

Response ID ANON-6TNE-VMCN-H

Submitted to Reviewing the designs framework: Call for views

Submitted on 2022-03-14 16:12:55

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your organisation?

Organisation:

Private practice IP firm

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?

[REDACTED]

If you have selected other please specify:

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

Not Answered

If you selected other please specify:

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

Not Answered

If you selected other please specify:

Private practice IP firm

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:

I think keeping the system cheap and easy is good. Therefore I recommend not doing substantive examination. An opposition period would be OK though.

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

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:

Registered designs because they are the simplest and offer the most protection.

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:

The system is very complex and difficult to explain to non-legal clients. Perhaps unregistered rights should once again come under the ambit of copyright, to keep designs simple

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:

I think it should be clearer on what constitutes an "animation". The examiners don't consistently apply this e.g. some registered design applications of sequences of web pages are allowed as single design applications, others are objected to for constituting separate designs.

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:

I think so, via transformable designs

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:

Allowing the filing of digital representations would be helpful

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

Please add your views here:

I think only designs created by a human should be protectable.

Better regulation

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

Please add your views here:

Yes - 30 months to align with Hague / EU

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

Please add your views here:

Applicant

Title

Filing / priority date

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

Please add your views here:

No

Enforcement

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

Please add your views here:

It is effective but expensive

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

Please add your views here:

Work with large retailers e.g. Amazon / ebay to educate them on validity of rights. Often, bad faith design applications are filed for the purpose of blocking legitimate sellers. The large retailers should have better processes in place for dealing with bad faith actors in such circumstances

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

Please add your views here:

No experience

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 thoughts or experience on this