



Guidance Note

Ownership of designs/design applications and identification of designer(s)

You have instructed us to prepare and file a design application on your behalf.

It is important to identify the designer(s) of the design shown in the application, and to establish how the applicant for registration derives its right to the design from the designer(s).

Definition of designer

"Designer" is defined in the Registered Designs Act as the "person who created the design". There may be a single designer or the design may have been made jointly by two or more designers.

In some cases, the designer(s) and the owner(s) of the design application are the same. This is commonly the case where the design is made by one or two private individuals and the design application is filed in their personal name(s). More commonly, however, the designers(s) are not the applicant(s). In the majority of cases, for instance, the applicant is a company and the designer(s) are employees of that company.

Identifying the correct designer(s)

In all cases, it is important that diligent efforts are made to identify the designers properly, so that we can prepare whatever documentation is required to ensure that the rights to the design are validly held by the applicant.

In deciding who should be named as designer(s), it is important to identify all those individuals who made a significant or substantial contribution to the design. Sometimes it is clear who the designers are, but often it is not. In such cases, we will be pleased to discuss the circumstances surrounding the creation of the design with you, so that appropriate decisions can be made.

Information required

Please therefore let us know without delay who you feel should be named as designer. For each such person, we will need the following details:

- full name;
- residential address;
- nationality; and
- relationship to the applicant (eg employee).

We emphasize the need to ensure that, so far as is reasonably practicable, the correct designers are identified. As noted above, wherever it is not clear who should be named as designer(s), we will be pleased to assist.

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