

Community Registered Designs

Mark Foreman



Introduction

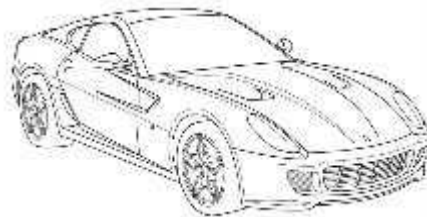
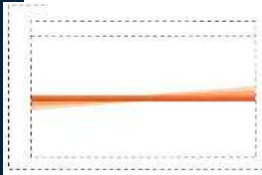
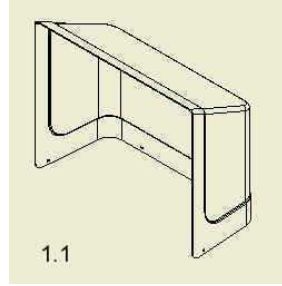
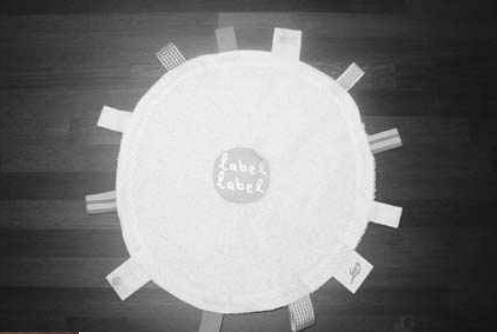
- Definition
- Why register?
- What is being registered?
- Are there any disadvantages?
- Clearance/ Protection
- Designs in action
- Designs, trade marks or both?
- Concluding thoughts



Definition

- **design** - appearance of whole or part of a product resulting from the features of, in particular:
 - the lines,
 - contours,
 - colours,
 - shape, texture and/or materials of the product itself and/or its ornamentation.





Definition continued

- **product** - any industrial or handicraft item, including parts intended to be assembled into a complex product [i.e. spare parts], packaging, get-up, graphic symbols and typographic typefaces, but excluding computer programs



Whole and parts thereof ?



The Basics

What is protected?	The novel appearance of products
For how long?	25 years (provided renewal fees are paid)
Where?	Registered designs are territorial and so protection is obtained only in the territories specified (and paid for) by the owner. Each EU member state has its own Register or protection can be sought via the Community Designs Register (which covers the whole of the EC). *
What am I protected against?	Products which create the same overall impression as your design (irrespective of copying).
Is there a time limit for applying to register my design?	Yes, you need to apply within 12 months of the design's publication.



Why register a design- What are the advantages ?

- Broad scope
- Speed
- Cost (350 Euros)
- Flexibility



What types of designs are being registered?

		
<p><i>Bookbinding machine (CDR No 158449 -0003)</i></p>	<p><i>Cooking appliance (CDR No 184916- 0007)</i></p>	<p><i>Graphic symbol (CDR No 359120 0001)</i></p>

Are there any disadvantages?

- Validity
- Uncertainty
- Limited rights





Clearance

- When?
- Inspired by market leader?
- Industry relevance
- I have never had a problem before!
- How?



Procedure

- Application filed at OHIM
- Examined for formalities and within definition
- No examination as to prior art
- No opportunity to object
- Published in the Community Designs Bulletin and Registration Certificate issued.
- Publication 4-6 months after filing



Designs in Action



Design, trade mark or both?

Halō



Design, trade mark or both?

- Timing
- Expected life span of product
- Cost
- Protect different elements
- Scope of protection
- Not mutually exclusive



Summary

- Consider before entering the EU
- Timing (novelty)
- Clearance/Registration
- Creation of a valuable asset



Prediction!

- Greater awareness
- Greater desire to distinguish
- The tide is turning



Thank you

mforeman@iprights.com

