


# Procedure file

Basic information	
COS - Procedure on a strategy paper (historic) <a href="#">2000/2187(COS)</a>	Procedure completed
Intellectual property: exhaustion of trade mark rights	
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.50.15 Intellectual property, copyright	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> Legal Affairs and Internal Market	PPE-DE <a href="#">MAYER Hans-Peter</a>	20/03/2000
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ITRE</b> Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
	Council configuration	Meeting	Date
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2351</a>	30/05/2001

Key events			
01/12/1999	Non-legislative basic document published	SEC(1999)2033	Summary
07/07/2000	Committee referral announced in Parliament		
30/05/2001	Debate in Council	<a href="#">2351</a>	Summary
18/09/2001	Vote in committee		Summary
18/09/2001	Committee report tabled for plenary	<a href="#">A5-0311/2001</a>	
02/10/2001	Debate in Parliament		
03/10/2001	Decision by Parliament	<a href="#">T5-0499/2001</a>	Summary
03/10/2001	End of procedure in Parliament		
11/04/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2000/2187(COS)

Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/12300

### Documentation gateway

Non-legislative basic document		SEC(1999)2033	01/12/1999	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0042/2001</a> <a href="#">OJ C 123 25.04.2001, p. 0028</a>	25/01/2001	ESC	
Committee report tabled for plenary, single reading		<a href="#">A5-0311/2001</a>	18/09/2001	EP	
Text adopted by Parliament, single reading		<a href="#">T5-0499/2001</a> OJ C 087 11.04.2002, p. 0061-0148 E	03/10/2001	EP	Summary
Follow-up document		SEC(2003)0575	21/05/2003	EC	

## Intellectual property: exhaustion of trade mark rights

**PURPOSE** : to present a Commission staff working paper on the exhaustion of trade mark rights. **CONTENT** : this document constitutes the Commission services' working document on exhaustion of trade mark rights that the Commission undertook to prepare at the Internal Market Council of 21 June 1999. The working document should serve as a basis for a further and detailed discussion in a Council expert group in order to prepare the EC position on a possible change to the current trade mark exhaustion regime in the EC. The discussion should focus in particular on four key issues which were raised at the Internal Market Council in June. These are: a) possible consequences of different regimes for national trade marks compared to Community trade marks; b) differentiation of exhaustion regimes for different intellectual property rights; c) differentiation of exhaustion regimes for different sectors of industry; d) international exhaustion through international agreements. Furthermore, the working document explores different options available if it is decided that a change of exhaustion is necessary. Each option has its own advantages and disadvantages and will require careful examination before any conclusion can be drawn. The document does not elaborate on other issues which are also relevant in the larger context of parallel trade, like competition issues and questions on vertical restraints. In addition, developments in the information society including e-commerce are also of relevance when discussing the merits and problems of the Community exhaustion regime, in so far as they open up new possibilities for consumers to obtain branded goods which have initially been marketed on foreign markets. The discussion on exhaustion regimes has important economic implications, for example, in industries such as musical recordings, pharmaceuticals, cosmetics and perfumes, confectionary, footwear, leather goods, and alcoholic drinks and finally, the motor vehicle industry.?

## Intellectual property: exhaustion of trade mark rights

The Council heard the Presidency's information on the exhaustion of trade mark rights and parallel imports. There was broad support among the delegations for continued detailed studies on the issue. The Council took note of the intention of the incoming Belgian Presidency to pursue the work on this file. There is a divergence of views among Member States between those who favour a shift from the principle of Community exhaustion of trade mark rights to international exhaustion and those who are in favour of maintaining the present system.?

## Intellectual property: exhaustion of trade mark rights

The committee adopted the report by Hans-Peter MAYER (EPP-ED, D) on the Commission's working paper on the controversial issue of exhaustion of trademark rights. The committee called on the Commission to: - produce a detailed study of the implications of a possible transition to the principle of international exhaustion for European manufacturers and consumers as well as for jobs; - produce a report on cases of abuse of trademark rights notified to the Commission; - examine the legal situation with regard to the exhaustion of trade mark rights in the most important trading nations; - ascertain the prospects for the conclusion of an international agreement on harmonized rules on exhaustion of trade mark rights under the WTO or WIPO; - in the light of the most recent rulings by the Court of Justice, examine the need for clarification of the 1988 trademark directive, and in particular Article 7 thereof; - examine whether clarification of trade mark law in respect of non-commercial imports of goods purchased by consumers via the Internet was needed; - submit to Parliament, by 31 December 2002, a report on these points, containing detailed proposals.?

## Intellectual property: exhaustion of trade mark rights

The European Parliament voted 473 to 22 with 27 abstentions in favour of a resolution on a Commission working paper on the exhaustion of trade mark rights. (Please refer to the previous text). ?