

Directive 98/71/EC of the European Parliament and of the  
Council of 13 October 1998 on the legal protection of designs

*Article 6*

**Disclosure**

1 For the purpose of applying Articles 4 and 5, 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, 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, before the date of filing of the application for registration or, if priority is claimed, the date of priority. 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.

2 A disclosure shall not be taken into consideration for the purpose of applying Articles 4 and 5 if a design for which protection is claimed under a registered design right of a Member State has been made available to the public:

- a by the designer, his successor in title, or a third person as a result of information provided or action taken by the designer, or his successor in title; and
- b during the 12-month period preceding the date of filing of the application or, if priority is claimed, the date of priority.

3 Paragraph 2 shall also apply if the design has been made available to the public as a consequence of an abuse in relation to the designer or his successor in title.