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Design Filings: experiences from various industries

Industrial Designs: Past, Present and Future
Antti Innanen

REGISTERED DESIGNS

- Registered Community design (RCD) can be registered through OHIM. The registration provides uniform protection throughout the European Union with a single application.
- Unitary character → protection begins and ends at the same time throughout the Community
- A design protects the appearance of a product
- Key prerequisites for the registration of a design:
 - **Novelty**
 - **Individual character**
 - **Capable of graphical representation**

BENEFITS OF DESIGN REGISTRATION

- Registration creates a monopoly to the owner of a product
- Registration reduces risks and ensures that the company obtains the exclusive right to use a particular design
- In the modern world, most valuable assets can be intangible: registered IP rights can be sold, licensed, or otherwise exploited
- Registration is generally fast and easy: online filings are registered within a couple of days
- Where the applicant does not have its domicile or its principal place of business or a real and effective industrial or commercial establishment in the European Union, it must be represented by a representative, otherwise the applicant will be requested to appoint a representative within a time limit of two months.

EXPLOITING YOUR RIGHTS

- A registered design provides you with a certificate, which makes it easy to prove ownership
- Registrations are important part of the process of creating a strong brand
- Registration gives security: companies can be sure that they do not interfere with other companies' IP rights
- Also unregistered Community designs are entitled to protection, but for a shorter period and only against intentional copies i.e. copies made in bad faith

DURATION & SCOPE

	Registered Community design	Unregistered Community design	Community Trade Mark
Duration	5 years → Can be renewed up to 25 years	3 years → Cannot be extended	10 years → Can be renewed
Scope	Similar designs, even in case of a good faith	Only commercial and intentional use of a design	Identical or similar signs

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- Russian, China and German Desks
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- Finnish lawyers in our Russian team
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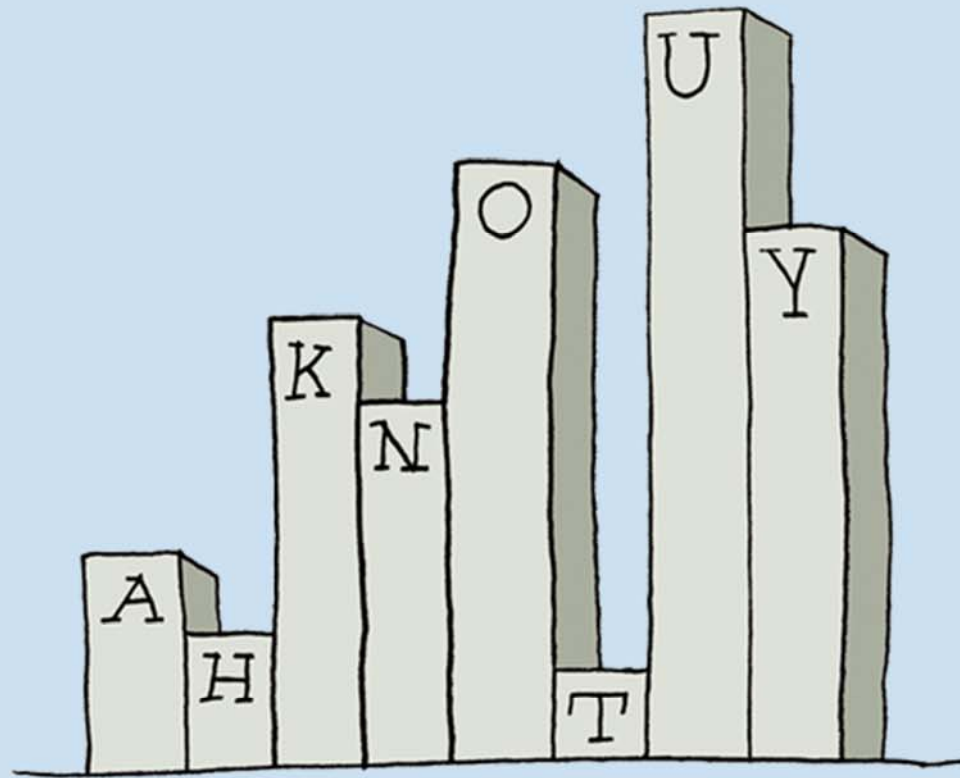
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YET ANOTHER GOOD DAY TO DO SOMETHING IMPOSSIBLE