

欧盟外观设计立法更新

欧盟更新的外观设计立法自 2025 年 1 月 1 日起生效，对申请流程进行了更改，为申请人带来了优势，而续费也显著增加。

本文概述了修订后的费用结构，与之前的框架进行了比较，并强调了影响外观设计持有人的其他关键立法更新。

一、欧盟外观设计的新称谓

欧洲外观设计现在被称为注册共同体外观设计（“RCDs”），很快将被更名为欧盟外观设计（“EUDs”）。

EUDs 持有人可以使用外观设计注册符号来表示对其产品的保护，就像使用对商标和版权保护的符号® 和 ©一样。同样，共同体外观设计法院将被更名为欧盟外观设计法院。

二、申请费用和批量外观设计申请

对于单一申请，官方申请费用保持不变。对于批量申请，官方费用将从 165 欧元降低到 125 欧元，适用于第 2 至第 10 个外观设计，并将从 80 欧元增加到 125 欧元，适用于第 11 个外观设计。

对于批量申请，有一个显著的优势是，从 2025 年 5 月 1 日起，类别统一的要求将不再适用于欧盟外观设计批量申请。因此，申请人可以在一个批量外观设计申请中提交多达 50 个不同的外观设计，涵盖不同洛迦诺类别的外观设计，而不必限于同一类别的产品。这将使申请人能够更有效地利用

批量申请来降低申请费用。

关键点：不同洛迦诺类别的外观设计应使用批量欧盟外观设计申请，从而降低申请费用。

三、续费：旧结构与新结构

根据更新后的框架，后续期限的续费大幅增加，强调了长期外观设计保护的价值。

关键点：虽然首次续费只是略有增加，但第三次和第四次续费的费用却大幅上升，反映了欧盟优先考虑短期保护的策略。我可采取不同的战术应对这些变化，特别是对于保护期即将结束的老外观设计（参见下表）。

续费对照表

续费期限	旧费用	新费用	增加（%）
首次续费期限（5 年）	90 欧元	100 欧元	11%
第二次续费期限（10 年）	120 欧元	200 欧元	67%
第三次续费期限（15 年）	150 欧元	400 欧元	167%
第四次续费期限（20 年）	180 欧元	800 欧元	344%

四、其他值得注意的更新

（一）数字外观设计保护

立法明确保护数字格式的外观设计，包括动画和虚拟环境，自 2026 年 1 月 1 日起生效。这使知识产权法律与数字创新日益增长的重要性保持一致。

（二）简化申请程序

对 3D 文件格式的更广泛的支持和对每项申请的视图数

量的增加使申请过程得到了加强。欧盟外观设计的视图数量将不再限于七个，但确切的视图数量尚未确定，将由进一步的立法确定，并将于 2026 年 1 月 1 日生效。

（三）修复条款

过渡期于 2032 年 12 月 9 日结束后，用于修复的可视化备用件将不再受外观设计权保护，从而为市场竞争打开大门。

五、战略建议

（一）提前规划续费

在 2025 年 5 月 1 日之前续费，可享受当前较低的续费。

最早的续费日期是当前期限到期前六个月，即保护结束当月的最后一天（（EC）No 6/2002 第 13（3）条）。

评估老外观设计的长期商业可行性，以证明更高的续费成本是否合理。

（二）优化申请策略

通过使用批量外观设计申请整合不同洛迦诺类别的批量外观设计，降低外观设计申请费用。

（三）优化申请策略

利用数字外观设计申请的更新规则进行全面的保护。

应于 2025 年 5 月 1 日之前提交同一洛迦诺类别中超过 50 个外观设计的批量外观设计申请。

（四）适应市场动态

准备应对因修订法律条款而增加的备用件市场竞争。评

估扩展的数字外观设计保护对申请外观设计组合的更广泛影响。

六、结论

新的欧盟外观设计立法为外观设计持有人带来了机遇和挑战。虽然增加的费用需要谨慎的财务规划，但保护范围的扩大和程序的简化为创新和外观设计保护提供了新的途径。

立即行动

为了从当前的续费结构中受益，请提前为 2025 年 5 月 1 日之前到期的外观设计进行续费。此外，请审查您的外观设计组合，以符合新规则并使成本效益最大化。

我们很乐意为您提供有关您外观设计组合的任何相关战略建议，例如就新型外观设计提供建议，续费现有欧盟外观设计以确保节省成本，保护好您的外观设计防止侵权的发生。

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EU Design Legislation Update

The EU's updated design legislation introduces changes effective as of 1 January 2025 to the filing process with advantages for applicants while the renewal fees are significantly increased.

This newsletter outlines the revised fee structure, compares it to the previous framework, and highlights additional key legislative updates that affect design holders.

New Denotation of EU Designs

European designs are nowadays called Registered Community Designs ("RCDs") will soon be called European Union Designs ("EUDs").

Likewise, Community design courts will be named as EU design courts.

Furthermore, EUDs holders may use the design registration symbol to indicate protection of their products in the same way like the symbols ® and © used for trademarks and copyrights.

Filing Fees and Multiple Design Application

The official application fees for single applications remain the same. For multiple applications, the official fees will be reduced from EUR 165 to EUR 125 for the 2nd up to the 10th design and will increase from EUR 80 to EUR 125 for the 11th design.

For multiple applications, there is an outstanding advantage that the requirement of unity of class for multiple applications of EU designs will no longer apply from May 1, 2025.

Therefore, applicants may file up to 50 different designs in a multiple design application covering designs from different Locarno classes without being limited to products of the same class. This will allow applicants to more efficiently benefit from the reduced filing fees for multiple applications.

Key Takeaway

Designs from different Locarno classes should be filed using a multiple EU design application thereby reducing the filing fees.

Renewal Fees: Old vs. New Structure

The renewal fees under the updated framework increase sharply for later terms, emphasizing the value of prolonged design protection.

Renewal Period	Previous Fee (EUR)	New Fee (EUR)	Increase (%)
First Renewal Term (5 years)	€ 90	€ 100	11%
Second Renewal Term (10 years)	€ 120	€ 200	67%
Third Renewal Term (15 years)	€ 150	€ 400	167%
Fourth Renewal Term (20 years)	€ 180	€ 800	344%

Key Takeaways

While the first renewal sees a modest increase, the fees for the third and fourth renewals have risen dramatically, reflecting the EU’s strategy to prioritize shorter term protections.

These changes demand a strategic approach, particularly for older designs nearing the end of their protection period (see strategic recommendations below).

Other Notable Updates

Digital Design Protection

The legislation explicitly protects designs in digital formats, including animations and virtual environments with effect of January 1, 2026. This aligns IP law with the growing relevance of digital innovation.

Simplified Filing Procedures

Broader support for 3D file formats and increased number of views per application enhance the filing process. The number of views for EU designs will no longer be limited to seven, but the exact number of views is yet to be determined by further legislation and will take effect in January 1, 2026.

Repair Clause

Visible spare parts used in repair will no longer be protected by design rights after the transition period which ends 9 December 2032, opening markets to greater competition.

Strategic Recommendations

Plan Renewals Early

Renew designs, where possible, before May 1, 2025 to benefit from the current lower renewal fees.

The Earliest Date for Renewal is six months before the current term expires which is last day of the month in which protection ends (Article 13(3) of (EC) No 6/2002).

Assess the long-term commercial viability of older designs to justify higher renewal costs.

Optimize Filing Strategies

Consolidate multiple designs from different Locarno classes by using a multiple design application to leverage reduced filing design fees.

Strategic Recommendations

Optimize Filing Strategies

Take advantage of the updated rules for digital design filings to ensure comprehensive protection.

A multiple design application with more than 50 designs from the same Locarno class should be submitted before May 1, 2025.

Adapt to Market Dynamics

Prepare for increased competition in spare parts markets due to the repair clause.

Evaluate the broader implications of expanded digital design

protection for your portfolio.

Conclusion

The new EU design legislation brings both opportunities and challenges for design holders.

While increased fees necessitate careful financial planning, the expanded scope of protection and simplified procedures provide new avenues for innovation and design protection.

Act Now

To benefit from the current renewal fee structure, renew your designs due before May 1, 2025, in advance. Additionally, review your design portfolio to align with the new rules and maximize cost-efficiency.

We will be happy to assist you with any relevant strategic advice on your design portfolio, such as advising on the new types of designs, renewing existing EU designs to ensure cost savings and enforcing your designs against infringers.

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