

**COMMON COMMUNICATION  
FOR REQUIREMENTS AND MEANS OF DESIGN  
REPRESENTATION**

February 2026

**Contents**

<b>1</b>	<b>Introduction</b> .....	<b>3</b>
<b>2</b>	<b>Scope of the Common Communication</b> .....	<b>6</b>
<b>3</b>	<b>Terminology</b> .....	<b>6</b>
<b>4</b>	<b>Implementation</b> .....	<b>7</b>
<b>5</b>	<b>Structure of the document</b> .....	<b>7</b>
<b>6</b>	<b>Common standards</b> .....	<b>7</b>
<b>6.1</b>	<b>Technical Specifications</b> .....	<b>7</b>
6.1.1	File formats .....	8
6.1.2	JPEG – size (pixels) and resolution (DPI).....	8
6.1.3	Number of static views / reproductions .....	9
6.1.4	Size per view / reproduction (MB).....	9
6.1.5	Number of designs in a multiple application .....	9
6.1.6	Additional standards for animated reproductions.....	9
6.1.7	Summary of technical specifications .....	10
<b>6.2</b>	<b>Static views</b> .....	<b>10</b>
<b>6.3</b>	<b>Dynamic or animated reproductions</b> .....	<b>11</b>
<b>6.4</b>	<b>Combination of dynamic or animated reproductions with static views</b> .....	<b>11</b>
<b>6.5</b>	<b>Dynamic reproductions</b> .....	<b>12</b>
<b>6.6</b>	<b>Animated reproductions</b> .....	<b>12</b>
6.6.1	Quality related requirements .....	13
6.6.2	Other types of views further detailing specific features.....	14
<b>6.7</b>	<b>Best suitable means of representation</b> .....	<b>15</b>
<b>6.8</b>	<b>Set of articles</b> .....	<b>16</b>
<b>6.9</b>	<b>Visual disclaimers</b> .....	<b>16</b>
6.9.1	Broken lines .....	16
6.9.2	Dynamic and animated reproductions .....	17
<b>6.10</b>	<b>Neutral background</b> .....	<b>17</b>

## 1 Introduction

Council Regulation (EC) No 6/2002<sup>(1)</sup> created a system of design protection. It has since then provided for the protection of designs at the European Union (EU) level in addition to the already existing legal protection of designs available at Member State level in accordance with their national laws on design protection, harmonised pursuant to Directive 98/71/EC<sup>(2)</sup>. The coexistence and balance of design protection in this two-tier system at EU and Member State level constitute a cornerstone of the EU's approach to intellectual property (IP) protection.

The evaluation of the EU legislation on design protection showed that this system was considered still fit for purpose, but it revealed some shortcomings related to the graphic representation of designs<sup>(3)</sup>.

The new EU design legislation package<sup>(4)</sup> aims to address the shortcomings, at EU level, via Regulation (EU) 2024/2822<sup>(5)</sup> ('the Amending Regulation') and, at Member State level, via Directive (EU) 2024/2823<sup>(6)</sup> ('the Recast Directive'). The Amending Regulation applies in two phases, as of 1 May 2025 and as of 1 July 2026, respectively. Member States will have to transpose the Recast Directive, which also approximates procedural rules, by 9 December 2027.

On substance, this new legislation broadens the definition of products eligible for design protection to cover those embodied in a physical object, or visualised in a graphic, or that are apparent from the spatial arrangement of items intended to form an interior or exterior environment. It also recognises that animation, such as movement or transition of the features of a product, can contribute to the appearance of designs, in particular for designs that are not embodied in a physical object<sup>(7)</sup>.

In this context, it is essential to lay down common rules regarding the requirements and technical means for the representation of designs in any form of visual reproduction at the stage of filing the application for registration, considering technical advances regarding the visualisation of designs and the needs of EU industry in relation to new digital designs<sup>(8)</sup>.

Accordingly, the new legislation stipulates at EU and Member State level that an application for the registration of a design shall contain, among others, a 'sufficiently clear representation of the design, which permits the subject matter for which protection is sought to be determined'<sup>(9)</sup>. The scope of protection shall not be affected by any verbal disclaimer included in a description

---

<sup>(1)</sup> Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1).

<sup>(2)</sup> Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (OJ L 289, 28.10.1998, p. 28).

<sup>(3)</sup> [Evaluation – SWD\(2020\)264](#).

<sup>(4)</sup> The EU Design Legislative Reform Package was published in the Official Journal of the EU on 18 November 2024.

<sup>(5)</sup> Regulation (EU) 2024/2822 of the European Parliament and of the Council of 23 October 2024 amending Council Regulation (EC) No 6/2002 on Community designs and repealing Commission Regulation (EC) No 2246/2002.

<sup>(6)</sup> Directive (EU) 2024/2823 of the European Parliament and of the Council of 23 October 2024 on the legal protection of designs.

<sup>(7)</sup> See Recital 11 of the Amending Regulation and Recital 13 of the Recast Directive.

<sup>(8)</sup> See Recital 39 of the Recast Directive and Recital 24 of the Amending Regulation.

<sup>(9)</sup> Article 25(1)(c) of the Recast Directive and Article 36(1)(c) of the Amending Regulation.

explaining the representation of the design<sup>(10)</sup>. The new legislation further details the formal representation requirements, in particular regarding views and visual disclaimers<sup>(11)</sup>.

To complement this harmonised legislative framework and to create, as far as possible, equal conditions for the registration and protection of designs throughout the EU, Member States should establish harmonised standards by means of convergence<sup>(12)</sup>. To this end, the European Union Intellectual Property Office (EUIPO), the central industrial property offices of the Member States and the Benelux Office for Intellectual Property ('the Offices') are encouraged to continue their efforts to promote the convergence of practices and tools in the field of designs under the cooperation framework laid down in Regulation (EU) 2017/1001<sup>(13)</sup><sup>(14)</sup>, which established the European Union Intellectual Property Network (EUIPN).

More precisely, pursuant to Article 26(6) Recast Directive, **the Offices shall cooperate with each other to establish common standards to be applied to the requirements and means of design representation**. The EUIPN is therefore expressly mandated, independent of its transposition into national law, to set such common standards, in particular, but not limited to, as regards the types and number of views to be used, the types of acceptable visual disclaimers, as well as the technical specifications for the means to be used for the reproduction, storage and filing of designs, such as the formats and size of the relevant electronic files.

Under the cooperation framework set out above, on 25 November 2015, the Offices agreed on a [Common Communication on the Common Practice on the Graphic representation of Designs \(CP6\)](#), with the aim of giving guidance on the use of appropriate disclaimers, types of views and the representation of designs with a neutral background.

The present Common Communication complements the guidance provided under [CP6](#), which remains valid and applicable<sup>(15)</sup>. CP6 and the present Common Communication are envisaged to be merged in the future, resulting in a unified document.

Against this background, this Common Communication will be issued in accordance with the EUIPN's mandate under Article 26(6) Recast Directive to provide common standards for the representation of designs. The Offices are committed to providing the basis to give full effect to the broadened definition of the notions of design and product that are eligible for design protection. This will enable industry across the EU to achieve an appropriate level of IP protection for their innovative products and to increase and leverage their competitiveness<sup>(16)</sup>. Moreover, it is important that design applicants can use the same design representation across jurisdictions, fostering the coexistence and balance of design protection systems in the EU.

---

<sup>(10)</sup> Article 25(3) of the Recast Directive.

<sup>(11)</sup> Article 26(1)-(5) of the Recast Directive.

<sup>(12)</sup> Recital 39 of the Recast Directive.

<sup>(13)</sup> Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).

<sup>(14)</sup> Recital 8 of the Amending Regulation.

<sup>(15)</sup> This Common Communication does not affect any exceptions applied by the Offices in the implementation of CP6.

<sup>(16)</sup> An EUIPO and European Patent Office [study on IPR-intensive industries](#) found that designs generated around 29 % of all jobs in the EU between 2014-2016 (direct contribution), with 14 % in design-intensive industries.

This Common Communication applies for direct filings in the EU. For the filing of design applications for international registrations under the Hague Agreement<sup>(17)</sup> instituting the Hague System<sup>(18)</sup>, as administered by the World Intellectual Property Organization (WIPO), certain formal requirements apply for graphic representations<sup>(19)</sup>.

The Common Communication should also consider the needs of applicants to rely on registration certificates representing the design for priority and enforcement purposes, for instance, when submitting them to courts or enforcement authorities, such as custom authorities.

The Common Communication fully respects the competencies and responsibilities of the European Commission and of the EU Member States, and takes account of the ongoing nature of the transposition process. It may also be updated regularly to reflect the developing positions of the Member States, both prior to and following the transposition of the Recast Directive into their national law.

In addition, for certain aspects of this Common Communication, such as visual disclaimers, the broadened product and design definitions and the new technical means of visual representation may give rise to new customs and best practices, which are still under development and may necessitate further harmonisation within the EUIPN.

---

<sup>(17)</sup> Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, adopted in Geneva, Switzerland, on 2 July 1999.

<sup>(18)</sup> <https://www.wipo.int/en/web/hague-system/>

<sup>(19)</sup> At the time of finalising this Common Communication, international registrations under the Hague System may for instance only be filed by means of static views. For design representation under the Hague System, please see <https://www.wipo.int/en/web/hague-system/filing-applications>. For the 'Guide to the Hague System', please consult the respective WIPO web page: <https://www.wipo.int/en/web/hague-system/guide/index>.

## 2 Scope of the Common Communication

The common standards to be applied to the requirements and means of design representation, as established by this Common Communication, rest on Article 26(6) Recast Directive.

The following topics, among others, are outside the scope of this Common Communication:

- requirements for a sufficiently clear representation of the design for the purpose of determining the date of filing;
- subject matter of protection resulting from the means of design representation;
- additional elements contained in design representations filed on paper, for instance, to provide information on the representation, such as ‘top’ or ‘bottom’ for publication or other purposes;
- the disclosure of designs regarding a design’s novelty or individual character;
- representation of designs in registers, official databases and other official publications;
- requirements and means of design representation for International Registrations of designs under the Hague Agreement<sup>(20)</sup>.

## 3 Terminology

This Common Communication uses the following terms, without prejudice to any legal definitions under national, regional or EU law.

- **Representation** of a design: the visualisation of a design by any appropriate means. This includes static views, dynamic and animated reproductions.
- **Static view**: a still image.
- **Dynamic reproduction**: a digital three-dimensional (3D) reproduction, as set out under section 6.5 below.
- **Animated reproduction**: a video, as set out under section 6.6 below.

---

<sup>(20)</sup> For design representation under the Hague System, please see <https://www.wipo.int/en/web/hague-system/filing-applications>. For the “Guide to the Hague System”, please consult the respective WIPO website: <https://www.wipo.int/en/web/hague-system/guide/index>. For WIPO Standards, please see <https://www.wipo.int/en/web/standards> for WIPO Standard ST.88 regarding recommendations for electronic representation of industrial designs, and WIPO Standard ST.91 regarding recommendations on digital three-dimensional (3D) models and 3D images.

## **4 Implementation**

The common standards underpin the transposition of the Recast Directive, particularly regarding the provisions on the representation of designs. As a result, the Offices will implement these standards at different stages, depending on their individual transposition timelines <sup>(21)</sup>.

## **5 Structure of the document**

This document outlines, in section 6.1, the common standards for technical specifications related to the means to be used for the reproduction, storage and filing of designs.

The table in section 6.1 also lists the acceptable number of static views or reproductions per design in a single application as well as the number of designs per multiple application. This follows the same approach as the technical specifications described in this section, allowing each Office to accept higher numbers within an application. Sections 6.2 and 6.3 provide recommendations on static views and dynamic and animated reproductions respectively, while section 6.4 addresses the combination of dynamic or animated reproductions with static views.

Sections 6.5 to 6.7 concern particular issues related to dynamic and animated reproductions.

Sections 6.8 and 6.9 define the requirements and put forward recommendations for types of views as regards sets of articles and visual disclaimers, with a focus on the new means of design representation. These complement the converged practice under CP6, which was adopted in respect of static views.

Finally, Section 6.10 sets out a common practice for ensuring a neutral background in design representations.

## **6 Common standards**

### **6.1 Technical Specifications**

Technical specifications are key to allowing designers to use the same electronic file representing their design in applications across the EU. The format and size of electronic files are two examples of technical specifications listed in Article 26(6) Recast Directive. These are not only technically relevant but also influence what subject matter of protection can be appropriately represented, for instance, in respect of the quality and duration of animation.

---

<sup>(21)</sup> The implementation dates for the Offices will be published on the EUIPN's website ([www.euipn.org](http://www.euipn.org)). The Offices have the option to publish additional information on their website. In accordance with Article 36 of the Recast Directive, Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with Article 26 of the Recast Directive by 9 December 2027. For the EUIPO, the common standards will apply as of 1 July 2026, in conjunction with the secondary legislation to the Amending Regulation.

The common standards indicated below allow applicants to identify the technical specifications accepted by all the Offices for the electronic file representing the design. As a result, when adhering to these technical specifications, applicants can create and submit the same electronic file for the design representation that complies with the technical specifications of the Offices ('one file fits all').

The common standards aim to balance the need for technical specifications that are universally accepted across the Offices while permitting the flexibility to develop and adopt additional specifications. This approach also facilitates the gradual harmonisation of these additional specifications over time.

Therefore, the Offices are not precluded from also accepting applications with additional technical specifications.

#### *6.1.1 File formats*

The file formats that will be accepted by each Office are:

- **JPEG** for static views – as far as the colour mode is concerned, each Office will at least accept RGB and Grayscale;
- **OBJ** and **STL** for dynamic (3D) reproductions;
- **MP4** video without audio for animated reproductions.

This means that all these file formats for the design representation may be filed with all the Offices.

In addition, each Office may decide to accept other file formats.

#### *6.1.2 JPEG – size (pixels) and resolution (DPI)*

Each Office will accept **JPEG** files with:

- a size (pixels) ranging from 800 × 800 to 2000 × 2000; and
- a resolution (DPI) ranging from 300 to 600.

This means that a file complying within this range may be filed with all Offices.

In addition, each Office may decide to accept JPEG files with values below or above these ranges.

### 6.1.3 *Number of static views / reproductions*

- **Static views:** Each Office will accept up to **ten static views** per design representation. This means that a file containing up to 10 views may be filed with all Offices. In addition, each Office may decide to accept more than ten static views per design representation, or even an unlimited number (subject to technical constraints).
- **Dynamic and animated reproduction:** Each Office will accept **one dynamic or one animated reproduction** per design. This means that an application containing only one reproduction per single design may be filed with all Offices. In addition, each Office may decide to accept more than one reproduction, or a combination with static views.

### 6.1.4 *Size per view / reproduction (MB)*

Each Office will accept a size of:

- up to 2 MB per **static view**; and
- up to 20 MB per **dynamic or animated reproduction**.

This means that a file not exceeding 2 MB for a static view and not exceeding 20 MB for a dynamic or animated reproduction may be filed with all Offices. In addition, each Office may decide to accept more than 2 MB or 20 MB respectively.

### 6.1.5 *Number of designs in a multiple application*

Each Office will accept up to 50 designs in a multiple application.

The indication of this number is subject to technical constraints, particularly regarding the total size of the application. For example, a given Office may set a maximum total size of 200 MB per multiple application, which, in addition to the electronic file for the design representation, may include priority documents and other supporting material.

In addition, each Office may decide to accept a multiple application with more than 50 designs.

### 6.1.6 *Additional standards for animated reproductions*

Regarding **MP4 files**, additional standards apply, which also serve to enable applicants to file designs with animated features in a video of a reasonable length.

For MP4 files, each Office will accept video codec type **H.264**. Each Office will accept such files with a frame rate between 24 and 30 FPS and a bit rate of between 1 200 and 8 000 Kbps, as

well as a minimum resolution of 720p (HD). This means that all Offices will accept a file complying with these ranges. In addition, each Office may decide to accept files beyond these ranges.

### 6.1.7 Summary of technical specifications

The table below summarises the abovementioned technical specifications and numerical limits permitted by each Office. It is to be interpreted in line with the above explanations.

As set out above, a file complying with these standards may be filed with all of the Offices. In addition, each Office may decide to accept files beyond these ranges.

	Static	Dynamic (3D)	Animated
<b>File format</b>	JPEG <sup>(1)</sup>	OBJ, STL	MP4 (video without audio) <sup>(2)</sup>
<b>Size (pixels)</b>	800 × 800 / 2000 × 2000	N/A	N/A
<b>Resolution (DPI)</b>	300 / 600	N/A	N/A
<b>Number of views / reproductions per design representation</b>	10	1	1
<b>Size per view / reproduction (MB)</b>	2	20	20
<b>Number of designs in a multiple application</b>	50		

<sup>(1)</sup> Colour modes: RGB, Grayscale.

<sup>(2)</sup> Additional standards: Video codec: H.264; Frame rate: between 24 and 30 fps; Bit rate: between 1 200 and 8 000 Kbps; Min. resolution: 720p (HD).

Applicants are advised to consult the full technical specifications of the relevant Offices, especially regarding any other or additional technical specifications.

As noted, the Offices are not precluded from accepting applications with technical specifications that are different to the above. For information purposes, an overview of technical specifications that are outside the scope of the common technical specifications concerning each Office can be found [here](#). This overview will be regularly updated in accordance with technological developments.

## 6.2 Static views

Where the representation includes more than one view, these shall be consistent with each other.

Static views may, for example, show a design of a 3D physical object from each of its six sides (front, back, top, bottom, right side, left side) and in perspective. In some cases, one view may be sufficient.

For designs that do not include a movement, transition or other sort of animation of features, all features can be disclosed with a limited number of static views.

**Recommendation:**

It is the applicant's responsibility to represent the design with the appropriate number and types of views.

To reduce the risk of inconsistencies between static views, applicants are advised to file no more views than is necessary to show the features of a design for which protection is sought.

**6.3 Dynamic or animated reproductions**

Where the representation contains different reproductions of the design, these shall be consistent with each other.

For dynamic or animated reproductions, a single representation is usually sufficient to show all features of a design in a consistent manner.

Compared to static views, a single dynamic reproduction is particularly well-suited to achieving this objective.

**Recommendation:**

If an Office allows the filing of more than one dynamic or animated reproduction, the applicant must ensure that the features shown in the separate reproductions are consistent for such filings.

**6.4 Combination of dynamic or animated reproductions with static views**

If an Office allows the combination of dynamic or animated reproductions with static views, inconsistencies may arise when the static views are not extracted directly from the dynamic or animated reproduction.

**Recommendation:**

Preferably, a design should be represented using only one form of visual representation (static, dynamic or animated) to avoid disclosing aspects that contribute to a different overall impression. Where different forms of visual representation are used, each must clearly and obviously represent the same design and be consistent when comparing the features disclosed.

**6.5 Dynamic reproductions**

A dynamic reproduction enables a user to display a design from multiple angles, resulting in a virtually unlimited number of views.

**Example:**

An example of a lapsed design can be found [here](#) <sup>(22)</sup>.

Commonly used 3D file formats, such as OBJ and STL, were developed for industrial and engineering purposes and are primarily designed to encode an object's 3D geometry. As a result, such formats prioritise the accurate representation of shape, while the representation of features relating to colour, texture or materials is not comprehensively supported. Such additional features may therefore appear differently depending on the software environments or viewers used. For example, some 3D viewers allow users to change the colour of the object displayed and to adjust how light reflects on its surface.

Given these constraints, such formats are suitable to represent the shape of the design, but are not appropriate for representing features relating to colour, texture or materials.

**Recommendation:**

3D file formats that do not support the representation of features relating to colour, texture and/or materials should only be used when these features are not relevant for the protection sought.

**6.6 Animated reproductions**

For sequences of snapshots, CP6 establishes requirements concerning static views <sup>(23)</sup>.

---

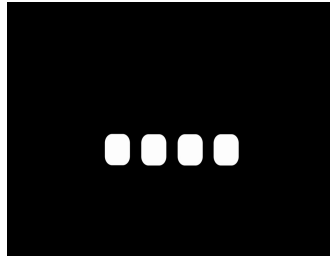
<sup>(22)</sup> Please note that this EU design was registered before the entry into force of the Amending Regulation. Therefore, the dynamic reproduction only served for illustrative purposes and did not define the scope of protection of the design, unlike designs filed under the new EU design legislation package.

<sup>(23)</sup> See [CP6](#), Annex, Section 3.2.4 g).

While these requirements remain in place for static views, the new legislative framework also allows designs with animated features to be represented by means of video.

An animated reproduction can show the movement, transition or any other sort of animation of design features, typically by means of a video, in a continuous visual representation.

**Example:**



(<sup>24</sup>)

EUTM 018264014

**Recommendation:**

For designs with animated features, the use of videos can facilitate a clearer understanding of the animation than a series of static views.

*6.6.1 Quality related requirements*

Videos may raise quality issues, in particular as a result of a manual recording, for instance, with a handheld device.

These may particularly affect the requirement for a neutral background (see 6.10 below) or the clear visibility of the design's features being impaired, for instance, by poor lighting, reflections, colour distortions, improper focus, motion blur or excessively fast movements during recording.

It is the sole responsibility of the applicant to ensure that a video meets the required level of quality, in line with the applicable legal and technical requirements, and that all the features for which protection is sought can be discerned.

---

(<sup>24</sup>) At the time of finalising the Common Communication, no registered designs represented by means of an animated reproduction were available. Therefore, the example provided for illustrative purposes shows a European Union trade mark registered as a motion mark.

### 6.6.2 *Other types of views further detailing specific features*

Apart from aspect views, CP6 provides guidance for other types of views further detailing specific features of the design (e.g. alternate positions)<sup>(25)</sup>.

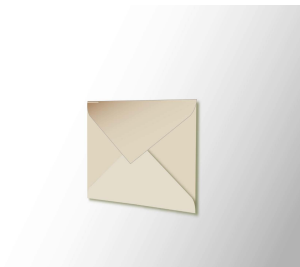
The guidance provided under CP6 concerns static views.

Applicants may use animated reproductions to integrate other types of views further detailing specific features of the design. For example, an animation may illustrate the transition between different configurations (alternate positions) of a design.

Protection shall be conferred for those features of the appearance of a registered design that are shown visibly in the application for registration (Article 15 Recast Directive). Furthermore, the animation of features can contribute to the appearance of a design (Article 2(3) Recast Directive).

Therefore, the question may arise as to whether the animation itself shall form part of the intended subject matter of protection.

#### **Example:**



The example shows a video of an envelope that opens and closes and, therefore, shows the different configurations of the design.

#### **Recommendation:**

It is the applicant's responsibility to use animated reproductions in a manner that allows the clear identification of the intended subject matter of protection.

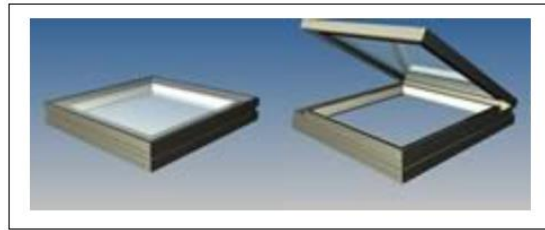
It is not recommended to file a video for the purpose of detailing specific features of a design when an animation of the product shown is not intended to form part of the subject matter of protection.

---

<sup>(25)</sup> See CP6, Annex, Section 3.2.4 c).

### Requirements for dynamic and animated reproductions:

For other types of views that further detail specific features of the design through static representations, CP6 requires that each configuration of the design be shown separately <sup>(26)</sup>.



Unacceptable alternate positions (the pre-defined stages of use of the design are shown in the same view).

Accordingly, different configurations of the same design must not be displayed simultaneously (side by side), i.e. visible at the same time, within the same dynamic or animated reproduction.

### 6.7 Best suitable means of representation

It is the applicant's responsibility to select the most appropriate means of representation (static, dynamic or animated) depending, for instance, on the nature of the design and the scope of protection sought.

In respect of the right of priority, when relying on a first filing in the EU for a design represented by means of a dynamic or animated reproduction, applicants should be aware that such new formats may not be recognised in jurisdictions outside the EU <sup>(27)</sup>.

In such cases, an applicant may consider submitting static views of the design as the first EU filing to rely on them for a subsequent filing outside the EU in a jurisdiction that only recognises static views.

This does not prevent an applicant from filing a separate design by means of dynamic or animated reproductions. Such separate designs may also be included within a multiple application.

---

<sup>(26)</sup> See CP6, Annex, Section 3.2.4 c).

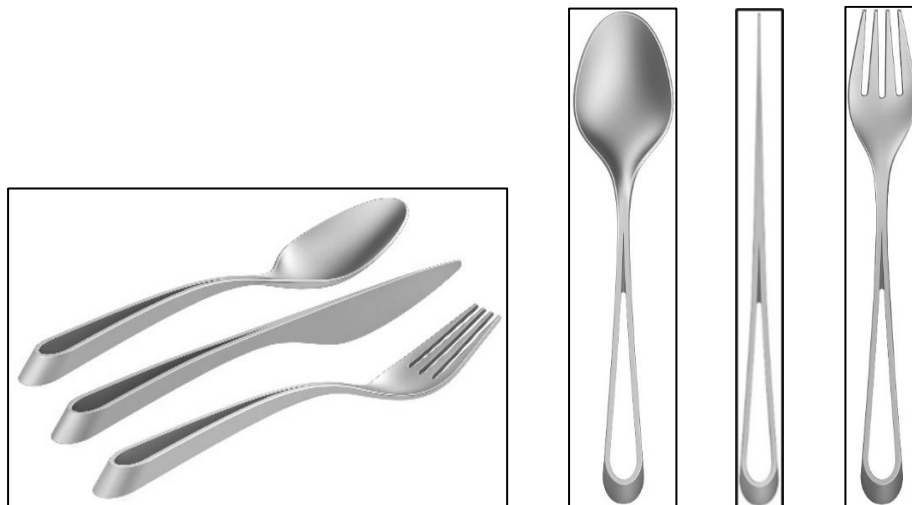
<sup>(27)</sup> For the examination of priority claims for trade marks, such as in cases where a motion mark is represented by still images in the first filing and by a video in the subsequent filing, please refer to the Common Communication ['New Types of Marks: Examination of Formal Requirements and Grounds for Refusal'](#) (April 2021).

## 6.8 Set of articles

The common practice regarding partial views (fragmentary views) under CP6 concerns views showing a part of a product in isolation. Partial views must be combined with at least one view representing the assembled product<sup>(28)</sup>.

The Offices apply the same practice for a set of articles. This means that at least one view must represent the set of articles in its entirety.

It must be clear from the representation that protection is sought for a design resulting from the combination of the articles making up the set, and not for each article separately.



EUD No [015029004-0001](#), Cutlery (Set of -), Holder: proHeq GmbH

## 6.9 Visual disclaimers

### 6.9.1 Broken lines

Among the types of visual disclaimers addressed for static views, CP6 recommends that, in principle, broken lines should be used<sup>(29)</sup>. However, in respect of animated features, this general preference for this type of disclaimer does not apply. For animated features, other types of visual disclaimers may be better suited.

<sup>(28)</sup> See CP6, Annex, Section 3.2.4 e).

<sup>(29)</sup> See CP6, Section 2 a), and Annex, Section 3.1.4 a).

**Recommendation:**

If a visual disclaimer is required to understand the features of the design for which protection is sought, it is advisable to use an acceptable visual disclaimer that complies with the general recommendations and requirements reproduced below.

*6.9.2 Dynamic and animated reproductions*

As technology evolves for the reproductions introduced under the new legislative framework, in addition to recognised visual disclaimers such as blurring or colour shading, new types of disclaimers may emerge. Once this becomes sufficiently evident, the Offices intend to establish definitions and harmonised practices for them as a common standard.

**Requirements:**

The requirements establishing what is acceptable as a visual disclaimer apply to any type of disclaimer for static views as well as for dynamic and animated reproductions:

- a) visual disclaimers will only be accepted when they clearly indicate that protection is not being sought for certain features of the design shown in the representation;
- b) in order to be accepted, the visual disclaimers must be shown consistently.

**Recommendations:**

Visual disclaimers must be clear and obvious from the representation of the design. There must be a clear distinction between the claimed and the disclaimed features. Any visual disclaimer should be self-explanatory when observed in the context of the entirety of the design.

**6.10 Neutral background**

Under CP6, the converged practice concerning the notion of a neutral background focuses on colours, contrasts and shadows<sup>(30)</sup>. The requirements stipulated in this regard for static views are equally applicable for dynamic and animated reproductions.

In respect of other elements shown in a design representation and which cannot constitute a product subject to design protection, the Offices had not agreed on a common approach under CP6.

---

<sup>(30)</sup> See CP6, Annex, Section 3.3.

The new legislative framework harmonised the legal basis to the effect that a design shall be represented alone to the exclusion of any other matter. However, this does not prevent the use of visual disclaimers for matter for which no protection is sought.

To ensure a harmonised and clear practice, and to avoid ambiguity given the broadened product and design definitions and the new technical means of graphical representation, this means that other matter included in the representation but for which no protection is sought must be disclaimed by means of a visual disclaimer.

This applies, for instance, when an interior or exterior environment is shown in the background.



Lapsed SK Design No 25195-0001, Cisternová traktorová striekačka CTS 16

This does not affect the validity of designs without such visual disclaimers registered under the previous legislative framework.