

Registered Community Designs – General hints and tips

Filing a European and/or International applications is often an easy and very cost effective way to get protection in a number of different countries. If you don't get the preparation and filing of the application right, though, the registration may not be valid or enforceable. Below are a few tricks of the trade to help ensure a smooth application and registration process:

- Check the designer and owner details, and get an assignment if needed
 - Designer is the first owner unless he is employed or rights are assigned
 - Keep the details up to date
- Beware relying on the grace period as not all countries have one
- Be aware that in some countries the grace period runs to the priority date and in others to the local filing date
- Have a filing strategy
 - Make use of the six month priority period for filing applications in other countries
 - Consider filing an international (Hague application) for further cost savings for multi-country protection
 - If filing overseas/in several countries – consider seeking local advice before filing first application as some deficiencies encountered later may not then be correctable
 - Multiple applications can be filed for designs that belong to the same Locarno class. Consider periodic filings to save on costs (e.g. annually)
 - Remember you can defer publication in the EU for up to 30 months – you can secure a filing date but without the potential problems disclosure may bring if you're not ready
 - Review your design/IP portfolio regularly and cull registrations that are no longer of any use to save on paying renewal fees
- Remember that, irrespective of where you are based or your nationality, if your design is first disclosed in the EU, you'll benefit from unregistered community design rights for three years from the date of first disclosure within the Community. Registered design protection stands or falls by the drawings submitted with the application. The EUIPO is fairly relaxed about what can be filed, but see below for specific advice for getting the best design protection at the EUIPO:

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- A maximum of 7 views can be filed – normally front, back, top, bottom, left and right side views plus a perspective. 3 further views can be included, e.g. for priority-claiming purposes, but these won't form part of the protection
- Ensure drawings are clear, with thin black lines
- Ensure there is total consistency between views
- Labels, dimensions, text are not allowed
- Use black and white line drawings if/where possible
- Consider photos, CAD renderings if decoration is important
- Consider if it's best to show the whole product or just a part
- Omit any non-essential features
- Use disclaimers (broken/dotted lines) to avoid certain features being included
- Use separation lines (in one or more directions) to indicate an article may be of a varying/indeterminate length
- Cross sectional views, exploded views, magnified portions, partial views, alternative positions of an article, sequences of snapshots, sets of articles may be filed – but there are formal restrictions so get local advice
- Include a description to convey information about the design drawings (but note it doesn't affect/limit the scope of protection)
- Use an experienced draughtsman to prepare the drawings
 - * Get them right first time! Mistakes often cannot be corrected

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.