



Hargreaves Review – Call for Evidence in the Designs Sector

On 21 September 2011, the Government launched a call for evidence on how the UK intellectual property system can better support “our globally successful design industry”.

Design contributes in many important ways to the UK economy and the UK boasts some of the world’s best designers across a range of industries. This success is often not underpinned by formal protection of designs via design registration. Thus the IP Federation is fully supportive of any measures that can do more to support UK design innovation.

As discussed in the separate article in this issue on the Hargreaves Review of Intellectual Property and Growth, the role of IP in supporting this important branch of the creative economy has been neglected. The lack of evidence was highlighted by Professor Ian Hargreaves in the review. In its response, the Government committed to gaining a better understanding of whether the design rights system in the UK is geared to the needs of business. Thus the Government issued the call for evidence in relation to the design sector in September and launched a supporting online questionnaire and survey aimed at business.

The IP Federation responded to the call for evidence on the closing date of 11 November 2011, in the form of its Policy Paper 17/11. This indicates that the members of the IP Federation fully support any measures which will encourage UK design innovation by the protection of designs and harmonisation of UK rights with other rights to increase the coherence of the system without loss of protection (save in the area of functional designs). We are particularly in favour of:

- a review of the law by a judge-led panel; and
- improved search facilities for registered designs.

In addition to copyright, there are currently four systems covering designs:

- registered and unregistered designs, in both
- the UK and the EU.

The Government’s response to the Hargreaves review required the Intellectual Property Office (IPO) to publish their assessment of the case for simplification of the design right system, and in particular whether there is a need for a UK unregistered design right alongside the EU right, by the end of 2011. The IPO say information provided through the ‘call for evidence’ is a vital contribution that will enable them to meet this commitment.

On 19 December 2011, they issued a position paper which is said to show their intention to publish a formal consultation on how to move forward. The formal consultation is expected in 2012.

David England, 19 December 2011