Council of the European Union

Trade marks reform: agreement on Council common position

The Committee of Permanent Representatives[1] today agreed on a Council common position for the modernisation of the EU trade mark system. It mandated the Italian Presidency of the Council to enter into negotiations with the European Parliament with a view to concluding a swift agreement.

The Italian State Secretary in charge of European Affairs Sandro Gozi made the following comments: *"Today's agreement on the EU Trade mark package in Coreper is crucial for the competitiveness of European economy. Trade mark-intensive industries generate more than one third of the Union's total GDP and more than one fifth of jobs in the EU. The package outlines an efficient trade mark system, including measures against counterfeiting and it is therefore vital to support businesses, foster growth, as well as protect European consumers. An important element is the focus on goods in transit through the EU"*.

The reform of the current system will improve conditions for businesses to innovate and to benefit from more effective trade mark protection against counterfeits, including fake goods in transit through the EU's territory.

The reform is also aimed at fostering innovation and economic growth by making trade mark registration systems all over the European Union more accessible and efficient for businesses in terms of lower costs and complexity, increased speed, greater predictability and legal certainty.

It will furthermore improve cooperation between the Office for Harmonization in the Internal Market (OHIM), which is responsible for registering and administering trade marks at European level, and the national offices.

During the past months, discussions in the Council focused in a number of key political issues, such as the treatment of goods brought into the EU customs territory (transit), the level of harmonization of national procedures, the modalities of future cooperation between OHIM and national trade mark offices, including the funding of such cooperation by OHIM and the use of the OHIM budgetary surpluses.

---

[1]   The Committee of Permanent Representatives (COREPER) of the governments of the 28 EU member states is responsible for preparing the work of the Council.

Press office - General Secretariat of the Council
Rue de la Loi 175 - B-1048 BRUSSELS - Tel.: +32 (0)2 281 6319
press.office@consilium.europa.eu - www.consilium.europa.eu/press   1/2

Background

The Community trade mark established a stand-alone system for the registration of unitary rights having equal effect throughout the EU. A trade mark serves to distinguish the goods and services of a company. It is the mark through which a business can attract and retain customer loyalty, and create value and growth. The mark works as an engine for innovation and has a favourable impact on employment. The system was designed to co-exist with the national trade mark systems which continue to be necessary for those undertakings which do not want their trade marks protected at EU level.

The experience acquired since the establishment of the Community trade mark system has shown that undertakings from within the Union and from third countries have accepted the system, which has become a successful and viable complement to the protection of trade marks.

Over the years there has been a steady growth in the commercial value and number of trade marks. In 2012, a record number of Community trade mark applications were filed and in 2011 the OHIM received its millionth application since starting operations in 1996. This development has been accompanied by growing expectations on the part of stakeholders for more streamlined and high-quality trade mark registration systems, which are more consistent, publicly accessible and technologically up-to-date.

The establishment of the OHIM has therefore been a great success and has contributed substantially to strengthening the competitiveness of the EU. The OHIM is located in Alicante, Spain.

Following the presentation by the Commission of the reform package in April 2013 (*8065/13* and *8066/13*), the European Parliament adopted its position at first reading on 25 February 2014. Last May, the Council took note of a progress report *(9558/14)*.

See also: Frequently Asked Questions