
Kluwer Copyright Blog

Flos, European Court of Justice (European Court of Justice), 27 Januari 2011

Katerina Maniadaki · Monday, March 7th, 2011

National legislation implementing the Directive on the legal protection of designs (98/71/EC) may not exclude from copyright protection designs that were protected by a registered design right and entered into the public domain before the entry into force of said legislation, in so long as they meet the requirements to be eligible for copyright protection. Transitory measures to protect third parties' rights who had manufactured or marketed products based on such designs shall be proportional and may not extend to a substantial period of 10 years or be indefinite.

The [full summary](#) of this case has been posted on [Kluwer IP Law](#).

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