

# Unregistered Designs in the UK and Europe

## EU Unregistered Community Design (UCD)

UCD comes into existence automatically. There are no qualification requirements – any party of any nationality is eligible to an Unregistered Community Design (UCD). The UCD right belongs to the designer, and designs created by an employee during duties of employment belong to the employer.

UCDs protect any aspect of the shape and configuration of an article or a part of an article, provided:

### **The design is novel**

'Novel' means that the design differs from earlier designs by more than immaterial differences.

### **The design possesses individual character**

'Individual character' means that the design produces a different overall impression on an informed user (normally the user of the product). This can depend on how much 'freedom' a designer has – if there are a number of features of an article that must be presented in a certain way, smaller aesthetic changes will have more weight than if a designer has a blank canvas to start from.

### **The features are not dictated by technical function.**

This **includes** protection for the appearance of an article resulting from lines, colours, texture, materials and/or ornamentation and surface decoration of a product (unlike UK UDR – see below).

The term of protection is 3 years from the date the design was first made available to the public in the European Community. In practice, this includes any disclosure that is not particularly obscure in nature. For example, launching a product in the US would likely count even though the launch itself did not take place in Europe.