Basic information

1996/0198(CNS) CNS - Consultation procedure Regulation	Procedure completed
Community trademark: Protocol on the international registration of marks; Madrid Agreement 1989 (amend. Regulation (EC) No 40/94) Repealed by 2006/0267(CNS) **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.50.15 Intellectual property, copyright	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs, Citizens' Rights	MEDINA ORTEGA Manuel (PSE)	03/09/1996

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
RELA External Economic Relations	VALDIVIELSO DE CUÉ Jaime (PPE)	25/09/1996

Council of the European Union

Council configuration	Meetings	Date
Environment	2536	2003-10-27

Key events

Date	Event	Reference	Summary
24/07/1996	Legislative proposal published	COM(1996)0372	Summary
10/12/1996	Committee referral announced in Parliament		
18/03/1997	Vote in committee		Summary
18/03/1997	Committee report tabled for plenary, 1st reading/single reading	A4-0090/1997	
16/05/1997	Debate in Parliament		Summary

27/10/2003	Act adopted by Council after consultation of Parliament		
27/10/2003	End of procedure in Parliament		
14/11/2003	Final act published in Official Journal		

Technical information

Procedure reference	1996/0198(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2006/0267(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 308
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/08497

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0090/1997 OJ C 132 28.04.1997, p. 0005	18/03/1997	
Text adopted by Parliament, 1st reading/single reading		T4-0264/1997 OJ C 167 02.06.1997, p. 0228-0251	16/05/1997	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1996)0372 OJ C 300 10.10.1996, p. 0011	24/07/1996	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0100/1997 OJ C 089 19.03.1997, p. 0014	29/01/1997	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2003/1992
OJ L 296 14.11.2003, p. 0001-0005 Summary

Community trademark: Protocol on the international registration of marks; Madrid Agreement 1989 (amend. Regulation (EC) No 40/94)

1996/0198(CNS) - 27/10/2003 - Final act

PURPOSE : to establish a link the Community trademark system and the international registration system established under the Madrid Protocol, adopted on 27 June 1989. LEGISLATIVE ACT : Council Regulation 1992/2003/EC amending Regulation 40/94/EC on the Community trade mark to give effect to the accession of the European Community to the Protocol relating to the Madrid Agreement concerning the international registration of marks adopted at Madrid on 27 June 1989. CONTENT : the Council has adopted this Regulation which gives effect to the accession of the European Community by modifying the Community trade mark system to the Madrid Agreement concerning the international registration of markets adopted at Madrid in 1998. The Protocol Relating to the Madrid Agreement concerning the International Registration of Marks (the Madrid Protocol) was adopted in Madrid on 27 June 1989, with two main aims: a) to establish a more flexible system than that of the Madrid Agreement, thus making it more attractive to certain States which were reluctant to accept some aspects of the Madrid Agreement, and b) to enable a link to be established between the international Madrid system for the registration of marks and the Community trade mark, making it possible to obtain an international registration on the basis of a Community trade mark, and to obtain a Community trade mark on the basis of the filing of an international application. To this end, not only States but also the European Community as such may become parties to the Madrid Protocol. By adopting this act, it will be possible for firms to profit from the advantages of the Community trade mark through the Madrid Protocol and vice versa by allowing Community trade mark applicants and holders of such trade marks to apply for international protection of their trade marks through the filing of an international application under the Madrid Protocol and, conversely, holders of international registrations under the Madrid Protocol to apply for protection of their trade marks under the Community trade mark system. The establishment of a link between the Community trade mark system and the International registration system under the Madrid Protocol is expected to promote a harmonious development of economic activities, eliminate distortions of competition, be cost efficient and increase the level of integration and functioning of the internal market. ENTRY INTO FORCE : this Regulation shall enter into force on the date on which the Madrid Protocol enters into force with respect to the European Community. The date of entry into force of this Regulation shall be published in the Official Journal of the European Union.

Community trademark: Protocol on the international registration of marks; Madrid Agreement 1989 (amend. Regulation (EC) No 40/94)

1996/0198(CNS) - 16/05/1997 - Text adopted by Parliament, 1st reading/single reading

By adopting the report by Mr Manuel MEDINA ORTEGA (PSE, E), the European Parliament approved the proposal for a regulation modifying Council Regulation No 40/94/EC on the Community trade mark to give effect to the Community's accession to the Protocol Relating to the Madrid Agreement of 27 June 1989 concerning the international registration of marks

Community trademark: Protocol on the international registration of marks; Madrid Agreement 1989 (amend. Regulation (EC) No 40/94)

1996/0198(CNS) - 29/01/1997 - Economic and Social Committee: opinion, report

The Committee welcomes the Commission proposals and consequently: - endorses the accession of the European Community to the protocol relating to the Madrid agreement concerning the international registration of marks; - endorses the addition of Title XIII to Council Regulation (EC) No. 40/94; - asks the Commission to take steps towards the harmonization of national legislation on designs and models.

Community trademark: Protocol on the international registration of marks; Madrid Agreement 1989 (amend. Regulation (EC) No 40/94)

1996/0198(CNS) - 24/07/1996 - Legislative proposal

OBJECTIVE: adaptation of the legal protection afforded by the Community trade mark system, whereby a single application for registration gives undertakings protection not only in the territory of the Union but also in the countries party to the Madrid Protocol (China, Cuba, Denmark, Finland, Germany, Norway, Spain, Sweden and the United Kingdom). SUBSTANCE: This extension of the protection of trade marks has been made possible by the establishment of a link between the Community trade mark system and the international trade mark registration system of the World Intellectual

Property Organization (WIPO). -The Community trade mark became fully operational on 1 April 1996 (Regulation (EC) No 40/94) and gives trade marks uniform protection throughout the territory of the EU once a single application for the registration of a Community trade mark has been made. The Office for Harmonization in the Internal Market, which has its seat at Alicante in Spain, is responsible for the administration of Community trademarks. -On 1 April 1996 the Madrid protocol concerning the international registration of marks also became operational. It provides for the international registration of marks at the International Bureau of the World Intellectual Property Organization (WIPO) at Geneva. In principle, such registration will protect a trade mark in the territory of any country or intergovernmental organization which is a contracting party to the protocol and to which reference is made in the application for international registration. To date, nine countries have become Contracting Parties: China, Cuba, Denmark, Finland, Germany, Norway, Spain, Sweden and the United Kingdom. But many others have been urged to do so (especially the EEA countries, the CEECs and the former Soviet republics with which the Community has signed association and cooperation agreements, which provide for accession to the Madrid protocol). -Single extended procedure: the system that will be installed has the advantage of being simple and enabling the holder of a trade mark to protect it in the territory of the Community and the Contracting Parties to the protocol by a single procedure (rather than having to file an application with every national or regional office of the Contracting Parties in whose territory he wishes his trade mark to be protected). The national or regional industrial property office and the International Bureau of WIPO are responsible for this procedure. -Reciprocity: If the EC accedes to the Madrid Protocol (as another proposal provides: COM(96)0367, CNS96190), applicants and holders of Community trade marks can request protection of their trade marks by filing one international application by virtue of the Madrid Protocol. Conversely, the holders of international registrations can request, by virtue of the Madrid Protocol, that their trade marks enjoy the same protection as EC trade marks. The two systems are thus complementary.