European
Cultural
and Creative
Industries
Alliance

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ECCIA calls for a legislative framework to address the proliferation of counterfeiting

Today, the European Commission adopted its Communication on "Tackling Illegal Content Online", which lays down a set of guidelines and principles for online platforms, national authorities, Member States and other relevant stakeholders to step up the fight against illegal content online.

The European Cultural and Creative Industries Alliance (ECCIA) welcomes this document which goes in the right direction, in particular because it:

- underlines that online platforms have a "duty of care" to ensure a safe online environment for users, in order to create trust and confidence in the digital environment;
- covers all categories of illegal content, including counterfeiting, while allowing for sector-specific differences where appropriate;
- states that "online platforms should do their utmost to proactively detect and identify illegal content" by using voluntary, proactive measures aimed at the detection and removal of illegal content;
- encourages online platforms to publish transparency reports with detailed information on the number and type of notices received and actions taken;
- emphasises the need to take measures to prevent repeated infringements, including automatic re-upload filters.

According to a recent OECD/EUIPO study[1], 5% of all goods imported into the EU are counterfeit products. While counterfeiting keeps growing in scope and size, increasingly professionalised counterfeiters manage to trick consumers into unknowingly buying fake goods. Another recent EUIPO study[2] found that 10% of EU consumers bought counterfeit products online unknowingly and 35% were not sure whether the products they purchased were genuine or not.

Guillaume de Seynes, Chairman of ECCIA, stated that "the proliferation of counterfeiting constitutes an obstacle to the creation of a safe and sustainable digital environment and consequently impedes the completion of the EU's Digital Single Market.
ECCIA therefore welcomes the European Commission's guidelines, but calls on the European Commission to go further in order to create a strong, harmonised legislative framework allowing all actors of the value chain to take part in the fight against counterfeiting within an effective enforcement environment".

This legislation should ensure that:

- all proportionate proactive measures have been taken to prevent counterfeit products from reaching the markets (both online and offline);
- counterfeit products goods are swiftly taken off the markets;

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[1] OECD/EUIPO (2017), Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact.

[2] EUIPO (2017), European citizens and Intellectual Property. Perception, awareness and behavior.

- repeating infringements are effectively prevented (through the implementation of so-called "stay down" measures);
- consumers are better informed about their exposure to counterfeited goods and are given the right redress mechanisms;
- effective and harmonized means of enforcement are available throughout the European Union.

About ECCIA

The European Cultural and Creative Industries Alliance (ECCIA) is composed of five European cultural and creative industries organisations: Circulo Fortuny (Spain), Comité Colbert (France), Fondazione Altagamma (Italy), Meisterkreis (Germany) and Walpole (UK), who between them represent over 400 brands and cultural institutions.

Based on art, culture and creativity, our work is underpinned by continuous innovation, a relentless focus on quality, highly skilled employment and strong export abroad. Our members strive for the highest quality in all they do, from products and services all the way to the experience offered to consumers.

Contact
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