



# Protecting Industrial Design: The User's Point of View

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What is Scandinavian Design?



”What is unique about the Scandinavian culture and Scandinavian design is its eminent qualities of honesty, trustworthiness, unpretentiousness, straightforwardness, logic, clarity, ethical behaviour, social responsibility and cooperativeness.”

Mervyn Kurlansky,

Co-founder of Pentagram

## Why invest in design?



- Differentiation and justification
  - raise quality and make life easier for the user
- Create entireties instead of products
  - design is branding



IKEA offers a wide range of well-designed, functional home furnishing products at prices so low that as many people as possible will be able to afford them.



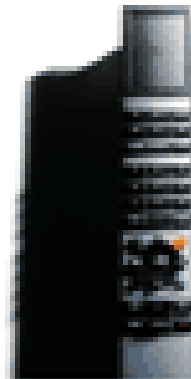
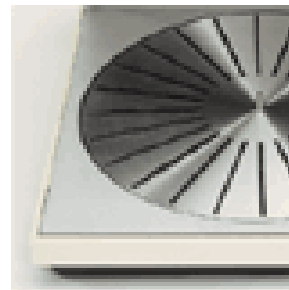
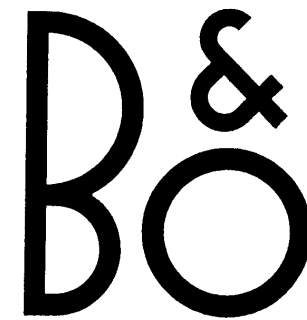
## Why protect design?



- Protect investment
- Create a basis for commercialization of the design or the brand or product of which it forms part

## When design attach to a brand

- Establish a "bundle of IPR" to protect the brand
- Develop a strategy to increase the value of the IP in the brand



When design attach to a product



- Establish a "bundle of IP" to protect the product
- Commercialize the IP in the product

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## Design protection in Scandinavia



- Design
  - Registered design
  - Unregistered Community Design
- Copyright
- Unfair competition
- Trademark



## Clothing

- Rely on
  - unfair competition
  - unregistered  
Community Design



BY  
MALENE BIRGER

# Furniture



- Rely on
  - Copyright
  - unfair competition

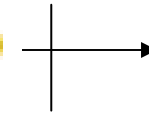
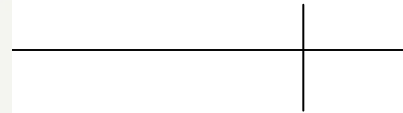
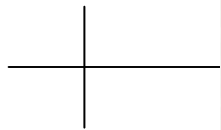
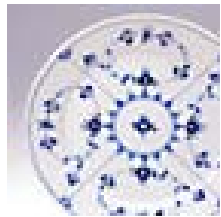


## Kitchen- and table ware



- No general trend for the sector
- Rely on
  - Copyright
  - Unfair competition
  - Unregistered design and registered design

# Kitchen- and table ware (cont.)



Copyright

Design

Unfair competition



## Requirements of the users



- Protection
  - Secure competitive edge
  - Fight counterfeits
- Freedom to operate

A global marketplace



- Limited harmonization
  - Unfair competition
  - Copyright
  - Design
- Design registration is the only way to protect design internationally

## Protection systems available



- National design registration
- Registered Community Design
- Hague System
  - EC to join
  - Scandinavian countries still considering their position in a Nordic/Baltic working group

## Preferred approach to design protection



- Obtain design registration
  - Community Design
  - In selected jurisdictions beyond the EC
- Establish selected designs as distinctive signs
- Eventually obtain trademark registration
  - For selected designs subject to their continued and extensive use



## Expectations of the users



- Harmonization of national laws on the protection of design
- Easy, cost efficient possibility of obtaining design registration in all relevant jurisdictions such as through the Hague System



Questions?

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