



Paris, April 20th, 2010

Dear MEP Juan Fernando LÓPEZ AGUILAR,

You will soon vote upon the Gallo report on the enforcement of intellectual property rights. We want to **stress how important it is for the Parliament to take a reasonable and evidenced-based approach to trademark, copyright and patent enforcement.**

The original Gallo report lacks fundamental distinctions between commercial IPR violations that endanger consumers (counterfeiting) and not-for-profit infringements, such as file-sharing. Failing this, the final report could strengthen potentially **disproportionate and dangerous enforcement policies whose impact has never been assessed.**

Last month, you were presented with yet another biased<sup>1</sup> study regarding the job losses allegedly caused in Europe by unauthorised file-sharing. These misleading industry-sponsored studies are **consistently based on biased methodology and only serve to justify policies** to deter file-sharing that are dangerous and disrespect fundamental freedoms, such as extra-judicial measures to filter the Net or restrictions on Internet access.

Last week, **the U.S Congress Government Accountability Office released a groundbreaking report debunking the numbers used by industry groups as well as law enforcement agencies** regarding counterfeiting and piracy<sup>2</sup>. According to the GAO, "commonly cited estimates of U.S. industry losses due to counterfeiting have been sourced to U.S. agencies, but cannot be substantiated or traced back to an underlying data source or methodology". Actually, an **increasing number of independent studies** - including from the OECD, IPSOS, the Canadian Department of Industry and other academic as well as governmental sources - **suggest that the economic impact of file-sharing is either neutral or positive**<sup>3</sup>.

As we outline in the **attached policy brief**, the extension and toughening of IPR enforcement during the last fifteen years have not benefited artists. Today, the defense of **creativity, innovation but also of the rights and freedoms of EU citizens should compel policy-makers to break with the harmful dogmatism** induced by a few industry groups. This is why the Parliament must **promote a balanced and evidenced-based approach to IPR enforcement.** Thankfully, Members of the committee from across the political spectrum have tabled important amendments that serve this purpose.

We are confident in your commitment to protecting the public interest and the rule of Law, and remain at your disposal for further exchanges on the subject and to answer your questions.

Yours sincerely,

Philippe Aigrain, Gérald Sédrati-Dinet, Benjamin Sonntag, Jérémie Zimmermann  
Co-founders of citizen advocacy group La Quadrature du Net.

Gallo Report: policy brief : <http://lqdn.fr/201004gallo.pdf>

---

<sup>1</sup>Figures from the BASCAP study were biased and inflated as demonstrated by the independent and respected Social Science Research Council (SSRC). <http://bit.ly/ssrc-piracy>

<sup>2</sup>Link to the report itself: <http://www.gao.gov/new.items/d10423.pdf> and its summary in Le Monde: [http://www.lemonde.fr/technologies/article/2010/04/19/la-cour-des-comptes-americaine-met-en-cause-les-chiffres-du-telechargement-illegal\\_1336770\\_651865.html](http://www.lemonde.fr/technologies/article/2010/04/19/la-cour-des-comptes-americaine-met-en-cause-les-chiffres-du-telechargement-illegal_1336770_651865.html)

<sup>3</sup><http://www.laquadrature.net/wiki/Documents>