

Works of applied art post CJEU Mio – a first analysis and outlook

THE ALUMNI ASSOCIATION OF THE
MAX PLANCK INSTITUTE FOR
INNOVATION AND COMPETITION



Webinar Series

Thursday, 18 December 2025

18:00-19:00

Register at:

<https://us02web.zoom.us/join/joinMeeting/register/qZvUjub2RKapXkwv6Eiklw>

Prof. Annette KUR will discuss the recent Mio decision rendered by the CJEU on 04 December 2025. Following the CJEU’s Cofemel ruling, there was significant room for divergent interpretations - ranging from a quality-oriented appraisal (“Stufentheorie 2.0”) to a de facto erosion of a meaningful threshold, regularly leading to full cumulation of copyright and design law. In mid-2023, the Svea Hovrätt sought clarification and submitted several preliminary questions to the CJEU, concerning both copyright protection and infringement for works of applied art. The German Federal Court of Justice added its own questions later that year, intended “to bring additional arguments to [the CJEU’s] attention”.

In its Mio decision in joint cases C 580/23 and C 795/23, the CJEU has now articulated its position. The key question remains: Does the decision offer sufficient guidance to draw the line between copyright and industrial design law with more certainty?

Bio: Prof. Dr. Dr. h.c. Annette Kur is a renowned academic in European Intellectual Property law. She is an Affiliated Research Fellow at the Max Planck Institute for Innovation and Competition, holding a doctorate in law and honorary doctorates from leading universities. Her work has profoundly influenced the EU Design Directive and Regulation through the Max Planck Institutes proposals. In 2024, Kur was inducted into the IAM IP Hall of Fame. Kur's publications on theory and caselaw in the field of copyright and design continues to fundamentally shape the IP communities understanding of the protection of works of applied art.