



EU Registered designs

What is a registered design?

In Europe, a registered design protects the appearance of the whole or a part of a product for up to 25 years from an application to register the design being filed, provided renewal fees are paid every five years.

Like patents, registered designs are tangible assets of your business. They can be beneficial in marketing and obtaining investment in your products, and protect your business's innovations.

Do I need one?

A registered design provides a monopoly right, which can be enforced to prevent others from making, selling, using, importing or exporting a product that produces the same overall impression to the design in question.

Having a registered design also makes it easier to prove you have rights in the design as you have an official record of when the application for the registration of the design was filed and when the design was registered. This can deter others from infringing your rights and from pursuing similar ideas

What is registrable?

A registered design protects features such as the lines, contours, colours, shape, texture or materials of the whole or part of a product or its ornamentation. Protection is, however, provided for the design itself irrespective of the product to which it is applied.

The appearance of a product is protectable provided that it is new and produces a different overall impression to existing products.

Registered design protection does not extend to those features that are wholly dictated by the function of the product, and does not extend to features which permit the product to be mechanically connected to, or placed in, around or against another product so that either product may perform its function.

The following are examples of registrable and non-registrable types of product:

Registrable:

- A bottle having a new and distinctive shape.
- A new car or vehicle component.
- A light fitting of new, unusual appearance.
- A pattern or logo, or other two-dimensional design.

Unregistrable:

- A mug that is conventional in shape but is a different colour.
- The interior of a car engine component that cannot be seen in normal use.
- A light bulb having twice normal life but being otherwise of standard appearance.

When should I file?

Since design registrations are limited to the drawings or images included in the application, most of the time it is best to wait until the design has been finalised. It is also preferable to file a registered design application before details of the design have been made publicly available. However, there is a grace period of 12 months from the first public disclosure of the design by the designer, during which an application can still be validly filed in Europe and some other countries.



Who owns a design?

The designer – the person who created the design – generally owns the design. That is, unless the design was made in the course of the designer's employment, in which case the design belongs to the employer unless there is an agreement that states otherwise.

How do I register my design?

To obtain an EU registered design appropriate drawings or photographs showing the key aspects of the finalised product must be filed at the Community Designs Registry, the EUIPO. The application is checked for compliance with formal requirements but no substantive examination is carried out by the Registry to ensure that the design is new. The application then proceeds to registration.

The Community registered design system enables a single Community registered design application to be filed which, when registered, will provide protection in all EU countries including the UK. For European designs it is possible to include multiple designs in a single application. In both cases it is also possible to pay an extra fee and defer publication of the application – i.e. to delay the time at which details of the design(s) are publicly available.

If registered design protection is required in multiple European countries, the Community system is a very cost effective way to achieve this.

At Barker Brettell, we have a large group dedicated to designs and copyright, made up of a mix of patent and trade mark attorneys. Please contact designs@barkerbrettell.co.uk if we can be of any assistance.