

Response ID ANON-6TNE-VM62-8

Submitted to Reviewing the designs framework: Call for views
Submitted on 2022-03-23 05:31:03

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your organisation?

Organisation:

Japan Automobile Manufacturers Association, Inc. (JAMA)

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?

Not Answered

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?

Motor vehicle parts and accessories

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:

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

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:

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:

Since spare parts are created to satisfy designability/appearance and functionality, they should be protected under intellectual property right, just like parts in other product fields. Accordingly, spare parts provisions are not necessary for both registered- and unregistered-design spare parts.

In addition, the automobile manufacturers spend a lot of effort and money to manage inventory of spare parts so that quality can be maintained. However, if the effect of the design right of spare parts is excluded, there is a concern that the distribution of spare parts without quality control will increase.

The distribution of spare parts that are not quality controlled in this way is felt to lead to two issues, i.e., environmental and safety issues.

As for environmental issue, if a spare part is replaced with one that is not subjected to quality control and has low durability, the chances of re-replacement will increase, resulting in an increase in CO2 emissions. The result is in the opposite direction of what is desired by the European Green Deal.

As the car safety issue, assuming the spare parts that have not been tested for safety or durability. If they are widely distributed, the safety of consumers would be heavily impaired.

As the automobile manufacturers, we wish to reduce CO2 emissions and ensure consumer safety by using spare parts that are excellent in terms of environment and safety and by allowing the products to be used for a long time.

For the above reasons, spare parts provisions are not necessary for both registered- and unregistered-design spare parts.

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:

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:

Better regulation

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

Please add your views here:

A deferment period of about 30 months is needed from filing date. Additionally, it is necessary to introduce provisions that will enable, during the deferment period, the period to be terminated midway or its duration to be changed.

Since issuance is currently provided with a maximum deferment period of 12 months from filing, we would like to see a maximum 30-month deferment of issuance from filing date or priority date in the same way as the EUIPO design registration scheme. Furthermore, it is necessary to enable, during the deferment period, the period to be terminated midway or its duration to be changed.

In case a filing is addressed collectively to a multiple number of states including a state with the shortest issuance deferment period, the automobile manufacturer is necessitated to delay the basic filing to match the shortest deferment period, which will increase the risks of his vehicle design unintentionally exposed to the public by the media, resulting in the loss of the novelty of his vehicle design. It is therefore necessary to introduce provisions that will preclude the loss of novelty in cases of unintended public exposure.

Now that Britain has exited from the EU, your country needs to manage issuance dates separately from the EU member states. Importantly, your country's management of issuance dates can be considerably simplified by adopting the same issuance deferment periods as those of EUIPO.

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:

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

Please add your views here:

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

Please add your views here:

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: