Prepared by DigitalTrade4.EU

Strengthening EU Design Protection for the Digital Age

Feedback to the EU Commission

July 2025, v2

About Us

The **DigitalTrade4.EU consortium** envisions a **seamlessly interconnected Europe** and **neighbouring regions** powered by harmonized standards for the digitalisation of trade documents and processes. By fostering the digital transformation of trade, we aim to promote economic integration, enhance cooperation, and ensure long-term trade facilitation across borders.

Our consortium is made up of **experts in their field**, including **107 full partners**—trade associations, logistics providers, shipping lines, banks and insurances, technology innovators, etc.—**from 17 European Union countries** (*France, Belgium, Netherlands, Austria, Estonia, Finland, Italy, Latvia, Spain, Germany, Sweden, Poland, Luxembourg, Lithuania, Slovenia, Denmark, Bulgaria*) and **22 non-EU countries** (*United Kingdom, Switzerland, Montenegro, Japan, Singapore, Hong Kong, Australia, New Zealand, India, Nepal, Canada, United States of America, Cameroon, Morocco, Egypt, Kenya, Pakistan, Nigeria, Brazil, Uzbekistan, Turkey, Ukraine*).

Our consortium is already **aligned with the fundamentals** of the **EU Competitiveness Compass**. Learn more:

- How DigitalTrade4.EU Can Help Achieve the Objectives of the EU Competitiveness Compass (February 2025) https://www.digitaltrade4.eu/how-digitaltrade4-eu-can-help-achieve-the-objectives-of-the-eu-competitiveness-compass/

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Executive Summary

DigitalTrade4.EU **strongly supports** the European Commission's initiative to **modernize and simplify** EU design law, aligning it with the **digital age** and significantly **reducing administrative burdens** for innovators and businesses. The draft Implementing Regulation marks a **pivotal step** towards a more **current and efficient** EU design protection system, crucial for fostering **innovation and competitiveness** across the Single Market.

This document outlines key recommendations designed to further **enhance legal certainty, efficiency, and inclusivity** within this evolving framework. Our proposals specifically focus on the seamless integration of Regulation (EU) 2024/1183 (**eIDAS 2.0)**[1] for secure digital identity verification, the strategic linkage with **Digital Product Passports (DPPs)**[2] on base (EU) Regulation 2024/1781 (ESPR)[3] to boost transparency and anti-counterfeiting efforts, and the implementation of robust **SME-friendly** measures to ensure broader access and usability, and the strategic adoption of **Machine Learning and Artificial Intelligence** to streamline processes and enhance data integrity, including the integration of **Legal Entity Identifiers (LEIs)** and **Verifiable LEIs (vLEIs)** for trusted entity identification.

By proactively adopting these comprehensive proposals, the EU stands to establish its design protection system not just as a regional standard, but as a **global model** for innovation-friendly, digital-first regulation, thereby benefiting all stakeholders ranging from large multinational manufacturers to dynamic creative startups and individual designers. This modernization is essential for Europe to maintain its leadership in intellectual property protection while embracing the twin digital and green transitions.

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[1] European Commission. Shaping Europe's digital future, eIDAS Regulation (May 2025) . https://digital-strategy.ec.europa.eu/en/policies/eidas-regulation

[2] European Union. EU's Digital Product Passport: Advancing transparency and sustainability (September 2024) https://data.europa.eu/en/news-events/news/eus-digital-product-passport-advancing-transparency-and-sustainability

[3] European Union. COMMUNICATION FROM THE COMMISSION Ecodesign for Sustainable Products and Energy Labelling Working Plan 2025-2030 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52025DC0187&qid=1744814743855

Introduction

The European Union's commitment to fostering **innovation and competitiveness** in the digital era necessitates a robust and adaptable intellectual property framework. The Commission's draft Implementing Regulation for EU designs, building upon Council Regulation (EC) No 6/2002, represents a **forward-thinking approach** to update design protection for the realities of the modern economy.

DigitalTrade4.EU, representing a broad coalition of digital trade stakeholders, **commends this effort** and offers detailed insights to ensure the revised framework is as **effective and future-proof** as possible. Our analysis focuses on leveraging **digital solutions** to streamline processes, enhance security, and ensure **equitable access** for all market participants, especially **Small and Medium-sized Enterprises (SMEs)**.

Note: *In this document, the terms* ***Small and Medium-sized Enterprises (SMEs)*** *and* ***Micro, Small and Medium-sized Enterprises (MSMEs)*** *are used interchangeably and carry the same meaning and weight. This clarification is important because different sources and contexts may refer to these groups using either acronym, but both encompass the full range of smaller business categories critical for economic development.*

In particular, SMEs often lack the resources to navigate complex regulatory systems, making simplified and digitally accessible processes essential for their participation in intellectual property protection.

Expectations from the Commission's Side: The Objectives

The European Commission's draft Implementing Regulation[4] for EU designs is primarily driven by an expectation of **clarity, efficiency, and adaptation to technological progress**. The core objectives include:

- **Legal Certainty and Simplification**: The proposal aims to specify **mandatory application particulars** in a clear and exhaustive manner, **avoiding unnecessary administrative burden** on applicants. This is intended to simplify the filing process for EU design applications, including **multiple designs in one application**, fostering greater use of design rights through a more **straightforward and predictable** process.
- **Adaptation to the Digital Economy**: Recognizing that designs are no longer solely embodied in physical products, the regulation broadens the definition of a design to include those **not embodied in physical products**. It explicitly allows for **dynamic or animated representations** using generally available technology (e.g., digital animations, 3D models). This update ensures the IP system covers **user interfaces, virtual and industrial designs**, and other innovative design types emerging from digital industries, thus **fostering innovation** in the digital era.
- **Streamlined Procedures and Reduced Red Tape**: The draft seeks to **simplify how priority rights are claimed** (accepting a simple copy of the prior application). It also empowers the European Union Intellectual Property Office (EUIPO) to utilize **fully electronic means** for publication and communication, including publishing design registrations through a **searchable online database** and issuing **digital certificates of registration**. These measures are crucial for enhancing **transparency and efficiency**.

[4] European Commission. EU Design Implementing Regulation, Draft Act https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14665-EU-Design-Implementing-Regulation_en

- **Alignment with Broader EU Strategy**: These objectives are **closely aligned** with the EU's wider strategy on digital trade and product regulation, particularly the May 2025 Single Market Strategy, "A Strategy for making the Single Market simple, seamless and strong." This strategy emphasizes **digitalizing regulatory processes**, reducing administrative friction, and introducing concepts like the **Digital Product Passport (DPP)**. The move to electronic filings and certificates in design law perfectly **dovetails with this EU-wide digitalization agenda**.
- **Reducing Barriers for SMEs**: The Commission underscores the **critical importance of reducing barriers** for SMEs in the single market. With a commitment to **cut administrative load by 35%** for SMEs and the introduction of tools like the **SME ID**, the expectation is that simplified procedures, digital tools, and coordinated support will help SMEs **navigate the updated design system with minimal burden**, encouraging greater participation in design protection.

DigitalTrade4.EU **fully supports** these Commission objectives, recognizing their vital role in aligning EU design law with the broader **digital trade and innovation strategy**.

Approach and Recommendations

DigitalTrade4.EU's approach is centred on ensuring the updated EU design framework is **robust, accessible, and future-ready**, leveraging digital advancements to the fullest. Our recommendations build upon the Commission's objectives, offering concrete steps for implementation:

1. Leveraging eIDAS 2.0 for Secure Design Protection

To fully modernize EU design protection, it is **essential to integrate** the EU's **trusted digital identity infrastructure** into design filing and enforcement. The **eIDAS 2.0** framework provides a ready avenue for **secure electronic identification** and **legally valid electronic transactions** across borders.

- **eIDAS-enabled User Authentication**: We recommend allowing and encouraging applicants to **log in to the EUIPO portal using their national eID** or the upcoming European Digital Identity Wallet. This will provide a **secure, verified identity**, reducing fraud and simplifying verification for all parties.
- **Acceptance of Qualified E-signatures**: Implementing rules should explicitly accept **qualified electronic signatures** on all design application forms, notices, and powers of attorney. This streamlines procedures and ensures **legal equivalence to handwritten signatures**, accelerating cross-border business while upholding security.
- **Electronic Seals and Timestamps on Design Records**: The EUIPO should employ eIDAS trust services by applying a **qualified electronic seal** to electronic registration certificates and timestamps to filings. This **guarantees the integrity and origin** of official design documents, providing immediate, authenticated proof of rights across the EU.

2. Linking Design Protection with Digital Product Passports (DPPs)

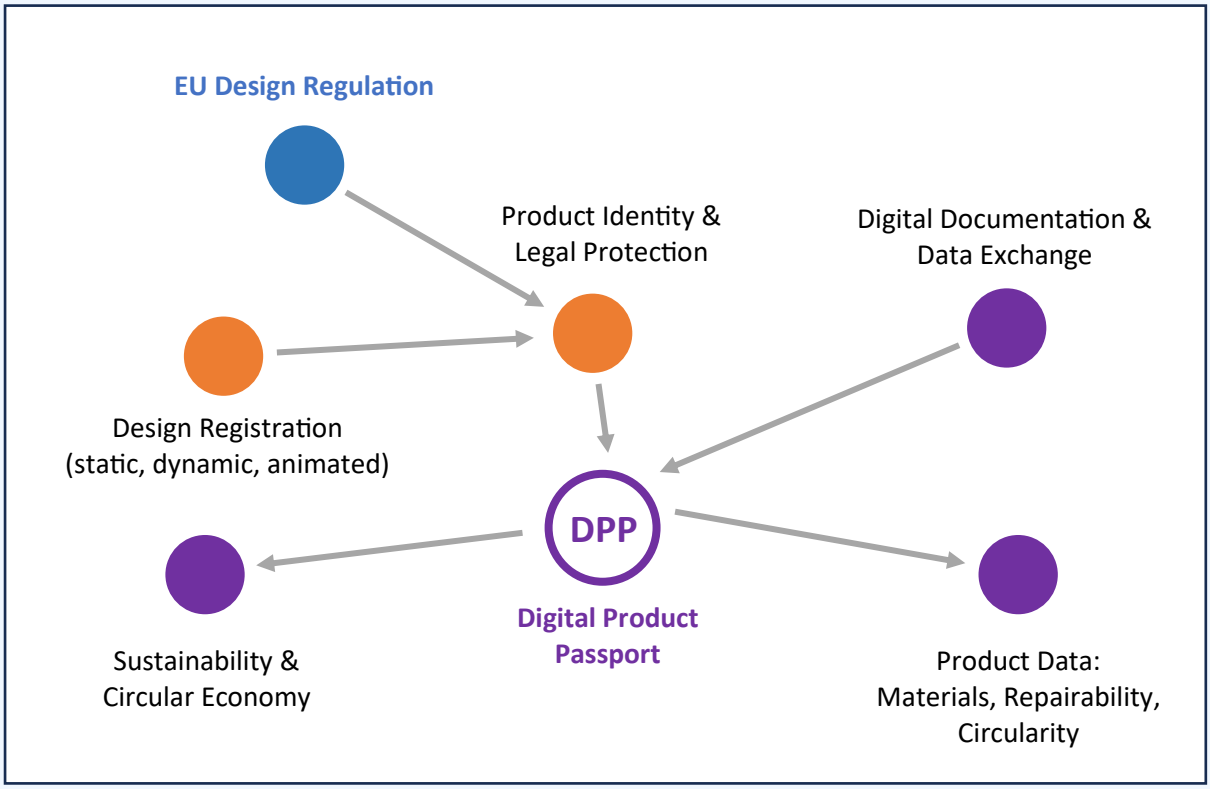

Figure 1. Integration of EU Design Registration with the Digital Product Passport (DPP) Framework for enhanced transparency, sustainability, and intellectual property protection.

The introduction of **Digital Product Passports (DPPs)** presents a unique opportunity to integrate intellectual property information, specifically design rights, into a product's digital identity.

- **Transparency and Consumer Information**: A DPP could display whether a product's design is **protected by a registered EU design**, including the registration number and owner. This promotes **transparency** and informed choice for consumers and market surveillance authorities.
- **Clarification for Digital-Only Designs:** While the Digital Product Passport (DPP) framework is primarily developed for physical goods, the European Commission and EUIPO should explore whether, and how, DPP-like metadata structures could also reference registered designs not embodied in physical products — such as user interfaces, virtual environments, or digital design assets as referenced in Recital 5. This would ensure that digital-only designs benefit from similar levels of transparency,

traceability, and anti-counterfeiting protection within interoperable digital ecosystems.

- **Anti-counterfeiting and Enforcement**: DPPs with embedded design data would **significantly aid** in the fight against counterfeit or infringing goods. Customs officials and inspectors could **instantly verify** design protection status, making IP compliance checks more efficient in a digitalised trading environment.
- **Linking Sustainability and Innovation**: Recognizing design rights in the DPP framework underscores that **sustainability and IP protection go hand in hand**. This could support **green financing** and consumer incentives for products that are both sustainable and design-protected.
- **Balancing Transparency and IP Rights:** While the DPP framework is designed to promote transparency, circularity, and access to product-related information (e.g. for repairs, reuse, and recycling), it must be implemented in a way that respects intellectual property rights. Design protection and DPPs are not inherently in conflict; rather, they can be complementary. By embedding access controls and defining mandatory data disclosure requirements carefully, DPPs can facilitate lawful access to product data while safeguarding IP. Furthermore, enabling qualified repairers, refurbishers, and authorized spare parts suppliers through controlled information-sharing mechanisms can strengthen IP enforcement and support compliance, especially against counterfeit or unauthorized use.
- **Interlinking Digital Compliance Portals and Platforms**: To maximize the efficiency and impact of digital trade and regulatory frameworks, the European Commission should prioritize the **seamless interoperability** of various digital compliance portals and platforms, including but not limited to the DPP platforms, Design Rights Registry (e.g., eSearch plus, DesignView, Registered EU Design databases), and sector-specific portals. This interoperability is **critical to avoid data duplication**, **reduce administrative burdens**, and **streamline regulatory reporting and enforcement** across Member States.

DigitalTrade4.EU recommends that European Commission coordinate with EUIPO on the data standards for DPPs, including an **optional field for intellectual property rights**.

3. Artificial Intelligence / Machine Learning and Patents

The integration of **Machine Learning (ML) and Artificial Intelligence (AI)** offers transformative potential for enhancing the efficiency, accuracy, and strategic value of intellectual property management, particularly within the patent system. These advanced technologies can address long-standing challenges related to information overload, manual processing, and subjective analysis, thereby **streamlining operations** for both applicants and intellectual property offices.

- **Patent Search and Prior Art Discovery**: AI tools, utilizing **semantic search** (e.g., ML models like BERT or GPT), can understand natural language queries to find relevant patents even without exact keyword matches. This capability extends to **cross-language search**, translating patents globally, and **image and diagram search** through computer vision models, significantly improving the comprehensiveness and relevance of prior art searches. This directly addresses the time-consuming nature and potential for missing documents inherent in traditional search methods.
- **Patent Landscape Analysis**: ML models can **cluster patents into technology domains** using unsupervised learning, enabling the visualization of **technology trends over time** (e.g., growth of AI patents in healthcare). This allows for the identification of "hot" areas or **white spaces for innovation** by analysing filings and citations, providing crucial competitive intelligence and strategic insights for businesses and policymakers.
- **Automated Patent Drafting**: AI solutions can **suggest claims, descriptions, or alternatives** based on similar existing patents, and summarize technical documents to propose patentable features. While still emerging, tools training large language models specifically for **patent claim drafting** promise to reduce the labor intensity and potential for errors in the drafting process, ensuring compliance with local patent office formats.
- **Idea Verification & Patentability Assessment**: AI/ML plays a vital role in pre-screening ideas before formal filing.
  - **Novelty and Prior Art Checking**: AI tools scan vast databases of patents, scientific papers, and product descriptions, using NLP models to compare

technical features and visual search for designs, to determine if similar concepts already exist.

  - **Freedom-To-Operate (FTO) Analysis**: ML systems analyse whether practicing an idea might **infringe existing patents**, mapping overlapping claims and jurisdictions. They can also identify patents close to expiry or in markets where they are not enforced, providing crucial risk assessment.

  - **Inventive Step Analysis (Non-obviousness)**: AI can analyse combinations of prior art to assess if an idea represents an **obvious evolution**, which would impede patentability. Predictive ML models, trained on historical patent office rejections, can **estimate the likelihood of rejection**, offering valuable foresight.

  - **Economic Viability & Strategy**: AI can cross-analyse market trends, patent citation networks, and licensing opportunities to help determine if an idea is **worth patenting**, or if alternative IP strategies (e.g., trade secrets, open innovation) would be more suitable.

- **Responsible AI and Data Protection**: While **AI** offers substantial **benefits** for both the **Office** and **applicants**, particularly **SMEs**, its deployment must be accompanied by **safeguards** to prevent **misuse**. The risk of **large-scale data scraping** or **exploitative practices**—especially by **third parties** with **disproportionate computational power**—should be explicitly acknowledged. We recommend that the Office adopt clear policies on **ethical AI use** and **data access limitations**, including **rate limits**, **transparency** on AI **model outputs**, and **protective licensing** of **training datasets**. These measures will help ensure that **open access** to **public patent data** and **design registries** does not lead to **unfair competitive advantages** or undermine the **trust** of SMEs and **creators**.

For EU institutions and national IP offices, leveraging these AI/ML capabilities can **lower the barrier for SMEs and startups** by providing accessible pre-screening tools, **reducing wasted time and costs** associated with filing weak patents, and assisting offices in **filtering out low-quality applications**. This strategic integration of AI/ML is paramount for building a more **efficient, transparent, and innovation-friendly** EU intellectual property ecosystem.

3. Facilitating SME Access and Usability

SMEs are the **engine of innovation** in Europe, yet they often face hurdles in utilizing formal IP protection. The updated EU design law must be **highly accessible and user-friendly to SMEs**.

1. **Affordable and Transparent Fees**: We encourage maintaining **low costs** for design protection, with clear upfront information. Consideration should be given to **SME fee reductions or vouchers** to lower the entry barrier.

2. **Simplified Online Application Process**: The design application interface should be **intuitive and multilingual**, guiding users step-by-step with clear prompts, examples, and automatic checks. This ensures SME owners can navigate the process **without extensive legal support**.

3. **Leverage the SME ID for Eligibility**: The new **SME ID** tool should be used to instantly confirm eligibility for any special provisions (e.g., fee rebates), minimizing paperwork and streamlining the process.

4. **Integration of LEI/vLEI for Verified Entity Identification**: To further enhance trust and efficiency, the EUIPO should explore integrating **Legal Entity Identifiers (LEIs)** and **Verifiable LEIs (vLEIs)** into the design registration process. By linking design owners to their **globally unique and verified LEI/vLEI**, the system can create a **trusted global registry** of intellectual property ownership. This would enable **instant cross-border verification** of a company's legal existence and its actual ownership of design rights, significantly **reducing fraud** and strengthening **trusted trade ecosystems**. This integration would also facilitate **global innovation mapping**, allowing for a clearer understanding of innovative companies by country, sector, or technology, and supporting initiatives like **ESG and green technology** by linking designs to verified entities.

    - **LEI (Legal Entity Identifier)**: A unique 20-character alphanumeric code that identifies legal entities participating in financial transactions globally. Managed by the Global Legal Entity Identifier Foundation (GLEIF).

- **vLEI (Verifiable LEI)**: The digital version of LEI, based on **self-sovereign identity (SSI)** and **Verifiable Credentials (VCs)**. It allows cryptographically secure, real-time verification of an entity's identity in digital ecosystems.

5. **Outreach and Capacity-building**: Coordinated outreach through the **Enterprise Europe Network (EEN)**, national IP offices, and industry associations is crucial to educate SMEs about the new design law features and the benefits of **digital tools**.

We suggest embedding the **"Think Small First"** principle into the monitoring and evaluation of the new design rules, tracking SME usage to ensure positive impact.

4. Suggested Changes to Legislation

Based on the analysis of the draft Implementing Regulation and the objectives for modernization, DigitalTrade4.EU proposes the following specific amendments to the legislation, focusing on integrating eIDAS 2.0, ensuring DPP compatibility, and improving SME accessibility:

4.1. New Definitions

- **Proposed Legal Text**

  Insert a new Article (e.g., Article 21) titled "Definitions" stating: "***For the purposes of this Regulation, the following definitions shall apply:***

  (a) 'Digital Product Passport (DPP)' means a digital record providing structured and standardised data on a product's composition, origin, lifecycle, and environmental footprint, including data integrity and authenticity mechanisms, as defined in Regulation (EU) 2024/1781 (Ecodesign for Sustainable Products Regulation).

  (b) 'Legal Entity Identifier (LEI)' means a globally unique, ISO 17442-compliant identifier for legal entities, governed by a global, accredited operating entity.

  (c) 'Verifiable Legal Entity Identifier (vLEI)' means an ISO 17442-3 compliant, digitally signed credential compatible with Regulation (EU) 2024/1183 (eIDAS 2.0), enabling secure and automated entity identification and authorisation, issued by an authorized global operating entity within the LEI ecosystem."

- **Justification**: This new article provides **clear and precise definitions** for key digital concepts referenced throughout the proposed legislative changes. By formally defining 'Digital Product Passport (DPP)', 'Legal Entity Identifier (LEI)', and 'Verifiable Legal Entity Identifier (vLEI)', it ensures **legal certainty and consistency** in the application and interpretation of the Regulation. This approach aligns with best practices in legislative drafting, facilitating **unambiguous understanding** and **effective implementation** of the modernized design protection framework within the broader EU digital ecosystem.

  This revision avoids introducing the new legal term "verifiable DPP data," which may exceed or conflict with the ESPR's current scope. Instead, it aligns with the ESPR's emphasis on data reliability and authentication without creating enforceability challenges.

4.2. Integration of eIDAS 2.0 Digital Identity & Trust Services

- **Proposed Legal Text**

  Insert a new provision (e.g., Article 1a) stating: "***Where an application or any procedural act under this Regulation is filed by electronic means, the requirement of a signature under Article 1(1), point (e), shall be deemed fulfilled by the use of secure authentication of the applicant or their authorized representative via a qualified electronic identification or a qualified electronic signature, as defined in Regulation (EU) 2024/1183 (eIDAS 2.0) on electronic identification and trust services.***"

- **Justification**: This amendment ensures the design filing process **leverages eIDAS 2.0** to enable **trusted e-signatures** and **cross-border authentication**. By explicitly recognizing qualified electronic signatures and allowing authentication via the European Digital Identity Wallet, the Implementing Regulation would **improve security, reduce fraud, and streamline online applications**. It aligns EU design procedures with modern trust services, fostering a **seamless digital single market experience** for users and ensuring the regulation keeps pace with advances in electronic ID and trust service usage.

4.3. Support for Digital Product Passport (DPP) Interoperability

- **Proposed Legal Text**

  Add a new Article (e.g., Article 6a) titled "Digital Product Passport Integration": "***The Office shall ensure that data on registered EU designs is made available in a standardised, machine-readable format to facilitate interoperability with other Union digital information systems. In particular, where a Digital Product Passport defined in Regulation (EU) 2024/1781 (ESPR) is required for products incorporating a registered design, the design's registration number and relevant public design data shall be linkable with the product's unique identifier in that Digital Product Passport.***"

- **Justification**: Introducing this provision will **bridge design registrations with the EU's emerging Digital Product Passport framework**, enhancing **interoperability** and supply chain transparency. Linking official design records to product passports enables **easier verification of a product's design authenticity** (helping to combat counterfeiting by allowing checks against official design data) and ensures that design protection information travels with products throughout their lifecycle. This change supports the EU's **twin digital and green transition goals** by embedding IP rights information into sustainability and traceability tools, thereby improving compliance and trust in the digital product ecosystem.

  This extension responds to Recital 5 of the draft Regulation, which recognizes the growing importance of designs not embodied in physical products. Addressing their visibility and traceability within DPP frameworks or analogous digital registries ensures equal treatment and strengthens the EU's ambition to modernize design law in a fully digital economy.

  This clarification reinforces that transparency and IP protection are mutually reinforcing when implemented through appropriate governance. Respecting IP rights while promoting access for authorized actors fosters both innovation and sustainable product lifecycles.

4.4. SME Usability and Accessibility

- **Proposed Legal Text**

  Insert a new paragraph under the general provisions (e.g., Article 12a) stating: "***The Office shall ensure that application procedures and electronic communication systems under this Regulation are user-friendly and accessible to all applicants, with particular attention to the needs of SMEs and individual designers. To this end, the Office shall provide clear guidance, multilingual support, and simplified online filing interfaces, thereby minimizing administrative complexity. Additionally, the Office should implement a centralized helpdesk or live chat support system to assist SME applicants in real-time during the application process***"

- **Justification**: Requiring **SME-friendly implementation** will lower barriers for small and medium-sized enterprises to engage with EU design protection. This aligns with the EU's policy objective to **boost the uptake of IP by SMEs and innovators**, ensuring that the benefits of the reformed design system are widely accessible. By mandating accessible and intuitive e-filing tools (with support in all EU languages) and clear guidance, the amendment promotes **inclusivity and efficiency**. It helps entrepreneurs and designers across the single market protect their designs without undue burden, thus fostering **innovation, competition, and full use** of the EU design regime by smaller actors.

4.5. Digital-by-Default for All Communications and Documentation

- **Proposed Legal Text**

  Insert a new Article (e.g., Article 13a) stating: "***All communications, including submissions of supporting documents and notifications between the Office and parties to proceedings, must be conducted primarily through secure and interoperable electronic means. Paper-based communication shall only be permitted in exceptional circumstances, subject to prior authorization by the Office. The Office shall establish and maintain digital platforms and protocols to facilitate this 'digital-***

by-default' principle, ensuring the authenticity and integrity of all electronic exchanges."

- **Justification**: This amendment solidifies the shift towards a **fully digital administrative process** for EU design protection, extending beyond just applications and publications to encompass all procedural interactions. By mandating a **'digital-by-default' approach**, it will **significantly reduce reliance on paper-based processes**, enhance **efficiency, speed, and environmental sustainability**. This aligns with the EU's broader digital strategy and the Commission's commitment to **reducing administrative burdens** by leveraging digital tools for secure and verifiable communications, as hinted in Articles 13, 15, 16, and 17 of the draft Regulation. It also ensures that the system is **future-proof** and fully integrated into the evolving digital single market ecosystem.

4.6. Integration of Legal Entity Identifiers (LEI) and Verifiable LEIs (vLEI)

- **Proposed Legal Text**

  Insert a new Article (e.g., Article 14a) stating: "***The Office shall facilitate the voluntary linking of registered EU design holders and applicants to their Legal Entity Identifiers (LEIs) or Verifiable Entity Identifiers (vLEIs) where available. The Office may integrate LEI/vLEI data into its public-facing registries to enhance the transparency and verifiability of design ownership information. Furthermore, the Office shall explore mechanisms to leverage LEI/vLEI for streamlined identity verification in design application and enforcement procedures, in coordination with the Global Legal Entity Identifier Foundation (GLEIF) and relevant national authorities.***"

- **Justification**: This amendment introduces the **globally recognized Legal Entity Identifier (LEI)** and its digital counterpart, **Verifiable LEI (vLEI)**, into the EU design protection framework. By enabling the voluntary linking of design ownership to these unique, verified entity identifiers, the EUIPO can significantly **enhance the trustworthiness and transparency** of design data. This integration will **reduce instances of fraud** related to IP ownership claims, facilitate **cross-border verification** of legal entities and their associated design portfolios, and strengthen **trusted trade**

ecosystems. It also opens avenues for **global innovation mapping** and supports **ESG initiatives** by providing verifiable links between companies and their intellectual property assets, aligning with the EU's broader digital strategy for secure and interoperable digital identities.

4.7. Leveraging Machine Learning and Artificial Intelligence in Design Processes

- **Proposed Legal Text**

  Insert a new Article (e.g., Article 15a) stating: "***The Office shall actively explore and implement advanced Machine Learning and Artificial Intelligence technologies to enhance the efficiency and accuracy of design search, classification, and preliminary assessment processes. This includes developing AI-powered tools for semantic search, cross-language and image-based prior art discovery, automated classification, and preliminary patentability assessments (including novelty, inventive step, and freedom-to-operate analysis). The Office shall also provide guidance and, where feasible, access to such tools for applicants, particularly SMEs, to facilitate their engagement with the EU design protection system.***"

- **Justification**: This new article formalizes the commitment to integrating **Machine Learning and Artificial Intelligence** into the operational processes of the EUIPO related to designs. By explicitly mentioning AI-powered tools for **search, classification, and preliminary assessment**, it acknowledges the transformative potential of these technologies in **streamlining administrative burdens**, improving the **quality and consistency** of examinations, and providing **valuable pre-filing insights** to applicants. This aligns with the EU's broader digital strategy to leverage cutting-edge technologies for public service efficiency and supports the objective of **lowering barriers for SMEs** by making sophisticated analysis tools more accessible. It positions the EU design system at the forefront of digital innovation in intellectual property.

  Including ethical AI and data governance provisions ensures that the benefits of AI integration are equitably distributed while mitigating risks of data exploitation or concentration of power. This is especially important to maintain trust among SMEs and to uphold the integrity of the intellectual property ecosystem.

Conclusion and Next Steps

DigitalTrade4.EU **welcomes the Commission's proactive steps** to update EU design law and appreciates the opportunity to contribute feedback. The draft Implementing Regulation represents a **timely and positive modernization** of the design protection system. By embracing **digital representation, streamlined procedures**, and alignment with the **EU's digital strategy**, it lays a strong foundation for robust design protection that supports **innovation, competitiveness, and cross-border commerce**.

Our strategic recommendations — integrating **eIDAS 2.0** for secure digital identity, linking with the **Digital Product Passport** initiative, and ensuring **SME-friendly** access — will further strengthen this framework. These measures will reinforce the Commission's goals of **legal certainty, efficiency, and inclusiveness**, and will help operationalize the EU's vision of a **fully digital Single Market**.

As next steps, we urge the European Commission, the EUIPO, and Member State authorities to **collaborate closely** in implementing these recommendations. Specifically, we suggest:

1. **Establishing a joint working group** or roundtable with stakeholders (including DigitalTrade4.EU and SME representatives) to plan the **technical integration of eIDAS and DPP features** into the design registration infrastructure.
2. **Developing necessary guidelines or delegated acts** to realize the **eIDAS-enabled filing** and **DPP-data link** in time for the regulation's application in 2026.
3. **Continuing dialogues** through the SME Envoy network and industry forums to **fine-tune support measures**, ensuring the **voice of SMEs is heard** as the new rules roll out.

DigitalTrade4.EU stands **ready to support** these efforts, offering expertise in digital trade standards, legal interoperability, and stakeholder engagement. We are prepared to

participate in pilot projects or advisory panels to **operationalize concepts** like eIDAS login for EUIPO or IP integration in product passports, translating policy into practice.

In conclusion, we reiterate our **strong support for the Commission's objectives** and our commitment to working hand-in-hand with EU institutions. By acting on these recommendations, the EU can ensure its design protection system becomes a **model of innovation-friendly, digital-first regulation**, bolstering the EU's credibility as a global leader in marrying intellectual property protection with the **digital and green transformations**. We look forward to continued collaboration to achieve these shared goals and to make the updated EU design framework a **resounding success for all stakeholders**.

DigitalTrade4.EU further recommends that the **European Commission** consider **piloting** the proposed **digital tools**—such as **eIDAS-enabled login** and **DPP-integrated design verification**—in selected **Member States** before full-scale implementation. These **pilot programs** can provide valuable insights into **usability**, **compliance**, and **scalability** across diverse **national digital infrastructures**.

Appendix 1. EU Green-Digital Trade Leadership Roadmap (DigitalTrade4.EU, 2025)

activity	objective	indicative metrics	tools/enablers
1. EU-Singapore DTA & Expand DEPA Partnerships	Strengthen digital trade diplomacy in Asia through high-standard agreements.	- 5+ new digital trade agreements with key Asian partners (e.g., Japan, India, ASEAN) by 2030 - 15% increase in EU-Asia digital services trade by 2028	DEPA framework, EU-Singapore DTA, Global Gateway Initiative, eIDAS 2.0
2. Implement Digital Product Passports (DPPs)	Ensure traceable, sustainable supply chains aligned with EU Green Deal.	- 50% adoption of DPPs by 2030 - 20% reduction in supply-chain carbon intensity by 2030	EU Sustainable Products Initiative, CBAM incentives, UNECE Recommendation 49
3. Fund Secure Digital Corridors in Asia	Build interoperable digital infrastructure for EU-Asia trade, prioritizing cybersecurity resilience	- ~€2B allocated via NDICI-Global Europe - 10+ blockchain-based traceability pilots by 2027	NDICI-Global Europe, ASEAN digital customs systems, EU Customs Data Hub, ENISA threat intelligence platforms
4. Harmonize Digital Standards (MLETR/eIDAS 2.0)	Enable cross-border recognition of e-documents and digital identities.	- 90% mutual recognition of e-signatures by 2028 - 70% SME adoption of eIDAS wallets	MLETR framework, eIDAS 2.0, EU Transport Law updates, UN/UNECE protocols
5. Implement LEI and vLEI for Supply Chain Trust	Harmonise and simplify legal entity identification across borders	- 90% entity coverage with LEI by 2030; 50% vLEI use in customs and eFTI transactions	ISO 17442, vLEI, eIDAS 2.0, UNECE UID
6. Launch Green-Digital Trade Academy	Upskill SMEs and officials on DPPs and carbon accounting.	- 40% increase in SME participation by 2027 - 60% cost savings for SMEs	Erasmus+ grants, COSME programme, tiered compliance thresholds
7. Integrate ESG into Trade Finance	Link trade finance to sustainability metrics for cheaper capital access.	- €10B/year unlocked for green trade finance - 30% lower Scope 3 emissions by 2030	InvestEU guarantees, CSRD-aligned reporting, FinTech platforms
8. Enforce Platform Interoperability	Prevent vendor lock-in and empower SMEs.	- 100% compliance with CJEU rulings by 2026 - 50% reduction in platform dominance	Court of Justice of the European Union (CJEU) Case C-233/23, DEPA, eIDAS 2.0, Digital Markets Act (DMA)
9. Global Digitalisation Projects with EU Standards	Extend EU digital infrastructure and norms globally.	- 20+ co-funded projects by 2030 - 80% interoperability with EU systems	Digital Europe Programme, CEF funding, EU-Asia Digital Standards Taskforce
10. Advance UNECE Transparency Protocols	Globalize EU sustainability standards for supply chains.	- 100% alignment with UNECE Rec. 49 by 2028 - 30% reduction in greenwashing claims	UNECE CEFACT, W3C Verifiable Credentials, EU CBAM registry
11. Pilot CBAM-DPP Corridors	Link trade finance to verifiable ESG metrics for tariff incentives.	- 20% CBAM compliance cost reduction - 50% DPP adoption by 2030	IoT carbon trackers, CBAM rebate schemes, EU Customs Single Window

Table 1. The roadmap above, DigitalTrade4.EU's input to the European Commission's "International Digital Strategy" operationalises the recommendations outlined in this document. For instance, Activity 1 (EU-Singapore DTA & Expand DEPA Partnerships) directly supports the harmonisation of international digital standards, while Activity 8 (Global Digitalisation Projects with EU Standards) aligns with efforts to promote dual-use infrastructure globally. These activities collectively reinforce the EU's ability to leverage digital trade diplomacy as a tool for both economic growth and strategic security.