The registered design: Excellent presentation as a “soft” factor for success.

The importance of the right styling for sales is demonstrated by the example of the car industry. Manufacturers give their vehicles a “facelift” at regular intervals. A new model is born and a new incentive to buy is created – even if the car does not contain any pioneering technical innovations.

Small and medium-size enterprises in particular can react quickly to changing values and new lifestyles by meeting individual wishes. In view of the huge number of new materials and new production technologies, even manufacturing in small series can be economically viable.

Small and medium-size enterprises can thus occupy niche markets more easily by using high-quality design as an element in competition. One condition for this is that one's own creative ideas and achievements have legal protection against competitors. Otherwise, the competition could simply imitate everything without having to bear the expense of developing a design of their own.

Field of application A registered design is an industrial property right, which was created specifically for the “taste” or, to be precise, the “aesthetic” design of a product. In principle, the design of any product can be protected.

Exclusions None. The design of the products must, however, appeal to the sense of shape and/or colour of the human eye.

Duration Maximum of 25 years.
A Service of the Chamber of Patent Attorneys

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 of the application.

For designs there is a twelve-month novelty grace period. For the purposes of this regulation, a design is still deemed to be "new" even if it has been disclosed at a trade fair, for example, and is then filed by the applicant within the twelve-month period.

Application and examination

The design is registered with the German Patent and Trade Mark Office. The application must be accompanied by a representation of the subject matter to be protected which is as clear as possible. Ideally, the representation should show all the aspects of the design against a neutral background. There is no substantive examination. If the application satisfies all the formal requirements, it is registered. The registration, together with the representation of the design to be protected, is published in the Design Register.