



900 17th Street, N.W.
Suite 1100
Washington, DC 20006
Phone: 202.783.0070
Fax: 202.783.0534
Web: www.ccianet.org

Computer & Communications Industry Association

Intervention of CCIA

On the Proposal for a Work Plan on 'Trademarks and the Internet'
Delivered at the 25th Session of the Standing Committee on Trademarks,
Industrial Designs and Geographical Indications of the World Intellectual
Property Organisation, 29th March 2011

Thank you, Mr. Chairman, for the opportunity to speak to this important issue and as this is the first time we've taken the floor allow us to extend our congratulations to you, and to your vice-chairs, upon your election.

The [Computer & Communications Industry Association \(CCIA\)](http://www.ccianet.org)'s members represent a broad cross-section of the information and communications technology (ICT) industries and collectively generate more than \$200 billion in annual revenues worldwide through operations in dozens of countries. They have a substantial stake in the effective operation of the entire intellectual property system, including trademarks, as they are owners of some of the world's most famous and well-known brands.

In document SCT/25/3, in paragraph 70, the Secretariat has proposed that the SCT should "*continue its work on trademarks and the Internet ...*" by developing "*... agreed standards for the determination of the presence or absence of secondary liability of Internet intermediaries...*"

We believe it is premature for the Secretariat to propose an open-ended course of action to resolve issues that are not clearly defined or understood, related to stakeholders who are also not very clearly defined, in only the second session in which the Standing Committee has even considered this extremely broad and complex area.

We submit that two documents produced by the Secretariat, regardless of their quality or comprehensiveness, are not a sufficient basis to decide upon a course of action on any subject, let alone what action to take.

Any discussion of international action should always be evidence-based. We therefore suggest that a series of information sessions be organised by the Secretariat at the beginning of upcoming SCT sessions. Holding sessions of this nature is standard practice in the Standing Committee on Copyright and Related Rights when embarking upon discussions of new issues and we are confident that it would be equally valuable in this case.

Since it appears that that concerns relate primarily (though not exclusively) to three different types of intermediary, we suggest holding informational sessions on those three areas (social

media, auction sites, and search engines) and one further session on safe harbours in general. Each session could cover existing measures taken to protect trademarks and the experience of stakeholders in dealing with enforcement issues related to them as well as exploring the unique differences between these very different types of globally-diverse services in interacting with trademarks. The session on safe harbours would ensure that all parties understand the role of these provisions that are quite literally the foundation the Internet depends upon in order to function and therefore they have an importance far beyond intellectual property concerns. We confirm that we would be happy to work with the Secretariat to ensure experts from a globally diverse group of Internet intermediaries are available to the SCT for these sessions. Since CCIA's members include some of the most famous and successful Internet services, we are sure we can be of service, should the Committee decide to pursue this course of action.

The services that the Secretariat suggest need regulation are used daily by hundreds of millions of people and generate hundreds of billions of dollars in annual revenues and directly employ hundreds of thousands of people and support economic activity for millions more. Any action which could impact the daily life of a sizable portion of the world's population, as well as measurable levels of international trade in the kind of knowledge economy jobs that all countries worldwide seek to create and attract, should be taken only with extreme care and only after impacts and unintended consequences are clearly understood in advance of resolving on a course of action.

We submit that an approach that is evidence-based and well-informed can only benefit all stakeholders, and harm none.

Thank you very much for your kind attention.