

Wednesday 18 April 2018

P8_TA(2018)0106

Non-objection to a delegated act: European Union trade mark

European Parliament decision to raise no objections to the Commission Delegated Regulation of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430 (C(2018)01231 – 2018/2618(DEA))

(2019/C 390/30)

The European Parliament,

- having regard to the Commission delegated regulation (C(2018)01231) (“the amended delegated regulation”),
- having regard to the Commission’s letter of 23 March 2018 asking Parliament to declare that it will raise no objections to the delegated regulation,
- having regard to the letter from the Committee on Legal Affairs to the Chair of the Conference of Committee Chairs of 27 March 2018,
- having regard to Article 290 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark ⁽¹⁾

⁽¹⁾ OJ L 78, 24.3.2009, p. 1.

, which was amended by Regulation (EU) 2015/2424 of the European Parliament and of the Council of 16 December 2015 amending Council Regulation (EC) No 207/2009 on the Community trade mark and Commission Regulation (EC) No 2868/95 implementing Council Regulation (EC) No 40/94 on the Community trade mark, and repealing Commission Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonisation in the Internal Market (Trade Marks and Designs) ⁽²⁾ and then codified as Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark ⁽³⁾,

- having regard to Commission Implementing Regulation (EU) 2017/1431 of 18 May 2017 laying down detailed rules for implementing certain provisions of Council Regulation (EC) No 207/2009 on the European Union trade mark ⁽⁴⁾, containing updated references to Regulation (EU) 2017/1001,
 - having regard to the recommendation for a decision of the Committee on Legal Affairs,
 - having regard to Rule 105(6) of its Rules of Procedure,
 - having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 17 April 2018,
- A. whereas Regulation (EC) No 207/2009 was codified as Regulation (EU) 2017/1001;
- B. whereas the references contained in a delegated regulation should reflect the renumbering of articles resulting from a codification of the basic act;
- C. whereas Delegated Regulation (EU) 2017/1430 of 18 May 2017 supplementing Council Regulation (EC) No 207/2009 on the European Union trade mark and repealing Commission Regulations (EC) No 2868/95 and (EC) No 216/96 ⁽⁵⁾ should therefore be repealed and the provisions of that delegated regulation should be laid down, with updated references to Regulation (EU) 2017/1001, in the amended delegated regulation;

⁽²⁾ OJ L 341, 24.12.2015, p. 21.

⁽³⁾ OJ L 154, 16.6.2017, p. 1.

⁽⁴⁾ OJ L 205, 8.8.2017, p. 39.

⁽⁵⁾ OJ L 205, 8.8.2017, p. 1.

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- D. whereas the amended delegated regulation does not, therefore, involve any changes to the substance of Delegated Regulation (EU) 2017/1430;
 - E. whereas swift publication of the amended delegated regulation in the Official Journal would allow for an early date of application and ensure continuity in the operation of the transitional regime provided for in the final provisions of the amended delegated regulation;
 - 1. Declares that it has no objections to the delegated regulation;
 - 2. Instructs its President to forward this decision to the Council and the Commission.
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