

Design Council submission: Consultation on changes to the UK designs framework 2025

The Design Council are the national champion for the effective use of design for the benefit of the UK economy, society and the environment. In this role, we welcome this opportunity to shape government proposals to modernise and simplify the UK's design protection system to meet the needs of all those in the design economy.

While the UK's current intellectual property system is one of the strongest in the world, it is currently overly complex and has not kept pace with the wider contexts of fast-changing technology and urgency in designing for people and planet.

The UK's design industries can be a powerful tool to deliver the government's national missions, drive economic growth, and create a thriving planet:

- 1.97m people work in the design economy, directly contributing £97.2bn to in GVA, strongly supporting this governments overarching growth mission. This grows further to £276bn when you include the additional 2.5m people using design skills in their jobs.
- The design sector has been growing twice as fast as the economy overall, boosting innovation and creating jobs. This growth, often green, furthers the UK's global leadership in climate and grows its soft power influence.
- Every £1 a business invests in design yields £20 return on that investment. Businesses using design were twice as likely to be in business after 5 years than those that did not use it.
- With 80% of a product's environmental impact determined at design stage and two-thirds of designers already addressing environmental concerns through their work, design also has a vital role to play in achieving net zero and creating sustainable homes and infrastructure.

To continue to flourish, the 1.97m people who work in the design economy, and the additional 2.5m people using design skills in their jobs, need a robust and simple to use IP protection framework. It was welcome that this was recognised by the Minister for the Creative Industries, Ian Murray, in his keynote speech at World Design Congress in September 2025, a once in a generation showcase of British design and innovation leadership on a global stage.

In considering this response we have sought to collaborate with partners such as Anti-Copying In Design (ACID) and Creative UK. In order to ensure the consultation benefits from the practical insights and real-world experiences of designers, we have also engaged our network of Design Council Experts – 250 design pioneers representing the full spectrum of design disciplines, regional and demographic diversity, and skills that are helping accelerate our Design for Planet mission.

Section A: Search, Examination, Bad Faith, Opposition/Observation

In 2006, the IPO stopped searching and examining designs for novelty and individual character. This decision has left open the possibility of, purposefully or otherwise, registering designs that do not meet the full requirements. Therefore, measures to improve quality and reliability of registered designs are welcome.

In introducing reforms however, it is important to note that the current system is generally deemed to be quick, low cost and effective with designers having a good understanding of how to apply for protection. At the heart of any reform in this area, it is crucial that access must remain affordable, fast and simple. Adding further layers of complexity would disadvantage small and/or innovative practices.

Given these considerations, our view is that on search and examination **Option 1 is the most preferred option** as it would allow for targeted checks and clear guidance. This would allow for the right balance of protection and accessibility while improving the reputation for registered designs. Our least preferred option would be Option 2 to introduce a two-stage system. This blanket approach would risk introducing unnecessary levels of complexity in registering designs for an issue which could effectively be addressed using a more targeted approach.

In this vein, we would echo ACID's stance that the **case for an explicit bad faith provision would seem limited** as this would duplicate protections provided by the limited search and examination option.

Our Experts were of the view that there would be **benefits in introducing an observation period**, allowing third parties to comment on validity. There were however **concerns with the idea of introducing an opposition period** with some Experts highlighting the potential for it to cause a power imbalance. The vast majority of designers and small design companies would not be able to constantly watch for design filings. An opposition period would therefore seem to benefit companies or bad faith actors who are able to resource large scale monitoring of design filings.

Section B: Deferment of design publication/registration

The Design Council agrees with the government position that a longer formal deferment provision in designs law would be beneficial and more in keeping with the commercial reality of launching a new product. The feedback we have received from our Experts is that a deferment period of either 18 or 30 months would be welcome including for SMEs and micro-businesses, and those with long lead-times to launch.

However, **the preferred option was for 30 months**. This would ensure alignment with the EU and other markets, as well as giving designers suitable time to protect their designs. Our response to Section G outlines some of the barriers to designers created by the post-Brexit system and highlights why reducing legislative divergence would be beneficial.

There was an appreciation that a longer deferment period may have some negative impact such as on iterative innovation during the deferment period. However, on balance, and in line with the desired outcome of this consultation, a 30 month period would reduce complexity in the system as well as administrative burdens on businesses seeking protection in multiple markets e.g. the EU and UK.

Section C: Graphical User Interfaces and Animated Designs

The graphic design industry was estimated at £4.1 billion in 2024 while digital design generates 55% of the design economy's total GVA and the UI/UX services sector continues to grow strongly. It is important designers in these fields are adequately protected and as such we strongly agree that doing nothing to reform the current system should be discounted out of hand. Reform in this area is long overdue and we have been left behind countries such as the US, South Korea, and the EU where registration has been updated to allow for GUIs and animations.

Reform should be extensive and we would **support all options** being developed further and implemented. Increasing file formats available to users to register and allowing for an additional description to be included will act as strong deterrents and improve the strength of registration, bringing the registration system up-to-date with current requirements.

Amending the legislation and providing clearer and updated guidance encompassing this and other reforms would provide legislative clarity and greater protection for designers.

Section D: Computer-generated designs

Rapidly developing technology, including gen-AI, presents designers and other creators with opportunities for innovation but challenges if not harnessed in the appropriate fashion.

There are legitimate concerns with protection for computer-generated designs especially as bad actors may use gen-AI tools to flood markets or use existing designs without attribution or fair compensation. However, **we do not support the government's preferred option 2 of a complete removal of protection risks** as it risks undermining design innovation and good actors who use digital design tools. This includes where gen-AI is utilised as part of a mix of different tools or in sectors such as architecture where computer generated images are a predominant feature of their design. It can be difficult to define when something does or does not have a human author while some designers have also highlighted their use of gen-AI to iterate on their own work. There are also concerns as to how this would be enacted in practice given how unreliable AI detection tools currently are.

The Design Council and our Experts are of the view that the current legal framework is in need of reform given the amount of change that have taken place and continue to take place in the ecosystem. It needs to be improved so it is fairer and harder to exploit without removing protections entirely in the context of designers using gen-AI tools legitimately.

However, there remains high uncertainty as to the full extent of impact that gen-AI has, and will have, on designers, design, and design skills. Further thinking is needed to establish how best to protect the work of designers and ensure that any reform of protections is able to keep pace with technological developments. This would need to include:

- Clarifying what counts as a human-authored design vs a computer-generated one.
- Setting a clearer threshold for originality when AI is involved.
- Making sure designers who direct or meaningfully shape AI outputs still get protection.

This is a major issue and as such we would be reticent about recommending immediate widespread policy change which may not be fit for purpose or continue to keep pace with technological developments. We would therefore urge the IPO to take

an iterative approach on this issue, utilising the Cabinet Office’s “Test, Learn and Grow” reform programme to test and pilot ideas, co-creating solutions with industry to inform best policy design. This would also line up with the government’s stance on taking a “test and learn” approach to spending on AI and digital to push innovation¹.

Section E: Miscellaneous Changes

We welcome the IPO’s desire to fine-tune the design registration process with a number of smaller changes. Many of the proposals put forward here would provide greater speed, clarity and consistency and **we would therefore support allowing an objection to matter prohibited in law, harmonising time periods for responses, removing specimen filings, the registrar being able to share applications in confidence, and updating inspection rules.**

Section F: Simplification of Unregistered Designs and overlap with copyright

Designs in the UK can be protected in several different ways. The reasons for how this has historically developed is well captured in the Consultation. However, our Experts have reported that the complex landscape means sole designers and SMEs in particular struggle to understand which protection applies or how to prove ownership in unregistered designs. There is also a level of understanding and expertise which is needed to navigate the current system which is not always possible to achieve in the 92% of design businesses which are microbusinesses.

We therefore welcome attempts to simplify the landscape. However, as the consultation itself notes, “Respondents to the (2022) designs call for views were clear that they do not want the system to be simplified at the expense of protection.” Given this, while we recognise government’s intention in seeking views on Option 1 (maximum simplification), this is out of step with what designers have asked for.

Option 2 of consolidating the unregistered designs framework would be in line with the aims of the consultation in simplifying unregistered designs while also keeping protections which designers strongly value. However, we would disagree with the preferred option of harmonising the term of protections at 5 years considering the consultation itself states this would “would reduce the total period in which a design right holder can benefit from their design”.

Alongside this reform, we would support government efforts to increase understanding of IP rights, processes, and enforcement avenues. This would ensure designers gain better understanding of the system especially in areas where protections have, out of necessity, a higher level of complexity.

Section G: Post-Brexit issues relating to unregistered designs

The UK design economy has a world-class reputation and is a major driver of exports. In 2019, it accounted for over £70bn in exports of which £55.9bn was service exports – 18% of all UK service exports². However designers continue to face practical difficulties from Brexit including through the lack of mutual recognition of disclosure. This has seen severe contractions to key service exports within design industries such as product and industrial design and architecture and the built environment.

¹ [Government to take a ‘test and learn’ approach with spending on AI and digital to push innovation - GOV.UK](#)

² [Design Economy 2022 Full Report.pdf](#)

The lack of mutual recognition of disclosure means that our Experts have reported that the current system complicates international collaboration, creates project timing challenges due to different disclosure rules, and involves confusing overlapping rights. Given this, we do not believe Option 0 to do nothing is a viable option.

While reform is therefore welcome, it must balance simplicity with strong and fair protection. **Option 2 of introducing a grace period of disclosure would be the clearest way of doing this.** While Option 1 of recognising simultaneous disclosure was also appealing there were concerns about the technical challenges involved with implementing it, including what constitutes simultaneous disclosure and incidents where simultaneous disclosure is not possible. We also acknowledge ACID's stance informed by legal practitioners that a case could be bought under this Option which has no tangible merit beyond the technicality of disclosure happening seconds later in one territory to another.

Section H: Call for Evidence on Criminal Sanctions and Section I: Call for Evidence on inclusion of registered designs in the IP Enterprise Court's small claims track

Experts were of the view that the current exclusion of registered designs from the IP Enterprise Court's small claims track was anomalous and so supported its inclusion. A recommendation to undertake such a change was included in the 2011 Hargreaves Review and it was viewed that this move was long overdue.

Although such a move would improve access to IP enforcement, there are limitations. Our Experts were clear that there is considerable work needed to embed greater understanding of enforcement procedures and the legal recourse available.

For Section H and I, we support ACID's legal view which builds on expert legal opinion, case law, and compelling case studies.