

The Appeal of Designs in Getting Noticed by the Customer

**Facilitating Access to Intellectual Property Rights (IPRs) and
Its Role in Enhancing the Competitiveness of
Small and Medium-Sized Enterprises (SMEs)**

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Outline

1. What “industrial design” means...
2. How can an industrial design be a tool to strengthen companies’ branding?
3. In which way can an industrial design be a part of companies’ branding strategy?
4. Protection and registration of industrial designs?
5. Multi-protection

What “industrial design” means

- * An industrial design is generally the **ornamental or aesthetic** aspects of a product.
- * It may consist of **three-dimensional features**, such as the **shape or configuration of an article**,
- * or **two-dimensional features**, such as **images, pictures, drawings**, rely on **patterns line or colors**.
- * depend on the **shape, pattern or color of the article**.



industrial design

- * The design must have **visual appeal**.
- * it must be able to be **reproduced by industrial means**; this is the essential purpose of the design, and is **why the design is called industrial**



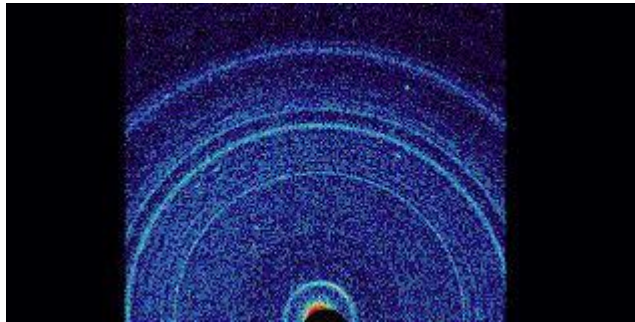
Appearance of a product or its part



Represented by lines, colour , shape, texture and materials of a product or its ornamentation, or their combination



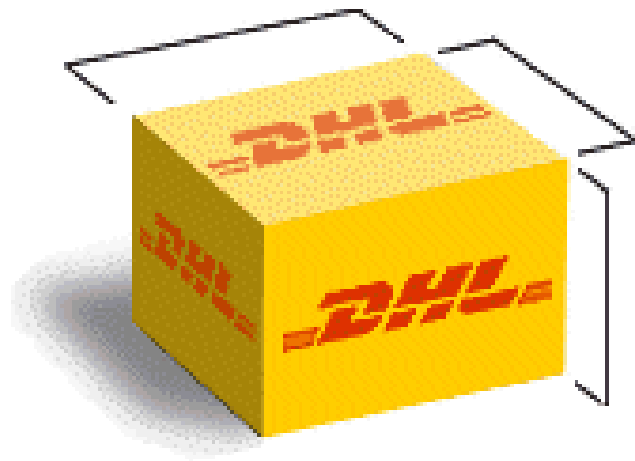
3D or 2D



Set of articles



Packaging of products/containers



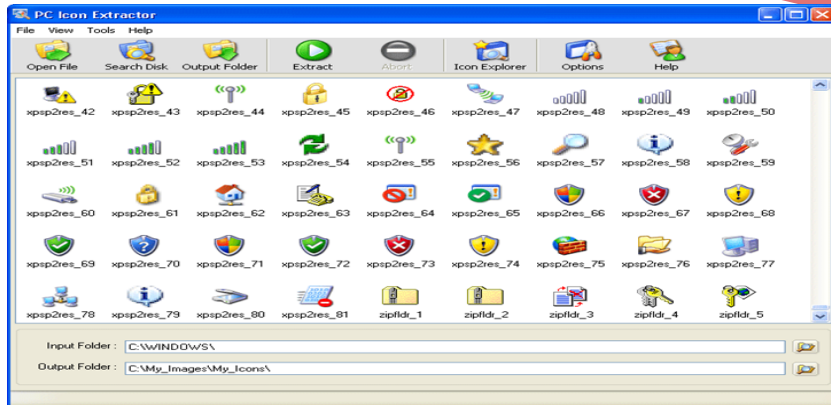
Household appliances



Design of clothes, fashion accessories, textiles



Electronic “icons” created by the computer code. Technological products



2- The Important of industrial design

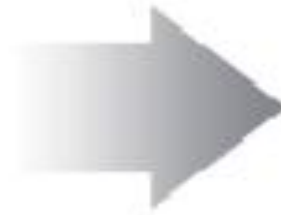
It attracts potential customers easier.



It wins customers' loyalty (Maintaining consumers).



It creates harmony between functionalities and form of a product.



adding value to a company's products.



1000 \$



50 \$

3- Why are designs important for companies' branding strategy?

General branding strategy

Multi-brand or family brand strategies



Daimler owns the brands
Mercedes and Smart



KRUPS	Beyond reason.
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Product extensions – line extensions



product extensions – brand extensions



Developing the design



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ومازالن تصفي على كل لحظة متعة من نوع خاص.

4- Protection & Registration of industrial designs?

Attractive appearance of products can

- * **improve a company's competitiveness.**
- * **will bring additional revenues to a company.**
- * **becomes successful on the market.**

Design Rights

- * **distinguishes** that product from the competition and makes the product appealing to a **consumer**.
- * **Rights to license and transfer** more effective licensing, selling (reach other markets)
- * **Protection from copying and imitating** by competitors.
- * Right of Legal protection to **prevent others from using identical or similar designs**
- * Rights obtained by **registration** , some countries there exists an unregistered design right

The benefits of a registration -1

- 1) they add commercial value and increase marketability:
 - ✓ Owner: returner on investment
 - ✓ Consumers : many kinds of products
 - ✓ Economic devolving : innovation, export .
 - ✓ Simple and no cost for SMES.

The benefits of registration - 2

- 2) an **exclusive** right against unauthorized copying for a limited duration.
- 3) Capable of **transmission and assignment**.
- 4) business **assets can increase the commercial value** of a company and its products
- 5) fair return on **investment**.
- 6) **Encourage creativity** and promote fair competition.
- 7) **Recoup of investments** made in creating nice appearance of products.

Conditions of registration industrial design

- * New
- * Distinctive
- * Is not contrary to public order or public behavior
- * Is not functional
- * Does not infringe other IP rights

“new”

- * No **identical before** filing an application or before the date of priority.
- * **had not been made available to the public anywhere in the world and at any time whatsoever through use or in any other manner before** the date of an application for registration of such industrial design



“distinctive”

- * different from the previously known designs.
- * shall not be considered if it differs from an earlier industrial design in minor respects or that it concerns a type of product different from a product embodying an earlier industrial design



“Is not functional”



Considerations in choosing an appealing design

- ✓ eye-catching and attractive.
- ✓ **Cost** of manufacture.
- ✓ **Differentiation** from other products with the same function.
- ✓ Restrictions: Must not be designs **contrary to public order or morality**

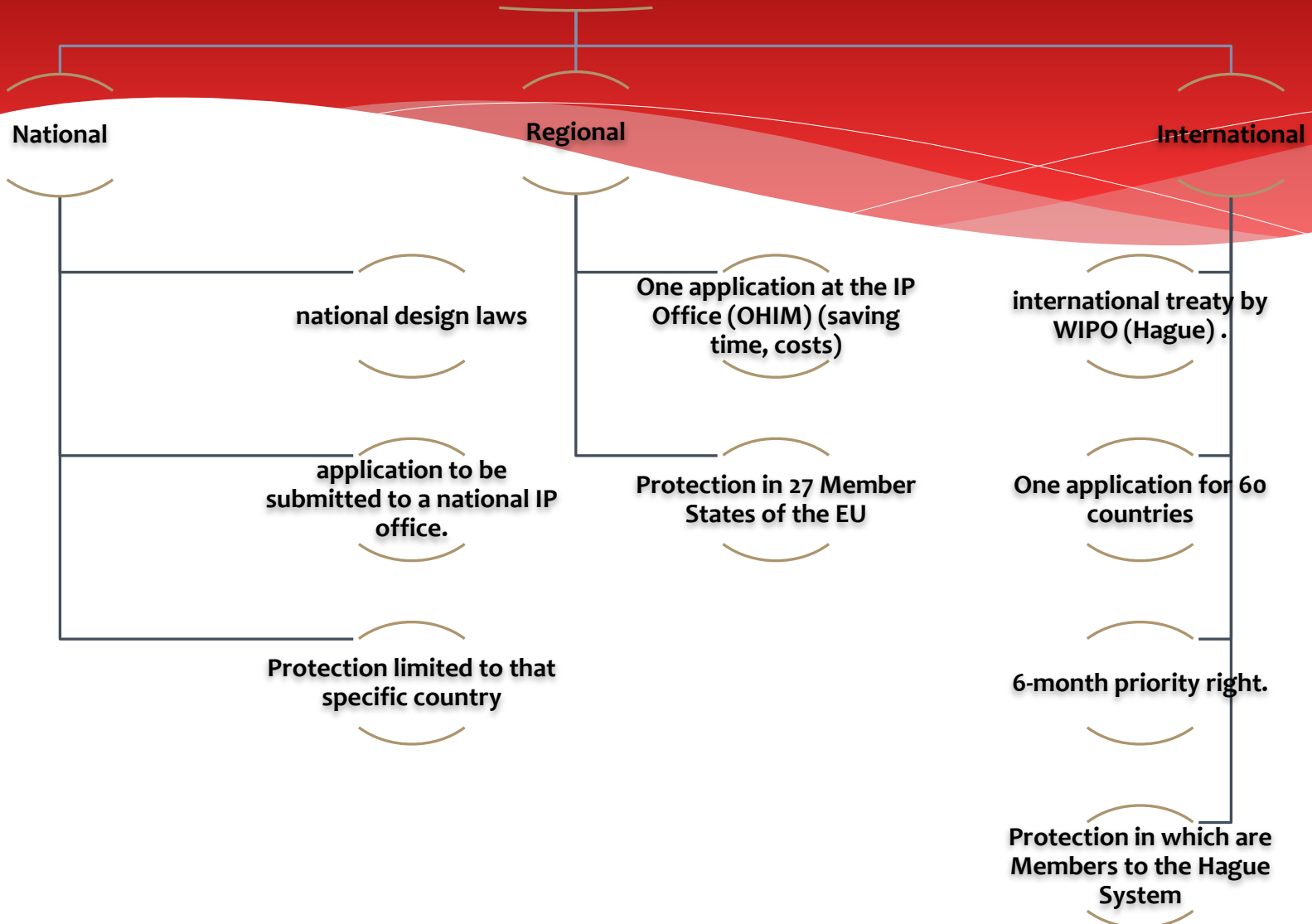
How can industrial designs be protected?

- * through registration.
- * Using the industrial designs
- * usually for 15 – 25 years

Registration of designs



Routes of Registration



infringes a registered design

the following action done without consent of the owner :

- a) applies the same or similar design to an article
- b) imports for sale** or trade any imitation of the design.
- c) sells, or offers for sale, or hires any imitation of the design

Remedies available

- ❖ Civil Action.
 - * Injunction.
 - * infringement seizure.
 - * Damages for infringement.
 - * Equitable remedies.
- ❖ Criminal action.

Industrial Design and Other Forms of Legal Protection (Multi-protection)

- * Designs & Patents (or Utility Models).
- * Designs & Copyright.
- * Designs & Trademarks.
- * Designs & Unfair Competition



The end

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