

European Communities

EUROPEAN PARLIAMENT

Working Documents

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MOTION FOR A RESOLUTION

tabled by Mr ROGALLA

pursuant to Rule 47 of the Rules of Procedure

on the United Kingdom copyright design law

PE 86.732

The European Parliament,

- A. having regard to the Commission's answer to Written Questions 2015/82, 2016/82 and 2017/82 (OJ C 189/7 14.7.83), in which it indicated that United Kingdom legislation which confers copyright protection for designs of functional articles constitutes at least a potential barrier to trade between Member States,
 - B. whereas the United Kingdom is the only Member State except Ireland which has copyright law which grants protection for designs of functional articles,
 - C. whereas the copyright law of all other Member States requires some artistic design before protection is granted,
 - D. whereas the United Kingdom copyright law permits certain manufacturers to maintain de facto monopolies in the supply of parts for their products in the United Kingdom by preventing imports of competing products from other Member States where they are in free circulation,
 - E. whereas enforcement by a manufacturer of its copyright in drawings of functional articles is capable of amounting to an abuse of a dominant position contrary to Article 86 of the Treaty of Rome,
 - F. whereas it is probable that copyright in such designs does not constitute industrial or commercial property under EEC law (Article 36), since it is unique to the United Kingdom and Ireland,
1. Calls on the Commission to make proposals for a directive harmonising the laws of the Member States relating to copyright in the design of functional articles, requiring such design to possess a certain degree of novelty or artistic merit before it receives copyright protection;
 2. Instructs its President to forward this resolution to the Council and the Commission of the European Communities.