

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 (Recast) (Text with EEA relevance)

CHAPTER 2

**SUBSTANTIVE LAW ON TRADE MARKS**

*SECTION 3*

***Rights conferred and limitations***

*Article 14*

**Limitation of the effects of a trade mark**

1 A trade mark shall not entitle the proprietor to prohibit a third party from using, in the course of trade:

- a the name or address of the third party, where that third party is a natural person;
- b signs or indications which are not distinctive or which concern the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of the service, or other characteristics of goods or services;
- c the trade mark for the purpose of identifying or referring to goods or services as those of the proprietor of that trade mark, in particular, where the use of the trade mark is necessary to indicate the intended purpose of a product or service, in particular as accessories or spare parts.

2 Paragraph 1 shall only apply where the use made by the third party is in accordance with honest practices in industrial or commercial matters.

3 A trade mark shall not entitle the proprietor to prohibit a third party from using, in the course of trade, an earlier right which only applies in a particular locality, if that right is recognised by the law of the Member State in question and the use of that right is within the limits of the territory in which it is recognised.