

Public consultation on Counterfeit and Piracy Watch-List

Fields marked with * are mandatory.

Public consultation on Counterfeit and Piracy Watch-List

Purpose and context of the consultation

IPR infringements, and in particular commercial-scale counterfeiting and piracy cause significant economic losses for rightholders and legitimate businesses as well as to those whose employment depends on such businesses. These infringements undermine the European Union's comparative advantages in innovation and creativity to the detriment of EU citizens and pose significant risks to consumer health and safety as well as to the environment. Besides, IPR infringements, and in particular counterfeiting and piracy also seriously harm European business trading outside the European Union, including the damage caused to geographical indications.

Therefore, the European Commission - in the framework of the "Trade for all" communication and the EU's Strategy for the enforcement of intellectual property rights in third countries – launches a new initiative aiming at identifying online and physical marketplaces situated outside the European Union that are reported to engage in or facilitate substantial IPR infringements, and in particular piracy and counterfeiting.

The European Commission - on the basis of input from the stakeholders – after thorough verification of the received information – intends to publish a so called "Counterfeit and Piracy Watch-List" in 2018, which will be updated regularly. The list will identify and describe the most problematic marketplaces - with special focus on online marketplaces - in order to encourage their operators and owners as well as the responsible local authorities and governments to take the necessary actions and measures to reduce the availability of IPR infringing goods or services.

The Commission will also monitor the measures and actions taken by the local authorities in relation to the listed marketplaces as well as the measures and actions taken by the operators and marketplace owners to curb IPR infringements. The owners and operators of these marketplaces will be urged to adopt business models that rely on the licensed distribution of legitimate content and products and to work with rightholders and enforcement officials to address infringements.

The responsible government authorities will be also expected to intensify their efforts to investigate reports of IPR infringements in such marketplaces, and to pursue appropriate enforcement actions if needed. The list will be an effective tool also to raise consumer awareness concerning the environmental, product safety and other risks of purchasing on these marketplaces.

The Counterfeit and Piracy Watch-List will not mean to reflect findings of legal violations, nor will it reflect the European Union's analysis of the general intellectual property rights protection and enforcement climate in the country or countries concerned.

The European Commission requests written contributions from stakeholders identifying marketplaces that should be included in the Counterfeit and Piracy Watch-List for 2018.

Deadline

Please submit your written contribution and comments **by 31 March 2018** to the following functional mailbox:

TRADE-IPMARKETSWATCH-LIST@ec.europa.eu

[Specific privacy statement](#)

For more information please contact

Tamas Kiraly - Policy officer

Email: Tamas.Kiraly@ec.europa.eu

Phone: +32 2 29 52141

The French and German versions of this text will be available on 24/01/2018

PART I - Identification of the contributor

I. TRANSPARENCY AND CONFIDENTIALITY

Received contributions may be published on the Commission's website, with the identity of the contributor. Please state your preference with regard to the publication of your contribution.

Please note that regardless of the option chosen, your contribution may be subject to a request for access to documents under Regulation (EC) No 1049/2001 on public access to European Parliament, Council and Commission documents. In such cases, the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

Disclaimer: Please note that in case you opt for anonymity the Commission will not display your first name, last name (for natural persons and organisations), email address (for natural persons and organisations), postal address and register ID number in the Transparency Register (for organisations). The Commission will not update contributions or position papers. It is the responsibility of the contributor to make sure that their contribution, position paper or any sort of supporting documents are clear of any trace of identification.

* Please, indicate your preference:

- My contribution may be published under the name indicated; I declare that none of it is subject to copyright restrictions that prevent publication
- My contribution may be published but should be kept anonymous; I declare that none of it is subject to copyright restrictions that prevent publication
- I do not agree that my contribution will be published at all.

Disclaimer: Please note that in case you opt for anonymity your contribution and the position papers you may submit will be published and they should be clear of any trace of identification.

II. About you

* 1. For practical reasons please reply in English or French, but you are welcome to submit your contribution in any of the 24 official languages of the EU. Please indicate in which language you are replying.

* 2. You are replying:

- as an individual in your personal capacity. Please go to question 3.
- in your professional capacity or on behalf of an organisation. Please go directly to question 7.

* 2. You are replying anonymously:

- as an individual in your personal capacity. Please go to question 3.
- in your professional capacity or on behalf of an organisation. Please go directly to question 7.

* 3. First name for natural persons:

* 3. First name for natural persons (anonymous):

* 4. Last name for natural persons:

* 4. Last name for natural persons (anonymous):

* 5. Email address for natural persons:

* 5. Email address for natural persons (anonymous):

* 6. Country of residence for natural persons:

* 7. Respondent's first name (for organisations):

* 7. Respondent's first name (for organisations) (anonymous):

* 8. Respondent's last name (for organisations):

* 8. Respondent's last name (for organisations) (anonymous):

* 9. Respondent's professional email address (for organisations):

* 9. Respondent's professional email address (for organisations) (anonymous):

* 10. Name of the organisation:

* 10. Name of the organisation (anonymous):

* 11. Postal address of the organisation:

* 11. Postal address of the organisation (anonymous):

* 12. Type of organisation:

Please select the answer option that fits best.

- Investor (private enterprise or individual)
- Arbitrator community member
- Professional consultancy, law firm, self-employed consultant
- Trade, business or professional association
- Non-governmental organisation, platform or network
- Research and academia
- Churches and religious communities

- Regional or local authority (public or mixed)
- International or national public authority
- Other

1. If "other", please specify:

[Max 100 characters]

* 1. If you are a company/investor, how many employees does the company have?

- More than 250 employees (Large enterprise)
- Between 50 and 250 employees (Medium-sized enterprise)
- Between 10 and 49 employees (Small enterprise)
- Less than 10 employees (Micro enterprise)
- Self-employed (Micro enterprise)

* 1. If you are a trade, business or professional association, please provide information on your members (numbers, names of member organisations).

Text of 1 to 400 characters will be accepted

* 13. Please indicate your organisation's main area/sector of activities/interest:

[Max 100 characters]

* 14. Is your organisation included in the Transparency Register?

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

* 14. Is your organisation included in the Transparency Register? (anonymous)

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

* 1. If so, please indicate your Register ID number:

* 1. If so, please indicate your Register ID number (anonymous):

* 15. Country of organisation's headquarter

PART II

* Please clearly identify the marketplace and the reasons why you believe that the market should be included in the Counterfeit and Piracy Watch-List. To receive full consideration, written comments should be as detailed as possible and include supporting documents. Please indicate notably: your assessment of the impact of the marketplace on legitimate trade, any known enforcement activity against the marketplace and the state of play of that enforcement activity. [Information to be included](#), if possible.

Please upload your file

After the deadline you can submit additional information to the following functional mailbox:
TRADE-IPMARKETSWATCH-LIST@ec.europa.eu