

CHANGES TO UK DESIGN LAW

The UK Registered Designs Act 1949 was amended with effect from 9 December 2001 to bring the UK law into line with the requirements of European Directive 98/71/EC intended to harmonise design law across the European Economic Area. This Directive does not introduce a Community Design Registration.

Features of the new law include:

- Registration is no longer limited to designs giving eye appeal, or where the aesthetic appearance of the article to which the design is applied is material;
- Designs may be registered for any feature of appearance, including texture and material, as well as the visual shape or ornamentation features;
- Designs may include those applied to industrially produced products, handicrafts items, packaging, get up, graphic symbols and typographic typefaces. This includes computer icons;
- Registered Designs protect the design itself, rather than the article to which the design is applied;
- Protection is available for a design for the whole or any part of a product, including an integral part of the product;
- For component parts intended to be assembled into a complex product, protection is available for those parts of the component part that are visible in the normal use of the complex product;
- The prior art against which the novelty of a design is judged includes prior published designs from anywhere in the world, if the designs would reasonably be known to relevant persons in Europe;
- For a design to be registered, the design must be not only "new", but must also create an overall impression different from the overall impression created by any earlier design;
- The right in a registered design may be infringed by the use of the design or any design which does not produce a different overall impression from the registered design;
- A 12 month grace period has been introduced. Any disclosures made by the designer, or resulting from a disclosure made by the designer, within the 12 months prior to filing a design application do not invalidate the design registration;
- For all design registrations, the initial term of protection is five years from the date of filing the application (rather than the priority date), which period is extendable by a further four five-year periods (up to a total of 25 years) on payment of an appropriate fee. For existing design registrations, all renewal fees falling after 9 December 2002 will be calculated based on the filing date of the application, not the priority date.

Please contact us if you require any further information relating to the new UK Design law.