

Dolleymores[®]

Est 1969

What is a registered design? Information Sheet

What is a registered design?

A Registered Design is a monopoly right for the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture or materials of the product or its ornamentation.

Essentially, and as opposed to a patent, a design relates to the appearance of a product rather than to technical principles of its construction or operation. However, the design does not need to have any particularly attractive aesthetic qualities and can protect the shape of almost any article or part.

What do I have to do to protect my design?

For a design to be registered, it **must be new** (and further have an individual character). In the UK and European Community there is a 12 month grace period from the disclosure of your design in which period an application for registration may be filed. The disclosure, however, may only be made in association with the designer and may prevent registering the design in foreign countries. It is therefore advisable, to avoid disclosing your design before filing an application for registration, or at least seeking expert advice.

A Registered Design is obtained by filing an application at the UK Intellectual Property Office. Provided the Office accepts the application then a Registered Design is granted and a Certificate of Registration is issued. [Alternatively, a European Community Design can be applied for which will provide protection in Europe, including the UK].

What does that registration enable me to do?

A Registered Design gives you the right to stop others from using your design. Alternatively you can agree to let others use it under agreed terms. A Registered Design also brings the right to take legal action against others who might be infringing the design and, among other remedies, prevent further infringement or claim damages. The mere existence of a Registered Design can sometimes be enough to deter a potential infringer.

This will cost money, so why do it?

A Registered Design gives you the exclusive right to make, offer, put on the market import, export, use or stock any product to which the design has been applied or is incorporated. This right can give you time to develop a business based on the design, or you may allow another person or company to exploit the design and pay royalties to you under a licensing agreement.

How do I obtain a Registered Design?

Provide us with drawings or photographs showing all aspects of your design. We will prepare and file an application at the UK Intellectual Property Office or at the European Community Design Office (OHIM) and act on your behalf and liaise with you through the entire application process from filing to registration, with a view to obtaining the very best protection for your design.

How long does this entire process take?

The application will undergo a limited examination process but no searching of earlier designs is carried out. If no objections are raised and all formal matters are completed on filing, the registration can occur within days of the filing date.

How long does my registration last?

The registration runs for 25 years from the application date but must be renewed at five-yearly intervals by paying a renewal fee.

How do I let people know my design is my property?

Once a valid Certificate of Registration has been issued, then all products made to your design may be marked to indicate that registration has taken place. This marking need only comprise the unique design registration number that will be detailed on the Certificate of Registration.

What if I want to use my design outside of Europe?

We are able to offer advice in respect of protection of your design using a variety of filing programmes but this will depend on your particular requirements. Please contact a member of our designs team who can provide tailored advice and help you devise the most appropriate and cost effective filing programme for your specific requirements.

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