

# Community Designs System: New Types of Designs and Search Database

共同体外观设计制度：外观设计新类型和搜索数据库



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# Overview 概览

## 1. Community Designs Protection System

### 共同体外观设计保护制度

- Forms of Protection 保护形式
- Definitions 定义
  - Partial Designs 局部外观设计

## 2. New Types of Designs

### 外观设计新类型

- Definitions 定义
- Main issues 主要问题

## 3. Search Database

### 搜索数据库

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# Community Designs Protection System – Forms of protection

## 共同体外观设计保护制度——保护形式

### 1. UNREGISTERED Community Design (UCD) - 未注册共同体外观设计

### 2. REGISTERED Community Design (RCD) - 注册共同体外观设计

<b>UCD</b> 未注册共同体外观设计	<b>RCD</b> 注册共同体外观设计
<ul style="list-style-type: none"> <li>• Available since 06/03/2002 2002 年3月6日开始实施</li> <li>• <b>Unitary Character throughout the EU</b> 在欧盟具备单一性</li> <li>• <b>no registration</b> required 无需注册</li> <li>• protection for up to <b>3 years</b> from the date the design is <b>first disclosed</b> in the EU 从在欧盟境内向公众首次公开之日起，自动享受3年保护</li> <li>• protection only against <b>copying</b> 仅防止抄袭</li> <li>• <b>invalidity</b> only before <b>national Courts</b> 仅国家法院可宣告无效</li> </ul>	<ul style="list-style-type: none"> <li>• Available since 01/04/2003 2003 年4月1日开始实施</li> <li>• <b>Unitary Character throughout the EU</b> 在欧盟具备单一性</li> <li>• <b>registration</b> required 需要注册</li> <li>• protection for <b>5 years</b>, renewable every 5 years, up to an overall maximum of <b>25 years</b> from the <b>date of filing</b> 从申请之日起自动享受5年保护，每5年可续展，最长保护期25年</li> <li>• <b>exclusive right to use</b> the design and <b>prevent others from using it</b>, including the making, offering, putting on the market, importing, exporting or using any product in which the design is incorporated or applied to 使用外观设计的独占性权利，防止他人使用其外观设计，包括制造、许诺销售、销售、进口、出口或使用包含或运用其外观设计的任何产品</li> <li>• <b>invalidity</b> before the <b>EUIPO</b> or national Courts 欧盟知识产权局或国家法院均可宣告无效</li> </ul>

## Community Designs Protection System – Definitions 共同体外观设计保护制度——定义

**Article 3 CDR** (Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs) 2001年12月12日通过的《欧盟理事会共同体外观设计保护条例》第3条

### Definitions 定义

(a) **DESIGN** means the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation.

**外观设计**是指，由线条、轮廓、颜色、形状、表面结构和/或者由材料本身和/或装饰形成的整体 或局部产品外观。

b) **PRODUCT** means any industrial or handicraft item, including inter alia parts intended to be assembled into a complex product, packaging, get-up, graphic symbols and typographic typefaces, but excluding computer programs.

**产品**是指所有工业和手工制品，包括属于复合产品的包装、装帧、图形和字体排印。计算机程序不属于产品。

c) **COMPLEX PRODUCT** means a product which is composed of multiple components which can be replaced permitting disassembly and re-assembly of the product

**复合产品**是指由多个可以替换的部件组成，可以组装和拆卸的产品。

## Community Designs Protection System 共同体外观设计保护制度

### Article 3 CDR – Definitions

《欧盟理事会共同体外观设计保护条例》第3条 定义

- a) **DESIGN** means the **appearance** of **the whole or a part of a product** resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation.

外观设计是指，由线条、轮廓、颜色、形状、表面结构和/或者由材料本身和/或其装饰形成的**整体或局部产品外观**。

### ❖ Partial Designs

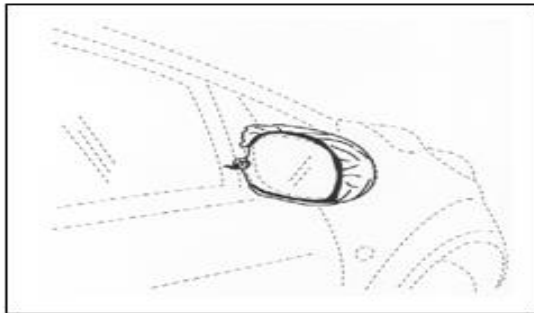
局部外观设计

- **No need** to represent the entire product  
无需表示整个产品
- Use of **visual disclaimers** to **exclude** features from protection  
使用**视觉免责声明**将功能**排除**在保护范围之外

## Community Designs Protection System 共同体外观设计保护制度

### BROKEN LINES

虚线



### BLURRING

模糊处理



### COLOUR SHADING

颜色阴影



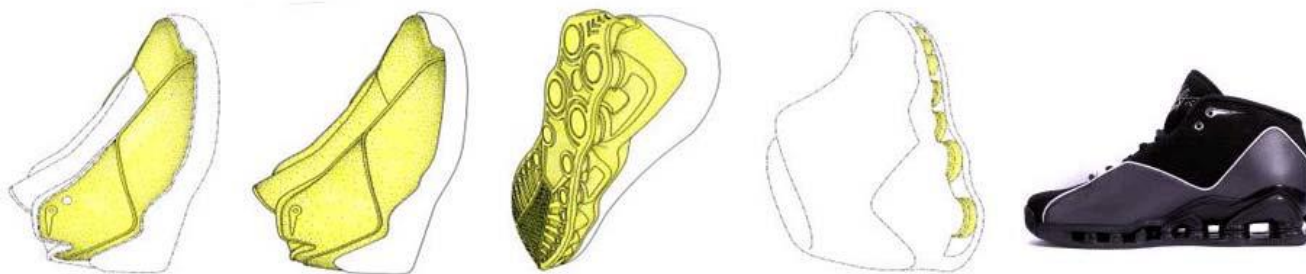
### BOUNDARIES

线框

## Community Designs Protection System 共同体外观设计保护制度

### Multiple applications 多件申请

- Partial designs are often filed in multiple applications which include the **entire product** as well as **specific parts** thereof:  
局部外观设计往往位于包括整个产品及其具体部分的多件申请中



- Each embodiment represents a **design on its own** and is examined and dealt with separately.  
每项实施例表示一项外观设计，予以单独审查和处理。



## Community Designs Protection System 共同体外观设计保护制度

### UCDs - Partial designs

未注册共同体外观设计——局部外观设计:

**C-123/20**, 28/10/2021, *Ferrari S.p.A. v. Mansory Design & Holding GmbH (Mansory Design)*  
2021年10月28日Ferrari SpA诉Mansory Design Holding GmbH案 (C-123/20号)



- The making available to the public of the overall design of a product may also entail the making available of the design of **a part of that product** as long as it is **clearly identifiable** from the disclosure to the public (38).

向公众提供产品的整体外观设计意味着向公众提供**该产品一部分**的外观设计，前提是向公众提供外观设计时 该部分可明确识别 (38)

- The **appearance of that part of the product** or that component part of a complex product **must be capable, in itself, of producing an overall impression** and cannot be completely lost in the product as a whole (50).

**产品的该部分**，或复合产品的该构成部件的外观本身，**必须能够产生整体印象**，不会完全消失在产品整体中 (50)

## Community Designs Protection System 共同体外观设计保护制度

### Article 3 CDR – Definitions

《欧盟理事会共同体外观设计保护条例》第3条 定义

b) **PRODUCT** means any **industrial or handicraft item**, including

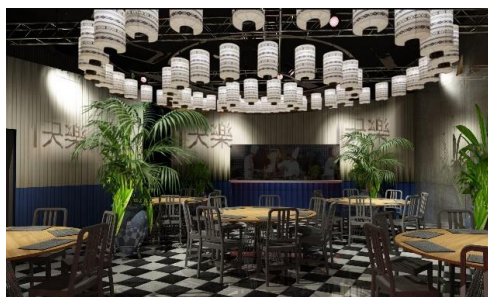
产品是指所有工业和手工制品，包括：



**Complex Products**  
复合产品



**Packaging**  
包装



**Get-up**  
装帧



**Graphic symbols**  
图形符号



**Typographic typefaces**  
字体排印

➤ **but excluding:**  
不包括

- ✗ Natural products 天然产品
- ✗ Ideas 思想
- ✗ Functions 功能
- ✗ Smells and fragrances 气味和香味
- ✗ Music and sounds 音乐和声音
- ✗ Computer programmes 计算机程序

## Community Designs Protection System 共同体外观设计保护制度

### Article 3 CDR – Definitions

《欧盟理事会共同体外观设计保护条例》第3条 定义

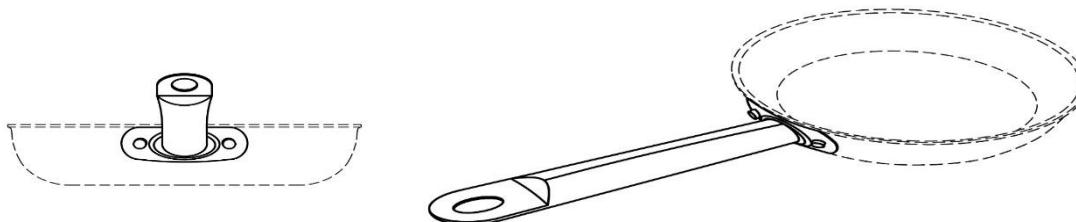
- c) **COMPLEX PRODUCT** means a product which is composed of multiple components which can be replaced permitting disassembly and re-assembly of the product.

复合产品是指由多个可以替换的部件组成，可以组装和拆卸的产品。

#### ➤ A component of a product 产品的部件：

The **parts of a product** for which the protection is not sought may be disclaimed by a graphic disclaimer of interrupted lines

对于不寻求保护的**产品部件**，可通过虚线形式的视觉免责声明加以排除。



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- Main issues 主要问题

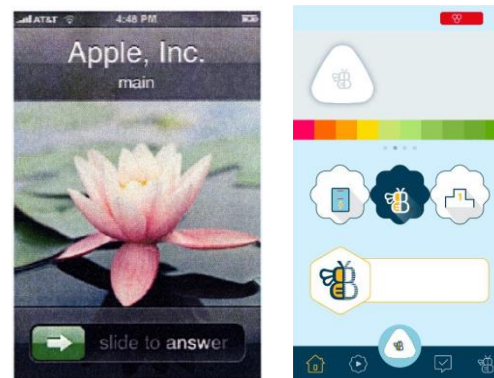
## 3. Search Database

搜索数据库

## New Types of Designs - Subject Matter of Protection 外观设计新类型——保护客体

### GUIs 图形用户界面

- Icons (static and dynamic) 图标 (静态和动态)
- Animated characters 动画人物
- Displays 展示



### Virtual Designs 虚拟外观设计

- Projected images 投影图片
- Virtual reality environments 虚拟现实环境
- Videogames (parts of) 电子游戏 (及其局部)
- Holographics 全息图

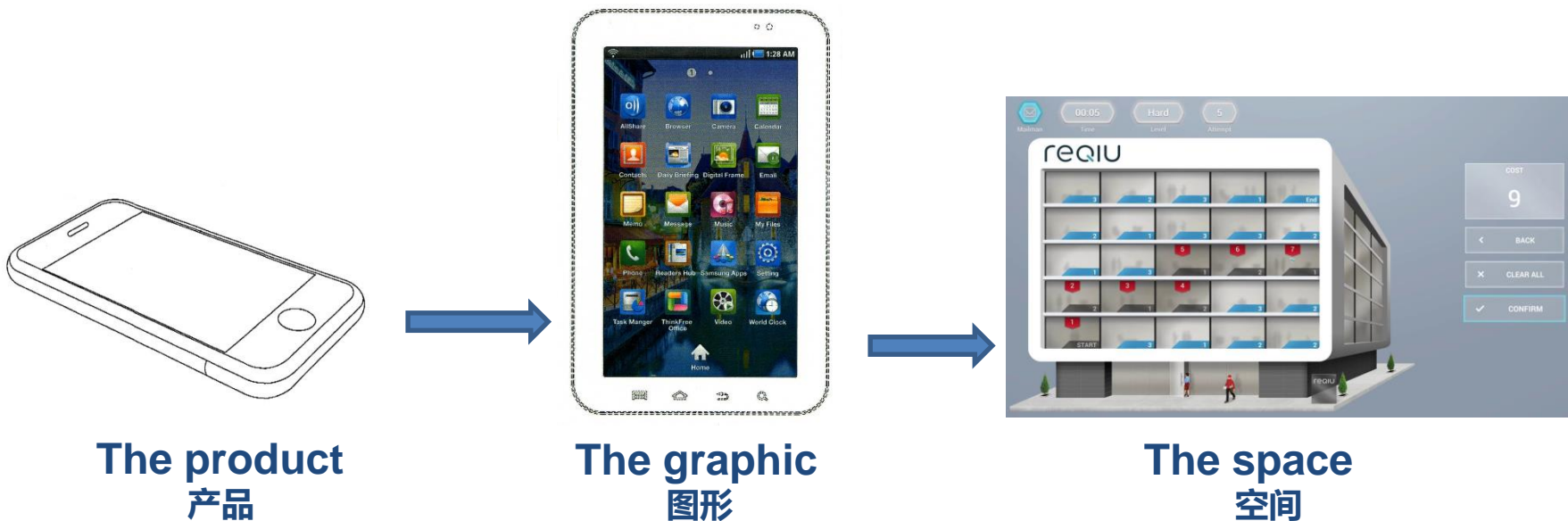


## New Types of Designs – Main Issues 外观设计新类型——主要问题

### 1. 3D products to 2D or virtual space 3D产品转向2D或虚拟空间

#### Article 3 CDR 《欧盟理事会共同体外观设计保护条例》第3条

- a) **DESIGN** means the appearance of the **whole or a part of a product** [...] 外观设计是指【.....】整体或局部产品外观
- b) **PRODUCT** means **any industrial or handicraft item** [...] including inter alia [...] **get-up, graphic symbols** [...] 产品是指所有工业和手工制品，包括【.....】装帧、图形符号【.....】

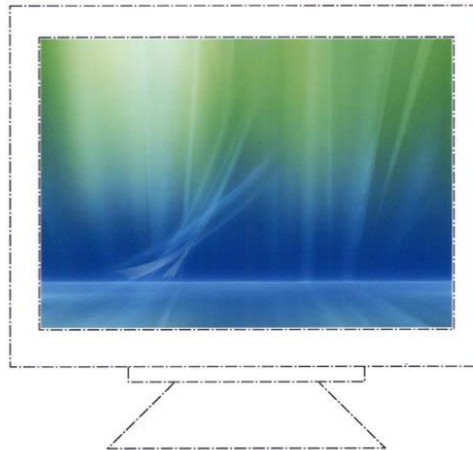




## New Types of Designs – Main Issues 外观设计新类型——主要问题

### 2. No physical embodiment 无实体实施例

#### - Partial designs 局部外观设计



#### - Product Indications 产品标识

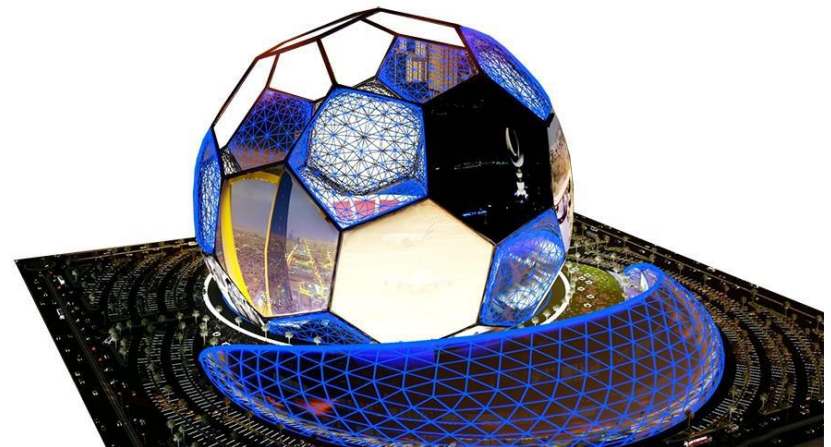
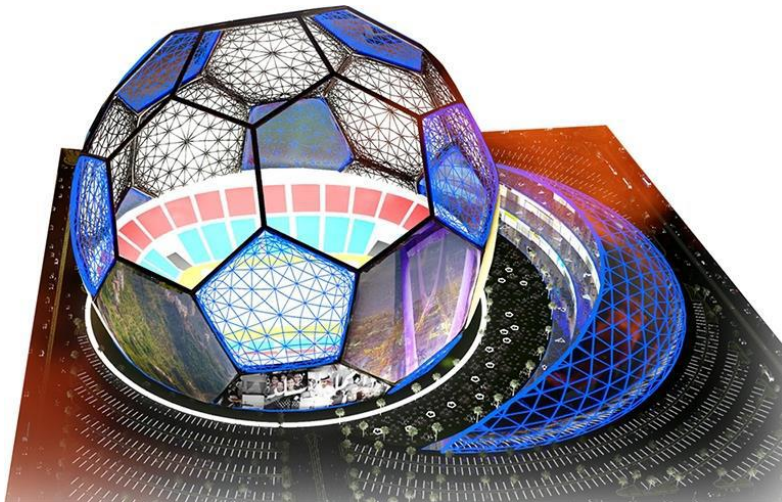




## New Types of Designs – Main Issues 外观设计新类型——主要问题

### 3. Transitions, movements, animations 过渡、移动、动画

- What is the subject matter of protection? 保护客体是什么?
- Formal representation requirements 形式表示要求



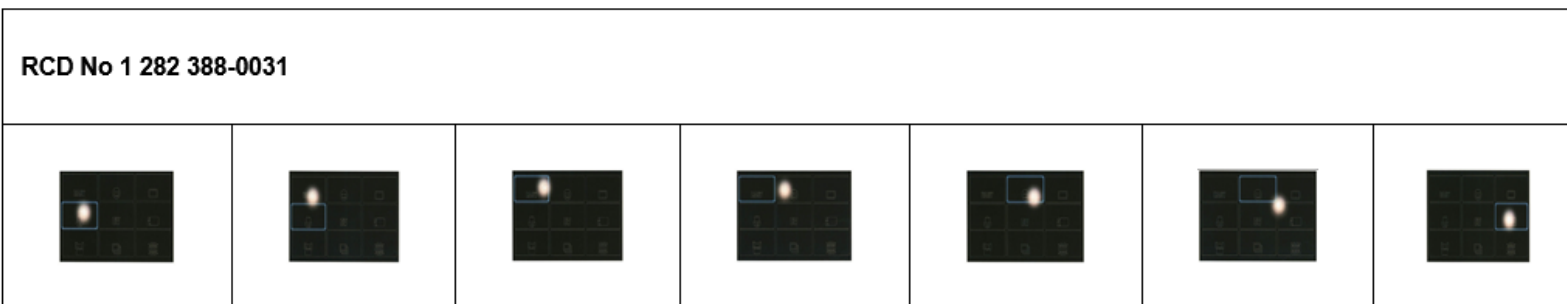
## Graphical User Interface – Representation

### 图形用户界面——表示

- Animated GUIs and icons are normally represented through snapshots  
动画图形用户界面和图标一般通过快照表示
- Maximum **7 views** per design 每项外观设计最多**7个视图**



- All views need to be **visually related**, which means that they must have features in common 所有视图须具备**视觉关联性**，即其必须具有共同特征



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## Main Databases 主要数据库

**DESIGN**view

**DESIGN**class

 **eSearch plus**  
The EUIPO's database *access*

Search trade marks, designs, owners, representatives, Bulletins and Office decisions in one single application. [Learn how](#)

[Advanced search](#)



Search



Drag 1 image to search for trade marks and up to 7 for designs  
JPG, PNG, GIF and TIF are allowed

## Main Databases 主要数据库

<https://www.tmdn.org/tmdsview-web/#/dsview>

### DESIGN view

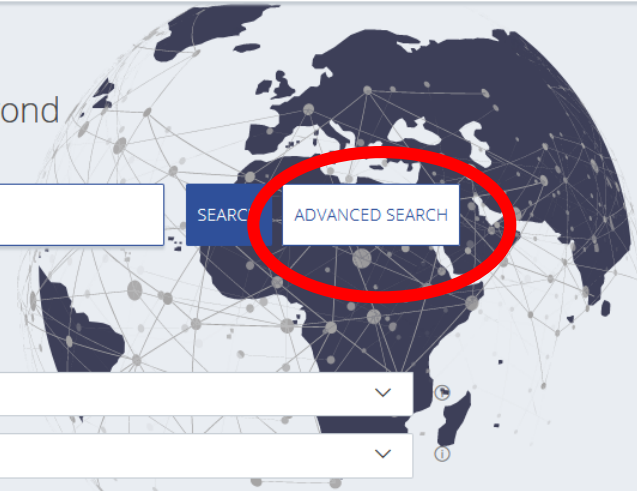
Search 19,240,152 designs  
across the European Union and beyond



CONFIGURE YOUR SEARCH

Territories

Offices



# DESIGN View

## DESIGN view

<input type="text" value="Type indication of the product"/>		<input type="button" value="SEARCH"/>	<input type="button" value="BASIC SEARCH"/>
Territories	<input type="text" value="Select territories"/>	▼	①
Offices	<input type="text" value="Select one or more offices"/>		
Verbal element	<input type="text" value="Type verbal element"/>		①
Design number	<input type="text" value="Type design number"/>		①
Application number	<input type="text" value="Type application number"/>		①
Design status	<input type="text" value="Select design status"/>	▼	①
Owner name	<input type="text" value="Type owner name"/>	▼	①
Previous owner name	<input type="text" value="Type owner name"/>	▼	①
Designer name	<input type="text" value="Type designer name"/>	▼	①
Representative's name	<input type="text" value="Type representative name"/>	▼	①
Locarno classification	<input type="button" value="WIPO"/>	<input type="button" value="JAPAN"/>	<input type="text" value="14.04 - Screen displays..."/>
Expiry date	<input type="text" value="DD/MM/YYYY - DD/MM/YYYY"/>		①
Filing date	<input type="text" value="DD/MM/YYYY - DD/MM/YYYY"/>		①
Registration date	<input type="text" value="DD/MM/YYYY - DD/MM/YYYY"/>		①

# DESIGN View

## DESIGN view

English (en) Sign in Register



Locarno classification: 14.04

Save this search Share by email WIPO Global Designs DB

Export Compare Alerts Tags

<< 1-20 Of 196.374 >>

Statistics view List view Expanded view Gallery view Edit columns

	Design	Indication of the product	Design office	Application number	Filing date	Design status	Locarno classification...
<input type="checkbox"/>		PADRÃO ORNAMENTAL APLICADO A/EM INTERFACE GRÁFICA DE USUÁRIO PARA SELECIONAR LAYOUT	Brazil-INPI	302020003912	30/10/1920	Registered and fully published	14.04
<input type="checkbox"/>		DIFUSOR ACUSTICO	Argentina-INPI	5318	06/06/1967	Registered and fully published	14.04
<input type="checkbox"/>		GABINETE PARA RADIO PORTATIL O DE BOLSILLO	Argentina-INPI	6790	09/11/1967	Registered and fully published	14.04
<input type="checkbox"/>		GABINETE PARA RADIO	Argentina-INPI	6801	10/11/1967	Registered and fully published	14.04
<input type="checkbox"/>		GABINETE PARA RADIO PORTATIL	Argentina-INPI	6804	10/11/1967	Registered and fully published	14.04

## DESIGN view

English (en) Sign in Register

Locarno classification: 14.04

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Export Compare Alerts Tags

<< 41-60 Of 196.374 >>

Statistics view List view Expanded view Gallery view Edit columns

<input type="checkbox"/> Select all								Sort by	Ascending
<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> an ELECTRONIC DEVICE		
Status Registered an... Locarno 14.04	Status Registered an... Locarno 14.04	Status Registered an... Locarno 14.04	Status Registered an... Locarno 14.04	Status Registered an... Locarno 14.04	Status Registered an... Locarno 14.04	Status Registered an... Locarno 14.04	Status Registered an... Locarno 14.04		
<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> an ELECTRONIC DEVICE	<input type="checkbox"/> DISPLAY SCREEN	<input type="checkbox"/> GRAPHICAL USER INTERFACE APPLIED ...	<input type="checkbox"/> GRAPHICAL USER INTERFACE APPLIED ...	<input type="checkbox"/> GRAPHICAL USER INTERFACE APPLIED ...	<input type="checkbox"/> GRAPHICAL USER INTERFACE APPLIED ...		
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<input type="checkbox"/> Graphical user interface applied to an ...	<input type="checkbox"/> Graphical user interface applied to an ...	<input type="checkbox"/> Display screen with graphical user inter...	<input type="checkbox"/> Display screen with graphical user inter...						
Status Registered an... Locarno 14.04, 32.00	Status Registered an... Locarno 14.04, 32.00	Status Registered an... Locarno 14.04	Status Registered an... Locarno 14.04						

## Esearch plus - EUIPO

<https://euipo.europa.eu/eSearch/>

 eSearch plus

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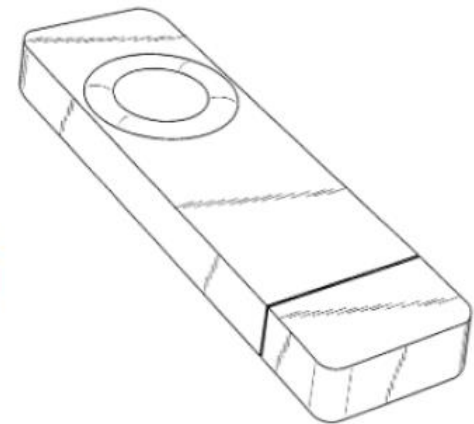
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Search





Drag 1 image to search for trade marks and up to 7 for designs  
JPG, PNG, GIF and TIF are allowed





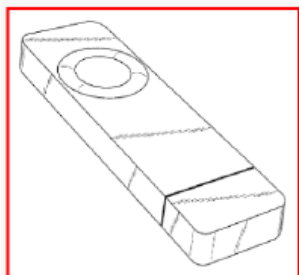




# Esearch plus - EUIPO

Advanced search

  **Search**




   
Use the selection tools to indicate the area you want to search





☐ Search for Trade marks  
☒ Search for Designs


[Reset search](#)

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Trade marks **Designs (5525)** Owners Representatives

5525 search result(s) in 56 page(s) in 10.651 seconds 

    100 ▾

Actions  Export .xlsx

☐ Select all

## International Studies and Recommendations 国际研究与建议

- [Convergence on graphic representations of designs - Common Communication \(CP6\)](#) 统一化外观设计图形表示—共同通信文件 (CP6)
- [ID5 “Study of practices on protection of new technological designs” ID5](#) “新型技术外观设计的保护实践研究”
- [WIPO SCT/37/2 “Analysis of the Returns to the Questionnaire on Graphical User Interface \(GUI\), Icon and Typeface/Type Font Designs](#) 世界知识产权组织SCT/37/2: “关于图形用户界面、图标和字体/字型外观设计问卷反馈的分析”
- [WIPO SCT/42/6 “Proposal by the delegations of Japan and the USA for a joint recommendation: Industrial design protection for graphical user interface \(GUI\) designs](#) 世界知识产权组织SCT/42/6: “关于日本和美国代表的联合建议: 图形用户界面设计的外观设计保护”
- [ID5 “Catalogue of Partial Design Protection” ID5](#) “局部外观设计保护目录”



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