



**DRAWY**  
THE PATTERNS PLATFORM

## WHITEPAPER

**TO** : Whoever it may concern

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**SUBJECT** : Legal compliance of the electronic time stamps generated through the online platform Drawy with the eIDAS Regulation 910/2014

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### 1. Introduction

This whitepaper assesses the legal effectiveness of the online platform Drawy in relation to European requirements applicable to electronic time stamps. In the first part of this whitepaper, we give a brief overview of the relevant regulatory framework and its requirements. In the second part of this whitepaper, we describe the key features of the time stamping process applied by the online platform Drawy and assess those features in regard of the relevant legal requirements for electronic time stamps.

### 2. Regulatory framework

In order to build trust in the online environment and to enhance trust in electronic transactions, the European legislator has adopted Regulation 910/2014 of 23 July 2014 on electronic identification and trust services ("**Regulation 910/2014**"). This regulation, which is directly applicable in the same way in all EU member-states, has created the first European legal framework for amongst others electronic time stamps.

An electronic time stamp is defined by Regulation 910/2014 as "*data in electronic form which binds other data in electronic form to a particular time establishing evidence that the latter data existed at that time*". And a qualified electronic time stamp is defined as an electronic time stamp that meets the following requirements: "*(a) it binds the date and time to data in such a manner as to reasonably preclude the possibility of the data being changed undetectably, (b) it is based on an accurate time source linked to Coordinated Universal Time; and (c) it is signed using an advanced electronic signature or sealed with an advanced electronic seal of the qualified trust services provider, or by some equivalent method*".

As to the legal value of an electronic time stamp, it must be emphasized that an electronic time stamp may not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements of the qualified electronic time stamp. Moreover, a qualified electronic time stamp shall in accordance with Regulation 910/2014 enjoy the presumption of the accuracy of the date and the time it indicates and the integrity of the data to which the date and time are bound and must be recognized as such throughout all EU member-states.

In other words, when a design or any other electronic document is time stamped with a qualified electronic time stamp, it is legally presumed to have existed on the date and time of the time stamp, and can be used as evidence in court.



### 3. Compliance assessment of the online platform Drawy

Drawy is an online platform that amongst others allows its users to store and time stamp designs. To have a design time stamped, a user uploads his or her design, fills out the required fields and clicks on "*Register my design*".

What happens next is that Drawy applies its own PKI-based encryption techniques to the design and ensures the design is time stamped with a qualified electronic time stamp, for which it partnered up with a qualified time stamp authority ("**TSA**"). The user immediately receives a confirmation, mentioning the date and time of the electronic time stamp with a reference to the Coordinated Universal Time (UTC). Moreover, a Drawy report with a reference code and QR code, becomes immediately available allowing for a first validation of the time stamp. Upon request, Drawy also provides the user with an additional verification report (or relevant details (i.e. an ADS-file) to request such report) from the TSA supporting the Drawy platform. This second report, which we recommend to also submit in court proceedings, can provide clear evidence that the time stamped design has not been changed after the mentioned date and that it has been signed with an advanced electronic signature from the TSA.

In regard of the three requirements of a qualified electronic time stamp as mentioned above, it must be noted that the electronic time stamps generated through the Drawy platform meet all three. Moreover, it must be noted that Drawy even goes one step further by adding an additional layer of security, i.e. by applying its own encryption techniques to the design.

As a side note it however is relevant to note that Drawy only stores time stamped design on its platform for a period of five years, unless renewed by the user.

### 4. Conclusion

Based on the information available to us on the functioning of the online platform Drawy, we conclude that, from a legal perspective, the online platform Drawy is a trustworthy and secure tool that enables its users to have designs time stamped with a qualified electronic time stamp, which enjoys the legal presumption of the accuracy of the data and the time it indicates and the integrity of the data to which the data and time are bound.

In other words, when a user requests Drawy to time stamp his or her design, a qualified electronic time stamp is generated which provides legally binding proof that the time stamped design was available at that point in time. In case of possible infringement proceedings, the time stamp can help the user to demonstrate the existence of his or her design at that point in time, avoiding difficult discussions on who was the first one to create the design. For the avoidance of doubt, it must be stressed that a time stamp of course does not prove whether or not the content of a design meets the requirements to enjoy protection by any intellectual property right (such as for example copyright and design rights).

Furthermore, we do believe that a platform such as Drawy, which entails the capabilities of generating qualified electronic time stamps meeting the requirements of Regulation 910/2014, would be a useful tool for designers and companies in the textile or fashion industry looking for reliable, cheap and easy-to-use alternatives to prove that their design existed at a certain point in time.

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