



Design protection for a more competitive European industry

Is there a need for a reform of the design protection to adapt it to the digital age and technical progress?

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Zagreb, 19.02.2020

Context of the evaluation

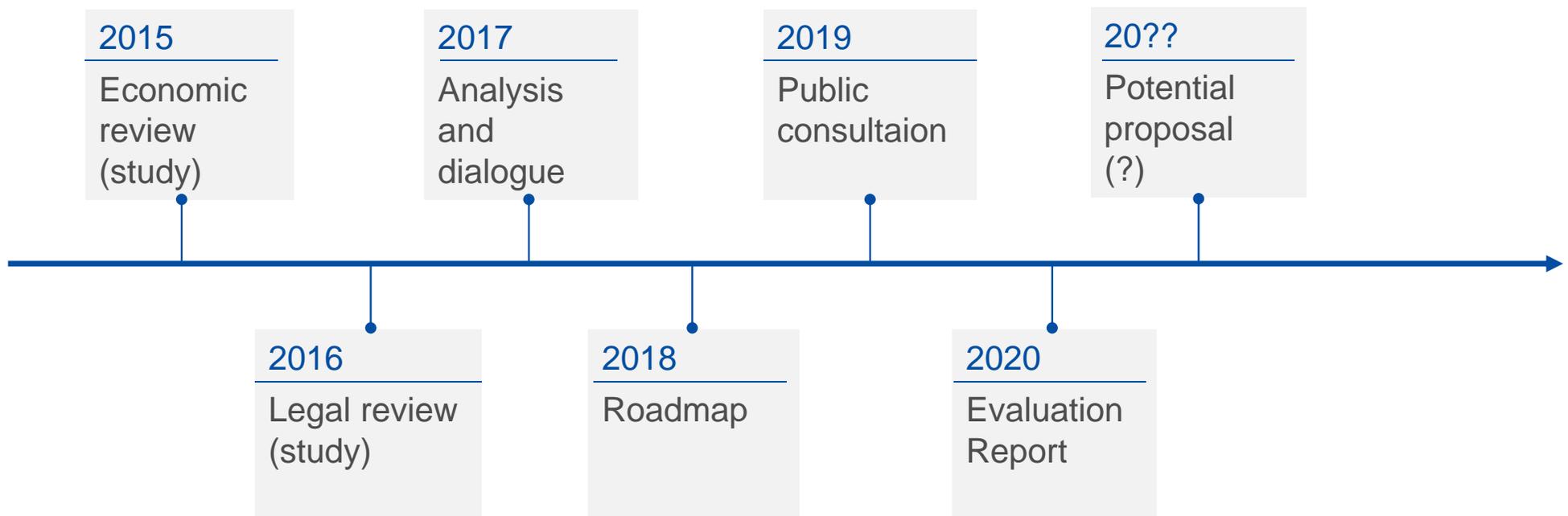
- Directive 98/71 and Regulation 6/2002 date back to 1998/2001
- Only the Regulation was amended once in 2006
- No overall evaluation since adoption of the designs acquis
- Review of transitional spare parts provisions led to Proposal COM(2004)582, withdrawn in 2014 due to standstill in Council
- Comprehensive trade mark reform concluded in 2017



President von der Leyen's mission letter to Thierry Breton:

*“I want you to take a close look at our intellectual property regime to ensure that it is **coherent**, is **fit for the digital age** and **supports our competitiveness**.”*

Timeline



Public consultation

- December 2018 – April 2019
- Open consultation – all stakeholders invited to contribute
- 196 received replies through the EU survey
- Results available online:

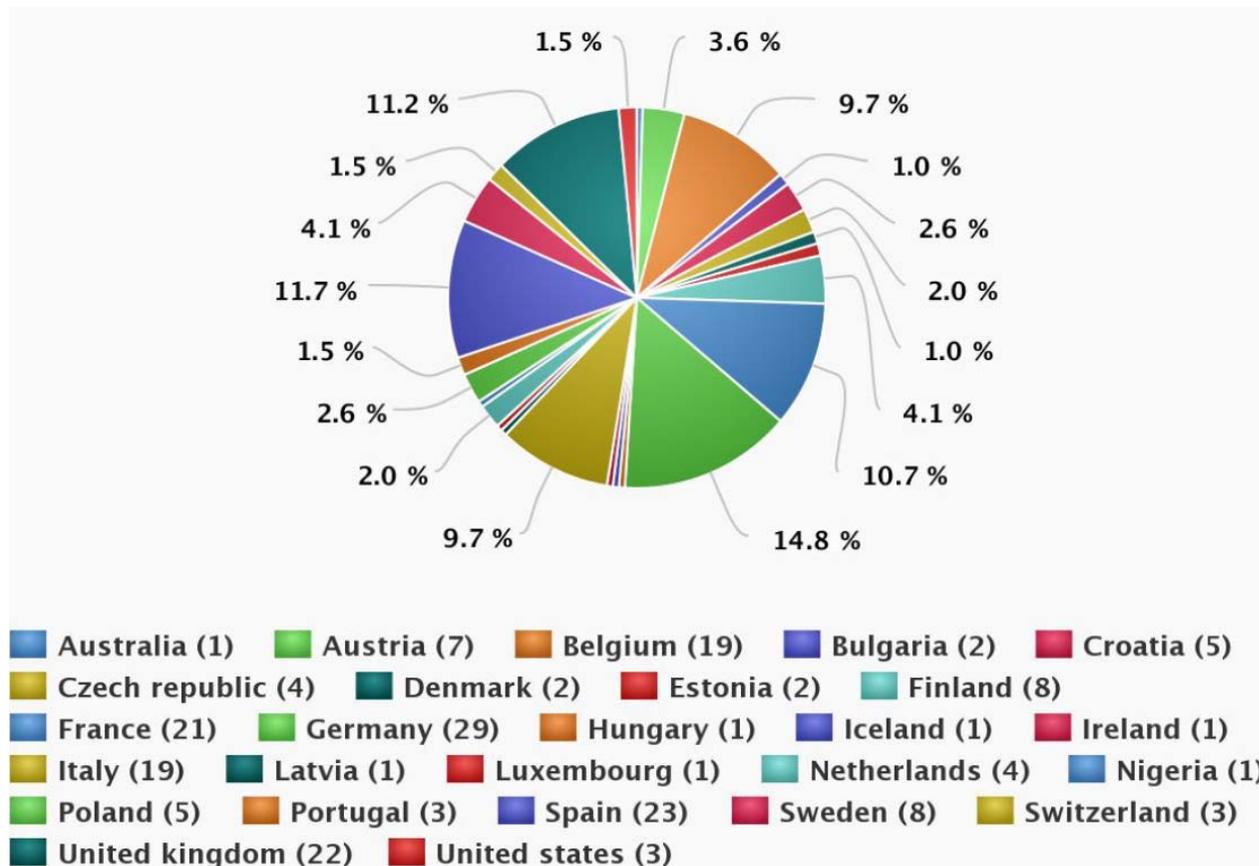
https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-3527248/public-consultation_en

Respondents

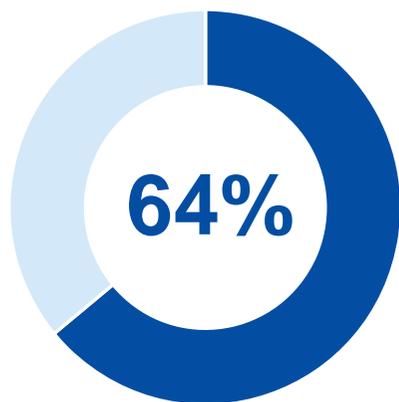
		Answers	Ratio
Academic/research institution		3	1.53 %
Business association		43	21.94 %
Company/business organisation		72	36.73 %
Consumer organisation		3	1.53 %
EU citizen		26	13.27 %
Environmental organisation		0	0 %
Non-EU citizen		1	0.51 %
Non-governmental organisation (NGO)		9	4.59 %
Public authority		21	10.71 %
Trade union		2	1.02 %
Other		16	8.16 %
No Answer		0	0 %

- **Category of respondent:**
companies, business organisations & business associations in majority
- **Source of knowledge:**
most of the respondents are design creators, owners or users

Respondents – country of origin

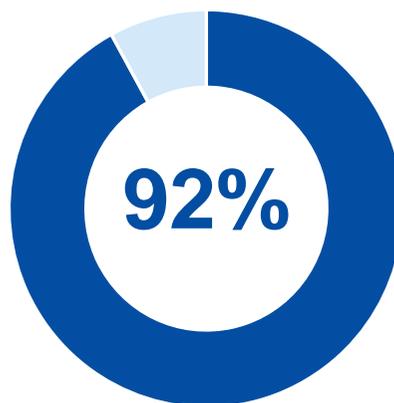


Results



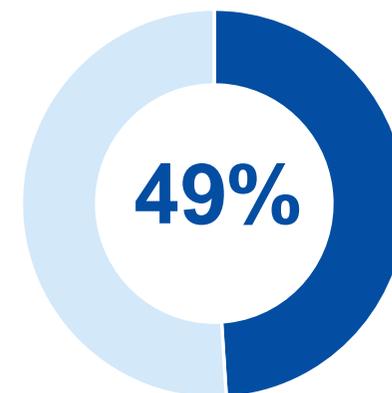
Overall functioning

Almost two thirds of respondents consider that the system works well



Added value

Vast majority of respondents agrees that harmonization of national laws and creation of CD system is of added value

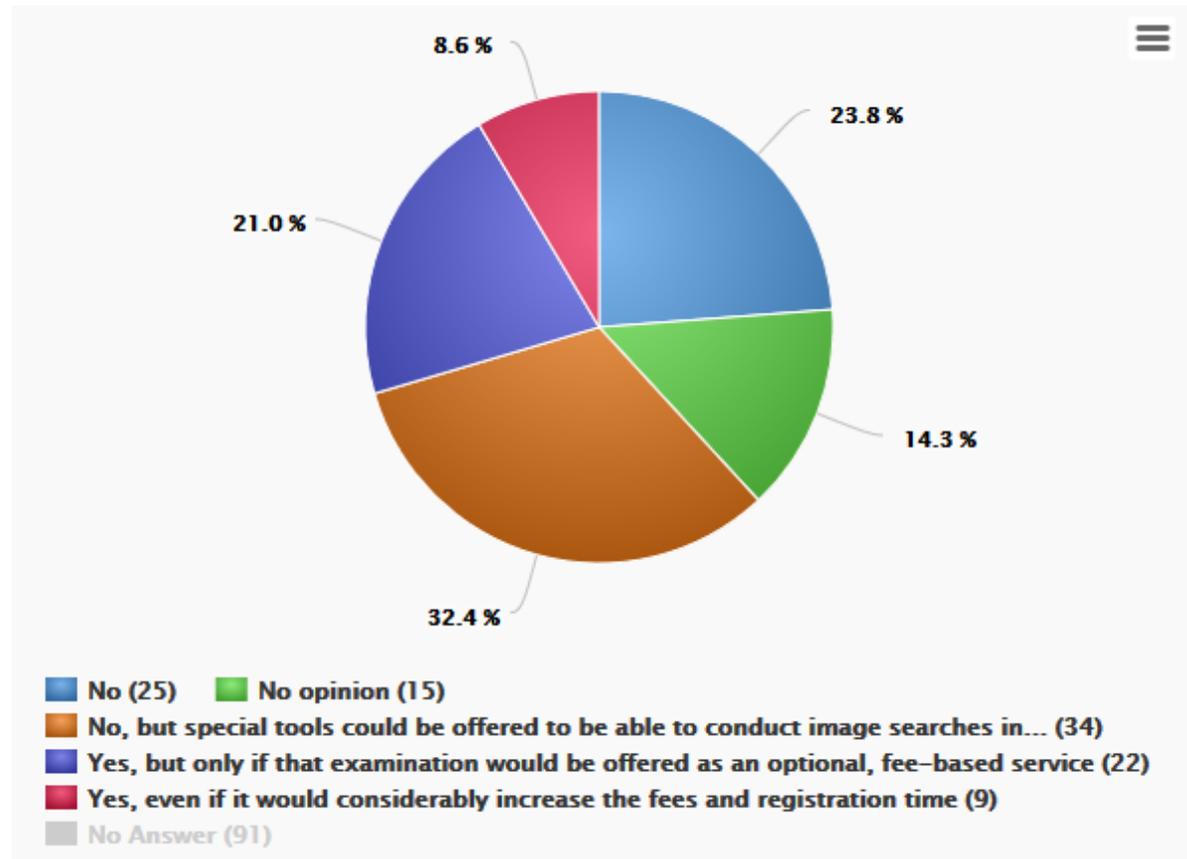


Shortcomings

Almost half of the respondents pointed out shortcomings and insufficient awareness of the availability, benefits and ways for protecting designs in the EU

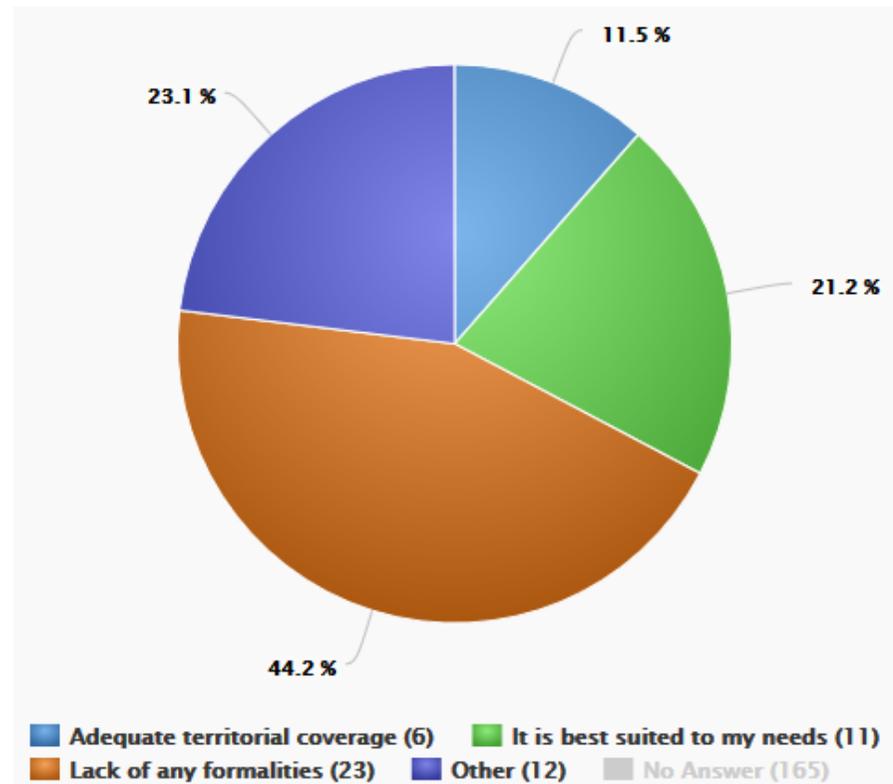
Should the EUIPO examine novelty ex ante?

- **56,2%** of those who replied to the question do not want the EUIPO doing so
- Call to provide tools allowing better image searches



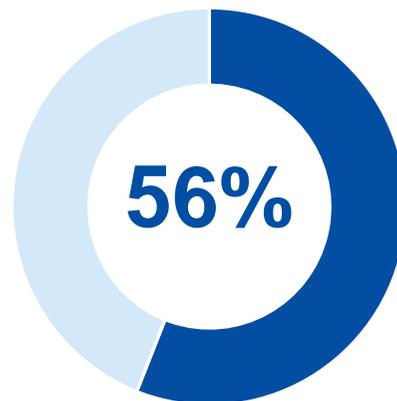
Unregistered community design

- Almost half of the respondents considered that UCD provides useful protection against unauthorized copying
- Suitable for products with a short or seasonal commercial lifespan

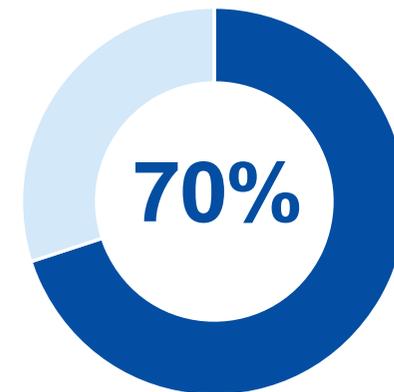


Spare parts protection

- More than half of the respondents sees non-harmonization of the rules as a problem
- More than two thirds of the respondents favour same rules



Are different rules on spare parts a problem?



Should the rules be the same in the EU?

Next step: Evaluation Report

- **Evaluation criteria:**
 - efficiency, effectiveness, relevance, coherence and EU added value
- **What are the challenges and possible improvements?**
 - modernise and clarify the rules
 - streamline registration procedures
 - strengthen design rights to better fight counterfeiting
 - achieve greater harmonisation

Keep in touch



Industrial design protection

https://ec.europa.eu/growth/industry/intellectual-property/industrial-design/protection_en



Evaluation of EU legislation on design protection

https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-3527248_en



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Thank you



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