

International **Comparative** Legal Guides



Practical cross-border insights into designs law

Designs **2022**

Second Edition

Contributing Editors:

Katharine Stephens & Ewan Grist
Bird & Bird LLP

ICLG.com



ISBN 978-1-83918-153-5
ISSN 2635-2788

Published by

glg global legal group

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United Kingdom

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www.iclg.com

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Printed by

Ashford Colour Press Ltd.

Cover image

www.istockphoto.com

Strategic Partners



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1 Relevant Authorities and Legislation

1.1 What is the relevant Design authority in your jurisdiction?

The **Benelux** Office for Intellectual Property (“**BOIP**”) acts as the official body for trademark and design registrations in the Benelux Union (Belgium, the Netherlands, Luxembourg).

1.2 What is the relevant Design legislation in your jurisdiction?

The Benelux Convention on Intellectual Property (trademarks and designs) of 25 February 2005 (“**BCIP**”), last amended on 11 December 2017, entered into force on 1 March 2019, and is read in combination with the Implementing Regulations under the Benelux Convention on Intellectual Property (trademarks and designs) (“**IRBCIP**”) (last amended version also entered into force on 1 March 2019).

2 Application for a Design

2.1 What can be registered as a Design?

A design consists of the appearance of the whole or a part of a “product”, which shall be imparted, in particular, through the features of the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation. It is protected to the extent that it is new and has an individual character. A “product” shall mean any industrial or handicraft item, including, *inter alia*, parts intended to be assembled into a complex product, packaging, get-up, graphic symbols and typographic typefaces.

2.2 What cannot be registered as a Design?

Computer programs are not considered “products” and they cannot be registered as designs. The law also excludes from the protection as designs: (a) the features of appearance of a product which are solely dictated by its technical function; and (b) the features of appearance of a product which must necessarily be reproduced in their exact form and dimensions in order to permit the product concerned to be mechanically connected to or placed in, around or against another product so that either product may perform its function. However, features of appearance of a product serving the purpose of allowing multiple

assembly or connection of mutually interchangeable products within a modular system are eligible for protection as a design.

2.3 What information is needed to register a Design?

The application document must contain, *inter alia*, the applicant’s name and address, clear image or images showing the appearance of the product, the indication of the product embodying the design and, in relevant cases, the colour code(s) of the design. Additionally, the document may contain a description of the characteristic features of the new appearance of the product, and the name of the actual designer responsible for the design. Filing multiple designs (in one application) is possible, with a maximum of 50 designs.

2.4 What is the general procedure for Design registration?

The BOIP verifies whether the application meets the formal requirements. The official date of the application (filing date) is the date on which all formal requirements are met. The BOIP does not investigate whether the design is new and has an individual character. However, it does check whether the design is contrary to public order or morality.

2.5 How is a Design adequately represented?

It is recommended to use images in which the distinctive features of the design applied for are clearly apparent. These images ultimately determine the protection of the design. It is also advisable to file images showing the design from various angles, such as front, top or side views. At least one image (a general, front, or perspective view) must be filed with the application. Furthermore, it should be clearly stated in the application “*what the design is*” (the nature of the “product”), preferably according to the International Classification (Locarno Agreement – 8 October 1968).

2.6 Are Designs registered for specific goods or products?

As a design consists of the appearance of the whole or a part of a product, it is necessarily registered for that specific product. However, the notion of a “product” remains controversial in relation to the “design” itself as regards novelty, individual character and scope of protection because the Court of Justice of the

European Union (“CJEU”) favours an abstract approach of the design. A mere idea underlying a design will not be protected.

2.7 Is there a “grace period” in your jurisdiction, and if so, how long is it?

A disclosure shall not be taken into consideration to assess novelty and individual character of a design if the latter has been made available to the public during the year preceding the filing date (or the priority date) in two hypotheses: either (a) by the designer, his successor in title, or a third person as a result of information provided or action taken by the designer, or his successor in title; or (b) as a consequence of an abuse in relation to the designer or his successor in title.

2.8 What territories (including dependents, colonies, etc.) are or can be covered by a Design in your jurisdiction?

A registered Benelux design has a unitary character in the Benelux Union (only the European territories of the Netherlands are covered).

2.9 Who can own a Design in your jurisdiction?

A Benelux design may be owned by a natural person or a legal entity, regardless of the place of residence.

2.10 How long on average does registration take?

The registration procedure may be very fast and last only several days, subject to the regularity of the documents submitted by the applicant.

2.11 What is the average cost of obtaining a Design in your jurisdiction?

The fee for an online application for a design registration for five years is €150. A supplement is due per additional design in a multiple application (from €75 to €32 per additional design). These fees are slightly higher for offline applications.

The fee for an online renewal for five years is €102, with a supplement per additional design (from €51 to €21 per additional design). An additional supplement of €12 will be due if renewal and/or payment is requested within six months after the expiry date.

2.12 Is there more than one route to obtaining a registration in your jurisdiction?

A Benelux design is registered with the BOIP for the Benelux. It is also possible to apply for an international registration with The Hague system, designating the Benelux or the European Union (EU Regulation 6/2002).

2.13 Is a Power of Attorney needed?

A Power of Attorney is not needed, since any party claiming to act as the representative of an interested party is presumed to have been authorised by the latter. However, if the BOIP has

doubts with regard to the representative’s authorisation, it may request the submission of a Power of Attorney.

2.14 If so, does a Power of Attorney require notarisation and/or legalisation?

This is not applicable.

2.15 How is priority claimed?

A priority may be claimed:

- at the time of filing, by stating the application, the country, the date, the number and the holder of the application that serves as the basis for the priority; or
- during the month following the filing, by stating the same information and by means of a special declaration submitted to the BOIP.

2.16 Can you defer publication of Design applications in your jurisdiction? If so, for how long?

The applicant may request when filing the design application that publication of the registration be deferred for a period of not more than 12 months from the filing date or the priority date. The BOIP shall defer the publication accordingly.

3 Grounds for Refusal

3.1 What are the grounds for refusal of registration?

Regarding the substantial conditions for registration, the BOIP only checks whether the design is contrary to public policy or to accepted principles of morality in one of the Benelux countries. From a formal point of view, it verifies the formal conditions of the application and whether the application document sufficiently reveals the features of the design.

3.2 What are the ways to overcome a grounds objection?

If the formal requirements are not complied with, the applicant is notified thereof and granted a fixed term in order to regularise the application. If the applicant fails to regularise, the application shall have no further effect. On the other hand, the Office shall defer publication if it considers that the design is contrary to public order or principles of morality. The applicant is invited to withdraw the application within a period of two months. If it fails to do so, the Office shall refuse to publish the registration. The Office shall inform the applicant in writing and without delay, indicating the reasons for the refusal to publish and mentioning the right of appeal against this decision before the Benelux Court of Justice (hereinafter “BCJ”). The refusal to publish shall become final only once the decision of the Office is no longer subject to appeal. This will result in the nullity of the application.

3.3 What is the right of appeal from a decision of refusal of registration from the Intellectual Property Office?

Any final decision of the BOIP can be appealed by a party thereto before the BCJ within two months following the notification of the final decision in order to have it annulled or reviewed. See question 3.2.

3.4 What is the route of appeal?

The appeal to the BCJ must be filed within two months from the notification of the BOIP's final decision. The applicant may be represented by an attorney. The BCJ may refer questions of interpretation of EU law to the CJEU. Two levels of appeal exist (the first one as appellate court, the second regarding points of law only).

4 Opposition

4.1 Can a Design application be opposed, if so, on what grounds?

No opposition procedure is applicable regarding Benelux designs.

4.2 Who can oppose the registration of a Design in your jurisdiction?

This is not applicable.

4.3 What is the procedure for opposition?

This is not applicable.

5 Registration

5.1 What happens when a Design is granted registration?

The BOIP registers Benelux applications and also international applications published in the *International Design Gazette* in respect of which the applicants have requested that these should have effect in the Benelux. After registration, the Benelux design is published without delay (except if the applicant requests a "deferred publication") by the BOIP. If the publication does not sufficiently disclose the features of the design, the applicant may request the Office to make another publication.

5.2 From which date following application do an applicant's Design rights commence?

The right is deemed to exist at the filing date of the application with the BOIP. However, the protection only exists from the date the application is published.

5.3 What is the term of a registered Design right?

The registration is granted for a term of five years starting from the date of the filing. It can be renewed four times, amounting to a maximum duration of 25 years.

5.4 How is a Design renewed?

Renewal shall be obtained by payment of the specified fee during the 12 months preceding the expiry of the registration; it may still be paid during the six months following the expiry date of the registration, subject to an additional fee. Renewal shall have effect from the expiry of the registration.

6 Registrable Transactions

6.1 Can an individual register the assignment of a Design?

An individual may register the assignment of a design. Registration is not mandatory for the assignment to be effective between the parties but is required to be enforceable against third parties. Registration is made by filing an extract from an assignment document or a corresponding declaration signed by the parties, and paying the fees due.

6.2 Are there different types of assignment?

The BCIP refers to "assignment or other transfers". *Inter vivos* transfers, transfers due to death and transfers resulting from the transfer of an undertaking are covered by the concept "other transfers". Assignment may be free of charge or for payment. Assignment shall be invalid if not made for the whole Benelux territory.

6.3 Can an individual register the licensing of a Design?

An individual may register the licence of a design. Registration is not mandatory for the licence to be effective between the parties, but it is needed to be enforceable against third parties. Registration is made by filing an extract from the document establishing the licence or a corresponding declaration signed by the parties involved, subject to the payment of the fees due.

6.4 Are there different types of licence?

The licence can be exclusive or non-exclusive, free of charge or subject to royalty payments. It may cover all or part of the Benelux territory.

6.5 Are there any laws which limit the terms upon which parties may agree a licence?

The general applicable national contract law and competition rules will apply. There are no specific limits applicable to such contracts.

6.6 Can Designs be the subject of a compulsory licence (or licences of right), and if so, in what circumstances does this arise and how are the terms settled?

The BCIP does not foresee any compulsory licence regime.

6.7 Can a Design licensee sue for infringement?

A licensee may bring infringement proceedings only if the design owner has consented thereto.

Furthermore, the licensee may intervene in an action brought by the design owner to obtain compensation for his own damages or a proportion of the profit made by the defendant.

6.8 Are quality control clauses necessary in a licence?

Quality control clauses are not mandatory, but advisable.

6.9 Can an individual register a security interest under a Design?

A design registration may be the object of a security interest.

6.10 Are there different types of security interest?

The BCIP implicitly recognises the rights of pledge in general (“*droits de gage*”).

7 Invalidity

7.1 What are the grounds for invalidity of a Design?

The invalidity of the registration of a design may be invoked on the following grounds:

- the design does not comply with the legal definition or is excluded from protection;
- it has no individual character or lacks novelty;
- the design is contrary to public order or morality;
- the filing does not sufficiently reveal the features thereof;
- the design is in conflict with a prior design which has been made available to the public after the date of filing or the date of priority, and which is protected from a date prior to the said date by an exclusive right deriving from a Community Design, the registration of a Benelux filing, or an international filing (collision);
- a prior trademark is used in the design without the consent of a proprietor of that trademark;
- a work protected by copyright is used in the design without the consent of the copyright owner;
- the design constitutes an improper use of any of the items listed in Article 6ter of the Paris Convention; and
- the registration of the design is made by a third party without the designer's consent.

7.2 What is the procedure for invalidation of a Design?

The invalidation of a design must be asked in court with a claim for invalidation. The court of the domicile/registered office of the owner has jurisdiction (in Belgium: Antwerp; Brussels; Ghent; Liège; or Mons). Invalidation is possible even after the registration has lapsed or has been surrendered; there is no limitation period.

7.3 Who can commence invalidation proceedings?

Depending on the basis for the claim:

- anyone interested when the design does not comply with the legal definition or is excluded from protection, is not new, lacks an individual character, is contrary to morality or public order or when the application does not reveal the design sufficiently;
- only the owner of an exclusive right in a conflicting design deriving from the unpublished registration of a Community Design, a Benelux registration or an international filing with effect prior to the priority or filing date of the design (collision);
- only the owner of the prior conflicting trademark right or copyright;
- only the interested party in case of conflict with Article 6ter of the Paris Convention; and

- only the designer in case the filing of the design was made by a third party without his/her consent.

7.4 What grounds of defence can be raised to an invalidation action?

A design owner can raise several grounds of defence, depending on the grounds for invalidation put forward. Possible grounds of defence are lack of interest and lack of conditions for invalidation of the design. The design owner may also invoke invalidity of the prior trade mark or the non-fulfilment by the prior work of the conditions for copyright protection.

7.5 What is the route of appeal from a decision of invalidity?

Invalidity decisions may be appealed before the national competent court of appeal (in Belgium: within one month of the service of the judgment to the party concerned, subject to a time extension for parties abroad).

8 Design Enforcement

8.1 How and before what tribunals can a Design be enforced against an infringer?

In Belgium, Benelux design infringement proceedings may be brought before (1) the Presidents of Business Courts (Antwerp, Brussels, Ghent, Liège, or Mons) for obtaining an injunction, (2) said Business Courts for obtaining an injunction and compensation of the damages, or (3) Belgian Criminal Courts in order to obtain a criminal conviction (and compensation).

Descriptive seizures and preliminary injunctions are also available. Territorial jurisdiction will be determined mainly by the place of the infringement or the place of domicile/registered office of the defendant. Regarding EU designs, only the Brussels Business Courts are competent.

Similar mechanisms apply in the Netherlands and Luxembourg.

8.2 Are the issues of validity and infringement heard in the same proceedings or are they bifurcated?

Both issues can be heard in the same proceedings, as an invalidity claim can be brought as a counterclaim in infringement proceedings.

8.3 What are the key pre-trial procedural stages and how long does it generally take for proceedings to reach trial from commencement?

Key pre-trial procedural stages may involve, *inter alia*, a cease-and-desist letter, a descriptive seizure, the designation of an expert, negotiations and/or a mediation. The length of the pre-trial procedural stages will depend on the measures taken by the design owner. Pre-trial procedural stages are not compulsory.

8.4 Are (i) preliminary, and (ii) final injunctions available and if so on what basis in each case?

Provided the plaintiff establishes the urgency and the obvious character of the infringement, the Presidents of Business Courts can grant preliminary injunctions. Interim measures are also

possible in the frame of proceedings on the merits. In case of not reasonably disputable infringement and major harm to the design owner, it is possible to request *ex parte* the seizure of the infringing goods and the materials used to manufacture them, further to descriptive measures. On the merits, final prohibitory injunctions are available as well. A specific “fast track” action (on the merits, however) allows the President of the Business Court to grant a prohibitory injunctive relief (“*action en cessation*”). Irrespective of the court seizures, measures and injunctions may be subject to penalties if not complied with by the infringer.

8.5 Can a party be compelled to provide disclosure of relevant documents or materials to its adversary and if so how?

The *ex parte* procedure for counterfeit seizure (“*saisie-description*”) can be used for inspection in premises where an alleged infringement takes place. A court-appointed expert will gather relevant information and describe the relevant goods and documents for providing a descriptive report. Trade secrets may not be invoked for objecting the description of all items that can be relevant in the debates about the alleged infringement. The design owner is nevertheless under a confidentiality obligation.

8.6 Are submissions or evidence presented in writing or orally and is there any potential for cross-examination of witnesses?

Legal submissions are filed in writing according to a procedural calendar, and the case is pleaded orally thereafter. The courts may decide to hear witnesses, but there is no organised system of cross-examination. The hearing of witnesses in IP matters is exceptional.

8.7 Can infringement proceedings be stayed pending resolution of validity in another court or the Intellectual Property Office?

Infringement can be stayed before Belgian courts in case (and during the time) the validity of the Benelux design is challenged before another Court in the Benelux. The Court before which proceedings are suspended may order provisional or protective measures for the duration of the suspension.

8.8 Is there any alternative shorter, flexible or streamlined procedure available? If so, what are the criteria for eligibility and what is the impact on procedure and overall timing to trial?

The most commonly used procedure is a procedure aiming at an injunction (“*procedure en cessation*”), following the rules of interlocutory proceedings but adjudged on the merits (“*comme en référé*”). Such procedure lasts on average two to five months. Furthermore, the Belgian judicial law allows also preliminary proceedings (“*en référé/in kort geding*”) requiring an urgency of the matter and giving rise to a provisional decision (not on the merits). Such preliminary proceedings take between one week (if there is no defence) and a couple of weeks (if there is a defence).

8.9 Who is permitted to represent parties to a Design dispute in court?

Parties in a judicial procedure can either defend themselves or be represented by a registered lawyer.

8.10 After what period is a claim for Design infringement time-barred?

Injunction proceedings along the “*procedure en cessation*” must be launched within the year after the litigious acts have taken place.

A damage claim will be time-barred after five or 10 years, depending on the nature of the infringement (extra-contractual or contractual).

8.11 Are there criminal liabilities for Design infringement?

Such infringement may be punished by a fine ranging from €500 to up to €200,000, and one to five years’ imprisonment.

8.12 If so, who can pursue a criminal prosecution?

The Public Prosecutor is entitled to pursue a criminal prosecution. The victim, *i.e.* the design owner, is also allowed to take the initiative by filing a complaint as a civil party.

8.13 What, if any, are the provisions for unauthorised threats of Design infringement?

Such specific provisions do not exist under Belgian law. However, general rules of civil liability and fair competition may apply.

9 Defences to Infringement

9.1 What grounds of defence can be raised by way of non-infringement to a claim of Design infringement? For example are there “must match” and/or “must fit” defences or equivalent available in the jurisdiction?

Different defences can be raised:

- the suspected product is “new” and “has an individual character” *vis-à-vis* the registered design;
- prior use by one who used or manufactured a product before the design registration;
- acts done privately and for non-commercial purposes; for experimental purposes; acts of reproduction for the purpose of making citations or teaching, provided such acts are compatible with fair trade practices and do not unduly prejudice the normal exploitation of the design, and mention is made of the source;
- the equipment on ships and aircraft registered in a third country when these temporarily enter the Benelux territory; the importation of spare parts and accessories for the purpose of repairing such craft; the execution of repairs on such craft; and
- the EU-wide exhaustion of right regarding the product put on the market by the design owner with his consent.

A “must-fit” defence derives from the general rule of non-protection of connection features (modular systems excepted). For spare parts and “must-match”, see question 9.3 hereinafter.

9.2 What grounds of defence can be raised in addition to non-infringement?

A defence disputing the validity of the design registration can be raised or, in proceedings on the merits, a counterclaim for invalidity/revocation of the design can be launched.

9.3 How does your jurisdiction deal with Design protection for spare parts?

Subject to the non-protection of the connection aspects (modular systems excepted: see question 2.2), spare parts are protected if the component part, once incorporated into the complex product, remains visible during normal use of the latter and to the extent that those visible features of the component part fulfil in themselves the requirements of novelty and individual character. Spare parts are, however, not protected insofar as the alleged infringer uses it for repairing the complex product and restoring the initial appearance of the latter.

10 Relief

10.1 What remedies are available for Design infringement?

The following remedies are available against the infringer:

- cease and desist order (injunction, prohibitory relief);
- damages and, in relevant cases, surrender of the profits made in bad faith;
- recall and destruction of the infringing goods;
- delivery of the materials and tools used to manufacture the infringing goods;
- publication of the decision or a summary thereof; and
- provision of all information concerning the origin and the channels of distribution of the infringing goods.

Some remedies against intermediaries are also possible.

10.2 Are damages or an account of profits assessed with the issues of infringement/validity or separately?

Infringement/validity can be argued in the same proceedings as damages/account of profits due to infringement before the Business Court. It is also possible to launch injunction proceedings (“*action en cessation*”) before the President of the Business Court and to later file a claim for damages before the Business Court.

10.3 On what basis are damages or an account of profits assessed?

The damages must be assessed by the court with consideration to all appropriate aspects, such as the negative economic consequences, including lost profits, which the injured party

has suffered, any unfair profits made by the infringer and, in appropriate cases, elements other than economic factors, such as the moral prejudice caused to the design owner as a result of the infringement. The judge can alternatively sentence to the payment of the amount of royalties or fees which would have been due if the infringer had requested authorisation to use the design. The court may order, by way of compensation, that ownership of the infringing goods, as well as, in appropriate cases, the materials and implements principally used in the manufacture of those goods, be transferred to this holder. Transfer of profits is granted only if the infringer acted in bad faith.

10.4 Are punitive damages available?

Such damages do not exist under Benelux and Belgian law.

10.5 Are costs recoverable from the losing party and, if so, how are they determined and what proportion of the costs can usually be recovered?

Judiciary expenses are recoverable by the winning party to some extent. The losing party has to pay a procedural indemnity to cover the lawyer's fees of the winning party, the amount of which is defined by a Royal Decree fixing a statutory cap per instance. Bailiff and registrar costs are also recoverable. Investigation costs such as the costs for expert and bailiff reports may be part of a damage claim.

11 Appeal

11.1 What is the right of appeal from a first instance judgment and is it only on a point of law?

Any first instance judgment may in principle be appealed. The appeal is heard on the merits of the case, and not only on points of law.

11.2 In what circumstances can new evidence be added at the appeal stage?

New evidence may be added at any stage in the appeal procedure.

12 Border Control Measures

12.1 Is there a mechanism for seizing or preventing the importation of infringing articles and, if so, how quickly are such measures resolved?

Belgian custom authorities are entitled to withhold imports of infringing goods, *ex officio* or upon request by the design owner (EU Regulation n°608/2013). The authorities will notify the design owner. Within a short period (normally 10 days), the design owner must confirm the infringement and claim for the destruction of the goods. If the importing party does not oppose, the goods shall be destroyed. If the destruction of the goods is objected, the design owner must initiate legal proceedings.

13 Other Related Rights

13.1 To what extent are unregistered Design rights enforceable in your jurisdiction?

The Benelux regime does not provide for the protection of unregistered designs. The only protection available is the protection on unregistered EU designs under EU Regulation n° 6/2002 on Community Designs.

13.2 What is the term of unregistered Design rights enforceable in your jurisdiction?

This is not applicable.

13.3 What, if any, are the key differences between unregistered and registered Design rights in your jurisdiction?

This is not applicable.

13.4 If unregistered Design protection is available in your jurisdiction, is protection cumulative or mutually exclusive?

This is not applicable.

13.5 Is copyright available to protect industrial Designs?

Belgian copyright laws provide useful added protection for designs. The scope of protection under copyright law is not limited to artistic works. As long as a design satisfies the condition of “originality”, it can be protected under Belgian copyright law. Some specific rules concerning the concurrence of design protection and copyright can apply.

14 Current Developments

14.1 What have been the significant developments in relation to Designs in the last year?

The most significant practical development is the *KaiKai* case of the General Court of the European Union of 14 April 2021 (case T-579/19) regarding an application for multiple Community Designs made on 24 October 2018, and claiming priority from a PCT patent application filed on 26 October 2017 with the EPO. The EUIPO had refused the claimed right of priority, finding that the six-month period (provided for in Regulation n°

6/2002) was exceeded. The GC annulled this refusal, by considering that article 41 of Regulation n° 6/2002 requires taking into account the 1883 Paris Convention, and that it is the nature of the prior right that determines the duration of the priority period. The prior right was an international patent application, therefore the priority period was 12 months (and not six months as would have been the case if the prior right was a design).

14.2 Please list three important judgments in the Designs sphere that have been issued within the last 18 months.

General Court of the European Union, 18 November 2020, case T-574/19: applying the *Doceram* case law, the Court clarified that even when all features of appearance are solely dictated by (their contribution to) the technical function of the product, the contested design remains valid and protects the particular arrangement of these features provided such arrangement was dictated by considerations other than technical ones and creates an overall visual impression going beyond mere technical function.

Court of Appeal Brussels, 30 March 2021 (*Grosfillex / Dumaplast*, docket number 2015/AR/1943, *IEFbe 3214*): the sort (sector) of product to which or in which a prior design is applied or incorporated does not play a role in the determination of the individual character of the design for which protection is sought, namely in the comparison between the two designs. The Court thus followed the case law (criticized by some scholars) of the Court of Justice (21 September 2017, C-361/15 P and C-405/15P, *Easy Sanitary Solutions / Group Nivelles*).

Dutch speaking Court of Enterprises, 14 July 2021 (docket number C/21/00033): in a third-party opposition against a descriptive seizure, the President of the Court applied the presumption of validity, the *Doceram* case law (regarding the technical features: CJEU, case C-395/16) and the grace period based on a patent application. The must fit exception was dismissed. The descriptive seizure was upheld.

14.3 Are there any significant developments expected in the next year?

The European Commission is currently working on a draft new design regulation (EU designs) and Directive (for national or “regional” (Benelux) designs).

14.4 Are there any general practice or enforcement trends that have become apparent in your jurisdiction over the last year or so?

There have not been any significant general practice or enforcement trends in Belgium.



Fernand de Visscher is a specialist in Intellectual Property. He is recognised as a "Senior Statesperson" in Intellectual Property in Belgium by *Chambers and Partners*. He has extensive experience in patents, and the protection of designs and artistic and literary works. Fernand also has wide expertise in media law, distribution (dealerships, franchises, etc.), computer science, the internet, domain names, including contract law and competition issues in these fields. Fernand assists Belgian and international enterprises in various structural and contractual operations and disputes requiring resolution via negotiation, mediation, arbitration or pleadings before all Belgian and European courts.

Fernand is admitted to the World Intellectual Property Organization (WIPO) List of Neutrals as a WIPO Arbitrator. He has been appointed as a third-party decider in contentious matters in the context of the binding third-party decision procedure of the French-speaking Brussels Bar. For this contribution, he was assisted by Julie Kever and Charlotte Behets-Wydemans.

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