

DESIGN EVOLUTION – THE DEATH OF ICONIC DESIGNS?

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13 February 2020

GC judgment of 06/06/2019, Case T-209/18 ('Porsche - 991 series')

Contested RCD



Porsche 911 (991 series)

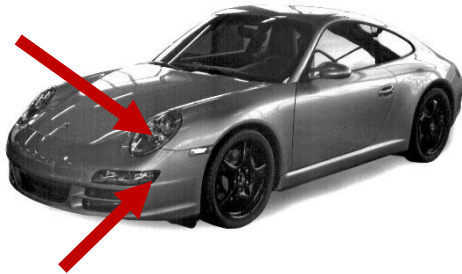
Earlier design



Porsche 911 (997 series)

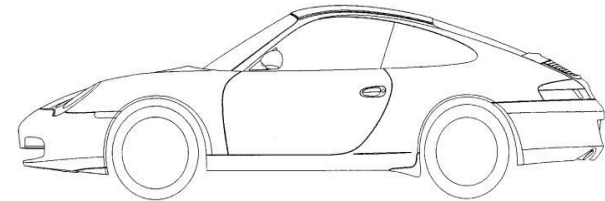
GC judgment of 06/06/2019, Case T-210/18 ('Porsche - 997 series')

Contested RCD



Porsche 911 (997 series)

Earlier design



Porsche 911 (996 series)

GC judgments of 06/06/2019, Cases T-209/18 and T-210/18

- Market sector

Motor vehicles → Passenger cars → Sports cars? → Luxury sports cars? → Porsche 911?

- The informed user

General interest in cars - driver and user. Familiar with models available on the market.

Aware of 'model upgrades'.

- Freedom of designer

Assessed in respect of vehicles in general and not Porsche 911.

Limited by: technical function of cars and statutory requirements (road safety).

Not effected by: market expectations or design trends.

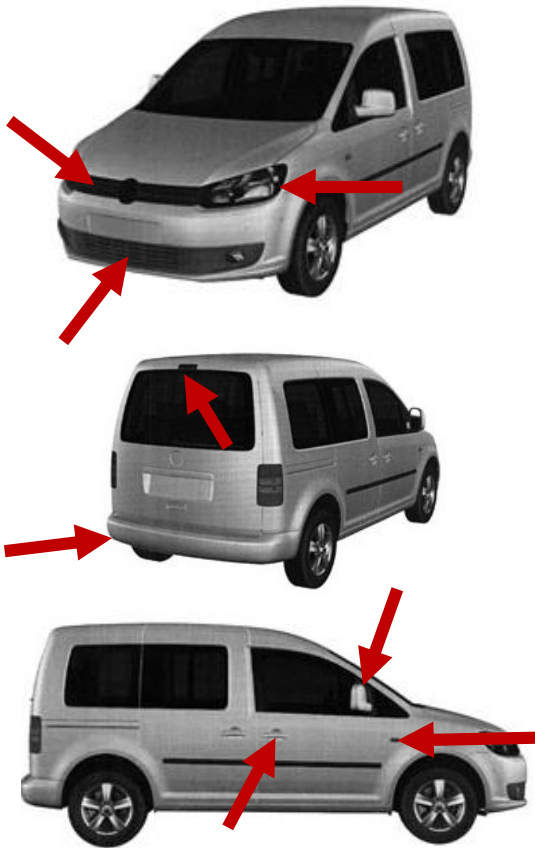
- Overall impression

Similar shape, dimensions and proportions, etc.

Slight differences are not sufficient to create different overall impression.

GC judgment of 06/06/2019, Case T-192/18 ('VW Caddy')

Contested RCD



VW Caddy LIFE (3rd gen. 1st facelift)

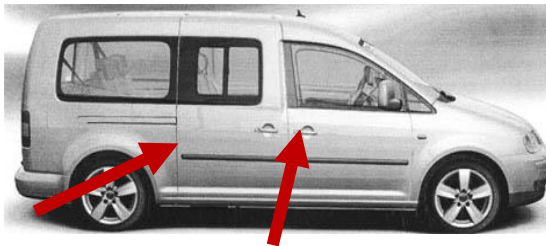
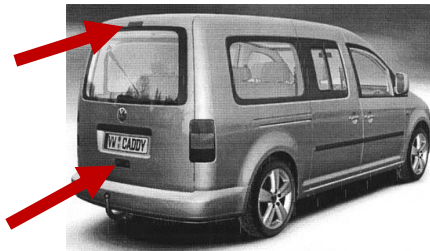
Earlier design



VW Caddy LIFE (3rd gen.)

GC judgment of 06/06/2019, Case T-191/18 (“VW Caddy Maxi”)

Contested RCD



VW Caddy MAXI (3rd gen.)

Earlier design



VW Caddy LIFE (3rd gen.)

GC judgments of 06/06/2019, Cases T-192/18 and T-191/18

- Market sector

Motor vehicles → Passenger cars

- The informed user

General interest in cars - driver and user. Familiar with models available on the market.

Aware of 'model upgrades'.

+ Will not be less attentive to the models of the same car producer.

- Freedom of designer

Limited by: technical function of cars and statutory requirements.

Not effected by: market expectations or design trends.

- Overall impression

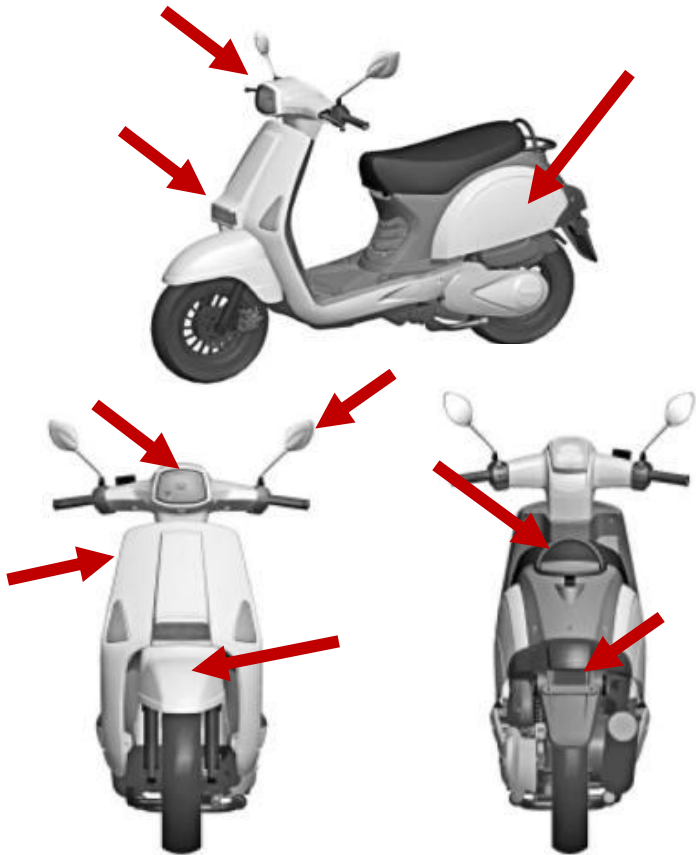
Designs show clear differences in shape, length as well as form and arrangement of separate parts, i.e. lights, bumpers, radiator grill, mirrors, etc.

No distinction between aesthetical and functional features needed.

Existing differences produce different overall impression.

GC judgment of 24/09/2019, Case T-219/18 ('VESPA')

Contested RCD



Earlier design



VESPA LX

GC judgment of 24/09/2019, Case T-219/18 ('VESPA')

- Market sector

Motorcycles → Scooters → Classic scooters?

- The informed user

Given the interest for scooters, the user is particularly informed about their designs and sensitive to their aesthetics.

- Freedom of designer

Average - limited only by type and function of the vehicle

Not affected by the need to follow a 'classic' design.

- Overall impression

Angular lines v. rounded lines.

Numerous and important differences existing between the designs will not go unnoticed.

Evolution of iconic car designs





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Thank you