The Community design: Protection throughout the EU for excellent design.

The European Union has long since become an important sales market for small and medium-size enterprises too; for this reason, an attractive product appearance ought also to be protected beyond national borders – with a Community design.

**Scope of application**  
The “aesthetic” design of a product can be protected in all the states of the EU provided the design is new (nothing identical is known) and has “individual character”.

**Term**  
Three years in the case of unregistered Community designs and 25 years for registered Community designs – beginning from the date of filing.

**Requirements**  
The design must be new and have individual character on the date of filing. The overall impression produced by a design must differ from the overall impression produced by any other design which has been disclosed prior to the date of filing.

**Application and examination**  
Unregistered Community designs are created as a result of publication on the day on which the design was first made available to the public in such a way that it could have become known to the circles specialised in the sector concerned within the EU.

For registered Community designs, an application must be filed with the European Union Intellectual Property Office (EUIPO) accompanied by a representation of the design suitable for reproduction, especially a drawing or photograph.

There is no substantive examination of the application with regard to the requirements for protection – the Office only examines whether it is a design which is accessible to design protection and whether the application complies with the formal requirements.
Protective effect  The protective effect of both registered and unregistered Community designs extends uniformly to all the Member States of the European Union.

An unregistered Community design confers on the right holder only the right to prohibit, for example, the making and marketing of products if they are the result of copying the protected design.

A registered Community design confers on its holder the exclusive right to use it. The holder of a registered Community design can thus take action against later independent creations of a third party if they produce an identical overall impression.