

## Registered designs Q&A

### What is a registered design?

A registered design is a right to prevent others making, selling or otherwise dealing in products made to the design which has been registered. It is not necessary to show the design has been copied and the right may be enforced against someone who has independently developed the same design.

### What can be protected by a registered design?

Any new three-dimensional (3D) product, including parts of a larger product; and two-dimensional designs, including graphic designs, computer icons and typographic type-faces may be the subject of a registration. The protection is for the appearance of the whole or part of the product, including, shape, configuration, colour, pattern and ornamentation.

### What do I need to register a design?

A design application is usually accompanied an indication of the product to which the design relates and photographs or drawings of the design sufficient to show the features of the design which are considered to be new.

### What is the term of a design right?

A maximum of 15 years from the creation of the design or 10 years from the first marketing of the design. In the last five years, a licence is available to third parties who wish to use the design.

### Can I get foreign registered design protection?

A UK registered design protects the UK and its dependent territories. Many countries have design laws which provide for filing design applications. A European Union design registration provides protection equivalent to a UK registered design for all countries of the European Union.

### What is a design right?

A UK design right is an unregistered right that arises automatically when a new design is created and protects the shape and configuration of a product, but not its surface decoration. The right prevents others making, selling or otherwise dealing in products made to the design but in order to enforce the right it is necessary to prove the design has been copied.

### Can I get foreign design right protection?

European Union design right provides protection similar to UK design right and also protects surface decoration. The right is automatic when the design is first made available to the public in the European Union and lasts for three years.

#### **Note:**

These Q&As are only intended to provide general information for advice on specific situations, you should always consult your attorney at Mathys & Squire.

*Whether it's the protection of the shape, colour or material of a product, our team will work with you to protect your designs.*