

Design protection: turning creativity into business assets



What is a design?

The design is defined as the appearance, the layout or the form of a product or of some of its parts. The features that constitute the design are the contour, lines, shape, texture, material, pattern, ornaments or colour.

Design protection applies to a wide range of products of industry and handicraft: from watches to jewellery (as a whole product or as parts thereof), from technical instruments to medical devices; from package design to software user interfaces, from clothing/fashion items to textile ornaments and leisure items; from vehicles to furniture and houseware.

Design protection enhances competitiveness

Only registered designs assure an exclusive right against unauthorized copying or imitation by third parties. For this case it is important to register your designs in all countries where your products are marketed. Only then your investment in development, production and marketing are secured. Such protection can be extended to all countries where your products are marketed.

The member states of the Hague Agreement may profit from a multiple application (up to 100 designs in one single filing). To profit of such multiple application, you or your company has to be domiciled in one of the member states. If you do not meet this criteria, we will solve this problem with a fiduciary trust construction. Contact us to learn more.

To protect your design ...

... the following requirements must be fulfilled:

- 1. Novelty:** A design is considered as new only if it is not identical to an existing design or if it differs from an existing design in significant details. In some countries there is a grace period for the deposit of one year since publication until the novelty expires.
- 2. Own characteristics:** An industrial design is defined by its aesthetic or ornamental features. These have to demonstrate a minimum of originality or individual character.

To qualify as a design, aesthetic features should not be conditioned solely by technical or functional considerations.



How much does it cost?

The costs depend particularly on the fees charged by the registration offices. You can have more than one model deposited at the same time, which reduces the costs and fees substantially.

In addition, our legal fees depend on your preliminary work and if the provided documents meet the registration requirement. Contact us to get an individual offer.

Maximizing IP protection

Your business strategy may call for an even wider or different protection than design registration through other IP law mechanisms such as trademark, copyright and unfair competition. For instance, protection by trademark law, which allows perpetual renewal, can be achieved through registration of a selected characteristic element of your design. Another example is when your design can qualify as a piece of applied art; additional protection is then available under copyright law.

Each business is unique and the legal protection of its intellectual capital needs to be tailored to its strategy. We assist you in maximizing the financial rewards of your innovative and creative capacity.