

European Union trade mark. Codification

2016/0345(COD) - 27/04/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 596 votes to 28, with 6 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the European Union trade mark (codified text).

Parliament adopted its position at first reading taking over the Commission proposal which contains a straightforward codification of the existing texts without any change in their substance.

In the interests of clarity and rationality, the aim of the proposal is to proceed with the codification of Council Regulation (EC) No 207/2000 on the European Union trade mark which has been substantially amended several times.

The Regulation establishes, at Union level, the **modalities and the conditions for the grant of an EU trade mark**. It provides for a system of EU trade marks whereby undertakings can by means of one procedural system obtain EU trade marks to which uniform protection is given and which produce their effects throughout the entire area of the Union.

The proposal also sets up a **European Union Intellectual Property Office** where applicants must submit their applications for EU trade marks.

An EU trade mark may consist of any signs, in particular words, including personal names, or designs, letters, numerals, colours, the shape of goods or of the packaging of goods, or sounds, provided that such signs are capable of:

- distinguishing the goods or services of one undertaking from those of other undertakings; and
- being represented on the Register of European Union trademarks, in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor.

The Regulation provides that any natural or legal person, including authorities established under public law, may be the proprietor of an EU trade mark by registration. It governs, in particular:

- filing of applications;
- rights of priority;
- grounds for refusal ;
- limitation of the effects of an EU trade mark;
- exhaustion of the rights conferred by an EU trade mark;
- time limit and renewal of trademarks;
- grounds for revocation, invalidity;
- EU collective marks;
- EU certification marks.