

EUROPEAN PARLIAMENT

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WRITTEN DECLARATION

pursuant to Rule 116 of the Rules of Procedure

by Irena Belohorská, Zita Pleštinová, Malgorzata Handzlik, Janelly Fourtou
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on the need for a detailed study on look-alike products, to be drawn up by the
Commission

Lapse date: 4.12.2008

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Written declaration on the need for a detailed study on look-alike products, to be drawn up by the Commission

The European Parliament,

- having regard to Rule 116 of its Rules of Procedure,
- A. whereas counterfeiting and piracy are becoming a great danger for the European economy, employment and creativity,
- B. whereas different kinds of original products are often being copied by ‘look-alike products’, which may or may not in some cases be considered as counterfeiting and an infringement of intellectual property rights,
- C. whereas there is often uncertainty surrounding the question to what extent look-alikes can be prosecuted under unfair competition law, given that in some Member States there is B2B unfair competition law and in others not, given the legislative disparities even between those Member States where there is B2B unfair competition law, and given that the relationship between IPR and unfair competition law is not clear,
- D. whereas it is difficult to estimate the scale and range of the problem at European level,
- E. whereas consumers often purchase ‘look-alike products’, mistakenly believing them to be the branded product, potentially causing a risk for consumers’ health and safety,
- F. whereas the existing law on look-alike products varies from Member State to Member State and is not always adequate to protect manufacturers’ rights against look-alike products,
 1. Calls on the Commission to produce a study on the impact and status of ‘look-alike products’ in the internal market;
 2. Instructs its President to forward this declaration, together with the names of the signatories, to the Commission.