

THE TWENTY EIGHTH PLENARY SESSION OF THE GENERAL ASSEMBLY

Doc.: GA28/LC28/REC92/06

RECOMMENDATION 92/2006¹

On Strengthening Legislative Framework for Protection of Intellectual Property in the BSEC Member States

1. The Parliamentary Assembly of the Organisation of the Black Sea Economic Cooperation is fully aware of the growing concern worldwide towards protection of intellectual property rights that are of paramount importance for functioning market economy and sustainable development, and shares the approach to strengthen and improve the legislative framework for efficient enforcement of intellectual property rights and to expand the measures appropriately tailored by each country in order to fit individual countries' circumstances.
2. The Assembly acknowledges that despite the fact that the BSEC member states have completely adjusted legislative framework with international standards and requirements for the protection of intellectual property rights, still there is a growing tendency regarding their violation. Infringements of intellectual property in general, are constantly growing phenomena that nowadays have an international dimension and are a serious threat to national economies. Breach of intellectual property rights without adequate response provides opportunities for criminals to manipulate public and generate significant profits. On the other hand, globalisation of brands and entertainment along with the desire of consumers at large with insufficient income to possess these brands and entertainment pieces pushes them to favour counterfeited or pirated products. The transnational nature of the problem requires that it be tackled at all levels, with the development and implementation of integrated national, regional and international standards and programs, mobilising efforts to for raising public awareness of the potential damages and dangers.

¹ *Rapporteur: Mr. Mubariz Gurbanly, Vice-Chairman of the Committee – Azerbaijan.*

Assembly debate on 22 November 2006 (see Doc.: GA28/LC28/REP/06, Report of the Legal and Political Affairs Committee “Strengthening Legislative Framework for Protection of Intellectual Property in the BSEC Member States” discussed in Chisinau on 11-12 October 2006; Rapporteur: Mr. Mircea Ciopraga – Romania)

Text adopted by the General Assembly in Baku on 22 November 2006

3. The Assembly recalls the Statement by the G8 leaders adopted at the recent Summit in St. Petersburg on 16 July 2006, stressing that “combating trade in pirated and counterfeit products is a complex problem which assumes, in the context of globalization, a transborder character, and can only be solved through individual and joint efforts by all nations and relevant international organizations” and reaffirming “commitment to strengthen individual and collective efforts to combat piracy and counterfeiting, especially trade in pirated and counterfeit goods and noting that such efforts has to contribute to the sustainable development of the world economy, including through innovations, as well as to health and safety of consumers all over the world”.
4. The Parliamentary Assembly is convinced to lend new impetus to the fight against infringements of the intellectual property rights and calls for prompt adoption, ratification or adherence by the national parliaments of related international instruments to promote and develop necessary mechanisms enriched from the experience gained at the international platform.
5. Parliaments and parliamentarians have to place particular emphasis on intellectual property matters in order to timely enact appropriate and adequate legislation. It is also important to further continue legal approximation of intellectual property legislation with the EU and global standards.
6. The Assembly welcomes the efforts of the international and regional bodies, including those of the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO), the World Customs Organization, Interpol, the Organization for Economic Cooperation and Development (OECD), the Council of Europe, the European Union, as well as Eastern Europe and Central Asia Regional Congress on Combating Counterfeiting and Piracy, SECI Centre’s International Property Theft Subgroup, etc. and considers that the aim of sharing the common benefits of innovation and technology requires a balanced system for protecting both intellectual property and the common heritage of mankind.
7. **Therefore, the Assembly recommends** the Parliaments and the Governments of the BSEC Member States:
 - i. *to act jointly* to provide for the efficient measures, procedures and policies necessary to ensure enforcement of the intellectual property rights;
 - ii. *to put additional effort* to study all aspects linked to the protection of intellectual property with a view to further improving national legislation in this field;
 - iii. *to further facilitate elaboration*, where necessary, of national intellectual property strategies along with the comprehensive action plans ensuring efficient enforcement capacity and infrastructure;
 - iv. *to mobilise support* to boost enforcement of intellectual property rights and to define a general framework for exchanging information with a view to further harmonising laws, regulations and administrative provisions in the member states;

- v. *to further improve* institutional framework necessary for the wide-ranging cooperation in the field of intellectual property rights protection in Black Sea region;
 - vi. *to continue taking measures* for reinforcing capacity of transborder cooperation against intellectual property crimes and assisting law enforcement agencies in implementing effective counteractive measures against IP theft;
 - vii. *to undertake resolute steps* towards furthering public awareness and consumer vigilance by means of participation of civil society and non-governmental organisations through establishing awareness campaigns to educate consumers on the health and safety risks, economic losses and social implications from counterfeit and pirated goods;
 - viii. *to improve* national enforcement capacities through sharing best practices and to devise training actions for officials in enforcement agencies in IP matters;
 - ix. *to take efforts* towards greater cooperation and partnership at both national and international levels between the various authorities involved in anti-counterfeiting measures to develop closer working relationships through increased cooperation and better sharing of information with the major international law enforcement, customs and regulatory bodies;
 - x. *to make full and appropriate use* of the existing bilateral and multilateral instruments and to conclude new ones in the priority fields related to efficient enforcement of intellectual property with due regard to individual countries' circumstances;
 - xi. *to establish* more effective relations and working contacts with the European, regional or sub-regional structures with a view to share experience on reciprocal basis and enrich the Black Sea regional cooperation with new concepts in the field of intellectual property protection;
 - xii. *to encourage* cooperation between national governments and international agencies, with a view to focus on the topical issues in IP matters aimed at exchanging experiences at global level and creating effective legal and regulatory frameworks;
8. **The Assembly invites** the BSEC Council of the Ministers of Foreign Affairs to consider this Recommendation