



Promoting Intellectual
Property Rights in the
ASEAN Region

New types of designs

Stephan HANNE | EUIPO | 21/07/2020



Funded by the European Union



This Project is funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

SOME EXAMPLES



Icons



Displays



Projected images

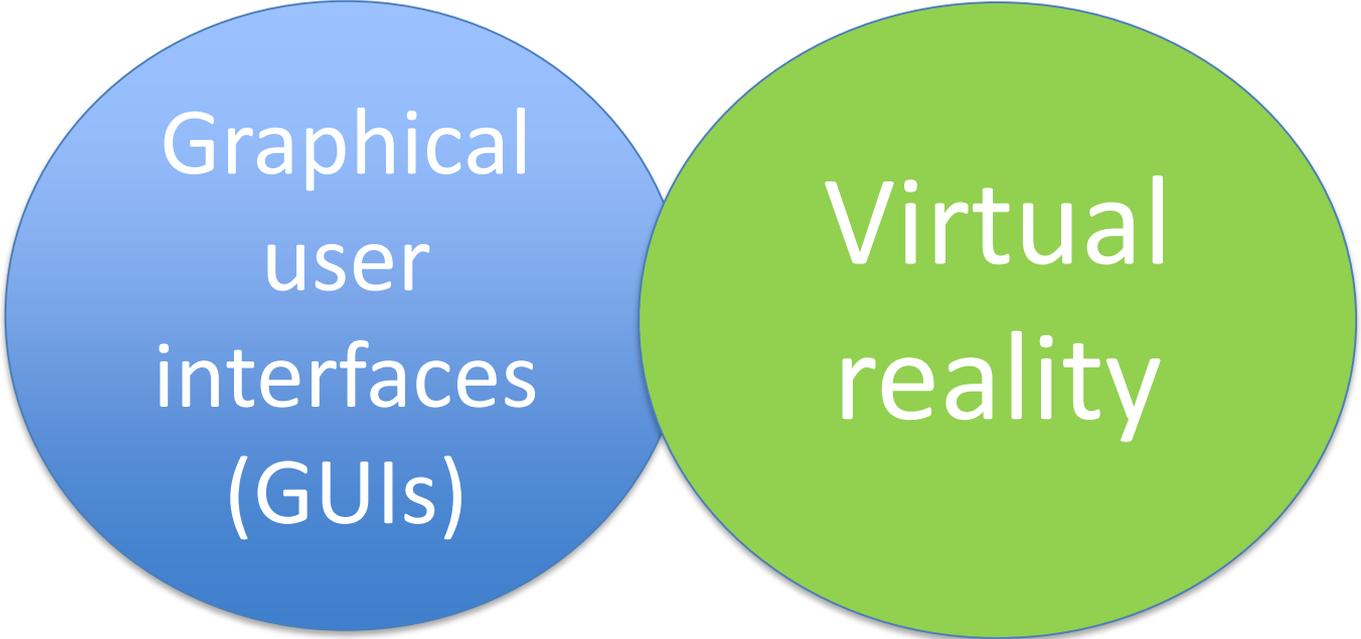


Holographics



Virtual spaces

A BASIC DISTINCTION

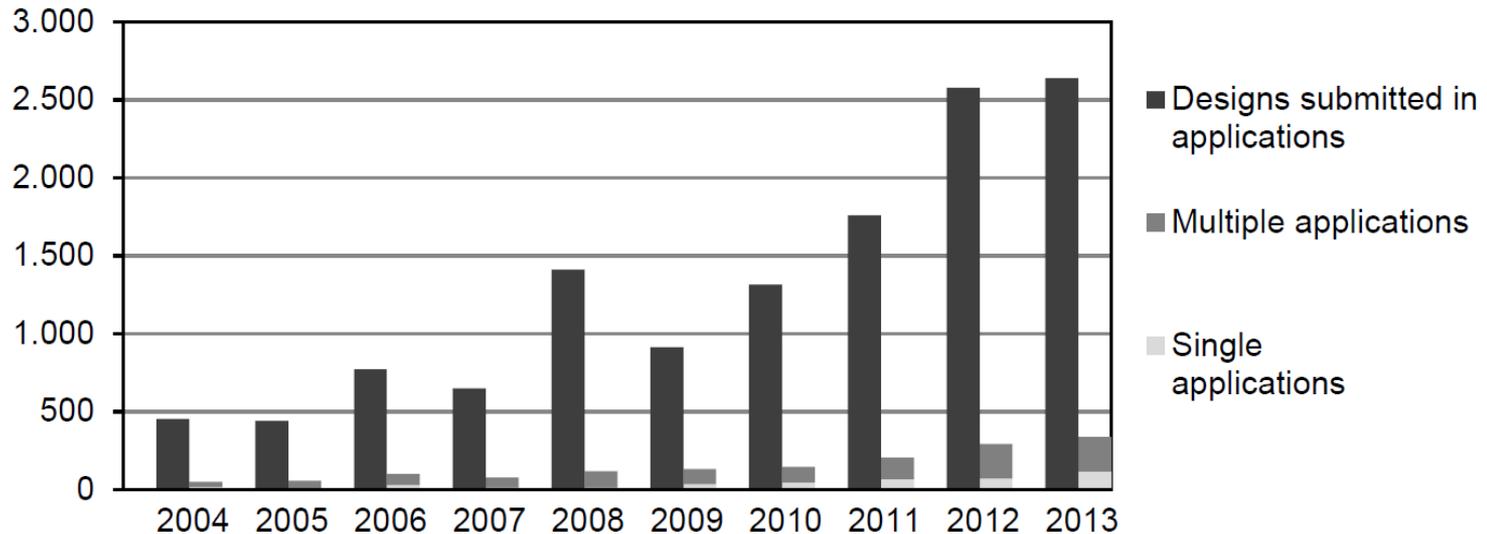


Graphical
user
interfaces
(GUIs)

Virtual
reality

STATISTICS – RCD FIGURES

Figure 1: RCD applications in Class 14.04, 2004-2013.



Source: Filitz/Henkel/Ohnemus, Digital Design Protection in Europe: Law, Trends, and Emerging Issues

STATISTICS – TOP 10 Classes for International registrations

Class	2016	2017	2018	2019	Growth rate (%): 2018–2019	2019 share of total (%)
Class 14: Recording and communication equipment	2,094	2,038	2,031	2,974	46.4	13.6
Class 6: Furnishing	2,386	2,031	2,352	2,205	-6.3	10.1
Class 12: Means of transport	1,558	1,499	1,662	2,056	23.7	9.4
Class 9: Packages and containers	1,150	1,251	1,206	1,394	15.6	6.4
Class 26: Lighting apparatus	842	1,354	1,196	1,355	13.3	6.2
Class 23: Heating and cooling equipment	1,169	1,280	1,064	1,168	9.8	5.4
Class 32: Graphic symbols and logos	1,020	1,081	867	1,144	31.9	5.2
Class 10: Clocks and watches	1,333	1,375	1,288	996	-22.7	4.6
Class 11: Articles of adornment	1,103	856	867	973	12.2	4.5
Class 2: Clothing	659	1,094	698	943	35.1	4.3

VIRTUAL MIGRATION – THREE CHARACTERISTICS

VIRTUAL MIGRATION

- 3D product to 2D graphic or virtual space
- No physical embodiment
- Often fluid features (animation, interactive)

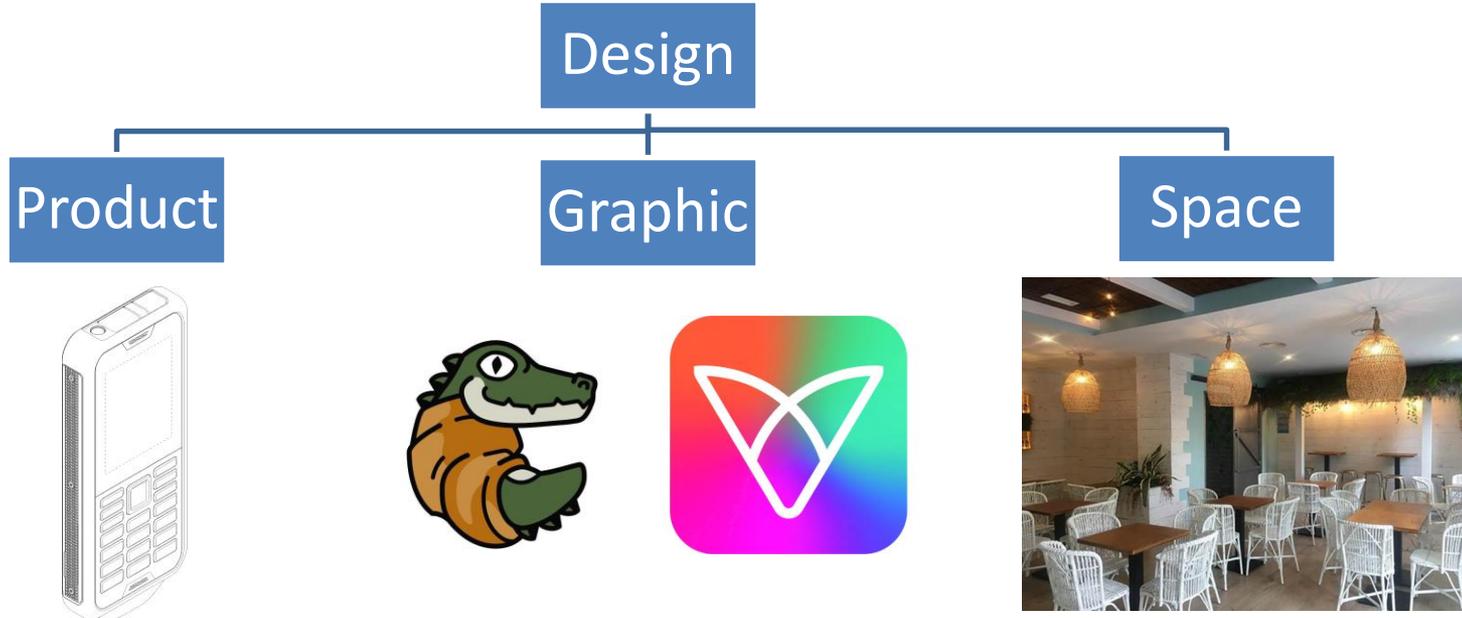
STATUTORY DEFINITIONS

(a) "design" means the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation;

(b) "product" means any industrial or handicraft item, including inter alia parts intended to be assembled into a complex product, packaging, get-up, graphic symbols and typographic typefaces, but excluding computer programs;

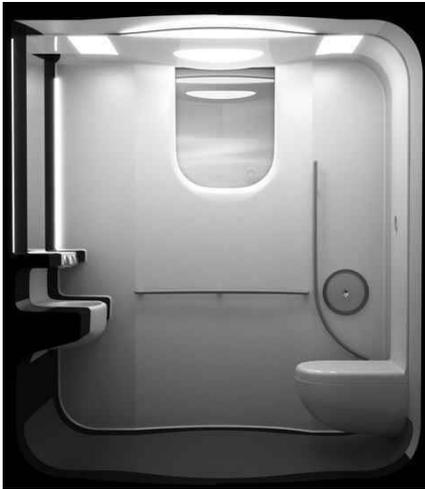
VIRTUAL MIGRATION – LEGAL ISSUES

- 3D product to 2D graphic or virtual space



VIRTUAL MIGRATION – LEGAL ISSUES

Space



(Source: <https://www.landmarkusa.com/vr>)

VIRTUAL MIGRATION – LEGAL ISSUES

- No physical embodiment
 - Partial design
 - Product indication



VIRTUAL MIGRATION – LEGAL ISSUES

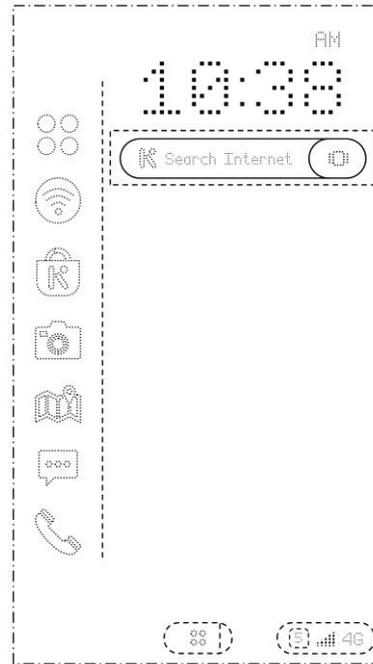
- Often fluid features (animation, interactive)
 - Subject-matter of protection?
 - Formal representation requirements

FORMAL REPRESENTATION REQUIREMENTS - ANIMATION

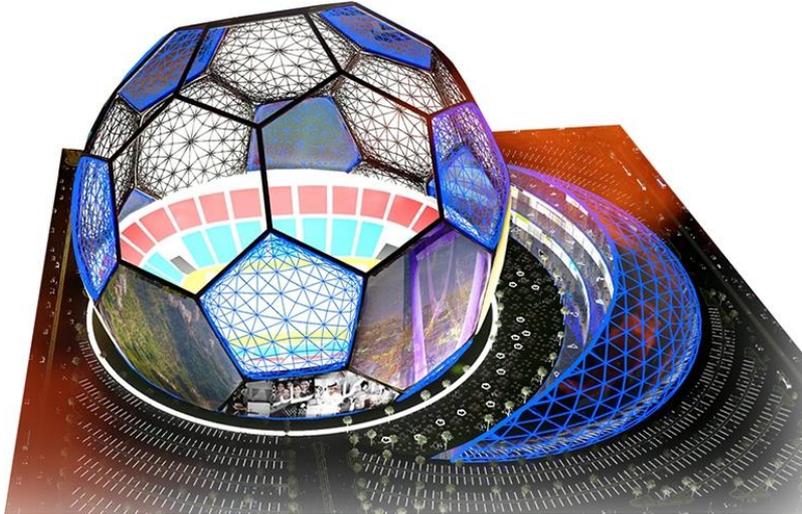
Registered Community designs: Static views only



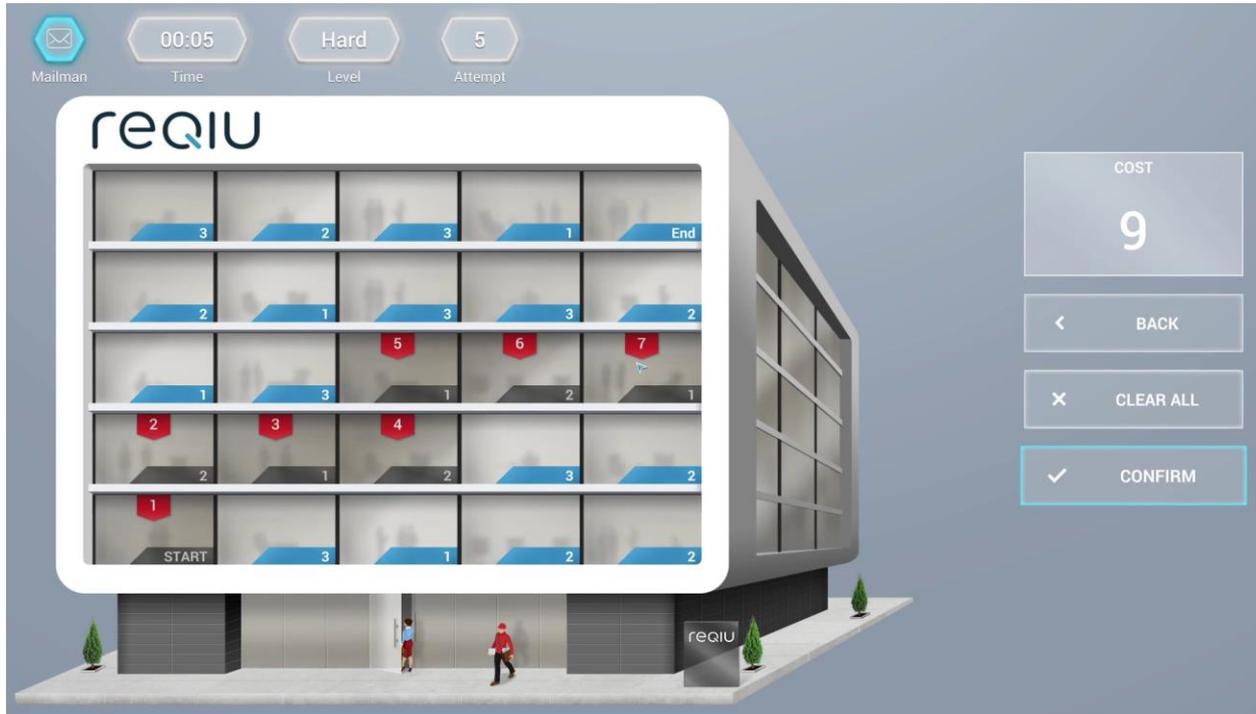
MORE EXAMPLES



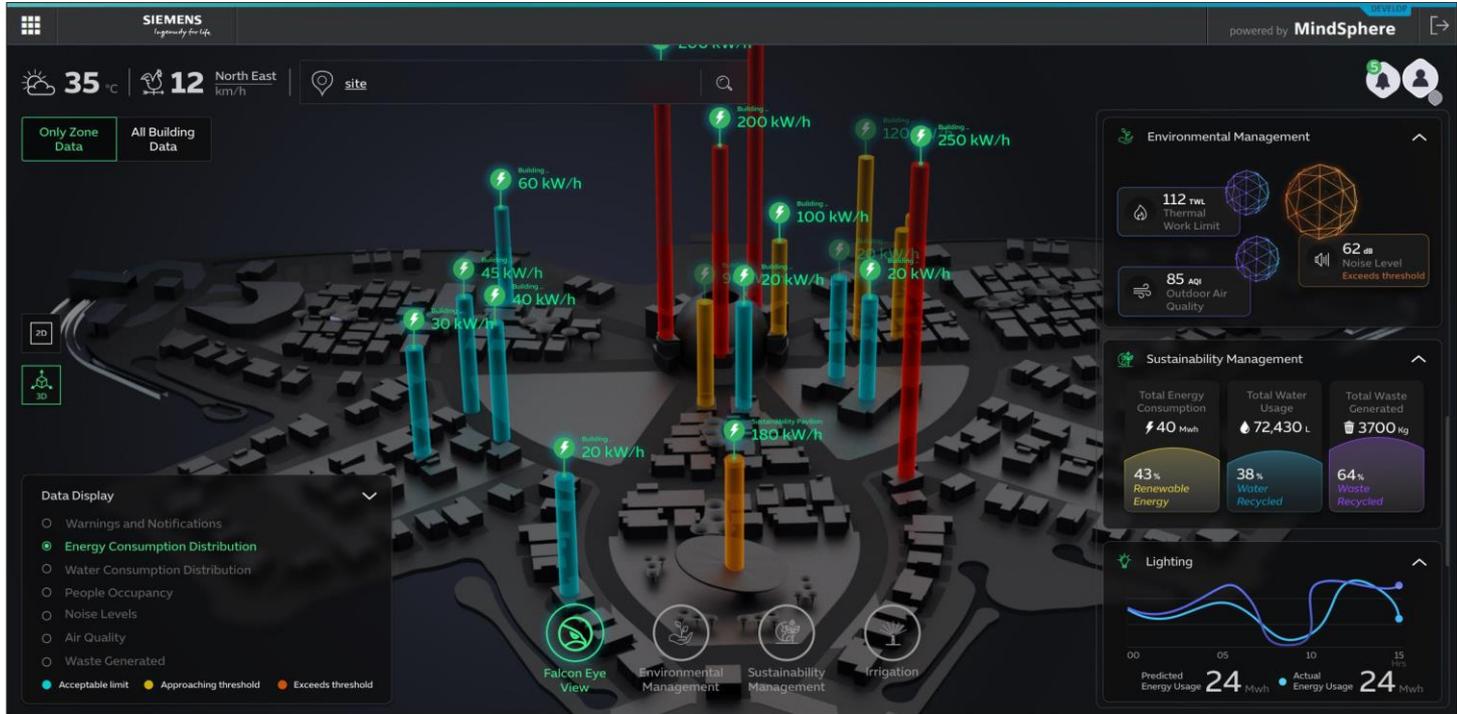
MORE EXAMPLES



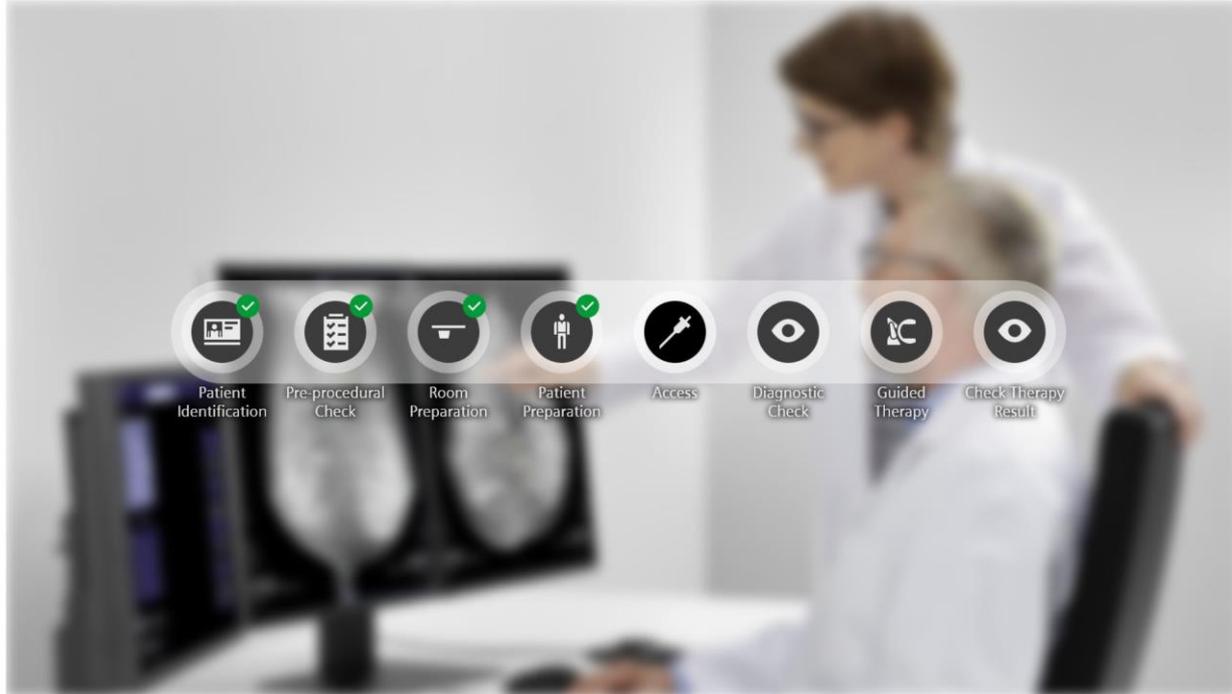
MORE EXAMPLES



MORE EXAMPLES



MORE EXAMPLES



International studies and recommendations

- ID5 “Study of practices on protection of new technological designs”
(<http://id-five.org/study-of-practices-on-protection-of-new-technological-designs/?red=finished-project>)
- WIPO SCT/37/2 “Analysis of the Returns to the Questionnaire on Graphical User Interface (GUI), Icon and Typeface/Type Font Designs”
(https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=365358)

International studies and recommendations

- WIPO SCT/42/6 “Proposal by the delegations of Japan and the USA for a joint recommendation: Industrial design protection for graphical user interface (GUI) designs”
(https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=454505)
- ID5 “Catalogue of Partial Design Protection”
(<http://id-five.org/comparative-study-of-partial-designs-as-effective-means-of-protection-industrial-design-innovation/>)



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THANK YOU

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