



Council of the
European Union

Brussels, 14 November 2019
(OR. en)

8280/09
DCL 1

DROIPEN 18
WTO 63
COASI 46

DECLASSIFICATION

of document: 8280/09 RESTREINT UE/EU RESTRICTED
dated: 31 March 2009
new status: Public

Subject: Comments by the Italian Delegation
Korea - IPR Criminal enforcement, reference: ds 204/09

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



COUNCIL OF
THE EUROPEAN UNION

Brussels, 31 March 2009

8280/09

RESTREINT UE

DROIPEN 18
WTO 63
COASI 46

NOTE

from : The Italian Delegation
to JHA Counsellors

Subject : Comments by the Italian Delegation
Korea - IPR Criminal enforcement, reference: ds 204/09

Italy has always requested the inclusion of GI's in the scope of the criminal enforcement section of the Agreement.

In a spirit of compromise, Italy proposes the following wording for Article 10.24.1 and Article 10.24.9 as in document 204/09.

Italy considers that the proposed text is flexible enough to accommodate the concerns raised by some Member States.

Article 10.24.1

1. This section lays down criminal provisions to ensure the enforcement of trademark, copyright and related rights (*and design and related rights*).

RESTREINT UE

2. Each party shall provide for criminal procedures and penalties to be applied in cases of wilful trademark (*and design and related rights*) counterfeiting and copyright and related rights piracy on a commercial scale.

Each party shall adopt measures as it may be necessary to establish the liability of physical and juridical persons for geographical indications counterfeiting. According to the general principles of the national legal system of the Party, the nature of the liability may be criminal or not criminal.

Article 10.24.9 "Rendez-vous clause"

... entry into force of this Agreement. *Please add "Nonetheless, if the ACTA comes into force after the entry into force of the present Agreement, the rendez vous clause will apply".*

DECLASSIFIED