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European IP policy is crippling the European digital economy

Brussels — European policy makers are strangling the digital economy, hurting consumers and putting Europeans' fundamental rights at risk, according to a report into the failures of IP policy making in Europe.

The report, by European Digital Rights, sets out how the EU has been making policy 'blind', building their strategies on faith not fact and ignoring objective, robust evidence.

The report sets out a series of proposals that would add up to a radical change of direction for EU IP policy. Following them would see Europe maximise the value that society can get from works covered by intellectual property at the same time as sustaining flourishing creative industries. The result would be a boost to the EU economy, an improved environment for creators, innovators and consumers, and a safeguarding of fundamental rights of European citizens.

The report recommends that the EU:

- Harmonise exceptions to copyright to create legal certainty across the EU about the permitted uses of works covered by IP
- Establish pan-European licensing arrangements as a matter of priority, and tie future enforcement policy to the successful development of such proposals
- Abandon repressive enforcement measures that would materially damage people's fundamental rights
- Establishes a moratorium on the exporting of repressive IP enforcement to third countries
- Makes a firm commitment to robust, objective evidence and re-evaluation of policy on the basis of it.

IPRs play an important role incentivising and rewarding creativity and innovation. But the report argues that these benefits are now being outweighed by IPRs' damaging effects on the creation and dissemination of culture and technological innovation, and on fundamental rights such as privacy and freedom of expression.

EDRi advocacy coordinator Joe McNamee said: “Policy makers face a choice. They can enable a radical expansion of society's ability to access the world's trove of information, culture and knowledge. Or they can unnecessarily prevent a wide range of valuable activities from taking place and, for no sound reason, pursue repressive enforcement measures that cripple the democratising potential of new technology.

Currently the EU is choosing the latter. This report argues forcefully for a change of track to embrace new technology and the best of what it offers.”

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