

Members of the European Parliament
European Parliament
By email

16 April 2012

Re: Anti-Counterfeiting Trade Agreement

Dear Members of Parliament,

FIA and UNI-MEI together represent tens of thousands of professional workers employed in the media and entertainment industries. Large audiences both on traditional media and in the online environment enjoy the productions that our members contribute to create. These works heavily depend on intellectual property rights and their enforcement to uphold complex financing mechanisms, secure investments in new productions – and thus generate new employment opportunities and remuneration for all creators.

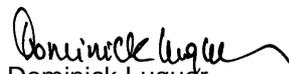
Although intellectual property rights and their enforcement are inspired by high standards in the EU, the same is not true in other parts of the world. The illegal online distribution for download or streaming of protected audiovisual content generates big losses for what is still, especially in Europe, a very fragile sector. As independent producers cannot recoup their costs, their ability to invest in further production is severely undermined. This in turn generates less employment opportunities for our members and negatively impacts on their revenue.

Despite its procedural flaws, we understand ACTA to be beneficial to our members in the EU and elsewhere, as it sets a framework for better cross-border cooperation to tackle commercial counterfeiting and piracy. It also helps to raise standards at international level and promote good practices in this field. In this global economy, there can be no effective enforcement in the field of intellectual property without a strong international commitment.

We are convinced that ACTA is compatible with the EU *acquis*. We are equally confident that ACTA is compatible with the EU Charter of Fundamental Rights: two opinions of the EP legal service have already confirmed this and the European Court of Justice has recently been asked to provide an authoritative ruling on this matter. We understand the concerns on criminal enforcement and how the notion of “commercial scale” may ultimately be interpreted in the judicial systems of the EU member States. However, we equally believe that binding guidance could be provided at EU level on this matter to harmonise this notion.

For these reasons, FIA and UNI-MEI consider that voting against ACTA at this stage would be premature and respectfully urge you to allow for the ECJ to release its ruling. This would clarify once and for all whether ACTA is compatible or not with the European Charter of Fundamental Rights, whilst at the same time allowing for the necessary time to build a European concerted vision with regard to how civil and criminal enforcement related provisions in ACTA are to be interpreted and applied by the EU and the member States.

Yours truthfully,


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