On those grounds,

THE COURT

in answer to the question referred to it by the Sø- og Handelsret, Copenhagen, by order of 24 July 1975, hereby rules:

1. **The principles of Community law and the provisions on the free movement of goods and on competition do not prohibit the proprietor of the same mark in all the Member States of the Community from exercising his trade-mark rights, recognized by the national laws of each Member State, in order to prevent the sale in the Community by a third party of products bearing the same mark, which is owned in a third country, provided that the exercise of the said rights does not manifest itself as the result of an agreement or of concerted practices which have as their object or effect the isolation or partitioning of the common market.**

2. **In so far as that condition is fulfilled the requirement that such third party must, for the purposes of his exports to the Community, obliterate the mark on the products concerned and perhaps apply a different mark forms part of the permissible consequences of the protection which the national laws of each Member State afford to the proprietor of the mark against the importation of products from third countries bearing a similar or identical mark.**

Lecourt Kutscher O'Keeffe

Donner Mertens de Wilmars Sørensen Capatorti

Delivered in open court in Luxembourg on 15 June 1976.

A. Van Houtte
Registrar

R. Lecourt
President

Opinion of Mr Advocate-General Warner
(see case 51/75, p. 852)