



# Industrial Designs



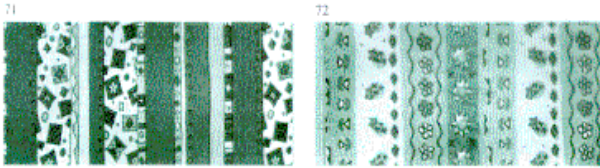
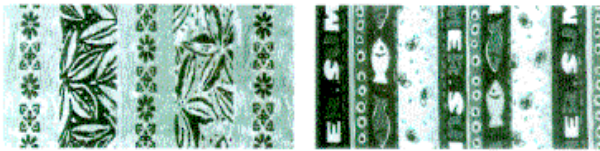


- “ The Form of a Product”

What is Protected: the Aesthetic Feature of a Product not the Technical (Patents) nor Distinguishing Features (Trademarks)



# Two-dimensional Designs



# Three Dimensional Design



- 3-DIMENSIONAL DESIGNS



## The Value of a Creative Design



- Makes a product attractive and appealing
- Target specific market segments
- Create a new market niche
- Strengthen brands



## Industrial Design protection > registration =



- Exclusive right to prevent unauthorized copying or imitation by others
- Return on investment
- Business asset increasing commercial value of a company and its products
- Registered design may be licensed (or sold)
- Encourages fair competition and honest trade practices



## Reasons for protecting designs in EU



- 70% prevent copying
- 23.4% company policy
- 20.3% get ahead competition
- 10.1% prestige
- 6.5% prevent people think “I copy”
- 5.8% other

## Practical Aspects



- Protecting Industrial Designs
- Protecting Designs Abroad
- Enforcing Industrial Designs
- Other Legal Instruments for protecting





## What to remember when seeking protection



- The design must be **NEW**
- The design must be **ORIGINAL**
- The design must have **INDIVIDUAL CHARACTER**

## Remember what cannot be protected



- Designs that fail to meet requirements of novelty, originality and/or individual character
- Designs dictated by technical function
- Designs with official symbols or emblems
- Designs contrary to public order or morality

## Protecting ID through Registration



- The Applicant
  - application form, contact details, drawings or photographs of design, written description or statement of novelty, fee.
- The IP Office
  - formal examination
  - substantive examination
  - design register/design gazette
  - design registration certificate valid at least 10 years



## Scope of Rights



- The right to prevent unauthorized copying or imitation by third parties
- Exclude all others making, offering, importing, exporting or selling product with the design

## Keep in Mind



- The time it takes to register a design
- The cost of registration
- Keeping design secret prior registration
- Grace period
- Who may apply for ID protection
- Who owns the right over ID



## Protection at home and abroad



- The national route
  - each country where you seek protection
- The regional route
  - countries members of a regional agreement: African Regional Industrial Property Office; Benelux Design Office; Office for Harmonization of the Internal Market of the EU; Organisation Africaine de la Propriété Intellectuelle
- The international route
  - Hague agreement - Administered by WIPO (36 countries)



## Using ID as a business asset



- Licensing
  - additional source of revenue
  - exploiting a company's exclusivity over design
  - licensing contracts

## Enforcing Industrial Designs

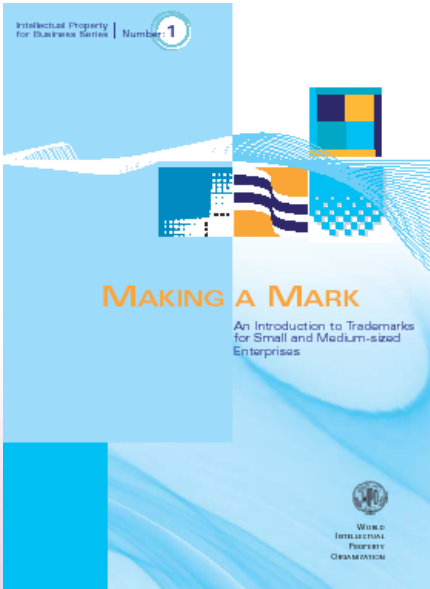


- Responsibility on owner of the ID to monitor, identify imitators/counterfeiters and decide on action
- Advice of IP lawyer
- “Cease and desist” letter to infringer
- Search and seize order
- cooperation with customs authorities to prevent importation of infringing goods.





# IP for Business Series





**Thank you**  
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