

Industrial property: legal protection of designs.

Recast

2022/0392(COD) - 30/10/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Gilles LEBRETON (ID, FR) on the proposal for a directive of the European Parliament and of the Council on the legal protection of designs (recast).

The proposed directive aims to repeal and replace the existing Directive 98/71/EC. It has the merit of adapting design protection to the evolution of digital technologies, in particular the appearance of 3D printers. It also seeks to further align national laws in order to enhance their interoperability and complementarity with the Community design system. Lastly, it aims to complete the single market in repair spare parts by introducing a repair clause into the directive.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

The proposed changes to the text seek to enhance legal certainty and update rules in relation to market developments brought about by the developments regarding information technology and artificial intelligence, in particular the appearance of 3D printers.

Manufacturer's identity

With a view to clarifying the manufacturer's identity, Members proposed that the indication of the manufacturer's identity should include at least the name of the manufacturer, the geographical address of his registered place of business and, where appropriate, his telephone number or e-mail address.

Repair clause

The text aims to complete the single market in repair spare parts by introducing a repair clause into the Directive. It is stated that protection should not be conferred on a registered design which constitutes a component part of a complex product, which is used within the meaning of Article 16(1) for the sole purpose of the repair of that complex product so as to restore its original appearance. The use of such a component part for the aforementioned repair purpose should be presumed.

Moreover, that protection should last 10 years from the date of entry into force of this Directive, unless that Member State prefers to opt for a shorter period of at least three years.