



6 July 2012

BUSINESSEUROPE RESPONSE TO OHIM CONSULTATION ON THE EU OBSERVATORY

BUSINESSEUROPE supported the creation of the European Observatory on Counterfeiting and Piracy in 2009. We applauded the technical work conducted by it but called for a boost of its profile and an increase of its resources to raise its effectiveness in the fight against counterfeiting and piracy.

This is why the decision to integrate the Observatory in the structure of the Office for Harmonisation in the Internal Market (OHIM) is an important step forward and we welcome it.

The Observatory should be an interactive platform between representatives from the public and private sector, exchanging information, best practices and working together on joint projects. We support the proposed project-based approach of setting “foundation projects”, whose efficiency and positive results we have experienced in the context of the Cooperation Fund and the Convergence Programme. This approach needs to be based on a clear and transparent framework with key performance indicators, a concrete timetable and rigorous budgetary oversight.

We support the priority areas of work as identified and reflected in the regulation setting up the Observatory in OHIM. In addition and in order to support future policymaking the technical work already carried out by the Observatory under its previous form should be integrated in its future streams of work. The Observatory should also strive to take into account the work carried out by national anti-counterfeiting groups.

We are committed to contribute to the work of the Observatory in the context of the “foundation projects” once established. Possible areas for such projects could include for e.g.: public awareness, IP valuation combined with the appropriate methodology, a SME-focused training, benchmarking of best practices in other jurisdictions. In this context, one of the key priorities of the Observatory should be the preparation of an annual report with the necessary data on the economic impact of counterfeiting and piracy for Europe’s economy, growth and job creation. The active involvement of rightholders will provide the necessary pragmatic approach for the Observatory to succeed in its work.

There is no doubt that European policymakers in the last decades have made considerable efforts to improve the “IP environment” in Europe, as Europe is becoming



more and more dependent on the value of the intellectual property assets of its innovative companies. Any progress made nevertheless will count for little, if counterfeiting and piracy are left unchallenged.

This is why BUSINESSEUROPE has always argued in favour of an overall IP strategy in Europe that would also include effective enforcement of Intellectual Property Rights (IPRs). Harmonisation of IP practices in the Single Market is still a necessity and effective protection of IP in both the Single Market and third markets must be pursued. It is key for Europe's capacity to innovate, maintain and create jobs, welfare, growth, as well as consumer protection. We are convinced that the Observatory can be a key contributor to this IP strategy.
