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Computer & Communications Industry Association

FOR IMMEDIATE RELEASE

CCIA welcomes WIPO Member-states' endorsement of fact-led discussion of Internet intermediaries and trademarks, rejection of proposal for open-ended regulation of Internet intermediaries

CCIA welcomes the decision¹ of UN member-states participating in the development of international trademark law at the World Intellectual Property Organisation's ("WIPO") Standing Committee on Trademarks and Industrial Designs ("SCT"). They agreed to adopt a work plan for "Trademarks and the Internet" based upon a proposal CCIA made to the Committee on 29th April.

CCIA's proposal² called upon member-states to adopt a fact-based, information-led process beginning with informational sessions for member-states to understand the complex interplay of trademark protection and commercial activity rather than the course of action proposed by the WIPO staff, which suggested that the Committee should begin developing "... standards for the determination of the presence or absence of secondary liability of Internet intermediaries..."³

The Secretariat proposal suggested that "agreed standards" would apply to all search engines, online marketplaces, and social media sites worldwide - and potentially other "Internet intermediaries" like Internet service providers as well.

CCIA's delegation to the meeting included specialists from CCIA member-companies to help delegates understand the considerable intellectual property protection measures that Internet stakeholders engage in every day and the benefits that this protection

¹ The decision may be found in paragraph 16 of the document accessible at http://www.wipo.int/edocs/mdocs/sct/en/sct_25/sct_25_6.pdf.

² The full text of CCIA's proposal and the speech to the Committee in which it was proposed may be found at <http://www.ccianet.org/CCIA/files/ccLibraryFiles/Filename/00000000477/CCIA%20Intervention%20SCT25.pdf>.

³ The Secretariat's proposal may be found in paragraphs 69 and 70 of the document available at http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=156897.

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brings to their services through the promotion of consumer trust and safety.

“CCIA welcomes the Committee’s decision to reject the Secretariat’s proposal and instead to understand the Internet ecosystem first, and only afterwards discuss what, if anything, needs to be done beyond established legal norms and commercial practice in the protection of trademarks on the Internet,” said CCIA’s Geneva Representative, Nick Ashton-Hart. “As our member companies are websites Internet users frequently use, they understand and value the role trademarks play in protecting the consumer and building their businesses. The services which the Secretariat implies need regulation through ‘agreed standards’ – search engines, social media, and Internet marketplaces – are used daily by hundreds of millions of people and generate hundreds of billions of dollars in economic activity through facilitating millions of small businesses worldwide. Any action which could impact the daily life of a sizable portion of the world’s population, as well as significant international trade, should be taken only with extreme care and only after impacts and unintended consequences are clearly understood,” Ashton-Hart said.

CCIA’s proposal calls on member-states to commission the WIPO staff to organize a series of informational sessions for member-states in advance of resolving upon a course of action, to allow the Committee to better understand how essential Internet services already protect trademarks.

The member-states have so far only agreed to discuss the ‘modalities’ of a single informational session. “Nevertheless, we feel confident that the Committee will ultimately agree to start with the facts, and we are committed to engaging with member-states to ensure they get them – and at a larger level the kinds of legal and policy frameworks that can help countries at all levels of development attract and create the kind of knowledge economy jobs that all countries want,” Ashton-Hart said.

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ABOUT CCIA:

The [Computer & Communications Industry Association \(CCIA\)](#) is an international nonprofit membership organization dedicated to innovation and enhancing society's access to information and communications. CCIA promotes open markets, open systems, open networks and full, fair and open competition in the computer, telecommunications and Internet industries. Our 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.

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