

19.2.2014

A7-0031/115

**Amendment 115**

**Marielle Gallo**

on behalf of the PPE Group

**Bernhard Rapkay**

on behalf of the S&D Group

**Report**

**Cecilia Wikström**

Community trade mark

COM(2013)0161 – C7-0087/2013 – 2013/0088(COD)

**A7-0031/2014**

**Proposal for a regulation**

**Recital 18**

*Text proposed by the Commission*

(18) With the aim of strengthening trade mark protection and combatting counterfeiting more effectively, the proprietor of a European trade mark should be entitled to prevent third parties from bringing goods into the customs territory of the Union without being released for free circulation there, where such goods come from third countries and bear without **authorization** a trade mark which is essentially identical to the European trade mark registered in respect of such goods.

*Amendment*

(18) With the aim of strengthening trade mark protection and combatting counterfeiting more effectively, **and without prejudice to WTO rules, in particular Article V of the GATT on freedom of transit**, the proprietor of a European trade mark should be entitled to prevent third parties from bringing goods into the customs territory of the Union without being released for free circulation there, where such goods come from third countries and bear without **authorisation** a trade mark which is essentially identical to the European trade mark registered in respect of such goods. ***This should be without prejudice to the smooth transit of generic medicines, in compliance with the international obligations of the European Union, in particular as reflected in the 'Declaration on the TRIPS agreement and public health' adopted by the Doha WTO Ministerial Conference on 14 November 2001.***

Or. en

19.2.2014

A7-0031/116

**Amendment 116**

**Marielle Gallo**

on behalf of the PPE Group

**Bernhard Rapkay**

on behalf of the S&D Group

**Report**

**Cecilia Wikström**

Community trade mark

COM(2013)0161 – C7-0087/2013 – 2013/0088(COD)

**A7-0031/2014**

**Proposal for a regulation**

**Article 1 – point 12**

Regulation (EC) No 207/2009

Article 9 – paragraph 5

*Text proposed by the Commission*

5. The proprietor of a European trade mark shall also be entitled to prevent all third parties from bringing goods, in the context of commercial activity, into the customs territory of the Union without being released for free circulation there, where such goods, including packaging, come from third countries and bear without **authorization** a trade mark which is identical to the European trade mark registered in respect of such goods, or which cannot be distinguished in its essential aspects from that trade mark.

*Amendment*

5. ***Without prejudice to WTO rules, in particular Article V of the GATT on freedom of transit,*** the proprietor of a European trade mark shall also be entitled to prevent all third parties from bringing goods, in the context of commercial activity, into the customs territory of the Union without being released for free circulation there, where such goods, including packaging, come from third countries and bear without **authorisation** a trade mark which is identical to the European trade mark registered in respect of such goods, or which cannot be distinguished in its essential aspects from that trade mark.

Or. en