

Directive 98/71/EC of the European Parliament and of the
Council of 13 October 1998 on the legal protection of designs

Article 3

Protection requirements

- 1 Member States shall protect designs by registration, and shall confer exclusive rights upon their holders in accordance with the provisions of this Directive.
- 2 A design shall be protected by a design right to the extent that it is new and has individual character.
- 3 A design applied to or incorporated in a product which constitutes a component part of a complex product shall only be considered to be new and to have individual character:
 - a if the component part, once it has been incorporated into the complex product, remains visible during normal use of the latter, and
 - b to the extent that those visible features of the component part fulfil in themselves the requirements as to novelty and individual character.
- 4 'Normal use' within the meaning of paragraph (3)(a) shall mean use by the end user, excluding maintenance, servicing or repair work.