

# Looking Good : The Appeal of Designs

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# How Good Designs are Important?



Source : IP Panorama, WIPO



# What is an Industrial Design?

- ✦ An industrial design is generally the ornamental or aesthetic aspects of a product. 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.

# ● Requirements for registration

- - It must be new or novel.
  - It must be original. (created by the designer and is not a copy or an imitation of existing designs)
  - It must have an individual character.

# Tenure

- ✦ The term of protection for a registered industrial design may vary from one country to another, and it varies from 10 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.

# Rights

✦ The industrial design owner has the following rights.

- (1) An industrial design provides its owner the exclusive right to prevent unauthorized copying or imitation by third parties.
- (2) This includes the right to 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 or the which it is applied.

# Design Registration

- ✦ There are two points about Design Protection through registration (apart from the fact that *registration helps in infringement cases*)
  - 1) Registered designs ought to be original and protect outward appeal or appeal to eye of an article and not its functional purpose
  - 2) Also generally, people seek to register designs which have some **industrial or commercial use apart from being aesthetic.** – but then how does one know whether a design will be truly commercial – this is a matter of judgement and part of ‘design protection strategy’

# Craftmanship

- ✦ If you plan on making multiple copies of your work, which could be anything from furniture and jewellery to a printed textile or ceramics with an applied motif, then carefully consider the option of registering it as a design.



# Craftsmanship

- ✦ **The requirement of craftsmanship demands that the work reflects pride in sound workmanship and displays an exercise of skill by its creator in using materials to create the work and devices to transform the materials into the work.**
- ✦ **The concept of craftsmanship is not necessarily limited to handmade products.**
- ✦ **Products produced by machines qualify as works of craftsmanship when they result from the creator's skill or involvement with the machinery, knowledge of the materials and pride in the workmanship.**

# Craftmanship & Aesthetics

- ✦ The more skill and involvement you show in the making of your work the better
- ✦ The subjective intention of the creator is important
- ✦ This is because no one can be judgmental about aesthetics

# Designing Logos

- ✦ There are three basic types of logos: text, symbol, and combination logos.
- ✦ The type of logo that will work best for your company depends on a number of considerations, such as the size of your company, the uniqueness of your name, and a variety of other factors

# Designing Logos

- ✦ A text logo (also sometimes called a logotype or word mark) is a logo largely made up of the text of the company's name.
- ✦ This type of logo can have some graphic elements – lines, boxes, borders – that interact with, surround, or even form the letters.
- ✦ However, the graphic elements should be used as an accent to the text, not as a major or equally-weighted part of the logo.

# Designing Logos

- ✦ A text logo works well when:
  - ✦ \* You have a multi-word business name
  - ✦ You're working with an innovative, unique business name, as with Yahoo or Google
  - ✦ You're designing a logo for a large company that offers many types of products, services, or a combination of both, that may be hard to define or "wrap up" in a single picture or symbol.

# Symbol Logo

- ✦ This type of logo includes neither words nor letters – only symbols, images and shapes.

A symbol logo works well when:

- ✦ \* Your company already has a high level of brand recognition. If who you are and what you do are already widely known, then you can use a symbol logo as an elegant and clean solution.

# Combination Logo

- \* You have been using a combination logo for some time and have now built up enough brand recognition for your symbol to stand alone. This is a common transition for a logo design to take when your company grows.
- \* You have a unique symbol in your industry – you wouldn't want to be confused with or mistaken for anyone else in your industry!



# Combination Logo

- ✦ You have the time and energy to trademark your logo, and then to police and enforce that trademark
- ✦ You have a global presence and can develop a universal, graphic symbol that speaks to you and audiences





# Combination Logo

- ✦ A combination logo is an excellent choice for a small- or medium-sized company or a company just starting out, to begin to build brand recognition, because a combination logo is both visually strong and explanatory.



# Combination Logo

- ✦ Combination logos are easier to copyright and protect than a symbol-only logo, because the logo symbol will always be used in conjunction with the business name. This automatically makes the logo unique

# India's Design Act 2000

- ✦ You are a unique symbol in your industry – you wouldn't want to be confused with or mistaken for anyone else in your industry! ( Tata Coffee?)
- ✦ **The requirement of craftsmanship demands that the work reflects pride in sound workmanship and displays an exercise of skill by its creator in using materials to create the work and devices to transform the materials into the work. (Darjeeling Tea - only fine plucking and special manufacturing system )**



# Unique Acts of Creativity in IP Use

- ✦ Protect Designs with GIs
- ✦ Nested Logos
- ✦ Grafting designs to TM Logos (Tea Board)
- ✦ Nanotech Layering Features
- ✦ Semi Conductor Design

# Designs Act 2000 & TM Act 1958: What it Keeps Out

- ✦ Designs Act 2000 does not include trade mark: does not talk of GI logos
- ✦ DA also gives 10 yr CR on protected designs – thus double protection is there
- ✦ TM Act does not allow shapes of goods to be registered if the latter is utilitarian
- ✦ TM also does not allow registration of exclusively marks or indications



# GI : What it does not allow

- ✦ **GI Act does allow other characteristics of goods in GI so long as this characteristic is attributable to a geog area – CTMs can also be registered**

# Indian Tea Logos: Collective Goods

## Tea Board Logo



## Specialty Logos



# Tea

- ✦ Headgear of woman was a design to reduce drudgery – it is a design but was embedded in a CTM
- ✦ Specialty tea logos is GI based – there is no design issue here – but it is also protected as CTM not as GI



# Analytics of Darjeeling Logo GI + TM

- ✦ Darjeeling – GI (word)
- ✦ Indicates Fragrance for Aroma
- ✦ Gender
- ✦ Quality ( Two and Bud)
- ✦ Indian Tea

Captures the key descriptive attributes

# Darjeeling Tea CTM

- ✦ **10 million Kg produced in Darjeeling, sold is 40 mkg!**
- ✦ **The word 'Darjeeling' and the Logo (Darjeeling + Woman + Tea leaf) is registered as a CTM**
- ✦ **Gardens are listed**
- ✦ **Can be used by traders ,exporters, producers and packeteers who are registered with the Tea Board or hold its license**
- ✦ **Thus it is easy to monitor infringements**
- ✦ **Now better realization by producers**

# Other reasons for CTM for Darjeeling Tea

- ✦ Adulteration
- ✦ Abuse of Appellations
- ✦ Competition from flavour chemicals of tea by the likes of Melcher Aromen, Bremen, Germany which sell tea extracts and essential oils using niche flavours of tea

# Good Vs Great Designs

✦ The slides that follow with the same title are based on

“[http://sixrevisions.com/web\\_design/the-difference-between-good-design-and-great-design/](http://sixrevisions.com/web_design/the-difference-between-good-design-and-great-design/)”

# Good Vs Great Designs

- ✦ Take the recent redesign of Inspiredology shown above.
- ✦ This is a site created by designers *for* designers. Consequently, it's heavy on eye-candy.
- ✦ The header is a beautifully goofy piece of art that always grabs your attention for a few seconds no matter how many times you've seen it.

# Good Vs Great Design



# Good Vs Great Designs

- ✦ As you scroll around the page, you can see that the quality of the visual appeal is carried on throughout the design.
- ✦ The difference between good and great design from the designer's perspective is therefore simple: **aesthetics**. Put two websites in front of a professional designer, ask him to choose which is the best and chances are that you'll see the prettier site chosen over the uglier alternative.



# Good Vs Great Designs

- ✦ It's simply the way we're wired. Our knowledge of aesthetics isn't something to be scoffed at — it's what makes us valuable. If everyone could make something look beautiful on their own, we'd be out of a job. Attractive graphics have the unique ability to capture the attention of people who would otherwise be uninterested in taking the time to hear what it is you have to say.





# Good Vs Great Designs

- However, possessing the ability to see past pure aesthetics is an important aspect to understanding truly great design. Which brings us to our next perspective: the client.

# Good Vs Great Designs

- used to spend my days working for a major marketing company designing dog food ads. Sounds fun, right? There was no one to ogle at my typography or compliment the complex layouts that I was forced to pull off in record time to meet deadlines; only a group of suits with bigger paychecks and zero design training who possessed expert knowledge of how to sell the product.

# Good Vs Great Designs

- ✦ In this situation, focusing purely on aesthetics won't garner you a single "great job" or "atta boy!" In fact, corporate advertising — be it print, web, or video — is infamous for an age old battle between creatives (the designer types) and marketers.
- ✦ The creatives argue that customers will choose the product with the most attractive graphical representation.

# Good Vs Great Designs

- Marketers counter by suggesting what customers really want is to have their demographic and psychographic needs addressed while forming a lasting connection with the brand (make-the-logo-bigger mentality).

# Good Vs Great Designs

- ✦ This same dilemma carries out of corporate marketing offices and into the relationship between freelance designers and small business owners all over the world. The guy running the local auto shop doesn't care if you win design awards for creating his website, he just wants it to be effective in driving customers into his store.
- ✦ The difference between good design and great design from the client's perspective



# *Nested Logos*



# *h* Natural<sup>TM</sup> inotes

FROM

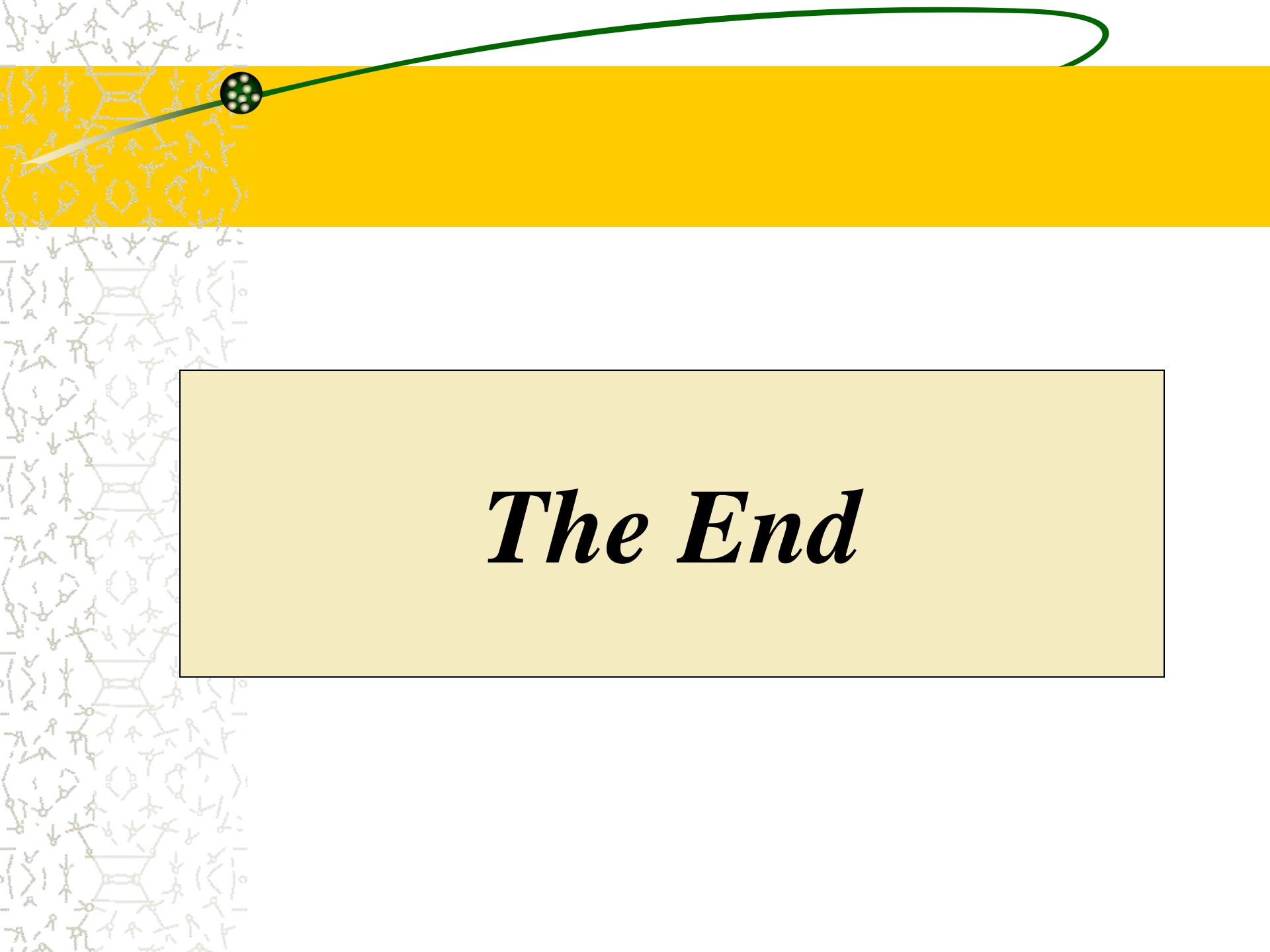


BRITANNIA NATURAL PRODUCTS

# ● Coffee : Marketing Strategy of Nested Logos







***The End***