

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 16 April 2018** to the following functional mailbox:

TRADE-COUNTERFEIT-AND-PIRACY-WATCH-LIST@ec.europa.eu

For more information please contact

Tamas Kiraly - Policy officer

Email: Tamas.Kiraly@ec.europa.eu

Phone: +32 2 29 52141

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.

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.

English & Polish

* 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.

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

Joanna

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

Przybyło

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

joanna.przybylo@sygnal.org.pl

* 10. Name of the organisation:

Sygnal Association (Stowarzyszenie Sygnal)

* 11. Postal address of the organisation:

UL. STĘPIŃSKA 22/30 00-739 WARSZAWA

* 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 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

Sygnal Association acts in favour of intellectual property rights of broadcasters, distributors, licensors, recipients of TV programmes and other multimedia content.

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

[Max 100 characters]

Sygnal Association acts in favour of intellectual property rights of broadcasters, distributors, licensors, recipients of TV programmes and other multimedia content.

* 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

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

084497913019-90

* 15. Country of organisation's headquarter

Poland

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.

Sygnal Association brings together biggest television broadcasters operating in Poland. The Association monitors and combats criminal offences related to copyright infringements. In practice, we are confronted with the variety of “pirate” websites - some of them are streaming public and commercial television channels some of them provide video-on-demand services. Also, to become more credible in the eyes of the user such offences are often in conjunction with trade mark infringements.

The list attached contains data on the biggest pirate websites where rights of copyright holders from Poland are being violated on a massive scale.

However, it should be noted that losses generated by those websites for the television industry are only the tip of the iceberg. The total annual losses generated in the Polish economy (in 2016) as a result of Internet content piracy reached over PLN 3 billion and PLN 836 million of losses to the Treasury. These alarming data come from the report ‘Internet Piracy – Losses to the Culture and Economy. Analysis of the Internet Piracy Impact on the Polish Economy on Selected Cultural Markets’ prepared by Deloitte (available at: https://www2.deloitte.com/content/dam/Deloitte/pl/Documents/Reports/pl_Deloitte_Raport_piractwo_june2017.pdf).

Please upload your file

89241f64-434f-402d-9619-ce238b7ce901/20180409_Stowarzyszenie_Sygnal__watchlist_fin.pdf

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

Background Documents

[Datenschutzerklärung \[EN\] \(/eusurvey/files/670f0068-7340-4895-a71f-c48c8e49d51b\)](#)

[Leitfaden fr Beitrge \[EN\] \(/eusurvey/files/2e916004-a5a3-4216-8523-5a2ec87682cb\)](#)

Contact

TRADE-COUNTERFEIT-AND-PIRACY-WATCH-LIST@ec.europa.eu
