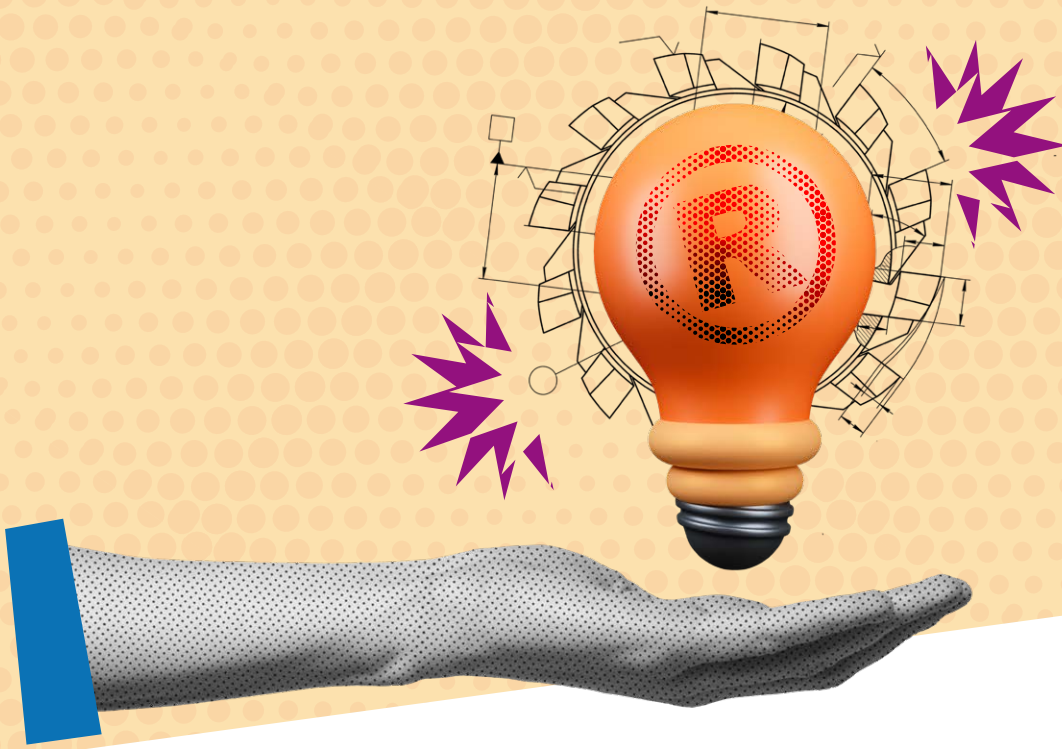


The **i**NTERPATENT newsletter



MAY 2025

EU DESIGN REFORM: KEY HIGHLIGHTS OF THE CHANGES ENTERED INTO FORCE ON 1 MAY 2025

In our past newsletter editions ([April 2024](#) and [November 2024](#)) we reported the formal adoption of the EU design reform comprising:

- [Regulation](#) (EU) 2024/2822 of the European Parliament and of the Council of 23 October 2024, amending Council Regulation (EC) No 6/2002 on Community designs and repealing Commission Regulation (EC) No 2246/2002, (the **Amending Regulation**)
- and
- [Directive](#) (EU) 2024/2823 of the European Parliament and of the Council of 23 October 2024 on the legal protection of designs (so-called **Recast Directive**)

As previously announced, whereas the Recast Directive provides for a period of 36 months (i.e. within 9 December 2027) within which EU Member State will have to transpose the rules contained in the Directive into their own national laws, the Amending Regulation provides for a **two-phase implementation of the changes, i.e. Phase 1, starting on 1 May 2025, and phase 2, starting on 1 July 2026.**

Here below we will briefly summarize the key

changes introduced by **Phase 1** of the Reform entered into force the first day of this month:

Broadened Definitions

- The **definition of 'design'** has been widened to include **animation**, to be understood in a broad sense, encompassing both movement and transition.
- The **definition of 'product'** has been updated to explicitly include **non-physical elements**; a 'product' is considered as any industrial or handicraft object - excluding computer programs - regardless of whether it is incorporated in a physical object or rendered in non-physical form. Furthermore, the list of what constitutes a product now expressly includes sets of articles, the arrangement in space of items intended to form an interior or exterior environment and parts intended to be assembled into a complex product, as well as graphic works, symbols, logos, surface patterns and graphical user interfaces.

Exclusive rights and limitations

- Design protection was clarified to be covering features that are visibly shown in the application. However, design features do not need to remain visible at all times during use in order to benefit

from protection. The only exception to this principle applies to the protection of component parts of a complex product, which need to remain visible during normal use of the product.

- The scope of exclusive rights conferred by a design has been expanded to include 3D printing; creating, downloading, copying and sharing or distributing to third parties any media or software in which the design is registered also constitute infringing uses of a design.
- Two new **limitations** to exclusive rights have been introduced:
 - Acts intended to **identify or refer to** a product for interoperability purposes.
 - Uses for **commentary, critique, or parody**, supporting freedom of expression.
- The transitional '**repair clause**' has become a permanent provision and clarifies the exception to design protection for spare parts used in the repair of complex products (e.g. cars). This clause clarifies that there is no protection for a design which constitutes a component part of a complex product for the purpose of the repair of that complex product so as to restore its original appearance. This exception applies exclusively to repair purposes and the replacement part must match the appearance of the original piece.
- A system of **design notices** has been implemented allowing right holders, or third parties with their consent, to display a notice on their products to raise awareness of the existence of the design right; the notice, which consists of the **symbol** ®, is intended to facilitate the marketing of designs and improve the visibility of their protection.

Filing and Examination of registered EU designs

- **Centralised filing:** EU design applications now have to be filed directly with EUIPO (they can no longer be filed through national offices), with the aim of simplifying the procedure and reducing complexity.
- **Filing date:** Payment of the filing fee must be made within one month in order to secure filing date.
- The '**unity of class**' requirement has been eliminated, allowing multiple applications that include designs from different classes; however, a limit of 50 designs per application has been introduced.
- **Deferred publication** is no longer subject to payment of a publication fee, so design owners can no longer prevent publication through non-payment, but have to explicitly renounce designs they do not wish to be published; non-payment of the deferment fee at the time of filing results in rejection of the application.

Fees

Several **changes have been made to the fees**, including:

- **Unified application fee**, combining registration and publication costs.
- **Increased renewal fees**
- New fees for:
 - **Continuation of proceedings**
 - **Modifications** of registered EU designs
- Reduced fees for:
 - **Declarations of invalidity**
 - **Appeals**
- Abolished fees including:
 - Late registration fee
 - Deferred publication fee
 - Transfer registration fee
 - Licence cancellation fee
 - File consultation and information provision
 - Certified/unofficial copy requests

Renewal of an EUD

- EU design renewals now align with EU trademark rules.
- A registered EU design will expire on its **exact expiry date**, not at the end of the month.
- The **six-month grace** period begins immediately after the expiry date.



Entitlement

- Clarifications have been made on the appropriate authority to handle **entitlement matters** and clarifies that a request for a change of ownership through entitlement proceedings can be filed by the person who is entitled. These changes ensure that rightful holders can directly request a change of ownership rather than having first to invalidate the design.

We will keep you updated on **Phase 2** changes introduced by the Regulation, which need to be further developed through secondary legislation.

Of course, our attorneys at INTERPATENT are available to help you navigate through these important changes and better manage your Clients' design portfolio. Please do not hesitate to contact us for any clarification or need.

EUIPO SME FUND – VOUCHER 3 (PATENTS) AND VOUCHER 4 (PLANT VARIETIES) DUE TO REOPEN SOON

As you know, the SME Fund managed by the European Union Intellectual Property Office (EUIPO) offers European and Ukrainian small and medium enterprises the opportunity to benefit from partial reimbursements in several fields of Intellectual Property.

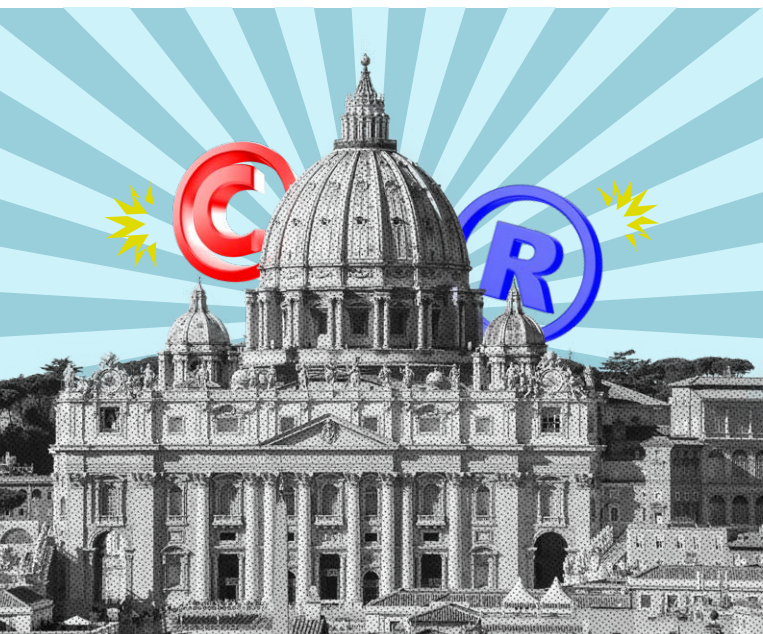
Out of the four parts making up this Fund, Voucher 1 (relating to IP Scan activities, which, however, are not offered by the Italian Patent and Trademark Office) and Voucher 2 (trademark and design protection at national, regional and EU levels) of the 2025 edition are currently open.

The European Union Intellectual Property Office (EUIPO) has recently announced that **Voucher 3** - dedicated to patent-related activities - including patent searches and patent fees for national patent protection as well as for European patent applications - and **Voucher 4** - concerning protection of plant varieties in the EU, i.e. before the Community Plant Variety Office (CPVO) - which have been closed for some time because of exhaustion of funds due to the high number of requests received, **will reopen on 2 June 2025**.

Not to miss the opportunities offered by this Fund, do not hesitate to rely on the expertise of our IP professionals to obtain the various Vouchers for better protecting IP rights before the Italian Patent and Trademark Office, the EPO, the EUIPO and the CPVO.



PROTECTING THE IDENTITY OF THE VATICAN STATE THROUGH INTELLECTUAL PROPERTY



The recent election of the new Pope has sparked renewed interest in intellectual property in the Vatican.

The **Vatican City**, officially the Vatican City State, or simply the Vatican, being a sovereign country and seat of the Catholic Church, **adopts a very rigorous protection of its religious symbols and its identity**, using IP instruments such as trademark and domain name registrations, to protect logos, emblems, names and official symbols (for example, papal coat of arms, logos of events such as the Jubilee, expressions such as "Habemus Papam").

Trademark protection serves to combat counterfeiting, to maintain control over the use of symbols and to safeguard the sacredness of

religious signs, also to prevent them from being used improperly or commercially without authorization.

Trademarks registered by Vatican - or its bodies and institutions - include, among others:

- “**Peregrinatio Ad Petri Sedem**”, i.e. the partial representation of the coat of arms of the Vatican City State;
- “**Vatican Media**”, the official trademark for the distribution and protection of sounds, images and videos relating to the activity of the Pope and the Holy See, said trademark being managed by the Dicastery for Communication of the Holy See;
- “**Basilica di San Pietro**”, registered both as word mark and figurative mark by La Fabbrica di San Pietro in Vaticano (Saint Peter's Factory: The Vatican School of Arts and Crafts);
- “**MV**” o “**EMV**”, i.e., the trademarks of the Vatican Museums, registered by the Directorate of Museums and Cultural Heritage - Governorate of the Vatican City State;
- “**Stato della Città del Vaticano**”, registered in the United States of America.

Protection for trademarks, as well as for patents and designs in the Vatican City State must be applied for at the **Italian Patent and Trademark Office (UIBM)**.

Indeed, registration of a trademark in Italy not only confers protection within the Italian territory and in the Republic of San Marino, but it is also recognized in the Vatican City, thanks to the bilateral agreements in force between these States.

In other words, a trademark registered in Italy is automatically protected also within the Vatican territory, without the need for a specific separate registration procedure in the Vatican City State.

However, the same does not apply to European Union trademarks, which protect all EU Member States, but does not automatically include the Vatican. Therefore, to obtain protection in the Vatican, it is necessary to proceed with a national filing in Italy.

The Vatican City State has also taken steps to protect its **domain names**.

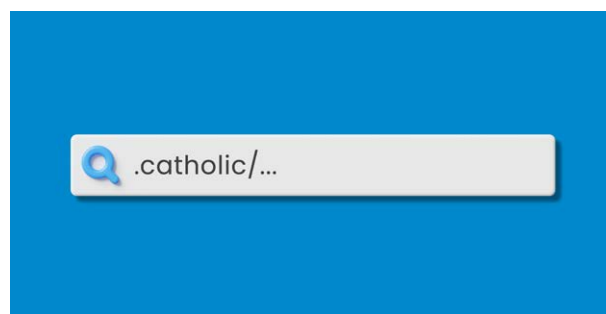
The national first-level domain name allocated to the Vatican City is .va, a Country Code Top Level Domain (ccTLD), as the Vatican is a sovereign state.

Yet, unlike other ccTLDs, which can be registered by anyone, the registration of domain names with the .va extension is reserved exclusively for official Vatican bodies, such as institutions, departments

and offices of the Holy See; in fact, it is not possible for private individuals or external companies to register domains with this extension.

Official Vatican websites also use second-level domain names within the .va domain, such as **vatican.va**.

The domain **.catholic**, instead, can only be registered by Catholic religious organisations and schools, providing a unique identifier for websites related to the Catholic faith.



The Vatican City also uses the instrument of **copyright** to protect its symbols, names or logos.

Copyright protection in the Vatican City is now regulated by Vatican Law of 19 March 2011, No. CXXXII “on the protection of copyright and related rights”, which has entirely replaced the previous legislation which provided for the Italian legislation on copyright to apply also to the Vatican (Law No. 633 of 22 April 1941).

The Vatican Copyright Law consists of only eight articles. According to Article 1, the Italian Copyright Law applies on a supplementary basis to any matter relating to the protection of copyright involving the Vatican City and which is not specifically regulated by the Vatican Copyright Law. It is, in fact, provided that Italian law is applicable as long as it is not in conflict with divine law, with the general principles of canon law, with the provisions deriving from international treaties signed by the Holy See or with the provisions of the Lateran Pacts and subsequent agreements between Italy and the Vatican City and is applicable in relation to the specific case.

Furthermore, it is worth noting that the Holy See is a member of the Berne Convention for the Protection of Literary and Artistic Works, under which “*authors shall enjoy, in respect of works for which they are protected under this Convention, in countries of the Union other than the country of origin, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention*”.

This means that the rights conferred by the Vatican Copyright Law and/or by the Italian Copyright Law on a work are applicable in all countries adhering to the Berne Convention (including France, Germany, Italy, the United Kingdom and the United States of America).

But can religious symbols or names be protected only by the Vatican City?

Theoretically, the answer is no. In fact, third parties are allowed to register religious symbols as trademarks (think for example of local religious communities). However, there are some important limitations to consider.

First of all, Article 10 of the Italian Industrial Property Code prohibits the registration of well-known symbols that are of public interest, such as many religious symbols, unless the competent authority authorises such registration.

The law aims to prevent religious symbols of great public and cultural relevance from being monopolized or commercially exploited by private individuals without authorization, thus protecting the collective interest and religious sensitivity.

Furthermore, registration may be denied if the

trademark is contrary to the law, public order or morality or if it is devoid of distinctive character.

Italian case law, for example, has often denied the registration of trademarks that use universally recognized religious names or symbols (such as "Jesus", "Mother Mary", "Buddha"), considering that they do not have sufficient distinctive character or that they may be offensive to religious sentiment, and therefore contrary to public order.

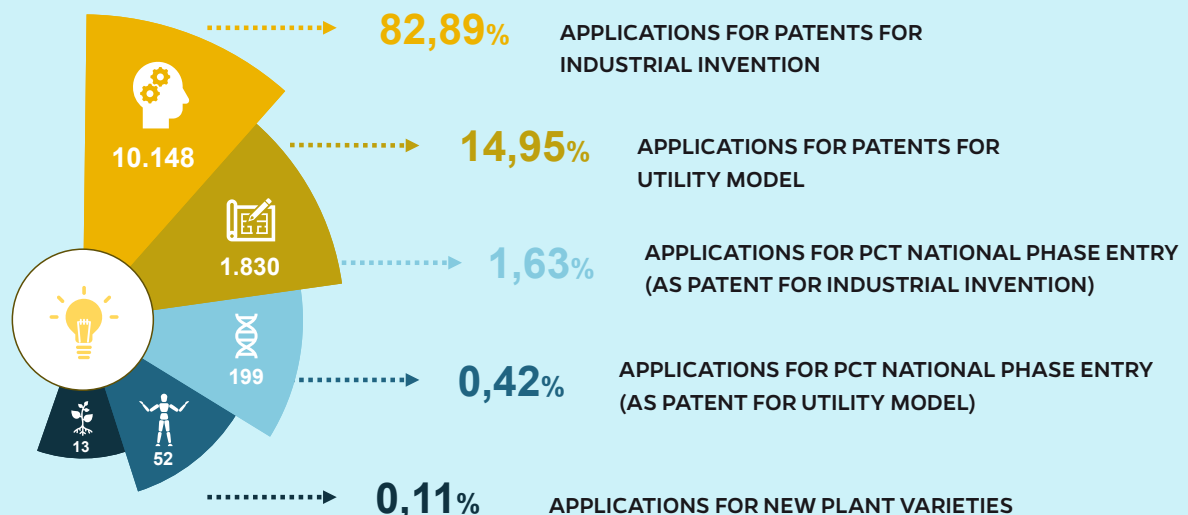
In fact, the Italian Court of Cassation ruled that the trademark "BUDDHA" was invalid due to a lack of distinctive capacity because *"it not only evokes a religion, but also communicates adherence to or in any case interest in a philosophy and a lifestyle that are connotative of a custom that is now pertinent to the most diverse manifestations of social action, from literature to music, from the figurative arts to cooking, so much so that it has become fashionable"*.

In the light of the above, if your Clients want to protect a religious symbol or a name that can recall the religious world - whatever it is -, it is advisable to ask for an opinion from an expert in intellectual property, to avoid the risk of receiving disputes. In this regard you may wish to contact our professionals at email@interpatent.com.

2024 WITNESSED A YEAR OF GROWTH IN NATIONAL PATENT FILINGS IN ITALY

Italy's innovation ecosystem demonstrated resilience and dynamism in 2024, as highlighted in the annual report by the Italian Patent and Trademark Office (UIBM).

Here below is a diagram, published by the UIBM, of the percentages of national patent applications in 2024.



Of the total number of 12,242 national patent filings in Italy in 2024, the lion's share is made up of applications for industrial invention patents (10,148 marking an increase of 7.4% compared to 2023, which reflects a growing trend in innovation across various sectors), whereas utility model applications experienced a slight decline of 1.1%, totaling 1,830.

Lombardy ranks first among the regions of origin of Italian applicants. Other top applicant Italian regions are Emilia-Romagna, Veneto and Piedmont.

Requests for PCT national phase entry in Italy in 2024 total 251, with an overall 14% increase compared to 2023.

Reported below are the numbers, provided by the Italian Patent and Trademark Office, of the **top applicants for PCT national phase entries** as patent applications for industrial invention and as patent applications for utility model **in Italy in 2024**.

2024 Filings			
Patent applications for industrial invention		199	
Count by applicant's origin	CN	47	
	US	39	
	JP	30	
	IT	28	
	DE	16	
	TR	7	
	ES	5	
	FR	4	
	LU	4	
	BR	3	
	CZ	2	
	KR		
	RO		
	SE		
	SG		
	TH		
	CH	1	
	GB		
	GI		
	IE		
Patent applications for utility model		52	
Count by applicant's origin	CN	24	
	US	14	
	ES	3	
	IT		
	FR	2	
	AU	1	
	DE		
	FI		
	HU		
	KZ		
	PL		

It is also worth noting that the number of requests for examination before UIBM of PCT international patent applications indicates a growing international interest in the Italian market by foreign companies, particularly from China, Switzerland, Germany and the United States.

The report further shows a drop in EP validations in Italy, primarily due to the introduction of the Unitary

Effect for European Patents in June 2023.

Notwithstanding this reduction in EP validations, the data contained in the 2024 Patent Report published by the Italian Patent and Trademark Office indicate a positive outlook for Italy's innovation landscape and reaffirms Italy's role as a hub for technological innovation.

The aim of this newsletter is to keep our Clients and Associates updated about developments in the sector of Intellectual Property in general and our firm in particular. In this way, we wish to provide a broader view of the tools that the field of trade marks, domain names, patents, designs and related rights offers to entrepreneurs to enhance and protect their efforts in researching and developing new solutions and ideas.



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INTERPATENT Studio Tecnico Brevettuale S.R.L. - Registered Office Via Caboto, 35 - 10129 TORINO - Share Capital € 50000

Company Register of Torino 08327040013 - Fiscal Code and VAT Registration Number 08327040013

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email@interpatent.com - www.interpatent.com

