

November 21, 2024

New EU Design Legislation: Modernizing Protection for the Digital Era

Client Updates

Out with "Community Design (CD)" and In with "European Union Design (EUD)"

The European Union has finalized updates to its design legislation, modernizing and simplifying the protection of industrial designs. These changes aim to adapt to digital advancements and improve accessibility for businesses and designers. The new EU design legislation was published in the EU Official Journal and will enter into force on **December 8, 2024**.

These changes not only align design protection with the demands of a digital-first world but also offer new opportunities for businesses to enhance their competitiveness and protect innovative designs more effectively.

What Are the Key Changes?

The new EU legislation provides for numerous changes, for the purposes of this update we have summarized updates we believe are pertinent to our clients business and IP strategies.

1. Introducing the ☒ Symbol for Registered Designs

- A new symbol, ☒, indicates a registered EU design, similar to ® for trademarks and © for copyrights. The new name **European Union Design** will replace the current **Community Design**.

2. Expanding Protection for Digital and Animated Designs (effective July 1, 2026)

- Designs now include digital animations, movement, and visual effects.
- Protection extends to digital and virtual designs, including GUIs, logos, surface patterns, interactive interfaces, and virtual environments (e.g., VR settings or augmented reality objects).
- While static digital designs are allowable today, animated digital designs are a long awaited update.

3. Flexible Filing for Multiple Designs

- Multiple class designs can be filed in one application (up to 50 designs for different product types per

application).

- Secondary legislation will define details like acceptable formats, disclaimers, and views in 2025.

4. Exemptions for Spare Parts: The 'Repair Clause'

- Exempts spare parts exclusively used for repairs (e.g., car components) from design protection if they are "must match" parts.
- Transition period until December 2032 allows businesses to adapt.
- Businesses with spare part designs should evaluate their protection strategies before December 8, 2024, to optimize long-term protection and adapt to the transitional provisions.

5. Stronger Enforcement Against 3D Printing and Counterfeits

- Design holders can act against unauthorized 3D printing, including prohibit creating, downloading, copying and sharing or distributing to others any medium or software which records the design for the purpose of enabling a product to be made.

6. Blocking Unauthorized Goods in Transit

- Design holders can block unauthorized imports of products incorporating their design, even if not released for free circulation in the Member State.

7. Simplified Visibility Requirements for Design Protection

- Design features don't need to be visible during a product's use to qualify for protection, as long as they are visible in the application.
- Exceptions apply to component parts of complex products that are not visible during normal use, when mounted, or if they lack novelty and individual character.
- These excluded features won't impact the evaluation of protection for other design features.

8. Cultural Heritage Exemptions

- Member States may refuse registration of designs that include total or partial reproductions of elements belonging to cultural heritage.

9. Affordable Filing, Higher Renewal Costs

- Application fees remain affordable (€350 for the first design; €125 for additional designs in the same application).
- Renewal fees increase significantly for long-term protection—renew eligible designs before May 1, 2025.

10. Streamlined Dispute Resolution

- Simplified processes for uncontested invalidity claims will expedite resolving disputes.

What This Means for You

To stay ahead, businesses should take these immediate steps to ensure they maximize protection under the new rules.

- **Evaluate Renewal Options:** Renew designs before **May 1, 2025**, to save on higher renewal fees.
- **Reassess Filing Strategies:** Use broader definitions to protect innovative designs, including digital and animated ones.
- **Coordinate Teams:** Collaborate across trademark, patent, and design departments to align strategies under the new framework.
- **Prepare for the Repair Clause:** Businesses in the automotive and spare-parts sectors should assess how the clause affects their operations and plan accordingly.

When Does It Take Effect?

- **Regulation:** The EUDR will be applicable from **May 1, 2025**, for most changes, with additional provisions (e.g., digital and new types of designs) effective from **July 1, 2026**.
- **Directive:** The EUDD allows Member States to implement changes in national laws by **December 9, 2027**.

Next Steps

The transition to the updated EU design system represents a significant shift in protecting innovation. While the changes roll out over the next few years, businesses should act early to adapt their strategies and maximize protection. Don't wait—start reviewing your design portfolio and filing strategies now to secure your competitive edge. Our team is here to help you navigate these changes.

For more information on how these changes impact your design portfolio, contact our team today.

Key Contacts



Dr. Maya Shmailov

Patent Attorney, Lead of Patent Practice