



Law Society of Ireland

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EU PROPOSAL IN RELATION TO IMPLEMENTATION OF A COMMON LOGO FOR LEGALLY-OPERATING ONLINE PHARMACIES/RETAILERS OFFERING MEDICINAL PRODUCTS FOR HUMAN USE FOR SALE AT A DISTANCE TO THE PUBLIC

SUBMISSION OF THE INTELLECTUAL PROPERTY LAW COMMITTEE OF THE LAW SOCIETY OF IRELAND (“the Committee”)

15 January 2013

The Committee refers to the European Commission concept paper submitted for public consultation on the EU proposal in relation to implementation of a common logo for legally-operating online pharmacies/retailers offering medicinal products for human use for sale at a distance to the public.

While the Committee supports the proposal generally, it has reviewed the consultation topics from an intellectual property point of view only.

Consultation Topics

1. Technical, electronic and cryptographic requirements for verification of the authenticity of the common logo

The Committee agrees, given the pace of technological changes and the likelihood of different technological specifications/capabilities across Member States, that it is a sensible approach not to prescribe a specific technical specification for the reciprocal link to national database of authorised retailers but rather to include a general obligation regarding the manner in which this should be done.

2. Design of the common logo

The Committee has no specific comment to make with regard to the choice of logo. However, the Committee notes that the proposed logos are currently registered in the Benelux Office for Intellectual Property only. The Committee would submit that the logo eventually decided upon should be registered as a Community Trademark and that perhaps it would be appropriate for it to be

registered as a Certification Mark.

3. National element and text associated with the common logo

- 3.1. In terms of a national element to be associated with the logo, the Committee is of the view that the national flag of the relevant Member State is the most recognisable solution to incorporating a national element.
- 3.2. In terms of the size of the logo (and associated text required to be displayed (if any)), the Committee has no specific comment to make.
- 3.3. The Committee notes the examples set out in the annex to the consultation paper and would suggest that the text “Click to check the website” may not convey to a user the purpose of the logo and the manner or importance of verification.

A suggested solution to this might be that the logo be required to be displayed more prominently on the first page of the website visited with an explanation of its purpose or that, upon a first visit to a website, a separate message is displayed to the user explaining the purpose of the logo and the manner in which the user can verify its authenticity in a similar manner to that used on many websites to inform users regarding their cookie policy. Such message would require the user to actively click to remove the message.

4. Other Issues

The Committee has no further comments to make.

For further information please contact:

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