



THE EUROPEAN COMMUNITY ANTI-PIRACY POLICY

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Aims of the fight against counterfeiting and piracy

- Innovation and business competitiveness
- Development of the cultural sector
- Employment
- Tax revenue
- Market stability
- Consumer protection
- Public order



An equivalent level of IPR protection in the Internal Market

- Harmonisation of the substantive provisions of IP law
- Effective enforcement of IPRs
- Improved control at EC external borders
- Continuous adaptations and improvements of the acquis



Harmonisation of the EC copyright law

- Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs (the Software Directive)
- Council Directive 92/100/EEC of 19 November 1992 on rental and lending right and on certain rights related to copyright (the Rental Right Directive)
- Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (the Satellite and Cable Directive)



Harmonisation of the EC Copyright Law

- Council Directive 93/98/EEC of 29 October 1993 harmonising the term of protection of copyright and certain related rights (the Term Directive)
- Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (the Database Directive)
- Directive 2001/29/EC of the European Parliament and of the Council on the harmonisation of certain aspects of copyright and related rights in the information society (the Information Society Directive)
- Directive 2001/84/EC of the European Parliament and of the Council on the resale right for the benefit of the author of an original work of art (the Resale Right Directive)



Better Regulation Action Plan

- Consistency and coherence of the acquis
 - Reproduction right
 - Mandatory exception of transient or incidental acts of reproduction of databases and computer programmes
 - Decompilation
 - Public lending right



Better Regulation Action Plan

- Term of protection of co-written musical works
- Initial ownership of rights
- Points of attachment for the protection of producers of phonograms and of broadcasting organisations
- An exception for the benefit of the disabled under the Database Directive
- Codification of the acquis



Disparities in the acquis enforcement

- Green Paper on the fight against counterfeiting and piracy in the Single Market
- The follow-up communication to the Green Paper – Action Plan
 - Urgent measures
 - Medium-term measures
 - Other initiatives involving public authorities and the private sector



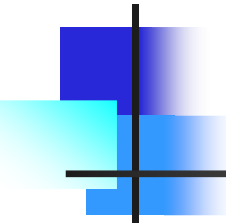
Action Plan. Urgent measures

- The proposal of a Directive of the enforcement of IPRs
- Training and exchange of officials
- Technical assistance for the applicant countries
- Public awareness, information
- Methodology for collecting, analysing, comparing data
- Commission-level contact point



Directive 2004/48/EC on the enforcement of IPRs

- Scope
- Persons entitled to apply for application of the provisions
- Evidence
- Provisional measures
- Precautionary seizure of assets
- Right of information



Directive 2004/48/EC on the enforcement of IPRs

- Corrective measures
- Pecuniary compensation
- Calculation of damages
- Publicity of judicial decisions
- Industry active involvement – codes of conduct
- Monitoring of the manufacture of optical discs
- Cooperation and exchange of information



Action plan. Medium-term measures

- Administrative cooperation
- Harmonisation of the elements constituting criminal infringements and the minimum thresholds for criminal sanctions
- Extension of the powers of Europol
- Improving access to information



Action plan. Other initiatives

- Improving cooperation between the private sector and public authorities
- European judicial cooperation



Equivalent level of IPR protection in new Member States - Romania

- The Law no.280/2005
 - M.Of. No.897/07.10.2005, in force from the 10th of October 2005
- The Protocol on the Working Group on problems related to IPRs
 - Bucharest, the 26th of June 2006
 - The central role of the Department for the Coordination of the Public Ministry



Controls at the EC external border

- Council Regulation no.1383/2003 concerning customs action against goods suspected of infringing certain IPRs and the measures to be taken against goods found to have infringed such rights
 - Procedures for lodging an application for action with the customs authorities and for the destruction of fraudulent goods
- Commission Regulation no.1891/2004



Control at external borders of new Member States - Romania

- The Law no.344/2005
 - M.Of.no.1093 of the 5th of December 2005, in force from the 3rd of February 2006
- The role of National Customs Authority and of the Romanian Border Police



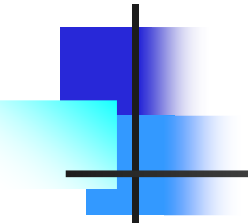
Steps for further harmonisation of EC IP legislation

- Commission Communication on a customs response to the latest trends in counterfeiting and piracy
 - Controls on inbound traffic
 - Higher operational capacity
 - Exchange of information between businesses and customs
 - Simplified destruction procedures
 - International cooperation



Steps for further harmonisation of EC IP legislation

- Commission Proposal of a Directive on criminal measures
 - A criminal-law response to IPR infringements
- Recommendation on collective cross-border management of copyright and related rights for legitimate online music services
 - EU wide-licensing of online services
- Copyright levy reform

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- EC Copyright Policy undergoes the process of simplification and fine-tuning of the acquis
 - EC Anti-piracy Policy provides an equivalent level of protection of IPRs in the Internal Market
 - The good functioning of the Internal Market requires a continuous adaptation and updating of the IP legislation

