



# Consultation on the Reform of the UK Designs Legal Framework

**The Intellectual Property Office is seeking information upon the proposed reform of the designs UK framework. The responses to this consultation, together with other evidence, will help shape these proposals.**

On this form, please provide your responses to the questions outlined in this document.

**You do not have to complete the whole form – please answer the questions relevant to you.**

**Please Note:** this consultation forms part of a public exercise. As such, your response may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). We plan to publish responses on our website when they are received.

If you do not want part or the whole of your response or name to be made public, please state this clearly in the response, explaining why you regard the information you have provided as confidential. If we receive a request for disclosure of this information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system cannot be registered as a formal request for confidentiality.

**Designs Review Team**

# Response form

Please enter your responses to pertinent questions in the boxes provided.

Click on the grey box and start typing.

## Measures to simplify design law and get the IP framework to better support innovation

### Changes to UK Unregistered Design Right (UDR)

#### Question 1

Do you agree with the proposal to retain UK unregistered design right? Please give reasons for your answer.

No, ECTA believes that it unduly complicates proceedings and duplicates the EU unregistered design regime. The only real issue is the short term of protection of the EU unregistered design. UDR substantially duplicates Unregistered Community Designs (UCD) save that it is for a substantially longer term and has different qualifying author/owner rules; and can cover internal features not protected by UCD. It predates UCD. Whilst at the time it was introduced UDR was a forward looking piece of legislation, the overlap with UCD now further complicates and already complicated regime and UDR should be abolished, subject to transitional provisions to protect those who have already entered the market placing reliance on it instead of registered rights.

It would be also the wrong approach to retain the UDR as a compensation for the missing cumulative copyright protection for industrial designs in the UK. With regard to the cumulative copyright protection, ECTA supports the UK government's latest parallel proposals to reform the UK copyright law by repealing the 25 years limitation of copyright protection for industrial designs by Section 52 CDPA (Clause 56 of the recent Enterprise and Regulatory Reform Bill 2012-13). This brings the UK law in line with the European law, namely with Article 17 of Directive 98/71 (Design Directive) in combination with the Directive 93/98/EC (Term Directive). As in the further EU member states, industrial designs could have an extended form of copyright protection for 70 years after the death of the author if they surpass the UK threshold of "originality", namely the qualification as a "work of artistic craftsmanship".

#### Question 2

What are the circumstances in which UK unregistered design right could be removed?

ECTA believes that the UK right can be abolished subject to transitional provisions safeguarding those who have already relied on the UDR and its term of protection when deciding whether or not to register a design.

### Changes to the definition of UK Unregistered Design Right

#### Question 3

In your experience has the wide scope of protection afforded by UK unregistered design right been used to prevent others from establishing new designs? Please give examples.

ECTA believes that in practice it has been relied upon on many occasions. Examples can be found in the English law reports! Use of the right as an additional source of

attack alongside other rights is a prudent tactic by claimants while it exists, since you cannot expect claimants or their advisers to rely on only one right if two are potentially available.

#### Question 4

Have you been deterred from launching designs as a result of being unsure of whether you were infringing existing UK unregistered designs? Please give any details.

ECTA is aware of parties who have been deterred from launching, especially in cases where the qualifying status of the possible author or owner was unclear.

#### Question 5

In your view does the wide scope of protection provided by UK unregistered design right have other consequences? Please explain your answer.

ECTA believes that the continued existence of the UDR creates an anomalous market place within the EU, contrary to harmonisation policy and its limited range of potential owners distorts the marketplace.

#### Question 6

Do you agree with the proposals to make the definition of UK unregistered right consistent with that of the UK registered design and the Community designs? Please explain your reasons.

ECTA believes that if UDR is to be retained, there should be a uniform regime across Europe. However the novelty test should be truly global if it is to remain a separate right and protection extended to all, not just to a limited range of authors/owners

#### Question 7

If you don't agree with this approach, do you have any alternative suggestions?

N/a

## “Originality” and UK Unregistered Design Right

#### Question 8

Is the UK test for “commonplace” leading to further uncertainty in the market place or otherwise affecting innovation? Please give reasons for your answer.

ECTA believes that it is a very uncertain concept with multiple issues - what is commonplace, the definition of the relevant market place, etc. However the equivalent definitions of individual character in the UCD are equally uncertain and possibly unavoidable.

#### Question 9

Do you agree with the proposal to ensure that the definition of commonplace includes the European Economic Area, and is a change to Section 213(4) of the CDPA an appropriate way in which to make the change?

ECTA agrees with this if the UDR is to remain and if a truly global test is not to be

used.

### Question 10

Are there other advantages or disadvantages of making this change?

ECTA believes that adopting a definition in conformity with the "individual character" test used in the EU design right would be a better route to follow.

## UK Unregistered Design Right and "general concepts"

### Question 11

Do you agree that an amendment excluding general ideas and concepts would help to clarify the law?

No

### Question 12

If the answer to 11 above is yes, how would you make such an amendment?

N/a

### Question 13

What are the advantages and disadvantages of making this amendment?

ECTA believes that it may make clear to laymen what is already known to advisers and enable an answer to be given to a spurious claim - however, the history of the caselaw under the similar provision of the Registered Designs Act 1949 suggests that it will remain a "live" issue of fact in cases even with such a provision.

## Defences against accusations of infringement

### Question 14

Is the lack of a defence for someone acting in good faith using a design before it is registered by another party a problem for business? Has this had a negative consequence for your business? Please give details.

ECTA believes that this is a problem for business, if UDR is to be retained, because if no copying has taken place but a right is infringed without it being publicly available, searching cannot be relied upon, which discourages good product clearance and freedom to operate practice.

### Question 15

Does the UK unregistered design right need to allow for use of a design for "(a) acts done privately and for non-commercial purposes; (b) acts done for experimental purposes, etc" as permitted in relation to UK registered designs and the Registered Community Design? Please explain your answer.

ECTA believes the answer to be "Yes", if UDR is to be retained, because the rights should in principle be of equivalent scope apart from the requirement for copying to infringe an unregistered right

### Question 16

Are our proposals for making these changes the best way to do it? Please explain your answer.

ECTA believes that if UDR is to be retained, exactly the same wording should be used in each statute for uniformity; the Parliamentary draftsman should not try to

create parallel wording, because this merely gives additional and unnecessary legal arguments over scope.

## Defences against accusations of infringement of artistic copyright

### Question 17

Do you agree or disagree with proposals to amend section 53 of the CDPA in this way? Please explain your answer.

ECTA agrees with the proposal to treat EU and UK registered designs in the same way.

### Question 18

Are you aware of any instances of disputes arising where a defence against infringement of copyright law was not available to holders of Community Registered Designs or international registrations designating the EU? If so, please give an indication of the costs incurred with dealing with these disputes, and of their frequency.

ECTA members are aware of cases such as where the owner had applied for registration of a design which incorporated material alleged to be the copyright of a third party and where title had not passed to the applicant. Invalidity proceedings ensued before the Designs Registry. Costs of several thousands of pounds were incurred in dealing with evidence.

### Question 19

Section 53 of the CDPA references registered designs. Is there any reason why this should be extended to cover unregistered designs? Please explain your answer.

ECTA believes that uniformity of UK registered designs with the EU registered design regime is desirable but there is no need to extend this specific defence to unregistered rights.

## “Qualification” for UK unregistered design right protection

### Question 20

Are you aware of any other cases in which the restriction of UK unregistered design right to habitual residents of the EU and a small number of other qualifying territories have resulted in commercial dispute or difficulty?

ECTA members have found that frequently this is a problem for US, Korean and Japanese claimants who would otherwise enjoy the longer term protection of UK unregistered design rights.

### Question 21

Do you agree with the proposal to extend the qualification requirements for UK unregistered design to reflect those of the Community unregistered design? Please provide reasons for your answer.

ECTA believes that if UDR is to be retained, because there should so far as possible be uniformity between the two; however this would further strengthen the case for the UK UDR to be entirely abolished.

## Ownership of designs

### Question 22

Do you agree or disagree with aligning UK law provisions on ownership of commissioned designs with EU law provisions? Please explain your answer.

ECTA agrees with this because otherwise inconsistent and complex legal outcomes result depending on the jurisdiction of the dispute and which right is pleaded which adds to cost and uncertainty.

### Question 23

If you are aware of the likely costs associated with clarifying ownership of design rights as a consequence of the different approaches taken under UK and EU law, could you please give examples.

ECTA notes that the additional costs of joining additional claimants, pleading alternative cases or rectifying the title position before launching proceedings can add to time and cost, to an extent depending on the urgency of the situation.

## Claim to Ownership

### Question 24

Do you agree or disagree with removing the requirement for the applicant to be the proprietor of the design applied for? Please explain your reasons.

ECTA disagrees. ECTA believes that the applicant should be the owner of the design and be able to prove itself to be so, to reduce fraudulent applications. It is the responsibility of the applicant to get his title and documentation in order. If a proper assignment has not taken place, this can give rise to significant issues later and prejudice third parties. If large corporate groups find it tiresome to organise their group ownership properly, that is not a sufficient justification for perverting the laws of ownership of property rights.

### Question 25

Please give details of any other cases in which this requirement has had a detrimental impact.

ECTA believes that the requirement is not detrimental. Problems arise in liquidations and administrations where intellectual property rights are transferred and further due diligence has to be performed to deal with the possibility of registered and unregistered titles not being in alignment. The reluctance of administrators, receivers and liquidators to give warranties as to title and indemnities exacerbates this problem.

## Joint Proprietors

### Question 26

Do you have examples of where the lack of provision for joint ownership in the RDA has caused difficulty to business? If so, can you give an estimate of the costs involved.

ECTA members as practitioners may take the view joint ownership is inherently undesirable from a practical point of view in complicating the exploitation regime but it can genuinely arise as in copyright cases. Accordingly as a matter of principle it should be possible as in the case of any other property right.

### Question 27

Do you agree with the proposal to reproduce the joint ownership provisions from the CDPA in the RDA? Please explain your answer.

ECTA agrees, or at least supports the need to unify the regime for all CDPA regimes so as to bring the two rights into complete alignment.

### Question 28

Are there any other provisions regarding ownership of registered and unregistered design which may also need to be amended? What benefits/costs may be associated with such amendments?

ECTA believes that the co-ownership regime for UDR needs to be clarified including the whether or not there is a right of one joint owner to grant a licence without the consent of the other and preferably should be consistent with the rule applicable to patents.

## Deferment of publication for design applications

### Question 29

What evidence do you have of the current deferment period having disadvantages?

Some ECTA members believe that deferment has been used by applicants as a device to preclude competitors from assessing search results and to make the scope of protection being sought uncertain; some clients have been forced to adopt a more cautious approach to competitive launches in case the unpublished design applications cover variations over published designs they are unaware of.

### Question 30

Do you believe that an extension of the deferment period will have benefits for business? Please explain your answer.

**No. ECTA believes that the term of protection is more than adequate and there is a public interest in making known the claims to a monopoly as soon as possible.**

### Question 31

The options discussed include extending the deferment period to 18 or 30 months. Which option do you think best and why? Are there other more preferable options?

ECTA believes that at most the deferment should be available to enable priority applications to be filed at the limit of the Paris Convention priority period and therefore restricted to 6 months

## Enforcement of designs and understanding the design rights of others

### The need for criminal sanctions for the deliberate copying of designs

### Question 32

What evidence do you have of existing civil sanctions being insufficient to deal with copying of design right?

ECTA members advising clients have observed that mass copying of clothing and similar low value item designs flooding the market is extremely expensive to tackle especially for a small company and requires the assistance of the public authorities and should be a criminal act in the same way as a registered trade mark

infringement and in the same circumstances.

### Question 33

Do you agree with the introduction of criminal sanctions for deliberate copying of design right? What benefits will it bring to business? Please explain your answer.

ECTA supports this proposal, depending on the use of a better definition than "deliberate" (see Q34) because it is an important element of counterfeiting and should be dealt with consistently irrespective of whether the right infringed is a trade mark or a design

### Question 34

Do you agree that any new criminal offence should only be for deliberate copying of a design right? Please explain your answer.

ECTA believes that the term "deliberate" copying is not legally sound - the criminality should arise from copying with intent to deceive a member of the public as to source or from slavish imitation of the design; the borderline between fair following and a substantial copy may be a fine one and the risk of criminal sanctions for a less than slavish copy is not warranted.

### Question 35

What evidence do you have for the costs that introduction of such sanctions will bring, including the impact on enforcement agencies? Please also comment on the assumptions about likely impacts and costs made in the Impact Assessment<sup>1</sup>.

ECTA has have no evidence on additional costs not already available to the consultation. The availability of these sanctions could reduce costs for owners of plagiarised designs and assist in the gathering of evidence which is expensive and time consuming.

### Question 36

Do you agree that we have the ability to introduce criminal sanctions for deliberate copying of Registered Community Designs? Please explain your answer.

Same answer as Q34

### Question 37

To which rights should criminal sanctions apply and why?

Same answer as Q34

## Routes for appealing IPO decisions on design registrations and invalidation

### Question 38

Have you experience of using the Registered Designs Appeal Tribunal? Should it continue to function as the single appeal route? Please explain your reasons.

Some ECTA members have experience of the Tribunal. It is seen as both a cheap and efficient means of dealing with the issues of designs where no other issues are

<sup>1</sup> <http://www.ipo.gov.uk/consult-ia-bis0376.pdf>



in dispute but should not be the sole route of appeal because in cases where more than one issue arises it may be more convenient to deal with the issues in the same forum.

### Question 39

What are the implications of constituting the Patents County Court as the only forum that would hear appeals against IPO design decisions?

ECTA believes that increased costs would probably result (see Q41), but the PCC would be a useful option if the matter before the IPO were one of a number of related issues.

### Question 40

What are the pros and cons of having the Appointed Persons and the PCC as the two alternative routes of appeal against IPO design decisions?

Same answer as Q39

### Question 41

Please supply any information about the likely costs, including of legal advice, to business of appeals going to the Patents County Court, the Registered Design Appeal Tribunal and the Appointed Person.

If this is not possible, can you please comment on:

- a the references in the Impact Assessment<sup>2</sup> to the suggestion that seeking professional/legal advice is about 50% cheaper for an appeal to the Appointed Person than it is to the Patents County Court.
- b the costs of professional advice for appeals to the Registered Designs Appeal Tribunal and how much more or less they are likely to be than the cost of appealing to the Patents County Court and than the costs of appealing to the Appointed Person.

ECTA believes that the impact assessment is reasonable.

### Question 42

Can you please comment on the discussion in the Impact Assessment about the likely uptake of using the Appointed Person as an alternative to the Patents County Court, especially in the light of the lack of appeals in the last few years?

ECTA believes that there are few appeals because the first instance decisions are usually difficult to impugn on legal or procedural grounds; the cases brought are often between very small parties without the resources to appeal.

### Question 43

Are there other alternative scenarios we should be exploring, for example fully mirroring the trade mark route of appeal by having the High Court rather than the PCC as the alternative to the Appointed Person? Please explain your reasons.

ECTA believes that the PCC is a perfectly adequate alternative route to the Registered Designs Appeal Tribunal

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<sup>2</sup> <http://www.ipso.gov.uk/consult-ia-bis0373.pdf>

## Understanding other peoples rights

### Question 44

What is your view of the extent to which every design on the register of designs in the UK and at the OHIM may or may not be valid?

Some ECTA members believe that many current registered designs are invalid; the evidence of successful invalidity attacks should be placed alongside anecdotal evidence that applications are filed which are known to lack novelty either because of prior publication by the applicant or by third parties based overseas or knowing the design to have been developed by a third party.

### Question 45

Do you think that designs registered by the IPO have a reduced perception of "value" because they have not been assessed against the prior art? Please explain your answer.

Some ECTA members believe so because they have not been subjected to any independent objective novelty or individual character test.

### Question 46

Does the "deposit" system for designs operated by the IPO cause other difficulties?

ECTA believes that it clouds the issue of validity and increases searching costs; however the impossibility of the IPO search being comprehensive militates against conducting official searches since this too increases cost and does not eliminate the need for further independent searching.

### Question 47

Would you be in favour of the IPO re-introducing prior art examination as part of its design process, and if so how? Please explain your answer. What in your view would be the costs and benefits of doing this? How much would you be prepared to pay for an official search for prior registered designs?

ECTA believes that it is an almost impossible task given the international novelty rule and the demand of industry for a cheap system. The co existence of OHIM and UK registered designs and Hague International designs would render the search wholly inadequate in isolation.

### Question 48

Do you have any experience of legal disputes where questions about the validity of the design in question have been central, and would a compulsory examination of national registered designs against prior art have helped resolve those disputes more quickly and cheaply?

Many ECTA members have such experience. Probably some clearly invalid designs would not have succeeded in being entered on the UK register and a pointless action would have been avoided, but still unregistered rights could have been pleaded, so ultimately the actions may still have proceeded, though a rejection of the registration would have sent a clear message about the chances of success with the unregistered rights. However, the OHIM register might still have been used and without examination in OHIM the introduction of examination to the UK would be pointless and probably spell the end of UK Registered Designs unless UK registered designs enjoyed some presumption of validity to make them more attractive.

### Question 49

How do you think the IPO should go about seeking to educate design applicants regarding the limited nature of the examination it carries out? Could highlighting the non-statutory and optional prior art search be an option? Please explain your answer.

ECTA notes that applicants only have to read the IPO website for this information and professional representatives will advise their clients of this. However, clear warnings on official letters accompanying the certificate of registration can only help to stress this, as many applicants are not advised by professional representatives who would normally stress this fact too.

## A Designs Opinion Service

### Question 50

Is the cost, time and lack of certainty in IP disputes a barrier to maximising the benefit of IP? Please explain your answer, and supply any supporting evidence.

ECTA recognises that this is so, because where there is a doubt there is a potential argument. It is self evident that if a dispute involves an uncertain point of law or if the law confers an uncertain scope of protection, more time money and effort will be spent on resolving the dispute.

### Question 51

Do you think that the IPO offering opinions in relation to:

- a. UK registered designs;
- b. UK unregistered designs; or
- c. both would be useful to business? Please explain your answer

Based on the use of the equivalent service in Trade mark oppositions before the UK Trade Marks Registry, and the little use made of the corresponding service for UK patents, ECTA believes that such a service is unlikely to be much used or useful.

### Question 52

Are there other things that the IPO should do to improve the Alternative Dispute Resolution or mediation options<sup>3</sup> available to business in relation to registered and unregistered design?

No, ECTA believes that the system seems adequately specified.

### Question 53

Would the £200 fee to seek an opinion be a barrier to use? If so, what would be appropriate? Please explain your answer.

No, ECTA believes that this is a small amount relative to the value of a design and the effort that may need to be put into determining the issue. ECTA believes that it might encourage applications by individuals but that it is unlikely to sway larger claimants or cases where significant damages are at stake. There needs to be some disincentive to frivolous applications and the system should allow internal cost to be borne by those who use the system in the way in which they use it.

### Question 54

<sup>3</sup> A 'Call for Evidence' relating to the IPO's mediation service was launched on 12 June 2012. See <http://www.ipso.gov.uk/c4e-mediation.pdf>

Are there ways in which any designs opinion service could be set up so as to increase its use to business?

ECTA believes that use will not increase unless other avenues for resolving a dispute were cut off, so that applicants were forced to use the system as a preliminary step in proceedings.

### Question 55

What are your views on offering a review/appeal mechanism and how it should be set up?

ECTA believes that the existing appeal mechanisms are sufficient.

### Question 56

To help build the evidence on the costs and benefits it would be helpful if you could provide estimates for or otherwise comment on:

- a. The likely costs arising for those making observations in response to a request for an opinion
- b. The number of opinions requested
- c. The likely savings for those avoiding litigation as a result of an opinion (given under option 2 or option 3 in the Impact Assessment<sup>4</sup>)
- d. How many hearings at the IPO are likely to be avoided because an opinion has been sought instead
- e. Whether there is likely to be any difference in levels of complexity of cases or the number of cases between option 2 and option 3 in the Impact Assessment?

ECTA does not think it is possible to answer this question without more detail on the procedures.

## Inspection of Documents

### Question 57

Would a system allowing the viewing online of documents relating to designs be of benefit? Please explain your answer.

ECTA believes so, because it saves time and money to inspect on line and improves access.

### Question 58

Are you aware of the current system by which information can be viewed in person, or by receiving copies of the information by post? Have you made use of this system? Is the cost of the system or the delay in receiving the documentation a disincentive to using it?

ECTA believes so, the cost and delay are a nuisance, especially to those outside the UK.

### Question 59

What would be the saving to you (monetary, time and resources) if an online service was provided?

ECTA estimates that applicants would probably save typically £30-50 per request in time or professional fees

<sup>4</sup> <http://www.ipso.gov.uk/consult-ia-bis0350.pdf>

## Increasing information on registered designs

### Question 60

Would the provision of the information referred to in paragraph 15.2 be of benefit to third parties in e.g. helping to avoid or resolve dispute or facilitate business? Please explain your answer.

ECTA believes so, since the more information available more quickly there is, the easier it is to resolve a dispute. However the indication of willingness to grant a licence should be an optional section since this has commercial and tactical implications for the owner; and since the owner's position may change with time

### Question 61

Would the provision of this information on the application form cause any problems for applicants? Please explain your answer.

ECTA believes that, subject to the caveat to its answer to Q50 about the owner's willingness to grant a licence, this should not cause any problems which would not in any event be faced if a dispute arose and it is better to resolve those issues of fact at the time of filing rather than potentially many years later.

### Question 62

Is there other information that could be provided on the form, to help avoid or resolve disputes or facilitate business?

ECTA believes this would be sufficient.

### Question 63

If you are in favour of including this information on the form, should it be mandatory or optional to provide it? Please provide reasons.

ECTA believes that it should be optional, as in the case of the registered registered community design, for uniformity between the regimes, and because it can be useful for later US design patent filings.

### Question 64

If the three additional questions were not mandatory would you be likely to include the information? If not, why not?

This varies according to applicant - some want it, some prefer to keep their creative staff's identity secret, some do not want to acknowledge that they use external contractors and who they are to lessen poaching risks.

## Simplifying requirements to record changes in ownership

### Question 65

Do you agree or disagree with proposals to delete section 19(3A) of the RDA? Please explain your answer.

Provided that a defence applies to those who rely on the register entry, even if unregistered rights have not transferred, ECTA believes that all information on title ownership and licensees should be up to date and accurate at all times.

### Question 66

If possible, please give estimates of costs incurred in providing information currently required by the IPO to update ownership details on the register, or costs incurred by third parties seeking to trace any subsequent owner, where details on the register were not up to date.

ECTA members have experienced wasted money on seeking consents and tracing current owners, including for renewals purposes, which can run into €1000s on each occasion.

## Other things we might do to improve the Design IP framework

### The Hague Agreement

#### Question 67

Do you see an advantage in the UK joining the Hague system, and if so what is it?

Yes, ECTA believes this would afford cheaper protection in overseas countries to those interested in such protection

#### Question 68

Do you think that having the option of both registration in a selection of countries including the UK individually as well as the whole of the EU, would be useful to business? Please explain your answer.

Yes, ECTA believes in retaining national as well as EU rights. If we are to retain a UK Registered design at all, and only certain non EU territories are of interest overseas, this should be an option. Furthermore a competitor to the EU system is beneficial.

#### Question 69

How many hours do you spend: Renewing a UK design registration where there is a corresponding Hague registration designating the EU? Making changes to a UK design registration where there is a corresponding Hague design registration designating the EU? What level/grade of staff conducts this work?

ECTA believes that this would rarely happen. Few owners seek both. Mostly paralegals or specialist renewals agencies do this type of work.

#### Question 70

If there was the option of designating the UK as part of the Hague registration, would you have done this or would you have still applied in the UK?

ECTA believes that this will vary from owner to owner.

#### Question 71

Do you register your designs outside the UK? If yes, do you do this through the international Hague registration system, or by applying separately in each country

Many ECTA members file through the Hague system, where available, using their OHIM office as a basis if not otherwise entitled as a result of national membership. When more countries join Hague, especially US Korea and Japan, more use will be made of the Hague system instead of ordinary national filings.

#### Question 72

If you could include the UK in an application through the international Hague registration system, would you be more likely to register your designs overseas?

Many ECTA members would do so.

## Use of directions to enable speedier future reform

### Question 73

Do you think it appropriate that there is a power for the Registrar of Designs to be able to issue directions in relation to designated matters under the RDA? Please explain your answer.

ECTA believes that this would be appropriate since these are technical matters capable of being dealt with by specialist administrators after consultation and would speed up the process of updating the designs regime; but only if adequate consultation with interested parties takes place first.

### Question 74

Please supply any further comments/suggestions you may have on how we can improve the UK designs framework, including any supporting cost/benefits analysis.

n/a

### Question 75

Please also add comments on any of the Impact Assessments available at <http://www.ipo.gov.uk/consult-2012-designs>. Comments on the given estimates of costs and benefits are particularly welcome.

n/a