



Industrial Designs - Part I

An industrial design constitutes the ornamental aspect of an article. It can be three-dimensional, consisting of shapes or surfaces, and two-dimensional, showing patterns, lines, or colors.

1

Industrial drawings: Combination of figures, lines or colors that are incorporated into a product for ornamentation purposes.

2

Industrial models: Any three-dimensional shape that serves as a type or pattern for the manufacture of an industrial product.

Sectors in which more designs are protected

Textile with 34% of the total.

Furniture and household appliances with 19.9% of the total.

Tools and machines with 19.6% of the total.

ICT and audiovisuals with 18.8% of the total.

Forgery

Forgery account for more than 3% of world trade, with China again at the top, followed by Hong Kong and Turkey.

Country where designs are most protected

The IP Office of China accounted for more than half of the industrial design registration activity worldwide, with 55.5% of the total, or 770,229 registered designs.

Did you know...

The unregistered design only allows to prevent unauthorized copying of the same, but not an identical result that is reached by pure coincidence?

Source: WIPO Statistical Database, September 2021.





Industrial Designs - Part II

Must know

1

The requirements for its registration are novelty and singular character.

2

The support of a design expert can be helpful in assembling all representative views and angles of the product.

3

The protection of an industrial design is compatible with that granted by copyright to a creation.

Difference between a registered model/drawing and an unregistered one

Unregistered designs and models only grant the right to pursue a design if it results from a copy of a design that its owner already knew.

Registration of the design only protects the aesthetic appearance, not its functionality.

Duration of protection

The protection is for 25 years, and renewable for five years (every five years).

Did you know...

If you have disclosed your design and decide later that you want to register it, you will only have one year to do so?

Source: Data taken from the WIPO website





Industrial Designs - Part III

The registration of a design constitutes presumption of its validity in favor of the owner.

Characteristics of Designs in Spain

1

The protection is territorial, so it means that it is limited to the territory where it is registered.

2

For a design to be valid, it must have a world novelty.

3

Otorga un derecho de exclusiva para su fabricación y venta en España durante los siguientes 25 años.

4

In the same design record, you can include up to 50 different variants.

Registration procedure in Spain



Did you know...

The purpose of the Locarno classification that governs the registration of industrial designs is, above all, for search purposes, not for protection itself?





Industrial Designs - Part IV

Tips to prevent the copy of your designs



CREATE A UNIQUE DESIGN

It is one of the elements that can help us the most to protect ourselves from copies, that is, it creates a product with its own aesthetic that does not resemble any other on the market.

DO NOT DISCLOSE THE DESIGN WHILE IT IS IN THE DEVELOPMENT PHASE

We can show it to friends and family, but the biggest mistake is posting it on social media or networks. If we do this, we will lose the novelty, one of the essential elements to be able to register it, together with the singularity.



CREATE A PROTECTION STRATEGY

You must analyze all the characteristics of the design, and break them down in order to create global protection with different types of variants that complicate the legal copy to our competition.

OFFICIALLY REGISTER THE DESIGN

It is the only legal procedure that will be able to defend us from a copy in front of a court. It is a procedure that yes or yes, we must carry out prior to launching the product on the market.



BRING A NEW PRODUCT TO THE MARKET

To be the benchmark in the sector, you must innovate and advance, it is very difficult to keep a single product on the market for many years, therefore, launching a product every X years ensures that we set this standard in the sector.

