

Design is fundamental to a business built on aesthetics

It is not realistic to register every design and assessing your options can seem overwhelming, but strategic protection of what you believe makes your products iconic can be a powerful tool in building brand recognition.

If you have an original design there are a number of reasons you should consider design registration. It may be that this particular design sums up your brand message, that you require protection to make your brand more appealing to potential investors or licensees, or it could simply be that the product is set to be popular and you want to minimise copycat designs. Whatever the reason, clever IP protection can be an important tool in developing your brand.

Advantages of protecting designs include:

- Deterrent to copycat designers
- Ensure your unique designs add value to your brand, and your brand only
- Attractive to investors
- Essential to profitable licensing
- Provide enforceable rights should someone imitate your work
- Strategic registration can support bids for non-traditional trade marks at a later date

How to protect your design?

- A design must be novel, not commonplace and have been in the public domain for under 12 months
- It is possible to register a number of designs in one application making a cost effective option
- Designs can be registered by either an individual or by a specialist attorney

The face of design protection has been continuously evolving over the past 10 years. This can lead to misconceptions regarding its importance or usefulness. The ease with which you can now register a design is a

double-edged sword. The lack of examination of design applications pre-grant means that a registered design right can quickly fall down once a contentious situation arises. This is where the use of a professional attorney is worth the investment. Years of experience means that they can draft the application in a way that will stand up in an enforcement situation.

“Protecting your designs ensures your unique designs add value to your brand”



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