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Committee on Culture and Education

2011/0135(COD)

17.10.2011

AMENDMENTS

14 - 126

Draft opinion
Sabine Verheyen
(PE472.122v01-00)

Entrusting the Office for Harmonisation in the Internal Market (Trade Marks and Designs) with certain tasks related to the protection of intellectual property rights, including the assembling of public and private sector representatives as a European Observatory on Counterfeiting and Piracy

Proposal for a regulation
(COM(2011)0288 – C7-0136/2011 – 2011/0135(COD))

AM_Com_LegOpinion

Amendment 14

Marie-Christine Vergiat, Malika Benarab-Attou

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The ***economic*** well-being of the European Union (hereinafter referred to as “the Union”) ***relies*** on ***sustained*** creativity and innovation. ***Therefore*** measures ***for their effective protection are indispensable in ensuring its future prosperity.***

Amendment

(1) The well-being ***and the social, economic, and cultural development*** of the European Union (hereinafter referred to as “the Union”) ***rely*** on ***the preservation and promotion of its heritage, its*** creativity, ***and its capacity for*** innovation; ***access to, and the transfer of, technology, knowledge, and culture contribute to development, and their role should accordingly be taken into account by taking*** measures ***to meet the new social needs of the information society, one model for which should be the Unesco Convention of 20 October 2005 on the Protection and Promotion of the Diversity of Cultural Expressions.***

Or. fr

Amendment 15

Maria Badia i Cutchet

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The economic well-being of the European Union (hereinafter referred to as “the Union”) relies on sustained creativity and innovation. Therefore measures for their effective protection are indispensable in ensuring ***its future*** prosperity.

Amendment

(1) The economic well-being of the European Union (hereinafter referred to as “the Union”) relies on sustained creativity and innovation. Therefore measures for ***both*** their ***promotion and their*** effective protection are indispensable in ensuring ***that they will continue to be a source of*** prosperity ***in the future.***

Or. es

Amendment 16
Marietje Schaake

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The economic well-being of the European Union (hereinafter referred to as ‘the Union’) relies on sustained creativity and innovation. Therefore measures for their effective protection are indispensable in ensuring its future prosperity.

Amendment

(1) The economic ***and cultural*** well-being of the European Union (hereinafter referred to as ‘the Union’) relies on sustained creativity and innovation. Therefore measures for their effective protection ***and the ability to develop or introduce new tools to access creative works*** are indispensable in ensuring its future prosperity.

Or. en

Amendment 17
Marie-Christine Vergiat, Malika Benarab-Attou

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Intellectual property rights ***are vital business assets that help to*** ensure that innovators and creators get a fair ***return*** for their work and ***that*** their investment in research and new ideas ***is protected***.

Amendment

(2) Intellectual property rights ***should*** ensure that innovators and creators get a fair ***reward*** for their work and their investment in research and new ideas ***and should serve to disseminate technologies and knowledge by enabling everyone to gain access to culture***.

Or. fr

Amendment 18
Maria Badia i Cutchet

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Intellectual property rights ***are vital business assets that help to ensure*** that innovators and creators get a fair return for their work and that their investment in research and new ideas is protected.

Amendment

(2) Intellectual property rights ***provide an essential legal basis for ensuring*** that innovators and creators get a fair return for their work and that their investment in research and new ideas is protected.

Or. es

Amendment 19
Marietje Schaaake

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Intellectual property rights are vital business assets that help to ensure that innovators and creators get a fair return for their work and that their investment in research and new ideas is protected.

Amendment

(2) Intellectual property rights are vital business assets that help to ensure that innovators and creators get a fair return for their work and that their investment in research and new ideas is protected. ***A balanced level of protection is required to allow innovators and creators to develop and invent new tools which offer access to creative works, thereby increasing the overall market and income for goods and services which are protected by intellectual property rights.***

Or. en

Amendment 20
Maria Badia i Cutchet

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The constantly changing digital economy has had an impact on the effectiveness of the current framework of measures and instruments for protecting intellectual property rights, in particular in relation to on-line content. The new digital environment is also changing consumers' and users' relationship with the content and goods to which such rights are attached. It must therefore be ensured that the European Observatory on Counterfeiting and Piracy has the modern infrastructure and the funding required to perform its tasks effectively and to be able to make use of instruments tailored to the new digital environment.

Or. es

Amendment 21
Malika Benarab-Attou

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The evolving digital economy has given rise to an increase in online intellectual property infringements involving counterfeiting, unauthorised copying and piracy which has had significant impact on the European economy and the cultural and creative sectors. It is therefore necessary to set up a European Observatory on Counterfeiting and Piracy and to ensure that it has the necessary infrastructure and funding to perform its tasks effectively and to help combat infringements of intellectual property rights.

Amendment 22
Paul Nuttall

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) A sound, harmonised and progressive approach to intellectual property rights is fundamental in the endeavour to fulfil the ambitions of the Europe 2020 Strategy.

deleted

Amendment 23
Maria Badia i Cutchet

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) A sound, harmonised and progressive approach to intellectual property rights is fundamental in the endeavour to fulfil the ambitions of the Europe 2020 Strategy.

(3) A global and balanced approach to intellectual property rights that is harmonised at EU level and also takes due account of World Trade Organisation rules, the related legal framework and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) is fundamental in the endeavour to fulfil the ambitions of the Europe 2020 Strategy and the Digital Agenda for Europe.

Amendment 24
Marie-Christine Vergiat, Malika Benarab-Attou

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) A ***sound***, harmonised and progressive approach to intellectual property rights is fundamental in the endeavour to ***fulfil the ambitions of the Europe 2020 Strategy***.

Amendment

(3) A harmonised and progressive approach to intellectual property rights is fundamental in the endeavour to ***facilitate the dissemination and transfer of technologies, knowledge, and culture while specifically taking into account the cultural and social needs of the Union's population and the peoples of third countries in all their diversity***.

Or. fr

Amendment 25
Jean-Marie Cavada

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The Office for Harmonisation in the Internal Market is needed in order to provide more effective protection of intellectual property rights in Europe.

Or. fr

Amendment 26
Maria Badia i Cutchet

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In duly enforcing the current legal framework and considering future changes and amendments thereto, due respect should be shown for the public's

right of access to culture and to the new creativity and personal development tools provided by new information and communication technologies.

Or. es

Amendment 27

Petra Kammerevert, Helga Trüpel

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) The constant rise of infringements of intellectual property rights constitutes a genuine threat not only to the Union economy, but also to the health and safety of Union consumers. Therefore, effective, immediate and coordinated actions at European and global levels are needed to successfully combat this phenomenon.

deleted

Or. de

Amendment 28

Paul Nuttall

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) The constant rise of infringements of intellectual property rights constitutes a genuine threat not only to the Union economy, but also to the health and safety of Union consumers. Therefore, effective, immediate and coordinated actions at European and global levels are needed to successfully combat this phenomenon.

deleted

Or. en

Amendment 29
Marietje Schaake

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) *The constant rise of infringements of intellectual property rights constitutes a genuine threat not only to the Union economy, but also to the health and safety of Union consumers. Therefore, effective, immediate and coordinated actions at European and global levels are needed to successfully combat this phenomenon.*

Amendment

(4) Effective, immediate and coordinated actions at European and global levels are needed to successfully *halt trade in counterfeited products, especially where they constitute a threat to the health and safety of Union consumers.*

Or. en

Amendment 30
Marie-Christine Vergiat, Malika Benarab-Attou

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) *The constant rise of* infringements of intellectual property rights *constitutes* a *genuine* threat *not only* to the *Union* economy, *but also* to the health and safety of Union consumers. *Therefore*, effective, *immediate* and coordinated actions at European and global levels are needed to successfully combat this phenomenon.

Amendment

(4) Infringements of intellectual property rights *can constitute* a threat to the economy *and* to the health and safety of Union and *third country* consumers *alike*. Effective and coordinated actions at European and global levels are needed to successfully combat this phenomenon, *taking into account the general interest and without jeopardising the diversity of cultural expressions.*

Or. fr

Amendment 31
Rolandas Paksas

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The constant rise of infringements of intellectual property rights ***constitutes a*** genuine ***threat*** not only to the Union economy, but also to the health and safety of Union consumers. Therefore, effective, immediate and coordinated actions at European and global levels are needed to successfully combat this phenomenon.

Amendment

(4) The constant rise of infringements of intellectual property rights ***and the supply of goods that could seriously harm consumers constitute*** genuine ***threats*** not only to the Union economy, but also to the health and safety of Union consumers. Therefore, effective, immediate and coordinated actions at European and global levels are needed to successfully combat this phenomenon.

Or. It

Amendment 32
László Tőkés

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The constant rise of infringements of intellectual property rights constitutes a genuine threat not only to the Union economy, but also to the health and safety of Union consumers. Therefore, effective, immediate and coordinated actions at European and global levels are needed to successfully combat this phenomenon.

Amendment

(4) The constant rise of infringements of intellectual property rights constitutes a genuine threat not only to the Union economy, but also to the health and safety of Union consumers, ***as well as to European cultural and linguistic diversity and heritage and their sustainable protection and promotion.*** Therefore, effective, immediate and coordinated actions at European and global levels are needed to successfully combat this phenomenon.

Or. en

Amendment 33
Maria Badia i Cutchet

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The constant rise of infringements of intellectual property rights constitutes a ***genuine*** threat ***not only*** to the Union economy, ***but also to*** the health and safety of Union consumers. Therefore, effective, immediate and coordinated actions at European and global levels are needed to successfully combat this phenomenon.

Amendment

(4) The constant rise of infringements of intellectual property rights constitutes a threat to the Union economy, the health and safety of Union consumers ***and the continued existence of an environment conducive to cultural and creative work that ensures a fair return for authors and fair public access.*** Therefore, effective, immediate and coordinated actions at European and global levels are needed to successfully combat this phenomenon.

Or. es

Amendment 34
Paul Nuttall

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the context of the overall intellectual property rights strategy foreseen by the Council Resolution of 25 September 2008 on a comprehensive European anti-counterfeiting and anti-piracy plan, the Council called on the Commission to launch a European Observatory on Counterfeiting and Piracy (hereinafter referred to as ‘the Observatory’). The Commission therefore formed a network of experts from the public and the private sectors and described its tasks in the Communication ‘Enhancing the enforcement of intellectual property rights in the internal market’.

Amendment

deleted

Or. en

Amendment 35
Paul Nuttall

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) The Communication set out that the Observatory should become the central resource for gathering, monitoring and reporting information and data related to all intellectual property rights infringements. It should be used as a platform for cooperation between representatives from national authorities and stakeholders to exchange ideas and expertise on best practices, to develop joint enforcement strategies and to make recommendations to policy-makers. The Communication specified that the Observatory would be hosted and managed by the services of the Commission.

deleted

Or. en

Amendment 36
Marietje Schaake

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) The Communication set out that the Observatory should become the central resource for gathering, monitoring and reporting information and data related to all intellectual property rights infringements. It should be used as a platform for cooperation between representatives from national authorities and stakeholders to exchange ideas and

(6) The Communication set out that the Observatory should become the central resource for gathering, monitoring and reporting information and data related to all intellectual property rights infringements. It should be used as a platform for cooperation between representatives from national authorities and stakeholders to exchange ideas and

expertise on best practices, to develop joint enforcement strategies and to *make* recommendations to policy-makers. The Communication specified that the Observatory would be hosted and managed by the services of the Commission.

expertise on best practices, to develop joint enforcement strategies, *to evaluate the costs of enforcement measures, to analyse best practices with regard to legal offers online and their effect on levels of piracy,* and to *develop evidence based policy* recommendations to policy-makers. The Communication specified that the Observatory would be hosted and managed by the services of the Commission.

Or. en

Amendment 37

László Tőkés

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) The Communication set out that the Observatory should become the central resource for gathering, monitoring and reporting information and data related to all intellectual property rights infringements. It should be used as a platform for cooperation between representatives from national authorities and stakeholders to exchange ideas and expertise on best practices, to develop joint enforcement strategies and to make recommendations to policy-makers. The Communication specified that the Observatory would be hosted and managed by the services of the Commission.

Amendment

(6) The Communication set out that the Observatory should become the central resource for gathering, monitoring and reporting information and data related to all intellectual property rights infringements. It should be used as a platform for cooperation between representatives from national authorities and *all public and private* stakeholders to exchange ideas and expertise on best practices, to develop joint enforcement strategies and to make recommendations to policy-makers. The Communication specified that the Observatory would be hosted and managed by the services of the Commission.

Or. en

Amendment 38

Paul Nuttall

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In its Resolution on the enforcement of intellectual property rights in the internal market of 1 March 2010, the Council invited the Commission, the Member States and industry to provide the Observatory with available reliable and comparable data on counterfeiting and piracy and to jointly develop and agree, in the context of the Observatory, on plans to collect further information. The Council also invited the Observatory to publish each year a comprehensive annual report covering the scope, scale and principal characteristics of counterfeiting and piracy as well as its impact on the internal market. That annual report should be prepared with the information provided by the authorities of the Member States, the Commission and the private sector, within the limits of data protection law, on the scope, scale and principal characteristics of counterfeiting and piracy as well as its impact on the internal market.

Amendment

(7) In its Resolution on the enforcement of intellectual property rights in the internal market of 1 March 2010, the Council invited the Commission, the Member States and industry to provide the Observatory with available reliable and comparable data on counterfeiting and piracy and to jointly develop and agree, in the context of the Observatory, on plans to collect further information. The Council also invited the Observatory to publish each year a comprehensive annual report covering the scope, scale and principal characteristics of counterfeiting and piracy as well as its impact on the internal market. That annual report should ***not*** be prepared with the information provided by the authorities of the Member States, the Commission and the private sector, within the limits of data protection law, on the scope, scale and principal characteristics of counterfeiting and piracy as well as its impact on the internal market, ***as this would involve an onerous and unnecessary burden of expensive red tape and a duplication of existing functions, for example between local authority tradings standards offices.***

Or. en

Amendment 39
Emma McClarkin

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In its Resolution on the enforcement of intellectual property rights in the internal

Amendment

(7) In its Resolution on the enforcement of intellectual property rights in the internal

market of 1 March 2010, the Council invited the Commission, the Member States and industry to provide the Observatory with available reliable and comparable data on ***counterfeiting and piracy*** and to jointly develop and agree, in the context of the Observatory, on plans to collect further information. The Council also invited the Observatory to publish each year a comprehensive annual report covering the scope, scale and principal characteristics of ***counterfeiting and piracy*** as well as its impact on the internal market. That annual report should be prepared with the information provided by the authorities of the Member States, the Commission and the private sector, within the limits of data protection law, on the scope, scale and principal characteristics of ***counterfeiting and piracy*** as well as its impact on the internal market.

market of 1 March 2010, the Council invited the Commission, the Member States and industry to provide the Observatory with available reliable and comparable data on ***infringements of intellectual property rights*** and to jointly develop and agree, in the context of the Observatory, on plans to collect further information. The Council also invited the Observatory to publish each year a comprehensive annual report covering the scope, scale and principal characteristics of ***infringements of intellectual property rights*** as well as its impact on the internal market. That annual report should be prepared with the information provided by the authorities of the Member States, the Commission and the private sector, within the limits of data protection law, on the scope, scale and principal characteristics of ***infringements of intellectual property rights*** as well as its impact on the internal market.

Or. en

Justification

IPR infringements cover all types of infringements.

Amendment 40 **Marietje Schaake**

Proposal for a regulation **Recital 7**

Text proposed by the Commission

(7) In its Resolution on the enforcement of intellectual property rights in the internal market of 1 March 2010, the Council invited the Commission, the Member States and industry to provide the Observatory with available reliable and comparable data on counterfeiting and

Amendment

(7) In its Resolution on the enforcement of intellectual property rights in the internal market of 1 March 2010, the Council invited the Commission, the Member States and industry to provide the Observatory with available reliable and comparable data on counterfeiting and

piracy and to jointly develop and agree, in the context of the Observatory, on plans to collect further information. The Council also invited the Observatory to publish each year a comprehensive annual report covering the scope, scale and principal characteristics of counterfeiting and piracy as well as its impact on the internal market. That annual report should be prepared with the information provided by the authorities of the Member States, the Commission *and* the private sector, within the limits of data protection law, on the scope, scale and principal characteristics of counterfeiting and piracy as well as its impact on the internal market.

piracy and to jointly develop and agree, in the context of the Observatory, on plans to collect further information. The Council also invited the Observatory to publish each year a comprehensive annual report covering the scope, scale and principal characteristics of counterfeiting and piracy as well as its impact on the internal market. That annual report should be prepared ***primarily with the information derived from extensive, independent, multidisciplinary and reliable research commissioned and published transparently by the Observatory and secondarily*** with the information provided by the authorities of the Member States, the Commission, the private sector *and stakeholders from civil society*, within the limits of data protection law, on the scope, scale and principal characteristics of counterfeiting and piracy as well as its impact on the internal market.

Or. en

Amendment 41
Marek Henryk Migalski

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) In view of the range of tasks assigned to the Observatory, a solution is needed to ensure an adequate and sustainable infrastructure for the fulfilment of the tasks of the Observatory.

Amendment

(11) In view of the range of tasks assigned to the Observatory, a solution is needed to ensure an adequate and sustainable infrastructure for the fulfilment of the tasks of the Observatory ***without generating additional costs.***

Or. pl

Amendment 42
Maria Badia i Cutchet

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) In view of the range of tasks assigned to the Observatory, a solution is needed to ensure an adequate and sustainable infrastructure for the fulfilment of the tasks of the Observatory.

Amendment

(11) In view of the range of tasks assigned to the Observatory, a solution is needed to ensure an adequate and sustainable infrastructure for the fulfilment of the tasks of the Observatory ***as well as the resources required to do so. The means employed need to be tailored to the complexity of the Observatory's remit, which covers a range of very different areas that are particularly sensitive, given that citizens' rights are involved.***

Or. es

Amendment 43
Petra Kammerevert, Helga Trüpel

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Those tasks should relate to all intellectual property rights covered by Union law or the national law of the Member State concerned in this field since in many cases, infringing acts affect a bundle of intellectual property rights. Furthermore, ***data and the exchange of best practices are*** needed on the entire range of intellectual property rights, in order to obtain a complete picture of the situation ***and allow designing comprehensive strategies to reduce intellectual property rights infringements.*** In the context of those tasks, the Office's mandate should therefore be extended to cover also the protection of patents, copyright and related rights as well as geographical indications.

Amendment

(14) Those tasks should relate to all intellectual property rights covered by Union law or the national law of the Member State concerned in this field since in many cases, infringing acts affect a bundle of intellectual property rights. Furthermore, ***an*** exchange ***is*** needed on the entire range of intellectual property rights, in order to obtain a complete picture of the situation ***in the Member States.*** In the context of those tasks, the Office's mandate should therefore be extended to cover also the protection of patents, copyright and related rights as well as geographical indications.

Or. de

Amendment 44
Petra Kammerevert, Helga Trüpel

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Assembled by the Office, the Observatory should become a centre of excellence on information and data related to infringements of intellectual property rights, by benefiting from the Office's expertise, experience and resources.

Amendment

deleted

Or. de

Amendment 45
Marek Henryk Migalski

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Assembled by the Office, the Observatory should become a centre of excellence on information and data related to infringements of intellectual property rights, by benefiting from the *Office's* expertise, experience and resources.

Amendment

(16) Assembled by the Office, the Observatory should become a centre of excellence on information and data related to infringements of intellectual property rights, by benefiting from the expertise, experience and resources *of the Office and of the Member States' research institutes.*

Or. pl

Amendment 46
Petra Kammerevert, Helga Trüpel

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights ***and the infringements of those rights, the development of best practices and strategies to protect intellectual property rights***, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should ***fulfil additional tasks, such as to*** improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent counterfeiting, ***and improve cooperation with third countries and international organisations.***

Amendment

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, ***and*** increase knowledge on techniques to prevent counterfeiting and unauthorised copying.

Or. de

Amendment 47
Maria Badia i Cutchet

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and

Amendment

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and

strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements. ***Furthermore, the Office should fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent counterfeiting, and improve cooperation with third countries and international organisations.***

strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements. ***In this connection, due consideration should be given to the impact of digitisation and new technologies on strategies for protecting intellectual property rights and on the proliferation of new creative niches that also require fair and balanced protection.***

Or. es

Amendment 48
Emma McClarkin

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent ***counterfeiting***, and improve cooperation with third countries and international

Amendment

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent ***infringements of intellectual property rights***, and improve cooperation with third

organisations.

countries and international organisations.

Or. en

Justification

IPR infringements cover all types of infringements.

Amendment 49

Malika Benarab-Attou, Marie-Christine Vergiat

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should fulfil additional tasks, such as to **improve the understanding of the value of** intellectual property rights, enhance the expertise of persons involved in the **enforcement** of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent **counterfeiting**, and improve cooperation with third countries and international organisations.

Amendment

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should fulfil additional tasks, such as to **evaluate the impact of** intellectual property rights **infringements on creativity and innovation within the Union**, enhance the expertise of persons involved in the **evaluation** of intellectual property rights **infringements** by appropriate training measures, increase knowledge on techniques to prevent **piracy**, and improve cooperation with third countries and international organisations.

Or. en

Amendment 50
Marie-Christine Vergiat, Malika Benarab-Attou

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The Office should offer a forum that brings together public authorities ***and the private sector***, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent counterfeiting, and improve cooperation with third countries and international organisations.

Amendment

(17) The Office should offer a forum that brings together public authorities ***in cooperation with stakeholders as a whole, including representatives of civil society***, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements ***and the implications entailed in the enforcement of measures relating to such infringements within the economy and in the research and health sectors, not least in developing countries***. Furthermore, the Office should fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent counterfeiting, and improve cooperation with third countries and international organisations.

Or. fr

Amendment 51
Marek Henryk Migalski

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent counterfeiting, and improve cooperation with third countries **and** international organisations.

Amendment

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property rights, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent counterfeiting, and improve cooperation with third countries, international organisations **and non-governmental organisations specialising in this field**.

Or. pl

Amendment 52
Marietje Schaake

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property

Amendment

(17) The Office should offer a forum that brings together public authorities and the private sector, ensuring the collection, analysis and dissemination of relevant objective, comparable and reliable data regarding the value of intellectual property rights and the infringements of those rights, the development of best practices and strategies to protect intellectual property

rights, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent counterfeiting, and improve cooperation with third countries and international organisations.

rights, and raising public awareness of the impacts of intellectual property rights infringements. Furthermore, the Office should fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent counterfeiting, and improve cooperation with third countries and international organisations. ***Moreover, the Observatory should analyse the possibilities for effective competition with unauthorised content online and the effect of competition on levels of unauthorised content.***

Or. en

Amendment 53
Maria Badia i Cutchet

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The Office should also fulfil additional tasks, such as to improve the understanding of the value of intellectual property rights, enhance the expertise of persons involved in the enforcement of intellectual property rights by appropriate training measures, increase knowledge on techniques to prevent counterfeiting, and improve cooperation with third countries and international organisations.

Or. es

Amendment 54
Paul Nuttall

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of the economic sectors most concerned by and most experienced in the fight against infringements of intellectual property rights, in particular representatives of right holders and Internet service providers. ***Also, a proper representation of consumers and of small and medium sized enterprises should be ensured.***

Amendment

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of the economic sectors most concerned by and most experienced in the fight against infringements of intellectual property rights, in particular representatives of right holders and Internet service providers. Consumers and small and medium sized enterprises should be ***exempted from these processes.***

Or. en

Amendment 55
Marie-Christine Vergiat, Malika Benarab-Attou

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of ***the*** economic sectors most concerned by ***and most experienced in the fight against*** infringements of intellectual property rights, in particular representatives of right holders and Internet service providers. Also, a proper representation of ***consumers and of*** small and *medium sized* enterprises should be ensured.

Amendment

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of economic, ***social, and cultural*** sectors, ***especially those which might be*** most concerned by infringements of intellectual property rights ***and*** in particular representatives of right holders and Internet service providers. Also, a proper representation of small and *medium-sized* enterprises should be ensured. ***With regard to representatives of civil society and in accordance with Article 11 of the Treaty on European Union, the Office should, when assembling the Observatory,***

make the necessary arrangements for the representation of consumer and user protection bodies, organisations and associations working in the field of data protection, the social partners, and cultural operators, including those in the voluntary sector.

Or. fr

Amendment 56
Sabine Verheyen

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of the economic sectors most concerned by and most experienced in the fight against infringements of intellectual property rights, in particular representatives of right holders *and* Internet *service providers*. Also, a proper representation of consumers and of small and medium sized enterprises should be ensured.

Amendment

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of the economic *and cultural* sectors most concerned by and most experienced in the fight against infringements of intellectual property rights, in particular representatives of right holders, Internet *intermediaries and stakeholders from the cultural and creative sectors*. Also, a proper representation of consumers and of small and medium sized enterprises should be ensured.

Or. en

Amendment 57
Maria Badia i Cutchet

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of the ***economic*** sectors most concerned by and most experienced in the fight against infringements of intellectual property rights, in particular representatives of right holders and Internet service providers. Also, a proper representation of consumers and of small and medium sized enterprises should be ensured.

Amendment

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of the sectors most concerned by and most experienced in the fight against infringements of intellectual property rights, in particular representatives of right holders and Internet service providers. ***In this connection, particular attention should be paid to sectors which, by their very nature, generate value which is to a large extent intangible, such as the cultural and creative sector.*** Also, a proper representation of consumers, small and medium sized enterprises ***and creators and users of cultural services and platforms*** should be ensured.

Or. es

Amendment 58
Rolandas Paksas

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of the economic sectors most concerned by and most experienced in the fight against infringements of intellectual property rights, in particular representatives of right holders and Internet service providers. Also, a proper representation of consumers and of small and *medium sized* enterprises should be ensured.

Amendment

(18) With regard to representatives of the private sector, the Office should involve, when assembling the Observatory in the context of its activities, a representative selection of the economic sectors most concerned by and most experienced in the fight against infringements of intellectual property rights, in particular representatives of right holders and Internet service providers. Also, a proper representation of consumers and of small and *medium-sized* enterprises should be ensured, ***and industry, public authorities, and consumers should work together***

more closely to fight counterfeiting and piracy.

Or. It

Amendment 59
Emma McClarkin

Proposal for a regulation
Article 1 – title

Text proposed by the Commission

Amendment

Subject matter

Subject matter, *scope and objectives*

Or. en

Justification

This Article covers a broader range of issues than simply just the subject matter.

Amendment 60
Emma McClarkin

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation entrusts the Office for *Harmonization* in the Internal Market (hereinafter referred to as ‘the Office’) with certain tasks related to the protection of intellectual property rights. In carrying out these tasks the Office shall regularly invite experts, authorities and stakeholders which will assemble under the name ‘European Observatory on Counterfeiting and Piracy’ (hereinafter referred to as ‘the Observatory’).

This Regulation entrusts the Office for *Harmonisation* in the Internal Market (hereinafter referred to as ‘the Office’) with certain tasks related to the protection of intellectual property rights ***in order to facilitate and support the activities of the national authorities, private industry and the European Commission.*** In carrying out these tasks the Office shall regularly invite experts, authorities and stakeholders which will assemble under the name ‘European Observatory on Counterfeiting and Piracy’ (hereinafter referred to as ‘the Observatory’).

Justification

National authorities, private industry and the Commission require support from the Office in order to properly protect IPR.

Amendment 61
Emma McClarkin

Proposal for a regulation
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The principal objective of the Office's activities with regard to intellectual property protection shall be to support and facilitate efforts within the Union by national authorities, private industry and other relevant persons to afford better protection to intellectual property rights, particularly as regards trade mark counterfeiting and copyright piracy, notably through the provision of support to the Observatory.

Justification

Covers changes made to Title of Article.

Amendment 62
Mitro Repo

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) improving the understanding on the scope and impact of infringements of

(a) improving the understanding on the scope, ***number, and cost, as well as the***

intellectual property rights, protected under European Union law or the national laws of the Member States, including industrial property rights, copyright and rights related to copyright;

impact, of infringements of intellectual property rights protected under European Union law or the national laws of the Member States, including industrial property rights, copyright and rights related to copyright;

Or. fi

Amendment 63

Marie-Christine Vergiat, Malika Benarab-Attou

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) improving the understanding on the scope and impact of infringements of intellectual property rights, protected under European Union law or the national laws of the Member States, including industrial property rights, copyright and rights related to copyright;

Amendment

(a) improving the understanding on the scope and impact of, ***and the enforcement of measures to combat***, infringements of intellectual property rights protected under European Union law or the national laws of the Member States, including industrial property rights, copyright and rights related to copyright;

Or. fr

Amendment 64

Maria Badia i Cutchet

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) improving the understanding on the value of intellectual property;

Amendment

(b) improving the understanding on the value ***and complexity*** of intellectual property ***in the new digital age***;

Or. es

Amendment 65
Marietje Schaake

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) improving the understanding on the value of intellectual property;

Amendment

(b) improving the understanding on the value ***and purpose*** of intellectual property;

Or. en

Amendment 66
Malika Benarab-Attou, Marie-Christine Vergiat

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) improving the understanding on the value of intellectual property;

Amendment

(b) improving the understanding on the value of intellectual property ***and knowledge about the impact of infringements of intellectual property rights on creativity and innovation within the Union;***

Or. en

Amendment 67
Nadja Hirsch

Proposal for a regulation
Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) improving knowledge of the impact of breaches of copyright on the economy, tax revenue and the labour market;

Or. de

Amendment 68
Nadja Hirsch

Proposal for a regulation
Article 2 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) improving knowledge of consumer behaviour on the Internet with regard to non-commercial use and dissemination of legally acquired copyright works by means of voluntary, anonymous surveys;

Or. de

Justification

Voluntary surveys, in which individual respondents are not identified, can provide information about user behaviour without any need to use tracking and tracing systems, which are problematic from the point of view of data protection.

Amendment 69
Iosif Matula

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) raising citizens' awareness of the impact of infringements of intellectual property rights;

(d) raising citizens' awareness of the impact of infringements of intellectual property rights ***and of the difference between piracy and private use;***

Or. ro

Amendment 70
Maria Badia i Cutchet

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) raising citizens' awareness of the impact of infringements of intellectual property rights;

Amendment

(d) raising citizens' awareness of the impact of infringements of intellectual property rights ***and ensuring balanced respect for the public's right of access to culture***;

Or. es

Amendment 71
Marco Scurria

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) raising citizens' awareness of the impact of infringements of intellectual property rights;

Amendment

(d) raising citizens' awareness of the impact of infringements of intellectual property rights ***by promoting information campaigns in all Member States***;

Or. it

Amendment 72
Maria Badia i Cutchet

Proposal for a regulation
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) enhancing the expertise of persons involved in the enforcement of intellectual property rights;

Amendment

(e) enhancing the expertise of persons involved in the enforcement of intellectual property rights ***and their ability to deal with the new challenges raised by the digital era***;

Or. es

Amendment 73
Petra Kammerevert, Helga Trüpel

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) enhancing the knowledge on technical tools to prevent and combat counterfeiting and piracy, including tracking and tracing systems;

deleted

Or. de

Amendment 74
Emma McClarkin

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) enhancing the knowledge on technical tools to prevent and combat ***counterfeiting and piracy***, including tracking and tracing systems;

(f) enhancing the knowledge on technical tools to prevent and combat ***infringements of intellectual property rights***, including tracking and tracing systems;

Or. en

Justification

IPR infringements cover all types of infringements.

Amendment 75
Marietje Schaake

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) enhancing the knowledge on technical tools to prevent and combat counterfeiting

(f) enhancing the knowledge on technical tools to prevent and combat counterfeiting

and piracy, including *tracking and tracing systems*;

and piracy, including *the effects of counterfeiting and piracy on fundamental rights*;

Or. en

Amendment 76
Nadja Hirsch

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) enhancing the knowledge on technical tools to prevent and combat counterfeiting and piracy, *including tracking and tracing systems*;

Amendment

(f) enhancing the knowledge on technical tools to prevent and combat counterfeiting and piracy;

Or. de

Amendment 77
Mitro Repo

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) enhancing the knowledge on technical tools to prevent and combat counterfeiting and piracy, including tracking and tracing systems;

Amendment

(f) enhancing *and fostering* the knowledge on, *and further developing*, technical tools to prevent and combat counterfeiting and piracy, including tracking and tracing systems;

Or. fi

Amendment 78
Nadja Hirsch

Proposal for a regulation
Article 2 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) improving knowledge of existing, functioning, legal business models which make copyright works available commercially or otherwise;

Or. de

Amendment 79
Jean-Marie Cavada

Proposal for a regulation
Article 2 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) drawing up and promoting the best strategies on national practices and techniques for enforcing intellectual property law, whether originating from the public or from the private sector.

Or. fr

Amendment 80
Marietje Schaake

Proposal for a regulation
Article 2 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) monitoring and reporting on the effect of legal online offers on use of unauthorised content;

Or. en

Amendment 81
Marietje Schaake

Proposal for a regulation
Article 2 – paragraph 1 – point h b (new)

Text proposed by the Commission

Amendment

(hb) assessing barriers to the completion of an effective digital single market and recommending effective policy options to overcome such barriers.

Or. en

Amendment 82
Maria Badia i Cutchet

Proposal for a regulation
Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) assembling, in accordance with Article 4, the Observatory at regular intervals;

(a) assembling, in accordance with Article 4, the Observatory at regular intervals ***and at least once a year, and duly providing information on the holding and outcome of such meetings via public consultation platforms;***

Or. es

Amendment 83
Marietje Schaake

Proposal for a regulation
Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) establishing a methodology for the collection, analysis and reporting of independent, objective, comparable and reliable data related to infringements of intellectual property rights;

(b) establishing a ***transparent*** methodology for the collection, analysis and reporting of independent, objective, comparable and reliable data related to infringements of intellectual property rights;

Amendment 84
Mitro Repo

Proposal for a regulation
Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) establishing a methodology for the collection, analysis and reporting of independent, objective, comparable and reliable data related to infringements of intellectual property rights;

Amendment

(b) establishing a methodology for the collection, analysis and reporting of independent, objective, comparable, **robust**, and reliable data related to infringements of intellectual property rights;

Or. fi

Amendment 85
Petra Kammerevert, Helga Trüpel

Proposal for a regulation
Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) collecting, analysing and disseminating relevant objective, comparable and reliable data regarding infringements of intellectual property rights;

Amendment

deleted

Or. de

Amendment 86
Mitro Repo

Proposal for a regulation
Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) collecting, analysing and disseminating relevant objective, comparable and reliable data regarding infringements of intellectual property rights;

Amendment

(c) **regularly** collecting, analysing and disseminating relevant **independent**, objective, comparable and reliable data regarding infringements of intellectual property rights;

Or. fi

Amendment 87

Maria Badia i Cutchet

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) collecting, analysing and disseminating relevant objective, comparable and reliable data regarding the **economic** value of intellectual property and its contribution to economic growth, welfare, innovation, creativity, cultural diversity, the creation of high quality jobs and the development of high quality products and services within the Union;

Amendment

(d) collecting, analysing and disseminating relevant objective, comparable and reliable data regarding the value of intellectual property and its contribution to economic growth, welfare, innovation, creativity, cultural diversity, the creation of high quality jobs and the development of high quality products and services within the Union;

Or. es

Amendment 88

László Tőkés

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) collecting, analysing and disseminating relevant objective, comparable and reliable data regarding the economic value of intellectual property and its contribution to economic growth, welfare, innovation,

Amendment

(d) collecting, analysing and disseminating relevant objective, comparable and reliable data regarding the economic value of intellectual property and its contribution to economic growth, welfare, innovation,

creativity, cultural diversity, the creation of high quality jobs and the development of high quality products and services within the Union;

creativity, cultural **and linguistic** diversity, the creation of high quality jobs and the development of high quality products and services within the Union;

Or. en

Amendment 89
Maria Badia i Cutchet

Proposal for a regulation
Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) providing regular assessments and specific reports by economic sector, geographic area and type of intellectual property right infringed, which evaluate, inter alia, the impact of intellectual property rights infringements on society, economy, health, environment, safety and security, and the relation of such infringements with organized crime and terrorism;

Amendment

(e) providing regular assessments and specific reports by economic sector, geographic area and type of intellectual property right infringed, which evaluate, inter alia, the impact of intellectual property rights infringements on society, economy, health, environment, safety and security, and the relation of such infringements with organized crime and terrorism, **and take account of the challenges posed by new information and communications technology in devising new models for management of these rights;**

Or. es

Amendment 90
Nadja Hirsch

Proposal for a regulation
Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) providing regular assessments and specific reports by economic sector, geographic area and type of intellectual property right infringed, which evaluate,

Amendment

(e) providing regular assessments and specific reports by economic sector, geographic area and type of intellectual property right infringed, which evaluate,

inter alia, the impact of intellectual property rights infringements on society, economy, health, environment, safety and security, and the relation of such infringements with organized crime **and terrorism**;

inter alia, the impact of intellectual property rights infringements on society, economy, health, environment, safety and security, and the relation of such infringements with organized crime;

Or. de

Amendment 91
Zoltán Bagó

Proposal for a regulation
Article 2 – paragraph 2 – point f

Text proposed by the Commission

(f) collecting, analysing and disseminating information regarding best practices between the representatives meeting as the Observatory, and developing strategies based on such practices;

Amendment

(f) collecting, analysing and disseminating information regarding best practices between the representatives meeting as the Observatory **and the Member States' competent bodies**, and developing **and disseminating** strategies based on such practices;

Or. hu

Amendment 92
Iosif Matula

Proposal for a regulation
Article 2 – paragraph 2 – point g

Text proposed by the Commission

(g) drawing up reports and publications to raise awareness of the Union's citizens of the impact of infringements of intellectual property rights, and organising conferences, on-line and off-line campaigns, events and meetings at European and international levels;

Amendment

(g) drawing up reports and publications to raise awareness of the Union's citizens of the impact of infringements of intellectual property rights **as regards both Community trade marks and national trade marks**, and organising conferences, on-line and off-line campaigns, events and meetings at European and international levels;

Amendment 93
Maria Badia i Cutchet

Proposal for a regulation
Article 2 – paragraph 2 – point g

Text proposed by the Commission

(g) drawing up reports and publications to raise awareness of the Union's citizens of the impact of infringements of intellectual property rights, and organising conferences, on-line and off-line campaigns, events and meetings at European and international levels;

Amendment

(g) drawing up reports and publications to raise awareness of the Union's citizens of the impact of infringements of intellectual property rights, and organising conferences, on-line and off-line campaigns, events and meetings at European and international levels, ***which examine new, balanced and flexible proposals for protecting intellectual property rights in particularly sensitive areas, such as the cultural and creative sector, while upholding citizens' access rights, in accordance with applicable law;***

Or. es

Amendment 94
Maria Badia i Cutchet

Proposal for a regulation
Article 2 – paragraph 2 – point h

Text proposed by the Commission

(h) developing and organising on-line and other forms of training for national ***officials*** involved in the protection of intellectual property rights;

Amendment

(h) developing and organising on-line and other forms of training for national ***authorities*** involved in the protection of intellectual property rights;

Or. es

Amendment 95
Maria Badia i Cutchet

Proposal for a regulation
Article 2 – paragraph 2 – point j

Text proposed by the Commission

(j) researching, evaluating and promoting technical tools for professionals and benchmark techniques, including tracking and tracing systems which help to distinguish genuine from counterfeit products;

Amendment

(j) **collecting information**, researching, evaluating and promoting technical tools for professionals and benchmark techniques, including tracking and tracing systems which help to distinguish genuine from counterfeit products;

Or. es

Amendment 96
Petra Kammerevert, Helga Trüpel

Proposal for a regulation
Article 2 – paragraph 2 – point k

Text proposed by the Commission

(k) working with national authorities to develop an on-line network to exchange information related to the protection of intellectual property rights, including real-time alerts and information on infringements of intellectual property rights between administrations, bodies and organisations in the Member States dealing with the protection of intellectual property rights;

Amendment

deleted

Or. de

Amendment 97
László Tőkés

Proposal for a regulation
Article 2 – paragraph 2 – point k

Text proposed by the Commission

(k) working with national authorities to ***develop an on-line network to exchange information*** related to the protection of intellectual property rights, including real-time alerts and information on infringements of intellectual property rights between administrations, bodies and organisations in the Member States dealing with the protection of intellectual property rights;

Amendment

(k) working with national authorities to ***harmonise existing national databases*** related to the protection of intellectual property rights ***and to develop an online network in this field for exchanges of information***, including real-time alerts and information on infringements of intellectual property rights between administrations, bodies and organisations in the Member States dealing with the protection of intellectual property rights;

Or. en

Amendment 98
Jean-Marie Cavada

Proposal for a regulation
Article 2 – paragraph 2 – point k a (new)

Text proposed by the Commission

Amendment

(ka) strengthening administrative cooperation at every level as regards the authorities called upon to combat piracy and counterfeiting in Member States;

Or. fr

Amendment 99
Maria Badia i Cutchet

Proposal for a regulation
Article 2 – paragraph 2 – point k a (new)

Text proposed by the Commission

Amendment

(ka) developing a publicly accessible online platform providing information, examples of best practices, freely downloadable awareness-raising tools and

capacity-building initiatives concerning the numerous legislative and non-legislative means to fight infringements of intellectual property rights;

Or. es

Amendment 100

Petra Kammerevert, Helga Trüpel

Proposal for a regulation

Article 2 – paragraph 2 – point l

Text proposed by the Commission

(l) ***building*** strategies in cooperation with the central industrial property offices of the Member States, including the Benelux Office for Intellectual Property, ***and developing techniques, skills and tools*** related to the protection of intellectual property rights, including training programmes and awareness campaigns;

Amendment

(l) ***developing*** strategies, in cooperation with the central industrial property offices of the Member States, including the Benelux Office for Intellectual Property, related to the protection of intellectual property rights, including training programmes and awareness campaigns;

Or. de

Amendment 101

Petra Kammerevert, Helga Trüpel

Proposal for a regulation

Article 2 – paragraph 2 – point m

Text proposed by the Commission

(m) ***developing programmes on technical assistance for third countries as well as developing and delivering specific training programmes and events for officials from third countries involved in the protection of intellectual property rights;***

Amendment

deleted

Or. de

Amendment 102
Maria Badia i Cutchet

Proposal for a regulation
Article 2 – paragraph 2 – point m

Text proposed by the Commission

(m) developing programmes on technical assistance for third countries as well as developing and delivering specific training programmes and events for *officials* from third countries involved in the protection of intellectual property rights;

Amendment

(m) developing programmes on technical assistance for third countries as well as developing and delivering specific training programmes and events for *the competent authorities* from third countries involved in the protection of intellectual property rights;

Or. es

Amendment 103
Zoltán Bagó

Proposal for a regulation
Article 2 – paragraph 2 – point m

Text proposed by the Commission

(m) developing programmes on technical assistance for third countries as well as developing and delivering specific training programmes and events for officials from third countries involved in the protection of intellectual property rights;

Amendment

(m) developing programmes on technical *and expert* assistance for third countries *and propagating and communicating good practices*, as well as developing and delivering specific training programmes and events for officials from third countries involved in the protection of intellectual property rights;

Or. hu

Amendment 104
Iosif Matula

Proposal for a regulation
Article 2 – paragraph 2 – point m

Text proposed by the Commission

(m) developing programmes on technical assistance for third countries as well as developing and delivering specific training programmes and events for officials from third countries involved in the protection of intellectual property rights;

Amendment

(m) developing programmes on technical assistance for third countries as well as developing and delivering specific training programmes and events for officials from third countries involved in the protection of intellectual property rights; ***cooperating with them to identify new counterfeiting methods and pinpoint ways of combating those practices;***

Or. ro

Amendment 105

Petra Kammerevert, Helga Trüpel

Proposal for a regulation

Article 2 – paragraph 2 – point p

Text proposed by the Commission

(p) carrying out similar activities necessary for the Office to fulfil the tasks set out in paragraph 1.

Amendment

deleted

Or. de

Amendment 106

Petra Kammerevert, Helga Trüpel

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. The Office shall invite to the meetings referred to in point (a) of Article 2(2) representatives from public administrations, bodies and organisations dealing with the protection of intellectual property rights and representatives from the private sector.

Amendment

1. The Office shall invite to the meetings referred to in point (a) of Article 2(2) representatives from public administrations, bodies and organisations dealing with the protection of intellectual property rights and representatives from ***non-governmental organisations and*** the

private sector.

Or. de

Amendment 107

Zoltán Bagó

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. The Office shall invite to the meetings referred to in point (a) of Article 2(2) representatives from public administrations, bodies and organisations dealing with the protection of intellectual property rights and representatives from the private sector.

Amendment

The Office shall invite to the meetings referred to in point (a) of Article 2(2) representatives from public administrations, bodies and organisations ***of the Member States*** dealing with the protection of intellectual property rights and representatives from the private sector.

Or. hu

Amendment 108

Iosif Matula

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. The Office shall invite to the meetings referred to in point (a) of Article 2(2) representatives from public administrations, bodies and organisations dealing with the protection of intellectual property rights and representatives from the private sector.

Amendment

1. The Office shall invite to the meetings referred to in point (a) of Article 2(2) representatives from public administrations, ***academic circles***, bodies and organisations dealing with the protection of intellectual property rights and representatives from the private sector.

Or. ro

Amendment 109

Petra Kammerevert, Helga Trüpel

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Representatives meeting as the Observatory invited from the private sector shall ***include*** a broad and representative range ***of Union and national bodies representing the different economic sectors most concerned by and most experienced in the fight against infringements of intellectual property rights.***

Amendment

Representatives meeting as the Observatory invited from ***non-governmental organisations and*** the private sector shall ***cover*** a broad and representative range.

Or. de

Amendment 110

Maria Badia i Cutchet

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Representatives meeting as the Observatory invited from the private sector shall include a broad and representative range of Union and national bodies representing the different ***economic*** sectors most concerned by and most experienced in the fight against infringements of intellectual property rights.

Amendment

Representatives meeting as the Observatory invited from the private sector shall include a broad and representative range of Union and national bodies representing the different sectors most concerned by and most experienced in the fight against infringements of intellectual property rights.

Or. es

Amendment 111

Paul Nuttall

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Consumer organisations and small and medium sized enterprises shall be ***properly represented***.

Amendment

Consumer organisations and small and medium sized enterprises shall be ***exempted from these processes***.

Or. en

Amendment 112

Petra Kammerevert, Helga Trüpel

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Consumer organisations and small and medium sized enterprises shall be properly represented.

Amendment

(Does not affect English version.)

Or. de

Amendment 113

Marie-Christine Vergiat, Malika Benarab-Attou

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Consumer organisations and small and medium sized enterprises shall be properly represented.

Amendment

Small and medium-sized enterprises, ***consumer and user protection bodies, organisations and associations working in the field of data protection, the social partners, and cultural operators, including those in the voluntary sector,*** shall be properly represented.

Or. fr

Amendment 114
Sabine Verheyen

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Consumer organisations and small and medium sized enterprises shall be properly represented.

Amendment

Consumer organisations, ***internet intermediaries, stakeholders from the cultural and creative sectors*** and small and medium sized enterprises shall be properly represented.

Or. en

Amendment 115
Maria Badia i Cutchet

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Consumer organisations ***and*** small and medium sized enterprises shall be properly represented.

Amendment

Consumer organisations, small and medium sized enterprises ***and representatives of the cultural and creative sector*** shall be properly represented. ***Provision should also be made for the possible involvement of civic organisations representing users of cultural dissemination services and platforms and of cultural heritage preservation foundations.***

Or. es

Amendment 116
Maria Badia i Cutchet

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. The Office shall invite one national representative from each Member State, and five representatives each from the European Parliament and the Commission.

Amendment

3. The Office shall invite one national representative from each Member State, and five representatives each from the European Parliament and the Commission.
When Parliament's representatives are appointed, due account must be taken of the committees on which Members sit, so as to ensure that areas in which the impact of intellectual property rights is the greatest, such as industry, culture or health, are represented as fully as possible.

Or. es

Amendment 117

Helga Trüpel

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. The meetings referred to in point (a) of Article 2(2) may also be organised in working groups within the Observatory.

Up to two representatives from the European Parliament and up to two representatives from the Commission shall be invited to the meetings of the working groups as observers.

Amendment

5. The meetings referred to in point (a) of Article 2(2) may also be organised in working groups within the Observatory.

Or. de

Amendment 118

Maria Badia i Cutchet

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. The meetings referred to in point (a) of Article 2(2) may also be organised in working groups within the Observatory. Up to two representatives from the European Parliament and up to two representatives from the Commission shall be invited to the meetings of the working groups **as observers**.

Amendment

5. The meetings referred to in point (a) of Article 2(2) may also be organised in working groups within the Observatory. Up to two representatives from the European Parliament and up to two representatives from the Commission shall be invited to the meetings of the working groups.

Or. es

Amendment 119

Petra Kammerevert, Helga Trüpel

Proposal for a regulation

Article 5 – introductory wording

Text proposed by the Commission

Without prejudice to law governing the processing of personal data, Member States ***and private sector*** representatives meeting as the Observatory shall:

Amendment

Member States representatives meeting as the Observatory shall:

Or. de

Amendment 120

Marietje Schaake

Proposal for a regulation

Article 5 – point c a (new)

Text proposed by the Commission

Amendment

(ca) operate transparently by publishing and making easily accessible all relevant information, such as the results of research, statistics and case-law discussed, and by publishing detailed minutes of meetings.

Or. en

Amendment 121
Petra Kammerevert, Helga Trüpel

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Personal data shall not be transferred, processed, stored or used for any other purpose, even on the instructions of the Office or the Observatory.

Or. de

Amendment 122
Emma McClarkin

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Office shall take account of existing obligations on Member States requiring them to provide information on infringements of intellectual property rights, and shall seek to avoid duplication of efforts.

Or. en

Justification

We do not wish to see duplicated efforts in protecting IPR.

Amendment 123
Paul Nuttall

Proposal for a regulation
Article 7 – paragraph 1 – point e

Text proposed by the Commission

(e) recommendations on the future policies in the area of the protection of intellectual property rights, including on how to enhance ***an effective cooperation between*** Member States.

Amendment

(e) recommendations on the future policies in the area of the protection of intellectual property rights, including on how to enhance ***the principle of subsidiarity with regard to*** Member States ***and how to encourage independence, self-reliance and the free market.***

Or. en

Amendment 124
Emma McClarkin

Proposal for a regulation
Article 7 – paragraph 1 – point e

Text proposed by the Commission

(e) ***recommendations on the future policies in the area of*** the protection of intellectual property rights, including on how to enhance ***an effective*** cooperation between Member States.

Amendment

(e) ***observations*** on the protection of intellectual property rights ***and potential future policies and strategies,*** including on how to enhance cooperation ***with and*** between Member States, ***drawing on their own experiences.***

Or. en

Justification

The Office should provide observations, not strict recommendations to Member States.

Amendment 125
Maria Badia i Cutchet

Proposal for a regulation
Article 7 – paragraph 1 – point e

Text proposed by the Commission

(e) recommendations on the future policies in the area of the protection of intellectual property rights, including on how to enhance an effective cooperation between Member States.

Amendment

(e) recommendations on the future policies in the area of the protection of intellectual property rights, including on how to enhance an effective cooperation between Member States ***and how to address the challenges posed by new information and communications technology, with a particular focus on areas which, by their very nature, have great intangible value or directly affect the rights and health of the public***

Or. es

Amendment 126
Maria Badia i Cutchet

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The evaluation report shall assess the performance of the Office in the operation of this Regulation, in particular as regards its impact on the protection of intellectual property rights in the internal market.

Amendment

2. The evaluation report shall assess the performance of the Office in the operation of this Regulation, in particular as regards its impact on the protection of intellectual property rights in the internal market, ***and focus on the various areas and sectors over which intellectual property rights have a bearing.***

Or. es