

Intellectual Property Update



November 2007

Logos as Registered Designs – Too often overlooked?

The Registered Designs Act 1949 was radically amended in December 2001 making it possible to obtain a registered design in respect of a graphic symbol. This is often something which is overlooked when a company seeks to protect its logo(s).

The definition of "design" as set out in the Act includes "the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture, or materials of the product or its ornamentation". Products are specifically stated to include "any industrial or handicraft item other than a computer program; and in particular includes packaging, get-up, graphic symbols, typographic type-faces and parts intended to be assembled into a complex product".

Provided a graphic symbol meets the basic requirements for protection i.e. it is new and has individual character, it can, therefore, be registered as a registered design. This has created some overlap between registered designs and trade marks and raises the possibility of registering your company logo as a design as well as a trade mark.

Why Register your Logo as a Registered Design?

To register your company logo as a trade mark can be slow and costly, particularly if the registration is opposed by a third party. On average it takes approximately 6 months from the date of application for a trade mark to become registered (provided there are no objections or queries raised). This is partly because the application is published in the Trade Marks Journal prior to registration and third parties are given three months from the date of advertisement in which to lodge their opposition.

Conversely, protection of your logo as a registered design can usually be obtained within 3 months of application (provided no objections are raised). Furthermore, there is no requirement that the design be published in a journal prior to registration thus reducing the risk that the design may be opposed by a third party. It is also worth noting that the application fee for a registered design is just £60, as opposed to £200 to register a trade mark in one class of goods.

However, this is not to underestimate the importance of trade mark protection. Whilst a registered design may offer a quick and cost efficient way to obtain protection for your logo **we would always recommend that an application for a registered design be lodged in conjunction with a trade mark application so as to ensure maximum protection**, particularly as a registered design can be protected for a maximum of period of just 25 years whereas trade mark protection can be indefinite.

If you require any further information in relation to any of the above or have any intellectual property queries please do not hesitate to contact a member of the intellectual property team on 0116 2473500.

This article is designed to provide a basic summary of the subject matters covered. It should not be relied upon as comprehensive legal advice.



Matthew Talbot specialises in Intellectual Property litigation including disputes involving infringement of trade marks, copyright, design rights, patents and domain names. He has made numerous UK and European trade mark applications on behalf of organisations wishing to protect their company names, trading names and branded products. He has successfully acted on behalf of claimants against Northern Foods, Kraft Foods plc, Nestle and Adams Childrenswear and in defending clients in cases brought by Adidas, Puma, Lacoste and Microsoft.



Hannah Steggles trained with Howes Percival LLP and qualified into commercial litigation in September 2005. Hannah specialises in Intellectual Property and has gained considerable experience in both contentious and non-contentious Intellectual Property matters.

If you have any queries in relation to Intellectual Property matters please call Matt Talbot or Hannah Steggles on 0116 247 3500 or email

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