

## Response ID ANON-6TNE-VMWW-E

Submitted to Reviewing the designs framework: Call for views  
Submitted on 2022-02-17 19:12:37

### 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:

Run a business that commissions its own designs

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

Any other type of organisation

If you selected other please specify:

Retailer online

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?

2-9

### 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:

Bringing in AI to improve the chances of ensuring that novelty is genuine would be useful to ensure that the design really is new before embarking on an application

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

Use of AI tools

Please provide more detail below:

The key must be to ensure that registered designs are more likely to stand up to scrutiny if action is needed subsequently

## Simplifying the designs system

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

Please add your views here:

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:

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:

As a small business that is moving towards adopting new technologies alongside its existing product based toy business, we are keen to experiment with possibilities as a precursor to deciding how to scale production in physical and virtual mediums.

Movement of objects as envisaged in 4D then becomes important, with simple 2D representations being inadequate. There will need to be flexibility in deciding what file formats can be accepted at IPO, and any list of such formats will need constant updating.

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:

Computer-generated designs are as original or not as any other designs, and given the development of the NFT markets, protection of original artwork will need similar rights as person generated designs.

## 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:

Great amongst equals. As a small SME I have taken on [REDACTED] and the like.

When you do that, it is not just you as the entrepreneur that will suffer but your whole family. The big boys know this, and all of their tactics (in my experience) are to grind you down any which way so that you give up and walk away. These tactics are pursued by solicitors who know how to bully without leaving themselves open to the direct accusation that they are bullies.

Since the out-of-court, no admission of guilt settlement, I have met the buyer of the products that were at issue, and all I can say is that that buyer's recollection of what happened and what the solicitors on [REDACTED] payroll said had happened were at considerable variance.

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

Please add your views here:

The only way to make the system fair is to move away from confrontational lawyers (which the big players exploit to their advantage) to a mediation system in which costs are borne in relation to an ability to pay, not a 50:50 sharing.

In my case the problem was major retailers and their suppliers, and I had to stake my entire business on the claim - the other side just draw their salaries month by month and anyway have budgets for settling those disputes that they cannot blow away.

Nothing other than levelling the ability to pay will stop the big companies just picking up and running off with small businesses original designs. This is an area where standard British civil law gives no practical protection to the small party in a valid dispute.

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

Please add your views here:

I have none

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: