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MAGAZINE

YOUR VOICE AGAINST DESIGN THEFT

Nicolette de Waart — Designsbynico, leaf seat

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Dear ACID members,

As the writer Alex Morritt is quoted as saying, **“New Year – a new chapter, new verse, or just the same old story? Ultimately, we write it. The choice is ours!”** Sage words, bearing in mind the uncharted territory we find ourselves in as we embark on 2019. For the UK it definitely won't be the same old story, so we will have to pull on the incredible DNA we possess as a nation to be resilient architects of our own destiny. The good news is that we are in an amazingly buoyant sector as Design punches well above its weight at £85.2 billion to the UK's GVA and growing. So, whether we are in or out, deal or no deal, as we leave the EU we haven't lost our friends and trading partners in Europe and long may those relationships flourish.



In 2018 we had two interesting and productive ACID Council meetings. Lord Clement Jones, Liberal Peer and Creative Industries champion joined our first meeting and cited a Lib Dem campaign, “Reality Bites” about the impact on the design industry of Brexit covering freedom of movement, enforcement, data protection and exhaustion of rights.

He encouraged designers to engage with their local MP, highlighting job security as a key message.

We were also delighted to welcome Intellectual Property Office CEO, Tim Moss, to our second meeting. He introduced IPO strategy and confirmed that design is key as part of the UK IPO's Innovation and Growth Strategy and confirmed

that all rights are equally important. The IPO role is to support innovation and creativity and the IPO's core is committed to high quality, digital registration services - an important transformation for data - with a focus on knowledge and skills within their staff and systems. Apart from their total focus on Brexit, the IPO continue to concentrate on their other objectives, with ongoing education and awareness, enforcement and IP protection at the forefront of their remit.

When asked about unregistered EU rights post Brexit (in the instance of designs being first published in the UK) and whether rights holders would lose protection across the EU 27 remaining member countries, Tim Moss responded that if there was no deal, the IPO could only influence what happens in the UK, not outside of

the UK. If we leave the EU under the Withdrawal Bill, the current agreements will remain the same until 2020. The IPO are very much aware of the issues, but there is no certainty at the moment in the case of a no deal. Members also raised the anomalous situation that the Small Claims Courts (for claims under £10K) still cannot be used for registered design rights and the IPO will review this. The ACID Council felt that this should be changed and should be made accessible to claims regarding registered designs.

MD Mel Holliday of Chislewood and Ops Director Fred McCaig of Gaze Burville joined us as new ACID Council Members, bringing a depth of experience and connections within two more sector areas where design theft is rife – kitchens and garden furniture. Thank you Mel and Fred and we look

forward to working with you and our existing Council to further our strategy on tackling IP crime. The ACID Council is YOUR representative body, please contact us with specific, additional requests for their focus for 2019.

Meetings were also held with ACID's Legal Affiliates and focus was centred around a new and revised Code of Conduct designed to ensure that, in all cases involving at least one ACID member, Legal Affiliates act in a way which is consistent with ACID's ethos and reflects positively on ACID within the design community.

The Code of Conduct contains a framework of values, which aims to provide assurances as to the integrity and clarity of the legal services which Legal Affiliates provide, not only to ACID members, but also to the broader design community.

ACID has greatly valued all the help and advice from its Legal Affiliates for over twenty years. Not only have they been responsible for thousands of settlements on behalf of members, they have gone the extra mile in considerable pro-bono help through the years. Their vast experience within the creative industries places them in a unique position to help our members' businesses grow from the benefit of sector knowledge. The objective of a new Code of Conduct is to clarify and strengthen the relationship between ACID members and our Legal Affiliates.

We will start 2019 supporting members, and indeed all exhibitors, with our ACID exhibition protocol at the ACID Accredited Exhibitions January Furniture Show and Spring Fair and in June at Exclusively Housewares. I am delighted to welcome this edition's Guest Editor, Simon Boyd, Show Director of Exclusively Housewares. Simon's absolute focus on IP gives confidence to all his exhibitors that he has a zero tolerance to design theft and he has been a staunch supporter of ACID for many years.

Online infringement of designs on social media platforms, online marketplaces and search engines continues to be an insidious threat to ACID members and the broader IP creator community. ACID's commitment for 2019 is to continue to raise awareness at the highest levels to insist that there should be a duty of care and much easier and simpler access to take down and track down.

ACID could not thrive without the engagement of you, our members, our very special legal affiliates, led by the passionate and stalwart Chief Counsel Nick Kounoupias whose pro bono help is significant, the ambassadorial support from our ACID Council members and of course our proactive permanent team Jane, Ann, Tracy, Trudie and

Yasmina. Thank you all. Our work goes on as YOUR voice against design theft to achieve growth through innovation.

All good wishes for 2019

Dids Marshall

Members of the ACID Council with Tim Moss, CEO UKIPO



Campaigning Update

BREXIT – ACID’s principal concern now, deal or no deal, is the potential loss of IP protection currently available in 27 EU states. This could be calamitous for UK designers, the majority of whom rely on unregistered EU and UK designs.



When the UK leaves the EU:

- It will no longer be possible for UK designers, whose designs are first exhibited in the UK, to claim the EU unregistered design right protection in the other 27-member states of the EU
- This is because for the EU right to come into being in the first place, this first publication / exhibiting must have taken place in an EU member state

- As from 1 April 2019 the UK will not be an EU member state. But this doesn’t mean we cannot strengthen our EU relations!
- Unregistered EU design is a stronger right protecting colour, texture, lines, contours, ornamentation, materials, shape
- We are grateful that the IPO has listened to our views and will create a UK equivalent to the EU unregistered right but the issue of lack of IP protection in 27- member states remains

So, if a fashion designer’s new (unregistered) designs are first seen on a UK catwalk, they will lose the ability to claim protection in 27 EU states unless there is simultaneous protection. For example, show new designs at 3pm in the UK and then at 3.01 in EU. Will they have protection in 27-member states? Clear unequivocal guidance is essential – factual or legal. Government has made a commitment that there would be no loss of IP rights post-Brexit, and our concern is that time is running out.

GOVERNMENT PUBLISHES DESIGN RIGHTS INFRINGEMENT RESEARCH

Is this what we have waited nearly four years for? Seven years ago The Hargreaves Review of IP stated that the role of IP in supporting this important branch of the creative economy has been neglected, the long-awaited new Government research was published recently

(which has taken nearly 4 years and cost the tax payer tens of thousands of pounds).

It sheds no new light on the types of infringements that occur and little in its recommendations that is not obvious, and which ACID has communicated consistently for over two decades. In fact, it misses out swathes of IP issues which should be measured, for example, the increasing infringement of designs online and vulnerability of designers’ IP in exports markets.

The well-respected IP blog IPKat summarises *“There’s a new IPO report on designs infringement - game-changer or stating the obvious?”* (IPKittenblog.blogspot.com)

The fundamental objectives of the DRI research were to:

- Finalise a suitable methodology for measuring the extent and scale of design infringement in the UK
- To produce a robust measure for the extent and scale of design infringement focusing on the incidence of infringement, although monetary value would be desirable
- Better understand the attitudes and behaviour of designers and owners of designs towards infringement

Nick Kounoupias, ACID Chief Counsel commented, “The UK design community deserves better than this. The report provides no new insights nor future-proofing to address current trends and challenges. It is disappointing that so much time and



Research into Designs Infringement: Attitudes and behaviour of design rights owners towards infringement



money has apparently been expended to produce a report that sadly doesn't do justice to the legitimate concerns and expectations of the design sector."

ACID consistently raised its concerns with the IPO about the publication of this research which was supported by many design-led organisations (The Design Business Association DBA, The British Contract Furnishings Association BCFA, The British Furniture Manufacturers Association BFM, The British Institute of Interior Design BIID) The Anti-Counterfeiting Group, The British Toy & Hobby Association, BTHA, The National Bed Federation NBF, The Design Council, The Lighting Industry Association, LIA, The Alliance for Intellectual Property, ACID Advisory Council and ACID Legal Affiliates) but they fell on deaf ears when it came to publication.

Our concerns included some of the following.

The Design Rights' Infringement Research (DRI) was based on Australian Patent Research.

– This does not make sense. In Australia, there is no separate protection available for unregistered designs. A patent is a strong monopoly right, though complex and requires significant cost and time resource to enforce. Designers and design entrepreneurs "design" prolifically; inventors, by nature of the time to have

a patent granted, have a significantly longer-term approach to innovation.

Promised Focus Group meetings to discuss the fundamentals of the questionnaire did not take place

Only one was held with a one designer design business, two legal representatives of design companies, one large and one small and two representatives of different design stakeholder groups. One focus group is not representative of the views of UK designers. The resultant questionnaire was over complicated, the language confusing and the perceived level of IP understanding by those questioned was under-estimated.

DRI Hypotheses questioned

– Given designers rely on copyright as well as design rights to protect their work, only measuring design rights' exclusively misses future tracking of swathes of different IP issues for designers such as 2D design, currently not tracked in the Online Copyright Index (OCI) (music, film, TV programmes, computer software, eBooks, video games). It is anomalous that search engines, online marketplaces and social media platforms will accept evidence of copyright for take down but will not accept evidence of unregistered designs, thereby leaving designers with little or no access to redress. How is this being measured now and how will it be measured in the future?

Futureproofing measurement

such as 3D printing infringement. Having a methodology for measuring incidences of 3D printing infringement will be critical for future proofing policy making. Currently, because there are no criminal provisions for unregistered design infringement, for the majority of designers there is no criminal offence to enforce.

Given the effects of Brexit (and this research was commissioned in 2015 and did not start until 2016) it is unacceptable that the consequences of Brexit and the potential loss of EU UDR to UK designers was not considered. Deal or no deal, UK designers will be spectacularly disadvantaged if they lose EU unregistered design rights' protection in 27 EU countries.

IPO and DCMS Consultation and collaboration

Pre-research commencing, there appears to have been no communication and collaboration between the IPO and DCMS to establish how the future needs of designers could be met with research on design infringement which would include copyright.

Data Analysis – with such a small sample of usable evidence, a sophisticated method of analysis was used which gave confusing results.

So where do we go from here?

- The IPO have written to us saying how much they value their relationship with ACID and would like to discuss a way forward for further research. ACID, too, has always valued 20 years of positive engagement with the IPO. They have assured us they would be keen on exploring how they can improve the engagement of the Design Community in the future and are committed to improving the evidence base around design infringement
- In the New Year we will be seeking an urgent meeting to revisit our issues and re-invite the IPO to give their direct responses to our direct criticism of the report
- We will be asking that any further new research is collaborative, anticipatory and reflects the needs of designers in the 21st century
- We will ask for positive discussions to start around the paper approved by our ACID Council on **Safeguarding Design and IP** and seek their views

The IPO Design Rights Infringement Research can be accessed here www.gov.uk/government/publications/research-into-designs-infringement

With support from the ACID Council we have created a blueprint for IP - Safeguarding the Future. Let us and the IPO have your views



"There's a new IPO report on designs infringement - game-changer or stating the obvious?"

Guest Editor

As we head into the Spring Exhibition season Simon Boyd, of Brooke Exhibitions and Show Director for Exclusively Housewares shares his experience of ACID Exhibition Accreditation

can be a little slow on the uptake as I'm sure past and present colleagues would testify!

So it wasn't until the early noughties that I became aware of the growing global issue of design copying and IP protection.

Back then I was organising a newly launched home furnishings and textiles exhibition in Manchester. An exhibitor knocked on my door on the opening morning and said that a neighbouring exhibitor was displaying a product which was a direct copy of theirs and asked what I was going to do about it.

Now, as I'm sure you will appreciate, trying to mediate between two of your own customers and at the same time understand the complexities of the legal position of both parties was not a straightforward or pleasant situation to manage.

So I duly took myself off for a surreptitious stroll around the show to compare the two designs and it was very clear, even to my untrained eye, that the two products were identical.

Naively I thought this was going to be an open and shut case of copying but a subsequent convivial

chat with the 'offending' party showed how out of my depth I was. A raft of paperwork was quickly produced from head office, which I didn't understand, and I realised relatively quickly that I was not equipped to deal with this scenario.

Throughout my exhibition career the professional reputation of the events I have been responsible for has been of paramount importance to me. Industry respect is essential for a successful exhibition. The last thing I would want is for the credibility of the show to be effected by our inability to act on such an important issue as copying.



EXCLUSIVELY housewares

11-12 June 2019 Business Design Centre, London

Fortunately, help was on hand in the shape of Dids Macdonald, ACID and the legal support team.

These days I organise Exclusively Housewares, an annual trade exhibition of housewares, table top and small domestic appliances, which has been running for 17 years. ACID has played a pivotal role in ensuring that any potential issues about ownership of IP rights have been effectively and quickly addressed from the outset.

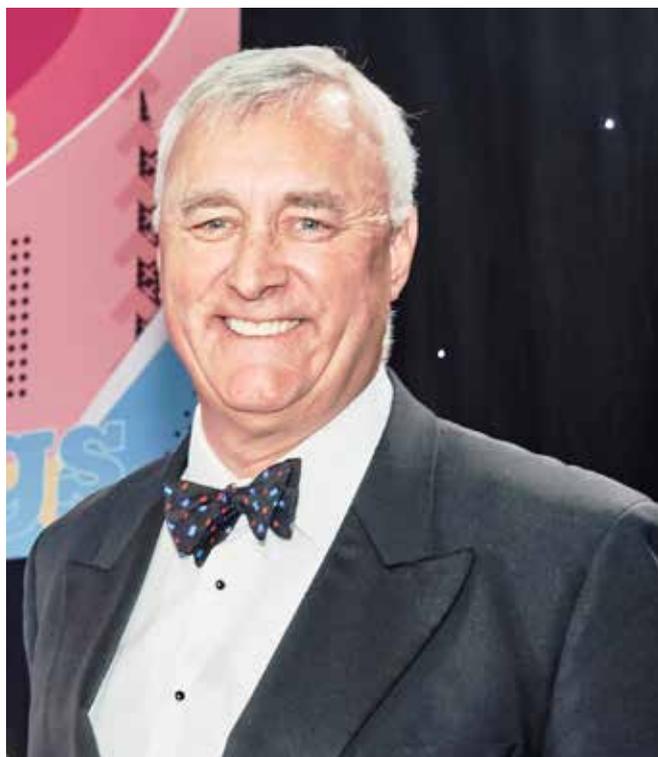
ACID have a highly visible presence around the show, clear and striking literature is distributed to exhibitors prior to opening and in the pre-show planning stage companies are informed about the procedures that will be in place to deal with any issues that arise.

I have no doubt that our exhibitors value and respect the efforts we jointly make with ACID to police the event.

I can be confident that the ACID protocol will be professionally, firmly and sensitively conducted and the rights of our exhibitors will be protected.

Surely a win win situation for us all!

www.exclusivelyshows.co.uk/shows/exclusively-housewares



**Simon Boyd, Show Director,
Exclusively Housewares**



Size doesn't matter if you've got the law on your side

There's a commonly-held fear among many victims of design infringements that they don't stand much of a chance if they find themselves up against a larger business or a household name.

"And I guess, from their perspective, it's understandable. The big boys have deep pockets and can afford the best IP lawyers." writes Tony Catterall, Senior Partner, Taylors.

What's the point? Do you honestly stand a chance? Of course, we would say that the answer is a resounding yes. Taylors has always been keen to protect the rights of those in the creative business, regardless of the size of their opponent.

Over the years we've seen several major brands agree to settle claims after using the designs of much smaller companies without crediting their creators. However, it's common for settlement payments to be made under confidentiality terms, so you don't get to hear how often this happens.



But one success that we can tell you about is where we recently helped the (now retired) writer of a local walking guide successfully sue Lancashire County Council for copying extracts from his guide on their website.

Before we got involved the author approached the Council directly but they seemed to believe they could ignore him and eventually he would just give up and go away. Well he didn't!

He turned to us because of our reputation for successful copyright work and we could see that he had a valid claim. But before we got involved the council's attitude towards the infringement had been contemptuous. In court we were able to show

that the writer's work had been copied and used without his agreement or licence.

The Judge in this case was particularly critical of the Council. She said: "Their actions were a deliberate and calculated infringement of copyright, or at the very least they amounted to a "couldn't care less attitude."

Our client was awarded £9,000 compensation and a further £10,000 for flagrant infringement of the copyright laws. The judgement against the Council was particularly damning because of the 'calculated' way it infringed the author's copyright.

The truth is it's the merits of your case and the fight in the dog that matters – not the size of the dog in the fight!



ACID Member Bumpsters in ongoing IP “David & Goliath” battle with Mamas & Papas

Are these delaying tactics, used against a micro SME nursery designer over a 5-year period, unacceptable? What do you think?

Award winning Jane Wall-Budden’s innovative company Bumpsters design and produce Cot-Bar bumpers covering all the important elements; safety, comfort and style. Starting as a cottage industry and hand made from her home, Jane won Mumpreneur of the Year competition with Prima Baby Magazine. Her prize for being most innovative Mum of the year was mentoring from a well-established nursery brand HippyChick enabling her to launch into the nursery industry properly. Within the first year of launch, Bumpsters were nominated for and won an array of awards for product innovation. They were snapped up by an array of large retailers including Boots, Tesco, Kiddicare and JoJo Maman Bebe. Jane launched the company in November 2008.

And then in 2013, the “me-too” lookalikes started to appear, many of them discovered on the Mamas & Papas website which Jane has been challenging for the last five years.

Jane Wall-Budden said of her five-year battle, “Throughout this process my business has suffered severely trying to compete with a national retailer selling what I think is an almost identical product. It cannot be right that after 3 failed attempts at invalidating my registered Community design they still use the legal process to try and stop me seeking justice. Would the parents of children who buy their products do so if they knew how they treated independent designers? What do you think?”

Dids Macdonald, OBE CEO of ACID said, “A typical strategy by some major online marketplaces who “find inspiration” and produce remarkably similar products to existing designs is to stonewall challenge and perpetuate litigation. This is especially true when the innovator is a micro or SME. The facts of this case are included in the latest ACID case study and would appear to go against the principles of corporate social responsibility in terms of IP respect, compliance and ethics.”



Bumpsters Design

William Miles, Partner of Briffa said, “The three successive failed attempts to invalidate Jane’s design have only served to waste time and resource on both sides. If a fourth attempt is made, I’m confident that it will fail however I fundamentally question the rationality of M&P’s approach and sincerely hope that this matter can be finally resolved soon.”

Current Anti Copying in Design (ACID) case study

- Bumpsters supply innovative cot bar bumper cushions <http://www.bumpsters.co.uk>.
- In 2010 Jane obtained a registered Community design for her Bumpsters product.
- In May 2013 Bumpsters sent a sample of their product (via their licensee) to Mamas & Papas with a view to it being stocked by them. Mamas & Papas declined to do so.
- Jane hoped that the matter would be concluded with settlement negotiations but in January 2016 M&P appealed the original decision, this time at Board of Appeal level, seeking again to invalidate Jane’s design. M&P subsequently lost this appeal.
- Again Jane hoped that the matter would finally come to a conclusion but, still undeterred, M&P appealed the Board of Appeal’s decision in September 2017, again seeking to invalidate Jane’s design.
- On 23 October 2018 M&P lost this further appeal (judgment from the EU’s General Court here: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=206942&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2001101>).
- M&P appear to be considering a further appeal (this would be their fourth attempt at invalidating the design).
- If they proceed with this, Bumpsters’ lawyers will continue to be barred from issuing Court proceedings whilst the appeal is pending. This could easily take another 12 months, during which time Jane must patiently wait whilst her business continues to suffer.



Mamas & Papas Version

TM ® © BRIFFA

- In October 2013 Jane noticed that Mamas & Papas had produced remarkably similar products to her designs and were selling these goods from their website. She believed that her registered design had been infringed and she raised this with M&P via her lawyers.
- Instead of acknowledging Jane’s rights and withdrawing their products from sale, M&P

Unregistered Community Design Protection post BREXIT, Deal or No Deal! A Call to Action

Raise awareness about the potential loss of EU Unregistered Community design protection in 27 EU states.



When the UK leaves the EU:

- It will no longer be possible for UK designers, whose designs are first exhibited in the UK, to claim the EU design right protection in the other 27 member states of the EU

- This is because in order for the EU right to come into being in the first place, this first publication / exhibiting must have taken place in an EU member state

- As from 1 April 2019 the UK will not be an EU member state

- This lack of protection could potentially devastate your business as you will not be able to block copies of your designs being made and sold across the EU as you will not be protected

Understand the facts - At the moment, there are basically four types of design right protection available to UK designers

- 1. Registered UK designs – 25 years, pay to register, monopoly right**
- 2. Registered Community designs – 25 years, pay to register, monopoly right**
- 3. Unregistered Community designs – 3 years, arise automatically**
- 4. Unregistered UK designs – up to 15 years, arise automatically**

Take a look at this simple example of an Alessi corkscrew to show how 1, 2, 3 are protected and also the protection offered by Unregistered UK design (4).



THE MAJORITY OF UK DESIGNERS RELY ON UNREGISTERED EU OR UK DESIGN RIGHT

To date, Government has provided no clarity or certainty. So, for example, if you are a fashion designer and you show your new design at a show on April 1st 2019 in the UK and you rely on unregistered design rights, you will only have protection in the UK. You will not be able to take action in the EU in 27 EU states if someone copies you.

HERE'S WHAT YOU NEED TO DO!

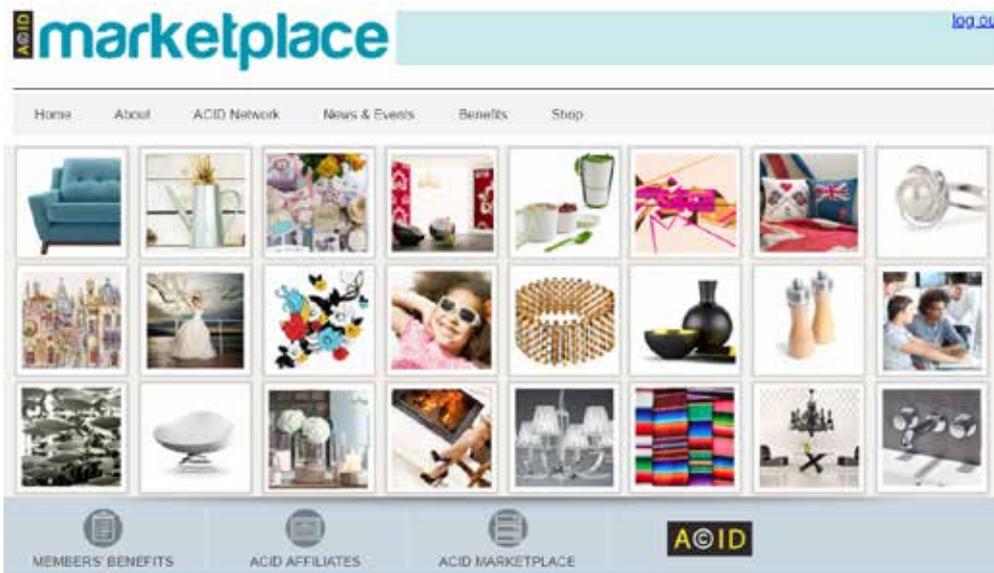
Write to your MP to make them aware that it is essential that in the government's discussions with the EU this protection is preserved.

1. EMAIL US FOR THE TEMPLATE LETTER AND COPY IT TO YOUR LETTERHEAD, COMPLETE YOUR INFORMATION AND SEND IT TO YOUR MP. Visit www.parliament.uk for their contact details

2. SEND A COPY TO info@acid.uk.com



ACID opens up fantastic new member only discount offer on Marketplace



A couple of clicks will do the trick!

- Simply log in to your My Designs area
- Upload your marketing images and choose your offer to members
- Display the ACID member to member discount logo
- Tell us and we will promote between members and on social media
- And let us know how you get on!
- The discount can be applied or taken off easily so you can make seasonal adjustments whenever you want.

We have prepared a walk through guide to show you how to use the discount logo - and also how to upload from scratch, for those of you that are new to the process. This can be viewed on the Marketplace section in the Member Area. We are always happy to guide you through the process personally if you call the membership office.

What could be simpler? Yet another inspired idea from ACID. Make your membership work for you AND the ACID community.

ACID is delighted to launch an additional facility on ACID Marketplace, **opening up exciting member to member discount opportunities** between ACID members. With the advent of New Year how lovely would it be for members to browse through designed gifts (think lighting, lampshades, candles, cards, furniture, home accessories, cookware, ceramics, pots & planters to name but a few) and benefit from a member discount. Do you have the launch of a new product or range you want to make available to ACID members at a special price? **There is no set discount - it is up to you!**



WHAT IS ACID MARKETPLACE?

It is an optional FREE addition to the ACID IP Databank. Marketplace is an **ONLINE MARKETING PLATFORM** where design buyers can register to view the latest designs created by ACID Members. After uploading your design and product files to the ACID IP Databank, display your design images on Marketplace, which supports with an additional tracking system, so you can see on your personal online profile who has viewed your designs. Invite a buyer to register on Marketplace and you will be able to track if they have viewed your images!

WHY MARKETPLACE?

We wanted to offer our members an exciting additional benefit to the ACID IP Databank, by creating a safer online promotional platform - a positive conduit between designers and design buyers where members can market existing and new products and prospective design buyers can view. A bit like your own permanent exhibition zone, but at a fraction of the price of an exhibition stand - and you control who visits the stand!

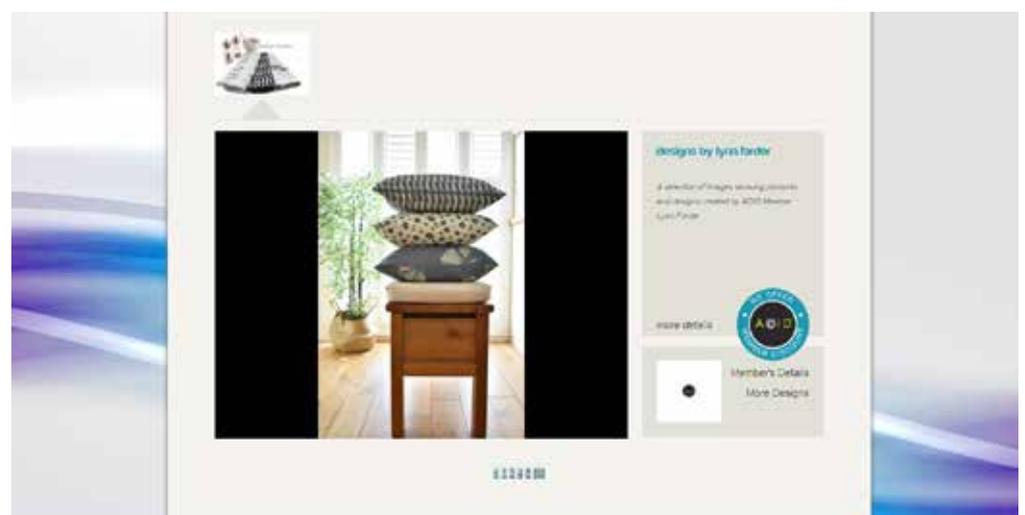
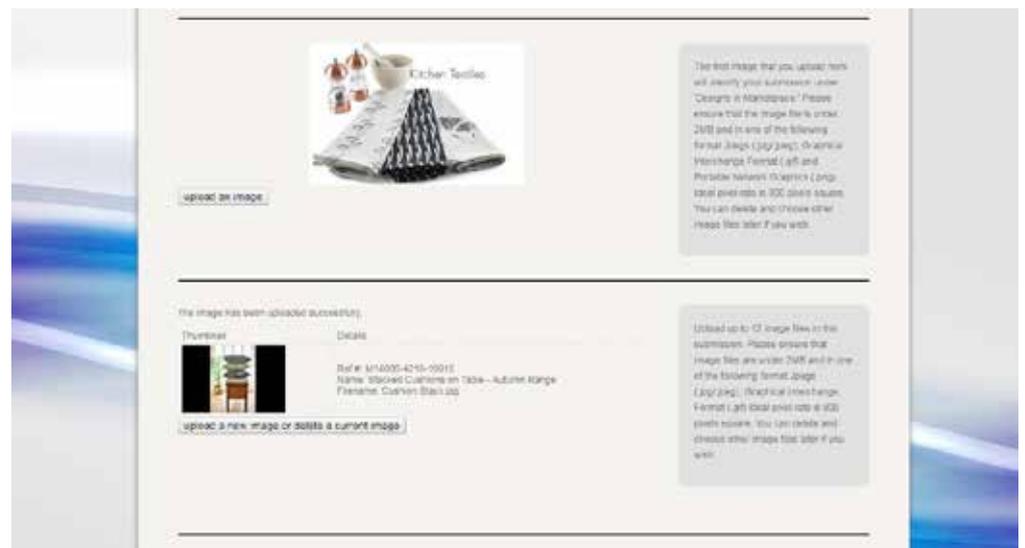
And the choice is still there for you simply to lodge designs and documents on the ACID IP Databank too!

“The design sector is a really important part of the UK’s creative economy - with nearly £16 billion invested in designs each year. ACID has shown real initiative in taking this bold step to develop the ACID Marketplace. This will now mean that people are going to better understand the value of designs, and it will also help our world class designers to market and sell their innovative creations.”

Lord Younger, former Minister for Intellectual Property

“Here is another outstanding, leading initiative from ACID which promises to provide designers with unique and essential support in both protecting and commercialising their designs. I fully anticipate that ACID Marketplace will become an effective trading platform, with the accompanying Buyer’s Charter building all-important trust and confidence. This is a brand in the making.”

John Noble, British Brands Group



ACID Affiliate Lawyers New Year Resolutions

**Boult Wade Tennant -
Charlotte Duly**



Review all EU and UK trade marks and designs in January to determine if any new applications are warranted in light of Brexit. There is no “one size fits all” approach to Brexit but this is an excellent time to consider a review of your portfolio, including updating logos, specifications and ownership details. This is also a worthwhile point to review your IP portfolio across the board, as a regular review can ensure the correct marks and designs are covered in the right territories, particularly as your business grows, and identify any gaps or issues that need to be dealt with. www.boult.com



TM ® © BRIFFA

Briffa - William Miles



Couple your Spring clean with a Spring audit, take some time to review your IP portfolio and commercial contracts to consider if they’re offering the level of protection that you really need. Do your trade marks cover the correct classes? Have you registered your designs in all relevant jurisdictions? Might your commercial agreements need to be changed in light of Brexit? Each year your business will develop and your legal protection needs to keep up! www.Briffa.com

Burness Paull



**Burness Paull -
Colin Hulme**

Ensure that at the outset of an engagement with a self-employed consultant who is creating any content for your business that you ensure that there is clarity as to who will own the IP in the content and what (if any) licence rights the company should have going forward. A common area for dispute is, following this scenario, nothing is said and we need to rely on implied licences to show the extent of the company’s rights in the content. Unlike with employees, the default position is that the consultant will retain IP rights in their work. www.burnesspaull.com

**McDaniel & Co -
Kelly Hudson**



Ensure you speak to an ACID affiliate lawyer to clarify your rights and legal position in advance of Brexit in order to ensure you are adequately covered, particularly if trade with other EU countries constitutes part of your business. In the short term future, IP rights should be adequately covered by the transitional provisions presently in place but moving forward past 2020 it will be important to have a clear strategy to ensure maximum protection in the EU and businesses should ensure they are fully informed on the legal position. www.mcdanielslaw.com



SK STONE KING

Stone King - Gavin Llewellyn



Out with the old, in with the new doesn't apply to your design records! In 2019, avoid the temptation to have a clear-out of old sketches and drawings which you think you won't need any more because the chances are you will. Whether you're trying to enforce your rights, or defend yourself against a claim being made by someone else that your designs infringe their rights, your design history will be essential tools in your armoury. Try scanning your old drawings and keeping digital records to create a design "audit trail" and, for future designs, send your design documents to the ACID IP Databank.

In 2019, make sure you know what you're agreeing to and make sure all agreements are recorded in writing. If you're commissioned to create a design, ask to see a draft contract and make sure you seek legal advice on it before signing it. There are too many sample contracts and clauses on the Internet which are often cobbled together to create contractual minefields and which pose huge risks to a business. Alternatively, think about having your own standard terms of business drawn up which you can ask your clients to sign before starting work.
www.stoneking.co.uk

Virtuoso Legal - Philip Partington



If there is one thing an IP holder can do in 2019 to favourably shape their fortune, it would be to make sure that you factor the cost of protecting your most important assets into your budget. This is imperative for businesses whose designs, brands, creative outputs and inventions are at the heart of their business.

Obviously businesses holding stock would not leave it unguarded in an

Taylor's Solicitors - Tony Catterall



The start of a New Year is an ideal time to think about those designs you have introduced during 2018 but hesitated to register because you didn't know whether they would be a hit.

Now you've had several months to see whether they have been successful, pare down your 2018 launches to the best two or three (or more, if you're lucky!)

and apply for a Registered Community Design – still available within 12 months of launch.

www.taylor's.co.uk



unlocked warehouse. And, equally obvious if someone had stolen your stock, you would go out of your way to track them down and retrieve the value your company has lost. The same principle applies to your Intellectual Property. As much as a warehouse might spend money to secure its assets under lock and key, UK's creative businesses need to do the same. It's clear that an ounce of prevention is worth a pound of cure!

As the UK moves into a world where most of our products are non-tangible, it's time to make sure that whilst we're a country which produces some of the greatest ideas in the world -

that we're equally committed to protecting them. That way you can be sure that you're always on the front foot. I challenge you all to make this your New Year's resolution... (you won't regret it!)

www.virtuosolegal.com



ACID Member Focus

Screamprint Limited (previously Production Line Limited)



David Hopkins with some of his Traffic™ products

David Hopkins is a designer. Primarily a graphic designer who has worked in the advertising and marketing business for over 40 years. The creativity that led him to study at Cardiff Art College and then to becoming a senior designer at a number of agencies, both in the UK and in Australia, meant that ideas, concepts and solutions for visual problems were always bouncing around in his head. There were plenty of ideas that may not have been that appropriate for serving the marketing needs of national and international clients through his own design agency. These ideas were a little more frivolous and fun.

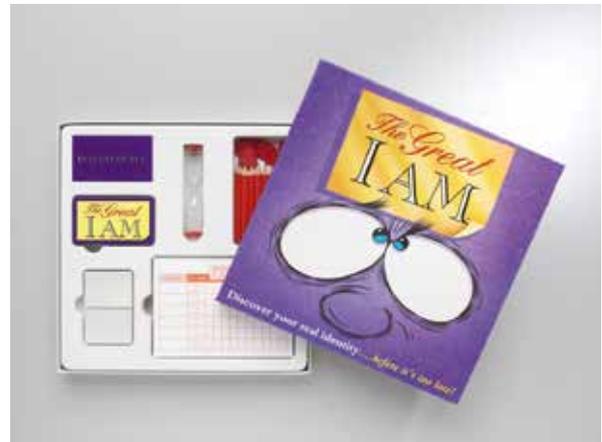
One of his ideas was a game called The Great I Am™, developed from a familiar parlour game concept, but formalised to make it an appealing and marketable product. The game was developed and produced in David's spare time and he set up a new company, Production Line, to market this and other planned products. Launched at the British Toy and Hobby Fair over twenty years ago, The Great I Am™ was an immediate success with retailers. Listed by John Lewis, WHSmith, Toy R Us, Hamley's and many other, the game sold thousands.

Then came David's first encounter with a potential trademark infringement. A letter arrived from an American lawyer representing the international giant, the Dr Seuss Corporation. Although The Great I Am™ was registered as a trademark, the letter argued that it was too close to their trademarked character, Sam I Am! Although this seemed to be a real David and Goliath encounter, Production Line wrote back essentially saying 'No, it's not'. That was the last the company heard about the issue, however, it highlighted the need for small businesses to be able to stand up for themselves.

This is when Production Line became aware of ACID, which was in its early stages as well. With all the other ideas for production, it made sense to become a member of a group

of like minded businesses who could all see that there is strength in numbers, no matter how large the opposition might be. The company joined and has been a member ever since.

The Great I Am™ was followed by an innovative product called The Procrastinator™, a portable device with loads of things to fill in, scribble on and complete in any way the user wanted, just to amuse themselves. This was described as 'The Complete Waste of Time', a phrase trademarked to be intriguing, individual and descriptive. The Procrastinator™ was immediately successful, becoming one of online retailer



The Great I Am™ party game



The Procrastinator™, the complete waste of time

Traphic™ coaster range



Firebox's top ten sellers within a month. Other formats of this popular concept followed, with a jotter pad, a mousepad, a calendar, a notebook, developed in response to requests from bookshop chain Ottakar's and other retailers such as Gadget Shop. The concept arguably prepared the way for the trend in adult colouring books, offering an opportunity to be creative and give the mind a bit of a work out.

These products were launched at various Spring and Autumn Fairs in Birmingham where Production Line was visited regularly by ACID to see if all was well. It was, until Production Line was made aware of another product being produced by a major publisher with very similar content. In fact, some of the elements were direct copies of original material, which had all been researched, written and edited by David years earlier. Even the title of the product was a trademark allocated to Production Line at the time, 'The Complete Waste of Time'!

Production Line was able to take advantage of the legal advice offered by ACID and prepared to take on another major corporation. However, without much resistance, the publisher recognised that they had copied the idea, infringed the trademark and undertook not to republish. 'I think the fact that they realised that I had the backing of ACID,

which by then was developing quite a high profile, meant that I could stop any further infringements', said David.

The Procrastinator™ range and The Great I Am™ still sell on gift websites, but these forays into the gift and stationery market were not without their ups and downs, Production Line was inconsistent with success, new products and the ability to market effectively. But the ideas were still there, so David Hopkins sold his design and advertising business to develop new ranges through a new company, Screamprint. It is the case that genuinely innovative concepts are few and far between, many ideas seem to have a doppelganger somewhere, but those who decide to pursue a concept that they can demonstrate has no clear forerunner must be in a position to protect that original thought from those who do not think for themselves. ACID can and will do that.

David Hopkins's Screamprint is in its early stages, but already has ranges of framed prints with impact and humour, less traditional greetings card ranges and gifts that are hard to find. One range may seem an obvious concept, but there appears nothing similar in terms of a coordinated and expandable range. The designs make use of the ubiquitous British road signs, but have an added element of humour, to

create cards, prints and gifts with imagery that is familiar to everyone. Road sign designs are Crown Copyright, but David has obtained permission from the Department of Transport to use them in this way as long as the copyright is acknowledged. The brand name for these products, Traphic™, is a registered trademark.

Another brand, Small Pieces™, produces framed prints of well-known landmarks that are represented in a strong, direct style, allowing visitors to take a small piece of the attraction home with them. David handled registering Small Pieces™ himself and appealed against an original decision not to allow it as a trademark. He won, and now has a permanent display of Small Pieces™ images in Cardiff Castle as well as a range of cards. Had the appeal not succeeded, ACID would have been drafted in for advice!

There are other ranges David is working on, including hand produced screen prints, which will be launched and marketed as appropriate. But he is always aware that things can easily be copied and is reassured that ACID is of the same attitude when it comes to ideas. A good idea deserves to be protected for the benefit of the individual who came up with it in the first place.

David Hopkins
contact@screamprint.co.uk

www.screamprint.co.uk

**Nelson's Column,
London, one of the
Small Pieces™ range**



Member Profile

Mel Holliday, Managing Director of Chiselwood shares her view on IP Priorities



Tell us a little about the history of Chiselwood and the driving force behind its unique place in bespoke kitchen design?

Chiselwood is 30 years old in February. Founders Martin and Mel started as a small company, Martin from an engineering background designing and manufacturing and Mel from a medical

background, supporting with the organisation and finances. Chiselwood was design led from the very early days, Martin being inspired by Mark Wilkinson as he lived in Wiltshire and was aware of his designs in the early 80s. Chiselwood both designs and manufactures in Lincoln. Having control of the manufacture allows the company to remain unique creating beautiful projects the clients can enjoy for many years.

Why do you think Chiselwood is a market leader and survives in such a competitive market 30 years after its inception?

Chiselwood began in a recession in the late 80s. We were fortunate to benefit from Business Link and the bank with courses and support, both in how to manage a business and financial benchmark. Throughout the years, both highs and lows, we have recognised how to stay ahead. The key factors after finances are innovation and marketing. Sometimes this is the first area that gets marginalised when money is tight, however we have found quite the opposite. Clients feel reassured if they are seeing new designs. Keeping ahead of trends is important. Visits to trade shows such as Milan gives headspace and inspiration to create and weave into the new projects, knowing you are in tune with forthcoming colours and materials.

As a result of your investment in design, skill and craftsmanship, Chiselwood is a leader not a follower. Good design is often copied, and you have had more than your fair share of experiences. Could you tell us a little about how you discover and deal with infringements?

There are great companies in our industry who produce volume amounts of kitchens. We realised very early on that we could not compete with those companies. Our strength was in the design and ability to manufacture them in our workshops. We have noticed over the more recent years with the introduction of Pinterest, Instagram and Houzz that copies of our designs and others leading in the industry has hugely increased and is harder to monitor. We have had many times where we have found or been alerted to these infringements. It is a frustrating process to stop people, even when going to Court to prove and protect our designs. Trying to focus on being innovative and ahead design wise is a major part of why our clients come to us. Over the years sending a clear message that we will prosecute on our media, website and press has been important, hopefully to deter. However, we also realise we need to rely on the new technology too. Our new website coming out in the New Year will make it harder for people to copy and paste. Clear written messages reminding people we will prosecute if infringement is found and the member of ACID logo will all be incorporated in the new site, sending a strong, clear deterrent message.



What is your message about the “me-too” culture that pervades some of the kitchen sector and those who ride rough shod over the law? Do you think that IP ethics, compliance and respect for intellectual property should be the cornerstone of the industry, in terms of declared Corporate Social Responsibility? And if so, how could the kitchen design sector achieve this?

Social media has huge power to send a message everywhere today. If used in a positive way, it gets people on board at great speed, quicker than any medium in the past. Using the “me too” hashtag both in press and media gave a clear message and support for the campaign very quickly. Clever campaigns to protect the kitchen industry and design could send clear messages; how important it is to the UK’s innovation and economy to embrace creators, inventors and designers and protect their designs.

Do you think that IP ethics, compliance and respect for intellectual property should be the cornerstone of the industry, in terms of declared Corporate Social Responsibility? And if so, how could the kitchen design sector achieve this?

We have had many conversations with other designers, there is a feeling that the culture of the UK does not respect designers and inventors in the way other

countries appear to. Sadly, IP, copyright and design rights are not widely discussed and many do not understand the impact or consequence of copying to a company and its staff. Whilst companies can be very protective of their designs, I believe that if we offer to support and respect each other’s designs we as an industry would have a louder voice against those who don’t. A clear consistent message on our websites and media that we all believe it is wrong to copy could mean less time chasing and protecting and more on creativity.

You invest in your people by helping them to develop skills and craftsmanship. How important do you think this is for the future of Chiselwood?

Our staff over the years have come to us as time served cabinet makers or as an apprentice, fortunately they stay a long time. It takes four years for our apprentices to train they are mentored and supported by the other staff members. By allowing our team to learn new skills and techniques, it allows us to create new designs keeping the unique focus on the company. Our staff are key to us keeping ahead in innovation and style.

Managing Director, Mel Holliday has recently been appointed as an ACID Advisory Council member what does this mean to her and to Chiselwood?

“Being asked to be part of the Advisory Council is a great honour and a chance to give something back to ACID as a thank you for all the support you have given Chiselwood over the years. The local press covered the appointment and I have found people coming to me asking what their companies can do to protect themselves and their designers. I would like to continue being an ambassador for ACID, I am aiming to try and spread the message on IP and also work with the design department in Lincoln University to help support and advise students at the early stages of their careers. It is very exciting to be part of such an enthusiastic and supportive team.”

We now have an IP Act which will mean not only criminal provisions for intentional Registered design infringement but also for individual directors. Do you believe that if this is extended to unregistered designs infringement, it will become more of a deterrent?

Chiselwood struggles in this area, each project is individually designed and therefore cannot be protected under registered design right. We place the unique elements on the ACID IP Databank to strengthen protection. There is no obvious penalty for unregistered design at the moment therefore some may copy knowing they will not be penalised. It would make a significant and compelling difference to companies like

ourselves if the deterrent of criminal sanctions were in all areas of design.

What are your 3 recommendations to Government to stem the tide of blatant design theft to support the kitchen design and broader design sector?

- We had the unfortunate experience of taking a company to Court. Although supposedly small claims, the process was costly, taking a few years and the outcome was not conclusive. SME’s find it hard and emotional to protect their designs and if this process is hard to act on, they are less likely to follow through to prosecution. Deterrence at the beginning would be better, streamlining the process for quicker, less costly outcome would help.
- Education: starting from young designers in colleges and universities giving awareness of what IP infringement is and how to protect designs.
- Campaigns for general social awareness that the design sector contributes hugely to the UK economy and provides nearly 1.7 million jobs. Promoting “Proud of British Design” encouraging everyone to embrace inventors and designers alike and shouting loudly about the intellectual property which underpins it!

www.chiselwood.co.uk

Exhibitions



It's Spring Again.....



The 2019 New Year kicks off with the Spring Exhibition Season and ACID will be attending January Furniture Show at the NEC, Birmingham once again. You can find us in **Hall 1 Stand B90** from 20th -23rd January. At Spring Fair NEC, 3rd to 7th February, the ACID stand is in **Hall 5 Stand A93**. Both shows are supported by McDaniel & Co. As ACID Accredited Exhibitions, Clarion and ITE Group respectively give high prominence to and share respect for the intellectual property of their exhibitors. On pages 6-7 Simon Boyd from Exclusively Housewares explains why exhibition organisers do not wish to be mediating copying issues between two of their clients and therefore forward-thinking exhibition organisers value ACID who act as independent mediators for any intellectual property issues that occur on site.

CONTRACT TRAIL INTRODUCED AT JANUARY FURNITURE SHOW

New in 2019 will be the JFS Contract Trail. Over 150 of the 2019 exhibitors either regularly, or occasionally supply contract and they are now included on the exhibitor listing on the JFS website, making it easy for buyers to plan their stand visits in advance assisted by a fold-out map available on arrival.

Show Director Cleere Scammell said of the Contract Trail, "It is important that we give our buying visitors as much useful information as is feasible, to make their visiting time at JFS as productive as possible. Adding the Contract Trail was an easy decision given the number of requests we receive for the information, and given the large number of contract suppliers that we have among our exhibitors."

Across the board in upholstery, cabinet, beds, and accessories there are suppliers of contract exhibiting at JFS, including Buoyant, Duresta, Gallery Direct, Ashley Manor, Firstlight Products, Stuart Jones, The Libra Company and Silentnight.

LIGHT at JFS will feature over 25 UK and International lighting companies with everything from simple table lamps to futuristic LED lighting installations. A full list of furniture companies and those exhibiting in **LIGHT** is available on the JFS website at www.januaryfurnitureshow.com

Spring Fair Focus on Home and Gift

The UK's largest and number one home and gift marketplace is back, offering unrivalled scale, variety and choice for retail buyers. Spring Fair (3-7 February, NEC Birmingham), will inject a fresh and vibrant

flair into retailers' 2019s, offering buyers and industry professionals a first look at the hottest and most desirable new items on the market. Spring Fair offers visitors the chance to source the ideal products to drive sales throughout 2019, including gifting periods such as Mothers' Day, Easter, Fathers' Day and, of course, Christmas. Once again Spring Fair will be welcoming ACID to support all exhibitors with the Exhibition Protocol as well as daily IP clinics for IP advice. To date ACID has held over 4000 grass roots mediations over the last 20 years.

ACID COMMENT: "Spring Fair is an extremely important event for us with so many ACID members in attendance. For many, it's where we are at our most accessible and visible. So, if you are there, drop-in for a chat if you need some advice or need to raise concerns."

www.springfair.com

SPRINGFAIR

3-7 FEBRUARY 2019

Exhibitions - Spring Fair

NEC BIRMINGHAM VOLUME OPENS 2 FEB



Exhibiting and launching a new product or range in 2019? ACID offers a few tips and advice

Increasingly, copying and counterfeiting of products has developed into one of the most insidious forms of crime across all design sectors, so it is important to be proactive and not reactive to prevent copies and knock offs.

How can I create evidence of my IP ownership?

Think about your original concept drawings or artwork and ensure you have an

audit trail from an idea to marketplace. Better still; register your designs in the UK or EU. Or, if you are relying on unregistered rights; send them to the ACID IP Databank giving you a uniquely numbered, independent 3rd party tamper-proof certificate of receipt. All vital evidence if you discover a copy.

Does my marketing material/website or product packaging/labelling include an anti-copying message?

Creating a strong deterrent message can send a warning shot, such as,

“All intellectual property rights on this website, images and designs belong to (insert your name). Any infringement of our IP rights will be taken very seriously”.

No Photography - Mobile phone photos and videos can be around the world in seconds showing specific trends, new designs and, virtually on the production line in a very short time so vigilance is critical. All Furniture Show and Spring Fair exhibitors are given an ACID no photography sign. If you don't want photography, use the signs!

It is unlawful to use images which do not belong to you without express permission.

And if the worst happens and you do discover a copy. Don't panic. ACID will be on hand with our Mediation Protocol. Taking legal action rarely results in a final Court hearing. Often, a strongly worded letter before action can be a shot across the bows and achieve an early settlement and undertakings. Above all, publicise any settlement to demonstrate that you are prepared to take legal action.

Online Brand Protection – Easy & affordable DIY Amazon- only monitoring tool now added to SnapDragon’s portfolio of services



SnapDragon, ACID’s Brand Enforcement Service (ABES), have now launched an Amazon-only self-service package designed to help SMEs detect counterfeits and other IP infringing goods, as well as observing prices & competitors on one of the world’s largest e-commerce platforms.

Today, trade in fake goods makes up 2.5 per cent of all world trade and is growing by 25% year on year. Counterfeit goods can have a devastating and dangerous impact on a business and the consumer, making it vital to fight back. Added to this, SMEs are unfortunately at a higher risk of being targeted.

SnapDragon is aimed specifically at helping SMEs to protect their brands from copies and counterfeits, and takes action by identifying illicit sellers on the world’s busiest online platforms to protect the products – and the reputations – which companies have worked so hard to create.

For the past three years, SnapDragon’s team of highly skilled linguists have worked with a host of iconic brands to protect them globally, including ACID members Harris Tweed and Plant Theatre. Peter Magee from Plant Theatre said, “We didn’t even know something like SnapDragon existed, we were delighted as it saved us hours, if not days of work,

they really have some serious software they have developed and what it delivers is astounding”.

SnapDragon provides this protection in a flexible manner, allowing clients to choose one of two ways that suits them best - either a self-service plan (where brands do their own thing, using the software themselves) or the service (where SnapDragon



The SnapDragon Team

looks after it all). Of course, no matter the service plan, the team is always in the wings keeping things right. It’s also so flexible that companies can switch between plans easily, dependant on their needs at the time – ideal if working with a seasonal product.

Now SnapDragon has adapted again, launching an easy & affordable Amazon-only DIY monitoring tool, to give companies the power to fight back against the ever-changing threats to their brand online. This new offering means that smaller

companies who only want to monitor Amazon’s UK and US platforms can now be empowered to do so by using SnapDragon’s software-as-a-service tool, Swoop. Swoop easily identifies suspect links, therefore enabling the companies to take the necessary steps to get the offending items removed from sale. **Available at just £125/month**, this affordable tool allows even more SMEs

to get involved with tackling counterfeits, enabling them to free up critical resources and focus on other key business activities.

Like all online marketplaces, and despite Amazon being one of the world’s most successful, it’s not unusual for brands selling on these platforms to find themselves being targeted by counterfeiters. Rachel Jones, SnapDragon founder, highlights this issue saying: “Amazon has become the platform of choice for brands who want to sell their products online. But with that

comes the significant threat of counterfeits. By offering an affordable & automated tool that monitors Amazon, we can help so many SMEs who are currently facing the risk of counterfeits or spending a great deal of time monitoring the platform manually. Swoop can detect counterfeits very quickly, making it much easier to spot fakes and for the company to swiftly take action to have them brought down.”

As well as monitoring for counterfeits, SnapDragon’s software allows companies to observe the price at which their product is being sold in the marketplaces, as well as keeping an eye on competing products or brands.

The sale of counterfeit goods can only be prevented if companies feel confident, supported and empowered to take action. The team at SnapDragon are eager to help ACID members and other brands do just this. **ACID Members benefit from discounted rates of 10-15% on ALL SnapDragon services.**

Sign up for a FREE no-obligation brand check: <https://campaign.snapdragon-ip.com/request-brand-check> or contact the team: welcome@snapdragon-ip.com

New Members

ACID welcomes the following new members to the ACID Community



Member's Name	Design Category	Member's Name	Design Category
Think Tank inc Ltd	Design Agency	Sue Palmer-Simmons Glass	Giftware
Ali Pretty	Fabrics & Textiles	Amina.S Art and Design	Geetings Cards
Barinder Designs	Fabrics & Textiles	Jenncard Fine Arts UK	Greetings Cards
Beth Town	Fabrics & Textiles	Aero Craft Panels	Interior Accessories
I See Wonders	Fabrics & Textiles	Alice Ives Ltd	Interior Accessories
Joy Pirie	Fabrics & Textiles	Bumpsters Ltd	Interior Accessories
Katharine Gorham	Fabrics & Textiles	Colourful Creations Contemporary Homeware	Interior Accessories
Laura May Designs	Fabrics & Textiles	Happy Hashtag	Interior Accessories
Pampered Pony	Fabrics & Textiles	Juliette O Designs	Interior Accessories
Rock Stone Silk Ltd	Fabrics & Textiles	Proper Copper Design	Interior Accessories
Sarah Maybank	Fabrics & Textiles	Croxford and Saunders Ltd	Interior Design
The Alternative Attic	Fabrics & Textiles	Janglerins	Jewellery
Help for Heroes Trading Limited	Fashion	Shatha London	Jewellery
Baglinox S.L.	Floor Coverings	The Carat Shop	Jewellery
Rug Artisan Ltd	Floor Coverings	Two Make Ltd	Jewellery
AutumnLeaves Furniture Outlet	Furniture	Arun Kirwin-Singh	Product Design
Final Touches Dundee Ltd	Furniture	Axminster Tool Centre Ltd	Product Design
HCF Contract Furniture Ltd	Furniture	Bearface Prints	Product Design
Huw Evans	Furniture	David Meddings Design	Product Design
Josh Mitchell	Furniture	Deft Group Limited	Product Design
LYHFL Ltd T/A Love Your Home	Furniture	Elsker Creations	Product Design
Mac Collins Design	Furniture	Flit	Product Design
Scott Harrison Designs Ltd	Furniture	Jones & Partners	Product Design
Sofa Bespoke Ltd	Furniture	Miss Clementine	Product Design
Taylor of Scotland Ltd	Furniture	Nameitlabels	Product Design
Vincent Trading	Furniture	Niko Brown Fused Glass	Product Design
Bronzino (Classic Copper Ltd)	Garden Products	Trentside Products Ltd	Product Design
Great British Outdoor Fires	Garden Products	Zanardi	Product Design
Prongcroft Ltd	Garden Products	Clover Robin	The Arts
A. Perry Ltd T/A Primus	Giftware	Elliot Zabaroff	The Arts
Bob + Olive	Graphics	Hannah Gibson	The Arts
Compassionate Revolution Ltd	Graphics	Jon Lewis Glass	The Arts
Meghan Earle Design Ltd	Giftware	Kate Henderson	The Arts
Pendrea Noye	Graphics	Studio Seren	The Arts

UPCOMING EVENTS



**The
GOLDSMITHS'
Centre**

CREATIVITY | CRAFTSMANSHIP | COMMUNITY

Getting Started – Protect your Designs
Thursday 10 January – 0930-1100



**January
FURNITURE
SHOW**

NEC 20-23 JAN 2019

20-23 January 2019
Birmingham NEC ACID STAND Hall 1 B90



SPRINGFAIR

3-7 FEBRUARY 2019 - VOLUME OPENS 2 FEB

3-7 February 2019
Birmingham NEC ACID STAND Hall 5 A93

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 ■

Fashion Round Table Group hosted by The All Party Parliamentary Group

At a recent Westminster event, hosted by Pete Wishart, MP., Chairman of the All-Party Parliamentary Group for IP and Dr Lisa Cameron, MP., Chairman of the APPG for Fashion and Apparel, discussion centred around IP protection within the fashion sector. Delegates were united in one thing; that the protection of our precious and seismic fashion industry is paramount post Brexit, deal or no deal, and establishing ongoing dialogue with our European trade partners is critical.

Asked 'how can we both enhance and protect our world-leading fashion industry?' Dids Macdonald said, "Design is a huge success story and fashion is a significant contributor at 32 billion to the UK's GVA. Design and design skills provide 1.5 million jobs. Therefore, Design matters. I think we should remember though that most are micro and SME and have special challenges, especially through copying. We need to ensure that there is an IP legal regime which is secure and reliable to give businesses the confidence to invest – cost effective & timely access to redress is an essential part of this. We also need to gather momentum and engage with the Department of International Trade to ensure that this message is firmly communicated through the various sector meetings – for example the Alliance for IP will be hosting one early in the New Year."

- **We need to galvanise forces** within the sector to ensure fashion and design generally are at the forefront in global trade negotiations through DIT and DeEXU

- **On education – Dids endorsed** the British Fashion Council's focus on diversity of careers available. Inspiring



LISA CAMERON MP - CHAIR

teenagers nationwide; Organising industry-focused events, pursuing higher education, developing apprenticeship alternatives, offering graduate traineeships at British fashion houses. Encouraging business and investment opportunities, reputation – telling the stories, positive best practice, putting innovation & digital as a strong partnership with consistent engagement with Government on the importance of fashion to the UK economy & the all-important intellectual capital which underpins it

- **Global online infringement is** increasing, and it is critical that there are ongoing discussions with social media providers, search engines and advertising platforms to encourage self-regulation, IP compliance and easy to access routes for redress. So, we hope that this is translated via evidence from the 'Round Tables' into the Industrial Strategy where IP is still just referred to as copyright

- **Imitation isn't flattery when it** costs you your business. I nearly lost my business through blatant IP theft several times so..... becoming IP savvy, knowing the laws, creating a practical and

proactive IP strategy. Basically, if you don't want people to copy you, say so. There is no better place than your website and marketing material. Knowledge gives strength. Designers need to value their creative talent and capacity to innovate

- **Encourage compliance,** respect and ethics in our own backyard

Is Brexit a threat or an opportunity for design and IP?

"We recently carried out a survey and 100% were concerned about IP rights post Brexit, 90% said that infringement was blatant and intentional and 78% said they rely on unregistered EU and UK design rights. The loss of EU unregistered rights protection in 27 EU states will be potentially calamitous for UK designers."

The Furniture Makers' Company is the City of London livery company and charity for the furnishings industry. It fosters and supports the industry by nurturing skills and expertise, supporting those in need and championing excellence. For more information, go to: www.furnituremakers.org.uk



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Nothing in this newsletter is intended to be a complete statement of the current law and you should always take specialist advice in respect of your own particular circumstances

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