

**Belgium-Brussels: Legal review on industrial design protection in Europe**

OJ S 148/2014 05/08/2014

Contract notice

Services

Directive 2004/18/EC

**Section I: Contracting authority**

---

**I.1. Name and addresses**

Official name: European Commission, Directorate-General for the Internal Market and Services

Postal address: SPA2, 01/32

Town: Brussels

Postal code: 1049

Country: Belgium

E-mail: [ec-intmarket-contracts@ec.europa.eu](mailto:ec-intmarket-contracts@ec.europa.eu)**Internet address(es):**General address of the contracting authority: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=596>**Additional information can be obtained from:**

the abovementioned address

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:**

Official name: European Commission, Directorate-General for the Internal Market and Services

Postal address: SPA2, 01/32

Town: Brussels

Postal code: 1049

Country: Belgium

E-mail: [ec-intmarket-contracts@ec.europa.eu](mailto:ec-intmarket-contracts@ec.europa.eu)Internet address: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=596>**Tenders or requests to participate must be submitted:** the abovementioned address**I.2. Type of the contracting authority**

European institution/agency or international organisation

**I.3. Main activity**

General public services

**I.4. Contract award on behalf of other contracting authorities**

The contracting authority is purchasing on behalf of other contracting authorities: no

**Section II: Object of the contract**

---

**II.1. Description****II.1.1. Title attributed to the contract by the contracting authority**

Legal review on industrial design protection in Europe.

**II.1.2. Type of contract and place of performance or delivery**

Services

Service category No 8: Research and development services

Main site or place of performance: The tasks are to be performed at the premises designated by the contractor. A maximum of 4 coordination meetings with the contracting authority will be held in Brussels.

NUTS code

### **II.1.3. Information about a framework agreement or a dynamic purchasing system**

The notice involves a public contract

### **II.1.4. Information about framework agreement**

### **II.1.5. Short description of the contract or purchase(s)**

The study will examine if the existing EU legal framework for protecting industrial designs — i. e. the Directive on the legal protection of designs (the Design Directive) and the Regulation on Community design (the Design Regulation) — constitutes an easily accessible, effective, efficient and up-to-date tool encouraging European enterprises and designers to invest in design activity and innovation.

As far as the Design Directive is concerned, the study will examine if the harmonisation of the term of protection afforded by registered design rights has facilitated the functioning of the internal market with regards to goods embodying designs. In addition, the study will analyse if the implementation of the Design Directive by Member States has caused them any difficulties and if there are major issues that, despite or due to the lack of harmonisation, still differ from 1 Member State to another and have an adverse impact on the functioning of the design protection system. On this basis, the study will examine whether there is a need for further harmonisation of national legislation.

In relation to the Design Regulation, the study will examine to what extent the objective of this legislation — i.e. the establishment of a unitary and user-friendly design protection system — has been achieved and in what ways it benefits users. The study will also identify any particular problems that could negatively influence the accessibility and smooth running of the system.

With regards to both the Design Directive and the Design Regulation, the study will evaluate if, after more than 10 years from its creation, the European system of design protection is still up-to-date or whether it requires some modernisation and adaptation in light of technological progress or new consumer trends.

### **II.1.6. CPV code(s)**

79100000 Legal services, 79311100 Survey design services, 79311200 Survey conduction services, 79311210 Telephone survey services, 79311300 Survey analysis services, 73110000 Research services

### **II.1.7. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

### **II.1.8. Lots**

This contract is divided into lots: no

### **II.1.9. Information about variants**

Variants will be accepted: no

## **II.2. Scope of the procurement**

### **II.2.1. Total quantity or scope**

The estimated maximum amount for the execution of all the tasks referred to in this call for

tenders is 200 000 EUR including all charges and expenses. No contract offer above this amount will be considered.

Estimated value excluding VAT: 200 000 EUR

#### **II.2.2. Information about options**

Options: no

#### **II.2.3. Information about renewals**

This contract is subject to renewal: no

#### **II.3. Duration of the contract or time limit for completion**

Duration in months: 12 (from the award of the contract)

### **Section III: Legal, economic, financial and technical information**

---

#### **III.1. Conditions related to the contract**

##### **III.1.1. Deposits and guarantees required**

Not applicable.

##### **III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them**

Specified in the tender documents.

##### **III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded**

Not applicable.

##### **III.1.4. Contract performance conditions**

The performance of the contract is subject to particular conditions: no

#### **III.2. Conditions for participation**

##### **III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions: Tenderers will fill in the forms provided with the tender specifications and will provide the documents requested in it.

##### **III.2.2. Economic and financial ability**

List and brief description of conditions: See the tender specifications.

##### **III.2.3. Technical and professional ability**

List and brief description of conditions:  
See the tender specifications.

##### **III.2.4. Information about reserved contracts**

#### **III.3. Conditions specific to services contracts**

##### **III.3.1. Information about a particular profession**

Execution of the service is reserved to a particular profession: no

##### **III.3.2. Information about staff responsible for the performance of the contract**

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: yes

## Section IV: Procedure

---

### IV.1. Type of procedure

#### IV.1.1. Type of procedure

Open

#### IV.1.2. Information about the limits on the number of candidates to be invited

#### IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

### IV.2. Award criteria

#### IV.2.1. Award criteria

The most economically advantageous tender in terms of Criteria below

1. Level of expertise and experience in the field. Weighting 30
2. Quality and relevance of the proposed methodology. Weighting 30
3. Organisation of the work. Weighting 20
4. Quality control measures. Weighting 10
5. Readability, clarity and coherence of the offer. Weighting 10

#### IV.2.2. Information about electronic auction

An electronic auction will be used: no

### IV.3. Administrative information

#### IV.3.1. File reference number attributed by the contracting authority

MARKT/2014/083/D.

#### IV.3.2. Previous publication concerning this procedure

no

#### IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

Payable documents: no

#### IV.3.4. Time limit for receipt of tenders or requests to participate

17.9.2014

#### IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

#### IV.3.6. Languages in which tenders or requests to participate may be submitted

Any EU official language

#### IV.3.7. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 9 (from the date stated for receipt of tender)

#### IV.3.8. Conditions for opening of tenders

Date: 26.9.2014

Place:

European Commission, rue de Spa 2, room SPA2-01/A030, 1000 Brussels, BELGIUM.

Persons authorised to be present at the opening of tenders: yes

Information about authorised persons and opening procedure: The tenderer or any person authorised by him/her can be present at the opening of tenders.

## **Section VI: Complementary information**

---

### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.2. Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds:  
no

### **VI.3. Additional information**

### **VI.4. Procedures for review**

#### **VI.4.1. Review body**

Official name: General Court of the Court of Justice of the European Union

Postal address: rue du Fort Niedergrünwald

Town: Luxembourg

Postal code: 2925

Country: Luxembourg

E-mail: [generalcourt.registry@curia.europa.eu](mailto:generalcourt.registry@curia.europa.eu)

Telephone: +352 4303-1

Fax: +352 4303-2100

Internet address: <http://curia.europa.eu>

#### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: Within 2 months of the notification to plaintiff or, in the absence thereof, of the day on which it came to the knowledge. A complaint to the European Ombudsman does not have as an effect either to suspend this period or to open a new period for lodging appeals.

#### **VI.4.3. Service from which information about the review procedure may be obtained**

### **VI.5. Date of dispatch of this notice**

24.7.2014