

INDUSTRIAL DESIGNS

AN IMPORTANT ELEMENT OF THE PROMOTION OF GOODS AND ENTERPRISES

What can be an industrial design?

Industrial designs protect the appearance of a variety of products: industrial goods such as: watches and jewellery; household items and appliances; toys; furniture and electrical appliances; cars and architectural structures; textiles and sports equipment.



INDUSTRIAL DESIGN REGISTRATION – FOCUS POINT OF THE MARKETING STRATEGY OF EVERY DESIGNER AND THE MANUFACTURER



PROTECTION AGAINST COPYING

Registration of an industrial design protects against copying or counterfeiting of the design by competitors, and at the same time raises the prestige of the designer and manufacturer of the product.



ASSET

The registration of an industrial design gives the right to exclusive use of the design for profit or professional use in Poland.

This right:

- can be traded and sold, licensed or pledged;
- enables the reimbursement of costs incurred in connection with the creation and promotion of the product;
- increases the value of the enterprise, as registered industrial designs are its assets.



PRIMARY EVIDENCE

Having a registration certificate issued by the Patent Office of the Republic of Poland (PPO) is the best proof that you have an exclusive right to an industrial design.

WHAT DO YOU LOSE BY NOT REGISTERING AN INDUSTRIAL DESIGN?

- You risk being infringed upon or copied by competitors.
- The lack of proper protection of the right to one's own industrial design may significantly limit the development of the enterprise.
- It will be more difficult to prohibit competitors from infringing upon your industrial design.
- You may encounter difficulties when using your industrial design in business transactions (e.g. you will not be able to secure a pledged loan).

INDUSTRIAL DESIGN REGISTRATION

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CHECK THE POSSIBILITY OF PROTECTING THE DESIGN

Before submitting the application, it is advisable to check whether the developed design is new and has not been used before, made publicly available and whether it has an individual character, in particular in relation to earlier industrial designs.

An appropriate search can be carried out by examining the products in a given range available on the market and by checking databases of registered industrial designs, e.g. in e-Search, PPO and the *DesignView* search engine.

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FILE YOUR DESIGN APPLICATION WITH THE PATENT OFFICE OF THE REPUBLIC OF POLAND

An application for an industrial design in order to obtain a right in registration should include:

- 1) **an application** (containing the applicant's designation, specification of the subject of the application and the application for granting the right in registration),
- 2) **an illustration of the industrial design** (these may be, for example, drawings or photographs).

A description explaining the illustration of the industrial design may be attached to the application.

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PRELIMINARY AND SUBSTANTIVE EXAMINATION AT THE PPO

Immediately after receiving the application, the PPO checks whether it has been submitted correctly in formal and legal terms (including whether the application fee was paid) and calls for removal of possible faults.

Substantive examination includes checking by the PPO whether the design applied for meets the conditions for its acceptance for registration, including compliance of the subject of the application with the definition of an industrial design and whether its use is not contrary to public policy or morality. If the PPO finds that there are no grounds for registering the design, it issues a refusal decision to grant the right in registration.

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INDUSTRIAL DESIGN REGISTRATION

PPO issues a decision on granting the registration right of the design after confirming that the application has been filed, drawn up correctly and the industrial design meets the registration requirements.

The right in registration is granted for a period of 25 years from the date of filing the application with the PPO, divided into five-year periods, provided that the fee for the first protection period is paid.

MONITOR AND RENEW YOUR RIGHTS

After obtaining the registration right, monitor the market and the registration of designs by the PPO independently, or with the help of a professional, so as to eliminate attempts to violate your exclusive rights.

Remember to renew and pay your right in registration every 5 years during the 25-year protection period (fees for subsequent protection periods should be paid by the right holder without being called upon by the PPO).