

Original or copy?
Examples of lookalikes

It's about time to become IP "savvy!"

Intellectual Property protection in the giftware and greetings card sector (well, a starting point!)

Dids Macdonald, OBE., CEO of Anti Copying in Design (ACID)

Niall Head Rapson, Director McDaniel & Co, IP specialist lawyer and ACID Legal Affiliate



Talking Tables

Shoeless Joe



B & M

Kandy Stores



What is Intellectual Property (IP) and why is it important?

How can I protect my designs?

What are the basics of a proactive intellectual property strategy

Rules about using images

Including IP in Agreements

IP infringement, what can I do?

What are the myths surrounding IP

IP clinic - what are YOUR questions?



What is Intellectual Property (IP)?

BIG
LOVE
ON YOUR
BIRTHDAY

HAPPY
BIRTHDAY

ADMISSION
TICKET
TO A DAY OF
FUN AND
CELEBRATIONS

BIRTHDAY
DUDE.



A©ID
ANTI COPYING IN DESIGN



Intellectual capital
is a critical asset,
the **DNA** running
through most
creative
businesses
whether micro or
macro

**This is more than true
for giftware and
greetings cards
designers**

What is Intellectual Property (IP)?

Intellectual property is a **property** right - lease, sale, sub-letting, rent, share you don't want...**squatting?**

IP is about **ownership** and **permission** to use it.



What is Intellectual Property (IP)?

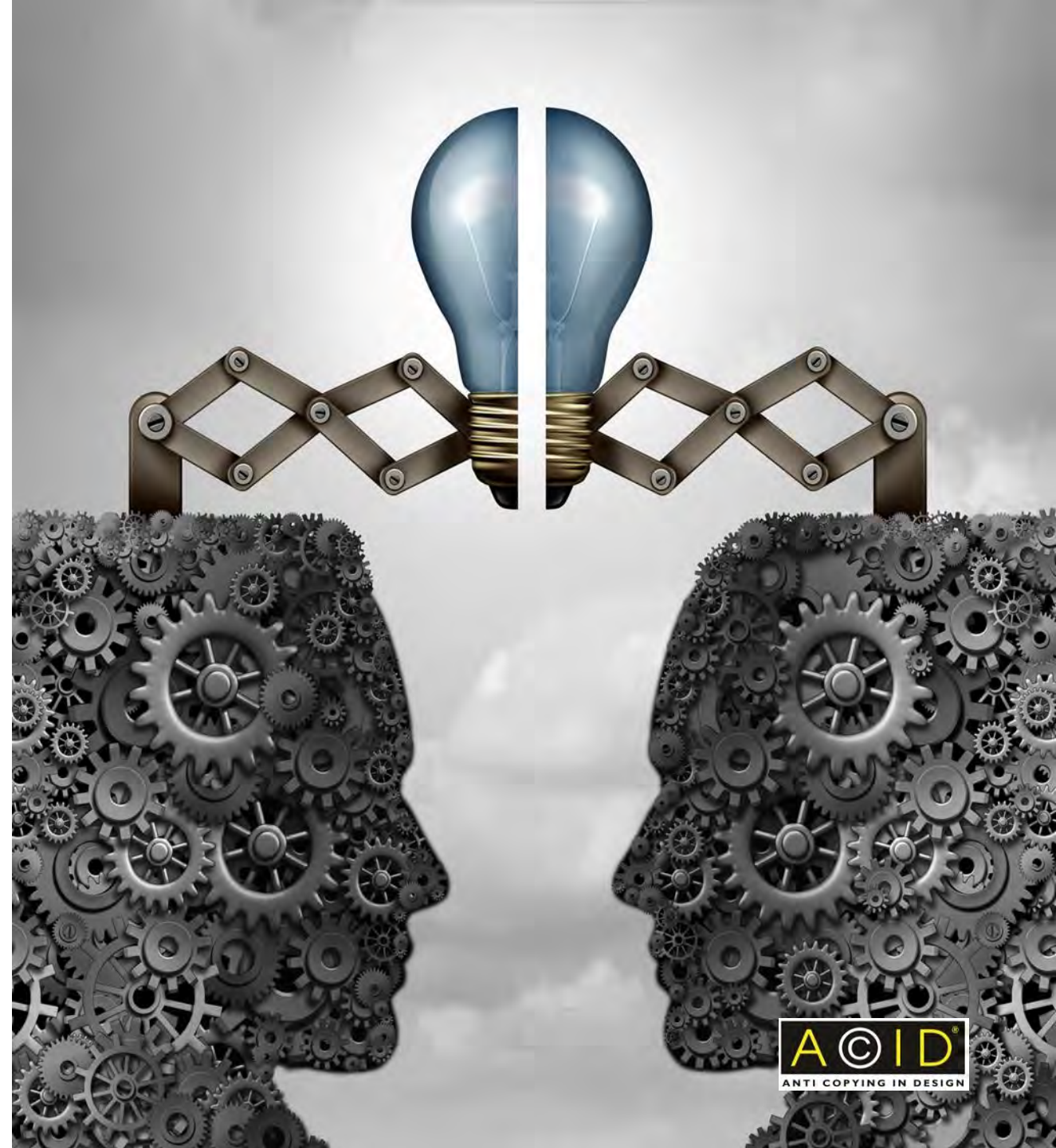
Trade Marks - unitary right - life

Design Rights - Registered 25 years,
Unregistered 3-15.

Copyright (life plus 70 years) automatic

Patents - inventions - 20 years

Trade Secrets (know how) forever!



A vibrant outdoor dining table set on a wooden pallet. The table is covered with a bright blue tablecloth. Several white plates are arranged, each with a fork and knife. Colorful glassware, including blue, pink, and orange glasses, is scattered across the table. Candles in various colors (pink, blue, orange) are placed in holders. A large, ornate silver platter is visible on the right. The background shows a grassy area and colorful patterned cushions. The text '#Talks Tables' is written in a large, white, cursive font, and 'why IP matters?' is written in a smaller, white, cursive font below it.

#Talks Tables

why IP matters?

Case Study – Sandra Vick™

Copyright – designs (artistic craftsmanship), website, software, images, copy on website, technical details, terms and conditions of business, marketing material

Trade Marks - relies on an unregistered trade mark

Design Rights - rely on unregistered design rights (sends to ACID IP Databank)

Patents – none (to the best of our knowledge)

Trade Secrets, know how – invaluable! experience with different skills, techniques &, her unique artist's talent to bring artwork, inspired by a love of nature, into the homes of many.



Case Study – Sandra Vick™

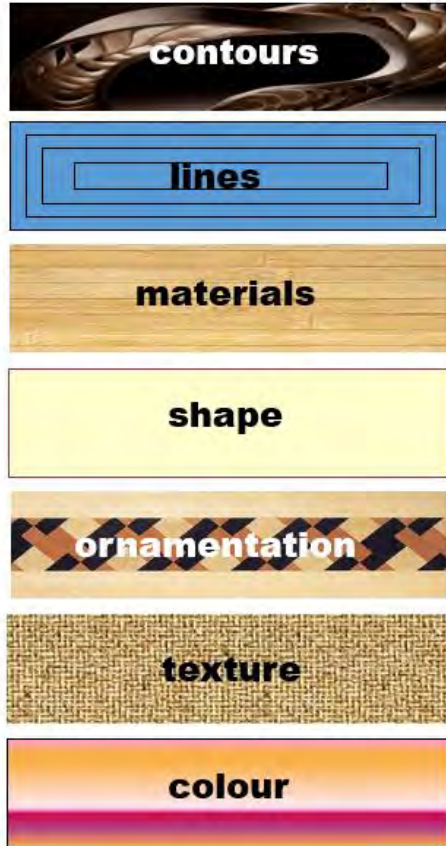
IP VALUE is about skill, techniques, know-how and trade secrets – all sit under Sandra Vick's name/brand

"I wanted to bring my love for nature and our local birds to a wider audience. So, I thought I'd produce things that had my art on them but didn't cost so much. I started with a few mugs, and it grew from there. Now I have lots of designs and products including various styles of mugs, wash bags, tableware, and tea towels".



What is protected by design right?

Case study - Tigerlily Makes





How can I protect my designs?

Caroline Gardner Designs

Evidence - Signed and dated records – idea to market place – photographs, signed drawings at key stages – keep evidence of the design's evolution

ACID IP Databank

Register your designs with the IPO

When showing to 3rd parties – confidentiality agreements

Guard know-how!

Warning! Don't Copy!

Subliminal message printed on back of each card. All intellectual property rights in our designs belong to "XYZ". Any infringement will be pursued seriously ©
September 2020

You're so sweet...



HAPPY VALENTINE'S DAY

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Back of card

Valentine Day Cards designed by 'John Smith' ©
September 2020

All intellectual property rights in our designs belong to 'John Smith Cards'. Any infringement will be pursued seriously. All our designs are lodged with the ACID IP Databank





Typical IP clinic questions...

What images can I use in/on my designs?

Can I take images from social media?

Does a freelance photographer own the IP in photographs of my designs?

What if I can't locate the copyright owner of images, can I still use them?

Case Studies

Don't argue that designers can't afford to take legal action or resort to social media

ACID's policy is to name and shame and to use social media with caution

Why? Groundless threats and potential of defamation



Alice Tams & M & S
Colin Thompson & Northern Photography



What are the basics of a proactive intellectual property strategy



What are the basics of a proactive intellectual property strategy

1. Create One

2. Become IP savvy!

3. Know your IP rights

4. Territories – where do you trade?

5 .Trade secrets – know how

6. Lock up your IP

7. Manage risks

8. Proof of IP ownership

**“If you don’t want to be
copied say so!”**

COPYCAT CULTURE

IP infringement – what can I do?

Case Study - Etsy



ACID Case Study – Etsy Em Royston – Chasing threads

- Infringing items removed overnight
- Report through online IP report
- Evidence of long-standing listing
- Also listed designs were held on ACID IP Databank
 - Unique number
 - Certificate
 - Independent evidence when sent to ACID



Case Study

Fiesta Collectables





IP infringement, what can you do?

- “Self-help”
 - Where rights are unregistered, keep design/copy trail
 - Collect evidence (screen-captures)
 - Take-down notices – third-party sites like eBay, Amazon etc., Facebook etc. Can provide a cost-effective remedy, but can be like cutting head off the hydra.
 - Stay vigilant
- Legal remedies (subject to territorial rights)
 - Injunction / web-blocking
 - Damages/account of profits
 - Customs enforcement
- Domain Name Dispute
 - Must have a ‘prior right’ and show abusive registration



What are some of the myths or wrong assumptions about intellectual property....





A few wrong assumptions about intellectual property....

How do I register my copyright?

M & S

&

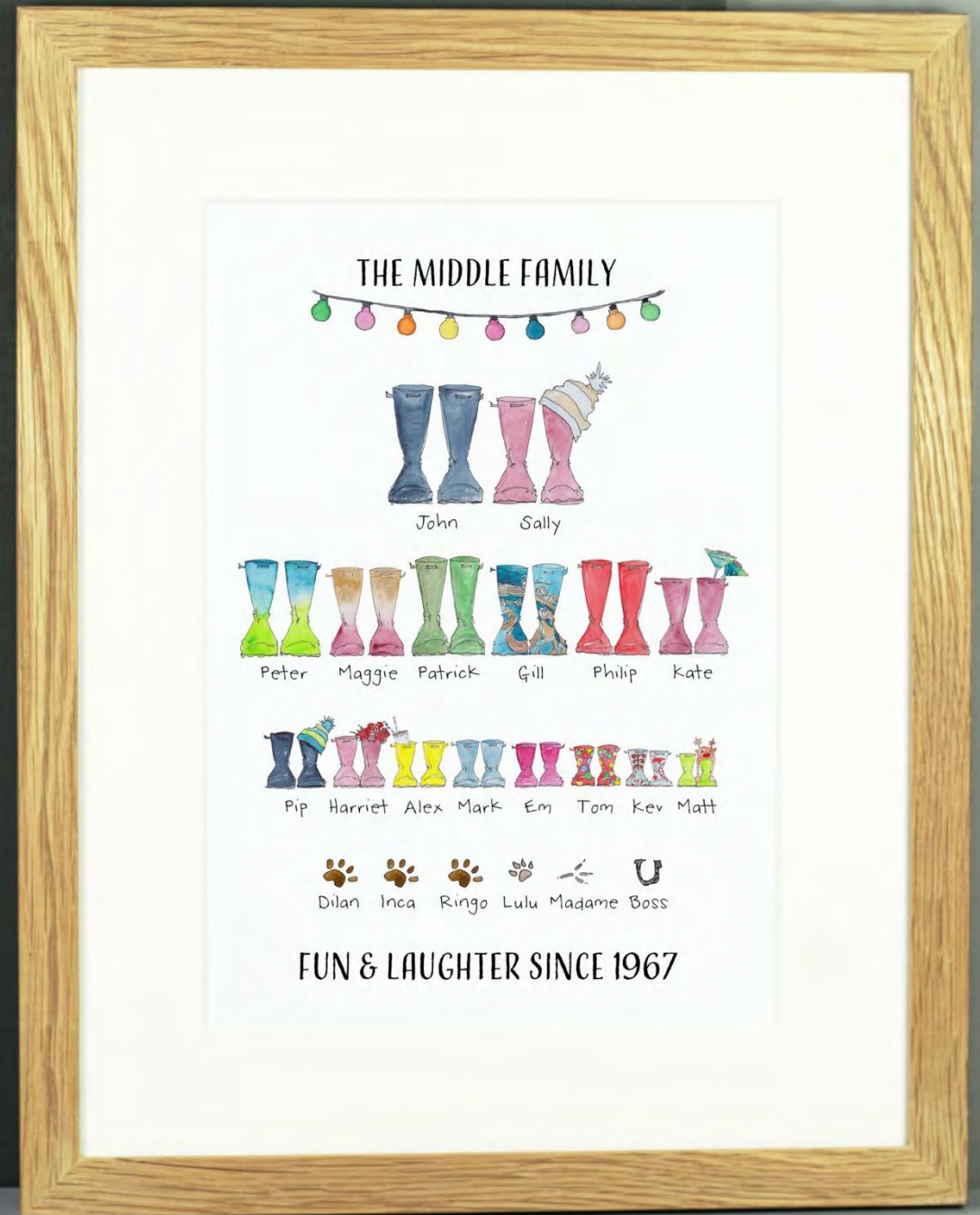
Rachael Taylor

A few wrong assumptions about intellectual property....

I have protected the name of my business because I have registered the name at Companies House

ThisisNessie 07882601

(not the same as a trade mark)



A few wrong assumptions about intellectual property....

If I do not include the ©2020 (name) notice on my work I will not benefit from copyright protection





Original

Copy

Original

A few wrong assumptions about intellectual property....

If I make 7 changes or a % to my design, it becomes a new design

Questions please!
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Global Gathering Hand Crafted Lantern Talking Tables

