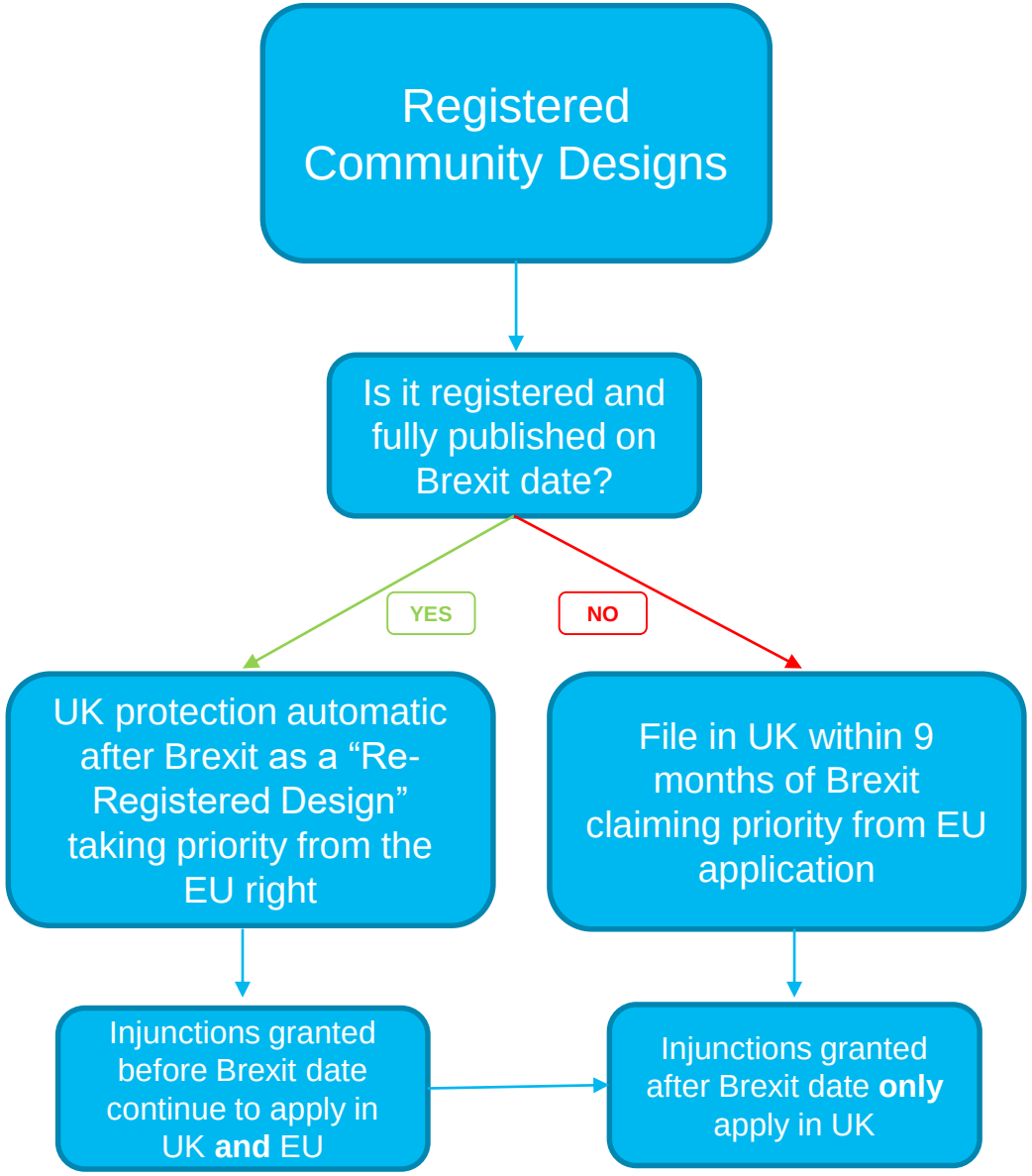
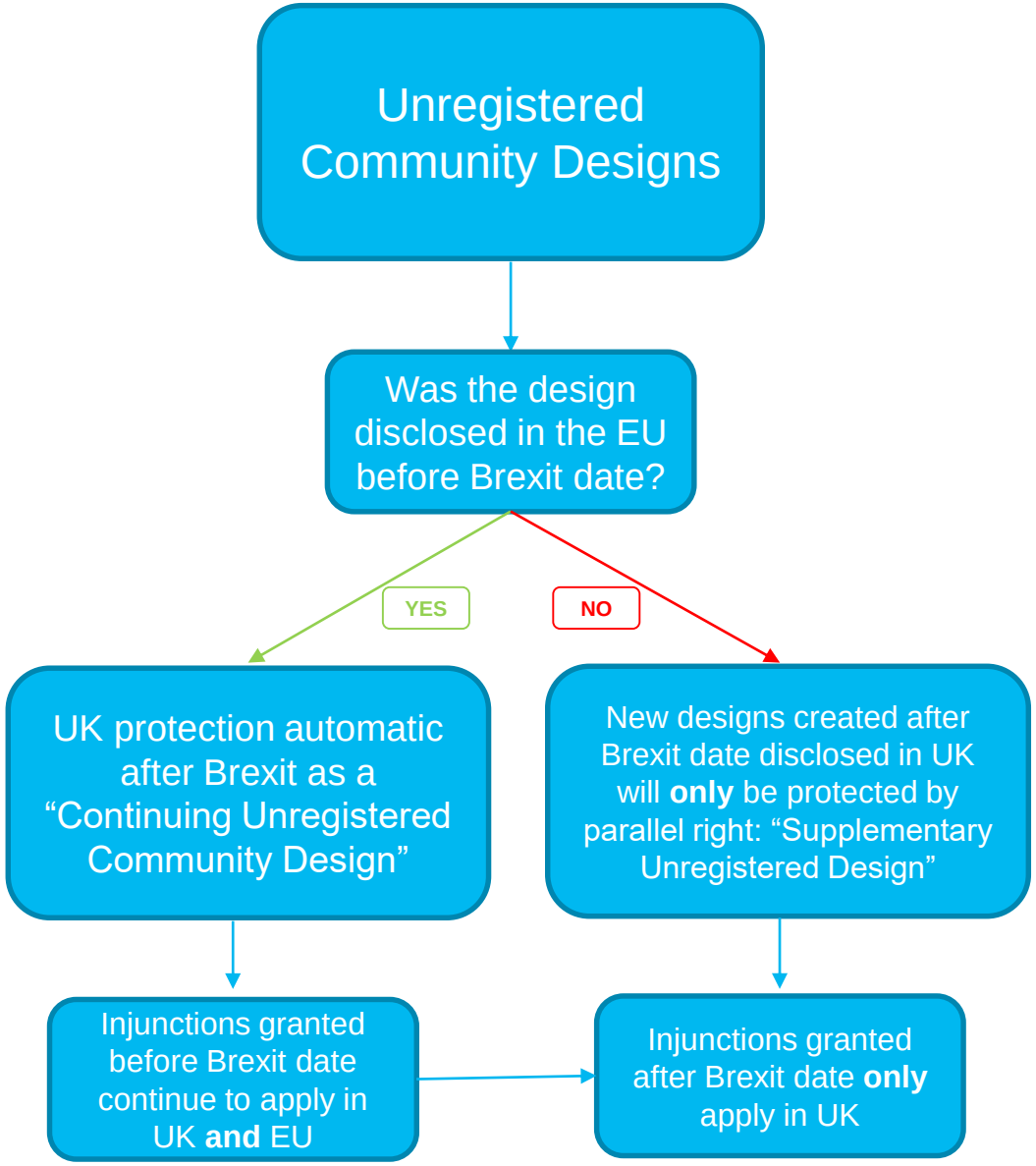
BREXIT: DESIGNS QUICK REFERENCE GUIDE

JOHN COLDHAM, PARTNER

GOWLING WLG


Registered Community Designs
Is it registered and fully published on Brexit date?
YES
NO
UK protection automatic after Brexit as a “Re-Registered Design” taking priority from the EU right
File in UK within 9 months of Brexit claiming priority from EU application
Injunctions granted before Brexit date continue to apply in UK **and** EU
Injunctions granted after Brexit date **only** apply in UK


Unregistered Community Designs
Was the design disclosed in the EU before Brexit date?
YES
NO
UK protection automatic after Brexit as a “Continuing Unregistered Community Design”
New designs created after Brexit date disclosed in UK will **only** be protected by parallel right: “Supplementary Unregistered Design”
Injunctions granted before Brexit date continue to apply in UK **and** EU
Injunctions granted after Brexit date **only** apply in UK

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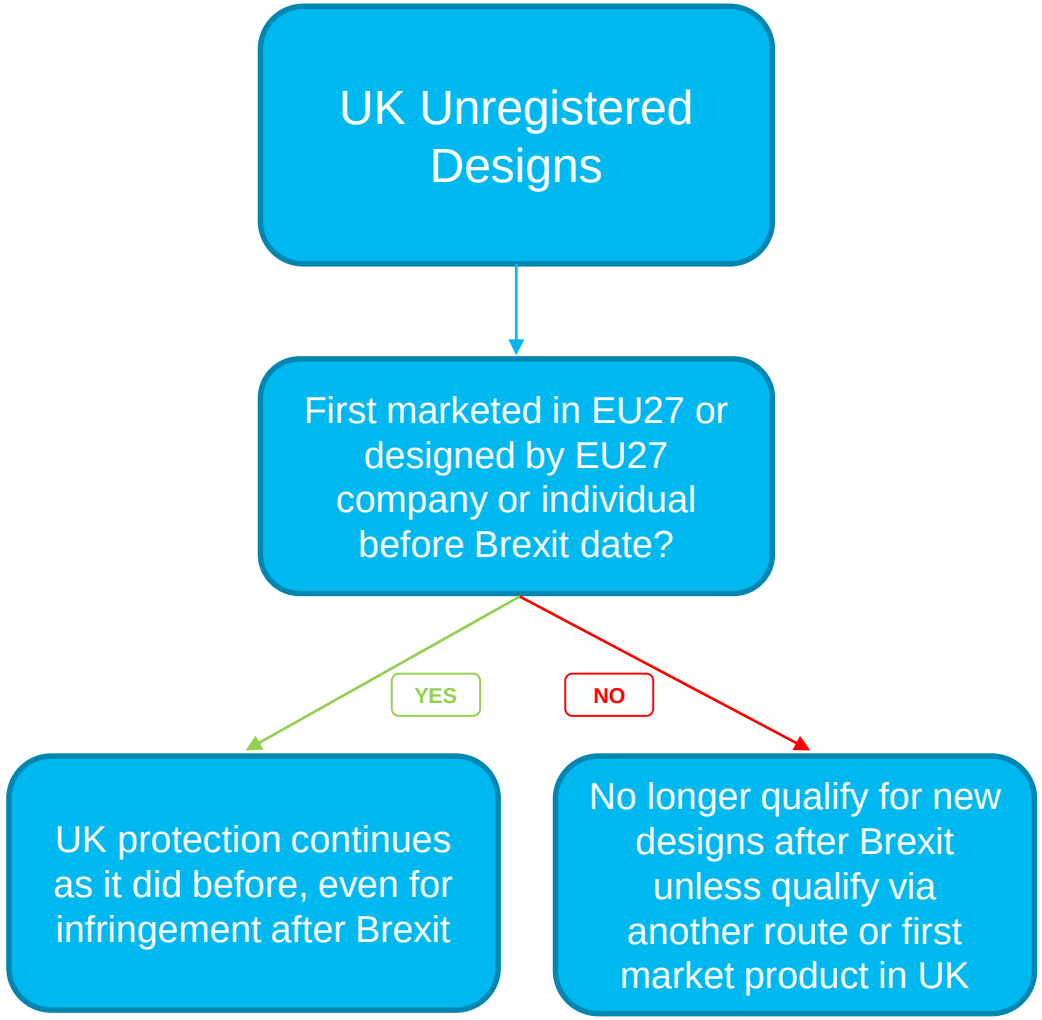
UK Unregistered Designs
First marketed in EU27 or designed by EU27 company or individual before Brexit date?
YES
NO
UK protection continues as it did before, even for infringement after Brexit
No longer qualify for new designs after Brexit unless qualify via another route or first market product in UK

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