



Indication for registered designs

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1. Background and Objectives of the Project

Background

In recent years, many countries and regions have seen a growing presence and significance of design in industrial businesses.

Accompanying this trend, the number of design registrations is rising globally as many companies in each country and region are actively obtaining design rights expecting beneficial effects from deterring competitors, eliminating counterfeits, and promoting designs to business partners and customers.

However, the reality is that such effects may not always work efficiently because it is not evident to those other than the right holder whether the design rights have been obtained, solely from looking at products themselves or catalogues or websites where such product is included.

The registration number or mark granted by the design rights holder, among other things, indicates that the design is registered and communicates the fact that the design rights have been obtained. This could potentially enhance the deterrent effect on third parties and provide an opportunity to demonstrate the strength and capability of the design.

Objectives

By conducting a comparative study on each country and region's means for indicating design protection for registered designs, the project will identify information that each Partner Office, within its possible range, collected and recorded regarding how often the indications are utilized by users, and then summarize the results of the Study, and highlight the beneficial effects and merits of the indication for registered designs.

Furthermore, the project aims to consider the establishment of the common registered design mark indication system among the ID5 Partner Offices.

2. Overview of Project Activities

At the ID5 midterm meeting in June 2022, the lead office proposed the " Indication for registered designs" project, with a view to exploring the feasibility of an ID5 common registered design mark indication system among the Five Offices, and received support from the partner offices. At the ID5 annual meeting in October 2022, the project including a comparative study of indication system for registered designs in each country and region was adopted, and in 2023, a comparative study using a questionnaire was conducted. The items of the study are as follows.

< Items of QUESTIONNAIRE ON INDICATIONS FOR REGISTERED DESIGNS >

I. INDICATION OF DESIGN REGISTRATION NUMBER

II. INDICATION OF REGISTERED DESIGN MARK

III. INDICATION OF COMMON REGISTERED DESIGN MARK AMONG ID5 OFFICES

IV. Other IP Laws

At the midterm meeting in April 2024, challenges toward the feasibility of an ID5 common registered design mark indication system were identified, and a proposal was made to leave the introduction of a registered design mark indication system to the discretion of each office. At the ID5 annual meeting in December 2024, it was agreed to compile the information obtained from each office and prepare a report on this project.

At the ID5 annual meeting in October 2025, the draft report was adopted and it was agreed that the project would be finished with the publication of the report for users.

Timeline of Project Activities

Time	Activities
June 2022 Midterm meeting	The project was proposed by the lead offices.
October 2022 Annual meeting	The project was adopted by the partners.
April 2023	The lead offices sent the questionnaire.
June 2023 Midterm meeting	Reviewed the timeline of the project.
April 2024 Midterm meeting	Discussed the feasibility of common indication.
December 2024 Annual meeting	Agreed to summarize the information collected thus far on the design registration indication systems of various countries.
May 2025 Midterm meeting	The draft outline of the report was proposed by the lead offices and was approved by the partners.
October 2025 Annual meeting	The draft report was adopted and the project is finished with the publication of the report for users.

3. Comparison of the Indication for Registered Designs

In 2023, the questionnaire-based study was conducted with the aim of understanding and comparing the laws and regulations regarding the indication for registered designs in each country and region.

As a result of this study, it was found that there are differences among the systems of each country regarding whether indication is a recommended obligation, what content can be indicated, and whether the presence or absence of registered design indication affects the possibility of claiming damages, among other points. In addition, it was found that in Europe, consideration is being given to provisions that would allow design system users to indicate registered designs with the letter D enclosed within a circle.

Overview of the Registered Design Indication Systems at the ID5 Offices (as of January 2023)

Office	Registered design indication system
CNIPA	<ul style="list-style-type: none">• The patentee etc. may mark the patent identification.• An indication must include the kind of patent rights and the patent number granted by CNIPA.• Other words and graphic marks may be included.
EUIPO	<ul style="list-style-type: none">• The regulation is under consideration.• The holder of a registered design right may inform the public.• The letter D enclosed within a circle may be displayed, and the registration number or hyperlink to the entry of the design in the register may be accompanied to this.
KIPO (currently known as MOIP)	<ul style="list-style-type: none">• A design right holder etc. may place a mark.• An indication must contain the letters "registered design" with its registered number, or an internet address where the design registration number is posted.
USPTO	<ul style="list-style-type: none">• Patentees etc. may give notice to the public.• An indication must contain the word "patent" or the abbreviation "pat." together with the patent number, or the word "patent" or "pat." together with the Internet address.• If the indication were not included in the products, the patentee would not be entitled for requesting the damages.
JPO	<ul style="list-style-type: none">• A holder etc. must endeavor to place an indication.• An indication must contain the letters "registered design" with its registered number.

4. Record of Discussions

In the questionnaire-based study conducted in 2023, the opinions of each office regarding the benefits of an ID5 common registered design mark indication system were also collected.

As a result of this study, it was found that three or more offices expect the following points as advantages of an ID5 common registered design indication mark system.

- Further expansion of business opportunities (benefit for design system users)
- Further improvement of awareness of design system (benefit for the Office)
- Simpler and more organized manner in managing indication of a common registered design mark when design rights are obtained in more than two countries/regions (benefit for design system users)
- Branding of ID5 Offices (benefit for the Office)

On the other hand, at the ID5 midterm meeting in 2024, as a result of discussions on the feasibility of an ID5 common registered design indication mark system, a shared understanding was reached among the ID5 offices that the following issues (1) to (3) exist.

(1) Conflict between the current system in each country or region and ID5 system

There are differences among the registered design indication systems of each country and region, such as the methods of indication, and whether the presence of a registered design indication affects the ability to claim damages. In addition, in all countries, it remains unclear whether leaving a registered design indication mark on a product after the rights have expired would constitute false indication. Under these circumstances, if an ID5 common registered design mark indication system was to be established, different indication system for registered designs would inevitably coexist in at least one country, making it difficult to avoid confusion for users.

(2) Confusion due to coexistence of EU mark and ID5 mark

In the EU, provisions allowing the use of a registered design indication mark were under consideration (it was subsequently taken effect in May 2025). If an ID5 common registered design mark, which may have different implementation and operation, were to coexist with this, there is concern that it could cause significant confusion for users.

(3) Need for legal development

In introducing an ID5 common registered design indication mark system, new legal frameworks would be required in some countries and regions, making it difficult to implement the system simultaneously across all five offices.

In light of the above issues, the ID5 offices have reached a conclusion as follows:

- It is premature to immediately implement an ID5 common registered design mark indication system, and it was decided to leave the development and utilization of registered design mark indication systems in each country and region to the discretion of each office.

- On the other hand, in terms of promoting design rights and raising awareness of the design system, it is desirable that, in the future, as unified a mark system as possible be introduced in each country and region.

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