

European Union

“Papierfabriek Doetinchem”

Decision of the Court of Justice of the European Union
(Tenth Chamber)

2 March 2023 – Case No. C-684/21; ECLI:EU:C:2023:141

*Papierfabriek Doetinchem BV v. Sprick GmbH
Bielefelder Papier- und Wellpappenwerk & Co.*

Regulation (EC) No. 6/2002, Art. 8(1)

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Keywords Community designs · Alternative protected designs · Features of appearance · Technical function · Multicolour appearance · Registration

1. Article 8(1) of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs must be interpreted as meaning that the assessment as to whether the features of appearance of a product are dictated solely by its technical function, within the meaning of that provision, must be made having regard to all of the objective circumstances relevant to each case, *inter alia* those dictating the choice of features of appearance, the existence of alternative designs which fulfil the same technical function, and the fact that the proprietor of the design in question also holds design rights for numerous alternative designs, although that latter fact is not decisive for the application of that provision.
2. Article 8(1) of Regulation No 6/2002 must be interpreted as meaning that, in the assessment as to whether the appearance of a product is dictated solely by its technical function, the fact that the design of that product allows for a multicolour appearance cannot be taken into account in the case where that multicolour appearance is not apparent from the registration of the design concerned.

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