



Union of Industrial and Employers' Confederations of Europe
Union des Confédérations de l'Industrie et des Employeurs d'Europe

Mr Medina Ortega

Member of Conciliation Committee Delegation on "Designs"
European Parliament
Rue Wiertz
B-1047 Brussels

ZT/JPC/nd/5.3/2/1

25 March 1998

Dear Mr Medina Ortega,

RE: PROPOSAL FOR A DIRECTIVE ON THE LEGAL PROTECTION OF DESIGNS

I am writing to you in the context of the imminent conciliation procedure on the above subject.

In your capacity as rapporteur on this proposal, you are well aware of our position and you know that UNICE has time and again voiced the importance of the whole issue of legal protection of designs for the full range of industrial sectors which it represents.

Intellectual property rights are vital assets for companies as they encourage corporate creative activity, stimulate new investments in research and development, and promote competition and technical developments in the interests of society. The inventions and creations they protect constitute one of the foundations of innovation which is the basis of growth, preservation of jobs and competitiveness.

The current lack of harmonised rules in the area of designs is very burdensome, especially for small and medium-sized enterprises, and UNICE therefore urges all institutions of the European Union to adopt the directive rapidly.

UNICE believes that the "spare parts" issue, whose economic importance in the overall context of design protection has been highly exaggerated, should not be permitted to block adoption of an instrument which benefits most other sectors of industrial activity. The high threshold set by the Directive would exclude from the protection they currently enjoy many component parts of complex products, thereby already improving the position of spare parts manufacturers in most EU Member States.

UNICE therefore calls upon EU institutions to reach a rapid compromise which respects the basic principles of intellectual property rights. Deviation from these principles would set a dangerous precedent which would potentially affect all other areas of intellectual property and discourage European industry from investing in new products.

Yours sincerely,

Zygmunt Tyszkiewicz
Secretary General