

ANTI COPYING IN DESIGN

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NEWSLETTER

STOP PRESS! ACID LAUNCHES NEW WEBSITE

CASE STUDY

Studio William Cutlery
take a zero tolerance
Page 8

DESIGN GUILD MARKS

A record seven awards to
ACID Members!
Page 10

DESIGN THEFT

Is it really worth it?
Nick Kounoupas
Page 14

ACID:
THE VOICE
AGAINST
DESIGN THEFT



ACID MEETS

TIM MOSS, CBE., NEW IPO CEO

NICK KOUNOPIAS, FREDERICK MOSTERT AND I WERE PLEASED TO MEET TIM MOSS, THE NEW IPO CEO, AND BRIEFED HIM ON OUR CONCERNS ABOUT LEAVING THE EU AND THE POTENTIAL LOSS OF COMMUNITY UNREGISTERED DESIGNS, THE POSSIBILITY OF ACID INTRODUCING A NEW IP BILL TO INCLUDE CRIMINAL PROVISIONS FOR INTENTIONAL UNREGISTERED DESIGN INFRINGEMENT, THE ISSUES SURROUNDING COST AND TIME EFFECTIVE ACCESS TO JUSTICE AND OUR COMMENTS ON CURRENT IP RESEARCH.

Designs – post Brexit: Tim acknowledged that the potential loss of EU UDR is an area of serious concern for many designers and emphasised that the current IPO focus is to look at ways of maintaining any existing unregistered rights post Brexit and how they can ensure that any new rights created are also protected. The same principle applies to registered design law where their focus is to ensure that existing rights are maintained with minimal cost and complexity to business. We discussed the importance of legal certainty as we prepare to leave the EU and our desire to work closely with the IPO and other stakeholders to ensure the best possible outcomes.

A New IP Bill to make the intentional infringement of unregistered designs a crime. Whilst we have been very encouraged that the intentional infringement of a registered design is now a crime enshrined in the 2014 Act as a direct result of ACID's campaign. During the campaign we emphasised that the job is only half done and our real objective is to ensure that the intentional infringement of an unregistered design is also added as a crime. After all, copyright is not a registered right, but there have been criminal prosecutions for copyright infringement since around the mid 1800's. So why should there be a problem in prosecuting a different unregistered IP right? Another factor is that the majority of UK designers rely on unregistered rights. Despite the fact that the IPO say there has been a 55% increase on design registrations, one has to look a little deeper into the detail and percentages which are a little misleading, with only 8000 registered designs being granted in 2016 for the whole of the UK. ACID, in comparison, a small organisation, has approximately 25,000 lodgements per year to its Copyright & Design Databank! It is clear, therefore, that registration is still not a preferred route.

One of the reasons articulated by designers is, *"What is the point of a registered design, it didn't do Trunki much good?"* However, ACID remains a positive advocate of registering designs which, in the majority of cases, does lead to effective and speedier redress which leads us swiftly to the next issue we discussed.

Access to IP justice – It is anomalous that whilst there is a Small Claims Track provision in the Intellectual Property Enterprise Court for IP cases, registered designs are not included. Why, we cried? Tim assured us that the IPO are continuing to work with MoJ and IPEC to see if they can amend the provisions to allow registered design cases to enter the small claims track. Tim has also indicated that ACID could be part of discussions with the IPEC user group meetings. Our concerns are that there are some areas where grass roots reality does not chime with the current Government understanding of cost and time effective access to enforcement which is a real challenge to designers/makers who are consistently copied. Whilst we agree that the systems and processes for judging a case have been simplified, we believe that the often lengthy and cost prohibitive legal correspondence between lawyers pre-Court is the subject which needs **addressing urgently**. Often it can cost tens of thousands of pounds and take several months, if not years, before reaching Court. During which time an alleged infringer, often major retailers, romp away with ill gained profits for, sometimes, years! We also articulated our real desire to see mediation encouraged sooner rather than later in the legal debacles. Mediate don't litigate is the strategy we think should come from the top!

Registered & Unregistered Designs Research - We expressed our concerns that current interim design research into registered and unregistered designs infringement, 6 years after Hargreaves' recommendation has revealed nothing new that has not been in the public domain for 20 years. However, since our meeting I have been asked to peer review the final research and feel confident that the interim results are not indicative of the final recommendations and the 3 year research will provide some really solid recommendations upon which Government can act to support designers. Long overdue!

3D Printing – Current recommendations of "wait & see" should, we believe, be more along the direction of travel of "Is current IP law fit for purpose?" Nick outlined his dismay that the current research priorities referring to an Australian-led research model had not included any reference to US priorities which had many years of very useful research. IP challenges presented by 3D printing are high on US priorities. The IPO have, helpfully, since acknowledged this. In 2016 ACID held an event to debate, discuss 3D opportunities and challenges with key stakeholders. One of the comments from PIPCU Inspector Mick Dodge confirmed our concerns. "How can I possibly hope to deal with this issue if I haven't got a law to enforce?" i.e. there are no criminal provisions for unregistered design infringement.

In both the above research projects, whilst we acknowledge and recognise the need for academic and economic methodology there is a 'connectivity gap' for input from industry experts in their fields, which has thus far not been part of the equation. To pay significant amounts of tax payers' money for only academic & economic research would appear to ignore the value of expert industry/ commercial knowledge, experience and commercial reality.

Tim Moss, CBE, CEO of Intellectual Property Office



ACID request to voice our concerns to Rt. Hon. Jo Johnson, MP - ACID also expressed a wish to meet with Jo Johnson, the new IP Minister – previously Design issues had been lumped in with Patents stakeholders, the majority of whom are mainly the behemoths of this world. The majority of UK designers are lone, micro and SME and the issues are usually very different. The IPO has requested a meeting on our behalf.

The IPO is a trading body registered as the Patent Office. Income from registrations amounts to £72million and The IPO employs approximately 1000 staff. The IPO also advises Government on IP policy.

The ACID Council met in May to discuss the Strategy 2017-2020 which was unanimously approved. (Copies are available on request by members) The campaigning priorities remain as described above and we are seeking all opportunities for engagement and connectivity with policy makers, Government, parliamentarians and decision makers. We have a close relationship with the IPO and the All Party Parliamentary IP Group and will continue to work proactively with them. A parliamentary lunch is being held on October 11 to update them with our current concerns.

The other main areas of focus are on building a platform for increased connectivity which will be reinforced with a recruitment focused website. We also need to engage and broaden the scope of our ACID Ambassadors – well known names and design celebrities who will champion our cause. “Ramping up our ACID naming and shaming initiative “Spot the Difference” and research into crowd funding to support and fund lone, micro and SMEs against the consistent copying of small brands by, mainly competitors and macro companies will remain a high priority in the months and years to come.”

DEAR ACID MEMBERS

WITH THE FLURRY AND EXCITEMENT OF THE SEPTEMBER SHOWS OVER AND MEMORIES OF SUMMER SADLY FADING, IMPLEMENTING SOME OF THE INITIATIVES WHICH CAME OUT OF THE ACID COUNCIL MEETING IN MAY HAS KEPT US VERY BUSY! OUR MOST EXCITING PROJECT HAS BEEN TO CREATE A NEW AND, WE HOPE, MORE USER FRIENDLY WEBSITE. IF YOU HAVEN'T HAD A CHANCE TO VISIT, PLEASE DO WWW.ACID.UK.COM.

We have created a Spot the Difference section and will encourage both members and non members to send us their originals and alleged copies/lookalikes and, with care, put them out into the ether to ask opinions and also to name and shame through social media. It's time! We are also seeing the volume of IP lodgements on our Design Databank growing now that we have included copyright works

The ACID Council share my view that we have to ramp up awareness as copying seems still to be a deliberate strategy by many well known brands who should know better. However, they usually have deep legal pockets to stonewall any challenge. And how many can afford the time and expense to go down a legal route when it can sometimes take years to get a final Court hearing (even with the improvements to the Intellectual Property Enterprise Court). The trouble is that it is the expensive, debilitating and time consuming legal exchanges that seem to be inevitable before redress and then it is usually too late with a retailer, for example, having been able to successfully market the lookalikes capitalising on others' profits for a considerable time.

Historically, it was the Victorians who originally said that Design was a national responsibility and it was about this time that the Royal College of Art was founded as the Government School of Design, shortly after the Great Exhibition of 1851, claimed by many as a triumphant celebration of contemporary manufacturing. So one of our main objectives is to ensure with others that Design and its significance to the economy is put firmly on the map so that there is a connectivity & reality to what we, as a sector, can achieve. But there are pretenders on the block. For example, China sees itself making a global footprint

SHOULD A NEW UK UNREGISTERED DESIGN RIGHT UDR BE CREATED TO MIRROR EU UNREGISTERED DESIGN RIGHT BUT LAST FOR 15 YEARS INSTEAD OF 3 YEARS (SIMILAR TO THE CURRENT UK UDR) BUT ALSO GIVE PROTECTION FOR A COMBINATION OF LINES, CONTOURS, SHAPE, ORNAMENTATION, COLOUR, TEXTURE, MATERIALS SIMILAR TO EU UDR?



in design transitioning from "Made in China" to "Designed in China". British design still shapes the world stage so it is time to think local and broaden horizons to act global to compete more effectively.

Only by getting back to grass roots and maybe thinking about the enlightened times when engineering went hand in hand with design and looking seriously at the future of skills will we continue to forge ahead. So I believe our message to Government must be clear – design (&IP) need Brexit clarity sooner rather than later by creating the right structure through effective negotiations to strengthen IP rights, ensuring IP portability and ease of movement of goods. Some say that uncertainty encourages innovation but it is imperative that legal and regulatory rules are established sooner rather than later. As Sir Nicholas Serota, chair at the Arts Council, said at a recent Creative Industries event, "We are leaving the EU but not leaving Europe" and it must surely be about strengthening and broadening the relationships we have as well as seeking new markets and territories within which designers & manufacturers can forge forward with trade barriers eased and new ones opened.

Dids Macdonald

YES!
100%

Dids Macdonald, OBE CEO of ACID



ACID GUEST EDITOR

KEELEY PORTWAY, EDITOR OF LEADING FURNITURE INDUSTRY MAGAZINE, CABINET MAKER

At school we are taught from a very young age that it is wrong to copy the work of others. Who else remembers moving your arms to curl around spelling or multiplication tests so that the person sitting next to you can't see your work?

It's later in life that we learn of the potentially serious consequences, and for me personally, having trained as a writer, I can testify that one of the very first lessons received by budding novelists, play writers, poets and journalists in further education is how plagiarism of other people's work – not only the words themselves and their order, but the idea behind a story, poem, article etc., - has plagued the writing community for many years.

During these seminars it wasn't uncommon for the question to be posed as to whether it is really possible for ideas themselves to be stolen, but, as many product designers can testify, the answer is a firm 'yes!'

It is for this reason that I am personally very proud that Cabinet Maker magazine is a staunch supporter of IP compliance. What's more, I can testify that the whole team is proud to be a media partner of Anti Copying in Design (ACID) which, in its 20 years of operation has made a big difference to the furniture industry, increasing its collective awareness of intellectual property and the issues surrounding it.

My first introduction to ACID upon starting my role at Cabinet Maker at the end of June 2016 was the work it was undertaking to ensure that UK designers do not lose out on protection following the UK's exit from the EU, providing advice and guidance to parliament on what is needed from negotiations to ensure that the some the 350,000 designers in the UK remain protected.

More recently I attended the Young Professional Industry Experience (YPIE) presentation where one of the young people – Sam Ryan – wrote a winning essay about the importance of IP for designers, demonstrating, to me, an increased awareness of IP issues in the industry, not just from the larger companies, but all the way to those young people starting out (see pages 20-21)

But, there is still a way to go, with certain industry sub-sectors in which copying is sadly still rife, and I think that a mediation protocol specific to this area, much like ACID's Mediate to Resolve service could help to bring about faster and more cost effective resolutions. In the meantime, it is exciting to hear that ACID is planning a more dynamic approach to copying, and I look forward to seeing the organisation pursue its Spot the Difference campaign to flush out some of the known copyists.

WWW.CABINET-MAKER.CO.UK

“

Who else remembers moving your arms to curl around spelling or multiplication tests so that the person sitting next to you can't see your work?

”

CASE STUDIES

STUDIO WILLIAM CUTLERY TAKE A ZERO TOLERANCE TO IP THEFT AGAINST COACH HOUSE

ACID MEMBER STUDIO WILLIAM CUTLERY, INTERNATIONALLY RENOWNED FOR AWARD-WINNING CUTLERY, HAVE TAKEN DECISIVE ACTION AGAINST A COMPANY, CHAIR LIMITED TRADING AS COACH HOUSE, TO HALT THE SUPPLY OF INFRINGING STOCK TO THIRD PARTIES. COACH HOUSE HAD BEGUN MARKETING AND SUPPLYING THE INFRINGING DESIGNS TO THIRD PARTY SELLERS BY THE TIME THE INFRINGEMENT CAME TO LIGHT. THE CASE SETTLED THROUGH LEGAL CORRESPONDENCE AND UNDERTAKINGS AND BOTH DAMAGES AND COSTS WERE SECURED FROM THE DEFENDANTS. IN ADDITION, THE REMAINING STOCK OF THE INFRINGING GOODS WERE DESTROYED.



William Welch, MA (RCA), FCSD, FRSA commented *"The intellectual property assets of a business are some of the most valuable assets we*

own and paying for international design registrations, trademarks and design patents is a core strategy to support our strategy to grow our global brands. This case with others highlights our intent to vigorously pursue any infringements. We have been an ACID member for more than 10 years now and utilise the Unregistered Design Database regularly too. We display ACID signs at Trade Fairs around the World and on our website."

WWW.STUDIOWILLIAM.COM





Dids Macdonald, OBE, CEO of ACID added, *“William designed a cutlery range, named Tilia Cutlery in 2006, and he subsequently registered these designs in the European Union as well as other international territories, a smart move which makes enforcement of his rights easier. As the holder of registered design rights, William Welch Designs Ltd has the exclusive rights to prevent any third party from using its designs within the European Union and other countries without its consent, as discussed above.”*

This case highlights that seeking expert, specialist IP advice from an ACID Legal Affiliate can be helpful towards seeking remuneration from a third party who infringes your intellectual property rights. Effective enforcement is a very strong deterrent against future infringement and this case should therefore assist in preventing any further IP issues for the business.



Kelly Hudson, a senior associate solicitor at McDaniel & Co commented, *“This is a great result and a very positive enforcement for the company. Studio William Cutlery has confirmed its status as a company that will not tolerate infringement and has sent a clear message to the market for the future.”*

Studio William Cutlery is known for their beautiful ranges of contemporary cutlery. They pride themselves on manufacturing and producing cutlery to the highest standards of craftsmanship whilst paying extreme attention to detail. William Welch, designer and CEO behind William Welch Designs Ltd, has won many prestigious awards over the years for his innovative cutlery designs and their designs can be found in museums around the World, including The Victoria & Albert Museum, The Chicago Design Museum and Germany’s Reddot Museum to name a few. As a result of this success and reputation they sometimes find themselves a victim of infringement.

WWW.STUDIOWILLIAM.COM



CONGRATULATIONS

A RECORD SEVEN DESIGN GUILD MARK AWARDS TO ACID MEMBERS!

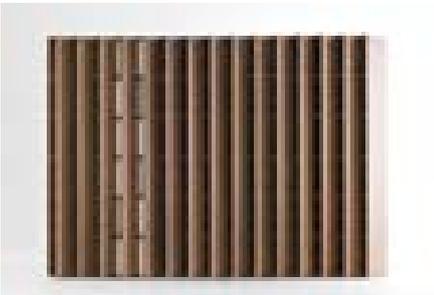
ACID is very proud that no less than 7 coveted Furniture Makers Design Guild Marks were awarded to FIVE ACID members. Congratulations! The DGMs a coveted and prestigious Design Guild Mark is awarded to drive excellence and raise the profile of British design and innovation. The Award recognises the highest standards in the design of furniture for volume production, by the finest designers working in Britain, or British designers working abroad. The judges are renowned experts in their respective fields and bring a wealth of knowledge and experience to the evaluation process. Uniquely the designers present their furniture in person on judging day, and the judges are able to examine the design closely.

More information about the Furniture Makers Design Guild Marks can be obtained from their website - why don't you enter? www.furnituremakers.org.uk



Two DGM's were awarded to Morgan Studio & Integrate for the Rio and Valencia ranges. A delighted Rodney McMahon, MD of Morgan Contract Furniture commented. *"With the Rio collection we aimed to create designs that explore new possibilities in 3D printing and combine them with exquisite craftsmanship. And the Valencia collection originated from a desire to take a new approach towards modularity, creating a multi-directional seating system with a dramatic profile."*





Mr Knock 1 and Mr Knock 2 bookcases by Channels, Samuel Chan said, *“Delighted as ever to receive Design Guild Marks for these new designs. It’s special because it’s given by the Guild, who know just what it takes to bring a piece of furniture to market and do so much to support those of us contributing to this industry in the UK.”*



Speaking about **Joined and Jointed Caburn bench** DGM designed by /Wales & Wales, they said *“We’ve always aspired to design furniture which combines clarity of form with satisfying detail and material quality. “Caburn” achieves this with a certain lightness of touch. We’re chuffed to bits that it’s been awarded a Design Guild Mark”*



Krusin Chair - Designed by Marc Krusin for Knoll DGM 185
 Marc Krusin said, *“It’s amazing that the integrity of the Krusin Chair has been recognised with a DGM. Hopefully the 200% design - 100% aesthetic and 100% function/ innovation will act as inspiration for companies and designers to continually introduce valid, well considered products to the market, aiming at products that can last many years and not be here today and on the rubbish tip tomorrow.”*



DGM Pengelly Design Ltd Montis prompted Simon Pengelly to comment, *“We and Montis are delighted to have received DGM 186 for our efforts in getting the MORE Table to market, making all of the many challenges we faced along the way far more worthwhile!”*

NEW WEBSITE LAUNCH

THE PRIME OBJECTIVE FOR DESIGNING A NEW ACID WEBSITE WAS TO MAKE IT EVEN EASIER TO ACCESS IP NEWS, CAMPAIGNING UPDATES AND OTHER IP INFORMATION EASILY. WE ALSO WANT MORE DESIGNERS TO JOIN US SO THAT WE CAN CONTINUE OUR AMBITIOUS PROGRAMME OF RECRUITMENT TO STRENGTHEN OUR CAMPAIGNING VOICE.

A new high profile **SPOT THE DIFFERENCE** page has been designed to ramp up awareness in the marketplace of the continuing emergence of lookalikes and blatant copies which undermines creative businesses whatever their size.

So, if you discover a lookalike, copy or something that is remarkably similar to your design or original work send us an image with a very brief description, provide us with brief details of your design ownership – for example, you may have a registered design, it might be on the ACID Copyright or Design Databank or you may have other signed and dated evidence. Also send us an image of the original and the lookalike or alleged copy, where you have discovered it and any other relevant information. We will then assess and, if suitable, add to our website and plan some very careful social media. The last thing we want to do is to be sued for making groundless threats or risk defamation but there is a very simple way of asking people's opinion to see what they think through social media.

The culture that it is alright to steal designs can be based on arrogance, ignorance or greed but has, quite simply, got to stop! Sometimes, the strategy of large organisations is to change the designs so it is very difficult to legally challenge but at the same time it is clear that there was intent to copy. We intend to hold to account those who persistently copy by developing this campaign.

Increasingly, members are using the **ACID COPYRIGHT & DESIGN DATABANK** to lodge their designs, documents and tenders, which offers independent 3rd party evidence of their existence on the date they are received by us. Many of you who use this service know that for each upload there is also a uniquely numbered certificate which can be downloaded for additional evidence. When challenging any copyist, design ownership evidence is critical. A registered design is a preferred option but as the majority of ACID settlements have been based on the strength of unregistered designs, correctly documented design ownership information can be just as persuasive.

ACID has always championed and supported our members' achievements and our **MEMBER FOCUS** not only tells the individual stories of design and innovation but is another way in which to publicise your company. If you would like us to feature your company just let us know!

FRONT PAGE BANNERS – we plan to constantly change the graphic banners on the home page of the website to reflect our members' designs, so if you would like your profile communicated to thousands of visitors each week, let us know. We need a high resolution image to consider and the pixel specifications are as follows: 1920 wide by 1080 height.

We have also added visible **visible https:// status** to the website domain for this new launch. Some members were concerned that although their designs are stored on a private server with a security certificate this was not visible on some browsers such as Google.

The main membership areas where you;

- upload your designs,
- search for a legal affiliate for advice,
- view your online profile with access to invoices
- access ACID Marketplace

remain on the same platform, with a revamp of the template colour. However, our brand new **MEMBER AREA** now has easier access to all ACID benefits and services with a simpler design and style to match our brand new home page.

MARKETPLACE is an online marketing platform with the security of IP tracking and it costs nothing to upload your product images there for others to see. Any design buyer visitor has to agree to a Code of Conduct before registering and viewing designs and the good news is that YOU can track who has viewed your products and contact them to start sales dialogue. If any of you want to offer **MEMBERSHIP DISCOUNT** to fellow members again, let us know.

AND FINALLY, any suggestions or feedback which you can give us is invaluable so please take time to see if our website works for you.

INFO@ACID.UK.COM

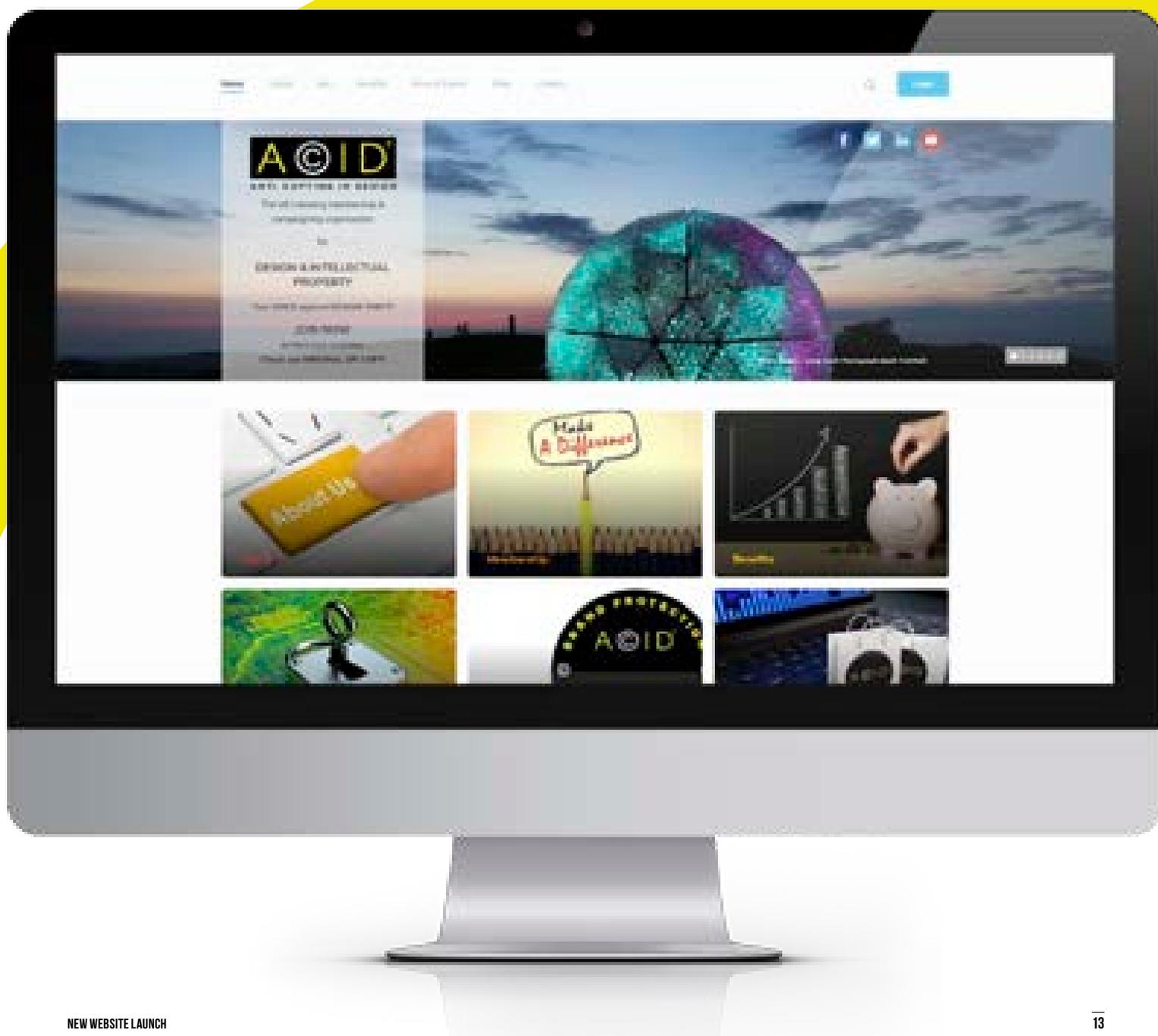
WWW.ACID.UK.COM

SPOT THE DIFFERENCE...

Tell us what you think on Twitter



 @ACID_tweets





**NICK KOUNOPIAS, ACID CHIEF LEGAL COUNSEL
AND CEO OF KOUNOPIASIP ASKS THE QUESTION...**

DESIGN THEFT IS IT REALLY WORTH IT?



Did you know that in the UK stealing Intellectual Property is considered a more heinous criminal offence than stealing someone's physical property? Well it's true. The maximum prison sentence for infringing copyright works, trade marks or registered designs is ten years and an unlimited fine can also be ordered. However, the maximum prison sentence for theft is seven years! Why the differing treatment?

Over the last twenty years Parliament, and the Courts, have begun, perhaps belatedly, to recognise the devastation caused to businesses by the theft and counterfeiting of their intellectual property. Well prepared and reasoned arguments backed up by credible statistics and economic evidence have

LEGAL AFFILIATE



ANTI COPYING IN DESIGN

been deployed to support calls for increased sentences, primarily to provide deterrents against infringement. So, whereas copyright infringement has been a criminal offence since 1848, it was only in 2002 that the maximum prison sentence was increased to ten years. And following considerable and consistent lobbying from Anti Copying in Design (ACID) over many years, deliberate

infringing of a registered design only became a criminal offence in 2014, punishable by ten year's imprisonment.

The implications for retailers are very serious. Although actual or imputed knowledge that their actions would infringe IP rights is required for a successful criminal prosecution and conviction, in practice it is not difficult as a prosecutor to prove this. Indeed, there would usually be no interest from a rights-holder in pursuing a retailer unless they suspected that they were continually engaging in the flagrant disregard of the IP rights. And of course, no prosecutor would consider prosecuting unless they felt that they could prove the crime beyond all reasonable doubt, which is the standard required to be shown in a criminal court.



In response to the legislative changes the statutory enforcement organisations are far more clued up in investigating and prosecuting IP Crime. So, for example, the City of London Police have a dedicated IP unit called PIPCU (Police Intellectual Property Crime Unit) which is available to all right-holders to complain about the theft of their IP. And Trading Standards authorities have developed considerable expertise over the last two decades also in monitoring, detecting and enforcing IP crime.

All of which means that those trying their luck in stealing the IP of others are far more likely to be successfully detected and prosecuted. And this is not the end of it. All the IP theft laws also provide that any director, servant, officer or manager who consents or connives in the infringing

activity by their company equally commits a criminal offence. So unlike in the civil courts where infringers regularly shield behind their companies to avoid personal liability, a criminal prosecution can be used to target those individuals who habitually, cynically and deliberately set up companies to steal the IP of others and then close them down when civil proceedings are threatened or take place.

There are still some loopholes in the law, for example ACID still believes that it should become a criminal offence to steal an unregistered design also, but the general message is clear; steal IP at your peril. If you are caught and prosecuted, you could receive a heavy prison sentence.

WWW.KOUNOUPIASIP.COM



MEMBER FOCUS

Welcome to ACID Member Focus. Read the compelling story of how Peter Manning (Full Size Kits Ltd) has put IP at the heart of his business strategy and how he has made full use of his ACID Membership Benefits to protect his IP and support his business!

WHEN DID YOU FIRST START CREATING YOUR PRODUCTS AND DESIGNS?

I started with my first product innovation in 1984 and have developed many concepts over the years. I licensed some and also found investors and raised venture capital on others. Six have been produced and sold in the UK and international markets over the years.

DID YOU HAVE ANY KNOWLEDGE OF INTELLECTUAL PROPERTY AT THAT TIME?

No, so I researched and learnt (pre-internet!) but unfortunately spent a lot of money with patent agents over the years. This is a mistake that many make because they do not realise that patents are for new inventions or processes and a much better means of protecting new designs is to rely on unregistered and registered design rights which are much less expensive and easier to enforce. Keeping signed and dated drawings and, quite simply, lodging them on the Copyright & Design Databank involves a minimal cost and the evidence is held by an independent third party - ACID.

WHICH ACID MEMBERSHIP SERVICES HAVE YOU USED AND HOW HAVE YOU BENEFITED FROM BEING A MEMBER?

I have been an ACID member for many years and benefited, I feel, from the security I felt from being a member and letting people I presented to and others know, a great deterrent. Also, the legal help I had from the lawyers on two occasions where companies tried to steal my designs.

I also use the **ACID Copyright & Design Databank**, here I upload my designs with the assurance that they are secure. I also have the option of downloading a **certificate** as this contains information that may be needed to prove the existence of my design. The certificate also has the Police Intellectual

Property Unit logo which is a visible official endorsement reinforcing their partnership with ACID to prevent IP crime.

HAVE YOU BROUGHT ANYTHING NEW TO THE MARKETPLACE RECENTLY THAT YOU WOULD LIKE TO SHARE?

Yes, my latest product range '**The World's first full size plastic motorcycle assembly kit**'. I first started producing in the UK but have recently had to move the tooling and production to China with production samples in process.

Initially we thought that customers would want to assemble and paint their own full size models like they did with Airfix kits when they were kids, but they wanted to buy assembled and painted as shown on the website which is not possible price wise in the UK due to the cost of labour.

WHAT IS BEST ASPECT OF ACID MEMBERSHIP FOR YOUR BUSINESS?

The knowledge that I have the back up behind me of a major force in design protection.

WHAT ADVICE WOULD YOU OFFER TO A NEW DESIGNER?

Join ACID and ensure that anyone you show your designs to has signed a confidentiality agreement.

[HTTP://WWW.FULLSIZEKITS.COM/](http://www.fullsizekits.com/)

[HTTPS://WWW.FACEBOOK.COM/FULLSIZEKITS](https://www.facebook.com/fullsizekits)





SEEING DOUBLE (STANDARDS): CELEBRITIES, TNCS & IP INFRINGEMENT

Famous people and big businesses are some of the fastest to protect their IP rights. Big names love IP. In fact, they're literally built on it. Exclusive use of IP is what generates the real money for celebrities' big names. Yet in the process, the IP rights of others are often overlooked.

KEEPING UP WITH THE KARDASHIANS' (ALLEGED IP INFRINGEMENTS...)

Take Kim Kardashian for example. Recently, she had a lawsuit initiated against her for the 'Lumee Selfie case'. The case is alleged to be a similar design to the Hooshmand Harooni design patented in 2013. At the same time, Kim's "KKW" brand, has also been accused of infringing the established "KW beauty". Both cases rumble on.

But that's only the tip of the iceberg!

The other Kardashian-Jenner sisters have also been in the news for similar reasons. Khloe has allegedly flouted copyright by reposting a photo without crediting the photographer... Kylie allegedly misappropriated images of artist Vlada Haggerty.... and Kylie and Kendall have used images of icons on her clothing without licensing.

All within the past few months!

The extent that the sisters themselves are directly responsible for these decisions is up for debate... At the same time, Forbes magazine places Kim at number 42 in the top 100 earning celebrities. She has an estimated net worth of £40 million.

How much of this value is predicated on licensing her name and image as IP? The lion's share. For many celebrities, the cornerstone of their income is the ability to endorse and affiliate. The power of personal brands and IP (especially the Kardashians') has never been more potent.

So, it's quite ironic that celebs recognise the value of their brand... they can often fall short in respecting the value that others hold.

IP IS NOT A ONE-WAY STREET...

But it's not just the Kardashians who find themselves in the news... They're actually representative of a wider phenomenon. Celebrities can often seem to enjoy IP's benefits... whilst also being accused of infringing others'.

Singer, Jeffree Starr's lipstick packaging design has been accused of resembling Lunatick Cosmetics. Lunatick trademarked their design in 2014 (granted last year). Starr's product was released last year, (though he claims to have created the graphic design in 2013...)

Chelsea Clinton was sued for copyright infringement for her children's book. The concept was allegedly sent to Penguin by another writer - who handed it off to Clinton.

Ed Sheeran is another example. Sheeran recently had to pay a 7-figure sum to settle the dispute about his song 'Photograph'. It was alleged to be too similar to ex-X-Factor contestant Matt Cardle's song. This was confirmed in court by a judge and musicologist.

The list goes on. And there seems to be a new one every week!

These kinds of headlines can damage the reputation of those involved. For Sheeran, such a claim has a negative impact to his reputation as a songwriter. This happens whether infringement was wilful on his part, or not.

Logically, it's not worth the risk to your well-crafted image. But it's quite clear big names often do - for the benefit they receive if no contest is made. This may be deliberate, or a symptom of being too big to effectively avoid it.

What is clear is that this is a huge shame when IP theft occurs to small companies. When small companies lose out, there's a bigger proportional loss of profit, whereas for bigger businesses infringement is often a blow that they easily can stomach.

THANKFULLY, THE LAW DOESN'T DISCRIMINATE

25% of UK small businesses reported in 2015 a struggle to protect IP. Legal costs to prosecute are often prohibitive if non-specialist advice is sought. So, seeing your hard work used by a big company or celebrities is worrying to say the least.

But, being small doesn't mean you should have to capitulate to the big boys. The law doesn't care how big or famous you are. The law is concerned with justice.

Virtuoso has proven this is the case, time and time again. We did it in matters where we have acted for the underdog and beaten multinational clients. In the process beating bigger firms... (who also take much bigger fees from their clients). We've also done it when we came 2nd in The Lawyer Awards 2017, besting a host of multinational opposition.

In these cases, we don't win because we're the biggest, we win because we're right. We're right more often than not simply - because we're IP specialists. It's all we do, and we've been doing it very well for a long time. The big firms (and companies) we face underestimate us. They underestimate you too.

The role of IP is becoming more important in the global economy. This is matching the growth in services as much as goods in the past. Simply put. We don't sell as many things anymore. We sell ideas.

So, if you're being worried about big names trampling all over your name.... Choose specialists who know what they're doing. Don't go for someone that's so big they're blind to the small detail.

WWW.VIRTUOSOLEGAL.COM

YOUNG PROFESSIONALS

INDUSTRY EXPERIENCE - IP

Each year the Furniture Makers Company, the Furnishings industry charity, supports young professionals on an industry experience programme which lasts 3 weeks. This year's Anti Copying in Design 2017 IP Essay "Why IP Matters to your Brand!" has been awarded to furniture designer and maker Sam Ryan of Sam Ryan Furniture.

SAM'S ESSAY ON IP....

As a small and upcoming business, Intellectual Property is a key asset to the security of my businesses future in protecting my bespoke furniture designs from infringement. IP protection will also allow for growth and development within my business Sam Ryan Furniture, for my products to increase in value with the security of my design investments and for possible future licensing to 3rd parties.

I make one off bespoke pieces of furniture on client's commissions and sell collections of furniture on the market,

which need to be protected from any threat of infringement. IP protection would secure my products individual design characteristics and my businesses future success.

IP protection will benefit me by allowing me to have a positive attribute towards my brands designs and build value within my company to grow and flourish. It will give me the opportunity to have a safer trading platform to market my designs and have the ability to manage my IP. This will make sure that I have the most appropriate and beneficial protection.

All measures taken will be to insure that my design investments are protected for

my business to grow through innovation. With the reassurance of having protection over my designs for my future living and business's growth, I would be able to expand knowing that my work is secure. Every minute spent on every design is an investment towards my company's future success. IP is key to my business as the value depends on how much IP I can identify and put a value to. Therefore, I would need to seek professional advice to value my IP.

Without IP protection, an infringer could sell my products at a lower price on the market, resulting in a loss of sales and profit with a decrease in the value of my business. This would slow down growth





within my business and potentially put it at a disadvantage or at risk of not surviving. All profit that is made on each product is vital as it is reinvested into the business after my personal survival budget. IP protection is vital to the security of my business and my personal life's future earnings.

As a creative designer, ideas cannot be protected unless certain steps are taken. Therefore it is even more important for me to put all of my ideas into drawings, for evidence of ownership by signing, dating and taking photographs for copyright protection. It is vital that any of my individually unique designs are registered and that my most unique designs are trade marked for further security and protection of my brand.

Being self-employed IP is a core asset of my business. I will have to work to protect my designs that are essentially the selling point of the business and show that my products are different and unique from anybody else's, in order to attract customers.

The importance of automatic copyright territorial rights to protect the shape, configuration and features of my 2D designs instantly is vital, where they can

be unregistered or registered designs. In order for my designs to be registered they must be new and original, not commonplace. IP will give me exclusive rights to reproduce each design. IP gives proof of ownership for the creative designs and allows for licensing to a 3rd party.

Nick Kounoupas, ACID's Chief Counsel & Furniture Makers' Liveryman, Judging the award said, *"Sam Ryan demonstrates a clear and solid understanding of why it is crucial for designers to protect their designs and how to do so. I hope these lessons are adopted by other aspiring designers to assist us to reduce and minimise the impact of design theft".*

On winning the ACID IP Essay Award, Sam Ryan commented, *"I am delighted to win the ACID award. As a small and upcoming business, Intellectual Property is a key asset to the security of my future in protecting my bespoke furniture designs from infringement. IP protection will also allow for growth and development within my business."*

Each year young professionals (YPIE) within the furnishings industry join a unique, three week intensive programme where aspiring young people are given the opportunity

to visit and understand all areas of the furniture industry, including materials, designing, manufacturing, pricing, marketing, sales, and customer service. Intellectual Property starts the event off and this year Anti Copying in Design's legal affiliates generously gave their time to tutor this year's enthusiastic group through a short introduction to intellectual property and why it is so necessary to be 'IP Savvy'. With partners small, medium and large, representing a broad cross section of our industry, the experience is the most comprehensive view of the industry our candidates are likely to ever see. For more information contact

HELLO@FURNITUREMAKERS.ORG.UK

ACID & THE FURNITURE MAKERS COMPANY WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK THE FOLLOWING LEGAL AFFILIATES FOR THEIR TERRIFIC CONTRIBUTION: NICK KOUNOUPAS, ACID CHIEF COUNSEL & CEO OF KOUNOUPASIP; KELLY HUDSON, SENIOR ASSOCIATE AT MCDANIEL & CO; TOM PRIEM OF SIPARA; JAKE HAYES, BRIFFA; TONY PLUCKROSE, BOULT WADE TENNANT; PHILIP PARTINGTON, VIRTUOSO LEGAL AND GAVIN LLEWELLYN, STONE KING.

AND IT'S A SAD 'SO LONG AND AU REVOIR' TO...

BELVA DOWNING MEMBERSHIP COORDINATOR



Hundreds of you will have spoken to our wonderful Membership Coordinator Belva Downing over the years and heard her enthusiastic and "smiling" voice at the end of the telephone helping with various queries. But it is time for her to go to pastures new and to a fabulous new role for which she was head-hunted, their gain is ACID's loss. We are naturally very sad to say goodbye but glad for Belva's success and wish her all the very best for the future. Juggling the constant ring of the hotlines Belva revelled in the diversity of queries raised by ACID members and thrived on the one to one interaction with lone, micro and SME's who can sometimes find intellectual property complex.

Belva, who is originally from Llanelli, Wales said, *"After working at ACID for nearly 5 years my decision, to move on, was not an easy one! I have learnt a lot about myself and made some wonderful, lifelong friends whom I will miss. It has been an absolute pleasure working with everyone involved with ACID and with all the ACID Members.*

I am very thankful to Dids, Jane, Trudie and Ann for everything they've taught me and for letting me teach them... especially about Excel!! So this is not a good-bye but merely diolch yn fawr."

She has been an exemplar in effective membership engagement and an extremely competent custodian of our safe trading platform, constantly designing and developing new systems and processes to make our systems more user-friendly, essential for an organisation such as ACID. The ACID team is very much a family affair and we know it won't be long before there is a reunion of some sort and we hope it is sooner rather than later! Nevertheless, we will miss her!

LISA HOENIGHAUSEN STUDENT WORK PLACEMENT



Lisa came joined ACID under the graduate work placement scheme and has proved invaluable bringing together all the skills and knowledge

she gained at her business & education degree course at Saarland University in Saarbrücken, Germany. The 6 months have flown since Lisa joined us and we have greatly benefitted from her enthusiastic and intelligent approach to transitioning relevant information and graphics from our old website to the new website, launching in September. German born Lisa has returned to Germany to do a Masters degree. We wish her the very best in her career which, judging by what we have witnessed, will be very successful.

Of her experience with ACID, Lisa said, *"I have enjoyed working for ACID for the past 6 months and am thankful for all the skills I have gained. The team has welcomed me with open arms and are part of the reason why I have enjoyed my placement in England so much!"*



Jane Banyai, ACID Operations Director added *"It is always with sadness that I say goodbye to a team member, particularly as*

we are a small team which retains its staff over long periods. I wish both Lisa and Belva bright and exciting futures, which I know they will both attain with their natural aptitude for learning new systems and processes and applying them successfully. The new website is a testament to Lisa's tenacity in seeing through the project and many ACID members have benefitted from Belva's professional assistance and friendly nature."



We are delighted that Trudie Harrod, from our existing team, has accepted promotion to the role of Membership Coordinator and we will be

announcing a new staff member in the coming weeks - watch out for an update to the ACID Team page on the amazing new website!

NEW MEMBERS



We would like to welcome to the ACID community

MEMBER	INDUSTRY
BLUEBERRY BOO KIDS LTD	Childrenswear
BECKY BIRD	Design Agency
ALM IMPORTS LIMITED T/A WILD FOLK	Fabrics & Textiles
BLONDLEMON	Fabrics & Textiles
CLAIRE ELSWORTH DESIGN	Fabrics & Textiles
GINGERMORAR	Fabrics & Textiles
HANNAH HEYS SURFACE PATTERN DESIGN & ILLUSTRATION / ONE OFF WORKS	Fabrics & Textiles
HANNAH JONES	Fabrics & Textiles
HELEN HALLAM LTD	Fabrics & Textiles
MARGARET WHITE	Fabrics & Textiles
NOVO 45 LTD	Fabrics & Textiles
THE LOUNGING HOUND	Fabrics & Textiles
TRADESCANT LTD T/A TRADESCANT & SON	Fabrics & Textiles
CELTIC FUSION DESIGN	Fashion
DOE	Fashion
RACHEL SIMPSON LTD	Fashion
RASSIN & SHEN	Fashion
DESIGNBYNICO	Furniture
FISK DESIGNS LIMITED	Furniture
FUNKY CHUNKY FURNITURE LTD	Furniture
HELM	Furniture
MORETTI INTERIOR DESIGN LTD	Furniture
SAM RYAN FURNITURE	Furniture
SARAH KAY	Furniture
GREENCROFT SHETLAND LTD	Garden Products

MEMBER	INDUSTRY
JOHN MOSS SCULPTOR MOSSART	Garden Products
VATRE TERRACOTTA LTD T/A APTA	Garden Products
HOLYFLAPS	Giftware
JENNIFER ROSE GALLERY	Giftware
JULIE WATSON STUDIO	Giftware
OAKES CANDLES LTD	Giftware
THE CRYSTAL BUDDHA	Giftware
HOW FUNNY	Greeting Cards
SABAH DESIGNS	Greeting Cards
GAVIN EDWARDS	Interior Accessories
ATLAM DESIGN WORLDWIDE LIMITED	Interior Design
JESS COLLINGE	Jewellery
MICHELE WILLIAMS	Kitchen & Bathroom
ALL ROLLED UP	Product Design
COMPASS INTERNATIONAL TRADING LTD	Product Design
HUTA POLSKA LIMITED	Product Design
METAL AND BUTTER LIMITED	Product Design
MYFOURCATSDESIGNS	Product Design
PAINTEEZY	Product Design
SAM MOULD	Product Design
SAY NICE THINGS LIMITED	Product Design
TAJINDER KAUR SOOR	Product Design
TRICK TOOLS LTD T/A PAINTZAVE	Product Design
TUBULAR SYSTEMS LIMITED	Product Design
KORU ARTS	The Arts

ACID'S JOINING CRITERIA FOR NEW MEMBERS

In accordance with our policy that all members are provisional members for the first 6 months of their subscription period, we publish a list in each newsletter of companies which have recently joined ACID. In the event that there is any complaint against a new member, please write to the Chief Executive together with any substantiated facts. Hearsay, rumour or unsubstantiated facts will not be considered under any circumstances. Any complaint that should arise will be put before a panel comprising ACID's legal advisor, Chief Executive and two Corporate ACID Members from a different industry sector. If the panel decides that a complaint should be upheld their decision will be final and no correspondence will be entered into.

FAIR OR UNFAIR COMPETITION

WHAT DO YOU THINK?

GLOBAL AWARD WINNING DESIGNERS CHISELWOOD
TAKE LEGAL ACTION AGAINST LOOK ALIKE KITCHEN

Chiselwood now asks the question, **“Does the judicial system always work to protect designers in this country?”** In their case NOT! When they discovered a competitor’s website displaying a lookalike kitchen design, they decided it was only fair to legally challenge the theft of their IP. (The other kitchen company’s client had previously approached Chiselwood to design a new kitchen and then given the Chiselwood drawings to them to produce the kitchen). Whilst they eventually succeeded in having the images removed from the website, they could not fully prove in Court that the designs were originally conceived by their designer Martin Holliday. The time consuming, costly and debilitating process took over two years to get to Court and it cost them thousands. For Chiselwood, they purely want to reap the rewards for their original design and protect their designs in the future.

Future clients will be advised that the designs are owned by Chiselwood and will be pursued seriously should there be an infringement. In simple terms this means that if a client takes the designs and gives them to another kitchen company without permission, this is against the law. Copies of all kitchen designs are now sent to the

ACID Copyright & Design Databank which provides third party evidence of the date they are received and helps to strengthen the evidence and audit trail behind their designs.

Chiselwood MD Mel Holliday commented, *“Our judicial system has a long way to go to protect SMEs. The UK is producing world-class designers and there should be a robust system to ensure those designs and inventions remain the property of the creator. Copying someone else’s design for profit is wrong. If there is a design infringement, there must be an easier, swift and clear way to access fair legal redress and justice. Our experience was frustrating and without a clear result, however, I am proud we tried our best. Martin and I are excited to be representing the UK in September for the Sub-Zero World Design awards in America, clear, proof that we are leaders in our industry.”*

ACID CEO Dids Macdonald added, *“Chiselwood is a company that places respect, integrity and trust at the heart of its ethos – I guess this is why they have survived for 28 years and clients continue to return to reap the benefits*

of their original design thinking and individuality. Whilst the process of the Intellectual Property Court has improved, expensive legal exchange leading to Court have not.”



Congratulations to Chiselwood who made it to the last 25 out of 1500 competitors for the much sought after Sub Zero Kitchen International Design Awards.

EVENTS

FOR FURTHER UP TO DATE INFORMATION ON ACID EVENTS VISIT OUR EVENT CALENDAR AT WWW.ACID.UK.COM

10TH OCTOBER - YOUNG FURNITURE MAKERS EXHIBITION, LONDON

19TH OCTOBER - ANTI COUNTERFEITING GROUP CONFERENCE, LONDON

7TH NOVEMBER - ACID COUNCIL MEETING

21-24 JANUARY 2018 - JANUARY FURNITURE SHOW, NEC

4-8 FEBRUARY 2018 - SPRING FAIR 2018, NEC



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