

Table des matières / *Table of contents*

Avant-propos	V
Sommaire / <i>Contents</i>	VII
Table des abréviations / <i>Table of abbreviations</i>	XIII

New Trends and Developments in Industrial Design Law at the International Level

Marcus Höpperger

I. Introduction	1
II. Industrial Design Filing Activity	3
III. WIPO Fact Finding	4
A. Subject Matter	5
B. Reproduction of Industrial Designs in Applications	6
C. Details in Industrial Design Applications	7
D. Deferment of Publication	8
E. Grace Period	9
F. Filing Date Requirements	9
G. Term of Protection	10
H. Examination	10
IV. Work on a Design Law Treaty	11
V. Concluding Remarks	15

The Hague System Today and Tomorrow

Grégoire Bisson

I. The Geneva (1999) Act: Rationale and History	18
II. A Slow Take-Off and a Gradual Change for Users	20
III. An Impressive List of Declarations, but a Superficial Change for Users ..	22
A. Korea	22
B. The United States of America	23
C. Japan	24
D. Consequences of These Declarations	25
IV. A Less Visible but More Profound Change for Users	27
A. Relation with a Principal Design, Application or Registration (Japan and the Republic of Korea)	28
B. Declaration Concerning Exception to Lack of Novelty and Supporting Documentation (Japan and the Republic of Korea)	29

C.	Information on Eligibility for Protection under Rule 7(5)(g) and Section 408(d) of the Administrative Instructions (United States of America)	30
V.	An Invisible but Fundamental Change	31
VI.	Some Beneficial Changes at the National Level for Hague Applicants ...	35
VII.	Conclusion – Savviest Users Will Benefit More	36

**L'appréciation du caractère individuel des dessins et modèles
communautaires dans la pratique de l'OHMI**

Carlo Rusconi

I.	L'utilisateur averti	40
II.	Le degré de liberté du designer	46
	A. Les contraintes techniques	46
	B. Les contraintes normatives	47
	C. Les contraintes esthétiques	47
	D. La saturation de l'état de l'art	48
III.	Principes applicables lors de la comparaison des modèles	49
	A. L'importance de la visibilité du modèle lors de la comparaison	50
	B. Le rôle des éléments accessoires dans la comparaison	57

**La protection des designs en droit suisse:
bilan de la LDes et perspectives**

Nathalie Tissot

I.	Introduction	61
II.	Enseignements jurisprudentiels et mise en perspective	64
	A. Du point de vue des motifs d'exclusion de la protection	64
	B. Exigences de nouveauté et d'originalité	68
	C. Principe de la priorité du dépôt (art. 6 LDes)	74
III.	Conclusions	78

European Union Design Law in the Apple v Samsung Dispute: Lessons and Perspectives

David Stone

I.	Background	81
A.	Apple's RCD	82
B.	Summary of the EU Proceedings	83
C.	Chronology	85
D.	Scope of this case note	87
II.	Some Preliminary Issues	87
A.	RCD or iPad?	87
B.	Interpreting the Design	88
C.	Dotted Lines	88
III.	Provisional Measures	90
A.	The Netherlands	90
B.	Germany	95
IV.	Main Proceedings	102
A.	United Kingdom	102
B.	The Netherlands	122
C.	Spain	123
D.	Germany	125
E.	OHIM	126

Global Protection of Product Designs from a Practitioner's Point of View

Michael Ritscher

I.	Introduction	129
II.	The Project Vitra	130
III.	Protection of Product Designs by Means of Design Law	131
IV.	Protection of Product Designs by Means of Trademark Law	132
V.	Protection of Product Designs by Copyright Law	133
A.	Utilitarian Purpose	134
B.	Inseparability of the Design and the Product	135
C.	Industrial Scale Production	136
D.	Loopholes	137
E.	Threshold.....	137
F.	The Threshold-Scope Relation (Freedom to Innovate)	139

La pratique du droit du design dans l'horlogerie et la bijouterie

Bertrand Siffert

I.	Introduction	143
II.	La création du design	144
	A. L'analyse de tendances	144
	B. La phase créative	144
III.	La protection légale	145
	A. Le droit du design	145
	B. Quelques notions	146
	C. L'objet de la protection	147
	D. La stratégie de protection	149
	E. Bref aperçu de la jurisprudence suisse	151
	F. Les droits connexes	153
IV.	Les moyens de mise en œuvre	161
	A. Lettres de mise en demeure	161
	B. Actions en nullité – opposition	161
	C. Les actions judiciaires	162
V.	Conclusion ?	165