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Design Rights A Quick Guide

Designs can be the core of a business and one of the most valuable intellectual property assets owned by a business and it is vital that they are protected.



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Some key issues to note are:

- There are two types of design rights; unregistered design right and registered design right.
- Unregistered design right is a right to prevent unauthorised copying which does not require registration and is valid for the lesser of 10 years from the first marketing of articles made to the design or 15 years from the creation of the relevant design document.
- To qualify for protection, designs must be original (and not commonplace), be recorded in a design document and must not be a method or principle of construction or be dependent upon another article.
- Registration of a design gives you the right to prevent others using it, for example through manufacture, or sale.
- Once a design is registered, it can be renewed every five years for up to 25 years.
- It is not necessary to prove that someone else has copied your design to be able to stop them using a similar design.
- The owner of a design right has the exclusive right to reproduce the design for commercial purposes.

HOW WE CAN HELP

We can advise on all aspects of both unregistered and registered design right protection, including how to prevent someone else from exploiting your design, or enabling someone to use your design under a licence. As the founding member of Mackrell International, an international network of independent law firms, we can offer Intellectual Property assistance worldwide.



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