Industrial property: legal protection of designs

1993/0464(COD) - 13/10/1998 - Final act

PURPOSE : provide effective legal protection of industrial designs and models in the Member States of the Community, reduce legal obstacles to the free movement of goods embodying designs, and ensure that any differences in the legal protection of designs between Member States that can distort competition within the internal market disappear. COMMUNITY MEASURE : Directive 98/71/EC of the European Parliament and of the Council on the legal protection of designs. CONTENT : The Directive approximates national provisions of design law which most directly affect the functioning of the internal market : these provisions concern, in particular, the definition of a design, protection requirements, scope of protection, term of protection, grounds for invalidity or refusal of protection, and rights conferred by the design right. It applies to a broad range of products including jewellery, machinery, tools, electronic equipment, consumer electronics, cars and their components, yachts, furniture and sports equipment. Member States will be allowed to maintain in force or to introduce any provisions affecting the use of a protected part for those purposes. The revision of the Directive consists of two elements : 1) A consultation exercise - Upon the adoption of the Directive, the Commission is to launch a consultation exercise involving manufacturers both of complex products and of component parts in the motor vehicle sector. The aim of this consultation is to arrive at a voluntary agreement, which can take effect between the parties involved, on the protection of designs in cases where the product incorporating the design or to which the design is applied constitutes a component part of a complex product upon whose appearance the protected design is dependent. - The Commission is to co-ordinate the consultation exercise and shall report regularly to the Parliament and the Council on its progress. The consulted parties shall be invited by the Commission to consider a range of possible options on which to base a voluntary agreement, including a remuneration system and a system based on a limited period of design protection. 2) An analysis of the consequences of the provisions of this Directive, eventually followed by proposals. - Three years after the implementation date (28/10/2001), the Commission shall submit an analysis of the consequences of the provisions of the Directive for Community industry, in particular, the industrial sectors which are most affected, particularly the manufacturers of complex products and component parts, for consumers, for competition and for the functioning of the single market. At the latest one year later, the Commission shall propose to the European Parliament and the Council any changes to this Directive needed to complete the internal market in respect of component parts of complex products and any other changes which it considers necessary, including appropriate changes to take account of any voluntary agrements concluded. ENTRY INTO FORCE : 17/11/1998. DEADLINE FOR TRANSPOSITION : 28/10/2001.