



About design rights



What's a design right?

A design right is a registered intellectual property (IP) right that protects the overall visual appearance of a new and distinctive product. This can include features such as shape, colour, configuration, pattern, and ornamentation. A design right aims to protect the visual appearance of a tangible product that is manufactured or handmade and is produced on a commercial scale.



Protection period

A registered design is initially protected for 5 years from the date of application in Australia. You can renew your registered design right for a further 5 years, providing a maximum of 10 years of protection.

Unlike other IP rights, a registered design right is not enforceable. In order to legally enforce your design right, you need to take the second step of certifying the design by having it examined. If examination is requested and the design is found not to be new or distinctive, the registration may be revoked. Further information about the 2-step process of registration and examination can be found on page 3.

For more information about the protection period and when to renew your IP, see [our website](#).

Our [short video](#) explains 'What are design rights?'.

▼ Business pictured: Design By Them



Why should I register my design?

When you register and certify your design, it gives you:

- ✓ the exclusive right to use your design and authorise others to use it within Australia
- ✓ a right that can grow in value and can be sold or licensed within Australia
- ✓ the ability to apply for the same design right overseas (within 6 months of your Australian application).
- ✓ the ability to take legal action against someone who uses your design without your permission (once certified).

Design rights don't protect:

- ✗ ideas, concepts, or processes
- ✗ intangible or invisible objects which are not physical, such as computer graphics
- ✗ how your product works or is made
- ✗ non-visual features of a product
- ✗ items which are not manufactured, or handmade, such as a person, animal, or plant
- ✗ the brand name or logo you have developed for your product
- ✗ partial design features of a product or a part of a product that is not made separately
- ✗ the visual appearance of your product changing over time
- ✗ small-batch items (not industrially applied).



At a glance

- Costs from \$200 for registration and \$500 for certification
- Typically takes around 2 months to register and 4 months to certify
- Lasts up to 10 years (if renewed at 5 years)
- Keep your design confidential before applying

*all prices are correct at time of publication



Things to consider before you apply for a design right

Make sure it's the right IP for your needs

A design right protects how something looks, not how something works (this would require a [patent](#)) or a brand (this would involve [trade mark](#) protection).

Know how a design right can impact other IP rights

Registering a design right means that:

- you may impair your ability to enforce your copyright
- you can protect different features of the same product using patents. For example, how a product works may be related to the way it looks. In such cases, you may need to file for a design and a patent at the same time to avoid public disclosures that may impact your enforcement options.

The overlap between design rights and other IP can be complex. If you're concerned about this, we recommend consulting an IP professional.

Avoid disclosing your design publicly

To have the best chance of protecting your design, it shouldn't be publicly disclosed until after you have applied for registration. Even posting a picture on social media can make it difficult to enforce a registered design right as it may no longer be considered new and distinctive. If you need to talk to others about your idea, you may want to consider requesting that they sign a non-disclosure agreement (NDA).

What if my design has already been disclosed?

It may be possible to still obtain an enforceable design right by relying on a grace period exception.

Search for similar designs

Before applying, you may wish to see what's already registered.

We recommend searching for similar designs on:

- the internet, including social media
- dedicated IP search databases in Australia and overseas.

For more information on how to search existing designs, see [our website](#).

These design types can't be legally protected with a design right

- ✗ scandalous designs that would shock or offend the community
- ✗ medals
- ✗ certain coats of arms, flags, and emblems
- ✗ bank notes or paper money
- ✗ integrated circuit layouts
- ✗ a design prohibited under the *Olympic Insignia Protection Act 1987*
- ✗ designs which use the word 'ANZAC' without permission from the Department of Veterans' Affairs.

Examples of design rights ▼

Albion cricket helmet



Breville juice fountain



V2 Holden Monaro Coupe





Getting started

What's the 2-step process?

Unlike other IP rights, a registered design is not an enforceable right. To enforce your design right, your registered design right needs to be examined and certified.

When we receive your registration request, we check your application against the legislative requirements. At this step we don't check if your design is similar to another design. After you have registered your design, you (or another person) can request examination. This involves searching the world for identical and similar designs. If your registered design passes this examination, it will be certified.

Certification, granted through examination, gives you the legal right to enforce your design and take action against others who use it without your permission. Examination is optional and is only possible after your design has been registered.

How do I apply for a design right?

You can [apply for a design right](#) through our online services.

What is the IP Australia fee?

Application filing fees for the first design start at \$200* if you are using our online services. If more than one design is applied for in one application each additional eligible design will incur an additional \$150*. Further fees are payable for examination if you decide to seek certification. These fees start at \$500* per registered design. Further information on timeframes and fees is available on [our website](#).

Do renewal fees apply?

Yes. Your design will initially be registered for 5 years. This can be extended for a further 5 years by paying the \$400* renewal fee.

International protection

To register your design overseas you need to apply for a design right in each country directly. This can be complex and you may consider consulting an IP professional experienced in design rights.



Use the Australian Design Search database to access design applications filed and granted in Australia.

▼ Business pictured: Design By Them

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What's the overlap between design rights and copyright?

In many cases, the law may prevent protection of a design with both copyright and a registered design right.

Copyright protection can potentially be impaired if:

- you 'industrially apply' your design. Generally, if 50 or more products embodying the design are made, it's said to be industrially applied. However, this number can vary depending on the nature of your industry
- you register a design right.

If you plan on manufacturing and commercialising your design, it's important to consider applying for a design right early. Remember, keep all sketches and prototypes confidential until you have applied for your design. This includes not posting on social media and not writing about it in trade journals.

The overlap between design rights and copyright can be complex. It may be in your best interests to seek further information from:

- [an IP professional](#)
- the [Australian Copyright Council](#).

Professional assistance

If you need help or advice, [IP professionals](#) can assist you on your IP journey. An IP professional is an expert in a professional field. They can help you during different stages of your IP journey by providing you with legal, financial, or business advice. Due diligence investigations are an important consideration before commencing use of IP, and professional advice early on can save significant expense and inconvenience later.

Your time is important, and an expert's time can be expensive. It's useful to ask your IP professional if there is anything that you need to prepare ahead of any planned meetings.

In Australia, design rights are linked to higher productivity, R&D spend, and exports in design-intensive industries (Australian IP Report 2026).

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For more information visit our website
ipaaustralia.gov.au/design-rights
or call on 1300 651 010
(Monday to Friday, from 9am to 5pm
your local time, across Australia)

Stay connected



An IP story:

Heiyech and design rights

Heiyech

Business pictured: Heiyech

'Securing IP rights means that you're confident from the start ... You are protected so you can go about your business ... You can take your product to market without needing to worry about others trying to take that brand.'

Laura King, Heiyech.

The fast-moving fashion world is notorious for dupes or imitations. Laura King is the founder of Heiyech, a line of cleverly designed bags that blend function with style. Laura explained how securing design rights was important to protect her unique designs.

'I had just had my second little boy and was juggling the snacks, and nappies. I needed to be hands-free. The system of converting from tote to backpack, that's what we wanted to protect.'

Laura took the additional step of having her designs examined and certified, giving her the right to take legal action against anyone who uses the designs without permission.

'A certified design can be a 2-step process. Firstly, you can register your design, but then also seek to have it

be enforceable. I didn't actually pass straight away. Our drawings needed some iterations. IP Australia conveyed that in writing, gave examples of how we could make it better. It felt like it was a collaboration and a team effort between the examiner and I.'

To read more IP stories like this one, visit our [website](#).