

January 2012

HOW TO REGISTER A DESIGN IN THE UNITED KINGDOM

What rights does a United Kingdom design registration give you?

A registered design protects the overall visual appearance of a product or part of a product. The registration protects the look of a product, for example the lines, contours, shape, texture. However, a registered design does not protect the technical function of a design but is reserved to aesthetic appearance. For a design registration to be valid, it must be new and have individual character.

A United Kingdom design registration covers England, Scotland, Wales, Northern Ireland and the Isle of Man. It is renewable every five years up to a maximum of twenty five years. A design registration can be used to stop another trader from using a visual design which is identical or very similar to the registered design, regardless of the product it is applied to.

It is possible to apply for more than one design at the same time regardless of whether they are for related products or not. When multiple designs are applied for at the same time, significant discounts are offered. Filing a multiple design application is cost effective.

A design is published once registered so if you need to keep the design secret a little longer, for example if you are also filing a patent, you can ask to defer registration and publication for up to 12 months whilst retaining the original filing date.

Design infringement proceedings based on a United Kingdom design registration cannot be brought until the design has proceeded to registration. Remedies are available for established infringement including for example damages and injunctions.

There is no requirement that the design must be continually used after registration, but it will be vulnerable to invalidation attacks if it was not 'new' and did not have 'individual character' at the time of application for registration. This is for a third party to prove post registration.

A United Kingdom design application or registration can be used to claim 'priority' in relation to design applications filed outside the United Kingdom, if such applications are filed within six months of the filing date of the United Kingdom application. This means that if a foreign design application is filed within six months of the United Kingdom design application and priority is claimed, the filing date of the foreign application will effectively become that of the United Kingdom design application.

What information do we require to file a United Kingdom design application?

- Full name and address of the applicant and designer (if relevant);
- Country and state (if appropriate) of incorporation of the applicant;

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Harrison Goddard Foote also has offices in Aberdeen, London, Manchester, Sheffield, York and Glasgow
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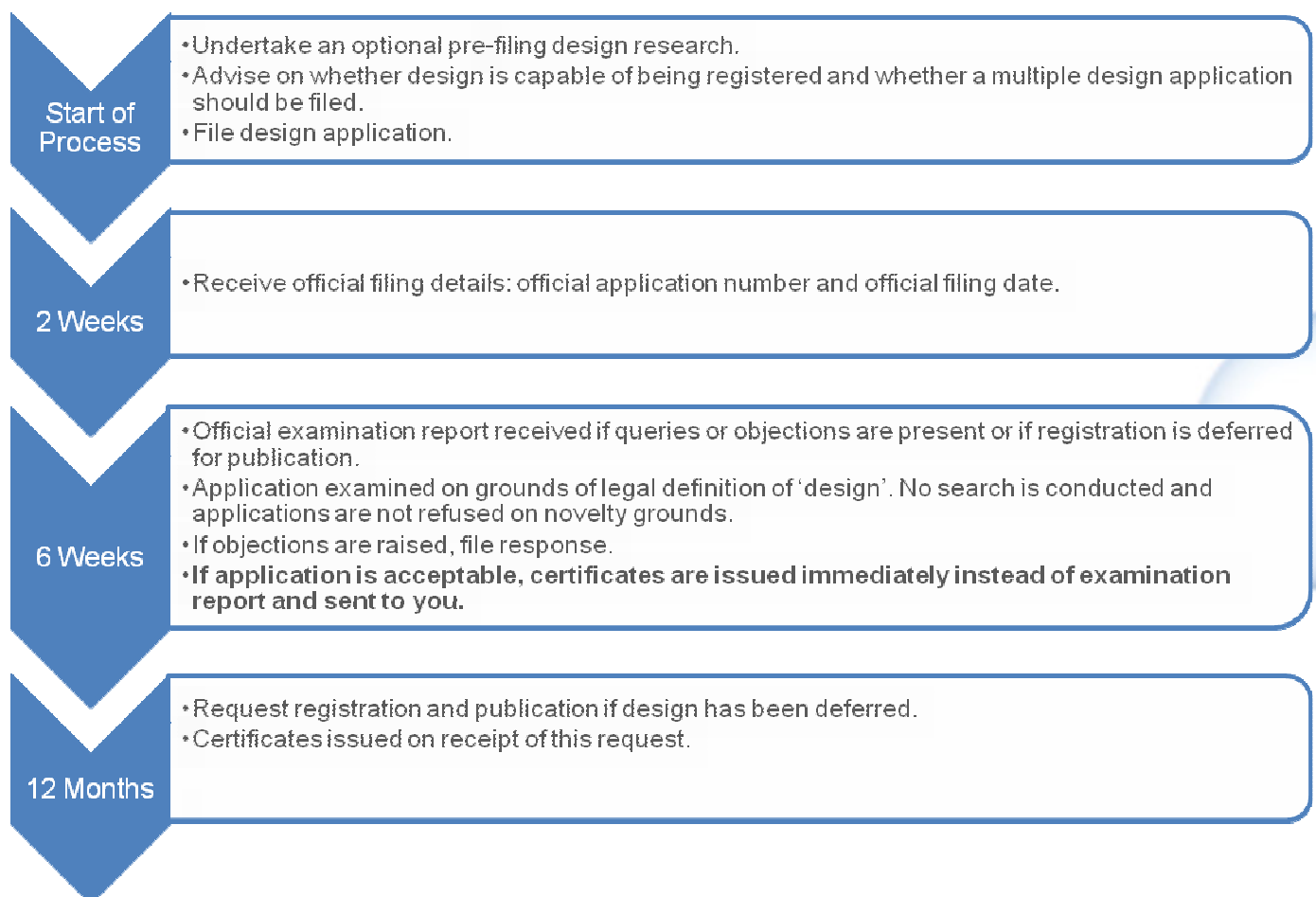
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- A brief descriptive title of the product;
- Good quality representations (preferably CAD line drawings or photographs) of the design from different angles, usually by email in JPG format – up to 7 views can be filed;
- Details of any foreign applications or registrations on which priority is to be claimed (if appropriate).

UK DESIGN APPLICATION PROCESS (ASSUMING NO SIGNIFICANT OBJECTIONS RECEIVED FROM UK IP OFFICE)



Once your design is registered, HGF will note the renewal deadline and we shall then contact you in good time prior to the expiry of your design to ask for renewal instructions.

Contributor: HGF Trade Mark & Designs Team