

Case-law Research Report – Proof of technical function of a design under Article 8(1) CDR

Consistency Circle Designs

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TABLE OF CONTENTS

1. INTRODUCTION	3
2. LEGAL FRAMEWORK.....	3
2.1 EU law	3
2.2 Other instruments.....	4
3. CASE-LAW ANALYSIS	4
3.1 Evidence submitted by the invalidity applicant to prove the technical function of the appearance of the design	4
3.1.1 Patent documentation	4
3.1.1.1 Patents or utility models referring to the same or a similar product as the one concerned by the contested design	5
3.1.1.2 Patents referring to only part of the features of the product concerned by the design	8
3.1.1.3 Patents referring to a different product than the one concerned by the design	10
3.1.1.4 Assessment of patent documentation as proof of technical function	10
3.1.2 Information on the use of the product	12
3.1.3 Promotional material	12
3.1.4 Expert opinions.....	13
3.2 Evidence submitted by the design holder to prove that other considerations played a role... ..	13
3.2.1 The designer's statement / affidavit	13
3.2.2 Alternative designs fulfilling the same technical function	14
3.2.3 Expert opinions.....	15
3.2.4 Promotional material	15
3.2.5 Awards and presence in museums	16
3.2.6 Commercial success	16
3.2.7 Patent documentation	16
4. CONCLUSIONS	16
ANNEX I.....	18

1. Introduction

- 1 The report on *Proof of technical function of a design under Article 8(1) CDR* is a compilation of case-law from the Court of Justice (CJ), the General Court (GC) and the Boards of Appeal (the Boards or the BoA), drawn up with the aim of identifying and analysing the relevant case-law and trends on the topic.
- 2 The purpose is to further support the work of the BoA with a view to maintaining and enhancing the **consistency** of its decision-making practice with the case-law of the EU Courts and among the BoA. As such it contributes to improving the **predictability** of decisions and legal certainty in general. Through divulging relevant legal information, it also serves to increase **knowledge, awareness and transparency** among the various BoA stakeholders.
- 3 It is a working document that reflects existing case-law and the result of discussions within the Consistency Circles and the General Consistency Meeting of the BoA at the given date of the report. **It does not have any binding effect on the BoA.** It has been made available to the staff of the BoA and the public in general for information purposes only.
- 4 This report is complemented by the report on *Identification of the features of a design under Article 8(1) CDR*.

2. Legal framework

2.1 EU law

- 5 **Recital 10 of the CDR**¹ indicates that '*Technological innovation should not be hampered by granting design protection to features dictated solely by a technical function. It is understood that this does not entail that a design must have an aesthetic quality. [...] Consequently, those features of a design which are excluded from protection for that reason should not be taken into consideration for the purpose of assessing whether other features of the design fulfil the requirements for protection.*'
- 6 **Article 8(1) CDR** refers to the purely functional features of a product; it provides that '*a Community design shall not subsist in features of appearance of a product which are solely dictated by its technical function*'.
- 7 **Article 25(1)(b) CDR** provides as one of the grounds of invalidity if the design '*does not fulfil the requirements of Articles 4 to 9*'.
- 8 **Article 63(1) CDR** provides that '*in proceedings relating to a declaration of invalidity, the Office shall be restricted in this examination to the facts, evidence and arguments provided by the parties and the relief sought*'.
- 9 **Article 65(1) CDR** provides a non-exhaustive list of evidence that can be submitted in invalidity proceedings.

¹ Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1).

2.2 Other instruments

- 10 The **Office's Guidelines** on *Examination of design invalidity applications* deal with this topic, in particular, in Point 2.3 *Scope of the examination carried out by the Invalidity Division*, Point 4.1.7 *Taking of evidence* and Point 5.5 *Technical function*. Furthermore, from the parts of the Guidelines shared with current trade mark practice, Part A, Section 2, Point 4 *Means of taking evidence* is relevant.

3. Case-law analysis²

- 11 The assessment under Article 8(1) CDR must be carried out on a case-by-case basis, taking account of all the objective circumstances of the case. In particular, the **objective circumstances** indicative of the reasons which dictated the choice of features of appearance of the product concerned, **information on the use** of the product and the existence of **alternative designs** which fulfil the same technical function are relevant provided that those circumstances, data, or information as to the existence of alternative designs are supported by reliable evidence³.

3.1 Evidence submitted by the invalidity applicant to prove the technical function of the appearance of the design

- 12 The burden of proof lies with the invalidity applicant who must provide evidence that the identified features of the contested design are solely dictated by the technical function of the product concerned⁴.

3.1.1 Patent documentation

- 13 The most common evidence submitted by the invalidity applicant in proceedings based on Article 8(1) CDR is documentation referring to patent or utility model applications or granted patents or utility models filed by the design holder or, less often, by a third party.
- 14 The analysis of the recent BoA case-law, as listed below, shows that a distinction should be made depending on when the patent or utility model documentation refer to (i) the same or a similar product, (ii) part of the product or (iii) a different product than the one covered by the contested design.

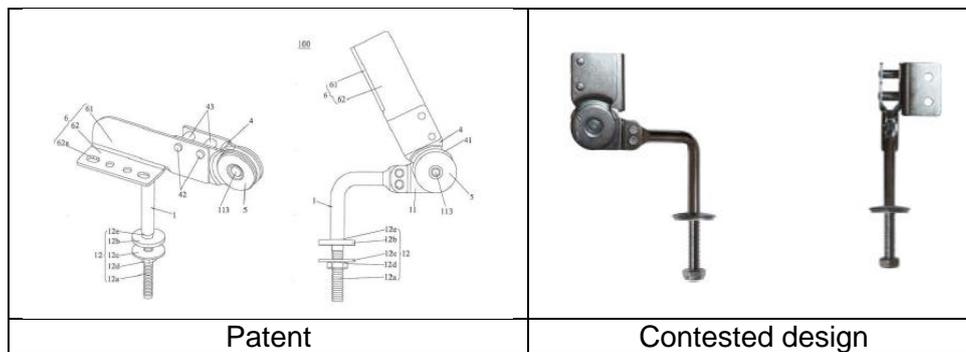
² The analysis focuses on the BoA decisions and judgments rendered after the Court's preliminary ruling in the DOCERAM case (08/03/2018, C-395/16, DOCERAM, EU:C:2018:172). Considering the great impact of this judgment on the Office's practice, the CC considered that the decisions rendered before would be less relevant.

³ 08/03/2018, C-395/16, DOCERAM, EU:C:2018:172, § 36-37

⁴ 21/09/2017, C-361/15 P & C-405/15 P, Shower drains, EU:C:2017:720, § 60

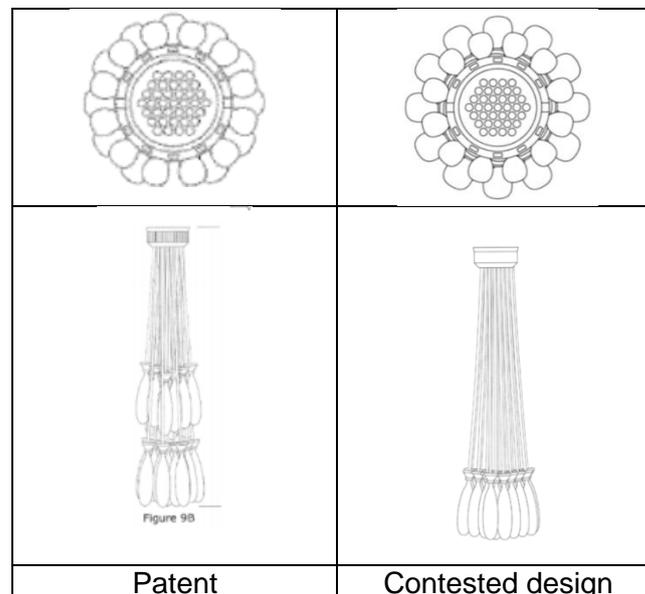
3.1.1.1 Patents or utility models referring to the same or a similar product as the one concerned by the contested design

- 04/04/2019, R 1270/2018-3, Hinges



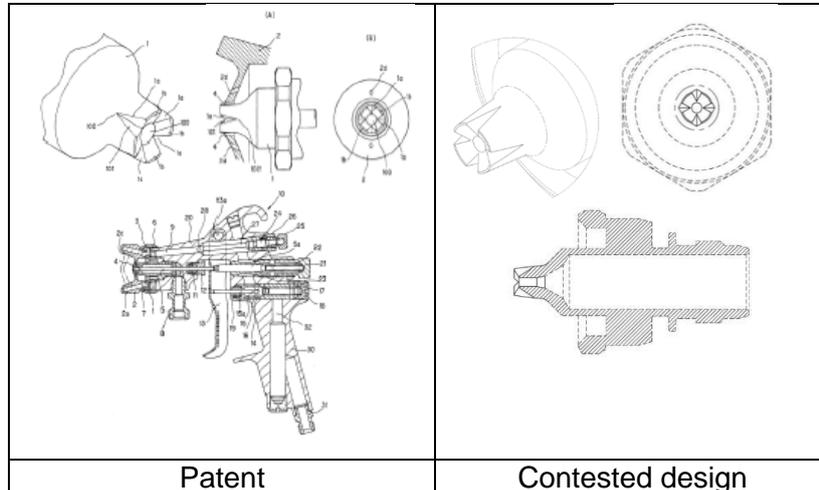
15 The contested design showed hinges and the patent referred to an invention '*hinge regulator*'. The BoA considered that the contested design offered the same technical function as the patent and did not deviate from the previously submitted patent (§ 16). Given that the contested design subsisted in features of a hinge which were solely dictated by the technical function of the product concerned, it declared the contested design invalid (§ 21).

- 12/06/2019, R 1002/2018-3, Fluid distribution equipment (confirmed by 18/11/2020, T-574/19, Fluid distribution equipment, EU:T:2020:543)



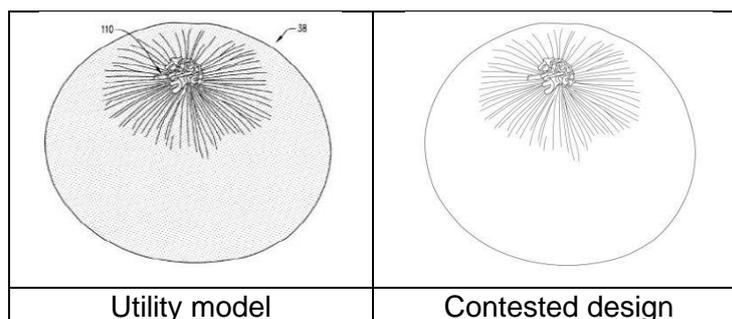
16 In this case, both the contested design and the patent showed a fluid distribution equipment consisting of a housing, several tubes with balloons connected to their ends and fasteners fixing the balloons to the tubes. The BoA stated that examination of the patent documentation showed that all the features of the contested design performed a technical function (§ 35) and declared the contested design invalid (§ 39).

- 20/01/2020, R 865/2017-3, Spray guns (part of -)



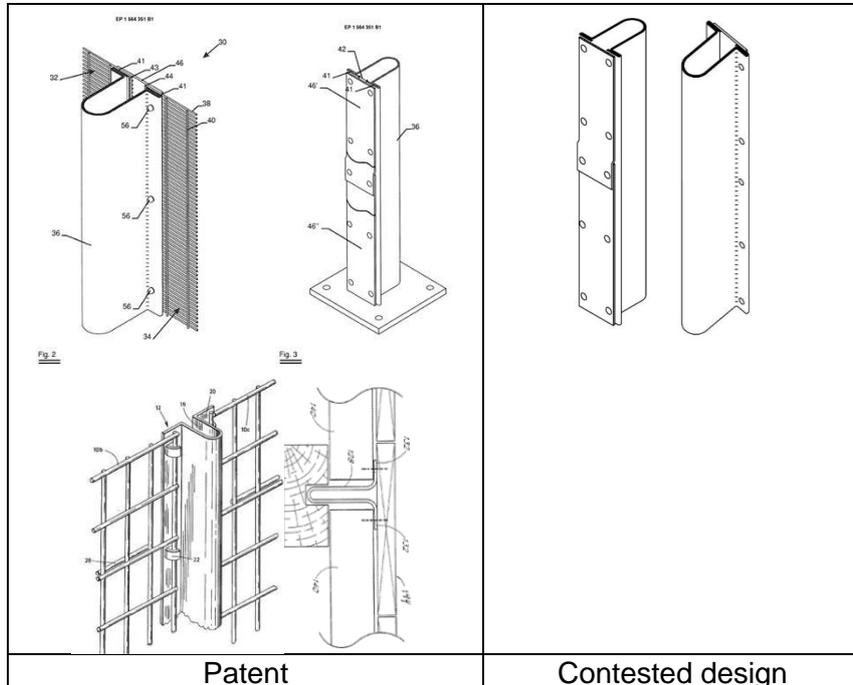
17 In this decision, the patent and the contested design showed the same tip end portion of a paint nozzle for a paint spray gun. The BoA noticed that all the features of the contested design were mentioned in the detailed patent's description. The patent documentation showed that these features were only designed to ensure the technical performance of the product (§ 39). Therefore, the contested design was declared invalid pursuant to Article 8(1) CDR.

- 26/02/2020, R 740/2018-3, Water purifiers (decision confirmed, 26/01/2022, T-325/20, Water purifiers, EU:T:2022:23)



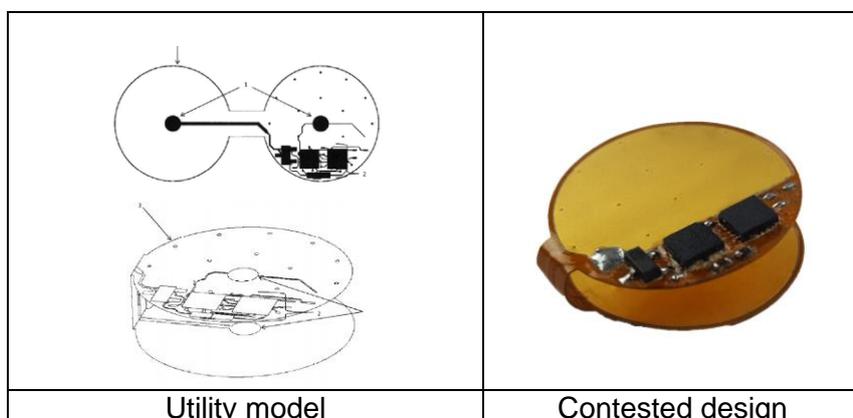
18 In this decision, the product embodying the contested design and the product referred to in the utility model were a filter bag containing purification media which is used in pure water systems. The BoA examined the description of the utility model and considered that the shape of all the features of the design were designed to secure the technical effects and the performance of the product (efficiency of filtration, minimisation of leakage of the water system) (§ 31). Therefore, the design was declared invalid pursuant to Article 8(1) CDR.

- 15/02/2021, R 2068/2019-3, Posts (pending before the GC under T-231/21)



19 Patents invoked by the invalidity applicant referred to '*metal fence post*' and '*fence post and a kit for erecting a modular mesh partition wall*'. The BoA considered that the patent documentations provided by the invalidity applicant showed that all the features of the contested design representing a section of a security fence post were solely dictated by the technical function of the security fence post's section (§ 30) and consequently declared the design invalid pursuant to Article 8(1) CDR.

- 05/07/2021, R 1070/2020-3, Remote controls [wireless] (Accessories for -) (pending before the GC under T-611/21)

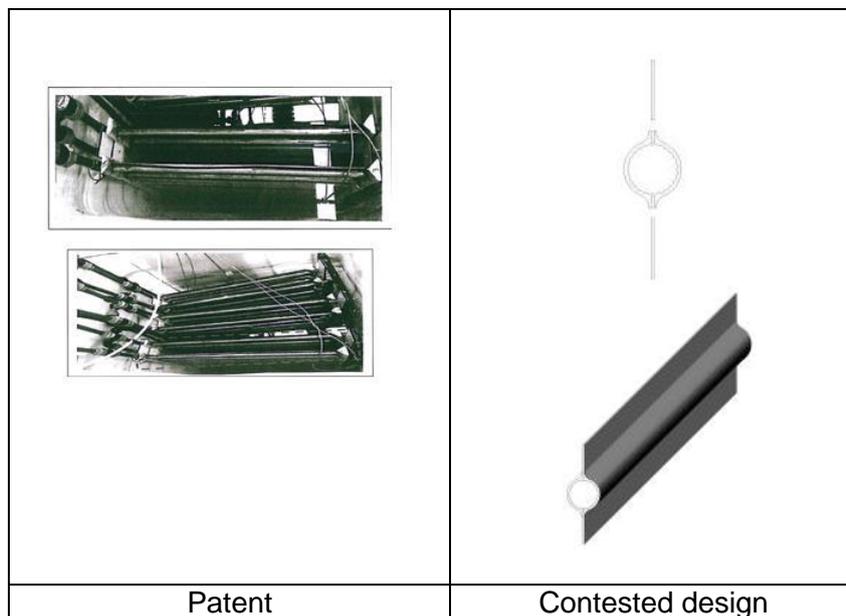


20 The subject of the utility model was a battery usage optimiser and the contested design showed a device placed on the battery of a remote control for electric battery operated devices whose purpose was to regulate the amount of energy consumed from the

battery. After a detailed examination of the utility model and the parties' submissions, the BoA concluded that all the features of the contested design and the arrangement thereof were solely dictated by the technical function of the product concerned, namely to enable the electric power supply to be cut off when not in use. The contested design was declared invalid.

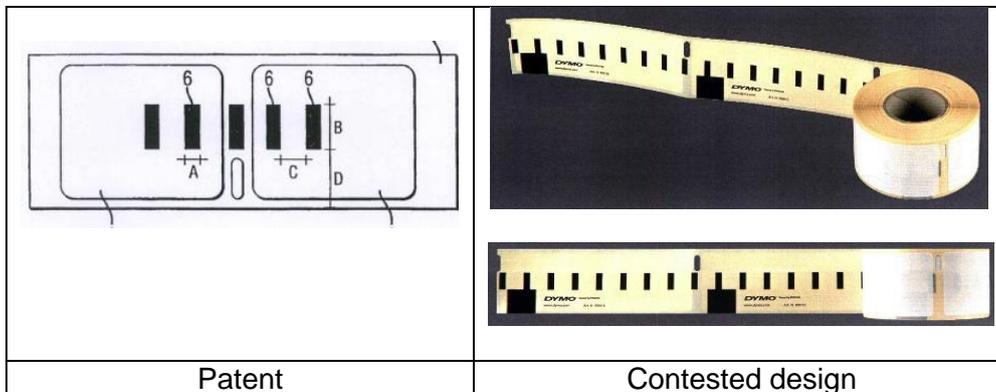
3.1.1.2 Patents referring to only part of the features of the product concerned by the design

- 02/04/2020, R 510/2019-3, Part of heating systems



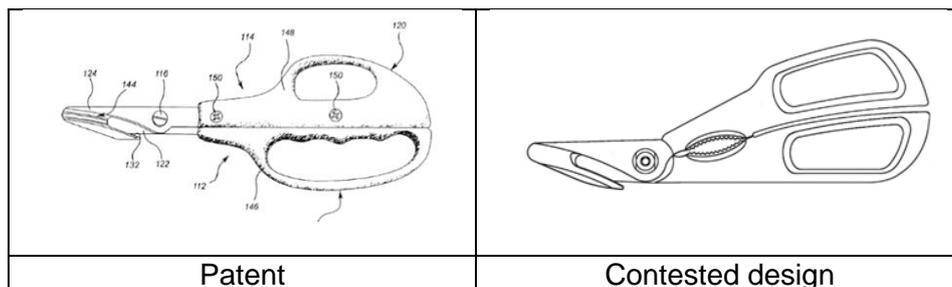
- 21 In this case, the invention protected by the patent encompassed the product protected by the contested design, that is, a pipe with a radiator to control the cooling medium flow of the heating system. The patent documentation in particular mentioned that the shape, size and width of the longitudinal radiators had been selected in such a way to *'prevent build-up of ice on the exchanger tube in the full circumference by dividing the ice formed into two halves'* which *'increase the active surface of the exchanger'* (§ 51).
- 22 The BoA concluded that all the features of the design had been chosen *'with the aim of designing a product that performs a function and none of the features were chosen for the purpose of enhancing the product's appearance'* (§ 52). As a consequence, the design was considered to be invalid pursuant to Article 8(1) CDR.

- 15/05/2020, R 2413/2018-3, Labels (decision confirmed, 10/11/2021, T-443/20, Labels, EU:T:2021:767)



23 The patent submitted by the invalidity applicant referred to '*tape printing apparatus*' while the contested design showed a printer label roll whose intended purpose consisted in being incorporated into printer devices for the printing of customised self-adhesive labels. The BoA examined all the features of the design and compared them with the scope of the patent. It deduced from the patent documentation that only part of the features matched the patent description (the holes and print marks to be read by the sensor enabling the printing process). However, the remaining features, namely the yellow strip to which adhesive white labels are attached, were not contained within the patent description and there is no evidence that these features are solely dictated by the technical function of a printer label (§ 28-30). Therefore, the ground of invalidity under Article 8(1) CDR did not succeed (§ 35).

- 10/05/2021, R 440/2020-3, Handheld kitchen cutting appliances

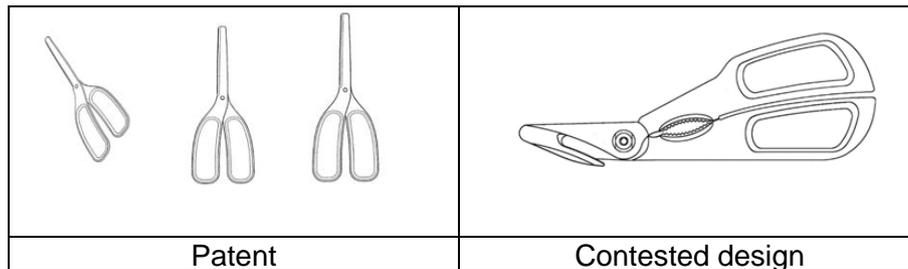


24 In this case, one of the patents furnished by the invalidity applicant referred to '*shellfish cutting and eating utensils*'. The BoA held that this patent did not prove that all the features of appearance of the contested design depicting also a pair of scissors used for cutting crustaceans were exclusively dictated by the technical function of the scissors (§ 25). In particular, the BoA concluded that the invalidity applicant did not establish that, inter alia, the rectangular-curved shape of the finger rings or the handle shanks in the middle section of the scissors were dictated only by the technical function of the product concerned (§ 27-28, 31). The patent only proved the technical function of the blades pivotally connected and the blade edge curved like a hook. Given that only part of the features of the contested design were proven to be dictated by the technical function of

a pair of scissors within the meaning of Article 8(1) CDR, the application for a declaration of invalidity was rejected.

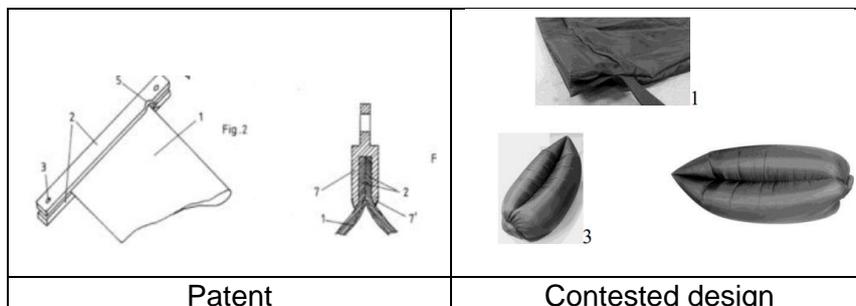
3.1.1.3 Patents referring to a different product than the one concerned by the design

- 10/05/2021, R 440/2020-3, Handheld kitchen cutting appliances



25 In this case, already mentioned above, the invalidity applicant submitted a second patent which referred to 'scissors'. The BoA considered that the patent showed scissors comprising different features, e.g. shape of handles, than the ones revealed in the contested design and it was thus insufficient to establish the technical function of the contested design's features and the specific shape thereof. Indeed, the shape of handles was not proven to exclusively fulfil a technical purpose for the cutting and opening of the crustaceans (§ 27-28, 31).

- 02/06/2020, R 896/2019-3, Seats



26 In this case, the contested design showed inflatable seats while the patent documentation referred to 'a roll closure for packing sacks or the like' without however demonstrating any technical effect of these bags and their features (§ 25-26).

27 The BoA considered that 'the invalidity applicant has not produced any convincing evidence' demonstrating that all the features of the design 'had been chosen solely to secure or enhance the product's technical function' (§ 27). The invalidity application was, therefore, rejected.

3.1.1.4 Assessment of patent documentation as proof of technical function

28 The analysis of the BoA case-law reveals that some decisions proceed from the assumption that the features shown in the technical drawings of a patent or utility model

document are necessarily dictated by the technical invention protected and base the assessment on a direct comparison of the drawings with the views of the contested design. If all the features of the design are to be found in the drawings, this confirms they are all dictated by the technical function of the product.

29 On the other hand, other decisions analyse the drawings in conjunction with the description of the invention protected in order to assess to what extent the appearance of the features shown in the patent or utility model drawings is dictated by a technical function. If the description, for instance, refers to the drawings as only being ‘exemplary’ of the appearance of the invention, that drawing alone cannot suffice to establish that a specific feature is solely dictated by the technical function of the product. Furthermore, drawings in patent and utility model documents illustrate the invention but may include arbitrary elements that cannot be directly related to the invention.

30 Accordingly, and in the absence of explicit guidance from the courts, the patent documentation should be assessed on a case-by-case basis and as follows:

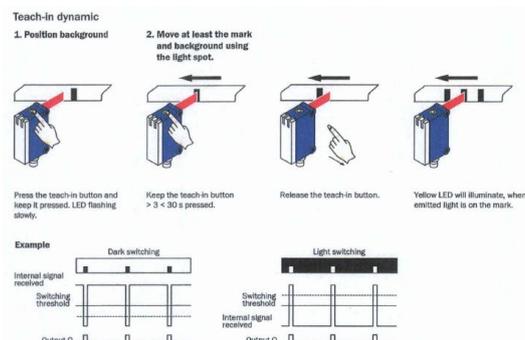
- The drawings are to be read together with the description and/or summary of the invention in order to:
 - establish whether or not the design contains arbitrary features, i.e. features to be found in the patent or utility model or included in the drawings but not mentioned in the description.
 - assess whether or not the appearance of a given feature may be linked to a technical function, i.e. the shape/position of a specific feature being required to achieve the desired technical result. For instance, a description of the specific shape and position of a paint spray gun nozzle required in order to achieve even distribution of the paint is sufficient to establish that the appearance is solely dictated by the technical function of the spray gun.
 - assess the relevance of any differences between the drawings and the contested design. For instance, the drawing might include a housing which is different in shape from that shown in the design, but the description may nevertheless describe the housing as being dictated in shape by the elements which it accommodates. Minor differences in the appearance of the housing, therefore, might not suffice to rebut the argument of its technical functionality.
- Where the patent/utility model was filed/granted in the name of the design holder or its predecessor-in-title and the patent drawings and the views of the design differ in appearance, this could be an indication that the design is **not** purely technical (but that it protects a ‘visually enhanced’ appearance of the product). On the other hand, if there are no differences between the drawings and the contested design or the differences are minor, this might support the finding that the design is nothing more than the sum of its technical parts as protected by the patent or utility model.

3.1.2 Information on the use of the product

- 31 Information on the use of the product, in particular that of technical nature, may serve to illustrate its functioning, including that of its individual features. Such information may be contained in the description of the product, its images and also videos showing its use.
- 32 The invalidity applicant can also submit articles referring to the same product as the one covered by the contested design. For example, in **Fluid distribution equipment**⁵, the invalidity applicant provided a printout from a website showing an article entitled '*Bunch O Balloons will revolutionise water fights*' and subtitled '*The product fills multiple balloons with water simultaneously*'. This was taken into consideration by the BoA for the clarification of the nature of the product embodying the contested design, its intended purpose and the technical function of each of its features and arrangement thereof.
- 33 In **Handheld kitchen cutting appliances**⁶, the invalidity applicant provided screenshots from a YouTube video and images of scissors and nut crackers. The BoA examined these documents and noted in particular that the screenshots of the YouTube video demonstrated the way to use a product very similar to that of the contested design. However, it considered that they were insufficient to establish, inter alia, that the shape of the scissors' handles as shown in the contested design had been solely dictated by a technical function.

3.1.3 Promotional material

- 34 Promotional material, such as catalogues and brochures, referring primarily to the technical characteristics of the product concerned is a strong indication that only **technical considerations** were at play in the designing process.
- 35 In **Labels**⁷, the BoA noted that, in addition to the patents that described the technical function of the print marks, the catalogue of a third party illustrated the interaction of the print marks on the strip and the printer's sensors and concluded that these features of the contested design were solely dictated by the technical function of the product:



⁵ 12/06/2019, R 1002/2018-3, Fluid distribution equipment; decision confirmed 18/11/2020, T-574/19, Fluid distribution equipment, EU:T:2020:543

⁶ 10/05/2021, R 440/2020-3, Handheld kitchen cutting appliances, § 26

⁷ 15/05/2020, R 2413/2018-3, Labels

3.1.4 *Expert opinions*

- 36 Expert opinions are usually submitted by the design holder (see below point 3.2.3.). However, they can be provided by the invalidity applicant in order to demonstrate that the features were only dictated by the technical function.
- 37 In **Labels**⁸, expert opinions were submitted by the invalidity applicant to support its claim that all features of the contested design were only dictated by the technical function of the product. In particular, it invoked that the colour of the yellow strip and shape of the white plain rectangular labels were only technical. The BoA took them into account, but considered that the statements merely showed that the use of the colour yellow corresponded to standard practice in the relevant industry, and that the rounded edges of the rectangular labels could allow an easy manipulation. Therefore, they could not establish that these features were only dictated by the technical function of the label print roll.

3.2 **Evidence submitted by the design holder to prove that other considerations played a role**⁹

- 38 In order to rebut the claim of the technicality of the design, the design holder can demonstrate that other considerations, in particular aesthetic ones, played a role in the creation of the contested design. The design holder can provide any means of evidence, such as written statements from the designer, proof of existence of alternative designs, expert opinions and promotional materials.
- 39 Furthermore, all evidence submitted before the Office can be relevant in order to assess aesthetic considerations, including the evidence submitted by the invalidity applicant.

3.2.1 *The designer's statement / affidavit*

- 40 A written statement by the designer of the product has a limited evidential value in so far as it presents the personal and subjective opinion of that designer and in so far as that designer has a personal interest in the validity of the design¹⁰. Therefore, the content of such statement should at least be reinforced by other evidence from an independent source.
- 41 In **Fluid distribution equipment**¹¹, the BoA analysed the designer's statements that the appearance of the contested design was chosen to be elegant and appealing to users, and that alternative designs existed. The BoA, however, considered that such statements were not sufficient to establish that the features were not dictated by the technical function of the product.

⁸ 15/05/2020, R 2413/2018-3, Labels, § 29

⁹ While DOCERAM refers to '*considerations other than the need for the product to fulfil its technical function*', in practice, design holders rely principally on evidence of aesthetic considerations. The report, therefore, focuses on this particular aspect.

¹⁰ 18/11/2020, T-574/19, Fluid distribution equipment, EU:T:2020:543, § 100

¹¹ 12/06/2019, R 1002/2018-3, Fluid distribution equipment, § 35-36; decision confirmed 18/11/2020, T-574/19, Fluid distribution equipment, EU:T:2020:543

42 Similarly, in **Water purifiers**¹² and **Labels**¹³, the BoA considered that the designer's statements according to which aesthetic considerations played a role in the design of the product were insufficient to counterbalance the other evidence provided on the technical function of the product.

43 In particular, in **Water Purifiers**¹⁴, the GC agreed with the BoA that the statement that '*the contested design had been chosen on account of its sleekness and simplicity*' was not sufficient to call into question the finding following the examination of the patent documentation that all the features of appearance of the product at issue were only dictated by its technical function.

3.2.2 *Alternative designs fulfilling the same technical function*

44 The CJ clarified in **DOCERAM**¹⁵ that the mere existence of alternative designs which fulfil the same technical function cannot in itself exclude the finding that all the features of appearance of a product are solely dictated by its technical function.

45 Nevertheless, the existence of alternative shapes may be a relevant indication that considerations other than the technical function of the product have played a role in the choice of features. This is particularly the case where a comparative examination illustrates a **distance** between the shape for which design protection is claimed and the alternative shapes intended to achieve the same technical result.

46 For example, in **Shower drains**¹⁶, the BoA acknowledged that, to rebut a claim of technical function, the design holder can demonstrate the existence of alternative designs corroborated with other evidence showing aesthetic considerations. The design holder submitted evidence of alternative shapes for shower drains. Having considered all evidence provided, the BoA concluded in this case that all the features were not only dictated by the technical function of the product.

47 In **Fluid distribution equipment**¹⁷, the BoA considered relevant to examine the other similar designs owned by the design holder in order to assess all the objective circumstances relevant to the individual case as prescribed in **DOCERAM**.

48 In **Water purifiers**¹⁸, in line with **DOCERAM**, the GC stated that the fact that an alternative design is offered on the market is one of the factors to be taken into account, but not sufficient, in itself, to rebut the technicality of the design¹⁹.

¹² 26/02/2020, R 740/2018-3, Water purifiers, § 29

¹³ 15/05/2020, R 2413/2018-3, Labels, § 33

¹⁴ 26/01/2022, T-325/20, Water purifiers, EU:T:2022:23, § 59-61

¹⁵ 08/03/2018, C-395/16, DOCERAM, EU:C:2018:172, § 32, 37

¹⁶ 17/03/2020, R 2664/2017-3, Shower drains, § 69-70 and § 74-77

¹⁷ 12/06/2019, R 1002/2018-3, Fluid distribution equipment, § 29, 37-38; confirmed by 18/11/2020, T-574/19, Fluid distribution equipment, EU:T:2020:543

¹⁸ 26/01/2022, T-325/20, Water purifiers, EU:T:2022:23, § 69-70

¹⁹ A preliminary ruling is pending on the relevance of the existence of alternative designs, and, especially on the relevance of the ownership of the alternative designs: C-684/21 Papierfabriek Doetinchem.

3.2.3 *Expert opinions*

- 49 Expert opinions normally provide information on the technicality of the product and on the aesthetic considerations of the features of the design. Nevertheless, that evidence must be carefully examined and contrasted with the other evidence on the file.
- 50 In **Posts**²⁰, the design holder submitted expert opinions in support of its claim that the shape of the design was selected in order to improve the appearance of the product. However, having examined the evidence, the BoA considered that, on the contrary, it confirmed that the features of the design were selected for technical reasons.
- 51 Finally, it must be noted that, as a matter of principle, the views expressed by design specialists, or other experts, should refer to the time period before the date of filing of the design rather than any subsequent date in order to avoid interference with factors which are extraneous to the creation of the work itself, such as its commercial success.

3.2.4 *Promotional material*

- 52 Promotional material, such as catalogues and brochures, can also be provided in order to prove that **aesthetic considerations** played a (key) role in the creation of the design concerned. That material is particularly useful if it highlights the visual appearance and aesthetic qualities of the product in order to prove that other than purely technical considerations, in particular aesthetic considerations, contributed to the choice of the relevant features. However, that evidence is often not sufficient to dispel the doubts regarding the purely technical character of the features of appearance of the contested design, as illustrated by the following cases.
- 53 Promotional material merely referring, in a visually attractive manner, to general technical information about the product cannot establish such aesthetic considerations. Marketing material usually refers to general information within the framework of displaying, in an attractive manner, the respective collection of products²¹.
- 54 Furthermore, that evidence may, contrary to the design holder's intention, actually confirm that no considerations other than technical ones played a role in the design of the product. In **Water purifiers**²², the BoA considered that the design holder's brochure explained the function of the product concerned, namely, that the shape of the bag enhanced the efficiency of the product and concluded that the appearance of the design was dictated by the technical function of the product.
- 55 Likewise, in **Posts**²³, the BoA considered that the '*catalogues, brochures and related items of evidence are not sufficient to establish that considerations other than technical ones played a part in the creation of the contested RCD*'. In particular, the BoA pointed it out that the design holder's own promotional material referred to the technical function of the product of concern and concluded that the evidence submitted by the design

²⁰ 15/02/2021, R 2068/2019-3, Posts, § 34-35, 40

²¹ 15/02/2021, R 2068/2019-3, Posts, § 41

²² 26/02/2020, R 740/2018-3, Water purifiers, § 31

²³ 15/02/2021, R 2068/2019-3, Posts, § 41

holder could not establish that the appearance of the product was dictated by other considerations than the technical function of the product.

3.2.5 Awards and presence in museums

- 56 The fact that the product in question received a design award or, at least, was one of the nominees, strongly suggests that an aesthetic element was present when designing it. However, awards that are not specifically related to product design should be assessed with caution as it should be established that that product's appearance was one of the relevant criteria for granting the award.
- 57 In **Shower drains**²⁴, the BoA took into consideration the awards received by the design holder, among other evidence, before concluding that it could not be considered that all the features were only dictated by the technical function of the product.
- 58 On the contrary, in **Fluid distribution equipment**²⁵, the fact that the design holder won awards for its products did not preclude the BoA from considering that all the features were only dictated by a technical function.
- 59 In addition, references made to the design in design literature and displays in museums could also be relevant.

3.2.6 Commercial success

- 60 Further, the commercial success of the product to which that contested design applies is not sufficient to prove that aesthetic considerations were taken into account during its development. The success of a product on the market does not mean that considerations that are not related purely to the need to fulfil its technical function were taken into account by the designer²⁶.

3.2.7 Patent documentation

- 61 As detailed in Point 3.1.1, patent documentation is the most common evidence used by the invalidity applicant invoking Article 8(1) CDR. However, the design holder can also refer to patents to demonstrate that considerations other than technical ones were taken into account while designing the appearance of the product.

4. Conclusions

- 62 The case-law analysis has shown that the BoA decisions are consistent with the case-law of the EU Courts and, in particular, the **DOCERAM** judgment.

²⁴ 17/03/2020, R 2664/2017-3, Shower drains, § 75

²⁵ 12/06/2019, R 1002/2018-3, Fluid distribution equipment

²⁶ 18/11/2020, Fluid distribution equipment, T-574/19, EU:T:2020:543102, § 102

63 The following conclusions can be drawn to maintain consistency:

- (i) For the purposes of Article 8(1) CDR, the invalidity applicant must prove that **all** identified features of the design are dictated by a technical function. If only one feature is not dictated by the technical function of the product concerned, the invalidity application has to be rejected.

- (ii) The existence of a patent (or utility model) does not automatically prove the technical function of the features of appearance of the product. When an invalidity applicant provides patent documentation in support of its claim, the analysis should be based on a **detailed examination thereof, including its drawings and description**. In particular, it should be assessed whether the technical function of all the features of appearance of the design at issue is explained in the patent documentation. When it is not so explained, the patent documentation is not sufficient to establish that all the features of the design are only dictated by the technical function of the product.

Annex I
List of cases reviewed

Court of Justice and General Court

21/09/2017, C-361/15 P & C-405/15 P, Shower drains, EU:C:2017:720
08/03/2018, C-395/16, DOCERAM, EU:C:2018:172

09/03/2012, T-450/08, Phials, EU:T:2012:117
16/02/2017, T-828/14 & T-829/14, Radiatori per riscaldamento, EU:T:2017:87
23/10/2018, T-672/17, Cot bumpers, EU:T:2018:707
18/11/2020, T-574/19, Fluid distribution equipment, EU:T:2020:543
10/11/2021, T-443/20, Labels, EU:T:2021:767
26/01/2022, T-325/20, Water purifiers, EU:T:2022:23

Boards of Appeal

04/04/2019, R 1270/2018-3, Hinges
12/06/2019, R 1002/2018-3, Fluid distribution equipment (18/11/2020, T-574/19, Fluid distribution equipment, EU:T:2020:543 – decision confirmed)
20/01/2020, R 865/2017-3, Spray guns (part of -)
26/02/2020, R 740/2018-3, Water purifiers (26/01/2022, T-325/20, Water purifiers, EU:T:2022:23 – decision confirmed)
17/03/2020, R 2664/2017-3, Shower drains (pending before the GC under T-327/20)
02/04/2020, R 510/2019-3, Part of heating systems
15/05/2020, R 2413/2018-3, Labels (10/11/2021, T-443/20, Labels, EU:T:2021:767 – decision confirmed)
02/06/2020, R 896/2019-3, Seats
15/02/2021, R 2068/2019-3, Posts (pending before the GC under T-231/21)
10/05/2021, R 440/2020-3, Handheld kitchen cutting appliances
05/07/2021, R 1070/2020-3, Remote controls [wireless] (Accessories for -) (pending before the GC under T-611/21)