



26 February 2007

To the members of the Legal Affairs Committee

Dear Member of the European Parliament,

BUSINESSEUROPE, the Confederation of European Business, has continuously highlighted the importance of a strong system for design protection and welcomed the adoption of both the directive 98/71/EC on the legal protection of designs and the regulation creating the Community Design.

Intellectual property rights, including designs, are vital assets for all companies, larger medium and small, as they encourage creative activity, trigger new investments in R&D, and promote competition and technological developments to the benefit of society. The creative works they protect contribute to innovation, growth and competitiveness.

In the context of the discussions in the Legal Affairs Committee regarding the revision of the directive on the legal protection of designs, BUSINESSEUROPE would like to raise the following concerns.

We are concerned that even though the debate on the "repair" clause in the past has focused on the automotive industry, it can in fact have repercussions on several industrial sectors which manufacture complex products.

Abolishing intellectual property protection in a specific sector could create an unnecessary and dangerous precedent for the protection of intellectual property rights in other sectors. It should be left to the competition rules to balance a possible economic disequilibrium rather than restricting intellectual property protection.

Additionally, this derogation seems to be in contradiction with the EU's general policy initiatives to reinforce the protection of intellectual property rights at all levels.



At a time when the EU is stepping up its efforts to combat counterfeiting and piracy, this approach sends a wrong signal and does not contribute to the EU's and industry's efforts to address counterfeiting and piracy globally.

We thank you in advance for taking into consideration our concerns in your deliberations.

We remain at your disposal if we can be of any assistance to the debate.

Yours faithfully,

Yours sincerely,

(original signed by)

Jérôme P. Chauvin
Director, Legal Affairs Department