

**Question for written answer E-005113/2017
to the Commission**
Rule 130
Sorin Moisă (S&D)

Subject: Exceptions under design law for private and non-commercial use

The producers of 3D printers generally target consumers situated at one of two ends of a spectrum: high-end consumers, usually enterprises and serviced offices; and low-end consumers, often called 'hobbyists'.

According to the EU Community Designs Regulation in force, exceptions to the rules on copyright infringement are implemented at Member State level, thus making the scope of 'private and non-commercial use' different in each Member State. The rationale behind this exception was based on the principle that the interests of the rightholder are not affected. However, 3D printing seems to be changing the game, partially affecting design rights in particular, but also many other intellectual property rights.

1. Bearing in mind the possible high market uptake of low-end printers, has the Commission considered adapting the definition and/or scope of the concept of 'private and non-commercial use'?
2. Is EU law fully aligned with the 'three steps' test laid down in Article 13 of TRIPS?