



工

业品外观设计

INDUSTRIAL DESIGN

产品的外形

- 工业品外观设计保护什么？
 - 物品的装饰性或富有美感的特点。
- 工业品外观设计不保护什么？
 - 物品的任何技术性特征不受保护。
(patents/专利)

几种定义

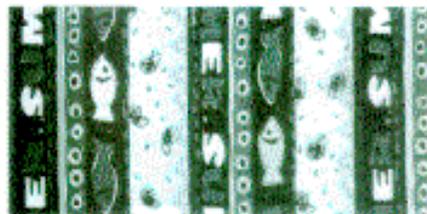
- 工业品的外观特征 (Austria)
- 用于制品的任何新颖，独创和装饰性的图案 (US)
- 任何线条或颜色的组合或者三维造型 (Model Law)



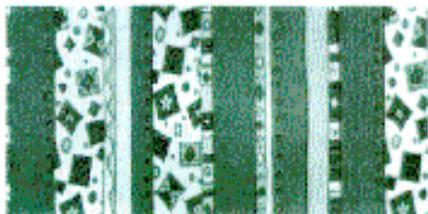
工业品外观设计

根据大多数国家的法律，工业品外观设计必须在视觉上能吸引人，才能受到保护。

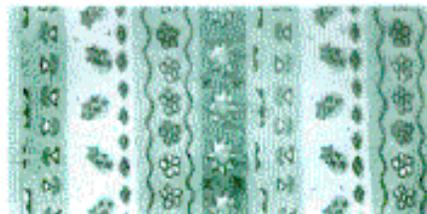
平面设计



71

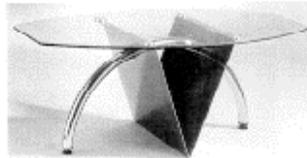
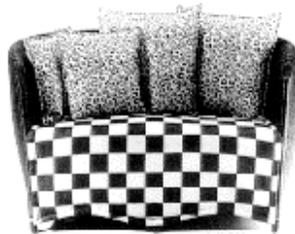
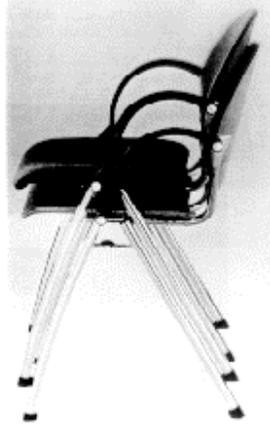


72

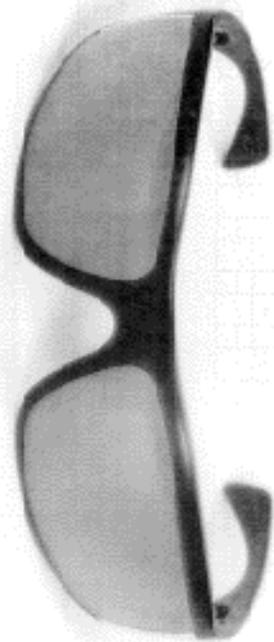
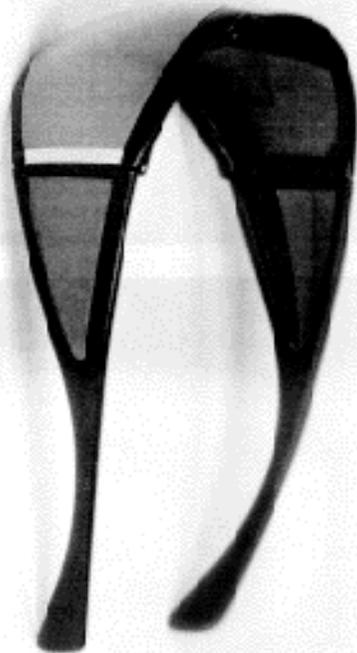
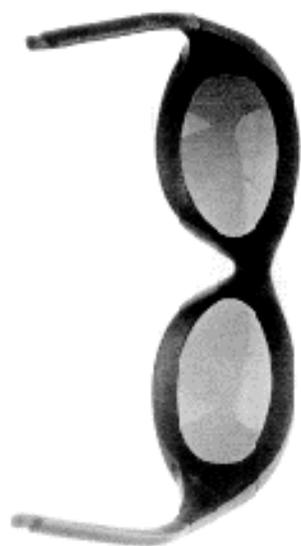


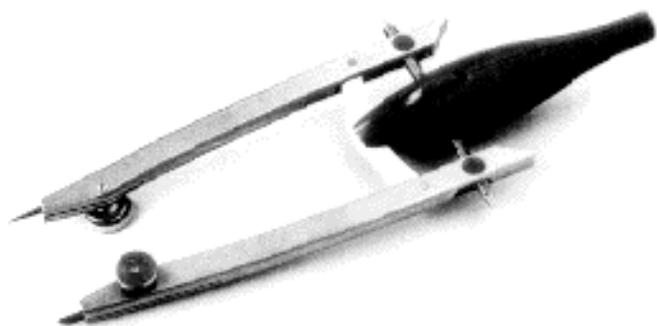
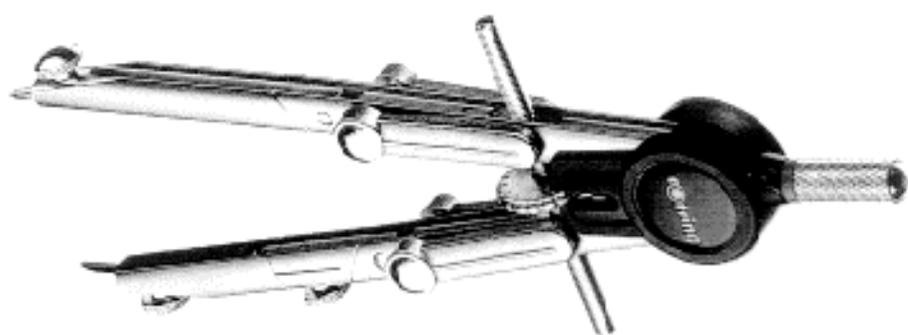
立体造型

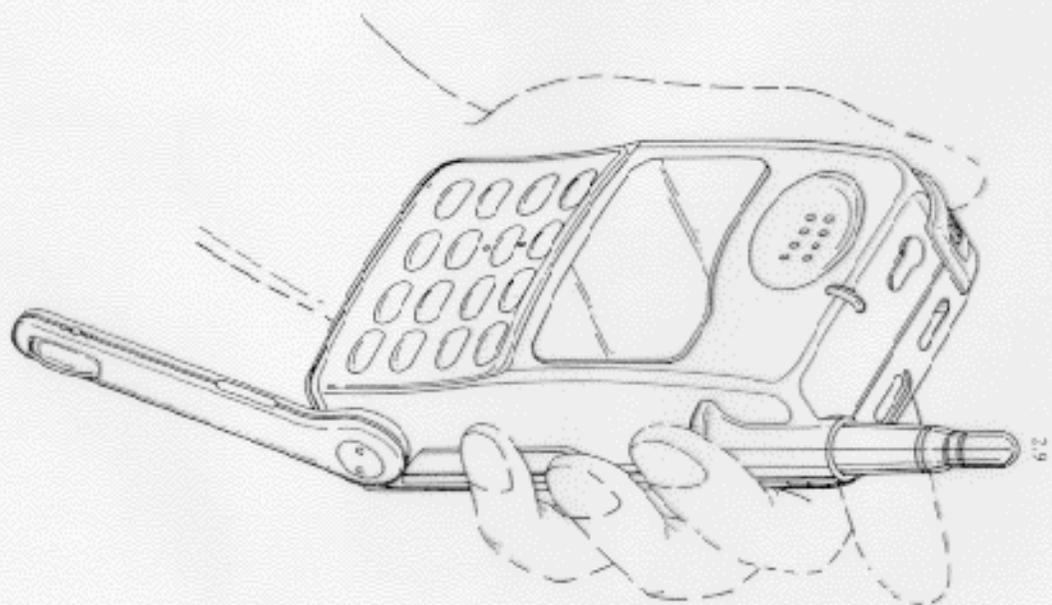
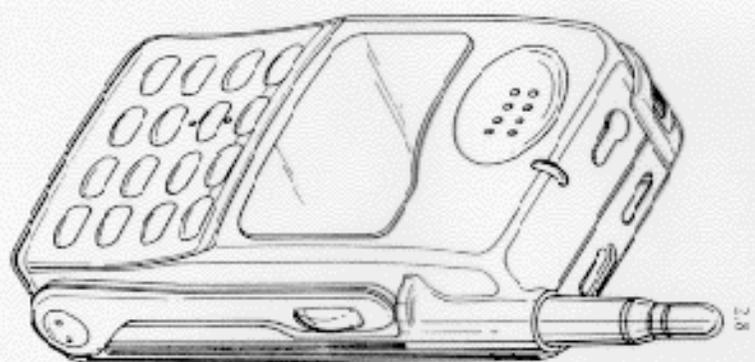
- 3-DIMENSIONAL DESIGNS

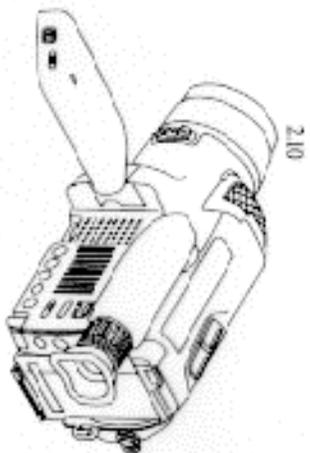
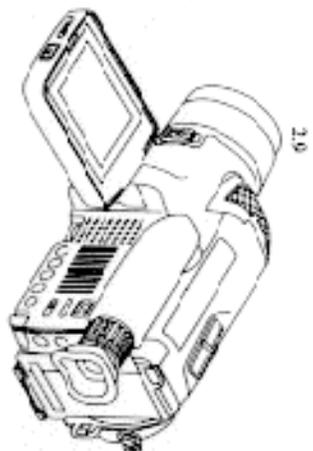
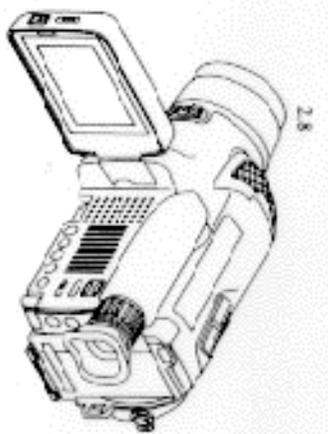
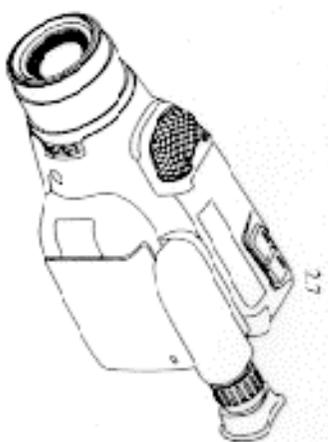
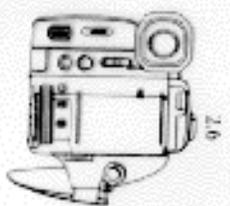
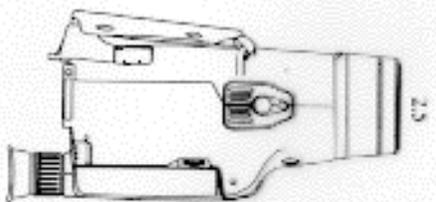


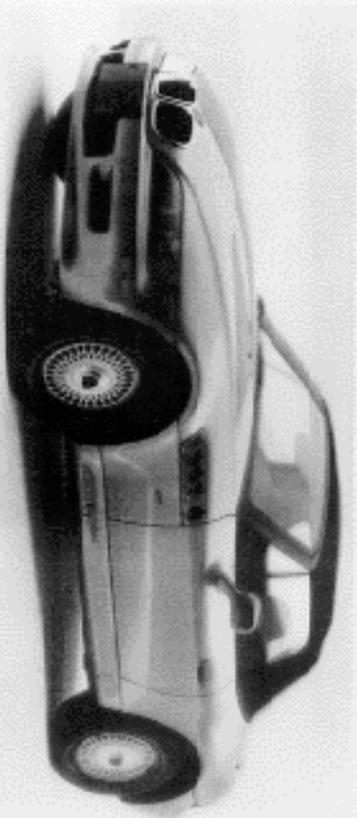




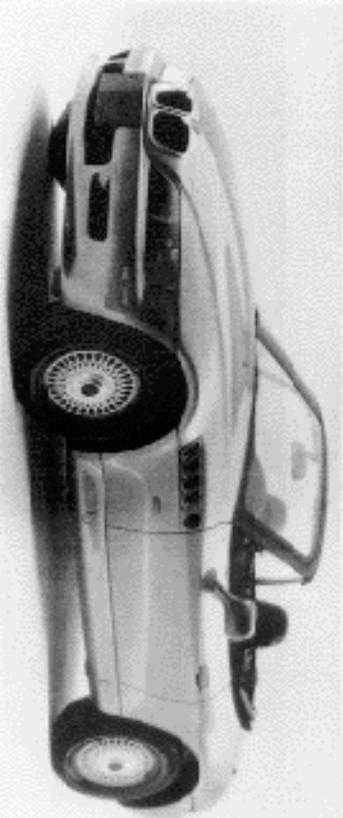




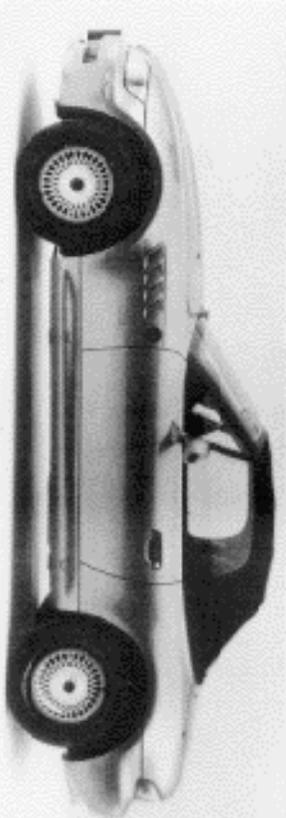


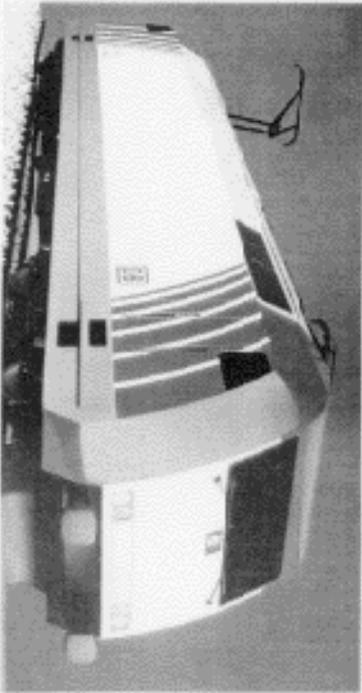


12

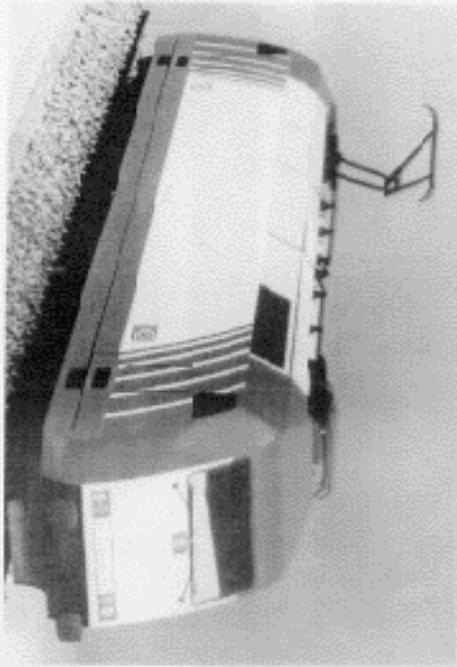


13





12



保护形式

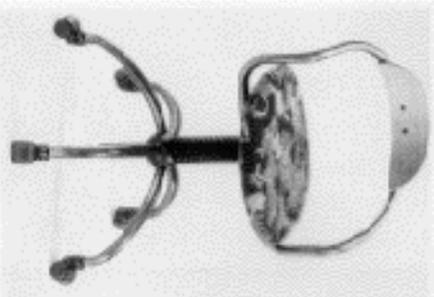
- 注册
- 使用
- 版权
- 立体商标
- 不公平竞争等

申请及注册

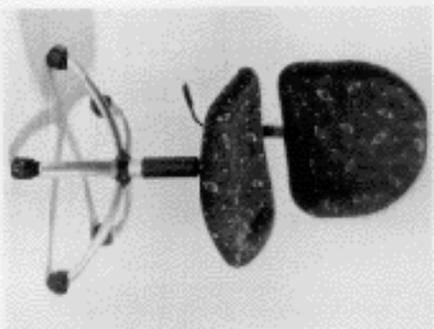
- 申请
- 审查
 - 绝对条件
 - 新颖：从未有过任何相同或极为相似的外观设计。
- 注册，保护期限一般为5年，并可续展至15年

新颖性

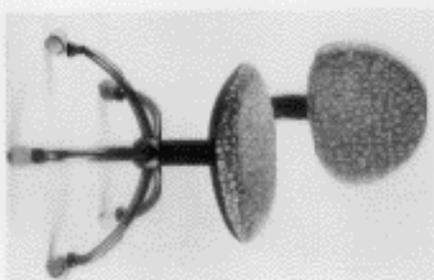
- 要无在先权 (Not commonplace in the design field in question at the time of the designs creation UK design right)
- 要求
 - 未公布
 - 未展览
 - 未使用等等



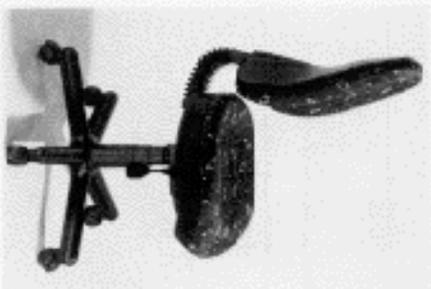
22



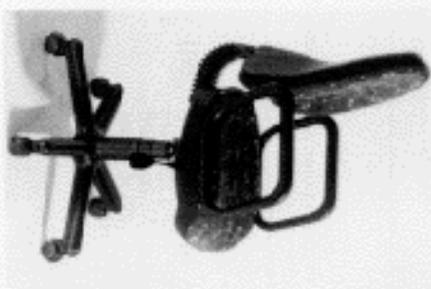
23



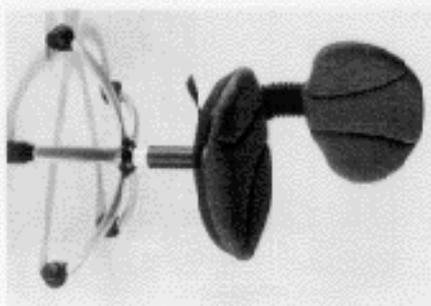
24



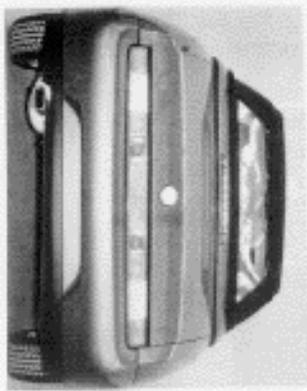
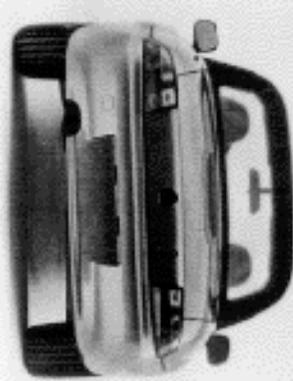
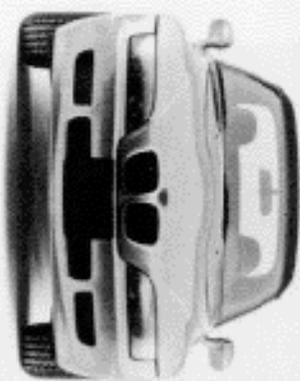
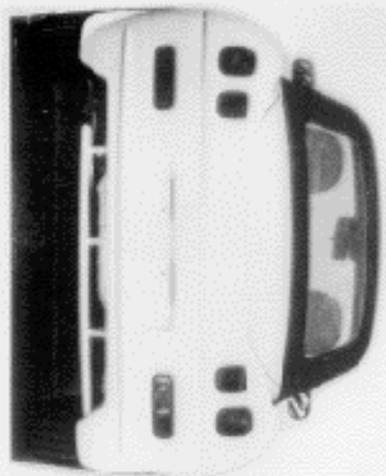
25



26



27

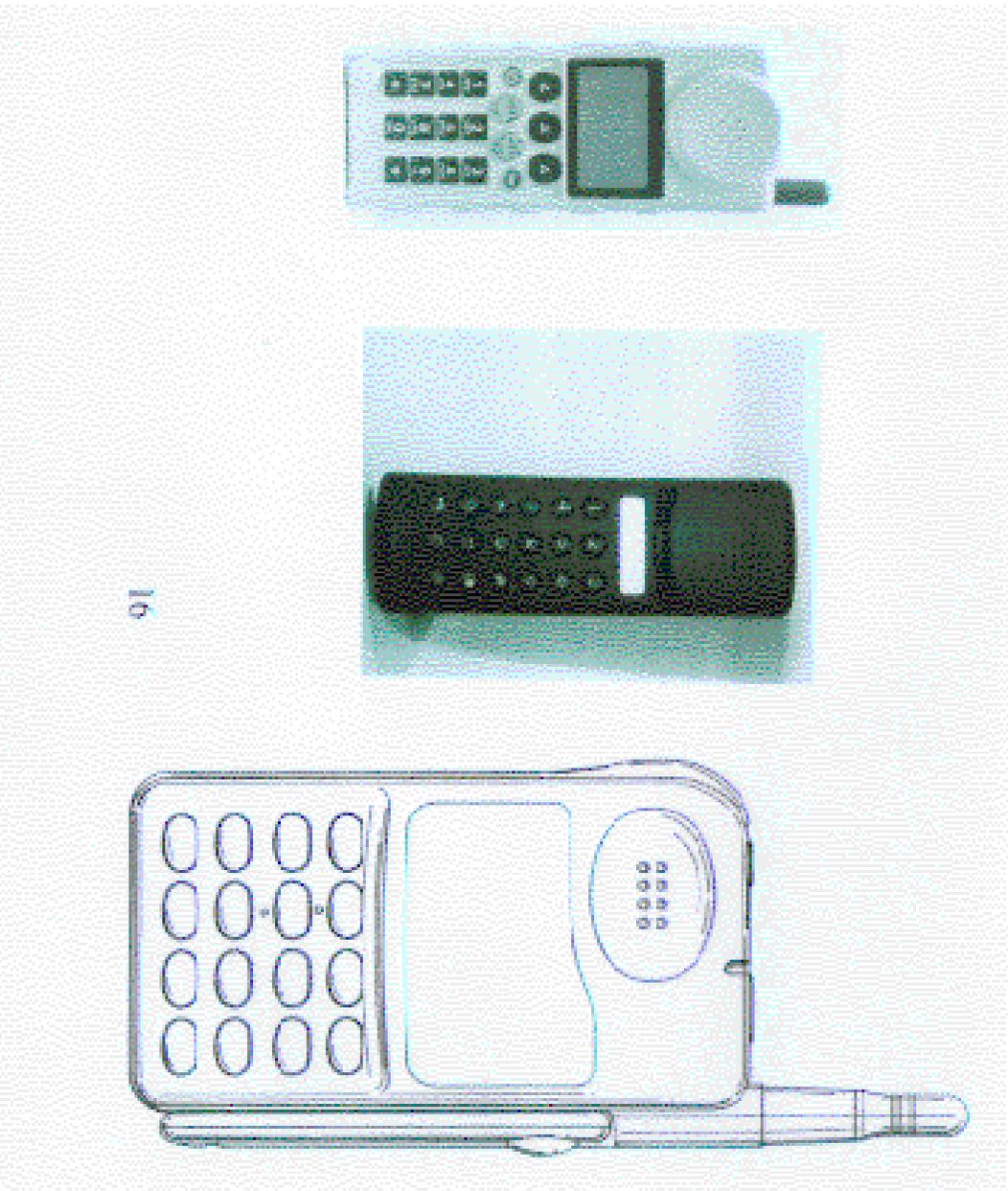


new and/or original?



17

new and/or original?





商标和立体商标

- 保护期可无限续展
 - 无保护立体商标的规定

不公平竞争(反假冒)

- 有效否取决于ID的知名度
- 保护无限期

版权等

工业品外观设计也可作为艺术作品受版权法保护，在有些国家，工业品外观设计和版权保护可以并存。

在另一些国家，这两种保护却相互排斥；注册人一旦选定一种保护，便不能再申请另一种。



注册程序

同于专利申请程序

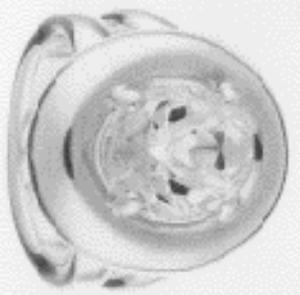
- APPLICATION
- EXAMINATION
- REGISTRATION
- PUBLICATION
- RENEWAL



10

11

12



13

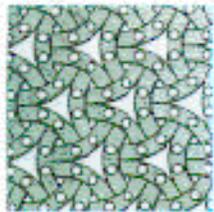
14

15





17



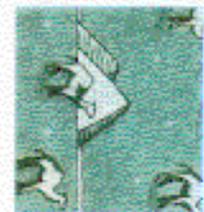
13



9



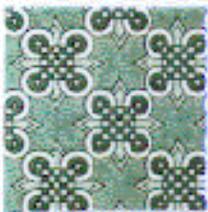
5



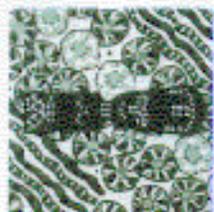
18



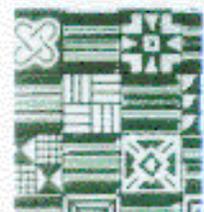
14



10



6



19



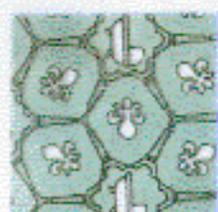
15



11



7



20



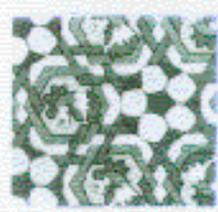
16



12



8





一般来讲，外观设计必须新颖或具有原创性，才能予以注册



INDUSTRIAL DESIGN

工业品外观设计

WIPO/MOST

11。2003