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EU Design Legislative Reform 2024

The new EU Design package:

- [Revised Directive](#)
- [New Regulation](#)
- [Main Goals \(click through\)](#)
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Main Goals

- Updating and strengthening the current legal framework to stimulate design excellence, innovation and competitiveness in the EU
- Improving and adapting protection of design to new technologies: AI, 3D printing and digital revolution
- Ensuring strong, effective and up to date protection
- Granting accessibility and affordability of design protection to all designers (including individuals and SMEs)

Key Changes

- Broader definition of "design" and "product" aimed at bringing EU design law in line with the reality of the digital age, in particular allowing protection of designs in digital form, the metaverse, as non-fungible tokens ("NFTs"), graphical user interfaces ("GUIs"), or 3D CAD files, necessary to print 3D models
- No visibility requirement: design features necessarily visible in the application do not need to be visible in the real life product in order to be protected (except for complex products)
- Filing of multiple application with abolition of "unity of class" requirement: it will be possible to combine designs for products in one and the same (multiple) application even if they belong to different product classes
- Simplified fees for applications
- Possibility to alter for immaterial details EU design representation and therefore protection after filing
- Specific  symbol to distinguish registered design

Key Changes

- Full implementation of "repair clause" for spare parts: A registered design is not protected if it constitutes a component part of a complex product upon whose appearance the design of the component part depends and which is used for the sole purpose of permitting the repair of that complex product so as to restore its original appearance
- Design protection also against infringing goods in transit in the EU (even not intended to be placed on the EU market and provided that the holder is entitled to prohibit the placing of the products on the market in the country of final destination)
- Granted protection against 3D printing
- Administrative invalidity proceedings against national design before national IP offices (similarly to TM)
- Commencement of protection available within the EU for unregistered design first disclosed outside EU (TBD)
- Cultural heritage: it will be forbidden to protect cultural heritage elements of national interest (e.g. traditional costumes of a region) as private designs