

## European Union

### “DOCERAM”

**Decision of the European Court of Justice (Second Chamber)  
8 March 2018 – Case No. C-395/16**

*DOCERAM GmbH v. CeramTec GmbH*

**Regulation (EC) No 6/2002, Art. 8(1)**

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**Keywords** Community design · Technical function · Objective observer · Product solely dictated by its technical function · Alternative designs

1. Article 8(1) of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs must be interpreted as meaning that in order to determine whether the features of appearance of a product are exclusively dictated by its technical function, it must be established that the technical function is the only factor which determined those features, the existence of alternative designs not being decisive in that regard.
2. Article 8(1) of Regulation No 6/2002 must be interpreted as meaning that, in order to determine whether the relevant features of appearance of a product are solely dictated by its technical function, within the meaning of that provision, the national court must take account of all the objective circumstances relevant to each individual case. In that regard, there is no need to base those findings on the perception of an ‘objective observer’.