

**Question for written answer E-003088/2023  
to the Commission**  
Rule 138  
**Nicola Procaccini (ECR)**

**Subject:** Evaluation of the novelty element in the design registration procedure by the EUIPO

The CDR and CDIR regulations, which govern the management of intellectual property by the EUIPO, prove ineffective when considering the growing use of the internet for commercial transactions. Numerous reports point to a flaw in the system which is increasing cases of unfair competition against European companies. Some market operators register existing product designs to the EUIPO to obtain a registration number, by virtue of which they can request online platforms remove sellers offering the same product. This is because, under the legislation in force, the EUIPO is not required to verify which design originated first, i.e. the product's element of novelty. Anyone wishing to protect their designs is forced to appeal, incurring administrative and legal costs, with long waiting times.

Given the above, can the Commission answer the following questions:

1. Is it aware that the EUIPO is not required to perform searches of earlier designs when registering a new model and that a registration number is assigned without a prior check?
2. What does it intend to do to protect market operators who have taken a financial hit as a result of current practice?
3. Does the Commission intend to set up a procedure allowing third parties to report irregularities without lodging an official appeal, which often results in too little, too late?

Submitted: 18.10.2023