



Plenary sitting

A9-0317/2023

30.10.2023

*****I**
REPORT

on the proposal for a directive of the European Parliament and of the Council
on the legal protection of designs (recast)
(COM(2022)0667 – C9-395/2022 – 2022/0392(COD))

Committee on Legal Affairs

Rapporteur: Gilles Lebreton

(Recast – Rule 110 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	19
MINORITY POSITION	20
ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION	21
PROCEDURE – COMMITTEE RESPONSIBLE	23
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	24

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on the legal protection of designs (recast)

(COM(2022)0667 – C9-395/2022 – 2022/0392(COD))

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0667),
 - having regard to Article 294(2) and Article 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-395/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 22 March 2023¹,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts²,
 - having regard to Rules 110 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A9-0317/2023),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 184, 25.5.2023, p. 39.

² OJ C 77, 28.3.2002, p. 1.

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) A number of amendments are to be made to Directive 98/71/EC of the European Parliament and of the Council²². In the interests of clarity, that Directive should be recast.

²² Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (OJ L 289, 28.10.1998, p. 28).

Amendment

(1) A number of amendments are to be made to Directive 98/71/EC of the European Parliament and of the Council²². In the interests of clarity, ***legal certainty, streamlining and the updating of rules in relation to market developments brought about by the developments regarding information technology and artificial intelligence***, that Directive should be recast.

²² Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (OJ L 289, 28.10.1998, p. 28).

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Design protection in national law of the Member States coexists with protection available at Union level through European Union designs ('EU designs') which are unitary in character and valid throughout the Union as laid down in Council Regulation (EC) No 6/2002²³. The coexistence and balance of design protection systems at national and Union level constitutes a cornerstone of the Union's approach to intellectual property protection.

Amendment

(3) Design protection in national law of the Member States coexists with protection available at Union level through European Union designs ('EU designs') which are unitary in character and valid throughout the Union as laid down in Council Regulation (EC) No 6/2002²³. The coexistence and balance of design protection systems at national and Union level ***provides an appropriate level of legal certainty and*** constitutes a cornerstone of the Union's approach to intellectual property protection.

²³ Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1).

²³ Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1).

Amendment 3

Proposal for a directive Recital 5

Text proposed by the Commission

(5) In its conclusions of 11 November 2020 on intellectual property policy and the revision of the industrial design system in the Union²⁵, the Council called on the Commission to present proposals for the revision of Regulation (EC) No 6/2002 and Directive 98/71/EC. The revision was requested due to the need to modernise the industrial design systems and to make design protection more attractive for individual designers and businesses, especially small and medium-sized enterprises. In particular, that revision was requested to address and consider amendments aiming at supporting and strengthening the complementary relationship between the Union, national and regional design protection systems, and involve further efforts to reduce areas of divergence within the design protection system in the Union.

²⁵ Council conclusions on intellectual property policy and the revision of the industrial designs system in the Union 2020/C 379 I/01 (OJ C 379I, 10.11.2020, p. 1).

Amendment

(5) In its conclusions of 11 November 2020 on intellectual property policy and the revision of the industrial design system in the Union²⁵, the Council called on the Commission to present proposals for the revision of Regulation (EC) No 6/2002 and Directive 98/71/EC. The revision was requested due to the need to modernise the industrial design systems, ***to update them in line with market developments regarding information technology and artificial intelligence*** and to make design protection more attractive for individual designers and businesses, especially small and medium-sized enterprises. In particular, that revision was requested to address and consider amendments aiming at supporting and strengthening the complementary relationship between the Union, national and regional design protection systems, and involve further efforts to reduce areas of divergence within the design protection system in the Union.

²⁵ Council conclusions on intellectual property policy and the revision of the industrial designs system in the Union 2020/C 379 I/01 (OJ C 379I, 10.11.2020, p. 1).

Amendment 4

Proposal for a directive Recital 6

(6) Based on the final results of the evaluation, the Commission announced in its communication of 25 November 2020 ‘Making the most of the EU’s innovative potential. An intellectual property action plan to support the EU’s recovery and resilience’²⁷ that it **will** revise **the** Union legislation on design protection, following the successful reform of **the** Union trade mark legislation.

(6) Based on the final results of the evaluation, the Commission announced in its communication of 25 November 2020 **entitled** ‘Making the most of the EU’s innovative potential. An intellectual property action plan to support the EU’s recovery and resilience’²⁷ that it **would** revise Union legislation on design protection, following the successful reform of Union trade mark legislation, **with a view to simplifying the system and making it more accessible and efficient, and with a view to updating the regulatory framework in the light of the developments in relation to new technologies on the market.**

²⁷ Communication (COM/2020/760 final) from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Making the most of the EU’s innovative potential. An intellectual property action plan to support the EU’s recovery and resilience.

²⁷ Communication (COM/2020/760 final) from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Making the most of the EU’s innovative potential. An intellectual property action plan to support the EU’s recovery and resilience.

Amendment 5

Proposal for a directive Recital 7

(7) In its **report** of **10** November 2021 on **the** intellectual property action plan²⁸ the European Parliament welcomed the Commission’s willingness to modernise the Union legislation on design protection, called on the Commission to further harmonise the application and invalidation procedures in the Member States, and suggested to reflect upon aligning Directive 98/71/EC and Regulation (EC) No 6/2002 with a view to creating greater legal certainty.

(7) In its **resolution** of **11** November 2021 on **an** intellectual property action plan **to support the EU’s recovery and resilience**²⁸ the European Parliament welcomed the Commission’s willingness to modernise the Union legislation on design protection **in order to better support the transition to a sustainable and digital economy**, called on the Commission to further harmonise the application and invalidation procedures in the Member States, and suggested to reflect upon aligning Directive 98/71/EC and

Regulation (EC) No 6/2002 with a view to creating greater legal certainty.

²⁸ **Report** on an intellectual property action plan to support the EU's recovery and resilience (2021/2007(INI)).

²⁸ **European Parliament resolution of 11 November 2021** on an intellectual property action plan to support the EU's recovery and resilience (2021/2007(INI)) (*OJ C 205, 20.5.2022, p. 26*).

Justification

These are the terms used in paragraph 32 of the European Parliament resolution of 11 November 2021 on an intellectual property action plan to support the EU's recovery and resilience.

Amendment 6

Proposal for a directive Recital 8

Text proposed by the Commission

(8) Consultation and evaluation have revealed that, in spite of the previous harmonisation of national laws, there are still areas where further harmonisation could have a positive impact on competitiveness and growth.

Amendment

(8) Consultation and evaluation have revealed that, in spite of the previous harmonisation of national laws, there are still areas where further harmonisation could have a positive impact on competitiveness and growth ***and, in particular, in terms of the increased accessibility SMEs would have to the design protection system.***

Amendment 7

Proposal for a directive Recital 13

Text proposed by the Commission

(13) The attainment of the objectives of the internal market requires that the conditions for obtaining a registered design right be ***identical*** in all the Member States.

Amendment

(13) The attainment of the objectives of the internal market requires that the conditions for obtaining a registered design right be ***harmonised*** in all the Member States.

Amendment 8

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) While design features **do not need** to be visible at **any particular time** or in **any** particular situation in order to **benefit from design** protection, as an exception to this principle, protection should not be extended to those component parts which are not visible during normal use of a complex product, or to those features of such part which are not visible when the part is mounted, or which would not, in themselves, fulfil the requirements as to novelty and individual character. Therefore, those features of design of component parts of a complex product which are excluded from protection for these reasons should not be taken into consideration for the purpose of assessing whether other features of the design fulfil the requirements for protection.

Amendment

(18) While design features **need to be visible to benefit from design protection, it is not necessary for those features** to be visible at **all times** or in **a** particular situation in order to **qualify for such** protection; as an exception to this principle, protection should not be extended to those component parts which are not visible during normal use of a complex product, or to those features of such part which are not visible when the part is mounted, or which would not, in themselves, fulfil the requirements as to novelty and individual character. Therefore, those features of design of component parts of a complex product which are excluded from protection for these reasons should not be taken into consideration for the purpose of assessing whether other features of the design fulfil the requirements for protection.

Justification

Linguistic clarification.

Amendment 9

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Although product indications do not affect the scope of protection of the design as such, alongside the representation of the design they may serve to determine the nature of the product in which the design is incorporated or to which it is intended to be applied. Furthermore, product indications improve

Amendment

(19) Although product indications do not affect the scope of protection of the design as such, alongside the representation of the design they may serve to determine the nature of the product in which the design is incorporated or to which it is intended to be applied. Furthermore, product indications improve

the searchability of designs in the register of designs kept by an industrial property office. Therefore, accurate product indications facilitating search and increasing the transparency and accessibility of a register should be ensured prior to registration without undue ***burden on*** applicants.

the searchability of designs in the register of designs kept by an industrial property office. Therefore, accurate product indications facilitating search and increasing the transparency and accessibility of a register should be ensured prior to registration without ***an undue administrative burden or additional costs for*** applicants.

Amendment 10

Proposal for a directive Recital 21

Text proposed by the Commission

(21) Technological innovation should not be hampered by granting design protection to designs consisting exclusively of features or the arrangement of features dictated solely by a technical function. It is understood that this does not entail that a design must have an aesthetic quality. A registered design right may be declared invalid where no considerations other than the need for that product to fulfil a technical function, in particular those related to the visual aspect, have played a role in the choice of the features of appearance.

Amendment

(21) Technological innovation should not be hampered by granting design protection to designs consisting exclusively of features or the arrangement of features dictated solely by a technical function. It is understood that this does not entail that a design must have an aesthetic quality, ***and that designs with a technical function are not excluded from the design protection.*** A registered design right may be declared invalid where no considerations other than the need for that product to fulfil a technical function, in particular those related to the visual aspect, have played a role in the choice of the features of appearance.

Justification

Often, designs are not mere design objects but are industrial products having a function. Design protection presents a major asset also for functional and technical products and should therefore enjoy protection.

Amendment 11

Proposal for a directive Recital 27

Text proposed by the Commission

(27) The substantive grounds for non-registrability and the substantive grounds for the invalidation of registered design rights in all the Member States should be exhaustively enumerated.

Amendment

(27) ***For reasons of legal certainty***, the substantive grounds for non-registrability and the substantive grounds for the invalidation of registered design rights in all the Member States should be exhaustively enumerated.

Justification

This reference to legal certainty underlines the importance of exhaustively listing the substantive reasons for such non-registrability and invalidation.

Amendment 12

**Proposal for a directive
Recital 28**

Text proposed by the Commission

(28) In view of the growing deployment of 3D printing technologies in diverse industries, and the resulting challenges for design right holders to effectively prevent the illegitimate, easy copying of their protected designs, it is appropriate to provide that the creation, downloading, copying and making available of any medium or software recording the design, for the purpose of reproduction of a product that infringes the protected design, amounts to use of the design being subject to the right holder's authorisation.

Amendment

(28) In view of the growing deployment of ***artificial intelligence and*** 3D printing technologies in diverse industries, and the resulting challenges for design right holders to effectively prevent the illegitimate, easy copying of their protected designs, it is appropriate to provide that the creation, downloading, copying and making available of any medium or software recording the design, for the purpose of reproduction of a product that infringes the protected design, amounts to use of the design being subject to the right holder's authorisation.

Amendment 13

**Proposal for a directive
Recital 29**

Text proposed by the Commission

(29) In order to strengthen design protection and combat counterfeiting more effectively, and in line with international

Amendment

(29) In order to strengthen design protection and combat counterfeiting more effectively, ***as called for by the European***

obligations of the Member States under the World Trade Organisation (WTO) framework, in particular Article V to the General Agreement on Tariffs and Trade on freedom of transit, and, as regards generic medicines, the Declaration on the TRIPS Agreement and Public Health, the holder of a registered design right should be entitled to prevent third parties from bringing products from third countries into the Member State where the design is registered without being released for free circulation there, where without authorisation the design is identically incorporated in or applied to these products, or the design cannot be distinguished in its essential aspects of the appearance from such products.

Parliament in its resolution of 11 November 2021, and in line with international obligations of the Member States under the World Trade Organisation (WTO) framework, in particular Article V to the General Agreement on Tariffs and Trade on freedom of transit, and, as regards generic medicines, the Declaration on the TRIPS Agreement and Public Health, the holder of a registered design right should be entitled to prevent third parties from bringing products from third countries into the Member State where the design is registered without being released for free circulation there, where without authorisation the design is identically incorporated in or applied to these products, or the design cannot be distinguished in its essential aspects of the appearance from such products.

Justification

It is worth noting that this concern to combat counterfeiting more effectively has been expressed by the European Parliament previously.

Amendment 14

Proposal for a directive Recital 34

Text proposed by the Commission

(34) The differences in the laws of the Member States on the use of protected designs for the purpose of permitting the repair of a complex product so as to restore its original appearance, where the product incorporating the design or to which the design is applied constitutes a form-dependent component part of a complex product, directly affect the establishment and functioning of the internal market. Such differences distort competition and trade within the internal market and create legal uncertainty.

Amendment

(34) The differences in the laws of the Member States on the use of protected designs for the purpose of permitting the repair of a complex product so as to restore its original appearance, ***in particular*** where the product incorporating the design or to which the design is applied constitutes a form-dependent component part of a complex product, directly affect the establishment and functioning of the internal market. Such differences distort competition and trade within the internal market and create legal uncertainty, ***as highlighted by the European Parliament in paragraph 33 of its resolution of***

11 November 2021. The reparability of products is at the core of a sustainable economy, as highlighted in the European Green Deal and in the amendments of the European Parliament of 12 July 2023 to the proposal for a regulation of the European Parliament and of the Council establishing a framework for setting eco-design requirements for sustainable products and repealing Directive 2009/125/EC^{1a}.

^{1a} Texts adopted, P9_TA(2023)0272.

Amendment 15

Proposal for a Directive Recital 35

Text proposed by the Commission

(35) It is therefore necessary for the smooth functioning of the internal market and in order to ensure fair competition therein to approximate the design protection laws of the Member States as concerns the use of protected designs for the purpose of repair of a complex product so as to restore its original appearance through the insertion of a repair clause similar to that already contained in Regulation (EC) No 6/2002 and applicable to EU designs at Union level but explicitly applying to ***form-dependent*** component parts of complex products only. As the intended effect of such repair clause is to make design rights unenforceable where the design of the component part of a complex product is used for the purpose of the repair of a complex product so as to restore its original appearance, the repair clause should be placed among the available defences to design right infringement under this Directive. In addition, in order to ensure that consumers are not misled but are able to make an informed decision between competing products that can be used for the repair, it

Amendment

(35) It is therefore necessary for the smooth functioning of the internal market and in order to ensure fair competition therein to approximate the design protection laws of the Member States as concerns the use of protected designs for the purpose of repair of a complex product so as to restore its original appearance through the insertion of a repair clause similar to that already contained in Regulation (EC) No 6/2002 and applicable to EU designs at Union level but explicitly applying to component parts of complex products only. As the intended effect of such repair clause is to make design rights unenforceable where the design of the component part of a complex product is used for the purpose of the repair of a complex product so as to restore its original appearance, the repair clause should be placed among the available defences to design right infringement under this Directive. In addition, in order to ensure that consumers are not misled but are able to make an informed decision between competing products that can be used for the repair, it should also be made

should also be made explicit in the law that the repair clause cannot be invoked by the manufacturer or seller of a component part who have failed to duly inform consumers about the origin of the product to be used for the purpose of the repair of the complex product.

explicit in the law that the repair clause cannot be invoked by the manufacturer or seller of a component part who have failed to duly inform consumers **with detailed information** about the origin **and identity of the producer** of the product to be used for the purpose of the repair of the complex product.

Amendment 16

Proposal for a directive Article 2 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) ‘manufacturer’ means manufacturer as defined in Article 3, point (8), of Regulation (EU) 2023/988 of the European Parliament and of the Council^{1a};

^{1a} **Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC (OJ L 135, 23.5.2023, p. 1).**

Amendment 17

Proposal for a directive Article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. Protection shall not be conferred on a registered design which constitutes a component part of a complex product, **upon whose appearance the design of the component part is dependent**, and which is

1. Protection shall not be conferred on a registered design which constitutes a component part of a complex product, **which** is used within the meaning of Article 16(1) for the sole purpose of the

used within the meaning of Article 16(1) for the sole purpose of the repair of that complex product so as to restore its original appearance.

repair of that complex product so as to restore its original appearance. ***The use of such a component part for the aforementioned repair purpose shall be presumed.***

Amendment 18

Proposal for a directive Article 19 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 cannot be invoked by the manufacturer or the seller of a component part of a complex product who failed to duly inform consumers, through a clear and visible indication on the product or in another appropriate form, about the ***origin*** of the product to be used for the purpose of the repair of the complex product, so that they can make an informed choice between competing products that can be used for the repair.

Amendment

2. Paragraph 1 cannot be invoked by the manufacturer or the seller of a component part of a complex product who failed to duly inform consumers, through a clear and visible indication on the product or in another appropriate form, about the ***identity of the manufacturer*** of the product to be used for the ***sole*** purpose of the repair of the complex product, so that they can make an informed choice between competing products that can be used for the repair. ***This indication of the manufacturer's identity shall include at least the name of the manufacturer, the geographical address of his registered place of business and, where appropriate, his telephone number or e-mail address.***

Amendment 19

Proposal for a directive Article 19 – paragraph 3

Text proposed by the Commission

3. Where at the time of adoption of this Directive the national law of a Member State provides protection for designs within the meaning of paragraph 1, the Member State ***shall***, by way of derogation from paragraph 1, continue ***until ...[OP please insert the date = ten years from the date of entry into force of this Directive]*** to provide that protection for designs for

Amendment

3. Where at the time of adoption of this Directive the national law of a Member State provides protection for designs within the meaning of paragraph 1, the Member State ***may***, by way of derogation from paragraph 1, continue to provide that protection for designs for which registration has been applied before the entry into force of this Directive. ***That***

which registration has been applied before the entry into force of this Directive.

protection shall last 10 years from the date of entry into force of this Directive, unless that Member State prefers to opt for a shorter period of at least three years.

Amendment 20

Proposal for a directive Article 24

Text proposed by the Commission

The holder of a registered design right may inform the public that the design is registered by displaying on the product in which the design is incorporated or to which it is applied the letter **D** enclosed within a circle. Such design notice may be accompanied by the registration number of the design or hyperlinked to the entry of the design in the register.

Amendment

The holder of a registered design right may inform the public that the design is registered by displaying on the product in which the design is incorporated or to which it is applied the letter **R** enclosed within a circle. Such design notice may be accompanied by the registration number of the design or hyperlinked to the entry of the design in the register. ***Any misuse of this indication may lead to legal proceedings.***

Amendment 21

Proposal for a directive Article 31 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the right of the parties to appeal to the courts, Member States **shall** provide for an efficient and expeditious administrative procedure before their offices for the declaration of invalidity of a registered design right.

Amendment

1. Without prejudice to the right of the parties to appeal to the courts, Member States **may** provide for an efficient and expeditious administrative procedure before their offices for the declaration of invalidity of a registered design right.

Justification

A mandatory administrative system for invalidity would lead to an increase in workload and in public expenditure and investments in the National IP Offices, because (1) conflicts in the field of design are less than in the field of trademark, and putting the system into force would be useless and onerous; and (2) if the rightholder pays the renovation timely, the legal life of a trademark could last forever, while, the legal life of a design is restricted to maximum 25 years -yet designs are often protected from 5 to 10 years-.

EXPLANATORY STATEMENT

The Rapporteur takes a generally favourable view of the Commission's proposal, which repeals and replaces the existing Directive 98/71/EC. It has the merit of adapting design protection to the evolution of digital technologies, in particular the appearance of 3D printers. It also seeks to further align national laws in order to enhance their interoperability and complementarity with the Community design system. Finally, it aims to complete the single market in repair spare parts by introducing a repair clause into the Directive as already contained in the Regulation.

The proposed changes are guided by two general objectives: enhancing legal certainty and reiterating positions previously expressed by the European Parliament. The most important concern the replacement of the concept of 'origin' of the product, which is too vague, with the concept of 'identity of the manufacturer' of the product (Nos 8 and 14), and the relaxation of the ten-year period for the application of the repair clause to designs for which registration was sought before the entry into force of the new Directive, which was considered excessively rigid (No 15).

MINORITY POSITION

24/10/2023

Rule 55(4) of Rules of Procedure of the European Parliament

As pro-European and democratic political group, committed to the improvement and modernisation of the EU legal framework on industrial design protection, Renew Europe fully supports the revision of the Regulation on Community designs introduced by the European Commission and amended by Members of this Parliament.

For this reason, our political group will support the legislative report attributed to Mr LEBRETON from ID Group. Nevertheless, our support can in no way link us to this political group and the Eurosceptic positions it conveys, which we firmly oppose.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 23 June 2023

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a Directive of the European Parliament and of the Council on the legal protection of designs (recast)
COM(2022)667 final of 28.11.2022 – 2022/0392(COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 12 May 2023 for the purpose of examining the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Directive of the European Parliament and of the Council recasting Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive amendments:

- the entire text of recital 6 of Directive 98/71/EC;
- in Article 23, the deletion of the words '*of that State*'.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER

E. FINNEGAN

D. CALLEJA CRESPO

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

Jurisconsult

Jurisconsult

Director-General

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Legal protection of designs (recast)		
References	COM(2022)0667 – C9-0395/2022 – 2022/0392(COD)		
Date submitted to Parliament	28.11.2022		
Committee responsible Date announced in plenary	JURI 12.12.2022		
Committees asked for opinions Date announced in plenary	ECON 12.12.2022	IMCO 12.12.2022	
Not delivering opinions Date of decision	ECON 25.1.2023	IMCO 24.1.2023	
Rapporteurs Date appointed	Gilles Lebreton 28.2.2023		
Discussed in committee	25.4.2023	3.7.2023	7.9.2023
Date adopted	24.10.2023		
Result of final vote	+: -: 0:	17 2 6	
Members present for the final vote	Pascal Arimont, Geoffroy Didier, Ibán García Del Blanco, Pierre Karleskind, Gilles Lebreton, Maria-Manuel Leitão-Marques, Sabrina Pignedoli, Jiří Pospíšil, Franco Roberti, Raffaele Stancanelli, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann		
Substitutes present for the final vote	Alessandra Basso, Caterina Chinnici, Heidi Hautala, Antonius Manders, Catharina Rinzema, Kosma Złotowski		
Substitutes under Rule 209(7) present for the final vote	Clara Aguilera, Andrus Ansip, Estrella Durá Ferrandis, Katrin Langensiepen, Philippe Olivier, Anne-Sophie Pelletier		
Date tabled	30.10.2023		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

17	+
ECR	Raffaele Stancanelli, Kosma Złotowski
ID	Alessandra Basso, Gilles Lebreton, Philippe Olivier
NI	Sabrina Pignedoli
PPE	Pascal Arimont, Caterina Chinnici, Geoffroy Didier, Antonius Manders, Jiří Pospíšil, Axel Voss, Marion Walsmann
Renew	Andrus Ansip, Pierre Karleskind, Catharina Rinzema, Adrián Vázquez Lázara

2	-
The Greens/EFA	Heidi Hautala, Katrin Langensiepen

6	0
S&D	Clara Aguilera, Estrella Durá Ferrandis, Ibán García Del Blanco, Maria-Manuel Leitão-Marques, Franco Roberti
The Left	Anne-Sophie Pelletier

Key to symbols:

+ : in favour

- : against

0 : abstention