# Council of the EU: Resolution on the Enforcement of Intellectual Property Rights in the Internal Market

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On 1 March 2010, the Council of the European Union met in Brussels with the purpose of undertaking action against the pan-European problem of counterfeiting and piracy. In 2007, a Directive to this effect stalled, due to a critical report by the European Parliament's Economic and Social Committee. By means of this Resolution of the Competitiveness Council, which forms part of the EU Council of Ministers, the initiative has been taken for new European legislation criminalising intellectual property law infringement.

The Council emphasises the importance of the enforcement of intellectual property rights in the internal market, because of the cultural and economical importance of such rights for Europe. It stresses that the effective enforcement of these rights will stimulate cultural diversity, innovation, creative activity and economic growth in our rapidly developing digital environment. According to the Council, "efforts to encourage creation of and access to online content and services in the European Union should be increased and, to that effect, robust solutions, which are practical, balanced and attractive for both users and right holders alike, need to be found."

In the Resolution, the Council suggests that the Commission examine whether an amended proposal for a Directive on criminal measures against counterfeiting and piracy is possible and necessary.

The Council asks the Commission to specify the competences and tasks of the European Observatory on Counterfeiting and Piracy. The Observatory should become an important institution in the strategy on fighting IPR problems. The Commission, Member States and the industry need to cooperate more with the Observatory in providing information and developing solutions. Furthermore, the Council requests that the Observatory extend its study on the impact of IP infringement on society and facilitate expert meetings with the aim of promoting solutions to counterfeiting and piracy problems. The Council calls upon the Observatory to publish an Annual Report of relevant developments and their study results.

The Council invites the Commission to assess the best approach to practical cooperation between all national and European authorities. The Commission's

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new approach of facilitating dialogue with stakeholders, with a view to reaching agreements on a voluntary basis, is welcomed. The Council requests, however, that the Commission propose appropriate and necessary legislation in cooperation with Member States in case these dialogues appear inefficient.

Besides the improvement of cooperation with the Observatory, the Resolution calls upon the Commission, Member States and stakeholders to explore and apply ways of raising public awareness on intellectual property infringement.

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http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/intm/113098.pdf

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