

Foundation Certificate

FC4 Design and Copyright Law

Tuesday 21 October 2025

10:00 to 13:20 UK British Summer Time (GMT + 1 hour)

Examination time: 3 hours 20 minutes plus 10 minutes upload time

The 3 hours 20 minutes is allocated as follows:

10 minutes – Downloading and printing the question paper:

3 hours – Answering the questions:

10 minutes – Two screen breaks of 5 minutes each.

At 13.20 you MUST immediately stop answering the questions. You then have **10 minutes** in which to upload your Answer document to the PEBX system.

You MUST upload your Answer document to the PEBX system by 13.30. After 13.30 you will not be able to upload it and your examination will be void.

INSTRUCTIONS TO CANDIDATES

1. You should attempt **ALL** questions in Section A and any **three** questions in Section B.
2. The marks for each question in Section A are shown next to the question. Each question in Section B carries **20** marks.
3. If more than the required three questions are answered in Section B only the first three presented will be marked.
4. The total number of marks available for this paper is 100.
5. You must use the Answer document for your answers.
6. Do not attempt to change the font style, font size, font colour, line spacing or any other pre-set formatting in the Answer document.
7. Start each question on a new page. To begin a new page, press the control key and the enter key simultaneously.
8. When you begin a new question, type in the question number at the top of the page.
9. Do not state your name anywhere in your answers.

This question paper consists of **7 sheets** in total, including this sheet.

AT THE END OF THE EXAMINATION

10. Upload your Answer document to the PEBX system. You should upload it as a Word document. PEBX will automatically convert it to PDF.

SECTION A

Question 1

In relation to Section 253B CDPA, state the 'permitted purposes' in a communication concerning a threat of infringement proceedings in respect of design right?

6 marks

Question 2

Explain the particular requirements for UK design validity of component parts of complex products as set out in Section 1B(8) and Section 1B(9) RDA.

5 marks

Question 3

Explain who has the right to object to derogatory treatment and what is meant by 'derogatory treatment' according to Section 80 CDPA.

4 marks

Question 4

a) Who may be regarded as an innocent infringer under Section 24B RDA? Under what circumstances is the definition of innocent infringer applicable?

7 marks

b) What is the effect of a finding that an alleged infringer is indeed an innocent infringer?

2 marks

Total 9 marks

Question 5

a) Your client designed a new coat composed of panels of different textures. The design was disclosed first in the UK by the designer in August 2025. Please advise the client what protection is available in the UK for the design of the new coat.

3 marks

b) Explain what is the duration of the protection.

4 marks

c) Your client who designed the new coat composed of panels of different textures plans to license the design. Explain what is meant by 'exclusive licence'.

2 marks

Total 9 marks

Question 6

State which acts constitute infringement of copyright by 'copying' in accordance with Section 17 CDPA.

7 marks

SECTION A Total : 40 marks

SECTION B

Question 7

Sylvie, the CEO of your client, Chaise Ltd, has come to you for advice. Chaise makes items of garden furniture in wood and the CEO has brought you details of a distinctive new design for a handcrafted garden seat that has been designed in-house.

- a) Advise Sylvie on the proprietorship of the design.**

2 marks

A few weeks ago, the seat was demonstrated at a local garden centre to test the reaction of potential purchasers. Several people, including the Managing Director of the garden centre, one of Chaise's employees and one potential purchaser, took photographs of the seat. Sylvie is worried that an image of the new seat has appeared on the garden centre's website offering a very similar design of the seat for sale by a different manufacturer.

Sylvie has approached the Managing Director of the garden centre but has been told that the garden centre has registered the design and that if Chaise itself attempts to sell the design, the garden centre will take action for infringement. Details of the registration have been provided by the garden centre.

- b) Advise Sylvie of the risk of infringement of the garden centre's registered design and what action it can take to mitigate this risk.**

7 marks

- c) Advise Sylvie what action she can take to prevent the garden centre offering the design for sale, and why. Do not discuss copyright or unregistered design right of any form in your answer.**

11 marks

Total 20 marks

Question 8

Your client, Smell Ltd, a UK company, manufactures and markets perfumes and is proposing to repackage one of its products in a new shape of bottle designed by one of its employees. Smell Ltd advises you that it wishes to file an application to register a trade mark, but that it is open to alternative suggestions.

- a) **What alternative forms of protection can you suggest may be effective for Smell Ltd in the UK? (In your answer, do not address copyright issues and passing off.)**

3 marks

- b) **Identify the relative advantages and disadvantages of your suggestions.**

Advantages 7 marks

Disadvantages 10 marks

Total 20 marks

Question 9

A new client, Haircraft, a UK company, has produced a design for curling tongs, which it began selling in the UK some eight months ago. The curling tongs have sold extremely well and Haircraft wants to know what it can now do to protect the design in the UK.

- a) Advise Haircraft on the potential registrability of the curling tongs design in the UK.**

4 marks

Moreover, Haircraft is now receiving enquiries from other countries, France, Germany, China and the USA, and is interested to learn what can be done to protect the curling tongs in those countries before it pursues the enquiries.

- b) Advise Haircraft on what can be done to register the curling tongs design in France, Germany, China and the USA.**

5 marks

Haircraft informs you that it is working on a design for new curling tongs and has recently received initial design documents from an external consultant of Dutch nationality based in the UK. The design documents are creating considerable excitement within the company. The Marketing Director of Haircraft wants to advertise the new curling tongs tomorrow and asks you to explain briefly how best to protect the design in the UK, France, Germany, China and the USA in this situation.

- c) Give guidance on what is required to ensure Haircraft is the owner of the curling tongs design.**

5 marks

- d) Advise briefly how you would propose to best protect the new curling tongs design in the UK, France, Germany, China and the USA.**

6 marks

Total 20 marks

Question 10

Your client, Bricks plc, has designed and constructed an innovative hotel in Japan in 2021. A Bricks' employee constructed a scale model of the hotel as part of the bidding process. The scale model was first shown to the hotel owner in London and was subsequently given to the hotel owner for display purposes. Your client's detailed architectural drawings were also given to the hotel owner in London.

The hotel owner has made copies of the architectural drawings and sent the copies to UK, Germany and China construction companies without any reference to Bricks plc.

- a) **Advise Bricks as to the nature of any rights that may have arisen from the construction of the hotel in Japan and what action may be taken. Consider each of Japan, the UK, Germany and China. For your answer, address copyright issues only.**

10 marks

- b) **Advise Bricks as to the nature of any rights that may have arisen from the scale model. Again, consider each of Japan, the UK, Germany and China. For your answer, address copyright issues only.**

5 marks

- c) **Advise Bricks as to the nature of any rights that may have arisen from the drawings given to the hotel owner. Again, consider each of Japan, the UK, Germany and China. For your answer, address copyright issues only.**

5 marks

Total 20 marks