



THE ASSOCIATION OF EUROPEAN TRADE MARK OWNERS

July 2008

MARQUES, The European Association of Trade Mark Owners, has recently become aware of the Commission's now advanced proposals to "codify" the 1988 Trademarks Directive (Directive 89/104/EEC) and the 1993 Community Trademark Regulation (Regulation no. 40/94).

MARQUES generally recognizes the benefit of codified legal texts and thus supports the policy behind the Better Regulation Programme. However, in this instance, MARQUES finds that the disadvantages clearly outweigh the advantages.

The Provisions of the Trade Marks Directive and the Community Trademark Regulation are an integral part of the daily professional life of trade mark owners and practitioners in Europe and elsewhere, both as to their substance and as to their titles. To codify and thereby to re-title these provisions will thus have a very notable legal and practical impact.

In this regard, MARQUES observes that it has never received any request from its members to press for such codification, which clearly indicates that users of the system as it stands do not experience any problems with it. In addition, MARQUES notes that the Commission has indicated that it seeks to undertake a general review of the European trade mark system. This in turn may lead to new legislative proposals and further amendments of the present texts. The impending prospect of a general review clearly speaks in favour of postponing the present planned codification.

MARQUES therefore shares the views expressed by the European Communities Trade Mark Association (ECTA), whose Council resolved on 1 July 2008 to request the European Commission to withdraw these proposals from the agenda of proposed legislation and 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.

A handwritten signature in blue ink that reads "Jane Collins". The signature is written in a cursive, flowing style.

Jane Collins
Chairman of Council