

EU Design Law

A One-Day Practitioners' Guide



Topics

- Key issues regarding the Community Designs
- Application and invalidity proceedings before the EUIPO
- Infringement and defences to infringement
- Remedies and jurisdiction
- CJEU case-law update
- Case study: 'TRUNKI' revisited

From the perspective of
■ EUIPO BoA chairperson and
■ private practitioner

Your speakers



Gordon Humphreys
Chairperson, Fifth Board of
Appeal, European Union
Intellectual Property Office,
Alicante (Spain)



Dr. Henning Hartwig
Attorney-at-Law, Partner,
Bardehle Pagenberg,
Munich (Germany)

Aims and objectives

The trend is clear - design protection is increasingly attracting attention from both SMEs and global players. This comparatively inexpensive IP right is a means of driving not only product imitations but also design variations produced by competitors out of the market. In this respect, growing case-law from the CJEU as well as a rich body of decisions from EUIPO and national Community design courts provide helpful guidance on the application of the sophisticated legislation.

This practical course will be a much-needed guide to law and practice. Attendees will get a systematic overview and will examine the interpretation provided by EUIPO and the European Courts, as well as direction on issues which remain unsolved. Our speakers will suggest authoritative answers to key problems of EU design law and give an update on most recent case-law.

Who should attend?

- Heads/members of IP/trademark/design/legal departments
- Patent, trade mark and design attorneys
- Lawyers specializing in IP law

CPD: 6 h

This course merits 6 hours CPD.

Your speakers



Gordon Humphreys
Chairperson, Fifth Board of Appeal, European Union Intellectual Property Office, Alicante (Spain)

After having qualified as a barrister of England and Wales and been admitted to the Brussels Bar as an avocat in 1994, Gordon worked in private practice in Luxembourg before joining the EUIPO Legal Department in 1997, where he acted in several of the earliest Community Trade Mark cases before the (then) Court of First Instance. He served as Head of the Register Service from 2002-2005 before becoming a member of the EUIPO Boards of Appeal in December 2005, handling both trade mark and design cases.



Dr. Henning Hartwig
Attorney-at-Law, Partner, Bardehle Pagenberg, Munich (Germany)

Dr. Henning Hartwig, Attorney-at-Law, partner at BARDEHLE PAGENBERG, Munich, has represented users on design matters at the EUIPO for many years and helped in procuring over 3,500 Community designs and enforcing over 60 Community and German designs. He is the author of numerous publications on international design law and the editor of the four-volume casebook 'Design Protection in Europe'.

15 March 2018, 09:00-17:00

Community Design law - introduction and key issues

- What is a design, what is a product, what are component parts of complex products?
- Subject matter of a design: 'what you see is what you get'
- Classification, indication of product and description
- Unitary character and territorial effect

Application proceedings before the EUIPO

- Filing requirements: advantages, best practice, international registrations
- Priority claims: substantive requirements, formalities
- EUIPO practice: formalities examination, deficiencies, reply to office actions
- Latest Board of Appeal case-law

Invalidity proceedings before the EUIPO

- Grounds for invalidity: novelty, individual character, earlier rights
- Consequences of invalidity
- How to show invalidity: facts, evidence and arguments
- Interplay with infringement issues: tactics, counterattacks, stay of proceedings
- Latest case-law from the Board of Appeal and the General Court of the EU

Infringement and defences to infringement

- Presumption of validity of a registered Community design
- Scope of protection and freedom of the designer (degree and constraints)
- Right to use and right to prevent third party use (infringing acts)
- Defences to infringement: private use, prior use, exhaustion, right to make citations

Unregistered Community Designs

- Establishing protection (disclosure in the territory of the EU)
- Protection against copying
- Term of protection

Infringement actions: jurisdiction and sanctions (remedies)

- Competent courts, international jurisdiction, forum shopping
- Sanctions (injunction, damages, other remedies) and applicable law
- Territorial scope of sanctions
- Provisional measures
- Possible defences and counter-attacks (counterclaim, request for a declaration of invalidity or action for declaration of non-infringement)

CJEU case-law update

Case study: 'TRUNKI' revisited

Brexit

Registration under
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Registration Form

Yes, I will attend the Practical Course

EU Design Law

Name

Position, department

Company

Street

Post code, city, country

Tel. no.

E-mail

Contact person at office

Date, signature

How to register

Registration: +49 6221 500-500

Conference no.: 18 03 182

Website:

www.forum-institut.com

Date and venue

Thursday, 15 March 2018 in Amsterdam

09:00-17:00

Amsterdam Marriott Hotel

Stadhouderskade 12 · NL 1054 Amsterdam

Tel. +31 20 6075555 · Fax +31 20 60075511

Fee

€ 1080.00 (+ 21% VAT)

The fee includes course documentation (including free download) as well as refreshments, lunch and a certificate. You will receive an invoice as well as confirmation.

Hotel accommodation:

A limited number of rooms have been reserved at the hotel and are subject to availability. Please book at least six weeks prior to the seminar to obtain a hotel room at the discounted rate. All bookings should be made directly with the hotel quoting FORUM Institut and the Course No.

Any Further Questions?



Please feel free to contact me if you have any questions.

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