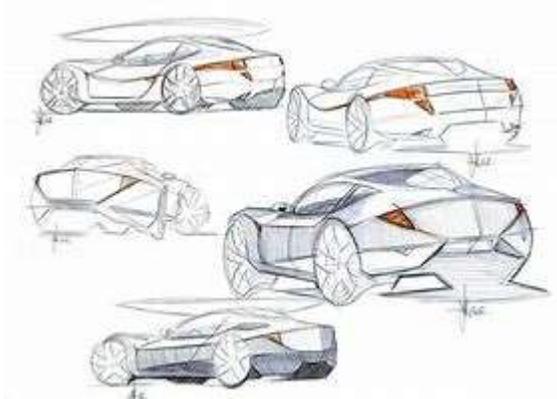


Fact Sheet: Design

Unregistered Designs



- Enforced by the Copyrights, Designs and Patents Act 1988
- Relates to the shape or attributes of a product
- Design rights do not protect the product itself or the way in which it is created, but a specific part or element of it
- The Design must be created by an individual or company that is incorporated in the UK
- The Design must be evidenced by a “Design Document” – this can be a description/info or photo stored on a computer
- No formal registration process needed
- Duration of right is earliest of 10 years after the first marketing of articles that use the design or 15 years after the creation of the design

Registered Design Rights



- Enforced Primarily by the Registered Designs Act 1949
- Design right is to protect the shape, texture, or particular feature of a product
- To be recognised as a design right, the design must meet the same requirements for an unregistered design
- A design can only be registered if it is new and of individual character
- A designer can market the product and apply for a design right, for the first 12 months of the product’s market life the designer has the “grace period” which allows them to see if there are similar designs on the market before looking to register their own as new and individual designs.

- Certain designs cannot be registered such as: Computer Programs, Designs against public morality/policy, the coat of arms and National Flags
- Designs are registered through the IPO (Intellectual Property Office) and last 25 years as long as a fee is paid every 5 years to renew the protection.