How to protect industrial design via the European Community design system

It is possible to register an industrial design as a **European Community design**, which has protection in all member states of the European Union, including Estonia. Community designs are registered in the European Union Intellectual Property Office (EUIPO) pursuant to Council Regulation No 6/2002. Legal protection of the Community design extends automatically to the new member states.

An applicant has to file **an application** for registration of a Community design and pay a state fee. The application may be filed either on paper or electronically.

Community designs are registered by **formal registration system** which means that the office examines only the compliance of formal requirements. An applicant is responsible for the compliance of the other requirements, like novelty and individual character.

The Community design provides a possibility to file a **multiple application** which means that the applicant can present a line of products in one application, if the products all belong to the same class of the Locarno classification, e.g. a line of furniture products including for example beds, shelves and desks belonging to the furniture class can be presented in one application.

An unregistered Community design is valid for an industrial design disclosed on the territory of the EU for three years from the date of disclosure. It is not possible to renew the term of protection. Disclosure means the availability of the design to the broader public on the territory of the EU. An unregistered Community design provides to its owner a right to prevent copying the design. It is not deemed to be copied if the author of the similar design was not aware of the design earlier disclosed. An unregistered Community design has to meet all the requirements set for a registered Community design, but an application for registration does not have to be filed with the EUIPO. It is important that in case of contestation an author should be able to verify the authorship. An unregistered Community design is useful for protection of designs changing very fast, i.e. fashion goods.

The **differences between the registered and unregistered** Community design lie in the scope of legal protection, term of protection, the documents to be filed and the need for verification of the legal protection. A registered Community design provides its owner an exclusive right, but an unregistered Community design protects only from intentional copying. Relevant documents should be submitted for registration of a design, but in case of disputes it is easier to prove the existence of the protection and the authorship thanks to these documents. The term of the legal protection of an unregistered design is shorter and renewal is not possible.

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The Estonian Patent Office Toompuiestee 7, 15041 Tallinn, Estonia phone: +372 627 7900, e-mail: patendiamet [at]