

Disclosure in high-tech globalized environments:

Assessing the complexities of online and third
country disclosures.

Relevance and determination of „disclosure“ requirement in design law.

A red Ferrari sports car is the central focus, parked in a lot during sunset. The car is viewed from a front-quarter angle, showing its sleek design and distinctive headlights. In the background, other cars and a building are visible under a warm, golden sky. A teal circular overlay is positioned on the left side of the image, containing text.

Art. 11 CDR

.....can create
protection by way
of an UCD.



Art. 7 CDR

.....can form
relevant prior art.

Art. 7 (1) CDR

For the purpose of applying Articles 5 and 6, a design shall be deemed to have been made available to the public if it has been published following registration or otherwise, or exhibited, used in trade or otherwise disclosed, before the date referred to in Articles 5(1)(a) and 6(1)(a) or in Articles 5(1)(b) and 6(1)(b), as the case may be, except where these events could not reasonably have become known in the normal course of business to the circles specialised in the sector concerned, operating within the Community. The design shall not, however, be deemed to have been made available to the public for the sole reason that it has been disclosed to a third person under explicit or implicit conditions of confidentiality.

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Public Disclosure.

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Step 1

Public Disclosure.



Step 2

Reasonable awareness.



Websites and Onlineplatforms.



Online product launches.

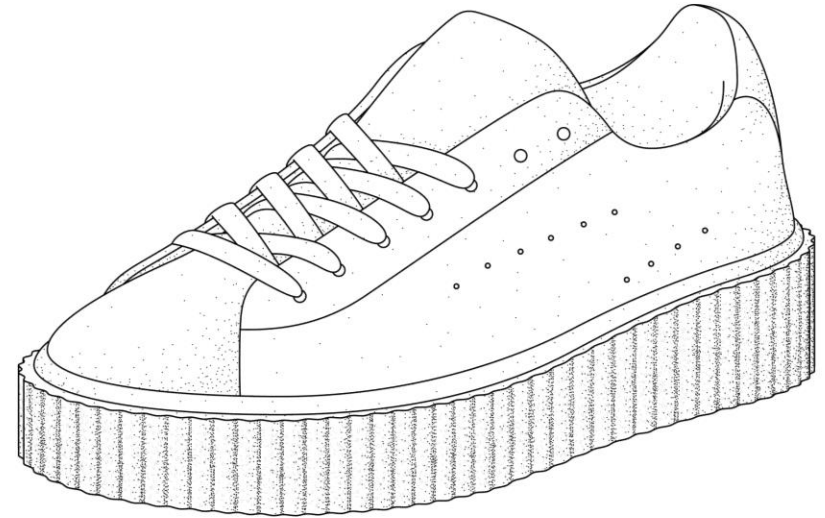


Blogs.



Social Media.

Case Law on new forms of disclosure.



RCD
filing date: 26 July 2016

GC, 6th March 2024, T-647/22



badgalriri



Gefällt 446.161 Mal
badgalriri on the dotted line. #PUMA
Alle 3.044 Kommentare ansehen
16. Dezember 2014



badgalriri



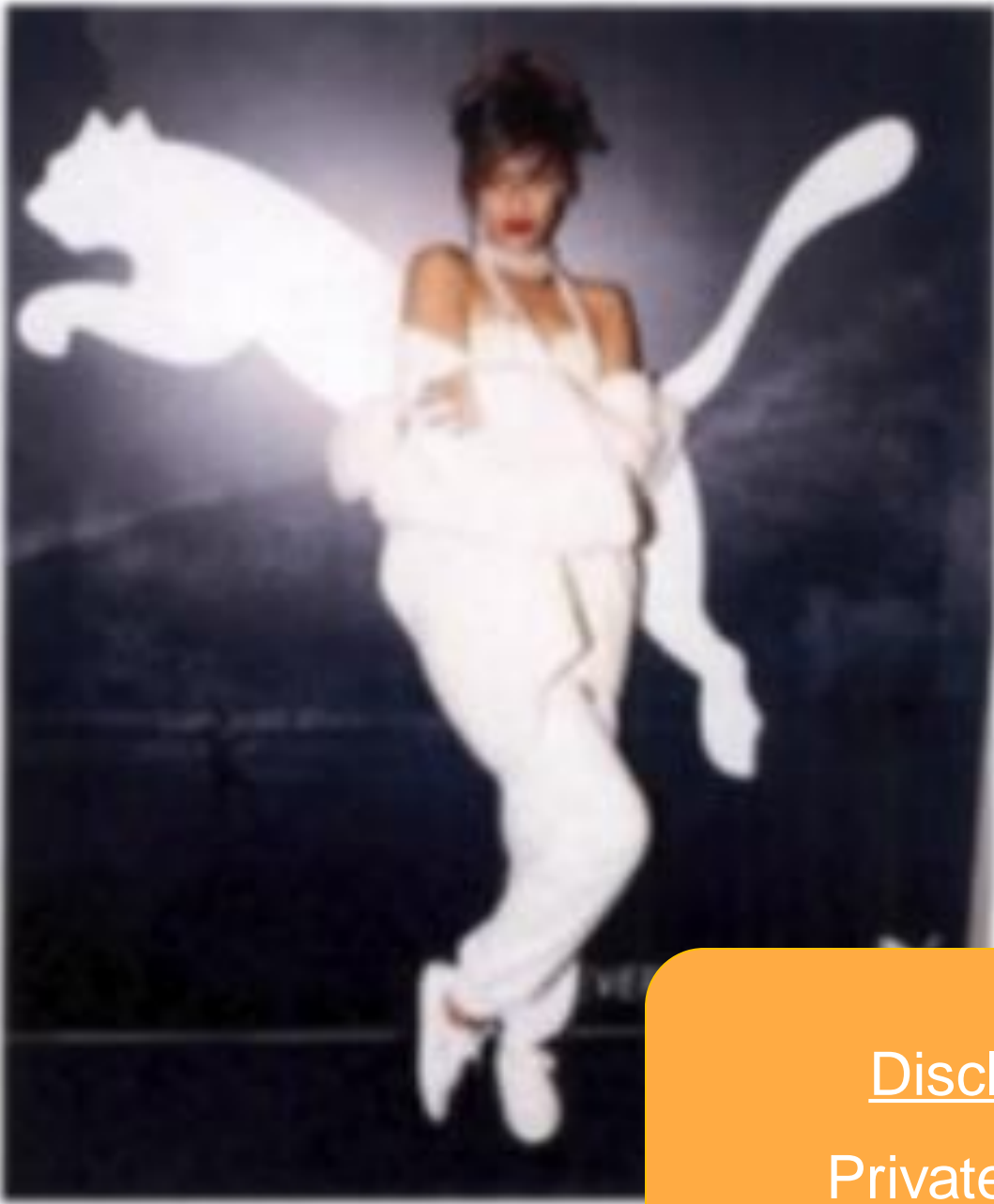
Disclosure I:
IG-posts by Rihanna



badgalriri



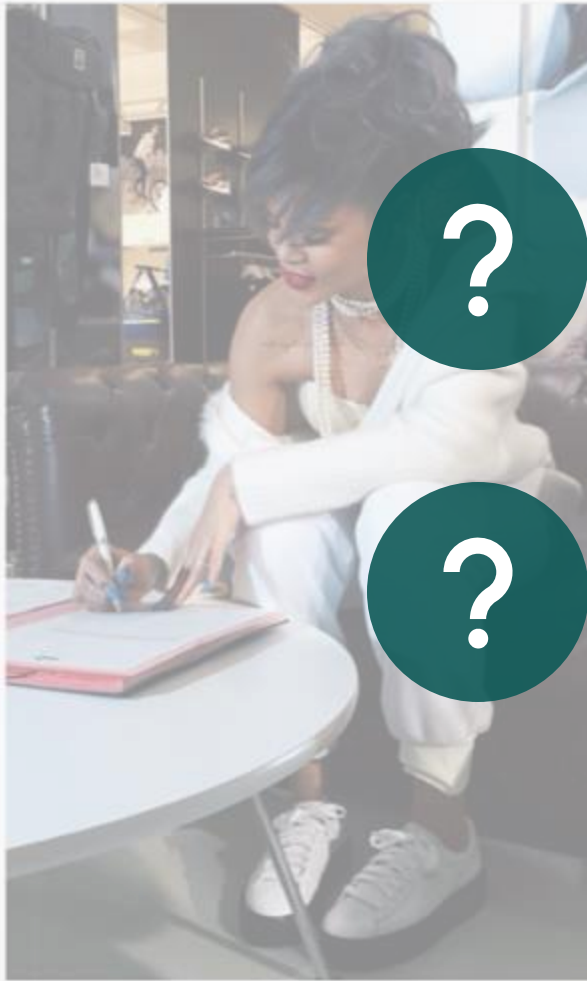
Gefällt 272.469 Mal
badgalriri creep #puma
Alle 2.220 Kommentare ansehen
16. Dezember 2014



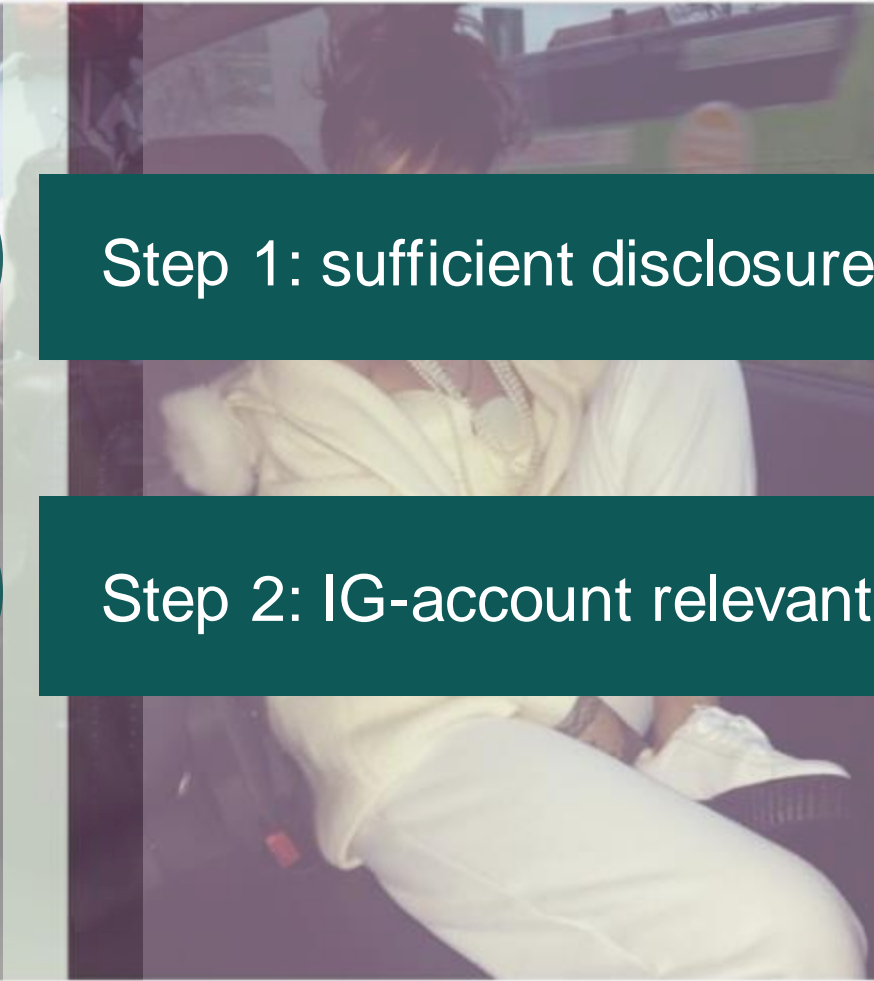
Disclosure II:
Private Fanpage



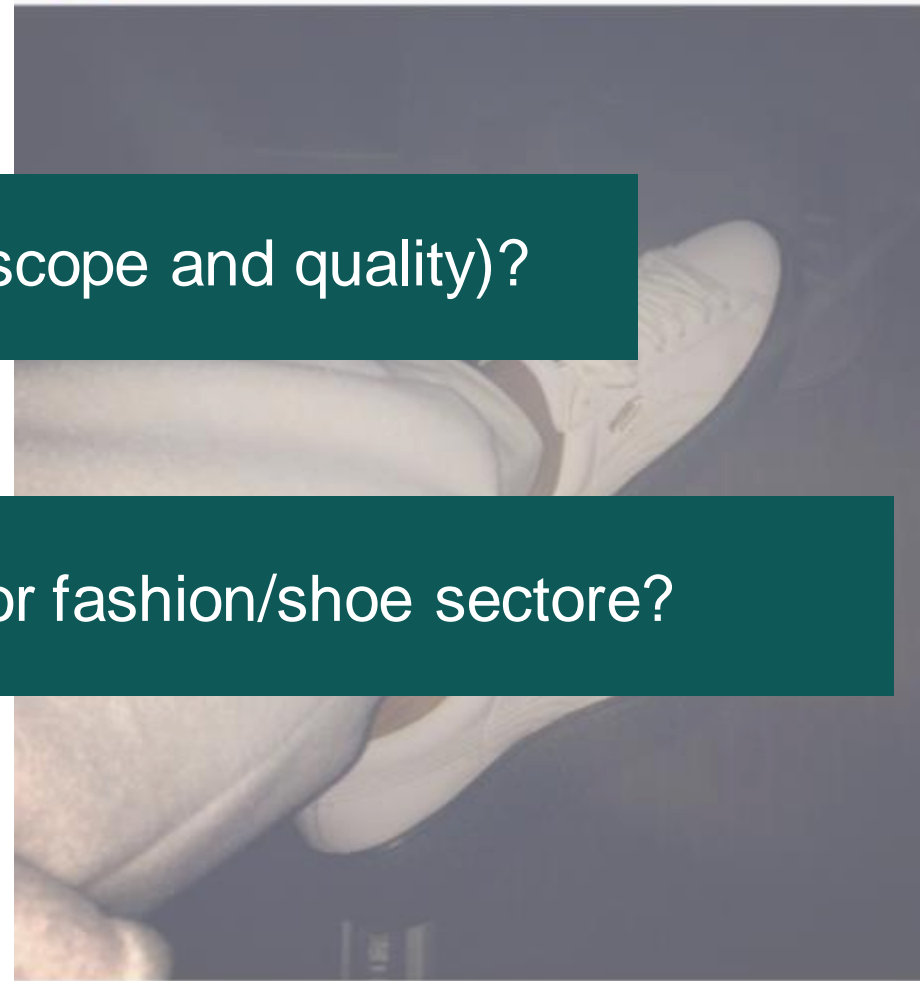
badgalriri



badgalriri



badgalriri



Step 1: sufficient disclosure (scope and quality)?

Step 2: IG-account relevant for fashion/shoe sectore?



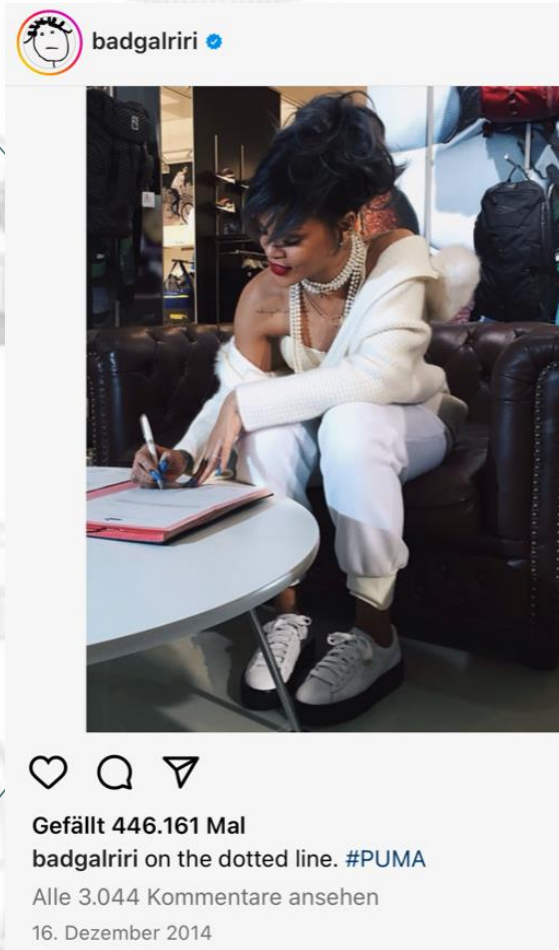
Gefällt 446.161 Mal
badgalriri on the dotted line. #PUMA
Alle 3.044 Kommentare ansehen
16. Dezember 2014



Gefällt 596.925 Mal
badgalriri such a fuckin lady. #germany
Alle 7.410 Kommentare ansehen
16. Dezember 2014



Gefällt 272.469 Mal
badgalriri creep #puma
Alle 2.220 Kommentare ansehen
16. Dezember 2014



Invalidation of registered PUMA design.



IG-posts: relevant and sufficient disclosure.



No decision on private Rihanna fanpage.

GC, 6th March 2024, T-647/22



RCD
filing date: 29 July 2015

GC, 15th March 2023, T-89/22



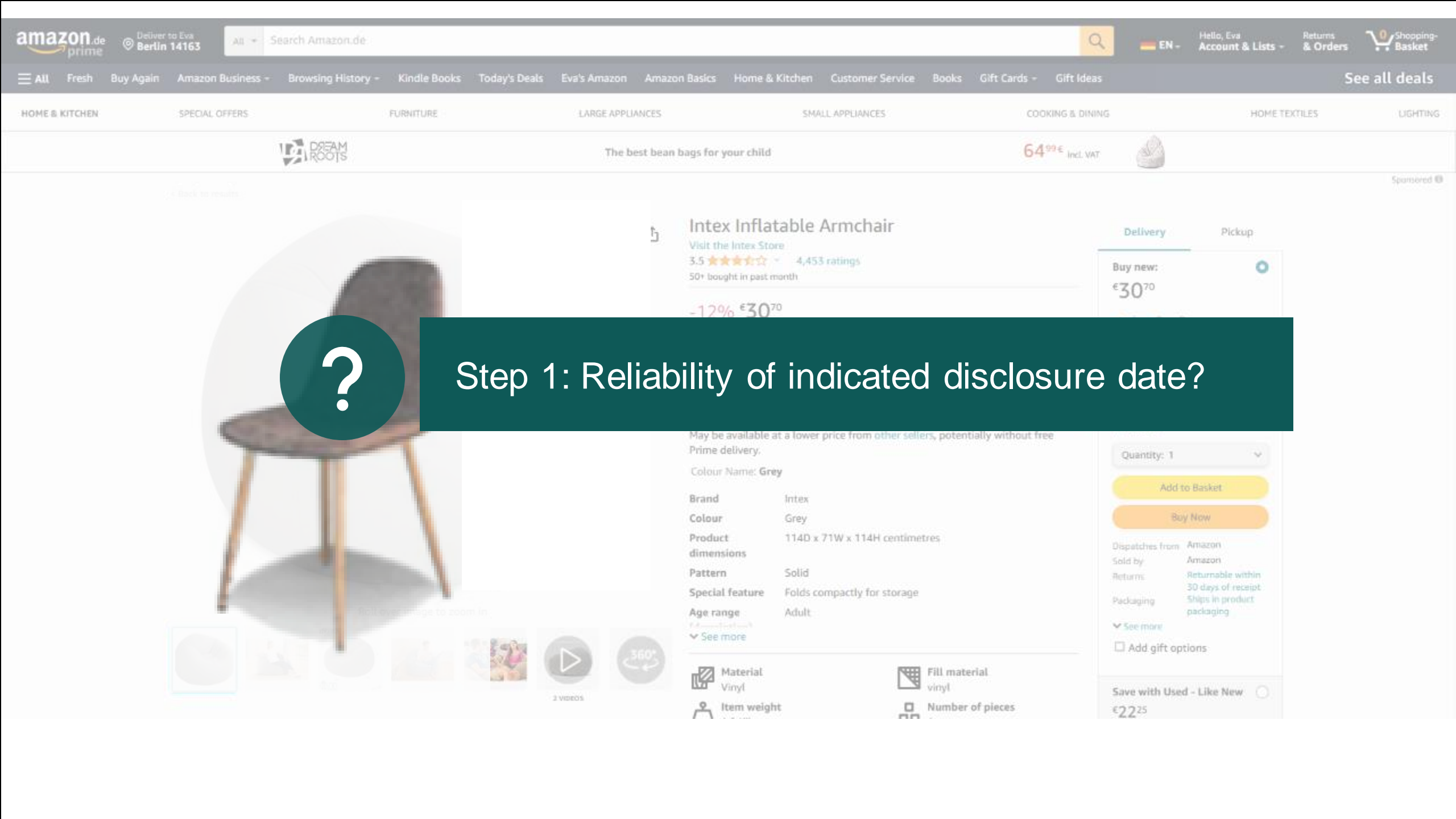
Additional Information

ASIN	B009VD1FSI
Customer Reviews	3.5 4,453 ratings 3.5 out of 5 stars
Best Sellers Rank	67,281 in Home & Kitchen (See Top 100 in Home & Kitchen) 48 in Living Room Bean Bags
Date First Available	23 Mar. 2013

Pattern Solid
Special feature Folds compactly for storage

Shipped by Amazon
Returns Returnable within 30 days of receipt
Packaging Ships in product packaging
See more
Add gift options
Save with Used - Like New
€22²⁵

Disclosure:
Offer on amazon.de



The best bean bags for your child

64.99€ incl. VAT



Sponsored

Back to results



Intex Inflatable Armchair

Visit the Intex Store

3.5 stars 4,453 ratings

50+ bought in past month

-12% €30.70

Delivery Pickup

Buy new:

€30.70

May be available at a lower price from other sellers, potentially without free Prime delivery.

Colour Name: Grey

Brand	Intex
Colour	Grey
Product dimensions	114D x 71W x 114H centimetres
Pattern	Solid
Special feature	Folds compactly for storage
Age range	Adult

See more

Quantity: 1

Add to Basket

Buy New

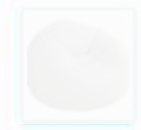
Dispatches from Amazon
 Sold by Amazon
 Returns: Returnable within 30 days of receipt
 Packaging: Ships in product packaging

See more

Add gift options

Save with Used - Like New

€22.25



2 VIDEOS

Material Vinyl

Fill material vinyl

Item weight 11.4kg

Number of pieces 1



Step 1: Reliability of indicated disclosure date?



Invalidation of registered chair design.



Amazon-offer:
relevant disclosure.



Challenging reliability
up to the right holder.

GC, 15th March 2023, T-89/22

Take-aways.

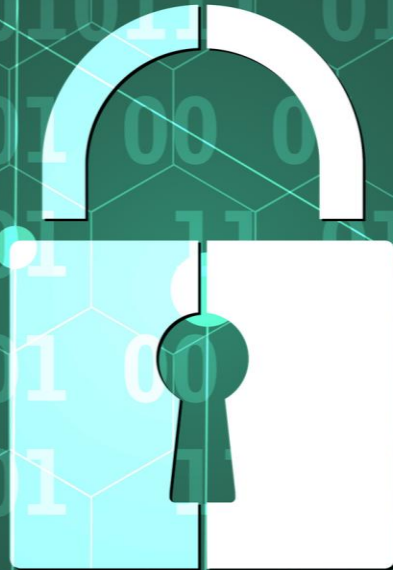
Online publications play a crucial role and increase scope of potential prior art.



Balance between Step 1 (disclosure) and step 2 (filter)



Reliability of online disclosures sometimes questionable (and should be questioned more?).



Thank you!

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