

Name: Terry Dady

Company name: MicroSlat Limited

Number of Employees: 3

Sector: Aluminium extrusion for the retail display industry.

Loss of sales as a result of IP enforcement over the past 5 years: As far as how much business we lose to our copycat(s), it is difficult to say, but if you consider that we probably average about £4 -500K, whereas before the copycat(s), we were half again to double that in some years. Unfortunately, there is no way of knowing exactly. All I can say is, if they weren't doing anything with our products, they wouldn't still be advertising them in their catalogue some 8-9 years on.

Background: We are small, but 'MicroSlat' is a recognised global brand in our industry and we feel we are the market leaders, despite the copycats. We sell/supply our products through architects, designers, and shopfitters for their global retail projects and this means anything to do with retail, libraries, art galleries, museums, etc. From a one-off independent store to large multiple retailers, such as World Duty Free, Three Mobile, Dune, New Look, and many more.

Copying experience: we have been victims to our designs being copied along with Trademark infringement. It appears the more successful you and your products are, the more likely you are to be copied. I guess it is a form of flattery, but one that no designer/ethical company wants.

We have many unique aluminium extrusions that we have painstakingly designed over many years or hard work and research. Our products are aimed at the shop fitting retail markets primarily and as such we send samples of our extrusions to all manner of architects, designers and shop fitters. As such, it is therefore very easy for these unscrupulous copycats to get hold of and simply reverse engineer our products/designs.

We now sell to 40 countries globally, 22 of which are in Europe and the other 18 in the rest of the world. Does this leave the door open for any of these countries to now simply copy our products if we lose EU UDR?

Cost and time element: We did spend money with lawyers to have the owners of one infringing company checked out. Whilst clearly everything he has in his company portfolio is someone else's designs, he claims them as his own. Our research, at considerable expense, also highlighted that this person/company has cleverly hidden all their assets. Therefore, if we won our case, which we clearly would, the time and effort in doing so would simply cost us a fortune and with nothing to show for it at the end, other than he would have to stump up the same amount of funds to try to defend himself. Our campaign to stop this company could cost hundreds of thousands of pounds and like many small companies in the same situation, we simply cannot afford to do this, or even take this risk in starting such a process. These design thieves clearly know this, and this is why they continue to do it. Until the law

criminalises this activity with heavy fines and/or jail sentences this practice will continue to the detriment of the prosperity of this country in years to come.

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

Did you consider IP Insurance? No

Have you ever had to defend your IP rights because you were accused of copying? No

What was your experience of using the Court system? Costly and frightening.

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

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? Please explain what happened in your case. It was not that easy, but I went to a lawyer who put me in contact with a barrister at considerable expense. The barrister told me that the cost to stop the IP infringement would be cost prohibitive if I wanted to stay in business.

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? Yes.

If so and you hold registered designs, would you pursue through the Small Claims Track? Yes, if I had to.

Online infringement: We also had a Chinese company copying our full product range, using our brand name and logo, as well as using all of our images from our projects and installations that were on our website. This Chinese company is still likely to be selling our products, but we cannot see any evidence of such, but we are certain that by just taking their site down has not stopped them.

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? Without doubt. Yes, we rely on unregistered design rights and we do feel that this should be extended to unregistered designs.

The current laws are clearly outdated and in drastic need of change, if we as a design led nation of SME's are to survive. Otherwise, innovators like ourselves are going to go elsewhere and the imitators are going to be allowed to win. This cannot be right!

Do you think Copying is blatant or inadvertent? Several of our designs have been 100% blatantly copied by an aluminium extrusion design company and as the law stands there is little, I can do to stop them, apart from spending a small fortune through lawyers.

I fail to see how the IPO can ignore all the evidence that has been presented to them over the years and knowing full well that the current laws for protecting IP and design innovation is so antiquated, that they cannot see the need for immediate radical changes to the laws that govern such protection here in the UK.

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