

19.2.2014

A7-0032/55

Amendment 55

Marielle Gallo

on behalf of the PPE Group

Bernhard Rapkay

on behalf of the S&D Group

Report

Cecilia Wikström

Laws of the Member States relating to trade marks (Recast)

COM(2013)0162 – C7-0088/2013 – 2013/0089(COD)

A7-0032/2014

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) With the aim of strengthening trade mark protection and combatting counterfeiting more effectively, the proprietor of a registered trade mark should be entitled to prevent third parties from bringing goods into the customs territory of the Member State 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 trade mark registered in respect of such goods.

Amendment

(22) 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 registered trade mark should be entitled to prevent third parties from bringing goods into the customs territory of the Member State 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 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

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Amendment 56

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Laws of the Member States relating to trade marks (Recast)

COM(2013)0162 – C7-0088/2013 – 2013/0089(COD)

A7-0032/2014

Proposal for a directive

Article 10 – paragraph 5

Text proposed by the Commission

5. The proprietor of a registered 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 Member State where the trade mark is registered 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 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 registered 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 Member State where the trade mark is registered 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 trade mark registered in respect of such goods, or which cannot be distinguished in its essential aspects from that trade mark.

Or. en