



INDUSTRIAL DESIGNS by Intellectual Property Association Nigeria IPLAN

What Is An Industrial Design?

Fancy designs make an object attractive and appealing.

We often choose our cars, bags, clothes, electronics, phones and other appliances because of their attractive curves, color combinations and visual appeal, the 'Design'.

An industrial Design right protects the physical shape of an item. The design may be three-dimensional, such as the shape of an article; for example, the Coca Cola Bottle Design, Nokia 3310 Design, Blackberry Bold series designs etc, or two-dimensional, such as the patterns, lines and colors on your favorite dress or shirt, roofing tile, etc.

Industrial designs are registered for a wide range of products including, technical and medical instruments, watches, jewelry, house-ware, electrical appliances, vehicles, architectural structures, textile designs, leisure goods and other luxury items.

Industrial designs protect the work of Tailors, Fashion Designers, Graphic Designers, Manufacturers/Distributors/Importers of phone casing, pouches, nylon bags, tooth-picks... and the list goes on.

Registration in Nigeria

Registering your design gives an exclusive right to use the design, and to stop others from copying or imitating the registered design.

To qualify for protection in Nigeria, an industrial design must be new. It is important to note that industrial designs are registered to protect the aesthetic nature of an article, and does not protect any technical features of the article to which it is applied.

Protection of Industrial Designs

- In most countries, an industrial design must be registered in order to be protected under industrial design law. As a general rule, to be registrable, the design must be “new” or “original”. Different countries have varying definitions of such terms, as well as variations in the registration process itself. Generally, “new” means that no identical or very similar design is known to have existed before. Once a design is registered, a registration certificate is issued.
- Depending on the particular national law and the kind of design, an industrial design may also be protected as a work of art under copyright law. In which case registration is not required
- In some countries, industrial design and copyright protection can exist concurrently. In other countries, they are mutually exclusive: once the owner chooses one kind of protection, he can no longer invoke the other.
- In certain countries, an industrial design may also be protected against imitation under unfair competition law.

The owner of a protected industrial design is granted the right to prevent unauthorized copying or imitation of the design by others. This includes the right of making, offering, importing, exporting or selling any product in which the design is incorporated or to which it is applied. He may also license or authorize others to use the design on mutually agreed terms. The owner may also sell the right to the industrial design to someone else.

The term of protection under industrial design laws is generally five years, with the possibility of further periods of renewal up to, in most cases, 15 years.

Protecting an industrial design:

- Helps to ensure a fair return on investment;
- Improves the competitiveness of a business against copying and imitating the design by competitors;
- Helps to increase the commercial value of a company, as successful industrial designs constitute business assets;
- Encourages creativity in the industrial and manufacturing sectors, as well as in traditional arts and crafts.

About Us (IPLAN)

IPLAN is the frontline association of lawyers focusing on intellectual property issues of both national and international impact. IPLAN is constituted by lawyers, judges, policymakers, academics, practitioners and Law Students involved directly or indirectly in the practice of patent, industrial design, trademark, copyright, trade secret, and unfair competition law; as well as other fields of law affecting intellectual property.

MEMBERSHIP

Membership of IPLAN is open to Lawyers interested in Intellectual Property law in Nigeria. Intending members must be of good character and in good standing within the legal profession.

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