

LEGO A/S

v

Pozitív Energiaforrás Kft

(Request for a preliminary ruling from the Fővárosi Törvényszék)

Judgment of the Court (Third Chamber) of 4 September 2025

(Reference for a preliminary ruling – Community design – Regulation (EC) No 6/2002 – Article 8(3) – Design allowing the multiple assembly or connection of mutually interchangeable products within a modular system – Scope of the protection conferred by such a design – Article 10 – Concept of ‘informed user’ – Article 89(1) – Sanctions in actions for infringement – Special reasons allowing the national court not to make the orders provided for in that provision – Infringement in respect of the pieces of a toy building set, the number of which is small in relation to total number of components of that set)

1. EU designs – Requirements for protection – Design of interconnection – Scope of protection – Design not producing on the informed user a different overall impression – Informed user – Concept

(Council Regulation No 6/2002, Arts 8(3) and 10(1))

(see paragraphs 45-50, 58, operative part 1)

2. EU designs – Requirements for protection – Design of interconnection – Scope of protection – Design not producing on the informed user a different overall impression – Criteria for assessment – Freedom of the designer

(Council Regulation No 6/2002, Arts 8(3) and 10(2))

(see paragraphs 51-54)

3. EU designs – Infringement proceedings – Sanctions – Exception – Existence of special reasons – Concept – Infringement relating only to some of the pieces of a modular system – Not included

(Council Regulation No 6/2002, Art. 89(1))

(see paragraphs 61-67, operative part 2)

Résumé

Ruling on a request for a preliminary ruling, the Court of Justice clarifies the concept of ‘informed user’ in the context of the protection of designs allowing the multiple assembly or connection of mutually interchangeable products within a modular system. ([1](#)) In addition, it clarifies the scope of the concept of ‘special reasons’ allowing a Community design court not to make an order in an action for infringement or for threatened infringement. ([2](#))

Lego A/S is the holder of two Community designs relating respectively to a modular component and to a coupling component of a toy building set. Pozitív Energiaforrás Kft. sought to import into Hungary, under another trade mark, toy building sets also composed of modular plastic pieces. Following a complaint by Lego, the Nemzeti Adó- és Vámhivatal Veszprém Megyei Adó- és Vámigazgatósága (Veszprém County Tax and Customs Directorate, under the National Tax and Customs Office, Hungary) ordered the seizure of those toy sets and initiated infringement proceedings against Pozitív

Energiaforrás on the ground of its suspicion that there had been an infringement of Lego's intellectual property rights.

In 2022, Lego submitted an application to the Fővárosi Törvényszék (Budapest High Court, Hungary) for an interim measure seeking to maintain that seizure. That application was dismissed on the ground, inter alia, that the designs at issue produced a different overall impression on the informed user, in that that user looked at those designs with a particularly keen eye attentive to the smallest detail. By contrast, the Fővárosi Ítéltábla (Budapest Regional Court of Appeal, Hungary), ruling on appeal, ordered the seizure of the toy sets at issue, taking the view that the Lego designs did not produce on the informed user a different overall impression from that produced by the pieces concerned. That decision was upheld by the Kúria (Supreme Court, Hungary).

Lego subsequently brought an action for infringement against Pozitív Energiaforrás before the Budapest High Court. Entertaining doubts as to the interpretation of the concept of 'informed user' within the meaning of Article 10 of Regulation No 6/2002 in the context of Article 8(3) of that regulation, and as to the concept of 'special reasons' within the meaning of Article 89(1) of that regulation, that court decided to stay the proceedings and to make a request to the Court of Justice for a preliminary ruling.

Findings of the Court

In the first place, the Court recalls that it is apparent from Article 10 of Regulation No 6/2002 that the protection conferred by a Community design extends to any design which does not produce on the 'informed user' a 'different overall impression', and that, in assessing that scope of protection, the 'degree of freedom of the designer in developing his design' must be taken into consideration. That provision also applies where the holder of Community designs covered by Article 8(3) of that regulation, which is a provision specifically devoted to modular systems, of which toy building sets form part, brings an action for infringement against a third party in order to prohibit that third party from using designs which do not produce a different overall impression on the informed user.

In that regard, the Court notes, first, that the concept of 'overall impression', referred to in Article 10 of Regulation No 6/2002, as well as that referred to in Article 6 of that regulation, to which Article 8(3) thereof expressly refers, consists of the informed user's visual perception of the appearance of the product at issue resulting, in particular, from the features listed in Article 3(a) of that regulation.

Second, the Court observes that the concept of 'informed user' refers to a user who, without being a designer or a technical expert, knows the various designs which exist in the sector concerned, possesses a certain degree of knowledge with regard to the features which those designs normally include, and, as a result of his or her interest in the products concerned, shows a relatively high degree of attention when he or she uses them. In addition, it emphasises that there is nothing to indicate that that concept should be interpreted differently where the protection conferred by a Community design falls within the scope of Article 8(3) of Regulation No 6/2002. Although a user's level of attention is likely to vary according to the sector concerned, including in the case of designs covered by that provision, it is not necessary to take into consideration the perception of a user who is a specialist in the field concerned or to consider that the overall impression produced on that user should be formed primarily of a technical opinion.

Third, as regards the 'degree of freedom of the designer in developing his design', which must be taken into account in assessing the scope of the protection conferred by a design, the Court notes that, where that freedom is restricted by a high number of features of appearance of the product or of the part of the product at issue which are solely dictated by its technical function, the presence of minor differences between the designs at issue may be sufficient to produce a different overall impression on the informed user. Although that interpretation of the concept of 'degree of freedom of the designer' applies in the case of infringement proceedings brought by the holder of Community designs falling within the scope of Article 8(3) of Regulation No 6/2002, the practical effect of the latter provision must be ensured by taking into consideration the features of appearance that allow interconnection when assessing the 'overall impression' referred to in Article 10 of that regulation. Therefore, the presence, in the Community design concerned, of interconnecting components protected by Article 8(3) of that regulation may operate against the finding of a different overall impression, so that, where there are no sufficiently significant differences in the overall appearance of the designs at issue, the existence of connection points that have the same form and dimensions is capable of precluding such a finding.

In the light of the foregoing, the Court concludes that the scope of protection of a design under Article 8(3) of Regulation No 6/2002 must be assessed by reference to the overall impression produced by that design on an informed user who, without being a designer or a technical expert, knows the various designs which exist in the sector concerned, possesses a certain degree of knowledge with regard to the features which those designs normally include and, as a result of his or her interest in the products concerned, shows a relatively high level of attention when he or she uses them as components of the modular system of which they form part, and not on a user who, possessing technical knowledge similar to that which may be expected of a sectoral expert, examines the design concerned down to the smallest detail and whose overall impression is based primarily on technical considerations.

In the second place, the Court finds that the concept of ‘special reasons’ within the meaning of Article 89(1) of Regulation No 6/2002, allowing a Community design court not to make one or more of the orders referred to in that provision, must be interpreted uniformly and strictly in the EU legal order. That concept relates only to exceptional situations in which, in the light of the specific features of the conduct alleged against the third party, the Community design court is not required to issue an order prohibiting that third party from proceeding with such acts. That concept does not cover the fact that an infringement relates only to some of the pieces of a modular system, the number of which is small in relation to the total number of components of that system.

(¹) Within the meaning of Article 8(3) and Article 10 of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs ([OJ 2002 L 3, p. 1](#)).

(²) Within the meaning of Article 89(1) of Regulation No 6/2002.