

IP – REGISTERED DESIGNS

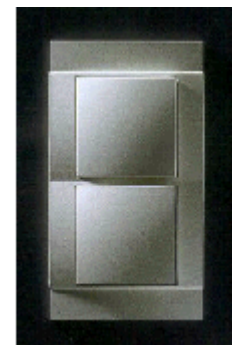
Ralph van Niekerk

25 February 2011



Registered Designs

VON SEIDELS
INTELLECTUAL PROPERTY ATTORNEYS
PATENTS, TRADE MARKS, DESIGNS, COPYRIGHT



Registered Designs

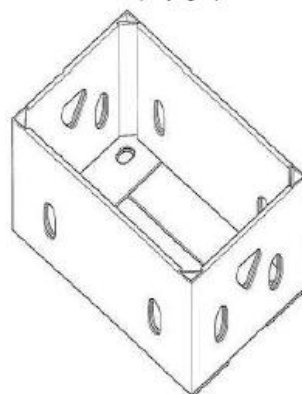
JANUARY 2011 PATENT JOURNAL

71: NAMPAK PRODUCTS LIMITED of 114 Dennis Road~Atholl Gardens~Sandton~2196, South Africa

33: -. 31:-. 32:-

54: A CONTAINER

57: The design is applied to a container. The features of the design for which protection is claimed include the shape and/or configuration of a container substantially as illustrated in the accompanying representations.



PERSPECTIVE VIEW

21: A2010/00284. 22: 03/03/2010. 23:

43:

52: Class 12. 24: Part A

71: HONDA MOTOR CO., LTD of 1-1, MINAMI-AOYAMA~2-CHOME~MINATO-KU~TOKYO, Japan

33: JP. 31: 2009-020474. 32: 2009/09/04

54: AN AUTOMOBILE

57: The design is applied to an automobile. The features of the design for which protection is claimed include the shape and/or configuration of an automobile substantially as illustrated in the accompanying representations.



21: A2010/00346. 22: 04/03/2010. 23:

43:

52: Class 09. 24: Part A

71: NAMPAK PRODUCTS LIMITED of 114 Dennis Road~Atholl

Gardens,~Sandton~Johannesburg, South Africa

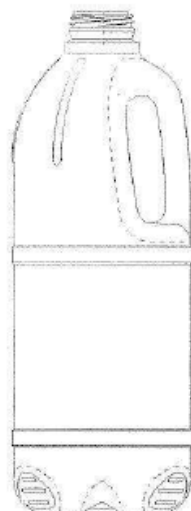
33: -. 31:-. 32:-

54: A BOTTLE

57: The design is applied to a bottle. The features of the design for which protection is claimed include the shape and configuration and ornamentation of a bottle substantially as illustrated in the accompanying representations.

Registered Designs

JANUARY 2011 PATENT JOURNAL



SIDE VIEW

21: A2010/00458. 22: 30/03/2010. 23:
43: 17/11/2010
52: Class 03. 24: Part A
71: BAYER SCHERING PHARMA
AKTIENGESELLSCHAFT of Mullerstrasse 170-
178~D-13342~Berlin, Germany
33: EU. 31: 001168058-0001/0011. 32: 2009/09/30
54: PILL DISPENSER
57: The design is applied to a pill dispenser. The
features of the design for which protection is claimed
include the shape and/or configuration of a pill
dispenser substantially as illustrated in the
accompanying representations.



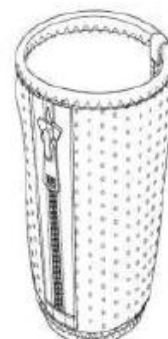
21: A2010/00459. 22: 30/03/2010. 23:
43: 17/11/2010
52: Class 03. 24: Part A
71: BAYER SCHERING PHARMA
AKTIENGESELLSCHAFT of Mullerstr
178~13353~Berlin, Germany
33: EU. 31: 001168058-0001/0011. 32: 2009/09/30
54: PILL DISPENSER
57: The design is applied to a pill dispenser. The
features of the design for which protection is claimed
include the shape and/or configuration of a pill
dispenser substantially as illustrated in the
accompanying representations.

Registered Designs

JANUARY 2011 PATENT JOURNAL



21: A2010/00509. 22: 08/04/2010. 23:
43: 22/11/2010
52: Class 03. 24: Part A
71: IT'Z HQ WEAR (PTY) LTD of 21
VILLERICHÉ~ROBERT BRUCE ROAD~BEVERLEY
AH~SANDTON, South Africa
33: -. 31:-. 32:-.
54: LIMB BAG
57: The features of the design for which protection is
claimed include the shape and/or configuration of a
limb bag substantially as illustrated in the
accompanying representations.



DEAR PERSPECTIVE
VIEW



FRONT PERSPECTIVE
VIEW

21: A2010/00511. 22: 08/04/2010. 23:
43: 22/11/2010
52: Class 03. 24: Part A
71: IT'Z HQ WEAR (PTY) LTD of 21
VILLERICHÉ~ROBERT BRUCE ROAD~BEVERLEY
AH~SANDTON, South Africa
33: -. 31:-. 32:-.

Registered Designs

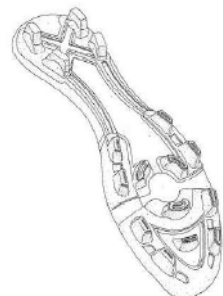
JANUARY 2011 PATENT JOURNAL

71: NIKE INTERNATIONAL LTD of One Bowerman Drive ~Beaverton ~Oregon 97005-6453, United States of America

33: -. 31:-. 32:-.

54: SHOE UPPER

57: The drawing shows a front perspective view of a shoe outsole showing the overall appearance thereof



21: A2010/00521. 22: 09/04/2010. 23: 43:

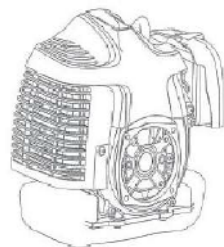
52: Class 15. 24: Part A

71: MITSUBISHI HEAVY INDUSTRIES LTD of 16-5 KONAN 2-CHOME~MINATO-KU~TOKYO~108-8215, Japan

33: JP. 31: 2009-024194. 32: 2009/10/15

54: INTERNAL COMBUSTION ENGINE

57: An internal combustion engine is shown in front perspective view showing the overall appearance thereof.



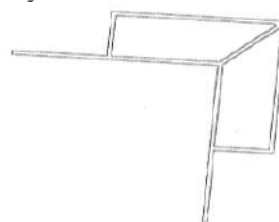
21: A2008/01876. 22: 18/11/2008. 23:

71: ROY ANTHONY LETHERBARROW of 1 COPELAND ROAD~PINETOWN~3600, South Africa

33: -. 31:-. 32:-.

54: CORNER EXTRUSION FOR HOUSING

57: The novelty of the design as applied to a corner extrusion for housing resides in the shape and/or configuration thereof substantially as shown in the drawing.



21: A2009/01304. 22: 26/08/2009. 23: 43: 10/05/2010

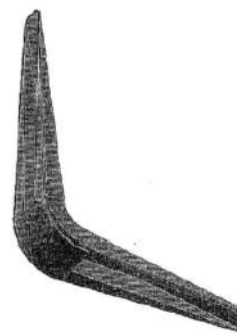
52: Class 08. 24: Part A

71: Hendrik Jakobus VAN WYK of

33: -. 31:-. 32:-.

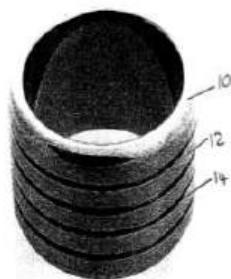
54: BRACKET

57: The novelty of the design as applied to a bracket resides in the shape and/or configuration thereof substantially as shown in the accompanying drawings.



Registered Designs

JANUARY 2011 PATENT JOURNAL



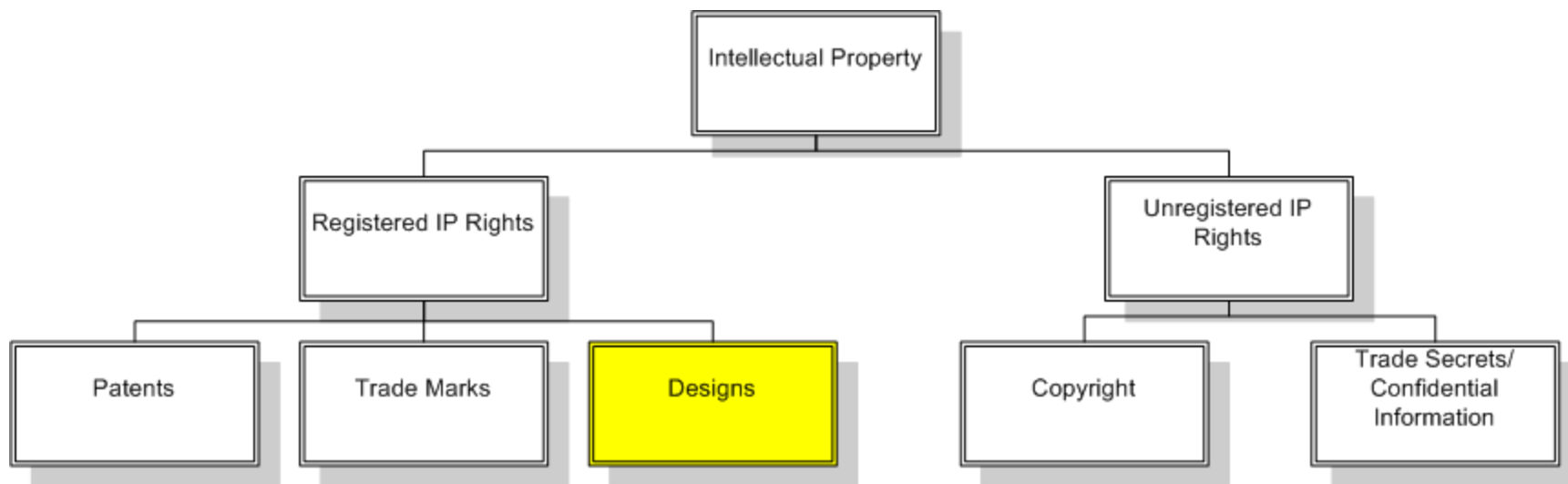
21: A2010/00636. 22: 30/04/2010. 23:
43: 09/12/2010
52: Class 06. 24: Part A
71: GRAFFITI DESIGN (PTY) LTD of NO 01
KYALAMI PARK~1684, South Africa
33: -. 31: -. 32: -.
54: A FRAMING MEMBER
57: The design relates to a framing member. The
features of the design are those of shape and/or
configuration.



54: CRICKET BATS
57: The design is for a cricket bat with a widened bat
surface.



21: A2010/00615. 22: 23/04/2010. 23:
43:
52: Class 06. 24: Part A
71: ARICE LIMITED of 2ND FLOOR YELLOWMAN
& SONS BUILDING~OFF OLD AIRPORT
ROAD~GRAND TURK~TURKS AND CAICOS
ISLANDA, South Africa
33: -. 31: -. 32: -.
54: FURNITURE
57: The design is for an article of furniture that
includes a round table extending radially from a
cylindrical pillar, with vertical supporting posts below
the table. A circular part of the table, immediately
adjacent the pillar, can rotate and includes
staggered supports on which small bowls of food
can be displayed.



Registered Designs

- **Designs:** Protect the shape and appearance of an industrial article
- **Patents:** Protect underlying principles (inventions)
- **Trade Marks:** Protect distinguishing signs that are capable of being represented graphically
- **Copyright:** Protects original works expressed in material form
- Design protection is useful where the shape, configuration or appearance of an article determines its selection for a particular application (*Industrial Designs*)

Registered Designs

- Designs & patents could cover:



- Probably only designs could cover



Registered Designs

- Copyright protection for designs?
 - The copyright in an artistic work of which three-dimensional reproductions were made available to the public (authorised reproductions), shall not be infringed if any person without the consent of the owner makes or makes available to the public three-dimensional reproductions or adaptations of the authorised reproductions, provided the reproductions primarily have a utilitarian purpose and are made by an industrial process.
 - No effective copyright protection for 3-D industrial articles

Registered Designs

Two kinds of Designs:

- **Aesthetic Design**

- Any design applied to any article, whether for the pattern or the shape or the configuration or the ornamentation thereof, or for any two or more of those purposes, and by whatever means it is applied, having features which appeal to and are judged solely by the eye, irrespective of the aesthetic quality thereof

- **Functional Design**

- Any design applied to any article, whether for the pattern or the shape or the configuration thereof, or for any two or more of those purposes, and by whatever means it is applied, having features which are necessitated by the function which the article to which the design is applied, is to perform

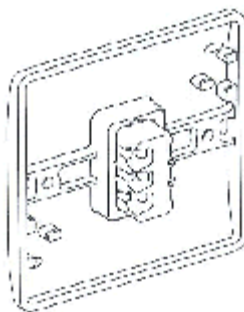
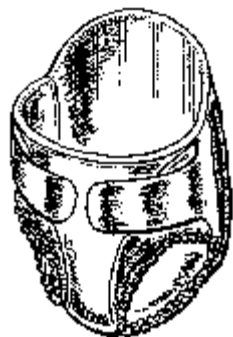
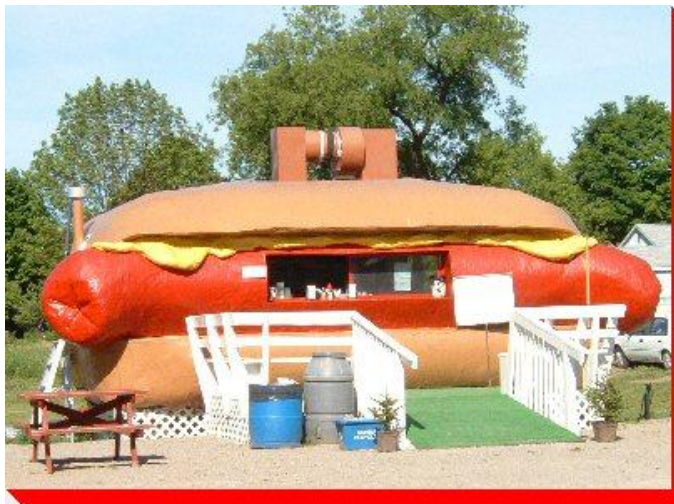


Registered Designs

- **Aesthetic Design**



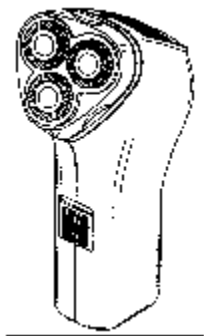
- **Functional Design**





Registered Designs

- **Functional or Aesthetic?**



Design Requirements

- New
 - Not available to the public anywhere in the world
 - 6 month grace period
- Original/Not Commonplace in the art

Design Infringement

- Scope of Protection



Prior Art



Registered Design



Infringement?

Design Infringement

- Where the measure of novelty of a design is small the ambit of the monopoly is small
 - *Clipsal Australia (Pty) Ltd v Trust Electrical Wholesalers* [2007] SCA 24 (RSA)

Procedure & Cost

- Need applications in each country of interest

SA Registered Design Application



6 months

Foreign Design Applications

- SA: Few thousand Rand
- Foreign countries: R20k to R25k

Duration

- SA Aesthetic Designs
 - 15 Years
- SA Functional Designs
 - 10 Years

Advantages

- Relatively low cost
- Quick to be granted
- Easily enforceable – prevents direct copying



- Licensing opportunities
- Protecting your market share
- Guarding against counterfeit products

Thank you

Ralph van Niekerk

25 February 2011