

Response ID ANON-6TNE-VM6G-W

Submitted to Reviewing the designs framework: Call for views
Submitted on 2022-03-23 09:26:58

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your organisation?

Organisation:

[REDACTED]

3 What is your email address?

Email:

[REDACTED]

4 The Intellectual Property Office may wish to contact you to discuss your response. Would you be happy to be contacted to discuss your response?

Yes

Respondent information

5 If you are an individual, are you?

A designer

If you have selected other please specify:

6 If you are responding on behalf of an organisation, are you?

Any other type of organisation

If you selected other please specify:

Individual Sole Trader

7 In which main industry do you or your business operate?

Other

If you selected other please specify:

Silicone Mould maker for cake/craft industries

8 How many people does your business employ?

0-1

Registered designs - search and examination

9 Do you have views on whether the IPO should change examination practice for designs?

Please add your views here:

10 Do you think it would be useful to introduce any of the options outlined? (please select all that apply)

Please provide more detail below:

Simplifying the designs system

11 What form of designs protection works best for you at present?

Please add your views here:

None. Protection is only valuable if you have the means to enforce. Even with registered design rights you have to jump through hoops for online platforms to remove counterfeits of your products - eBay, Amazon, Etsy, Facebook etc. The sellers of the counterfeits merely create new accounts and continue to sell counterfeits that are registered.

Trading Standards are not interested in organisations selling counterfeits of products even when those products are registered and supposedly protected.

12 Do the different and overlapping ways of protecting the appearance of a product present any issues to creators and users of the system? If you think the system could be simplified, we would like your views on how to do this.

Please add your views here:

Truth is I find it all very, very confusing!

13 Are there terms in the Registered Designs Act which would benefit from clarification or guidance e.g. "get up"?

Please add your views here:

14 Please share any issues you or your clients have experienced in relation to the changes to disclosure requirements for unregistered designs since the end of the transition period (31 December 2020).

Please add your views here:

15 Would any of the options outlined, such as simultaneous disclosure, address this issue? Are there any other ways of addressing the lack of reciprocal recognition for unregistered designs in the UK and EU? If so, please provide details on how they may work in practice.

Please add your views here:

Future technologies

16 How can the current system better meet the needs of a digital environment and future technologies?

Please add your views here:

17 Are areas such as digital designs and 4D printed products adequately protected by the current system?

Please add your views here:

18 Do you think it would be useful to introduce any of the options outlined? These include extending supplementary unregistered design to cover computer generated designs, filing of digital representations and ceasing accepting physical specimens.

Please add your views here:

19 What are your views on the protection of computer-generated designs?

Please add your views here:

Better regulation

20 Should UK law have an express deferment provision and how long should it be?

Please add your views here:

21 What information, if any, should be published in relation to a deferred design?

Please add your views here:

22 Is there a need for specific provisions for prior use or to deal with co-pending applications?

Please add your views here:

Enforcement

23 What are your views on the effectiveness of the UK's enforcement framework?

Please add your views here:

Ineffective. It is cost inhibitive. Online selling platforms/social media continue to allow counterfeit/registered design infringing items to be sold on their platforms despite being aware and having been informed (and having removed) infringing products, once the designer has jumped through hoops to prove their ownership.

There should be some kind of enforcement for online platforms allowing the sale of such infringing items.

24 How could it be improved to help small businesses and individual designers enforce their rights?

Please add your views here:

As above

25 What has been your experience of the introduction of criminal sanctions for registered designs?

Please add your views here:

Infringing party ignores as in most cases they are aware of the costs involved in taking cases further. Even if designers have the means for litigation, the benefit of doing so is minimal. In my case, there are SO many counterfeits being allowed to be sold on online platforms, it is impossible to proceed with litigation.

The online platforms, Trading Standards and every enforcing body needs to work together to stop counterfeiters to infringe the design rights of innovators.

26 What are your thoughts on extending criminal sanctions to unregistered designs and what economic evidence do you have to support your view?

Please add your views here: