

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

Article 5

Individual character

1 A design shall be considered to have individual character if the overall impression it produces on the informed user differs from the overall impression produced on such a user by any design which has been made available to the public before the date of filing of the application for registration or, if priority is claimed, the date of priority.

2 In assessing individual character, the degree of freedom of the designer in developing the design shall be taken into consideration.