This chapter summarizes the discussion of the law on registered and unregistered designs. The Design Directive, as implemented in the revised version of the Registered Designs Act 1949, has put in place a modern system of registered design protection that does away with the aesthetical requirements of the old 1949 Act and only attempts to exclude technical matters that should, in principle, be dealt with by patent rather than design law. The continued enforcement of a domestic unregistered design right that was supposed to fit in seamlessly with a system of registered rights that no longer exists is no longer necessary. The overlap of protection creates confusion and an undue duplication of rights.
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