

Section	Current Position/Explanation	ACID comment/considerations
A. <u>Search, examination, bad faith, and opposition/observation</u> <i>Registered Designs</i>	<i>If you register your designs officially (and most UK designers do not, they rely on unregistered Design (UDR) and copyright), the current, low-cost system contains no search or examination process.</i>	- Proposals include introducing a two-stage system, which would allow for opposition periods and/or bad faith provisions (when a third party registers your design before you). - The introduction of such proposals could add to the speed, cost and quality of the process to register designs and will inevitably make a difference to how designs are registered. - ACID holds the view that the current system is cost and time effective for the majority of lone, micro and SME users of the system. In 2024 only 30,794 UK designs were registered at the UK Intellectual Property Office.
B. <u>Deferment</u> <i>Registered Designs</i>	<i>Deferment of publication</i> means delaying the public release of a registered design after it has been filed, so the design details remain confidential for a set period (usually up to 12 months). This allows designers to secure protection while keeping their design secret until they are ready to launch or disclose it commercially. The EU have recently agreed a 30-month period.	- The pros to increasing deferment are it would give longer to test the market performance of a product, enabling longer lead time products to benefit from design registration. - The cons are the risk to the product from copycats if not registered sooner. - Given the lengthy period that it often takes to bring a product to market, it may be more reasonable to adopt the longer EU recommendation of 30 months which gives the option of a competitive advantage but not publicly disclosing it and allows designers/manufacturers to invest more time in design, R and D to innovate.
C. <u>Section C - Graphical User Interfaces (GUIs) and Animated</u>	<i>Currently GUIs and Animated designs can be registered in the UK as a single still image, provided they meet the</i>	- Do you create this kind of work? If so, you should consider responding to this question and detailing the benefits of registering the animation in its entirety. - It is important that our design registration system keeps up with technological advances. It cannot live in the dark ages.

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<u>Designs – Registered designs</u>	<i>standard criteria (novelty, individual character, and visible appearance).</i> <i>However, the current UK law is less clear and narrower than the EU regime, especially for dynamic or screen-based elements. The proposal is to clarify and expand protection for GUIs, icons, and animated or interactive designs to ensure they are fully covered and aligned with modern digital products.</i>	• What are some considerations? Registration cannot live in the dark ages and must expand to include GUIs and animation with clarity.
D. <u>Computer-generated designs Registered and Unregistered designs</u>	<i>CGDs without human authorship can be registered, however, is rarely used and remains legally untested.</i> <i>The consultation seeks to clarify whether designs created entirely by AI should continue to qualify for protection and considers options for reforming the current protection of CGDs without a human author</i>	• Following the Data (Access and Use) Act ACID's position is clear. • The unauthorised use of a registered design, unregistered design, or any other IP content by generated AI for the use of Big Tech for training purposes is not supported. • Whilst promoting the positive • use of AI in ethical ways with correct guardrails, ACID believes that the widespread use of wholly computer-generated designs without human input can lead potential legal challenge and does not support IP ethics, compliance and respect within the design economy • IP content creators should not be used for GAI without the permission of the IP rights' owner. They should be afforded attribution, transparency and recompense. See ACID's articles here and here.
E. <u>Section E: Miscellaneous Changes – registered designs</u>	<i>Proposed changes aim to streamline and simplify various aspects of the design registration process, including:</i> Objection and Response Timeframes: <i>Adjusting the time periods allowed for objections to</i>	• <i>Section E says exactly what they are, a variety of miscellaneous, mainly procedural and technical changes.</i> • What are some of the considerations? <i>Anything that the IPO is suggesting that can improve and fine tune design registration is to be welcomed so long as it does not add to the cost and time to register design and to grant a design registration.</i>

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	design registrations and responses to those objections. Warrants of Validity: Introducing warrants of validity for registered designs to provide clearer legal certainty. Priority Claims: Making adjustments to the system for claiming priority in design registrations. Registrar's Rectification Powers: Granting powers to the registrar to rectify errors in the design register, as opposed to relying solely on court interventions.	• <i>We consider this to be part of the IPO's ongoing commitment to provide a registration service which is fit for purpose, although some of the points raised may need statutory instruments.</i>
F. Simplification of unregistered designs and overlap with copyright	<i>The UK's design protection system is complex due to multiple overlapping rights, registered designs, the UK unregistered design right, the Supplementary Unregistered Design (SUD), and, in some cases, copyright. This creates confusion for designers and businesses over which rights apply, their duration, and scope of protection. The overlap with copyright, particularly where designs qualify as "works of artistic craftsmanship," adds further uncertainty by potentially extending protection and complicating assessments of third parties' freedom to operate.</i>	• Unregistered Design Right is an under-valued and strong IP right. Most UK designers rely on it. An equal number of registered design & unregistered design cases have been held in IPEC from 2011 to 2019. • Designs are the poor cousin of IP rights and any move to reduce protection (up to 15 years) in our view would be a retrograde step • Options include, do nothing, abolish UK unregistered design altogether retaining SUD (3 years) or consolidate the UK UDR with the SUD and harmonise to 5 years. • The consultation does not commit to one clear path yet; it asks for stakeholder views on which of these options are preferred. Worryingly, the government is leaning towards the consolidation approach (Option 2) for unregistered designs and seeking to harmonise term/qualification requirements as a minimum. • With respect to copyright overlap, the government's <i>preferred</i> position is to leave the legislation unchanged for now but to invite views on specific targeted reforms rather than broad overhaul.

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G. Post-Brexit issues relating to unregistered designs	Current position: <i>The UK created a Supplementary Unregistered Design (SUD) after Brexit but there is no mutual recognition with the EU: a single disclosure in the UK only creates SUD protection in the UK (and a disclosure in the EU creates an EU unregistered design only), producing complexity and legal uncertainty for cross-border launches.</i>	The desired position for designers would be removing the “trap for the unwary” and give clear, simple, predictable protection for UK designers trading with the EU, favouring practical fixes (simultaneous recognition or a short grace period, or widening qualifying disclosure) so businesses can launch at EU fairs without losing UK protection.
H. Call for evidence on criminal sanctions for design infringement	<i>Currently, criminal offences under the Registered Designs Act 1949 (via the Intellectual Property Act 2014) apply only to the intentional copying of registered designs, not to unregistered designs.</i>	- ACID campaigns for the intentional infringement of unregistered designs to be recognised as a criminal offence, aligning with protections available under copyright law. - We hold the view that current civil remedies are often inaccessible to small and micro businesses due to cost and complexity, leaving designers vulnerable to deliberate copying without deterrence. - Policy Alignment: ACID's position supports broader government initiatives to strengthen intellectual property laws and enhance protections for creators in the UK. - Opposition has emanated from UK large, global businesses. The majority with overseas HQs, who say it would be chilling for innovation and disincentivise creativity, thus far, with no evidence. The government has stated that this position was overstated.
I. Call for evidence on inclusion of claims made under the Registered Designs Act 1949 within the Intellectual Property Enterprise Court's small claims track	<i>Currently only Unregistered designs can be heard in the Small Claims Track of the Intellectual Property Enterprise Court (IPEC)</i>	- ACID considers it anomalous that registered cannot be heard in the SCT especially as registered design owners face costly litigation in higher courts, yet other IP rights (like unregistered designs rights, copyright and trademarks) can be enforced through the small claims track, which is faster, cheaper, and more accessible, - So, this current system treats designers less favourably than other creators. - Professor Hargreaves' recommendations of 2011 to the Prime Minister, included that registered designs be included in the SCT, thus far, have been ignored.

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J. Case Studies	<i>The Calls for Views and Questionnaire signposted that the cost of taking legal action to enforce IP design rights was complex, time consuming and expensive.</i> <i>Unless we can present the government evidence of the David & Goliath issues and status quo, an important opportunity will be lost</i>	• Submit a case study of any IP copying issues via our online form, downloadable template • Write to your MP using our template. • Sign the ACID IP Charter—anonymised comments will feed into our official response. • Join our online workshops to learn how to complete the consultation. • Share our campaign on social media using the attached graphic and attached social media assets.