Industrial property: legal protection of designs

1993/0464(COD) - 22/10/1997 - Text adopted by Parliament, 2nd reading

OBJECTIVE. Adopting the recommendation for second reading by Mr Manuel MEDINA ORTEGA (Soc, E) the European Parliament reintroduced the 'repair clause' regarding automobile components in the directive on the logal protection of designs. This clause seeks to facilitate repair of a complex product (automobile or motorcycle) using a component manufactured by the repairer or a third party on the model of the original component while informing the public and the holder of the design right who should receive fair remuneration. It should be remembered that, in calculating the remuneration, account must be taken principally of the investment necessary to produce the design in question. In addition, a third party should not be entitled to use the design if the right holder produces evidence to sustain a claim that the party on whom the obligations are incumbent is unable or unwilling to comply with them or to pay the remuneration offered by him.