Intellectual property and design: safeguarding the future

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former interior designer, product design entrepreneur, victim of blatant design theft, co-founder of anti copying in design, vice-chair of the alliance for intellectual property, passionate campaigner against design theft, design and IP policy reformer, twitterer, to name a few....
Intellectual property and design: safeguarding the future

7 Minutes
Points
Recommendations
Intellectual property and design: safeguarding the future

1. Why does design matter?
2. IP in an uncertain world – what are the facts/current challenges?
3. What does effective policy look like?
4. What we can learn from history to encourage collaboration to effect change
5. Will the recently published DRI research serve the design community well?
6. Brexit Deal or No Deal – highlighting a real challenge for UK designers
7. What are some of the solutions?
1. Why does design matter?

“Design generated £85.2 billion in GVA to the UK in 2016”

Design Economy, Design Council 2016
1. **Why does design matter?**

In 2016, there were 1.69m people employed in design roles, and there are 78,030 design-intensive firms.

*Design Economy, Design Council 2016*
1. Why does design matter?

from iconic
1. Why does design matter?

to everyday, design is all around us... enriching our lives as consumers
1. Why does design matter?

solving problems, adding value
1. Why does design matter?

Design thinking plays a crucial role in innovation.
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90% of those questioned in a recent ACID survey said that copying was intentional and deliberate.
2. IP in an uncertain world – what are some of the challenges?

- Increasing online theft of designs – major difficulty in take down
- Vulnerability when responding to pitches or tenders
- Competitors “passing off”
- Retail behemoths infringement of new designs (David & Goliath)
- Little or no cost & time effective access to justice
- Post Brexit - No certainty for UK designers relying on unregistered EU design
- No respect for IP, therefore a culture of “copying” seems OK

90% of those questioned in a recent ACID survey said that copying was intentional and deliberate.
2. IP in an uncertain world – what are some of the challenges?

BBC News - Would you buy a handbag from Plada or Loius Vuitton?

90% of those questioned in a recent ACID survey said that copying was intentional and deliberate.
2. IP in an uncertain world – what are the facts?

UK Design

80% less than 10 employees
67% less than 4 employees

Average hourly earnings of a designer £16.84 (across 8 disciplines)

Average hourly legal IP costs £175-£500+
Cost & time prohibitive for most designers to take legal action if copied

Litigation, therefore, is the luxury of the few,
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3. What does effective policy look like?

Hargreaves 2011: evidence-based assessment of the relationship between design rights and innovation, with a view to establishing a firmer basis for evaluating policy at the UK and European level.

ACID Advisory Council
For effective policy to emerge, we need enlightened anticipatory governance within clearly thought out research which includes future-proofing to acknowledge and measure the current IP challenges, trends and threats that exist – online infringement, 3d printing, Brexit challenges etc.

7 years later......
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4. What we can learn from history?

Change the perception that design is a poor relation or “Cinderella” IP right

Listen to advice from Hargreaves (2011)

The growing design sector is the largest source of intangible investment in the UK economy and the emergence of 3D printing has increased the need for a thorough reassessment of IP and design.

2011 – “The role of IP in supporting this important branch of the creative economy has been neglected”. So basically, (sic)

“Do something about it!”

7 years later, has Government listened?
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We believe DRI research should:

- Have a methodology based on previous research which is relevant to design i.e., using an Australian patent model is irrelevant
- be anticipatory and include future-proofing
- include collaboration and real conversations with designers and design stakeholders
- Include precise questions that are relevant to designers
- include the measurement of current trends – online infringement, copyright in design, 3d printing challenges, challenges when design agencies pitch for business, post Brexit fall out – loss of EU unregistered design protection in 27 member states
- Be robust and repeatable, not baseline
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FACT On April 1, unless a solution is found, UK designers (the majority of whom rely on EU unregistered design rights) will lose protection in 27 EU countries. This is potentially calamitous.
WHY? Because, for example, as a fashion designer, if I show my new fashion creations on a London Catwalk and I rely on unregistered rights, I cannot claim EU unregistered design protection in 27 EU states. This means my designs will NOT be protected in Europe. At the moment they are.
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1. Realistically addressing current challenges, trends and threats within design rights’ infringement research - connection with grass roots reality.

2. Urgently obtaining clarity on simultaneous publication for UK designers post Brexit on unregistered EU designs.

3. Introducing criminal provisions for unregistered design infringement (parity with copyright).

4. Improving cost & time access to justice for the UK’s micro and SME design entrepreneurs. Encouraging more mediation. National IP Insurance.

5. Government’s firm commitment to provide an IP system that is fit for purpose to protect IP in the UK and in export markets.


7. Promoting a culture of declared CSR – ethics, respect compliance. IP theft is stealing. Online marketplaces, search engines, advertising – promoting a duty of IP care.
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