

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

TITLE IX

**JURISDICTION AND PROCEDURE IN LEGAL ACTIONS  
RELATING TO [F1SUPPLEMENTARY UNREGISTERED] DESIGNS**

Section 2

**Disputes concerning the infringement and  
validity of [F1supplementary unregistered] designs**

*Article 86*

**Judgements of invalidity**

- 1 Where in a proceeding before a <sup>F1</sup>... design court the [<sup>F2</sup>supplementary unregistered] design has been put in issue by way of a counterclaim for a declaration of invalidity:
- a if any of the grounds mentioned in Article 25 are found to prejudice the maintenance of [<sup>F3</sup>that] design, the court shall declare [<sup>F3</sup>that] design invalid;
  - b if none of the grounds mentioned in Article 25 is found to prejudice the maintenance of [<sup>F4</sup>that] design, the court shall reject the counterclaim.

<sup>F5</sup>2 .....  
<sup>F5</sup>3 .....  
<sup>F5</sup>4 .....  
<sup>F5</sup>5 .....

**Textual Amendments**

- F1** Word in Art. 86(1) 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. 37(a)(i)(aa)** (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)
- F2** Words in Art. 86(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. 37(a)(i)(bb)** (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** Word in Art. 86(1)(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. 37(a)(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)
- F4** Word in Art. 86(1)(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. 37(a)(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)
- F5** Art. 86(2)-(5) 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. 37(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)

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 6/2002, Article 86.