

Brussels, 7 July 2017

Subject: EU wide initiative to remove illegal content in September 2017

Dear Vice-President Ansip,

We are writing to you on behalf of the associations listed below in the context of the EU wide initiative to remove illegal content due to be launched in September 2017.

We very much welcomed your commitment to clarify the duty of care for online intermediaries. Following the dedicated discussion in the College of Commissioners on 21 June 2017, we look forward to a strong initiative in September to remove illegal content online. In this framework, on behalf of our associations, we urge you to include within the scope of your initiative counterfeits, fakes and illegal products sold online as they harm EU businesses, put consumer health at risk and finance organized crime.

Our respective associations wholeheartedly support the Digital Single Market (DSM) and appreciate the role of online platforms in the digital environment. However, consumer trust is the cornerstone of this digital ecosystem. We are concerned that the growing impact of illegal products and harmful content can jeopardize this trust and, therefore, the development of the DSM. All actors in the value chain must play a proactive, proportionate and reasonable role to avoid such a negative impact in the spirit of due diligence.

Evidence that leads us to consider that the EU initiative can only foster trust if it covers illegal goods, such as counterfeits and fakes, includes:

- New data from the EUIPO, OECD and Europol showing the enormous scale of counterfeits, their catastrophic impact on the EU economy and the role of e-commerce in their distribution ([Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact, Second Situation Report](#) from EUIPO and Europol, [Mapping the Real Routes of Trade in Fake Goods](#));
 - New actions from European Consumer Centers, including via a report on [The impact of counterfeiting on online consumer rights in Europe](#), published in March 2017;
 - The European Parliament has repeatedly raised attention about counterfeits and called on the Commission's services to take action, especially via a review of IPRED. In June 2017, the Parliament adopted an own initiative report on online platforms, held a hearing ([link](#)) and a letter was sent by 46 MEPs to Vice-President Ansip. In its report, the Parliament *"...calls on the Commission to assess the current Intellectual Property Rights Enforcement Directive (IPRED), in order to prevent the intentional misuse of reporting processes and ensure that all actors in the value chain, including intermediaries such as internet service providers, can fight more effectively against counterfeiting, by taking active, proportionate and effective measures to ensure traceability and prevent the promotion and distribution of counterfeit goods, given that counterfeiting represents a risk for consumers"*
 - Due diligence obligations for online intermediaries to remove counterfeits would not affect fundamental rights, such as freedom of expression, as they are clearly defined illegal products.
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We hope that the above-provided evidence and the crucial importance that this issue has for society proves of value to you and that you will be in a position to take action in the framework of your initiative in September 2017, including by the creation of a binding due diligence obligation for all online intermediaries.

In thanking you for your time and kind attention, please do not hesitate to contact us, should you need more information on this issue.

Yours sincerely,

Alain Galaski
Director General
AIM-European Brands Association

Copy: Vice-President Katainen,
Commissioner Bieńkowska,
Commissioner Jourova,
Commissioner Gabriel





AIM – The European Brands Association

AIM is the European Brands Association ([link](#) to our website). AIM's membership comprises corporate members and national associations that have a similar but more local constituency. Altogether, AIM represents directly or indirectly some 1,800 companies ranging from SMEs to multinationals. Members are primarily manufacturers of branded products in a range of categories, from food to toys and perfume. They are united in their purpose to build strong, evocative brands and as such place the consumer at the heart of what they do.



ANDEMA - Spanish Anti-Counterfeiting Group

Founded in 1989 by the Spanish High Council of Chambers of Commerce, Industry and Navigation, ANDEMA is a non-profit business association, composed of 60 industrial and intellectual property rights owners of a wide range of sectors including clothes, shoes, leather, jewellery, foodstuffs, wines, spirits, beauty products, telecommunications, tobacco, hotels, pallets, toys and taps.

ANDEMA seeks to defend intellectual and industrial property rights at any level, for which it carries out some lobbying activity. ANDEMA is very active in the fight against counterfeiting, cooperating in educational programs and in public awareness campaigns.

ANDEMA also deals with other fields of activity relevant to intellectual and industrial property rights: fiscal fraud, parallel trade, electronic trade, unfair competition, trade marks and innovation and design.

For further information: andema.camaras.org



Through its BASCAP initiative – Business Action to Stop Counterfeiting and Piracy – it aims to highlight the problems and dangers of counterfeiting at the highest political level. BASCAP unites the global business community to identify and address IP rights issues more efficiently and to petition for greater commitment by local, national and international officials. By delivering compelling messages from industry executives, BASCAP underscores the severity of the problem and compels governments, the public and the media to take action and ensure that intellectual property is respected and protected.

The ICC's Counterfeiting Intelligence Bureau operates as an international anticounterfeiting organisation with members in more than 50 countries throughout the world.

For further information: icc@iccwbo.org



Comité Colbert - French Luxury Goods Association

Founded in 1954, the Comité Colbert gathers 81 French luxury houses, 14 cultural institutions and 6 European members sharing common values of Heritage and Creation and contributing to the European soft power.

The Comité Colbert represents an industry that is a major driver of economic growth and employment. It is a preferred interlocutor for public authorities in France, Europe and the rest of the world and focuses on key priorities: protecting creativity through intellectual property rights, promoting savoir-faire and skills and advocating for a fair access to markets.

To promote its members globally, the Comité Colbert formulates a collective strategy in order to complement individual brands identity, and to highlight the creativity and outstanding craftsmanships of the sector. On all 5 continents, it plans events illustrating the close ties between luxury and culture therefore being a key actor of cultural diplomacy.

For further information: www.comite-colbert.com

Cosmetics Europe - The Personal Care Association



Cosmetics Europe is the European trade association representing the interests of the cosmetics industry. Its membership consists of 27 national associations of the EU Member States and beyond, 16 active international companies, 4 supporting association members, 2 supporting corporate members and 3 correspondent members. Cosmetics Europe represents more than 2000 companies throughout the EU via the active representation of its member national associations.

For further information: www.cosmeticseurope.eu



ECCIA – European Cultural and Creative Industries Alliance

The ECCIA is composed of the five major European high-end goods and creative industries organisations: Circulo Fortuny (Spain), Comité Colbert (France), Fondazione Altagamma (Italy), Meisterkreis (Germany) and Walpole (UK), which between them represent over 400 high-end brands – mostly SMEs – 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 exports 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.

For further information: <http://www.eccia.eu>

EFPIA - The European Federation of Pharmaceutical Industries and Associations

EFPIA represents the research-based pharmaceutical industry operating in Europe. Through its direct membership of 33 national pharmaceutical industry associations and 40 leading pharmaceutical companies, EFPIA is the voice on the European scene of about 2,000 companies committed to researching, developing and bringing to patients' new medicines that improve health and the quality of life around the world. EFPIA has the broad objective of improving the competitiveness of the pharmaceutical industry in Europe in a regulatory and political environment which above all stimulates R&D and rewards innovation.

For further information: reception@efpia.eu
www.efpia.eu



EURATEX - The European Apparel and Textile Confederation

EURATEX is the voice of the European textile and clothing industry at the level of the EU institutions and aims to create favorable environment within the European Union for manufacturing of textile and clothing products. EURATEX' member federations represent in the EU some 177.700 companies, predominantly SMEs, with a turnover of €171 billion, employing 1.7 million workers. EURATEX is focused on a few clear priorities: genuine industrial policy, research and innovation support, free and fair trade and sustainable production. Among those priority areas, the fight against counterfeited goods and the protection of intellectual property rights plays a crucial role.

For further information: <http://www.euratex.eu>



FESI - Federation of the European Sporting Goods Industry

The Federation of the European Sporting Goods Industry (FESI) represents the interests of approximately 1800 sporting goods manufacturers (85% of the European market), through its ten National Sports Industry Federations and directly affiliated member companies. The European sporting goods industry directly and indirectly employs over 640,000 citizens in the EU. FESI covers a wide range of policy areas, particularly the fight against the production and sale of counterfeit goods. The FESI Intellectual Property Rights committee focuses on copyright, trade mark rights, design rights, patent rights and trade names.

For further information: www.fesi-sport.org

INDICAM- Italian Anti-Counterfeiting Group

INDICAM represents over 160 companies, industry associations, law and IP firms, security consultants and other organisations engaged daily against counterfeiting activities that hit branded products.

INDICAM is active in Italy and internationally, in developing IP rights and anti-counterfeiting awareness and culture and in lobbying for better anti-counterfeiting legislation and its stricter enforcement. Side-by-side support and work with police forces, customs and other authorities is a common duty for the association, as well as training and innovation in the fight against fakes.

INDICAM is the sister organisation to Centromarca, AIM's National Association in Italy.

For further information: info@indicam.it
www.indicam.it



Markenverband - German Brands Association

Founded in 1903 by leading German branded consumer goods manufacturers in their fight against unfair competition, the German Brands Association, Markenverband, today represents some 380 branded goods and services companies with an annual turnover of c. €350 bn. It is AIM's National Association in Germany.

Markenverband's activities cover a broad spectrum, from political lobbying for a brand-friendly legal and competitive environment, including freedom of advertising and effective IP protection, to member services like workshops and conferences on relevant issues. Markenverband represents its members on questions of general concern before the German Patent and Trade Mark Office, the German Customs Organisation and in the Advisory Committee of the German NIC (DeNIC) on the TLD .de. Amongst other issues, especially important fields of work are the fight against counterfeits and look-alikes, unfair competition and competition law and also CSR and consumer policy.

For further information: info@markenverband.de
www.markenverband.de



TIE - Toy Industries of Europe

Toy Industries of Europe (TIE) is the trade association for the European toy industry. TIE provides a unique source of information both for and on the toy industry in Europe. The toy industry is highly international and is one of the most dynamic business sectors in Europe. Over 99% of the sector is composed of small and medium sized enterprises (SMEs), which have less than 50 employees. Members of TIE include companies as well as national associations from Bulgaria, France, Germany, Italy, the Netherlands, Spain, Sweden, the UK and the Nordic region. TIE membership is open to both companies with a presence in Europe and national associations from European Union Member States (including candidate countries).

For further information: www.tietoy.org

Union des Fabricants, the French anti-counterfeiting association, is a unique observatory for protecting intellectual property rights. Its task, which is in the public interest, benefits to all its members, providing them with a forum for obtaining and exchanging information.

Union des Fabricants works with government departments, dialogues with national and international bodies, organises trainings or actions and communicates with the general public.

The main tasks of Union des Fabricants are to:

- inform and support companies and professionals;
- exchange with government departments;
- create consumer awareness;
- ensure media coverage;
- act and influence; and
- organise authentication trainings with authorities in charge of fighting against counterfeiting (mainly customs, but also police, gendarmerie, judges.)

For further information: rmessali@unifab.com
www.unifab.com