



UNICE

Union of Industrial and Employers' Confederations of Europe

Union des Confédérations de l'Industrie et des Employeurs d'Europe

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'LEGAL PROTECTION OF DESIGNS' :
UNICE WELCOMES THE AGREEMENT REACHED BY THE CONCILIATION COMMITTEE

UNICE warmly welcomes the recent agreement reached by the Conciliation Committee on the Legal Protection of Designs.

European business has consistently stressed the importance of legal protection of designs for the full range of industrial sectors which it represents. Harmonisation of design laws is needed by European companies to preserve their competitiveness and their capacity to innovate. The lack of harmonisation in this field has been very burdensome, especially for small and medium-sized enterprises.

UNICE sees the compromise adopted by the Conciliation Committee as a solution:

- that is reasonable to all parties;
- that will harmonise most substantive aspects of design protection by providing uniform scope, content and duration for design protection across the European Union;
- that respects the basic principles governing the protection of intellectual property rights. Intellectual property rights are vital assets for companies, and the inventions and creations they protect constitute one of the foundations of innovation which is the basis of growth, preservation of jobs and competitiveness.

UNICE is pleased that the "spare parts" issue, whose economic importance in the overall context of design protection has been highly exaggerated, has not been permitted to block the adoption of an instrument which benefits most other sectors of industrial activity.

UNICE welcomes the fact that the regime suggested by the Conciliation Committee, the so-called "standstill plus", will allow the issue of reproduction of component parts of complex products for repair purposes to be discussed by all institutions and interested parties three years after implementation of the Directive. This will be carried out in the broader perspective of the economy, competition, employment, effect on prices and insurance premiums, safety and product liability, consumer protection, etc, and will allow for discussions to be based on experience, facts and precise figures, rather than assumptions.

It is therefore UNICE's considered opinion that the compromise reached by the Conciliation Committee is a reasonable solution which will open the door for the adoption of the Regulation creating the Community design, thus giving EU rightsholders the possibility to acquire one design right that is valid throughout the territory of the Union. This is an important step towards further completion of the single market.

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