

**FINAL VERSION**

*Report:* ZINGARETTI (A6-0073/2007) [\*\*\*I]  
Criminal measures to enforce intellectual property rights

*Committee:* Legal Affairs  
SHADOW Eva Lichtenberger  
Staff Francesca Beltrame

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
<b><i>Proposal to reject the proposal for a directive</i></b>	43= 44=	EUL/NGL Greens/EFA	RCV	+	The European Parliament rejects the Commission proposal
<b><i>Amendments by the committee responsible - block vote</i></b>	1-2 4-7 10 12 15 23 25	<b><i>committee</i></b>		+	
<b><i>Amendments by the committee responsible - separate votes</i></b>	11	<b><i>original text</i></b>	separate	-.	
	29	<b><i>committee</i></b>	separate	-	
Article 1	45= 63=	Greens/EFA EUL/NGL		+	adoption 45/63 = 8+9 fall limitation of the scope of the Directive to commercial counterfeiting/piracy
	8-9	<b><i>committee</i></b>		-	
Article 2	<b>46</b>	<b>Greens/EFA</b>	<b>split/RCV</b>		<b><i>oral amendment</i></b> <b>adoption 46 = 39/59,</b> <b>13+30 fall</b>
					<b>CRUCIAL article on limiting the scope of the directive and on the definitions of commercial scale and intentional infringement</b>
					<b>Exclude private users</b>
			1	+	except the words "committed in pursuit of a direct pecuniary gain"
			2	+	the words "committed in pursuit of a direct pecuniary gain"

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
			3	+	clear definition of commercial scale (exclude private users)
			4	+	clear definition of intentional infringement
			5	+	definition of legal person (not important)
	39= 59=	PES+EPP-ED EUL/NGL	split/RCV		adoption 39/59 = 13+30 fall
			1	-	Includes unclear list of IP rights
			2	+	limit the scope to copyrights and trademark
			3	+	we vote in favour of Zingaretti definition of commercial scale because it excludes <i>acts carried out by private users for personal and not-for-profit purposes</i> ;
			4	-	unclear definition of intentional infringement
			5	-	definition of legal person (not important)
	13	<i>committee</i>	split/RCV	-	adoption 13 = 30 falls  Includes unclear list of IP rights and unclear definitions
			1	-	
			2	-	
			3	--	
			4	-	

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
			5	-	
	30	ALDE	split/RCV		no definitions of commercial scale and intentional infringements
			1	-	
			2	-	
			3	-	
			4	-	
			5	-	
After Article 2	38	PES+EPP-ED	RCV	-	
Article 3	<del>50=</del> <del>64=</del>	<b>Greens/EFA</b> <b>EUL/NGL</b>	<b>RCV</b>	+	<b>adoption 50/64 = 31+14 fall</b>  <i>Excludes that attempting, aiding or abetting and inciting an infringements should be treated as criminal offences.</i>
	31	ALDE		-	adoption 31 = 14 falls
	14	<i>committee</i>		-	
Article 3 - after existing text	51	Greens/EFA		+	adoption 51 = 16 falls  The freedom of the press needs protection from criminal measures
	16	<i>committee</i>	RCV	+	Same as above using different terminology
	52	Greens/EFA		+	Proper definition of criminal trademark infringement
	53	Greens/EFA		+	Proper definition of criminal trademark infringement

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
Article 4	54= 60=	Greens/EFA EUL/NGL	RCV	+	adoption 54/60 = 41+17-19 fall  Leave to Member States to define the nature of criminal sanctions in conformity with C-176/03 case law
	41	PES+EPP-ED		-	Define the nature of criminal sanctions to be adopted in the Member States
	17-19	<i>committee</i>		-	
Article 5	55= 65=	Greens/EFA EUL/NGL		+	adoption 55/65 = 20-22 fall  Delete reference to the level of the criminal sanctions to be adopted in the Member States
	20-22	<i>committee</i>		-	
After § 6	61	EUL/NGL	RCV	+	adoption 61 = 24+56 fall
	24	<i>committee</i>		-	adoption 24 = 56 falls
	56	Greens/EFA		+	to avoid the abuse of criminal measures by Member States
Article 7	<b>57= 62=</b>	<b>Greens/EFA EUL/NGL</b>	<b>RCV</b>	<b>+</b>	<b>adoption 57/62 = 32, 26-28 fall</b>  <b>to delete reference to the joint investigation team</b>
	32	ALDE		-	adoption 32 = 26-28 falls
	26	<i>committee</i>	separate	-	
	27-28	<i>committee</i>		-	

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
Article 8	58	Greens/EFA		+	Criminal investigation authorities should not be able to act on their own initiative without a prior complaint of the rights owner
After Recital 5	34	ALDE		-	
After Recital 7	33	ALDE		--	
Recital 8	35	ALDE		-	adoption 35 = 37+3 fall
	37	PES+EPP-ED		-	adoption 37 = 3 falls
	3	<i>committee</i>		-	
<i>vote: amended proposal</i>			RCV	-	We will vote against if our amendments will not be adopted especially amend 46 , 50 , 57
<i>vote: legislative resolution</i>			RCV	-	

***Amendments 40 and 42 do not concern all language versions and will not therefore be put to the vote (see Rule 151(1) d) of the Rules of Procedure)***

Amendments 36 and 66 have been cancelled; amendments 47, 48 and 49 have been withdrawn

=identical amendments

*Requests for separate votes*

PES: am 11  
EUL/NGL: ams 29, 26

*Requests for roll-call votes*

EUL/NGL: ams 43, 64, 16, 60, 61, 62  
Greens/EFA: am 57  
ALDE ams 39/59, 13, 30, 46, 38, amended proposal and final vote  
PES am 39/59

*Requests for split votes*

**PES:**

**am 39/59**

*1st part:* points a) and d)  
*2nd part:* point b)  
*3rd part:* point c)

Greens/EFA:

**am 46**

*1st part:* point a)  
*2nd part:* point b)  
*3rd part:* point c)  
*4th part:* point d)

**am 39**

*1st part:* point a)  
*2nd part:* point b)  
*3rd part:* point c)  
*4th part:* point d)

**am 13**

*1st part:* point a)  
*2nd part:* point b)  
*3rd part:* point c)  
*4th part:* point d)

**am 30**

*1st part:* point a)  
*2nd part:* point b)  
*3rd part:* point c)  
*4th part:* point d)

**ALDE**

**am 46**

*1st part:* Text as a whole excluding the words "committed in pursuit of a direct pecuniary gain"  
*2nd part:* these words

**am 39/59**

*1st part:* point a) excluding indents 1, 2 and 5  
*2nd part:* indents 1, 2 and 5  
*3rd part:* points b), c) and d)

**am 13**

*1st part:* point a) excluding indents 1, 2 and 5  
*2nd part:* indents 1, 2 and 5  
*3rd part:* points b), c) and d)

**am 30**

*1st part:* Everything except indents 1, 2 and 5 of point a)  
*2nd part:* indents 1, 2 and 5

**EPP-ED**

**am 13**

*1st part:* point a)  
*2nd part:* point b)  
*3rd part:* points c) and d)

*Voting scheme*

**am 46**

*1st part:* point a) - except the words "committed in pursuit of a direct pecuniary gain"  
*2nd part:* the words "committed in pursuit of a direct pecuniary gain"

3rd part: point b)  
4th part: point c)  
5th part: point d)

**am 39/59**

1st part: point a) - except the first, second and fifth indent of point a)  
2nd part: first, second and fifth indent of point a)  
3rd part: point b)  
4th part: point c)  
5th part: point d)

**am 13**

1st part: point a) - except the first, second and fifth indent of point a)  
2nd part: first, second and fifth indent of point a)  
3rd part: point b)  
4th part: point c)  
5th part: point d)

**am 30**

1st part: point a) - except the first, second and fifth indent of point a)  
2nd part: first, second and fifth indent of point a)  
3rd part: point b)  
4th part: point c)  
5th part: point d)

Mr. Guardans will move the following oral amendment to am 46:

**(a) “intellectual property rights” means  
– copyright AND RELATED RIGHTS**