

Response ID ANON-6TNE-VM6R-8

Submitted to Reviewing the designs framework: Call for views
Submitted on 2022-03-25 12:16:18

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 professional in another sector

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:

Managing director

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

Furniture manufacturing

If you selected other please specify:

8 How many people does your business employ?

50-249

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 I believe that IPO must examine all design work so that all the new designs, which are either not new or cannot be listed as IP. For example a standard hook being registered as IP when it is clearly not a new design and should not be considered as IP. This has been happening as all designs are taken on trust as being true, which they are not. This has allowed for Chinese companies to register IP which they shouldn't be able to and taking control of the market. This is a new loophole which has been created by IPO because you are not doing the examinations. It is then up to people like myself to have to challenge them at cost and loss of earnings

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:

Proper examination

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:

Not sure

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:

Not sure

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:

Not sure

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:

Not sure

Future technologies

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

Please add your views here:

Not sure

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

Please add your views here:

Not sure

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:

Not sure

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

Please add your views here:

Not sure

Better regulation

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

Please add your views here:

I am happy with the current system

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

Please add your views here:

All examination and unique design elements

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

Please add your views here:

I feel there would be

Enforcement

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

Please add your views here:

Not sure

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

Please add your views here:

To make sure that all new designs are as they say they are and don't allow for fraudulent claims to be made that destroy business that have worked hard to hold there place in there industry

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

Please add your views here:

None at the moment

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 sure