



EUROPEAN PARLIAMENT

2014 - 2019

Committee on the Internal Market and Consumer Protection

2014/2151(INI)

25.2.2015

AMENDMENTS

1 - 39

Draft opinion
Catherine Stihler
(PE546.649v01-00)

Towards a renewed consensus on the enforcement of Intellectual Property
Rights: An EU Action Plan
(COM(2014)0392 – 2014/2151(INI))

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EN

United in diversity

EN

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Amendment 1
Mylène Troszczynski

Draft opinion
Paragraph 1

Draft opinion

1. Recognises that the enforcement of intellectual property rights (IPRs) is *not merely* a driver for jobs and growth across the Union *but is essential for the proper functioning of the single market*, especially in view of factors such as share of EU GDP, employment, and the range of industries affected by IPRs;

Amendment

1. Recognises that the enforcement of intellectual property rights (IPRs) is a driver for jobs and growth across the Union, especially in view of factors such as share of EU GDP, employment, and the range of industries affected by IPRs;

Or. fr

Amendment 2
Sabine Verheyen, Eva Paunova, Marc Joulaud, Catherine Stihler

Draft opinion
Paragraph 1

Draft opinion

1. Recognises that the enforcement of intellectual property rights (IPRs) is not merely a driver for jobs and growth across the Union but is essential for the proper functioning of the single market, especially in view of factors such as share of EU GDP, employment, and the range of industries affected by IPRs;

Amendment

1. Recognises that the enforcement of intellectual property rights (IPRs) is not merely a driver for jobs and growth across the Union but is essential for the proper functioning of the single market, especially in view of factors such as share of EU GDP, employment, and the range of industries affected by IPRs, *and plays a key role in stimulating innovation, creativity, competitiveness and cultural diversity*;

Or. en

Amendment 3
Virginie Rozière

Draft opinion
Paragraph 1

Draft opinion

1. Recognises that the enforcement of intellectual property rights (IPRs) is not merely a driver for jobs and growth across the Union but is essential for the proper functioning of the single market, especially in view of factors such as share of EU GDP, employment, and the range of industries affected by IPRs;

Amendment

1. . Recognises that the enforcement of intellectual property rights (IPRs) is not merely a driver for jobs and growth across the Union but is essential for the proper functioning of the single market, especially in view of factors such as share of EU GDP, employment, ***cultural diversity*** and the range of industries affected by IPRs;

Or. fr

Amendment 4
Daniel Dalton, Vicky Ford

Draft opinion
Paragraph 1

Draft opinion

1. Recognises that the enforcement of intellectual property rights (IPRs) is not merely a driver for jobs and growth across the Union but is essential for the proper functioning of the single market, especially in view of factors such as share of EU GDP, employment, and the range of industries ***affected by*** IPRs;

Amendment

1. Recognises that the enforcement of intellectual property rights (IPRs) is not merely a driver for jobs and growth across the Union but is essential for the proper functioning of the single market, especially in view of factors such as share of EU GDP, employment, and the range of industries ***which benefit from and exploit*** IPRs;

Or. en

Amendment 5
Dita Charanzová, Antanas Guoga, Robert Rochefort

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Underlines that IPRs are not just copyrights, but trademarks and patents, among others, and each of these is vital to the values of Europe's goods and services;

Or. en

**Amendment 6
Marco Zullo**

**Draft opinion
Paragraph 2**

Draft opinion

2. Welcomes the Commission's Action Plan with its emphasis on tackling enforcement on commercial scale infringements by adopting a 'follow the money' approach where those who are the greatest offenders will suffer financial loss;

Amendment

2. Welcomes the Commission's Action Plan with its emphasis on tackling enforcement on commercial scale infringements by adopting a 'follow the money' approach where those who are the greatest offenders will suffer financial loss; ***stresses that the sale of counterfeit goods is frequently a source of funding for organised crime;***

Or. it

**Amendment 7
Róza Gräfin von Thun und Hohenstein**

**Draft opinion
Paragraph 2**

Draft opinion

2. Welcomes the Commission's Action Plan with its emphasis on tackling enforcement on commercial scale infringements by adopting a 'follow the money' approach ***where*** those who are ***the greatest*** offenders ***will*** suffer financial loss;

Amendment

2. Welcomes the Commission's Action Plan with its emphasis on tackling enforcement on commercial scale infringements by adopting a ***so-called*** 'follow the money' approach ***aimed at ensuring that*** those who are ***IPR*** offenders ***would*** suffer financial loss; ***stresses that***

main IPR enforcement policy tools are at the disposal of Member States' public authorities;

Or. en

Amendment 8
Daniel Dalton, Vicky Ford

Draft opinion
Paragraph 2

Draft opinion

2. Welcomes the Commission's Action Plan with its emphasis on tackling enforcement on commercial scale infringements by adopting a 'follow the money' approach where those *who are the greatest offenders will* suffer financial loss;

Amendment

2. Welcomes the Commission's Action Plan with its emphasis on tackling enforcement on commercial scale infringements by adopting a 'follow the money' approach where those *infringing on a commercial-scale will be targeted and should* suffer financial loss;

Or. en

Amendment 9
Dita Charanzová, Antanas Guoga, Robert Rochefort

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Stresses the need for Commission's actions on IPR enforcement to be adapted to the growth of the Digital Single Market and to address both digital and physical IPR infringement equally; notes that increasingly counterfeit and IPR infringing physical goods are traded and sold via online marketplaces, where Member States authorities have limited abilities to control sales; stresses the need to enrol marketplace platform owners in all efforts to enforce IPRs, including

efforts towards the removal of counterfeit goods and the banning of sellers from their sites;

Or. en

Amendment 10
Philippe Juvin

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Recalls that a voluntary Memorandum of Understanding on the Sale of Counterfeit Goods via the Internet has been in existence since May 2011 and calls on the Commission to assess the results of the implementation of the MoU, and to report back to the European Parliament;

Or. fr

Amendment 11
Daniel Dalton, Vicky Ford

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Recognises the importance of voluntary Memoranda of Understanding that establish firm principles agreed upon during stakeholder dialogues, as they will help reduce commercial scale IPR infringements in the online environment, and looks forward to a report back on the success of any voluntary measures on *an annual* basis;

3. Recognises the importance of voluntary Memoranda of Understanding that establish firm principles agreed upon during stakeholder dialogues, as they will help reduce commercial scale IPR infringements in the online environment, and looks forward to a report back on the success of any voluntary measures on *a regular* basis;

Or. en

Amendment 12
Daniel Dalton, Vicky Ford

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Believes that the Commission should also consider the effectiveness of existing initiatives and possible future activities with regard to the role of intermediaries in tackling IPR infringement;

Or. en

Amendment 13
Philippe Juvin

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Stresses the need to establish performance benchmarks in respect of these agreements, so as to gauge their effectiveness and keep European citizens informed;

Or. fr

Amendment 14
Julia Reda, Josef Weidenholzer, Catherine Stihler, Dita Charanzová

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Emphasises the threat and damage to consumer health and safety the purchase of

4. Emphasises the ***potential*** threat and damage to consumer health and safety the

IPR infringing goods may result in; *thus compliments the Commission on its engagement with consumers, in particular those of the younger generation, via public information campaigns and other relevant means, and encourages it to continue; welcomes, in particular, the efforts of the Observatory located within the Office for Harmonisation in the Internal Market (OHIM) that are aimed at raising awareness among consumers of the benefits of choosing IPR respecting products and facilitating access to such products;*

purchase of IPR infringing goods may result in; *stresses in this context that product quality and safety is a different issue from product authenticity, thus the IPR status and their possible infringement should be addressed separately;*

(The second part of this para is moved into a new para to separate the issue of IPR infringement from the issue of product safety)

Or. en

Amendment 15

Sabine Verheyen, Eva Paunova, Marc Joulaud

Draft opinion

Paragraph 4

Draft opinion

4. *Emphasises the threat and damage to consumer health and safety the purchase of IPR infringing goods may result in;* thus compliments the Commission on its engagement with consumers, in particular those of the younger generation, via public information campaigns and other relevant means, and encourages it to continue; welcomes, in particular, the efforts of the Observatory located within the Office for Harmonisation in the Internal Market (OHIM) that are aimed at raising awareness among consumers of the benefits of choosing IPR respecting products and facilitating access to such products;

Amendment

4. *Stresses that IPR infringing products not only cause the direct loss of revenue to legitimate businesses but also lead to direct and indirect job losses, to reputational damage and to increased enforcement costs whilst often having links to organised crime and posing potential health and safety risks;* thus compliments the Commission on its engagement with consumers, in particular those of the younger generation, via public information campaigns and other relevant means, and encourages it to continue; welcomes, in particular, the efforts of the Observatory located within the Office for Harmonisation in the Internal Market

(OHIM) that are aimed at raising awareness among consumers of the benefits of choosing IPR respecting products and facilitating access to such products;

Or. en

Amendment 16
Marc Tarabella

Draft opinion
Paragraph 4

Draft opinion

4. Emphasises the threat and damage to consumer health and safety the purchase of IPR infringing goods may result in; thus compliments the Commission on its engagement with consumers, in particular those of the younger generation, via public information campaigns and other relevant means, and encourages it to continue; welcomes, in particular, the efforts of the Observatory located within the Office for Harmonisation in the Internal Market (OHIM) that are aimed at raising awareness among consumers of the benefits of choosing IPR respecting products and facilitating access to such products;

Amendment

4. Emphasises the threat and damage to consumer health and safety the purchase of IPR infringing goods may result in; thus compliments the Commission on its engagement with consumers, in particular those of the younger generation, via public information campaigns and other relevant means, and encourages it to continue, ***for example by developing an online consumer warning system***; welcomes, in particular, the efforts of the Observatory located within the Office for Harmonisation in the Internal Market (OHIM) that are aimed at raising awareness among consumers of the benefits of choosing IPR respecting products and facilitating access to such products;

Or. fr

Amendment 17
Ildikó Gáll-Pelcz

Draft opinion
Paragraph 4

Draft opinion

4. Emphasises the threat and damage to consumer health and safety the purchase of IPR infringing goods may result in; thus compliments the Commission on its engagement with consumers, in particular those of the younger generation, via public information campaigns and other relevant means, and encourages *it to continue*; welcomes, in particular, the efforts of the Observatory located within the Office for Harmonisation in the Internal Market (OHIM) that are aimed at raising awareness among consumers of the benefits of choosing IPR respecting products and facilitating access to such products;

Amendment

4. Emphasises the threat and damage to consumer health and safety the purchase of IPR infringing goods may result in; thus compliments the Commission on its engagement with consumers, in particular those of the younger generation, via public information campaigns and other relevant means, and encourages *the Commission and the Member States to further develop awareness actions aimed at specific audiences and relevant markets*; welcomes, in particular, the efforts of the Observatory located within the Office for Harmonisation in the Internal Market (OHIM) that are aimed at raising awareness among consumers of the benefits of choosing IPR respecting products and facilitating access to such products;

Or. en

Amendment 18
Philippe Juvin

Draft opinion
Paragraph 4

Draft opinion

4. Emphasises the threat and damage to consumer health and safety the purchase of IPR infringing goods may result in; thus compliments the Commission on its engagement with consumers, in particular those of the younger generation, via public information campaigns and other relevant means, and encourages it to continue; welcomes, in particular, the efforts of the Observatory located within the Office for Harmonisation in the Internal Market (OHIM) that are aimed at raising awareness among consumers of the

Amendment

4. Emphasises the threat and damage to *the European economy, employment* consumer health and safety the purchase of IPR infringing goods may result in; thus compliments the Commission on its engagement with consumers, in particular those of the younger generation, *who are unaware of the consequences of such infringements*, via public information campaigns and other relevant means, and encourages it to continue; welcomes, in particular, the efforts of the Observatory located within the Office for

benefits of choosing IPR respecting products and facilitating access to such products;

Harmonisation in the Internal Market (OHIM) that are aimed at raising awareness among consumers of the benefits of choosing IPR respecting products and facilitating access to such products;

Or. fr

Amendment 19

Julia Reda, Josef Weidenholzer, Catherine Stihler, Dita Charanzová

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Compliments the Commission on its engagement with consumers, in particular those of the younger generation, via public information campaigns and other relevant means, and encourages it to continue; welcomes, in particular, the efforts of the Observatory located within the Office for Harmonisation in the Internal Market (OHIM) that are aimed at raising awareness among consumers of the benefits of choosing IPR respecting products and facilitating access to such products;

Or. en

(The second part of the Rapporteur's paragraph 4 is moved into a new paragraph to avoid confusion)

Amendment 20

Jiří Maštálka

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Believes 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; deplores the fact that the Commission's action plan does not include any action designed to improve consumer's ability to identify infringing goods and contents, and calls on the Commission to reflect further on the development of specific tools especially with regard to the sharing of best practices;

Or. en

Amendment 21

Dita Charanzová, Robert Rochefort

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Asks Member States' authorities to ensure that IPR infringing goods, that are a safety risk, are included into RAPEX notifications, regardless if the goods is sold legally or illegally in their Member State;

Or. en

Amendment 22

Jiří Maštálka

Draft opinion

Paragraph 5

Draft opinion

5. Looks forward to receiving information on existing national initiatives addressing IP civil enforcement for SMEs by the end of 2015; welcomes the forthcoming Green Paper on the need for future Union action based on the best practice found in nationally financed schemes assisting SMEs to enforce their IP rights;

Amendment

5. Looks forward to receiving information on existing national initiatives addressing IP civil enforcement for SMEs by the end of 2015; welcomes the forthcoming Green Paper on the need for future Union action based on the best practice found in nationally financed schemes assisting SMEs to enforce their IP rights; ***calls on the Commission to make sure that any measure taken will have a limited impact in terms of burden and cost imposed on SMEs; insists on the need to take into account SMEs when drafting legislation and reiterates that the ‘think small first’ principle should be applied at all times;***

Or. en

Amendment 23

Sabine Verheyen, Eva Paunova, Marc Joulaud, Catherine Stihler

Draft opinion

Paragraph 5

Draft opinion

5. Looks forward to receiving information on existing national initiatives addressing IP civil enforcement for SMEs by the end of 2015; welcomes the forthcoming Green Paper on the need for future Union action based on the best practice found in nationally financed schemes assisting SMEs to enforce their IP rights;

Amendment

5. Looks forward to receiving information on existing national initiatives addressing IP civil enforcement for SMEs by the end of 2015; welcomes the forthcoming Green Paper on the need for future Union action based on the best practice found in nationally financed schemes assisting SMEs to enforce their IP rights; ***emphasises that for SMEs, clear and manageable structures for the enforcement their IPR are crucial;***

Or. en

Amendment 24
Ildikó Gáll-Pelcz

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Requests the development of mediation services and other alternative dispute resolution schemes, especially for SMEs, in the area of IPR;

Or. en

Amendment 25
Dita Charanzová, Robert Rochefort

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Welcomes the Commission's proposed Green Paper on consulting stakeholders on the impact of chargeback and related schemes to tackle commercial scale IP infringements and to assess the need to take more concrete actions in this field;

6. Welcomes the Commission's proposed Green Paper on consulting stakeholders on the impact of chargeback and related schemes to tackle commercial scale IP infringements and to assess the need to take more concrete actions in this field; ***believes that introduction of a EU-wide right to 'chargeback' on all unwilling bought counterfeit goods would be a positive benefit for consumers and encourage traders to verify goods before putting them on sale;***

Or. en

Amendment 26
Jiří Maštálka

Draft opinion
Paragraph 6

Draft opinion

6. Welcomes the Commission's proposed Green Paper on consulting stakeholders on the impact of chargeback and related schemes to tackle commercial scale IP infringements and to assess the need to take more concrete actions in this field;

Amendment

6. Welcomes the Commission's proposed Green Paper on consulting stakeholders on the impact of chargeback and related schemes to tackle commercial scale IP infringements and to assess the need to take more concrete actions in this field, ***both in the online and in the offline context;***

Or. en

Amendment 27

Daniel Dalton, Vicky Ford

Draft opinion

Paragraph 7

Draft opinion

7. Supports the emphasis placed in the Action Plan on the importance of working with Member States, sharing information and best practice, and coordinating activity over crossborder enforcement; welcomes the establishment of the Member State Expert Group on IP Enforcement, as sharing best practice will help with the implementation of the Action Plan;

Amendment

7. Supports the emphasis placed in the Action Plan on the importance of working with Member States, sharing information and best practice, and coordinating activity over crossborder enforcement; welcomes the establishment of the Member State Expert Group on IP Enforcement, as sharing best practice will help with the ***development of policies and implementation of the Action Plan, building upon data and research prepared nationally and via the Observatory;***

Or. en

Amendment 28

Julia Reda, Josef Weidenholzer, Catherine Stihler, Dita Charanzová

Draft opinion

Paragraph 8 a (new)

Draft opinion

Amendment

8a. Emphasises that the duty of the Office for Harmonisation in the Internal Market (OHIM) to obtain data documenting IPR infringements from the industry and to generate reliable data and analysis of the real impacts of infringements for economic actors should be part of the ten-point action plan and be the base to further actions in the different sectors most concerned;

Or. en

Amendment 29
Sabine Verheyen, Marc Joulaud

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8a. Emphasises that the duty of the Office for Harmonisation in the Internal Market (OHIM) to generate reliable data which allow an analysis of the real impact of infringements on the industry should be part of the ten-point action plan;

Or. en

Amendment 30
Julia Reda, Josef Weidenholzer, Catherine Stihler, Dita Charanzová

Draft opinion
Paragraph 8 b (new)

Draft opinion

Amendment

8b. Stresses that in order to achieve a meaningful enforcement of IPR, full information should be available and

accessible regarding the type of IP rights (for example patent, trademark, copyright) concerned in each situation, the status of the validity of these rights and the identity of the owners;

Or. en

Amendment 31
Mylène Troszczyński

Draft opinion
Paragraph 9

Draft opinion

9. Highlights the vital role public authorities play through procurement and purchasing, *and commends the Commission's desire to develop, promote and publish a guide on best practices to avoid public authorities purchasing counterfeit goods;*

Amendment

9. Highlights the vital role public authorities play through procurement and purchasing;

Or. fr

Amendment 32
Marc Tarabella

Draft opinion
Paragraph 9

Draft opinion

9. Highlights the vital role public authorities play through procurement and purchasing, and commends the Commission's desire to develop, promote and publish a guide on best practices to avoid public authorities purchasing counterfeit goods;

Amendment

9. Highlights the vital role public authorities play through procurement and purchasing, and commends the Commission's desire to develop, promote and publish a guide on best practices to avoid public authorities purchasing counterfeit goods; *calls on the Commission in this connection to improve the ACIST database developed by the OHIM, so as to provide information*

concerning counterfeiters and ensure that counterfeit products are not purchased by contracting authorities;

Or. fr

Amendment 33
Ivan Jakovčić

Draft opinion
Paragraph 9

Draft opinion

9. Highlights the vital role public authorities play through procurement and purchasing, and commends the Commission's desire to develop, promote and publish a guide on best practices to avoid public authorities purchasing counterfeit goods;

Amendment

9. Highlights the vital role public authorities play ***on all levels, including local, regional and national***, through procurement and purchasing, and commends the Commission's desire to develop, promote and publish a guide on best practices to avoid public authorities ***on all levels*** purchasing counterfeit goods;

Or. en

Amendment 34
Sabine Verheyen, Marc Joulaud

Draft opinion
Paragraph 9 a (new)

Draft opinion

Amendment

9a. Calls on the Commission to study the feasibility of a European label indicating to the public which internet sites are considered free of commercial IPR infringements;

Or. en

Amendment 35
Sabine Verheyen, Eva Paunova, Marc Joulaud

Draft opinion
Paragraph 10

Draft opinion

10. Further notes the inclusive stakeholder consultation proposals on applying EU due diligence throughout the supply chain to prevent IP infringements, and asks that the outcome of the consultations and the voluntary EU due diligence scheme be presented to Parliament on an annual rather than biennial basis;

Amendment

10. Further notes the inclusive stakeholder consultation proposals on applying EU due diligence throughout the supply chain, ***including providers of payment services***, to prevent IP infringements, and asks that the outcome of the consultations and the voluntary EU due diligence scheme be presented to Parliament on an annual rather than biennial basis;

Or. en

Amendment 36
Dita Charanzová, Antanas Guoga, Robert Rochefort

Draft opinion
Paragraph 10 a (new)

Draft opinion

Amendment

10a. Welcomes any potential actions on due diligence throughout the supply chain which leads to fewer IP infringing goods; stresses that such actions must be targeted in nature, without creating additional administrative burdens on the average trader, and flexible as IP infringers move from one product to another to avoid controls;

Or. en

Amendment 37
Daniel Dalton, Vicky Ford

Draft opinion
Paragraph 12

Draft opinion

Amendment

12. Calls on the Commission to bring forward necessary proposals in line with stakeholders if voluntary measures are found not to be working after the first publication of the ‘IP in the EU economy’ report, which should be published annually.

Deleted

Or. en

Amendment 38

Marlene Mizzi, Catherine Stihler

Draft opinion

Paragraph 12 a (new)

Draft opinion

Amendment

12a. Stresses that any IPR related legislation needs to reflect the development of the digital era taking into account the online environment and various means of distribution guaranteeing a balanced approach representing the interests of all stakeholders involved and in particular of consumers and their right of access to content, whilst at the same time promoting artists, creators and innovation in Europe;

Or. en

Amendment 39

Marlene Mizzi, Catherine Stihler

Draft opinion

Paragraph 12 b (new)

12b. Is of the opinion that enforcement of intellectual property rights should fully respect the principle of proportionality balancing the rights of content owners with those of the users which need to be fully compatible with the Charter of Fundamental Rights of the European Union and data protection rules, namely the protection of personal data, respect for private life and the right to access to justice;

Or. en