

EU Design removal

Do you believe a registered European industrial design is void and would you like to have it removed from the register of the OHIM (Office for Harmonization in the Internal Market)? Have you received a design law warning notice from a competitor and are of the opinion that the registered EU industrial design violates the rules of common decency or is constrained by its technical function? Is the owner of a design right demanding that you cease and desist in the use of his/her design? Would you like to have a declaration of invalidity or removal of a design legally enforced?

What we offer

The registering of a European industrial design initially only has declaratory effect, because the Office for Harmonization in the Internal Market (OHIM) does not examine the protection requirements such as novelty and originality during the registration process. Therefore, in many cases, it is possible to have the registered design removed. In addition to the absolute grounds for invalidity such as lack of novelty or originality, relative grounds for invalidity, such as clashing with an older registered design right, also come into play.

We can advise you in all questions relating to the invalidity declaration or the removal of a registered EU design and will represent you before the OHIM and all relevant courts. We can also advise you with respect to possible preliminary legal and delimitation agreements with the opposing party in order to avoid protracted procedures and obtain a quick legally secure result.

Scope of service

- Examination and assessment of the technical and legal situation
- Consulting with respect to the legal options
- Filing a request for determining the invalidity with the OHIM
- Representation in official invalidity proceedings before the OHIM
- Creating and negotiating preliminary legal and delimitation agreements
- Representation in opposition and appeal proceedings against official decisions in invalidity and removal proceedings

Costs

We normally offer these services to you calculated according to the time spent at a suitable hourly rate. We believe that cost transparency and cost reliability obviously form the basis of successful cooperation. We will be happy to provide you with an estimate of the expected costs and the cost risk before taking the job.