



PLOUGMANN VINGTOFT®

THE ENTREPRENEUR'S mini guide to design protection

Where the trademark protects your brand and the patent protects a technical functionality, design protection is about getting exclusive rights to the look of your product. When you protect your design with an official design registration, it is illegal for competitors to copy your product's design and you are entitled to compensation in case that should happen.



What are the benefits of a design registration?

A strong position against copycats

Once your design is officially registered, you can easily prove that the design belongs to you. With a design registration, you can help prevent people from copying your design and prevent competitors from registering similar designs.

You strengthen your business and increase opportunities to expand it

With a design registration, you have documented proof that you have created something unique. This strengthens your commercial position and puts you in a good place to discuss licensing-and/or sales agreements.

Where should I register my design?

You can register designs nationally, internationally or through the EU. For some, it is adequate to register their designs in a few selected countries while in other cases a firm will need to register in several countries including the ones for production and distribution of the goods.

For Danish firms, we recommend an EU wide design registration. The prices for EU registrations are a bit higher than the national Danish ones, but they will also provide a better geographic coverage.



Photo: Adobe Stock

The two criteria for obtaining a design registration

Regardless of what you want to protect, there are two criteria that are to be met before the authorities will take an application into account.

1

Novelty

Your design needs to have novelty. This means there can be no previously published identical designs. However, in the EU, the authorities will allow you to register a previously published design. If you are to register your design despite “the novelty criterion”, you must register your design within 12 months from the date on which you initially published the design.

2

Individual character

Your design must have individual character. This means your design must not be very similar to one that is already known. Therefore, it is a good idea to examine databases and figure out where exactly your product differs from what is already registered.

The “individual character criterion” is, however, dependent on the product. For example, when it comes to designing chairs, there are many ways to shape such a product, which is why the requirement for individual character would be relatively easy to observe.

What is the price of sole rights to a design?



The price of a design registration depends on two things: the number of countries in which you want the design registered, and secondly, the number of design variations your registration should include.

You are more than welcome to contact Plougmann Vingtoft's trademark & design experts for a non-committal talk about the official fees for design registrations and our prices for consulting on this matter.

Do you need our help?

We hope you are feeling well-equipped to make decisions regarding your designs and whether you want to protect them.

If you need help, Plougmann Vingtoft's IP consultants can assist you with the following: preliminary examinations, strategic counselling as well as application and registration. Further, they can help you evaluate whether you need additional protection of your intellectual property rights in terms of trademarks and patents.



Photo: Pexels



Scan to see *examples of design applications and registered designs* from EUIPO (European Union Intellectual Property Office).

AGUARDIO: Design-protected shower sensor

“Go slow on the H2O” is their slogan, and the Danish start-up, Aguardio, is on a mission to decrease the world’s overconsumption of water and energy resources.

Aguardio has developed an IoT based device that makes the user consume less water whilst in the shower.

“At first, we thought we were a gadget company that needed to patent a piece of hardware,” says Thomas Munch-Lauersen, CEO and co-founder of Aguardio.

However, with help from Plougmann Vingtoft, he quickly found out the hardware is not what makes an Aguardio unique.

Instead, it is the design and the fact that the data, an Aguardio collects, can help create an understanding of the consumer behavior – behavior that Thomas Munch-Lauersen and the rest of the Aguardio team are on a mission to change.

Read more about the solution [here](#).



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