European Union

“Montis Design”

**Decision of the European Court of Justice (Third Chamber)
20 October 2016 – Case No. C-169/15**

Montis Design BV v. Goossens Meubelen BV

Directive 93/98/EEC, Article 10 (2)

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Keywords Term of protection · Revival of protection · Extinction of copyright · Formal requirement

1. Article 10(2) of Council Directive 93/98/EEC of 29 October 1993 harmonising the term of protection of copyright and certain related rights, read together with Article 13(1) of that directive, must be interpreted as meaning that the terms of protection laid down by that directive do not apply to copyright which was initially protected by national legislation but which was extinguished prior to 1 July 1995.
2. Directive 93/98 must be interpreted as not precluding national legislation which, initially, had granted, as in the main proceedings, copyright protection to a work, but which, subsequently, caused that copyright to be definitively extinguished, before 1 July 1995, by reason of non-compliance with a formal requirement.