2. Where the declaration of use is produced in respect of only part of the goods or services for which the trade mark is registered, registration shall be renewed only for that part of the goods or services.

3. The laws of the Member State shall determine the procedure for presenting the declaration of use and the penalties applicable where a false declaration is made.

Articles 14 to 17 unchanged

Article 17a

The symbol composed of a capital letter contained within a circle, thus ® may be used to indicate a registered trade mark.

Articles 18 and 19 unchanged

— Motion for a resolution:

Preamble and paragraphs 1 to 5: adopted.

After paragraph 5:
— amendment 95 by Mr Newton Dunn: rejected.

Paragraphs 5 to 14: adopted.

Explanations of vote:

The following spoke: Mr Cousté, on behalf of the EPD Group and Mr Sieglerschmidt, on behalf of the Socialist Group.

Parliament adopted the following resolution:

RESOLUTION

Closing the procedure for consultation of the European Parliament on the proposals from the Commission of the European Communities to the Council for
I. a First Directive to approximate the laws of the Member States, relating to trade marks
II. a Regulation on Community trade marks

The European Parliament,

— having regard to the proposals from the Commission to the Council (1),
— having been consulted by the Council pursuant to Articles 100 and 235 of the Treaty establishing the EEC (Doc. 1-682/80),
— having regard to the Report of the Legal Affairs Committee and the opinion of the Committee on Economic and Monetary Affairs (Doc. 1-611/83),
— having regard to the result of the vote on the Commission’s proposals,

1. Draws attention to the fact that at present, the protection available for trade marks is effective only within the area over which the relevant national law operates, and that identical or similar trade marks can therefore be protected in more than one Member State for the benefit of different proprietors;

2. Points out that, as a result, conflicts arise at the Community’s internal frontiers, and that consumers may be misled as to the origin of the product;

3. Affirms that the import of goods and services may thus be impeded by national trade mark rights, and that free trade and competition between Member States can be affected thereby;

4. Is therefore of the opinion that the approximation of national trade mark law, while vital in itself as a means of lessening the impediments to trade and justified under Article 100, is not sufficient to abolish, as between Member States, the obstacles to freedom of movement for marked goods and services nor to institute a system which would ensure that competition in the common market for marked goods and services is not distorted;

5. Considers that the creation of a trade mark which is valid throughout the Community and which exists alongside national rights is essential to the objective of a true common market in marked goods and services;

6. Points out that national trade mark law has proved throughout the world to be an essential factor in promoting trade and industry and that all indications are that a Community trade mark system would provide the same impetus and produce the same consequences, particularly by facilitating the development of European markets for products and services and the expansion of existing national markets;

7. Firmly believes that the Community trade mark system will be of real economic benefit to the consumer, particularly by promoting commerce and competition within the Community, and by increasing the transparency of European markets for consumer goods and services;

8. Considers it necessary within the meaning of Article 235 for the Community to create the Community trade mark in order to attain vital objectives of the EEC Treaty for which the necessary powers have not been otherwise provided, and, in addition, to ensure conditions for trade in marked goods and services within the Community similar to those existing in the national markets;

9. Strongly affirms that it is appropriate within the meaning of Article 235 to take the following measures: to set up and organize, as a body of the Community, a Community Trade Marks Office, monitored by the Commission, to confer on the Office powers and, in particular, the power to address decisions to the relevant parties in trade mark proceedings, to adopt rules concerning their enforcement, to confer on the Board of Appeal of the Trade Marks Office and on the Court of Justice the powers to protect the legal rights specified in the proposed Regulation, and to adopt rules on jurisdiction and judicial proceedings in actions relating to Community trade marks;

10. Considers that the creation of the Trade Marks Office in the form of such a Community body fully respects the institutional balance of the Community;

11. Welcomes the proposal that the budget of the Trade Marks Office be incorporated into the general budget of the Communities and will therefore be subject to the scrutiny of the European Parliament;

12. Approves the proposal for a Regulation on the Community trade mark and the proposal for a First Directive to approximate the laws of the Member States relating to trade marks subject to the amendments which have been adopted;
13. Requests the Commission to include those amendments in its proposals pursuant to the second paragraph of Article 149 of the EEC Treaty;

14. Instructs its president to forward to the Council and Commission, as Parliament’s opinion, the Commission’s proposals as voted by Parliament and the accompanying resolution.

21. Employee participation in asset formation (vote)

The next item was the vote on the motion for a resolution contained in the report by Mr Brok (Doc. 1-758/83);

Mr Simmonds stated that he would make his explanation of vote in writing.

Roll-call vote requested by the EPP Group:

Members voting: 84 (1)

For: 48.

Against: 30.

Abstentions: 6.

Parliament thus adopted the following resolution:

RESOLUTION

on the memorandum from the Commission on employee participation in asset formation

The European Parliament,

— having regard to the memorandum from the Commission on employee participation in asset formation (COM(79) 190 final),

— having regard to the demand for asset formation set out in the Papaefstratiou report (1),

— having regard to the report of the Committee on Social Affairs and Employment (Doc. 1-758/83),

A. having regard to the measures taken by the Member States concerning asset formation,

B. having regard to the distribution of wealth in the European Community,

C. convinced that private ownership of individually disposable assets contributes to personal independence and freedom is therefore in keeping with the dignity of the individual,

D. convinced that ownership must be subject to social requirements,

E. In the knowledge that only individually disposable and widely dispersed ownership accords with the principle of the distribution of power,

F. convinced that individual participation by employees in productive capital in particular contributes to social peace and promotes social partnership among all persons working in industry and in individual undertakings,