IP infringements in the online environment, following Stakeholder Dialogues involving advertising service providers, payment services and shippers. Any such memorandum should have well-embedded mechanisms for the protection of fundamental rights and a competitive environment, focusing in particular on preventing potential abuses.

Assisting SMEs to enforce their IP rights: the Commission intends to:

- analyse and report on existing national initiatives seeking to **improve IP civil enforcement procedures** for SMEs, in particular in respect of low value claims and consider possible action in this field;
- issue a **Green Paper** to consult stakeholders on the need for future EU action based on the best practice found in nationally financed schemes assisting SMEs to enforce their IP rights.

Chargeback systems: a tool for consumers: certain credit and debit card providers offer chargeback schemes where, up to a certain value, consumers can contest and not pay for a service or product that they would not have wished to purchase had they already known it was not genuine. In certain Member States these schemes are required by law.

The Commission will issue a **Green paper to consult stakeholders on the impact of chargeback and related schemes to tackle commercial scale IP infringements**.

Cooperation between national authorities: the Commission will establish a **Member State Expert Group on IP Enforcement**, where Member States could share best practice on the work within the EU of all their concerned authorities and be informed on the delivery of this Action Plan.

Training for national authorities in the Single Market: the Commission will support the Observatory in the development of a **comprehensive set of sectoral IP enforcement related training programmes** for Member State authorities in the context of the Single Market.

Screening public procurement for IP-infringing products: the Commission intends to develop, promote and publish a guide on best practice for public authorities to avoid purchasing counterfeit products.

Analysing trends in IP and in IP-infringing activities: starting in 2014, the Commission intends to provide **economic reports**. These will serve as the monitoring tool for the Commission's policies against commercial scale IP infringement activities.

Towards a renewed consensus on the enforcement of intellectual property rights: an EU action plan

2014/2151(INI) - 19/05/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted an own-initiative report by Pavel SVOBODA (EPP, CZ) on the Commission communication entitled: 'Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU Action Plan'.

The report welcomed the Commission action plan. Its key objective should be to ensure the **effective, evidence-based enforcement of IPR**, which plays a key role in stimulating **innovation, creativity, competitiveness, growth and cultural diversity**. Ensuring fair remuneration for creators should be a crucial element of the EU action plan.

According to members, the enforcement of IPR is not merely a driver for jobs and growth across the Union but is essential for the **proper functioning of the single market**. Moreover, IPR are not just copyrights but also **trademarks and patents**, among others, and that each of these is vital to the value of Europe's goods and services. The Commission is urged to continue the work of taking IPR into account as a factor in the competitiveness of the European economy.

Involving all actors in the supply chain, both on- and offline: the report stated that all actors in the supply chain have a role to play in the fight against IPR infringement and should be involved in this process. Members stressed:

- the importance of ensuring the **application of due diligence throughout the supply chain**, including the digital supply chain and all the key actors and operators therein, such as creators, artists and rights holders, producers, intermediaries, internet service providers, online sales platforms, end users and public authorities;
- the importance of **sector-based agreements and good practice guides** to combat IPR infringements; members welcomed the approach of depriving IPR infringers of their revenues by means of agreements between right-holders and their partners;
- **the involvement of organised crime in international IPR-infringing activities** and the high importance of delivering a European coordinated solution, strengthening the audit measures in place while implementing the 'follow the money' principle, to safeguard consumer interests.

Consumer awareness and information: welcoming the approach taken by the Commission to develop targeted awareness campaigns, members recommended a broader information campaign regarding the Intellectual Property Right Holders and Enforcement Authorities Platform so that right holders have a more active role in defending their rights across the European Union.

They considered that at the same time that **consumers should be better able to identify infringing offers so that they can decide not to proceed with a given purchase**. They called on the Commission and the Member States to reflect further on the development of specific tools and guidelines, and to have an evidence-based examination and possible development of a harmonised system of procedures for notification/withdrawal of infringing goods

and content, so that consumers and undertakings can take action when they are misled, in the same way as they can act to draw attention to undesirable content.

Developing new business models: Members reiterated their demand that the Commission and the Member States put more pressure on the industry to develop, in all Member States, licit offers that are both diversified and attractive so that consumers genuinely have every opportunity to purchase licit goods or to use licit content.

The report stressed the need for a more **holistic approach focussing on how to meet consumer demand** by increasing the availability and consumption of innovative and affordable legal offers, based on business models that are adapted to the internet and that allow for the removal of barriers, creating a truly European digital single market, while maintaining a balance between the rights of consumers and the protection of innovators and creators.

Moreover, the report:

- emphasised the importance of **improving civil enforcement procedures for SMEs and individual creators as regards IP**, as they play a key role in the creative and cultural sectors and often do not have the capacity to have their rights enforced, given the complexity, cost and length of such procedures;
- called on the Commission to make full use of the data collected by the **European Observatory on Infringements of Intellectual Property Rights**, to draw conclusions with regard to, and propose solutions for improving, IPR enforcement that can be used by policy-makers;
- welcomed the establishment by the Commission of an expert group on IPR enforcement, and calls on it to ensure that Parliament is involved more closely;
- invited the Commission to come up with a detailed assessment of the limitations of the current legal framework as regards online activities and, if appropriate, with **proposals for adapting the EU legislative framework to the internet environment**;
- reiterated its call for an **IPR strategy**, including a comprehensive legal framework to combat IPR infringement adapted to the online environment, with full regard for fundamental rights and freedoms, fair trials, proportionality and data protection;
- insisted on the need to **support and facilitate the work performed by customs services in mutual cooperation** which plays an important role in the fight against IPR infringement in cross-border trade, by clarifying operational rules.

Lastly, the report stressed the need for **precise detection systems** that lead to the swift interruption of commercial-scale IPR-infringing activities.

Towards a renewed consensus on the enforcement of intellectual property rights: an EU action plan

2014/2151(INI) - 04/12/2014

The Council adopted conclusions on infringements of intellectual property rights (IPR) enforcement.

Recognising that tackling IPR infringement effectively is complex, particularly in the online environment, the Council stressed its commitment in the fight against intellectual property rights infringements while safeguarding the fundamental rights of all parties concerned by IPR enforcement. It shared the Commission's view that **improved collaboration** between Member States and the Commission and sharing good practices will increase the efficiency of IPR enforcement in the EU.

The conclusions focused, in particular, on the following issues:

- the setting up of an expert group on the enforcement of Intellectual Property Rights;
- the importance of accessibility and cost-efficiency of judicial systems, in particular for SMEs;
- the development of new competitive business models;
- preventing and combating piracy.

Lastly, the Commission is encouraged, in close cooperation with the Member States and all stakeholders, including right holders, intermediaries and civil society, to **deliver the actions contained within the EU Action Plan**, giving emphasis to the "Follow the money" approach, due diligence, enhanced cooperation and assistance to SMEs in enforcing their IPR.