

Ms Kerstin JORNA
Director General
Internal Market, Industry,
Entrepreneurship
and SMEs

April 29, 2020

Dear Ms Jorna,

We sincerely hope that the COVID 19 has not had any effect on your health or that of your family and friends and of course, your teams at the Commission and their families

We write as six of the world's major anti-counterfeiting associations who, together work to protect the Intellectual Property Rights of thousands of multinational brands across the globe.

Currently, our members are heavily engaged in re-planning, to cope with the impacts of the COVID 19 outbreak. We are sure that you and other Commission services are involved in similar processes, particularly in relation to your existing Intellectual Property Action Plan.

In this respect, we recently we wrote to Christian Archambeau, the Executive Director of the EUIPO, and key members of his senior team, about how COVID19 is seriously affecting our members. You would, of course, be fully aware that besides the health issues being caused by the pandemic, serious consequent side effects are being felt by legitimate European registered companies. Many of these have found it necessary to re-structure some of their principal activities, due to national restraints and restrictions designed to halt the spread of the outbreak. This is not only having a major impact on well-known multinational businesses, but also on our much valued small and medium sized enterprises.

As trade and industry associations, we are naturally concerned about the detrimental effect the continuing crisis is having on the finances of all these companies. Almost all are being drawn into safeguarding their existing employees and budgets and have been compelled to make changes in important support areas. Unfortunately, one of the activities, under threat, appears to be intellectual property protection and enforcement. This has come at a time when countless enterprises recognise IP rights as their major business asset. Therefore, it is a great concern to be contacted and informed that their budgets for IP protection are either being cut or reduced to a minimum.

It is our view that this will have a natural knock-on effect on the level of support that IP associations can provide. Moreover, we are extremely concerned that national and regional IP offices across the world will feel the impact, as the need for applications, registrations and renewals will be collaterally reduced.

It is our view, that the effect of stopping, or even cutting back, on brand protection, now, will hand a significant advantage to infringers and counterfeiters, who are continuing to manufacture and stockpile products in readiness for COVID19 restrictions to be relaxed.

In the circumstances, we have made a proposal to Mr Archambeau to help companies to retain a robust level of IP protection, for trademarks and designs. We felt that this proposition would be of particular interest to you as Director General at Internal Market, Industry, Entrepreneurship and SMEs, with a key role in facilitating EUIPO policy and the its regulatory framework.

In brief, our short-term proposition is that consideration be given to the postponement of payments of specific fees, such as registration and renewal charges. We feel that this would help to quickly relieve financial pressures and enable companies, of all sizes, to continue to safeguard their brands, products, services, and businesses reputations.

For many of our members the financial situation is becoming extremely difficult. In the circumstances, we have also been asked if, in light of the impending impact of the current crisis, you and the EUIPO would be, jointly, willing to consider a temporary reduction of fees until late 2021?

There are of course other possible initiatives, such as instigating an awareness raising campaign about the associated dangers, which might result from taking a less robust approach to IP protection and enforcement of their rights.

We remain at your disposal to support you in these difficult times for all of us who recognise that intellectual property rights are vital in protecting business, consumers, jobs and our economies.

Kind regards

Signatories (*Overleaf*)

ABAC BAAN



ACG



ANDEMA



APM



INDICAM



UNIFAB

