



**UK Design Law
at the Crossroads**



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Intellectual
Property
Office

Designs Review

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IPO | Making life better through IP

Intellectual Property Office is an operating name of the Patent Office

Origins of the Review

- A chance to consider Brexit opportunities and seek broader views on stakeholder issues.
- Designs system has not been reviewed since 2011
- Work started on Call for Views in September 2021

Call for Views, Part 1

- From the beginning we recognised the diversity of the design sector and the need to reach lone designers and SMEs as well as legal professionals and trade bodies
- Published a survey that overlapped with CfV to reach those with less detailed knowledge of IP

Call for Views, Part 2

- Call for Views ran from 25 January until 25 March
- Alongside CfV and Survey we ran bespoke stakeholder events, particularly with ACID and forums like our Marks and Designs Forum
- Senior involvement in IPO up to and including CEO
- We received 57 responses to CfV mostly from attorneys / legal professionals
- We received 288 responses to the survey

Next the Analysis Work

Analysis work followed and through that, we identified several key themes:

- **Simplification**
 - Many users think system too complex – especially unregistered design protection and relationship with copyright
- **Novelty Searching**
 - Mixed views but some stakeholders interested including in two tier system and AI search tools
- **Deferment**
 - Formal deferment provision clearly wanted by stakeholders
- **Enforcement issues including criminal sanctions**
 - Concerns around costs, opinion divided on criminal sanctions
 - Looking at designs opinions as well
- **Post-exit disclosure of unregistered designs**
 - Outstanding issue from exit negotiations – all responses called for clarity
 - Could simultaneous disclosure help?
- **New Technologies**
 - Different file formats and flexibility to accommodate new technologies

Next Steps

- Government response published 12 July
- Includes responses to Call for Views and summary of survey analysis
- Key themes from Call for Views forming basis of policy work on options and more discussions with stakeholders
- Work on Retained EU Law has slowed down work
- Expect to consult in next 12-18 months on policy proposals

Questions