

La nuova riforma del Design dell'Unione Europea

Più “forma” che sostanza ?
Qualche amichevole spunto di riflessione

Collegio Italiano dei Consulenti in Proprietà Industriale

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Nuova riforma Design EU



Good design is very often what makes consumers choose a car, a chair, a lamp or any other product. Great designers have made our products favourite choices worldwide, but the intellectual property of good design needs to be protected against copies and counterfeiting. The agreement reached today will make it **easier**, **cheaper** and **faster** for designers to protect their creations, even in digital times.

— Jordi Hereu i Boher, Spanish Minister for Industry and Tourism

Articoli Persone Learning Lavoro

Post di EUIPO - European Union Intellectual Property Office

EUIPO - European Union Intellectual Property Office
145.656 follower
5 mesi · Modificato

The new EU design protection rules make it **cheaper**, and **faster** for designers to protect their creations in a digital world.

... altro

The graphic features a blue background with a stylized map of Europe. In the center, the text 'EU Design Reform' is written in large, bold, yellow letters, with a play button icon integrated into the word 'Reform'. Below this, it says 'New design protection rules for the digital era' in white. To the left, there is a line drawing of a person wearing VR goggles. To the right, there is a pink car. Above the car, there is a line drawing of a smartphone. In the top right corner, there is a logo for 'EUIPO 30'.

New EU design protection rules for the digital era

188 · 1 commento





1. Modernise, clarify and strengthen design protection.
 2. Improve accessibility of design protection in the EU.
 3. Ensure enhanced interoperability of design protection systems in the EU.
 4. Harmonise the diverging spare parts protection regime across the EU.
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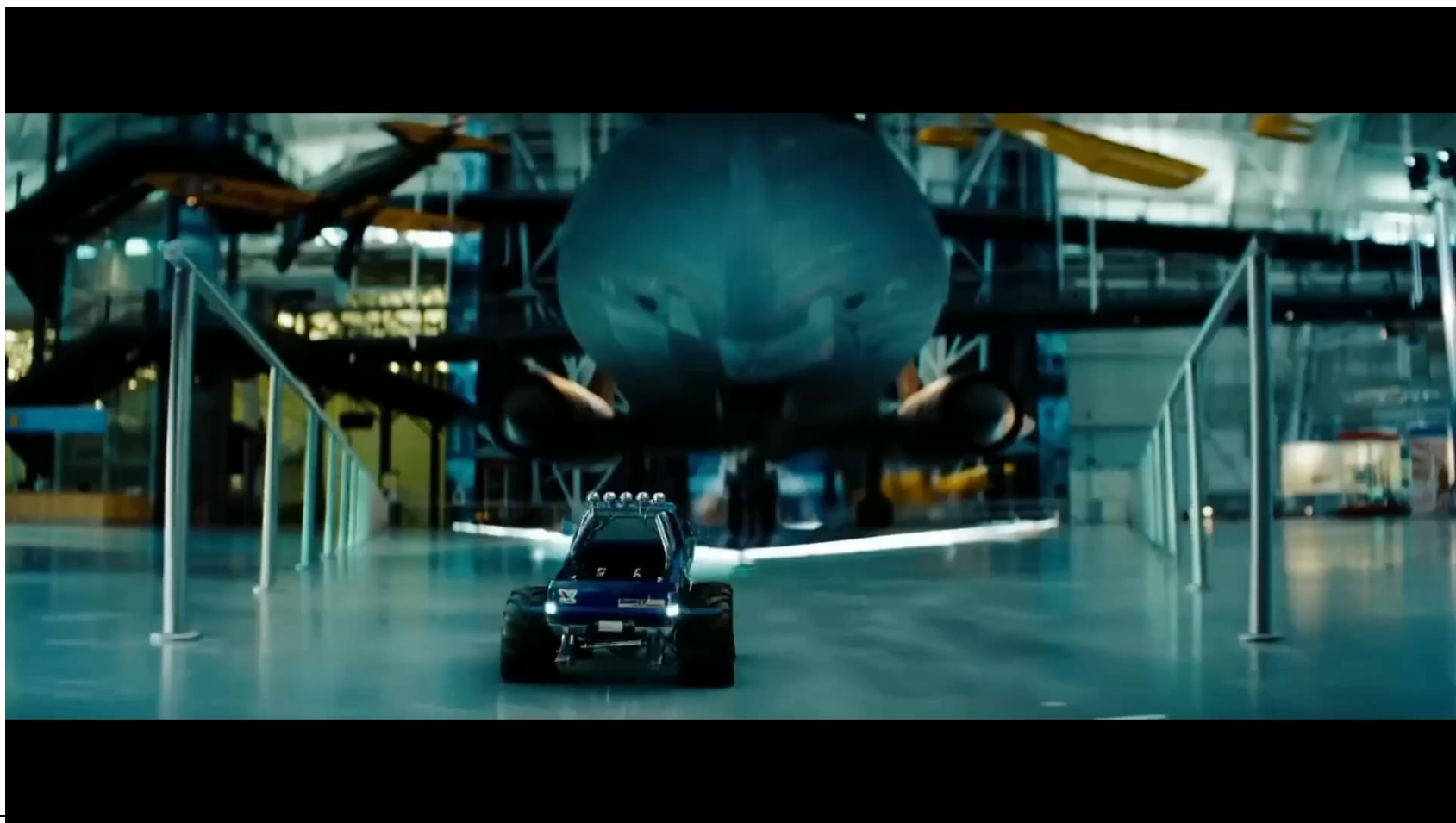


Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) “**design**” means the appearance of the whole or a part of a product resulting from the features, in particular the lines, contours, colours, shape, texture and/or materials, of the product itself and/or of its decoration,
- including the movement, transition or any other sort of animation of those features;**
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(2) “**product**” means any industrial or handicraft item,
other than a computer program, regardless of
whether

**it is embodied in a physical object or materialises in
a non-physical form,**

“le opere o i simboli grafici”



“graphic works or symbols”



Article 47a

Withdrawal and amendment of the application

- (2) The applicant may at any time amend the representation of the EU design applied for
in immaterial details.
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Article 36

Conditions with which applications must comply

1. An application for a registered EU design shall contain:

(c) **a sufficiently clear representation** of the design, which permits the subject matter for which protection is sought to be determined.



Article 110bis UNREGISTERED DESIGN

- in Article 110a, paragraph 5, the second sentence is deleted;

5. Paragraphs 1, 3 and 4 above shall also apply to unregistered Community designs.

~~Pursuant to Article 11, a design which has not been made public within the territory of the Community shall not enjoy protection as an unregistered Community design.~~



Article 19

MERCI in TRANSITO

3. The holder of a registered EU design shall be entitled to prevent all third parties from bringing products, in the course of trade, from third countries into the Union, that are not released for free circulation in the Union, where the design is identically incorporated in or applied to those products, or the design cannot be distinguished in its essential aspects from such products, and the right holder's authorisation has not been given.



- The right referred to in the first subparagraph of this paragraph shall lapse, if, during proceedings to determine whether the EU design has been infringed, initiated in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council (*), evidence is provided by the declarant or the holder of the products that the holder of the registered EU design is not entitled to prohibit the placing of the products on the market in the country of final destination.



THAT'S ALL FOLKS !!

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