Industrial property: legal protection of designs

2004/0203(COD) - 20/11/2007

The Committee on Legal Affairs unanimously adopted the report by Klaus-Heiner **LEHNE** (EPP-ED, DE) amending, at 1st reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council amending Directive 98/71/EC on the legal protection of designs.

It should be noted that the proposed directive relates to design protection of spare parts intended to restore the appearance of complex products. It seeks to achieve the complete liberalisation of the secondary market in spare parts.

The key amendments adopted by the committee concern the following:

Transition period: the committee proposed a transitional solution, whereby those Member States under whose existing legislation protection as a design exists for a design which constitutes a component part of a complex product used within Directive 98/71/EEC for the purpose of the repair of that complex product so as to restore its original appearance may retain this design protection for another **5 years** after the entry into force of the directive. This measure stems from an agreement reached between the political groups to facilitate the transition to a new system.

Consumer information: the committee also approved an amendments requesting that consumers be duly informed about the origin of the product used for the repair by making use of a marking, such as a trade mark or a trade name, or in another appropriate form so that they can make an informed choice between competing products offered for repair.