Measures concerning the entry into the Community and the export and re-export from the Community of goods infringing certain intellectual property rights

1998/0018(CNS) - 09/11/1998 - Modified legislative proposal

Following the adoption by the EP of its Opinion on 17 June 1998, the Commission has submitted amendments to its initial proposal. The following is the gist of the amendments : - member States receiving an application for action lodged and granted in another Member State in respect of a Community trade mark are obliged to notify any national customs offices which may be concerned of the content of the application; - the scope for suspending release of or detaining medicines and phyto-pharmaceutical products where the operator holds a marketing authorisation certificate and customs lacks suitable storage is limited. This limitation will avoid perishable products being needlessly damaged by customs intervention whereas their conformity with trade mark legislation is established on the basis of the marketing authorisation; - they will require the introduction into national law of effective, deterrent and proportionate penalties.