27. Grounds for invalidity: novelty, individual character, and relative grounds

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This chapter explores the criteria that are applied to determine the validity of a design —whether a registered design in the UK and the European Union or an unregistered Community design: the design must be ‘new’; the design must have ‘individual character’; the applicant or the right holder must be entitled to the protected design; and the design must not conflict with earlier relevant rights (including earlier design applications, copyright, trade mark rights, and rights relating to certain types of emblem). The factors to take into account to determine the novelty of a design, such as prior art, are also considered. The chapter concludes by looking at relative grounds for design invalidity.
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