

ACID[®]

MAGAZINE

YOUR VOICE AGAINST DESIGN THEFT



Learning with Lizards

**Meet new ACID
Member Animal Teach**

Pages 16-17

**Consultation Action Stations!
How your voice can shape the
future of Design Law**

Page 4

**Robot Wars: Is IP law on your
side with AI?**

Pages 8-9

**Life's a Beech: from simple
idea to life-changing invention**

Pages 10-11

Hello ACID Community!

Autumn is in full swing with a new academic year. **Education & Awareness** is one of the five pillars on which ACID is built. It's not just about ACID teaching our members about intellectual property (IP), but what our community as a whole – the ACID Team, our members, our Legal Affiliates, partners and ambassadors - can share with each other to better protect IP, ideas and continue the Creative Industries' growth as a key contributor to the UK Economy.

This issue's Guest Editor (p6-7) is Chris Oliver, Head of Professional Training at Goldsmiths - one of ACID's longstanding partners and a dedicated advocate of education for design protection. Chris speaks passionately on the importance of education as a "priority to help safeguard the future" for designers. IP is a huge part of this and often comes too late, as we sadly saw at New Designers in Issue 80. It simply must come sooner and more effectively.

Chris also stresses the importance of industries opening their doors to facilitate that crucial education. The Furniture Makers' Company, another longstanding ACID friend, does just that by opening its industry's doors throughout its network to give young people the opportunity to learn all aspects of the furniture business through the fantastic Young Professional Industry Experience (YPIE) Programme. Dids and I were absolutely thrilled with the competition entries we received, answering the question 'why does IP matter to your business/brand'. You can read the winning pieces on p14-15.

The ACID team was out and about at Autumn Fair, Glee and – very excitedly

– back at Decorex this year. ACID Accredited exhibitions such as these are a prime opportunity to educate exhibitors and exhibition organisers on respect, ethics and compliance in IP. The recent ACID Exhibition Know-How webinar with Legal Affiliate Kelly Hudson, Director at McDaniels Law, had excellent hints and tips, whether you're a seasoned exhibitor or new to the scene, which we've summarised on p20-21. Of course, the best part is meeting our members in person!

What I love about our membership is the diversity of skills and businesses within it, all very different but all united by creativity and IP. Not only are our members designers, manufacturers and creatives making things to bring joy and decoration to the lives of others, but many of our members strive to enhance others' lives and improve their ability to navigate challenges through ground-breaking products and services.

New ACID Member, Beech Band (P10-11), is the brainchild of Carl Beech, CEO of the young-onset Parkinson's charity Spotlight YOPD. The prototype of their tapping band has profoundly calming effects on stammers and tremors, enabling those with

Parkinson's and many other conditions live more comfortably and confidently. We are absolutely delighted to be supporting them along the design journey.

Not only are our members using their experiences to educate and improve the lives of others but bring new experiences to people and broaden their horizons in areas they never knew existed through education.

Marion and I had our most unforgettable Zoom yet, when we met Animal Teach founder Naomi Ennis, who was surrounded by over 50 tanks housing all manner of 8-legged, 4-legged and no-legged friends! Animal Teach (p16-17) brings joy and learning through hands-on experiences and workshops, creating her own resources and learning programmes to excite, engage and educate all ages. Sadly, not even education is immune from copying, so we're with Naomi every step (or slither!) of the way.

YPIE, Beech Band and Animal Teach couldn't be more different if they tried. Yet they all have one thing in common; bringing opportunity and unity through education and awareness. All of these novel ideas and initiatives rely on IP to ensure their continued success.

Speaking of successes, ACID member Chasing Threads, recently triumphed over retail giant Flying Tiger with an alleged copy of owner, Em Royston's, stitch passport cover (p12-13).

As always, ACID Legal Affiliates are on hand to translate the latest legislation into accessible IP education. In this issue, Robert Lands of Howard Kennedy gives us the very latest on AI and Gavin Llewellyn of Stone King explains the latest risk to trade mark infringement from online marketplaces.

Last, but certainly not least, the Design Consultation is looming and we need you all to help us with a collective, unified and... **most importantly...LOUD...voice!** Dids' call to action (p4) will give you all the motivation you need to help us campaign and educate for change.

Please don't forget to reach out if you ever have any questions or concerns, or a story to share. Enjoy the magazine, enjoy the rest of 2024 and look forward to a period of rest and reflection as the year draws to a close.

We have achieved so much together, and we can achieve so much more in 2025.



Laura Newbold Breen, ACID CEO

Laura and Amica



Blade and Rose



Lows of Dundee



Laura with Megan Walker of McDaniels Law and Ann Bond, ACID



Moongazer cards



Lola Designs



ONCE-IN-A-DECADE OPPORTUNITY: Shape the Future of Design Protection – Your Voice is Key to Real Change!

We have cajoled and slowly made paces to get where we are with the creation of a designs' consultation against all odds, waiting patiently for over twelve years. On several occasions, it was doubtful and there was pressure from all sorts of quarters for this NOT to happen. Without delving further, getting as far as persuading government of the need for the creation of a design and IP consultation was the result of many meetings, responses to other consultations and countless conversations that Nick Kounoupas and I have had to raise awareness about the need for design law reform.

This consultation will be based on the results of earlier **Call for Views** and **Questionnaire** in 2022 and will focus on simplifying a very complex set of design law. The original Calls for Views asked, "Is the design law framework fit for purpose". In our opinion, it is not.

In today's rapidly evolving creative landscape, the challenges posed by intellectual property (IP) infringement, especially copying in the design sector, are more chilling than ever. As members of ACID, you are already deeply aware of how imitation erodes creativity, undermines genuine innovation, and threatens the livelihoods of designers and creators. The forthcoming Designs and IP consultation presents a rare and

experience with how the system can fail creators – how loopholes and inadequate enforcement leave space for behemoth businesses to profit at your expense. Your unique perspective, whether you've faced the frustration of seeing your designs copied with no recourse or had to battle through expensive legal ping pong to protect your work, is invaluable. By sharing these stories, we can illustrate not just the individual harm and mental stress caused by IP infringement, but also the broader damage to the industry, innovation, and the economy.

Every story you share adds depth to our collective case. Whether it's a detailed account of a specific instance of copying, the legal battles you've fought,

The time is now to galvanise our efforts.

vital opportunity to shape policy and protect original work, and now more than ever, your stories have the power to drive meaningful change.

Policy discussions around IP and design protection are no longer driven solely by hard data. Increasingly, narrative – the human stories behind the data – is becoming just as important. This is where your voice can make a critical difference. Case studies rooted in real-world experiences of copying, unfair competition, and IP infringement will provide the context policymakers need to understand the true impact of these issues. Data can show trends, but stories reveal the lived realities, highlighting the personal and professional costs of design theft and the value of stronger IP protection. Not to mention the stress.

We know many of you have firsthand

or the preventive measures you've had to implement, your experiences make abstract issues tangible. Policymakers need to hear about the emotional toll, the financial losses, and the stifling effect copying has on creativity.

The time is now to galvanise our efforts. Let's ensure that the narrative driving new policy reflects the reality of those most affected. Your case study could be the example that tips the scales, prompting stronger protections and meaningful reform. The consultation is a platform where our voices can be heard – let's use it to safeguard the future of original design.

We will be writing to you shortly with more details about the consultation and how you can respond. In the meantime, please write to me personally with your case studies - info@acid.uk.com



Dids Macdonald OBE
Director of Public Affairs/IP
Policy & Campaigning

Has the Government downgraded IP?

Following the general election and the installation of a new Labour government, a new Intellectual Property (IP) Minister has been appointed.

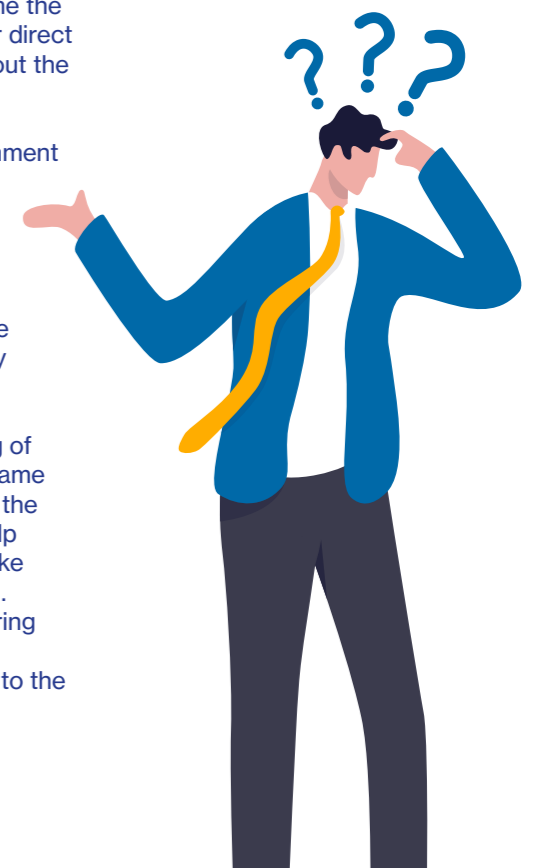
Or perhaps one has not been appointed after all. **It's not very clear is it, perhaps deliberately so?**

Feryal Clark has been appointed as the "Parliamentary Under-Secretary of State for AI and Digital Government" and we wish her every success in this demanding brief. The observant reader will notice however that neither the words "Minister" nor "Intellectual Property" appear in her title, but the Under-Secretary of State for AI and Digital Government has been given responsibility for the Intellectual Property Office and the Copyright Tribunal in addition to a multitude of responsibilities across the AI and digital space. Whilst we have had many IP Ministers over the last ten years, we were sad to see the last incumbent Viscount Camrose go, not for any party-political reasons but because he took the trouble to understand the various sectors in the IP landscape and to get to know us all. We hope that the new Under-Secretary of State will have the time to do the same and we welcome the opportunity to engage with her direct so that she can learn more about the design sector.

Whilst supporting the establishment of a proper regulatory framework is obviously crucial to the future of business activity in the UK, so is the proper protection of IP, especially as in many cases the unfettered growth of AI directly impinges on IP protection. It is therefore hard not to see this appointment as a downgrading of IP by the Government, which came to power promising to support the creative industries and also help revitalise the economy and make the UK more competitive again. How it plans to do this by ignoring the importance of IP is hard to understand. So important is IP to the

well-being of UK plc, that we have in these columns previously advocated, that the IP Minister should sit in the Cabinet. But it seems that now we don't even have a Minister dedicated to IP and IP alone.

Added to our concerns is the fact the Under-Secretary of State is housed within the Department of Science Innovation and Technology, rather than within the Department for Business and Trade (DBT). IP is really a business issue and the DBT in our view is its rightful home. It is also our view that IP is neither a legal nor a scientific issue. Until the Government realises this, we fear that UK Plc will lag behind our competitors in the protection of our rights owners giving them the confidence and encouragement to design, create, and invent our way out of this economic mess.



Nick Kounoupas,
ACID Chief Counsel and IP
Director

Education in Creation

As I write this, we are watching future generations of creatives take their next steps, be that the start of the new school year, taking a leap into further education, or finding additional independence through higher education.

The question I ask myself and the creative industries is, what is our responsibility to these individuals?

Education at any level should be viewed as a key component to empower individuals as well as wider society. Equipping someone with the skills and knowledge to move themselves forward should not only be considered the right thing to do but, unfortunately for the craft-based industries, be seen as a priority to help safeguard the future.

We have seen the ever increasing presence of the internet and AI impact on industries, as the world around us shrinks, take a look at your Instagram stories and look at the international audience you are now exposed to, the uniqueness of someone's creativity and processes has the potential to be its most celebrated whilst also being at its

The most exciting ideas of the next generation are the things that will help us maintain our relevancy, providing someone with the guidance around intellectual property (IP) should be a cornerstone of their learning journey

most vulnerable. For every branding and marketing company that encourages someone to "share their process" or "tell them your story", how many emerging businesses are equipped with the knowledge and understanding to protect themselves at the same time? The most exciting ideas of the next generation are the things that will help us maintain our relevancy, providing someone with the guidance around IP should be a cornerstone of their learning journey. We know the value of this but in this area, as with so many, we are signposting after the event when we should be empowering the protection knowing that there is support should they require it. I was delighted to see ACID at this year's New Designers 2024, taking this opportunity to share their message.



Having spent most of my career supporting people to enter the creative industries I cannot stress the importance of finding the most productive way of including industry within education. The creative industries need individuals who have the opportunity to, not only learn the theory but also apply it practically and with context. Many businesses I have worked with are willing to do this and this is alongside the many training providers I have collaborated with who are keen to embrace industry, but I would now ask us to both challenge and support

the government, to ensure that as they consider their approach to the education system and how to stimulate the growth of the economy that they give meaningful consideration to enable this type of collaboration. There is a need to provide us all with the appropriate incentives which enable businesses to release their highly skilled members of staff to make the meaningful contributions that they are keen to make, whilst ensuring that organisations such as ACID are signposted to help emerging businesses move into their careers with the confidence to succeed.

Through the work of the Goldsmiths' Centre, I hope that we have and can continue to bring industry closer to the next generation of craftspeople and businesses, link them with supports and contacts in a meaningful way, and perhaps most importantly showcase them as aspirational figures

I know that the journey we have set out on has only been achievable due to the support of our partners within this industry

which inspire future generations to follow them. I know that the journey we have set out on has only been achievable due to the support of our partners within this industry but if there are providers or businesses that would like to share their experiences with us or even learn from ours, please consider this an open invitation for discussion because for those of us that wish to see the creative industries flourish, I cannot help but think that, in part, their dreams are our responsibility.



GUEST EDITOR

Chris Oliver Head of Professional Training

Since joining the Goldsmiths' Centre to lead the Professional Training team, Chris has overseen the evolution of its Foundation Programme as a gateway to the Goldsmiths' Company's Apprenticeship scheme, and employment within the industry. Alongside the technical skills training Chris has worked in helping establish the Goldsmiths' Centre as a hub for emerging makers and businesses through the delivery of programmes such as Getting Started and the provision of training grants and building relationships with collaborative partners to further the work of the Centre. In addition to the work of the Centre Chris also sits on the National Association of Jewellers National Committee.

www.goldsmiths-centre.org

Generative AI in Design: Is UK Intellectual Property Law on Your Side?

The integration of generative AI in the design process heralds a new era of creativity and efficiency, offering designers unprecedented tools to push the boundaries of their craft. However, this innovation also brings a host of intellectual property (IP) challenges.

The Nature of Generative AI

Generative AI refers to algorithms that can create new content - images, music, text, or even complex designs - based on the data they have been trained on. Although AI can significantly enhance a designer's toolkit, its use in design processes raises questions about ownership and protection of AI-generated works.

Who Owns AI-Generated Designs?

According to Section 9(3) of The Copyright, Designs and Patents Act 1988 (the 1988 Act) the author of a computer-generated copyright work is "the person by whom the arrangements necessary for the creation of the work are undertaken".

The UK is unusual in having this provision, and its inclusion in the 1988 Act was far-sighted, but questions

remain over how it applies to AI generated works. Is the person who made the "arrangements" the AI system developer? Or is the prompt engineer, who drafts the brief for the AI to generate a specific output, the author of the work for copyright purposes?

Further, contradiction exists between this provision and the requirement for a work to be "original" to benefit from copyright. Originality in UK copyright law has evolved from a focus on the effort involved in creation, to a test of whether the output represents the authors "own intellectual creation". Can computer-generated work meet that originality test?

Copyright is not the only form of IP relevant to product design. Patents protect inventions and industrial processes and, most significantly for designers, the UK has two types of unregistered design right, plus a system of registered designs.

Design Rights and AI

Unregistered design rights automatically protect the shape and configuration of new designs for functional products for 10 years from first sale, or 15 years from design creation (whichever is sooner). However, unregistered design rights are limited; they do not protect surface decoration and you cannot refuse to license the design to third-parties in the last five years of protection.

The UK short term "supplementary design right" does protect surface decoration, as well as other aspects of appearance, but lasts only three years from the date the design is made public.

Registered Designs offer protection for up to 25 years, potentially covering the shape, configuration and decorative aspects.

However, for a design to qualify for protection, it must of course be new. AI will often have been trained on existing designs and, if an AI-generated design is too similar to a pre-existing design, it will not meet the criteria for protection.

Designers should consider a multi-faceted approach to IP protection, including registering designs where possible.

Infringement Challenges

The test for copyright infringement is whether the AI-generated design is the same, or copies a substantial part of, the designer's original work. For design right infringement, the designer needs to demonstrate the AI-generated design creates the same overall impression on the informed user.

For copyright or unregistered design right infringement, the designer also needs to demonstrate the AI-generated work is a copy of the original, i.e. the AI has not come-up with a similar design independently; a challenge if the AI system has been trained on a vast and diverse dataset, making tracing the output source very difficult.

Helpfully, there can be an inference of copying where the output is so

similar or where the designer can demonstrate that the infringer has had access to the original design. In some cases, a forensic analysis of the AI's training data and the processes it uses to generate designs might be necessary to show that the design has been copied.

Protecting Designs

Designers should consider a multi-faceted approach to IP protection, including registering designs where possible. Maintaining detailed records of the design process, including sketches and prototypes, can help establish ownership and originality and the ACID IP Databank is a valuable tool here. However, don't confuse that process with a formal registration of the design with the Intellectual Property Office.

Designers should look at the terms and conditions of AI tools they use - does the tool claim ownership of the IP in its output? Contracts can also help when working with AI developers and operators. Agreements should clearly outline the ownership of AI-generated designs and the responsibilities of each party, including the use of training data and human oversight.

Looking Forward

The use of generative AI is likely to become increasingly widespread. At Howard Kennedy, our use of AI for client work is restricted, particularly as it has a tendency to make things up! But I used Co-Pilot (Microsoft's generative AI) to assist with the structure of this article. The first two paragraphs were written entirely by AI.



Legislators are grappling with the unprecedented challenges of AI. The EU recently passed the world's first comprehensive AI legislation, the AI Act, which introduces data governance and transparency requirements. The UK has been less proactive. The previous Government initially favoured a pro-technology approach, proposing to make it easier for AI companies to use copyright works for "data mining". This was abandoned after objections from the UK's creative industries. It remains to be seen whether the new Government will legislate for AI.

Meanwhile, there are a number of Court cases in the works, particularly Getty Images v Stability AI which could be hugely influential on the application of IP law to AI. However, that case is not due to be heard until Summer 2025.

While generative AI offers immense potential for designers, it also introduces significant IP challenges. By staying informed and proactive, designers can better position themselves to harness the benefits of AI while safeguarding their IP.



Robert Lands,
Partner, Head of IP & Commercial
Howard Kennedy LLP

www.howardkennedy.com

ACID Legal Affiliate Robert Lands
with CEO Laura at Decorex 2024



Tapping into Success; How new ACID member Beech Band could help more than just Parkinson's



A couple of years ago, after years of symptoms, I was diagnosed with young-onset Parkinson's disease (or YOPD). Parkinson's is a progressive and degenerative disease that's caused by the ongoing death of your dopamine neurons. Dopamine is a neurotransmitter as well as the "reward buzz" hormone.

Parkinson's comes with about 40 symptoms; we don't have them all and the disease affects us all differently. I won't go into all the details of how Parkinson's affects me but suffice to say it has quite a brutal affect on my day-to-day life and, in particular, I was struggling with my speech. From slurring to a kind of weird word block where I know what I want to say but my mouth muscles just won't let me form the words.

I was told the only solution to this was to speak slowly.



I refused to accept this and started to experiment with different non pharmaceutical methods to improve my gait (I drag my leg) and overcome anxiety attacks caused by the depletion of dopamine.

To cut a very long story short, one night after a bit of experimenting, (whilst eating a double decker) I

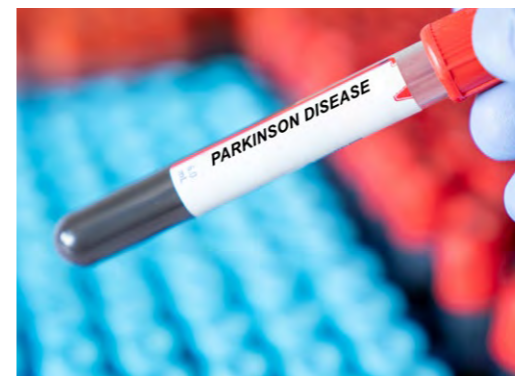


developed a method of tapping that enabled me to speak fluently. I nearly fell off my chair. I couldn't believe it! I also realised that, whilst tapping, my face-masking (a lesser ability to form facial expressions) reduced and I felt pretty good.

As a result of this, my friend Nick (I affectionately call "Q" from the Bond movies) built a prototype device. To our amazement it worked. What followed was even more baffling to us and highly moving. We found that the

device also reduced or stopped tics, motor symptoms in Tourette's, benign essential tremor, anxiety, improved gait, unblocked freeze in Parkinson's and even settled symptoms in other autonomic conditions.

Since the discovery, we have formed a limited company and started to feverishly develop a number of prototypes, all of which have had an amazing impact on people's lives, as does the tapping method. It's not unusual for people to cry when they



supportive. We believe we have something unique and precious to be custodians of, so it needs to be protected from copycats who may build devices that simply don't work as effectively. Having ACID's support and protection has been a huge comfort. It's going to be a long journey and we are aware that things are not always easy but being part of this community is greatly reassuring.

Suffice it to say we are extremely grateful to ACID for their early advice and input.

feel that they are getting elements of their lives back. However, the device is more effective than the tapping method because we don't have to think about tapping, and because the device is more consistent than we are - something that's especially important if you have motor control issues or are feeling overwhelmed.

Nick and I share the same values and we intend to build a business that helps as many people as possible by supplying a super low-cost device, as well as supplying as many freely to poorer nations and communities as possible. We also plan to give at least 25% of profits to charities working in the fields of neurology and deprivation.

It's been a whirlwind. We have secured a British manufacturer, developed an amazing advisory group of researchers and clinicians, are moving speedily towards manufacture and are planning for global distribution.

Suffice it to say we are extremely grateful to ACID for their early advice and input. They were proactive in reaching out and have been amazingly

We're excited about the future and feel all the more stronger for being a member of ACID. Now we just need to get these devices out there!



Carl Beech and Nick Whiteley
Beech Band Ltd

f Beech Band Ltd
@ @beechband

Carl Beech is CEO of the charity Spotlight YOPD, formed specifically to support those with Young Onset Parkinson's disease.

TAMING THE BIG (COPY)CATS!

ACID MEMBER CHASING THREADS' SUCCESS AGAINST FLYING TIGER

From tote bags to luggage tags, the Chasing Threads brand is known for unique, memory-making practical creations. Em's stitch passport cover allows travellers to mark each country they've visited with a stitch, making for a product that is both practical and memorable!



Em Royston
Managing Director of Chasing Threads

www.chasingthreads.com

Em Royston, Managing Director of Chasing Threads, has been a member of Anti Copying in Design (ACID) for many years. Her wonderful creations bring so much joy to so many through products that are functional, engaging and treasurable.

Sadly, like so many with great ideas, Em is no stranger to the copyists stealing a great idea and making a substandard product for financial gain. Em contacted ACID and its Legal Affiliates, McDaniels Law, early in 2024 as she had been made aware of a remarkably similar product being sold online by Danish retailer, Flying Tiger.

At this point, Em had been selling the passport cover for approximately 8 years meaning she was still within her unregistered design right period of protection. Her treasured design is stored in the ACID IP databank, so she had proof of ownership for her unregistered rights. Moreover, Em could claim copyright in her works. But would that be enough to deter Flying Tiger?

As an ACID Member, Em also utilised her free hour's advice with McDaniels Law - who were on hand to support Em if she wished to pursue legal action.

However, just like so many ACID Members, Em is an independent



designer-maker, so pursuing retail giants is often a daunting and expensive undertaking that has to be carefully weighed up. ACID always advise careful consideration of options and have had previous successes acting for their members via direct letters, press releases and social media via a non-accusatory but firm approach. So, we were champing at the bit to get on the case for Em.

Dids Macdonald OBE, Co-Founder and Chairman of ACID, wrote a strongly worded, "without prejudice" letter to Nikolaj Vejlsgaard, Chairman, and Martin Jermiin, CEO, of Flying Tiger. In her letter Dids argued the similarity of the products on sale at Flying Tiger to Em's original designs



and the financial implications this can have on a lone designer.

The letter was also sent to the Danish Minister for Economic Affairs, Simon Kollerup for good measure and the UK's Minister for Intellectual Property & AI, Rt Hon Feryal Clark, MP as well as the British Ambassador in Copenhagen!

The letter included the following reminder about global corporate responsibility, "We were most interested to read about the high priority which the Danish government places on innovation reinforced by your Minister for Economic Affairs, Simon Kollerup, in the recent publication on the protection of Danish intellectual property rights and feel sure that this also applies to the respect, compliance and ethics of intellectual property rights belonging to others".

We were, therefore, heartened to



receive a response from **Sidsel Bregnhøj Hyldig**, Head of Global Intellectual Property at Flying Tiger. Though Flying Tiger did not accept explicitly that the product was a copy, they did agree to remove it from sale and order no further products, globally.

Ms Hyldig said, "Although we disagree that the product sold in our stores is a copy of the Chasing Threads Ltd product - there are some unfortunate resemblances. We thus made a business decision to immediately stop sale of the product and already yesterday sent out instructions thereof to all stores. For the sake of good order, we furthermore confirm that we will not re-order this product".

To receive a response and immediate removal of sale was a positive outcome for Em who can now continue selling her product safe in the knowledge that cheap Flying Tiger replicas are not stealing her livelihood. ACID was quick to respond to Flying Tiger, reassured about their stance regarding all allegations of intellectual property (IP) right infringement and that they articulated their policy of respect for third-party IP rights.

Em Royston said "It is always horrible to find a product that resembles yours on the market, but it is 100 times worse when it is found within a huge global retailer. It can feel so

difficult as a small brand to even know how to fight or be heard against a huge company, so I have really appreciated the support of ACID and Dids Macdonald OBE in taking action to contact Flying Tiger's CEO and Head of Global Intellectual Property, and also put this in front of the Danish Minister for Economic Affairs. I will forever dispute the idea of 'unfortunate resemblances', but I am pleased that we were able to at least get a reply, and a halt in sales of the copy. I really hope big companies will at the least start to use better due diligence when releasing products that may exactly resemble what is on the market and proactively avoid infringement".

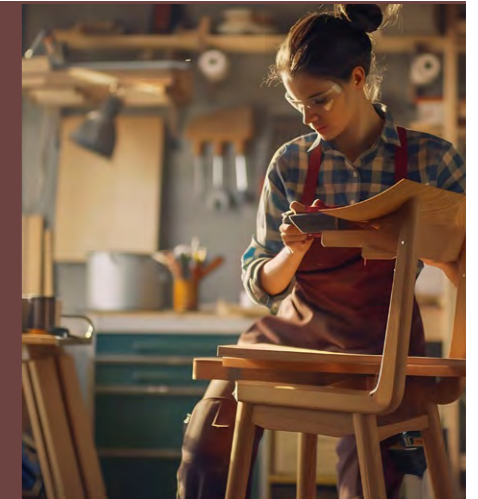
Dids Macdonald said, "The term "unfortunate resemblances" is, in my opinion, a euphemism for downright copying and I am surprised at Flying Tiger for not going that step further and offering Em Royston the rightful compensation that I requested, and she deserved. Hopefully this will send a strong message through to other Goliath copyists that they must be held to account. Brand reputation is all".

Laura Newbold Breen added, "Though it may seem a drop in the ocean amongst all the infringement taking place, this is another massive win for the little guys against retail giants. Long may we continue to chip away at their copycat strategies until they have nowhere to run".

YIPPEE for YPIE!

Education & Awareness Prevails at Furniture Makers' Company

Each year the Furniture Makers' Company runs a three-week intensive Young Professional Industry Experience (YPIE) programme, aimed at educating young people in all aspects of the furniture business, supported by leading UK furniture manufacturers and industry organisations.



ACID kicked off YPIE 2024 with an IP Basics masterclass and competition where delegates were asked to produce 500 words on "why IP Matters to your brand" for a chance to win free ACID membership for a year and bottle of champagne.

This year, Dids and Laura were so amazed by the standard of entries, they awarded a winner and runner-up prize.



Claire Anderson

Assistant Production Manager at George Smith, won first prize with her piece:

Brand is everything to a business, the value of which cannot be overstated. At the heart of a brand lies its intellectual property (IP); creations of the mind such as inventions, literary and artistic works, designs, and names, that are often intangible but set a business apart from its competitors. In today's fast paced, global and competitive markets, why does IP matter?

Protects Unique Brand Identity

Every brand, including yours, has its own unique identity, comprising of logo, product designs and tagline to name a few. This identity is key to how your customers perceive and differentiate your business from competitors. An individual colour scheme or unique product shape can make you instantly recognisable to a customer but imagine if this was copied by another brand or business. Your reputation, sales and customers could all be profoundly affected.

Intellectual Property Rights (IPR's) help to safeguard these elements. Trademarks, Design Rights, Copyright, Patents and Trade Secrets all help guard your brands distinguishing features and provide a legal recourse to address and deter infringements.

Encourages Innovation & Creativity

The protection offered by IPR's incentivises innovation and creativity by ensuring that creators can reap the benefits of their hard work. Substantial investments of time, money and specialised equipment can be needed to design and bring a new product to life. Knowing that innovations are



protected encourages businesses to continue investing in new ideas to drive progress and growth.

Builds Trust & Loyalty

Well-known brands have instantly recognisable IP, we all loved those logo games! From their IP these brands have often built a brand associated with quality and reliability. Customers buying their products or services do so because they trust the brand to meet the standards they expect. These brands have created and won the loyalty of their customers. IPR's protect both customer and brand from counterfeits and copies trying to piggyback from another brands goodwill.

So now you know why IP is a vital asset to your brand and business. It's no wonder that IP was described as the oil of the 21st Century by Mark Getty!

Still not sure on IP, IPR's and how to protect your brand? Speak to ACID.

Tabetha van der Lande

of Sebastian Cox won an extremely well-deserved Runner Up prize, saying:

Intellectual property (IP) is a core part of a business. IP is your personality and your identity shown through your company, design and products. It includes trademarks, brand identity, copyright, design rights and patents. Most of which can be protected; however, trade secrets are hard to protect as they are not physical. It is best to keep these shared in a small trustworthy group.

You can copyright artwork, music, craftsmanship. This could cover my furniture as it can be seen as art or a sculpture. You can patent a mechanism or a function/process, i.e. how the piece of furniture opens or interacts with the person. Registering my logos, fonts and the colours I use for my brand identity. It is not only a logo but what is behind the logo, these are your business values, your quality, your knowledge and your expertise. I don't want to have my identity taken from me as it is hard for a business to come back from. This is covered by a trademark.

It is important to protect my designs and ideas so that someone cannot come along and mass produce my bespoke, handmade, designed-by-me pieces of furniture. A factory could make my work at a fraction of the price on a huge scale and if they can easily copy my design then they can take my clients, market and business away.

If I protect my ideas before releasing them to market, e.g. patenting a mechanism, this means that yes, the product could be copied but the mechanism cannot be. If I can protect my clientele by protecting the products I make, I can secure business. Without protection my clients and income



can be taken away. If I am the only one that can produce my product and there is demand for it, I can gain more interest, customers and potential investors which help grow business as everyone will want what I make! IP is crucial to be protected and locked down. A company will not last long if it is making desirable products with no protection. 'So, protect it or forget it! Imitation is not flattery!' Research existing products and don't get caught out! Losing business due to unprotected IP could close a small business like mine down.

Huge congratulations to all who took part in YPIE 2024 and massive congratulations to Claire and Tab!

Member Focus

ANIMAL TEACH

Faith Capstick, ACID's
Social Media & Communications Executive
interviews Naomi Ennis

Can you tell us about the inspiration behind Animal Teach and how your journey started?

In July 2021, I registered Animal Teach Ltd, not fully understanding what a Limited Company entailed. I joined The Prince's Trust Enterprise Programme, learning about finances, market research, and profit margins. In December 2021, I applied for the Animal Welfare (Licensing of Activities Involving Animals) Regulations (England) 2018 Certificate, a legal requirement for exhibiting animals. With a small grant from The Prince's Trust, I took the next step toward launching Animal Teach Ltd.

After a council inspection, I was awarded my Animal Activity Licence in December. At that time, my social media page had 4 followers, and I had created 12 Educational Workshops. Now, I have over 2,000 followers across the UK, have met more than 15,000 people, and run the first Zoology Kids Club in my area. Animal Teach Ltd has contracts with two primary schools for specialist teaching and consultation, and I've been a guest speaker at corporate events. People recognise me as the 'Animal Teach Lady' or 'Lizard Lady,' and I've inspired all generations to connect with wildlife.

My goal now is to acquire a Zoo Licence and open an Educational Centre.



Faith Capstick,
AUTHOR
ACID's Social Media
& Communications
Executive

What unique products or services does Animal Teach offer, and what sets you apart in the educational space?

Animal Teach Ltd specialises in affordable, sustainable, high-quality educational workshops for various settings, including public and community events, museums, schools, and probation services.

Each event is tailored to individual needs. I meet with customers to discuss activities, timing, and how to integrate the workshops with the National Curriculum or specific goals like Animal Care Badges.

This is not a 'choose an animal package' type of business. I care deeply about my customers, my animals' welfare, and making a lasting impact on those who attend my events. As a once-quiet child, I'm passionate about creating safe spaces that build confidence and skills. Many children who were shy or hesitant with animals are now Junior Zoologists, sharing their knowledge with friends.

Besides workshops and consultation services, I've developed a product line that includes merchandise and natural history gifts aligned with Animal Teach's mission.

How does Animal Teach incorporate creativity and design into your educational tools, and what role does this play in achieving your mission?

For written worksheets, I use Canva to design colourful, engaging materials with text boxes, illustrations, and drawing prompts. These are well-received in workshops and presentations, particularly in my online AQA lessons.

For hands-on learning, I incorporate real-world tools like feeding tongs, animal feed bags, UV meters, and disinfectants, showing what professional animal keepers use. I also use natural history items such as skulls, shells, and taxidermy for anatomy and classification workshops. However, my best teaching tools are my animals. Animal Teach Ltd cares for 50 species, and their welfare is a priority. They've inspired many people, young and old, to overcome fears, build confidence, and connect with the natural world.

What are the main intellectual property (IP) challenges you face

as a company, and how do you address them?

Despite using widely available graphics from Canva, I've seen other businesses in the same industry copying my worksheet designs. It was frustrating as I create all my materials on my own, often late at night. I approached these businesses, sharing how I felt and offering support so they could develop their own unique materials.

How important is it for Animal Teach to protect its IP, and what measures have you taken to safeguard it?

Protecting my IP is essential because all the work I do is my own. I've invested time in developing my skills to provide the best service for my customers. To safeguard my IP, I became an ACID member and limit the images I share on social media to reduce the risk of copying.

What is the best aspect of ACID Membership for your business?

As an ACID member, I've found a strong sense of protection for my business and IP. I can upload materials to a Databank, and displaying the ACID membership logo on my platforms serves as a deterrent to potential copycats.

Have you signed the ACID IP Charter?

Yes. It's free to sign and demonstrates a commitment to respect, ethics, and compliance in design.



Naomi Ennis
Director of Animal Teach

www.animalteach.co.uk

Target (Bad) Practice:

Online Retailers and Potential Cross-Border Trade Mark Infringement



Case update

Earlier this year, the Supreme Court found Amazon's US website liable for infringing a UK trade mark owned by Beverly Hills Polo Club ("BHPC UK") by marketing and selling US-branded goods to UK consumers (Lifestyle Equities CV and another v Amazon UK Services Ltd and others).

Lifestyle Equities CV owns the trade mark for Beverly Hills Polo Club in the UK and EU. An unrelated company in the United States (US), BHP Associates LLC, owns the trade marks for Beverly Hills Polo Club in the US and authorised Amazon US to sell the goods it manufactured there. Amazon US ended up selling some of the LLC's products to consumers in the UK and EU without BHPC UK's consent, amounting to a trade mark

infringement under s.10 of the Trade Marks Act 1994 and Article 9 of the EU Trade Mark Regulation.

The arguments centred around the way in which Amazon marketed the goods to UK consumers via its US website. There was no argument that marketing and selling the US-branded goods in the UK or EU would be an infringement of BHPC UK's trade marks. Amazon's position was that it was not doing that.

Infringement was found because Amazon US actively targeted customers in the UK by displaying certain goods on its website and marketing those goods as available for shipment to the UK.



What is the law on targeting?

The concept of targeting ensures that trade mark protection is upheld within the relevant territorial boundaries in which a mark has been registered. Problems frequently arise in the context of platforms that are deliberately directing sales promotions to consumers in other countries for goods with identical or similar trade marks to trade marks which have been registered in that country, thereby infringing those trade marks.

Aside from possible counterfeiting and piracy issues, targeting overseas customers can disrupt licensing arrangements which grant rights to use trade marks to different traders in different territories for genuine goods, usually with an obligation not to make active sales outside the licensed territory.

When considering whether targeting has taken place, the courts will apply the "average consumer test" which asks the question whether an average consumer would conclude that the relevant trader or retailer is directing its activity towards consumers in the territory where the alleged infringement has taken place (in this case the UK).

How can proprietors of UK trade marks identify targeting?

In the *Lifestyle Equities* case, the Supreme Court identified evidence of Amazon US' targeting of UK consumers by:

- providing a "deliver to the United Kingdom" message on pages selling the relevant goods to any consumers with a UK IP address, a pop-up box directed towards UK consumers relating to goods which were available for delivery to the UK and "ship to the UK" option on the final review page before customers submitted orders;
- labelling the goods on offer which were available for delivery to the UK;
- providing space to input UK addresses;
- providing the option to translate the purchase price from Dollars to Pounds Sterling;
- order details at check-out which were calculated specifically for an offer to supply and deliver the goods to the UK; and
- having the relevant arrangements in place to transport the goods to the UK.

Even if the goods had not been marketed in such a way as to target UK customers, the resulting sale of the goods (using the same/similar trade marks as those registered in the UK) to and acquisition of those goods

ACID Legal Affiliate Gavin Llewellyn
with Head of Membership Marion at
Decorex 2024



by consumers in the UK would have amounted to trade mark infringement.

This sends a strong message to global retailers to consider how they can modify their websites to avoid the risk of infringing trade marks that have been registered in the UK. Proprietors of UK trade marks also now have clearer guidelines on what to watch out for as evidence of non-UK websites targeting consumers in the UK, strengthening the position of trade mark holders in the UK. That being said, each case will need to be decided by consideration of the individual facts and evidence presented and whether the relevant signs of targeting are present.



Gavin Llewellyn,
Partner
Stone King LLP

www.stoneking.co.uk

Exhibition Education

There are three key areas of concern when it comes to exhibiting but, if you do your homework, these are easily tackled.



Publicising Products

This is the primary reason for going to an exhibition! Making your product public wins sales; but it can also mean it is vulnerable to copying. So, what can you do?

1. Know Your IP Rights

Trade Marks – a registrable right lasting potentially forever, which protects your brand name, company name and product names, even sounds and sometimes smells! There are 45 classes (34 goods classes & 11 services), so get legal advice as to where your trade mark needs to be registered.

Design rights – Registered design rights last 25 years if renewed every 5 years and give you the maximum scope of protection; shape, colour, texture, material, contours, lines and ornamentation. Always get legal advice before registering your design to ensure you get the right scope of protection for your product. Unregistered rights last between 3-15 years but protect

just the shape and configuration. Supplementary rights last 0-3 years and replace the old EU unregistered right in the UK.

Copyright - lasts for the life of the author plus 70 years. It is an automatic right in the UK and covers all manner of creations including music, drawings, architectural plans, written works, packaging design...a very extensive and valuable right.

Patents - whilst a very significant IP right, are not usually applicable to designs. However, they are usually for inventions and last for 20 years. The most important watch point is not to publish information about them before they are granted.

2. Strengthen Your Rights

Once you know your rights, maximise them. Copyright work needs to be recorded and ownership evidenced. Ensure your trade mark is registered in the correct classes and territories and check if your design is registered or

registrable, and properly protects your product. If you're relying on unregistered design rights, upload them to the ACID IP Databank.

If you're in any doubt about what rights you have, or should have, seek legal advice. ACID Members benefit from 1 hour's free advice per issue or question from any of our 6 legal affiliates – a great tool for the armoury.

3. Keep Evidence

The ACID IP Databank gives you an all-important audit trail for copyright and unregistered design work. Utilise TM and ® for trademarks and © for copyright. Keep registration numbers and documents to hand OR make sure you can access them quickly at exhibitions should you need to.

Don't forget, if you're an ACID Member, displaying the ACID Membership logo is a proven deterrent to copycats!

Camera Phones

Unsure about allowing photography? Our advice is simple. DON'T!

Nobody should be taking photos without your permission. If you decide to allow anybody to take photos, make sure you get their business card. This will help if a copy of your product turns up in future!

If you're exhibiting at an ACID Accredited exhibition, get hold of an ACID 'No Photography' sign from our stand. It's a great deterrent!

Competitors and Copies

Every cloud has a silver lining and this is your golden opportunity for

some covert due diligence on your competitors and any copycats.

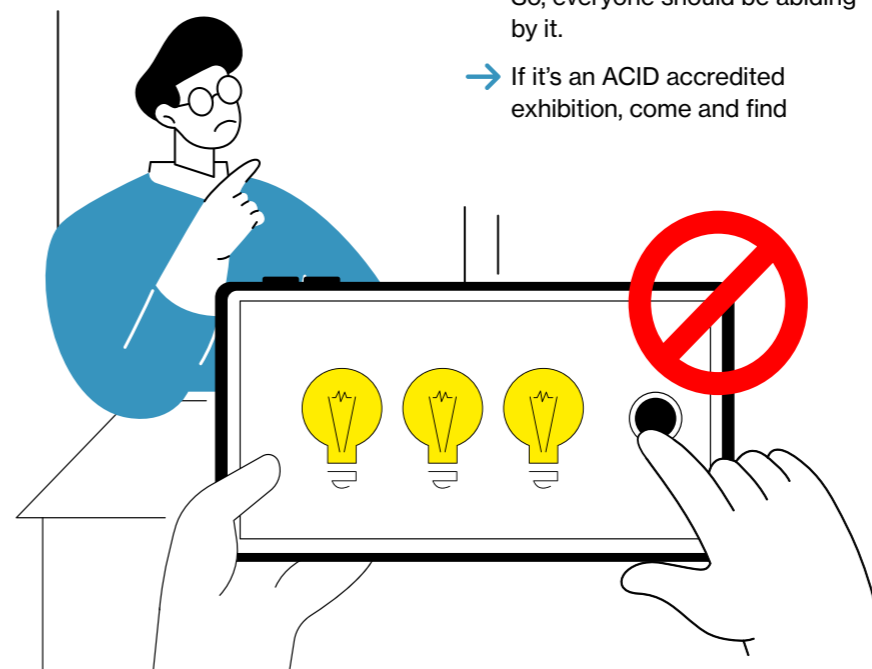
Look at which other traders will be attending the exhibition, assess what type of products they sell and whether any of them appear similar to yours. If you're concerned about the position of a competitor, speak to the exhibition organiser. When you arrive at the exhibition, walk around and see what your competitors are doing

If you suspect copying, take action. However, don't approach the alleged infringers stand yourself. Instead:

- Have your lawyers' contact details to hand
- Find out who is responsible for enforcing the trade shows rules/terms and conditions when you arrive. You will have signed the same contract as everyone else! So, everyone should be abiding by it.
- If it's an ACID accredited exhibition, come and find

our stand. ACID accredited exhibitions are subject to a strict exhibition protocol. In summary:

- This is a discreet and nonconfrontational approach for complaint handling in respect of any infringement of intellectual property (IP) rights raised with ACID during an exhibition.
- ACID's Legal Affiliate (LA) will visit the stand to assess if the product is infringing in a courteous and non-confrontational way, to convey the details of the complaint simply and to invite a response from the alleged infringer
- If the infringement is upheld, the LA will invite the exhibitor to remove the product from their stand for the duration of the exhibition (take down).
- If any action is required post exhibition, the LA will advise.



ACID Legal Affiliates McDaniels Law with CEO Laura at Autumn Fair 2024

Key learnings!

- Know your rights and strengthen them before you go!
- Don't allow photography without obtaining permission and details. Use an ACID No Photography sign!
- Monitor your competitors and any suspected copies.
- Keep your lawyers' and ACID's contact details close to hand
- Don't approach the alleged infringer yourself!

Member SHOUT OUT

A warm welcome to some of our new members. We have been delighted to share their work through our social media channels. Keep up with our latest news on Facebook, X and Instagram.



CM PretLove

Chris specialises in bespoke furniture and custom cabinetry. His work exemplifies the perfect blend of traditional woodworking skills and modern design aesthetics. Whether it's a handcrafted bespoke desk or a sleek, modern kitchen, Chris brings a meticulous eye for detail and a passion for quality to every project.

Explore more about his stunning creations at cmpcabinetmaker.com and see how he can transform your space into something truly extraordinary.

@cmpretlove
www.cmpcabinetmaker.com



Powder Butterfly

Founded by the talented British designer Corinne Lewis-Ward, creates stunning, design-led gifts and souvenirs inspired by the rich cultural heritage of the UK.

Their unique products, including beautifully crafted homeware and accessories, celebrate iconic British landmarks and traditions. Perfect for anyone who loves British design, their collections are created with passion and precision.

@powder_butterfly
www.powderbutterfly.com



Julia Brendel

Founded by designer Julia Brendel, her brand is a celebration of cultural heritage and intricate craftsmanship. Inspired by Julia's Hungarian-Polish roots, she creates luxurious home textiles and wallpapers that blend traditional patterns with contemporary style.

Each piece is thoughtfully designed, ensuring exceptional quality and timeless elegance.

@juliabrendelltd
www.juliabrendel.com



PetPen

PetPen is dedicated to creating innovative, eco-friendly, and stylish pet crates that stand out in quality and design. From their UK-based operations, they focus on sustainable and responsible production, ensuring our furry friends have the best without compromising the planet. Their crates are all about, style, comfort, ease of use for assembly, portability and safety for your pooch.

@petpen.co.uk
www.petpen.co.uk

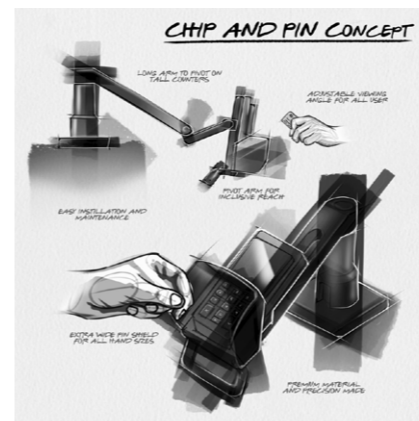


Animal Teach

Animal Teach is dedicated to educating children about wildlife and the natural world through interactive learning tools. Their innovative education-driven talks feature little beasts and interactive games which bring the joy of discovery to life for young minds.

With 16 years of experience as a trained zoologist, zookeeper, and teacher, Naomi knows how to inspire our young minds all about animals and the natural world.

@animalteach
www.animalteach.co.uk



IDEAS

IDEAS specialise in the design, manufacture, and installation of ergonomic and inclusive customer counters. Their solutions are trusted by leading organisations across various sectors including rail, retail, and hospitality.

@ideaslimited
www.ideas.ltd.uk



House of Ballard

House of Ballard, led by British artist Sue Ballard, is your destination for luxurious and eclectic designs. Their curated collection of bespoke products, unique collaborations, and in-house creations are all infused with a playful spirit.

Their studio is a dynamic space where they push creative boundaries to craft stunning, thought-provoking pieces. Each design showcases dedication to art and exceptional craftsmanship. Discover the beauty and uniqueness of House of Ballard today, taking on commissions and bespoke work for organisations and individuals.

@house.of.ballard
www.houseofballard.com



Furnished with Style

Furnished With Style specialise in transforming spaces with their exquisite range of handpicked furniture and home accessories. Their curated collections blend timeless elegance with contemporary trends, ensuring your home reflects your unique style.

From luxurious sofas to stunning decor pieces, they provide high-quality, stylish solutions for every room.

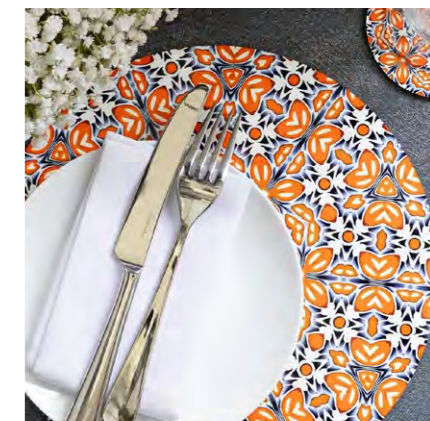
@furnishedwithstyle
www.furnishedwithstyle.co.uk



Christine Allan Artist

Christine is a talented watercolour artist whose distinctive colour palette infuses her art with magical whimsy. Her themes often celebrate the beauty of Scotland and its flora and fauna, bringing a unique charm to her creations.

@xtine_art
www.christineallanartist.com



Doodle Pippin

Doodle Pippin is renowned for their art craft using the unique millefiori technique. This simple yet intricate process involves repeated folding, rolling, and stretching of clay (or molten glass) to create beautiful 3D patterns called 'canes.' These designs run through the cane like words in a stick of rock, ensuring each piece is a true work of art.

@doodlepippin
www.doodlepippin.co.uk



Designs in Mind

At Designs In Mind, creativity knows no bounds. This incredible organisation brings together designers and makers living with mental health challenges to produce stunning, high-quality design products. Their unique approach not only fosters artistic expression but also promotes mental well-being.

@designs_in_mind
www.designsinmind.co.uk

New Members

ACID welcomes the following new members to the ACID Community

Company	Industry	Company	Industry
Beverley Hicklin	Other	Sew Needlejuice	Other
Sea Bramble Ceramics	Ceramics	Cirruz Limited	Product Design
Animal Teach Ltd	Education	Guildhall School of Music & Drama	Product Design
Work'n Diversity	Education	Marek Cichowski	Product Design
Dance Wicked - Rebecca Clarke	Fashion	Novocuris	Product Design
Case Furniture Ltd	Furniture	PetPen	Product Design
Foris Studio Ltd	Furniture	May Wild Studio	The Arts
Lund Design Ltd	Furniture	Billbo UK Ltd	Toys
The Cotswold Company	Furniture	Artichoke (Kitchen & Cabinet Makers) Ltd	
Lloyd Feathers	Garden Products	Asset Protection and Licencing Ltd	
Ink and Ivy	Greetings Cards	BeechBand Ltd	
Summer Thornton	Greetings Cards	body pH	
LULU B TLD	Jewellery	Creative Zealots Group Limited	
Mathmos	Lighting	George Smith Ltd	
The Notable Group Ltd	Lighting	Nat Moss Art	
Pip Probert Garden Designer	Other	The Devon Screen Company	
Reviive Sports Limited	Other		

Anti Copying in Design Ltd

All Mail to:
Anti Copying In Design Ltd
Fetcham Park, Lower Road,
Fetcham, Leatherhead,
KT22 9HD

Membership Office:

+44 0800 080 3230

Email: info@acid.uk.com

Online: www.acid.uk.com

Social Media:

 @ACID_tweets

 Anti.Copying.In.Design

 anti.copying.in.design

ACID Registered Office:
Fifth Floor, Suite 23, 63/66 Hatton
Garden, London, EC1N 8LE
Company Reg. No 3402512.
VAT Reg. No 707 5923 23

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 2024



www.carbonbalancedpaper.com
Stanbury Chameleon Reg. 2222

Events

Decorex International

Oct 6-9, 2024

ACID Lunchtime Learning – Generative AI in Design: Is intellectual property law on your side?

Online Webinar
Oct 9, 2024 12:30pm

DCA Autumn Conference - Savvy selling: Intellectual Property for retailers

Thursday, Oct 17, 2024
10.35am-11.05am

The 695th Lord Mayor’s Lectures: Intellectual Property – IP Is A Business Matter Not A Legal Issue

Friday, Oct 18, 2024
11:00 AM – 11:45 AM

ACID Lunchtime Learning - Combating Fraudulent Websites

Online Webinar - Oct 24, 2024 12:30 PM

Crafting Your IP Strategy: Understanding Intellectual Property & Design Protection

Wednesday, Nov 13,
11:30-1pm

ACID Lunchtime Learning: IP Basics Online Webinar

November 21,
12:30-1:30pm

ACID's Joining Criteria for New Members

In accordance with our policy that all new members are provisional members for the first 6 months of their subscription period, a list of all provisional members is available on request and will be published by industry sector in the next ACID newsletter. In the event that there is any complaint against a new member, please write to the Chief Executive Officer 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 Officer 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.

A MEMBER OF

