



DESIGN REFORM IN THE EUROPEAN UNION

MONIKA TOMCZYNSKA | MANILA | 2 OCTOBER 2025

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TRADEMARKS

CERTIFICATE OF APPRECIATION

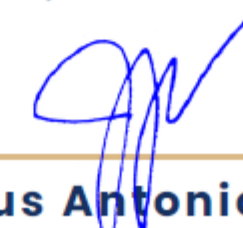
is presented to

MONIKA TOMCZYNSKA

In recognition of her invaluable contribution in sharing her knowledge on the EUIPO's practice on the substantial examination of marks on absolute grounds of refusal during the

**Online Experts Meeting-Training on
Trademark Examination Guidelines for the
IPOP HL Examiners**

Given this 17th day of January 2023 via Zoom.

A blue ink signature of Jesus Antonio Z. Ros.

Jesus Antonio Z. Ros
Director, Bureau of Trademarks



QUESTIONS AND ANSWERS

WHY?

WHEN?

WHAT?



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

■ Phase I Basic regulation

Starts applying 4 months after the Amending Regulation comes into force (2025)

States basic rules that do not need secondary legislation

■ Phase II Secondary legislation

Starts applying 18 months after the Amending Regulation comes into force (2026)

States articles to be developed by secondary legislation (Implementing and Delegated regulations)

■ Transposition of the Directive


Enters into force 20th day following its publication

Member states shall transpose it to their laws withing 36 months from its entry into force (2027)



WHAT? Institutional changes

Terminology



'Community design'	➔	'European Union design' ('EU design')
'Community design court'	➔	'EU design court'
The Office	➔	'The European Union Intellectual Property Office'
The Community Design Regulation	➔	'The European Union Design Regulation ('EUDR')'



WHAT? Institutional changes

Structural changes

- **Amending Implementing Regulation** issued to cater for temporary absence of the secondary legislation necessary to implement the new basic law
- **Fees Regulation** is incorporated into the Amending Regulation as **Annex I**



WHAT? Substantive changes

Definitions and the object of design protection

- Design definition **broadened** to explicitly state that **animation, transition and movement** are protected
- Product definition tailored to allow for **non-physical design protection** and **broadened** to explicitly mention certain product examples (**sets of articles, spatial arrangements of items intended to form an interior or exterior environment, and parts intended to be assembled into a complex product, as well as graphic works or symbols, logos, surface patterns and graphical user interfaces**)
- Object of protection defined by the **features of appearance** which are **shown visibly** in the application for registration

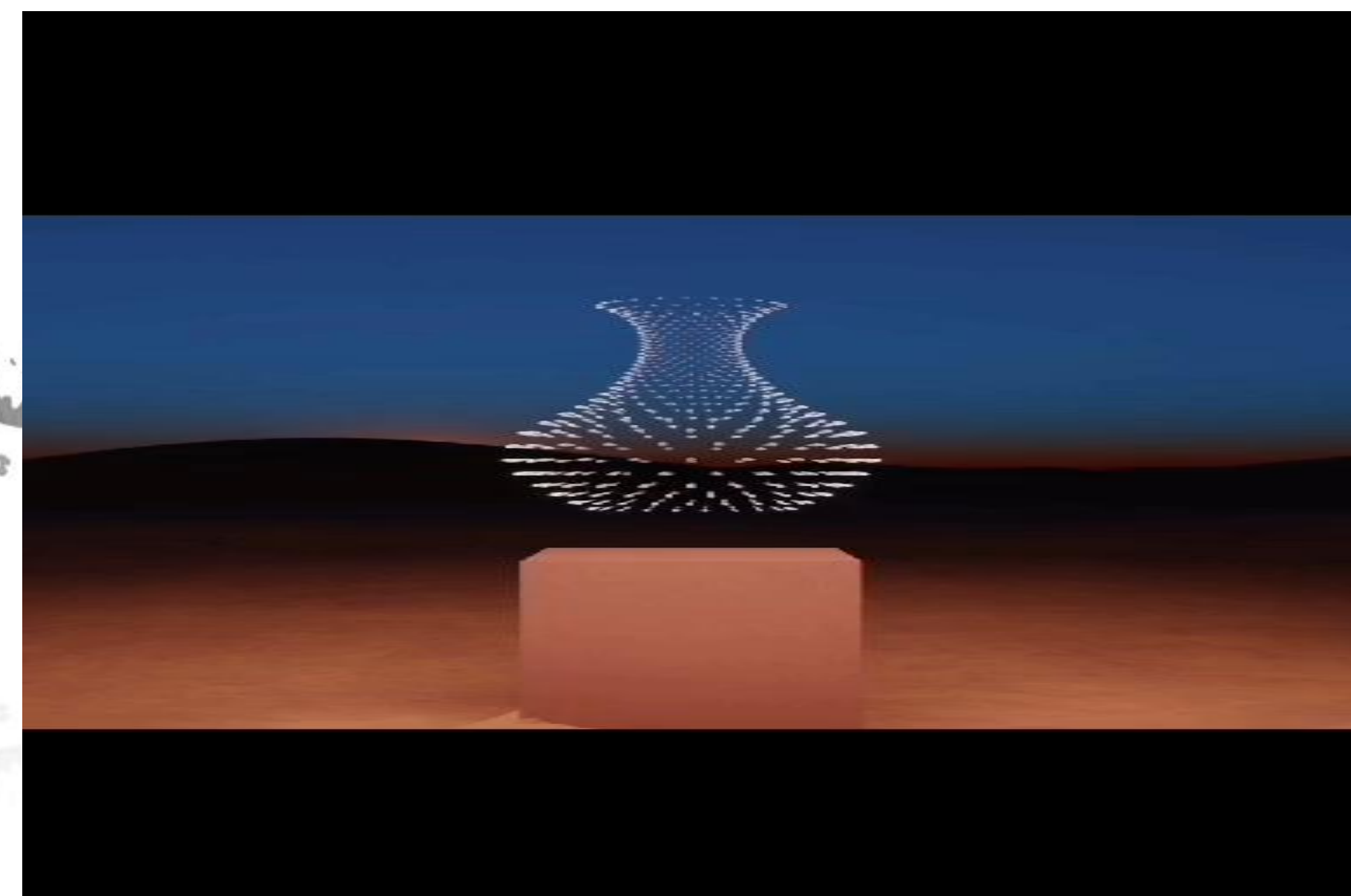


WHAT? Substantive changes

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



WHAT? Substantive changes

Definitions and the object of design protection

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

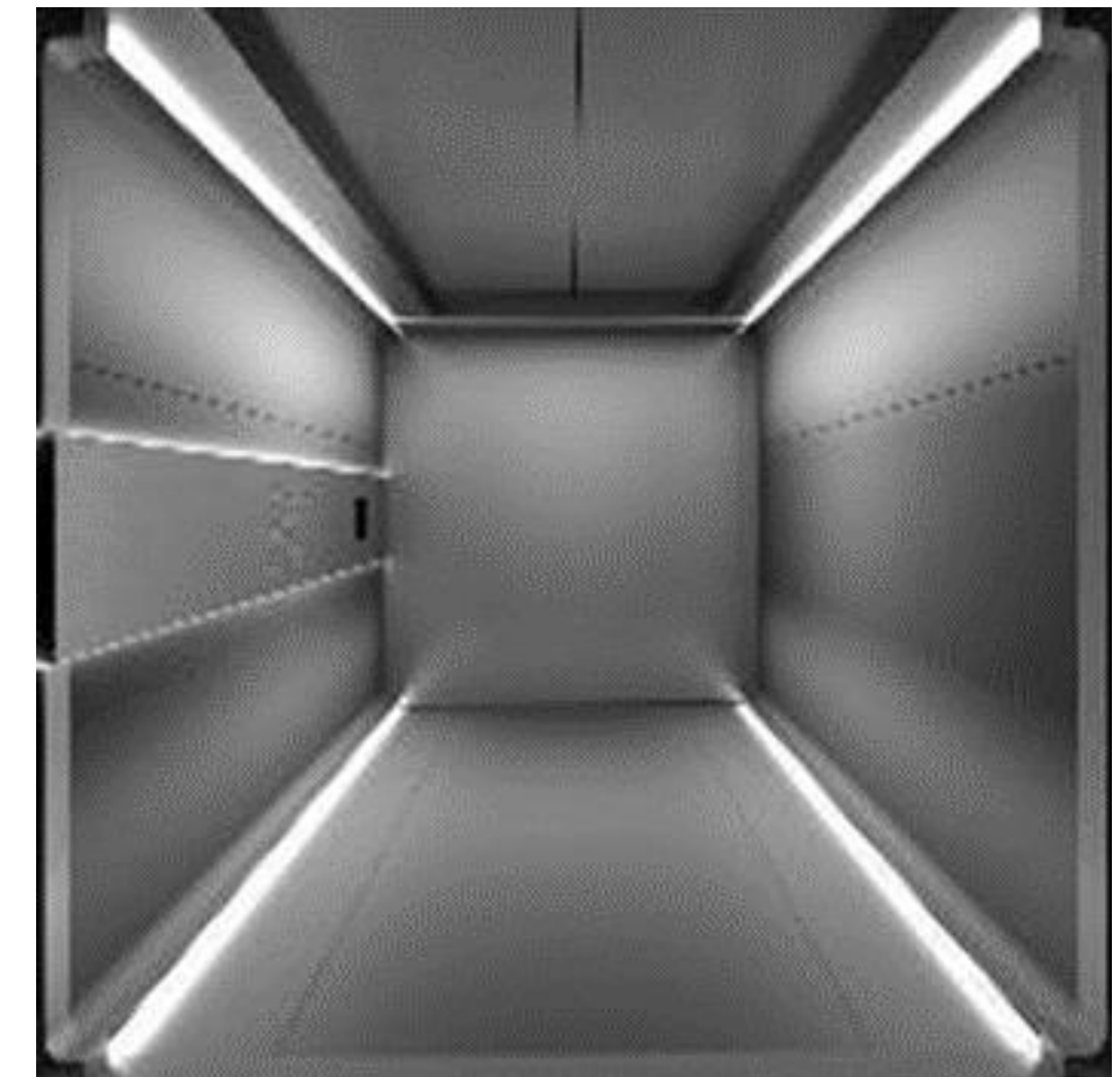
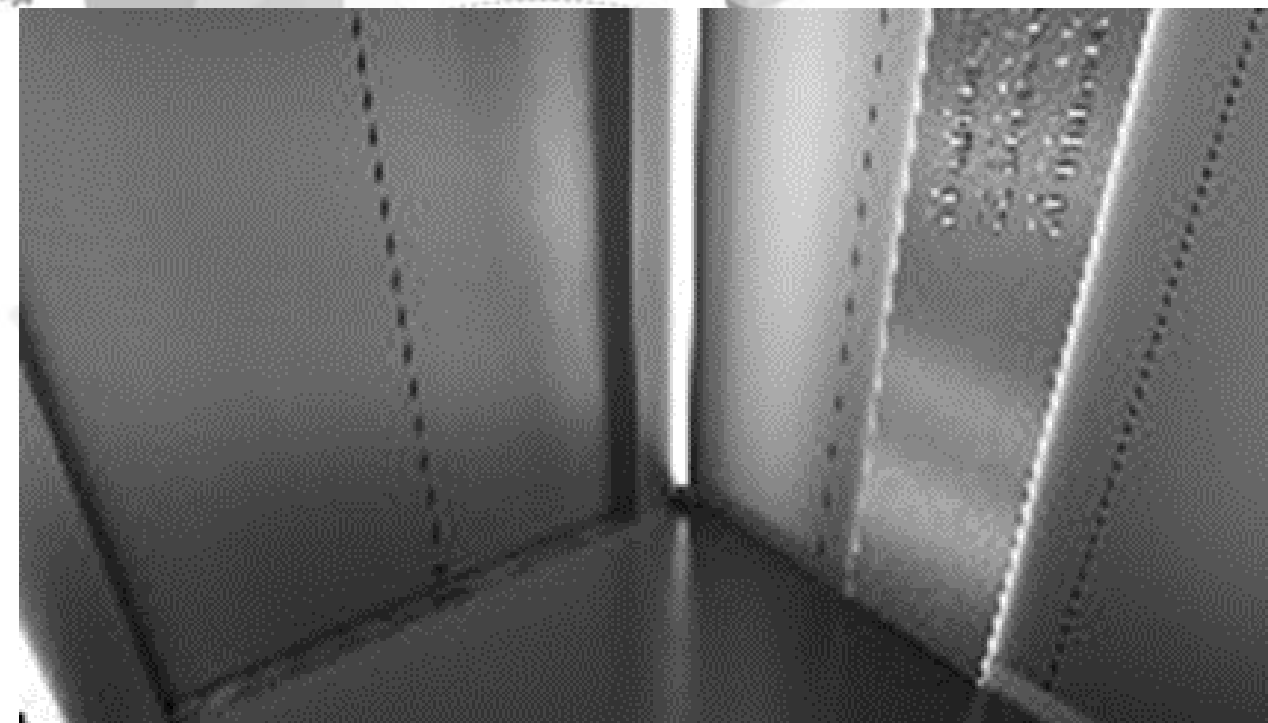
EUD 015006467-0001,
Class: 32.02 – Get-up



WHAT? Substantive changes

Definitions and the object of design protection

- 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



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WHAT? Substantive changes

Entitlement, citation of designer, and design notice

▪Ownership

- Clarification on the competent forum and person to submit the claims to change ownership
- Details of the entries to be made in the Register are listed
- Time limit for a previous holder or licensee to request a non-exclusive license

▪Right of the designer to be cited, including entering a change of name

▪Design symbol: a design notice consists of a letter D in a closed circle ®



WHAT? Substantive changes

Exclusive rights and limitations

- The scope of **exclusive rights expanded** to allow the design holder to:
 - stop counterfeited products transiting through EU territory or being placed in another customs situation
 - act against the abuse of 3D printing when distributing the recorded design to others in any medium
- The catalogue of **limitations** to the design holder's exclusive rights have been **expanded** to include:
 - referential use
 - acts carried out for the purpose of comment, critique or parody
- Exhaustion of rights concept is now limited to the **European Economic Area** rather than the European Union



WHAT? Substantive changes

Spare parts

Transitional repair clause converted into a permanent provision

‘Repair clause’ make design rights unenforceable where the design of the component part of a complex product is used for the purpose of the repair of a complex product **to restore its original appearance**

Manufacturers and sellers will have the following obligations:

- to duly inform consumers about the commercial origin, and the identity of the manufacturer
- to ensure that these parts are used for repair, but no guarantee that this is the case

8-year transitional period

for existing registered designs will apply as set in Article 19 Recast Directive

WHAT? Substantive changes

Filing and examination

- **Abolishment of filings via the national offices**
All **EU Design Applications** will now be filed directly at the EUIPO
- **Filing date and formal requirements**
 - The payment of the application fees becomes a filing date requirement
 - The application fees must be paid within one month of filing instead of together with the application
 - The applicant's right to indicate a Locarno subclass is formalised
 - The possibility of submitting a specimen is eliminated



WHAT? Substantive changes

Filing and examination

▪ **Multiple applications**

- Unity-of-class requirement is abolished
- The number of designs in a multiple application is limited to 50
- The fee bracket concerning the 11th design onwards is abolished

▪ **Deferment of publication**

- Lack of payment of the deferment fee at the moment of filing (or within the deadline to remedy that deficiency) leads to the rejection of the application
- No publication fee
- Holders can no longer prevent publication by non-payment but must explicitly surrender the designs that they do not want to be published



WHAT? Substantive changes

Renewal

- The date of receipt of the user's request for renewal will be the pivot date for calculating the renewal fees
- Six-month period ending on the date of expiry of the registration (not on the last day of the month on which protection ends)
- Grace renewal period (where a surcharge is applicable) will start the day after the date of expiry and finish six months after said date
- Renewal fees are increased progressively
- International registration renewal fee doubled



WHAT? Substantive changes

Register and other

- **Register:**
 - Removal of nationality entry for some representatives and all design holders (not applicable to existing entries)
 - Removal of street address for design holders (not applicable to existing entries)
 - Register will also contain the date of entry into the Register (i.e. the date when the examination of the design is finalised in accordance with Article 48(3) EUDR as amended)
- **Office Database** will no longer display the **addresses and nationalities** of parties and representatives (applicable for both, existing and future entries)
- **Inspection of files:** only online and free of charge



WHAT? Substantive changes

Invalidity

- **Disclosure:** Article 7(2) EUDR modified to clarify the extent of the 12-month 'grace period' which applies when the previously disclosed design is either identical or it does produce a different overall impression of the contested EU design
- **Legitimate interest:** applicants can request a declaration of invalidity for a lapsed or surrendered EU design only if they can demonstrate legitimate interest (*ex tunc effects*)



WHAT? Substantive changes

Invalidity

- **Effect of priority right:** priority is relevant not only when an EU design is in conflict with another design right (Article 25(1)(d) EUDR) but also with another distinctive sign (Article 25(1)(e) EUDR) or when it constitutes an unauthorized use of a work protected by copyright (Article 25(1)(f) EUDR)
- **Restitutio in integrum**
 - The **one-year period** to complete the omitted act no longer includes the additional six-months grace period (additional time limit to renew the design)
 - It starts running **after the expiration of the grace period** (calculated differently from EUTM renewals)
 - Refund of the restitutio fee if the request is upheld (different from TMs)



WHAT? Substantive changes

Fee levels and structure

- **Unification of registration and publication fees** into one single application fee
- Reduced (to some extent) **single fee for each additional design in a multiple application**
- Increase of **renewal fees**
- New fee for **continuation of proceedings and for alteration of a registered EU design, Restitution in integrum**
- Reduction of **appeal and declaration of invalidity fees**



WHAT? Substantive changes

Fee levels and structure

Elimination of fees for:

- Late payment of the registration
- Late payment of publication
- Late payment of deferment of publication
- Late payment of additional fees for multiple applications
- Recording of a transfer (of an application for or of a registration of a design)
- Cancellation of the registration of a licence or other right
- Inspection of files
- Communication of information in a file
- Issuance of certified and uncertified copies



WHAT? Substantive changes

Fee levels and structure

	Old fee
Registration	EUR 230
Publication	EUR 120
Multiple applications	
Registration (mult.) 2nd to 10th design 11th design onwards	EUR 115 EUR 50
Publication (mult.) 2nd to 10th design 11th design onwards	EUR 60 EUR 30
Additional fee for deferment of publication (mult.): 2nd to 10th design 11th design onwards	EUR 20 EUR 10
Fee for deferment of publication	EUR 40

	New fee
Application	EUR 350
Multiple applications	
Additional application fee in respect of each additional design included in a multiple application	EUR 125
Deleted	
Additional fee for deferment of publication (mult.):	EUR 20
Fee for deferment of publication	EUR 40



WHAT? Substantive changes

Fee levels and structure

	Old fee		New fee
Renewal fee per design, included or not in a multiple registration 1st renewal 2nd renewal 3rd renewal 4th renewal	EUR 90 per design EUR 120 per design EUR 150 per design EUR 180 per design	Renewal fee: 1st renewal 2nd renewal 3rd renewal 4th renewal	EUR 150 per design EUR 250 per design EUR 400 per design EUR 700 per design
Fee for the late payment of the renewal fee or the late submission of the request for renewal	25 % of the renewal fees	Fee for late payment of the renewal fee	25 % of the renewal fee
International Registration Individual designation fee for an international registration Individual renewal fee for an international registration 1st renewal 2nd renewal 3rd renewal 4th renewal	EUR 62 per design EUR 31 per design EUR 31 per design EUR 31 per design EUR 31 per design	Individual designation fee for an international registration Individual renewal fee for an international registration 1st renewal 2nd renewal 3rd renewal 4th renewal	EUR 62 per design EUR 62 per design EUR 62 per design EUR 62 per design EUR 62 per design



WHAT? Substantive changes

Fee levels and structure

	Old fee
Fee for the application for a declaration of invalidity	EUR 350
N/A	N/A
Appeal fee	800 EUR
Fee for the registration of a licence or another right for a registered Community design:	
Grant of a licence	EUR 200
Transfer of a licence	EUR 200
Creation of a right in rem	EUR 200
Transfer of a right in rem	EUR 200
Levy of execution	EUR 200
(*) subject to a maximum of EUR 1000 if multiple requests are submitted in the same application for registration of the transfer or simultaneously	

	New fee
Fee for the application for a declaration of invalidity	EUR 320
Fee for continuation of proceedings	EUR 400
Appeal fee	EUR 720
Fee for the registration of a licence or another right in respect of a registered EU design referred to:	
Grant of a licence	EUR 200
Transfer of a licence	EUR 200
Creation of a right in rem	EUR 200
Transfer of a right in rem	EUR 200
Levy of execution	EUR 200
(*) up to a maximum of EUR 1000 where multiple requests are submitted in the same application for registration of a licence or another right or at the same time.	



WHAT? Substantive changes

Fee levels and structure



Old fee		New fee	
N/A	N/A	Fee for the alteration of a registered EU design	EUR 200
Fee for the review of the determination of the procedural costs to be refunded	EUR 100	Fee for review of the determination of the procedural costs to be refunded referred	EUR 100
N/A	N/A	Restitutio in integrum Fee reimbursement if request for restitutio in integrum is granted	



INFO



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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



Funded by the European Union



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