

Industrial Design

Introduction

- In everyday language, an industrial design generally refers to the product's overall form and function. An armchair is said to have a good design when it is comfortable to sit in and we like the way it looks
- From an IP point of view, an ID refers only to the aesthetic aspect of a product.
- IDs in a variety of products in industry: fashion, handicrafts from technical and medical instruments watches, jewelry, luxury items household products, toys furniture list very long- ID is even relevant to packaging and containers.

Introduction

“AN INDUSTRIAL DESIGN IS THE FORM OF A PRODUCT”

Only the aesthetic/visual form of a product can be filed and protected as an INDUSTRIAL DESIGN

not the Technical (**Patents**) nor Distinguishing Features (**Trademarks**)

Introduction

- Ornamental or aesthetic aspect of a product or part of a product
- Defined by its features:
 - lines,
 - contours,
 - colours,
 - shape,
 - texture,
 - materials, etc.
- 3D or 2D such as images or pictures that rely on a pattern

Example

Fashion & textile products



Example

Household appliances



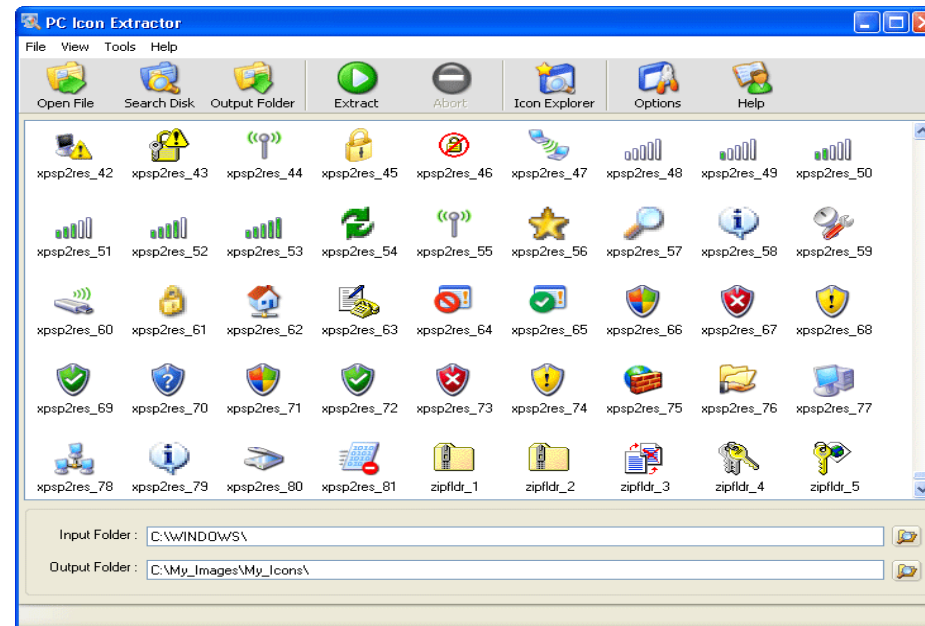
Furniture



Example

Technology driven industries: design can be useful to protect the device, but also electronic icons or Graphic User Interfaces (GUIs) that we can see on computers' monitors

Technological products



Example

Watches

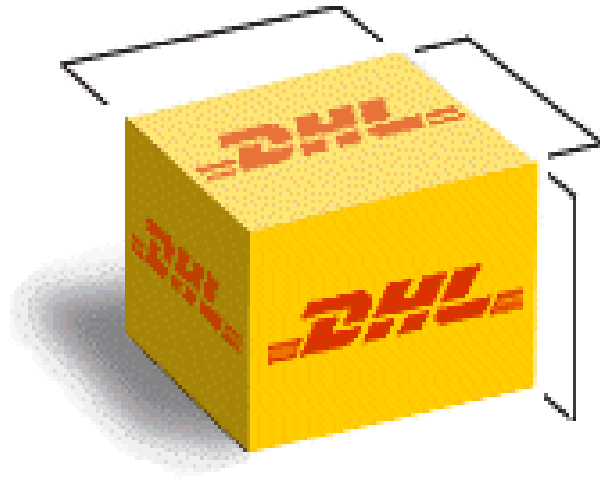


Cars



Example

Packaging & containers



Importance of Industrial Design

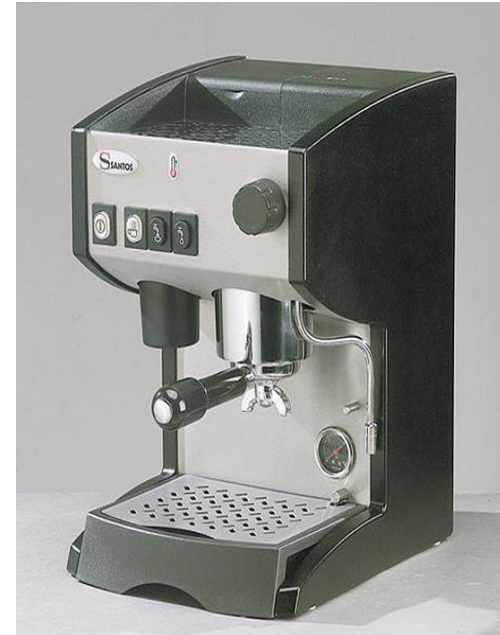
- Many times it is the external appearance of a product that gets the consumer's attention.
- So you should integrate aesthetic considerations when developing a new product

Importance of Industrial Design

- Attracting consumers



VS



Importance of Industrial Design

- Maintaining consumers (consumer loyalty)



Importance of Industrial Design

- Adding value to your product



Rs. 20,000



Rs. 2000

Importance of Industrial Design

- Creating harmony between functionality and form
 - Form is the way something look and feels.
 - Function is it's purpose or why it was made.
 - Design is the consideration of both form and function.



VS



it has design but it is not very ergonomic,
especially if you spend hours in front of a
computer

Importance of Industrial Design

- Improving marketing strategy:
 - Multi-brand or family brand strategies:
 - Depending on the products, relevant market or competitors, use design as a part of a multi-brand strategy or a family brand strategy.
 - Usually seen in a lot on trademarks.
 - A multi-brand strategy means that you market two or more products under different and unrelated brands:
 - Example: In the family brand strategy, the same brand is used on a group of products of the same company

Importance of Industrial Design

- Improving your marketing strategy:
 - Multi-brand or family brand strategies



Importance of Industrial Design

- Improving marketing strategy:
 - product extensions – line extensions



Importance of Industrial Design

- Improving marketing strategy:
 - product extensions – brand extensions



Importance of Industrial Design

Case study: IKEA

- **Concept:** design furniture at affordable prices; “functional approach to design”
- **Founded** in 1940s by 17 year-old I. Kamprad in Sweden
- 301 stores in 37 countries (August 2009)
- **Secret:** cost cutting solutions not affecting the quality of the products



Purpose of Industrial Design

- Customize products to appeal to specific market segments
- Create a new niche market
- Strengthen brands
- To obtaining a fair return on investment
- Industrial Designs are business assets, Licensed to others for a fee
- Encourages fair competition

Protecting Industrial Design

- By filing an application at the national intellectual property (IP) office.
- Alternative ways of protecting industrial design
 - By Copyright law
 - As some designs be considered work of art or applied art.
 - By three dimensional mark
 - If industrial design function as a trademark in market place
- Laws of unfair competition

Rights in Industrial Design

- Right to prevent unauthorized copying or imitation by third parties
- Right to exclude all others from making, offering, importing, exporting or selling any product in which the design is incorporated.
- **What can be registered as a Industrial Design**
 - The design must be new
 - The design must be original
 - The design must have individual character

Rights in Industrial Design

- **What cannot be protected by industrial design rights**
 - Designs that do not meet the requirements of novelty, originality and/or individual character.
 - Designs that are considered to be dictated exclusively by the technical function of a product.
 - Designs incorporating protected official symbols or emblems
 - Design which are considered to be contrary to public order or morality

How to Register

- Fill in application provided by your national IP office
- In some countries option of filing a written description or statement of novelty of the industrial designs.
- Required to pay the appropriate filing fee.
- File a document certifying the transfer of power to your representative.
- After registration the design is published in official design gazette & registration certificate is issued.
- The process of registration takes around 6 to 12 months.

Terms of Registration

- The term of protection for a registered industrial design varies from country to country, but it is usually at least 10 years.
- **How much does it cost to protect an industrial design**
 - Registration fees
 - Cost associated with the hiring of the services of an IP agent
 - Renewal Fees
 - Translation Cost Licensing contract yields an additional source of revenue to the company.

Important Points During Registration

- Keeping **design secret before registration** is absolutely crucial because it is a central requirement that the design must be new to acquire protection.
- A design that has been advertised to the public in a catalogue or a brochure may no longer be considered “**new**”.
 - It becomes part of the public domain and cannot be protected unless the applicable law provides for a grace period.

Important Points During Registration

- Who may apply the creator of the design or his employer if under contract.
- **Who owns the ID:** the creator unless an employee developed the design under employment contract within regular working hours and as part of his/her regular duties then the design owned by employer.

Protecting Designs in Abroad

- **Why protect design abroad?**
 - Export products bearing an original design
 - Intends to license the manufacture, sale to other firms in abroad.
- **How we can protect our industrial designs?**
 - There are three ways of protecting our ID abroad
 - **The National Route:** Apply separately to each national IP office
 - **The Regional Route:** Apply to group of countries which has regional agreements
 - Few of the regional IP office.
 - APIRO (African Regional industrial Property Office)
 - BDO (Benelux Design Office): Belgium, the Netherlands, and Luxembourg
 - OHIM (Office for Harmonization in the Internal Market): Europe
 - **The International Route:** Apply through WIPO (certain number of countries)

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