



European Communities Trade Mark Association

Antwerp, 1 July 2008

The Council of the European Trade Mark Association (ECTA), a non profit organisation representative of the professional representatives on Trade Marks and Designs in the European Union from industry and private practice.

Having been informed recently of a Commission proposal to “codify” the 1988 Trade Marks Directive (Directive 89/104/EEC) and the 1993 Community Trade Mark Regulation (Regulation No. 40/94),

Having regard to the Commission proposals of 19 December 2006 in Doc. COM (2006) 830 (Regulation) and in Doc. COM (2006) 812 (Directive),

Having noted that the European Parliament has approved the proposals in June 2007,

Having noted that the European Commission did not undertake any consultation with any of the international non-governmental organisations regarding these proposals, nor any “impact analysis”.

Considering that the Commission has proposed a general review of the European Trade Mark system, which will probably lead to new legislative proposals and further amendments of said texts, that would render any codification made before worthless.

Considering that the proposals to “codify” the 1988 Trade Marks Directive and the 1993 Community Trade Mark Regulation will adversely affect the users of the Trade Mark system in Europe, creating an unnecessary burden for users, Trade Mark offices, courts, professional representatives, lawyers, academics, publishers, etc.,. Guidelines and Practice Notes must be reviewed and reedited, standard forms must be revised, and this at all levels of administrations – OHIM, national offices. Those practicing trade mark law (lawyers, trade mark attorneys, in-house counsel, administrative staff) must review their own standard texts, agreements previous concluded, databases, etc. Texts of these legislative acts must be re-issued. The publications relating to European trade mark law – commentaries, guides, textbooks, case books, etc. – must be reviewed and re-edited. All of this applies in all Member States. The bureaucratic burdens are great, without any attendant benefits.

Resolves:

1. To request the European Commission to withdraw these proposals from the agenda of proposed legislation.
2. To request the governments of the Member States of the European Union to oppose the legislative proposals when they are presented for adoption in the Council of Ministers.