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 Capotorti

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)