

EU DESIGNS LEGISLATIVE REFORM

Summary of changes applying from 1 July 2026

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The EUIPO Guidelines and the Regulations are the main points of reference for users.

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1 Aims of the Reform

As outlined in the Impact Assessment, the reform aims to promote design excellence, innovation and competitiveness within the EU by ensuring that design protection is adapted for the digital age, that it is more accessible and efficient for individual designers, design intensive industries and SMEs, and that it contributes to the objectives of the green transition and circular economy.

To achieve these objectives, the reform plans to do the following.

- **Modernise, clarify and strengthen design protection** – this includes updating key definitions, broadening the scope of design rights, expanding the list of limitations, and clarifying the link between design and copyright.
- **Improve the accessibility of design protection in the EU** by simplifying procedures. This involves updating filing requirements to fit different types of designs, streamlining the registration procedure for EU designs, and adjusting fee levels and structure.
- **Enhance the interoperability of design protection systems in the EU** by promoting complementarity between EU and national design protection rules. This entails harmonising the requirements for design registration and simplifying the rules for invalidating registered designs to create a level playing field for businesses across the EU.
- **Harmonise the diverging spare parts protection regime across the EU** by introducing an EU-wide ‘repair clause’ in the Design Directive.

2 Entry into Force, Applicability and Transposition

2.1 Amending Regulation (Article 3 of the Amending Regulation) and secondary legislation

The primary instrument initiating the legislative changes at EU level is the [Amending Regulation](#), which introduces a structured and phased implementation process. The Amending Regulation entered into force on 8 December 2024, but the amendments it contains did not all take effect at the same time.

To align with the timing set out in Article 3 of the Amending Regulation, the changes have been categorised into Phase I and Phase II. Phase I changes will apply on 1 May 2025 and Phase II changes will apply on 1 July 2026, the latter together with the newly adopted provisions of secondary legislation, namely the [European Union Design Implementing Regulation](#) (‘EUDIR’) and the [European Union Design Delegated Regulation](#) (‘EUDDR’).

2.2 Recast Directive (Articles 36 and 38 of the Recast Directive)

The Recast Directive entered into force on 8 December 2024 and the Member States were required to transpose it into their national laws within 36 months of the date of its entry into force, which is by 9 December 2027.

2.3 Codification

A codification of the [EU design regulation](#) (EUDR) has been published and entered into force on **1 July 2026**.

This document reflects the changes brought about by the Amending Regulation (referring to the provisions as codified in the EUDR), as well as by the EUDIR and EUDDR.

3 Main Changes

The EUDR, EUDIR and EUDDR have gone through a series of structural and substantive changes, which have been organised and are discussed below according to their content or their rationale.

3.1 Terminology and structural changes

3.1.1 Terminology (Articles 1 and 2 EUDR)

The terminology is adapted to the wording of the Lisbon Treaty, with all references to the 'Community' being substituted by references to the 'European Union' or, in some instances, the 'Union'.

The Community Design Regulation becomes the European Union Design Regulation (EUDR).

Existing Community design applications and Community designs become European Union design applications and European Union designs ('EU designs' or 'EUDs').

The change of the Office name (to the European Union Intellectual Property Office) had already been implemented as a result of the EU trade marks legal reform. It is now implemented into the EUDR as well.

3.2 Structural changes (Article 2 of the Amending Regulation and other structural changes) and substantive changes

3.2.1 Definitions, object of protection and entitlement

3.2.1.1 Definitions (Article 4 EUDR)

The definitions of ‘design’ and ‘product’ have been expanded to encompass a varied range of designs and to ensure that they remain adaptable to technological advancements while offering increased legal certainty and transparency concerning design protection. The appropriate means of design representation are determined by secondary legislation and the ED decision on communication by electronic means ([EX 26-03](#)).

Specifically, the definition of ‘**design**’ (Article 4(1) EUDR) has been broadened to encompass animation. Animation is to be understood as a progressive change of the feature(s) of the design, with or without retaining their identity. Animation is a broad term and includes both movement and transition.

The definition of ‘**product**’ (Article 4(2) EUDR) has been revised to explicitly include non-physical items. It clarifies that a product can be any industrial or handicraft item, other than computer programs, regardless of whether it is embodied in a physical object or materialises in a non-physical form.

Additionally, the list illustrating what constitutes a product has been rearranged and broadened. The statutory definition now expressly encompasses sets of articles, spatial arrangements of items intended to form an interior or exterior environment, and parts intended to be assembled into a complex product, as well as graphic works or symbols, logos, surface patterns and graphical user interfaces (Article 4(2)(a) and (b) EUDR).

3.2.1.2 Object of protection (Article 19 EUDR)

The new law states that protection will be conferred for those features of the appearance of an EU design that are shown visibly in the application for registration. However, the design features of a given product do not necessarily have to remain visible at all times during the use of the product to qualify for design protection. The only exception to this rule applies to component parts of a complex product, which must remain visible during normal use of the product (e.g. the bumper of a car).

3.2.1.3 Capacity to act, ownership and entitlement (Articles 3, 15 and 16 EUDR)

Companies, firms and other entities will be regarded as legal persons if, under the terms of the law governing them, they have the capacity to hold rights and obligations of any nature in their own name, to engage in contracts or perform other legal actions, and to sue and be sued (Article 3 EUDR).

The changes regarding **ownership** provide clarifications on the appropriate authority that is able to handle these matters, which could either be a court or a national authority depending on the laws of the Member State (Article 15(1) EUDR).

The new article also clarifies that a request for a change of ownership through entitlement proceedings can be filed by the person who is entitled, as defined in Article 14 EUDR. The latter lists the details of the entries to be made in the Register of EU designs (Article 15(4) and (5) EUDR).

The new rules also introduce the following time limits:

- a three-year time limit to submit claims relating to entitlement before a competent national authority following the publication of an EUD or the date of disclosure of an unregistered EUD (Article 15(3) EUDR), and;
- a three-month time limit for a previous holder or licensee who has been using the design in good faith to request a non-exclusive licence from the new holder, starting from the date that the new holder is entered into the Register (Article 16(2) EUDR)).

These changes ensure that rightful holders can request a change of ownership directly rather than having to invalidate the design first.

3.2.1.4 Change of name or address (Article 69 EUDR and Article 8 EUDIR)

Article 69 EUDR now includes a reference to ‘change of ownership’ in addition to ‘transfer’, meaning that changes to the name or to the address resulting from transfers or changes of ownership are not covered by Article 69 EUDR. The latter changes would have to take place on the basis of the respective provisions and applicable procedure for transfers/change of ownership (Article 31 EUDR).

Article 69(5) EUDR also refers to the particulars contained in points (a) and (b) of Article 104(3) EUDR for entry in the Register. The wording of Article 104(3)(a) EUDR provides that changes in the address concern changes to the city and country of the holder.

3.2.1.5 Change of name of the designer (Article 18 EUDR)

Designers can now update their names in the Register when their name changes (e.g. through marriage) ensuring the designer’s right to be recognised.

3.2.2 Exclusive rights and limitations

The EUDR contains important provisions on the scope of the exclusive right and its limitations in infringement actions.

3.2.2.1 Rights conferred (Article 20 EUDR)

The rights conferred by an EU design have been more closely aligned with those conferred by EU (and national) trade marks, making it easier for the enforcing authorities to assess whether an intellectual property right has been infringed.

Article 20(2)(d) EUDR lists the new infringing uses of a design, which consist of: (i) creating, (ii) downloading, (iii) copying and (iv) sharing or distributing to others any medium or software that records the design for the purpose of manufacturing a product into which the design is incorporated or to which the design is applied. These uses are particularly relevant in the context of 3D printing.

As in trade mark law, design rights holders are now allowed to prevent counterfeit products from transiting through EU territory or being placed in another customs situation without being released for free circulation in the internal market (Article 20(3) EUDR).

3.2.2.2 Limitations (Article 21 EUDR)

Two new limitations to the exclusive rights are envisaged.

The first one excludes acts carried out for the purpose of identifying or referring to a product as that of the design rights holder (Article 21(1)(d) EUDR). This aims to enable product interoperability.

The second one refers to acts carried out for the purpose of comment, critique or parody (Article 21(1)(e) EUDR), seeking to safeguard the right to freedom of speech.

To fall under the limitation clauses, the acts must align with fair trade practices and should not unduly prejudice the normal exploitation of the design (Article 21(2) EUDR).

3.2.2.3 Exhaustion of rights (Article 23 EUDR)

To align with Article 15(1) of the EU trade mark regulation (EUTMR), the new provision extends the exhaustion of rights to the territory of the European Economic Area (EEA). It then clarifies that the design holder cannot object to the remarketing of a product incorporating an EU design within the EEA when the product has been placed on the market in this area by the holder of the EU design or with their consent.

3.2.2.4 Design notice (Article 29 EUDR)

To raise awareness about the design registration regime and to facilitate the marketing of products protected by design registration, design holders (or third parties who have their consent) will be able to display a design notice on their products, consisting of a letter 'D' enclosed within a circle (©).

3.2.2.5 Repair clause (Article 22 EUDR)

The transitional repair clause that was in Article 110 of the Community designs regulation becomes a permanent provision, which is also incorporated into Article 19 of the Recast Directive, with a transitional period of eight years set in the latter.

The new provision specifies that component parts of complex products will not enjoy EU design protection if they are solely used for repair purposes aimed at restoring the original appearance of the product.

The scope of application is now clearer: it applies only where the appearance of the component part is dependent on that of the complex product.

Additionally, it outlines the requirements for spare part manufacturers, including the need for sufficient identification of the commercial origin of the product. However, it specifies that they are not obliged to ensure that the component parts they produce or sell are only used for repairing the original appearance of the complex product.

3.2.3 EU designs as objects of property

3.2.3.1 Insolvency proceedings (Article 35 EUDR)

The new paragraph 2 clarifies that, for insurance undertakings and credit institutions, the centre of main interest is the Member State where the undertaking or institution has been authorised.

The last sentence of paragraph 4 maintains the obligation of publication, but it no longer specifies where this publication should take place. Nevertheless, this omission does not imply a change of practice: from the content of this publication, it can be inferred that it will take place in the EU Designs Bulletin, as implied by Article 107 EUDR ('Periodical Publications').

3.2.3.2 Licences and other rights (Article 37 EUDR)

The structure of Article 37 has been aligned with **Article 26 EUTMR**. The new provision Article 37(3)(c) EUDR includes a list of the different types of licences, including a new type limited to a specific range of products as a partial licence, which was previously not permitted. There is no need to register the specific range of products to which the licence applies, simply stating that the licence is partial is enough.

3.2.3.3 Cancelling or modifying registrations of licences and other rights (Article 39 EUDR)

Article 39 EUDR has been aligned with Article 29 EUTMR.

There are no longer any fees for cancelling the registration of levies of execution, licences or rights in rem.

This amendment aims to produce a more accurate Register. It is expected that the number of cancellation requests like these will increase. The Register will provide third parties with more accurate information about the entries in the Register.

3.2.4 Filing, examination, deferment of publication and renewals

In the area of examination proceedings, the main changes are the following: (i) EU design applications may no longer be filed through national offices; (ii) the application fee becomes a filing date requirement; (iii) specimens are abolished; (iv) the unity of class requirement and fee brackets are abolished for multiple applications; (v) deferred designs must be surrendered to prevent publication; and (vi) fees for renewals are increased.

3.2.4.1 Filing via the national offices is no longer possible (Article 41 EUDR)

In view of the gradual decline and insignificant number of EU design applications filed through the national offices, the EUDR has eliminated this possibility. All applications should now be filed directly at the EUIPO.

3.2.4.2 Filing date and formal requirements (Articles 42, 46 and 55 EUDR)

The subject matter of the design for which protection is sought must be clearly identifiable for examination purposes as well as allowing third parties to ascertain exactly what constitutes the design right. In essence, it must be apparent from the application 'who' is filing 'what' in order to assign a filing date.

Furthermore, to align with Article 32 EUTMR, and to prevent situations whereby examination and the granting of a filing date have occurred before payment has been received:

- the payment of the application fees has become a filing date requirement;
- though the application fees may be paid within one month of filing rather than having to be paid together with the application.

Finally, the possibility of submitting a specimen is eliminated.

3.2.4.3 Representation requirements (Article 42(1)(c) and Article 42(5) EUDR and Article 2 EUDIR)

The secondary legislation brings important changes to the representation requirements, specifically regarding the types and means of representation of the design – which now permit

different formats to represent animated designs – and different types of visual disclaimers that are acceptable for such designs. The [technical requirements](#) for the representation of an EUD application, which also influence the permitted number of views, are now determined by the ED decision on communication by electronic means ([EX 26-03](#)).

Any additional matter included in the representation **for which protection is not sought** must be identified by visual disclaimers **applied consistently in all views**.

Meanwhile, a non-neutral background and lack of quality are no longer filing date deficiencies, unless the sufficiently clear representation requirements are not met.

3.2.4.4 Amendment and alteration of the representation of the design (Articles 57 and 67 EUDR, Article 1 EUDDR and Article 7 EUDIR)

In addition to the design representation requirements under Article 42 EUDR and Article 2 EUDIR, Articles 57 and 67 EUDR, Article 1 EUDDR and Article 7 EUDIR have been modified or newly introduced to establish a new regime for ‘design representation changes in immaterial details’ (during the application phase (‘amendment’), as well as after registration (‘alteration’)). These changes also align with EU trade marks, although they are aimed at amending or altering the design representation to facilitate the filing process for designers or to allow them to avoid the invalidation of their design.

This new regime of alteration replaces the possibility of partial surrender and partial invalidation.

Alteration is subject to a new fee of 200 EUR (Annex I(13) EUDR).

3.2.4.5 Classification and product indication (Article 48 EUDR)

Phase II amendments to the wording of Article 48 EUDR requires precision, in addition to clarity, and further specifies that this means that the product can be classified in only one subclass. The addition of a reference to ‘subclass’ is a means to overcome a problem currently faced whereby some applicants attempt to classify the same product in several subclasses by using a single, overly broad term. Such terms impede targeted searches and do not allow a sufficiently clear understanding of the product into which the design is supposed to be incorporated. Adding the requirement of sufficient clarity and precision to enable the product to be classified in a single subclass seeks to resolve this issue.

Article 48(2) EUDR indicates a preference for using the Harmonised Database (HDB) while Article 48(4) EUDR notes that if the HDB is not used, the Office may propose HDB terms, though the design may still proceed to registration if the applicant does not reply. The purpose of this provision is to allow designs to proceed to registration rather than be rejected when the only concern relates to the product indication.

3.2.4.6 Priority and exhibition priority (Articles 50 and 53 EUDR and Articles 3 and 4 EUDIR)

Previously, subsequent priority claims could be made up to one month after the date of filing, and the documentation filed within three months of the claim. Under the new provisions, subsequent claims can be made up to two months after the date of filing, and the documentation filed within three months of the declaration.

3.2.4.7 New ground for non-registrability (Articles 56 and 156 EUDR)

Article 56 EUDR lists the ‘Grounds for non-registrability’ of an EU design, which aims to protect the public interest.

While it originally prohibited registration of designs i) not conforming with the definition of a design, and ii) contrary to public policy or accepted principles of morality, it now expands the list to include designs featuring items listed in Article 6~~ter~~ of the Paris Convention. The restriction also extends to badges, emblems or escutcheons other than those covered by Article 6~~ter~~ of the Paris Convention, provided they are ‘of particular public interest’ in a Member State. The objective is to ensure that States or intergovernmental organisations maintain control over the use of their symbols of sovereignty, preventing commercial use that could diminish their symbolic value or mislead the public about the design’s origin.

A corresponding prohibition has been added in Article 156 EUDR applying the same grounds for refusal to international design registrations designating the EU.

This amendment also seeks to harmonise with Article 7(1)(h) and (i) EUTMR, ensuring consistency with the practices of absolute grounds followed by trade mark examiners.

3.2.4.8 Multiple applications (Article 44 EUDR)

Following the interest of applicants in filing designs in different Locarno classes, while at the same time profiting from the fee discount for multiple applications, the requirement of unity-of-class has been removed. This change will also eliminate the deficiencies caused by this requirement.

Multiple applications can contain designs in different classes. The only condition relates to the maximum number of designs allowed, which will now be limited to 50.

The fee structure is also amended in Annex I by removing the second discount bracket concerning the 11th design onwards.

3.2.4.9 Deferment of publication (Article 62 EUDR)

Under the new regulation, deferred publication is no longer subject to the payment of a

publication fee.

Accordingly, design holders can no longer prevent publication by non-payment but must explicitly surrender the designs that they do not want to be published. In the event of a registration based on a multiple application, the holder must clearly indicate which designs are to be published earlier or surrendered, and for which designs deferment of publication should continue.

Lack of payment of the deferment fee at the moment of filing or within the deadline to remedy that deficiency will lead to the rejection of the design.

3.2.4.10 Renewal (Article 66 EUDR)

Under the EUDR, the calculation of the basic period to renew EU designs is aligned with that of EU trade marks. The basic renewal period is the six-month period ending on the date of expiry of the registration (and not on the last day of the month in which protection ends). The grace renewal period (for which a surcharge is applicable) starts the day after the date of expiry and ends six months after said date.

Furthermore, the fee brackets for renewal have been amended and the fees increased. By progressively increasing subsequent renewal fees for second, third and fourth renewals, this model ensures that only designs that are used in the marketplace will remain on the Register.

3.2.5 Invalidity and surrender

In the area of invalidity, the changes mostly aim to clarify existing practice in the following areas.

3.2.5.1 Disclosure (Article 8(2) EUDR)

The updated wording of Article 8(2) EUDR clarifies that the extent of the 12-month 'grace period' applies when the previously disclosed design is either identical to the contested EU design (within the meaning of Article 6 EUDR) or it does not produce a different overall impression within the meaning of Article 7 EUDR.

3.2.5.2 Legitimate interest (Article 26 EUDR)

The amended provision codifies the EUIPO's practice, only allowing an applicant to request a declaration of invalidity for a lapsed or surrendered EU design if they can demonstrate legitimate interest. This type of declaration can be useful because the effect of invalidity will be retroactive (*ex tunc*), as if the registration never existed.

3.2.5.3 *Res judicata* (Article 73(3) EUDR)

EUIPO decisions on the merits of the invalidity of registered EU designs and judgments from EU design courts on the merits in counterclaims have a *res judicata* effect for subsequent invalidity applications filed before the EUIPO.

As a result, no invalidity application can be brought before the EUIPO, and no counterclaim for a declaration of invalidity of a registered EU design may be initiated if a previous application relating to the same subject matter, cause of action, and involving the same parties, has already been determined by the EUIPO or adjudicated upon by an EU design court in a decision or judgment on the merits that has become final (i.e. no appeal or appeal dismissed).

This provision mirrors the contents of Article 63(3) EUTMR.

3.2.5.4 Effect of priority right (Article 52 EUDR)

By codifying existing case-law, this amendment clarifies that priority is relevant not only when an EU design is in conflict with another design right (Article 27(1)(d) EUDR) but also with another distinctive sign (Article 27(1)(e) EUDR) or when it constitutes an unauthorised use of a work protected by copyright (Article 27(1)(f) EUDR).

3.2.5.5 Invalidity proceedings as a matter of priority (Article 75 EUDR and Article 7 EUDDR)

A new option for examination of an invalidity application as a matter of priority is introduced, applicable automatically in situations in which the application is based on Article 27(1)(b) EUDR, in conjunction with Articles 6 and 7 EUDR, and the holder of the contested registered EU design has not contested the grounds of invalidity or the relief sought. The Office will decide on this type of invalidity application as a matter of priority.

3.2.5.6 Invalidity application requirements (Articles 2, 3, 4, 5, 6 and 8 EUDDR)

The clarification and codification of the current practice on requirements for an invalidity application have been achieved by detailing the specifics for arguments and evidence to be provided by the applicant depending on the ground of invalidity. The focus has been shifted from proving 'existence' to providing indications and evidence of 'disclosure' of the prior design for the ground of Article 27(1)(b) EUDR. The possibility of online substantiation of the earlier right is introduced in alignment with EU trade marks.

Also in alignment with EU trade marks, the requirement that the applicant submit a translation of the application in the language of the proceedings when the language is changed by agreement of the parties has now been substituted by only having to provide the translation if the holder actively requests it (Article 3 EUDDR).

The amendments in the examination of admissibility map, simplify and clarify the diverging rules currently applicable to applications and supporting documents, as well as their translations. The changes include clear instructions for the language regime of supporting documents (that can be submitted in any official language of the EU) as the applicant is guided by the Office to supply translations to the extent needed (Article 5(3) EUDDR). Codification is provided for the current practices on closing the adversarial part of the proceedings when either of the parties does not reply to the other party's submissions (Article 6(2) EUDDR), and for the proof of use request when the invalidity application is based on a trade mark (Article 6(3) EUDDR).

3.2.5.7 Grounds for invalidity (Article 27 EUDR)

Article 27 EUDR has been amended to clarify the grounds for invalidity, ensuring consistency with the EUTMR and providing greater certainty for design holders and other stakeholders.

In particular, the scope of Article 27(1)(d) EUDR has been broadened to cover any earlier design right that was validly registered in the EU and made available to the public, regardless of whether this occurred before or after the contested design's filing date (including any priority claim).

Hence, the EUDR clearly distinguishes between:

- absolute grounds under Article 27(1)(b) EUDR, which include designs, **whether registered or not**, that were made available to the public before the contested design's filing or priority date; and
- relative grounds under Article 27(1)(d) EUDR, including earlier registered and valid rights, no matter when they were made available to the public.

3.2.5.8 Surrender (Article 71 EUDR; Article 10 EUDIR)

In view of its limited application, partial surrender has been abolished.

In alignment with the EU trade marks regime, the requirement that the surrender request contain the name and business address of the representative is also removed.

3.2.5.9 Single member decisions and apportionment of costs (Articles 144 and 101 EUDR; Articles 11 and 18 EUDIR)

The updated rules for cost apportionment and single-member decisions align with EU trade mark procedures.

A new two-month time limit for filing requests to fix recoverable costs other than those already fixed in the substantive decision enhances legal certainty.

3.2.6 Jurisdiction

As regards the procedural aspects of infringement actions, the main changes affect the following: (i) oral proceedings; (ii) enforcement of decisions on costs; (iii) actions or counterclaims; (iv) judgments on invalidity.

3.2.6.1 Oral proceedings (Article 81 EUDR and Article 11 EUDDR)

Article 81(2) EUDR is now aligned with Article 96(2) EUTMR, according to which, oral hearings before the examiners and the department in charge of the Register will not be public. Article 81(3) EUDR clarifies that oral proceedings before the Invalidity Division and the Board of Appeal will be public. These provisions have also been updated to streamline oral proceedings, mainly by including the option to conduct them through videoconference (or other technical means) and increasing flexibility in the use of different EU languages during the proceedings.

3.2.6.2 Enforcement of decisions on costs (Article 103 EUDR)

Article 103 EUDR is now aligned with Article 110 EUTMR regarding the way in which decisions on costs are enforced.

3.2.6.3 Action or counterclaim (Article 123 EUDR)

The EU design court receiving a counterclaim for the invalidity of a registered EU design must stay the proceedings until the party or court notifies the EUIPO of the counterclaim filing date.

To ensure transparency on the status of EU designs, the EUIPO will record the counterclaim in the Register once it has been made aware of it.

If an invalidity application is filed at the EUIPO prior to the counterclaim, the EUIPO must inform the national court, which must then stay the proceedings and wait for a final decision on the validity of the EU design.

3.2.6.4 Judgments on invalidity (Article 125 EUDR)

Article 125(3) EUDR now specifies that the transmission to the EUIPO of a court judgment once it becomes final (with no appeal or appeal dismissed) must be made 'without delay'. This communication can be made either by the court or by the parties.

3.2.6.5 *Restitutio in integrum* (Article 95 EUDR)

Restitutio in integrum proceedings have been tailored – the one-year period to complete the omitted act no longer includes the additional six-month grace period (that is, the additional time limit to renew the design). Instead, the latter starts running **after** the expiration of the grace period. This means that the time is calculated differently from the *restitutio in integrum* procedure in EU trade mark renewals (Article 95(2) EUDR).

Another difference from the EUTMR is the refund of the *restitutio in integrum* fee if the request is upheld (Article 95(3) EUDR). Users have been requesting that they be reimbursed the fee when *restitutio in integrum* is granted. This is because the fact that they missed a deadline was found not to have been their fault.

3.2.7 Register, database and inspection of files

The areas concerning the Register and inspection of files have been amended mostly to align design practice with that of trade marks.

3.2.7.1 Register (Article 104 EUDR)

Article 69 CDIR has been incorporated in Article 104 EUDR. It details the information to be entered in the Register, mainly due to changes in substantive provisions and the introduction of new legal instruments (such as revocation).

The changes with the highest impact include: removal of the **nationality** entry for some representatives and all design holders (not applicable to existing entries) and the abolishment of the street **address** for design holders, to prevent fraudulent use and protect personal data (not applicable to existing entries).

Finally, the Register will contain not only the filing date and the date of registration under Article 59(3) EUDR, but also the date of entry in the Register (Article 104(2)(l) EUDR), which is the date on which the examination of the design is finalised in accordance with Article 59(1) EUDR. The date of entry of the design in the Register is relevant, for example, for calculating the time limit for cancellation requests under Article 93 EUDR (becoming effective in Phase II).

3.2.7.2 Database (Article 105 EUDR)

Under the new Article 105 EUDR, the EUIPO's public databases no longer display the addresses and nationalities of parties and representatives. The address fields are deactivated for both past and future entries in the database.

3.2.7.3 Inspection and keeping of files (Articles 109, 110, 111 and 112 EUDR)

The EUIPO offers the online inspection of files free of charge. It is not possible to inspect files at the EUIPO premises, nor are paper copies made available.

In addition, it has been clarified that files are kept in electronic form and that documents are retained in accordance with the EUIPO's existing practice.

3.2.8 Publication, registration, cancellation and revocation

3.2.8.1 Introduction of cancellation and revocation procedures (Article 93 EUDR and Article 23 EUDDR)

New provisions are introduced in Article 93 EUDR, which reiterate the content of Article 103 EUTMR (revocation of a decision), and Article 23 EUDDR, which reiterate the respective provisions of Article 70 EUTMDR (revocation of a decision or entry in the Register).

The wording in Article 93 EUDR and Article 23 EUDDR distinguishes between i) the cancellation of an entry in the Register and ii) the revocation of a decision. In both cases, an obvious error attributable to the Office is required.

The existing procedures established for the revocation of decisions and cancellation of entries in the Register in EU trade mark matters will be applied to EU design matters. This means that erroneous entries in the Register and decisions can be cancelled/revoked if it is possible to complete the cancellation / revocation procedure within the one-year period set in Article 93(2) EUDR.

3.2.8.2 Corresponding new entries in the Register for cancellations of entries and revocation of decisions (Articles 104(2)(l) and 104(3)(u) EUDR; Article 23 EUDDR)

Information on the cancellation of an entry or revocation of a decision in the Register based on Article 93 EUDR will be entered in the Register pursuant to Article 104(3)(u) EUDR. This is also reflected in the new Article 23(5) EUDDR, corresponding to Article 70(5) EUTMDR.

3.2.8.3 Publication (Article 60 EUDR and Article 5 EUDIR)

Article 5(1)(c) EUDIR includes a reference to the possibility of publishing the representation of a design by making it accessible electronically. This is particularly important for dynamic and 3D representations.

3.2.8.4 Periodical publications (Article 107 EUDR and Article 12 EUDIR;)

Article 12 EUDIR envisages that all the particulars of an EU design published in the Bulletin may refer or link to data already contained in the database or in the Register. The wording creates a future-proof provision that gives greater flexibility as regards technical implementation.

3.2.8.5 Registration certificates (Article 64 EUDR and Article 6 EUDIR)

Specific rules are introduced in Article 64 EUDR on the issuance of registration certificates, which mirror the respective rules of the EUTMR. The EUDIR has been amended in a similar way to ensure alignment with the EUTMIR.

Under Article 6(1) EUDIR, a registration certificate may incorporate the representation of the design by providing electronic access to the relevant file, which is particularly relevant when considering new design formats.

3.2.8.6 Correction of errors and manifest oversights (Article 92 EUDR)

In general, Article 92 EUDR aligns with the corresponding provisions in the EUTMR.

The only difference is that the reference to ‘technical errors attributable to the Office’ in Article 102 EUTMR has been omitted in Article 92 EUDR. Nevertheless, established practice in EU trade marks should apply to EU designs, meaning that not all errors will lead to a correction of the Register or the publication, only manifest errors can be corrected (as is the case for the correction of errors in decisions).

3.2.9 Fees

In the area of fees, the EUDR introduces the following changes: (i) changes in fee structure and (ii) changes in fee levels.

3.2.9.1 Changes in fee structure (Annex 1 of the EUDR)

The new regulatory scheme envisages the unification of the registration and publication fees into one single application fee, given the short time from filing to registration and then to publication of an EU design.

For multiple applications, a flat fee for each additional design is introduced, thus eliminating bulk discounts based on the number of designs in a multiple application.

3.2.9.2 Changes in fee levels (Annex 1 of the EUDR)

The tables in Annex 1 of this document summarise the changes as regards the amounts.

In general, the amendments mean increased renewal fees and introduce a new fee for the continuation of proceedings and the alteration of a registered EU design.

Additionally, the new fee structure includes a reduced single fee for each additional design in a multiple application (to some extent) and a reduction in the fees for applying for a declaration of invalidity and filing an appeal.

Furthermore, the following fees are eliminated: late payment of the registration or of deferment of publication fees; fees for recording and registering a transfer; fees for cancelling the registration of a licence or other right; fees for the inspection of files; fees for the communication of information in a file; and fees for the issuance of certified and uncertified copies.

3.2.10 Communication notification, written and oral proceedings

3.2.10.1 Electronic means of communication and the abolishing of any other means of communication (Article 85 EUDR and Article 88 EUDR)

Following amendments to Articles 85 and 88 EUDR and Article 12 and Article 17(1) EUDDR, electronic means of communication become the **only** means of communication and notification with and by the Office in design proceedings.

Submissions by post or courier are no longer possible (for the Office or the parties) and nor is personal delivery available to users on Office premises: such that it will be deemed not to have been received.

The Executive Director will determine to what extent and under which technical conditions communications may be submitted electronically.

3.2.10.2 Forms (Article 18 EUDDR)

Forms provided by the Office will only be available in electronic format (e.g. e-filing forms and other e-action forms). This means that the Office will no longer make printable PDF or paper versions of any forms available for design proceedings.

3.2.10.3 Incomplete or illegible submissions (Article 17 EUDDR)

The practice of inviting resubmission in the event of incomplete or illegible submissions by electronic means of communication already existed in the CDIR (specifically in Articles 66(2) and 67(3) CDIR). This has an equivalent in the EU trade mark texts (Article 63(3) EUTMDR).

The revised wording in Article 17(3) EUDDR now clearly states that in the event of retransmission, the 'date of receipt' will be the date of receipt of the original communication or the date when the original contents were made available to the Office. The only exception to this rule is when the deficiency concerns the granting of a filing date for an application to register a design. In these cases, the provisions regarding the filing date, pursuant to Article 46 EUDR, will apply.

3.2.10.4 New concept of making content accessible in communications to the Office (Article 17 EUDDR)

The wording in Article 17(2) and (3) EUDDR introduces a new concept in correspondence with the Office, as it refers to when a document 'is [...] made electronically accessible to the Office' and 'shall invite the sender to [...] provide access to the content of the document'.

This new wording future-proofs electronic means of communication as it allows for potential future formats of incoming correspondence to the Office but does not lead to an immediate change of practice in this area. The accepted electronic means of communication with the Office will continue to be determined by the Executive Director ([Decision EX-26-03](#)).

3.2.10.5 Decisions and communications of the Office (Article 79 EUDR)

This article has been aligned with the equivalent Article 94 of the EUTMR. References to fax transmissions have been deleted in alignment with the e-communication only policy.

3.2.10.6 Administrative cooperation (Article 113 EUDR; Articles 13 and 14 EUDIR)

This change comes from the newly added paragraph 3 of Article 13 EUDIR, which sets a requirement for use of electronic means by default when exchanging information in the scope of procedures for administrative cooperation.

The same rule was added at the end of Article 14(1) EUDIR. The reference to copies is deleted and not included in Article 13(2) EUDIR to reflect the fact that communications should be exchanged by electronic means, in principle, whenever possible. As a result of these changes, electronic means are now also the preferred method for exchanging files in the context of inspection requests by national courts and authorities. Communication in paper form is still possible where expressly demanded by the national authority-requestor.

3.2.10.7 Electronic access to documents in Office notifications (Article 12 EUDDR)

In the general provisions on Office notifications, the new wording clarifies that the Office can either directly transmit a document to the party concerned (e.g. as a physical attachment), or

that transmission by the Office may be carried out by providing electronic access to that document (e.g. by providing a link for direct download by the recipient).

This is aligned with the existing provisions in the EU trade mark regulations (Article 56(1) EUTMDR and Article 57 EUTMDR).

3.2.10.8 Public notification (Article 85 EUDR)

Reference to notification by post has been removed from the new text on public notification, as this means of communication has become obsolete.

The previous text also required a second attempt at notification by the Office before using public notification, which has now been converted into a general condition of ‘at least one failed attempt’, aligning it with the practice for EU trade marks (see Article 59 EUTMDR).

The requirement to publish the ‘public notification’ in the EU Designs Bulletin has been removed. This new wording is now aligned with Article 98(4) EUTMR and does not imply a change of practice, as public notifications are already carried out online on the Office’s website for both EU trade marks and EU designs.

3.2.10.9 Translations (Article 137 EUDR; Articles 16, 17 EUDIR)

The language regime of EU designs is aligned with that of EU trade marks.

The impact of the change extends to: (i) the fact that translations of supporting documents in written proceedings before the Office that are subject to the language regime rules of Article 137 EUDR can no longer be requested by the party to the proceeding in any language of the Office; (ii) the inclusion of parameters clarifying in which cases a document for which a translation and/or statement is to be filed must be deemed not to have been received; (iii) changes in terminology to conform to Article 12 Design Law Treaty (certification of translations is not allowed, but statements that the translation corresponds to the original text are permitted (Article 17 EUDIR)).

3.2.11 Representation and appeal proceedings

For the purposes of simplification and harmonisation with the EU trade mark regulations, some provisions have moved to the basic regulation and others have been slightly reworded without impacting the substance.

3.2.11.1 Appointment of a representative (Article 26 EUDDR)

Article 74(7) EUTMDR, applied to designs pursuant to Article 26 EUDDR, introduces clarifications as to what information is required when appearing before the Office or when communicating the appointment of a representative.

3.2.11.2 Automatic deletion of entries (Article 26 EUDDR)

Provisions regarding the automatic deletion of an entry of a professional representative are foreseen in Article 75 EUTMDR, applied to designs pursuant to Article 26 EUDDR.

3.2.11.3 Common representatives (Article 26 EUDDR)

Article 115(4) EUDR has been added to mirror Article 119(4) EUTMR, which states that a common representative should be appointed in the event of more than one applicant or more than one third party acting in common.

Article 73(1) EUTMDR, applied to designs pursuant to Article 26 EUDDR, results in a change to the rules on the appointment of a common representative. Instead of appointing the 'first named' representative, the 'first named from the EEA' representative is appointed as the common representative.

3.2.11.4 Appeal proceedings

Appeal proceedings in EU design matters have been aligned with those for EU trade marks.

3.2.12 Time limits

3.2.12.1 Time limits (Article 90 EUDR and Articles 20 to 22 EUDDR)

Most of the legal provisions have been aligned with the EUTMR and EUTMDR, resulting in several changes in design practice.

3.2.12.2 Continuation of proceedings (Article 96 EUDR)

Continuation of proceedings is a newly introduced procedure in designs. Article 96 EUDR provides for the continuation of proceedings where time limits have been missed. The wording of the provision is in alignment with Article 105 EUTMR.

Some time limits are excluded from the possibility of benefitting from a continuation of proceedings.

Continuation of proceedings is subject to a new fee of 400 EUR (Annex I point 10 EUDR)

3.2.12.3 Duration of time limits (Article 90(1) EUDR and Article 20 EUDDR)

Article 57(1) CDIR, as amended, has been incorporated into a new Article 90(1) (second sentence) EUDR with the following change: to align with the EUTMDR there will no longer be different time limits for non-EEA parties. This amendment results in a change of Office practice in calculating time limits for non-EEA parties.

3.2.12.4 Expiry of time limits in special cases (Article 90 EUDR; Article 22 EUDDR)

Most of the legal provisions have been aligned with Article 101(4) EUTMR and EUTMDR, resulting in several changes in design practice.

The Executive Director gains the competence to determine the date until which deadlines are extended to parties to proceedings in the event of exceptional occurrences, such as a natural disaster or strike. If the occurrence affects the seat of the Office, this determination applies to all the parties of the proceedings.

Misalignment between the rules applicable to the expiry of time limits in EU design and EU trade mark cases, as per Article 22 EUDDR and Article 69 EUTMDR, remains due to the references to delivery of communications by post in the context of EU trade marks, as this form of communication has been abolished for EU designs.

The difference in terminology ‘a day on which the Office is not open’ (Article 22(1) EUDDR) and ‘a day on which the Office is not open for receipt of documents’ (Article 69(1) EUTMDR) is immaterial.

3.2.12.5 Interruption and resumption of proceedings (Article 97 EUDR and Article 25 EUDDR)

A general rule on the resumption of proceedings following interruption has been added in Article 97(2) EUDR, which is partially based on the former text of Article 59(2) CDIR, with an added change: the Office may resume proceedings even if the identity of the new authorised person is not fully established, on condition that it has ‘exhausted all reasonable attempts’ to establish that identity.

The purpose of the new rule is to allow the Office to continue to finalise the procedures in situations in which nobody appears as an authorised person. The rule is framed as an obligation for the Office to invest ‘reasonable (efforts) attempts’ to establish the identity of the new authorised representative. To comply with the rule governing such situations, the examiner will attempt to contact the person who has informed the Office of the reason for the interruption and follow up on the information received.

Annex I — Table of Fees

Old Fee		New Fee	
Registration Publication	EUR 230 EUR 120	Application	EUR 350
<u>Multiple applications</u>		Multiple applications	
Registration (multiple): 2nd to 10th design 11th design onwards	EUR 115 EUR 50	Additional application fee in respect of each additional design included in a multiple application.	EUR 125
Publication (multiple): 2nd to 10th design 11th design onwards	EUR 60 EUR 30	Deleted	
Additional fee for deferment of publication (multiple): 2nd to 10th design 11th design onwards	EUR 20 EUR 10	Additional fee for deferment of publication (multiple)	EUR 20
Fee for deferment of publication	EUR 40	Fee for deferment of publication	EUR 40
Renewal fee per design (whether included in a multiple registration or not): 1st renewal 2nd renewal 3rd renewal 4th renewal	EUR 90 per design EUR 120 per design EUR 150 per design EUR 180 per design	Renewal fee: 1st renewal 2nd renewal 3rd renewal 4th renewal	EUR 150 per design EUR 250 per design EUR 400 per design EUR 700 per design

Old Fee		New Fee	
Fee for the late payment of a renewal fee or the late submission of a request for renewal	25 % of the renewal fees	Fee for the late payment of a renewal fee	25 % of the renewal fee
<u>International registration</u>			
Individual designation fee for an international registration	EUR 62 per design	Individual designation fee for an international registration	EUR 62 per design
Individual renewal fee for an international registration: 1st renewal 2nd renewal 3rd renewal 4th renewal	EUR 31 per design EUR 31 per design EUR 31 per design EUR 31 per design	Individual renewal fee for an international registration: 1st renewal 2nd renewal 3rd renewal 4th renewal	EUR 62 per design EUR 62 per design EUR 62 per design EUR 62 per design
Fee for an application for a declaration of invalidity	EUR 350	Fee for an application for a declaration of invalidity	EUR 320
N/A	N/A	Fee for a continuation of proceedings	EUR 400
Appeal fee	EUR 800	Appeal fee	EUR 720

Old Fee		New Fee	
Fee for the registration of a licence or another right for a registered Community design: Grant of a licence Transfer of a licence Creation of a right in rem Transfer of a right in rem Levy of execution (*) subject to a maximum of EUR 1 000 if multiple requests are submitted in the same application for registration of the transfer or simultaneously.	EUR 200 EUR 200 EUR 200 EUR 200 EUR 200	Fee for the registration of a licence or another right for a registered EU design: Grant of a licence Transfer of a licence Creation of a right in rem Transfer of a right in rem Levy of execution **up to a maximum of EUR 1 000 if multiple requests are submitted in the same application for registration of a licence or another right, or at the same time.	EUR 200 EUR 200 EUR 200 EUR 200 EUR 200
N/A	N/A	Fee for the alteration of a registered EU design	EUR 200
Fee for a review of the determination of the procedural costs to be refunded	EUR 100	Fee for a review of the determination of the procedural costs to be refunded	EUR 100

Old Fee		New Fee
N/A	N/A	<i>Restitutio in integrum</i> Fee reimbursement (if the request for <i>restitutio in integrum</i> is granted)
		EUR 200

Fees DELETED

	Previously
Fee for the late payment of a registration fee	EUR 60
Fee for the late payment of a publication fee	EUR 30
Fee for the late payment of the fee for deferment of publication	EUR 10
Fee for the late payment of additional fees for multiple applications	25 % of the additional fees
Fee for recording the transfer of an application for an EU design	EUR 200 per design to a maximum of EUR 1 000 where multiple requests are submitted.

Fee for the registration of a transfer of a registered EU design	EUR 200 per design to a maximum of 1 000 where multiple requests are submitted
Fee for the cancellation of a registration of a licence or other right	EUR 200 per cancellation
Fee for the issue of a copy of the application for a registered EU design: Uncertified Certified	EUR 10 EUR 30
Fee for the inspection of files	EUR 30
Fee for issuing copies of file documents: Uncertified copy Certified copy Extra per page (exceeding 10)	EUR 10 EUR 30 EUR 1
Fee for the communication of information in a file Extra per page (exceeding 10)	EUR 10 EUR 1
Refund of insignificant amounts	