

# Community trade mark

2002/0308(CNS) - 17/06/2003

The committee adopted the report by Luis BERENGUER FUSTER (PES, E) amending the proposal under the consultation procedure. Whereas the proposal introduced a chairman of the appeal boards and other OHIM bodies such as the enlarged Board, the MEPs felt that this was unsatisfactory in that it stopped short of forming an organisational whole. They therefore proposed instituting an umbrella organisational entity for the boards in the form of an Administrative Tribunal, headed by a chairman, which in certain cases would be able to act as an enlarged Board. Other amendments sought to bring the proposed text into line with the TRIPS Agreement, as regards trade marks containing a geographical indication of wines and spirits, and with the Community regulation on geographical indications and designations of origin. MEPs also adopted an amendment enabling the proprietor of an earlier trade mark to oppose the registration of a new trade mark "where the use without due cause of the trade mark applied for would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark". In this way, the committee hoped to strengthen legal certainty and protection for the proprietors of Community geographical indications by virtue of reputation.