



Design Drawings

Designs are all about the way something looks. Since nothing on the application form for a Registered Community Design (RCD) affects the scope of protection, it's vital that the drawings show the article to be protected in the best way possible. It is also, generally speaking, not possible to change a drawing after filing, so getting the images right beforehand is extremely important. Below are a few dos and don'ts to help you on your way.

Dos and don'ts

- **DO** file black and white drawings where appropriate to get the broadest protection
- **DO** use a draughtsman – it will save time and money down the line
- **DO** use broken/dotted lines to disclaim parts of the design where necessary
- **DO** consider filing multiple designs – for the whole/part of a product or variants – these are cost-effective for protecting a number of designs
- **DO** be consistent with each view
- **DO** remember that many things can be protected by an EU/UK design, including GUIs, computer icons and other intangible designs

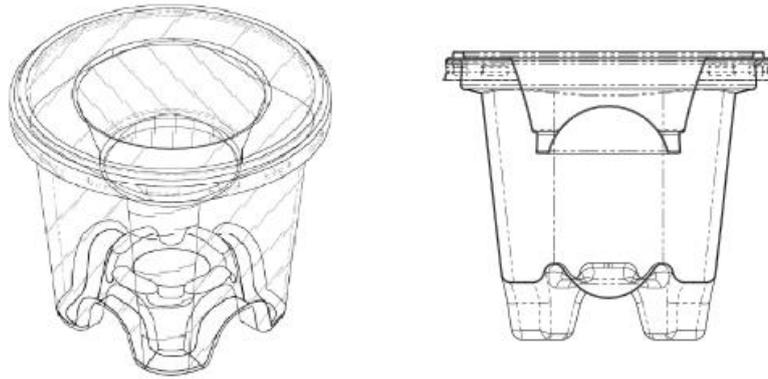
- **DON'T** include non-essential features
- **DON'T** file blurry photos (but note that photos are permitted)
- **DON'T** use colour, unless that is the distinctive feature, as it limits the scope of protection
- **DON'T** include section lines/magnifying circles – these may be confused as forming part of the design. Instead consider filing an additional view – the description can be used to indicate that it is a cross section/magnified view.

Examples – good design drawings

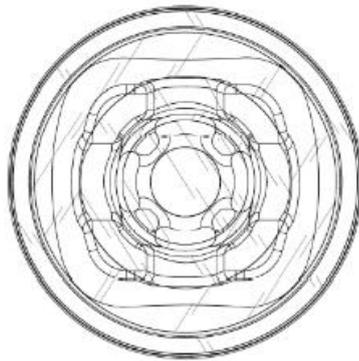
The EUIPO's examination guidelines give plenty of examples of good and bad drawings etiquette, although they are a bit long and cumbersome. See <https://euipo.europa.eu/ohimportal/en/design-guidelines>. The UKIPO has also published a nice straightforward guide to design drawings, the same principles of which apply equally to European design drawings. See <https://www.gov.uk/register-a-design/prepare-your-illustrations>.

An example of drawings prepared by Barker Brettell and registered as an RCD is shown on the next page.

At Barker Brettell, we have a large group dedicated to designs and copyright, made up of a mix of patent and trade mark attorneys. Please contact designs@barkerbrettell.co.uk if we can be of any assistance.



CRD No. 002684035



“The Trunki decision”

The decision *PMS International Group Plc v Magmatic Limited* [2016] UKSC 12 – the first designs case to go to the UK Supreme Court – demonstrated the importance of getting the drawings right from the off. See our article discussing the case at <https://www.barkerbrettell.co.uk/trunki-design-registration-not-infringed/>. Magmatic Ltd's CRD No. 00043427-0001 comprised grayscale rendered images which PMS's products were found not to infringe. The widely held belief is that, had the drawings instead been black and white line drawings, the decision might have gone in Magmatic's favour.