

A BRIEF INTRODUCTION TO REGISTERED DESIGNS AND REGISTERED DESIGN SEARCHING

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Intellectual Property consists of three types which you register

- **Patents** - How something works or the method of making it.
- **Designs** – Protects the overall visual appearance of a product or a part of a product
- **Trade Marks** – The sign by which you distinguish your goods or services from those of your competitors.

and two which you don't

- **Copyright** - Artistic or literary expression.
- **Know How** - Valuable information not readily available to the public. Highly confidential Know How is known as a **Trade Secret** and should be protected by legal agreements.

What is a registered design?

The Intellectual Property Office UK gives the following definition:

“ A registered design is a monopoly right for the appearance of the whole or part of a product resulting from the features of, in particular, the lines contours, shape, texture, materials of the product or its ornamentation ”

Basically the design

- Must be new
- Must have individual character

Registering a design protects all aspects of the design (for example, both the product's distinctive shape and its decoration) and gives the holder exclusive rights to use the registered design for up to 25 years subject to the payment of renewal fees.

Designs in the United Kingdom can also be protected by Registered Community Design.

What happens if I don't register a design?

You will still be protected by:

- Unregistered UK Design Right – Covers shape only and not any two dimensional elements of the design such as pattern or decoration. Design Right protects a design in the United Kingdom until the earlier of 15 years from first creation of the product or 10 years from the end of the calendar year in which the design was first marketed and sold.
- Unregistered Community Design Right – Unregistered community designs are protected across the EU for up to 3 years after the design was first made public. Unregistered community design rights also protect the two dimensional elements of a design such as a decorative pattern.
- Copyright – Artistic works only; 70 years from the death of the creator.

Design Right and Copyright are automatic. No artistic etc. worth or value is needed

However; if someone uses a design without permission, defending unregistered rights can be difficult. The rights holder would need to prove:

- the work was original
- he/she created it first
- any copying was deliberate

If you can prove all these things, you can try to stop the infringement or reach an agreement with whoever's using your design without permission.

Hints and tips

- Search the IPO UK website first – *it contains all designs that designate the UK*
- Search all jurisdictions in which you wish to obtain protection – *most must be searched individually. They cover registered not pending designs*

Searching for designs

Searching for designs can be time consuming as they must be searched for individual issuing office databases. The majority of these databases are available for free on the Web. However, these databases cover registered (not pending) designs and they vary in appearance, and what you can search for.

The free design search databases can be found at:

- **British national registrations** via the Intellectual Property Office website at: www.gov.uk/search-registered-design

Using this database you can only search for designs registered in the UK.

Select 'Start Now', this will take you through to the 'Locarno Classification/Proprietor' search page.

Full instructions on using this database can be found via the 'Need help' live link on the right hand side of the page.

- **International Designs** (Hague Agreement) at: www.wipo.int/designdb/hague/en/

The Hague Express database provides information, updated weekly, on current and past industrial designs registered under the Hague System.

The 'Search By' area lets you specify the terms you wish to search for, divided into separate tabs for easy access e.g. Design, Name, Numbers, Dates, Country.

The 'Filter By' area displays the number of records matching your current criteria, and lets you narrow your search to only particular areas of interest. Tabs here are 'Designation', 'Locarno Class', 'Registration Date', 'Contracting Party'.

Full instructions on using this database can be found via the 'Help' live link on the top right of the page under the heading 'Help'.

- **Design View** from OHIM at: www.tmdn.org/tmdsview-web/welcome

DesignView is a database compiled by the Office for the Harmonisation of the Internal market (OHIM). OHIM (the Office for Harmonization in the Internal Market) is the official trade marks and designs registration office of the European Union.

The default search mode for this database is 'Quick search'. Enter keywords that describe the product in the box, eg..Christmas tree, and click on 'Search'. A list of the registered designs on the database that meet the search criteria entered will be displayed.

Full instructions on using this database can be found by clicking on the question mark in the green circle

- **Global Designs database** from WIPO at: www.wipo.int/reference/en/designdb/

Global Designs database is a world-wide collection of industrial designs data; including WIPO Hague registrations and information from participating national offices. Using the database enables a user to carry out a simultaneous search of over 200,000 industrial designs.

The 'Search By' area lets you specify specific terms you want to search for, divided into separate tabs for easy access e.g. Design, Names, Numbers, Dates Country.

The 'Filter By' area displays the number of records matching your current criteria, and lets you narrow your search to only particular areas of interest. The tabs here are Source, Designation, Locarno Class or Registration Date.

Full instructions on using this database can be found via the 'Help' live link on the top right of the page under the heading 'Help'.

Further Information

The Business & IP Centre Hull

The Business & IP Centre has extensive collections of business and Intellectual property information, plus databases. Manuals on Intellectual Property and Intellectual Property law are on the open access shelves.

Contact details:

Business & IP Centre Hull

Central Library

Albion Street

Hull

HU1 3TF

T +44 (0)1482 223 344

E reference.library@hcandl.co.uk

www.hcandl.co.uk/BIPCHull

 @BIPCHull

Workshops

The Business & IP Centre runs regular workshops on intellectual property and business. Contact us for the current programme.

The Intellectual Property Office

The IPO UK is the official government body responsible for granting intellectual property rights in the United Kingdom. The website of the IPO UK contains a vast amount of information on all forms of intellectual property including what the different types of intellectual property protect, how to apply for the various intellectual property rights and the necessary forms and lists of relevant fees.

Contact details:

T +44 (0)300 300 2000 (Local rate number)

E information@ipo.gov.uk

www.ipo.gov.uk/

OHIM

OHIM, the Office for the Harmonization of the Internal Market, is the EU body responsible for both designs and trademarks that cover the entire EU. It is based in Alicante, Spain.

Web oami.europa.eu/

Chartered Institute of Patent Attorneys

The Chartered Institute of Patent Attorneys holds regular Clinics at a number of sites around the UK to provide free basic advice to unrepresented innovators who are at the early stages of developing an idea. The Clinics are all given by a Registered Patent Attorney who is a Fellow of the Institute see www.cipa.org.uk/pages/advice-clinics

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