

A BRIEF INTRODUCTION TO REGISTERED DESIGNS AND REGISTERED DESIGN SEARCHING

Updated June 2020



Intellectual Property consists of three types which you register

- **Patents** - How something works or the method of making it.
- **Designs** - Protects the overall visual appearance of a product or a part of a product.
- **Trade Marks** - The sign by which you distinguish your goods or services from those of your competitors.

and two which you don't

- **Copyright** - Artistic or literary expression.
- **Know How** - Valuable information not readily available to the public. Highly confidential Know How is known as a **Trade Secret** and should be protected by legal agreements.

What is a registered design?

The Intellectual Property Office UK gives the following definition:

"A registered design is a monopoly right for the appearance of the whole or part of a product resulting from the features of, in particular, the lines contours, shape, texture, materials of the product or its ornamentation"

Basically the design

- Must be new
- Must have individual character

Registering a design protects all aspects of the design (for example, both the product's distinctive shape and its decoration) and gives the holder exclusive rights to use the registered design for up to 25 years subject to the payment of renewal fees.

Designs in the United Kingdom can also be protected by Registered Community Design.

What happens if I don't register a design?

You will still be protected by:

- Unregistered UK Design Right – Covers shape only and not any two dimensional elements of the design such as pattern or decoration. Design Right protects a design in the United Kingdom until the earlier of 15 years from first creation of the product or 10 years from the end of the calendar year in which the design was first marketed and sold.
- Unregistered Community Design Right – Unregistered community designs are protected across the EU for up to three years after the design was first made public. Unregistered community design rights also protect the two dimensional elements of a design such as a decorative pattern.
- Copyright – Artistic works only; 70 years from the death of the creator.

Design Right and Copyright are automatic. No artistic etc. worth or value is needed.

However; if someone uses a design without permission, defending unregistered rights can be difficult. The rights holder would need to prove:

- the work was original
- he/she created it first
- any copying was deliberate

If you can prove all these things, you can try to stop the infringement or reach an agreement with whoever's using your design without permission.

Hints and tips

- Search all jurisdictions in which you wish to obtain protection – *most must be searched individually. They will usually cover registered not pending designs.*

Searching for designs

Searching for designs can be time consuming as they must be searched for individual issuing office databases. The majority of these databases are available for free on the web. However, these databases cover registered (not pending) designs and they vary in appearance, and what you can search for.

The free design search databases can be found at:

- **British national registrations** via the DesignView at: tmdn.org/tmdsview-web/welcome

Using this database you can search for designs registered in the UK. Also designs registered in the UK by World Intellectual Property organisation (WIPO) and the European Union Intellectual Property office (EUIPO).

DesignView is a database compiled by the European Union Intellectual Property Office (EUIPO). EUIPO is the official trade marks and designs registration office of the European Union.

The National Offices currently participating in Designview are marked with the green spot in the list displayed on the home page of the database. If the icon is grey, that means that the designs from that National Office are not available at present. To check when a country is scheduled to join DesignView allow your computer cursor to hover over the country in question and the relevant information will be displayed in the 'Office Information' box at the bottom left of the screen.

The default search mode for this database is 'Quick search'. Enter keywords that describe the

product in the box, e.g. Christmas tree, and click on 'Search'. A list of the registered designs on the database that meet the search criteria entered will be displayed.

Full instructions on using this database can be found by clicking on the question mark in the green circle.

- **International Designs** (Hague Agreement) at: wipo.int/designdb/hague/en/

The Hague Express database provides information, updated weekly, on current and past industrial designs registered under the Hague System.

The 'Search By' area lets you specify the terms you wish to search for, divided into separate tabs for easy access e.g. Design, Name, numbers, dates, Country.

The 'Filter By' area displays the number of records matching your current criteria, and lets you narrow your search to only particular areas of interest. Tabs here are 'Designation', 'Locarno Class', 'Registration Date', 'Contracting Party'.

Full instructions on using this database can be found via the 'Help' live link on the top right of the page under the heading 'Help'.

- **Global Designs database** from WIPO at: wipo.int/designdb/en/index.jsp Global Designs database is a world-wide collection of industrial designs data; including WIPO Hague registrations and information from participating national offices. Using the database enables a user to carry out a simultaneous search of over 200,000 industrial designs.

The 'Search By' area lets you specify specific terms you want to search for, divided into separate tabs for easy access e.g. Design, Names, numbers, dates Country.

The 'Filter By' area displays the number of records matching your current criteria, and lets you narrow your search to only particular areas of interest. The tabs here are Source, Designation, Locarno Class or Registration Date.

Full instructions on using this database can be found via the 'Help' live link on the top right of the page under the heading 'Help'.

IP and Brexit

For information on intellectual property during the transition period please see:

gov.uk/government/news/intellectual-property-and-the-transition-period

Further Information

The Business & IP Centre Manchester

The BIPC Manchester holds a monthly IP Clinic & Commercial Legal Clinic, offers access to resources and regularly runs IP workshops.

T: +44(0)161 234 1990

E: patlib@manchester.gov.uk

The British Library Business & IP Centre

The British Library holds the national collection of intellectual property not only from the United Kingdom but also from a large number of countries throughout the world.

The Business & IP Centre has extensive collections of business and Intellectual property information, plus databases. Manuals on Intellectual Property and Intellectual Property law are on the open access shelves.

T. +44(0)20 7412 7454

E. bipc@bl.uk

W. [.bl.uk/bipc/](http://bl.uk/bipc/)

Workshops

The Business & IP Centre runs regular workshops on intellectual property and business. A full list can be found, and bookings made, via the British Library website at bl.uk/bipc under the heading Workshops and events.

The Intellectual Property Office

The IPO UK is the official government body responsible for granting intellectual property rights in the United Kingdom. The website of the IPO UK contains a vast amount of information on all forms of intellectual property including what the different types of intellectual property protect, how to apply for the various intellectual property rights and the necessary forms and lists of relevant fees.

T. 0300 300 2000 (local rate number)

E. information@ipo.gov.uk

W. ipo.gov.uk/

EUIPO

EUIPO is the European Union Intellectual Property Office responsible for managing the EU trade mark and the Registered Community Designs.

W. <https://euipo.europa.eu/ohimportal/en/home>

Chartered Institute of Patent Attorneys

The Chartered Institute of Patent Attorneys holds regular Clinics at a number of sites around the UK to provide free basic advice to unrepresented innovators who are at the early stages of developing an idea. The Clinics are all given by a Registered Patent Attorney who is a Fellow of the Institute see cipa.org.uk/need-advice/ip-clinics/

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ACID - Anti Copying In Design

The UK's leading membership and campaigning organisation.

Trade association for designers and manufacturers; a not-for-profit organisation funded by membership fees. Aiming to provide cost effective tips, advice and guidelines to help members protect their intellectual property to achieve growth through a proactive IP strategy. To retain the integrity of their membership, all potential members must be designers or have a design capability and the majority of their products must be designed either in-house or by commissioned designers.

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Twitter. @ACID_tweets



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