

Registered Designs

What do they protect?

Design rights generally protect the appearance, shape or configuration of an article. Both registered and unregistered design rights exist. Unregistered design rights are like copyright in that they arise automatically and there is no formal registration process. However, registered design rights offer a broader scope of protection for a longer period of time, and therefore registered designs can be a valuable tool for commercially important designs. To be registrable, designs must be "new" and possess "individual character". Designs which are defined wholly by their functionality, or those which must fit or must match other components, are excluded from design protection. Unlike patents, which require absolute novelty, registered designs have a 12-month grace period in which the designer's own disclosures are excluded from consideration.

How do I get one?

- Illustrations must be carefully prepared to meet strict standards set out by the UKIPO. It is imperative that the illustrations are prepared correctly, as they will need to meet these standards to be accepted by the office, but these will also define the scope of protection ultimately afforded by your design.
- If you want to protect only part of the design, this must be made clear (for instance by using a disclaimer).
- If you're ready to submit your design, but need more time to develop or market the product, the publication of your application can be deferred.
- Typically, the UKIPO will examine your application within two weeks of receiving it. If there are no objections, your design will be registered immediately making it one of the quickest registered rights to obtain.
- Renewal fees are due every 5 years, to keep a design registration in force to a maximum of 25 years.

Ownership

The creator of the design owns the rights, unless it was created within the scope of employment or was commissioned, in which case rights generally belong to the employer or commissioner respectively.