28. Ownership, exploitation, and infringement: UK registered designs, registered community designs, and unregistered community designs

This chapter focuses on who is entitled to apply for a design registration as well as the rules relating to ownership and exploitation with respect to registered designs in the UK and the registered and unregistered Community designs. It also discusses infringement and exceptions in the three harmonized systems. It begins by considering the question of who is initially entitled to a design, citing entitlement under the UK Registered Designs Act 1949 and EU provisions. It then turns to assignment and licensing, the optimal period of protection for a design, and the British and EU approach to infringement. Finally, the chapter examines exceptions and defences that are available when dealing with design protection.
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