

Name: Chiselwood Limited

Number of Employees: 15

Sector: design/manufacture? Chiselwood designs and manufactures furniture, mainly kitchens for the end user.

Spend on IP enforcement over the past 5 years: approx. At least £65,000 and probably doubled in the cost of court time and lost work.

Background: With over 30 years' experience, Chiselwood have worked hard to stand out from the crowd. To make a difference in designing and manufacturing beautiful furniture. Living in Wiltshire in the early 80s Mel and Martin Holliday, founders of Chiselwood were inspired by designers, Mark Wilkinson, and Charlie Smallbone. In 1987 they moved back to Lincolnshire. They dreamt of setting up a bespoke furniture company unlike any other. Martin used his engineering knowledge and newfound love of design to create the company and began to design and make furniture by hand, in a small workshop in the centre of Lincoln. Their head quarters is a Malthouse which was a derelict property, and this is now their workshop headquarters and their home.

www.chiselwood.co.uk



Copying experience: As market leaders although we are consistently copied, the main case a few years ago took a great deal of time not only physically, however emotionally, as it distracted from working on projects and clients that would have given profit. This case was not easy to follow and in hindsight we would have been far more forthright instead of assuming that the judge would look at all the evidence presented.

Experience of the Court system: It is an exceptionally long process, very restrictive and emotional on the day and reliant on the judge fully understanding IP (in our case we felt the judge who was a “stand-in” on the day did not understand IP).

Cost and time element: Apart from the three years it took us to reach a final Court hearing, there were many hours spent preparing the case. The time taken to communicate to legal team, the travel to London and a day in court plus the many days feeling preoccupied on the outcome, both before during and after.

Have you NOT pursued making a claim because of cost and time taken? Yes, since that case we have overlooked some projects that we believed are based on our designs. We are now presenting on social media, any projects we do not secure, in the hope that our competitors see them and do not copy the identical project if they secure the job.

Did you consider IP Insurance? We have investigated it, however at present using other more up-front ways to prevent the copyright of our designs.

Sending “Letters Before Action” Solicitors letters direct to offender have been successful. Mainly as they did not realise, they had committed an offence and were happy to stop.

Would a introducing a system of statutory damages would help? Yes, things would be clear from the start. There are many variants in our judicial system.

Currently, registered design cases are not heard in the Small Claims Track, do you think they should be heard? Yes, I think the process would be quicker which would be much less stressful for a relatively small business (our last case was three years.)

Is online infringement seriously affecting your business? It has in the past. We are far more proactive presenting designs on social media if not successful in securing the project. We believe that this is helping to stop our competitors using our designs as their own.

Do you rely on unregistered design rights? Yes. Because each of our projects are designed for the client, they are individual. There are not many components that we could register as a specific item. Something we realised when we lost on a technicality last time. It is not the overall look but the breakdown of our furniture.

Currently only the intentional infringement of a registered crime is a crime? Individual directors are also liable. Do you think this should be extended for unregistered design infringement? It would be easier if we could have the unregistered design infringement extended as a crime. We do lodge many of our projects on the ACID IP Databank which provides peace of mind, however being able to be protected by law would give us much more confidence in the future. It would also provide a much stronger deterrent against copying.

Do you think Copying is blatant or inadvertent? Yes, in the main, most definitely