

WORKSHOP EU DESIGN LAW

Case 1

Consider the validity of the EU design BOTTLES on the assumption that there is an earlier EU design BOTTLES, as displayed below.

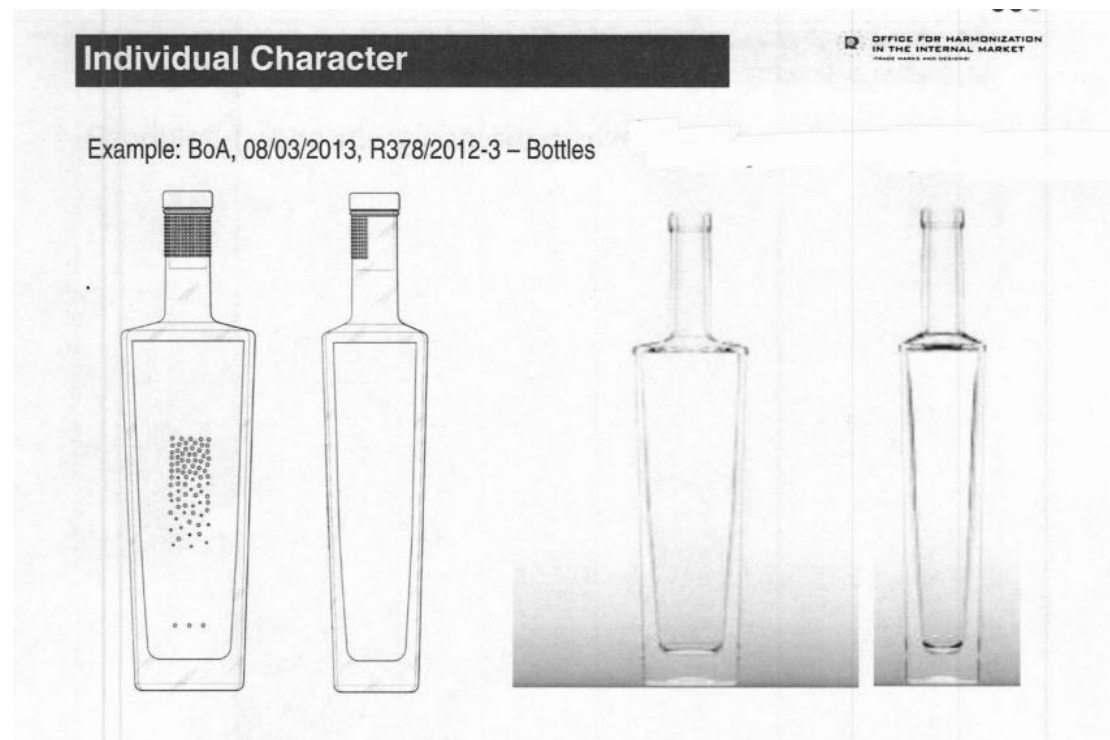
What is the sector to which the design (product) belongs?

Who is the informed user of those products in accordance with their purpose?

What is the degree of awareness of the prior art and the level of attention?

What is the designer's degree of freedom in developing his design?

Comparison of the designs at issue, taking into account the sector in question, the designer's degree of freedom and the overall impressions produced on the informed user by the contested design and by any earlier design which has been made available to the public.



Case 2

Consider the validity of the EU design TROUSERS on the assumption that there is an earlier EU design TROUSERS, as displayed below.

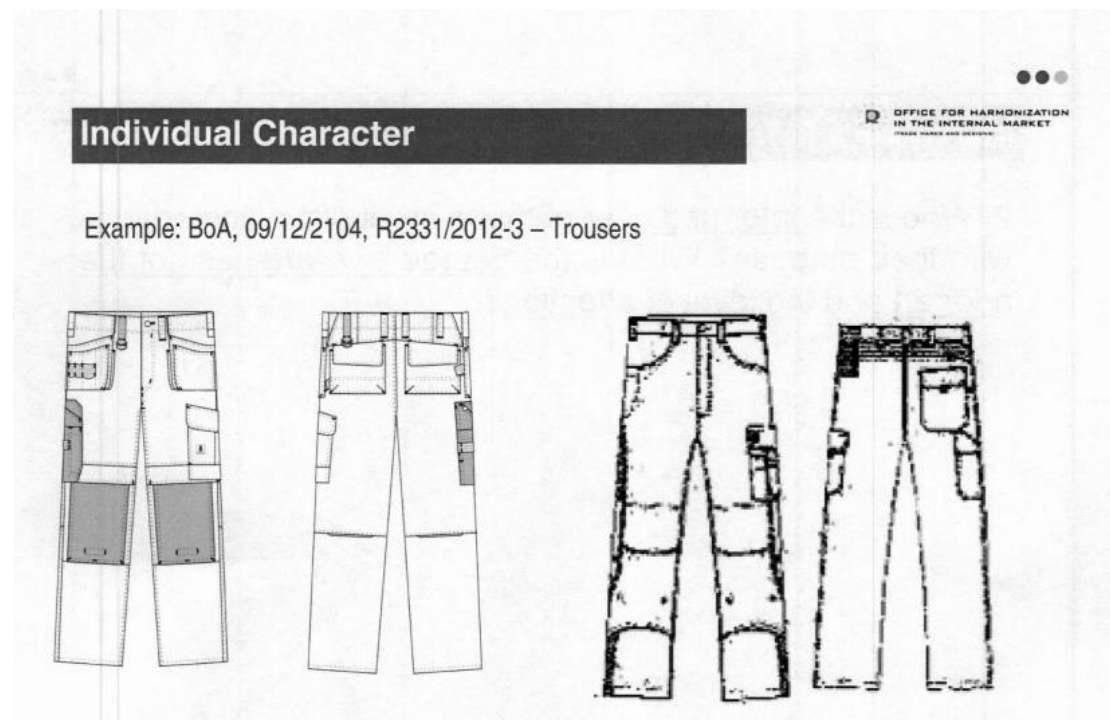
What is the sector to which the design (product) belongs?

Who is the informed user of those products in accordance with their purpose?

What is the degree of awareness of the prior art and the level of attention?

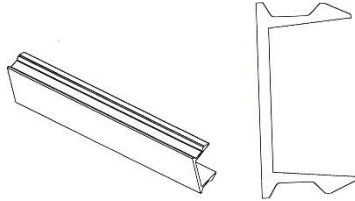
What is the designer's degree of freedom in developing his design?

Comparison of the designs at issue, taking into account the sector in question, the designer's degree of freedom and the overall impressions produced on the informed user by the contested design and by any earlier design which has been made available to the public.



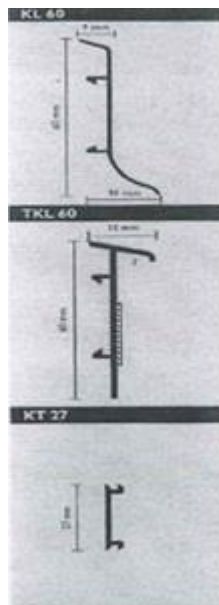
Case 3

In 2003, the applicant submitted an application for registration of a Community design to EUIPO. The design in respect of which registration was sought is intended to be applied to 'skirting boards' in Class 25-02 of the Locarno Agreement Instituting an International Classification for Industrial Designs of 8 October 1968, as amended, and is represented as follows:



The design was registered on the same day that the application for registration was submitted and was published in *Community Designs Bulletin*.

The invalidity applicant filed for a declaration of invalidity with regard to the design in question. The ground relied on in support of that application was that set out in Article 25(1)(b) of Regulation No 6/2002, read in conjunction with Articles 4, 5 and 6 of that Regulation. The invalidity applicant argued that the contested design was not new, because identical designs had been placed on the market in 1999 by a Turkish company and by German companies. In support of its application, the intervener produced, inter alia, selected pages from the German companies 1999 catalogue, displaying the following representations:



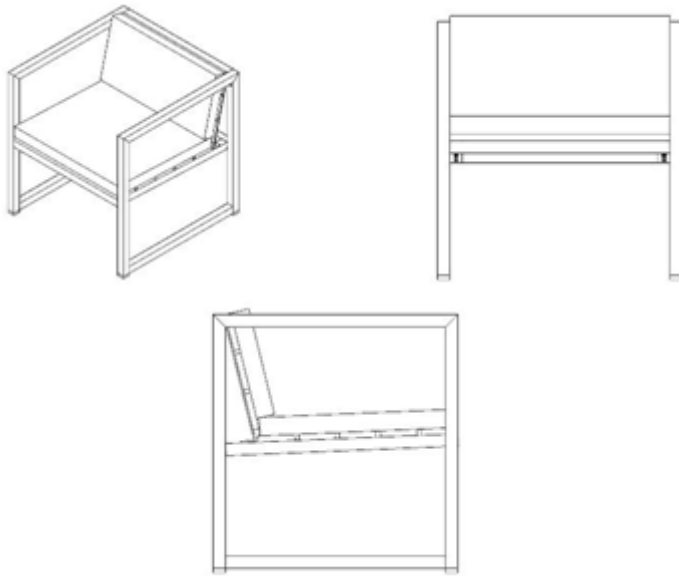
Is the contested design new within the meaning of articles 5 and 25(1)(b) of the Community Design Regulation?

Does the contested design have individual character within the meaning of articles 6 and 25(1)(b) of the Community Design Regulation?

Does the contested design constitute a component part of a complex product within the meaning of article 3(c) of the Community Design Regulation?

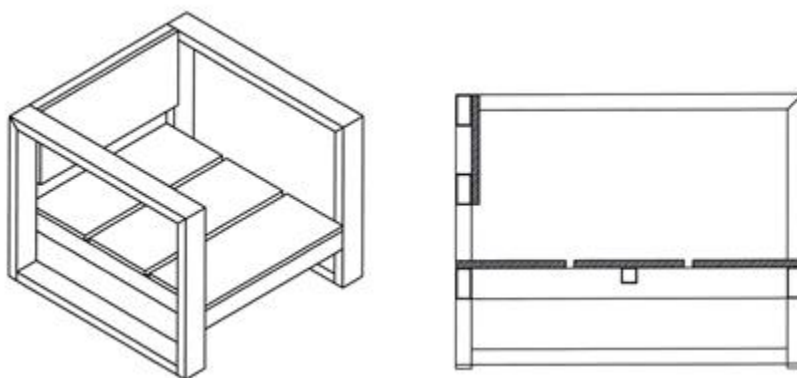
Case 4

In 2009, the applicant submitted an application for registration of a Community design to EUIPO. The contested design, intended to be applied to 'armchairs, loungers', is represented as follows:



The design was registered on the same day that the application for registration was submitted and was published in *Community Designs Bulletin*.

The applicant applied to EUIPO for a declaration that the contested design was invalid, based on Articles 4 to 9 of Council Regulation (EC) No 6/2002. In support of its application for a declaration of invalidity, the applicant relied on the Registered Community design ('the earlier design') for 'armchairs', represented as follows:



Is the contested design new within the meaning of articles 5 and 25(1)(b) of the Community Design Regulation?

Does the contested design have individual character within the meaning of articles 6 and 25(1)(b) of the Community Design Regulation?