



Commissioner Karel De Gucht
European Commission
1049 Bruxelles

Brussels, 19 March 2010

Dear Mr. De Gucht,

The undersigned organizations represent the creative sector in the EU. These organizations fully support the European Union and its negotiators in their current efforts to develop and conclude an international Anti-Counterfeiting Trade Agreement (ACTA). In particular, we subscribe to the goal of promoting stronger international cooperation, which is an essential feature of any effective effort against counterfeiting and piracy.

IPRs are essential to protect and encourage culture and innovation in the EU. It is no secret that the counterfeiting and piracy phenomena have increased dramatically in recent years. They cause significant losses for legitimate businesses and countries' tax receipts as well as job losses and represent both direct and indirect risks for consumers.

Increased international cooperation and strengthened best practices are justified to tackle more effectively the proliferation of these activities, which very often have a cross-border dimension. These activities increasingly often contribute to the funding of organized crime. They may also expose consumers to dangerous products and harmful activities (such as, for example, the stealing of their private data and financial details).

The signatories would like to emphasize the following points in relation to the ACTA negotiations:

- We salute the initiative taken by the European Commission to organize a hearing with stakeholders on 22 March ensuring a **transparent dialogue** with stakeholders.
- As we understand it, the ACTA is intended to promote cooperation and effective measures and will be shaped so as to provide **adequate flexibility**, and thereby allow signatory parties to adopt their own measures and/or continue current experiments in line with their regional and national laws, and local traditions. We fully support this approach - and would like to emphasize that such flexibility is also essential to ensure that the Treaty is adapted to present situations and challenges as well as future-proof. The ACTA should provide tools and legal incentives, while still allowing individual parties to legislate in accordance with their regional and national legal systems.
- It goes without saying that this agreement **must remain in line with the full EU Acquis** in the field of IPRs, the core principles of EU law (all indications suggest that this is indeed the case) and foster best enforcement practices in this area.
- The ACTA should be seen **as a means to assist Governments in their current efforts** to combat counterfeiting and piracy on and off-line. Many steps have already been taken and several innovative experiments are underway. This negotiation should thus be seen as a value-added tool to improve international cooperation and to complement what is being done at the national level.
- The ACTA must include **a meaningful chapter to address counterfeiting and piracy online**. A state of the art IP treaty cannot ignore the most serious and growing challenge to the copyright and trademark industries.

We remain at your disposal for any further input,

Yours sincerely,

Association of Commercial Televisions (ACT)

Allianz Deutscher Produzenten

Associazione Nazionale Industrie Cinematografiche Audiovisive e Multimediali (ANICA)

European Coordination of Independent Producers (CEPI)

European Film Export Association (EFEA)

European Publishers Council (EPC)

Eurocinéma

Eurocopya

Federation of European Publishers (FEP)

International Federation of Film Distributors Associations (FIAD)

International Federation of Film Producers Associations (FIAPF)

International Confederation of Music Publishers (ICMP)

International Federation of Phonogram Producers (IFPI)

International Video Federation (IVF)

Motion Picture Association (MPA)

Cc. Damien Levie, Member of Cabinet.

Luc Pierre Devigne, Head of Unit Intellectual Property and Government Procurement
(DG Trade).