**II (Cooperation Procedure)**

SECOND READING

Recommendation of the Committee on Legal Affairs and Citizens' Rights concerning the COMMON POSITION of the Council on the proposal for a first directive to approximate the laws of the Member States relating to trade marks (C2-132/88).

Rapporteur: Mr Amédée E. TURNER
At its sitting of 12 October 1983, the European Parliament delivered its opinion on first reading on the proposal from the Commission to the Council for a first directive to approximate the laws of the Member States relating to trade marks (COM(80) 635 final - OJ 1980 C351/4, submitted on 25 November 1980).

At the sitting of 14 September 1988, the President of the European Parliament announced that he had received the common position of the Council (Doc. C 2-132/88), which had been referred to the Committee on Legal Affairs and Citizens' Rights as the Committee responsible and the Committee on Economic and Monetary Affairs and Industrial Policy for an opinion.

The Committee on Legal Affairs and Citizens' Rights considered the common position at its meeting of 28 and 29 September 1988 and unanimously adopted the following recommendation.

The following took part in the vote: Lady ELLES, Chairman; Mrs VAYSSADE, Mr SARIDAKIS and Mr MEDINA ORTEGA, vice-Chairmen; Mr TURNER, rapporteur; Mr BARZANTI, Mr CASINI, Mr DONNEZ, Mr GARCIA AMIGO, Mr HERMAN (deputizing for Mrs Fontaine), Mr LAFUENTE LOPEZ and Mr MARQUES MENDES.

The Committee on Economic and Monetary Affairs and Industrial Policy decided at its meeting of 27-28 September 1988 not to draw up an opinion on the common position

This recommendation was tabled on 4 October 1988

The deadline for tabling amendments to the common position or proposals to reject it will appear on the draft agenda for the part-session at which the common position is to be considered.
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A RECOMMENDATION

(COOPERATION PROCEDURE : second reading)

concerning the common position of the Council on the proposal from the Commission for a first directive to approximate the laws of the Member States relating to trade marks

The Committee on Legal Affairs and Citizens' Rights

- having regard to the common position of the Council (Doc. C 2-132/88)

Recommends that the European Parliament approve the common position.
EXPLANATORY STATEMENT

The original proposal for a directive was substantially amended by the European Parliament in 1983 in many important respects, including the definition of reputation, confusion and the scope of the proprietary rights in a registered trade mark, the application of the principle of exhaustion of rights outside the Community and the trade mark law aspects of licensing. In addition, the European Parliament insisted that the basic principle of trade mark law that a proprietor may use more than one trade mark on the same type of goods should be maintained. The Commission accepted all these points, and they have been accepted in the Common Position of the Council on its first reading. The Council has, further, amplified certain aspects of the law in useful respects all entirely consonant with the European Parliament's original amendments. Your rapporteur wishes to point out that the actual form of the provisions set out in the Common Position incorporates a considerable number of improvements in detail. The final result is a clear and unambiguous piece of legislation which incorporates the principles of trade mark law with admirable consistency.