Major Changes to UK Design Law Under Consultation, Including AI-Generated Designs

September 23, 2025

The UK Intellectual Property Office (UKIPO) has launched a major consultation on modernising the UK's design protection system, with proposals that could deliver the most significant transformation of design law in decades (Design Consultation). The Design Consultation covers reforms across the UK's £100 billion design sector that supports around 80,000 businesses and nearly two million jobs, with the aim of strengthening Britain's position as a global design powerhouse.

AI-Generated Designs

A central question for the Design Consultation is whether designs created without a human author, such as those generated entirely by artificial intelligence (AI), should continue to qualify for protection. Current UK law, under the Copyright, Designs and Patents Act 1988, allows protection for computer-generated designs without human authorship, but this provision appears to be rarely used. The UK Government's preferred position is to remove this option unless clear evidence shows it encourages significant investment in generative AI. This would align the UK with other major jurisdictions, such as the US and the EU, which do not protect designs solely generated by AI.

Broader Reforms Under Consideration

The Design Consultation sets out reforms to simplify, strengthen and future-proof design protection. Key proposals include:

- **Fighting design theft:** Giving the UKIPO powers to search and reject designs lacking novelty or individual character and introducing "bad faith" provisions against dishonest applications.
- **Streamlining rights:** Simplifying overlapping protections, harmonising procedures and allowing applicants to defer publication of designs for up to 18 months, particularly useful for industries with long product cycles.
- **Post-Brexit certainty:** Addressing the loss of automatic EU protection and exploring new solutions for businesses operating across markets.

- **Improving enforcement and access:** Creating a small claims track for design disputes within the Intellectual Property Enterprise Court, a specialist court in the UK that deals with legal disputes about intellectual property, to make enforcement more affordable for small businesses.
- **Modernising for digital innovation:** Expanding accepted application formats to include computer-aided design (CAD) files and video clips, and updating definitions to ensure digital and future technologies are properly protected.

Next Steps

The Design Consultation invites input from designers, legal professionals and other stakeholders. Feedback received will inform future policy decisions and contribute to developing a system that fosters innovation across UK design. The consultation will close on 27 November 2025. For further information, or to participate in the Design Consultation, please refer to the UKIPO's official consultation here.

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