

**List of ammendments aproved on the Draft
Opinion approved at the CULT Committee
on the Draft Report Towards a renewed
consensus on the enforcement of Intellectual
Property Rights: an EU action plan
(COM(2014)0392 – 2014/2151(INI))**

Amendment 1

Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Silvia Costa, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia

Draft opinion

Paragraph -1 (new)

Draft opinion

Amendment

-1. Welcomes the EU Action Plan on the enforcement of Intellectual Property Rights (IPR) and particularly emphasises and supports the application of due diligence throughout the supply chain, the ‘follow the money’ approach, the improvement of IP civil enforcement procedures for SMEs, the targeted communication campaign and the focus on commercial scale IPR infringements;

Or. en

Amendment 2

Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Silvia Costa, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia

Draft opinion

Paragraph -1 a (new)

Draft opinion

Amendment

-1a. Notes that according to the Commission, the cultural and creative sectors, often IPR intensive, already account for up to 4.5% of GDP and up to 8.5 million jobs in the European Union and are not only essential for cultural diversity but also significantly contribute to social and economic development;

Or. en

Oral Amendment 1 by Giorgos Grammatikakis on **Amendment 3** (Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia)

Draft opinion
Paragraph 1

Draft opinion

1. Stresses that the key objective of the action plan should be to ensure ***that future measures taken to enforce*** Intellectual Property Rights (IPR) ***are not based solely on data provided by the industry, in particular in the cultural and creative sectors, but on precise, unbiased data documenting IPR infringements; emphasises that the duty of the Office for Harmonisation in the Internal Market (OHIM) to generate reliable data which allow an analysis of the real impact of infringements on the industry should be part of the ten-point action plan;***

Amendment 6

Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Silvia Costa, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1. Stresses that the key objective of the Action Plan should be to ensure ***the effective, evidence-based enforcement of*** Intellectual Property Rights (IPR) ***which plays a key role in stimulating innovation, creativity, competitiveness, growth and cultural diversity; notes that measures taken to enforce intellectual property rights should be based on precise, reliable data;***

Amendment

1b. Stresses that in a time of financial crisis when funding for culture suffers from severe cuts, remuneration stemming from IPR enforcement is are often a primary source of revenue for artists and creators; stresses therefore that attaining and safeguarding a fair remuneration for artists, creators and right holders should be one of the key objectives of the Action Plan;

Or. en

Oral Amendment 2 by Giorgos Grammatikakis **on Amendment 7** (Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia)

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Stresses that in a time of financial crisis when funding for culture suffers from severe cuts, remuneration stemming from IPR enforcement is are often a primary source of revenue for artists and creators; stresses therefore that attaining and safeguarding a fair remuneration for artists, creators and right holders should be one of the key objectives of the Action Plan;

Amendment 8
Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia
Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1c. Stresses the importance of ensuring the application of due diligence throughout the supply chain, including the digital supply chain and all the key actors and operators in it, such as creators, artists and right holders, producers, intermediaries, internet service providers, online sales platforms, end users and public authorities;

Or. en

Amendment 9
Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia
Draft opinion
Paragraph 1 d (new)

Draft opinion

Amendment

1d. Emphasises the importance of improving IP civil enforcement procedures for SMEs and individual creators, as they play a key role in the

creative and cultural sectors and often do not have the capacity to enforce their rights given the complexity, cost and length of such procedures;

Or. en

Amendment 10

Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia

Draft opinion

Paragraph 1 e (new)

Draft opinion

Amendment

1e. Supports the launching of targeted communication campaigns to raise awareness on the economic and potential health and safety risks associated with commercial scale IPR infringements, particularly amongst the younger generations growing up in the digital era;

Or. en

Amendment 11

Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Silvia Costa, Jean-Marie Cavada, Therese Comodini Cachia

Draft opinion

Paragraph 1 f (new)

Draft opinion

Amendment

1f. Notes that, in preventing commercial scale IPR infringements, it is also important to enlarge the legal offer of diversified cultural and creative content online and to increase its accessibility; to this end calls on the Commission to take actions to support such efforts and promote investment in new competitive business models that broaden the legal offer of creative and cultural content and restore consumer trust and confidence online;

Or. en

Amendment 12

Sabine Verheyen, Marc Joulaud, Giorgos Grammatikakis, Therese Comodini Cachia

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Calls for the action plan to be implemented quickly, so that, if necessary, the measures needed to enforce IPR, in particular in the cultural and creative sector, can be revised in the near future to take account of real needs;

Or. de

Oral Amendment 3 by Sabine Verheyen **on Amendment 13** (Sabine Verheyen, Marc Joulaud, Giorgos Grammatikakis, Therese Comodini Cachia)

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Points out that in the cultural and creative sector in particular cooperation, including on the basis of self-regulation, between rights holders, authors, platform operators, intermediaries and final consumers should be encouraged with a view to detecting IPR infringements at an early stage; emphasises that the effectiveness of such self-regulation must be assessed by the Commission in the near future and that further legislative measures may be necessary to supervise it;

Amendment 14
Sabine Verheyen, Marc Joulaud, Giorgos Grammatikakis, Therese Comodini Cachia
Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1c. Emphasises that in the cultural and creative sector payment service providers should be involved in the dialogue with a view to reducing the profits generated by IPR infringements in the online sphere;

Or. de

Amendment 15

Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Giorgos Grammatikakis, Therese Comodini Cachia

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1a. Notes that the system for the notification and removal, one URL at a time, of content that infringes IPR, has practical limitations in view of the speed with which the content in question can be made available again; calls, therefore, on operators in this sector to start thinking about how to make the notification and removal system more effective in the long term;

Or. fr

Amendment 16

Marc Joulaud, Jean-Marie Cavada, Giorgos Grammatikakis, Therese Comodini Cachia, Sabine Verheyen

Draft opinion

Paragraph 1 b (new)

Draft opinion

Amendment

1b. Notes that, in Member States where this is permitted by law, the blocking by a court ruling of internet sites which allow IPR infringements has practical limitations in the long term;

Or. fr

Amendment 17

Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta, Therese Comodini Cachia

Draft opinion

Paragraph 1 c (new)

Draft opinion

Amendment

1c. Notes that, where IPR infringements are committed by the public, this is sometimes because it is hard or impossible to find the desired content offered legally; calls, therefore, for a wide range of user-friendly legal offers to be developed and promoted to the public;

Amendment 18
Therese Comodini Cachia, Sabine Verheyen
Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Stresses a more holistic approach with a focus on how to meet consumer demand by increasing the availability and the consumption of a legal, innovative and affordable legal offer, based on business models adapted to the Internet which allow to remove barriers to the creation of a truly European Digital Single Market, but keep the balance among the rights of the consumers and the protection of innovators and creators;

Or. en

Amendment 22
Giorgos Grammatikakis, Silvia Costa, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia
Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Stresses that in the interests of innovation, creativity and competitiveness, it is crucial ***that the IPR infrastructure is transparent and that full information is available to the public and to all other actors concerned;***

2. Stresses that in the interests of innovation, creativity and competitiveness, it is crucial ***to achieve a meaningful enforcement of IPR through a fully transparent, holistic, balanced and flexible system that can react rapidly to the evolving challenges that face the EU knowledge economy in the digital era;***

Or. en

Amendment 26
Giorgos Grammatikakis, Silvia Costa, Sabine Verheyen, Emma McClarkin, Therese Comodini Cachia
Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Takes account of the need for a stable

and harmonised framework for the enforcement of IPR and recalls that the current legal framework constitutes no impediment to the development of multi-territory licensing systems; to this end encourages the Commission to take note of the European unitary patent and the current revision of the trademark regulation as well as the high fragmentation of cultural and creative markets along cultural and linguistic lines;

Or. en

**Amendment 27
Bogdan Brunon Wenta
Draft opinion
Paragraph 2 a (new)**

Draft opinion

Amendment

2a. Points out that all the actors involved in the distribution chain should cooperate in the elaboration of information campaigns which would allow consumers to have access to the information on their rights and obligations while accessing and using creative content in an accessible way;

Or. en

**Amendment 28
Marlene Mizzi
Draft opinion
Paragraph 2 a (new)**

Draft opinion

Amendment

2a. Reiterates that a modern pro-competitive and consumer friendly copyright framework is needed, one that also supports the creativity and innovation by guaranteeing safe, adequate and secure environment for inventors and creators;

Or. en

Amendment 29
Marlene Mizzi
Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Is of the opinion that the implementation of effective measures against all infringements of IPR, taking into account today's digital world and the various means of distribution, the rights of holders while guaranteeing a balance between all interests at stake and the rights of consumers providing them with easy access to the widest possible choice of legal content, will only contribute to the economic development and growth, employment and wealth creation;

Or. en

Amendment 30
Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Emma McClarkin, Therese Comodini Cachia
Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Stresses in particular that in order to achieve a meaningful enforcement of IPR, full information should include a clear indication of the type of IPR (for example patent, trademark, copyright), ***the status of its validity and*** the identity of the owners;

3. Stresses in particular that in order to achieve a meaningful enforcement of IPR, full information should include a clear indication of the type of IPR (for example patent, trademark, copyright), the identity of the owners ***and where relevant the status of its validity;***

Or. en

Amendment 32
Eider Gardiazabal Rubial
Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Emphasises that in order to stimulate innovation and competitiveness in knowledge-based sectors in the Union, ***IPR enforcement should not prevent*** open research and knowledge sharing, which are

4. Emphasises that in order to stimulate innovation and competitiveness in knowledge-based sectors in the Union, ***in a manner compatible with intellectual property rights, it is necessary to stimulate***

also identified as key elements in the 'Global Europe' and 'Europe 2020' strategies;

open research and knowledge sharing, which are also identified as key elements in the 'Global Europe' and 'Europe 2020' strategies;

Or. es

Oral Amendment 4 by Giorgos Grammatikakis **on Amendment 35** (Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia)

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Emphasises the need for ~~preventive measures and~~ precise detection systems that lead to the swift interruption of commercial scale IPR infringing activities;

Oral Amendment 5 by Sabine Verheyen **on Amendment 36** (Sabine Verheyen, Marc Joulaud, Therese Comodini Cachia)

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Points out that the monies income generated by ~~enforcing using~~ IPR represent an important source of outside funding for research projects and thus a driving force for innovation and development and cooperation between universities and firms;

Oral Amendment 6 by Marc Joulaud **on Amendment 37** (Marc Joulaud, Sabine Verheyen, Giorgos Grammatikakis, Bogdan Brunon Wenta, Therese Comodini Cachia)

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Stresses the importance of sector-based agreements and good practice guides to combat IPR infringements; calls on operators in the industry to exchange information about platforms giving access to content that infringes IPR, and to take coordinated and proportionate measures, such as notice and takedown, to reduce the income from such content or platforms; notes that such measures should not include the non-judicial blocking of websites;

Oral Amendment 7 by Marc Joulaud **on Amendment 38** (Marc Joulaud, Sabine Verheyen, Giorgos Grammatikakis, Bogdan Brunon Wenta, Therese Comodini Cachia, Jean-Marie Cavada)

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4b. Insists that remedies be put in place for platforms adversely affected by any measure having a financial impact taken to combat commercial infringements of IPR by operators in the sector on the basis of exchange of information;

Oral Amendment 8 by Marc Joulaud **on Amendment 39** (Marc Joulaud, Sabine Verheyen, Giorgos Grammatikakis, Therese Comodini Cachia, Jean-Marie Cavada)

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4c. Notes that some ‘cyberlocker’ platforms pay their users on the basis of the number of registered downloads of their files, which is an incitement to disseminate content that infringes IPR; calls, therefore, on the Member States to take proportionate steps to prevent such practices;

Amendment 40
Marc Joulaud, Sabine Verheyen, Giorgos Grammatikakis, Therese Comodini Cachia, Jean-Marie Cavada
Draft opinion
Paragraph 4 d (new)

Draft opinion

Amendment

4d. Points out that ‘cyberlocker’ platforms are one of the main hubs for IPR infringements, from which they indirectly derive income via advertising and/or subscriptions;

Or. fr

Amendment 41
Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia
Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Recalls that potential health and safety risks of marketed goods are a very serious issue; stresses in this context that the quality of a product is a different issue from the status of IPR and whether there has been an infringement, and thus should be dealt with separately.

5. Stresses that IPR infringing products not only cause the direct loss of revenue to legitimate businesses but also lead to direct and indirect job losses, to reputational damage and to increased enforcement costs whilst often having links to organised crime and posing potential health and safety risks;

Or. en

Amendment 43

Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Therese Comodini Cachia

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Encourages the Commission when addressing whether there is a need to adapt the IPR enforcement legislation to the digital era to safeguard the fair balance between all key actors in the supply chain whilst fully respecting the Charter of Fundamental Rights of the European Union, namely the protection of personal data and respect for private life, the right to property and the right to access to justice;

Or. en

Amendment 44

Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia

Draft opinion

Paragraph 5 b (new)

Draft opinion

Amendment

5b. Recalls that several other issues of IPR enforcement not included in the Action Plan were identified in the consultation process on the civil enforcement of Intellectual Property Rights carried out by the Commission from 2012-2013, including the difficulties in identifying infringers and alleged infringers, the role of intermediaries in assisting the fight against IPR infringements and the attribution of damages in IPR disputes; thus recalls that the Action Plan is only a starting point in securing the enforcement of IPR;

Or. en

Amendment 45

Giorgos Grammatikakis, Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Emma McClarkin, Therese Comodini Cachia

Draft opinion

Paragraph 5 c (new)

Draft opinion

Amendment

5c. Calls on the Commission to consider all possible options to address the enforcement of Intellectual Property Rights, including the proposal of more concrete legislative actions.

Or. en

**Amendment 46
Marlene Mizzi
Draft opinion
Paragraph 5 a (new)**

Draft opinion

Amendment

5a. Stresses that the distribution of counterfeited and pirate goods has increased in recent years since these goods are easily circulated online; reaffirms the importance of a Commission's education campaign to raise awareness among consumers, employees and clients and in particular among young people explaining and educating them on the economic and social harm caused by commercial scale IP infringements activity.

Or. en

**Amendment 47
Isabella Adinolfi
Draft opinion
Paragraph 5 a (new)**

Draft opinion

Amendment

5a. Recalls the involvement of the organised crime in international IP-infringing activities and the high importance of delivering a European coordinated solution, strengthening the audit measures, whilst implementing the 'follow the money' principle, to safeguard the consumers' interests and the integrity of the supply chain;

Or. en

Amendment 49

Marc Joulaud, Sabine Verheyen, Jean-Marie Cavada, Giorgos Grammatikakis, Bogdan Brunon Wenta, Therese Comodini Cachia

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Calls on the Commission to study the feasibility of a European label indicating to the public which internet sites are considered free of commercial IPR infringements.

Or. fr