

Protecting the design of multiple products

JAMES & WELLS
**CHAMPIONS
OF INNOVATION.**

Registered designs are used to protect the outward appearance of a new and original product design.

The requirements for registering a design in New Zealand include filing an application at the Intellectual Property Office of New Zealand (IPONZ) with representations of the product and a statement of the novelty of the design.

Usually separate design applications must be filed for each product or part of a product carrying the design. There is also a requirement that the product or part must be made or sold separately.

However in some circumstances a single design application can be used to obtain protection for more than one product. These include:

- Where you have a number of products with a similar design which are either sold or intended to be used together (a common example is a cutlery set);
- Where a registered design has already been obtained for a product, an application for the same or similar design applied to other products may be made anytime during the term of that earlier design registration (which is known as the “parent design registration”);

- Where you have a range of products that differ only in size or proportions;
- Where you want to register a number of products but can currently only afford a single application.

Benefits

- By combining related products into a single application the overall costs can be reduced;
- By combining unrelated products into a single application the initial cost of multiple applications can be delayed. It is possible to later divide out individual product designs into separate design applications;
- A design registration for a set of articles is infringed by dealing in any one of the articles.

Concerns

A design applied to different products may be considered to look substantially different by an examiner during examination of your design application. In this case it will be necessary to divide out the extra products bearing the substantially different design into separate design applications before registration.

Costs

The approximate cost in preparing and filing a design application is \$900 plus GST (including the \$100 Government filing fee).

For a low cost assisted self-filing service see www.ipol.co.nz (total cost per application is \$250 plus GST).

IP Strategist

It is important to discuss all matters concerning your products with an IP strategist and to integrate such discussions/decisions into your overall business strategy. That way, maximum benefit can be taken from your specialist's knowledge of how to work the intellectual property system to your advantage.

Disclaimer

The above is provided for general information purposes only and does not take the place of specific legal advice. For more specific advice on all aspects of intellectual property law please contact us.