

STATUTORY INSTRUMENTS

S.I. No. 646 of 2006

**European Communities (Enforcement of Community Judgments on Trade Marks and
Designs) Regulations 2006**

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S.I. No. 646 of 2006

European Communities (Enforcement of Community Judgments on Trade Marks and Designs) Regulations 2006

I, Micheál Martin, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving effect to Article 82 of Council Regulation EC/40/1994 on the Community Trade Mark Regulation¹, and to Article 71 of Council Regulation EC/6/2002 on Community Designs², hereby make the following Regulations:

Citation

1. These Regulations may be cited as the European Communities (Enforcement of Community Judgments on Trade Marks and Designs) Regulations 2006.

Interpretation

2. In these Regulations:

“Community Judgment on Trade Marks and Designs” means any decision which is enforceable in accordance with Article 82 of Regulation 40/94 of 20 December 1993 on the Community Trade Mark or in accordance with Article 71 of Regulation 6/2002 of 12 December 2001 on Community Designs;

“enforcement order” means an order made under Regulation 4(1).

¹ O.J. L11, 14.1.1994, p.1

² O.J. L 3, 5.1.2002, p.1

Designation of national authority

3. (1) The High Court is designated as the national authority for the purposes of -
- (a) Article 82 of Council Regulation EC/40/1994, and
 - (b) Article 71 of Council Regulation EC/6/2002.

(2) Regulation 5 of the European Communities (Community Designs) Regulations 2003 (S.I. No. 27 of 2003) is revoked.

Making of enforcement orders

4. (1) The High Court, on application made by the person entitled to enforce a Community judgment on Trade Marks and Designs and, having verified the authenticity of the judgment, shall -

- (a) make an order for the enforcement of the judgment, and
- (b) append the order to the judgment.

(2) Where a sum of money is payable under a Community judgment which is to be enforced, the enforcement order shall provide that the amount payable shall be such sum in the currency of the State as, on the basis of the rate of exchange prevailing at the date on which the Community judgment was originally given, is equivalent to the sum payable.

(3) Where it appears that a Community judgment on Trade Marks and Designs under which a sum of money is payable has been partly satisfied at the date of the application under subsection (1), the enforcement order applied for shall be made only for the balance remaining payable at that date.

(4) Where, after the date of appending an enforcement order to a Community judgment on Trade Marks and Designs under which a sum of money is payable, it is shown that the judgment had been partly or wholly satisfied as of that date, the High Court shall vary or cancel the enforcement order accordingly, with effect from that date.

Effect of enforcement order

5. For all purposes of execution -
- (a) a Community judgment on Trade Marks and designs to which an enforcement order is appended has the same force and effect,
 - (b) proceedings may be taken on the judgment, and
 - (c) any sum payable under the judgment shall carry interest,

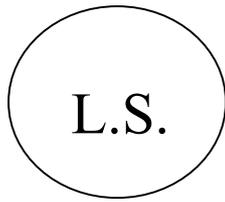
as if the judgment were a judgment or order of the High Court made on the date of appending the enforcement order to the judgment.

Suspension of enforcement of Community judgment on Trade Marks and Designs

6. An order of the Court of Justice of the European Communities suspending enforcement of a Community judgment on Trade Marks and Designs operates to suspend enforcement of that judgment for the period and on the conditions, if any, stated in the order.

GIVEN under my Official Seal,

14th December 2006.



Micheál Martin

Minister for Enterprise, Trade
and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations, made under the European Communities Act, 1972 is to ensure that decisions, accompanied by an Order for costs, made by the Community Trade Mark and Industrial Design registration office better known as OHIM, can be executed in Ireland. OHIM is a Community body whose main function is to register trade marks and designs which have unitary effect throughout the Community. The regulations nominate the High Court as the competent authority before which such orders should be brought for execution.