



The Consumer Voice in Europe

# Consultation on civil enforcement of Intellectual Property Rights

Letter sent to Mr. Jean Bergevin, Head of Unit/DG Markt/EC

Contact: **Monique Goyens & Kostas Rossoglou –**  
[digital@beuc.eu](mailto:digital@beuc.eu)

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Dear Mr. Bergevin

I write on behalf of the European Consumer Organisation (BEUC) to express our profound disappointment with the consultation on the civil enforcement of Intellectual Property Rights that was launched on 30 November 2012.

Despite the commitment of the European Commission to ensure transparency and good governance of the policy making procedure, the ill-designed process of this consultation fails to meet the minimum standards of what constitutes sound policy making.

The European Commission has unilaterally decided to assign the questions in the survey, according to their nature, to the categories of respondents most likely to possess the information in question. The full list of questions is unavailable on the website of DG Internal Market and stakeholders cannot access to them.

It is our strong belief that the establishment of a balanced framework for enforcement of Intellectual Property Rights requires the involvement of all stakeholders on an equal footing, be it right holders or consumer representatives. By restricting access to the questions, DG Markt promotes further division of views and removes any legitimacy from the public consultation. We regret that this occurs only a few days before the orientation debate on the future of copyright which will be held among the College of Commissioners on 5 December.

BEUC has repeatedly stressed that the approach followed by the European Commission risks eroding public support for IPRs in general. During the past years, the European Commission has focused its policies on extending the length of copyright protection to the sole benefit of record companies and on supporting enforcement measures which put fundamental rights and freedoms of consumers and citizens at risk.

The European Union needs a future-proof and balanced legal framework, one that will allow consumer access to digital content in Europe's Single Market, while at the same time ensuring fair compensation of creators.

We urge you to open access to the full questionnaire to all interested parties, so that the views and concerns of all stakeholders can be submitted.

We remain at your disposal to further discuss our concerns.

Yours sincerely,

Monique Goyens  
Director General

Cc: - François Arbault, member of the Cabinet of Commissioner Barnier  
- Caroline Wooning, member of the Cabinet of Vice-President Kroes  
- Rossella Delfino, member of the Cabinet of Commissioner Borg