



2017/2007(INI)

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COMPROMISE AMENDMENTS

1 - 11

Draft report

Joëlle Bergeron

(PE619.044v01-00)

on three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability
(2017/2007(INI))

Amendment 1

Daniel Buda, Antanas Guoga, Luis de Grandes Pascual

on behalf of the PPE Group

Sajjad Karim

on behalf of the ECR Group

Compromise amendment replacing Amendments 7, 8, 9, 10

Motion for a resolution

Recital A

Motion for a resolution

A. whereas three-dimensional (3D) printing became accessible to the general public when 3D printers for individuals were placed on the market; *whereas that market should, however, remain marginal in the medium term, taking into account the cost of printers and materials, the limited capacity of 3D printers designed for individual use, and the limited number and nature of materials made available to consumers;*

Amendment

A. whereas three-dimensional (3D) printing became accessible to the general public when 3D printers for individuals were placed on the market *and when companies arrived on the market offering both digital models and 3D printing services;*

Or. fr

Amendment 2

Kostas Chrysogonos, Jiří Maštálka

on behalf of the GUE/NGL Group

Max Andersson

on behalf of the Verts/ALE Group

Marie-Christine Boutonnet, Gilles Lebreton

on behalf of the ENF Group

Compromise amendment replacing Amendments 18, 20, 21

Motion for a resolution

Recital B

Motion for a resolution

B. whereas the majority of the 3D-printed products being created are prototypes;

Amendment

B. whereas the majority of the 3D-printed products being created are *currently* prototypes; *whereas some industries have been using final parts for a number of years already and the final parts market continues to grow at a*

relatively fast rate; whereas a growing proportion of the 3D-printed products being created are now more ready-to-be-used or -commercialised items than mere prototypes;

Or. fr

Amendment 3

Daniel Buda, Antanas Guoga, Luis de Grandes Pascual

on behalf of the PPE Group

Enrico Gasbarra, Răzvan Popa

on behalf of the S&D Group

Compromise amendment replacing Amendments 25, 26, 27, 28, 29

Motion for a resolution

Recital C

Motion for a resolution

C. whereas expectations are high in many areas, for example, the medical, aeronautics, aerospace, automotive, building, architecture and design sectors;

Amendment

C. whereas *most of today's high-tech industries use this technology, whereas opportunities to use 3 D printing have highly increased in many areas, and* whereas expectations are high in many areas, for example the medical (*ranging from regenerative medicine to the manufacture of prosthetics*), aeronautics, aerospace, automotive, *household electrical appliance*, building, *archaeological research*, architecture, *mechanical engineering, leisure* and design sectors;

Or. fr

Amendment 4

Antanas Guoga

on behalf of the PPE Group

Răzvan Popa

on behalf of the S&D Group

Kostas Chrysogonos, Jiří Maštálka

on behalf of the GUE/NGL Group

Marie-Christine Boutonnet, Gilles Lebreton

on behalf of the ENF Group

Compromise amendment replacing Amendments 37, 38, 39, 40

Motion for a resolution

Recital E

Motion for a resolution

E. whereas 3D-printing technology **could help** to create new jobs that are less physically demanding and less dangerous (maintenance technicians, engineers, designers, etc.) **and** also reduce production and storage costs (low-volume manufacturing, personalised manufacturing, etc.);

Amendment

E. whereas 3D-printing technology **is expected** to create **more** new jobs **for skilled labour** that are **in some cases** less physically demanding and less dangerous (maintenance technicians, engineers, designers, etc.), **and whereas with the creation of new technician positions (e.g. operator for 3D printers) new liabilities will emerge and the 3D-printing industry will need to provide the appropriate trainings in order for the technicians to be at the same level with their counterparts in traditional manufacturing; whereas 3D-printing technology will** also reduce production and storage costs (low-volume manufacturing, personalised manufacturing, etc.); **whereas, however, the decrease in manufacturing jobs will greatly affect the economy of countries that rely on a large number of low-skill jobs;**

Or. fr

Amendment 5

Antanas Guoga, Luis de Grandes Pascual

on behalf of the PPE Group

Compromise amendment replacing Amendments 42, 46, 47

Motion for a resolution

Recital F

Motion for a resolution

F. whereas 3D-printing technology **raises** specific legal and ethical **issues** regarding intellectual property and civil liability, and whereas those issues fall within the remit of the Committee on Legal Affairs;

Amendment

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

civil liability, and whereas, *moreover*, those *concerns* fall within the remit of the Committee on Legal Affairs;

Or. fr

Amendment 6

Antanas Guoga

on behalf of the PPE Group

Jean-Marie Cavada, António Marinho e Pinto

on behalf of the ALDE Group

Kostas Chrysogonos, Jiří Maštálka

on behalf of the GUE/NGL Group

Compromise amendment replacing Amendments 51, 52, 53

Motion for a resolution

Recital G

Motion for a resolution

G. whereas 3D-printing technology also *raises* security *issues*, particularly with regard to the manufacturing of weapons, explosives and drugs, and particular care should be taken with regard to production of that kind;

Amendment

G. whereas 3D-printing technology *might* also *raise* security *and especially cyber-security concerns*, particularly with regard to the manufacturing of weapons, explosives and drugs *and any other hazardous objects*, and particular care should be taken with regard to production of that kind;

Or. fr

Amendment 7

Daniel Buda

on behalf of the PPE Group

Mady Delvaux

on behalf of the S&D Group

Kostas Chrysogonos, Jiří Maštálka

on behalf of the GUE/NGL Group

Max Andersson

on behalf of the Verts/ALE Group

Marie-Christine Boutonnet, Gilles Lebreton

on behalf of the ENF Group

Compromise amendment replacing Amendments 58, 59, 60, 61, 62

Motion for a resolution

Recital H

Motion for a resolution

H. whereas not all 3D-printing production of objects is **unlawful**, nor are all operators in the sector **producing** counterfeit **objects**;

Amendment

H. whereas it should be remembered that, **contrary to the concerns expressed by some actors**, not all 3D-printing production of objects is **automatically assumed to be illegal or infringes third-party rights**, nor are all operators in the sector **aiming to profit from the sale of counterfeit goods**; **whereas, however, counterfeited items can be produced easily**;

Or. fr

Amendment 8

Antanas Guoga, Luis de Grandes Pascual

on behalf of the PPE Group

Jean-Marie Cavada, António Marinho e Pinto

on behalf of the ALDE Group

Kostas Chrysogonos, Jiří Maštálka

on behalf of the GUE/NGL Group

Compromise amendment replacing Amendments 85, 86, 87, 88

Motion for a resolution

Recital N

Motion for a resolution

N. whereas Directive 85/374/EEC on liability for defective products covers all contracts; whereas it should be noted that it is progress in 3D printing that has led the Commission to undertake a **revision of that Directive to check whether it still meets current needs**;

Amendment

N. whereas Directive 85/374/EEC on liability for defective products covers all contracts; whereas it should be noted that it is progress in 3D printing **amongst other things** that has led the Commission to undertake a **public consultation with the aim of assessing whether this Directive is fit for purpose in relation to new technological developments**;

Or. fr

Amendment 9

Daniel Buda

on behalf of the PPE Group

Răzvan Popa

on behalf of the S&D Group

Jean-Marie Cavada

on behalf of the ALDE Group

Max Andersson, Heidi Hautala, Julia Reda

on behalf of the Verts/ALE Group

Compromise amendment replacing Amendments 91, 92, 93, 94

Motion for a resolution

Recital O

Motion for a resolution

O. whereas general liability rules also **apply to 3D printing**; whereas a specific liability regime **could** be envisaged for damage caused by an object created using 3D-printing technology, as the number of stakeholders involved **in the** process often **makes** it difficult for the victim to identify the person responsible; whereas **those rules** could **make** the creator or vendor of the 3D file liable, or the producer of the 3D printer, the producer of the software used in the 3D printer, the supplier of the materials used or even the person who created the object, depending on the cause of the defect discovered;

Amendment

O. whereas general liability rules also **cover the liability of intermediary service providers as defined in Articles 12 to 14 of the e-commerce Directive**, whereas a specific liability regime **should** be envisaged for damage caused by an object created using 3D-printing technology, as the number of stakeholders involved **and the complex process used to create the finished product** often **make** it difficult for the victim to identify the person responsible; **whereas a specific liability regime should be envisaged for damage caused by an object created using 3D-printing technology, as the number of stakeholders involved in the process often makes it difficult for the victim to identify the person responsible**; whereas **the liability** could **lie with** the creator or vendor of the 3D file , or the producer of the 3D printer, the producer of the software used in the 3D printer, the supplier of the materials used or even the person who created the object, depending on the cause of the defect discovered;

Or. fr

Amendment 10

Geoffroy Didier, Antanas Guoga

on behalf of the PPE Group

Mady Delvaux

on behalf of the S&D Group

Jean-Marie Cavada, António Marinho e Pinto

on behalf of the ALDE Group

Sajjad Karim

on behalf of the ECR Group

Compromise amendment replacing Amendments 100, 102, 103, 104, 105, 106

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Stresses that to anticipate problems relating to **accident** liability or intellectual property infringement, the EU **will** have to adopt new legislation **or** tailor existing laws to the specific case of 3D technology; stresses that, in any case, the legislative response should avoid duplicating rules and should take into account projects that are already under way; adds that innovation needs to be accompanied by law, without the law acting as a brake or a constraint;

Amendment

1. Stresses that to anticipate problems relating to **civil** liability or intellectual property infringement **that 3D printing might cause in the future**, the EU **might** have to adopt new legislation **and** tailor existing laws to the specific case of 3D technology, **taking into account the decisions of the European Union Intellectual Property Office (EUIPO) and the relevant case law of the EU and Member State courts and after having carried out a thorough impact assessment evaluating all policy options**; stresses that, in any case, the legislative response should avoid duplicating **existing** rules and should take into account projects that are already under way, **in particular the legislation on copyright currently applicable to 2D printing**; adds that innovation needs to be **promoted and** accompanied by law, without the law acting as a brake or a constraint;

Or. fr

Amendment 11

Daniel Buda, Antanas Guoga, Luis de Grandes Pascual

on behalf of the PPE Group

Compromise amendment replacing Amendments 118, 119, 120

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Notes that solutions of a legal

Amendment

4. Notes that solutions of a legal

nature could make it feasible to control the legal reproduction of 3D objects protected by copyright, for example, digital and 3D-printing providers could systematically display a notice on the need to respect intellectual property, a legal limit *could be introduced* on the number of private copies of 3D objects in order to prevent illegal reproduction, *and a tax on 3D printing could be levied to compensate intellectual property rights holders for damages suffered as a result of private copies being made in 3D*;

nature *if necessary* could make it feasible to control the legal reproduction of 3D objects protected by copyright, for example, digital and 3D-printing providers could systematically display a notice on the need to respect intellectual property, *emphasises, in that context, the importance of elements that make it possible to trace 3D objects or of the introduction of* a legal limit on the number of private copies of 3D objects in order to prevent illegal reproduction; *emphasises that if a 3D copy constitutes a private copy, national laws governing exemptions for private copies will apply, including as regards compensation or revenue collection schemes, where they are provided for in national law*;

Or. fr