European Parliament: Gallo Report Adopted by European Parliament

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Kelly Breemen
Institute for Information Law (IViR), University of Amsterdam

On 22 September 2010 the Gallo Report was adopted by the European Parliament. It concerns a motion for a European Parliament Resolution on the enforcement of intellectual property rights in the internal market.

The Report was adopted against the background of increasing awareness of and action against the infringement of copyrights on the internet (this is also, for example, the focus of the Anti-Counterfeiting Trade Agreement (ACTA) negotiations). The Report states that infringement of copyrights is a threat to the economy and society, as well as to consumer health and safety in Europe, and that ongoing infringements are likely to result in job losses.

According to the Report, one of the main reasons for the large amounts of unauthorised file-sharing of copyrighted works is the shortage of legally-offered files. Because these practices lead to violations of intellectual property rights, the Report emphasises the need for adequate solutions for the specific sector involved, with due respect for fundamental rights. The Report expresses disagreement with the Commission that an effective and harmonised civil enforcement framework for intellectual property rights already exists in the EU that is capable of making the internal market function adequately. The Report also does not share the Commission's opinion that the main set of laws regarding intellectual property rights enforcement is already in place.

With regard to possible solutions, the Report requests an improved licensing system. It notes a legislative lacuna concerning online intellectual property rights infringement. It also urges the establishment of a European legal framework to make proceedings against violators of copyrights possible. According to the Report, the current Community law forms no obstacle to the creation of multi-territorial licensing systems. Such EU-wide licensing options should be easily available to maintain a strong protection of intellectual property rights, while also enabling the legal use of works.

The Report sees another possible solution for dealing with online infringement in making available a diverse and advanced legal range of goods and services for consumers. The absence of a functioning internal European digital market is one of the main obstacles to the development of a variety of legal online content. To

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this end, the Commission should adapt the European legislative framework regarding intellectual property rights to current trends in society, as well as to technical developments. The Report also states that there is a need for reviewing the option of adopting criminal sanctions where counterfeit products pose a threat to the life and health of consumers.

In the cultural sphere, the Report notes an exception to intellectual property rights, namely the private copying exception. It calls for specific legislation to ensure that consumers who have legitimately acquired reproductions do not have to prove the legitimacy thereof, but that the burden of proof for violations of rights lies with the interested parties. Further, the Report emphasises the significance of increasing awareness of the need to respect intellectual property rights. It therefore demands that all parties involved take measures for warning and educating consumers on the importance of respect for copyright and the negative effects of rights infringement. The Report stresses the need for public approval for measures to deal with infringements in order not to risk declining support for intellectual property rights amongst citizens.

Gallo Report on enforcement of intellectual property rights in the internal market (2009/2178(INI))

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