New types of designs

Stephan HANNE | EUIPO | 21/07/2020

Promoting Intellectual Property Rights in the ASEAN Region

This Project is funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)
SOME EXAMPLES

Icons

Displays

Projected images

Holographics

Virtual spaces
A BASIC DISTINCTION

Graphical user interfaces (GUIs)

Virtual reality
Figure 1: RCD applications in Class 14.04, 2004-2013.

Source: Filitz/Henkel/Ohnemus, Digital Design Protection in Europe: Law, Trends, and Emerging Issues
# STATISTICS – TOP 10 Classes for International registrations

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<tbody>
<tr>
<td>Class 14: Recording and communication equipment</td>
<td>2,094</td>
<td>2,038</td>
<td>2,031</td>
<td>2,974</td>
<td>46.4</td>
<td>13.6</td>
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<td>Class 6: Furnishing</td>
<td>2,386</td>
<td>2,031</td>
<td>2,352</td>
<td>2,205</td>
<td>-6.3</td>
<td>10.1</td>
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<td>Class 12: Means of transport</td>
<td>1,558</td>
<td>1,499</td>
<td>1,662</td>
<td>2,056</td>
<td>23.7</td>
<td>9.4</td>
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<tr>
<td>Class 9: Packages and containers</td>
<td>1,150</td>
<td>1,251</td>
<td>1,206</td>
<td>1,394</td>
<td>15.6</td>
<td>6.4</td>
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<tr>
<td>Class 26: Lighting apparatus</td>
<td>842</td>
<td>1,354</td>
<td>1,196</td>
<td>1,355</td>
<td>13.3</td>
<td>6.2</td>
</tr>
<tr>
<td>Class 23: Heating and cooling equipment</td>
<td>1,169</td>
<td>1,280</td>
<td>1,064</td>
<td>1,168</td>
<td>9.8</td>
<td>5.4</td>
</tr>
<tr>
<td>Class 32: Graphic symbols and logos</td>
<td>1,020</td>
<td>1,081</td>
<td>867</td>
<td>1,144</td>
<td>31.9</td>
<td>5.2</td>
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<tr>
<td>Class 10: Clocks and watches</td>
<td>1,333</td>
<td>1,375</td>
<td>1,288</td>
<td>996</td>
<td>-22.7</td>
<td>4.6</td>
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<td>Class 11: Articles of adornment</td>
<td>1,103</td>
<td>856</td>
<td>867</td>
<td>973</td>
<td>12.2</td>
<td>4.5</td>
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<tr>
<td>Class 2: Clothing</td>
<td>659</td>
<td>1,094</td>
<td>698</td>
<td>943</td>
<td>35.1</td>
<td>4.3</td>
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</table>
VIRTUAL MIGRATION – THREE CHARACTERISTICS

VIRTUAL MIGRATION

• 3D product to 2D graphic or virtual space
• No physical embodiment
• Often fluid features (animation, interactive)
(a) "design" means 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;
(b) "product" means any industrial or handicraft item, including inter alia parts intended to be assembled into a complex product, packaging, get-up, graphic symbols and typographic typefaces, but excluding computer programs;
VIRTUAL MIGRATION – LEGAL ISSUES

- 3D product to 2D graphic or virtual space
VIRTUAL MIGRATION – LEGAL ISSUES

Space

(Source: https://www.landmarkusa.com/vr)
VIRTUAL MIGRATION – LEGAL ISSUES

• No physical embodiment
  - Partial design
  - Product indication
VIRTUAL MIGRATION – LEGAL ISSUES

• Often fluid features (animation, interactive)
  - Subject-matter of protection?
  - Formal representation requirements
Registered Community designs: Static views only
MORE EXAMPLES
MORE EXAMPLES
MORE EXAMPLES
MORE EXAMPLES
International studies and recommendations

- ID5 “Study of practices on protection of new technological designs”
  (http://id-five.org/study-of-practices-on-protection-of-new-technological-designs/?red=finished-project)

- WIPO SCT/37/2 “Analysis of the Returns to the Questionnaire on Graphical User Interface (GUI), Icon and Typeface/Type Font Designs”
International studies and recommendations

- WIPO SCT/42/6 “Proposal by the delegations of Japan and the USA for a joint recommendation: Industrial design protection for graphical user interface (GUI) designs”

- ID5 “Catalogue of Partial Design Protection”
  (http://id-five.org/comparative-study-of-partial-designs-as-effective-means-of-protection-industrial-design-innovation/)
THANK YOU

[Links and social media handles]

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