

Intellectual property

Brexit – future proofing IP

@didsmacdonald



former interior designer, product design entrepreneur, victim of blatant design theft, co-founder of anti copying in design, vice-chair of the alliance for intellectual property, passionate campaigner against design theft, design and IP policy reformer, twitterer, to name a few....

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ACID is the UK's leading design and intellectual property campaigning organization, a forward-thinking trade association for designers and manufacturers; Our aim is to help members protect their intellectual property to achieve growth through a proactive IP strategy.

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“chance favours a prepared mind”

Rudyard Kipling

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5

Minutes

Points

Recommendations

Intellectual property and design: Brexit – future proofing IP

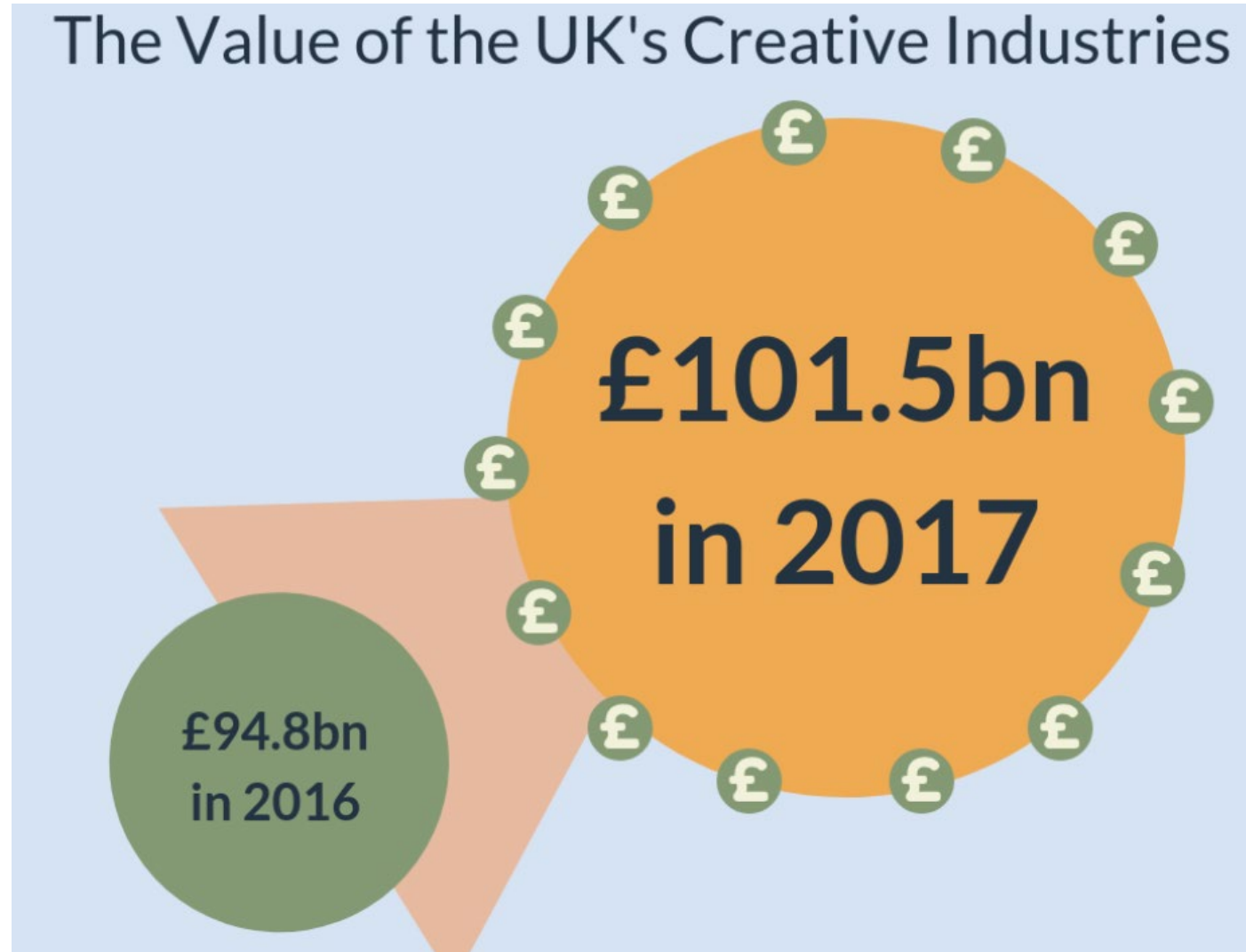
- 1. Why is IP important?
- 2. IP in an uncertain world –
unregistered design rights the facts?
- 3. Brexit Deal or No Deal –
highlighting a real challenge for UK
designers in particular
- 4.
- What are *some* of the solutions?



Intellectual capital
is a critical asset,
the **DNA** running
through most
businesses
whether small or
large.

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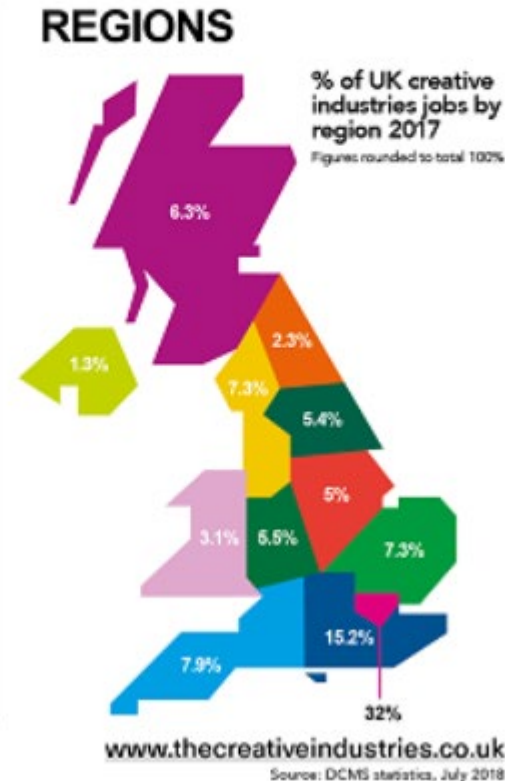
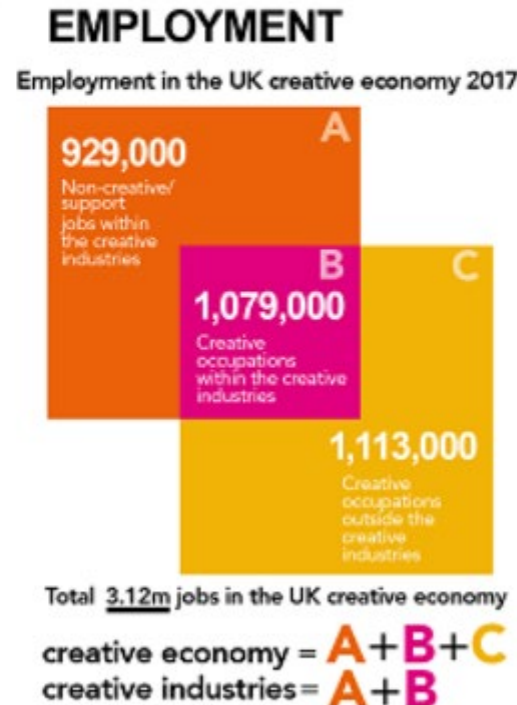
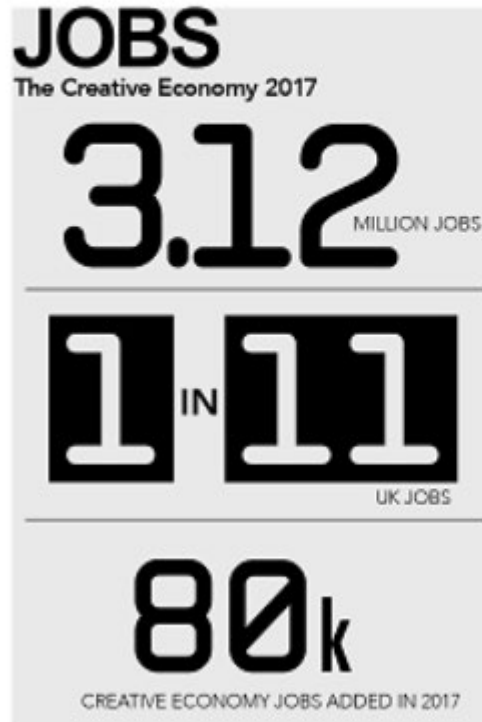
1. Why is IP important to the Creative Industries?



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UK CREATIVE ECONOMY - JOBS

The UK Creative Economy 2017



1. Why does design matter?



from iconic

1. Why does design matter?

to everyday, **design** is all around
us... enriching our lives as
consumers



1. Why does design matter?

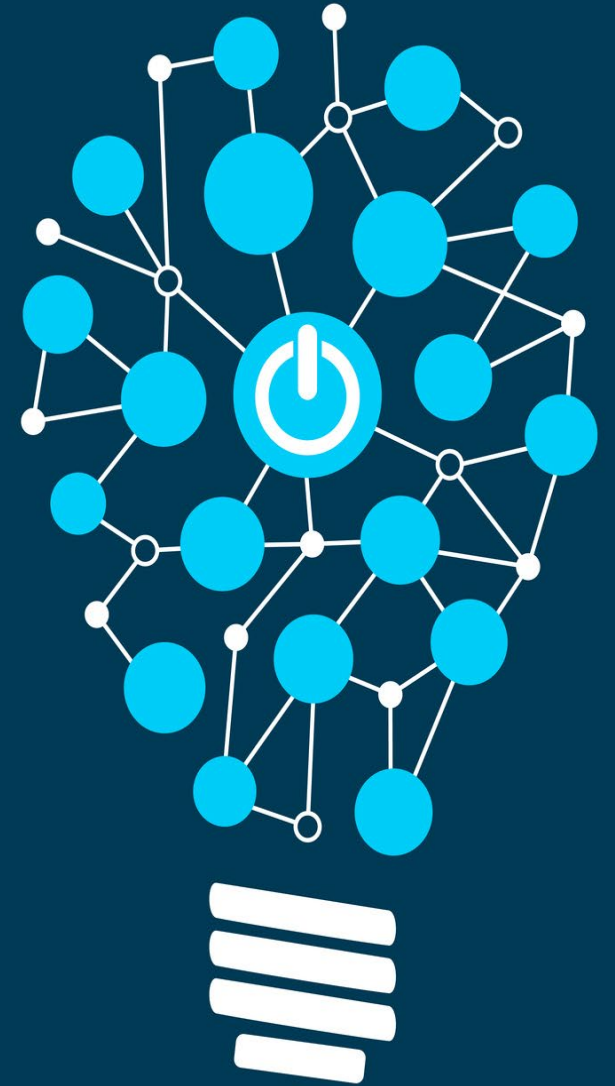
solving problems, adding value



1. Why does design matter?

Design thinking plays a crucial role in innovation within the Creative Industries

DESIGN THINKING



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2. IP in an uncertain world – what are the facts?

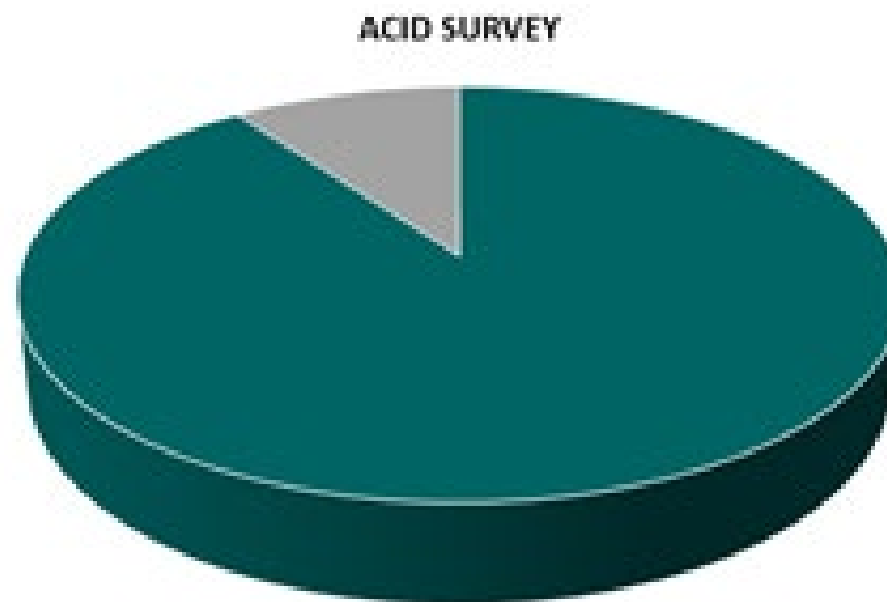


The majority of those within the creative industries rely on unregistered IP rights

Copyright – an unregistrable right, obvious!

Unregistered UK and EU design rights

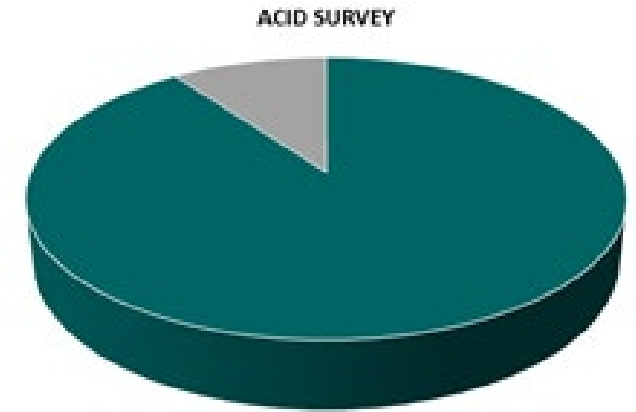
2. IP in an uncertain world – what are the facts?



90% of those questioned in a recent ACID survey said that copying was intentional and deliberate .

2. IP in an uncertain world – what are some of the challenges?

- Increasing online theft of IP & designs
- Vulnerability when responding to pitches or tenders
- Competitors “passing off”
- Retail behemoths infringement of new designs (David & Goliath)
- Little or no cost & time effective access to justice
- Post Brexit - No certainty for UK designers relying on unregistered EU design
- No respect for IP, therefore a culture of “copying” seems OK



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6. Brexit Deal or No Deal – highlighting a real challenge for UK designers



FACT On April 1, unless a solution is found, UK designers (the majority of whom rely on EU unregistered design rights) will lose protection in 27 EU countries. This is potentially calamitous.

6. Brexit Deal or No Deal – highlighting a real challenge for UK designers



WHY? Because, for example, as a fashion designer, if I show my new fashion creations on a London Catwalk and I rely on unregistered rights, I cannot claim EU unregistered design protection in 27 EU states. This means my designs will NOT be protected in Europe. **At the moment they are.**

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- 4. What can be done?
- What are *some* of the solutions?

4. Brexit Deal or No Deal – highlighting a real challenge for UK designers



Potential loss of unregistered design rights' protection in 27 EU states

Raise awareness – Government

Raise Awareness – trade negotiations

Raise Awareness – MPs

Raise Awareness - grass roots

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- 4. What can be done specifically?
- 5. What are **some** of the solutions to
challenges?

5. What are *some* of the solutions?5

1

For designers, urgently obtaining clarity on simultaneous publication for UK designers post Brexit on unregistered EU designs.

2

For all, register IP rights if at all possible (EU still time!)

3

Improving cost & time access to justice for the UK's micro and SME design entrepreneurs.
Encouraging more mediation. National IP Insurance

4

An IP system that is fit for purpose to protect IP in the UK and in export markets

Introduction of a National IP Crime Enforcement body

5

Promoting a culture of declared CSR and IP – ethics, respect compliance. IP theft is stealing.
Online marketplaces, search engines, advertising – **promoting a duty of IP care**

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© the future...!

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