

ANTI COPYING IN DESIGN



NEWSLETTER

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Head of PIPCU, DCI
Danny Medlycott
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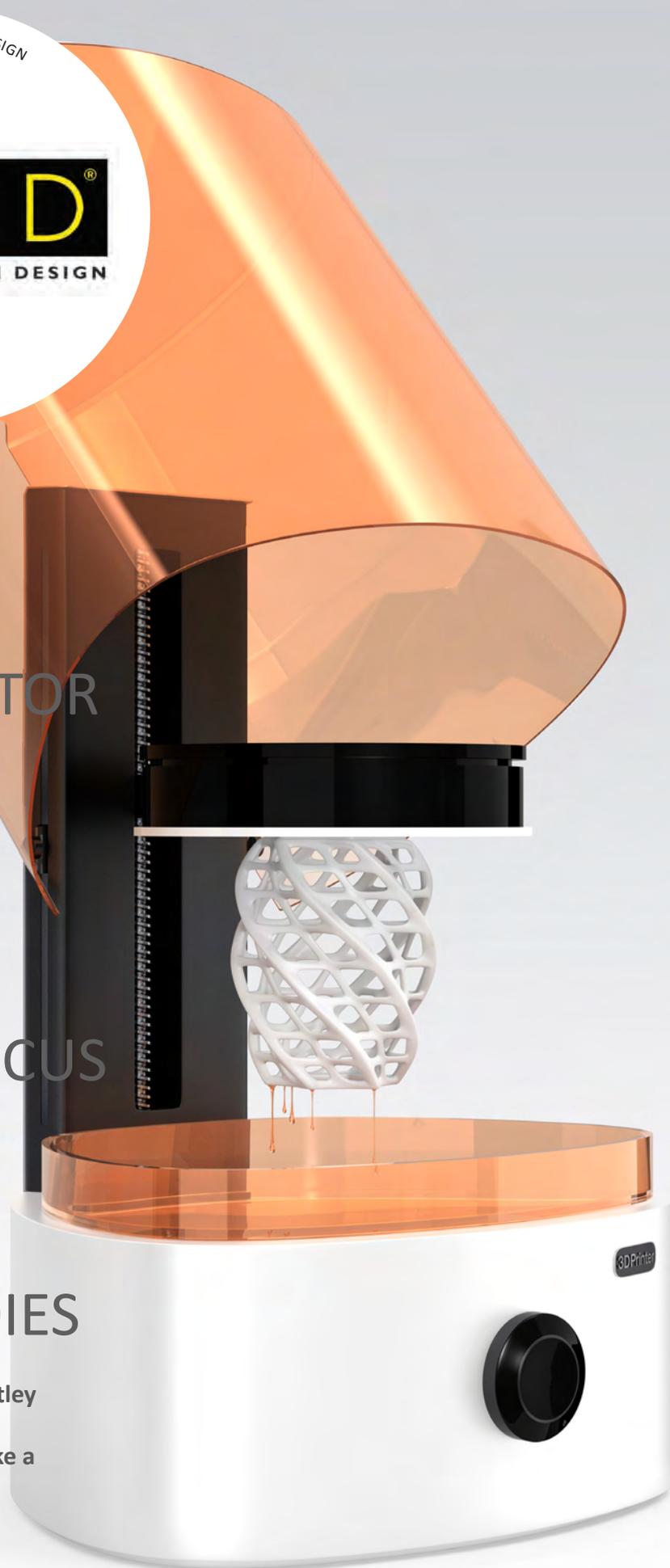
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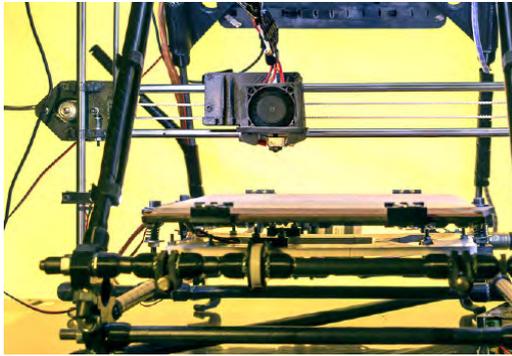
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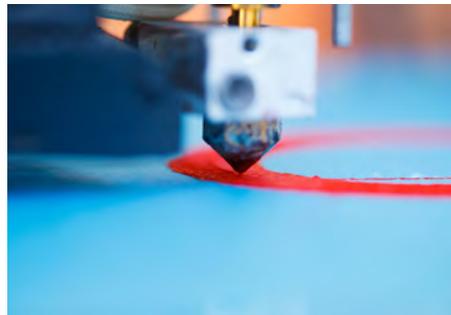


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Letter from ACID's CEO:

DIDS MACDONALD



Dear ACID member,

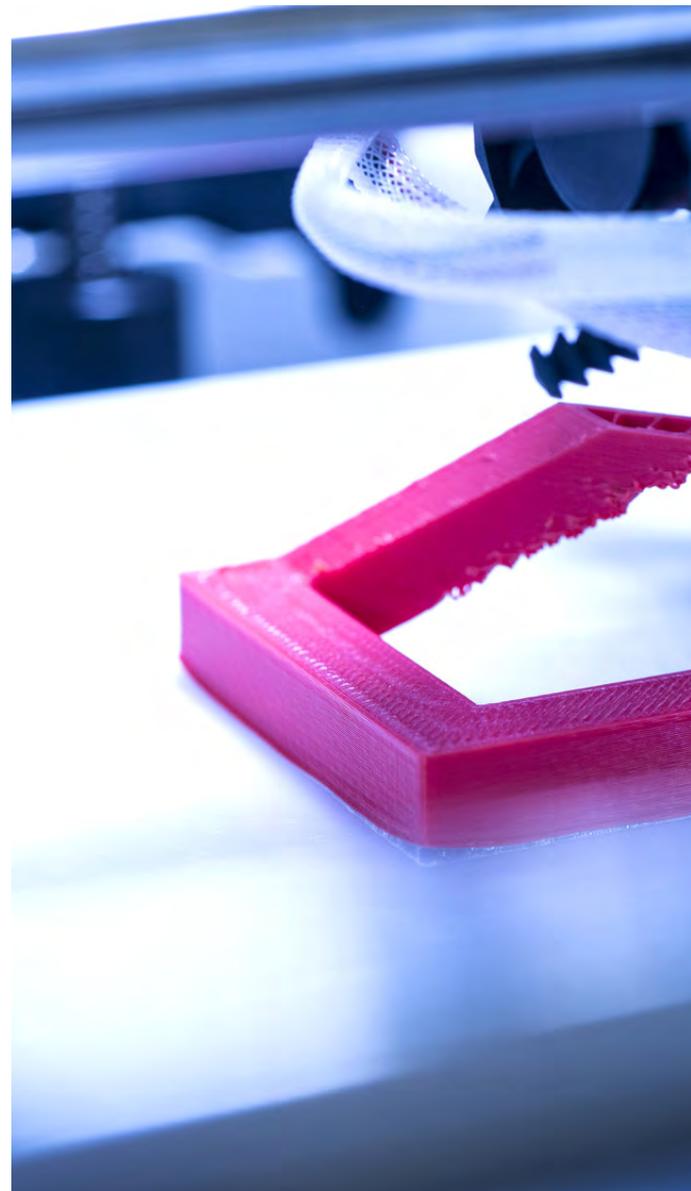
With all eyes focused on the next Government, in whatever guise, the message linking intellectual property to the growth and success of the design sector remains paramount. UK designers have an enviable place in the world, given their historic and current success. Design is the fastest growing creative industry, increasing by 34% in five years between 2008 and 2012. UK designers have a world class reputation for solving present and future social and economic challenges through effective design.



Safeguarding the IP in this creativity is what enables companies, whatever their size, to be financially rewarded for their innovation, to ensure job certainty and to attract inward investment.



Designers ranked amongst the most responsive to the Alliance for Intellectual Property's 2020 Manifesto and vision for growth in IP rich industries. It is through these responses that they, together with others within the film, TV, music, publishing and video games sectors, that we can speak with one voice; to ensure that the UK's position as a world-leader in producing innovative brands, products and creative content is maintained. The ultimate goal is to achieve the status, by 2020 that the UK is seen as the best place in which to start, build and base an IP-rich business.



So how do we make this happen? Industry is doing its bit to raise awareness through such initiatives as the Copyright Hub, Music Matters, What the Dickens, the Real Deal, The Content Map, ACID's first UK Designs Database and Marketplace and many other initiatives to educate consumers on IP's importance to the creative and branded industries. We need to build on existing industry-led initiatives, continue to deliver high quality evidence to Parliament and policy makers and continue the work to protect and enforce IP rights at all levels.

Our next Government must match this with an IP enforcement framework to meet the needs of a digital age, where technology and innovation are galloping ahead, ensuring that enforcement policy is not a "one size fits all" solution. The introduction of a damages regime that really promulgates a deterrent to IP crime must surely be a top priority. To many, it is still seen as a victimless crime.



We encourage the recognition of IP assets as a basis for access to finance for growth for lone, micro and SMEs to remain at the heart of the investment community through education, support and promotion.

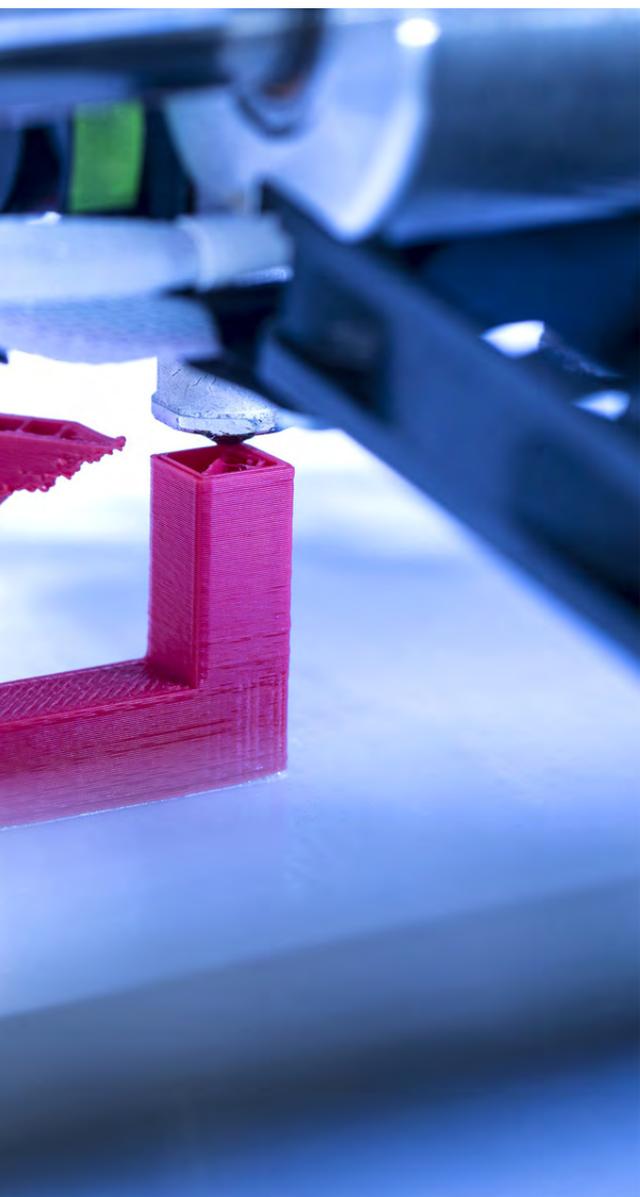


Whilst acknowledging the amazing opportunities which are emerging through 3D technology, ACID also recognises that there are IP challenges ahead, not least on a business model to support growth opportunities through its tradable intellectual property. So broadening the debate amongst policy makers to ensure that design law moves in tangent with this maturing technology is high on our radar.

A first in a series of seminars to do just this will be held on 9th June at between 4.30 and 6.00 with networking between 6.00 and 7.00. Find out more at the ACID Events page www.acid.uk.com/event-calendar.html and come along!

Best wishes

Dids Macdonald



GUEST EDITOR



Since September 2013, a new law enforcement unit has been tackling the problem of counterfeit goods across the UK; the Police Intellectual Property Crime Unit (PIPCU).

Head of PIPCU, DCI Danny Medlycott tells us more about this specialist Unit



Specialist police unit tackles counterfeits and IP infringement

PIPCU is a specialist national police unit based within the Economic Crime Directorate of the City of London Police and is dedicated to protecting the UK industries that produce legitimate, high quality, physical goods and online and digital content from intellectual property crime. It is the only police unit in the world dedicated to tackling intellectual property crime.

The operationally independent unit launched in September 2013 with funding from the Intellectual Property Office (IPO) and has a remit to focus specifically on online intellectual property crime.

Strong partnerships with stakeholders are essential to success of the PIPCU, therefore since launching the unit has been building working relationships with rightsholders, trade groups, brands and businesses, as well as law enforcement partners across the globe to develop partnership working with a co-ordinated approach.



Anti-Copying in Design is an official PIPCU partner and works closely with the unit, offering information and guidance on design intellectual property issues. The partnership has recently resulted in producing co-branded educational and awareness guidelines, "Design out IP Crime", which is aimed at designers and design buyers to deter infringement and share operational learning with UK designers.

Since inception, the unit has received more than 200 referrals from brands, rights holders and brand protection organisations, arrested 45 people and seized approximately £2.5million worth of fake goods. The team has also suspended more than 5,500 infringing websites – 98 per cent of which were suspended for selling fake goods, such as clothes, shoes and fashion accessories. PIPCU not only deals with counterfeit goods but also with online copyright infringement.

To date, the unit has diverted more than 9.8 million views from copyright infringing websites to a PIPCU domain suspension page. This is an official police message warning the user that the website they are trying to access is currently under investigation by PIPCU.

The page also includes signposts to safe and reliable websites that provide legitimate access to music, films and books, as well as a link to the PIPCU website so users can find out more information about the unit.

Looking to the future

In October 2014 the IPO announced that the unit would receive a further £3 million from the IPO which will fund the unit up to 2017. With funding for PIPCU secured for a further two years, the unit is looking at its future direction and goals. Working closely with the IPO, it has been decided that whilst the unit will continue to facilitate the areas that have already been successful, it will also set out to explore new avenues and in the coming months, the team will be focusing on counterfeit goods in relation to consumer safety.

To find out more about PIPCU please visit: www.cityoflondon.police.uk/PIPCU.

We are also on twitter so follow us for the latest news and insights:
www.twitter.com/CityPolicePIPCU



CASE STUDIES



www.mcdanielslaw.com



MARTIN MOORE KITCHENS OBTAIN UNDERTAKINGS FROM UNFITTED KITCHENS IN IMAGE CASE

When Martin Moore Kitchens discovered that a competitor, Unfitted Kitchens, had taken one of their images and used it without permission to pass it off as their own work in various magazines, they immediately sought legal advice.



Niall Head-Rapson of ACID legal affiliates McDaniel & Co, who handled the case, said, “We received a good result, following a minimal legal exchange, and Unfitted Kitchens have signed an undertaking not to use the images in the future. The message here is very clear that it is unlawful to use any images which belong to another without permission. What makes this case even more unpalatable is that they were deliberately used to mislead publications in the same marketplace, and, therefore, the consumer, into thinking that this was their own work.”

ACID comment: “For a company which has been making furniture for over three decades it is surprising that Unfitted Kitchens did not know the basic principles of using images which don’t belong to them. Intellectual property is a property right and in the same way that trespass of someone’s property is against the law, so is using an image without permission and passing it off as their own.”

A spokesman from ACID member Martin Moore said, “We are a family company dedicated to producing only the finest hand-made kitchens. We are proud of our craftsmanship, the quality of our materials, our unflinching attention to the smallest technical or aesthetic detail, and the reputation we’ve built since 1975. We have a proactive IP policy and are determined to protect the brand that we have created if others seek to use any part of it and pass it off as their own.”

www.martinmoore.com


MARTIN MOORE
CLASSIC ENGLISH DESIGN

NO SWEET DREAMS FOR BENTLEY LOOK ALIKE!

When bed manufacturers Sweet Dreams launched a new bed design called Bardot it appeared to be identical to the Krystal bed designed by Bentley Designs. Bentley, ACID members for many years, immediately called in the services of Niall Head-Rapson, an IP specialist, who confirmed it was an infringement of Bentley's registered design. Niall commented, "This is a good example of a client who had taken the trouble to register their new design which makes it so much easier to enforce their IP rights with a simple letter before action (LBA). In this case, on receipt of the LBA, all orders were cancelled."

Ray Davies, Design Manager said, "This is not the first time our designs have been copied but we keep a vigilant eye on the market, have a strong IP policy and register all our designs. After all, from the beginning of the design process to market reality it takes a lot of creative skill and resource and we need to protect our IP and the Bentley brand at all times to ensure we reap the rewards of our investment."

About Bentley: Established in 1988, Bentley Designs is now one of the leading suppliers of quality furniture in the UK and Ireland. Their skilled team of designers and engineers create inspirational designs that meet the ever-evolving desires of their customers. Bentley's manufacturing plants employ the most up-to-date automated finishing lines and processing machinery ensuring extremely high standards of quality and workmanship.

www.bentleydesigns.com



WHEN WRONG DOESN'T MAKE A RIGHT!

Lamp design dispute settles for £110K

When two designers (Burchnall and Wrong) collaborated to design a lamp they applied for and had granted a registered design. The initial marketing and selling of the new design was unsuccessful and the registered design lapsed. However at a later date, unknown to Mr Burchnall, Mr Wrong entered into an agreement to supply the lamp Design with Flos SpA, an Italian company. Mr Wrong resurrected the design but did so in his own name.

When Mr Burchnall discovered the lamp was on sale, he was without funds to instruct lawyers and so acted for himself. He was able to restore the design to joint names and then sought to be compensated for the unlawful exploitation. This is where he was unable to make much progress as he was confronted with 4 different sets of lawyers who made life difficult as well as expensive.

He then contacted McDaniel & Co and they were able to secure a loan, initially to pay for mediation which Mr Wrong said he would enter into, but ultimately reneged. As no progress was made proceedings were issued. This prompted Mr Wrong to make an offer to settle. Mr Wrong had previously offered 20K to settle. When proceedings were issued he offered 75K, he then agreed a settlement of £125K. However there was a disagreement over the terms of the settlement and Mr Burchnall had to issue further proceedings to enforce the agreement. The case was eventually settled for £110K for Mr Burchnall's right in the design.

ACID comment: "Increasingly, more designers are learning the benefits of registering designs. A registered Community design, for example, lasts for 25 years and offers protection in 28 member states. With ACID's new IP insurance scheme covering registered and unregistered designs as well as copyright, Mr Burchnall would not have had the endless hassle of trying to raise funds to fight for what was rightfully his. After all, you insure your home, car and personal belongings, it seems folly not to insure your future by failing to insure your designs."

FACING UP TO PASSING OFF

Face Lace Limited, the designer of ready-to-wear make-up designs, founded by famous make-up artist, Phyllis Cohen, is the owner of UK and Community registered trade marks for the stylised words “Face Lace” for cosmetics.

“Face Lace”, the instant make-up, is a revolutionary cosmetic product developed by Phyllis Cohen which has quickly built up substantial goodwill and reputation within the cosmetics industry, receiving write-ups in magazines such as Vogue, in the national press and in countless style blogs. As well as trade mark protection, therefore, “Face Lace” has developed a reputation which is protectable by the law of passing off in the UK.

Phyllis Cohen discovered that Monsoon Accessorize was using the sign “Face Lace” as the name for its decorative, vinyl face stickers

Phyllis contacted Gavin Llewellyn of ACID Legal Affiliate Stone King LLP, who wrote to Monsoon Accessorize, requesting that they stop using the “Face Lace” trade mark for their vinyl face stickers on the basis of Face Lace Limited’s trade mark and passing off rights. Face Lace’s case was that the sale of the stickers under the name “Face Lace” amounted to a misrepresentation that they originated from or were licensed by Face Lace Limited, which was likely to cause confusion in the minds of a significant number of people.

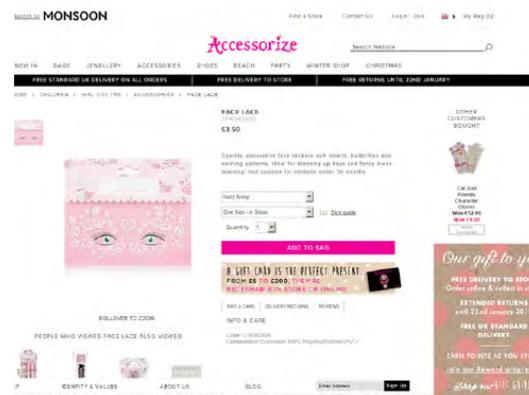
Monsoon Accessorize claimed that they were using the name “Face Lace” descriptively for their stickers, which were aimed at children for fancy dress, to create the effect of lace around the eyes, and that they had not therefore made use of the “Face Lace” trade marks.

Monsoon Accessorize also claimed that there could be no risk of confusion because their product was clearly branded “Monsoon Children”. However, without admitting any liability, Monsoon Accessorize confirmed that they did not intend to produce any further products using the name “Face Lace” once their stock of the stickers had been sold.

Although Face Lace Limited believed that consumer confusion was likely to occur, in spite of the “Monsoon” branding on the product, they decided to accept Monsoon Accessorize’s prompt assurances and did not take any further action. The vinyl face stickers in issue are no longer on sale.

SK STONE KING

Gavin Llewellyn of ACID Legal Affiliate Stone King, “Having invested considerable time, money and effort in her business, Phyllis Cohen was right to be concerned about the effect which a major high street retailer’s use of the same brand would have on her business. Particularly, when your business is based around one product, it is vital to be vigilant and take steps to protect your rights. I am delighted that Face Lace were able to achieve a satisfactory result without having to resort to the Courts.”



Face Lace



TAYLORS' IP TEAM SECURES FAVOURABLE SETTLEMENT OF REGISTERED DESIGN CLAIM

The Intellectual Property team at commercial law firm, Taylors, has secured a favourable settlement for Winer Diner Limited in its claim for infringement of its registered picnic bench design against a substantial distributor of street furniture.

Taylors secured a constructive settlement which not only included payment of damages and costs but also regularised the position by negotiating a licence agreement for the future.

Tony Catterall, Head of Intellectual Property at Taylors Solicitors, said: "Taylors' success on behalf of Winer Diner Limited in securing a favourable commercial settlement within two months of proceedings being issued illustrates that claims in the Intellectual Property Enterprise Court can be dealt with quickly and at affordable cost."

"This should send a strong message to those seeking to ride on the creative efforts of others and to take advantage of successful designs. It reinforces the point that design registration is not only a useful deterrent but can also pay dividends when infringements occur."

Michael Lunn, Director of Winer Diner Limited and designer of the award-winning Winer Diner picnic bench, said: "I am very pleased with the result Taylors has secured for us and the speed at which this claim has been resolved. The Winer Diner table is my intellectual property and is of a unique design. I felt that I had no alternative but to pursue the claim to protect the integrity of my design input and the investment expended in its creation."

"The outcome vindicates my decision to issue proceedings to protect my registered design: I will not stand by and see my valuable intellectual property rights violated."

Taylors' Intellectual Property team, led by Tony Catterall, is recognised nationally and internationally for its expertise, particularly in the textiles, home furnishings, manufacturing and software sectors. It has won many notable and key cases in the High Court, Court of Appeal and Supreme Court against major corporates. It is the only North West-based firm to have been appointed as a Legal Affiliate to the national organisation, Anti Copying in Design (ACID).

Winer Diner claimed infringement of its registered design 2063497 (as pictured below)



by the bench, as below:-





Nick Kounoupas of
ACID Legal Affiliate DMH
Stallard

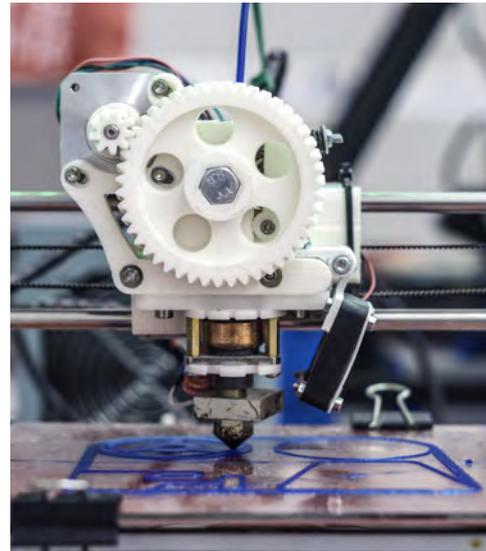
3D PRINTING OPPORTUNITIES AND IP CHALLENGES

For designer makers within the furniture sector, the development of 3D printing has matured to deliver added value so that 3D objects can be more tailor made and bespoke, offering broader manufacturing scope. It also offers affordable options for prototyping in the design development process from idea to marketplace. The evolution of 3D printers started some 30 years ago and is now developing at break-neck speed so no longer is this the domain of larger, more established companies but it is now much more accessible to SMEs.

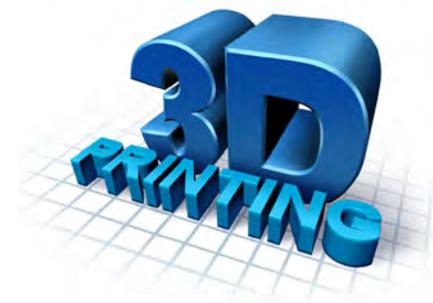
Whilst 3D printing opens up many possibilities, realistically designers have to evaluate the challenges, especially where intellectual property is concerned. So what can 3D printing do?

Nick Kounoupas, ACID's Chief Legal Counsel and ACID Legal Affiliate says,

“At present there are commercially available printers that can be purchased that can produce objects in three dimensions made from acrylic, most fabrics, plastics, precious metals and certain hard metals such as steel. So anything from clothes and fashionable dresses to bicycles, parts for cars and robots can be produced without the need for industrial premises or skilled craftsmanship. Currently, genuine parts are routinely made for the automobile and aerospace industries using this technology. I have even heard of certain guns being produced from 3D printing.”



So what are the legal implications? “These developments will cause legal uncertainty, much like the arrival of creative content supplied digitally did. Whilst it is very early days to consider what changes will be needed to the existing IP laws, it is obvious that more and more patents have already been sought, and granted for 3D printers. Increasingly, however, the focus will also need to be placed on enhancing the protection afforded to unregistered and registered designs under UK and EU laws. To this end it was very encouraging that last year the IP Act 2014 made it a criminal offence to intentionally copy a registered design. Copyright laws have very limited applicability to objects in three dimensions and not at all where products have been created through industrial means.”



But the real challenges to the law will come when commercial competitors and organized criminals identify opportunities to produce cheap and poor imitation copies of well known or novel furniture designs without huge investment, or risk, using 3D printing technology. What is then likely to happen is that the infringers will reverse engineer genuine furniture to understand how it has been made, then feed this information into computer aided design software using this to create prototypes by 3D printing and finally mass producing them. The implications are mind boggling. If entire and working cars can be manufactured in just 44 hours how long will it take to reproduce less complicated products? 3D printing offers many opportunities to companies wishing to trade legitimately within all industries. But it also offers opportunities to those wishing to trade illegally.



The challenge for the furniture industry and for law makers is to ensure that the existing laws offer maximum protection to those in the industry and to ensure that they are fit for the 21st century. If they need changing lobbying organizations such as ACID must be supported to ensure that those changes are identified, supported and implemented.



Design registration makes absolute sense but it is limited to preventing copies for commercial purposes (and it's the same with unregistered rights) so this presents design ownership challenges when the “would be” creator at home uses your design for domestic purposes, thus cutting the original design out of the equation. For the majority of UK furniture designers, who rely on unregistered design rights, the ACID Design Databank offers third party evidential proof of a design's existence from the date the design is lodged.



Nick Kounoupas of ACID Legal Affiliate DMH Stallard is one of the leading figures in the UK IP world handling all kind of IP disputes, Nick is well known for his lobbying, he is also a fully accredited mediator.

The importance of proving copying of unregistered rights in fabric designs in the UK

Bird & Bird



Nick Boydell, Bird & Bird ACID Legal Affiliate, London. This article first appeared in Bird & Bird's March 2015 edition of DesignWrites.

www.twobirds.com

John Kaldor (JK) is a design house which makes and designs fabrics and supplied a sample of fabric to Lee Ann (LA), a company which makes and designs garments.

LA showed various fabrics to Marks & Spencer for possible inclusion in its Spring/Summer 2013 Per Una collection. JK subsequently became aware of a dress sold by Marks & Spencer in its Per Una range made from a fabric supplied by LA (the 'LA Fabric'). JK alleged that the LA Fabric was a copy of the JK Fabric and brought copyright and unregistered Community design right infringement proceedings against LA. In order to prove infringement of copyright or unregistered design, JK had to show that LA had copied the JK Fabric (independent creation would not suffice).

“

As a practical matter, it is often difficult for the claimant to obtain evidence that a design has been copied – any such evidence is likely to be in the knowledge or possession of the defendant.

”



JK Fabric



LA Fabric

Therefore, where the court is asked to decide whether copying has taken place, if there is sufficient similarity between the respective designs and there was sufficient opportunity to copy, this will raise a rebuttable presumption that copying did indeed take place, unless the defendant can show that the design was created independently.

JK alleged that LA had copied the JK Fabric in one of three ways:

- (i) conscious copying, in other words LA knowingly copied the JK Fabric;
- (ii) subconscious copying, by which LA's designer had seen the JK Fabric and subconsciously copied it when she was designing the LA Fabric; and
- (iii) indirect copying, by which LA's designer had not actually seen the JK Fabric but had created the fabric based on a telephone conversation with another LA employee who had seen the design. JK alleged that the designs were sufficiently similar to give rise to a presumption of copying. The greater the similarity, the stronger the evidence of independent design needs to be.

However, LA's designer was able to give evidence that the design was created independently following instructions to create a 'tribal print', including showing:

- The starting point for the design which was one of a series of tribal prints previously created by the designer;
- Elements of this design being taken and then manipulated by computer, and converted into a repeating pattern; and
- Various colour variations which were created, one of which was chosen by Marks & Spencer.

Even bearing in mind the alleged similarity between the designs, and the opportunity to copy, the judge was persuaded by the evidence that the LA Fabric design had been created independently, and therefore found that there had been no copying.

Accordingly, both the copyright and unregistered Community design right claims had to fail. This case demonstrates the approach English Court will take when deciding whether copying has taken place. It also demonstrates the importance to the designer (whether the claimant or the defendant in infringement proceedings) of keeping complete, contemporaneous records of the design creation process.





MEMBER PROFILE

Founded in 1786, designs and manufactures the world's finest cufflinks. The English workshops produce fine quality handmade jewellery in precious metal, incorporating vitreous enamel and fine gemstones. Seven generations after Charles Washington Shirley Deakin developed the product range, the business is today owned and managed by James and Henry Deakin.

The company that became Deakin & Francis was founded in 1786. What is the company's mission for 2015?

As a family business who have been manufacturing jewellery since 1786, our constant desire is to evolve the brand whilst maintaining our heritage. Our mission for 2015 is to develop our export market. We started in earnest as James Deakin travelled to Hong Kong to launch the brand in the Far East and was delighted with the response to Deakin & Francis. He comment "I was bowled over by the amazing interest in Deakin & Francis in Hong Kong. The people I met were great, with lots of good advice and whilst I was there I managed to secure a new customer! In fact it's Lane Crawford, the best known department store in Hong Kong!"

Plus, this year's Baselworld attracted retailers from across the globe including Belgium, Norway, Portugal, Spain and Azerbaijan.



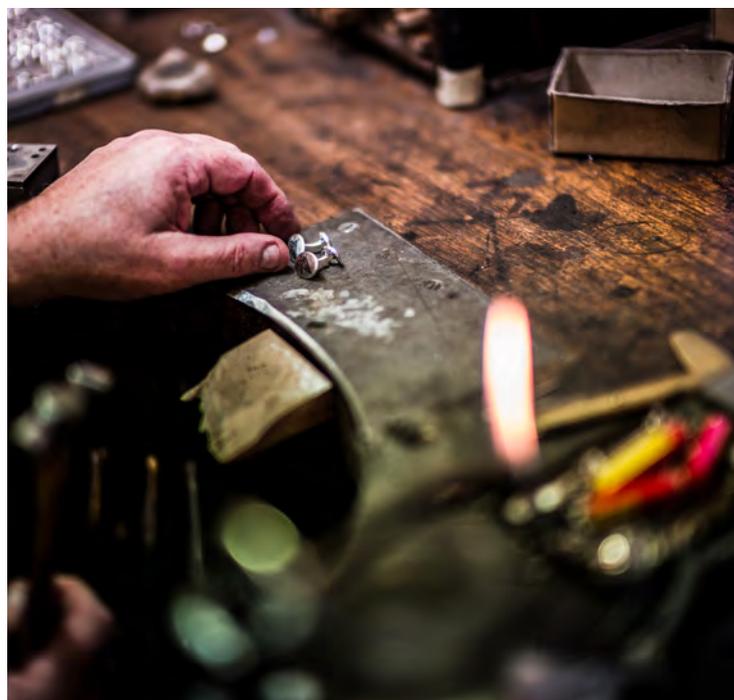
Given the longevity of Deakin & Francis, how important is brand protection to your company?

We've been trading for over 220 years, but only branded the business a few years ago. For centuries we have been the manufacturing jeweller creating beautiful cufflinks, signet rings and other fine jewellery, for other well-known luxury brands. In fact at any major public event, there's a good chance that the majority of those attending are wearing Deakin & Francis, without realising it!

Our decision to establish the company as a brand in its own right took place a few years ago and as an emerging brand we have been subject to design infringement and have actively pursued and won several violations of copyright and brand infringement. Owning our trademark and having a registered logo means it's easier for us to pursue companies using our name where they shouldn't be! This also protects our official stockists.



We're working more closely with ACID to register our new designs so that it will be easier in the future to pursue these violations.



Some of our designs such as our signature skull with moving jaw and popping gem stone eyes are unique to us so it's extremely important that we protect this. James Deakin and our Design Director Stephen Brady create all of our jewellery, starting with a pencil sketch, so if they do see their designs copied it's very personal.

We'd like to add that through ACID we found a fantastic IP lawyer! We were stuck and needed more detailed legal advice, ACID recommended McDaniel & Co and although we would normally refer to businesses on the doorstep, in the jewellery quarter, in this instance we went with the ACID recommendation and have not looked back. In particular Kelly Hudson has been brilliant helping us to protect the brand, defend infringements and provide additional IP advice.



You invest in your people by helping them to develop skills and craftsmanship. What level of importance does this craftsmanship contribute to the future of Deakin & Francis?

As one of the oldest jewellers in in the UK we are lucky to have some of the most skilled craftsmen in the country. From our vitreous enamellers to our finishers, each craftsman is highly skilled at what they do. As a brand that prides ourselves in hand made jewellery, it's vital that we have these craftsmen to produce beautiful pieces of jewellery that haven't been bulk produced using machines.

How do you feel about the 'me too' culture within the jewellery industry and what is your message to those that adopt this attitude.

Last year we discovered that Deakin & Francis was the 'design inspiration' for another well-known firm! Sadly, instead of investing in their own designs, they seemed to re-use our designs – perhaps that's the ultimate me-too statement!

At Deakin & Francis we prefer to innovate and create pieces of jewellery that turn heads, creating talking points and inspire, rather than simply following the crowd.



What 3 recommendations would you give to Government to support the jewellery industry and those that work in this sector?

1. Provide re-training.
After the First World War, Deakin & Francis was part of the movement that created opportunities for re-training returning service personnel. The jewellery sector often sees people joining businesses and staying with them for long periods of time. We would like to see the government offering opportunities to manufacturing jewellery businesses to encourage this process. There is a focus on younger apprentices which is great, but we believe older people have much to offer too and re-training can be the key to a long and rewarding career.

2. Support and insist on hallmarking.
There may be pressure from Europe to remove hallmarking, but we firmly believe that this should remain in place. Hallmarking as a sign of quality has never been so important with counterfeit goods and overseas fakes.

3. Reduce tax.
Lower tax rates create prosperity for all. The government collects taxes through VAT, fuel duty and more.

Reducing personal taxation generates greater personal wealth, higher monthly incomes and an environment where precious metals are valued more than 'disposable jewellery'.

You use the ACID logo on all your marketing material. How effective is ACID as a brand of deterrence for your company.

We see the ACID logo as a deterrent. It shows we take brand protection seriously. The ACID logo has been extremely useful at exhibitions. It shows that we care about our designs, we will protect them and we discourage copying.

www.deakinandfrancis.co.uk
https://twitter.com/deakin_francis
<https://www.facebook.com/deakinandfrancis>



3D printing Explained – Simon Sellars, Sipara, ACID Legal Affiliate

From Katy Perry's "Left Shark" to models of Paul McCartney, 3D printing is rarely out of the news.

The market will eventually dictate whether 3D printers remains a hobbyist fad or become a domestic necessity, but creative industries need to understand the risks and opportunities presented by the technology.

3D printing: from start to finish

A 3D printer takes a spool of plastic, metal, or other input material, heats up the end of it until it melts, and then squirts it out through a nozzle controlled by a connected computer. The computer controls the printer to print the molten material in a complex series of layers, building up the product layer by layer.

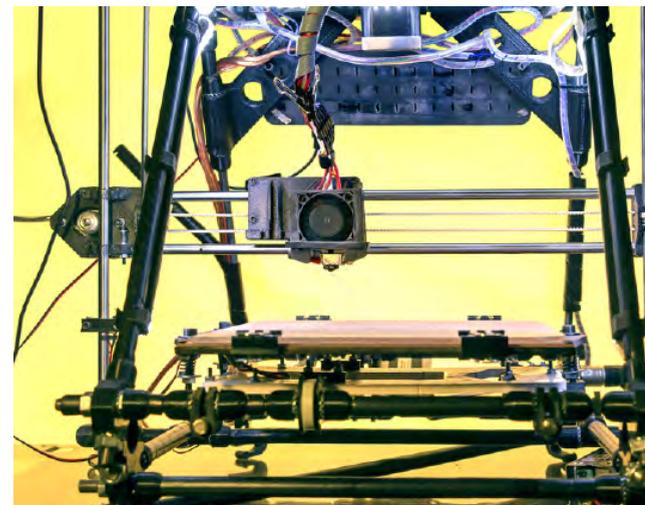
What do I need to do about printed copies?

The fact that 3D printing technology is involved is largely irrelevant to what you would do in this case. If your design qualifies for UK unregistered design right, then you would very likely be able to seek a court injunction to prevent sales of that copied product, assuming that it looks similar enough to your own design, and that you can establish that your design was copied. This is where the registered design system is stronger.

If your design is registered with the UK or European IP registries, then you can enforce your design rights against a counterfeiter even if you can't demonstrate that they have copied you. Registering your design is almost always going to give you an advantage.

Just one caveat to bear in mind – the current design laws provide an exception to people infringing design rights provided that they are doing it privately and not for commercial purposes.

www.sipara.com



So what can I do about 3D printer files being shared online?

The printers themselves are useless unless they are provided with the data that tells them what to print. Most members of the public won't be creating these themselves, so turn to online repositories like Thingiverse to find content to print. Copyright law allows rights-owners to get blocking orders against such sites sharing files which infringe your copyright, provided that they were clearly aiming to infringe. It might actually be easier to get a blocking order against internet service providers such as BT, Virgin, and TalkTalk, to get them to block infringing sources of copyright-protected works at a network level.



Is it all bad news?

3D printing is not all about copying and counterfeits. There are also plenty of benefits in the technology for designers. The technology provides a fast and low cost way of developing prototypes and proof-of-concept designs. Designers can now create bespoke one-off or limited range pieces, and 3D printing is perfect for them. There is also a possible new revenue stream introduced by 3D printing.

Want to sell your design to the world but don't have the funding to manufacture on an industrial scale? Sell the blueprints to your design online, and let your customers print it off themselves.

So what should I do?

Be aware of your market, and be ready to act against infringements. Be prepared to embrace new ways of doing business. The value of registering your design and its packaging cannot be understated. In the minefield of possibilities introduced by 3D printing, it's perhaps the most important weapon in a designer's armoury. Registered designs cost very little to get hold of, aren't formally examined, and can be obtained in a matter of weeks. They are a great starting point for protecting your creativity.

WHAT DOES THE ACID DESIGN DATABANK PROVIDE?

The ACID Design Databank service offers ACID Members access to an online storage facility where Members can lodge documents and images of their 2D or 3D designs when relying on unregistered design rights (UDR) or as an added safeguard for registered designs, underpinned by the strong ACID brand of deterrence. Each year approximately 25,000 designs are lodged on ACID's Design Databank. This does not add to UDR but provides reliable 3rd party, independent evidence of a design's existence on the date of receipt by ACID i.e., an audit trail. Design files are held on our secure system and remain unseen unless required as evidence to substantiate design ownership. Enforcement of UDR infringement is only as good as the evidence you can provide to substantiate ownership.



The majority of settlements on behalf of ACID members are based on UDR. Remember that the recently launched ACID IP Insured insurance policy, for up to 100K legal cover, makes provision that designs covered by the policy, whether registered or unregistered, should be stored on the ACID Design Databank. Visit www.acid.uk.com for further information

DATABANK SUPPORTS PROTECTION - MARKETPLACE PROMOTES AND TRACKS



WHAT IS ACID MARKETPLACE?

As an additional option to the Design Databank, Marketplace has been developed as a safer online platform where design buyers can register online to view the latest designs created by ACID Members and forge new business relationships. ACID Marketplace is supported by an enhanced tracking system developed from IP Tracker which tracks and lists all viewings of your public designs on your personal profile. Uploads to Marketplace are free and all ACID Members are given 10 exhibition spaces to display up to 12 images per exhibit. You can find out more about ACID, the Design Databank and Marketplace by viewing the new videos on our website. www.acid.uk.com

Why did you join ACID?

We wanted to join an organisation that made us more aware of our rights and could advise how we best protect our creativity. We also wanted to use the ACID logo (and still do) on our products, to make sure other people know that we were aware. Having the logo on our products definitely helps deter people from copying.

How did you start your business?

Martin Blum and I studied industrial design together at university. We worked for other companies for a while after graduating, but always dreamed of starting our own business. We founded black+blum in 1998 and for the first two years, acted as a consultancy designing for other companies. A chance lighting project gave us the idea that we could actually design, make and sell our own products. In 2000, we took the smallest possible stand at 100% design in London and we launched with four very simple light designs. We were making them ourselves and sold out during the show. It gave us the confidence to pursue doing our own products full time and we have gradually grown from there.

How do you create & protect your designs?

We start with a blank piece of paper (literally), but always have some ground rules. The designs must have a real functional advantage or at the very least, a unique aesthetic. This innovation also underpins the reason and ability to protect the designs. We register all our designs and this has proved a great way to protect our designs.

Which ACID services have you used?

We have used ACID for all sorts of different advice relating to protecting our designs. It has proved invaluable.

What are you currently promoting?

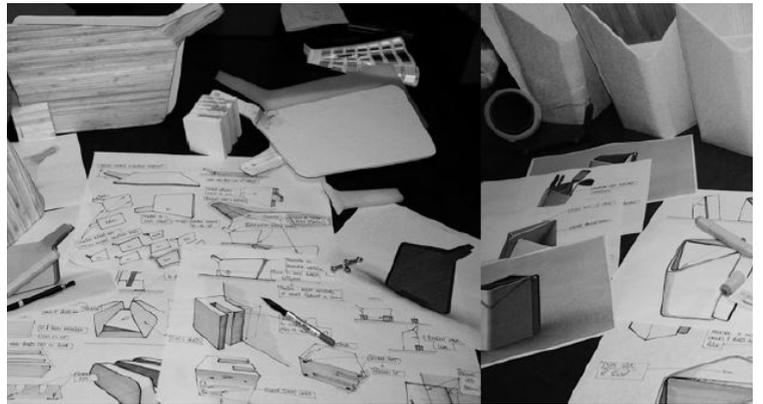
We have just launched a new kitchenware range called forminimal (www.forminimal.com). All the items are designed and distributed by black+blum, but sold under the forminimal brand. It is a very modern, architecturally inspired kitchenware range. We are also launching a super exciting new lunchbox range in the summer.

What is your most successful product?

We are still best known for our James the doorman doorstop. It is a very iconic design that people remember and it has become a bit of design classic.

Our loop candelabra and box appetite lunch box designs, are also strong contenders.

www.black-blum.com



If you would like to feature in our Member News, please contact info@acid.uk.com or tweet us at [@ACID_tweets](https://twitter.com/ACID_tweets)



NEW MEMBER LIST



We would like to welcome to the ACID community

Hilary Mayo Ceramics	Ceramics	Literary Emporium Ltd	Giftware
Olivia McGill	Ceramics	ACID Membership	Graphics
Amy & Ivor	Childrenswear	Colin W Thompson	Graphics
Beach Street Designs	Fabrics & Textiles	Craft Channel Productions Ltd	Graphics
Crescent Textile Mills	Fabrics & Textiles	Pauline Callais	Graphics
Elizabeth Hill	Fabrics & Textiles	Studio-M Design Ltd	Graphics
Jane Lavender Textiles t/a Stitch	Fabrics & Textiles	The Charming Press trading under Wendy Cooke Ltd	Graphics
Lizzie-May	Fabrics & Textiles	Video Poster Limited	Graphics
Only in Wales	Fabrics & Textiles	ACNOLEE LTD	Greetings Cards
Sophie Brabbins	Fabrics & Textiles	Bexy Boo	Greetings Cards
Tabby Craft Designs	Fabrics & Textiles	Old English Prints Ltd	Greetings Cards
Beaufort & Blake	Fashion	Special Days Invitations and Guest Books	Greetings Cards
Ilda Di Vico Couture Millinery Ltd	Fashion	CHARLEY CHAU LIMITED	Interior Accessories
Minihorsesales Ltd	Fashion	DisenoUK Limited	Interior Accessories
Settlers Stores Ltd	Fashion	Emmeline Simpson Ltd	Interior Accessories
Nu-Flame Ltd	Fires & Fireplaces	Kyleighs Papercuts Ltd	Interior Accessories
Bed Decor Ltd	Furniture	Pharmore Ltd	Interior Accessories
Blue Bone Ltd	Furniture	Red Hand Gang	Interior Accessories
David Carter Design	Furniture	Saudade Abstract Memories	Interior Accessories
Designer Creations.co.uk	Furniture	Cole & Son (Wallpapers) Limited	Interior Design
happy finish design	Furniture	Hot Ice Interiors Ltd	Interior Design
Kaydian Design Ltd	Furniture	Lara Geary	Interior Design
Kevin Stamper Furniture Ltd	Furniture	Christina Oswin Jewellery	Jewellery
Mette	Furniture	Jurassic Jewellery	Jewellery
MODA FURNISHINGS LTD	Furniture	Ben Oliver (BARJO)	Lighting
Platinum Enterprise UK Ltd T/A Bodyease	Furniture	Addis Housewares Ltd	Product Design
Tutti Audio	Furniture	Fill n Squeeze Ltd	Product Design
Border Sundials	Garden Products	Caroline Rees	The Arts
Atlas & I	Giftware	Daniele Corso	The Arts
BB Designs Europe Ltd	Giftware	Kingsland Designs Ltd	The Arts
Blinkin' Imp	Giftware	Steve Harrington-Simpson	The Arts
Creation26	Giftware		
D & J GLASSWARE	Giftware		
Kitty Kay - Make & Sew	Giftware		

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.

EVENTS & CALENDAR

3D PRINTING Exploring the Opportunities, Identifying the IP Challenges, an interactive seminar

With 3D technology developing at break-neck speed, opening new horizons to make bespoke 3D objects easily, fine tune prototyping and tailoring manufacturing as never before, equally important are the laws surrounding intellectual property and ownership. Some say this will present challenging counterfeiting issues opening an easy door to illegal trading.

This interactive seminar will include a live demonstration of 3D printing, will draw on real examples of a case study, discuss and debate the IP challenges from a legal and creator perspective, look at new business models and hear about recent Government research on the legal and empirical Study of 3D printing online platforms and an analysis of user behaviour.

Join us:

- To gain inside knowledge about how 3D printing works in a live demonstration
- To understand and identify the IP challenges
- To hear case study about 3D opportunities
- And gain a better insight from Government research

Where: London

When: June 9th 2015 4.30 pm – 6.00 pm networking until 7.00 pm

Further details will be available at www.acid.uk.com



23rd April 2015
BPI London
6-8pm
Francis Gurry,
Director General of WIPO,
Keynote Speaker



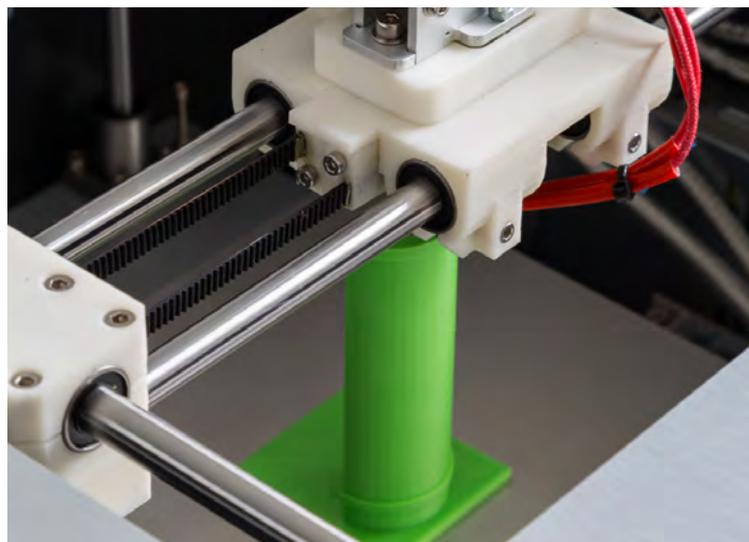
9th - 10th May
Business
Design
Center, London



17th - 19th May
London ExCeL



A seminar with support from
The IPO and ACID
Legal Affiliate Niall Head
Rapson from McDaniel & Co.
4th June
Business and IP Centre,
Newcastle



Have a look at our Event Calendar for upcoming events on our website at www.acid.uk.com

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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 ©ACID 2015

