

# Industrial Property Rights



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# Learning outcomes

- Student is able to define and explain the rules for the protection of industrial property and copyright law;
- Student has knowledge of patent policy and procedures for obtaining a patent in the European Union and in the world;
- Student has the ability to distinguish all categories of industrial property goods;
- Student is aware of the importance of the intellectual property and is aware of penalties resulting from the infringement of intellectual property.

# How to learn?

- This course could be taken using a “self directed” learning approach.
- For those attending “full time” courses a lecturer will be directing your learning using the learning materials available.
- For those enrolled on a “part time” basis a mixed approach could be employed.
- Please see below recommendations for each of the situations:

# Funding

- This training material has been developed within the framework of the **International Master for the Furniture Sector (IM-FUTURE)** project.
- The project is implemented within the framework of the **Cooperation for Innovation and the Exchange of Good Practices** Key Action and is funded by the **Erasmus+ Programme** of the **European Union**.

# How to learn?

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- For those attending “full time” courses a lecturer will be directing your learning using the learning materials available.
- For those enrolled on a “part time” basis a mixed approach could be employed.
- Please see below recommendations for each of the situations:

# How to learn? Self directed approach

- We suggest the following sequence:
- Read the slides and reflect on the content.
- Read the additional text available where information is more detailed.
- If possible discuss with a colleague or register for a “Forum” and express your views.
- Test your understanding by taking the test at the end of the PowerPoint Presentation. Aim to score at least 70%
- If there are aspects that you find interesting and want to explore further access one of the texts recommended in the Bibliography

# How to learn? Full time approach

- Attend all classes and the lecturer will provide explanations while showing the slides.
- Read the additional text available where information is more detailed.
- The lecturer will organise opportunities for you to discuss the content of the course so that you understand.
- Test your understanding by taking the test at the end of the PowerPoint Presentation. Aim to score at least 70%
- The lecturer will present a task for you to complete that will enable you to better understand the topic. The nature of the task depends on particular circumstances.
- If there are aspects that you find interesting and want to explore further access one of the texts recommended in the Bibliography



# How to learn? Mixed approach

- Read the additional text available before attending the face to face classes.
- Attend all classes and the lecturer will provide explanations while showing the slides.
- The lecturer will organise opportunities for you to discuss the content of the course.
- Test your understanding by taking the test at the end of the PowerPoint Presentation. Aim to score at least 70%
- The lecturer will present a task for you to complete that will enable you to better understand the topic. The nature of the task depends on particular circumstances.
- If there are aspects that you find interesting and want to explore further access one of the texts recommended in the Bibliography

# Why study Industrial Property Rights?

- Any engineer who is involved in furniture industry should have a basic understanding of the industrial property rights.
- Nowadays, innovations and intellectual property are concepts that are increasingly used in society and constitute an important element of modern economy, often decisive for the pace of its development. The protection of intellectual property is an inseparable element of civilization, which is based on the achievements of the human mind.
- This module will outline the main tasks of intellectual property law and basic issues in the field of copyright. It enables deepening knowledge of industrial property rights, especially in relation to inventions, utility models, trademarks and industrial designs.



# 1.1: INTELLECTUAL PROPERTY AND INDUSTRIAL PROPERTY – DEFINITION

**Training Unit 1: Intellectual property - preliminary issues**

# What is Intellectual Property?

Intellectual property refers to creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce.



Intellectual property is divided into two categories:

- I. Industrial Property** *includes patents for inventions, trademarks, industrial designs and geographical indications.*
- II. Copyright** *covers literary works (such as novels, poems and plays), films, music, artistic works (e.g. drawings, paintings, photographs and sculptures)*



# What is Intellectual Property?

## Copyrights

### Copyrights

Protect rights of authors of novels, musical works, films, computer programs, etc.

### Neighboring Rights

Performers (Singers, Musicians)  
Producers of phonograms  
Broadcasting organization  
Wire diffusion organizations

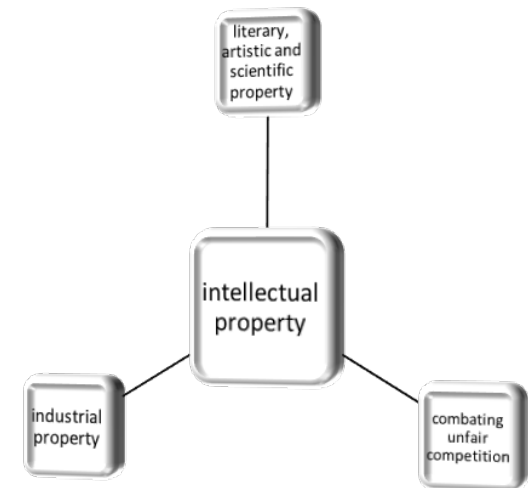
## Industrial Property Rights

Patents, trademarks, utility model rights, design rights, etc.



## THE IMPORTANCE ACTS OF INTELLECTUAL PROPERTY

- **Paris Convention for the intellectual property system** can help Protection of Industrial Property all countries to realize intellectual (1883)
- **Berne Convention** property's potential as a catalyst for the Protection of Literary and for economic development and Artistic Works (1886)
- **World Intellectual Property Organization (WIPO)**



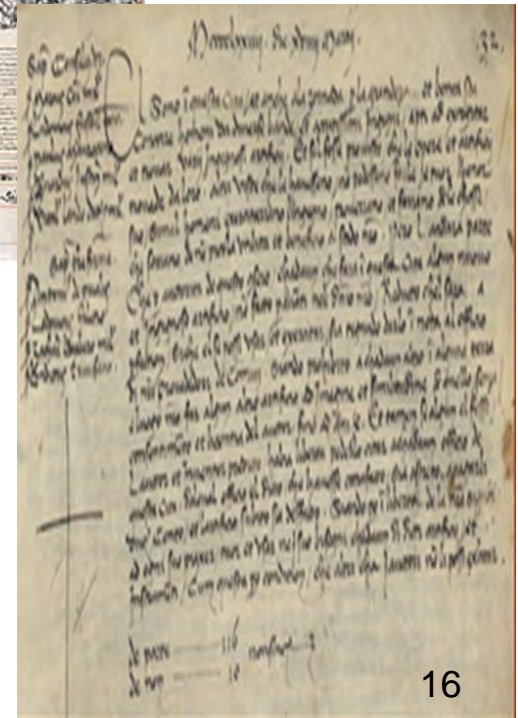
# **1.2: HISTORY OF INDUSTRIAL PROPERTY RIGHTS**

**Training Unit 1: Intellectual property - preliminary issues**

# The development of a modern patent system

**March 19, 1474**  
**The Venetian Act**

- ✓ *securing the creator's rights*
- ✓ *end of the so-called inventive discretion*
- ✓ *substantive rules for granting protection were introduced, resulting from the very fact of the invention*

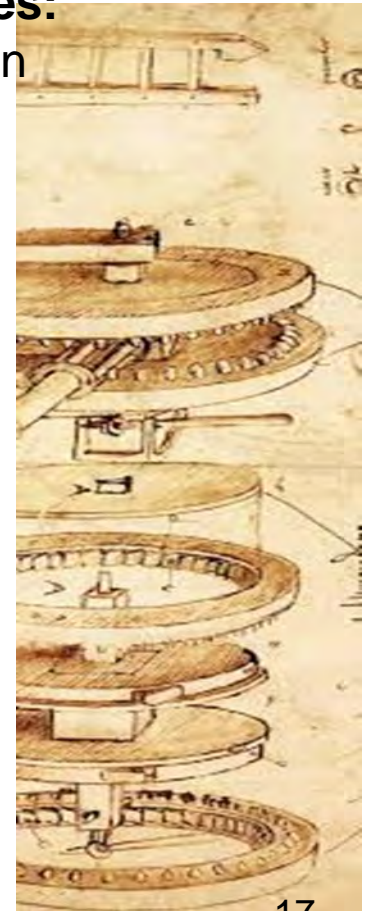




## Paris Convention 1883

**All signatory States of the Convention have committed themselves to recognizing the following patent law principles:**

- ✓ duration of patent protection (in most countries, a patent for an invention is granted for a period of 20 years);
- ✓ granting monopoly to the creator;
- ✓ requirement of novelty of the object of protection;
- ✓ an obligation to submit a solution in a public office (a patent office of a given country, region);
- ✓ protection granted on the territory of the country, region (territorial restriction);
- ✓ possibility of conducting a territorial, regional or international procedure.

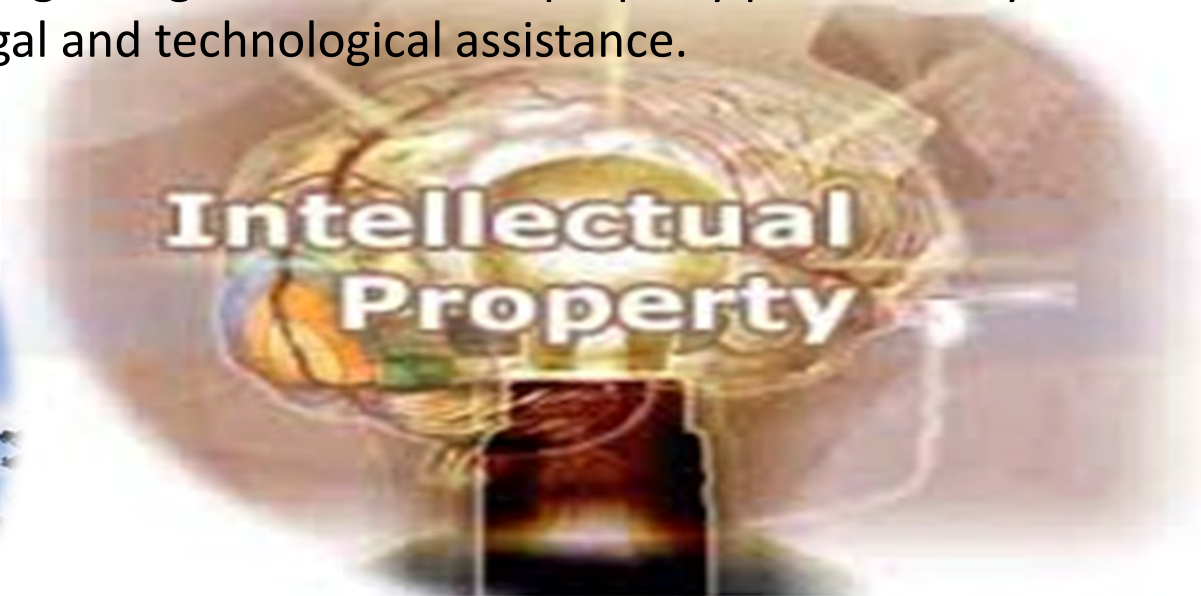


# 1.3. WIPO AND INTERNATIONAL IP LAW

**Training Unit 1: Intellectual property - preliminary issues**

## World Intellectual Property Organization 1967

Specialized UN agency, based in Geneva, and its aim is to increase knowledge about the protection of intellectual property rights in the international arena, ensuring compliance with international agreements in the field of intellectual property and ensuring administrative cooperation in the enforcement of these rights and counteracting their violations. It coordinates and creates regulations regarding the intellectual property protection system as well as providing legal and technological assistance.



## World Intellectual Property Organization 1967

- ❖ WIPO currently has 191 member states
- ❖ WIPO is responsible for promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property to the developing countries in order to accelerate economic, social and cultural development.

### Mission

The World Intellectual Property Organization promotes innovation and creativity for the economic, social and cultural development of all countries, through a balanced and effective international intellectual property system.

## 2.1: COPYRIGHT, LITERARY AND SCIENTIFIC RIGHTS

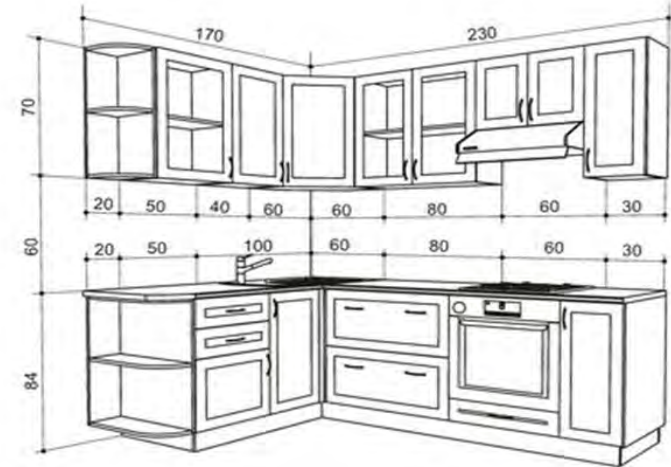
### Training Unit 2: Copyrights





# THE WORK

The work is an intangible good assigned to a specific person. It constitutes a specific construction of human thoughts and imaginings (the effect of the product of the human mind).



**There are four basic premises for recognizing a product as a work.**

- ❖ the result of human work
- ❖ must have originality
- ❖ individuality – the work should stand out from other similar manifestations of creative activity in a way that proves its originality, specificity and uniqueness.
- ❖ must be fixed



## THE WORK

Factors not relevant to the qualification of a given intellectual product as a work:

- value of the work,
- purpose of the work,
- way of expressing the work.



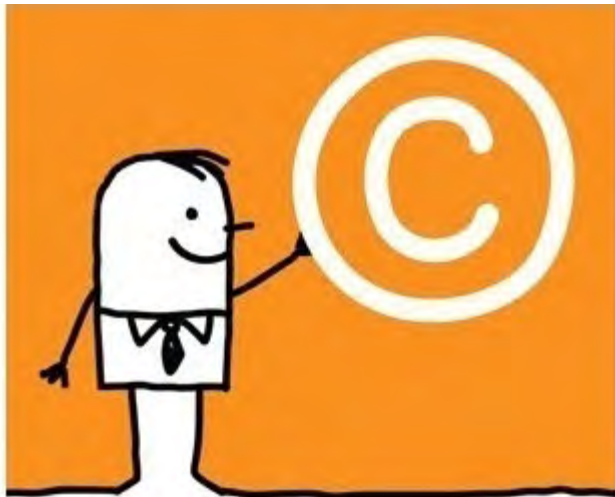
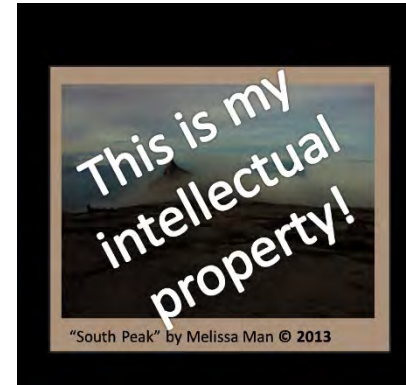
Harry Potter





## Copyright subject – creator

It is presumed that the creator (co-creator) is a person whose name in this character was shown on the copies of the work or whose authorship was made public in any other way in connection with the popularization of the work.

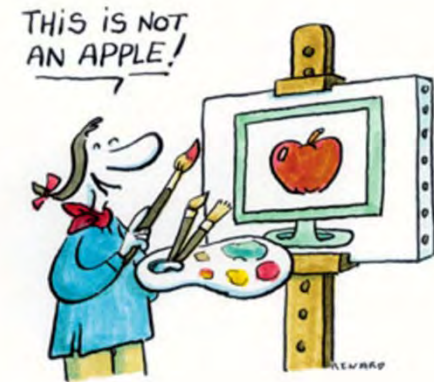


The creator is a natural person who has made a creative contribution to the work. Giving an entity the status of a creator within the meaning of copyright law requires the finding of a relationship between the activity of that person and the creation of a work subject to copyright protection

## Types of works

The following works can be distinguished in copyright law:

- a) a co-author work
- b) combined works
- c) collective works
- d) dependent work
- e) inspired work



Inspired work – work possessing the characteristics of individual artistic creation, which was formed under the influence of psychological and emotional reception of someone else's work.



## 2.2: PERSONAL AND PROPERTY COPYRIGHTS

### Training Unit 2: Copyrights

## Personal Copyrights

Author's personal rights have a personal character (they concern the personal relationship of the creator with the work), they are unlimited in time and are non-transferable (they cannot be renounced or passed on to anyone)

- ✓ The right to authorship of the work;
- ✓ The right to mark a work with your name or pseudonym or to make it available anonymously;
- ✓ The right to inviolability of the content and form of the work and its reliable use;
- ✓ The right to decide on the first access to the work by the public;
- ✓ The right to supervise the use of the work.

## **Property [Economic] Copyrights**

### **life + (50) 70 years**

#### **Economic copyrights include:**

- ✓ The right to use the work – it includes the exploitation of the work in material and non-material form;
- ✓ The right to manage the work – it is the author's right to use the proprietary copyrights of the work (e.g. the reproduction right), the right to place a copy of the work into turnover, the right to lease and lend it, the right to distribute the work in a different way than through circulation of a copy of the work, droit de suite)
- ✓ The right to pay for the work – for using the work

# Personal and Property Copyrights

Personal Copyrights	Property Copyrights
❖ directly related to the author	❖ indirectly related to the author
❖ they concern the creator's relationship with the work	❖ they concern the use of the work and earning from its distribution or other form of use
❖ they make it possible to keep a non-material relationship with the work	❖ they give you the right to control the use of the work
❖ unlimited in time	❖ limited in time (by default, they last for 70 years from the author's death or from the date of popularization of the work)
❖ you cannot give them up or give them to anyone, the creators are always entitled to them	❖ they may be transferred by the author under a transfer agreement or as a part of inheritance, in the cases specified in the Act, the person other than the creator is entitled to them, entitled to author's proprietary rights may authorize another person to use them (licence)

## 2.3: COPYRIGHT NOTICE AND THE RIGHT TO QUOTE

### Training Unit 2: Copyrights

In accordance with the international Universal Copyright Convention signed in Geneva in 1952, if a Member State makes copyright protection subject to certain formal requirements (e.g. registration of the work in the central library of the country), such a requirement is deemed met if the work has been marked with a symbol © next to which the name of the subject of law and the year of the first publication are placed.

**CTRL + C**  
**CTRL + V**



The source should be marked in a way that will allow unambiguous identification of the work we have used. In the case of scientific publications, it is usually the full bibliographic address, but for other publications it is usually enough to provide the title of the work or a link to the website.



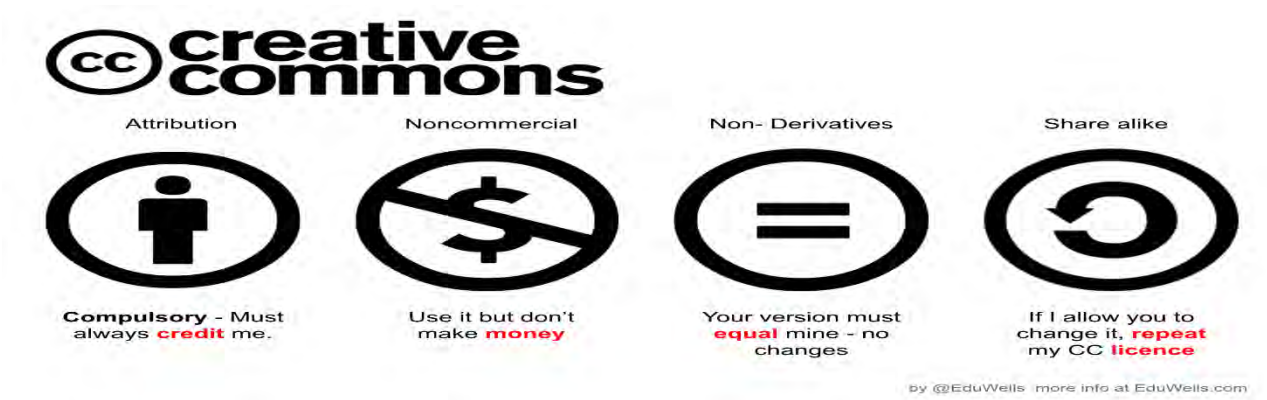
## 2.4: CREATIVE COMMONS LICENSES

### Training Unit 2: Copyrights











## Creative Commons licences

Creative Commons is an American non-profit organization with branches all over the world. As they say about themselves, they are an institution that “helps to legally share knowledge and creativity to create a more just, accessible and innovative world” [CC].

Creative Commons provides free, easy-to-use copyright licences to provide the public with a simple way to share and use their creative working conditions in a simple and standardized way.



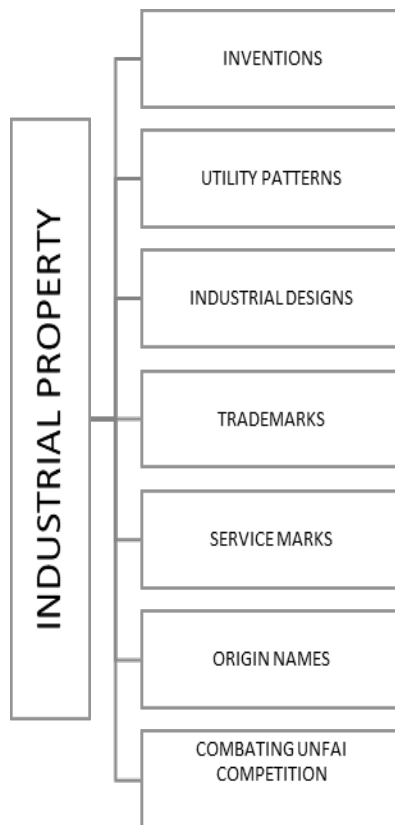
# Creative Commons licences

LICENSES	TERMS
	 <b>Attribution</b> Others can copy, distribute, display, perform and remix your work if they credit your name as requested by you
	
	 <b>No Derivative Works</b> Others can only copy, distribute, display or perform verbatim copies of your work
	 <b>Share Alike</b> Others can distribute your work only under a license identical to the one you have chosen for your work
	
	 <b>Non-Commercial</b> Others can copy, distribute, display, perform or remix your work but for non-commercial purposes only.

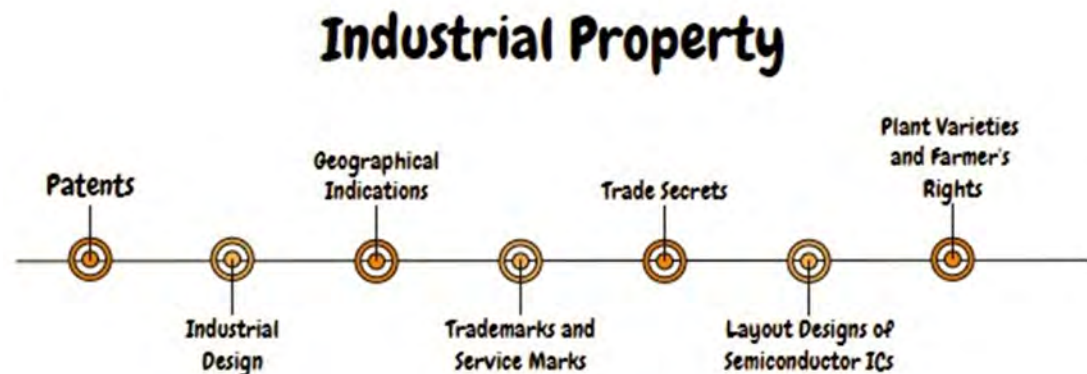
# **3.1. INDUSTRIAL PROPERTY RIGHTS - CONCEPT**

**Training Unit 3: Industrial Property Rights – invention and  
utility model**

# Industrial Property Rights



Industrial property is a part of intellectual property – concerning intellectual property used in business activity, includes patents for inventions and utility models, trademarks, industrial designs and geographical indications.



## Industrial Property Rights

The most important international legal acts are: the Paris Convention for the Protection of Industrial Property of March 20, 1883 and the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS).

### **In accordance with the main principles of the Paris Convention:**

- ✓ Exclusive rights granted in different countries are independent of each other and are subject to the legislation of the country that granted those rights,
- ✓ In all countries – parties to the Convention, foreign persons are treated in the same manner as national persons in matters of protection;
- ✓ Anyone who makes a proper declaration regarding the granting of exclusive rights in one of the states – parties to the Convention, has a priority in applying for protection in other states – parties to the Convention, as long as the application is filed in another country within:
  - 12 months for inventions and utility models
  - 6 months for industrial designs and trademarks.

# Industrial property rights exclusive right and protected period

INDUSTRIAL PROPERTY RIGHTS		
	EXCLUSIVE RIGHT	PROTECTED PERIOD (in years)
INVENTION	Patent	20 years
UTILITY PATTERN	Protective right	6-15 years
TRADEMARK	Protective right	10 years with the possibility of extension for the next 10 years
INDUSTRIAL DESIGN	Right of registration	5x5 years [25 years]

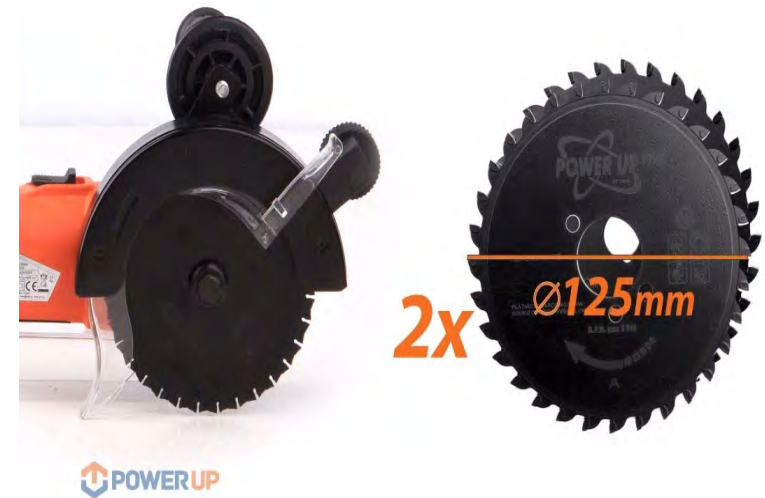
## 3.2. INVENTION AND PATENT LAW

**Training Unit 3: Industrial Property Rights – invention and  
utility model**



# Invention

- ❖ Invention is identified with a technical solution to any problem.
- ❖ Invention is "something that has never been made before, or the process of creating something that has never been made before".



The invention is a creative and complete solution to a technical problem applicable to production – everything that is new and original and leads directly or indirectly to broadly understood progress.

# What is a Patent?

**A patent is an exclusive right granted for an invention – a product or process that provides a new way of doing something, or that offers a new technical solution to a problem.**

Patents are granted in four basic categories, for: products, devices, methods and applications.

**A patent provides patent owners with protection for their inventions. Protection is granted for a limited period, generally 20 years.**

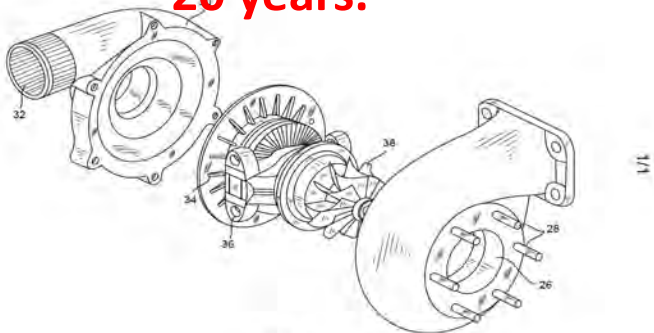
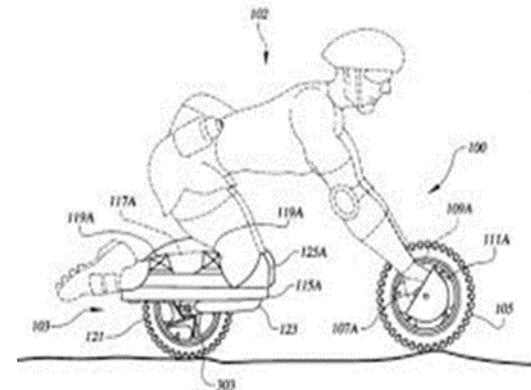


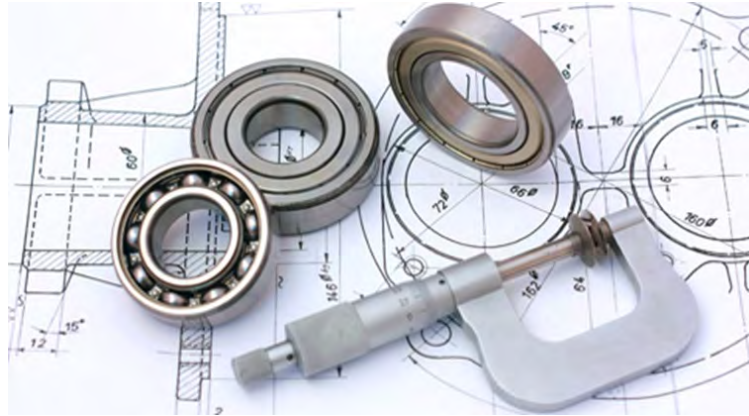
FIG. 1



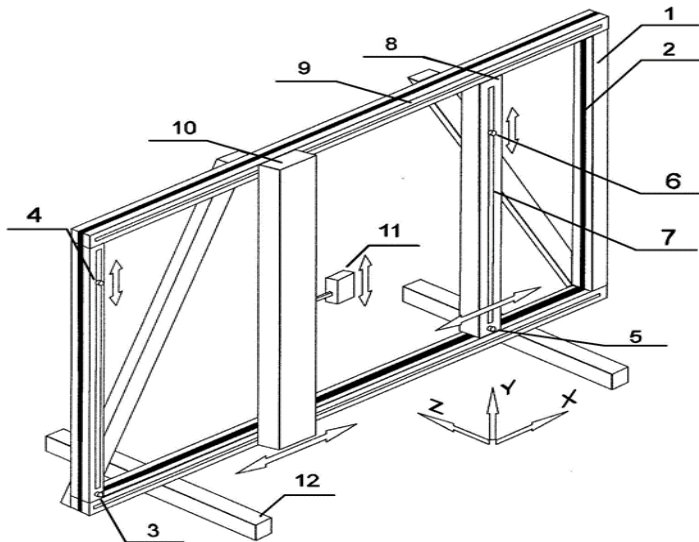
# PATENTS

**Patent applications must satisfy the following three criteria:**

- 1) Novelty**
- 2) Inventive step**
- 3) Industrial applicability**



Patent provides, from a legal standpoint, the right to exclude others from making, using, selling, offering for sale, or importing the patented invention for the term of the patent, which is usually 20 years from the filing date subject to the payment of maintenance fees.



Device for measuring deformation of the flat elements

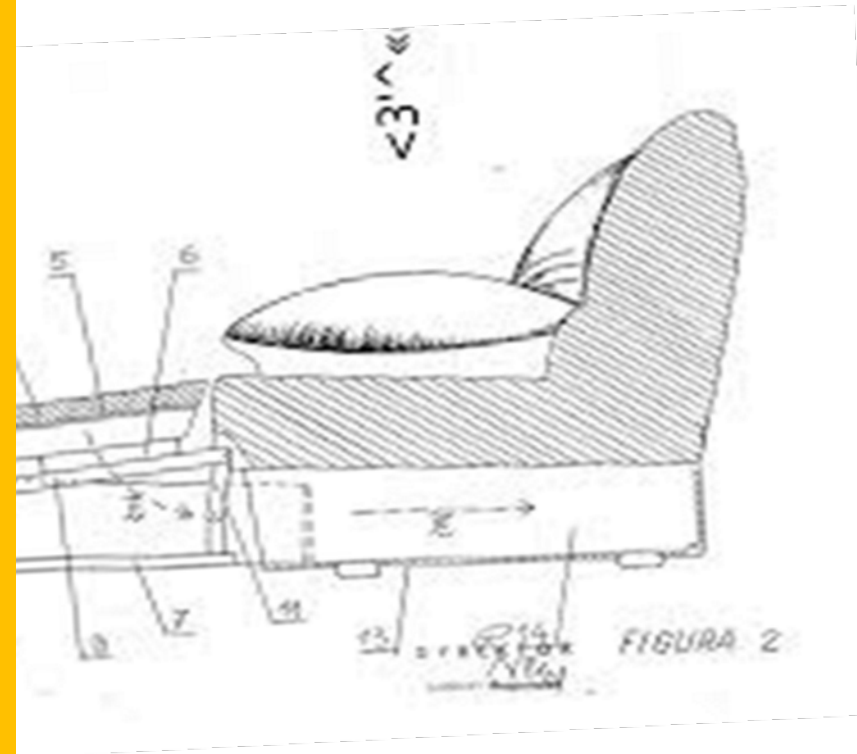
## 3.3. PROTECTIVE RIGHT FOR UTILITY MODEL

**Training Unit 3: Industrial Property Rights – invention and  
utility model**

# UTILITY MODEL

Utility models protect new technical inventions through granting a limited exclusive right to prevent others from commercially exploiting the protected inventions without consents of the right holders.

It can be assumed that the utility model is a new and useful solution of a technical nature, concerning the shape, construction or combination of a permanent object. It must always be a useful, practical solution.





# UTILITY MODEL

Generally, the indications of the protective capacity of a utility model are:

- ❖ novelty
- ❖ technical character
- ❖ usefulness,
- ❖ object of a permanent form



Collapsible bed

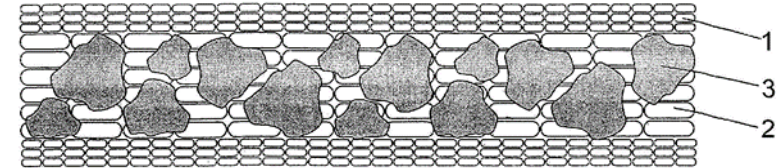


Method for precision cutting of veneered panels

The term of protection for utility models is shorter than for patents, and varies from country to country (usually **between 6 and 15 years**).

# UTILITY MODEL

In some countries, utility model protection can only be obtained for certain fields of technology and only for product inventions. For example, in some countries, technical, chemical and biological processes are not eligible for utility model protection.



Strengthened chipboard



In the wood and furniture industries, the protection of utility models is very often used. The practical solutions used in furniture are of practical importance both at the production stage (*e.g. the method of precision cutting of veneer panels, chipboard with reduced density*), assembly and assemblage (*e.g. the shelf mounting system requiring no screws, reinforced plywood*), and final use by the recipients (*e.g. the seat backrest adjustment system, the kitchen cabinet opening touch system, or the folding bed*).

shelf mounting system without using screws





## 3.4. OBTAINING PATENT PROTECTION - REGIONAL PROCEDURE [EU]

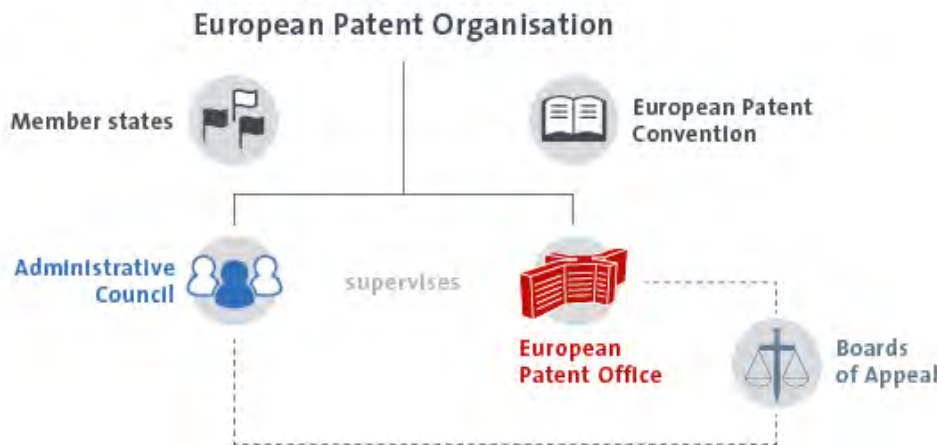
**Training Unit 3: Industrial Property Rights – invention and  
utility model**

# European Patent Office [EPO]

The European patent is issued on the basis of a single application, in which you can choose over 30 European countries for protection, which recognize the validity of European patents on their territory under the relevant agreements on the extension of protection.



The European patent application should contain: an application for the grant of a European patent, a description of the invention, one or more patent claims, drawings referenced in the description or claims, a brief description. It must also meet the requirements set out in the Implementing Regulations to the Convention on European Patents.



## 3.5. International patent applications PCT

**Training Unit 3: Industrial Property Rights – invention and utility model**

# WIPO PCT

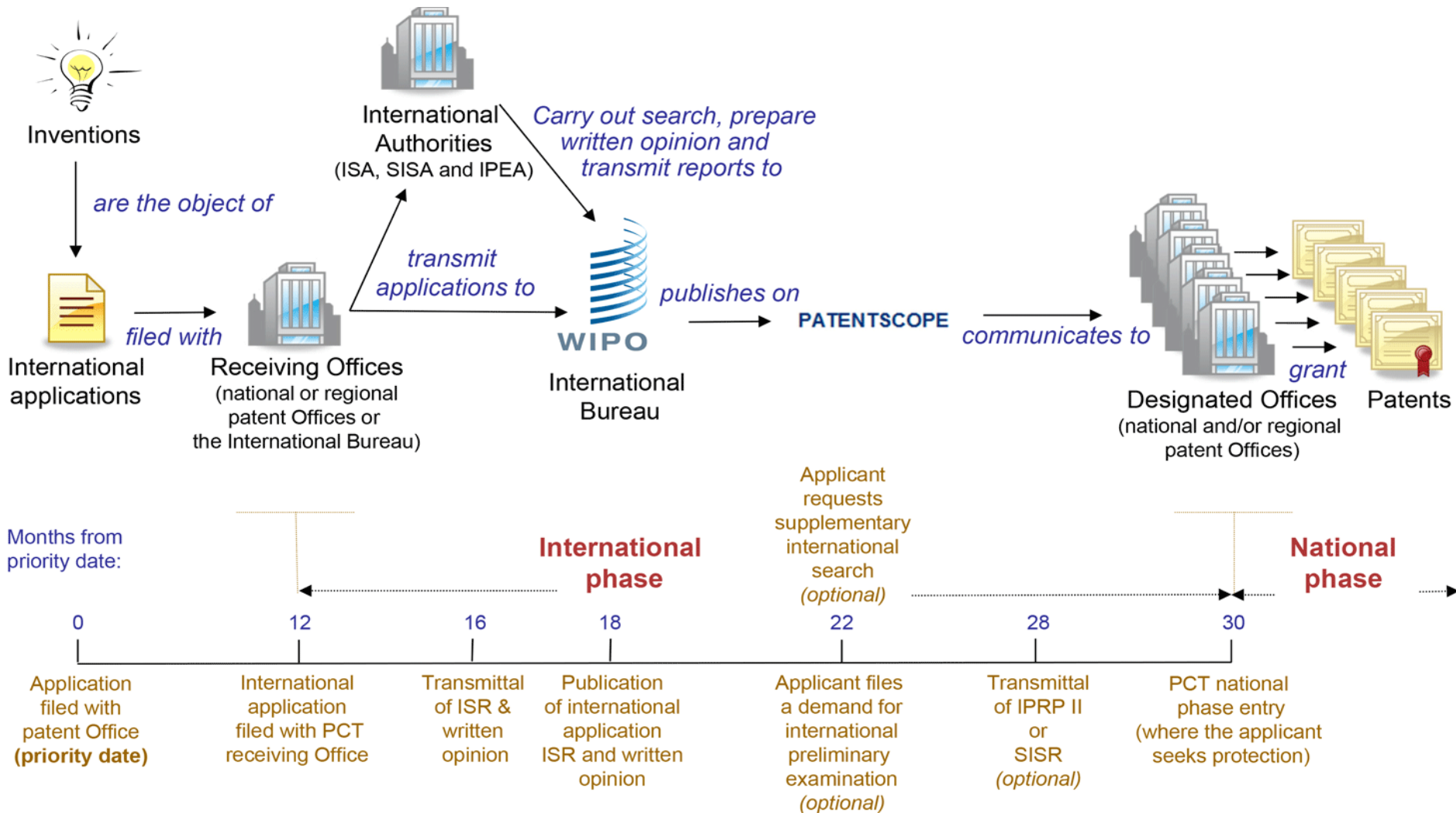
Patent Cooperation Treaty (PCT) – currently it includes 134 countries (members of the treaty may only include countries that have ratified the Paris Convention). This treaty allows a better estimation of the market value of the invention and the likelihood of obtaining patents. It also allows shifting the essential expenses of the next application procedure over time.



The PCT procedure consists of two main phases. It starts from filing an international application – the so-called international phase, and ends (in the case of a positive result for the declarant) with the grant of a national or regional patent – the national or regional phase.



# WIPO PCT

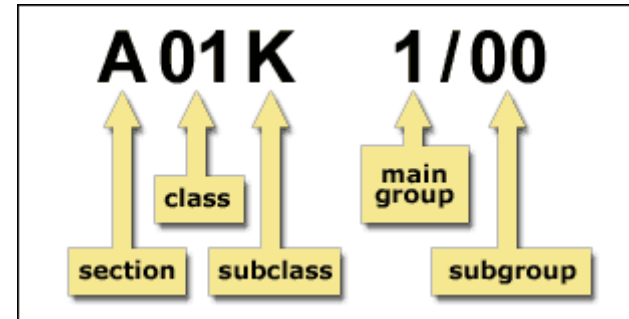


## 3.6. INTERNATIONAL PATENT CLASSIFICATION "INT.CL."

**Training Unit 3: Industrial Property Rights – invention and  
utility model**

# International Patent Classification

The International Patent Classification was established as a result of the Strasbourg Agreement in 1971 and introduced the unification of classification of descriptions of inventions for which a patent was granted, including published inventions applications, copyright certificates, utility model descriptions and usability certificates (hereinafter referred to as “patent documents”).



IPC Code	Definition
A	Human necessities
B	Performing operations; transporting
C	Chemistry; metallurgy
D	Textiles; paper
E	Fixed constructions
F	Mechanical engineering; lighting; heating; weapons; blasting
G	Physics
H	Electricity

The online version of the Classification, available on the WIPO website ([www.wipo.int/classifications/ipc/](http://www.wipo.int/classifications/ipc/)), is the official publication of MKP. It contains the full text of the current edition/version of the classification in English and French.

The departments are the highest hierarchical level of the Classification – each department is marked with one of the capital letters of the Latin alphabet from A to H (department symbol).



## International Patent Classification

### The Classification is the basis of:

- ❖ systematization of patent documents to facilitate access to the technical and legal information contained therein;
- ❖ selective distribution of information to all users of patent information;
- ❖ when examining the state of the art in specific technical fields;
- ❖ in the preparation of statistical statements in the field of industrial property protection, which in turn will enable to determine the development of technology

Example:

Department A – basic human needs

OBJECTS OF PERSONAL OR HOME USE

A 47 – FURNITURE Class title – class title indicates the content of the class

**There are currently available versions in:**  
Chinese, Czech, Estonian,  
Spanish, Dutch, Japanese,  
Korean, German, Polish,  
Portuguese and Slovak.



# 4.1. ESSENCE OF TRADEMARKS

**Training Unit 4: Trademarks and industrial designs**

# TRADEMARK

A trademark is any sign that can be represented graphically if the sign is suitable for distinguishing the goods of one company from another company's goods



In particular, a word, drawing, ornament, colour composition, spatial form, including the form of the product or packaging, as well as the melody and other sound signal can be a trademark.



## What kind of trademarks can be registered?

A word or a combination of words, letters, and numerals can perfectly constitute a trademark. But trademarks may also consist of drawings, symbols, three-dimensional features such as the shape and packaging of goods, non-visible signs such as sounds or fragrances, or color shades used as distinguishing features



## Types of trademarks that can be registered at EUIPO 1/2

Type of mark	Characteristic features
Word mark	A word mark consists exclusively of words or letters, numerals, other standard typographic characters or a combination thereof that can be typed
Figurative mark	It is a trade mark where non-standard characters, stylisation or layout, or a graphic feature or a colour are used, including marks that consist exclusively of figurative elements
Figurative mark containing word elements*	A figurative mark consisting of a combination of verbal and figurative elements
Shape mark	A shape mark consists of, or extends to, a three-dimensional shape. It can include containers, packaging, the product itself or its appearance.
Shape mark containing word elements*	A shape mark that contains verbal elements.
Position mark	A position mark consists of the specific way in which the mark is placed or affixed to the product.
Pattern mark	A pattern mark consists exclusively of a set of elements which are repeated regularly.
Colour (single) mark	A colour single mark is just that – a trade mark which consists exclusively of a single colour (without contours).

## Types of trademarks that can be registered at EUIPO 2/2

Type of mark	Characteristic features
Colour (combination) mark	A trade mark which consists exclusively of a combination of colours (without contours)
Sound mark	A sound mark consists exclusively of a sound or a combination of sounds.
Motion mark	A trade mark consisting of, or extends to, a movement or a change in the position of the elements of a mark.
Multimedia mark	It consists, or extends to, the combination of images and sound
Hologram mark	This is a new category of trade mark (as and from 1 October 2017). Hologram marks consist of elements with holographic characteristics.

[see: <https://euipo.europa.eu/ohimportal/en/trade-mark-definition>]

## 4.2. EUROPEAN AND INTERNATIONAL PROTECTION OF TRADEMARKS

**Training Unit 4:: Trademarks and industrial designs**



- The International legal framework for trademarks make up the treaties WIPO administers.
- The aim of the Trademark Law Treaty (TLT) is to standardize and streamline national and regional trademark registration procedures. This is achieved through the simplification and harmonization of certain features of those procedures, thus making trademark applications and the administration of trademark registrations in multiple jurisdictions less complex and more predictable.
- Registration of trademarks may be subject to different regional procedures. One of these procedures is the proceedings before the European Union Intellectual Property Office (EUIPO) regarding the registration of European Union trademarks.
- In Europe, there is also a regional organization for exclusive rights in the Benelux area (BTO – the Benelux Trademark Office).



## PROTECTION OF TRADEMARKS

**The other major regional intellectual property organizations in the world with continental coverage are:**

- ❖ **Eurasian Patent Organization – EAPO,**
- ❖ **African Regional IP Organization – ARIPO.**

**A trademark gives protection in all European Union Member States on 10 years, and must be renewed every 10 years.**

## 4.3. NICE CLASSIFICATION

**Training Unit 4:: Trademarks and industrial designs**

# Nice Classification

- ✓ The International Classification of Goods and Services (so-called Nice Classification) is used to register trademarks.
- ✓ It consists of 45 classes.

Class	General Indication
6	Goods of common metal not included in other classes
7	Machines
14	Goods in precious metals or coated therewith
16	Goods made from these materials [paper and cardboard]
17	Goods made from these materials [rubber, gutta-percha, gum, asbestos and mica]
18	Goods made of these materials [leather and imitations of leather]
20	Goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics
37	Repair
37	Installation services
40	Treatment of materials
45	Personal and social services rendered by others to meet the needs of individuals

Check your  
*Nice Classification.*



The Nice Classification can be searched using TMclass, an interactive search tool that is available in all the official EU languages.

## Nice Classification

The headline of class no. 20 is: “Furniture, mirrors, picture frames; products (not included in other classes) of wood, cork, reed, wicker (...)”, and the headline of class no. 40 is “Treatment of materials”.

TMclass

TRADEMARK CLASS 20-FURNITURE



B

The International (Nice) Classification of Goods and Services classifies different goods and services into 45 Trademark Classes (1 to 34 cover Goods, and 35 to 45 cover Services). This classification is used by Indian Trademark Registry to classify the trademarks.

Class 20 includes Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber;

**Choose Class 20 when registering for any of these types of goods:**

- Metal furniture and furniture for camping; metal furniture, furniture for camping, gun racks; newspaper display stands;
- Bedding (for example: mattresses, spring mattresses, pillows);
- Looking glasses and furnishing or toilet mirrors;
- Registration number plates not of metal;
- Letter boxes not of metal or masonry;
- Non-metallic Furniture and Furnishing Items;
- Non-metallic Hardware Items and Objects;
- Beds, Cushions, Bedding, Pillows, Mattresses, Curtains, etc.
- Non-metallic Clothes Hangers, Hooks, Mirrors, Picture Frames, Decorative Objects, etc.
- Non-metallic Objects of Art or Decoration, such as Statues and Figurines;
- Non-metallic Containers, Holders, Stands;
- Tailors Dummies and Mannequins;
- Pallets, Crates, Baskets;
- And, many other non-metallic articles and objects, not included in other classes;
- Indoor window blinds and shades;
- Small items of non-metallic hardware, for example, bolts, screws, dowels, furniture casters, collars for fastening pipes;
- Containers and Closures and Holders made up of Wood and Plastics;
- Mirrors (silvered glass), Curtains, and Objects related with these;
- Picture Frames/Moldings;
- Statues, Figurines, Works of Art, and Ornaments and Decorative Objects, made of Wood, Wax, Plaster or Plastic, etc.
- Locks and Keys, and Fasteners;
- A variety of non-metallic Baskets;
- Displays, stands, and Signage;
- Crates and Pallets;
- Mannequins and Tailors' Dummies;
- Animal Housing and Beds;
- Mooring Buoys, and Letter Boxes, not of metal;
- Unprocessed and Semi-processed Materials included in this class, not specified for use;
- And, other non-metallic Goods and Products which are not included in other Trademark Classes

***This Class does not include:***

- Special furniture for laboratories (Class 9)

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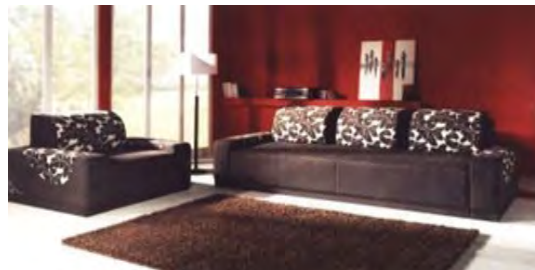
## 4.4. ESSENCE OF INDUSTRIAL DESIGNS

**Training Unit 4:: Trademarks and industrial designs**



# INDUSTRIAL DESIGNS

In the European Union, the term “design” is clearly defined and “(...) means a new and individual character of the whole or a part of the product, resulting in particular from the characteristics of the lines, contours, colours, shapes, textures and/or materials of the product itself and /or its ornamentation” [Art. 3 of the Regulation on Community designs].





**A pattern to be protected, it must have the so-called registrability, i.e. fulfil three conditions:**

- 1) Design as a form of a product**
- 2) Novelty of the design**
- 3) The individual character of the design**



# INDUSTRIAL DESIGNS

Industrial designs are applied to a wide variety of products of industry and handicraft items: from packages and containers to furnishing and household goods, from lighting equipment to jewellery, and from electronic devices to textiles. Industrial designs may also be relevant to graphic symbols, graphical user interfaces (GUI), and logos.



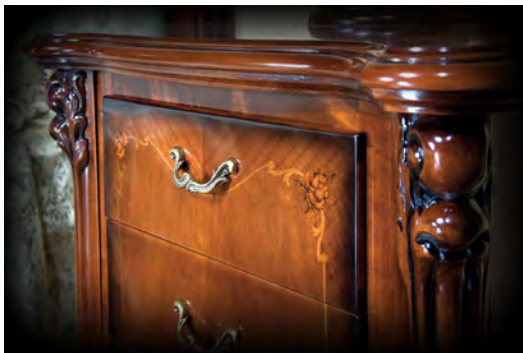
**The industrial design is granted registration rights for a period of 25 years from the date of filing with the Patent Office, divided into five-year periods.**



# INDUSTRIAL DESIGNS

**According to the above, in the furniture industry, an industrial design can be identified with the shape, colour or ornamentation of a new furniture.**

**The owner of a registered industrial design or of a design patent has the right to prevent third parties from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes.**



# INDUSTRIAL DESIGNS

By acquiring the right from registration, the right-holder acquires the right to use the industrial design in a commercial or professional manner exclusively throughout the territory of the state that granted that right.

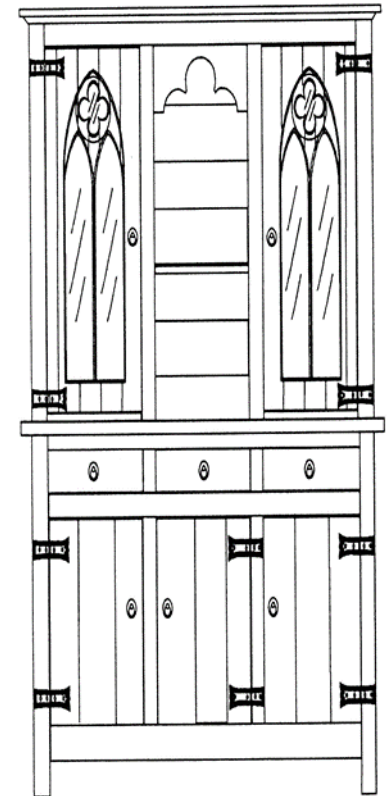


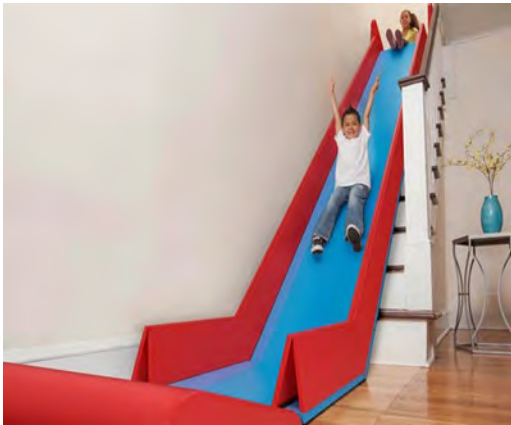
Fig. 1.





## INDUSTRIAL DESIGNS

**The industrial design is a kind of a signature of the company's intellectual property and a practical way to protect an innovative solution – it can be used as security, it is a company asset subject to audit, and it can also be sold or licensed. It is also a challenge for other designers.**



# 4.5. EUROPEAN AND INTERNATIONAL PROTECTION OF INDUSTRIAL DESIGNS

**Training Unit 4:: Trademarks and industrial designs**

## **PROTECTION OF INDUSTRIAL DESIGNS**

**The Community design application is filed directly at the European Union Intellectual Property Office (EUIPO) in Alicante, in Spain or through the national patent offices. The registered Community design grants its owner the exclusive right to use it and to prohibit third parties, without the owner's consent, from using it throughout the Community for a period of 5 years from the date of filing the design. The owner of this right may extend the protection period four times, up to a total of 25 years from the date of filing the application.**

### **THE HAGUE AGREEMENT - INTERNATIONAL REGISTRATION OF AN INDUSTRIAL DESIGN**

The Hague Agreement on the International Registration of Industrial Designs establishes a system administered by the World Intellectual Property Organization (WIPO), under which, filing a single application at the International Bureau in Geneva and paying one comprehensive fee, you can apply for protection of industrial designs in designated Contracting States / Parties signatory to the same act of the Hague Agreement.

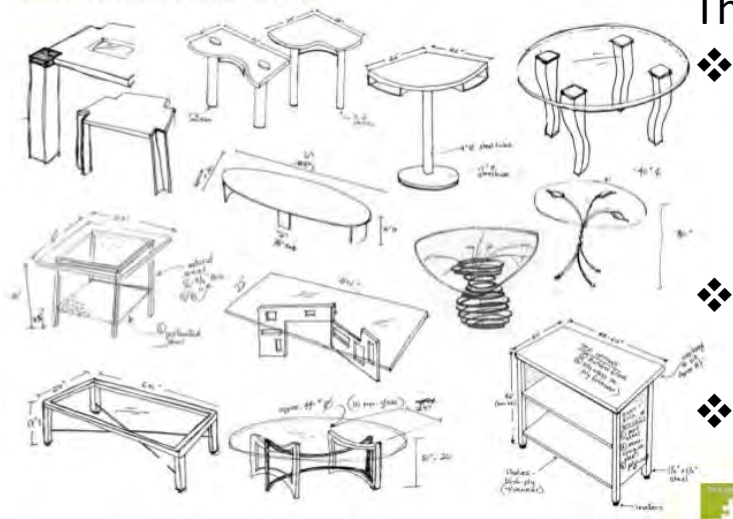


# PROTECTION OF INDUSTRIAL DESIGNS

For the protection of an industrial design throughout the European Union, an entrepreneur can only apply on the basis of Council Regulation (EC) no. 6/2002 of December 12, 2001 on Community designs.



**Tables:** Various Concept Sketches



The following is subject to protection:

- ❖ the appearance of the product or its parts, which consists of: shape, form, decorative elements, choice of colours and materials from which the product is made;
- ❖ architecture and arrangement of space data, such as pavilions, apartments, gardens;
- ❖ a design to ensure multiple assembly or connection of mutually interchangeable products within a modular system.

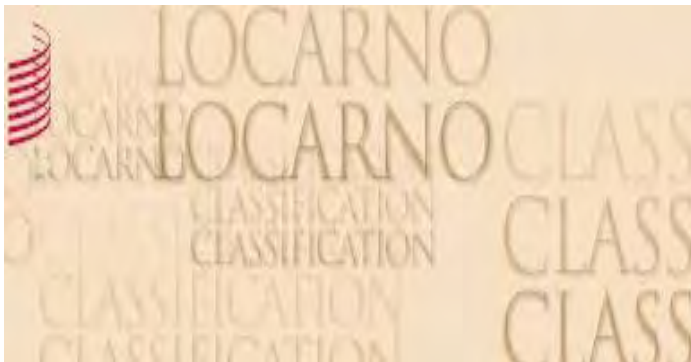
## 4.6. LOCARNO CLASSIFICATION

**Training Unit 4:: Trademarks and industrial designs**

# Locarno Classification

The Locarno Classification is the international classification system for industrial designs that is administered by the World Intellectual Property Organization (WIPO). Its goal is to introduce standardized terms, provide greater transparency and enable easier searching of databases of the Registered Industrial Designs (RCD).

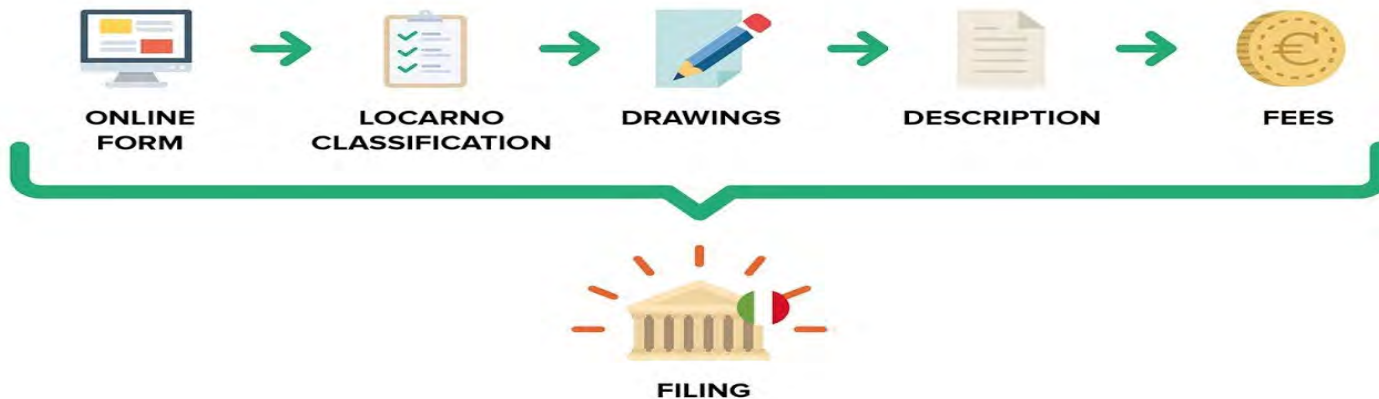
**Locarno classification**



The Locarno Classification consists of 32 classes and 219 sub-classes with explanatory notes and an alphabetical list of goods. Each class has its own number, and sub-classes are assigned a base number, description, and a set of serial numbers (one serial number for each language). The Locarno classification symbols are important criteria in searching for information about industrial designs.

# Locarno Classification

The list of products of the Locarno Classification is systematized in alphabetical order. In the case of products not included in the classification, which are components of a composite product, they are assigned to classes and sub-classes specific to the composite product in which they are contained. Products of various purpose, consisting of many components (with the exception of furniture components), are placed in classes and sub-classes appropriate for the purpose of these components.



# References

## KEY REFERENCES

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