

ANTI COPYING IN DESIGN

ACID[®]

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NEWSLETTER

Issue 51
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Letter from ACID's CEO: DIDS MACDONALD

Dear ACID member!

Welcome to our new look newsletter which we hope you agree is more in line with our creative thinking! To mark this we have some exciting contributions from the amazing Ian Callum, Jaguar's Design Director, Sarah Louise Jordan, Assistant Editor of The Professional Jeweller Magazine and further news on the 'Trunki' case regarding ACID's submission to the Court of Appeal, to re-examine the case on the grounds of registered design confusion.



Gone are the days of the UK being described as a nation of shopkeepers. We have metamorphosed into a global hot spot of creative innovators where design features heavily. We are an inspirational nation; whether it's the Brompton bike in our garage, the global serialisation of our films and books, the next i-gizmo or hit song, we have to take care of our new natural assets, our intellectual capital, so that we don't lose our edge. Historically as a tiny nation, we punched well above our weight with our vast territories, mostly gone. We witnessed the brain drain of the 60's, 70's and 80's through careless policies. Let's not lose the current jewel in our crown – the Creative Industries – through lack of support and enforcement when the predatory forces of Google and the like plunder our bounty. Brand UK in this context is the envy of the world. So it's good to see in the Creative Industry Council's (CIC) vision for 2020 that IP focus is seen as a priority to ensure that the UK is recognised internationally as an attractive place to do business. ACID, as you are aware, are members

of the Alliance and our own 2020 manifesto and vision for the future resonates with the CIC.

The UK's place as an innovative nation is further reinforced by the World Intellectual Property Organisation (WIPO) Innovation Index 2014, which puts the UK in second global ranking (the Swiss beat us to the top slot). In a perfect world for innovation, who would do what? WIPO asks and selects the UK as No 1 for "Exporting Creative Services". In 2014 the Creative Industries (CI) contributed £71.4 billion to the UK economy and rising at around 10%. If we continue this progress not only will it provide more jobs but by 2020 the CIC could double its worth to around £150 billion.

The IP Act which received Queen's Assent in May 2014 includes several reforms within design law, notably the introduction of criminal provisions for intentional Registered Design infringement. This is intended to become law in October 2014. This will also mean that individual company directors are liable. The act will help designers who believe their Registered Designs have been intentionally infringed.

ACID Marketplace was revealed for the first time to a receptive audience of graduate and recently graduated designers at New Designers 2014 in June/July. ACID Marketplace is an optional extra for those who send their designs to the ACID Design Databank. **ACID Databank supports protection, ACID Marketplace promotes and tracks.** Most of the students (who sadly do not receive formal IP education and awareness) seemed most interested in the IP Tracking system which tracks and records every viewing of designs on Marketplace. Just as important to them was that potential design buyers have to register and sign the Buyer's Charter. Safer trading online of their new ideas was paramount as was connection with potential design buyers who they otherwise would not reach. We were delighted to award two free ACID memberships to Michael Papworth of Michael Papworth Designs and Kit Shadbolt of Kit Concepts.

As Summer fades, Autumn looms and the exhibition season heats up! So there is no better time to think about your exhibition strategy.

Warm regards, Dids



GUEST EDITOR

Sarah Louise Jordan

Assistant Editor - Professional Jeweller & Professional Jeweller Hot 100

Becoming a practising design-maker and business owner in today's competitive climate isn't easy, which is why discovering your designs have been copied can take a particular toll.

People don't always follow the 'How can they do that to me?' mentality, which is why relying on somebody's moral compass to point them in the direction of originality isn't always going to be effective.

If you're in a position where your designs have been blatantly copied, you are guaranteed to come up against the 'Why aren't you flattered?' collective, who presume imitation is the biggest form of flattery. Yet when it's your reputation, hard work, time, energy, dedication and passion that's gone into a piece of jewellery it's not just a simple case of imitation, it's a case of stealing your creative identity as a designer.



Sarah Louise Jordan

“

Protecting this creative reputation will ensure your brand – the image you've probably worked night and day to secure – is maintained in the long term.

Plus, with the advent of social media and the hyper-visibility of pieces across Instagram, Facebook, Twitter and Pinterest, do you really want somebody else showcasing a design that is rightfully yours, perhaps to an audience that is larger and more engaged than your own?

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Not only will they be making money from the sale of your designs, but they will also be growing their potential sales audience by presenting it as their own on social media networks. That hardly seems fair does it? Protecting your Intellectual Property rights is a bit like insuring your car.

You never expect or wish to get into an accident, but sometimes accidents happen and you have to be prepared. The same goes for your designs. Arm yourself, insure yourself and value your brand identity as much as the individual ring or necklace design that's been unlawfully copied.

PROFESSIONAL JEWELLER



Anti-Copying in Design is one such organisation that can help protect you and your designs.

If you're an emerging designer just starting to carve your own niche, don't presume that your months of obscurity will protect you from the prying eyes of copycats.

Equally, big companies, with highly established identities and recognisable shapes, prints and colours are vulnerable to attack. It's all about having the confidence to say,

"I am good at what I do, I've created something original and I want to protect it."

www.professionaljeweller.com



CASE STUDIES

TRUNKI- Latest in Trunki's Battle Against Design Copying!



Go to any shopping centre, school or airport and you will see the happy faces of hundreds of kids having the time of their lives on Trunki's toddler ride-on suitcases. They've become a cult "must have." Trunki designer Rob Law has been battling for justice against PMS International's remarkably similar lookalike Kiddee case. Worse still, after successfully suing PMS in the High Court, the decision by Mr. Justice Arnold to award judgment to Trunki against the Kiddee lookalike, was overturned by the Court of Appeal who ruled that Hong Kong-based PMS International's Kiddee case did not infringe the Trunki's designs on what would appear to be a confusing technicality.

UK Designers, including [ACID Ambassador's Kevin McCloud](#), [Sir Terence Conran](#) and Brompton Bike's designer Will Butler-Adams have united in their support of Rob Law's Trunki case under the campaign banner

#ProtectYourDesign

SPOT THE
DIFFERENCE



Representations have been made to the Supreme Court for clarity not only for Trunki but UK designers in general. CEO Dids Macdonald said, "In light of the Trunki case, many designers, may be questioning the value of registration when it seems like a minefield to find out what a registrant can rely on."

Unlike patents or trade mark registrations, designs are unexamined. The lack of evolving guidelines for design registration fall short of much needed clarity. To this effect, ACID has written to the Supreme Court to request re-examination of this case to clarify what, to many, are still confusing guidelines as to what can and can't be relied on in design registration."

ACID member Rob Law said, "Having built up a highly successful international company on my designs which we registered in the EU, I find it incredible that the law is apparently allowing what appears to be a blatant lookalike to continue free riding on the back of our design equity on a seemingly legal technicality, compounded by a lack of guidance in the design registration system."

ACID comment: "Design law is unbelievably complicated and it is not helped that there is little clarity from registration authorities on what designers can rely on with their submissions. UK designers are at a further disadvantage because, unlike our EU counterparts, if IP law fails them, they can turn to much stronger unfair competition laws. This, coupled with the fact that both UK and EU registration authorities do not examine design registrations, puts any designer at an unfair disadvantage. It's time for clarity."

Show your support for Rob Law @Trunki campaign

www.trunki.co.uk

**LET'S SHOUT
ABOUT IT FOR
 DESIGNERS**

TRUNKI'S ASPIRATION IS TO BE A GLOBAL BRAND AND CHAMPION WITHIN THE CREATIVE INDUSTRIES (WHOSE SIGNIFICANT CONTRIBUTION £71.4 BILLION IS WIDELY ACCLAIMED BY GOVERNMENT). BUT HOW CAN WE ACHIEVE THIS GOAL WHEN WE ARE CONSISTENTLY FIGHTING OFF COPYCATS WITH AN UNSUPPORTIVE IP FRAMEWORK WHEN OUR EU COUNTERPARTS CAN RELY ON UNFAIR COMPETITION LAWS.

- ROB LAW



CEO of Trunki Rob Law and CEO of ACID Dids Macdonald at The Alliance Summer Reception 2014



10 RACHAEL TAYLOR ENFORCES RIGHTS AGAIN

In a long drawn out legal dispute, Rachael Taylor has once again successfully enforced her rights against an alleged infringer about alleged copyright infringement in one of her original floral designs. The terms of the dispute and the resolution reached are confidential - the usual strategy of Goliath's who copy.

Rachael has previously taken action in respect of infringements and has received large scale press coverage in previous legal battles. As an artist who takes the time and effort to produce original, high quality work, she fails to see why others should get the opportunity to free ride on the back of this.



Rachael commented "Whilst furious at having to deal with yet another IP issue, I am delighted with such a positive outcome and I can now go back to focusing on designing new original works and pushing my business forward. It's great that ACID publicise members' enforcement success as this reinforces that ACID members know about their rights and have a robust IP strategy."

ACID comment: "IP respect within CSR should be a 'given' in business today together with ethics, compliance and best practice. Clearly there was a paucity in the company Rachael had to challenge."

Kelly Hudson, an IP lawyer from ACID Legal Affiliates McDaniel & Co who acted for Rachael said, "Rachael has shown real determination by driving this matter forward to obtain a rightful outcome. This settlement cements her reputation within the industry as someone who is not prepared to tolerate any dilution of her rights and will take whatever action is needed. In view of this reputation it seems likely for her that we will be speaking less and less in the future!" www.rachaeltaylor designs.co.uk



TABLE ART SECURES DISPUTED GERMAN DOMAIN NAME

ACID member Table Art has successfully tackled an on-going dispute with German company Dawnconcepts with undertakings to transfer a disputed and valuable domain name. Table Art operates its website and trades under the domain name www.table-art.co.uk. The company has a German office and was therefore shocked to note that former customer, Dawnconcepts had started selling identical products from a website it had launched under the domain www.table-art.de. This is Table Art's second successful enforcement of their rights.

Julie Whitehouse, Company Secretary at Table Art commented "This is a great result for us, particularly in light of the expansion plans we are currently undertaking at our German office. Our investment into designing innovative products under a successful brand is further strengthened when rights can be successfully enforced."

ACID comment: "Increasingly, IP owners are realising the value of their IP assets and the message is becoming clear to those who think they can skirt the law, as has been proved in this resolution."

Acting on behalf of Table Art, Kelly Hudson, an IP lawyer from ACID Legal Affiliates McDaniel & Co said "It is a shame

that Table Art were forced to take action against someone with whom they had previously had business connections. By taking a pro-active stance and initiating legal correspondence Table Art were able to secure a positive outcome in this dispute by obtaining the domain name, one of their the most valuable assets.” www.table-art.co.uk



SKULL AND CROSS BUNS TRIUMPHS IN TWO DAVID AND GOLIATH BATTLES

ACID member Emily Fox, trades under the brand Skull and Cross Buns designs and sells original, high quality rubber stamps, mainly for use by crafters under an ‘angel policy’ has successfully settled proceedings against Paperlink Limited and the Billabong Group. The copyright allegations were about two of Ms Fox’s stamps, one of which was alleged to have been applied to greetings cards by Paperlink and sold in some of the bigger stationery supply chains in the country and the other was alleged to have been applied to a t-shirt design by one of the Billabong Group’s subsidiary companies.



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The terms of the settlement’s reached are confidential and cannot be publicised but Ms Fox is delighted with the results and it’s now onwards and upwards with her development plans. Ms Fox commented, “As a small company I am pleased that I could challenge such large organisations whose legal purse strings are no match for me. ACID membership gave me the confidence and tools needed to feel I could do something about the issues I faced.”



ACID comment: “Increasingly in David & Goliath challenges it is a prerequisite that the terms of settlement are confidential. Large organisations do not want publicity about lack of IP compliance. One hopes that in time, best practice will emerge and instead of copying they will collaborate.”

Kelly Hudson, an IP lawyer from ACID Legal Affiliates McDaniel & Co who acted in the matter said, “Despite the challenges that SMEs do not have the means or gravitas to stand up to bigger companies Emily has proved otherwise. Skirting the law is not acceptable whether micro or macro. The ACID legal affiliate scheme offers members the opportunity to speak to a lawyer for free initial legal advice on any separate issue they have, I would recommend all members use this benefit.”

www.etsy.com/shop/skullandcrossbuns



IAN CALLUM

"IT STARTS WITH A LINE....."

Ian Callum, Director of Design, Jaguar delivered this keynote speech to celebrate World Intellectual Property Day at IPAN's annual event in the Palace of Westminster... For us, as car designers, it all starts with a simple pencil line on a sheet of paper; just a few micrograms of graphite, and one sheet in a sketchbook. **But, if that line is good enough, if it's spontaneous, graceful; if it tells a story, it might become a new Jaguar.** Jaguars couldn't be designed anywhere other than here in the UK, so it's probably just as well that as a business, we find this country an excellent place in which to create value through good design.

We believe that Intellectual Property protection here is amongst the most robust in the world. It's a good environment in which to innovate.

Our lawyers may have a few quibbles with the current IP Bill, but it's legalistic, detail stuff. As a company, globally, we typically

register nearly a hundred designs for every new model we produce. If we were to agitate for reform it would be in other markets, probably beyond your remit. **I want to give you an idea of the process** by which we turn that line into a car, the layers of intellect and craft that we apply to that first, instinctive pencil-stroke, to make it a Jaguar. I'm sure you're aware of it already, but I want to reinforce the value of great design, and the value of the work that you all do in protecting it.

So, back to that line! It might describe the profile of the car, or be the waistline that runs from the nose, over the bonnet, through the doors and across the haunches to the tail lamps. As Design Director, I don't always draw it myself; my job is really to protect its spontaneity, its purity, as we turn it into a complete car. Of course, a bit



like conception, there isn't just one candidate from the start. In our case, there are often dozens, worked up with months of freehand sketching. Then we start to model our best ideas digitally. You know it's utterly astonishing what we can do virtually. We can design, engineer, manufacture, road-test and crash-test our cars - all without building a single physical prototype.

But of course we would never design a Jaguar purely digitally. **You have to see a design, watch it move and observe how the light falls on it to know if it deserves to be a Jaguar.** So perhaps half-a-dozen of our digital models will be milled from clay. Scale models at first, progressing to full-size as we home in on our final design. And it's just astonishing the difference this makes. Occasionally, although a design might look great on screen, we can tell that it's not right even as it's emerging from the milling machine. And that, for me, is when the real magic starts.

Jaguar's clay modellers are simply the best in the business and I've worked with some of our guys for most of my career, taking them with me as I've moved between carmakers. Together, we can bring a design alive by shifting a crease - by hand - just a fraction of a millimeter, or by creating a curve with a constantly varying radius. Something that actually can't be created digitally; something human and we get to it by simply adding or scraping away clay. One line might take three weeks.

It's a surprisingly analogue skill in this digital age and our customers are often surprised to discover that their cars, which look like they've been milled from a solid billet of aluminum, actually began life as something wet and brown that you dig out of the ground. This is modelling clay, of course, so it's very expensive, strictly temperature controlled, wet brown stuff. But we couldn't make our cars beautiful without it and once we're finally happy, once we've painted it, and seen it in sunlight, then we scan it, and digitise it again

and hand it over to our colleagues in engineering to build.

Of course the process of engineering and testing and manufacturing a car is a story in itself. So I hope you can appreciate what goes into turning that first line into a finished car. If I've done my job, it should look effortless: But of course, it isn't.

But why bother protecting a car design?

I mean, surely a car can't be faked, like a wristwatch or a handbag? Well, actually, it can. In one global market, and you can probably guess which one, entire cars have simply been copied. Right now, there's a car on sale in that market which has the front and rear ends of a car in our group, with something else in the middle. Of course, it looks appalling and cars like this aren't a direct threat to Jaguar sales but we have to protect the emotion, the desire, the excitement that we give our vehicles and that makes them different to our rivals. But if this design quality still seems intangible, let me explain its financial value; its value in jobs and exports. I've been lucky enough in my career to have worked on some really special cars, and some really special sports cars in particular.



Ian Callum, Director of Design at Jaguar is not only acknowledged globally as a great car designer, but simply as a great designer. His current range of cars, won 80 global awards last year alone, including World Car Design of the Year for his sensational new Jaguar F-Type. With Jaguar sales up 42 percent last year and 80 percent of group production exported, the design work of Ian and his team makes a very significant contribution to the UK's balance of trade. He has been given five honorary doctorates but is proudest of his appointment as a Royal Designer for Industry, an award given to Sir William Lyons, Jaguar's Founder, 50 years ago this year.

I had all my design education here in the UK: first in Industrial Design at Glasgow School of Art, and then in Automobile Design at the Royal College of Art and I firmly believe that our automotive design courses remain the best in the world, and are central to the success of our industry. But I guess the transformative power of design wasn't brought home to me fully until later in my career when I spent twelve years at Ford, and then became Chief Designer at TWR Design. While I was there, in 1993, my team and I designed our first car for Aston Martin, The DB7.

The year before, Aston sold 46 cars. Underneath - and I can be honest now - the DB7 wasn't that special. The chassis was based on the old Jaguar XJS, so it wasn't particularly thrilling to drive. But we were very proud of how it looked. One reviewer said that it had 'a beauty the motoring world is lucky to see once in a generation'. Another described it as 'the car that saved Aston Martin'. We were certainly very proud of it. Aston's sales went from dozens to thousands and with our subsequent models for Aston Martin - the Vanquish and the DB9, we created a design language that lasts to this day. Sales peaked at over 7000 cars each year, securing Aston's future. And led, I believe, by design. At Jaguar, I've been lucky enough to be Design Director for 15 years now.

Design Directors are like football managers. We aren't often left in place long enough to shape a complete, coherent, successful line-up. But that's what I've been able to achieve at Jaguar.

My team and I have designed every car Jaguar now makes along with the concept cars that have signposted the direction we planned for brand and with our new C-X17 concept, the route we plan to take in the future, as we move Jaguar into whole new market sectors, allowing us to grow even further, while always maintaining our mantra of 'fast, beautiful cars'. With that complete, coherent line-up, the value of our design is greater than ever.

Although our engineering and our dynamics and our quality are at a higher pitch than at any time in our 79-year history, I'd argue - as you'd expect me to - that design is the single most important reason for our recent success, especially in the critical emerging markets. It keeps 28,000 of us employed in high value design, engineering and manufacturing jobs across our group in the West Midlands. A workforce we will add to and it keeps our sales marching upwards. Jaguar doubled its international sales last year. Looking at those numbers, would a designer at a major competitor be tempted to pinch one of our lines? Possibly.



Of course it works both ways. One of our rivals recently revealed a very neat new technology that impacts on design. Of course, they've patented it, and they would make it very expensive for us if we wanted to use it. But we won't.

We'll simply design something better.

www.jaguar.co.uk





A Three-Dimensional Problem



Gavin Llewellyn
ACID Legal Affiliate

SK STONE KING
www.stoneking.co.uk

The advent of 3D printing gives cause for alarm because of the impact which it will have on Intellectual Property (or IP). The potential to mass-produce products with the same outward appearance as legitimate goods could result in a significant volume of counterfeits reaching the marketplace. The ability to 3D-print potentially flawless imitation packaging, labelling and instructions for use means that, to the consumer, copies could appear to be genuine.

THE CHALLENGES FOR IP RIGHTS OWNERS

There is a huge limitation on the effectiveness of design rights (whether registered or unregistered) in tackling 3D copying: they only apply to prevent infringement for commercial purposes. Where private individuals use 3D printing to make articles for private purposes, design law affords no protection. Trade mark law too has been interpreted so that it only affords protection where trade marks are used commercially.

An interesting question arises in relation to commercial 3D printing ventures which might be high street copy shops or on-line providers. If an individual requests a copy of a product in which IP rights subsist from a 3D printing shop, is that printing for commercial or private purposes? The printer is certainly doing the printing for commercial purposes because printing is its business, but the ultimate user is an individual who will use it for private purposes.

Where spare parts for products are concerned, the express exclusions from design protection designed to stop monopolies arising in spare parts (but which actually have a much wider impact) will probably apply so that designers cannot stop the manufacture of replacements.

These obstacles do not arise in copyright law, but there are few three-dimensional products which are protected by copyright and a private copying exception for copyright works is also on the horizon.

Then there is the difficulty of policing infringement, which is likely to be prohibitive.

Despite these problems, rights can be strengthened considerably by registration because of the way in which registered rights are enforced (for example, in the case of Registered Designs, there is no need to prove copying). This also makes them more valuable to investors and more businesses in the Creative Industries are starting to realise this.

We also now have the benefit of criminal sanctions for the intentional infringement of Registered Design rights (thanks to lobbying by ACID any other interested parties) in the Intellectual Property Act 2014 which will be effective 1st October 2014.



DO THE POSITIVES OF 3D PRINTING OUTWEIGH THE NEGATIVES?

It is not fanciful to suppose that 3D printing factories will emerge, designed to flood the market with counterfeits.

Owing to the speed with which 3D products can be produced, it will also be possible to churn out counterfeits to order, making overheads lower because there is no need to warehouse large stocks of finished products.

Whilst 3D printers might not be able to produce high quality products to the same degree of quality because of the nature of the materials currently available, there will be many products which can be produced faithfully.

On the high street, we could see 3D printing shops popping up, giving ordinary people access to affordable, 3D printed products, which could create an undesirable private copying industry.

Then there are the benefits, such as the low cost entry to the market which 3D printing offers to designers who are not yet sufficiently well-established to set up their own workshops or factories and who cannot afford to produce and warehouse large stocks. 3D printing will be ideal for the designers of one-offs and limited numbers.

THE THIRD DIMENSION - EDUCATION

A very effective way of limiting the rapid growth of illegal copying is neither legislation nor technology, but education.

If people understand the benefits and risks associated with 3D printing, they are more likely to act responsibly.

The Government has sought to educate people about the myriad harmful effects of counterfeiting. The same should be done in order to protect our design economy from the effects of 3D printing.



THE EASE OF TRANSMITTING THE DRAWINGS NECESSARY TO ENABLE A PRODUCT TO BE 3D PRINTED MAKES THIS A REALITY NOT A DREAM.



MEMBER PROFILE

At an exciting period in Morgan's development Dids grabbed MD Rodney McMahon, between the opening of the fantastic new Clerkenwell showroom and countless award wins, to talk to us about Morgan, his views and experiences on IP and his message to Government, leading up to the next election, to ensure that today's Creative Industry growth creators are supported.

“We want to be heroes of our market place as a design-led, world class manufacturer”

Morgan Contract Furniture's belief is that the design and manufacture of truly original, high quality furniture is the result of passion, care, design integrity, experience, craftsmanship and an unfaltering dedication to quality. Their commitment could not be realised without fully integrating the design and manufacturing processes at their workshops and studio in Hampshire. They start the process with trees and finish with beautifully crafted chairs.

What is Morgan's mission?

Our mission is to be a design led manufacturer in the UK with a focus on our customers' needs and on building strong relationships with them.



“YOU SAY THAT “GOOD DESIGN IS NOT JUST BEAUTIFUL, IT IS FUNCTIONAL, IT IS A COMBINATION OF GREAT CARE, ATTENTION TO DETAIL AND IT IS STYLE AND QUALITY THAT WILL ALWAYS ENDURE TIME. WHAT MADE YOU CREATE MORGAN AND WHAT MAKES YOU GET OUT OF BED IN THE MORNING?”

”

We created Morgan to provide designers and specifiers in the UK with a genuine alternative to imported product since, historically, abroad has always been perceived as the only source of good design. I love manufacturing and the ability it provides us, by doing it in the UK, to provide enhanced service to our customers and to train a new generation of product designers and makers is very rewarding.

As a result of our investment in design, skill and craftsmanship, Morgan Contract Furniture is a design leader. Good design is often copied and you have had more than your fair share of experiences. Could you tell us a little about how you discover and deal with infringements?

The diversity, complexity and scale of our business sector means that discovering infringements is often difficult, unless photography is published of interiors. Quite often the quantities or sums involved would not make prosecution cost effective or the variances are just sufficient to make proof very onerous, but, more importantly, to take things further requires cooperation from the designer or end user involved. They are never keen for such publicity and therefore withhold permission together with the threat of withholding further business should action be taken. Thus, very few infringements ever come to light.

We have taken action, where it has been possible, to very clearly identify infringement. In every case, this has been extremely protracted, very expensive in money and management deflection and, whilst in every case we have won, we obtain little more than our costs. There is little disincentive and much to gain by copying.

What is your message about the “me-too” culture that pervades some of the furniture sector?

People do “me-too” because they are lazy and, in my view, dishonest. Those attitudes are bound, therefore, to pervade the rest of their business culture and the consequence to the customer must inevitably be an inferior product, service and back up, albeit at a fractionally lower price. In the longer term the originators of Design obtain diminishing returns from the heavy investment that they have to undertake and this has to result in diminished innovation and design.

Do you think that IP ethics, compliance and respect for Intellectual Property should be the cornerstone of the industry, in terms of declared Corporate Social Responsibility? And if so, how could the furniture

industry achieve this?

I do, but to achieve this requires strong Codes of Practice and the cooperation and agreement of suppliers, designers, specifiers and end users. It also requires two further key ingredients. First is education, IP is not taught at design colleges in any meaningful way, so few people understand the principles. Second, buyers need to have a design and aesthetic appreciation that allows them to see beyond short term financial savings. These are very long term ambitions.

You invest in your people by helping them to develop skills and craftsmanship. How important do you think this is for the future of Morgan?

I think that this is crucial, not just for Morgan, but for the wider society in general, since our education policies, both academic and cultural, are coming to rely to an increasing extent on industry. The disciplines, organisational skills and work ethic inherent in becoming “Morganised” are a key part of our competitive advantage.



We now have an IP Act which will mean not only criminal provisions for intentional Registered Design infringement but it will apply to individual company directors. How do you view this?

The Act of Parliament, which comes into effect in October 2014, will send a clear deterrent message which I hope will positively influence the Board strategy of those who sail very close to the wind. The message will resonate even more so on those Directors who knowingly intend to copy who will receive a criminal record, if convicted. It only takes one conviction to send a chilling message to those who take the fast track to market through intentional copying. Brands can take years to create and moments to destroy, even copyist brands!

Do you think the IP Act will have an effect on the furniture industry, and if so how?

Within the Furniture sector, increasingly design excellence, quality and sustainability are becoming key market differentiators. Gradually 'short termism' and cost cutting, will not be the best long term strategies for those within the sector wishing to survive. Government pressure on sector trade organisations to adhere to best practice, ethics and compliance in a proactive and visible way is growing. So strengthening of IP law can not only serve as a strong deterrent to copying, but also act as real vehicle for growth, innovation and job certainty for those who create design originality. Realistically there will always be copycats but in a constantly changing world underpinned by immediate social media, do consumers really want to sit on a knock off chair or be out at sea when a "me-too" bar stool collapses?



What are your 3 recommendations to Government to support the furniture industry and those that work within this sector?

1. Introduce criminal sanctions for intentional Unregistered Design infringement
2. Significantly improve damages and, in particular, introduce exemplary damages to send a clear message to consistent copyists within a more robust IP enforcement framework
3. Introduce IP compliance as a "must-have" in a Government-led declared Corporate Social Responsibility campaign. I know ACID are already in dialogue with Government on this. Good luck, we need it!

Sorry, I need 4! Introduce Unfair Competition in the UK to support designers in line with our EU counterparts who can rely on this when IP law fails them!

AWARDS

MEMBERS AWARDS & NEWS



We asked new member Kit Shadbolt about his designs after he had won the New Designers 2014 John Lewis Award:

1. Where did your inspiration come from?

For me, my inspiration was always generated and narrowed down through a brief. I don't necessarily get drawn to other designs or designers and sometimes the idea of a shape or a function will trigger a specific thought pattern.

2. In your opinion, how important is it to know about your rights about Intellectual Property?

Now, with the amount of exposure you can generate through exhibitions or media, I think its so important that you have the backing behind you. If your work is out there to be seen, it can just as easily be copied and I think at this stage when I as an emerging designer has exposure. It is vital that I can do everything in order to prevent my initial ideas or work being copied.

3. You attend Bucks New University, would you say the education you received there made you more aware of Intellectual Property and the business aspect of design?

My thoughts are that they have the knowledge and experience behind getting products to market and they are open to advise students about the business side of things but through the three years, it was always more about experience with the design and making side - which is what our course was targeted towards - rather than the marketing side.

4. You won the prestigious John Lewis retail award at New Designers 2014, were you expecting to win, what do you think you will do next?

I have always been confident with my work and believed I had a chance of catching people's attention but I couldn't comprehend the amount of work or talent I was up against so I think its only fair for me to say that I didn't expect to win anything. When the judges at New Designers acknowledged my work, it made me want it more, and winning an award was the best feeling. I am in contact with industry now so I just hope I make steady progress and can move forward with what I already have, and what is to come.



NEW MEMBER LIST 21



We would like to welcome to the ACID community

Member Name	Industry ID	Member Name	Industry ID
Dragonfly Print Ltd	Bridal	The Crafty Calf	Giftware
Heirlooms Ever After Ltd	Bridal	TrinklT	Giftware
Test Ltd	Bridal	FabFunky Ltd	Graphics
Victoria Corbin (The Tiara Boutique)	Bridal	Follow The Lights	Graphics
Alison Graham Ceramics	Ceramics	MJT Artwork	Graphics
George Atkinson	Ceramics	Susie Huson	Graphics
Jude Winnall	Ceramics	pogofandango	Greetings Cards
Pracownia Ceramiczna Fuklak Mariusz Klara	Ceramics	The Handcrafted Card Company Ltd	Greetings Cards
Susan Swales	Ceramics	Anne Ville	Interior Accessories
Cultivate Art Agency	Design Agency	Emma Hardicker Designs	Interior Accessories
Cultivate Art Collective	Design Agency	Kiran Ravilious	Interior Accessories
Alexandra Palmowski Designs	Fabrics & Textiles	Oscar Francis Ltd	Interior Accessories
Bespoke With Love/Trish Vass Design	Fabrics & Textiles	House Finch Ltd	Interior Design
Dee's Fabrigami	Fabrics & Textiles	Choose Wear Love	Jewellery
Georgia Bosson	Fabrics & Textiles	missjdesigns	Jewellery
Hanecdote	Fabrics & Textiles	Suzie Jasper	Jewellery
Jessica Wilde Designs	Fabrics & Textiles	The Bespoke Boutique Ltd	Lighting
Maria Boyle	Fabrics & Textiles	Alasdair Gowans	Product Design
Natalie Singh	Fabrics & Textiles	Identity Papers	Product Design
Rachel Reynolds	Fabrics & Textiles	Michael Papworth Designs	Product Design
Sew with the Flow	Fabrics & Textiles	Paul Ross	Product Design
Space 1a Design	Fabrics & Textiles	Pet-Planner	Product Design
Terry Macey	Fabrics & Textiles	Rebecca A Hill	Product Design
Phongnaret Patikham	Fashion	Recoblock Ltd	Product Design
Baa Stool	Furniture	Skypouch	Product Design
Designs For Education Ltd	Furniture	SunDaze	Product Design
Factory Furniture Ltd	Furniture	Taylor's Timepieces	Product Design
Jane Crisp Bespoke Furniture Designer Maker	Furniture	THE SILVER CRANE COMPANY LTD	Product Design
Kit Shadbolt	Furniture	Two Make Ltd	Product Design
McCollin Bryan	Furniture	Willow Haven	Product Design
Nicholas Hobbs Furniture	Furniture	Wrap Revolution Ltd	Product Design
Peter Morris	Furniture	Lucy Routh Art	The Arts
Scott Harrison Designs Ltd	Furniture	Mel Howse Ltd	The Arts
The Urbanite Home	Furniture	KlevaBox	Toys
Yard Sale Project	Furniture	Magmati T/A Trunki	Toys
Ahava Glass & Ahava Glass USA	Giftware	Phillips Plastics Ltd	Toys
Colette Halstead Glass	Giftware		

ACID's Joining Criteria for New Members

In accordance with our policy that all members are provisional members for the first 6 months of their subscription period, we publish a list in each newsletter of companies which have recently joined ACID. In the event that there is any complaint against a new member, please write to the Chief Executive together with any substantiated facts. Hearsay, rumour or unsubstantiated facts will not be considered under any circumstances. Any complaint that should arise will be put before a panel comprising ACID's legal advisor, Chief Executive and two Corporate ACID Members from a different industry sector. If the panel decides that a complaint should be upheld their decision will be final and no correspondence will be entered into.

22 MARKETPLACE NEWS

The Design Databank now offers the option of an additional online platform through ACID Marketplace.

The ACID Design Databank **supports protection**, Marketplace **promotes and tracks**.

ACID Design Databank:

- Members can upload documents and images of their 2D or 3D designs, underpinned by the strong ACID brand of deterrence.
- Provides reliable 3rd party independent evidence of date of receipt by ACID

Sebastian Conran



“Design is an unsung hero in the UK economy. Original design leverages value, but this takes investment and it needs to be protected.”

Sebastian Conran, Designer & ACID Ambassador

What Marketplace Offers:

- Designs are supported by the ACID Design Data bank secure system
- Buyers register to view designs online
- Cost effective
- It allows designers to support and promote their designs at the same time
- You can log on to your personal profile and upload your designs
- Promote & track your designs



Lord Younger

“The design sector is a really important part of the UK’s creative economy- with nearly £16 Billion invested in designs each year. ACID has shown real initiative in taking this bold step to develop the ACID Marketplace.”

Lord Younger, Former Minister for Intellectual Property

“Staying ahead of the Market and having new designs to offer is as important for a retailer as it is for us suppliers. If we can give our stockist the edge by enabling them to view upcoming designs without compromising our own position, what’s not to like...?”

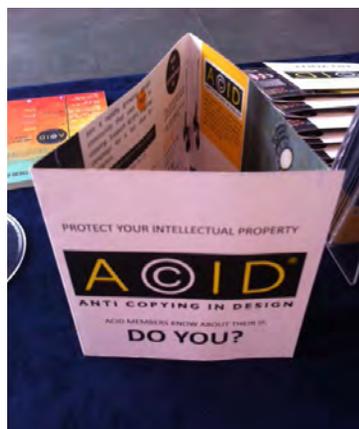
Angus Gardner, MD Caroline Gardner Publishing Limited

PROTECT YOUR INTELLECTUAL PROPERTY
ACID
Anti Copying in Design

The UK's First Designs Exchange

marketplace

www.acid.uk.com



Top Tweets



“Design is intelligence made visible” Alima Wheeler #wisewords #ACIDBUZZ

#IPACT ACID Marketplace offers a safer online trading platform between designers and design buyers

Let your designs do the talking #ACIDMarketplace #safertrading @ACIDMarketplace



1.



2.



23

3.



4.

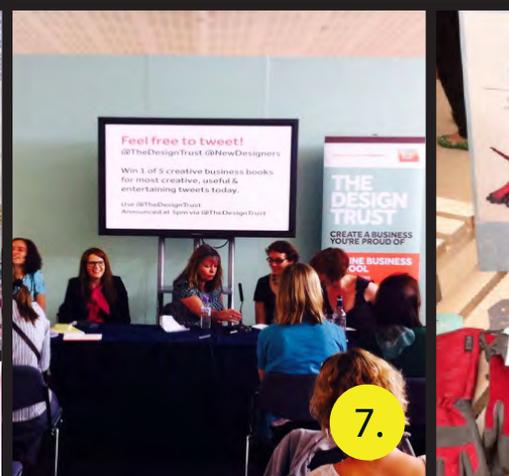
ACID OUT AND ABOUT



5.



6.



7.



8.



9.

1. Little Shop of showing their travel friendly, Little Book of Earrings at Home and Gift 2014
2. Culinary Concepts London at Home and Gift 2014
3. Issues 49 & 50 of ACID Newsletters
4. Jane Means at Home and Gift 2014 with all her gorgeous ribbons
5. Director of New Designers 2014, Isobel Dennis, with ACID's Joanna Mitchell, picking our free prize draw winner
6. Owner of Egg nogg, Kate Edmunds showing her My Little Masterpiece cushion cover and Colour In Kit bag
7. ACID Legal Affiliate, Kelly Hudson on The Design Trust 2014 panel discussing IP issues at New Designers 2014
8. Burgon and Ball displaying their new Summer 2014 Range at Home and Gift 2014
9. Dids Macdonald taking a break from discussing IP strategies and going down the escape chute at Trunki Tower

EVENTS & CALENDAR

SEPTEMBER 7-10TH 2014

Autumn Fair Exhibition



www.autumnfair.com

SEPTEMBER 14-16TH 2014

Glee Birmingham 2014



www.gleebirmingham.com

SEPTEMBER 14-16TH 2014

Top Drawer London



www.topdrawer.co.uk

SEPTEMBER 17-20TH 2014

100% Design



www.100percentdesign.co.uk

SEPTEMBER 19TH 2014

Design Junction Seminar Programme - "Protect your IP"

designjunction

www.thedesignjunction.co.uk

SEPTEMBER 21-24TH 2014

Decorex International 2014



http://www.decorex.com

OCTOBER 1ST 2014

IP Lunch Forum

SK STONE KING

www.stoneking.co.uk

OCTOBER 8TH 2014

Fashion and IP Corporate Lunch

FARRER&Co

www.farrer.co.uk

OCTOBER 21ST 2014

Westminster Media Forum Key-note Seminar: Projects for the British Fashion Industry

www.westminsterforumprojects.co.uk



ACID GOES NORTH OF THE BORDER!



In June, ACID travelled to Scotland to take part in Creative Scotland's IP event, "Up Your IP" Creative Scotland is the public body that supports the arts, screen and creative industries across all parts of Scotland on behalf of everyone who lives, works or visits here. They enable people and organisations to work in and experience these industries in Scotland by helping others to develop great ideas. Dids Macdonald talked about practical steps to take when if copied, the basic essentials of an IP strategy and the implications of the new Intellectual Property Act. Post event follow ups from the organisers will establish firm links and ongoing dialogue with Scottish designers. ACID has also been in touch with a potential new Legal Affiliate based in Scotland.

From iconic to everyday, design is all around us, enriching our lives as consumers, solving problems, adding value. Incredibly the creative industries contribute 71.4 billion per year to the UK's GDP and design plays a great part of this. With success, inevitably come the challenges of copying and an increasing culture of "me too" products riding on the backs of others' designs. ACID talked with delegates about a simple practical approach to taking legal action and the basic elements of creating an effective IP strategy.



"A strong knowledge of Intellectual Property (IP) - its ownership, protection and enforcement - is essential to drive any creative individual and organisation forward. For Creative Scotland, the public body which supports the arts, screen and creative industries across Scotland, the importance of organisations like ACID, who are there to advise on IP issues and promote the value of design, are imperative. Designers face the many challenges of managing their IP effectively, particularly in this digital age. This event was a collaborative event between Creative Scotland and the Institute for Capitalising on Creativity at the University of St. Andrews."

Eilidh Young, Knowledge Transfer Associate at the University of St. Andrews and Creative Scotland



www.creativescotland.com

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HOTLINES

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Nothing in this newsletter is intended to be a complete statement of the current law and you should always take specialist advice in respect of your own particular circumstances ACID 2014

