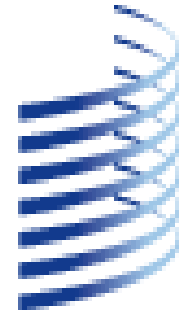




Ethiopian Intellectual Property Office

WIPO



Training of Trainers Program on Effective Intellectual Property Management by Small and Medium-Sized Enterprises (SMEs)

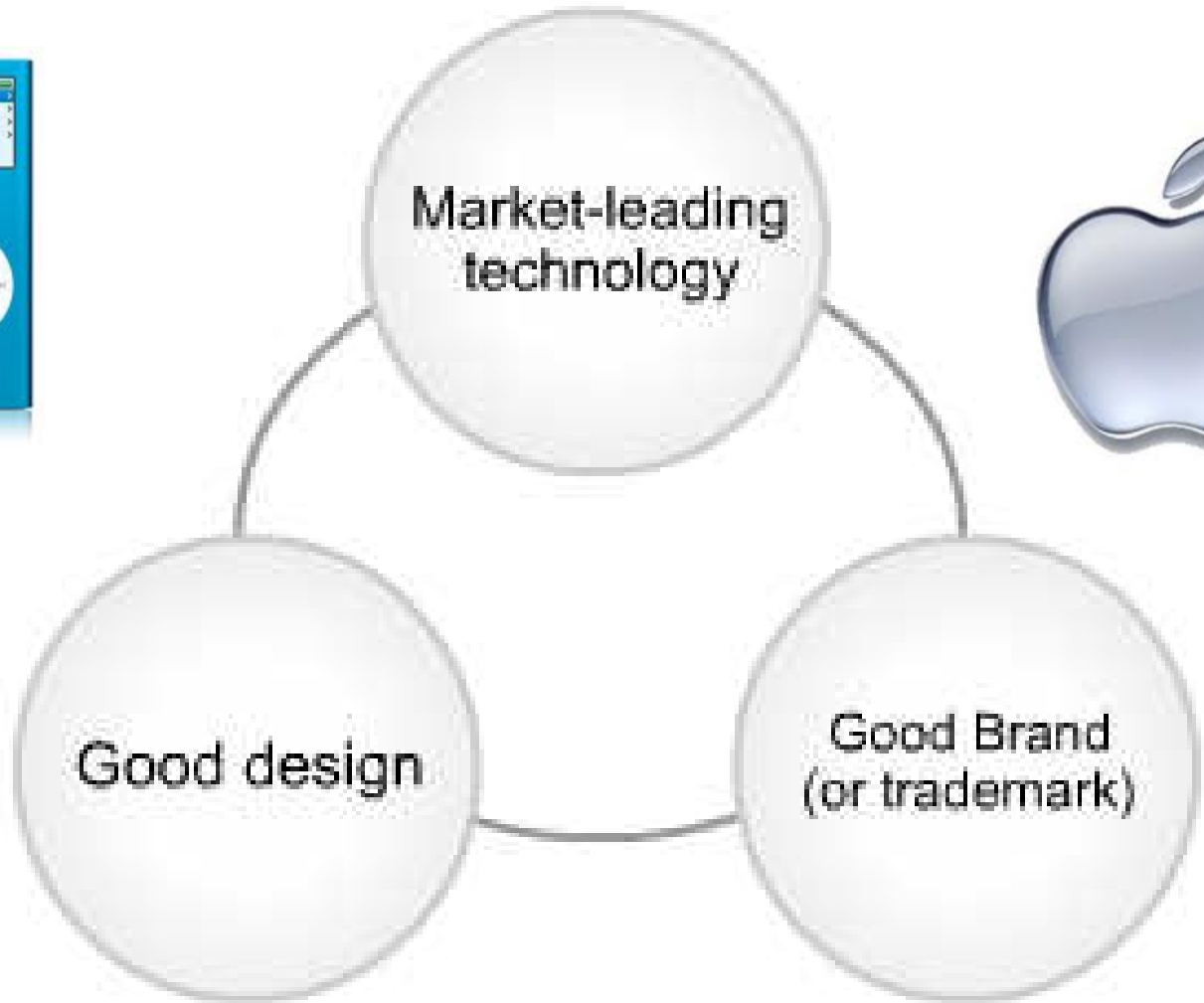
Appeal of Designs in Getting Noticed by the Customer

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Strengthening Brands through Industrial Design

- The brand plays important role in **attracting consumers**.
- But often it is the **external appearance** that may first catch the eye of a potential consumer.
- Good **design often wins passionate brand loyalty** as in the case of Apple's iPod.



What is an Industrial Design?

- It refers to a product's overall form and function.

When it is comfortable to sit on a chair and we like the way it looks → it's a "good industrial design"

- Designing = developing the product's **functional** and **aesthetic** features taking into consideration issues such as the product's marketability, the costs of manufacturing or the ease of transport, storage, repair and disposal.

Character of an Industrial Design

- Types:

It may consist of **three-dimensional** features, such as the shape or configuration of an article,

or of **two-dimensional** features, such as images, pictures, drawings, and so on that rely on patterns line or colors.



Character of an Industrial Design

- Following Chapter IV of the regulation on Inventions, Minor Inventions & Industrial Designs

42. Number and Size of Representations and Specimen

1. The application shall be accompanied by the following:-
 - a. if the industrial design is two-dimensional, by four graphic representations or four drawings or tracings; or
 - b, if the industrial design is three-dimensional, by four graphic representations or four drawings or tracings of each of the different sides of the industrial design; and

Character of an Industrial Design

- Products:

Products of **industry**, **fashion** and **handicrafts** from technical and medical instruments to watches, jewelry, luxury items, toys, electrical appliances, cars and architectural structures;



from **textile designs** to sports equipment or packaging and containers products.

Also, **electronic desktop icons** generated by computer code, type faces, the graphic display on computer monitors, mobile phones



Character of an Industrial Design

- Protection:
 - It must be **new or novel**.
 - It must be **original**.
 - It must have an **individual character**.



Character of an Industrial Design

Rights:

- (1) Prevent unauthorized copying or imitation by third parties.
- (2) Exclude all others from making, offering, putting on the market, importing, exporting, using, selling, or stocking for such purposes by others of product in which the design is incorporated.

Character of an Industrial Design

- Duration:

Varies from **5 to 25 years**:

In most countries, protection of industrial designs requires registration in a particular class but the protection is not limited to the goods in that class of goods.

In some countries, mostly in Europe, a copyright-like protection is also available to unregistered designs.

2- Building the Brands

How to select a mark?

- Shall support business goals and objectives.
====>
- Wide range of issues to consider:
 - The relevant **languages**
 - Culturally determined meaning of **colors**
 - Technical requirements for **printing** or **digitizing** a mark
 - The **legal** requirement that arise out of the relevant trademark law

2- Building the Brands

Duration of the protection

- A trademark is protected for 7 years renewable.

- Article 24. Duration of Registration 2006 states that

Without prejudice to the provisions of Article 35 to 37 of this Proclamation, the registration of a trademark shall remain valid for a period of seven years from the date of submission of the application for registration.

– The market of the trademark: national or international →

challenge to create or select a mark that has no meaning or does not have a **negative** meaning or **connotation** in any of the relevant languages.



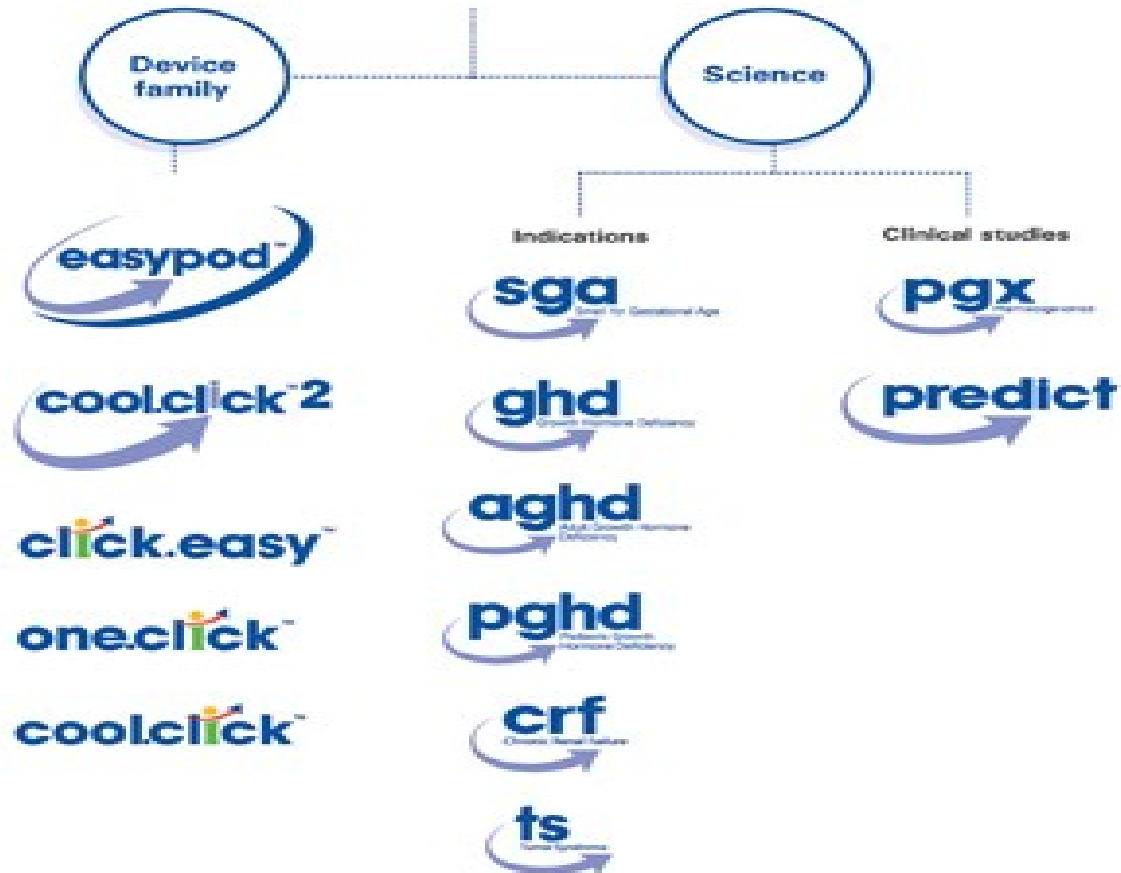
The five-points checklist

- ▶ Legal Requirements:
 - ▶ In compliance with the trademark law
- Language Requirements:
 - ▶ Easy to read, spell, remember, retrieve
 - ▶ Not generic or descriptive of the product or service
- Trademark Search:
 - ▶ Not identical or confusingly similar
- Connotation:
 - ▶ No undesirable or negative connotation in any language
- Domain Name:
 - ▶ Availability of the corresponding domain name

Example of easily accepted words:

- Coined words → no meaning / invented words
 - ▶ KODAK
- Arbitrary words (fanciful) → does not describe the product
 - ▶ ELEPHANT (for cell phones)
- Suggestive Words → describe some attributes of the product
 - ▶ Airbus/Nescafe/Swatch (Swiss watch)

Branding Strategies



Multi branding



Family branding



LG



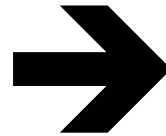
Product extension



Line extension



Brand extension



3- How to protect industrial design

1- Registration:

- **Its importance:** improves the competitiveness of a business and brings in additional revenue in one or more of the following ways:
 - Prevent counterfeiting.
 - Secure a fair return on investment made in creating and marketing the relevant product, and thereby improves profits and the commercial value of the company and brands.
 - May be licensed to other for a fee.

1- Registration:

- File an application at the national bureau along with copies of an adequate number of drawing and/or photographs that depict all the essential distinctive features of the design.
- The prescribed fee has to be paid. In some countries, you may be required to file, or have the option of filing, a written description or statement of novelty of the design.

1- Registration:

- **Rights of the owner:**

- Using and preventing others from using the industrial design
- Importing and preventing others from importing any product related to the industrial design, or possessing such product for the purpose of selling it

Multi-protection

The same product might be eligible for multi-protection:

- Designs & Patents (or Utility Models)
- Designs & Copyright
- Designs & Trademarks

Designs & Patents

- Design protects aesthetical features of a product (it is primarily ornamental), whereas its functional features (functional improvements) can be protected by a patent or a utility model

Designs & Copyright

- A cumulative protection by design law and by copyright law is possible. Knowing that copyright protection last longer than design protection.

Designs & Trademarks

- If a product's design becomes a distinctive feature of that product, it can be protected as a 3D trademark (in some countries).



- Once a design acquires distinctiveness through its use in the market it may qualify for trademark registration.

- This is the case of the Coca-Cola bottle which is a three-dimensional mark or trade dress.



Coca-Cola Bottle Evolution

- The shape of the bottle was initially an industrial design and only later it was registered as a trademark in many countries.

In short

- Industrial designs protect the ornamental or aesthetic aspect of a product or part of a product.
- Designs should be registered – it is necessary to file an application.
- There are mandatory requirements for registration.
- There are several types of protection available and sometimes they overlap.

Thank you

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