

# 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. Applications were accepted before then, but such earlier applications received a filing date of 1 April 2003. Applications can be filed at national patent offices, including the British and German Patent Offices.
- The rights afforded by a registration extend to all 25 member states of the EU. These include new EU members which joined in 2004, after the Registered Community Design system came into effect.
- The range of designs that can be protected is extended, 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 is available.
- 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.

#### **Current EU members:**

*Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the UK.*

#### **The following became full members of the EU on 1 May 2004:**

*Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.*

### 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.

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# HASELTINE LAKE



# Team Leader Profiles



**JOHN CHEYNE: Partner – Bristol**  
*UK and European Patent Attorney*  
*Bristol University BSc Degree in Mechanical Engineering*

John is a patent practitioner in the engineering sector with extensive experience in the automotive field, including production techniques and equipment. He also has significant expertise in matters concerning registered designs and design right, and is a member of the Designs & Copyright Committee of the Chartered Institute of Patent Agents. John has clients in the UK, the United States and Japan in a wide range of engineering fields, including car and automotive component manufacture, gas turbine engineering and steam handling equipment. He also acts for a major UK retailer in the food and clothing sector.



**DAVID NASH: Partner – Bristol**  
*UK and European Patent Attorney*  
*MA Cantab (Natural Sciences)*

David is a patent practitioner in chemical, pharmaceutical and biotech sectors. He has specialist knowledge of opposition and appeal work before the European Patent Office and of UK entitlement disputes. David's clients include UK industrial chemical companies, international petrochemical company (US-based), UK and US pharmaceutical companies, two prominent UK universities and a national health agency.



**CHRISTINE FENLON: Partner – London**  
*UK and European Patent Attorney*  
*London University, Imperial College of Science and Technology and Medicine, Physics Degree*

Christine has a diverse range of experience in filing and prosecuting patents worldwide, including those in the fields of optical communications, optical fibre sensors, semiconductor devices, magnetic tags, ultrasound imaging and optical and magnetic disk technology. Christine's clients include international electronics companies, optical sensor designers, and optical and magnetic device manufacturers.



**JANE MORE O'FERRALL: Partner – Bristol**  
*UK and European Trade Mark Attorney*  
*Cambridge University Graduate*  
*Second Language: French*

Jane is experienced across a wide range of UK and European trade mark issues including contentious work and dispute resolution. Jane represents UK and overseas clients from industry sectors including visual arts, foodstuffs, engineering and chemicals. She organizes continuing professional education in the Bristol region for the Institute of Trade Mark Attorneys.



**DR ULRICH BENEDUM: Partner – Munich**  
*German Patentanwalt, European Patent and Trade Mark Attorney*  
*Diploma-Chemist (Munich), Ph.D in Natural Sciences (Chemistry and Biochemistry)*

Ulli has special expertise in German patent, trade mark and design issues, in German infringement and validity proceedings. Ulli has a wide German and International client base in industry and life science sectors.



**MARTIN KRAUSE: Partner – Bristol**  
*UK and European Trade Mark Attorney*  
*Bristol University Law Graduate*  
*Second Language: German*

Martin has wide UK and European trade mark experience including contentious proceedings (opposition, revocation and invalidity) and passing-off/counterfeiting. He regularly advises on internet related trade mark issues. Martin has clients from many industry sectors including electronics and communications, motor engineering and sporting goods.



**CHRIS VIGARS: Partner – Bristol**  
*UK and European Patent Attorney*  
*Oxford University Honors Degree in Engineering Science, specializing in Electrical/Electronics and Computing*

Chris has recent patent experience including satellite communications, semiconductor fabrication and devices, wideband CDMA and Bluetooth™. Chris' clients include international telecommunications companies, silicon intellectual property companies, processor design ventures and semiconductor manufacturers.



**DAVID BROWN: Partner – Bristol**  
*UK and European Patent Attorney; UK and European Trade Mark Attorney*  
*MA Cantab (Natural Sciences)*

David has substantial biotech (immunology and recombinant vaccines) and medical chemistry (liposome drug and DNA delivery systems, plant-derived and general pharmaceuticals) experience, as well as knowledge in the technology of petroleum (fuel additives), industrial minerals, metallurgy and materials processing. David has broad experience of UK and EU (Community) trade mark registration, agreements and enforcement (anti-counterfeiting) matters, particularly in the fields of sports merchandising and pharmaceuticals.



**JAMES SUNDERLAND: Partner – Munich**  
*UK and European Patent Attorney*  
*Oxford University Honors Degree in Physics, specializing in Electronics and Solid State Physics*

Jim has wide experience in the fields of electronics and solid state devices, and in relation to computers and software. He also has extensive experience of all aspects of European Patent Office practice in particular, hearings at the European Patent Office before first-instance Examining and Opposition Divisions, and also before the Boards of Appeals. Jim has broad experience of dealing with procedural and legal issues which can arise in connection with European patents and applications, at the first-instance level of decision making and before the Legal Board of Appeal.



**TIM STEBBING: Partner – Leeds**  
*UK and European Patent Attorney*  
*Edinburgh University Honors Degree in Physics with Electronics and Computing*

Tim handles cases in diverse areas of semiconductor technology, telecommunications and networks, computing (including software), internet- and business-related inventions, and plasma displays. Tim's current clients include a multinational computing and communications company, and a manufacturer of programmable logic devices.



**DAVID O'CONNELL: Partner – Bristol**  
*UK and European Patent Attorney*  
*Oxford University Engineering Science Degree specializing in Electrical and Electronic Engineering*

David has wide experience of patent filing and prosecution relating to computer hardware and software, fixed and mobile telephony, radio frequency devices, semiconductors and 3G systems. David's clients include international hardware manufacturers, electronics start-up companies and university research exploitation organisations.



**CHRISTOPHER GIBBS: Partner – Leeds**  
*UK and European Patent Attorney*  
*Cambridge University Honors Degree in Natural Sciences (Physics)*  
*Six years experience as a Search Examiner with the European Patent Office in the field of Semiconductors*

Christopher is involved with patent prosecution in the fields of semiconductors, displays and diverse fields of mechanical and electrical engineering including computers, SAW filters, CNC machines, satellite control systems, aero-engines, printing presses and vehicle brakes. Christopher's clients include wide range of companies from electronics and engineering conglomerates to university spin-out companies and private engineering companies.



**MATTHEW HITCHING: Partner – London**  
*UK and European Patent Attorney*  
*Cambridge University Engineering Degree specializing in Electrical and Information Sciences*

Matthew has a vast experience of patents for business-related inventions, mixed signal devices, processors and plasma displays. His clients include international electronics conglomerates, semiconductor intellectual property companies and automotive electronic component designers.



**ASHLEY GILES: Partner – Bristol**  
*UK and European Patent Attorney, DiplPLit*  
*Bristol University BSc Honours Degree in Civil Engineering and MSc Masters Degree in Hydraulics*

Ashley is a patent practitioner in the civil, mechanical and general engineering sectors. He has specialist knowledge of design law, assignments, licensing, UK litigation and UK entitlement disputes. Ashley's clients include a full range of UK companies and larger overseas corporations. A large proportion of Ashley's work is for US and Japanese clients in the automotive, biomechanical and oil drilling industries.



**STEPHEN MOHUN: Partner – Leeds**  
*UK and European Patent Attorney*  
*Sheffield University combined Physics and Electronics Degree*

Steve has broad experience in filing and prosecuting UK and overseas patent applications in a range of electronic subject matter, including semiconductor devices, plasma displays, television, communications, telemetry systems and transducers. Steve's clients include multinational companies and university departments and spin-off companies.



**LESLEY EVANS: Chief Executive – Bristol**  
*Solicitor*  
*LLB, University College London*

Lesley worked as a solicitor in both private practice and in industry before moving into senior management roles in the professional services sector. She is responsible for the strategic and operational management of the firm and for business development and quality client care initiatives.