

FOI Release
Information released under the Freedom of Information Act

Title: Designs practice manual

Date of release: 19 April 2016

Information request:

I note that you make your Manuals of Patent and Trademark Practice (MPP/MTMP) available on your website. However, there does not appear to be an equivalent document for Registered Designs.

As such, I would be grateful (pursuant to the Freedom of Information Act) if you could provide a copy (preferably by email) of the Registered Designs equivalent to the MPP for registered designs - that is, the guidance given to Examiners on how they examine applications.

Information released:

The IPO does not at present use a single Designs Manual document similar to the MPP and MTMP. Designs examiners currently examine in line with the current published guidance: The Registered Designs Act 1949 (as amended) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/498821/Registered_Designs_Act_1949.pdf , the design Rules <http://www.legislation.gov.uk/ukxi/2006/1975/contents/made> , and guidance provided via Design Practice Notices (DPNs) <https://www.gov.uk/government/collections/designs-practice-notice> .

Further guidance was issued on 15 April 2016 and provides information on the filing of graphic representations in respect of disclaimers, types of views and the need for neutral backgrounds. This information can be found online at <https://www.gov.uk/government/publications/common-practice-on-graphical-representations> . The Designs Section also holds weekly technical meetings which helps to formulate practice and assure a consistency of approach in respect of examination.

We are also drafting a manual which we hope will be ready for use and publication by the end of this summer. As it is only a draft, it is information which is exempt under section 22 of the Freedom of Information Act, which applies to information intended for

publication at a future date. Section 22 is a 'qualified' exemption which means that we are required to consider whether the public interest would be best served by maintaining the exemption at this time or by disclosure ahead of publication. Taking into account the potential for misinterpretation and misinformation, the IPO takes the view that the public interest in maintaining the exemption overrides any public interest in early disclosure of the content before distribution.