

Design Briefing Paper: *Community Design Overview*

OVERVIEW

Community Registered Designs

- The Registered Community Design system is administered by OHIM (the Office for Harmonization in the Internal Market). The official start date of the system was 1 April 2003.
- The rights afforded by a registration extend to all 25 member states of the EU.
- The range of designs that can be protected is wide and covers, for example, handicraft items and graphic symbols.
- A registered design protects the design regardless of the article to which it is applied.
- Absolute novelty is required.
- A 12 month grace period for filing is available from when the applicant first discloses the design.
- To be validly registrable, a design must not only be new, but must also have "individual character".
- Component parts of complex products are protectable only if they are visible in normal use of the complex product.
- Purely functional designs are not registrable, although it is not necessary to show aesthetic merit.
- Spare parts (e.g. body panels) will not be protectable if their shape is dictated by the need to restore the original appearance of the product to which they are fitted.
- Multiple designs may be filed in one application so long as each design falls within the same Euro-Locarno class.
- Publication of designs may be deferred for up to 30 months.

Community Unregistered Designs

Community unregistered design right is applicable to designs created or disclosed after 6 March 2002. The right may be used to prevent unauthorised copying of a design but not independent creation. Community unregistered design right lasts for three years from disclosure of the design.