



EDRI position on “IPR enforcement”

We believe that disproportionate and legally questionable efforts to enforce IPR online has significant negative effects for the fundamental rights of all concerned. As the UNESCO Convention on Protection and Promotion of the Diversity of Cultural Expression states: “Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed.” (emphasis added)

We urge the European Parliament to support the following points;

1. Ask the European Commission provide guidance to Member States to ensure that they fulfil their obligations with regard to the balance of rights being respected in cases of enforcement measures being undertaken by online intermediaries.
2. Ask the European Commission to ensure that review processes are implemented in relation to injunctions imposed in Member States, in order to verify ongoing compliance with the Charter of Fundamental Rights.
3. Ask the European Commission to take the lead in responding to the Council of Europe Human Rights Commissioner's call for states to “stop relying on private companies that control the Internet and the wider digital environment to impose restrictions that are in violation of the state’s human rights obligations”.
4. Ask the European Commission to clarify its plans on a “follow the money” approach. As this currently involves US companies imposing US law in an ad hoc basis around the world, is the Commission simply giving approval to this extra-territorial application of US law in the European Union?
5. Ask the Commission if it still believes, as it did when preparing its “roadmap” for revision of the IPR Enforcement Directive, that a clearer definition of “commercial scale” is necessary.
6. Ask the European Commission to carry out a rigorous assessment on the quality of the work of the Observatory on infringements of intellectual property, in consultation with all relevant stakeholders.