

ECA: EU's IPR Protection Not Fully Waterproof

Thomas Wahl



News

The EU's legal framework for the protection of intellectual property rights is generally solid and robust, but a number of shortcomings in several areas still exist. This is the European Court of Auditors' (ECA) main conclusion in its [Special Report 06/2022](#), which was published at the end of April 2022.

For the first time, the ECA assessed the protection of intellectual property rights (IPR) in the EU. It scrutinised the protection of EU trademarks, designs and geographical indications within the Single Market from 2017 to 2021 by addressing the following issues:

- Provision of the necessary IPR regulatory framework and support measures by the Commission;
- Proper implementation of the IPR regulatory framework by the Commission, the European Union Intellectual Property Office (EUIPO) and the Member States;
- Correct implementation of the IPR enforcement controls by Member States.

Shortcomings were mainly detected in the EU Designs Directive and the EU's geographical indication framework, the EU's fees mechanism, and the IPR enforcement framework. In the latter context, the report criticised that the Intellectual Property Rights Enforcement Directive ([Directive 2004/48/EC](#)) is not uniformly applied throughout the EU, customs control in the Member States are weak and inconsistent, and discrepancies in the IPR protection exist since they are dependent on the place of importation. As a result, the ECA makes the following recommendations to the Commission:

- Completing and updating the EU IPR regulatory frameworks;
- Assessing the governance arrangements and methodology for determining fees;
- Developing initiatives to improve the EU geographical indications systems;
- Improve the IPR enforcement framework.

EUIPO should also improve the management of its European Cooperation Projects.

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