



* Knowledge Transfer Office

WHAT IS A DESIGN?

The design (2D and 3D) is a piece of intellectual property that protects the new aspect of an object.

The appearance of a product or a part of a product can be considered as a design.

The appearance of a product is conferred on it, in particular, by the characteristics of the lines, outlines, colours, shape, texture or materials of the product itself or its decoration.

© CÉLINE LEFÈVRE / UCLouvain



WHY FILE?

- ➔ To ensure creations are effectively protected
- ➔ To stand out from the competition
- ➔ To increase the economic value (registration results in value added)
- ➔ To have a future development tool
- ➔ To increase awareness

WHAT ARE THE CONDITIONS?

To be valid, a design must meet several conditions:

➔ Novelty

The requirement is not to publish the design in a catalogue, in a newspaper article or on the internet, and that this design is not exhibited at a fair or any other public place before the filing, otherwise the design falls into the public domain.

BE CAREFUL!

The publication of a design on the internet means that the design has been disclosed worldwide.

➔ Individual character

The informed user must not have the feeling of "déjà vu".

➔ It must not be contrary to public order or good morals

The appearance of a product or its aesthetic appearance can be protected! Think about it!

WHAT IS THE PROCEDURE?

→ Above all, **check novelty** in the databases of the offices mentioned below with the help of your KTO

→ Then **register/file** the design with:

- **The Benelux Office of Intellectual Property (BOIP)**

For protection in Benelux (Benelux designs)

- **EUIPO**

For protection in all Member States of the EU (Community design)

- **WIPO**

For international filing aimed at specific countries of interest to be designated among the list of countries having acceded to the system (so-called "The Hague System")

- **National Office**

For national filing, in countries that are not members of the international design system, for protection that is limited territorially to this specific territory (a search must be carried out based on the country of interest)

ONE NOTABLE EXCEPTION

Unregistered Community designs are protected anyway in the European Union **against any identical reproduction**, without any requirement of filing, for 3 years from the date upon which they were first available to the public within the territory of the European Union.

However, the difference with filed design is that **the proof required to establish a copy is much more restrictive** and difficult to provide...

MORE INFO

FOR HOW LONG?

In the majority of cases:

- 5 years from the date of the filing, renewable 4 times successively up to a maximum of 25 years.
- a design that is the subject of filing cannot be changed during the registration period nor on the occasion of its renewal.

WHEN TO FILE?

- At any time (if the designs have not yet been disclosed)
 - Soon after the creation of the design or model
- Contact your KTO as soon as possible!

CONTACT

LIEU Network

✉ contact@reseaulieu.be

☎ +32(0)81/62.25.94