

- ✚ It should be new or original.
- ✚ It should be solely judged by the eye.
- ✚ It should not be published anywhere before.
- ✚ It should be significantly distinguishable from known designs or combination of known designs.
- ✚ It should not comprise or contain scandalous or obscene matter.
- ✚ Anything that is registered as trademark or any artistic work under copyright doesn't qualify for design registration.

### *Can design be registered?*

- The design should be new or original, not previously published or used in any country.
- Design means the shape or pattern applied to an article.
- Calendars, greeting cards, stamps and cartoons cannot be protected as designs.
- Normally, designs of artistic nature like painting, sculptures etc. which are not produced in bulk by an industrial process are not granted registration.

It is a protection given to eye-catching features that are not functional or useful. A design is registered by the Design Controller in the Indian IP office. The term of protection of a design is valid for 10 years, with can be renewed for further 5 years after expiration of this term, during which a registered design can only be used after getting a license from its owner and once the validity period is over, the design is in public domain.

### **Additional Notes:**

The features of the design in the finished article should appeal to and be judged only by a person's eyes. *A mere functional or mechanical feature cannot be registered as a design.*

For example, a key having its novelty only in its shape at the portion intended to open the lock cannot be registered as a design under the law. It is both functional and mechanical.

*Anything that can be registered as a trademark or copyright cannot be registered as a design.*

## Slide 25

# Game Time: Design a new...

- Shoe
- Chair
- Pen
- Rocket

## Notes:

This is an activity slide and you may conduct this in class. Distribute paper and pencils for all of the students. Ask them to draw a new design for a shoe, chair, pen or rocket.

## Slides 26 & 27

Oh, it is a special and unique design for a cold drink bottle!

Sel Please tell us something about your new design which has made you so famous!

I was able to make money from it because I protected it from use by others by getting it registered!

Sure! Designs mean any shape, configuration, pattern or ornament applied to a product! Since you would not want people to copy your creative work, registration is a must!

Great! Could you tell our audience a bit more about Design registration?

Cool! But how is a design different from a patent?

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