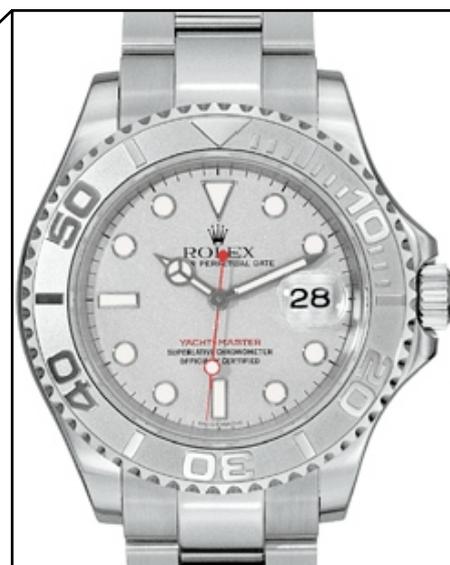
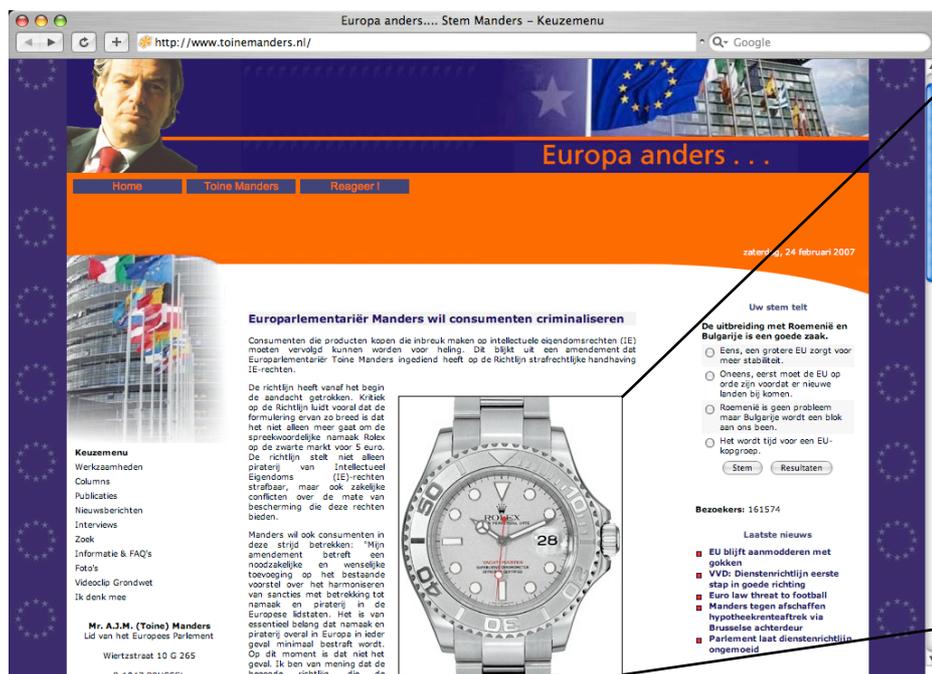


Toine Manders MEP is *not* a criminal!

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And his website's visitors are **not** fences

Mr. Manders' website explains why he tabled the following amendment to the intellectual property enforcement directive (COD 2005/0127) in the Legal Affairs Committee:

Member States shall take the necessary measures to ensure that any purchase of goods infringing an intellectual property right is considered as fencing.

To illustrate his point, he added a picture of a Rolex watch. Unfortunately, Mr Manders or his webmaster overlooked two things:

- The **picture** was taken from a fashion website, and displaying it therefore **infringes on the copyright** of the original photographer and/or his employer;
- The watch prominently sports the **Rolex logo**, and displaying it therefore **infringes on Rolex' trademark rights**.

Mr. Manders explained in a radio interview that he considers that his amendment also applies to people who download copyright-infringing music from the Internet for free. Then why wouldn't it apply to people who download copyright and trademark infringing images? Such as everyone visiting his website?

If even lawyers specialised in intellectual property do not see such mistakes on their own website, what about the rest of us?

Yes to innovation, No to criminalisation!

The Criminalisation Directive

(COM/2006/0168 – COD 2005/0127):

1. **Covers all business IP-conflicts**, not just piracy and counterfeiting;
2. **Piracy and counterfeiting are already criminally punishable** in all member states under TRIPS;
3. Covers infringements on **rights not examined regarding validity** before granting (database, design);
4. **No impact assessment** or substantiated justification by the Commission;
5. **Weak rights become criminal threats** against honest businesses;
6. Regular **citizens are turned into criminals**;
7. **Red tape** turning the Lisbon Agenda into a Prison Agenda.