European Union

“Ferrari v. Mansory Design”

**Decision of the European Court of Justice (Fifth Chamber)
28 October 2021 – Case No. C-123/20, ECLI:EU:C:2021:889**

Ferrari SpA v. Mansory Design Holding GmbH and WH

Regulation (EC) No 6/2002, Arts. 4, 6, 11

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Keywords Unregistered Community design · Infringement · Component part · Complex product · Making available to the public · Appearance of a part · Visibility

Article 11(2) of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs must be interpreted as meaning that the making available to the public of images of a product, such as the publication of photographs of a car, entails the making available to the public of a design of a part of that product, within the meaning of Article 3(a) of that regulation, or of a component part of that product, as a complex product, within the meaning of Article 3(c) and Article 4(2) of that regulation, provided that the appearance of that part or component part is clearly identifiable at the time the design is made available.

In order for it to be possible to examine whether that appearance satisfies the condition of individual character referred to in Article 6(1) of that regulation, it is necessary that the part or component part in question constitute a visible section of the product or complex product, clearly defined by particular lines, contours, colours, shapes or texture.

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