Community trademark: Uruguay round (amend. Regulation (EC) No 40/94)

1994/0234(CNS) - 22/12/1994 - Final act

PURPOSE: to amend Council Regulation 40/94/EC on Community trademarks with a view to taking into account the agreement instituting the World Trade Organization (and more specifically the TRIPS agreement on the aspects of intellectual property rights of the general WTO Agreement).

LEGISLATIVE ACT: Council Regulation 3288/94/EC amending Regulation (EC) No 40/94 on the Community trade mark for the implementation of the agreements concluded in the framework of the Uruguay Round.

CONTENT: The agreement setting up the World Trade Organisation (WTO) signed in the name of the Community contains in its Annex, an agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

The Council adopted Regulation (EC) No 3288/94, which seeks to amend Council Regulation (EC) No 40 /94 on Community trademarks, with a view to taking into account this Agreement, as well as defining the general measures and fundamental principles which apply to the protection of intellectual property rights, puts forward standards relating to the existence, scope and use of these rights, and in particular:

- copyright and assimilated rights;

- trademarks;

- geographical information;

- designs and industrial models;

- patents;

- printed circuit layouts;

- the protection of non-disclosed information;

- the control of anti-competitive practices in contractual licences.

This Regulation conforms to the standards defined in the agreement in respect of trademarks and as a result is intended to modify the relevant Community Regulation ((EC) No 40/94). The latter is amended so as to extend the definition of "holders of the Community trademark", who benefit from the principle of national treatment (at present only those countries who are signatories to the Paris Convention for the protection of intellectual property), to include all members of the WTO (whether or not they are signatories to the Convention). The Regulation also includes a specific clause on wines and spirits and therefore provides for the refusal or invalidation of brands of wine or spirits which include false geographical information.

ENTRY INTO FORCE: The Regulation enters into force on 01.01.1995 and shall be applicable as from 01.01.1996.