

BUSINESSEUROPE



THE DIRECTOR GENERAL

Mr David Martin
Member of the European Parliament
European Parliament
Rue Wiertz 60
B-1047 Brussels
BELGIUM

29 February 2012

Dear Mr Martin,

Ensuring effective protection and enforcement of intellectual property for Europe's innovative companies is a priority for BUSINESSEUROPE. European companies are especially exposed to counterfeiting due to the high value added of our exports and the numerous brands that are the pride of our industry. SMEs are particularly vulnerable to sales losses and job losses and the risk of counterfeiting will make them less willing to invest in innovation and international development. The International Chamber of Commerce has estimated that counterfeiting and piracy would put 2.5 million legitimate jobs at risk worldwide each year.

This is a global scourge that threatens the health and safety of consumers, destroys thousands of jobs and supports the most contemptible criminal activity. Just to highlight its impact on a product of particular importance for consumers, from 2006 to 2009 the number of counterfeit medicines seized at EU borders increased three-fold to 7.5 million items according to customs statistics. Counterfeiting also directly undermines the benefits of free trade by creating unfair competition and is a very real threat to growth and jobs.

BUSINESSEUROPE has repeatedly called for strong measures to fight against this global threat and has therefore supported the negotiations for an Anti-Counterfeiting Trade Agreement (ACTA)¹.

The European Commission has recently announced that it will refer the Anti-Counterfeiting Trade Agreement (ACTA) to the Court of Justice of the European Union for opinion. We welcome this.

¹ The Polish Confederation of Private Employers Lewiatan recognizes the importance of intellectual property rights and supports measures to fight counterfeiting and piracy. Nevertheless in Lewiatan's opinion ACTA is not an appropriate tool to achieve these goals in the digital environment.



The European Parliament will have this week the first debate on ACTA after its signature and organize a workshop on 1 March. We would like to call for an open and rational debate that takes account of the relevant economic interests affected by counterfeiting and piracy and examines wider societal concerns related to new technologies and fundamental freedoms. This will require a fact-based examination of ACTA focusing on its actual content and its overall benefits for European growth, employment and innovation. The EU should benefit from stronger international cooperation in the fight against counterfeiting and piracy.

We would also like to highlight the important signals that this debate will send to the outside world regarding the EU's traditional stance on the fight against counterfeiting and piracy.

We trust that the European Parliament will ensure that a fair, fact-based and thorough examination of ACTA will be carried out with all relevant stakeholders.

We thank you in advance for taking into account our views in your upcoming deliberations.

Yours sincerely,

Philippe de Buck