

Consultation on Design Protection in the EU

Fields marked with * are mandatory.

Introduction

The main substantive aspects of national laws on the protection of designs are harmonized at EU level by the Design Directive[1] from 1998, which also aimed at maintaining a system for registering designs for businesses that only operate within an EU Member State. Alongside those national protection systems, the Community Design Regulation[2] from 2002 created an autonomous system for the protection of Community designs having equal effect throughout the European Union.

Designs are defined as appearance of the whole or a part of a product resulting from its features such as e.g. lines, contours, colours, shape, texture, materials used or ornamentation. Designs can be part of handcrafted or industrial goods, including among others also packaging, graphic symbols or even fonts. Designers can benefit from different forms of protection of their work in the EU. Their creations are protected without any registration or formalities for a period of three years as unregistered Community designs (governed by the Community Design Regulation) if they are made publicly available ('disclosed') within the EU. When longer protection of up to 25 years is wanted, designers have a choice of registering their designs separately in some or all of the EU Member States following the harmonized national rules (as specified by the Design Directive). Alternatively, they can register them once for the whole EU using the registered Community design (governed as well by the Community Design Regulation) managed by the European Union Intellectual Property Office (EUIPO). As yet another option, designers can protect their creations within or outside the EU through the Hague System for the International Registration of Industrial Designs, administered by the World Intellectual Property Organization (WIPO).

While procedures are not harmonized, the principal substantive conditions for registering a design are identical in all EU Member States as are the principal rights of design owners. Design is a property right and its owner decides who can use it, how and for what price. Protection covers unauthorized use or copying. In 2017, 94,000 registered Community designs were registered (6% more than in 2016, and 12% more than in 2015). The registration involves fees, which for the registered Community design amount to €350 including publication.

This public consultation aims at gathering views of all those affected by design protection in Europe in order to evaluate the performance of the Community and national systems and identify areas where changes may be necessary. The consultation builds on and follows previous research, analysis and targeted surveys carried out as part of two studies on [economic](#) (2015) and [legal](#) (2016) review of the design protection systems in Europe.

The questionnaire of the consultation is divided into several different sections. In principle respondents can choose to reply to a selection of these sections (one, several or all) according to their profile/type of activity. However, different levels of knowledge and experience will be needed to be able to answer the individual questions. While the reply to general questions will require at least certain knowledge on design protection in the European Union, it will not be possible to answer a larger number of specific questions without having profound legal expertise and experience in the relevant field.

[1] Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs

[2] Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union

Other

* First name

* Surname

* Email (this won't be published)

* Scope

- International
- Local
- National
- Regional

* Organisation name

255 character(s) maximum

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|-------------------------------------|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Samoa |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> San Marino |

- American Samoa
- Andorra
- Angola

- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia

- Aruba
- Australia
- Austria

- Azerbaijan
- Bahamas
- Bahrain

- Bangladesh

- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda

- Bhutan

- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory

- Egypt

- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia

- Falkland Islands
- Faroe Islands

- Fiji
- Finland
- Former Yugoslav Republic of Macedonia
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau

- Macau

- Madagascar
- Malawi

- Malaysia
- Maldives
- Mali

- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua

- São Tomé and Príncipe
- Saudi Arabia
- Senegal

- Serbia
- Seychelles
- Sierra Leone

- Singapore
- Sint Maarten

- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Swaziland
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand

- British Virgin Islands
- Brunei
- Bulgaria

- Burkina Faso
- Burundi
- Cambodia

- Cameroon
- Canada
- Cape Verde
- Cayman Islands

- Central African Republic
- Chad
- Chile

- China

- Christmas Island
- Clipperton
- Cocos (Keeling) Islands

- Colombia
- Comoros

- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba

- Curaçao

- Cyprus

- Czech Republic

- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Niger
- Nigeria
- Niue
- Norfolk Island
- North Korea
- Northern Mariana Islands
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia

- Democratic Republic of the Congo
- Lesotho
- Saint Lucia
- Zimbabwe
- Denmark
- Liberia
- Saint Martin

*What are the main areas of your activity?

at least 1 choice(s)

- Manufacturing
- Wholesale and retail trade; Repair of motor vehicles
- Information and communication
- Professional, scientific and technical activities
- Public administration
- Creative, arts and entertainment activities
- Other activities

If other activities, please specify:

200 character(s) maximum

*If manufacturing, what is your sector?

at least 1 choice(s)

- Manufacture of furniture
- Manufacture of wearing apparel and footwear
- Manufacture of computer, electronic and optical products
- Manufacture of packages and containers for transport or handling of goods
- Manufacture of lighting equipment
- Manufacture of fluid distribution equipment, sanitary, heating, ventilation and air-conditioning equipment
- Manufacture of household goods
- Manufacture of motor vehicles
- Manufacture of other transport equipment
- Manufacture of parts and accessories for motor vehicles
- Manufacture of tools and general hardware
- Manufacture of building units and construction elements
- Manufacture of jewellery, bijouterie and related articles
- Manufacture of other articles of adornment
- Manufacture of graphic symbols and logos, surface patterns, ornamentation
- Manufacture of games, toys and sports goods
- Manufacture of travel goods, cases and personal belongings
- Manufacture of medical and laboratory equipment
- Manufacture of clocks and watches and other measuring instruments
- Manufacture of machinery and equipment (not elsewhere specified)
- Manufacture of stationary and office equipment
- Manufacture of electrical equipment
- Other manufacturing
- Repair and installation of machinery and equipment

* If other manufacturing, please specify the sector:

200 character(s) maximum

* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

* I agree with the [personal data protection provisions](#)

General questions to all

*** 1. Please indicate whether your knowledge of the design protection systems in the EU comes from the fact that you or members of your organization**

at least 1 choice(s)

- Create/own designs
- Use designs of others
- Give (legal) advice
- Work in intellectual property office, ministry, court or other authority
- Lecture/research the topic
- Other
- I don't have any knowledge of the design protection systems

*** If other, please explain**

1000 character(s) maximum

*** 2. What do you generally think about the overall functioning of the design protection system in the EU (taking national design systems and the Community design regime altogether as a complementary whole and considering all relevant aspects of design protection)?**

- It works very well
- It works rather well
- It works rather bad
- It works very bad

No opinion

* Please explain your answer:

5000 character(s) maximum

3. Please evaluate the importance of the following objectives of the harmonization of national rules and of the creation of the Community design system.

between 9 and 9 answered rows

	Very important	Important	Rather not important	Not important at all	No opinion
* Promoting innovation, creativity and development of new products in the EU	<input type="radio"/>				
* Allowing products to circulate freely in the internal market	<input type="radio"/>				
* Providing the same protection of designs everywhere in the EU	<input type="radio"/>				
* Serving the needs of all industry sectors	<input type="radio"/>				
* Preventing counterfeiting and copying of Community designs	<input type="radio"/>				
* Allowing for simple registration of Community designs	<input type="radio"/>				
* Allowing for affordable registration of Community designs	<input type="radio"/>				
* Making Community design registration readily accessible to small and medium-sized enterprises as well as to individual designers	<input type="radio"/>				
* Allowing for a simplified enforcement of Community designs	<input type="radio"/>				

If there are other objectives that should be pursued, please let us know:

5000 character(s) maximum

4. Based on your knowledge of the design protection systems in the EU, how have the harmonization of national rules and the creation of the Community design system contributed to the achievement of those objectives since 2003?

between 9 and 9 answered rows

	Helped a lot	Helped a little	Hindered a little	Hindered a lot	No opinion
* Promoting innovation, creativity and development of new products in the EU	<input type="radio"/>				
* Allowing products to circulate freely in the internal market	<input type="radio"/>				
* Providing the same protection of designs everywhere in the EU	<input type="radio"/>				
* Serving the needs of all industry sectors	<input type="radio"/>				
* Preventing counterfeiting and copying of Community designs	<input type="radio"/>				
* Allowing for simple registration of Community designs	<input type="radio"/>				
* Allowing for affordable registration of Community designs	<input type="radio"/>				
* Making Community design registration readily accessible to small and medium-sized enterprises as well as to individual designers	<input type="radio"/>				
* Allowing for a simplified enforcement of unregistered Community designs	<input type="radio"/>				

If you want to add any remark, please do so here:

5000 character(s) maximum

Specific question to national authorities

*** 5. Do you agree that the respective costs involved in implementing the Design Directive and the Community Design Regulation are justified given the benefits that have already been achieved by harmonizing essential aspects of design protection and providing for a unitary system of EU-wide protection?**

- Yes
- No

No opinion

*** If no, please explain:**

5000 character(s) maximum

General questions to all

*** 6. In this context, to what extent do you agree that the harmonization of national rules and the creation of the Community design system is of added value compared to a situation where Member States would have (entirely) different rules on design protection and such protection would be available at national level only?**

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

If you want to add any remark, please do so here:

5000 character(s) maximum

*** 7. Are you aware of any unintended consequences or shortcomings of the Design Directive or the Community Design Regulation?**

- Yes
- No
- No opinion

*** If yes, please specify:**

5000 character(s) maximum

*** 8. In general, do you think that there is sufficient awareness among designers and entrepreneurs (including small and medium-sized enterprises) of the availability, benefits and ways for protecting designs in the EU?**

- Yes
- No
- No opinion

*** If no, please specify where and in what respect you see deficiencies in the awareness:**

5000 character(s) maximum

***9. Do you consider that the unregistered Community design provides a useful legal protection against unauthorized copying of that design by a third party?**

- Yes
- No
- No opinion

*** Please explain your answer:**

5000 character(s) maximum

Specific questions to users of designs of others

10. What is your opinion on design protection in the EU?

between 14 and 14 answered rows

	Fully agree	Somewhat agree	Rather disagree	Fully disagree	No opinion
* It fosters innovation through competition by encouraging the creation of new designs	<input type="radio"/>				
* It rightly gives the designer/owner the right to prevent others from using it without its consent	<input type="radio"/>				
* It allows the designer/owner to receive a fair return on its design investment	<input type="radio"/>				
* It helps preventing a misappropriation of research and development expense	<input type="radio"/>				
* It helps acknowledging and protecting the marketing value of a design	<input type="radio"/>				
* It helps me to innovate, building on what others have created	<input type="radio"/>				
* It allows me to use designs legally	<input type="radio"/>				
* It stifles innovation	<input type="radio"/>				
* I never know if I am breaking the law or not	<input type="radio"/>				
* It is too easy to claim design infringement	<input type="radio"/>				
* It is abused to seek protection for designs that should never be registered	<input type="radio"/>				

* It is difficult to defend oneself against an infringement claim given the unclear subject matter of what is actually protected	<input type="radio"/>				
* Use of protected designs is too expensive	<input type="radio"/>				
* It's difficult/costly to find out if a design is protected	<input type="radio"/>				

If you want to add any remark or express another opinion, please do so here:

5000 character(s) maximum

*** 11. Why do you use protected designs of others?**

at least 1 choice(s)

- To improve products that I sell
- For my private, non-commercial use
- For educational purposes and in research papers/articles
- Other

*** If other, please explain:**

1000 character(s) maximum

*** 12. How do you check who owns the design?**

at least 1 choice(s)

- I do not check at all
- I do not check as my usage is exempted from protection
- I use a professional service to conduct the search for me
- I search on the Internet
- I search in the database of the competent industrial property office of a Member State
- I search in the database provided by the European Union Intellectual Property Office (EUIPO)
- I search in the database provided by the World Intellectual Property Organization (WIPO)
- Other

If you use a professional service, please specify the cost of the search:

1000 character(s) maximum

*** If other, please explain:**

1000 character(s) maximum

13. Have you come across any of the following problems?

between 4 and 4 answered rows

	Always	Often	Rarely	Never	No opinion
* I could not identify the owner of a design	<input type="radio"/>				
* I could not establish if a design is protected in my Member State	<input type="radio"/>				
* I could not establish if a design is still protected	<input type="radio"/>				
* The licensing cost of using a design was too high for me	<input type="radio"/>				

If you want to add any remark or explain any other problem you have come across, please do so here:

5000 character(s) maximum

More specific questions to all

We would now like to ask you questions that are more specific. These are best answered by those with greater knowledge or experience with the design protection systems in the EU.

Terms of protection

*** 14. An unregistered Community design is protected for 3 years after its first making available to the public. Do you think this term of protection is adequate?**

- Yes
- No, it is too long
- No, it is too short
- I have no opinion

*** If no, please explain and specify what you would consider the most adequate period of protection:**

5000 character(s) maximum

*** 15. A registered Community or national design can be protected up to 25 years from the date of filing. Do you think this term of protection is adequate?**

- Yes
- No, it is too long
- No, it is too short
- I have no opinion

*** If no, please explain and specify what you would consider the most adequate period of protection:**

5000 character(s) maximum

Spare parts protection

At the time of adoption of the Design Directive it was not possible to harmonize design protection for spare parts. The latter concern visible component parts used for the purpose of the repair of a complex product (such as a motorcar) so as to restore its original appearance (covering, in particular, body panels, integrated lighting and automotive glass).

While the majority of Member States extend design protection to such spare parts the other part does not do so.

*** 16. Are different rules on spare parts protection in the Member States a problem for you?**

- Yes
- No
- No opinion

*** Please explain your answer:**

5000 character(s) maximum

*** 17. Should the rules on spare parts protection be the same in the EU?**

- Yes
- No
- No opinion

*** If yes, please explain your answer and tell us what should be the common rules:**

5000 character(s) maximum

*** If no, please explain your answer:**

5000 character(s) maximum

Specific questions to creators/owners of designs

*** 18. How do you (your members) protect your designs?**

at least 1 choice(s)

- I do not actively seek protection of my designs

- I rely on unregistered Community design protection
- I register them as national designs at the industrial property offices of Member States
- I register them as Community designs at the EUIPO
- I register them as international designs at WIPO
- Other
- I don't own any designs

*** If other, please specify:**

1000 character(s) maximum

*** 19. What are the reasons for relying on unregistered Community design protection?**

at least 1 choice(s)

- It is best suited to my needs
- Lack of any formalities
- Adequate territorial coverage
- Other

*** If other, please explain:**

1000 character(s) maximum

*** 20. What are the reasons for registering your designs as national designs?**

at least 1 choice(s)

- It is best suited to my needs
- Easy procedures
- Adequate territorial coverage
- Lower fees
- Speed in processing my application
- Better service quality
- Other

*** If other, please explain:**

1000 character(s) maximum

*** 21. What are the reasons for registering your designs as Community designs?**

at least 1 choice(s)

- It is best suited to my needs
- Easy procedures
- Adequate territorial coverage
- Lower fees

- Speed in processing my application
- Better service quality
- Other

*** If other, please explain:**

1000 character(s) maximum

*** 22. What are the reasons for registering your designs as international designs?**

at least 1 choice(s)

- It is best suited to my needs
- Easy procedures
- Adequate territorial coverage
- Lower fees
- Speed in processing my application
- Better service quality
- Other

*** If other, please explain:**

1000 character(s) maximum

*** 23. In your experience, what are the top three reasons for not obtaining a registered design?**

between 1 and 3 choices

- Protection by other intellectual property rights (e.g. trade marks, copyright) serves my needs
- Unregistered design protection is sufficient (e.g. useful life of my design is under three years)
- Possible refusal of the application
- Possible declaration of invalidity of the registration
- Not clear what can be protected
- It is too expensive
- Registration is too complicated
- I am not convinced about the added value of registering a design
- Enforcement is too complicated or expensive
- Other
- No opinion

*** If other, please explain:**

2000 character(s) maximum

***24. What do you perceive as the top three benefits of having a registered design?**

between 1 and 3 choices

- It gives me the right to prevent others from using it without my consent
- It allows me to prove the disclosure and ownership of my design
- I do not need to prove that an infringer has copied it
- It acknowledges and protects the marketing value of my design
- It contributes to obtaining a return on investments made
- It helps preventing misappropriation of research and development expense
- It increases the value of my products and strengthens my brand
- It serves as effective marketing tool
- It increases my competitive edge
- It rewards and encourages my innovation
- I can make money out of my designs (e.g. sell or license to other parties)
- A protected design facilitates cooperation with other parties (like suppliers)
- Other
- No opinion

*** If other, please explain:**

2000 character(s) maximum

***25. What do you perceive as the top three costs of having a registered design?**

between 1 and 3 choices

- Fees for application/registration, publication, renewal etc.
- Preparing documentation for registration
- Cost of legal advice
- Searching for prior art
- Time needed to register/maintain a design
- Monitoring the registers of industrial property offices for conflicting later filings
- Identifying those who use your design without permission
- Litigation costs for pursuing infringement cases/invalidity cases
- Costs of defence against applications for declaration of invalidity
- Other
- No opinion

*** If other, please explain:**

2000 character(s) maximum

26. Based on your experience, do the benefits of design protection outweigh the costs in cases of:

between 4 and 4 answered rows

--	--	--	--

	Benefits much greater than costs	Benefits greater than costs	Benefits equal costs	Benefits lower than costs	Benefits much lower than costs	No opinion
* Unregistered Community design protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Registered national design protection in a Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Registered Community design protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* International design protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you want to add any remark, please do so here:

5000 character(s) maximum

*** 27. How confident are you about the validity and scope of protection of your registered design(s)?**

- Very confident
- Rather confident
- Rather not confident
- Not confident at all
- No opinion

*** Please explain your answer:**

2000 character(s) maximum

*** 28. Before registering your design, did you search for prior similar designs?**

- Yes
- No
- No opinion

*** 29. If yes, how did you do that search?**

at least 1 choice(s)

- I used a professional service to conduct the search for me
- I searched on the Internet
- I searched in the database of the competent office of a Member State
- I searched in the database of EUIPO
-

I searched in the database provided by WIPO

Other

*** If other, please specify:**

1000 character(s) maximum

*** If you used a professional service, please specify the cost of the search:**

1000 character(s) maximum

*** 30. If yes, why did you conduct that search?**

at least 1 choice(s)

- To get inspiration for creating a new design
- To investigate about the launch of new products
- To search for prior designs which may invalidate my filing after registration
- To avoid infringing prior design rights
- Other

*** If other, please specify:**

1000 character(s) maximum

Specific questions to both creators/owners and lawyers/legal advisors

*** 31. The EUIPO currently does not examine whether a design is new before registering it as registered Community design. This allows the EUIPO to keep formalities to a minimum and register a design within a couple of days. Despite the complexity and technical constraints in searching for conflicting prior art on a world-wide basis (e.g. due to existence of unregistered designs), do you think that the EUIPO should carry out some novelty examination?**

- Yes, even if it would considerably increase the fees and registration time
- Yes, but only if that examination would be offered as an optional, fee-based service
- No, but special tools could be offered to be able to conduct image searches in databases either for payment or free of charge
- No
- No opinion

*** Please explain your answer:**

5000 character(s) maximum

If your answer is yes, please also indicate what could be adequate limitations for such prior art examination (e.g. with respect to place and time of the disclosure of the prior art):

2000 character(s) maximum

32. What is your experience with design registration at the EUIPO?

between 8 and 8 answered rows

	Very good	Rather good	Rather bad	Very bad	No opinion
* General performance related to Community designs	<input type="radio"/>				
* Supplied information on how to register a design	<input type="radio"/>				
* Ease of application process and forms	<input type="radio"/>				
* Possibility to do it electronically	<input type="radio"/>				
* Transparency of registration process	<input type="radio"/>				
* Speed of registration process	<input type="radio"/>				
* Level of fees	<input type="radio"/>				
* Procedure for invalidating a registered design	<input type="radio"/>				

*** Please explain your answer:**

5000 character(s) maximum

*** Please explain your answer:**

2000 character(s) maximum

*** Please explain your answer:**

2000 character(s) maximum

*** Please explain your answer:**

2000 character(s) maximum

*** Please explain your answer:**

2000 character(s) maximum

If you want to share any other experience with design registration at the EUIPO, please do so here:

5000 character(s) maximum

33. What is your experience with design registration at the National Industrial Property Office(s)?

between 8 and 8 answered rows

	Very good	Rather good	Rather bad	Very bad	No opinion
* General performance related to national designs	<input type="radio"/>				
* Supplied information on how to register a design	<input type="radio"/>				
* Ease of application process and forms	<input type="radio"/>				
* Possibility to do it electronically	<input type="radio"/>				
* Transparency of registration process	<input type="radio"/>				
* Speed of registration process	<input type="radio"/>				
* Level of fees	<input type="radio"/>				
* Procedure for invalidating a registered design	<input type="radio"/>				

*** Please explain your answer and also indicate the Member State(s) to which you are referring to:**

5000 character(s) maximum

*** Please explain your answer and also indicate the Member State(s) to which you are referring to:**

5000 character(s) maximum

*** Please explain your answer and also indicate the Member State(s) to which you are referring to:**

5000 character(s) maximum

*** Please explain your answer and also indicate the Member State(s) you are referring to:**

5000 character(s) maximum

*** Please explain your answer and also indicate the Member State(s) you are referring to:**

5000 character(s) maximum

*** Please explain your answer and also indicate the Member State(s) you are referring to:**

5000 character(s) maximum

*** Please explain your answer and also indicate the Member State(s) you are referring to:**

5000 character(s) maximum

*** Please explain your answer and also indicate the Member State(s) you are referring to:**

5000 character(s) maximum

If you want to share any other experience with design registration at the National Industrial Property Office(s), please do so here:

5000 character(s) maximum

*** 34. Based on your experience, do you consider that registered designs provide a useful protection against unauthorized use of those designs by a third party?**

- Yes
- No
- No opinion

*** If no, please explain:**

5000 character(s) maximum

Specific questions to creators/owners of designs

*** 35. Have you / members of your organization ever sued someone in the EU for unauthorised use of your design?**

- Yes
- No
- Not applicable

*** 36. If yes, on which form of protection did you base your legal action?**

at least 1 choice(s)

- Unregistered Community design
- National design registered in a Member State
- Registered Community design
- International design registered at WIPO
- Other

*** If other, please specify:**

2000 character(s) maximum

*** 37. Have you/members of your organization ever requested to invalidate a design because it was the same as or similar to the design you own/created?**

- Yes
- No
- No opinion

Specific questions to both creators/owners and lawyers/legal advisors

38. Based on your experience, please rank the forms of protecting a design in terms of your chances to win an invalidity or an infringement action (on the scale from 1 (best) to 5 (worst)).

between 4 and 4 answered rows

	1	2	3	4	5	Impossible to say	No experience
* Unregistered Community design	<input type="radio"/>						
* National design registered in a Member State	<input type="radio"/>						
* Registered Community design	<input type="radio"/>						
* International design registered at WIPO	<input type="radio"/>						

*** Please also indicate whether you consider the chances of success to depend on whether it concerns an invalidity or an infringement action and whether it concerns an action before an industrial property office or a court:**

2000 character(s) maximum

*** Please also indicate whether you consider the chances of success to depend on whether it concerns an invalidity or an infringement action and whether it concerns an action before an industrial property office or a court:**

2000 character(s) maximum

*** Please also indicate whether you consider the chances of success to depend on whether it concerns an invalidity or an infringement action and whether it concerns an action before an industrial property office or a court:**

*** Please also indicate whether you consider the chances of success to depend on whether it concerns an invalidity or an infringement action and whether it concerns an action before an industrial property office or a court:**

Specific questions to lawyers/legal advisors, authorities and academia

The following questions are very specific and therefore require profound legal expertise and experience in order to be answered.

Subject-matter and scope of protection

39. Based on your knowledge of the design protection systems in the EU, please evaluate the following elements in the legislation and its application by industrial property offices and in courts.

between 3 and 3 answered rows

	Very clear	Clear	Not clear	Very unclear	No opinion
* The definition of a “design”, a “product” and a “complex product”	<input type="radio"/>				
* The requirements for protection (e.g. related to the need of being “visible”)	<input type="radio"/>				
* The scope of design protection (e.g. as to how to determine the individual character of a design)	<input type="radio"/>				

*** Please explain your assessment and what specific changes in the legislation you would consider appropriate:**

5000 character(s) maximum

*** Please explain your assessment and what specific changes in the legislation you would consider appropriate:**

5000 character(s) maximum

*** Please explain your assessment and what specific changes in the legislation you would consider appropriate:**

5000 character(s) maximum

Rights conferred

*** 40. Do you consider that the current scope of design rights, including limitations, provides sufficient protection against third parties copying a protected design by means of 3D printing?**

- Yes
- No
- No opinion

*** If no, please explain why and what specific changes in the legislation you would consider appropriate:**

5000 character(s) maximum

*** 41. Do you think that the scope of design rights should allow preventing third parties from transiting counterfeit design goods through the Union territory even if the goods are not intended to be placed on the Union market?**

- Yes
- No
- No opinion

*** Please explain your answer:**

5000 character(s) maximum

Grounds for invalidity

*** 42. Do you think that lack of clarity and consistency in the representation should be an explicit ground for invalidity of a design?**

- Yes
- No
- No opinion

*** Please explain your answer:**

2000 character(s) maximum

Procedural issues

*** 43. In your view, are the current requirements for the representation of Community designs under the Community Design Regulation and the respective Implementing Regulation (EC) No 2245/2002 (e.g. means of representation and their combination, static views, maximum number of views, neutral background) appropriate to show designs with sufficient clarity and precision, both for tangible products and non-tangible products (e.g. animated designs, graphical user interfaces)?**

- Yes
- No
- No opinion

*** Please explain your answer:**

5000 character(s) maximum

*** 44. Are you aware of any problems in relation to the option to file a description of a design under the Community design regime, national law or the international Hague system?**

- Yes
- No
- No opinion

*** If yes, please explain:**

5000 character(s) maximum

*** 45. The Community Design Regulation allows for the filing of a specimen where the application is for a two-dimensional design (e.g. a piece of textile), and deferment of publication is requested. Do you consider this option still to be relevant and meeting current business needs?**

- Yes
- No
- No opinion

*** Please explain your answer:**

2000 character(s) maximum

*** 46. In your view, are there any specific provisions or requirements /conditions in the Community Design Regulation or the respective Implementing Regulation (EC) No 2245/2002 in relation to procedures before the EUIPO (e.g. for the application or registration of a registered Community design) which you consider to be inappropriately complex or rigid, or generating unnecessary burdens for users of the system?**

- Yes
- No
- No opinion

*** If yes, please explain:**

5000 character(s) maximum

Other potential for improvement

*** 47. Are you aware of any (other) specific issue in relation to the protection, registration or enforcement of designs in respect of which you feel there is need for improvement or updating of the Community Design Regulation and /or the Design Directive?**

- Yes
- No
- No opinion

*** If yes, please explain the issue and the specific change in the legislation you would consider appropriate:**

5000 character(s) maximum

48. Below is a list of design law aspects that are not (fully) harmonized by the Design Directive. For each item please let us know how do you assess the need for harmonization in view of potential obstacles for the internal market and the establishment of a level playing field for the registration of national designs.

between 16 and 16 answered rows

	Very important	Rather important	Rather not important	Not at all important	No opinion
* Description of design and its legal relevance for the subject-matter of protection	<input type="radio"/>				
* Product indication and the design's scope of protection	<input type="radio"/>				
* Formal requirements to represent a design (e.g. number of views, neutral background)	<input type="radio"/>				
* Deferment of publication	<input type="radio"/>				
* Multiple applications and its conditions	<input type="radio"/>				
* Right to the design	<input type="radio"/>				
* Protection of unregistered designs	<input type="radio"/>				
* Right of prior use	<input type="radio"/>				
* National designs as objects of property (transfer, rights in rem, levy of execution, licensing)	<input type="radio"/>				
* Substantive grounds for refusal of registration	<input type="radio"/>				
* Procedure for refusal of registration	<input type="radio"/>				
* Responsible authority for invalidating a design	<input type="radio"/>				
* Procedure for invalidating a design	<input type="radio"/>				
* Refusal/invalidity based on earlier distinctive sign (optional in the Directive)	<input type="radio"/>				
* Refusal/invalidity based on unauthorized use of a copyright protected work (optional in the Directive)	<input type="radio"/>				

* Refusal/invalidity based on improper use of an item listed in Article 6b of the Paris Convention for the Protection of Industrial Property (optional in the Directive)



*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

*** Please also explain the problems caused by the lack of harmonization:**

5000 character(s) maximum

If you consider other aspects in need of harmonization, please specify them and explain the problems caused by the lack of harmonization:

5000 character(s) maximum

Specific question to national authorities

*** 49. In some Member States, invalidity proceedings can only be brought before a judicial body. What is your view on making such proceedings available before all national industrial property offices across the EU?**

- Positive
- Negative

No opinion

*** Please explain your answer:**

2000 character(s) maximum

Specific questions to lawyers/legal advisors, authorities and academia

*** 50. In terms of coherence, are you aware of any problematic inconsistencies or discrepancies in the provisions of the Design Directive and/or the Community Design Regulation, and/or between these two instruments, and /or between one/both of these two instruments with other Union legislation?**

- Yes
- No
- No opinion

*** If yes, please explain:**

5000 character(s) maximum

*** 51. The Community Design Regulation and the respective Implementing Regulation (EC) No 2245/2002 set out rules for procedures before the EUIPO which is also responsible to conduct procedures in European Union trade mark matters. Are you aware of any procedural discrepancies between these regulations which are not justified by the different nature of designs and trade marks?**

- Yes
- No
- No opinion

*** If yes, please specify:**

5000 character(s) maximum

*** 52. In your opinion, to what extent has the accession of the EU (2006) to the international Hague system, which allows EU applicants to obtain design protection in countries which are party to its Geneva Act, proved to be a useful complement to the available venues for obtaining design protection both within and outside the EU?**

- Very useful
- Useful
- Useless
- Completely useless
- No opinion

*** Please explain your answer:**

5000 character(s) maximum

*** 53. In this context, do you consider the accession of Member States to the international Hague system to be necessary to remove major obstacles to the internal market and the establishment of a level playing field?**

- Yes
- No
- No opinion

*** Please explain your answer:**

5000 character(s) maximum

*** 54. Are you aware of any problems/issues which negatively influence the complementarity and interoperability between the Community design system, the national design systems and/or the international Hague system?**

- Yes
- No
- No opinion

*** If yes, please explain:**

5000 character(s) maximum

*** 55. If you wish to register the same design in the EU and in other countries outside the EU, what are the main difficulties in achieving it?**

at least 1 choice(s)

- Different scope of protection
- Different requirements for the design representation
- Different requirements for the product indications
- Different procedural rules
- Other
- There are no relevant difficulties
- I have no experience

*** If other, please explain:**

5000 character(s) maximum

*** 56. In your view, is the current general level of fees for Community designs appropriate?**

- Yes
-

- No, fees are too high
- No, fees are too low
- No opinion

*** If no, please explain:**

5000 character(s) maximum

*** 57. In your view, does the current structure of the various fees present any difficulties to applicants and holders of Community designs?**

- Yes
- No
- No opinion

*** If yes, please explain:**

5000 character(s) maximum

*** 58. In this context, do you think it is appropriate that all designs of a multiple application must refer to products in the same class of the International Classification for Industrial Designs (Locarno Classification) to be able to benefit from the current bulk discount?**

- Yes
- No
- No opinion

Invitation to all

59. If you wish to add any further information or views in relation to the design protection systems in the EU and their potential for improvement, which have not been covered by this questionnaire, please feel free to do so here:

5000 character(s) maximum

60. Please feel also free to upload a concise document, such as a position paper or study. Please note that the uploaded documents will be published alongside your response to the questionnaire.

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed