European Commission: Negotiations on ACTA Concluded

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On 24 June 2011 the European Commission proposed a Council decision on the conclusion of the Anti-Counterfeiting Trade Agreement (ACTA) between the European Union and its Member States, Australia, Canada, Japan, the Republic of Korea, the United Mexican States, the Kingdom of Morocco, New Zealand, the Republic of Singapore, the Swiss Confederation and the United States of America.

In its explanatory memorandum to the proposal, the Commission states that ACTA aims to establish a comprehensive international framework that will assist the EU in its efforts to effectively combat the infringement of intellectual property rights (IPR). In this respect ACTA promotes international cooperation, for example through the sharing of information and cooperation between enforcement agencies, capacity building and technical assistance to improve enforcement.

ACTA does not modify the EU acquis, but it will introduce a new international standard that builds upon the TRIPS agreement. This will be beneficial for EU exporting rightsholders in protecting their rights on a global scale.

Previously European academics have expressed their concerns on several aspects of ACTA related to the compatibility of its provisions with EU law and to safeguarding a balance between the interests of different parties (see IRIS 2011-6/5). The Commission however states that ACTA is a balanced agreement, in which both the rights of citizens and the concerns of important stakeholders are safeguarded.

The 11th and final round of negotiations was on 2 October 2010 in Tokyo, Japan. The participants in these negotiations worked constructively together and all substantive issues were resolved, with the consolidated and definitive text being published on the Internet on 3 December 2010. Now that the ACTA negotiations have been completed, it is up to each ACTA party to decide, in accordance with its internal procedures, whether and when ACTA will enter into force in its territory.

Proposal for a Council Decision on the conclusion of the Anti-Counterfeiting Trade Agreement between the European Union and its Member States, Australia, Canada, Japan, the Republic of Korea, the United Mexican States, the Kingdom of Morocco, New Zealand, the Republic of Singapore, the Swiss Confederation and the United States of

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