

Name: Russell Cameron

Company: Innermost

Number of employees – 9 with approximately 25 designers working by licence

Sector: Lighting

Spend on IP enforcement over the past 5 years: £15k

Background: Innermost offers a diverse collection from designers of many nations, brought together within a brand that stands for innovation, quality within their approach to product innovation. Founded in 1999 by designers Steve Jones and Russell Cameron, the pair aimed to build a design brand by collaborating with the huge reservoir of design talent London offered. London quickly widened out into Europe and within two years the company was fielding work from designers all over the world. Launching any design is a hard task; the simplest of objects always hide the pain that went into their creation. They maintain the same principles and rules for their product development now as they did in 1999 when they developed the first collection. They search and work to find and create innovation that comes from the material, the process or the aesthetic of our products. When you take that and fuse it with intelligent high-quality manufacturing the results speak for themselves.

Details: Innermost's products are copied regularly usually under the guise of "inspired by" and online, often using their own images. Inevitably they are copied in China and often in the UK by major retailers who, like other ACID members find that retailers watch the market (usually at first point of entry at exhibitions) for a new product, establish that it is successful and then produce a look alike which has been sent out to china to replicate and re-import cheaply eroding the market share of companies like Innermost. Innermost's Fantome clock is no exception with a unique aesthetic created with printed graphics on glass, mirror and a distinguishing clock mechanism. Innermost were disappointed to discover that major high street retailer BHS was selling a remarkably similar product.



Names of Infringers: Major Retailers including Arcadia (see above)

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Did you take legal action? Yes, through ACID's Accredited law firm. The most frustrating this was that Arcadia insisted on confidentiality as part of the settlement which Innermost could

not afford to challenge from a cost and time point of view. They wanted the matter over. The consequence of this was that whilst it was publicised the details of the settlement were confidential, so Arcadia's brand was relatively untarnished. This would appear to be a deliberate strategy by large retailers to stonewall challenge and perpetuate litigation with SME's. If the case gets to the stage when they know they cannot win, they will settle with a confidentiality agreement. In this way they have made a huge financial gain with the product and eroded the originator's ROI by producing and selling cheap copies. This behaviour is repeatedly demonstrated by UK retail that preys on the UK's designers to be the zeitgeist of tomorrow's "must have" products.

The UK Government should be aware of the change in strategy by the Chinese to train and produce their own designers which could, in time be a considerable threat to our own design capabilities if copying continues at the rate it is being promulgated without challenge or enforcement.

Do you register your designs with IPO/EU: Yes, some of them

How many times have you been copied: Yes, many times

How much have you lost through copying? Difficult to quantify but significant

Do you export: Yes, worldwide

Was the time taken to pursue infringement a barrier? Having gone through the process a couple of times I would definitely think twice before making the undertaking again.

Have you NOT pursued making a claim because of cost and time taken? Many times.

Did you consider IP Insurance? No

Have you ever had to defend your IP rights because you were accused of copying?

Yes, twice. The first time the simple and quick defence was Prior Art. More recently when a designer we had represented under licence for 7 years decided to change her mind and accused us of copying.

If you had to pursue infringement through the Court system, was it easy to understand and accessible. With legal advice yes.

What was your experience of using the Court system? We attended an IP Tribunal for the matter mentioned in question 9, it was efficient albeit with long periods of time between stages.

Have you had a case that resulted in damages being awarded? The matter with the Fantome Clock in our case study. Damages were £10k. Legal bill was £10k. But the most expensive part time spent which diverted us from business building exercises.

Were you aware of the different routes available to take to pursue the alleged infringement? Yes

When your product or creation was being infringed, did you feel there was easy access to the court system? Was there easy access to information on which route would be the most suitable? We got the information we needed from legal advice and the internet.

Do you think introducing a system of statutory damages would help? Yes

At the moment, registered design cases are not heard in the Small Claims Track, do you think they should be heard? If it speeded up the process, then yes.

If so and you hold registered designs, would you pursue through the Small Claims Track. Yes

Is online infringement seriously affecting your business? Yes, most likely. As a small business, we don't have the time to follow this closely.

If so, how much do you estimate you have lost over the past 5 years. Difficult to estimate, anything from £10k to £100k, maybe more

On which platforms? Alibaba, Tao Bao, AliExpress, Not on The High Street

Do you rely on unregistered design rights? Yes.

Currently only the intentional infringement of a registered design is a crime? Individual directors are also liable. Do you think this should be extended for unregistered design infringement? Yes.

Other comments:

- Make EU registered design worldwide.
- Retailers should be tackled by a Government crackdown to respect IPR in CSR.
- Raise more awareness about the importance of UK and UK designers
- Unregistered design infringement to be treated the same as copyright infringement
- Bigger damages as a deterrent to those who copy
- Greater pressure on exhibition organisers to ban known copyists
- Introduction of unfair competition in the UK.

Do you think Copying is blatant or inadvertent? Blatant, Yes