

**EDRi comments on the DRAFT OPINION of the Committee on the Internal Market and Consumer Protection for the Committee on Legal Affairs on ‘Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU Action Plan’ (2014/2151(INI))**

**Rapporteur: Catherine Stihler**

**OPPOSE**

*Draft opinion*

*EDRi Amendment*

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

There is no agreed understanding of the concept of “follow the money”. It is a US concept that refers to US companies withdrawing their services unilaterally, to implement US law. We note, however, that the rapporteur acknowledges that lack of clarity from the Commission, referring to “a” follow the money approach, which also indicates that clarification is needed. With regard to “commercial scale”, the Commission itself has indicated that the definition may need improvement “so as to make sure that professional counterfeiters rather than individual consumers are targeted”.

[http://ec.europa.eu/smart-regulation/impact/planned\\_ia/docs/2011\\_markt\\_006\\_review\\_enforcement\\_directive\\_ipr\\_en.p](http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2011_markt_006_review_enforcement_directive_ipr_en.p)

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**OPPOSE**

*Draft opinion*

*EDRi Amendment*

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

While it is true that Memoranda of Understanding (which are generally voluntary) can be useful in some circumstances, it is important that they be negotiated with due respect for all stakeholders, the rule of law and fundamental rights.

**OPPOSE**

*Draft opinion*

*EDRi Amendment*

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

Same comment as in point 2 on "commercial scale infringements"

**OPPOSE**

*Draft opinion*

*EDRi Amendment*

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

Same as for point 3 on the use of "voluntary measures".