



Council of the
European Union

033774/EU XXVI. GP
Eingelangt am 06/09/18

Brussels, 6 September 2018
(OR. en)

11914/18

PI 117

NOTE

From: Presidency
To: Delegations
No. prev. doc.: ST 11603/18 REV1
Subject: 13th Session of the WIPO Advisory Committee on Enforcement (ACE),
Geneva, 3-5 September 2018
- Final EU/Member States Statements

Delegations will find in Annex, for information, the EU/Member States statements as delivered at
the above-mentioned WIPO meeting.

11914/18

BM/np

1

ECOMP.3.B

EN

WIPO Advisory Committee on Enforcement (ACE)

Thirteenth Session

Geneva, 3-5 September 2018

Opening Statement by the EU

Chair,

On behalf of the European Union and its Member States, we would like to congratulate you and your Vice-Chairs for your election. We look forward to working with you on carrying out the work programme for the Advisory Committee on Enforcement under your leadership. The EU and its Member States welcome the well-balanced work programme and strongly support the work and mission of this Committee. We therefore are highly committed to bring useful contributions to its work, and are pleased that at this session there are contributions from the European Commission, the State Intellectual Property Office of the Republic of Croatia, the Ministry of Education and Culture of Finland, the UK Intellectual Property Office and the UK judiciary. We are also pleased that the Committee will hear about the Authenticity Project funded by the European Observatory on Infringements of Intellectual Property Rights (EUIPO).

We very much appreciate the contributions received from WIPO Member States, and recognise the value of best practice exchange enabled by introduction of the state-centric agenda point in the current work programme for the Advisory Committee on Enforcement – thus complementing the past issue-centric discussions in a balanced manner. We therefore support the Committee in continuing to place this item on future agendas.

The digital revolution has brought a window of new opportunities, enabling innovators and creators to reach new markets and audiences. However, the digital transformation of society has also exposed the IP system to greater risks. The online environment allows for a much wider and quicker proliferation of IP infringing goods and content. We are therefore pleased to discuss arrangements to address online IP infringements in more detail. In particular, we look forward to the discussion on working with intermediaries to tackle intellectual property rights infringement. In this regard we like to thank the WIPO Secretariat for the possibility to contribute to this discussion by sharing the EU and its Member States experiences in this area. The Commission will present the industry-led initiatives introduced as a part of the EU's "follow the money" approach to IPR enforcement, and the UK will present its experiences in working with intermediaries.

We equally look forward to the exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for IP among the general public, especially the youth. Speaking of awareness building activities we would like to highlight the strong involvement of the European Observatory on Infringements of Intellectual Property Rights and EU Member States in this area, as demonstrated by the presentations from Croatia and from the Spanish association for the protection of trademarks (ANDEMA). In this context, we would like to reiterate our appreciation of the close cooperation between WIPO and the Observatory and also like to underline the importance of specific activities and projects dedicated especially to SMEs.

We welcome the agenda points on intellectual property and the Judiciary and the quantification of damages in cases of IP infringements. We believe that specialisation of judiciary can be an important element of the overall IPR enforcement strategy and agree that judicial discretion and flexibility are crucial tools in reaching and enforcing fair and equitable decisions. We look forward to the presentations on the quantification of damages in cases of IP infringements in some Member States of WIPO.

Our thanks go to the WIPO Secretariat for preparing the documents on the recent activities of WIPO in the area of building respect for intellectual property (WIPO/ACE/13/2). The EU and its Member States support the continuation of the useful exchange of information on national and regional experiences in respect of WIPO's legislative assistance. As expressed previously, we believe that any assistance by WIPO should continue to be flexible and take into account the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and Member States' priorities.

The European Union and its Member States are confident that fruitful collaboration will continue between delegations in order to combat more effectively IPR infringements and to ensure that a fair balance is kept between incentives to innovate and access to innovation.

Thank you.

WIPO Advisory Committee on Enforcement (ACE)

Thirteenth Session

Geneva, 3-5 September 2018

Closing Statement by the EU

Chair,

On behalf of the European Union and its Member States, we would like to thank you and your Vice-Chairs for leading the enriching discussions we had during the 13th Session of the WIPO Advisory Committee on Enforcement. We would also like to thank the WIPO Secretariat for the preparation of the working documents and all its work during the session. We also would like to thank the interpreters for their assistance throughout the meeting.

Our thanks go as well to all of the speakers and delegates for the informative presentations and insightful comments they shared in the course of this meeting, contributing in this way to a successful exchange of best practice.

The European Union and its Member States would also like to support the closing statement as delivered by Group B. We agree with the intention to continue the work in this Committee under the well-balanced work programme, as it ensures the possibility to continue the useful technical discussions in a similarly constructive manner in the future.

The European Union and its Member States will continue to support the work of this Committee and look forward to further cooperation.

Thank you.