

Module 4

Designs in Physics

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(*) Action: C = Creation, I = Insert, U = Update, R = Replace, D = Delete

REFERENCED DOCUMENTS

| ID | Reference | Title |
|----|--------------------------|--------------------|
| 1 | 2020-1-UK01-KA201-078934 | IPinSTEAM Proposal |
| 2 | | |

APPLICABLE DOCUMENTS

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| 1 | | |
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1. Title of the Module

1.1 Learning Outcomes

[Short description of the module – up to 5 lines]

After completing this module, you will be able to:

- understand what designs are and whether they are an important concept of IP.
- get better understanding of its importance in industry and commerce.
- combine the concept of designs with the subject of robotics and in particular of robotic vehicles for space exploration.
- acquire hands on practice on using a 3D CAD software tool to design.

Estimated seat time: 1 hour

1.2 Main Content

1.2.1 Terms and Definitions

A design is the appearance of a product: its shape, patterns and colours. At the European Union Intellectual Property Office we register close to 85 000 designs a year.

A registered Community design is valid in all countries of the European Union.

Design protection is an important business asset for companies of all sizes, not just bigger ones.

EUIPO's research shows that small and medium enterprises (SMEs) which own designs have 17% higher revenue per employee than SMEs that do not own any intellectual property rights.

Designs are well defined in the European Union:

'The appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation'. [Article 3 of the Design Regulation](#)

Examples of designs

Almost any industrial or handicraft item can be eligible for design protection (except for computer programs)

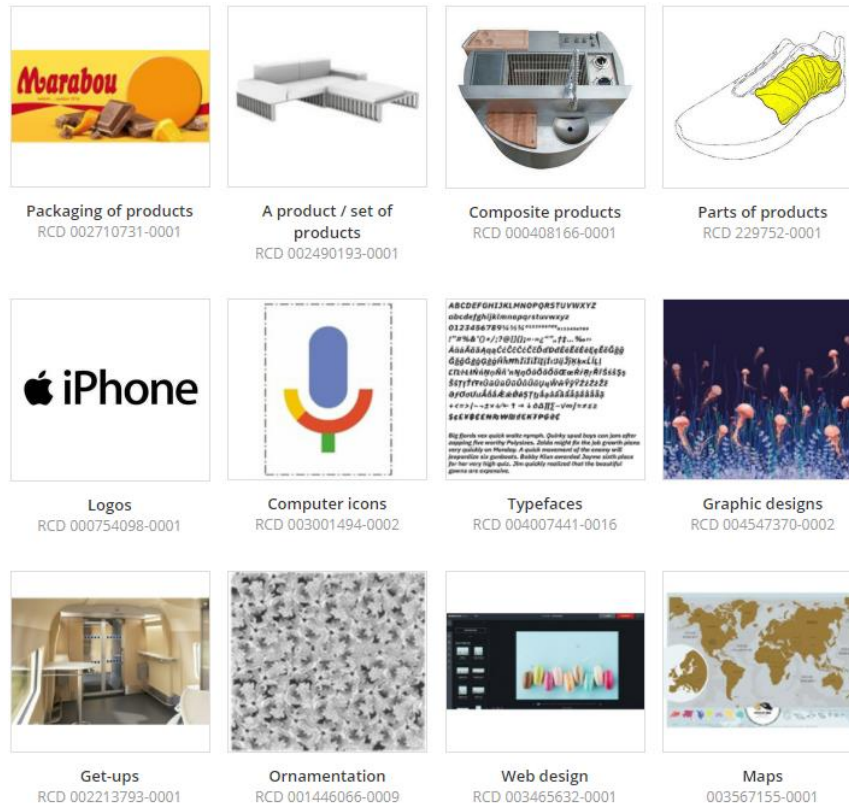


Figure 1: Designs examples as seen in EUIPO's website

1.2.2 Theory behind the IP implementation

Design protection guarantees you the **exclusive right to use a design**, which includes making, offering, putting on the market, importing, exporting or using the product in which your design is incorporated or to which it is applied. If you give your authorisation, third parties can use your design in their products.

What design protection covers

You can request design protection for the **appearance of the whole or a part of your product**. Your design results from the features of the lines, contours, colours, shape, texture and/or materials of your product.

How you protect a design

If you create a new design that meets the requirements of novelty and individual character, then you may need to register it.

If you only need to protect your design in one EU country, you should register the design at the relevant [national IP office](#) .

When you do business in more than one EU country, you can protect your design with a **Registered Community Design (RCD)**. You will pay EUR 350 for 5 years of protection and you have to [register your design](#) with the [European Union Intellectual Property Rights Office \(EUIPO\)](#).

If you only need protection for your design at EU level for a short period of time, such as 3 years, you can choose not to register your design and use an **Unregistered Community Design (UCD)** instead. You don't need to register or pay any fees. A UCD protects your design from the moment of public disclosure. After it expires you cannot renew it.

You can find out more about the registration that suits you at the [design page](#) of the [European Union Intellectual Property Right Office \(EUIPO\)](#).

In addition to the design protection, designs are also eligible for protection under copyright law if they fulfil the protection requirements for both: originality for copyright and novelty and individual character for design rights.

If you create an original design, your copyright protection starts immediately from the moment of the work's creation, without the need for any registration of your design.

1.2.3 Practical examples

The students are invited to see the video by the EU commission:
<https://www.youtube.com/watch?v=FYWPOz7BIYE>

1.2.4 Case studies

The lesson plan is designed to be the case study attached to this module.

1.3 Knowledge Assessment

Question 1: To enforce copyright to prevent a product from being copied:

- a) The claimant's product must be represented in an artistic work
- b) Articles made to the design must have been marketed
- c) The defendant's product must be a substantial copy of the claimant's product
- d) The claimant's designer must have created the design for the claimant's product in the form of a drawing or a model that is an artistic work**

Question 2: Design right

- a) Can protect designs only after articles have first been made to the design
- b) Applies to the individual elements of a design
- c) Only protects the visible parts of designs
- d) Can arise however the design is created and regardless of whether or not any copyright arises**

Question 3: Novelty in the case of registered designs means:

- a) The same as it does in patent law
- b) That prior disclosures by the designer do not count

- c) That novelty is judged on an EU wide, rather than a worldwide basis
d) That obscure prior disclosures are unlikely to destroy novelty

Question 4: A design has individual character if:

- a) It appeals to the eye of the ordinary consumer
b) It gives a different overall impression, when compared with prior design, to someone who is an interested consumer for the products in question
c) It stands out from other designs in the field when viewed by the ordinary consumer
d) The differences over previous designs are not trivial

Question 5: If XYZ invents a new process for recording music, she will likely apply for Design?

True

False

Question 6: Which of these is an example of packaging design?

Shape of bottle

Shape of hoover

Type of fabric used

Pattern on fabric

Handle on hoover

Question 7: How long is registered design protection for?

3 years

10 years

15 years

70 years

25 years

2. References

Theory information retrieved from <https://euipo.europa.eu/ohimportal/en/designs>