



European Communities Trade Mark Association

PRESS RELEASE
25 October 2010

Finalising the Anti-Counterfeiting Trade Agreement (ACTA): ECTA comments

ECTA welcomes the release of the 2 October 2010 official draft of ACTA, reflecting the 11th and final round of the negotiations held in Tokyo, and which highlights those specific parts of the text for which some delegations expressed reservation.

On 22 October 2010, on the occasion of the meeting of the ECTA leadership in Cracow (Poland), members of the ECTA Anti-Counterfeiting Committee met to discuss and examine the latest version of ACTA. Several ACTA Articles remain subject to discussion by the Parties. Accordingly, ECTA is taking this opportunity to contribute to the public discussion on those limited issues which have been highlighted in the most recent ACTA text.

The initiative of the EU and other countries in enhancing the protection of IP right holders and consumers against all forms of damage caused by counterfeit goods is a welcome step in the battle against counterfeiting.

Increasingly, counterfeit goods may represent a threat to the health and safety of consumers, as recognized by governments worldwide.

ECTA supports the specific inclusion of trade mark rights in ALL aspects of ACTA, including those where delegates have expressed reservation, namely with respect to enforcement of trade mark rights in the digital environment as set out in Articles 2.18.2, 2.18.3 and 2.18.4

Moreover, ECTA endorses the inclusion of border measures, which have shown to be an effective and necessary tool in combating the import and export of counterfeit goods. In this regard, ACTA includes the option to seize goods contained in a travellers' personal luggage.

ECTA encourages all Parties to exercise this option and to implement measures that support the seizure of ALL counterfeit goods.

About ECTA

ECTA, the European Communities Trade Mark Association, was formed in 1980. ECTA numbers approximately 1.500 members, coming from the Member States of the European Union with associate members from all over the world. It brings together all those persons practicing professionally in the Member States of the European Community in the field of trade marks, designs and related IP matters. These professionals are lawyers, trade mark advisors, trade mark attorneys, in-house counsels and others who can be considered specialist practitioners in these areas.

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