



| Basic information | |
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| 2002/0308(CNS) CNS - Consultation procedure Regulation | Procedure completed |
| Community trade mark Repealed by 2006/0267(CNS) Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance | |

| Key players | | | | |
|-------------------------------|---|--|---|---------------------|
| European Parliament | Committee responsible | | Rapporteur | Appointed |
| | JURI | Legal Affairs and Internal Market | BERENGUER FUSTER Luis (PSE) | 20/02/2003 |
| | Committee for opinion | | Rapporteur for opinion | Appointed |
| | ITRE | Industry, External Trade, Research, Energy | The committee decided not to give an opinion. | |
| Council of the European Union | Council configuration | | Meetings | Date |
| | Justice and Home Affairs (JHA) | | 2561 | 2004-02-19 |
| | Competitiveness (Internal Market, Industry, Research and Space) | | 2547 | 2003-11-26 |
| European Commission | Commission DG | | | Commissioner |
| | Financial Stability, Financial Services and Capital Markets Union | | | |

| Key events | | | |
|------------|---|--|-------------------------|
| Date | Event | Reference | Summary |
| 27/12/2002 | Legislative proposal published | COM(2002)0767  | Summary |
| 29/01/2003 | Committee referral announced in Parliament | | |
| 17/06/2003 | Vote in committee | | Summary |
| 17/06/2003 | Committee report tabled for plenary, 1st reading/single reading | A5-0236/2003 | |
| 23/09/2003 | Decision by Parliament | T5-0398/2003 | Summary |

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| 19/02/2004 | Act adopted by Council after consultation of Parliament | | |
| 19/02/2004 | End of procedure in Parliament | | |
| 09/03/2004 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|--|
| Procedure reference | 2002/0308(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| Amendments and repeals | Repealed by 2006/0267(CNS) |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/5/19083 |

| Documentation gateway | | | | |
|---|--|---|-------------------------|-------------------------|
| European Parliament | | | | |
| Document type | Committee | Reference | Date | Summary |
| Committee report tabled for plenary, 1st reading/single reading | | A5-0236/2003 | 17/06/2003 | |
| Text adopted by Parliament, 1st reading/single reading | | T5-0398/2003 OJ C 077 26.03.2004, p. 0023-0068 E | 23/09/2003 | Summary |
| European Commission | | | | |
| Document type | Reference | Date | Summary | |
| Legislative proposal | COM(2002)0767  | 27/12/2002 | Summary | |
| Other institutions and bodies | | | | |
| Institution/body | Document type | Reference | Date | Summary |
| EESC | Economic and Social Committee: opinion, report | CES0576/2003 | 14/05/2003 | |
| EESC | Economic and Social Committee: opinion, report | CES0598/2003 OJ C 208 03.09.2003, p. 0007-0010 | 14/05/2003 | |

| Additional information | | |
|------------------------|----------|------|
| Source | Document | Date |

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| European Commission | EUR-Lex | |
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| Final act |
| Regulation 2004/0422 OJ L 070 09.03.2004, p. 0001-0007 Summary |

Community trade mark

2002/0308(CNS) - 19/02/2004 - Final act

PURPOSE : to improve the functioning of the system on the Community trademark. **LEGISLATIVE ACT** : Council Regulation 422/2004/EC amending Regulation 40/94/EC on the Community trade mark. **CONTENT** : Council Regulation 40/94/EC set up a unitary system of protection of trade marks throughout the Member States via Community registration. This Regulation aims to improve the effectiveness of the system, increase the value it adds and anticipate the consequences of additional members in future, without it being necessary to change the substance of the system, which has proven itself to be perfectly valid with regard to the objectives set. In order to rationalise the procedure, the search system is amended. It remains compulsory for Community trade marks, but it is made optional, subject to the payment of a fee, for searches in the trade mark registers of the Member States which notified their own decision to carry out such a search. Furthermore, there are measures to improve the quality of the search reports, ensuring greater uniformity by using a standard form and laying down their essential contents. There are also amendments with regard to the Boards of Appeal and certain aspects of the procedure. **ENTRY INTO FORCE** : 10/03/04. Point 9 of Article 1 (search) shall apply from 10 March 2008.

Community trade mark

2002/0308(CNS) - 23/09/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution by 464 votes in favour, 10 against and 30 abstentions a non-binding resolution on the Community trade mark system. The rapporteur was Luis BERENQUER FUSTER (PES, Spain). (Please see the document dated 17/06/03.)

Community trade mark

2002/0308(CNS) - 27/12/2002 - Legislative proposal

PURPOSE : to amend certain provisions in Regulation 94/40/EC on the Community trade mark. **CONTENT** : The latter regulation instituted a unitary system of protection of the mark throughout the Member States via Community registration. This system has generally been satisfactory in fulfilling users' expectations. The functioning of the system has made it possible to identify other aspects which could clarify and further supplement it. The following changes are proposed: - Proprietors (Article 5): Under current provisions, proprietorship of a mark is allowed to certain persons under certain conditions. This is now changed so that the definition of proprietor is now open to any natural or legal person or authority established under public law. However, the rules on the priority of an earlier trade mark will continue to apply so as not to damage the rights of proprietors who are nationals of the Member States. - Search: The purpose of the searching system is to identify conflicts with other prior rights which might be invoked via the opposition procedure and might prevent the registration of the Community trade mark applied for. Having identified several drawbacks of the system, the proposal is to abolish the searching system. - Representation: The wording of Article 89(2)(c) has been adapted so that it suffices to be resident in any EU Member State to be able to deal with the Office. Changing one's place of residence or employment within the territory of the various Member States would no longer have any implications for one's representation at the Office. - Boards of Appeal: The following amendments are proposed: -the members of the Boards of Appeal, including the Chairmen, will be appointed by the Administrative Board and not the Council. This will make the appointment procedure more efficient. On the other hand, the removal of members will continue to be the responsibility of the Court of Justice; -a chairman of the Boards of Appeal can also take on the position of chairman of the appeals department; -a single member may take decisions where circumstances so merit; -the board of Appeal may take decisions, in certain cases, in an enlarged Board. - Points of procedure: The following amendments are proposed: -a provision has been added to the list of absolute grounds of refusal to make explicit that Regulation 2081/92 is not affected; -relative grounds for refusal concerning the proprietors of signs; -a technical amendment on insolvency proceedings; -filing of applications where the document is submitted late; -division of the application and the registration; -revision of ex parte and inter parte decisions; -revocation of decisions within six months; -the alignment of the text with regard to powers with the new Community design system; -apportionment of cost, which is set automatically; -continuation of proceedings where a party to proceedings before the Office has failed to observe a time limit; -request for conversion to be entrusted to the Office and not to the national offices; - provisions on counterclaims, checks on legality and decisions on opposition or cancellation. Finally, certain fees have been abolished, such as those which do not provide the Office with real revenue but make the procedure considerably more cumbersome.