



DESIGN PROTECTION IN THE EU: ADAPTING THE EU SYSTEM TO DIGITAL INNOVATION

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INDUSTRIAL DESIGN

EU, EUIPO & EU DESIGNS

ADAPTING THE EU SYSTEM TO DIGITAL INNOVATION



INDUSTRIAL DESIGN



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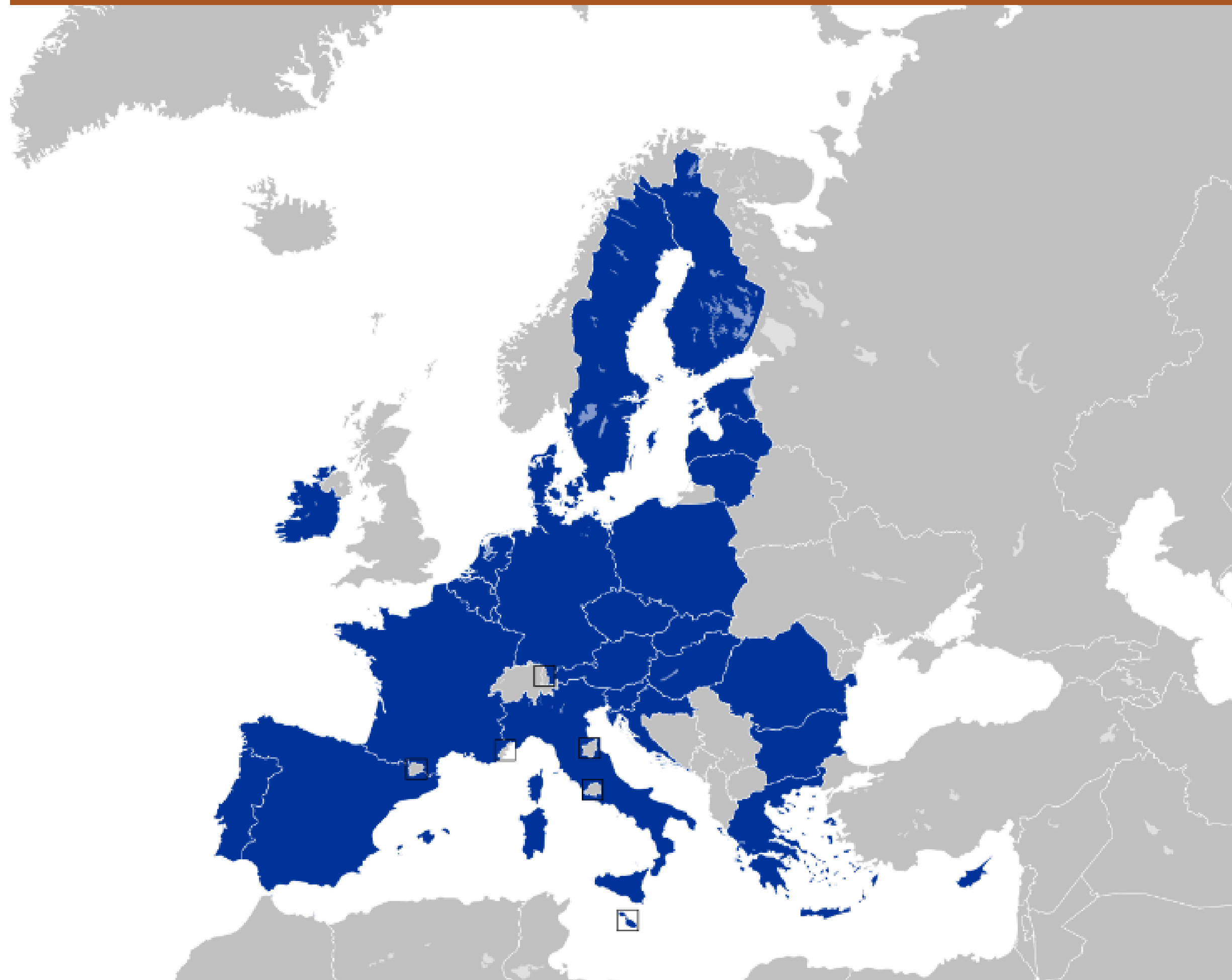
protects the **appearance** of the whole or a part of a **product** which is new and has ‘individual character’



EU, EUIPO & EU DESIGNS



EU, EUIPO & EU DESIGNS



CHARACTERISTICS OF EU and EUD

27 Member States

Population 400+ million

Centralised system – unitary protection

Single market

ONE application, set of fees and procedure

5 years protection – Up to 25 years

Harmonised IP law



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INDUSTRIAL DESIGN

“What are my choices?”

3

OPTIONS

EU Design via **EUIPO**

International Registration via
WIPO (Hague System)

National Design Filings

TERRITORY



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INDUSTRIAL DESIGN

DURATION

Registered Design

REGISTRATION

max 25 YEARS

Unregistered Design

DISCLOSURE

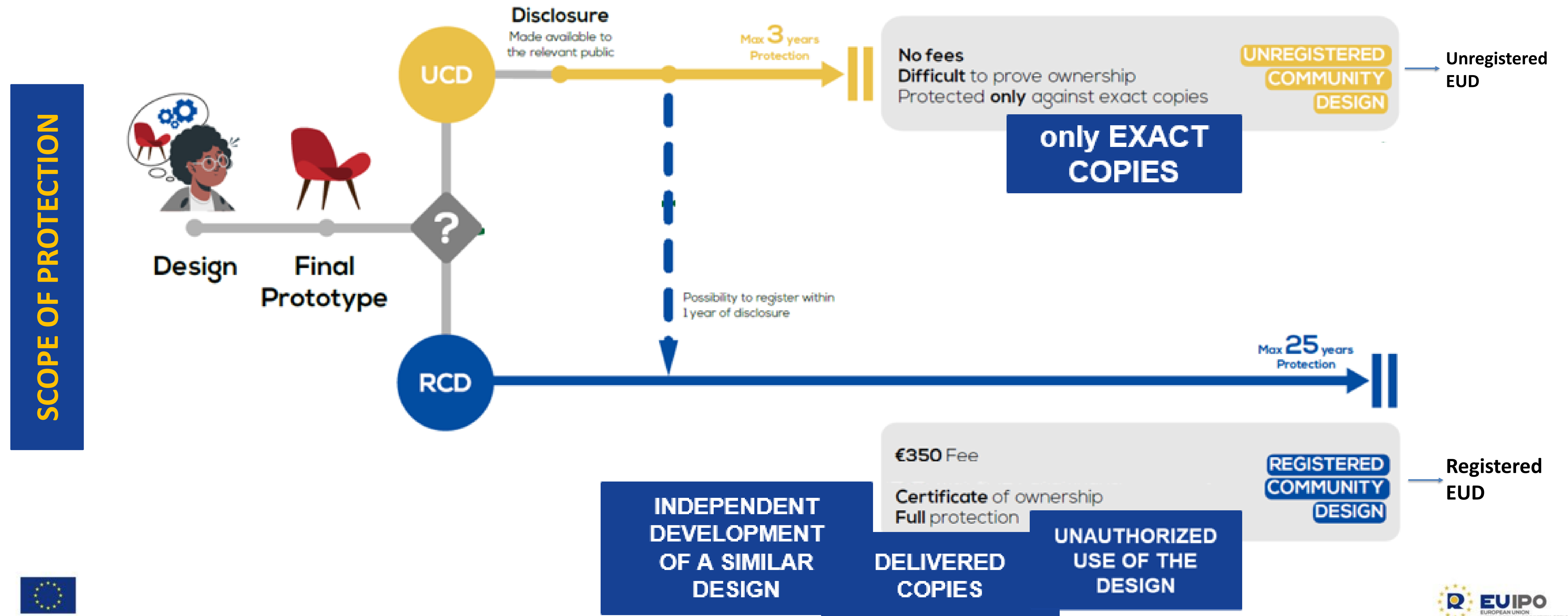
max 3 YEARS



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DESIGNS



HOW TO FILE – best practices



By e-filing

- **fast track**
- Regular Track



By post or courier delivery

DESIGN | class



SINGLE APPLICATION

DATE OF FILING

PUBLICATION

OR

OR

OR

MULTIPLE APPLICATION

PRIORITY

DEFERMENT



What is examined?



QUALITY

CONSISTENCY

**PRODUCT
INDICATION**

DESIGN DEFINITION

APPLICANT

**PUBLIC POLICY &
MORAL**

FEES



ADAPTING THE EU SYSTEM TO DIGITAL INNOVATION



ADAPT

IMPROVE

PROMOTE



ADAPT



LEGAL REFORM



WHY? Main objectives of the reform

- **Improve accessibility, efficiency & affordability of design protection in the EU by:**
 - **Modernising** and clarifying key aspects of EU Design Law to bring more legal certainty (*What can be protected? How? What is the extent of exclusive holders rights and limitations?*)
 - Simplifying procedures and aligning them with trade mark processes
 - Changing the EU Design fee regime in terms of the level of costs and complexity
- **Enhance harmonisation between the National & EU tiers**
- **Harmonise the protection regime for spare parts**



WHEN? Phased approach

EU REGULATION:

- ENTRY INTO FORCE
- PHASE I – May 2025
- PHASE II – July 2026



EU DIRECTIVE:

- ENTRY INTO FORCE
- TRANSPOSITION - Dec. 2027

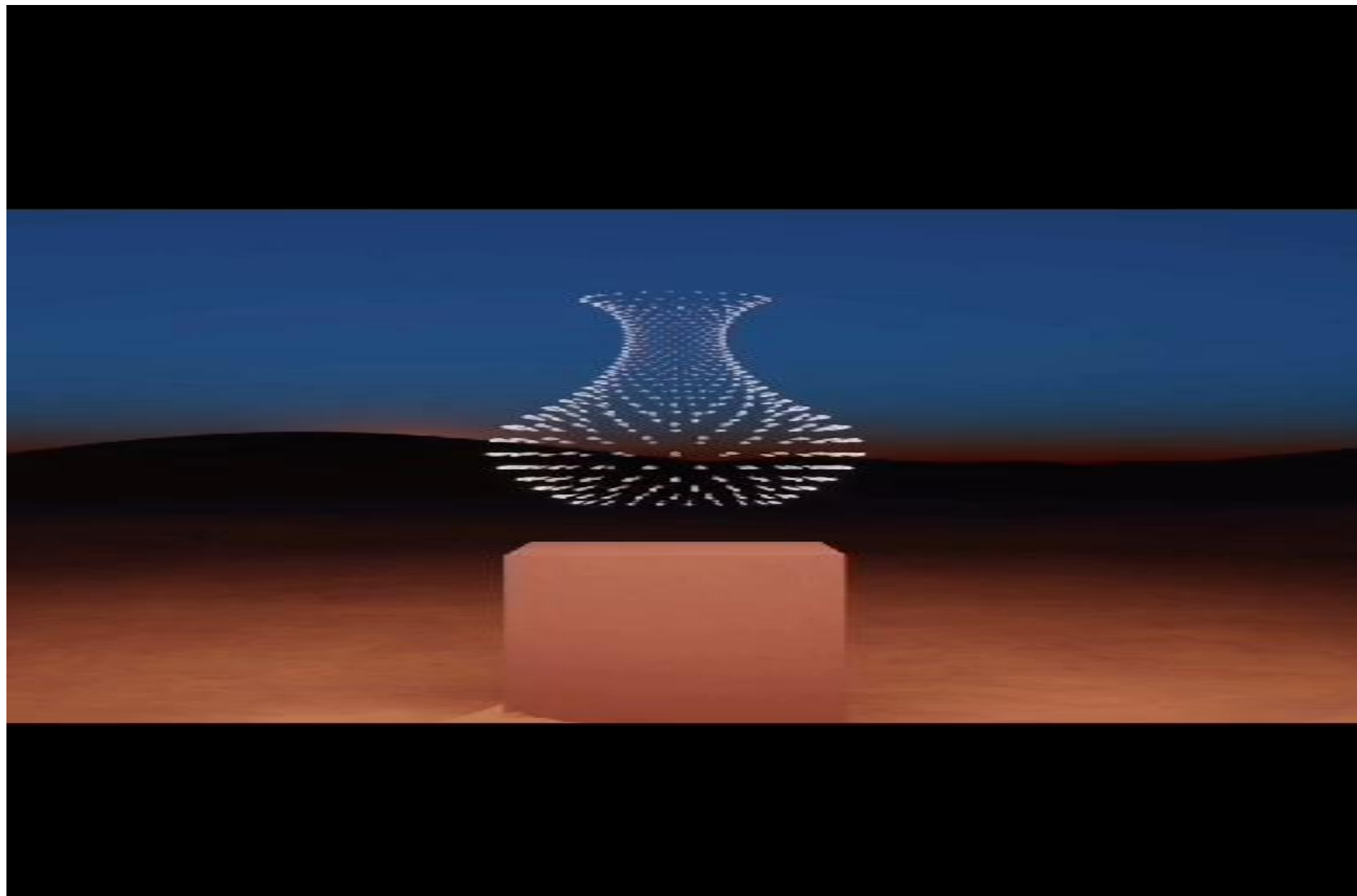


WHAT?

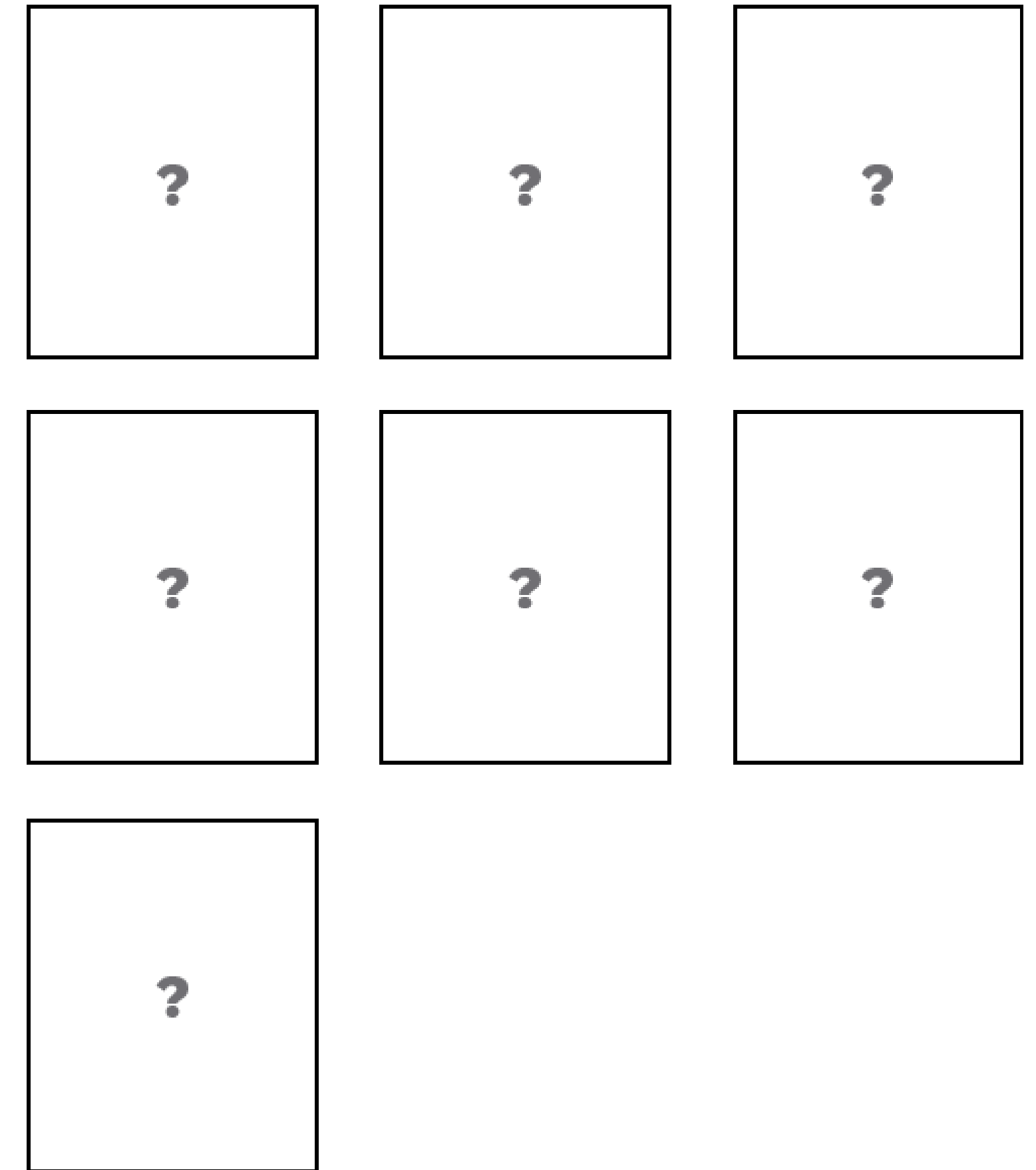
- **Terminology**
e.g. **European Union Design**
- **Substantive changes**
Definitions and the object of design protection



Design definition broadened to explicitly state that **animation, transition and movement are protected**



Living Vase by Hunn Wai and
Francesca Lanzavecchia as
presented for Vogue Singapore



Product definition tailored to allow for non-physical design protection and broadened to explicitly mention certain product examples (geographical user interfaces, items intended to form an interior or exterior environment, sets of articles)



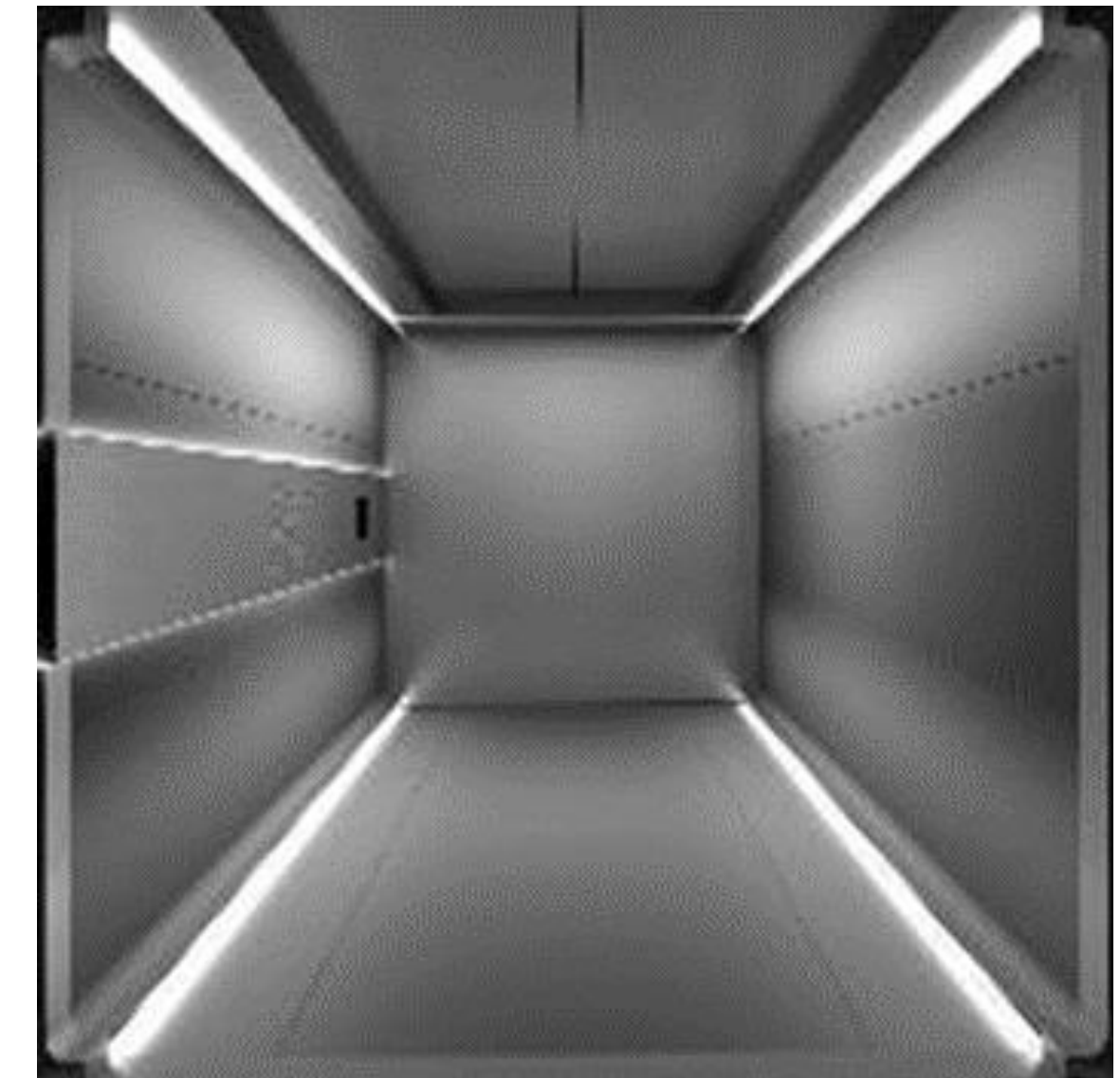
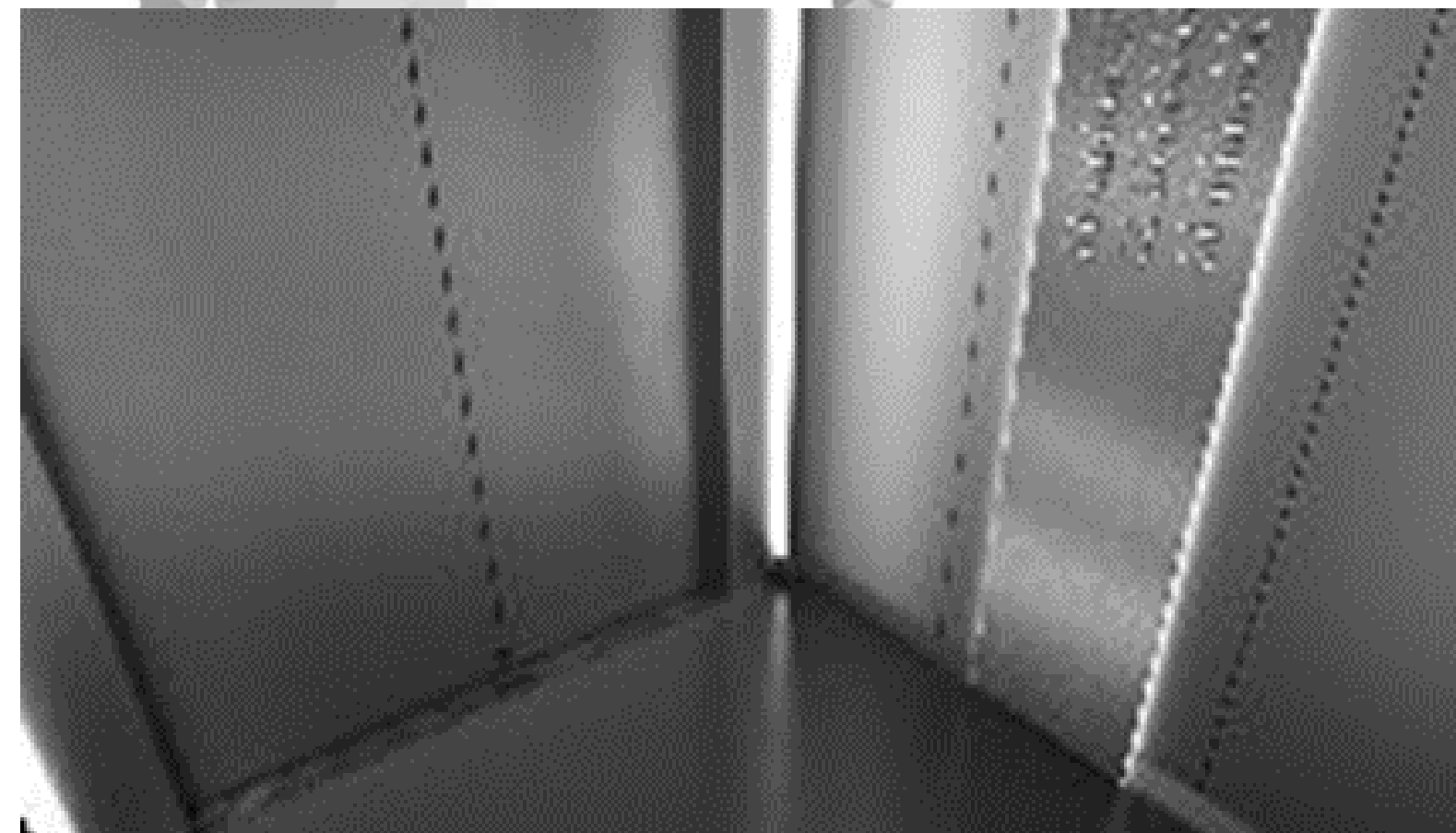
EUD 015006467-0001, Class: 32.02 – Get-up



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Object of protection defined by the **features of appearance which are **shown visibly** in the application for registration.**



EUD 002646448- 002, Class: 12.05-Elevators

Registrable?



Registrable?



EUD 2376806- 0003, Class: 32.00 Patterns for surfaces



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Registrable?



WHAT?

- **Terminology**

e.g. **European Union Design**

- **Substantive changes**

Definitions and the object of design protection

- **Exclusive rights and limitations**

The scope of **exclusive rights expanded** to allow the design holder to, among others, act against the **abuse of 3D printing** when distributing the recorded design to others in any medium



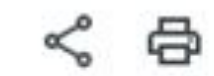
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Designs > Design Reform



New EU Design Reform

The EU design legislative reform represents a significant modernisation of the design protection framework, aligning it with current technologies and economic realities. It enhances legal certainty, reduces complexity, and expands the accessibility of design rights, which will greatly benefit creators and businesses across Europe.

Aims of the reform



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IMPROVE



Guidelines

The EUIPO's current trade mark and design practice is reflected in a series of guidelines for examination that are intended to help both our users and our staff in charge of the various procedures.



Trade mark guidelines

Guidelines for examination of European Union trade marks

[Go to the EUIPO guidelines](#)



Design guidelines

Guidelines for examination of registered designs at EU level

[Go to the EUIPO guidelines](#)



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TOOLS

DESIGNview

 eSearch plus



PROMOTE



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