

Registered Designs

Your brand is one of your business' most valuable assets. Registering a design is a cost-effective way of protecting a core product, which in turn, helps to strengthen your brand.

We have devised the following Frequently Asked Questions for your convenience based on our clients' needs and expectations.

We hope you find this leaflet useful and we look forward to hearing from you.

Frequently Asked Questions

1. What does "design" mean?

A "design" can be anything from handicraft items and one-off artistic works such as a sculpture to a pattern (e.g. a tartan), a fashion garment or a product such as chair. Even graphic icons such as those on a computer screen, can be registered.

In the case of a product, "design" applies to both the product and its component parts. For example, if the handle of a cup had a particular design, that design can be registered in addition to any design that might appear on the cup itself.

Protection applies to the design itself and not the article on which it is applied. So, one registration will protect a pattern whether it appears on one teacup or on an entire tea set.

2. How will my design qualify for registration?

In order for your design to be considered by the Designs Registry, it must comply with the following tests:

Novelty

The design must not be identical to a design that has already been made public.

You must apply for your design within twelve months of showing in public or selling.

If your design or product produces a feeling of "déjà vu" (i.e. it puts a person in mind of an existing product) your application will fail.

Exclusion

Your design does not have to be aesthetically pleasing (so-called "eye appeal") in order for it to be registered, but if it is based solely on how the item functions, your application will be rejected.

3. Are there any designs that cannot be registered?

There are a number of designs that cannot be registered, certain coats of arms, national flags and insignia being just three examples of a longer list. If you are in doubt, please speak to Briffa and we will be able to advise you fully on whether your particular design can be registered.

4. Can I disclose my design to members of the public?

As mentioned earlier, if you wish to test the market for your particular design, you are allowed a maximum of 12 months in which to file your application from the date of first disclosure. Your design protection will start from the date of filing once the design is registered, and not from the date of first exhibition.

5. How do I make an application in UK?

Depending on the design or item that you are registering, a number of images are submitted together with a statement of novelty together with the appropriate fee. (Please see "How much will it cost?" for further details of fees). As part of our package, we prepare all documents and images required by the Designs Registry.

6. How much will a UK application cost?

This will depend on your design. If your design is a textile or lace or substantially of check or tartan print, the fee will be £35. For all other items the fee is £60. Please note that each separate item will be a new application.

You cannot register a series of designs.

Our fee for a standard application is £200 + VAT per design registration.

7. Am I protected if I modify my design?

Your modified version(s) of a previously registered design can be registered, but only if the new modified design is novel (as outlined above) and possesses individual character, distinct from the previously registered design. Please note that this must be a new application and you will need to make a separate application for each modified design and pay the additional application fees.

8. Can I claim a priority date for a design application made in another country?

You can. You will need to show the UK Registry your so-called Convention Documents. These consist of details of the original filing, including representations, a certificate of authenticity issued by the Registry in the country where the earlier application was made. The Documents must be filed within three months of the filing of the UK application. You will need to have your Documents translated and certified, if they were filed in a language other than English.

In certain circumstances, you may claim a priority period of six months. This depends on whether the country of registration is a signatory to the Registered Designs Convention. We will be able to advise you further, depending on the country of first registration, whether you can claim a priority period of six or three months.

9. Can I extend my UK protection to other countries?

Yes, you can but these are mostly Commonwealth countries. If you have a specific country in mind, or if you would like details of the list of countries in which your design will be accepted, please contact us. Please note that you will have to go through certain formalities before your design will be entered in the local register.

10. Is there a European-wide registered design?

Yes, there is. The Community Design was introduced on 1 April 2003 for both 2D and 3D designs. One application will cover the product or products applied for in all European Community countries. The Community Design operates in the same way as the United Kingdom design with one significant exception. Under the Community Design, applicants can register multiple designs in one application on a sliding fee scale depending on the exact number of designs applied for.

11. How do I make my Community Design application?

The design that is to be registered in the EU is sent to OHIM (Office for Harmonisation of Internal Markets, Alicante, Spain) with appropriate fees. As part of our package, we prepare all documents and images required by OHIM and we monitor your application on your behalf.

12. How much will a Community Design cost?

Registration fee for the first application is 230€
Additional registration fee 2-10 designs (each) 115€, more than 11 designs (each) 50€
Publication fee for the first application is 120€
Additional publication fee 2-10 (each) 60€, >11 (each) 30€
Briffa Fixed Fee £350 + VAT
Additional Fee 2-10 (each) £60 + VAT, >11 (each) £30 + VAT

13. How long do I have to register my design?

Generally you have 12 months from the date of application, however you can apply for an extension of time and if granted, you will have a maximum of fifteen months in which to perfect your application.

14. How long does the registration last?

If the design is registered either in the UK or EU, it will be protected for five year periods up to a maximum of 25 years, assuming that you renew your registration every five years.

15. What can Briffa do for me?

At Briffa, our specialist team can assist you with all aspect of the registered design process. Whether making applications on your behalf, advising you on your particular designs or offering general brand protection advice, our registered design team offers straightforward, fixed-fee advice, in plain English. If design registration is only a part of your branding strategy, ask us about other areas in which we can help you to minimise risk and maximise your brand's potential.

For more information on Registered Designs, or to submit a request, please email designs@briffa.com or speak with margaret@briffa.com. If you would like to be put on our European Design emailing update list, please email us with your details, or call us on +44 (0) 20 7288 6003.

Briffa is registered with the Data Protection Commissioner and will use your details solely for the purpose of updating you and will not pass them on to any third party.