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Naomi Korn
Chair
CILIP

1st December 2015

Dear Naomi

Thank you for your letter of 23 November 2016 in which you write on behalf of LACA regarding the Marrakesh Treaty.

I would like to reassure your members that we remain a keen supporter of the Marrakesh Treaty and were heavily involved in the negotiations which saw its agreement. We are keen to see the Treaty enter into force as soon as possible.

You are right in that there is a debate in Europe about who has the legal competence to sign the Treaty: either the European Union or Member States, or both. The European Commission has referred the matter (of who is competent to ratify the Treaty) to the Court of Justice of the European Union for their opinion. Unfortunately, we estimate that this will see a delay to ratification of up to 2 years, while we wait for the CJEU to deliver its opinion. As this is an ongoing legal case, I regret that I can't comment further.

In the meantime, we understand the European Commission plans to propose legislation implementing the Marrakesh Treaty at EU level in spring 2016. We would welcome any comments your members might have, once EU legislation is proposed. Please feel free to get in touch with Mike Prior (Michael.prior@ipo.gov.uk)

Yours sincerely

Ros Lynch

Director
Copyright & Enforcement Directorate