

In line with our our analysis of the Draft Report, European Digital Rights would like to comment on the amendments tabled to JURI's Draft Report on Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU Action Plan 2014/2151(INI)

The left column repeats the original Draft Report; the right column contains the amendments proposed by the members of JURI. Our comments can be found below.

For ease of reading, the headings are highlighted and marked with colours and symbols as follows:



green (++) for amendments we welcome;



yellow (+) for amendments which pursue good aims, but could benefit from further suggested improvements;



red (-) for amendments which in our view should be reconsidered;

grey for amendments in which we do not have a position.

A short justification is given, when relevant.

Amendment 1 Max Andersson, Lidia Joanna Geringer de Oedenberg Motion for a resolution Citation 1 a (new)

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Motion for a resolution	Amendment
	- having regard to Article 17 of the Charter of Fundamental Rights of the European Union,

Or. en

Amendment 2
Jean-Marie Cavada
Motion for a resolution
Citation 2 a (new)

Motion for a resolution	- Amendment
	- having regard to Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003,

Or. fr

Amendment 3
Jean-Marie Cavada, Marc Joulaud
Motion for a resolution
Citation 2 b (new)

	-
Motion for a resolution	Amendment
	- having regard to the report submitted by OHIM and the EPO in September 2013, entitled 'Intellectual property rights intensive industries: contribution to economic performance and employment in the European Union',

Comments: The data of that report has been already challenged by its lack of accuracy: p://copyright4creativity.eu/wp-content/uploads/2014/06/COPYRIGHT-MYTHS-FACTSHEttET1-23062014.pdf

This report has been widely regarded as only having very limited value for assessing the actual contributions, if any, to performance and employment in the European Union.

Amendment 4 Lidia Joanna Geringer de Oedenberg Motion for a resolution Citation 8 a (new)

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Motion for a resolution	Amendment
	8a having regard to the Commission's plan to create a single EU digital market and to Parliament's resolution of 20 April 2012 on a competitive digital single market;

Or. pl

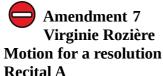
Amendment 5 Daniel Buda Motion for a resolution Citation 14 a (new)

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Motion for a resolution	Amendment
	- having regard to Article 27 of the Universal Declaration of Human Rights, which stipulates that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the author,

Or. ro

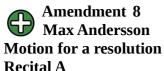
Amendment 6 Kostas Chrysogonos, Jiří Maštálka Motion for a resolution Recital A

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Motion for a resolution	Amendment
A. whereas intellectual property rights are one of the driving forces of innovation and creativity and a key contributor to competitiveness and employment; whereas the enforcement of intellectual property rights plays a significant role in ensuring consumers' health and safety; whereas counterfeiting is generally linked with a black economy;	A. whereas intellectual property rights are one of the driving forces of innovation and creativity and a key contributor to competitiveness and employment;



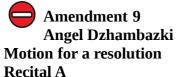
Recital A	
	_
Motion for a resolution	Amendment
A. whereas intellectual property rights are	A. whereas intellectual property rights are
one of the driving forces of innovation and	one of the driving forces of innovation and
creativity and a key contributor to	creativity and a key contributor to
competitiveness <i>and</i> employment; whereas	competitiveness, employment and cultural
the enforcement of intellectual property	<i>diversity</i> ; whereas the enforcement of
rights plays a significant role in ensuring	intellectual property rights plays a
consumers' health and safety; whereas	significant role in ensuring consumers'
counterfeiting is generally linked with a	health and safety; whereas revenue from
black economy;	counterfeiting generally <i>feeds into the</i>
-	black economy;
Comments: The link between the broad term of intellectual property rights (which includes	
also copyright and trademarks) to health and safety is not at all obvious.	

Or. fr



NCCItal A	
+	+
Motion for a resolution	Amendment
A. whereas intellectual property rights are one of the driving forces of innovation and creativity and a key contributor to competitiveness and employment; whereas the enforcement of intellectual property rights <i>plays a significant</i> role in ensuring consumers' health and safety; whereas counterfeiting is generally linked with a black economy;	A. whereas intellectual property rights are one of the driving forces of innovation and creativity and a key contributor to competitiveness and employment; whereas product authenticity must not be conflated with product safety and product quality issues, the enforcement of intellectual property rights could also play a role in ensuring consumers' health and safety; whereas counterfeiting is generally linked with a black economy;

Or. en

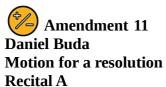


Recital A	
	-
Motion for a resolution	Amendment
A. whereas intellectual property rights are	A. whereas intellectual property rights are
one of the driving forces of innovation and	one of the driving forces of innovation and
creativity and a key contributor to	creativity and a key contributor to
competitiveness and employment; whereas	competitiveness and employment; whereas
the enforcement of intellectual property	the enforcement of intellectual property
rights plays a significant role in ensuring	rights plays a significant role in ensuring
consumers' health and safety; whereas	consumers' health and safety; whereas
counterfeiting is generally linked with a	counterfeiting is generally linked with a
black economy;	black economy and organised crime,
	through financial contributions;
Comments: Same as for amendment 7. There is no factual basis for this assertion.	
Comments, Same as for amenancia /. There is no factual busis for this assertion.	

Or. en

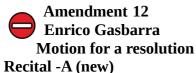
Amendment 10 Lidia Joanna Geringer de Oedenberg Motion for a resolution Recital A

Motion for a resolution	Amendment
A. whereas intellectual property rights are one of the driving forces of innovation and creativity and a key contributor to competitiveness and employment; whereas the enforcement of intellectual property rights plays a significant role in ensuring consumers' health and safety; whereas counterfeiting is generally linked with a black economy;	A. whereas <i>the creation of a single EU digital market and</i> intellectual property rights are one of the driving forces of innovation and creativity and a key contributor to competitiveness and employment; whereas the enforcement of intellectual property rights plays a significant role in ensuring consumers' health and safety; whereas counterfeiting is generally linked with a black economy;

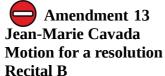


	Amendment A. whereas intellectual property rights
	A whereas intellectual property rights
creativity and a key contributor to competitiveness and employment; whereas the enforcement of intellectual property rights plays a significant role in ensuring consumers' health and safety; whereas counterfeiting is generally linked with a black economy;	(IPRs) are legal rights relating to creations from intellectual activities in the industrial, scientific, literary and artistic fields; whereas IPRs enable creators or holders of the patent for an invention, of a trademark or of a work protected by copyright to subsequently benefit from their work and their investment; whereas intellectual property rights are one of the driving forces of innovation and creativity and a key contributor to competitiveness and employment; whereas the enforcement of intellectual property rights plays a significant role in ensuring consumers' health and safety; whereas counterfeiting is generally linked with a black economy;

Or. ro



Motion for a resolution	- Amendment
	-A. whereas particular emphasis is placed on intellectual property in Article 118 of the Treaty of Lisbon and in Article 17 of the Charter of Fundamental Rights of the European Union;
This amendment suggests 'intellectual property' taking precedent over other forms of property and other fundamental rights described in the Charter of the fundamental rights of the European Union, which established case law of the CJEU indicates it does not.	



Recital D	
Motion for a resolution	Amendment
B. whereas the EU faces a high number of intellectual property rights infringements, and whereas the volume and financial value of these infringements are alarming, as reported by the Commission in its report on the application of the Directive on the enforcement of intellectual property rights (COM(2010)0779);	B. whereas the EU faces a high number of intellectual property rights infringements, and whereas the volume and financial value of these infringements are alarming, as reported by the Commission in its report on the application of the Directive on the enforcement of intellectual property rights (COM(2010)0779); whereas these figures also illustrate the added value which IPR represent for the European economy in global competition;

Or. fr

Amendment 14 Dietmar Köster Motion for a resolution Recital B

Recital B	
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Motion for a resolution	Amendment
B. whereas the EU faces a high number of intellectual property rights infringements, and whereas the volume and financial value of these infringements are <i>alarming</i> , as reported by the Commission in its report on the application of the Directive on the enforcement of intellectual property rights (COM(2010)0779);	B. whereas the EU faces a high number of intellectual property rights infringements, and whereas the volume and financial value of these infringements are <i>not insubstantial</i> , as reported by the Commission in its report on the application of the Directive on the enforcement of intellectual property rights (COM(2010)0779);
Comment: Although its meaning is not very clear, it is the best available amendment on this point.	

Amendment 15
Lidia Joanna Geringer de Oedenberg
Motion for a resolution
Recital B

Motion for a resolution	Amendment
B. whereas the EU faces a high number of intellectual property rights infringements, and whereas the volume and financial value of these infringements are alarming, as reported by the Commission in its report on the application of the Directive on the enforcement of intellectual property rights (COM(2010)0779);	B. whereas the EU faces a high number of intellectual property rights infringements, and whereas the volume and financial value of these infringements are alarming, as reported by the Commission in its report on the application of the Directive on the enforcement of intellectual property rights (COM(2010)779); in spite of the small reduction in the number of packages suspected of infringing intellectual property rights, customs authorities noted as many as 87 000 incidents of such abuses in 2013, while the value of the 36 million articles seized is estimated at more than EUR 768 million;

Or. pl

Amendment 16
Therese Comodini Cachia
Motion for a resolution
Recital B a (new)

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Motion for a resolution	Amendment
	Ba. whereas IPR infringements including counterfeiting discourages growth, job creation, innovation and creativity;
There does not seem to be factual basis for this assertion.	

Or. en

Amendment 17
Constance Le Grip
Motion for a resolution
Recital B a (new)

Motion for a resolution	Amendment
	Ba. whereas infringements of IPR cause both non-material and economic damage to European undertakings and bring about heavy economic and fiscal losses to States;

Amendment 18
Virginie Rozière
Motion for a resolution
Recital B a (new)

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Motion for a resolution	Amendment
	Ba. whereas adequate protection of intellectual property rights is a prerequisite for the development of the digital economy and of the digital single market;
Comments: There is no factual basis for this assertion.	

Or. fr

Amendment 19
Constance Le Grip
Motion for a resolution
Recital C

<u> </u>	
Motion for a resolution	Amendment
C. whereas the development of e-commerce and online activities has changed the way IPR enforcement should be considered, particularly because it affords new possibilities for infringement;	C. whereas the development of e- commerce and online activities has changed the way IPR enforcement <i>in the</i> <i>digital environment</i> should be considered, particularly because it affords new possibilities for infringement;

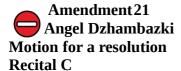
Or. fr

Amendment 20 Enrico Gasbarra Motion for a resolution Recital C

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Motion for a resolution	Amendment
C. whereas the development of e-commerce and online activities has changed the way IPR enforcement should be considered, particularly because it affords new possibilities for infringement;	C. whereas the development of e-commerce and online activities has changed the way IPR enforcement should be considered, particularly because it affords new possibilities for infringement, owing not least to new social behavioural patterns among users;
Comments: Music sharing happened in the era of cassette tapes. Studies show that some of	

comments: Music sharing happened in the era of cassette tapes. Studies show that some of this new patterns include spending more money spent in certain cultural products:

http://www.europeandigitalmedia.org/uploads/Press/documents/EDiMA-CCIA Technology %20is%20Culture.pdf



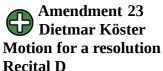
	-
Motion for a resolution	Amendment
C. whereas the development of e-commerce and online activities has changed the way IPR enforcement should be considered, particularly because it affords new possibilities for infringement;	C. whereas the <i>rapidly increasing</i> development of e-commerce and online activities has changed the way IPR enforcement should be considered <i>in the digital environment</i> , particularly because it affords new possibilities for infringement;

Or. en

Amendment 22 Lidia Joanna Geringer de Oedenberg Motion for a resolution Recital C a (new)

Motion for a resolution	Amendment
	Ca whereas the placing on the market of goods that are counterfeit, uncertified and not in compliance with EU standards may be harmful to consumers' health and lives;
Comments: This falls outside EDRi's scope.	

Or. pl



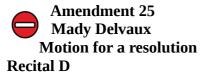
Recital D	
+	+
Motion for a resolution	Amendment
<i>D.</i> whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ ;	deleted
⁸ See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.	
Comments: The rapporteur's original text does	not correctly reflect what the OHIM report

Comments: The rapporteur's original text does not correctly reflect what the OHIM report actually says.

Amendment 24 Axel Voss, Angelika Niebler Motion for a resolution Recital D

+	+
Motion for a resolution	Amendment
<i>D.</i> whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ ;	deleted
⁸ See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.	
Comments: Same comment as for amendment	23.

Or. de

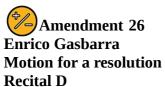


Motion for a resolution
D. whereas there is a certain level of
tolerance among Europeans for the idea
that IPR infringements could be considered
legitimate, especially among the young
generation ⁸ ;

D. whereas there is a certain level of
tolerance among <i>a substantial minority of</i>
Europeans for the idea that IPR
infringements could be considered
acceptable;

Amendment

⁸ See OHIM Report 'European Citizens
and intellectual property: perception,
awareness and behaviour', November
2013



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Motion for a resolution	+Amendment
D. whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ ;	D. whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ as well as poor understanding of which types of web content use are permitted;
⁸ See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.	8 See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.
Comment: The intent of the added text is positive, but the amendment leaves the misrepresentation of the OHIM report unchanged.	

Or. it

Amendment 27 Max Andersson, Lidia Joanna Geringer de Oedenberg Motion for a resolution

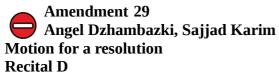
Recital D

Motion for a resolution	Amendment
D. whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ ;	D. whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ and entrepreneurial start-up companies;
8 See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.	8 See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.

Amendment 28 Constance Le Grip Motion for a resolution Recital D

Motion for a resolution	Amendment
D. whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ ;	D. whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ ; whereas this is particularly attributable to the fact that citizens/consumers are insufficiently aware of the disastrous impact of counterfeiting, which has become a global phenomenon with alarming economic and social consequences, with production sites and extensive distribution networks, particularly using the internet;
8 See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.	8 See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.

Or. fr

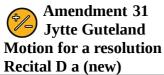


Motion for a resolution	Amendment
D. whereas there is a <i>certain</i> level of <i>tolerance</i> among <i>Europeans for the idea that</i> IPR infringements <i>could be considered legitimate</i> , <i>especially among the young generation</i> ⁸ ;	D. whereas there is a significant level of unawareness, especially among young people throughout the EU, regarding the potential consequences of IPR infringements on the European economy and on the general safety of citizens;
⁸ See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.	

Amendment 30 Lidia Joanna Geringer de Oedenberg Motion for a resolution Recital D

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Motion for a resolution	Amendment
D. whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ ;	D. whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered legitimate, especially among the young generation ⁸ , due to a lack of suitable knowledge of the rights they enjoy and the rules that they should not break;
8 See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November	8 See OHIM Report 'European Citizens and intellectual property: perception, awareness and behaviour', November 2013.
2013. Comments: This amendment says that the OHI	,

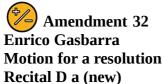
Or. pl



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Motion for a resolution	Amendment
	Da. whereas there is a certain level of knowledge gap among the younger generation regarding actions considered as infringements of intellectual property rights;
Comments: As above the undate of the co	urrent norms to the habits of the XXI century is a

Comments: As above, the update of the current norms to the habits of the XXI century is a major cause of "infringements" since they go against what is natural for today's consumers. There is also a credibility gap as regards what the younger generation believes should be an infringement of intellectual property.

Or. en



recital b a (new)	
Motion for a resolution	+ Amendment
	Da. whereas it is necessary and possible to run suitable user awareness and information campaigns, particularly for younger users, on the social and cultural importance of copyright;
g ,	it will not be possible to make users believe that

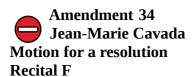
Comments: Although this may beneficial, it will not be possible to make users believe that restrictions that they consider legitimate, such as format shifting or breaking copy protections that are preventing private copying, for which a levy has already been paid..

Or. it

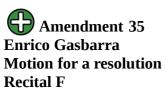
Amendment 33 Lidia Joanna Geringer de Oedenberg Motion for a resolution Recital E

11001001	
+	
Motion for a resolution	Amendment
E. whereas no one should make a profit out of IPR infringements;	E. whereas there is a need to redouble efforts to combat the illegal trade in counterfeit goods, and no one should make a profit out of IPR infringements;
Comments: This amendment is out of EDRi's scope.	

Or. pl



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Motion for a resolution	Amendment
F. whereas law enforcement is essential, and whereas it is of the utmost importance to find effective means of enforcing IPR;	F. whereas law enforcement is essential, and whereas <i>Member States must adopt measures to enforce</i> IPR <i>effectively</i> ;



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Motion for a resolution	Amendment
F. whereas law enforcement is essential, and whereas it is of the utmost importance to find effective means of enforcing IPR;	F. whereas law enforcement is essential, and whereas it is of the utmost importance, in the context of upholding fundamental rights and of data protection, to find effective means of enforcing IPR;

Or. it



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Motion for a resolution	Amendment
F. whereas law enforcement is essential, and whereas it is of the utmost importance to find effective means of enforcing IPR;	F. whereas law enforcement is essential with regard to the foreseeability of the law, and whereas it is of the utmost importance to find effective, proportionate and dissuasive means of enforcing IPR;

Or. en

Amendment 37
Dietmar Köster
Motion for a resolution
Recital F

Motion for a resolution	Amendment
F. whereas law enforcement is essential, and whereas it is of the utmost importance to find effective means of enforcing IPR;	F. Whereas <i>Directive 2000/31/EC</i> (the <i>Electronic Commerce Directive</i>) is an <i>appropriate</i> means of enforcing IPR.



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Motion for a resolution	Amendment
F. whereas law enforcement is essential, and whereas it is of the utmost importance to find effective means of enforcing IPR;	F. whereas law enforcement is essential, and whereas it is of the utmost importance to find effective means of enforcing IPR, particularly on the internet, which has become the prime channel for distribution of counterfeits;
Comment: The European Parliament cannot demand evidence-based policy making from the Commission and then adopt reports that make baseless assertions of this kind.	

Or. fr

Amendment 39
Axel Voss, Angelika Niebler
Motion for a resolution
Recital F

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Motion for a resolution	Amendment	
F. whereas law enforcement is essential, and whereas it is of the utmost importance to find effective means of enforcing IPR;	F. whereas law enforcement is essential, and whereas it is of the utmost importance to find effective means of enforcing IPR	
<i>across borders</i> ; While we are deeply unconvinced by the original text, this amendment does not materially		
improve it.	,	



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Motion for a resolution	Amendment
G. whereas IPR infringements have <i>a particular</i> impact on SMEs, <i>including in</i>	G. whereas IPR infringements have <i>an</i> impact on SMEs <i>and on</i> business-to-
business-to-business services, and can lead to the loss of markets and bankruptcy;	business services, and can lead to the loss of markets and bankruptcy;

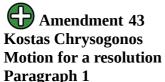
Amendment 41 Therese Comodini Cachia Motion for a resolution Recital G

Motion for a resolution	Amendment
G. whereas IPR infringements have a particular impact on SMEs, including in business-to-business services, and can lead to the loss of markets <i>and bankruptcy</i> ;	G. whereas IPR infringements have a particular impact on SMEs, including in business-to-business services, and can lead to the loss of markets, <i>bankruptcy and loss of jobs</i> ;

Or. en



Paragrapii 1		
	-	
Motion for a resolution	Amendment	
1. Welcomes the communication of the	1 Wolcomes in principle the	
	1. Welcomes <i>in principle</i> the	
Commission of 1 July 2014 presenting an	communication of the Commission of 1	
action plan on the enforcement of	July 2014 presenting an action plan on the	
intellectual property rights; <i>supports its</i>	enforcement of intellectual property rights;	
approach to IPR enforcement, based on		
preventive actions and on policy tools		
which intend to deprive commercial-scale		
infringers of their revenues and make it		
more difficult for infringing goods to be		
put on the market;		
Comments: Despite the deletion of the years form of commercial scale infringement, the		
Comments: Despite the deletion of the vague term of commercial-scale infringement, the Communication presents many unresolved issues that would need to be addressed:		
https://edri.org/enditorial-commission-commun	nication-ip-enforcement	



Paragraph 1	
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Motion for a resolution	Amendment
1. Welcomes the communication of the Commission of 1 July 2014 presenting an action plan on the enforcement of intellectual property rights; supports its approach to IPR enforcement, based on preventive actions and on policy tools which intend to <i>deprive commercial-scale infringers of their revenues and</i> make it more difficult for infringing goods to be put on the market;	1. Welcomes the communication of the Commission of 1 July 2014 presenting an action plan on the enforcement of intellectual property rights; supports its approach to IPR enforcement, based on preventive actions and on policy tools which intend to make it more difficult for infringing goods to be put on the market, and calls to define what 'commercial-scale infringements' are so as to deprive 'commercial-scale' infringers of their
	revenues;

Or. en

Amendment 44 Axel Voss, Angelika Niebler Motion for a resolution Paragraph 1

Paragraph 1	
	-
Motion for a resolution	Amendment
1. Welcomes the communication of the	1. Welcomes the communication of the
Commission of 1 July 2014 presenting an	Commission of 1 July 2014 presenting an
action plan on the enforcement of	action plan on the enforcement of
intellectual property rights; supports its	intellectual property rights; supports its
approach to IPR enforcement, based on	approach to IPR enforcement, based on
preventive actions and on policy tools	preventive actions and on policy tools
which intend to deprive commercial-scale	which intend to deprive commercial-scale
infringers of their revenues and make it	infringers of their revenues and make it
more difficult for infringing goods to be	more difficult for infringing goods <i>and</i>
put on the market;	services to be put on the market;
Comments: The Communication presents many unresolved issues that would need to be addressed. Amendment 43 is more precise and is preferable over this one. See also:	
https://edri.org/enditorial-commission-commun	nication-ip-enforcement/

Amendment 45 Dietmar Köster Motion for a resolution Paragraph 1 a (new)

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Motion for a resolution	Amendment
	1a. Calls on the Commission to ensure that one of the main objectives of the EU action plan is to provide reliable data on the socio-economic impact of commercial-scale IPR infringements;

Or. de

Amendment 46
Virginie Rozière
Motion for a resolution
Paragraph 1 a (new)

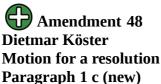
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Motion for a resolution	Amendment
	1a. Considers that respect for the exercise of intellectual property rights and efforts to combat counterfeiting should be the main objectives of the action plan;
Comments: The action plan should go further than that.	

Or. fr

Amendment 47
Dietmar Köster
Motion for a resolution
Paragraph 1 b (new)

	+
Motion for a resolution	Amendment
	1b. Stresses that, at times of financial crisis, when major cuts are being made in financial support for the cultural sector,
	IPR are often among individual creators' main sources of income; stresses,
	therefore, that ensuring fair remuneration for creators should be a
	crucial element of the EU action plan;

Comments: While the call for fair remuneration of authors is positive, the mention of IPR is a source of income is both vague and inaccurate, since IPR includes many different topics (for example, patents) which are not related to individual creators income.



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Motion for a resolution	Amendment
	1c. Takes the view that in the interests of innovation, creativity and competitiveness, it is crucial that IPR protection measures are transparent and that full information is available to the public and to all other actors concerned;

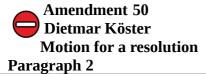
Or. de

Amendment 49
Jean-Marie Cavada, Marc Joulaud
Motion for a resolution
Subheading 1

Motion for a resolution	Amendment
Involving all actors in the supply chain	Involving all actors in the supply chain, both on line and off line

Comment: If the Draft Report had been more precise and focused on counterfeiting for these articles, the amendment would have been positive. However, given the different topics covered under "IPR infringement" this amendment could mislead to support the involvement of intermediaries in what have been called "voluntary measures", which are in fact a privatised form of law enforcement contrary to the Rule of Law.

Or. fr



Motion for a resolution
2. Believes that all actors in the supply
chain have a role to play in the fight
against IPR infringement and should be
involved in this process; stresses that <i>an</i>
approach <i>involving</i> all actors <i>should be</i>
developed both in the online and in the
offline context;

2. Believes that all actors in the supply chain *in the offline context* have a role to play in the fight against IPR infringement and should be involved in this process; stresses that *the* approach *adopted must involve* all actors

Amendment

Comment: Same as amendment 49.

Amendment 51 Max Andersson, Lidia Joanna Geringer de Oedenberg Motion for a resolution Paragraph 2

raragraph 2	
+	·+
Motion for a resolution	Amendment
2. Believes that all actors in the supply chain have a role to play in the fight against IPR infringement and should be involved in this process; stresses that an approach involving all actors should be developed both in the online and in the offline context;	2. Believes that all actors in the supply chain have a role to play in the fight against IPR infringement and should be involved in this process; stresses that an approach involving all actors should be developed both in the online and in the offline context; believes that fundamental rights need to be balanced for this to be successful as measures that impact fundamental rights cannot be undertaken voluntarily by commercial operators, but need a legal basis and judicial oversight;

Or. en

Amendment 52
Angel Dzhambazki, Sajjad Karim
Motion for a resolution
Paragraph 2

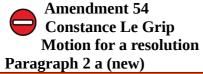
Motion for a resolution	Amendment
2. Believes that all actors in the supply chain have a role to play in the fight against IPR infringement and should be involved in this process; stresses that an approach <i>involving all actors</i> should be developed <i>both in the online and in the offline context</i> ;	2. Believes that all actors in the supply chain have a role to play in the fight against IPR infringement and should be involved in this process; stresses that an approach <i>in both an online and offline context</i> should be developed <i>by all actors in a comprehensive, collaborative and transparent manner</i> ;

Or. en

Amendment 53
Dietmar Köster
Motion for a resolution
Paragraph 2 a (new)

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Motion for a resolution	Amendment
	2a. Stresses that the inclusion of online actors in measures to combat IPR infringements must comply with the principles of Directive 2000/31/EC (the Electronic Commerce Directive) and the Charter of Fundamental Rights of the European Union;

Or. de



Motion for a resolution	Amendment
	2a. Calls on the Commission to work to redefine the status of intermediaries in the current digital environment and to formulate proposals for compelling them to shoulder their responsibilities;

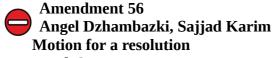
Comment: The "responsibilities" of the intermediaries, specially when they could have an impact on fundamental rights, need to be addressed by the competent judicial authorities and not pushed by political institutions.

Amendment 55 Kostas Chrysogonos, Jiří Maštálka **Motion for a resolution**

Paragraph 3

1 u1 u5 u p 1 0	
-	-
Motion for a resolution	Amendment
3. Believes that applying due diligence	3. Believes that applying due
throughout the supply chain would	diligence, which has a different meaning
improve the business environment and	in the online and the offline environment
contribute to preventing infringing goods	and thus has to be defined
from entering the market; stresses,	accordingly, throughout the supply chain
however, that the cost-benefit ratio of	would improve the business environment
qualitative auditing schemes should be well	and contribute to preventing infringing
assessed and that providing support to	goods from entering the market; stresses,
SMEs should be considered in that respect;	however, that the cost-benefit ratio of
-	qualitative auditing schemes should be well
	assessed and that providing support to
	SMEs should be considered in that respect;
	* '
Comment: Although we welcome the call to define due diligence, there are fundamental	
differences even between what online companies would even qualify as being parts of the	
"supply chain". This is the best available option	ı for paragraph 3.

Or. en



Amendment
3. Believes that applying due diligence throughout the supply chain <i>and enhanced market surveillance and information sharing between customs authorities</i> would improve the business environment and contribute to preventing infringing goods from entering the market; stresses that the cost-benefit ratio <i>and</i>
effectiveness of any qualitative auditing schemes should be well assessed before being pursued and that providing support to SMEs should be a strong consideration in that respect;

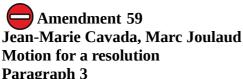
Amendment 57 Dietmar Köster Motion for a resolution Paragraph 3

Amendment
3. Believes that applying due diligence throughout the supply chain, particularly in the interests of SMEs, would improve the business environment and contribute to preventing infringing goods from entering the market; welcomes the Commission's initiative of exploring what EU-wide measures can improve the enforcement of IPR and thus where necessary reduce any dispute costs incurred, particularly for SMEs;

Or. de

Amendment 58 Axel Voss, Angelika Niebler Motion for a resolution Paragraph 3

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Motion for a resolution	Amendment
2. Delicere destangleing des diligense	2 Delicera destruction des diliceras
3. Believes that applying due diligence	3. Believes that applying due diligence
throughout the supply chain would	throughout the supply chain would
improve the business environment and	improve the business environment and
contribute to preventing infringing goods	contribute to preventing infringing goods
from entering the market; stresses,	and services from entering the market;
however, that the cost-benefit ratio of	stresses, however, that the cost-benefit ratio
qualitative auditing schemes should be well	of qualitative auditing schemes should be
assessed and that providing support to	well assessed and that providing support to
SMEs should be considered in that respect;	SMEs should be considered in that respect;
Comment: See amendment 56.	



1 at agraph 5	
	-
Motion for a resolution	Amendment
3. Believes that applying due diligence	3. Believes that, <i>in the context of</i>
throughout the supply chain would	commercial activity, applying due
improve the business environment and	diligence on the part of the various parties
contribute to preventing infringing goods	throughout the supply chain <i>is a key</i>
from entering the market; stresses,	element in combating infringements of
however, that the cost-benefit ratio of	IPR and protecting consumers to the
qualitative auditing schemes should be	maximum, and would improve
well assessed and that providing support	cooperation between undertakings and
to SMEs should be considered in that	contribute to preventing infringing goods
respect;	from entering the market;
•	J/
Comment: See comment for amendment 56.	

Or. fr

Amendment 60 Jean-Marie Cavada Motion for a resolution Paragraph 4

Motion for a resolution		
4. Welcomes the approach of depriving IPR infringers of their revenues by means of agreements between right-holders and their partners; supports the elaboration of memoranda of understanding as soft-law measures to fight against counterfeiting and piracy, and supports the idea of developing such measures further <i>among</i> stakeholders;		

Amendment

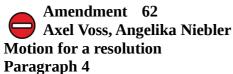
4. Welcomes the approach of depriving IPR infringers of their revenues by means of agreements between right-holders and their partners; supports the elaboration of memoranda of *overall* understanding as soft-law measures to fight against counterfeiting and piracy, and supports the idea of developing such measures further, *involving all* stakeholders *in the value chain*;

Comment: There are no "memoranda of overall understanding". There are "memoranda of understanding" which lead sometimes to privatized enforcement of the law without any judicial supervision.



Paragraph 4	
+	+
Motion for a resolution	Amendment
4. Welcomes the approach of depriving IPR infringers of their revenues by means of agreements between right-holders and their partners; supports the elaboration of memoranda of understanding as soft-law measures to fight against counterfeiting and <i>piracy, and</i> supports the idea of developing such measures further among stakeholders;	4. Welcomes the approach of depriving IPR infringers of their revenues by means of agreements between right-holders and their partners; supports the elaboration of memoranda of understanding as soft-law measures to fight against counterfeiting and supports the idea of developing such measures further among stakeholders; reminds the Commission that it is precluded by the 2003 Inter-Institutional Agreement ^{8a} from supporting self- and coregulatory mechanisms where fundamental rights, such as the right to freedom of expression, are at stake;
	Better Law-Making between the European Parliament, the Council and the Commission (2003/C 321/01)

Or. en



1 urugrupii 1	
	-
Motion for a resolution	Amendment
4. Welcomes the approach of depriving IPR	4. Welcomes the approach of depriving IPR
infringers of their revenues by means of agreements between right-holders and their	infringers of their revenues by means of agreements between right-holders and their
partners; supports the elaboration of memoranda of understanding as soft-law	partners;
measures to fight against counterfeiting and piracy, and supports the idea of	
developing such measures further among stakeholders;	
Comment: Such restrictive measures cannot be enforced by agreements. All that rightholders and their unnamed "partners" can do is to take vigilante action against organisations they	
assume to be breaching IPR	

assume to be breaching IPR.

-	
Motion for a resolution	Amendment
elcomes the approach of depriving IPR gers of their revenues by means of ments between right-holders and their ers; supports the elaboration of branda of understanding as soft-law ures to fight against counterfeiting iracy, and supports the idea of oping such measures further among holders;	4. Welcomes the approach of depriving IPR infringers of their revenues by means of agreements between right-holders and their partners; supports the elaboration of memoranda of understanding as soft-law measures to fight against counterfeiting and piracy, and supports the idea of developing such measures further among stakeholders; In this respect recommends the Commission to conduct a research on how these counterfeiting operations are cross-funding their activities (selling counterfeit products and providing illegal content).
oranda of understanding as soft-law ures to fight against counterfeiting iracy, and supports the idea of oping such measures further among	memoranda of understanding as soft-lar measures to fight against counterfeiting and piracy, and supports the idea of developing such measures further amor stakeholders; In this respect recomment the Commission to conduct a research how these counterfeiting operations are cross-funding their activities (selling counterfeit products and providing ille content).

Or. en

Amendment 64 Max Andersson, Lidia Joanna Geringer de Oedenberg Motion for a resolution Paragraph 5

Paragraph 5	
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Motion for a resolution	Amendment
5. Welcomes the approach taken by the Commission to develop targeted awareness campaigns; believes that it is essential that the concrete consequences of IPR infringements for society as a whole, and for consumers and citizens individually, should be understood by all; believes that consumers should be better informed of what IPR consist of, and what can be done or not done with protected goods and content; calls on the Commission and the Member States to further develop awareness actions aimed at specific	5. Welcomes the approach taken by the Commission to develop targeted awareness campaigns; believes that it is essential that the concrete consequences of IPR infringements for society as a whole, and for consumers and citizens individually, should be understood by all; believes that consumers should be better informed of what IPR consist of, and what can be done or not done with protected goods and content as foreseeability of the law is a precondition for its respect; calls on the Commission and the Member States to
audiences and relevant markets;	further develop awareness actions aimed at specific audiences and relevant markets;



Angel Dzhambazki Motion for a resolution Paragraph 5

Motion for a resolution

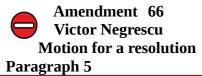
Amendment

5. Welcomes the approach taken by the Commission to develop targeted awareness campaigns; believes that it is essential that the concrete consequences of IPR infringements for society as a whole, and for consumers and citizens individually, should be understood by all; believes that consumers should be better informed of what IPR *consist of*, *and* what can be done or not done with protected goods and content; calls on the Commission and the Member States to further develop awareness actions aimed at specific audiences and relevant markets;

5. Welcomes the approach taken by the Commission to develop targeted awareness campaigns; believes that it is essential that the concrete consequences of IPR infringements for society as a whole and for consumers and citizens individually should be understood by all; believes that consumers should be better informed of what IPR consists of, its important contribution to jobs in the European **Union**, what can be done or not done with protected goods and content and the effects of IPR infringements on criminal activity; calls on the Commission and the Member States to work with the European **Observatory on Infringements** of IPRs to further develop awareness actions aimed at specific audiences and relevant markets;

Comments: In light of the structural problems of the European Observatory and the lack of accuracy of their studies, we cannot support this amendment.

Or. en



Motion for a resolution	Amendment
5. Welcomes the approach taken by the Commission to develop targeted awareness campaigns; believes that it is essential that the concrete consequences of IPR infringements for society as a whole, and for consumers and citizens individually, should be understood by all; believes that consumers should be better informed of what IPR consist of, and what can be done or not done with protected goods and	5. Welcomes the approach taken by the Commission to develop targeted awareness campaigns; believes that it is essential that the concrete consequences of IPR infringements for society as a whole, and for consumers and citizens individually, should be understood by all; believes that consumers should be better informed of what IPR consist of, and what can be done or not done with protected goods and
content; calls on the Commission and the Member States to further develop awareness actions aimed at specific audiences and relevant markets;	content; calls on the Commission and the Member States to further develop awareness actions aimed at specific audiences and relevant markets; <i>In this</i>

respect recommends the Commission to further entrust the European Observatory on Counterfeiting and Piracy with a new public online platform containing Intellectual Property Rights guidelines such as the United Kingdom's IPO - I.P. Guide for Universities in order for people to have a better understanding of their work and their intellectual property of it.

Comments: In light of the structural problems of the European Observatory and the lack of accuracy of their studies, we cannot support this amendment.

Or. en

Amendment 67
Victor Negrescu
Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution	Amendment
	5a. Recommends a broader information campaign regarding the Intellectual Property Right Holders and Enforcement Authorities Platform so that right holder have a more active role in defending their rights across the European Union through the Enforcement Database secure network integration with the Directorate-General for Taxation and Customs Union. Further integration with the Police authorities and other customs of the world should be faster implemented for a better enforcement of Intellectual Property Rights.

Comments: The proposal to integrate right holders into enforcement and police authorities raises questions into how private actors potentially interfering in fundamental rights (freedom of expression, access to culture) is something necessary and proportionate in a democratic society.

Or. en

Amendment 68
Jean-Marie Cavada, Marc Joulaud
Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution Amendment	
	5a. Stresses the need to address, more specifically, the younger generation by means of appropriate campaigns to raise awareness, bearing in mind that, as a recent survey of perceptions of intellectual property has revealed, it is that particular generation that is least respectful of intellectual property rights;

Comments: What the consultation organized by the European Commission showed is that there needs to be a change in the copyright legislation so it is adapted to an era where the print is not the only form to distribute information and where the concept of authors, editors and rightholders has evolved into something different from what it was when copyright norms where created.

Or. fr

Amendment 69
Jean-Marie Cavada, Marc Joulaud
Motion for a resolution
Paragraph 5 b (new)

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Motion for a resolution	Amendment
	5b. Stresses the importance of initiatives to assess and monitor the development of knowledge of young people's understanding and perception of intellectual property in order to better understand their needs and to define the most appropriate action to take;

Or. fr

Amendment 70
Jean-Marie Cavada
Motion for a resolution
Paragraph 6

++	
Motion for a resolution	Amendment
6. Believes at the same time that consumers <i>should</i> be better able to identify infringing	6. Believes at the same time that <i>the public</i> authorities and European institutions
offers so that they can decide not to	should help consumers to be better able to
proceed with a given purchase; deplores	identify infringing offers so that they can
the fact that the Commission's action plan	decide not to proceed with a given
does not include any action designed to	purchase; encourages the Commission

improve consumers' ability to identify infringing goods and contents, and calls on the Commission to reflect further on the development of specific tools, including labelling, based on the experiences gathered by the Commission and the European Observatory on Counterfeiting and Piracy, especially with regard to the sharing of best practices;

and Member States to introduce effective measures requiring each participant in the supply chain to refrain from using means intended to mislead consumers; calls in particular on the Commission to step up measures to combat unfair online trading practices, particularly those aimed directly at consumers;

Better implementation of consumer legislation – including unfair contract terms – would be a step forward. The removal of the reference to the failing EU Observatory is also positive.

Or. fr

Amendment 71 Angel Dzhambazki, Sajjad Karim Motion for a resolution

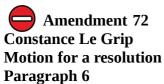
Motion for a resolution 6. Believes at the same time that *consumers* should be better able to identify infringing offers so that they can decide not to proceed with a given purchase; deplores the fact that the Commission's action plan does not include any action designed to improve consumers' ability to identify infringing goods and contents, and calls on the Commission to reflect further on the development of specific tools, including labelling, based on the experiences gathered by the Commission and the European Observatory on **Counterfeiting and Piracy**, especially with regard to the sharing of best practices;

Amendment

6. Believes at the same time that consumer information, including information about obligations, should be enhanced **so consumers are** better able to identify infringing offers so that they can decide not to proceed with a given purchase; deplores the fact that the Commission's action plan does not include any action designed to improve consumers' ability to identify infringing goods and contents, and calls on the Commission to reflect further on the development of specific tools, including labelling, based on the experiences gathered by the Commission and the European Observatory on *Infringements of IPRs*, especially with regard to the sharing of best practices;

Comment: Given the lack of accuracy of the Observatory no measures should be based on its studies.

Or. en



 	
Motion for a resolution	Amendment
6. Believes at the same time that	6. Deplores the fact that the Commission's
consumers should be better able to	action plan does not include any action
identify infringing offers so that they can	designed to improve consumers' ability to
decide not to proceed with a given	identify infringing goods and contents, and
<i>purchase</i> ; deplores the fact that the	calls on the Commission to reflect further
Commission's action plan does not include	on the development of specific tools,
any action designed to improve consumers'	particularly the establishment of a
ability to identify infringing goods and	harmonised European system of
contents, and calls on the Commission to	notification/withdrawal of infringing
reflect further on the development of	goods and content, so that consumers and
specific tools, <i>including labelling, based</i>	undertakings can take action when they
on the experiences gathered by the	are misled in the same way as they can
Commission and the European	act to draw attention to undesirable
Observatory on Counterfeiting and	content;
Piracy, especially with regard to the	
sharing of best practices;	
5 1 1	vave current notification mechanism functions

Comment: Given the often counterproductive ways current notification mechanism functions, we feel that this amendment should not be supported.

Or. fr

Amendment 73 Lidia Joanna Geringer de Oedenberg Motion for a resolution Paragraph 6

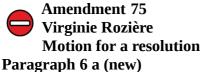
Motion for a resolution	Amendment
Motion for a resolution	Amendment
6. Believes at the same time that consumers should be better able to identify infringing offers so that they can decide not to proceed with a given purchase; deplores the fact that the Commission's action plan does not include any action designed to improve consumers' ability to identify infringing goods and contents, and calls on the Commission to reflect further on the development of specific tools, including labelling, based on the experiences gathered by the Commission and the European Observatory on Counterfeiting and Piracy, especially with regard to the sharing of best practices;	6. Believes at the same time that consumers should be better able to identify infringing offers so that they can decide not to proceed with a given purchase; deplores the fact that the Commission's action plan does not include any action designed to improve consumers' ability to identify infringing goods and contents, and calls on the Commission <i>and the Member States</i> to reflect further on the development of specific tools, including labelling, based on the experiences gathered by the Commission and the European Observatory on Counterfeiting and Piracy, especially with regard to the sharing of best
sharing of ocst practices,	practices;
Comment: Given the lack of accuracy of the Observatory no measures should be based on its	

Or. pl

Amendment 74 Jean-Marie Cavada, Marc Joulaud Motion for a resolution Paragraph 6

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Motion for a resolution	Amendment
C. D. li at the arms time that	C. Daliana at the same time that
6. Believes at the same time that	6. Believes at the same time that
consumers should be better able to identify	consumers should be better able to identify
infringing offers so that they can decide not	infringing offers so that they can decide not
to proceed with a given purchase; deplores	to proceed with a given purchase; deplores
the fact that the Commission's action plan	the fact that the Commission's action plan
does not include any action designed to	does not include any action designed to
improve consumers' ability to identify	improve consumers' ability to identify
infringing goods and contents, and calls on	infringing goods and contents, and calls on
the Commission to reflect further on the	the Commission to reflect further on the
development of specific tools, including	development of specific tools, <i>guides</i> ,
labelling, based on the experiences	including labelling, based on the
gathered by the Commission and the	experiences gathered by the Commission
European Observatory on <i>Counterfeiting</i>	and the European Observatory on
and Piracy, especially with regard to the	Infringements of Intellectual Property
sharing of best practices;	<i>Rights</i> , especially with regard to the
	sharing of best practices;
Comment: Given the lack of accuracy of the Observatory no measures should be based on its	

Or. fr



studies.

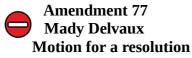
Motion for a resolution	Amendment
	6a. Considers that it will be possible to achieve greater transparency and better information in an effective manner only with the cooperation of the main internet stakeholders who convey content protected by IPR and that it is therefore desirable to involve them in such efforts to achieve transparency and the circulation of information;

Comments: The risks to the functioning of the rule of law when private actors are put to police and judge Internet behaviour are too high and this should not be supported by the European Parliament.

Amendment 76 Lidia Joanna Geringer de Oedenberg Motion for a resolution Paragraph 7

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Motion for a resolution	Amendment
7. Insists on the need to coordinate initiatives and campaigns in order to avoid duplication of work and ensure coherence and efficiency;	7. Insists on the need to coordinate initiatives and campaigns <i>in all Member States</i> in order to avoid duplication of work and ensure coherence and efficiency;

Or. pl

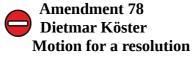


Paragraph 8

Motion for a resolution	Amendment
8. Believes that the lack of a competitive supply of non-infringing products and content makes it difficult to deter consumers from buying unlawful goods or using unlawful content; takes the view that sufficient progress has not been made in this area, and reiterates its demand that the Commission and Member States put more pressure on the industry to develop, in all Member States, licit offers that are both diversified and attractive;	Deleted

Comment: The original text seeks to address a core element of this policy area. It is baffling that anybody would oppose this.

Or. fr



Paragraph 8

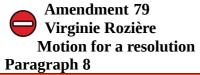
Motion for a resolution	Amendment
8. Believes that the lack of a competitive	8. Believes that the lack, <i>to some extent</i> , of
supply of non-infringing products and	a competitive supply of non-infringing
content makes it difficult to deter	products and content makes it difficult to
consumers from buying unlawful goods or	deter consumers from buying unlawful
using unlawful content; takes the view that	goods or using unlawful content; takes the
sufficient progress has not been made in	view that <i>further</i> progress <i>needs to be</i>
this area, and reiterates its demand that the	made in this area, and reiterates its demand
Commission and Member States put more	that the Commission and Member States
pressure on the industry to develop, in all	put more pressure on the industry to

Member States, licit offers that are both diversified and attractive;

develop, in all Member States, licit offers that are both diversified and attractive;

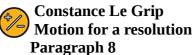
Comments: This amendment weakens a very well-balanced part of the report.

Or. de



Motion for a resolution	Amendment
O Deligues that the last of a competitive	O. Dalianas that in contain acctans
8. Believes that the <i>lack of a</i> competitive	8. Believes that <i>in certain sectors</i> ,
supply of non-infringing products and	particularly the audiovisual, the poor
content makes it difficult to deter	competitive supply of non-infringing
consumers from buying unlawful goods or	products and content makes it difficult to
using unlawful content; takes the view that	deter consumers from buying unlawful
sufficient progress has not been made in	goods or using unlawful content; takes the
this area, and reiterates its demand that the	view that sufficient progress has not been
Commission and Member States put more	made in this area, and reiterates its demand
pressure on the industry to develop, in all	that the Commission and Member States
Member States, licit offers that are both	put more pressure on the industry to
diversified and attractive;	develop, in all Member States, licit offers
	that are both diversified and attractive;
Comments: This amendment weakens a very well-balanced part of the report.	

Or. fr



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Motion for a resolution	Amendment
8. Believes that the lack of a competitive supply of non-infringing products and content makes it difficult to deter consumers from buying unlawful goods or using unlawful content; takes the view that sufficient progress has not been made in this area, and reiterates its demand that the Commission and Member States put more pressure on the industry to develop, in all Member States, licit offers that are both diversified and attractive;	8. Believes that progress with regard to the competitive supply of non-infringing products and content must continue, so that citizens/consumers genuinely have every opportunity to purchase licit goods or to use licit content.
Comments:Despite being positive, this amendment is less desirable than the original text.	

Amendment 81
Angel Dzhambazki, Sajjad Karim
Motion for a resolution
Paragraph 8

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Motion for a resolution	Amendment
8. Believes that the lack of a competitive supply of non-infringing products and content makes it difficult to deter consumers from buying unlawful goods or using unlawful content; takes the view that sufficient progress has not been made in this area, and reiterates its demand that the Commission and Member States put more pressure on the industry to develop, in all Member States, licit offers that are both diversified and attractive;	8. Believes that it can be difficult to deter consumers from buying unlawful goods or using unlawful content and that this can be due to a lack of consumer awareness about legal offers in addition to a lack of supply;
Comments: This amendment weakens a very w	ell-balanced part of the report.

Or. en

Amendment 82
Jean-Marie Cavada, Marc Joulaud
Motion for a resolution
Paragraph 8

1 at agraph 0	
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Motion for a resolution	Amendment
8. Believes that <i>the lack of a competitive</i>	8. Believes that <i>infringements of IPR</i>
supply of non-infringing products and	hamper the development of new economic
content makes it difficult to deter	models whose competitiveness is damaged
consumers from buying unlawful goods	by illicit offers an abusive practices; takes
or using unlawful content; takes the view	the view that sufficient progress has not
that sufficient progress has not been made	been made in this area, and reiterates its
in this area, and reiterates its demand that	demand that the Commission and Member
the Commission and Member States <i>put</i>	States <i>support</i> the <i>cultural and creative</i>
<i>more pressure on</i> the industry <i>to develop</i> ,	industry <i>in developing</i> , in all Member
in all Member States, licit offers that are	States, licit offers that are both diversified
both diversified and attractive;	and attractive;
	11 1 1 1 (C.1
Comments: This amendment weakens a very w	ell-balanced part of the report.

Amendment 83
Jean-Marie Cavada
Motion for a resolution
Paragraph 9

	-
Motion for a resolution	Amendment
9. Takes the view as well that opportunities for infringement should not be created, and that business models should be reconsidered by the industry in certain sectors;	Deleted
Comments: This amendment removes a very st parliamentarian would seek to avoid dealing w	

Or. fr

Amendment 84
Constance Le Grip
Motion for a resolution
Paragraph 9

Motion for a resolution	- Amendment
9. Takes the view as well that opportunities for infringement should not be created, and that business models should be reconsidered by the industry in certain sectors;	Deleted
Comments: This amendment removes a salient	point in the report.

Or. fr

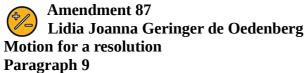
Amendment 85
Mady Delvaux
Motion for a resolution
Paragraph 9

Motion for a resolution	- Amendment
9. Takes the view as well that opportunities for infringement should not be created, and that business models should be reconsidered by the industry in certain sectors;	Deleted
Comments: This amendment removes a salient	point in the report.

Amendment 86 Dietmar Köster Motion for a resolution Paragraph 9

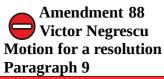
i aragraph 5	
++	
Motion for a resolution	Amendment
9. Takes the view as well that opportunities for infringement should not be created, and that business models should be reconsidered by the industry in certain sectors;	9. Takes the view as well that one way of strengthening IPR could be to develop innovative business models; further stresses that the improvement and constant adaptation of such models to the advance of technology should be reconsidered for certain sectors of the industry;

Or. de



	+
Motion for a resolution	Amendment
9. Takes the view as well that opportunities for infringement should not be created, and that business models should be reconsidered by the industry in certain sectors;	9. Takes the view as well that opportunities for infringement should not be created, and that business models should be reconsidered by the industry in certain sectors; feels, furthermore, that adequate safeguards should be taken in respect of copyright-protected goods;
Comments: This amendment is somewhat redundant in the context of the report.	

Or. pl



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Motion for a resolution	Amendment
9. Takes the view as well that opportunities for infringement should not be created, and that business models should be reconsidered by the industry in certain sectors;	9. Takes the view as well that opportunities for infringement should not be created, and that business models should be reconsidered by the industry in certain sectors; Recommends the acknowledgement of all cultural entities, including authors and performers to be provided with up-to-date, EU-wide recognition and legal protection for their creative and artistic work through

exclusive rights and recognition of the producers and publishers role in producing and bringing works to the market, and the need for fair compensation for all categories of right holders, in the digital environment and in the analogue world alike.

Comments: This amendment is in denial of the reality that a substantial group of authors and performers already have found other business models and do not believe in compensation through IPR licenses anymore.

Or. en

Amendment 89
Max Andersson
Motion for a resolution
Paragraph 9 a (new)

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Motion for a resolution	Amendment
	9a. Asks the Commission to increase its efforts to put an end to extortion practices profiting from over-broad protection of vaguely defined intellectual property assets;

Or. en

Amendment 90
Jean-Marie Cavada
Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution	Amendment
	9a. Stresses that intellectual property rights are guarantors of the creativity, innovation and competiveness of the cultural and creative industries in particular, but also of other industrial sectors, as underlined by Commission in its Communication 'For a European industrial renaissance'; calls on the Commission to continue the work of taking IPR into account as a factor in the competitiveness of the European economy;

It is ironic, perhaps deliberately so, that the amendment refers to the renaissance, which was extremely creative but where there was no copyright.

Amendment 91 Max Andersson, Lidia Joanna Geringer de Oedenberg Motion for a resolution Paragraph 9 b (new)

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Motion for a resolution	Amendment
	9b. Takes the view that extensive intermediary liability regimes threatens the development of new business models and a free and open internet;

Or. en

Amendment 92 Daniel Buda Motion for a resolution Paragraph 10 a (new)

Motion for a resolution	Amendment
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	10a. Welcomes the decision set out in the Commission's Communication to the European Parliament and to the Council of 1 July 2014, and more specifically Action 4 therein, which was aimed at improving IPR civil enforcement procedures for SMEs, in particular in respect of low value claims and possible action in that field;

Or. ro

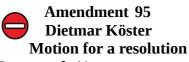
Amendment 93
Dietmar Köster
Motion for a resolution
Paragraph 10

Paragrapii 10	
++	
Motion for a resolution	Amendment
10. Welcomes the Commission's declared intention to support SMEs in enforcing their IPR and, in particular, to further assess SMEs' needs for future EU action;	10. Notes the Commission's intention to further assess the need for the enforcement of IPR for SMEs with a view to future EU action; further stresses that this should also apply to independent creators;
Comments: We welcome putting authors, inventors and performers back at the center of any IPR enforcement.	

Amendment 94 Lidia Joanna Geringer de Oedenberg Motion for a resolution Paragraph 10

Paragraph 10	
+	
Motion for a resolution	Amendment
10. Welcomes the Commission's declared intention to support SMEs in enforcing their IPR and, in particular, to further assess SMEs' needs for future EU action;	10. Welcomes the Commission's declared intention to support SMEs in enforcing their IPR through improving accessible ways of civil redress in order to better fight market abuse from larger competitors and, in particular, to further assess SMEs' needs for future EU action;
Comments: We welcome the initiative of enhathan the usual privatised enforcement of the latenforcement.	9

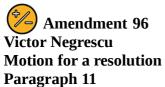
Or. en



Paragraph 11

Motion for a resolution	Amendment
11. Calls on the Commission to make sure that any measure taken will have a limited impact in terms of the burden and cost imposed on SMEs; in particular, calls on the Commission to assess further how SMEs could take part in qualitative auditing schemes and to identify what specific measures could be taken in favour of SMEs to this end;	Deleted

Or. de



+	
Amendment	
11. Calls on the Commission to make sure that any measure taken will have a limited impact in terms of the burden and cost imposed on SMEs; in particular, calls on the Commission to assess further how SMEs could take part in qualitative auditing schemes and to identify what specific measures could be taken in favour of SMEs to this end, thus should take as a basis a high level of protection, and develop and evidence-based approach taking into consideration the interest of small and medium-sized enterprises, since rights are crucial to intellectual creation and provide a stable, clear and flexible legal base that fosters, investments and growth in the creative and cultural sector, whilst removing legal uncertainties and inconsistencies that adversely affect the functioning of the internal market to the prejudice of consumers and right holders;	
Comments: We support evidence- based approaches on the whole spectrum of IPR-enforcement. However we do not share the view that a high level of protection is necessary.	

Or. en

Amendment 97 Max Andersson, Lidia Joanna Geringer de Oedenberg Motion for a resolution Paragraph 12

1 di agi apii 12	
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Motion for a resolution	Amendment
12. Insists on the need to take into account	12. Insists on the need to take into account
SMEs when drafting legislation, and	SMEs when drafting legislation, and
reiterates that the 'think small first'	reiterates that the 'think small first'
principle should be applied at all times;	principle should be applied at all times, <i>in</i>
	particular with regards to clarifying
	which achievements constitute patentable
	subject matter;

Amendment 98 Dietmar Köster Motion for a resolution Paragraph 12

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Motion for a resolution	Amendment
12. Insists on the need to take into account SMEs when drafting legislation, and reiterates that the 'think small first' principle should be <i>applied at all times</i> ;	12. Insists on the need to take into account SMEs when drafting legislation <i>for businesses</i> , and reiterates that the 'think small first' principle should be <i>taken into account</i> ;

Or. de

Amendment 99 Kostas Chrysogonos Motion for a resolution Paragraph 13

+	-+
Motion for a resolution	Amendment
13. Stresses the importance of access to justice and of the cost-effectiveness of judicial proceedings, especially for SMEs, and calls for the development of mediation services and other business-to-business alternative dispute resolution schemes in the area of IPR;	13. Stresses the importance of access to justice and of judicial proceedings, to resolve disputes in the area of IPR;

Or. en

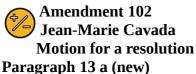
Amendment 100 Dietmar Köster Motion for a resolution Paragraph 13

++	
Motion for a resolution	Amendment
13. Stresses the importance of access to justice and of the cost-effectiveness of judicial proceedings, especially for SMEs, and calls for the development of mediation services and other business-to-business alternative dispute resolution schemes in the area of IPR;	13 Stresses the importance of access to justice and of the cost-effectiveness of judicial proceedings, especially for SMEs;

Amendment 101 Victor Negrescu Motion for a resolution Paragraph 13 a (new)

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Motion for a resolution	Amendment
	13a. Stresses that Europe's cultural and creative industries are a driving force for social and economic development as well as job creation in Europe, while reminding that notable contribution to the economic growth, innovation and job creation in the European Union is also generated by creators, designers and institutions relying on exceptions and limitations to copyright, stresses that any legislative initiative to modernise copyright should be based on independent evidence regarding the impact on growth and jobs, particularly SME's in the cultural and creative sectors, access to knowledge and culture, as well as its potential costs and benefits;

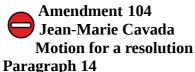
Or. en



Paragrapii 13 a (iiew)	+
Motion for a resolution	Amendment
	13a. Stresses the importance of regularly analysing the factors which decisively influence decisions by SMEs to use or not to use IPR, so as to identify where improvements could be made, whether in the case of innovative SMEs or in the case of SMEs which encounter problems, in particular, in exercising their IPR;
This amendment has some positive elements, but appears to view IPR as an end in itself, rather than as a tool.	

Paragraph 14	
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Motion for a resolution	Amendment
14. Expresses its satisfaction about the development of the activities of the European Observatory on Counterfeiting and Piracy as a tool for collecting and exchanging data and information on all forms of IPR infringements, and welcomes in particular the efforts made and the results obtained, notably as regards the Enforcement Database and the Anti-Counterfeiting Intelligence Support Tool;	14. Expects the European Observatory on Counterfeiting and Piracy to function as a tool for collecting and exchanging data and information on all forms of IPR infringements, and welcomes in particular the efforts made and the results obtained so far; calls on the Commission to monitor the work of the Observatory making sure that its reports are of a high quality, and use rigorously this evidence to propose solutions for improving legislation; calls on the Commission to report back to Parliament on this on a regular basis;

Or. en

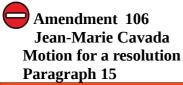


r at agrapit 14	
Motion for a resolution	Amendment
11.5	
14. Expresses its satisfaction about the	14. Expresses its satisfaction about the
development of the activities of the	development of the activities of the
European Observatory on <i>Counterfeiting</i>	European Observatory on <i>Infringements</i>
and Piracy as a tool for collecting and	of Intellectual Property Rights as a useful
exchanging data and information on all	aid to the deliberations of political
forms of IPR infringements, and welcomes	decision-makers and as a tool for
in particular the efforts made and the	collecting and exchanging data and
results obtained, notably as regards the	information on all forms of IPR
Enforcement Database and the Anti-	infringements;
Counterfeiting Intelligence Support Tool;	
Comments: The work of the Observatory has n	ot been of high quality and should be subject to
far more critical assessment by the Parliament.	

Amendment 105 Jean-Marie Cavada Motion for a resolution Paragraph 14 a (new)

Motion for a resolution	Amendment
	14a. Welcomes in particular the efforts made and the results achieved by the Observatory, particularly regarding specialised studies and tools, such as the implementation database and the Anti-Counterfeiting Intelligence Support Tool database, and calls on Member States to take full advantage of them;

Or. fr

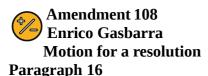


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Motion for a resolution	Amendment
15. Calls on the Commission to make use of the data collected by the Observatory, and of the results of the Observatory's activities, to draw conclusions and propose solutions for improving IPR enforcement to be used by policy-makers; calls on the Commission to report back to Parliament on this on a regular basis;	15. Calls on the Commission to make <i>full</i> use of the data collected by the Observatory, and of the results of the Observatory's activities, to draw conclusions and propose solutions for improving IPR enforcement to be used by policy-makers; calls on the Commission to report back to Parliament on this on a regular basis;
Comments: The work of the Observatory has not been of high quality and therefore the "full use" of the data obtained by them is counter-productive to produce any sort of legislation on IPR.	

Amendment 107 Victor Negrescu Motion for a resolution Paragraph 15 a (new)

	-
Motion for a resolution	Amendment
	15a. Stresses that the enforcement on Intellectual Property is needed for the stimulation of investments in innovation which is a key element for the smooth functioning of the internal market;

Or. en



+	
Motion for a resolution	Amendment
16. Welcomes the establishment by the Commission of an expert group on IPR enforcement, and calls on the Commission to <i>invite</i> Parliament to send experts to attend its meetings;	16. Welcomes the establishment by the Commission of an expert group on IPR enforcement, and calls on the Commission to ensure that Parliament is involved more closely in the group's work and in particular that it be asked to send experts to attend its meetings;
Comment: Although the amendment is positive, the need to involve civil society and other stakeholders in the IPR working group is necessary to bring different voices to the debates.	

Or. it

Amendment 109 Jean-Marie Cavada Motion for a resolution Paragraph 16

	-
Motion for a resolution	Amendment
16. Welcomes the establishment by the	16. Welcomes the establishment by the
Commission of an expert group on IPR	Commission of an expert group on IPR
enforcement, and calls on the Commission	enforcement, and calls on the Commission
to invite Parliament to send experts to	to invite Parliament and, where necessary,
attend its meetings;	the European Observatory on
	Infringements of Intellectual Property
	<i>Rights</i> , to send experts to attend its
	meetings;
Comments: The work of the Observatory has not been of high quality and should not be	
blindly and uncritically supported.	

Amendment 110 Jean-Marie Cavada Motion for a resolution Paragraph 16 a (new)

+	
Motion for a resolution	Amendment
	16a. Stresses the need to work together and for information to be exchanged between all parties;

Or. fr

Amendment 111 Lidia Joanna Geringer de Oedenberg Motion for a resolution

Paragraph 17

Motion for a resolution	Amendment
17. Welcomes the publication of the Commission's report on the application of the IPR Enforcement Directive ⁹ , while noting that only limited conclusions can be drawn in some respects owing to the late transposition of the directive by some Member States; calls on the Commission to provide further analysis of the impact of the directive, in particular on innovation and on the development of the information society, as required by its Article 18(1) and as called for by Parliament in its resolution of 22 September 2010;	17. Welcomes the publication of the Commission's report on the application of the IPR Enforcement Directive ⁹ , while noting that only limited conclusions can be drawn in some respects owing to the late transposition of the directive by some Member States; calls on the Commission to provide further analysis of the impact of the directive, in particular on innovation and on the development of the information society, as required by its Article 18(1) and as called for by Parliament in its resolution of 22 September 2010; recalls, however, that a number of other aspects of enforcing intellectual property rights were identified by the Commission, such as the role of intermediaries in combating infringements, which could also prove useful in the fight against abuses;
⁹ COM(2010) 779.	⁹ COM(2010) 779.

Amendment 112 Virginie Rozière Motion for a resolution Paragraph 18

Paragraph 18	
+	+
Motion for a resolution	Amendment
18. Takes note of the Commission's report indicating that the IPR Enforcement Directive is in some respects out of step with the digital age and insufficient for combating online infringements; calls on the Commission to come up with a detailed assessment of the limitations of the current legal framework as regards online activities and, if appropriate, with proposals for adapting the EU legislative framework to the internet environment;	18. Takes note of the Commission's report indicating that the IPR Enforcement Directive is in some respects out of step with the digital age and insufficient for combating online infringements; calls on the Commission to come up with a detailed assessment of the limitations of the current legal framework as regards online activities and, if appropriate, with proposals for adapting the EU legislative framework to the internet environment; stresses that any such proposals must be subject to a detailed impact assessment;

Or. fr

Amendment 113 Enrico Gasbarra Motion for a resolution Paragraph 20

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Motion for a resolution	Amendment
20. Reiterates its call for a comprehensive	20. Reiterates its call for a comprehensive
IPR strategy, including a complete and strong legal framework to combat	IPR strategy, including a complete and strong legal framework to combat
counterfeiting and piracy adapted to the online environment;	counterfeiting and piracy adapted to the online environment, with full regard for
	fundamental guarantees and data protection;

Or. it

Amendment 114 Angel Dzhambazki Motion for a resolution Paragraph 20

Paragraph 20	
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Motion for a resolution	Amendment
20. Reiterates its call for a comprehensive IPR strategy, including a complete and strong legal framework to combat counterfeiting and piracy adapted to the online environment;	20. Reiterates its call for a comprehensive IPR strategy, including a complete and strong legal framework to combat counterfeiting and piracy adapted to the online environment; <i>calls on the Commission to take into account the IPR</i>

and copyright reform initiative concerning Directive 2001/29/EC, with
special attention to territoriality, licensing and the digital context;

Or. en

Amendment 115 Sajjad Karim Motion for a resolution Paragraph 20

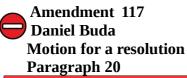
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Motion for a resolution	Amendment
20. Reiterates its call for a comprehensive IPR strategy, including a complete and strong legal framework to combat <i>counterfeiting and piracy</i> adapted to the online environment;	20. Reiterates its call for a comprehensive IPR strategy, including a complete and strong legal framework to combat <i>IPR infringement</i> adapted to the online environment;

Or. en

Amendment 116 Dietmar Köster Motion for a resolution Paragraph 20

-	
Motion for a resolution	Amendment
20. Reiterates its call for <i>a comprehensive</i> IPR strategy, including a <i>complete and strong</i> legal framework to combat counterfeiting and piracy adapted to the online environment;	20. Reiterates its call for <i>an</i> IPR strategy, including a legal framework to combat counterfeiting and piracy adapted to the online environment;
Comments: The first step is to have a strategy. The second step is to work out how to implement it.	

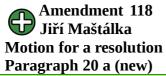
Or. de



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Motion for a resolution	Amendment
20. Reiterates its call for a comprehensive IPR strategy, including a complete and strong legal framework to combat counterfeiting and piracy adapted to the online environment;	20. Reiterates its call for a comprehensive IPR strategy, including a complete and strong legal framework to combat counterfeiting and piracy adapted to the online environment; <i>considers that legal protection is urgently needed for new</i>
	creations since this will encourage investment and lead on to further

innovations;

Or. ro



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Motion for a resolution	Amendment
	20a. Stresses that the enforcement of intellectual property rights should be proportionate and respect users' fundamental rights and freedoms, such as the right to presumption of innocence, the right to fair trial, confidentiality of communications. Any restrictions to users' rights must be foreseen by law.

Or. en

Amendment 119 Max Andersson, Lidia Joanna Geringer de Oedenberg Motion for a resolution Paragraph 21

+	+
Motion for a resolution	Amendment
21. Insists <i>on</i> the important role played by customs and international cooperation in the fight against IPR infringement in crossborder trade;	21. Insists <i>that</i> the important role played by customs and international cooperation in the fight against IPR infringement in cross-border trade <i>must not undermine global public health targets and trade in generic medicines</i> ;

Or. en

Amendment 120 Constance Le Grip Motion for a resolution Paragraph 21

Motion for a resolution	Amendment
21. Insists on the important role played by customs and international cooperation in the fight against IPR infringement in crossborder trade;	21. Insists on the important role played by customs and international cooperation in the fight against IPR infringement in crossborder trade and stresses the need to support and facilitate the work performed by customs services in mutual cooperation, by clarifying operational rules, particularly in order that this work may permit the effective performance of

	inspections on goods in transit within EU territory;
Comments: This out of EDRi's scope.	

Or. fr

Amendment 121 Victor Negrescu Motion for a resolution Paragraph 21

Motion for a resolution	Amendment
21. Insists on the important role played by customs and international cooperation in the fight against IPR infringement in crossborder trade;	21. Insists on the important role played by customs and international cooperation in the fight against IPR infringement in cross-border trade and calls on the EU legislator to strictly define the quotations exception in light of its importance for cross-border exchange of knowledge;
Comments: This out of EDRi's scope.	1

Or. en

Amendment 122 Angel Dzhambazki, Sajjad Karim Motion for a resolution Paragraph 23

Motion for a resolution	Amendment
23. Calls <i>on the Commission to reflect further on the remaining</i> issues raised in the context of IPR enforcement by customs, for example in relation to the storage and destruction of infringing goods;	23. Calls for enhanced market surveillance, risk management and sharing of information among customs authorities on issues raised in the context of IPR enforcement by customs, for example, in relation to the storage and destruction of infringing goods;

Or. en

Amendment 123
Angel Dzhambazki
Motion for a resolution
Paragraph 23 a (new)

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Motion for a resolution	Amendment
	23a. Calls on the Commission to consider proposing OHIM's budgetary surplus or a significant part thereof, to be allocated to the support of training initiatives of

national customs authorities to further strengthen and improve the IPR enforcement mechanism;

Comments: The existence of a budgetary surplus at OHIM calls into question the fees asked by OHIM and is no reason for allocating it elsewhere.

Or. en

Amendment 124 Jean-Marie Cavada, Marc Joulaud Motion for a resolution Paragraph 24 a (new)

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Motion for a resolution	Amendment
	24a. Stresses the importance of close cooperation and exchanges of information, as well as the importance of appropriate training of customs authorities, market surveillance authorities and judicial authorities;

Or. fr