Basic information

2017/2007(INI) INI - Own-initiative procedure	Procedure completed
Three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability **Subject** 3.50.08 New technologies; biotechnology 3.50.15 Intellectual property, copyright 4.60.06 Consumers' economic and legal interests	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	BERGERON Joëlle (EFDD)	12/01/2017
	Shadow rapporteur DE GRANDES PASCUAL Luis (PPE) DELVAUX Mady (S&D) USPASKICH Viktor (ALDE) MAŠTÁLKA Jiří (GUE/NGL) ANDERSSON Max (Verts/ALE) BOUTONNET Marie-Christine (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	BIEŃKOWSKA Elżbieta

Key events

Date	Event	Reference	Summary
16/02/2017	Committee referral announced in Parliament		

20/06/2018	Vote in committee		
26/06/2018	Committee report tabled for plenary	A8-0223/2018	Summary
02/07/2018	Debate in Parliament		
03/07/2018	Decision by Parliament	T8-0274/2018	Summary
03/07/2018	Results of vote in Parliament		
03/07/2018	End of procedure in Parliament		

Technical information	
Procedure reference	2017/2007(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/8/09065

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE618.019	22/02/2018	
Amendments tabled in committee		PE619.044	01/03/2018	
Amendments tabled in committee		PE620.922	18/04/2018	
Committee report tabled for plenary, single reading		A8-0223/2018	26/06/2018	Summary
Text adopted by Parliament, single reading		T8-0274/2018	03/07/2018	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2018)628	16/11/2018	

Three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability

2017/2007(INI) - 03/07/2018 - Text adopted by Parliament, single reading

The European Parliament adopted, by 631 votes to 27, with 19 abstentions, a resolution on three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability.

Towards new legal standards: Members recalled that 3D printing is considered one of the most advanced technologies where Europe can play a leading role. The Commission has identified 3D printing as a **priority area** for action with strong economic potential, in particular for innovative small businesses. It recognized the benefits of 3D printing by sponsoring 21 projects based on this technology between 2014 and 2016 through the Horizon 2020 initiative.

Most of today's high-tech industries use this technology, and expectations are high in many areas, e.g. the medical (ranging from regenerative medicine to the manufacture of prosthetics), aeronautics, household electrical appliance, building, architecture, mechanical engineering, and leisure and design sectors.

However, 3D-printing technology might raise some specific **legal and ethical concerns** regarding all areas of intellectual property law, such as copyright, patents, designs, three-dimensional trademarks and even geographical indications, and civil liability.

In order to anticipate problems relating to civil liability or intellectual property infringement that 3D printing might cause in the future, the EU might have to **adopt new legislation** and tailor existing laws to the specific case of 3D technology. In any case, the legislative response should avoid duplicating existing rules and should take into account projects that are already under way, in particular the legislation on copyright currently applicable to 2D printing.

Intellectual property: Parliament noted that legal experts are of the view that 3D printing has not fundamentally altered intellectual property rights, but files created may be considered a work. If that is the case, **the work must be protected as such**. In the short and medium term, and with a view to tackling counterfeiting, the main challenge will be to involve professional copyright intermediaries more closely.

Civil liability: Members pointed out that new technologies are able to scan objects or people and generate digital files which can subsequently be printed in 3D which can affect **image rights** and the right to privacy. 3D-printing technology may also raise **security and especially cyber-security concerns**, particularly with regard to the manufacturing of weapons, explosives and drugs and any other hazardous objects. Particular care should be taken with regard to production of that kind.

At EU level, Directive 85/374/EEC on liability for defective products covers all contracts. Members noted that it is progress in 3D printing among other things that has led the Commission to undertake a public consultation with the aim of assessing whether this directive is fit for purpose in relation to new technological developments. In addition, general liability rules also cover the liability of intermediary service providers.

Members considered that a **specific liability regime** should be envisaged for damage caused by an object created using 3D-printing technology, as the number of stakeholders involved and the complex process used to create the finished product often make it difficult for the victim to identify the person responsible.

The Commission is called on to:

- carefully consider the civil liability issues related to 3D-printing technology, including when it assesses the functioning of Council Directive 85/374/EEC on liability for defective products;
- explore the possibility of setting up a civil liability regime for damages not covered by Directive 85/374/EEC;
- clearly **define the various responsibilities** by identifying the parties involved in making a 3D object: software designer and supplier, 3D printer manufacturer, raw materials supplier, object printer and all others involved in making the object.

Lastly, with respect to any new legislation, Members stated that innovation should be promoted and accompanied by law, without the law acting as a brake or a constraint.

Three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability

2017/2007(INI) - 26/06/2018 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the own-initiative report by Joëlle BERGERON (EFDD, FR) on three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability.

Members noted that 3D printing is viewed as one of the most prominent technologies, with regard to which Europe can play a leading role. The EU has made 3D printing one of its **priority areas of technology**. The Commission referred to it, in its recent reflection paper on harnessing globalisation), as one of the main factors in bringing about industrial transformation.

The committee recalled that most of today's high-tech industries use this technology, and **expectations are high** in many areas, e.g. the medical (ranging from regenerative medicine to the manufacture of prosthetics), aeronautics, household electrical appliance, building, architecture, mechanical engineering, and leisure and design sectors.

It pointed out that 3D-printing technology might raise **some specific legal and ethical concerns** regarding all areas of intellectual property law, such as copyright, patents, designs, three-dimensional trademarks and even geographical indications, and civil liability. Members stressed that, to anticipate problems relating to civil liability or intellectual property infringement that 3D printing might cause in the future, the EU might have to **adopt new legislation and tailor existing laws** to the specific case of 3D technology. In any case, the legislative response should **avoid duplicating existing rules** and should take into account projects that are already under way, in particular the legislation on copyright currently applicable to 2D printing.

Intellectual property: the report noted that legal experts are of the view that 3D printing has not fundamentally altered intellectual property rights, but **files created may be considered a work**. If that is the case, the work must be protected as such. In the short and medium term, and with a view to tackling counterfeiting, the main challenge will be to involve **professional copyright intermediaries** more closely.

Civil liability: the report pointed out in general, civil liability is a matter that is not harmonised and is subject to national legislation. At EU level, Directive 85/374/EEC on liability for defective products covers all contracts. Members felt that it should be noted that it is progress in 3D printing among other things that has led the Commission to undertake a public consultation with the aim of **assessing whether this Directive is fit for purpose** in relation to new technological developments.

General liability rules also cover the liability of intermediary service providers. Members considered that a **specific liability regime should be envisaged** for damage caused by an object created using 3D-printing technology, as the number of stakeholders involved and the complex process used to create the finished product often make it difficult for the victim to identify the person responsible. The liability could lie with the creator or vendor of the 3D file, or the producer of the 3D printer, the producer of the software used in the 3D printer, the supplier of the materials used or even the person who created the object, depending on the cause of the defect discovered.

Members called on the Commission to:

- carefully consider the civil liability issues related to 3D-printing technology, including when it assesses the functioning of Council Directive 85 /374/EEC on liability for defective products;
- explore the possibility of setting up a civil liability regime for damages not covered by Directive 85/374/EEC;
- clearly define the various responsibilities by identifying the parties involved in making a 3D object: software designer and supplier, 3D printer manufacturer, raw materials supplier, object printer and all others involved in making the object.

Lastly, with respect to any new legislation, Members stated that innovation should be promoted and accompanied by law, without the law acting as a brake or a constraint.