Industrial property: protection of Community design

1993/0463(CNS) - 20/10/2000 - Modified legislative proposal

This document presents the amended proposal for a Council Regulation on Community Design, in response to the amendments tabled by the European Parliament. Recommendations contained in 13 amendments tabled by the European Parliament were taken on board by the Commission in its amended proposal. Certain other amendments which were not strictly in accordance with what has been agreed in the context of the Design Directive in 1998, have not been adopted by the Commission. The main amendments accepted by the Commission are the following: - deletion of the reference to "bad faith" principle contained in Article 20(2); - clarifications as regards the commencement and term of protection (Article 12), the claims relating to the entitlement to an unregistered Commuinity design (Article 16) and the presumption of validity of an unregistered Community design (Article 89); - deletion of Article 27(5) referring to the unitary nature of the Community design; - deletion of reference to the establishment of a Community authority with Community powers; - deletion of paragraph which constituted an exception to the unitary character of the Community design; - amendment of Article relating to presumption of validity and defence as to its merits.