



European Communities Trade Mark Association

By Email to: Member of the European Parliament

Antwerp, 23 April 2007

Dear Member of the European Parliament,

**Concern: Analysis of the amendments presented by the Committee on Legal Affairs for voting on the Draft Directive on criminal measures aimed at ensuring the enforcement of Intellectual Property rights**

In view of the vote in Plenary on April 25<sup>th</sup>, The European Communities Trade Mark Association (ECTA), which brings together some 1,400 experts in the field of trade marks, designs and related IP matters from 85 countries, would like to provide you with its views on the report tabled by the Legal Affairs Committee on the *draft Directive on Criminal Sanctions to Ensure the Enforcement of IPRs*.

ECTA already submitted its comments to the Commission's Proposal by way of a letter sent to Mr Nicola Zingaretti and other relevant Members of European Institutions in November 2006 and February 2007. ECTA would therefore like to call attention to only certain aspects it considers most essential, so that they may be taken into account when finally approving the Directive.

We would like to bring to your attention the following points:

- 1) We fully support amendment 8 limiting the proposal to counterfeiting and piracy;
- 2) We strongly reject the mention in amendment 13 in relation to Commercial scale. Particularly we reject the wording "this would exclude acts carried out by private users for personal and non profit purposes" and propose it to be deleted;
- 3) We strongly reject the mention in amendment 13 in relation with Intentional infringement. Particularly we reject the wording "for the purpose of obtaining an economic advantage on a commercial scale" and propose it to be deleted.

We hope you will find our comments useful.

If you have any questions in this regard or if we can assist you in any other way, please feel free to contact us again.

Yours sincerely,



Mireia Curell  
President



Ignacio D Rivera Elzaburu  
Chair of the Anti-Counterfeiting Committee



Doris Bandin  
Chair of the Law Committee