

Editorial

President of Ireland

All concerned with the *European Business Law Review* have great pleasure in congratulating Mary Robinson, a member of our Editorial Advisory Board, on becoming the President of Ireland. It is particularly heart-warming for your Editor to see a woman gaining such high office and would surely please the founding fathers of the European Community.

We wish the President and Ireland every success for the future.

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The Community and the GATT

At the time of writing the prospects for the success of the Uruguay Round do not look promising. The disagreement over agricultural subsidies is still in danger of sabotaging the success of the Round as a whole. The Community's proposal to reduce its agricultural subsidies by some 30 per cent was arrived at with poor grace and looks decidedly thin. Nevertheless, the Community agricultural lobby prophesies doom and gloom if even this proposal is accepted in the GATT.

There is a distinct danger that the success of the Round will be as much jeopardized by rhetoric as by substance. Moreover, a failure of the GATT Round would represent the triumph of local self-interest on all sides over a commitment to opening up markets to competition in order to stimulate the world economy. At a time in which free enterprise and market opportunity are concepts being steadily embraced and applied in Eastern Europe it would be a pity if protectionism were to rear its ugly head on a wider scale.

Common Origin and Trade Marks

With the judgment in *Hag II*, reported in this issue, the Court has finally had the opportunity – although not without having to pre-empt the possibility of the reference being withdrawn because of changed commercial circumstances – to

review its controversial judgment in *Hag I* that even where separate ownership of a trade mark had resulted from expropriation the national rights could not be used to restrain imports of products under the same mark lawfully manufactured in another Member State by the owner of the mark there. That judgment was really only defensible on the basis that there had to be end to reparations and their consequences. The decision in *Hag II* to permit the owners to restrain imports has at least the benefit of affording consumers protection from the risk of confusion and of safeguarding the good name of the mark in each country. It remains to be seen whether other instances of forced separation will be treated in the same way. In the case of sale on liquidation, for instance, should involuntary liquidation be treated separately from voluntary liquidation? Whilst *Hag II* may have solved certain problems, it is very much the beginning of the question, not yet the end.

Intergovernmental Conferences

This month sees the convening of two intergovernmental conferences. One will discuss institutional changes, partly with a view to redressing the perceived democratic deficit in the Community and partly with a view to improving the enforcement of Community obligations. The second conference will examine the issues of further steps towards an economic and monetary union and the creation of a European Central Bank.

These conferences represent important opportunities for progress in integration in a manner which will affect business as well as individuals both in the Community and beyond. It is to be hoped that in the deliberations mere base considerations of narrow national pride will be subsumed in the desire to create a really effective Community with genuine political accountability at the Community level. Europe deserves better than beggar-my-neighbour as a principle.

Laurence Gormley