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ANNEX

ANNEX

to the

Recommendation for a Council Decision

authorising the opening of negotiations on the Design Law Treaty

ANNEX

DIRECTIVES FOR THE NEGOTIATION OF THE DESIGN LAW TREATY

(1) The Commission should open and conduct the negotiations at the Diplomatic Conference to conclude and adopt a Design Law Treaty in 2024 with the objectives of:

- making the Design Law Treaty compatible with relevant EU legislation in industrial design law, in particular Directive 98/71/EC on the legal protection of designs, the proposal for a Directive on the legal protection of designs [2022/0392(COD)], Regulation (EC) No 6/2002 of 12 December 2001 on Community designs, and the proposal for a Regulation amending Council Regulation (EC) No 6/2002 on Community designs and repealing Commission Regulation (EC) No 2246/2002; and,
- endeavouring to ensure that the Design Law Treaty does not expressly include the requirement to disclose the origin or source of traditional knowledge or biological / genetic resources utilised or incorporated in the industrial design in the list of permitted content requirements of industrial design applications;
- endeavouring to ensure that if the final text of the Design Law Treaty refers to the EU's exclusive competence, the EU will be able to exercise, in the Assembly of the contracting parties, the votes corresponding to all its Member States, without such arrangement being subject to any additional condition that would affect the exercise of its exclusive competence.

(2) The Commission should report regularly to the Council and to the European Parliament on the progress of the negotiations and on any problems that may arise during the negotiations.

(3) These negotiating directives may be adapted in line with progress made during the negotiations.