Basic information

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Community trade mark Repealed by 2006/0267(CNS) **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance	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

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Amendments and repeals	Repealed by 2006/0267(CNS)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

European Commission	EUR-Lex	

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 BERENGUER 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 tothe 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.