



Europe

JOINT INDUSTRY STATEMENT

ON THE EUROPEAN COMMISSION'S PROPOSED STRATEGY ON A SINGLE MARKET FOR INTELLECTUAL PROPERTY RIGHTS

For Immediate Release

(Brussels 24 May 2011) Europe's leading ICT & Communications organisations welcome the European Commission's decision to adopt a holistic approach regarding the European Intellectual Property Rights (IPR) framework. In order to avoid chilling innovation and to achieve a true and competitive digital single market, there is an urgent need for traditional business models to be adapted to the online environment. We are encouraged that the Commission is showing its intention to provide clear and future-proof rules that will be essential if Europe is to fully realise the potential benefits that e-commerce and ICT can deliver. Improving collective rights management poses a great opportunity for a modern European technology landscape. It also represents a major challenge, as failing to get this right would instead significantly hamper progress towards realising a digital Single Market.

We regret that the Commission may be pre-disposed to revise the IPR Enforcement Directive 2004/48 (IPRED) at this premature stage. We have limited experience with the provisions of this Directive to date due to its late transposition in the Member States. Consequently, there is insufficient evidence at this stage to suggest a real necessity for a revision.

We are collectively concerned about the Commission's plan to increase the role of Internet Services providers (ISPs) in preventing illegal download, particularly if voluntary cooperation is proposed that would bypass the necessary safeguards currently provided by the judicial control on the legality of the content. Such action would shift additional responsibility and liabilities to ISPs as well as negatively impact the privacy of communications for European consumers, contrary to the current European legal framework.

We support the need to enforce IPRs in order to duly remunerate right holders and combat infringing activities. However, an objective and grounded economic quantification of the impact of digital piracy on the market is a requisite if Europe is to ensure that it works to best combat piracy without unnecessary cost and risk for the wider ICT ecosystem. We underscore the need for further transparency of the Observatory on Counterfeiting and Piracy, as well as the involvement of Internet intermediaries and consumers, to provide for a more objective and balanced assessment of market realities.

We call on the Commission to continue this positive focus on new measures that promote the establishment of innovative services that will effectively allow the value of copyright to be realised and constitute new sources of revenues for creators. Evolving business models will require European policy makers to work with the ICT establishment to promote rather than restrict new developments, especially given the delicate balance it takes to best nurture both the creative industry and those who help to disseminate their work. Intensifying the enforcement measures, restrictions and sanctions already in place runs counter to the sorts of environments that promote innovation and the optimal circulation of business and consumer communication activities across the many platforms used today.

Our pan-European organisations, Cable Europe, ECTA, ETNO, EuroISPA and GSMA Europe represent electronic communications industry that is comprised of both national and pan-European fixed and mobile operators, Internet Services Providers (ISPs) and cable companies.



Cable Europe (www.cable-europe.eu), the European Cable Communications Association, is based in Brussels and groups all the leading European cable TV operators and their national trade associations throughout Europe. The aim of Cable Europe is to promote and defend the industry's policies and business interests at European and international level. The European cable TV industry provides digital TV, broadband Internet and telephony services to more than 70 million customers. Contact: Gilone d'Udekem, Director Regulatory Affairs (+3225562101/ gilone.dudekem@cable-europe.eu)



ECTA (the European Competitive Telecommunications Association - www.ectaportal.com) is the pan-European pro-competitive trade association that represents more than 100 of the leading challenger telecoms operators across Europe. For over a decade, ECTA has been supporting the regulatory and commercial interests of telecoms operators, ISPs & equipment manufacturers in pursuit of a fair regulatory environment that allows all electronic communications providers to compete on level terms. Our members have been the leading innovators in Internet services, broadband, business communications, entertainment and mobile. Contact: Vicky Hanley-Emilsson (+32 2 227 11 79/ vhanley-emilsson@ectaportal.com)



ETNO (the European Telecommunications Network Operators' Association - www.etno.eu) is the voice of the European telecommunications network operators with over a decade of experience in shaping EU telecoms policy. The association represents 41 companies located in 35 European countries. They account for an aggregate annual turnover of more than 250 billion Euros and employ over one million people across Europe. Contact: Caroline Greer, Regulatory Affairs Manager (+322227 10 83 / greer@etno.be)



EuroISPA is the world's largest association of Internet Services Providers (ISPs) representing the interests of more than 1800 ISPs across the EU and the EFTA countries. EuroISPA is a major voice of the Internet industry on information society subjects such as cybercrime, data protection, e-commerce regulation, EU telecommunications law and safe use of the Internet (www.euroispa.org). Contact: Andrea D'Incecco, Head of Policy (+32 2 503.22.65/ andrea@euroispa.org)



GSMA represents the interests of the worldwide mobile communications industry. Spanning 219 countries, the GSMA unites nearly 800 of the world's mobile operators, as well as more than 200 companies in the broader mobile ecosystem, including handset makers, software companies, equipment providers, Internet companies, and media and entertainment organisations. The GSMA is focused on innovating, incubating and creating new opportunities for its membership, all with the end goal of driving the growth of the mobile communications industry. In the European Union the GSMA represents over 100 operators providing more than 600 million subscriber connections across the region. For more information on GSMA, please visit: Mobile World Live, the new online portal for the mobile communications industry, at www.mobileworldlive.com, GSMA corporate website at www.gsmworld.com, GSMA Europe www.gsmeurope.org. Contact: Martin Whitehead, Director, GSMA Europe (+32 2 792 05 50/ MWhitehead@gsm.org)