



REGISTERED DESIGNS

WHAT IS A REGISTERED DESIGN?

A Registered Design gives to the owner the exclusive right to make, sell, import for sale, hire or use any product to which the design (or a design not substantially different) has been applied.

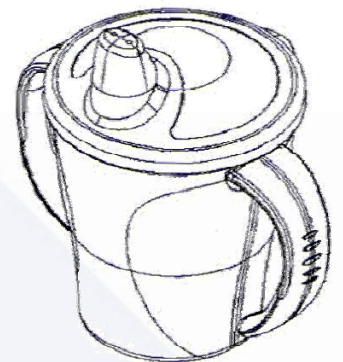
Registered Designs are territorial in nature and this fact sheet relates to UK and European Community Registered Designs. We can provide details of Registered Designs in foreign countries on request.

UK REGISTERED DESIGNS

WHAT IS INVOLVED IN APPLYING FOR A UK REGISTERED DESIGN?

The design for which registration is sought may relate to lines, contours, colours, shapes, textures, materials or ornamentation of the whole or a part of a product being any industrial or handicraft item including complex products, packaging, get-up or graphic symbols. A single application covering the same design applied to a variety of goods may be filed. It is also possible to file multiple different designs within one application, and the publication of these may be deferred.

A number of representations of a product(s) bearing the or each design are required to support a Registered Design application. These may be photographs (example shown below) or drawings (example shown right) of different views of the product bearing the design sufficient to show all aspects of the design. Photographic representations should show the article photographed against a plain and contrasting background, whilst omitting any confusing or extraneous details. In most cases 'informal' representations or even a sample can be filed to secure a filing date and 'formal' representations may be prepared later. A sample drawing and photograph used to file designs are shown below.



PROSECUTION

The UK Designs Registry does not carry out a search or examination to determine whether the design is new. The application will be accepted subject to compliance with formal requirements and a certificate of registration is issued to the applicant usually within a matter of weeks. If publication has been deferred registration will also be delayed.



DURATION AND RENEWALS

The period for which a Registered Design is effective in the UK is five years but this is extendable upon payment of renewal fees for four further periods of five years each, giving a total lifetime of twenty five years.

WHAT CONDITIONS DOES A REGISTERED DESIGN HAVE TO SATISFY TO BE VALID?

A Registered Design in the UK may validly protect features of a design including lines, contours, colours, shapes, textures, materials or ornamentation of the whole or a part of a product being any industrial or handicraft item including complex products, packaging, get-up or graphic symbols provided that the features are new and have individual character at the date of filing the application for registration.

A Registered Design does not validly protect design features dictated solely by their function or their need to fit other parts. A design is considered to be new if it has not been published anywhere in the world. However a design which would not reasonably have been known in Europe or any publication of the design (such as marketing of the product) by the proprietor in the twelve months prior to the date of filing are not considered to deprive the design of novelty.

COMMUNITY REGISTERED DESIGNS

WHAT IS THE REGISTERED COMMUNITY DESIGN?

A Registered Community Design is a unitary right covering the entire European Union. Applications for a Registered Community Design are handled in Alicante and subject to a brief formalities examination only. Registration certificates can be expected within three months of filing.

WHAT ARE THE REQUIREMENTS?

The provisions of the regulation governing the Registered Community Design of greatest practical interest are:

- (1) a broad range of registrable design features including lines, contours, colours, shapes, textures, materials or ornamentation of the whole or a part of any industrial or handicraft item including complex products, packaging, get-up, graphic symbols or typographic typefaces.
- (2) no requirement for the design to have aesthetic quality thereby potentially offering protection to products of a functional nature but not to features of the design dictated solely by a technical function.



- (3) a requirement for the design to be novel over designs published anywhere in the world with the exception of published designs which would not reasonably have been known in the EU and of any publication (such as marketing of the product) by the proprietor in the twelve months prior to the filing date (i.e., a twelve month grace period).
- (4) the acceptability of a multiple design application provided that the products in which the designs are incorporated or to which the designs are intended to be applied belong to the same International (Locarno) classification.
- (5) the scope of protection to include any product embodying the design.
- (6) publication of the Registered Community Design may be deferred for a period of thirty months on payment of a fee.

One consequence of the novelty provisions referred to in (3) is that applications for protection of a design filed elsewhere and published in the twelve month period prior to filing of an application for a Registered Community Design would not invalidate the Registered Community Design.

PROSECUTION

The OHIM (the Community Designs Registry) does not carry out a search or examination to determine whether the or each design is new. The application will be accepted subject to compliance with formal requirements and a certificate of registration is issued to the applicant usually within a matter of a few months. If publication has been deferred registration will also be delayed.

DURATION AND RENEWAL

The Registered Community Design has an initial duration of five years and is renewable at five yearly intervals up to a maximum of twenty five years.



UNREGISTERED DESIGNS

UNREGISTERED DESIGN RIGHT (UK)

UK legislation also allows for the protection of designs by Unregistered Design Right. This is an automatic right brought into existence by the creation of a design meeting the qualifying criteria. Unregistered Design Right last for fifteen years from the date of creation of the design, or ten years from the first marketing of articles according to the design, whichever period ends sooner. However, the protection conferred by Unregistered Design Right extends only to copying of the design.

UNREGISTERED COMMUNITY DESIGNS

The regulation governing the Registered Community Design has already brought into force unitary protection of a design in the European Union (EU) by way of the Unregistered Community Design. The Unregistered Community Design provides protection for a period of three years from the date on which the design was first made available to the public in the EU. However this protection extends only to copying of the design.