

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 27/2020**

**of 7 February 2020**

**amending Annex XVII (Intellectual Property) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area (“the EEA Agreement”), and in particular Article 98 thereof,

Whereas:

- (1) Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks<sup>1</sup>, as corrected by OJ L 110, 26.4.2016, p. 5, is to be incorporated into the EEA Agreement.
- (2) Directive (EU) 2015/2436 repeals, with effect from 15 January 2019, Directive 2008/95/EC of the European Parliament and of the Council<sup>2</sup>, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.
- (3) Annex XVII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex XVII to the EEA Agreement shall be amended as follows:

1. The following is inserted after point 13 (Directive (EU) 2016/943 of the European Parliament and of the Council):

‘14. **32015 L 2436**: Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ L 336, 23.12.2015, p. 1), as corrected by OJ L 110, 26.4.2016, p. 5.

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) As regards the EFTA States, in Articles 4(1)(i) and 4(1)(l), the term “Union legislation or the national law of the Member State concerned” is replaced by “EEA legislation or the national law of the EFTA State concerned”. The term “international agreements to which the Union or the Member State concerned is party” is replaced by “international agreements to which the EFTA State concerned is party”.
- (b) As regards the EFTA States, in Articles 4(1)(j) and 4(1)(k), the term “Union legislation or international agreements to which the Union is party” is

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<sup>1</sup> OJ L 336, 23.12.2015, p. 1.

<sup>2</sup> OJ L 299, 8.11.2008, p. 25.

replaced by “EEA legislation or international agreements to which the EFTA State concerned is party”.

- (c) As regards the EFTA States, in Article 4(3)(a) the term “law other than trade mark law of the Member State concerned or of the Union” is replaced by “the law other than trade mark law applicable in the EFTA State concerned or of the EEA Agreement”.
- (d) As regards the EFTA States, in Articles 5(2)(a)(i), (2)(b) and (3)(a), Article 6, Article 18(2), Article 44(3) and Article 46(5), the provisions concerning the EU trade mark shall not apply to the EFTA States unless the EU trade mark extends to them.
- (e) As regards the EFTA States, in Article 5(3)(c), the term “Union legislation or the law of the Member State concerned” is replaced by “EEA legislation or the law of the EFTA State concerned”.
- (f) Article 10(4) shall not apply to the EFTA States.

- 2. The text of point 9h (Directive 2008/95/EC of the European Parliament and of the Council) is deleted.

#### *Article 2*

The text of Directive (EU) 2015/2436, as corrected by OJ L 110, 26.4.2016, p. 5, in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

#### *Article 3*

This Decision shall enter into force on 8 February 2020, provided that all the notifications under Article 103(1) of the EEA Agreement have been made\*.

#### *Article 4*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 7 February 2020.

*For the EEA Joint Committee  
The President*

*Clara Ganslandt*

*The Secretaries  
To the EEA Joint Committee*

*Hege M. Hoff*

*Mikołaj Karłowski*

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\* [Constitutional requirements indicated.]

*Not yet published*