

Response ID ANON-6TNE-VMCY-V

Submitted to Reviewing the designs framework: Call for views
Submitted on 2022-03-16 15:35:44

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?

Other

If you have selected other please specify:

Designer, writer, creative in many areas.

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

A design organisation

If you selected other please specify:

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

Specialist design, e.g. fashion design, industrial design, graphic design

If you selected other please specify:

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:

Yes. Currently it's hopeless. If the IPO doesn't "check" whether a design or other item meets the requirements, how can anyone else be expected to. It's a 'not fit for purpose' system.

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, Other

Please provide more detail below:

Graphic identification, like face recognition, but powered through machine learnin (it won't be AI)

Simplifying the designs system

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

Please add your views here:

None. It's far too complicated, not understood, and the IPO has no power to do anything anyway. If a design, or anything else, is copied or infringed the only remedy is for the original designer to sue - hideously expensive, monumentally difficult and bald-making time consuming.

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:

It's pointless complicated, administered by jobsworths who have no idea about design. This whole thing needs to be run by people from the design industries, not the people currently running it. But that would be expensive, so it's not done.

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:

Pretty much everything. As a piece of writing it's a great example of what not to do. We have used bits of this copy to illustrate to clients the problems design copyright faces, a sort of "you're on your own here" problem!

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:

Luckily we have not had to do any of this.

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:

There is too much material being created to administer anything without machine learning technology. Perhaps a database, rather like the Trademark Registry, would work, but it would have to be 2D or 3D graphics, in other words visually rather than verbally driven. Currently no UK government department can even get on top of simple database computing so there's no hope for this.

Future technologies

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

Please add your views here:

The copy above is nonsense. There is no such thing as 4D! This illustrates the problem faced by designers in all fields, a government department that spouts nonsensical jargon. How can anyone have any faith in any of this when such arrant rubbish is printed. Logically, if time is an element in 3D design and printing, in terms of potential changing shape, then ANY shape could be viable surely! A complete piece of nonsense. This is why the IPO and stuff like this isn't fit for its purpose.

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

Please add your views here:

How can you protect something that doesn't exist? Do you have a time machine?

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:

Only if you employ some people who understand design and don't invent nonsense.

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

Please add your views here:

Same as any other design. Most design is now done on a computer. Pretty much all 3D CAD CAM is. Pretty much all interior and architectural design is. All working mechanical and electrical product designs are. Or did you mean by a computer working on its own without a human driving it?

Better regulation

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

Please add your views here:

12 months is too short. In big design, some things take many years.

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

Please add your views here:

No view.

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

Please add your views here:

No view.

Enforcement

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

Please add your views here:

Totally ineffective. It's a simple 'who has the most money' equation. A small organisation with a pre-existing design can be brow-beaten by a much larger one. It's the same with product names and copyright. Big wins, small suffers. If there's anything anyone can do it would be to make this playing field equitable.

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

Please add your views here:

Same as 23. Find some way to limit large companies spending vast sums on legal fees to crush smaller firms. It's like poker, the man with the biggest wallet always wins.

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

Please add your views here:

Haven't heard of any cases so have no idea.

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:

Not practical. If you allow this then vast numbers of people will come out of the woodwork with unregistered designs that "pre-date" an existing design (easy to forge dates) and claim they've been ripped off, etc., etc.