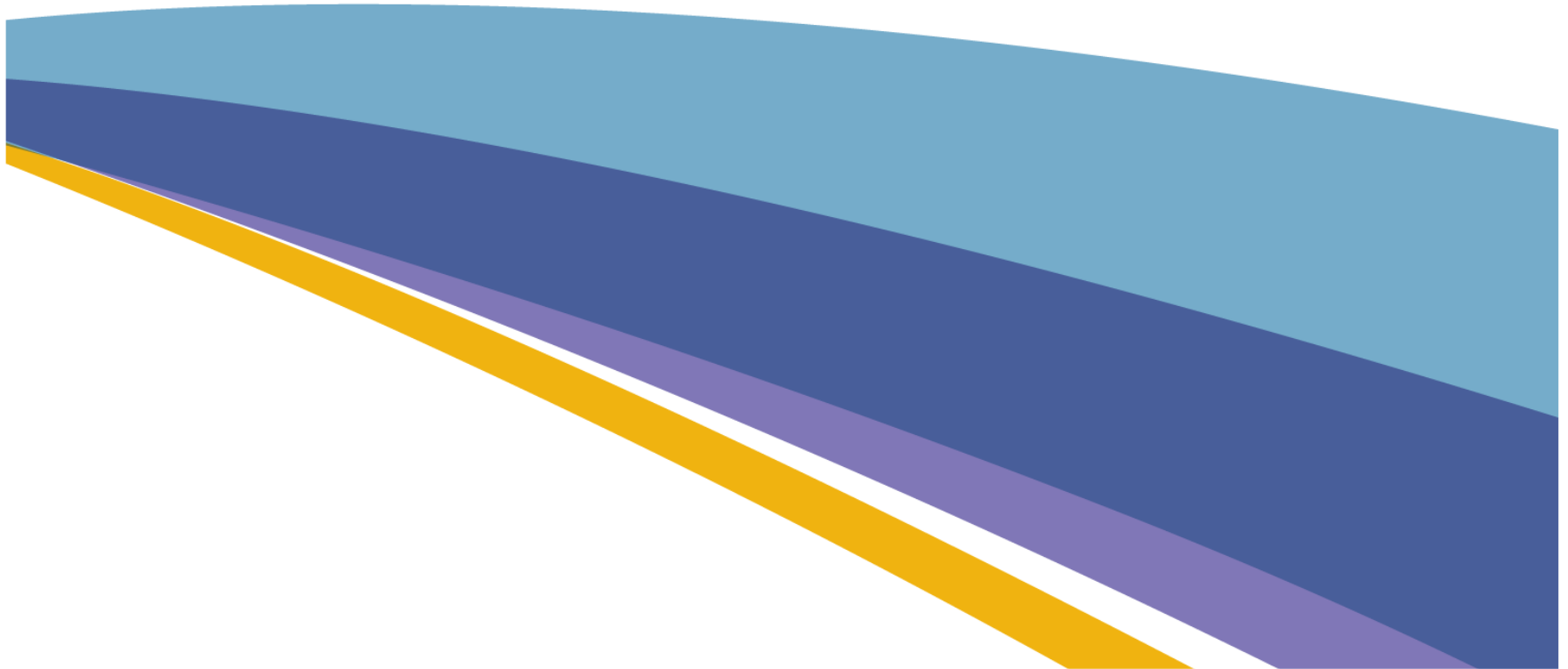




Intellectual
Property
Office

Design Protection Strategy: National, Regional and International systems



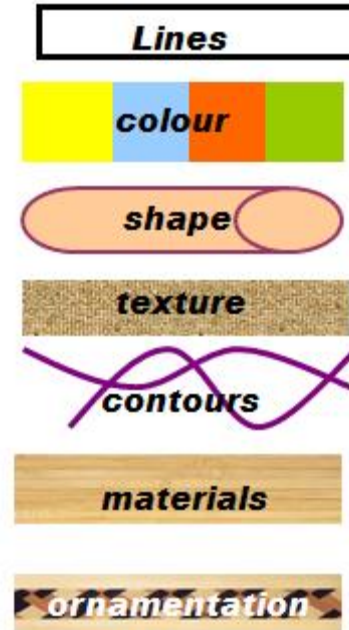
What is a Design?

“the appearance of the whole or part of a product resulting from the features of the lines, contours, colours, shape, texture or materials of the product or its ornamentation”

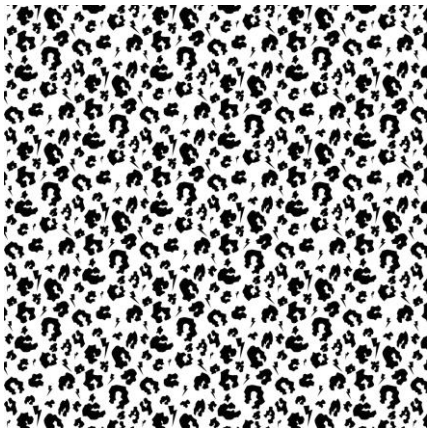
Registered Designs Act 1949



What does this mean?



Examples of UK Registered Designs



How do I apply for a UK Registered Design?

- Electronically at <https://www.gov.uk/apply-register-design>

The screenshot shows the GOV.UK website page for applying to register a design. The page includes a search bar, a breadcrumb trail (Home > Business and self-employed > Patents, trade marks, copyright and designs), and a main heading 'Apply to register a design'. Below the heading, there is a description of the service, a 'Start now' button, and a section for 'More information' with a link to 'Other ways to apply'. A 'Make sure you:' section lists three requirements: checking registration and ownership, preparing illustrations, and having a credit/debit card or deposit account. A 'Fees' section contains a table with two columns: 'Number of designs' and 'Fee'.

Number of designs	Fee
One	£50
Up to 10	£70
Up to 20	£90
Up to 30	£110
Up to 40	£130
Up to 50	£150

- Released in
- September 2015
- More than 98% of applications are filed electronically
- Large reduction in fees



New fee structure

Single application

- £50 for 1 design; online
- £60 for 1 design; paper format

Multiple application

- £70 for up to 10 designs; online format
- £20 for up to (and including) 10 subsequent designs included in the application; online format

Paper

- £60 for the 1st and £40 for any subsequent designs included in an application.



New fee structure


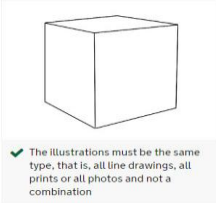
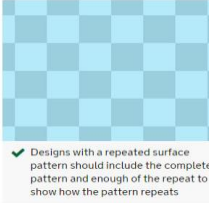
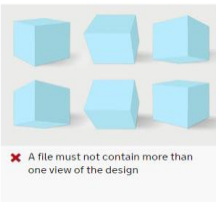
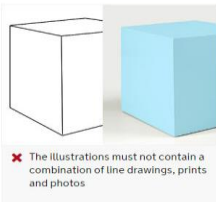
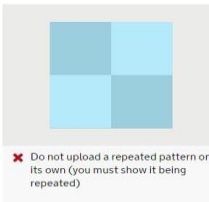
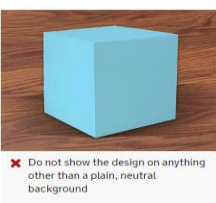



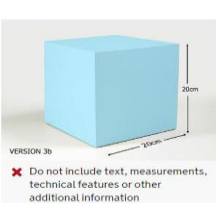
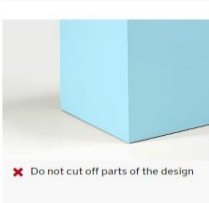


Renewals

- 1st renewal - £70
- 2nd renewal - £90
- 3rd renewal - £110
- 4th renewal - £140



Quality of Representations

- Design representations must be presented in a specific way:

 <p>✓ Show one view per upload (a file must not contain more than one view of the design)</p>	 <p>✓ The illustrations must be the same type, that is, all line drawings, all prints or all photos and not a combination</p>	 <p>✓ Designs with a repeated surface pattern should include the complete pattern and enough of the repeat to show how the pattern repeats</p>
 <p>✗ A file must not contain more than one view of the design</p>	 <p>✗ The illustrations must not contain a combination of line drawings, prints and photos</p>	 <p>✗ Do not upload a repeated pattern on its own (you must show it being repeated)</p>
 <p>✗ Do not show the design on anything other than a plain, neutral background</p>	 <p>✗ Do not include objects that are not part of the design</p>	 <p>✗ Do not upload designs that are out of focus</p>
 <p>✗ Do not include any part of yourself in the illustration</p>	 <p>✗ Do not include text, measurements, technical features or other additional information</p>	 <p>✗ Do not cut off parts of the design</p>
 <p>✗ Do not let shadows hide details of the design</p>	 <p>✗ Do not let reflections or glare interfere with the design</p>	



Absolute Grounds for Refusal

- A design may also be objected to for the following reasons:
 - Idea
 - Technical Function/Must Fit – Must Match
 - Morality
 - Protected Flags/Emblems
 - Novelty searching, in the UK, ceased 2006



After your design has been registered

- We publish your design on our website and Designs View
- Lasts for 25 years
- Renewal fees to be paid every 5 years
- You can sell or license your design
- Criminal sanctions



Benefits of registering your design

Features and Benefits of Design Protection

Registered Design	Design Right (Unregistered Design)
Application to be made to IPO/EUIPO/WIPO	Automatic right
Lasts for up to 25 years	Lasts between 10-15 years (UK only – European Unregistered Design lasts 3 years)
Onus on other party to prove they have not infringed your rights	Onus on you to prove intentional copying
You obtain a grant certificate from the IPO/EUIPO evidencing your rights	You have to show evidence of the existence of your rights
Rights are exclusive to you and licenses would need to be authorised by you	License of Right automatically granted to other parties in the last five years (UK only)
Criminal Sanctions	No Criminal Sanctions
2D and 3D protection	Only protects shape – 3D (EU covers 2D & 3D)

UK membership to the Hague System for the International Registration of Industrial Designs.

- The UK will become the 68th member to the Hague Agreement on the 13th June 2018

Benefits to Membership

The UK membership to the Hague system is about flexibility. It forms part of a wider designs modernisation programme to streamline the designs legal framework. Businesses will have a greater choice in how they register their designs internationally. They can also:

- save money on design registrations,
- protect their Intellectual Property more efficiently, and,
- encourage non-UK owners of designs to register their rights in the UK.

UK businesses have been able to use Hague since 2008 through membership of EU but will now be able to designate the UK as a territory in its own right.



Implementation of Hague Agreement in the UK

Filing Applications

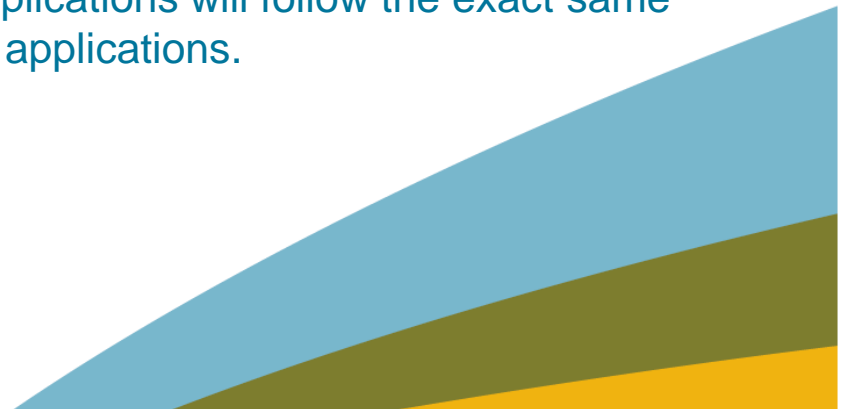
The UKIPO will not be receiving applications directly. Users will instead need to file their applications directly with WIPO

Deferment of publication

Hague allows maximum of 30 months for deferment of publication. UK law provides for 12 months. Under Hague Agreement deferment of publication will be the shortest period for designated countries. (So if the UK is designated publication will need to be made in 12 months)

Examination

- The examination process of International applications will follow the exact same procedures and considerations as domestic applications.



Thank you

- Contact details:

Designs Examination

Telephone: 01633 811083

Email: DesignsExamination@ipo.gov.uk

