



Registered Community Designs

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- © Introduction to Registered Community Designs (RCDs)
- © How do companies use RCDs as a practical business tool

- © A design is the outward appearance of a product or part of it, resulting from the lines, contours, colours, shape, texture, materials and/or its ornamentation.
- © RCDs protect:
 - ©3 Dimensional features of shape
 - ©2 Dimensional surface patterns
- © NOTE: An RCD is protected independently of any article to which the design is applied.

- © 3 Dimensional Designs
 - © Packaging
 - © Computers
 - © Cameras
 - © Telephones

- © 2 Dimensional Designs
 - © Fabric patterns
 - © Computer icons
 - © Graphical User Interfaces
 - © Fonts

- © RCDs provide a Unitary right
- © Centralised filing, prosecution and renewal
- © Currently covers 27 countries
- © Centralised courts to decide infringement

© Member States

© Candidate Countries

© Note
Switzerland is neither a member state nor a candidate country



- © OHIM operates a deposit system for the registration of Community Designs. Thus there is no formal examination of the application before registration
- © Registration and publication fees are paid on filing and the application proceeds to registration immediately unless the application claims priority in which case registration follows after the priority document is filed
- © A typical application is registered within a month of filing
- © The duration of an RCD is up to 25 years

- © A single RCD application can cover any number of individual designs
- © The filing fees are reduced for each of the 2nd to 10th design in the application and further reduced for the 11th onwards
- © NOTE: The designs must all be in the same Locarno class

- © A typical RCD is registered within 2 months of filing
- © Registration provides a basis for raising infringement proceedings and seeking an injunction while your product is still on sale
- © Complimentary to more lengthy Patent protection

No certainty in the final choice of design?

- © The publication of any individual design in the application may be delayed for up to 27 months from filing the application by replacing the publication fee with a deferment fee
- © Any unpublished designs can be withdrawn from the application and re-filed in a new application
- © NOTE: deferred publication can ONLY be requested on filing

- © An application may still be validly filed within 12 months of your first disclosure of the design
- © This allows you to test the public reaction to your designs before you file your application
- © NOTE: The grace period only protects you from YOUR OWN disclosures not those of competitors

- © Each design in an application is registered independently and is renewed separately
- © Consider which designs to renew after the initial 5 year period of protection

- © Each design is registered independently and can be sold or licensed independently of each other
- © This provides a further opportunity for companies to maximise their revenue from the designs even after their own products are no longer being made

- © To obtain a centralised injunction or decision from a Community Design Court 5 rules of Jurisdiction prevail in order:
 - © Country where the defendant is domiciled
 - © Country where the defendant has place of business
 - © Country where claimant is domiciled
 - © Country where claimant has place of business
 - © Spanish Court

- © Alternatively an infringement action can also be raised in the country where infringement is occurring or is threatened but in that case the injunction or decision will only be binding in that individual country

- © RCDs provide:
 - © Unitary protection across 27 countries
 - © Registered rights quickly
 - © Cost effective protection for multiple designs
 - © Complimentary to Patent protection

© THANK YOU

© Wendy Crosby
Murgitroyd & Company

- © And finally, one lucky attendee will win an exclusive bottle of Murgitroyd & Company 12-year old Highland malt whisky!!

