

CHANGES TO UK DESIGN TERM

Under changes to UK Design law which came into effect on 9 December 2001, the renewal dates for existing and new design registrations may differ from those under the current law.

Existing Law

UK design registrations have an initial period of protection of five years from the date of registration.

For design registrations based on applications filed before 1 August 1989, this initial five year period could be extended by two further five year periods (a total of 15 years) on payment of renewal fees. For registrations based on applications filed on or after 1 August 1989, the term of the registration could be extended for four further periods each of five years (a total of 25 years) on payment of renewal fees.

For design registrations based on applications claiming priority under the Paris Convention from an earlier non-UK design application, the deemed date of registration was the date of filing of the priority application. Accordingly, the initial five year term, and subsequent extended five year terms, ran from the priority date, rather than from the date of filing of the application. For such cases, renewal fees were therefore payable on the 5th, 10th, 15th and 20th anniversaries of the priority date.

For cases not claiming priority under the Paris Convention, the deemed date of registration was the filing date of the application, and accordingly this date was used for determination of dates of renewal. For such cases, renewal fees were therefore payable on the 5th, 10th, 15th and 20th anniversaries of the filing date.

New 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. One of the effects of this change in the law is that the initial term for new UK design registrations, whether or not these claim priority, is five years from the actual date of filing of the application, and not from the priority date.

For any existing design registrations with a priority claim, the current period of protection has been extended such that it will expire on the relevant anniversary of the filing date, rather than the anniversary of the priority date.

Further, for all design registrations, including any design registrations filed before 1 August 1989, it is now possible to extend the initial period of protection by up to four further five year periods, giving a total of 25 years protection. This is only available where the design remained in force on 9 December 2001.

Therefore, as of 9 December 2001 all UK design registrations that were in force on 9 December 2001 and all new design registrations now have a maximum term of 25 years from the UK filing date, subject to renewal fees due on the 5th, 10th, 15th and 20th anniversaries of the UK filing date.

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