

Notes: 7



Notes: 7 / Paul Glennon
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Designplus Seminar – Protecting Design
Brian Lucas, Dids MacDonald, Margaret Briffa & Paul Sheedy.

Legislation is a grey area for students and this conference set out to clarify copyright, and to emphasise the importance of the subject matter to its participants.

Brian Lucas, from the Chartered Agent European Patent Attorney, Lucas & Co, spelt out the facts. He certainly had good experience working on the contract for 'Dust Buster' and many others. The picture he painted was a costly one for patenting a design, but even more so if you fail to do it correctly in the first place. (I was starting to worry that the conference was better suited for the inventor rather than graphic the designer.) The stages for an inventor were to get the patent, then go to investors and look for financial support. One cannot work without the other, so negotiation skills are required.

The government issue patents that give rights to the inventor preventing other people using the design. It then becomes the 'property' of the inventor and can be sold, rented or hired. You must seek help when trying to patent an invention or you could lose everything. (The Sony Walkman inventor did not patent properly and lost the lot!)

Dids MacDonald from Anti Copying in Design (ACID) showed examples of designers who had to take big names to court (NEXT, M&S, etc.) Those who won their cases had good copyright advisors and knew the ropes. Dids used the term 'Intellectual Property' (IP) as a generic term for all patents, trade marks, copyright, etc. One of the most interesting pieces of information that she introduced was the 'paper trail'. It would seem that in a lot of copyright disputes the people that could demonstrate where their original idea came from fared better.

Margaret Briffa, a leading property lawyers (note property), specialises in cases of copyright. She showed some excellent images of a farmer's design for British Leyland, which they used without permission. Because the farmer had kept the original design on paper, he was able to win his case against the big conglomerate. Yet again this demonstrates the reason why students should look after preliminary drawings. Margaret also introduced us to the case: Mrs. Morlet vs Mothercare. The former made a beautiful and practical baby cosy which the latter used without payment. No drawing – no win!

Paul Sheedy was last up. He was cool! The above 'Woosher Spinning Straw' was his design. What he had to go through to get worldwide patents was amazing – he practically lost his home. This made me glad to be in the Graphic Design industry rather than in the realm of the inventor. It did however make me think about how I retain original ideas and whether someone, somewhere was ripping me off!

Some important facts:

Copyright is an unregistered right and comes into effect when a design is 'fixed' on paper or recorded in some way.

Can you always know everything about patents, registered or unregistered designs and Trade Marks? NO – the law changes quite a lot and therefore it is important to seek advice about a serious NEW idea. Remember the 'paper trail' as Dids called it. Your preliminary work is key to safeguarding your ideas.

For more advice: www.patent.gov.uk