



## What ACTA is about

- ACTA will help **countries work together to tackle more effectively Intellectual Property Rights (IPRs) infringements.**
- ACTA is essential for business operating globally. Many suffer widespread infringements and theft of their copyrights, trademarks, patents, designs and geographical indications, by organised criminal organisations.
- Example: an author whose book is pirated outside the EU, or a fashion company that finds counterfeits of the clothes it sells: ACTA will harmonise the rules that lay out how they can react in such a case. Everybody who holds an IPR, from the Chianti producer to the owner of entertainment software, will benefit from improved access to justice, customs, and police to enforce their rights versus counterfeiters or infringers.
- Right-holders will be able to count on efficient and broadly **common rules regarding the way their complaint is dealt with.** This includes a series of practical questions: What urgent protection may a rights-holder obtain, what kind of evidence will be collected and preserved, what will happen to the fake goods once seized?
- **So why does the EU support ACTA?**  
Because ACTA ensures the EU's already high standard of protection for intellectual property goes global - **protecting jobs in Europe.** Because Europe is losing more than €8 billion annually through counterfeit goods flooding our market.

## **What ACTA is not about**

- ACTA is not about checking or monitoring private communication on the internet. It will not censor websites. It is not about how *individual* citizens use the internet.
- It will not lead to limitations of fundamental rights (e.g. control of laptops of air passengers at borders, monitoring of internet traffic). The respect of fundamental rights such as privacy, freedom of expression and data protection is expressively mentioned as a basic principle of the agreement.
- ACTA will not change the existing EU legislation. ACTA does not create new Intellectual Property Rights, but concerns procedures and measures to enforce existing rights and to act against large scale infringements, often pursued by criminal organisations.

## **The benefit for people and the EU economy**

- The EU economy can only remain competitive if it can rely on innovation, creativity, quality, and brand exclusivity. These are some of our main comparative advantages on the world market, and they are all protected by Intellectual Property Rights (IPRs).
- Protecting Intellectual Property Rights means protecting jobs in the EU. A stronger enforcement of IPRs will ensure that innovative jobs remain in the EU.
- Counterfeiting also generates large profits for organised crime groups and distorts the market by encouraging illicit practices within businesses.
- The EU loses each year several billions of EUR in customs income and taxes, a cost which is in the end borne by the European taxpayer.

## The impact of counterfeiting and piracy on the EU economy

- The EU's national customs authorities have registered that counterfeit goods entering the EU have tripled between 2005 and 2010.
- [Statistics](#) published by the European Commission in July 2011 show a tremendous upward trend in the number of shipments suspected of violating IPRs. Customs in 2010 registered around 80,000 cases, a figure that has *almost doubled* since 2009. More than 103 million fake products were detained at the EU external border.
- An [OECD study](#) on the global level of counterfeiting and piracy from 2009 estimates that international trade in counterfeit goods grew from just over USD 100 billion in 2000 to USD 250 billion in 2007. This amount is larger than the national GDPs of about 150 countries.

### ACTA does not change EU legislation

- ACTA will not change the body of EU law as it is already considerably more advanced than the current international standards.
- ACTA will only address the way companies and individuals **can enforce their rights** in court, at the borders or via the internet. It will **not create new IP rights**, nor will it define their acquisition, duration, scope of protection, registration, etc. ACTA countries **will enforce the rights as they are defined domestically**.

### ACTA does not prevent poor countries from buying cheap medicines

- There are no provisions in ACTA that could directly or indirectly affect the legitimate trade in generic medicines or, more broadly, global public health.
- On the contrary, ACTA contains unequivocal language safeguarding access to health and expressly refers to the

[Doha Declaration on intellectual property and public health.](#)  
ACTA also excludes patents from criminal and border measures.

### **Transparency**

- The **final text of ACTA** is publicly available to all **since November 2010**, and has already been made public during the negotiations. The text is also available in all official languages of the EU by following this [link](#).
- The European Commission organised four stakeholder conferences on ACTA (which took place on 23 June 2008, 21 April 2009, 22 March 2010 and 25 January 2011, in Brussels) **which were open to all - citizens, industry, Non-Government Organisations (NGOs) and the press.**
- **The negotiations for ACTA were not secret.** It's normal for negotiations to be confidential (otherwise how do you ever negotiate?) but there are clear rules on how the Members of the European Parliament (the European democratic representative) should be informed of such trade negotiations. And these have been **scrupulously followed.**
- Trade Commissioner De Gucht has participated in three plenary debates, replied to several dozens of written and oral questions, as well to two Resolutions and one Declaration of the European Parliament, whilst Commission services have provided several dedicated briefings to MEPs during the negotiations as well as the international press.

### **Which countries are involved?**

- The other parties of ACTA are: Australia, Canada, the European Union, Japan, Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland and the United States.
- It is hoped that major countries facing the same counterfeiting and piracy problems will eventually accede to it.

## The timeline of the agreement

- The discussions about this agreement started in 2007. Formal negotiations were launched in June 2008 and seven rounds of negotiations have taken place.
- The negotiations were finalised in November 2010, and the negotiating parties are now fulfilling their internal ratification procedures. The final text can be found [here](#).
- All parties but the EU, Switzerland and Mexico signed ACTA in December 2011.
- **The EU signed ACTA on 26 January 2012 in Tokyo.** ACTA contains criminal enforcement provisions, an area that is considered of "shared" competence between the EU and its Member States. This is why it needs to be signed and ratified by the EU **and** by all the 27 Member States.

## The next steps

- After the signature of ACTA by the EU and its Member States, the European Parliament will be formally notified to initiate its consent procedure. This should include discussions in the different committees (Committee for International Trade, Committee for Civil Liberties, Justice and Home Affairs and Committee for Legal Affairs), and possibly a public hearing. The vote of "consent" is likely to take place towards late summer 2012.
- Once the European Parliament has given its consent and the national ratification processes in the Member States are completed, the Council of Ministers then has to adopt a final decision to conclude the agreement. This is then notified to the other signatories of ACTA and the agreement will enter into force for the EU.