



Computer & Communications Industry Association

Intervention of CCIA at the 8th Session of the WIPO Advisory Committee on Enforcement (ACE), 19th to 20th December 2012

Congratulations to you, Mr. Chairman, to your election and thanks to Professor Christie for this very interesting presentation.

I represent the Computer & Communications Industry Association, a trade association representing the technology industry. Several of our members were also mentioned in this study.

I think we all agree that the rise of e-commerce has been a very positive development both for consumers by providing them with an unprecedented number of buying options and for sellers, in particular Small and Medium Enterprises, by providing them with instant access to a global market. These benefits are a direct result of the safe harbour provisions for Internet intermediaries, which are a fundamental element of the online economy. We need to be mindful of that fact when we discuss policies for the online environment.

We see a lot of very positive cooperation between online platforms and rights holders and I agree with the EU that facilitation, rather than legislative action, is the best approach to drive work in this environment. I would also like to point out that the methods preferred by rights holder to address IP infringement differ widely, depending on product categories and industries, market structure and geographic location. It is difficult to envision a one-size fits all approach that could do justice to this complexity.

I also agree with others speakers that there is a risk that a crude application of the existing mechanism to address IP infringement could have a negative effect as it can produce false positives. This is also the reason why most online



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platforms provide alleged infringers with the possibility to challenge the decisions.

And finally, I am not sure the UDRP would be the best model for addressing general online IP infringement. After all, the UDRP only manages a very limited and fairly simple area of IP infringement online.

Thank you, Mr. Chairman, for the opportunity to be heard today.