Industrial property: legal protection of designs

1993/0464(COD) - 26/11/1996

The Council had held an in-depth debate on the proposal for a directive. Significant progress had been made on the basis of a proposal for an overall compromise text put forward by the presidency. However, it had not been possible to find a solution to the most controversial problem, namely the so-called repairs clause. While all the Member States would have been capable of accepting the presidency compromise text as part of an overall package – the content of the agreement being to defer temporarily any relevant harmonisation of national legislation – the Commission was not to be won over, given that this solution was fundamentally out of line with its amended proposal, as based on an amendment tabled by Parliament. In the light of the position adopted by the Commission with respect to this clause, unanimous agreement by the Member States on the overall compromise text would have been necessary in order to adopt a common position. This unanimity had not been possible, given that one Member State had been unable to accept another aspect of the overall compromise, namely the exhaustion of rights. The presidency therefore recorded that no common position could be agreed on at that particular juncture, while at the same time keeping its proposal for an overall compromise on the table.