Basic information

2014/2206(INI) INI - Own-initiative procedure	Procedure completed
Strategy for the protection and enforcement of intellectual property rights in third countries **Subject** 3.50.15 Intellectual property, copyright 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	MOSCA Alessia Maria (S&D)	07/10/2014
	Shadow rapporteur FISAS AYXELÀ Santiago (PPE) MCCLARKIN Emma (ECR) DE SARNEZ Marielle (ALDE) MINEUR Anne-Marie (GUE/NGL) JADOT Yannick (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner

Trade and Economic Security	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
01/07/2014	Non-legislative basic document published	COM(2014)0389	Summary
17/12/2014	Committee referral announced in Parliament		
07/05/2015	Vote in committee		
13/05/2015	Committee report tabled for plenary	A8-0161/2015	Summary
08/06/2015	Debate in Parliament		
09/06/2015	Decision by Parliament	T8-0219/2015	Summary
09/06/2015	Results of vote in Parliament		
09/06/2015	End of procedure in Parliament		

Technical information

Procedure reference	2014/2206(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	INTA/8/01642

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE549.414	26/02/2015	
Amendments tabled in committee		PE552.036	24/03/2015	
Committee report tabled for plenary, single reading		A8-0161/2015	13/05/2015	Summary
Text adopted by Parliament, single reading		T8-0219/2015	09/06/2015	Summary

European Commission

Document type	Reference	Date	Summary
	COM(2014)0389		

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

Strategy for the protection and enforcement of intellectual property rights in third countries

2014/2206(INI) - 09/06/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 521 votes to 144, with 17 abstentions, a resolution on the Strategy for the protection and enforcement of intellectual property rights in third countries, in response to the Commission communication on the same subject.

Whilst appreciating the approach followed by the Commission, Parliament considered that the debate on a fair balance between rightholders' interests and end users' interests is multifaceted and extremely complex. It considered that the Commission should explore how an informed and transparent **public debate can be had on the protection and enforcement of IP** and what this means for consumers. Members recognised that **coherence between internal and external policies** does not negate the need for a tailored approach, recognising the specific facts and circumstances existing in a third country market at issue.

Parliament stressed that IPR protection should be seen as a **first step towards establishing access to a third country's market**. The ability to exercise effectively recognised IP rights is contingent upon substantive protection, including **effective enforcement and remedies**, in the country concerned. It also considered that adequate measures to combat IPR infringements can contribute in the fight against organised crime, money laundering and tax evasion.

The resolution also highlighted the following issues:

- the strategy should be **better adapted to the digital environment** and include a strong collaboration with customs authorities and market surveillance authorities to ensure horizontal coherence;
- the Commission should ensure that **geographical indications** are recognised and genuinely protected when negotiating free-trade agreements with third countries;
- the TRIPS agreement should be implemented in a balanced and effective manner where appropriate and that any flexibilities in its wording should fully respect the fundamental principle of non-discriminatory treatment for all fields of technology.

Parliament also made a number of recommendations are regards public awareness, internet and IPR, development and emerging economies, access to medicines, providing better data, protection and enforcement of IPR in third countries.

The resolution insisted, *inter alia*, on the following issues:

- the need for an **informed, balanced and more transparent public debate** on enforcement of IPR, **involving all interested parties** and balancing all private and public interests;
- the Commission and the Member States should enter into a **structured dialogue with online platforms** on how best to identify and tackle the sale of counterfeit goods given that the problem of IPR infringements has multiplied in recent years as a consequence of digitalisation;
- the Commission should work with the Internet Corporation for Assigned Names and Numbers (ICANN) and the World Intellectual Property Organization (WIPO) to establish a **protection mechanism for geographical indications on the internet**;
- the Commission should contribute to creating an **environment in which the interests of the Member States and of third countries are convergent** , and where there is a reciprocal interest in the creation of high-standard protection frameworks coupled with effective remedies;
- the Commission and the Member States should: (i) continue to ensure support for a **constructive dialogue on access to medicines** and to find ways to facilitate access to medicines for the populations of the poorest countries, who are unable to obtain the best treatments currently available; (ii) ensure that medicine prices should be within the reach of people in the country in which they are sold; (iii) continue efforts to ensure that border measures intended to **block the importation of counterfeit medicines** do not negatively affect the transit of generic drugs;
- better, appropriately **harmonised**, internal IPR-related policies could be helpful in the effort to **improve the standard of protection** and enforcement of IPR globally;
- the Commission should take further steps in line with the outcome of the public consultation of its Green paper 'Making the most out of Europe' s traditional know-how' concerning a **possible extension** of geographical indications protection of the Union to non-agricultural products;
- the importance of structuring the **EU Observatory** on Infringements of Intellectual Property Rights in a comprehensive way whilst maintaining its independence;
- the Commission and the Member States should **uphold IPRs more effectively in all relevant multilateral organisations** (the WTO, the World Health Organisation and the World Intellectual Property Organisation); in negotiations for **bilateral free trade agreements**, appropriate attention should be given to chapters on intellectual property;
- the Commission should make more regular recourse to relevant **dispute settlement mechanisms**, including the WTO's Dispute Settlement Body, when the rights of the Union's economic operators, including all IPR holders, are infringed.

Lastly, Parliament considered that EU economic operators and consumers in third countries in which IPR infringements are more common should be especially protected through an extension of the **IPR Helpdesk**.

Strategy for the protection and enforcement of intellectual property rights in third countries

2014/2206(INI) - 13/05/2015 - Committee report tabled for plenary, single reading

The Committee on International Trade adopted an own-initiative report by Alessia Maria MOSCA (S&D, IT) on the Strategy for the protection and enforcement of intellectual property rights in third countries, in response to the Commission communication on the same subject.

Members appreciated the approach followed by the Commission, in particular with regard to the call for balance between divergent interests. They considered that the debate on a fair balance between rightholders' interests and end users' interests is multifaceted and extremely complex, with economic interests on all sides. The Commission should explore how an informed and transparent **public debate can be had on the protection and enforcement of IP** and what this means for consumers.

The report stressed that it is not sufficiently clear by what **means and by what method** the results included in the communication could be achieved, in particular as regards what resources will be used and where they will be taken from, also considering the limited resources made available for the purpose of supporting EU rightholders who export or who establish themselves in third markets. There is **no clear indication of coordination between internal policies and external policies** regarding the protection of IPR.

Members stressed that IPR protection should be seen as a **first step towards establishing access to a third country's market**. The ability to exercise effectively recognised IP rights is contingent upon substantive protection, including **effective enforcement and remedies**, in the country concerned.

Members also considered that adequate measures to combat IPR infringements can contribute in the fight against organised crime, money laundering and tax evasion.

The report considered that the strategy should be **better adapted to the digital environment** and that **geographical indications** are as important as other types of intellectual property.

The committee insisted, *inter alia*, on the following issues:

- the need for an informed, balanced and more transparent public debate on enforcement of IPR, involving all interested parties and balancing all private and public interests;
- the Commission and the Member States should enter into a **structured dialogue with online platforms** on how best to identify and tackle the sale of counterfeit goods given that the problem of IPR infringements has multiplied in recent years as a consequence of digitalisation;
- the Commission should work with the Internet Corporation for Assigned Names and Numbers (ICANN) and the World Intellectual Property Organization (WIPO) to establish a **protection mechanism for geographical indications on the internet**;
- the Commission should contribute to creating an **environment in which the interests of the Member States and of third countries are convergent** , and where there is a reciprocal interest in the creation of high-standard protection frameworks coupled with effective remedies;
- the Commission and the Member States should: (i) continue to ensure support for a **constructive dialogue on access to medicines** and to find ways to facilitate access to medicines for the populations of the poorest countries, who are unable to obtain the best treatments currently available; (ii) continue efforts to ensure that border measures intended to **block the importation of counterfeit medicines** do not negatively affect the transit of generic drugs;
- better, appropriately **harmonised**, internal IPR-related policies could be helpful in the effort to improve the standard of protection and enforcement of IPR globally;
- the Commission should take further steps in line with the outcome of the public consultation of its Green paper 'Making the most out of Europe' s traditional know-how' concerning a **possible extension** of geographical indications protection of the Union to non-agricultural products;
- the Commission and the Member States should **uphold IPRs more effectively in all relevant multilateral organisations** (the WTO, the World Health Organisation and the World Intellectual Property Organisation); in negotiations for **bilateral free trade agreements**, appropriate attention should be given to chapters on intellectual property;
- the Commission should make more regular recourse to relevant **dispute settlement mechanisms**, including the WTO's Dispute Settlement Body, when the rights of the Union's economic operators, including all IPR holders, are infringed.

Lastly, Members considered that EU economic operators and consumers in third countries in which IPR infringements are more common should be especially protected through an extension of the **IPR Helpdesk**.

Strategy for the protection and enforcement of intellectual property rights in third countries

2014/2206(INI) - 01/07/2014 - Non-legislative basic document

PURPOSE: to present a strategy for the protection and enforcement of intellectual property rights (IPR) in third countries.

BACKGROUND: according to a recent study, the IPR-intensive sectors account for around **39% of EU GDP** (worth some EUR 4.7 trillion annually) and, taking indirect jobs into account, represent up to 35% of all jobs. However, some estimate that **the EU loses about EUR 8 billion of its GDP a year because of counterfeiting and piracy**, and that global costs could reach as high as USD 1.7 trillion by 2015.

In 2004, the Commission In 2004, the Commission defined a **"Strategy for the enforcement of intellectual property rights in third countries"**. But, the last 10 years have seen not only significant technological change - under the impact of globalisation - but also considerable evolution of the nature and scope of the challenges and risks posed by IPR to European companies. The 2004 strategy must be reviewed to meet these challenges.

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

CONTENT: this Communication reviews the approach adopted by the Commission in 2004 and sets **a revised strategy to promote IPRs and combat IPR infringements abroad**. It will highlight ways in which existing policy approaches can be improved in keeping with the times, and also proposes tools and ideas to deal with new realities.

With regard to the protection of intellectual property rights at the international level, the Commission proposes to:

- ensure **regular interaction with all stakeholders** - right-holders, public authorities, civil society, the European Parliament - so as to discuss the EU's goals and the impact of IPR infringements in third countries, and explain the EU's efforts to enhance IPR enforcement in those countries and the environment to promote the inventor trail;
- enhance **data collection** regarding goods detained at EU borders, suspected of infringing IP rights;
- conduct **regular surveys** in order to maintain a list of "priority countries" for focused EU efforts;
- ensure a strong and coherent role for the EU in **international IPR fora** in line with the Lisbon Treaty;
- continue **multilateral efforts** to improve the international IPR framework, including by encouraging further ratification of existing treaties and ensuring that IPR chapters in **bilateral trade agreements** offer adequate and efficient protection for right-holders;
- ensure the Commission can make recourse to **dispute settlement mechanisms** or other remedies where the EU's rights under international agreements are infringed;
- enhance **"IP Dialogues"** with key third countries and use high-level trade and political dialogues to ensure progress on identified IPR issues;
- Provide and promote awareness of appropriate **IP-related technical assistance programmes to third countries**, including on the possible use of IP flexibilities;
- **directly support economic operators** in overcoming concrete difficulties on IP issues;
- enhance **networking** and coordination of actions between EU and Member States representations in third countries;
- consider restricting **participation in specific EU-funded programmes** in sufficiently serious and clearly targeted cases;
- continue **assistance to right-holders** and consider further posting of IPR experts to key EU delegations.

The Communication is complemented by an EU Action Plan that focuses on the enforcement of IPRs on the Single Market and the development of deeper cooperation between customs authorities in the EU and in third countries with respect to trade of IP-infringing goods, as foreseen in the EU Customs Action Plan.