European Union

“Brompton Bicycle”

Decision of the European Court of Justice (Fifth Chamber)
11 June 2020 – Case No. C-833/18 (ECLI:EU:C:2020:461)

SI, Brompton Bicycle Ltd v. Chedech/Get2Get

Directive 2001/29/EC, Arts. 2–5

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Keywords Scope of protection · Utilitarian object · Concept of “work” · Originality · Shape of a product which is necessary to obtain a technical result · Shape reflects the author’s personality

Articles 2 to 5 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society must be interpreted as meaning that the copyright protection provided for therein applies to a product whose shape is, at least in part, necessary to obtain a technical result, where that product is an original work resulting from intellectual creation, in that, through that shape, its author expresses his creative ability in an original manner by making free and creative choices in such a way that that shape reflects his personality, which it is for the national court to verify, bearing in mind all the relevant aspects of the dispute in the main proceedings.

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