

What is an Industrial Design?

Industrial Design:

- A design is the protection of the ***ornamental*** or ***aesthetic*** aspect of a product
- A design makes a product attractive and appealing for the consumers

Sony Ericsson



Z1010





Industrial Designs

What can be registered as a design?

The look of the product or part of the product

but

Not the function or idea

What kind of product?

All kinds of products - being ugly or nice
e.g. bottles, chairs, jewellery or appliances

and

Could also be the packaging, a homepage, the interior or
setup of a shop
e.g. McDonald's layout



PL Examples



Fig. 1



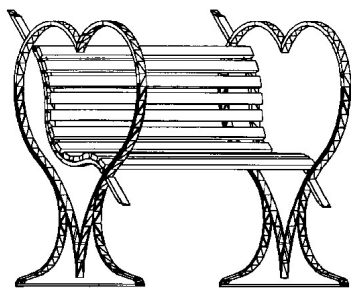
fig 1



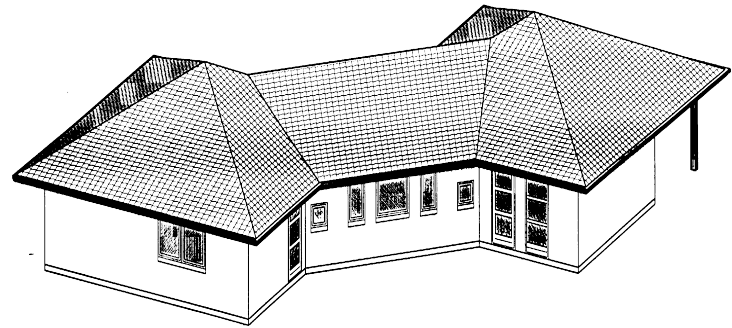
fig.1



EU Examples



Danish Examples





Rights obtained from a design

- A right to forbid others from producing, selling or importing the same products or products with the same look
- 25 years
- Rights cover nationally



Conditions to register a design:

Condition 1

Novelty

Completely new look on the market prior to filing but could have been shown up to 12 months before filing



Condition 2

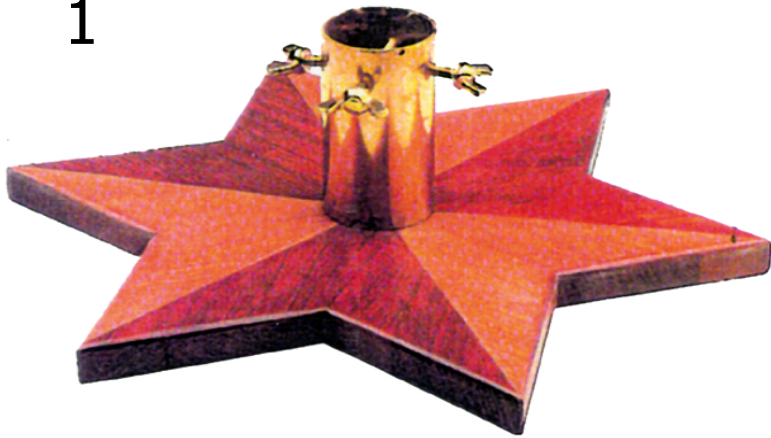
Individual character

To have individual character a design:

has to differ in various ways from the designs
already known

Individual character... or not

1



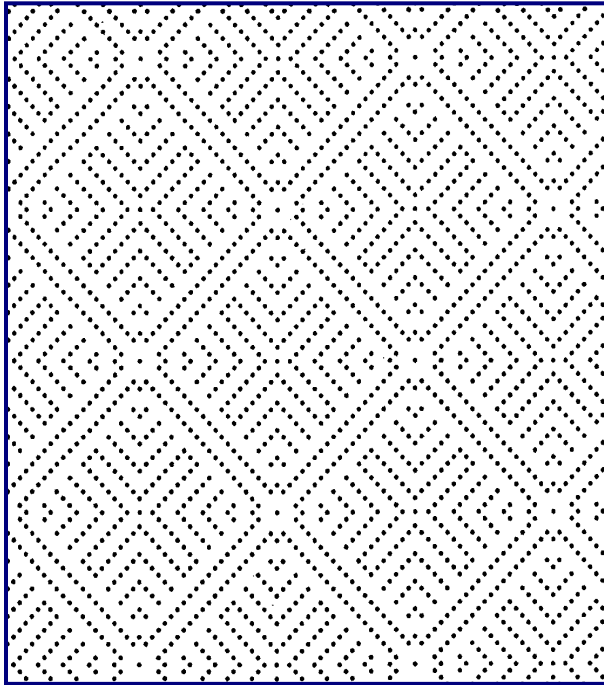
2



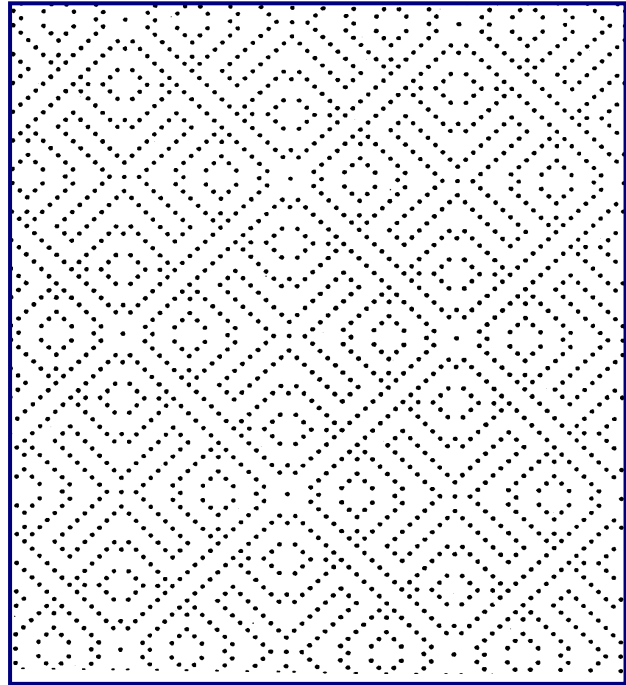
Is 2 a Good or Bad Design if 1 is registered?

Individual character... or not

1



2



Is 2 a Good or Bad Design if 1 is registered?

How to apply

- Wypełnić formularz zgłoszeniowy dostępny w UP RP (także na stronie www.uprp.pl)
- Do formularza dołączyć opis wzoru oraz ilustracje (w trzech egzemplarzach)
- Złożyć osobiście lub przesłać pocztą do UP RP
- Wnieść opłatę za zgłoszenie (300zł)

EU Design - Registered Community Design

- The rules for filing a design in the EU are the same as filing in Poland
- Unregistered design up to 3 years
- Registration & Publication fee - € 350
- Started 1 April 2003



International Filing

- Hague Agreement
 - Cannot apply from Poland?
- National filing in other countries
 - Priority 6 months





Why register?

- To have exclusive right
- Ban others from copying
- Certificate of ownership
- Design registration can be used in Court
- A better licens position
- Design registration gives a broader protection than copyright