

- To boost the competitiveness of EU producers abroad it is essential that their **innovations, creation and brands** are adequately protected on their export markets, through intellectual property rights.
- Products and services based on intellectual property rights are usually difficult and expensive to create but cheap to replicate and reproduce. Organised and large-scale infringement of intellectual property has become a global phenomenon and is causing worldwide concern. **Copycats deprive EU creators of appropriate rewards**, create barriers to innovation, harm competitiveness, destroy jobs, decrease public finances and potentially threaten the health and safety of EU citizens.
- The Anti-Counterfeiting Trade Agreement (ACTA) therefore aims at improving the level and effectiveness of enforcement of intellectual property rights (IPR) world wide. It was negotiated by the EU and 10 other parties¹, in a total of 37 countries.
- With ACTA, European creators, innovators and brand holders in a third country will be able to count on **efficient and clear enforcement rules**, very similar to the ones they have in the EU, regarding the kind of action he can obtain from police, from customs or from a court, how damages will be calculated, what kind of urgent protection they may get, what kind of evidence will be collected and preserved, what will happen to seized fake goods, etc.
- ACTA contains rules on **civil enforcement** (for infringement matters between private entities), **border measures** (to address the cross-border traffic of fake goods), **criminal enforcement** measures (for the more serious violations, made wilfully and on a commercial scale by criminal actors) and **digital environment** measures (for specific infringements taking place on the internet or involving technical protection mechanisms). It also contains a number of enforcement "**best practices**" and provisions to ensure better international **cooperation** between enforcement entities.
- It is also important to underline ACTA has a **broad coverage of intellectual property rights**. It will benefit to a wide range of EU exporters that rely on copyrights, trademarks, designs, geographical indications and, in certain situations, patents. **This is a EU success**, as some parties to ACTA wanted to limit it to copyright and trademarks. The EU has a wide and diversified basis of right-holders. A farmer producing products protected by **geographical indications (GIs)** or a textile company creating **designs** are also victims of counterfeiting and also need to be protected abroad.
- ACTA will therefore help our European export businesses, of all sizes, to protect their work from violations - especially in the arts, culture, agriculture, *industry* and science sectors and so maintain their competitiveness and jobs.
- ACTA strikes an appropriate balance between the need to protect innovations and creations and the rights of *citizens and the concerns of stakeholders such as consumers or internet providers*. ACTA contains the necessary guarantees to safeguard access to medicines or internet freedom.

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Australia, Canada, Japan, Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland and the USA.

- Also, **ACTA is fully compatible with the existing EU legislation.** It does not create or expand obligations with regard to legislation adopted at EU level in recent years such as the enforcement directive, the customs regulation or the e-commerce directive, and which received a broad support in the EP. The enforcement standards that apply in the EU (the "EU *acquis*") are higher than those agreed in ACTA.
- ACTA provides its parties with the necessary flexibility to establish a balance which takes account of their economic, political and social objectives, as well as their legal traditions. The advantage of ACTA is that the other parties into the agreement will establish a level of IPR enforcement close to that of the EU.