



ANTI COPYING IN DESIGN
SUBMISSION TO THE
DESIGN CONSULTATION



THE VOICE OF UK DESIGN AND IP

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DESIGN CONSULTATION**

ABOUT ACID

ACID is the UK's leading campaigning organisation dedicated to championing the rights of designers and strengthening respect for intellectual property (IP). For nearly three decades, ACID has been at the forefront of design law reform, driving positive change to ensure that design, an essential pillar of the UK's creative economy and the entire industrial strategy, receives the protection it deserves.

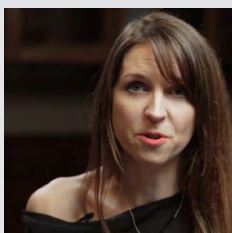
Through education and awareness, ACID empowers designers of all sizes to understand and safeguard their rights, equipping them with the tools to prevent infringement before it happens. Acting as both a deterrent and a shield against copying, ACID has consistently stood by small creative businesses facing "David and Goliath" battles against powerful corporations, giving them a collective voice that demands fairness. As a proactive advocate on behalf of design in the UK, ACID continues to shape the conversation on IP, ensuring that the value of design is recognised, respected, and defended.

ACID has consistently called on the Government to heed calls to create a fair, cost and time efficient legal system strengthened by robust deterrence with capability. This must be underpinned by Corporate Social Responsibility (CSR) frameworks that genuinely support UK design to curb insidious copycat practices which have severe financial implications, inhibit growth and cause job losses.

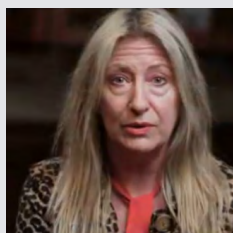
Imitation is not flattery if it costs livelihoods and stifles innovation.

WATCH NOW:

Industry Leaders and ACID Unite to Champion Urgent Design Law Reform.



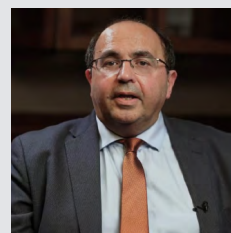
Laura Newbold Breen
ACID CEO



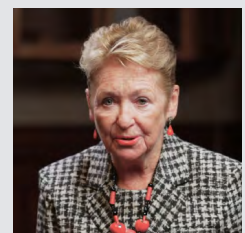
Minnie Moll
CEO, Design Council



Sir Peter Bazalgette
Co-Chair, Creative Industries Council
Chair of Council RCA



Nick Kounoupas
ACID Chief Counsel and IP Director



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ACID Chairman & Co-Founder, Director of Public Affairs/IP Policy & Campaigning

EXECUTIVE SUMMARY

According to the Government, the first major Designs Consultation in over 40 years will reform the £100 billion design sector whose intellectual capital has consistently driven post war growth and innovation. We note that the Government is quoting 2019 figures but these, in fact, are figures published in 2022 and we make the significant point that 10% of all UK exports are from the design economy employing nearly two million in design and design skills (1 in 20 of UK workers).

It claims to do this by simplifying overlapping IP rights, tackling design theft, and will support 80,000 businesses. Its objective is to modernise and simplify IP protection for digital innovation and address post-Brexit challenges. It will also provide lone, micro and small businesses access to justice to address a copycat culture which poses an existential threat to the livelihoods of innovative designers and is not only chilling for innovation but disincentivises individual designers to continue to create.

Design is tangible; it permeates every aspect of our lives. As the Design Council notes, *"Unless it has been designed by nature, everything around us has been designed."*

Every Government, regardless of party, has a duty and commitment to protect the livelihoods of its citizens and property of the UK's design sector.

The time for meaningful change is now. Simplification of complex design laws should strengthen, not erode. The Government's claim must translate into reality.

The legal framework governing design has failed to evolve in parallel with the realities of contemporary practice. ACID's submission presents comprehensive academic, legal, qualitative, and quantitative case study evidence demonstrating the urgent need for reform to ensure that design, as a cornerstone of intellectual capital, receives recognition and protection commensurate with its contribution.

Over a period exceeding twenty years, expensive and time-consuming consultations have consistently acknowledged the scale and impact of design theft, but successive Governments have not acted upon substantive evidence provided by researchers, practitioners, legal experts, designers and other stakeholders. The result is a continuing disparity between the value created by design and the level of legal protection afforded to those who generate it.

Infringement of design is seen as a low-risk, high-reward strategy by many big businesses and global, behemoth copyists.

Key findings from the evidence indicate that:

- Design is a principal driver of innovation, competitiveness, and value creation across multiple sectors including manufacturing, digital technology, the creative industries and the green economy.
- Current design law provides inadequate, inconsistent and poorly enforced protection, undermining investment and diminishing the UK's international standing.
- Enforcement for lone, micro and SME designers is out of reach because of the complexity of current design law, legal costs are too high and the time needed to enforce IP rights is too much of a challenge for small businesses.
- Litigation is the luxury of the few. IP lawyers are expensive and charge by the minute.
- Successive Governments have consistently failed to acknowledge the findings of an extensive body of empirical and theoretical evidence demonstrating both the sector's significance but the shortfalls of IP protection.
- Most British and EU designers rely on unregistered design rights (UDR). Unlike copyright, UDR have no criminal deterrents against IP theft.
- The 'David and Goliath' dynamic is distorted by a calculated strategy: when such tactics are replicated, powerful corporations instruct their lawyers to stonewall every challenge and prolong litigation, leaving the SME with little choice but to settle. These settlements almost always include airtight confidentiality clauses, ensuring that this insidious business practice remains hidden from public scrutiny and Government awareness.

The implications are substantial: without legislative modernisation, the UK risks continued erosion of its design leadership, inequitable treatment of creators, disparity of term and protection between copyright and design creators and loss of value from one of its most productive knowledge-based sectors.

ACID's submission advocates evidence-led reform of design law, grounded in the following principles:

- **An obligation and commitment from its Government.** The first duty of any Government is to protect its own. For the UK Government to listen to any opposition to design law reform from overseas multinationals in preference to protecting British designers does and would represent a dereliction of its duty.
- **Legal clarity and enforceability:** to ensure rights are transparent, accessible and fair in line with other IP rights. Deterrence is a critical aspect of a proactive IP framework. The intentional and deliberate infringement of a copyright work carries an ultimate criminal provision. So, too, should design. Many UK designers rely on copyright and UDR, each an unregistered IP right.
- **Design Right recognition as a legitimate IP right (registered and unregistered):** acknowledging its central role in innovation and the broader knowledge economy, design has been known as the "Cinderella" right for too long.

- **Accountability of online platforms:** Ensure that e-commerce and online platform IP enforcement frameworks are effective, accessible and all IP rights creators are supported. Currently re-sellers are haemorrhaging the original work of design creators with significant loss. It is an existential and developing ‘whack a mole’ threat to those who create the original work.
- **Integration of robust evidence frameworks:** embedding academic, legal, and design case study research within the policymaking process to ensure accountability, transparency, and efficacy.

In conclusion, meaningful reform of design law represents not only a matter of legal necessity but an opportunity to align the UK’s IP framework with the realities of a dynamic, globally competitive design economy that supports those who create it.

Such reform would reaffirm the UK’s position as a world leader in creativity, innovation, and equitable economic growth. Without it, what is a very real “David & Goliath” challenge of blatant theft for many of the UK’s SME design creators, will continue to erode what is one of the jewels in the UK’s crown.

Whilst AI is a “potential” engine for growth with its attendant opportunities, challenges and threats, design has been the catalyst for transformative growth and betterment for many centuries. Harnessed together with the right guardrails, efficacy, transparency and protection, they could reign supreme within the Government’s growth strategy.

DESIGN MATTERS.

POSITION AND RECOMMENDATIONS

As we have said above, every Government, regardless of party, has a duty and commitment to protect the livelihoods of its citizens and property of the UK's design sector. Actions speak louder than words.

The Government must urgently reform outdated design laws to provide clear, enforceable IP protection for designers, particularly SMEs and lone creators, so the £100 billion design sector can thrive, innovate, and maintain the UK's global leadership.

Designers, especially lone, micro, and SME creators, face significant risks from rampant IP theft, including financial losses, erosion of competitive advantage, brand damage, and disincentives to innovate, compounded by complex, costly, and slow enforcement processes and insufficient protection for unregistered rights.

To mitigate these risks, the Government must simplify and modernise design law, ensure enforceable protection for registered and unregistered designs, hold online platforms accountable, and provide accessible, affordable mechanisms for small designers to defend their work.

Analysis of ACID Charter Signatories, Member Focus responses, and case studies provides quantitative and qualitative evidence to support mitigating the above risks. There is widespread frustration at deliberate copying, particularly by large corporations, causing emotional, financial, and reputational harm to SMEs and independent designers. Respondents strongly call for greater protection of design IP, including online infringement, through education and awareness, cost-effective and enforceable legal mechanisms, extended UDR, stronger penalties, Government support, and international enforcement post-Brexit. Across all datasets, the recurring themes emphasise ethics, fairness, community, and the value of originality, with ACID's advocacy seen as essential for safeguarding creativity and promoting respect for UK design.

Decades of UK research, from the Gowers Review (2006) to the 2022 Calls for Views, show that the current design law system is complex, costly, and ill-suited to SMEs, micro-businesses, and solo designers, discouraging innovation and producing inconsistent enforcement. The evidence is clear: we need simpler, more accessible, and enforceable protections, aligned with international standards, not more research. It is time for decisive action to modernise design law and not only secure the livelihoods of the UK's £100 billion design sector but recognise design as the golden nugget in an ambitious growth strategy.

ACID Recommendations - Summary

Section A: Search, examination, bad faith, and opposition/ observation

UKIPO-led search/examination targeting is clearly problematic for anti-competitive filings, so maintaining the system's speed and low cost is preferred as it supports Option 1. Option 0 is acceptable, and Option 2 too complex. Observation and Opinions services are beneficial, while opposition and bad faith provisions are unnecessary.

Section B: Deferment

ACID recommends introducing a clear deferment provision, ideally harmonised with the EU's 30-month period from the priority date. Both registration and publication should be deferred, with limited bibliographic information published. Early publication should be possible, and prior user rights carefully balanced, potentially via as-of-right licensing to protect designers and third parties.

Section C - Graphical User Interfaces and Animated Designs

Current UK guidance allows digital media, such as GUIs, website layouts, and animated icons to be protected as registered designs if they meet requirements of novelty, individual character, and adequate representation. Paragraphs 2.12–2.13 of the guidance confirm that both static and animated digital appearances can qualify, but applicants must ensure their representations accurately capture the intended design. However, the UK system has not evolved in line with digital technology, creating barriers when filing still images for animated designs, which may be interpreted as multiple designs. The lack of clarity limits protection for digital creators. The design sector is economically significant, with UK UI/UX services worth over £1 billion and the broader graphic design and software industries exceeding £50 billion combined. ACID supports reforms including clearer guidance, legislative amendments, acceptance of animated file formats, and allowing descriptive text, arguing this would better protect innovation and enhance designers' commercial rights.

Section D: Computer-generated designs

ACID supports Option 0, keeping human authorship central to design protection, preserving IP safeguards, and preventing unregulated AI use of copyrighted designs. Option 2 risks undermining creators' rights due to unregulated AI tools. Maintaining the current framework ensures accountability, protection, and fair economic returns while legal clarity develops.

Section E: Miscellaneous Changes

ACID supports allowing objections to prohibited matter in design applications and agrees on harmonising response times, suggesting three months if searches increase. It supports removing specimen filings, registrar sharing applications under confidentiality, and updating inspection rules for the digital age. ACID backs changes to warrants of validity and liability but urges safeguards for rectification powers. Views on late objections depend on final positions, and further input on priority claims is welcomed. Awaiting comment on Options Assessment

Section F: Simplification of unregistered designs and overlap with copyright

ACID recommends retaining and consolidating the UK UDR, integrating aesthetic and functional aspects under a single framework to reduce complexity while maintaining strong protection. The term of protection should remain at 10–15 years, not reduced. SUDR should not replace UK UDR. Spare-parts rules should be harmonised across all rights. Qualification should remain creation-based, not disclosure-based. Distinctions between aesthetic and functional designs are unnecessary. Works of artistic craftsmanship should have a clear statutory definition. Overall, reforms must simplify administration without weakening designers' legal rights, ensuring comprehensive protection, supporting innovation, preventing copying, and reflecting the value and longevity of UK design contributions.

Section G: Post-Brexit issues relating to unregistered designs

ACID supports Option 2: introducing a 30 month grace period for unregistered designs. This approach avoids the technical and legal issues of simultaneous disclosure, simplifies post-Brexit design protection, and provides designers flexibility to test and market designs before formal disclosure, without the complications or uncertainties of other proposed options.

Section H: Call for evidence on criminal sanctions for design infringement

ACID strongly recommends introducing a new criminal offence for the deliberate infringement of unregistered designs, punishable by up to ten years' imprisonment and an unlimited fine. Current IP law unfairly excludes unregistered designs from criminal protection, leaving designers, especially SMEs, vulnerable to theft of creativity. Civil remedies are prohibitively costly and ineffective as deterrents. Extending criminal sanctions, as already applied to copyright, trade marks, and registered designs, would create fairness, deter intentional copying, and protect UK designers from exploitation by larger corporations. Innocent infringement would remain safeguarded under existing Attorney General guidelines.

Section 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

Over two decades of evidence show IP enforcement remains inaccessible for lone, micro, and SME designers due to prohibitive costs. Including registered designs in the IPEC SCT would provide affordable, swift justice and deter infringement. Complementary reforms should include an early-stage Design Opinions Service, promotion of mediation (following Danish models), higher SCT damages limits (£25,000), and statutory damages guidance. Together, these measures would make enforcement fairer, faster, and more affordable for small designers.

BEYOND LEGISLATION

Design law reform is not just a legal matter, there are other factors which do not require technical or legal amendment but require support and tangible examples from Government such as setting an example about the efficacy of procurement supporting UK businesses wherever possible, higher policy maker awareness of the consequences of policy and advocacy through corporate responsibility of IP respect and compliance.

Awareness: IP is a property right. It is a crime to steal property, it is theft. We suggest launching nationwide campaigns through TV, radio, social media, and public events to highlight the importance of IP rights, originality, how IP theft harms creators, and the benefits of respecting IP.

Awareness of policy makers: policy makers could enhance their awareness by better connection with grass roots reality of the implications of policy. ACID cites a case study when several members of the UKIPO team who were able to witness, first hand, the journey of a produce from idea to market place at successful, UK business, Robert Welch (RW). They were also able to hear, first hand, some of the many challenges RW have faced around the copying of their work. Equally designers achieved a better understanding of how policy is created.

Education: since few schools or universities have practical learning about IP, integrate IP education into curricula at multiple levels, teaching students about copyright, patents, trade marks, design rights and ethical use of creative content. Include AI and IP as key skills to upskill 1 million designers by 2030 in the green economy.

Establishing balance with IP stakeholders: the right balance of voices and influence representing all UKIPO stakeholders; judges, academics, economists, lawyers representing large corporations and other registrants who may appoint lawyers, versus those who use the system without legal representation such as SME designers, manufacturers, design makers, artists and inventors, needs to be created: This will prevent what some perceive as an imbalance of IP stakeholders.

Webinars/workshops for Businesses and Entrepreneurs: Offer training programs for startups, SMEs, and large companies on the practical aspects of IP management, licensing, and compliance to encourage proper use, understanding and protection of IP.

Support and Recognition for IP Creators: tax advantages should be created for growth achievements. In addition, to incentivise original work and ethical practices, awards, grants, or public recognition programs should be introduced for creators, inventors, and innovators.

Partnerships with Industry and Professional Associations: there should be more collaboration with industry groups to promote ethical practices and develop codes of conduct regarding IP respect within sectors like software, media, and pharmaceuticals.

Digital Literacy Campaigns: Safe and legal digital practices online should be promoted, including the use of licensed software, legitimate media streaming, and proper attribution of online content.

Accessible IP Advisory Services: Currently these are scant and fail to give definitive legal opinion so enhancing free or low-cost IP advisory services to creators, artists, and small businesses will help them understand rights, registration processes, and licensing options.

Encourage Alternative Dispute Resolution instead of legal action: In ACID’s experience of many mediations, it’s good to talk. Disputes are rarely about the intricacies of the law but reaching a compromise within which both parties can reach a settlement.

Ethical Branding and Certification Programs: With a focus on e-commerce and online platforms, introduce voluntary certification programs for companies that demonstrate strong IP compliance, signalling ethical business practices to consumers and partners within corporate social responsibility. The Government could encourage the inclusion of the ACID IP Charter within CSR.

Stronger Penalties: Work with courts, universities, and industry bodies to strengthen sanctions such as fines, suspension of licences, or blacklisting, emphasising consequences without new legislation.

Case Studies and Public Reporting of IP Violations: Publicise anonymised case studies of IP infringement and its consequences to educate the public and deter would-be violators, making ethical behaviour socially acceptable.

Introduction of D in a circle: The introduction of the letter D within a circle to signify Design Registration would elevate design rights as a recognised and respected form of IP, while serving as a visible deterrent against infringement, following the European Union’s exemplary approach in acknowledging the global design economy for its IP value and significance.

The ACID IP Charter: declared Government support for those who respect, comply and ethically support IP and creators, to sign our voluntary Code of Conduct.

“For many years, ACID have played a pivotal role in championing stronger, fairer, and more effective protections for designers across the UK. Their persistence in securing this review of the current designs system has been invaluable to the design economy and to the thousands of creators whose livelihoods depend on robust IP rights.

We also want to acknowledge the highly collaborative approach ACID IP has taken throughout this process. Their willingness to convene industry voices, share insight, and engage constructively with partners — including the Design Council — has strengthened the collective case for meaningful reform.

ACID IP’s legal and technical expertise has been central to identifying where the existing framework falls short and to proposing practical, evidence-based improvements. Their depth of knowledge, combined with a clear understanding of the challenges designers face in the real world, brings essential credibility to the sector’s recommendations.

Design Council welcomes ACID IP’s contribution to this consultation and continues to support efforts to ensure that the UK’s design rights framework is fit for purpose, internationally competitive, and protective of the innovation that drives our design community.”

Minnie Moll, Chief Executive of the Design Council

ACKNOWLEDGEMENTS

ACID would like to extend our grateful thanks to our Legal Affiliates whose advice on the legal, technical and procedural elements of this consultation was much valued.

ACID would also like to extend our thanks to:

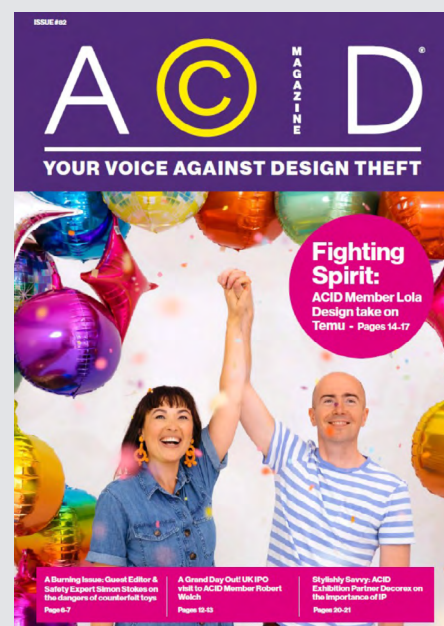
ACID Advisory Council Mel Holliday, Alex Crofts, Rodney McMahon, Russell Cameron, Juliet Loudon, Brynn O’Connell and Peter Dunne.

ACID Sector Council, ACID Members and the wider design and creative community for your case studies and support for ACID’s work. Our **ACID Ambassadors** and **Partners** and our thousands of **Friends of ACID** in our broader design community who have supported our work and been advocates for change for nearly three decades.

ACID has enjoyed a long and productive collaboration with our colleagues at the UKIPO over many years, valuing our regular meetings with Chris Mills, Director of Rights Policy & Enforcement, and his dedicated team led by Jeff Lloyd. Since the 2022 IP Calls for Views, Questionnaire, and most recent Survey, our ongoing engagement has been both constructive and rewarding. We are therefore delighted to see the Designs Consultation come to fruition, particularly at a time when so many critical issues continue to shape and challenge those working within the Design Economy.

WATCH NOW:

Breakfast TV features Anti Copying In Design (ACID) members Frank and Amanda of LOLA Design





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