

## 附件 1

# 英国知识产权局就外观设计系统向公众征求意见

(参考译文)

权利人可借助外观设计系统保护其外观设计并实施权利。英国知识产权局 (UKIPO) 正在向系统用户征求意见和证据, 以确保英国的外观设计框架适用于使用它的企业、消费者和专业人士。

UKIPO想通过征求意见更好地了解英国在脱离欧盟后如何充分利用新的机会和灵活性, 以及新兴技术会如何影响外观设计系统。

UKIPO旨在就 3 个主要领域——新机遇、未来框架和更好的监管——寻求广泛的证据。

具体而言, UKIPO将收集以下方面的观点和证据:

- 当前系统的复杂性, 以及是否应该简化;
- 新颖性检索;
- 英国脱离欧盟后对未注册外观设计披露要求的改变对企业产生了哪些影响, 以及用户对解决这些问题的方法有何看法;
- 系统是否足够灵活, 可以保护为数字环境或人工智能的使用而创建的外观设计;
- 在英国法律中引入何种延期条款;
- 设计师行使权利的经验以及他们希望看到的改变。

UKIPO局长蒂姆莫斯 (Tim Moss) 表示：“有效的知识产权制度是英国成为世界上最具创新性和创造力的国家的宏大计划的核心。外观设计框架是一个关键要素，UKIPO希望确保外观设计能在日益数字化的环境中起到强大的推动作用。”

外观设计委员会的负责人卡特·德鲁 (Cat Drew) 表示：“知识产权是外观设计业务的基础。我们想要一个能够跟上并反映新技术和全球市场的知识产权制度。来自整个外观设计行业的人们就当前的知识产权框架以及如何改进发表自己的看法非常重要。作为‘外观设计经济 (Design Economy)’工作的一部分，我们正在寻找使设计师能够为人类和全球提供更多价值的方法，我们将仔细研究在本次UKIPO重要审查中出现的建议。”

意见征求活动将持续 8 周，于 2022 年 3 月 25 日结束。结束后，英国政府将评估收到的回复并发布回复摘要，并告知政府关于任何后续步骤和可能需要采取的行动英国知识产权局就外观设计系统向公众征求意见的决定。

通知原文：

### **IPO launches call for views on designs system**

We are carrying out a call for views as part of a review of the designs system to make sure it remains fit for the future.

The designs system enables rights holders to protect designs and

enforce their rights. We are seeking views and evidence from users of the system so that we can ensure the UK's designs framework works for the businesses, consumers and professionals that use it. This will help us better understand how we can make the most of new opportunities and flexibilities now that we have left the EU, and how new and emerging technologies may impact the design system.

The call for views seeks a wide range of evidence on three main areas – new opportunities, future frameworks and better regulation.

In particular, it will gather views and evidence on the following:

- the complexity of the current system, and whether it should be simplified
- novelty searching
- what impacts post-EU exit changes to disclosure requirements for unregistered designs have had on business, and views on ways to address them.
- if the system is flexible enough to protect designs based on new technologies, created for digital environments or using artificial intelligence
- the introduction of a deferment provision in UK law and what that should look like
- designers' experience of enforcing their rights and changes they would like to see

The evidence and views we receive will help inform future policy in these areas and help us to consider if any changes are needed to the UK designs system.

The IPO's Chief Executive Tim Moss said:

An effective IP system is at the core of the government's ambition for the UK to be the most innovative and creative country in the world. The design framework is a crucial element, and we want to ensure it remains a powerful enabler in an increasingly digital environment. To help ensure the design system remains fit for the future, we are eager to hear a broad range of views to help us understand how it can best meet the needs of those using it, and help unleash innovation's potential.

Design Council's Chief Design Officer, Cat Drew, said:

Intellectual Property rights are fundamental to the business of design. We want a design IP system that keeps pace with and reflects new technologies and global markets. It's really important that people from across the design industry give their views on the current IP framework and how it can be improved for designers. As part of our Design Economy work, we are looking at ways to enable designers to provide more value for people and planet, and we will be looking carefully at the suggestions emerging within this important review by the IPO.

The call for views will run for 8 weeks, closing on 25 March 2022. After it closes, the government will assess the responses it receives and publish a summary of responses. These responses will inform the government's decision on any next steps and action that may be required.