



Mr Luc Devigne
Head of unit DG TRADE
Responsible for ACTA negotiations
European Commission
200 rue de la Loi
1049 Bruxelles

20 June 2008

Dear Mr Devigne,

BUSINESSEUROPE has vividly welcomed the launch of negotiations on a new Anti-Counterfeiting Trade Agreement (ACTA).

BUSINESSEUROPE fully supports the efforts of the European Commission to negotiate a solid and effective international framework for the protection and enforcement of intellectual property rights with ACTA.

At this stage in the negotiating process, BUSINESSEUROPE would like to highlight some key areas of action that we consider indispensable, in order to accomplish the objectives of ACTA.

It is our strong conviction that ACTA must cover both civil and criminal enforcement and provide for reinforced border enforcement measures as well as measures to strengthen international cooperation to deal with the scourge of counterfeiting and piracy. Effective criminal enforcement measures should include deterrent fines and sentences, injunctive relief and enhanced measures to allow right holders and law enforcement agencies to identify and take action against proceeds of crime. Civil enforcement should encompass civil damages that compensate the right holder for damages suffered and deprive infringers of any profits from the infringement. Deterrent damages are needed as well as the destruction of counterfeit goods and the equipment used to produce them and the closure of establishments used for the production and sale of those goods.

We also recommend that the growing use of the online environment to conduct illicit activities is addressed in a practical way with the cooperation of all relevant actors.

Enhanced border enforcement measures are essential, including giving customs the power to control goods on export, in transit and transshipment zones as well as on import. BUSINESSEUROPE would also support measures providing the competent authorities with the power to provide right holders with the necessary information about the consignee, exporter, importer as well as the country of origin, quantity of the goods seized and their description.



International cooperation regarding information exchange, capacity-building, consumer awareness raising and exchange of best practices is also very important.

It is necessary that ACTA does not remain a restricted club of the few. Therefore, it is important that other countries that will not participate from the outset are encouraged to join in the ACTA framework.

BUSINESSEUROPE is eager to positively contribute to the negotiating progress and will provide the European Commission with more detailed input and recommendations as negotiations on ACTA progress.

Yours sincerely,

A handwritten signature in blue ink, which appears to read 'J. Chauvin'. The signature is written in a cursive style and is underlined with a single blue line.

Jérôme P. Chauvin
Director
Legal Affairs Department
Internal Market Department