

## Response ID ANON-6TNE-VMEY-X

Submitted to Reviewing the designs framework: Call for views  
Submitted on 2022-01-27 09:12:20

### 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?

An industry body

If you selected other please specify:

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

Games and toys manufacturing

If you selected other please specify:

8 How many people does your business employ?

10-49

### 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:

Yes it needs changing.

It needs to come in line with the Trademark system.

Right now, as a small innovative company our design registrations are worthless. We can't protect them - in 3/4 years we have spent in excess of £30k trying to legal protect them. Our trademark has been attacked once and that was easy to sort out. We have been threatened and bullied twice with regards to an invalidation threats all of which have come from large multinational companies who have deep deep legal pockets - How is this a fair system?

Why can the system not come in line with the Trademark system? The UK is fighting against itself never mind other countries.

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

Prior art searching, Two-tier system, Use of AI tools, Bad faith and opposition periods

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:

We have nothing else but our design registration and right now they are worthless as we can't afford to protect them.

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:

Yes.

Does this copy look like the original, how many elements have been taken?

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:

Yes.

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:

We don't have any unregistered designs.

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:

We don't have any unregistered designs.

## Future technologies

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

Please add your views here:

We don't use animated digital content.

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

Please add your views here:

We don't use animated digital content.

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:

We don't use animated digital content.

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

Please add your views here:

We don't use animated digital content.

## Better regulation

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

Please add your views here:

I think 12m is good, but why not add the ability to extend?

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

Please add your views here:

All but the image?

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:

It's not fit for purpose, the cost of enforcing rights is debilitating for the small company. We have first hand experience of this, we have been bullied, threatened with all sort if we proceed legal or vocally. Despite clearly owning the design. These companies need to be held to account. The UK may have one of the best intellectual property regimes in the world, but it doesn't work. We have a blatant case for criminal prosecution but we can't fight it and therefore our design registration that should be protected is useless.

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

Please add your views here:

Check prior art, do the checks before granting the registration. This would be the obvious place to start - just like the trademark system.

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

Please add your views here:

None, we can't afford to pursue it -despite having a beautiful example.

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:

No view, we have always registered designs and the only reason is to stop people from suing us. But as far as protecting our registered design that piece of paper is useless.