

Newsletter



7 August 2026

The New EU Design Framework and Updated EUIPO Guidelines

Following the adoption of **Regulation (EU) 2024/2822**, **Directive (EU) 2024/2823**, as well as the subsequent adoption of **Commission Delegated Regulation (EU) 2026/137**, **Commission Implementing Regulation (EU) 2026/138** and **Regulation (EU) 2026/715**, the reformed EU design regime became fully operational on 1 July 2026 introducing a modernised framework better suited to digital technologies and contemporary design practices.



The implementation of the new regime has been further complemented by updated **EUIPO Guidelines for the Examination of European Union Trade Marks (EUTMs) and European Union Designs (EUDs)**, also applicable from 1 July 2026, which reflect the Office's current practice and provide additional guidance on the registration, examination, opposition and invalidity procedures governing both EU trade marks and EU designs.

1. Phase I: Main substantive changes applicable since May 2025

The first phase of the reform introduced a number of substantive changes aimed at broadening and modernising design protection. These include the expansion of the concepts of design and product to expressly cover digital and non-physical assets, such as graphical user interfaces (GUIs), animations and other digital design elements; the permanent implementation of the EU-wide repair clause for spare parts used exclusively for repair purposes; enhanced protection against modern forms of infringement, including the creation and distribution of digital files enabling 3D printing of protected designs; broader enforcement rights against infringing goods and digital reproductions; and simplified filing procedures through broader multiple-design applications and a revised fee structure.



2. Phase II: Procedural framework fully applicable since 1 July 2026

The second phase introduced the procedural framework necessary for the practical application of the new regime before the EUIPO. The new rules support both static and animated design representations, introduce detailed requirements for design applications and representations, clarify procedures relating to publication, transfers, alterations and invalidity actions, and further align EU design proceedings with the procedural framework applicable to EU trade marks, increasing consistency and legal certainty for applicants and rights holders.

3. Updated EUIPO Guidelines applicable since 1 July 2026

Alongside the entry into force of the Phase II, the updated **EUIPO Guidelines for the Examination of European Union Trade Marks (EUTMs) and European Union Designs (EUDs)** became applicable on 1 July 2026, reflecting the Office's current examination and administrative practice under the reformed intellectual property framework. Key updates include:

- **EUD Examination:** updated requirements regarding design representations, including static, animated and dynamic formats, visual disclaimers, filing-date requirements and registration formalities.
- **EUTM Examination:** revised guidance reflecting recent legislative developments and case law relating to geographical indications (GIs), including the assessment of evocation, use and conflicts with protected geographical indications.
- **EUTM Opposition Proceedings:** additional clarification on admissibility requirements, evidence, procedural deadlines and the treatment of earlier rights in opposition proceedings;
- **EUTM and EUD Invalidity Proceedings:** updated guidance on admissibility requirements, prior rights, online evidence and streamlined procedures for certain invalidity actions.
- **Common Practice for EUTMs and EUDs:** further harmonisation of procedural rules across both systems, including the transition to fully electronic communications and filings, updated evidentiary rules, and clarifications regarding procedural deadlines and registry practices.

The combination of the legislative reform and the updated EUIPO Guidelines marks an important step towards a more modern, technology-oriented and user-friendly intellectual property framework, better equipped to address the evolving needs of businesses and rights holders in the digital economy.



Natalia Tsigkri
Lawyer

ntsigkri@saranti-partners.com

T: +302120216569

*This publication is provided for general informational purposes only
and does not constitute legal or other professional advice.*