

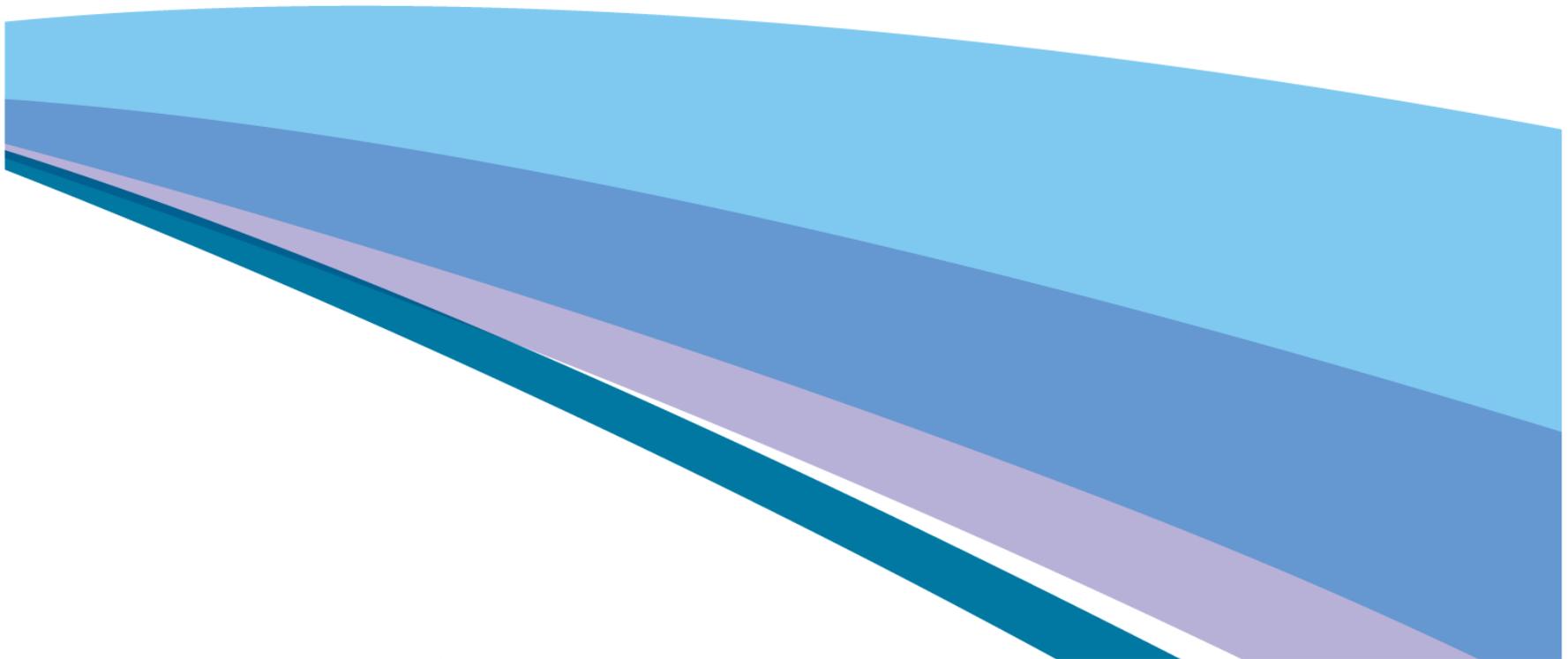


Intellectual  
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# Protecting registered and unregistered design in the UK post-exit

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# Developments to date

- **IP and Brexit: The Facts** published in August 2016 - evolving document;
  - **Draft Withdrawal Agreement** published in March 2018 - Articles 50, 52, 53 and 55 address registered and unregistered EU designs;
  - **White Paper** published in July 2018 - confirmed Government's commitment to explore options on IP, and to seek future cooperation arrangements;
  - **Technical Notice** published in September 2018 - setting out Government's plans in event of no-deal;
  - **No-deal Statutory Instruments** will be published in the near future, but detail subject to further Parliamentary scrutiny.
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- A decorative graphic element in the bottom right corner of the slide, consisting of a blue gradient shape that tapers from left to right and from bottom to top, resembling a stylized arrow or a modern design element.

# Registered Designs: No-Deal Scenario

- Owners of Registered Community Designs which exist at exit day will be provided with comparable UK rights;
  - New UK rights will be granted with minimal administrative burden for the owner;
  - New UK right will be treated as if registered under UK law, and will be independent of corresponding RCD;
  - Provisions will be made for e.g. renewals, priority claims, registerable transactions and deferment;
  - Owner of the new UK right can opt-out if not seeking UK protection;
  - Work ongoing with WIPO on Hague EU designations; Government committed to ensuring continued protection, as with RCDs.
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# Registered Designs: No-Deal Scenario

- RCD applications which are pending at exit day will confer privileges on applicants seeking post-exit UK protection;
  - Within nine months of exit day, applicant may file UK application and retain filing date or (earlier) priority date of pending RCD application;
  - In all other respects, post-exit UK application procedures will be retained;
  - Those with pending RCD applications **will not** be notified of UK application privilege;
  - Pending Hague (EU) applications will also be accommodated;
  - Provisions to address proceedings pending before UK courts involving RCDs.
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# Unregistered Designs: No-Deal Scenario

- Existing unregistered EU designs will continue to be protected in the UK via **‘Continuing Unregistered Design Right’**;
- Protection will continue for remaining period accorded to the EU right;
- Also creation of new **‘Supplementary Unregistered Design Right’** which mirrors characteristics of unregistered Community design;
- **‘CUDR’** ensures that designs disclosed in EU27 prior to exit will continue to be protected in the UK post-exit;
- **‘SUDR’** ensures that designs disclosed in UK post-exit will be protected in UK;
- Provisions addressing unregistered designs proceedings before UK court



# Designs: Alternative Scenarios

- Existing (agreed) terms of Withdrawal Agreement oblige the UK to provide continued protection for registered and published RCDs;
- WA also obliges us to recognise filing dates, priority dates, remaining period of protection etc.
- But some differences to no-deal approach - e.g. WA will oblige UK to recognise cancellation of EU right and make effect on comparable UK right;
- Terms of WA may yet be superseded by alternative arrangements negotiated as part of Future Economic Partnership.



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