

Designs protection: RCDs and UCDs

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PROGRAMME

30'
Presentation

- What is a design?
- Why protecting it?
- How to protect?
- RCDs and UCDs
- Registration process

15'
Questions and answers



WHY?



WHAT?



HOW?

What is a design?



VISUAL APPEARANCE



Why protecting it?



TO PROMOTE INNOVATION



Why protecting it?



BENEFITS



△ GDP



△ EMPLOYMENT



△ WAGES
PER EMPLOYEE



△ REVENUE
PER EMPLOYEE



How to protect?



VARIOUS OPTIONS

BUSINESS STRATEGY

- 🔨 NATIONAL
- 🔨 **EUROPEAN UNION**
- 🔨 INTERNATIONAL



RCDs and UCDs



TYPES OF DESIGNS:

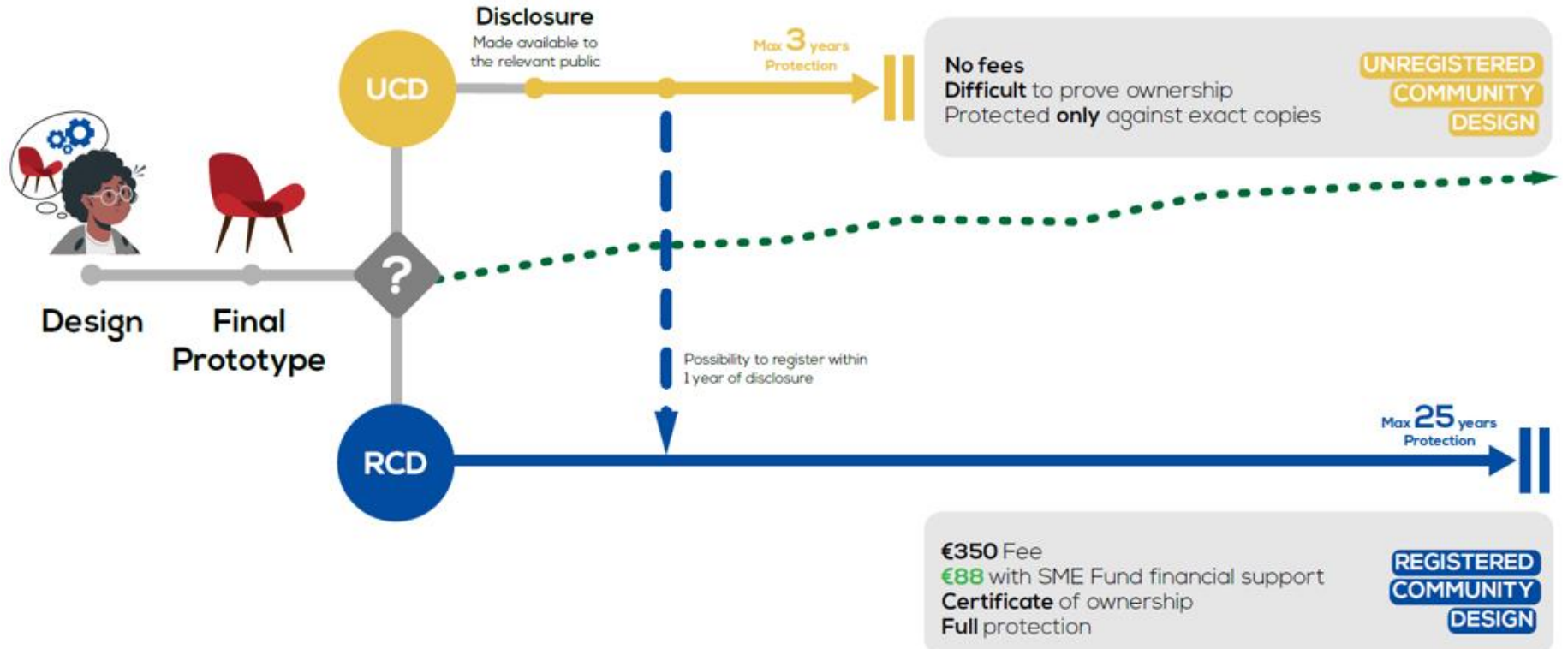
-  **REGISTERED** COMMUNITY DESIGNS
-  **UNREGISTERED** COMMUNITY DESIGNS



MAIN DIFFERENCES:

-  DURATION
-  SCOPE OF PROTECTION

Path to design protection



Differences in scope of protection



RCD:

Registered Community designs are protected against similar designs even when the infringing design has been developed in good faith, i.e. without knowing of the existence of the earlier design.



UCD:

Unregistered Community designs grant the right to prevent commercial use of a design only if that design is an intentional copy of the protected one, made in bad faith, i.e. knowing of the existence of the earlier design.

Differences in scope of protection



RCD:

In RCD exists a presumption of ownership in favour of the party listed as being the registered owner.



UCD:

The claimant must first show that it is the rightful owner of the claimed UCD.

Differences in scope of protection



UCD:

the owner bears the burden of proof in a possible case of infringement.

- the design has been disclosed in manner required by the regulation less than three years ago

Differences in scope of protection



UCD:

the owner bears the burden of proof in a possible case of infringement.

- the defendant's infringement is specifically based on copying the UCD.

Registration process

REGISTERED COMMUNITY DESIGNS



Benefits



1 REGISTRATION / 1 LANGUAGE



=



PROTECTION IN ALL EU / 5 YEARS (UP TO 25)



=



ENFORCEMENT IN A MARKET OF 500 MILLION CUSTOMERS

Things to check when applying



**Prepare your
design
representation**



**Choose your
product
indication**



**Define your
type of
application**

Things to check when applying

Multiple Application

Priority Claim

Late Publication /
Deferment

Design fees

Fee structure	Registration fee per design	Publication fee per design	Optional deferment fee per design
1st design	€230	€120	€40
2nd to 10th design	€115	€60	€20
From the 11th design onwards	€50	€30	€10

The fees payable depend on two factors:

- Whether the application contains **one or more designs**.
- Whether or not the publication of the designs will be **deferred**.

What we check



QUALITY

CONSISTENCY

PRODUCT INDICATION

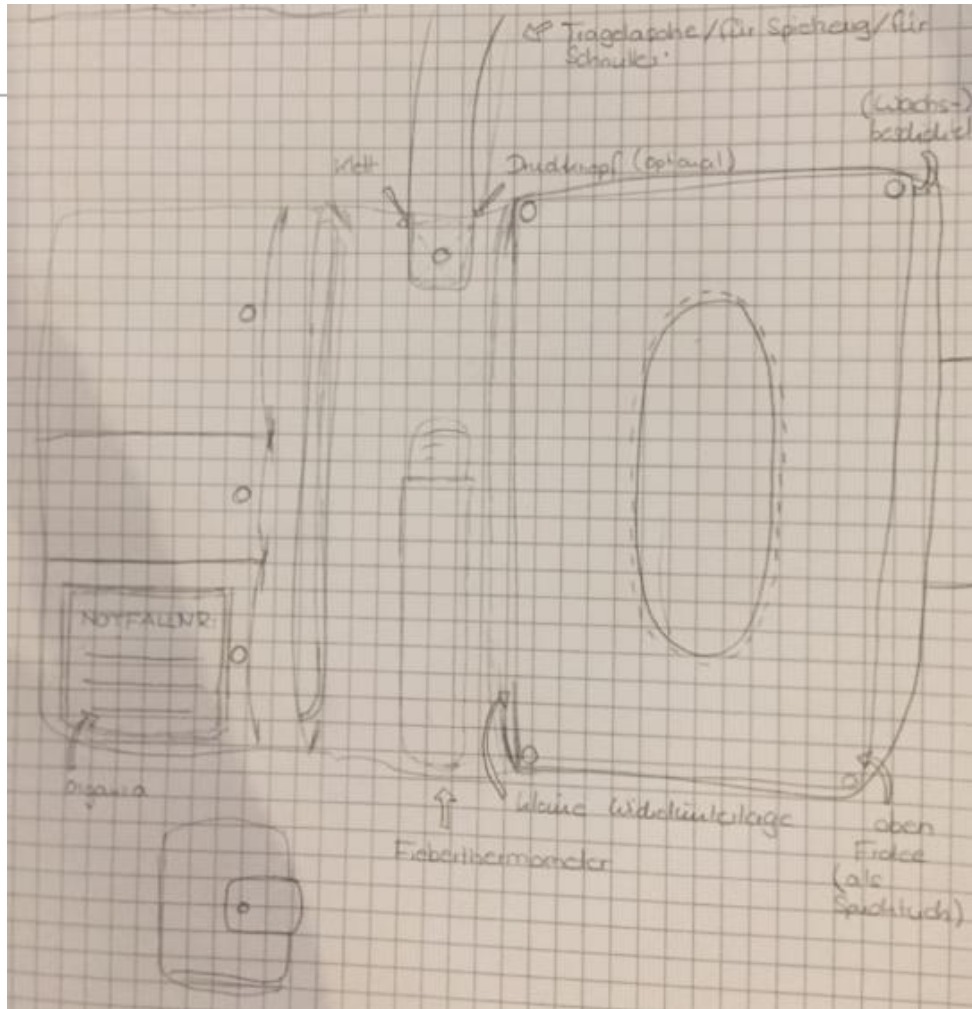
DESIGN DEFINITION

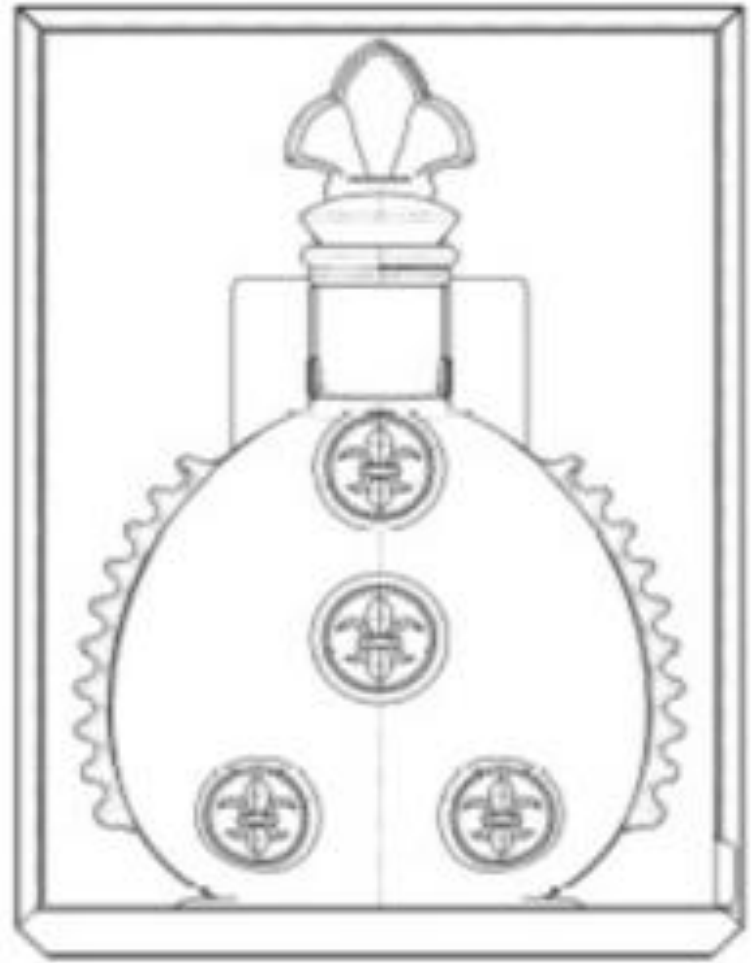
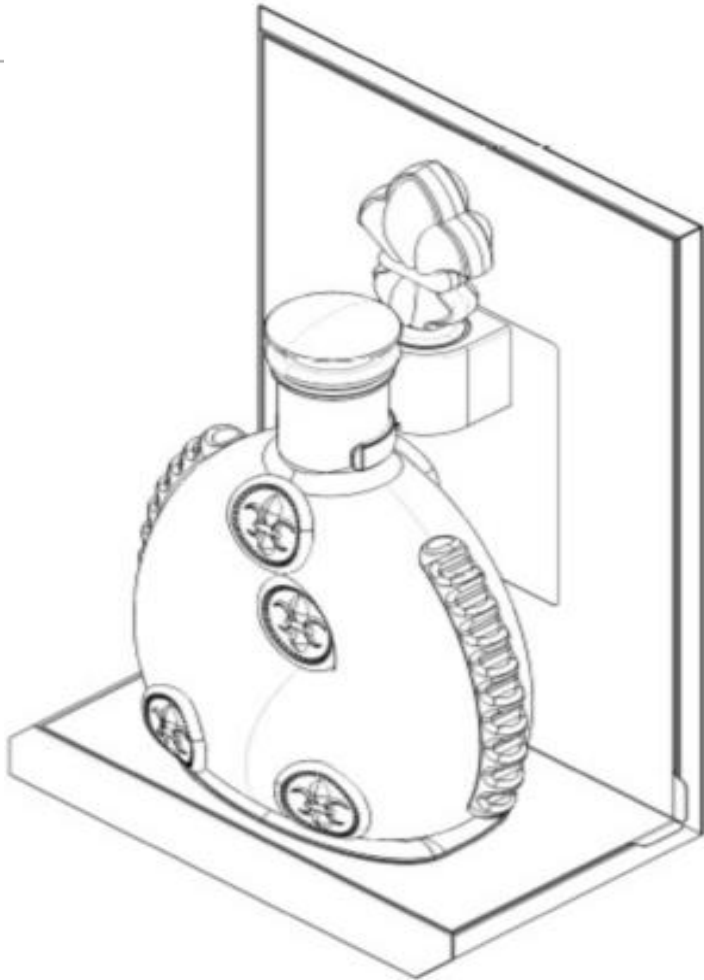
APPLICANT EEA

**PUBLIC POLICY &
MORALITY**

FEES









Class 12



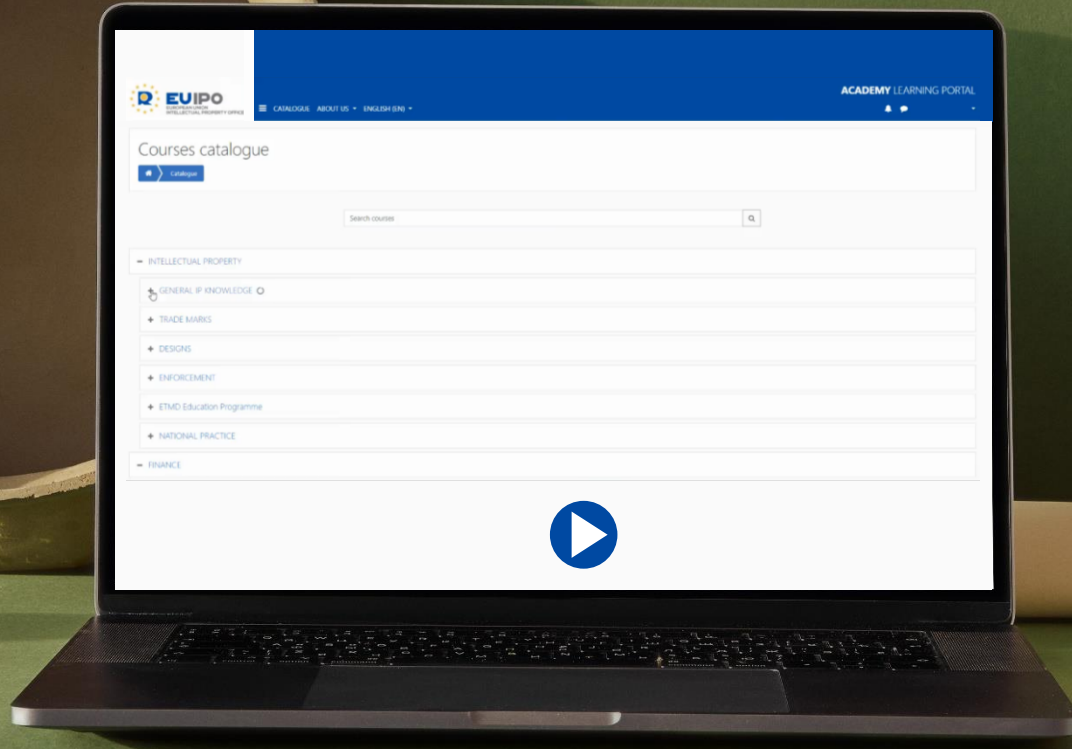
Class 06-01



Class 26-05



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