



Brussels, 25 November 2020

## Creativity Works! welcomes the IP Action Plan

Creativity Works!, a leading European coalition of the creative and cultural sectors, welcomes the 25 November Action Plan on Intellectual Property as a way of “making the most of the EU’s innovative potential”.

- CW! welcomes the Commission’s commitment to **further strengthen the existing IPR framework** and supports its intention to step up efforts to **curb pirated content**. As piracy keeps growing both in size and scope, causing lasting damage on our ability to create, finance, invest in, produce and showcase new content, we welcome the EC’s intention to “*seek to enhance the role of law enforcement authorities, including OLAF, in the fight against counterfeiting and piracy*”.
- The forthcoming Digital Services Act (DSA) and Digital Markets Act (DMA) will be the first opportunities to demonstrate this commitment. Better enforcement of IP rights and prevention of infringements should be fostered by **strong liability provisions for online service providers**, and the DSA should also introduce effective and carefully crafted obligations for service providers, including tackling illegal content, a “**Know Your Business Customer**” (**KYBC**) **provision** and should also clarify the need to **ensure access to WHOIS data** which is essential in combatting illegal content. Together with the awareness tools and targeted guidance the EC will provide to businesses to help them tackle IP theft, these represent the foundation of a robust IP system based on strong and enforceable IP rights.
- CW! also reiterates its call for a consistent **implementation of the 2019 Copyright Directive**. The faithful transposition of **Article 17 of the new Copyright Directive** by all Member States is of paramount importance for our industries. We respectfully urge the Commission to preserve the nature and exercise of exclusive rights as it finalises its Guidelines on Article 17.

As the European Commission translates its strategy into actions, we would like to highlight that:

- **The Creative and Cultural Industries (CCIs) are key contributors to digital growth and Europe's third largest employer.** CCIs are the third largest private employer in Europe, accounting for 5.3% of the EU's total GDP. Copyright-intensive industries account for 7.1% of EU employment, generating more than 15 million direct and indirect jobs. IPR-intensive industries are a thriving sector for exports and key contributors to digital growth in Europe. IPR-intensive industries are Europe's most effective global ambassadors, being thriving sectors for exports and key contributors to digital growth in Europe. CCIs feature among the 14 strategic industries identified by the European Commission in May 2020.
- **Copyright is a key asset upholding the competitiveness of our sectors**  
Copyright is the lifeblood of our sectors, acting as both a protection and an asset for supporting the economic valuation of the "intangibles" and the competitiveness of our sectors.
- **European citizens enjoy more creative works and services online than ever before**  
European consumers enjoy a diverse and rich offering of online and physical content, regardless of where they live in the EU. Europeans have access to over 55 million licensed songs, accessible across all EU borders; over 3,000 Video-on-Demand Services (VOD); more than 2 million e-book titles, as well as countless images that have made the internet the vibrant and engaging place we enjoy today. Video games deliver experiences that enrich the daily lives of more than 54% of all Europeans. Our sectors have been devising new ways to entertain audiences for years, building on the possibilities afforded by new technologies for creative expression and enjoyment of cultural works and services.

Upgrading and reinforcing the way IP rights are protected in the EU is crucial for the future of Europe's creative and cultural industries. CW! is keen to engage with the EC to ensure that IPRs are properly safeguarded in the EU.

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## About Creativity Works!

Like-minded organisations, federations and associations from the European cultural and creative sectors have formed a coalition: Creativity Works!. Its objective is to foster an open and informed dialogue with EU policy-makers about the economic and cultural contribution made by creators and the cultural and creative sectors in the digital age. Members are brought together by a sincere belief in creativity, creative content, cultural diversity and freedom of expression.

The membership of Creativity Works! includes writers, screenwriters, book publishers and retailers, picture agencies, music publishers, independent music labels, producers, publishers and distributors of film and audiovisual content, cinema operators, broadcasters, sports event organisers, as well as video game developers and publishers.

Find out more about the coalition at [www.creativityworks.eu](http://www.creativityworks.eu)

You can follow us on twitter at [@CreativityW](https://twitter.com/CreativityW)