

JURI/7/01257

DRAFT VOTING LIST

on the draft report

on the enforcement of intellectual property rights in the internal market

(2009/2178(INI))

Rapporteur: Marielle Gallo

PE 439.233v01-00 (ams 1-122) + PE 438.391v02-00 + PE 438.494v04-00

Part of the text being considered	Subject of the vote	Comments	Rapporteur's opinion	Voting result
horizontal amendment	in all the paragraphs concerned the word " <i>piracy</i> " is replaced by the word " <i>IPR infringements</i> " if adopted AM 40 falls		+	
Citation (new)	am 1 Lambrinidis		+	
Citation (new)	am 2 Engström		+	
Citation (new)	am 3 Castex		+	
Citation (new)	am 4 Geringer de Oedenberg/Castex/Rapkay/ Wikström/Engström		+	
Citation (new)	am 5 Castex		+	
Recital A	am 6 Lambrinidis	<u>separated vote</u> <u>firs part: the text without the word "can"</u>	+	

		whereas infringements of intellectual property rights (IPR) constitute a genuine threat not only to consumer health and safety but also to our economies and societies,		
		<u>second part:</u> The word "can"	-	
Recital A	am 7 Castex/Geringer de Oedenberg/Berlinguer/Masip Hidalgo/Rapkay/Lambrinidis/Wikström/Engström	falls if AM 6 is adopted	-	
Recital A a (new)	am 8 Castex/Lambrinidis		+	
Recital A a (new)	am 9 McCarthy		+	
Recital A b (new)	am 10 Castex/Geringer de Oedenberg/Berlinguer/Hidalgo/Rapkay/Lambrinidis		+	
Recital A c (new)	am 11 Castex/Lambrinidis/Wikström		-	
Recital A d (new)	am 12 Castex/Wikström/Engström		-	
Recital B a (new)	am 13 Yáñez-Barnuevo García		+	
Recital C	AMC 1	<i>whereas data concerning the scale of IPR infringements are inconsistent, incomplete, insufficient and dispersed, and whereas an objective, independent impact assessment</i>	+	

		<i>is needed for any additional legislative proposal,</i> if adopted AMs 14 and 17 fall		
Recital C	am 14 Castex/Geringer de Oedenberg/Berlinguer/Rapkay/Engström	falls if AMC 1 is adopted	-	
Recital E	am 15 Castex/Rapkay		+	
Recital E a (new)	am 16 Manders		+	
Recital F	am 17 Castex/Geringer de Oedenberg/Berlinguer/Masip Hidalgo/Rapkay/Engström	falls if AMC 1 is adopted	-	
Recital F	am 18 Thein/Wikström		-	
Recital F	am 19 Lambrinidis		+	
Recital F a (new)	am 21 Wikström	<u>oral amendment:</u> <i>Whereas efforts to tackle infringement of copyright must enjoy public support in order not to risk eroding support for intellectual property rights amongst the citizens;</i> if adopted AM 20 falls	+	
Recital F a (new)	am 20 Castex/Geringer de Oedenberg/Berlinguer/Hidalgo/Rapkay/Lambrini/Engström	falls if AM 21 is adopted	-	
Recital F a (new)	am 22 McCarthy		+	
Recital F a (new)	am 23	withdrawn		

	Cavada			
Recital F b (new)	am 24 McCarthy		+	
Recital F b (new)	am 25 Cavada		+	
Recital G	AMC 2	whereas, with the exception of legislation on penalties under the criminal law, a Community legal framework already exists with regard to the phenomenon of counterfeiting and piracy of physical goods, but whereas lacunae persist with regard to <i>on-line IPR infringements</i> , if adopted AMs 26, 27 and 28 fall	+	
Recital G	am 26 Castex/Geringer de Oedenberg/Berlingue/ Hidalgo/Rapkay/Engström	falls if AMC 2 is adopted	-	
Recital G	am 27 Wikström	falls if AMC 2 is adopted	-	
Recital G	am 28 Lambrinidis	falls if AMC 2 is adopted	-	
Recital H	am 29 Castex/Lambrinidis/ Wikström/Engström		+	
Recital H a (new)	am 30 Castex/Geringer de Oedenberg/Berlinguer/ Hidalgo/Rapkay/ Lambrinidis/Wikström/ Engström	<u>split vote</u> : <u>first part</u> : <i>whereas the telecoms regulatory framework has recently been amended, includes provisions for standardised public interest notices which can address, among other things, copyright and infringement thereof without jeopardising data protection and privacy rights and stresses the need to respect fundamental rights in matters</i>	+	

		<i>relating to Internet access,</i>		
		<u>second part:</u> <i>rejecting proposals for so-called graduated response schemes at EU level, and instead,</i>	-	
Recital H a (new)	am 31 Manders		+	
Recital J	AMC 3	whereas there are proven connections between various forms of organised crime and IPR infringements,	+	
Recital J	am 32 Castex/Geringer de Oedenberg/Berlinguer/Hidalgo/Rapkay/Wikström/Engström	falls if AMC 3 is adopted	-	
Recital J a (new)	am 33 Castex/Lambrinidis/Wikström/Engström		+	
Recital K a (new)	am 34 Speroni		+	
Recital K a (new)	am 35 Yáñez-Barnuevo García		+	
Recital L a (new)	am 36 Yáñez-Barnuevo García		+	
Recital M a (new)	am 37 Yáñez-Barnuevo García		-	
Paragraph 1	AMC 4	<i>Welcomes the communication of 11 September 2009 from the Commission concerning additional non-legislative measures; regrets however that the communication does not deal with the matter of completing the legislative framework by introducing a set of measures to combat intellectual property right infringements in an effective manner; welcomes the progress</i>	+	

		<i>made in the EU in harmonising the fight against counterfeiting; encourages the Commission to step up its efforts in areas that are sensitive in terms of health and safety, including that of medicines;</i>		
		if adopted AMs 38, 39 and 42 fall		
Paragraph 1	am 38 Manders	falls if AMC 4 is adopted	+	
Paragraph 1	am 39 Castex/Engström	falls if AMC 4 is adopted	-	
Paragraph 1 a (new)	am 42 Yáñez-Barnuevo García	falls if AMC 4 is adopted	-	
Paragraph 1 a (new)	am 40 Manders	falls if horizontal AM is adopted	-	
Paragraph 1 a (new)	am 41 Castex/Geringer de Oedenberg/Berlinguer/ Hidalgo/Rapkay/Engström		-	
Paragraph 1 b (new)	am 43 Castex/Geringer de Oedenberg/Berlinguer/ Hidalgo/Rapkay/ Lambrinidis/Engström	see horizontal AM	-	
Paragraph 1 c (new)	am 44 Geringer de Oedenberg/Castex/ Berlinguer/Rapkay/ Engström		-	
Paragraph 1 d (new)	am 45 Castex/Geringer de Oedenberg/Berlinguer/ Rapkay	split vote	+	
		<u>first part:</u> <i>Recalls that an exception to IPRs exists in the cultural area: the ‘private copy’;</i>		
		<u>second part:</u> <i>calls on the Commission to retain this exception and to adapt it to new technological progress and the internet;</i>	-	

		<i>stresses the potential usefulness of authorising sharing between individuals of copies for non-commercial use and linking them to new mutualised forms of funding for creative endeavour;</i>		
Paragraph 1 d (new)	am 14 IMCO	covered by rapporteur's Paragraph 1	-	
Paragraph 1 e (new)	am 10 ITRE		-	
Paragraph 2	AMC 5	Calls on the Commission to present <i>by the end of 2010</i> , a comprehensive IPR strategy addressing all aspects of IPRs, including their enforcement <i>as well as their promotion, in particular the role of copyright as an enabler and not an obstacle, helping creators earn a living and disseminating their works;</i> if adopted AMs 47 and 48 fall	+	
Paragraph 2	am 46 Geringer de Oedenberg/Castex/Masip Hidalgo/Rapkay, Lambrinidis/Wikström/ Engström		+	
Paragraph 2	am 47 Gallo	falls if AMC 5 is adopted	+	
Paragraph 2	am 48 Manders	falls if AMC 5 is adopted	+	
Paragraph 2 a (new)	AMC 6	<i>Stresses that any measures taken to enforce IPR must respect the Charter of Fundamental Rights of the European Union, in particular Article 7 and Article 8, and the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 6, Article 8,</i>	+	

		<p><i>and Article 10, and be necessary, proportionate, and appropriate within a democratic society; recalls in this connection that Article 17 of the Charter of Fundamental Rights of the European Union provides for the protection of intellectual property;</i></p> <p>if adopted AMs 49, 50, 57, 90, 91, 109, AM 11 ITRE and AM 1 IMCO fall</p>		
Paragraph 2 a (new)	am 49 Geringer de Oedenberg/Castex/Masip Hidalgo/Rapkay/ Lambrinidis/Engström	falls if AMC 6 is adopted	+	
Paragraph 2 a (new)	am 11 ITRE	falls if AMC 6 is adopted	-	
Paragraph 2 a (new)	am 1 IMCO	falls if AMC 6 is adopted	-	
Paragraph 2 a (new)	am 2 IMCO		-	
Paragraph 2 a (new)	am 6 IMCO		-	
Paragraph 2 a (new)	am 15 IMCO		-	
Paragraph 2 a (new)	am 16 IMCO		-	
Paragraph 2 a (new)	am 26 IMCO		-	
Paragraph 2 a (new)	am 1 ITRE		-	
Paragraph 3	am 50 Engström	falls if AMC 6 is adopted	-	
Paragraph 3	am 51 Wikström		+	
Paragraph 3 a (new)	am 52		+	

	Castex/Masip Hidalgo			
Paragraph 3 a (new)	am 53 Gallo	withdrawn		
Paragraph 4 a (new)	am 56 Yáñez-Barnuevo García	if adopted am 54, 55 fall	+	
Paragraph 4	am 54 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Rapkay/Wikström/ Engström	falls if AM 56 is adopted	-	
Paragraph 4	am 55 Manders	falls if AM 56 is adopted	+	
Paragraph 4 a (new)	am 20 IMCO		+	
Paragraph 5	am 57 Castex/Masip Hidalgo/Rapkay/ Lambrinidis/Wikström/ Engström	falls if AMC 6 is adopted	-	
Paragraph 5 a (new)	am 7 IMCO		-	
Paragraph 5 a (new)	am 8 IMCO		-	
Paragraph 5 a (new)	am 34 IMCO		-	
Paragraph 5 a (new)	am 6 ITRE		-	
Paragraph 5 a (new)	am 7 ITRE		-	
Paragraph 6	AMC 7	Does not share the Commission view that the principal body of laws with respect to IPR enforcement is already in place; points out in this respect that negotiations on the directive on criminal sanctions have not been successfully concluded	+	

		if adopted AMs 58 and 59 falls		
Paragraph 6	am 58 Wikström	falls if AMC 7 is adopted	-	
Paragraph 6	am 59 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Rapkay/Engström	falls if AMC 7 is adopted	-	
Paragraph 6 a (new)	am 60 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Rapkay/Lambrinidis/ Wikström/Engström		+	
Paragraph 6 a (new)	am 24 IMCO		-	
Paragraph 6 a (new)	am 35 IMCO		-	
Paragraph 6 a (new)	am 8 ITRE		-	
Paragraph 6 a (new)	am 9 ITRE		-	
Paragraph 7	am 62 Thein/Wikström		+	
Paragraph 7	am 61 Geringer de Oedenberg/Castex	irrecevable		
Paragraph 7 a (new)	am 14 ITRE		-	
Title after paragraph 7	am 63 Borys		-	
Paragraph 8 a (new)	am 64 Castex/Masip Hidalgo		-	
Paragraph 8 a (new)	am 65 Engström		-	
Paragraph 9	AMC 8	Welcomes the establishment of the Observatory as a tool for centralisation of statistics and	+	

		<p>data which will serve as a basis for proposals to be implemented to combat effectively the phenomena of counterfeiting and <i>on-line IPR infringements</i>; <i>urges the Commission to produce a report on how best to use Europol and existing structures for cooperation between customs authorities in this field to combat IPR criminal infringements effectively</i>;</p> <p>if adopted AMs 66 and 67 fall</p>		
Paragraph 8 b (new)	<p>am 66 Castex/Masip Hidalgo/Rapka/Wikström/ Engström</p>	falls if AMC 8 is adopted	-	
Paragraph 9	<p>am 67 Castex/Masip Hidalgo/Rapkay/Wikström /Engström</p>	falls if AMC 8 is adopted	-	
Paragraph 9 a (new)	<p>am 68 Geringer de Oedenberg/Castex/Masip Hidalgo/Rapkay/ Lambrinidis</p>		-	
Paragraph 10	<p>AMC 9</p>	<p>Wishes the Observatory to become a tool for collecting and exchanging data and information on all forms of all IPR infringements, <i>including to compile scientific research regarding counterfeiting and IPR regulation</i>;</p> <p>if adopted AMs 69 and 70, AM 3 IMCO and AM 4 IMCO, AM 15 ITRE fall</p>	+	
Paragraph 10	<p>am 69 Castex/Masip Hidalgo</p>	falls if AMC 9 is adopted	-	
Paragraph 10	<p>am 70 Engström</p>	falls if AMC 9 is adopted	-	

Paragraph 10 a (new)	am 3 IMCO	falls if AMC 9 is adopted	-	
Paragraph 10 a (new)	am 4 IMCO	falls if AMC 9 is adopted	-	
Paragraph 10 a (new)	am 15 ITRE	falls if AMC 9 is adopted	-	
Paragraph 11	am 71 Engström		-	
Paragraph 11 a (new)	am 5 IMCO		-	
Paragraph 11 a (new)	am 18 IMCO		-	
Paragraph 11 a (new)	am 25 IMCO		-	
Paragraph 11 a (new)	am 33 IMCO		-	
Paragraph 11 a (new)	am 30 IMCO		+	
Paragraph 11 a (new)	am 13 ITRE		-	
Paragraph 12	am 72 Castex/Masip Hidalgo/Lambrinidis	as addition	+	
Paragraph 12	am 73 Engström		-	
Paragraph 13	AMC 10	<i>Calls on the Commission and the Member States in association with the stake holders</i> to organise a campaign to raise awareness at European, national and local level of the risks to consumer health and safety arising from counterfeit products and also the adverse impact of counterfeiting <i>and on-line IPR infringement</i> on the economy and society; <i>emphasises the need to increase awareness, especially among</i>	+	

		<i>young European consumers, of the need to respect IPR;</i>		
		if adopted AMs 74, 75, 76, 77 AM 19 IMCO, AM 16 ITRE fall		
Paragraph 13	am 74 Gallo	falls if AMC 10 is adopted	+	
Paragraph 13	am 75 Castex/Masip Hidalgo/ Rapkay/Wikström/ Engström	falls if AMC 10 is adopted	-	
Paragraph 13	am 76 Yáñez-Barnuevo García	falls if AMC 10 is adopted	-	
Paragraph 13	am 77 Manders	falls if AMC 10 is adopted	+	
Paragraph 13 a (new)	am 19 IMCO	falls if AMC 10 is adopted	-	
Paragraph 13 a (new)	am 16 ITRE	falls if AMC 10 is adopted	-	
Paragraph 13 a (new)	am 17 ITRE		-	
Paragraph 14	am 78 Gallo		+	
Paragraph 14	am 79 Wikström	falls if AM 78 is adopted	-	
Paragraph 14	am 80 Castex/Masip Hidalgo/Engström	falls if AM 78 and 79 are adopted	-	
Paragraph 15	AMC 11	Stresses the need to educate young people to enable them to understand what is at stake in intellectual property and to identify clearly what is legal and what is not, by means of targeted public awareness campaigns, particularly against on-line IPR infringement ;	+	

		if adopted AMs 81 and 82 fall		
Paragraph 15	am 81 Yáñez-Barnuevo García	falls if AMC 11 is adopted	-	
Paragraph 15	am 82 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Wikström/Engström	falls if AMC 11 is adopted	-	
Title after paragraph 15	AMC 12	Tackling on-line infringement and protecting IPR on the Internet if adopted AMs 83 and 84 fall	+	
Title after paragraph 15	am 83 Wikström	falls if AMC 12 is adopted	-	
Title after paragraph 15	am 84 Castex/Engström	falls if AMC 12 is adopted	-	
Paragraph 15 a (new)	am 32 IMCO		+	
Paragraph 16	am 85 Wikström		+	
Paragraph 16	am 86 Yáñez-Barnuevo García	falls id AM 85 is adopted	-	
Paragraph 16	am 87 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Rapkay/Lambrinidis/ Engström	falls id AM 85 is adopted	-	
Paragraph 16 a (new)	am 88 Gallo		+	
Paragraph 17	am 89 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Rapkay/Wikström/ Engström	deletion	-	
Paragraph 17	am 90 Lambrinidis	falls if AMC 6 is adopted	+	

Paragraph 17 a (new)	am 91 Gallo	falls if AMC 6 is adopted	+	
Paragraph 18	am 92 Castex/Lidia de Oedenberg/Berlinguer/ Masip Hidalgo/ Rapkay/Lambrinidis/ Wikström		-	
Paragraph 18 a (new)	am 2 ITRE		-	
Paragraph 19	am 93 Wikström	<u>as modified:</u> Stresses that support for and development of the provision of a diversified, attractive, high-profile, legal range of goods and services for consumers may help to tackle the phenomenon <i>of online infringement, and recognises in this respect that the lack of a functioning internal European digital market constitutes an important</i> obstacle to the development of legal online offers and the EU runs the risk of condemning to failure efforts to develop the legitimate online market if it does not recognise that fact and make urgent proposals to address it;	+	
Paragraph 19	am 94 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Rapkay/Engström	falls if AM 93 is adopted	-	
Paragraph 19	am 95 Lambrinidis	falls if AM 93 is adopted	-	
Paragraph 19	am 96 Thein	falls if AM 93 is adopted	-	
Paragraph 19 a (new)	am 97 Manders		+	
Paragraph 19 a (new)	am 98		+	

	Speroni			
Paragraph 20	am 99 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Rapkay/Lambrinidis		-	
Paragraph 20	am 100 Thein		+	
Paragraph 20 a (new)	am 101 Castex/Geringer de Oedenberg/Berlinguer/ Rapkay/Engström		-	
Paragraph 20 a (new)	am 9 IMCO		-	
Paragraph 20 a (new)	am 12 IMCO		-	
Paragraph 20 a (new)	am 17 IMCO		-	
Paragraph 21	am 102 Wikström		+	
Paragraph 21	am 103 Gallo		+	
Paragraph 21	am 104 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/Rapkay		+	
Paragraph 21	am 105 Yáñez-Barnuevo García		-	
Paragraph 21 a (new)	am 106 Gallo		+	
Paragraph 21 a (new)	am 107 Castex/Wikström/ Engström		+	
Paragraph 21 a (new)	am 108 Castex/Geringer de Oedenber/Berlinguer/ Masip Hidalgo/Rapkay		-	

Paragraph 21 a (new)	am 109 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Lambrinidis/Engström	falls if AMC 6 is approved	-	
Paragraph 21 a (new)	am 110 Borys		+	
Paragraph 21 b (new)	am 111 Borys		+	
Paragraph 21 a (new)	am 22 IMCO		-	
Paragraph 21 a (new)	am 31 IMCO		+	
Paragraph 21 a (new)	am 3 ITRE		-	
Paragraph 21 a (new)	am 5 ITRE		-	
Paragraph 22	am 112 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Lambrinidis/Engström		-	
Paragraph 22 a (new)	am 113 Bodu		-	
Paragraph 23	am 114 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Lambrinidis		-	
Paragraph 23 a (new)	am 115 Bodu		-	
Paragraph 23 a (new)	am 28 IMCO		+	
Paragraph 23 a (new)	am 29 IMCO		+	
Paragraph 24	am 116 Castex/Geringer de Oedenberg/Berlinguer/		+	

	Masip Hidalgo/ Rapkay/Lambrinidis			
Paragraph 24	am 117 Engström		-	
Paragraph 25	am 118 Gallo		+	
Paragraph 25	am 119 Castex/Hidalgo/Rapkay/ Lambrinidis/Wikström/ Engström		+	
Paragraph 25 a (new)	am 120 Castex/Masip Hidalgo/Rapkay/ Lambrinidis/Wikström/ Engström		-	
Paragraph 25 b (new)	am 121 Castex/Masip Hidalgo/ Lambrinidis		-	
Paragraph 25 b (new)	am 13 IMCO		-	
Paragraph 25 c (new)	am 21 IMCO		-	
Paragraph 26 a (new)	am 27 IMCO		+	
Paragraph 26 b (new)	am 12 ITRE		-	
Paragraph 27	AMC 13	Stresses the importance of fighting organised crime in the area of IPRs, in particular counterfeiting <i>and on line IPR infringements</i> ; points out in this context the need for appropriate EU legislation on <i>proportional and fair</i> sanctions and supports close strategic and operational cooperation between all the interested parties within the EU, in particular Europol, national authorities and the private sector, as well as with non-EU states and international organisations;	+	

Paragraph 27	am 122 Castex/Geringer de Oedenberg/Berlinguer/ Masip Hidalgo/ Rapkay/Wikström/ Engström	falls if AMC 13 is approved	-	
Paragraph 27 a (new)	am 10 IMCO		-	
Paragraph 27 b (new)	am 23 IMCO		-	
DRAFT REPORT AS A WHOLE			+	