

Design Registration

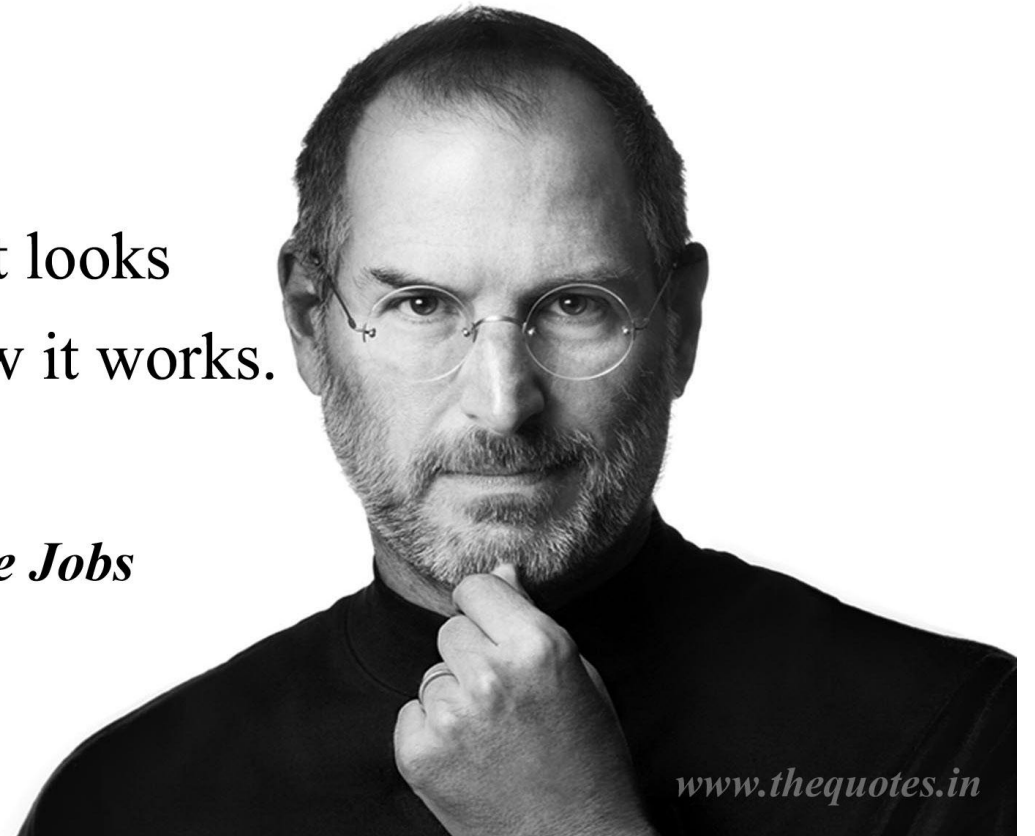
SWAPNA SUNDAR

IP DOME

How we understand design

Design is not just what it looks
and feels like. Design is how it works.

Steve Jobs



www.thequotes.in

What the law says

Sec 2(d) "design" means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark or property mark or any artistic work.

Engineering design and 'design'



Requirements

2(g) "original", in relation to a design, means originating from the author of such design and includes the cases which though old in themselves yet are new in their application;

2 (j) proprietor of a new or original design: Person for whom the designer executed the work; person who acquires the design right; in any other case, means the author of the design.

4. A design cannot be registered if it is (a) not new or original; or (b) has been disclosed to the public anywhere in India or in any other country by publication, use or in any other way prior to the filing date; (c) is not significantly distinguishable from known designs or combination of known designs; or (d) comprises or contains scandalous or obscene matter.

Significantly distinguishable



Samsung v. Apple, UK High Court of Justice
Chancery Division, Patents Court – 09/07/2012

Birss...rectangular, biaxially symmetrical slab with four evenly, slightly rounded corners; flat transparent surface without any ornamentation covering the entire front face of the device up to the rim; A very thin rim of constant width, surrounding and flush with the front transparent surface; rectangular display screen surrounded by a plain border of generally constant width centred beneath the transparent surface; substantially flat rear surface which curves upwards at the sides and comes to meet the front surface at a crisp outer edge; thin profile; Overall, a design of extreme simplicity without features which specify orientation

Concepts

1. Informed user – user of handheld (tablet) computers; is interested in functioning, performance and aesthetics; how it looks matters to the informed user.
2. Design corpus – not purely functional designs like engine parts; the other designs for products of that type which existed at the date of creation of the relevant design; informed user is aware of design corpus.
3. Overall impression on comparison – Important to consider both similarities and differences.
4. Degree of freedom –

The informed user, therefore, appears to be a particularly observant person who, being neither the producer or seller of a product that incorporates the design at issue, nor a technical expert or designer, makes use of the product according to its intended aim, exhibiting a relatively high degree of attention when using it (Case T-153/08 Shenzhen Taiden Industrial Co v OHIM [2010] ECR II-02517)

Based on

THE INFORMED USER

A user of the product in which the design is intended to be incorporated, not a designer, technical expert, manufacturer or seller. Unlike the average consumer of trade mark law, he is particularly observant, has knowledge of the design corpus and of the design features normally included in the designs existing in the sector concerned and is interested in the products concerned and shows a relatively high degree of attention when he uses them. He conducts a direct comparison of the designs in issue. Does not merely perceive the designs as a whole, and does not analyse details, nor observes in detail minimal differences.

THE EXISTING DESIGN CORPUS

The idea of tablet computers: imagined in science fiction, referring to Star Trek (from 1966 onwards) and 2001: A Space Odyssey (Stanley Kubrick, 1968). Any tablet computer should offer unfettered views of electronic media by means of a large display screen and that the screen would be the main element in the design of any tablet.

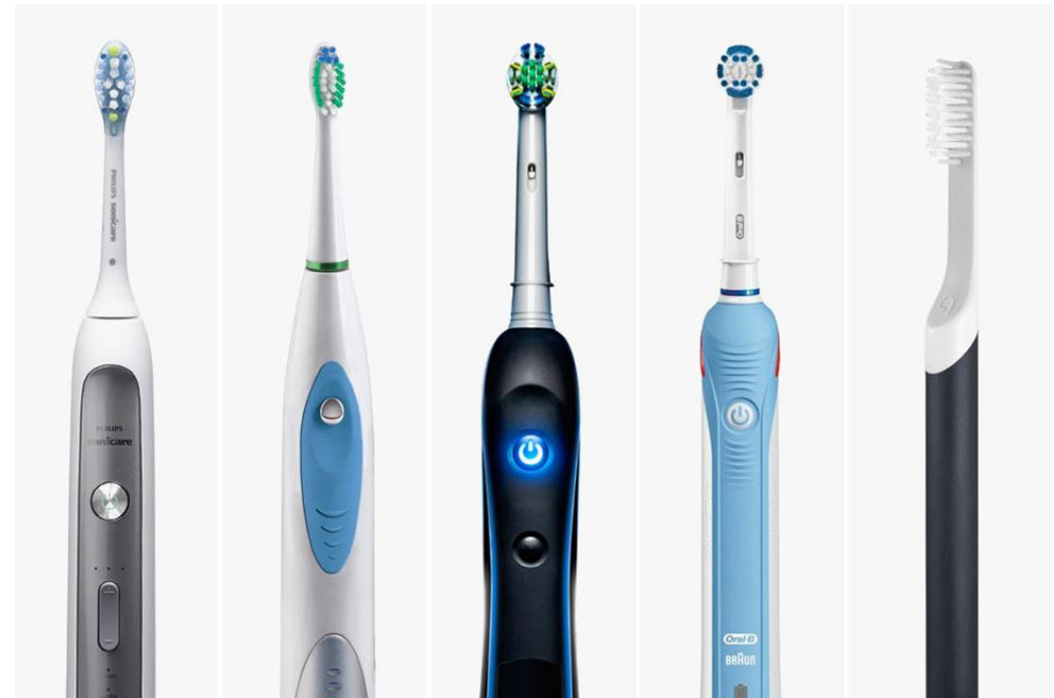


Function

1. Design freedom – design options: “design freedom may be constrained by (i) the technical function of the product or an element thereof, (ii) the need to incorporate features common to such products and/or (iii) economic considerations (e. g. the need for the item to be inexpensive).”

2. Solely dictated by function

Apple's list of features included a ‘surface without any ornamentation’ and ‘without features which specify orientation’, and Samsung did not challenge this as a characterization of the registration. Accordingly, both Judge Birss and the Court of Appeal accepted lack of ornamentation as a feature of the design registration.



Registration requirements



Locarno classification

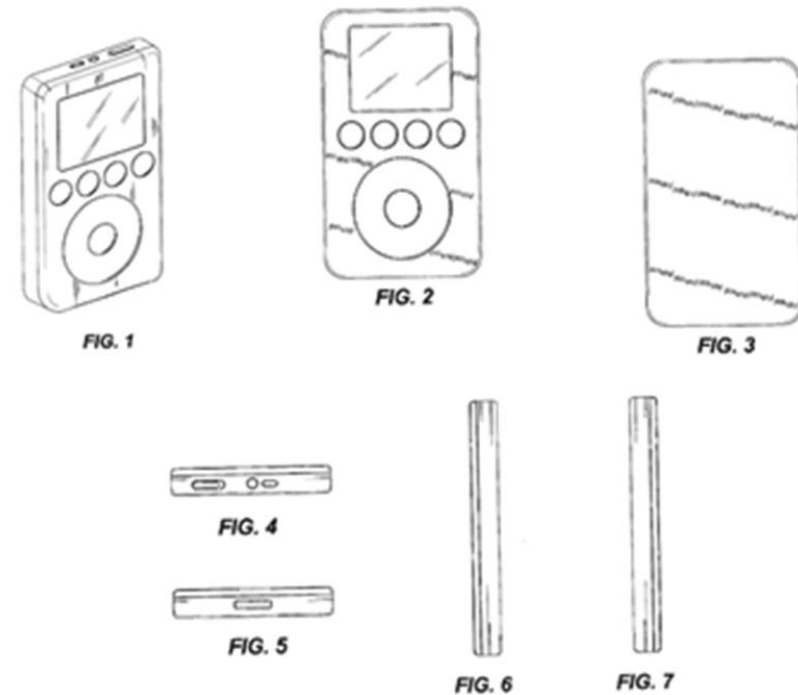
Was established by the Locarno Agreement (1968), is an international classification used for the purposes of the registration of industrial designs.

32 classes

Computers/calculating machines in Class 18

Design patent granted 2006 for the ornamental design of its third-generation (3G) iPod media player

TM 2007 consists of the design



Do you know these companies?

Quanta

Foxconn (Hon Hai)

Compal

Inventec

Wistron

Flextronics

Asus

...

Quanta

HP, Dell, Compaq, Apple, Cisco

Foxconn
(Hon Hai)

ipad, Acer, Cisco, HP,
Microsoft

Compal

Motorola, Lenovo, Dell, imac

Inventec

HP, Toshiba, Acer

Wistron

Acer, Microsoft

Flextronics

Microsoft, Kodak, Ericsson, Lenovo, Dell

The vast majority of laptops on the market are manufactured by a small handful of Original Design Manufacturers (ODM)

ODMs design & manufacture products which are specified and eventually branded by another firm.

ODM owns and/or designs in-house the products that are branded by the buying firm. ODMs create their own intellectual property and are proactive in patenting it.

Some companies, such as Hon Hai patent their innovations at three times the rate of IBM when measured on a per employee basis. Most of their patents are filed in the US, Taiwan and China.

- - 82.6% of ODMs are based out of Taiwan.

frog under Hartmut Esslinger worked with Apple to design its first PCs with the 'snow white' casing and provided Apple with a Design Language.



To become a global player, *Apple had to change its design and engineering processes as well as its industrial model* taking advantage of the masterful production processes in Japan and Singapore, Apple entered into collaborations with Asian electronics companies.

The Macintosh SE and the Apple IIc were essentially Samsung products.

The LaserWriter was a Canon product.

**the ability to mediate between
people and technology—between
art and science—will define the
next generation of design at frog.**



***When you design products, you
design conversations.***

Several ways to make a car cheaper

No Radio, Power windows, air conditioning, anti lock brakes, air bags, remote locks or power steering.

Rear wheel drive: manually actuated 4-speed trans axle that gives the car better fuel efficiency

Wheel Bearing: Wheel bearing is strong enough to drive the car at 72kmph but would quickly wear out at higher speeds.

Analogue speedometer, odometer and fuel gauge.

Single windscreen wiper



Or...

...Understand taxation !

Cars shorter than 4 meter in length in India have considerably lesser excise duty as they are classified as 'Small Cars'. The Difference in excise duty is around Rs. 22,000 which can be transferred to customers



Tata Indigo CS:

Length 3,988 mm
Width 1,620 mm
Height 1,540 mm
Wheelbase 2,450 mm
Ground clearance 165 mm

Tata Indigo Manza 4.413 mts

Manza CS 42 cm shorter - will be achieved by cutting down space near the front grille of the car.

FUEL EFFICIENCY OF av.17kpl achieved through engineering design features:

Engine: 69bhp, 14.2kgm DiCOR engine

Concentration on reducing friction losses on the 1.4-litre DiCOR diesel.

Design changes in the cylinder head and sealing gaskets.

Improved camshafts and valves and an ECU re-calibration.

Tata's engineers have also paid keen attention to small things like wheel bearings; *and fitted the new e-CS with lower-rolling resistance tubeless tyres.*

The brand name for a range of precisely-cut crystal (a particular type of glass) and related luxury products produced by Swarovski AG of Wattens, Austria.



POETRY of PRECISION: Swarovski is the synonym for crystal.

In 1895, Daniel Swarovski pursued his dream of creating a crystal so perfect that it captured both the eye and the heart.

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Swarovski, now the undisputed world leader in cut crystal has remained fully independent since its foundation in Wattens, Austria. The company employs 26,000 people and maintains a presence in more than 120 countries worldwide.

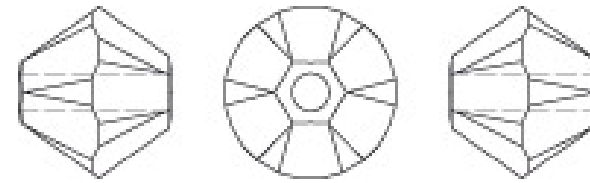
The company draws its richness of expression from the cultural heritage of Central Europe and its talents from *forging links between the arts, science and economics.*

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In 2007 Swarovski formed a partnership with electronics giant Philips to produce the "Active-Crystals" consumer electronics range. This includes six USB Memory keys, four in-ear headphones, and Bluetooth wireless earpieces with some form of Swarovski crystal on them as decoration.



Patented Xilion Cut



Swarovski has become the world-leading producer of precision-cut crystal lighting. The Swarovski philosophy is that crystal reveals its full beauty and array of colours only in proper combination with light. So those who know how to handle crystal have the power to control light as well.

With expertise in glass production and finishing technologies already used to manufacture jewellery stones, Wilhelm Swarovski developed **a novel prism fabrication and grinding process** that he applied in constructing his first 6x30 binocular and founded SWAROVSKI OPTIK in 1949. His company's first serial product, the Habicht 7x42, is still an industry standard in the field or hunting optics, followed by the first telescope, rifle scope with shock absorber and extendable telescope



In 1892, Daniel Swarovski patented an electric cutting machine that facilitated the production of crystal glass. Swarovski markets the grinding and dressing tools it has developed under the brand name of TYROLIT. In 1919 the TYROLIT company is founded and the brand registered and protected.



SWAREFLEX was founded in 1950 to exploit their expertise in glass elements. They produce reflectors and road marking studs with glass elements in a variety of sizes and designs ever since.



Every new era offers new possibilities for action and development. One must remain alert at all times, always ready to make the very best use of what emerges.



"constantly improve on what is good."

DANIEL SWAROVSKI I
(1862 - 1956)



Daniel J. Cohen, head of Swarovski's North American division, situated outside of Providence, R.I. Says: "The luxury aspect is important, but the money is made in the everyday product."