

EFTA-COURT

Request for an Advisory Opinion from the EFTA Court by Fredrikstad byrett by decision of that court of 16 May 1997 in the case of Mag Instrument Inc. v California Trading Company Norway, Ulsteen

(Case E-2/97)

(97/C 209/06)

A request has been made to the EFTA Court by decision of 16 May 1997 of Fredrikstad byrett (Fredrikstad City Court), Norway, which was received at the Court Registry on 21 May 1997, for an Advisory Opinion in the case of Mag Instrument Inc. v California Trading Company Norway, Ulsteen, on the following questions:

- 1) Is Article 7, paragraph 1 of Council Directive 89/104/EEC to be understood as conferring a right on a trade mark proprietor to prevent an import from a third country outside the EEA, when the said import takes place without the consent of the trade mark proprietor?
 - 2) In other words, is the same provision to be understood to the effect that exhaustion of the trade mark right may neither be limited to national exhaustion nor expanded to include international exhaustion?
-