Industrial property: protection of Community design

2022/0391(COD) - 18/11/2024 - Final act

PURPOSE: to improve the protection of EU industrial designs.

LEGISLATIVE ACT: Regulation (EU) 2024/2822 of the European Parliament and of the Council amending Council Regulation (EC) No 6/2002 on Community designs and repealing Commission Regulation (EC) No 2246/2002.

CONTENT: the amended regulation on community designs and the revised directive on the legal protection of designs - update the current design legislation to improve the protection of industrial designs in the era of digital designs and 3D printing.

Objectives

The regulation and the directive will make the procedure to register designs at EU level cheaper and easier and will harmonise procedures between European and national systems.

The amending regulation is driven by the following objectives:

- **modernising and improving existing provisions**, by amending outdated provisions, increasing legal certainty and clarifying rights in terms of scope and limitations;

- **improving the accessibility, efficiency and affordability** of registered Community design protection, by simplifying and streamlining procedures, and adjusting and optimising the level and structure of payable fees.

The main elements of the amending regulation are the following:

Duration of protection of the registered EU design

Protection of a registered EU design will arise upon registration by the Office. A registered EU design will be registered for a period of **five years** calculated from the date of filing of the application for registration. The right holder may renew the registration, for one or more periods of five years each, up to a total term of protection of **25 years** from the date of filing of the application for registration.

Terms of protection

In order to ensure legal certainty, the regulation clarifies that protection is conferred upon the right holder, by way of registration of an EU design, for those design features of a product, in whole or in part, which are shown visibly in an application for registration of such design and made available to the public by way of publication.

The registration of a design will confer on its holder the exclusive right to use it and to prevent any third party not having the consent of the holder from using it.

Repair clause

The regulation introduced a “repair clause” with new rules to exempt from design protection the spare parts used for repair of complex products (such as spare parts for the car-repair sector). There will be a harmonised transitional period to allow that existing designs of component parts are protected during the transition from the existing legal framework to the legislation adopted today.

This clause aims to liberalise the spare parts market and ensure that more accessible spare parts for repair are made available to consumers across the EU.

Filing of applications

An application for a registered EU design will be filed at the Office. The Office will issue to the applicant, without delay, a receipt which will include at least the file number, a representation, description or other identification of the design, the nature and the number of documents and the date of their receipt. In the case of a multiple application, the receipt issued by the Office will specify the first design and the number of designs filed.

Fees and charges

The Executive Director will lay down the amount to be charged for any services rendered by the Office other than those set out in the Annex, as well as the amount to be charged for publications issued by the Office.

Fees and charges due to the Office will be paid by the methods of payment determined by the Executive Director with the consent of the Budget Committee. The regulation **increases EU-wide fees**, which will be higher than in national-only protection regimes, to reflect the wider territorial scope of design protection at EU level.

ENTRY INTO FORCE: 2.12.2024.

APPLICATION: from 1.5.2025.