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1. Permitted purposes include: making the recipient aware that a design right exists, providing details of the design right and the design right owner, attempting to identify the infringer, notifying the recipient of the reasonable steps taken to identify the infringer, providing details of acts which, if performed, would constitute an infringement of design right. The information in a communication for a permitted purpose must be reasonably believed by the sender to be true, and it must be necessary for the purpose of the communication.

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2. A complex product comprises two or more replaceable component parts.

In order for the component parts to be registrable, they must remain
 visible once incorporated into the complex product during normal use by
 the end user, which does not include maintenance, service, or repair. The
 visible features of the component parts must themselves be new and
 possess individual character. The visible features will be new if no
 identical design, or no design which differs only in immaterial details from
 the design has been made available to the public before the relevant date.
 The visible features will possess individual character if they produce on
 the informed user a different overall impression than the overall
 impression produced on the informed user by designs made available to
 the public before the relevant date, considering the designer's degree of
 freedom.

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3. The author of a copyright work has the right to object to derogatory treatment of the work, regardless of whether they are the copyright owner. ✓0.5
- Their right to object to derogatory treatment is not infringed if it is not asserted. Derogatory treatment includes any addition, alteration, ✓0.5 adaptation or deletion, which is not simply a translation of a literary work ✓0.5 (other than a computer program), or an arrangement or transcription of a musical work. Derogatory treatment is anything which distorts or mutilates the work, or is prejudicial to the honour or reputation of the author. ✓1

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4. a) It is infringement of the right in a UK registered design to use the design, in the UK, without the consent of the registered proprietor, while the UK registered design right is in force. It is the exclusive right of the registered proprietor to use the design. Use is defined as: making, offering, putting on the market, importing, or exporting a product to which the design is applied or to which it is incorporated, stocking a product for any of those purposes, or using such a product.

An innocent infringer is an infringer who was not^{✓0.5} aware, and had no reason to believe^{✓0.5}, the design was registered.

If a product is marked with the word "registered"^{✓0.5} but is not accompanied by the number of the design^{✓0.5} or a relevant internet link^{✓0.5}, then this will not give a person reason to believe the design is registered. Therefore, if a person uses a product marked with the word registered, but they did not know the design is registered, they are an innocent infringer.

- b) No damages^{✓0.5} or account of profits will be granted in relation to infringement proceedings where the infringer is an innocent infringer.

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5. a) The design was first disclosed in August 2025 by the designer in the UK.

✓¹
Supplementary Unregistered Design (SUD) right subsists in a design first made available to the public in the UK after 1 January 2021. The coat was first disclosed in the UK in August 2025 therefore SUD subsists. SUC subsists in features of the appearance of the whole or part of a product in particular lines, shapes, colours, contours, materials, textures, and surface ornamentation. There it will subsist in the composition of panels and their textures.

✓¹
UK unregistered design right (UKUDR) subsists in the shape or configuration of the whole or part of an article, whether internal or external. UKUDR subsists in the configuration of the different panels. UKUDR subsists in a design which may qualify for UKUDR by reference to a designer, or their employer, or if neither the designer nor their employer, then the first marketer, if any of these are a qualifying person. An individual is a qualifying person if they are habitually resident in the UK or another qualifying country. We do not know if the designer is a habitual resident of the UK or another qualifying country, but if they are, the design will qualify for UKUDR. The designer is also the first marketer of the design, therefore the same conditions apply.

✓^{0.5}
b) The duration of Supplementary Unregistered Design is 3 years from the date it was made available to the public through publication, exhibition, use in trade, or other disclosure. The SUD will have a duration which ends

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3 years from the date of the disclosure, some time in August 2028.

The duration of the UK unregistered design right is the shorter of: 15 years^{✓0.5} from the end of the calendar year in which the design was first recorded in a design document or articles were made to that design; or, if the work was made available to the public by sale or hire within 5 years^{✓0.5} of the end of the calendar year in which the design right began to subsist, 10 years^{✓0.5} from the end of the calendar year in which the design was first made available to the public.

The duration will end 10 years from the end of 2025, i.e. the end of 2035, or 15 years from the end of the calendar year in which the design was first recorded in a design document or articles were made to that design, if earlier.

c) An exclusive licence is a licence which gives the licence holder the right to exercise a right which would otherwise be the^{✓1} exclusive right of the design right owner, to the exclusion of all others including the person granting the licence.^{✓1} An exclusive licensee has, except against the design right owner, the same rights and remedies in relation to acts performed after the date the licence was granted as if the licence had been an assignment.

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6. Infringement of copyright by copying includes reproducing the whole or a substantial part of the work in any material form, including making electronic copies. Reproducing the work means copying the work exactly or substantially.

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7.

a) The first owner of a design is the designer, unless the design was created in the course of employment in which case the first owner is the designer's employer, subject to any agreement to the contrary. The seat was designed in-house^{✓1} which suggests it was created in the course of employment with Chaise and therefore Chaise is the owner of the design.^{✓1} Chaise is entitled to apply to register the design.

b) Chaise have not registered their design. Therefore the garden centre has an earlier registered design and Sylvie is at risk of infringement.^{✓1} Check when the design was registered, firstly to check whether the application was filed before or after the demonstration, but also to check that the registered design right is in force.^{✓1}

Chaise may have a prior user right in the design.^{✓1} If their use was in good faith, if they made serious and effective preparations to use the design, and their use or preparations began before the date the application was filed or was treated as filed, then they will have the right to use or continue to use the design. Chaise have at least prepared to manufacture seats to that design. Chaise should prepare evidence of their prior use, and use that as a defence to infringement.

There can be no infringement of a UK registered design before the certificate of grant of registration is issued, therefore Chaise should determine when the registration was granted, as their use before that date is not infringement.

Chaise have now been put on notice by the proprietor of the UK registered design right, and no longer have the defence that they are an innocent infringer.

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Therefore they should cease potentially infringing activities to minimise the damages which accrue.

The scope of protection of a registered design is the design and any design which does not produce on the informed user a different overall impression, considering the degree of freedom of the designer.^{✓1} The informed user would be a person familiar with the design corpus of garden seats. The degree of freedom is quite large so large differences may be needed to differentiate between Chaise's seat and the garden centre's seat. The seats are described as similar, however, Chaise could prepare an argument that the overall impression of their seat is different to the garden centre's seat.

It is infringement to use a UK registered design in the UK, without the consent of the proprietor, while the UK registered design right is in force. Chaise could approach the garden centre and try to negotiate a licence to manufacture and sell their chair in the UK,^{✓1} although this does not seem likely because the Managing Director does not seem amicable.

A UK registered design right is not enforceable outside the UK. If the garden centre do not have any corresponding registrations outside of the UK, Chaise could market their chair outside the UK.

Check the details of the registration to see what is protected. The chair is wooden and hand-crafted. If, for example, the registration specifies a wooden material, Chaise can begin to manufacture the seat in a different material without infringing, as long as the new chair has a different overall impression than the wooden chair.

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c) Chaise have the standing to bring invalidity proceedings against the UK registered design right held by the garden centre. ✓1

Anyone can bring invalidity proceedings on the basis that a design is not new and does not have individual character over a design which was made available to the public before the relevant date. A design is made available to the public if it is published, exhibited, used in trade, or otherwise disclosed before the relevant date which is the filing (registration) date of the garden centre's UK registered design.

The demonstration constitutes a disclosure because it could have reasonably become known in the normal course of business in the UK or European Economic Area to those carrying on business and specialising in the sector concerned. ✓1

The demonstration took place in the UK, at a place of business where garden furniture is sold. The Managing Director, an employee of Chaise and a potential purchaser (if they are a distributor or retailer) all saw the chair, and arguably those people specialise in the sector of garden seats.

The garden centre's chair is described as "similar" to Chaise's "distinctive" seat design. It appears Chaise's chair was made public before the date of registration of the garden centre's registered design. Therefore it is arguable that the garden centre's application was neither new or possessed individual character. ✓1

Chaise also have standing to bring invalidity proceedings on the basis of entitlement. Chaise are the proper proprietor of the design, because the chair was designed in-house then seemingly copied by the garden centre and their

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manufacturer. The proper proprietor may bring invalidity proceedings against the design.

Chaise should file an application for their design as soon as possible^{✓1}. Chaise have disclosed their design; however, in the UK, a disclosure is not prejudicial to novelty or individual character if it is made by the designer or their successor in title (Chaise) to a party who is not the designer or the successor in title in the 12 months immediately preceding the relevant date (the application for registration). The demonstration was only a few weeks ago therefore Chaise may still apply for registration of the design. Designs are not examined for novelty in the UK, therefore the garden centre's design registration will not prevent Chaise's application from being registered.

The registered proprietor of a UK registered design has the exclusive right to use (including making, offering and putting on the market) the design in the UK while the right is in force. Therefore as the registered proprietor of the design, Chaise can bring infringement proceedings against the garden centre for selling chairs in which the design is incorporated^{✓1}. Remedies include damages, account of profits, and injunction or other remedies available in respect of other intellectual property rights^{✓1}. Chaise could obtain a permanent injunction to prevent the garden centre offering the design for sale.^{✓1}

Chaise could obtain a permanent injunction against the garden centre's manufacturer to prevent them from manufacturing the chair in the UK, if it is manufactured in the UK.

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9.

a) UK registered design right (UKRDR) subsists in the features of appearance of the whole or part of a product, in particular arising from the lines, shape, contours, material, colour and texture, including its ornamentation.

UKRDR does not subsist in the appearance of features which are dictated solely by the product's technical function. Therefore, UKRDR will not subsist in any features of the curling tongs which are dictated solely by their function as a hair tool.

In order to be registrable in the UK the design must be ^{✓1}new in that it differs in more than immaterial details from any designs made available to the public before the relevant date (date of filing of the application). The design must also have individual character ^{✓1}in that it produces a different overall impression on the informed user than the overall impression produced on the informed user by designs made available to the public before the relevant date (date of filing of the application).

The curling tongs have already been made available to the public on sale.

However, the design is still registrable because the UK has a 12 month grace period for disclosures made by the designer or their successor in title to persons other than the designer or their successor in title in the 12 months immediately preceding the filing of the application for a registered design. ^{✓1}

Haircraft should file an application as soon as possible, but definitely within 12 months of their first disclosure.

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b) China does not have a grace period for disclosures made by the designer or their successor in title. Therefore the sale of the curling tongs will be deemed a prior disclosure. There is no novelty exam for designs in China; however it is likely the design would be invalidated. ✓1

The USA has a 12 month grace period for disclosures of a design made by the designer or their successor in title.

France and Germany are European countries which may be protected by a Community Registered Design. The EU has a 12 month grace period for disclosures made by the designer or their successor in title in relation to Community Registered Designs. ✓1

Haircraft should file an application for a UK Registered Design (as soon as possible) and then file subsequent applications to protect the design in France, Germany and the USA within 6 months of the date of filing of the UK Registered Design application, claiming priority from the UK Registered Design application. ✓1

The applications should be made within 12 months of the first disclosure.

In order to protect the design in France, Germany and the USA it would be possible to file: national applications in all three countries; a Community Registered Design application and a US design application; a Hague application designating the EU and the USA; a Hague application designating France, Germany and the USA. ✓1

Haircraft are entitled to file a Hague application because they have a real and effective commercial or industrial establishment in the territory of a contracting ✓1

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party, because they are a UK company who appear to have a commercial establishment in the UK.

c) The first owner of a design is the designer, unless the design is created in the course of employment in which case the employer is the first owner subject to any agreement to the contrary. ^{✓1} The first owner of the design, or their successor in title, are entitled to be granted registration for that design. A consultant is not an employee therefore it is necessary to obtain an assignment of the design for the new curling tongs such that Haircraft becomes the consultant's successor in title and may apply to register the design.

The assignment must be in writing, signed by the assignor, and accompanied by evidence. ^{✓1} The assignment of UK Registered Design right is also taken to be the assignment of UK Design right.

A design may qualify for UK unregistered design right by reference to a qualifying person. An individual such as the Dutch consultant is a qualifying person if they are a habitual resident of the UK or another qualifying country. ^{✓1} Since the Dutch consultant is based in the UK, they are a qualifying person and the new curling tongs qualify for UK unregistered design right. Haircraft must ensure that the assignment covers all rights in the design of the new curling tongs, including registered and unregistered rights.

Haircraft should also ensure that the assignment includes the design documents themselves, not just the design. ^{✓1} It is not infringement of copyright in a design document to make articles to that design.

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d) There are no unregistered design rights in either the USA or China. There are UK unregistered rights which are the Supplementary Unregistered Design right and the UK Design Right. There is also an unregistered design right for Europe which is the Community Unregistered Design right. ✓1

For Supplementary Design right to subsist, the design must be first made available to the public in the UK. For Community Unregistered Design right to subsist, the design must first be made available to the public in the Community (European Union). In order for these rights to subsist and protect the design in the UK (SUD), France and Germany (CUD), the designs should be made available in the UK and EU simultaneously.

File an application for UK Registered Design right today, before disclosing it tomorrow. The application will not publish on the same day, therefore it will not be made public until after it is disclosed simultaneously in the UK and EU.

File applications for registered design rights to protect France, Germany, China, and the USA within 6 months of filing the UK Registered Design application and claim priority from the UK application. 6 months from today is 21 April 2026. File the UK application today and any other applications by 21 April 2026. ✓1

No intervening acts which occur between the filing of a priority application and the filing of a subsequent application may invalidate the subsequent application if priority is validly claimed by the subsequent application. Therefore the applications to protect France, Germany, China, and the USA will not be invalidated by the public disclosure planned for tomorrow.

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While it would be possible to file individual national applications, the most cost-effective method of protecting the design in the UK, France, Germany, China, and the USA, is to file a Hague application claiming priority from the UK application by 6 months from today, 21 April 2026. ✓1

The Hague application may designate either Europe, China, and the USA, or France, Germany, China, and the USA. ✓1

Only one representative will be required to file the Hague application rather than requiring representation in each country for individual filings. The application may be filed in English.

Haircraft are entitled to file a Hague application because they have a real and effective commercial or industrial establishment in the territory of a contracting party, because they are a UK company who appear to have a commercial establishment in the UK.

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10.

a)

The hotel is an original work because it reflects the skill and labour of the designer and it is described as “innovative.”

Contracting states to the Berne Convention constitute a Union. In countries of the Union other than the country of origin, authors will enjoy rights in their copyright works that their respective laws do now or hereafter grant their nationals, as well as rights specifically provided by the Berne Convention.

The country of origin of an architectural work is the country of the Union in which the architectural work is erected.

The hotel is a copyright work because it is a work of architecture consisting of a building. ✓1

Bricks plc. are the owner of the copyright. ✓1 The author is the first owner of copyright, unless the work is created in the course of employment in which case the employer is the first owner of the copyright. Bricks plc. designed the hotel, which suggests the architect is an employee of Bricks.

The design and construction of the hotel was in 2021. Copyright subsists for 70 years from the end of the year in which the author dies when the author is known. Therefore copyright will subsist in the UK until 2091 unless the author of the work is not a UK national. If the country of origin is not the UK and the author is not a UK national, copyright will subsist for the duration as in the laws of the country of origin, as long as it does not exceed 70 years from the end of the year in which the author dies when the author is known.

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The copyright owner has the exclusive right to copy the work and issue copies of the work.

It is secondary infringement to possess, sell, hire, offer for sale or hire, exhibit or distribute, in the course of business or other than in the course of business such that it prejudicially affects the copyright owner, articles manufactured or specifically adapted to make infringing copies when the infringer knows, or it would be reasonable for them to know, that the article is suitable for making infringing copies.

The hotel owner distributed architectural plans suitable to make an infringing copy of the hotel in the course of business as he sent them to construction companies. The construction companies possess the plans in the course of business.

The copyright owner may bring copyright infringement proceedings in the UK. ^{✓1}

The remedies available are damages, account of profits, injunction, or any other remedy available in respect of another intellectual property right.

The copyright owner may obtain an injunction to prevent further copies of the architectural plans being distributed, or an order for them to be delivered up or destroyed.

The designer of an architectural work has the right to be identified as the author of the work on buildings or the first building constructed to that design, or when a graphical representation of the work, or a photograph depicting it, are exhibited to the public.

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The architectural work of the hotel will be protected by copyright in Europe (including Germany), Japan, and China.^{✓1} Japan is the country of origin.

b) The scale model of the hotel is a copyright work because it is a work of architecture consisting of a model for a building.^{✓1}

The country of origin is the UK because the work was first published (made available to the public) in the UK, which is a country of the Union under the Berne Convention.

It is the exclusive right of the copyright owner to copy the work, issue copies to the public, perform show or play the work in public, communicate the work to the public, adapt the work, do any of those acts in relation to an adaptation, or authorise another to do any of those acts.

It is infringement to do anything which is the exclusive right of the copyright owner without their consent. It is therefore infringement for the hotel owner in London to show the work of architecture comprising a scale model to the public.

The architectural work comprising a scale model of the hotel will be protected by copyright in Europe (including Germany), Japan, and China.^{✓1} The UK is the country of origin.

c) The detailed architectural drawings are a copyright work because they are an artistic, graphic work, comprising a diagram or plan.^{✓1}

The country of origin is the UK because the work was first published (made available to the public) in the UK, which is a country of the Union under the Berne Convention.^{✓1}

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It is the exclusive right of the copyright owner to copy the work, issue copies to the public, perform show or play the work in public, communicate the work to the public, adapt the work, do any of those acts in relation to an adaptation, or authorise another to do any of those acts.

Bricks plc. are the copyright owner, because their employee is the designer who created the model in the course of employment. ✓1

It is infringement to do anything which is the exclusive right of the copyright owner without their consent. It is therefore infringement for the hotel owner in London to make copies of the drawings and issue copies of the drawings to the public, in this instance, Bricks plc. ✓1

The author who created a graphical artistic work has the right to be identified as the author when the work is published commercially, when the work is exhibited in public, and when copies of the work are issued to the public. The author who created the architectural drawings has the right to be identified when any of these acts occur in relation to the architectural drawings. Their right is not infringed unless it is asserted.

The artistic work comprising architectural plans of the hotel will be protected by copyright in Europe (including Germany), Japan, and China. The UK is the country of origin.

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