We propose the inclusion of the following second subparagraph in Article 9(4) of the proposal for a Directive:

To that end, Member States shall ensure the establishment of appropriate rapid cooperation channels, including the use of data communications, between authorities which may be in possession of data on the origin of goods or services or on networks for their distribution or provision or of any other data which may help ascertain whether or not there has been an infringement and authorities empowered to determine the merits of the case.
EXPLANATION: As the Spanish delegation stated at the Working Party meeting on 16 July 2003, the inclusion of the proposed provision, while couching it in broad terms so as to leave to Member States' discretion both the channels for and the practical scope of such cooperation arrangements, is also essential in order to ensure actual protection of affected holders' rights by making it easier for the various authorities responsible for observance of them (police, customs, courts, magistrates and public trade-mark or patent offices or registrars) to exchange information swiftly and effectively.

Article 9 makes provision only for information to be channelled vertically (between courts and right holders: paragraphs 1 to 3; between right holders and competent authorities: paragraph 4); it does not cover a horizontal flow of such information, between public authorities responsible for combating piracy. Such cooperation is considered a key to swift action by the public authorities in safeguarding the rights of individuals concerned.