(Amendment 14)

Article 18c

No later than five years after the entry into force of this Directive, the Commission shall submit an analysis of the consequences of the provisions of this Directive for the industrial sectors most affected, and in particular for manufacturers of complex products and spare parts. If necessary, it shall propose to Parliament and the Council changes to this Directive, after consulting all the parties concerned.
AMENDMENT 15

The rights conferred by a design right shall not be exercised against third parties who, after three years from the first putting on the market of a product incorporating the design or to which the design is applied, use the design under Article 12, provided that:

(a) the product incorporating the design or to which the design is applied is a part of a complex product upon whose appearance the protected design is dependent;

(b) the purpose of such a use is to permit the repair of the complex product so as to restore its original appearance; and

(c) the public is not misled as to the origin of the product used for the repair.

1. The rights conferred by a design right shall not be exercised against third parties who use the design under Article 12, provided that:

(a) the product incorporating the design or to which the design is applied is a part of a complex product upon whose appearance the protected design is dependent;

(b) the purpose of such a use is to permit the repair of the complex product so as to restore its original appearance;

(c) the holder of the right has been notified of the intended use of the design:

.../...
(cb) the holder of the right is offered fair and reasonable remuneration for the use of the design;

(cd) the holder of the right is notified of the use made of the design, as regards the number of products sold.

2. Save as otherwise agreed, the remuneration shall be paid by the manufacturer or distributor or, in the case of the import of a part manufactured outside the Community, by the importer or distributor of the part into which the design is to be incorporated or to which it is to be applied.
5 October 1995

AMENDMENT 16
by Mrs Schaffner and Mr Florio, on behalf of the UPE Group

REPORT by Mr Medina Ortega
LEGAL PROTECTION OF DESIGNS

Proposal for a Directive
COM(93)0344 - C4-0513/93 - 00/0464(COD)

Commission text

(Amendment 16)
Article 14, first sentence

The rights conferred by a design right shall not be exercised against third parties who, after three years from the first putting on the market of a product incorporating the design or to which the design is applied, use the design under Article 12, provided that:

Amendments

The rights conferred by a design right shall not be exercised against third parties who, after ten years from the first putting on the market of a product incorporating the design or to which the design is applied, use the design under Article 12, provided that: