

EIP



Registered designs: prior art and the informed user's 'design awareness'

The Journal of Intellectual Property Law and Practice has published an article by Iain Russell, the head of EIP Designs, reporting a case which considered whether the function of a product covered by a registered design should be taken into account when assessing the overall impression that design makes on an informed user.

The case related to a dispute between Gimex International Groupe Import Export and The Chillbag Company Limited & Others over a Community registered design for an ice bag.

A registered design must be valid over any prior art, even if the prior art serves a different purpose, as assessed by the informed user who is characterised by their use of the product to which the registered design relates.

Iain's piece is the first Current Intelligence article to be included as part of a content exchange between the JIPLP and German publication GRUR Int. To read the JIPLP article in full, click [here](#), and an earlier newsflash by EIP [here](#).