

Registered Designs 101.

Designs law protects the two or three dimensional physical appearance of products. Designs law is governed by the *Designs Act 2003* (Cth).

Designs are protected by seeking registration of them at the Design Office which is located at IP Australia in Canberra.

Only designs that are new and distinctive compared with existing designs in use in Australia or published in a document anywhere in the world will comprise a valid design registration.

It is vitally important if you have created a product with a new design that you keep it confidential until you have obtained advice from an IP specialist, such as Marshall IP Group, and until after you have applied to register it as a design. If you do not do this, it will not be new at the date on which you do seek to register it as a design and it is likely that this may invalidate the registration of the design. Invalidating the design means you will be unable to prevent others from using the same or similar design.

Design registration is relatively inexpensive as the Designs Office does not conduct a thorough examination of design applications in order to confer registration. It is however, necessary to request formal examination of your design (referred to as certification) if you wish to take legal action against someone for use of the same or similar design.

Our costs for design registration start around \$1,200, excluding the cost of obtaining appropriate images or representations of the design.

The remedies that you may be awarded if you are successful in a design infringement action include an order that the infringing conduct stop and possibly financial compensation if you can show financial loss or damage as a result of the infringement.

We can attend to all of your design law needs, including:

- seeking registration of your new and distinctive products as registered designs;
- design registration portfolio management;
- commercial agreements relating to designs – licence agreements, transfer agreements (assignments); and/or
- designs litigation and disputes.

Businesses that are likely to need designs law advice include:

- product designers;
- fashion designers;
- innovative manufacturers;

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- importers of new and distinctive products; and/or
- anyone dealing with any of the above.

Contact us today about DESIGN REGISTRATION

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