



1 What is protectable as a design?

The appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation (see Article 3 of the Design Regulation, available [here](#)). Novelty and individual character are two requirements for the designs to be registered. A design is considered to be novel if it has not previously been disclosed to the public and it may possess individual character if it significantly differs from known designs or combinations of known design features

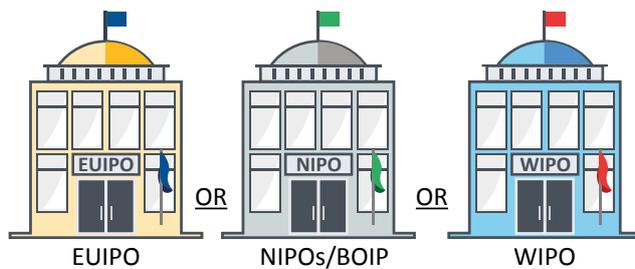
How do I check novelty?

Searches for earlier designs can be performed using the [DesignView](#) database. For more information on how to search for designs, you can refer to the [European IPR Helpdesk fact sheet on design searching](#).

2 Which means of protection are available?

There are two forms of design right protection for the whole territory of the European Union: **Registered Community Design (RCD)** and **Unregistered Community Design (UCD)**. They have different characteristics in terms of rights granted, duration and way of obtaining protection. As UCDs have a relatively short term of protection, they are generally used in sectors where designs have a very short market life (e.g. fashion industry).

3 Where do I file an application for RCD?



The RCD application can be filed either at the European Union IP Office (EUIPO) or any of the EU National IP Offices (NIPO) or the Benelux Office for IP (BOIP).

It is also possible to designate the EU under the Hague System through the World Intellectual Property Organization (WIPO).

4 Who can file the RCD application?

Any natural person or legal entity from any country in the world may file an application.

5 How do I file the RCD application?



Although you can file your application by mail, by fax or by submitting it personally, the fastest and easiest way to file the RCD application is to apply online.

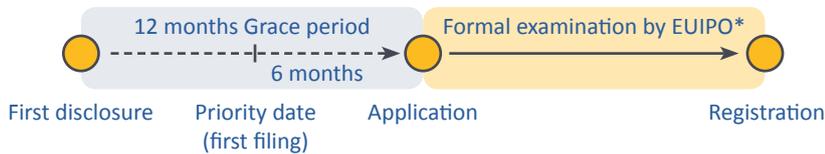
On the application, the design and its product(s) should be described clearly, preferably using the terminology of the international [“Locarno Classification”](#).



6 When should I file the RCD application?

The RCD application can be filed at any time, provided that the design has not been previously disclosed. However, it can be filed within the 12-month grace period after the date of disclosure. During this period, disclosures are not prejudicial in assessing novelty and individual character. Extension of protection for an earlier design application in the European Union should be made within six months from the filing date of this first application (priority date).

7 What happens after filing the RCD application?



* There is no substantive examination except to verify that the application is for a "design" and that the design is not contrary to public policy or morality

8 What are the registration fees for RCD?

The fees depend on the number of the designs contained in the application and on the type of publication of designs – deferred or not. In order to avoid disclosure to competitors, a community design application could be maintained unpublished for up to 30 months by payment of an extra fee.

Registration	Publication	Deferment of Publication
230 €	120 €	40 €
<i>Additional Registration</i>	<i>Additional Publication</i>	<i>Additional Deferment</i>
2-10 designs = 115 €	2-10 designs = 60 €	2-10 designs = 20 €
>11 designs = 50 €	>11 designs = 30 €	>11 designs = 10 €

9 How long is the term of protection?

For RCDs:

Five years counted from the date of application. The registration may be renewed for one or more additional terms of five years, up to the maximum of 25 years.



For UCDS:

Three years counted from the date of the public disclosure. No renewals possible.



Disclaimer

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