

Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs

TITLE II

THE LAW RELATING TO DESIGNS

Section 4

Effects of the <sup>F1</sup>supplementary unregistered] design

Article 19

Rights conferred by the <sup>F2</sup>supplementary unregistered] design

1 A <sup>F3</sup>supplementary unregistered] design shall confer on its holder the exclusive right to use it and to prevent any third party not having his consent from using it. The aforementioned use shall cover, in particular, the making, offering, putting on the market, importing, exporting or using of a product in which the design is incorporated or to which it is applied, or stocking such a product for those purposes.

2 <sup>F4</sup>A supplementary] unregistered <sup>F5</sup>... design shall, however, confer on its holder the right to prevent the acts referred to in paragraph 1 only if the contested use results from copying the protected design.

The contested use shall not be deemed to result from copying the protected design if it results from an independent work of creation by a designer who may be reasonably thought not to be familiar with the design made available to the public by the holder.

<sup>F6</sup>3 .....

**Textual Amendments**

- F2** Words in Art. 19 heading substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 17(a)** (with reg. 4, Sch. 2 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 19(1) substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 17(b)** (with reg. 4, Sch. 2 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 19(2) substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 17(c)(i)** (with reg. 4, Sch. 2 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Art. 19(2) omitted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 17(c)(ii)** (with reg. 4, Sch. 2 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 19(3) omitted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 17(d)** (with reg. 4, Sch. 2 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 6/2002, Section 4. (See end of Document for details)*

## Article 20

### Limitation of the rights conferred by a [<sup>F7</sup>supplementary unregistered] design

1 The rights conferred by a [<sup>F8</sup>supplementary unregistered] design shall not be exercised in respect of:

- a acts done privately and for non-commercial purposes;
- b acts done for experimental purposes;
- c acts of reproduction for the purpose of making citations or of teaching, provided that such acts are compatible with fair trade practice and do not unduly prejudice the normal exploitation of the design, and that mention is made of the source.

2 In addition, the rights conferred by a [<sup>F9</sup>supplementary unregistered] design shall not be exercised in respect of:

- a the equipment on ships and aircraft registered in a third country when these temporarily enter the territory of the [<sup>F10</sup>United Kingdom];
- b the importation in the [<sup>F11</sup>United Kingdom] of spare parts and accessories for the purpose of repairing such craft;
- c the execution of repairs on such craft.

#### Textual Amendments

- F7** Words in Art. 20 heading substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/638), reg. 1, **Sch. 1 para. 18(a)** (with reg. 4, Sch. 2 Pt. 1) (as amended by S.I. 2020/1050, regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 20(1) substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/638), reg. 1, **Sch. 1 para. 18(a)** (with reg. 4, Sch. 2 Pt. 1) (as amended by S.I. 2020/1050, regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 20(2) substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/638), reg. 1, **Sch. 1 para. 18(b)(i)** (with reg. 4, Sch. 2 Pt. 1) (as amended by S.I. 2020/1050, regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 20(2)(a) substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/638), reg. 1, **Sch. 1 para. 18(b)(ii)** (with reg. 4, Sch. 2 Pt. 1) (as amended by S.I. 2020/1050, regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 20(2)(b) substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/638), reg. 1, **Sch. 1 para. 18(b)(ii)** (with reg. 4, Sch. 2 Pt. 1) (as amended by S.I. 2020/1050, regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)

## Article 21

### Exhaustion of rights

The rights conferred by a [<sup>F12</sup>supplementary unregistered] design shall not extend to acts relating to a product in which a design included within the scope of protection of the [<sup>F12</sup>supplementary unregistered] design is incorporated or to which it is applied, when the product has been put on the market in the [<sup>F13</sup>United Kingdom or the European Economic Area] by the holder of the [<sup>F12</sup>supplementary unregistered] design or with his consent.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 6/2002, Section 4. (See end of Document for details)*

#### Textual Amendments

- F12** Words in Art. 21 substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 19(a)** (with reg. 4, Sch. 2 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 21 substituted (31.12.2020) by [S.I. 2019/638](#), reg. 1, **Sch. 1 para. 19(b)** (as substituted by [The Intellectual Property \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1050\)](#), regs. 1(2), **17(c)**)

### <sup>F14</sup>Article 22

#### Rights of prior use in respect of a registered Community design

#### Textual Amendments

- F14** Art. 22 omitted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 20** (with reg. 4, Sch. 2 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)

### <sup>F15</sup>Article 23

#### Government use

#### Textual Amendments

- F15** Art. 23 omitted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 20** (with reg. 4, Sch. 2 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)

#### Textual Amendments

- F1** Words in Title 2 Section 4 heading substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 16** (with reg. 4, Sch. 2 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 19); 2020 c. 1, Sch. 5 para. 1(1)

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 6/2002, Section 4.