

ACID[®] MAGAZINE

YOUR VOICE AGAINST DESIGN THEFT

Different ways
to use the
ACID brand of
deterrence
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MEMBER ©
ACID
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Dear ACID members

Goodbye 2021, hello 2022 and who knows what this will bring? Hopefully, resilience through challenge will further resonate as we face hurdles we have rarely come across in our lifetimes.

**“I am
(or We are)
anti copying
in design”**



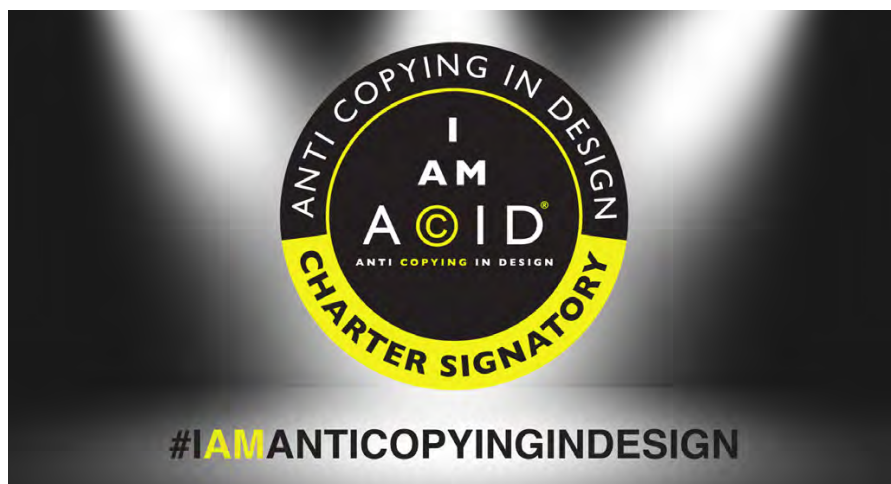
During 2021 we listened and acted upon your views through our survey and have invested significantly in a new, user-friendly web offering which we hope will bring a seamless user journey making access to our IP Databank, benefits and payment options a one stop journey. Watch this space for a Spring launch! Working with Katie and the innovative team at Kreativiti is a joy and we feel as though they are part of our team. Their response to any hiccups is always solution-led.

Our ACID Council, always brimming with different ideas, has come up with a unique initiative and we will be launching a nationwide campaign to embrace the entire UK design sector who are prepared to sign an “anti-copying in design”

ACID Charter. Launching with our new website will be the ACID Intellectual Property Charter with a low entry level of £10 to swell our numbers to achieve our campaigning ambitions. If we amass sufficient funds, this will also be used to help our members fight infringement cases. This is a simple and a declared statement of intent. With it comes a powerful deterrent message and includes “**I am (or We are) anti copying in design**” specially designed logos. We want thousands to sign the Charter.



MEMBERS



We fully support the inspired Design Council “Design for Planet” focus and ongoing initiative. As someone said recently “If you don’t, what planet are you on?” Negotiating with the planet is no longer an option. Design can and will be a critical enabler to create sustainable and planet-centred designs, in other words designing in a way that is good for our planet such as circular design, regenerative, and eco-design.

DESIGN FOR PLANET

The search is on, we are hiring!

I plan to step down as ACID’s CEO on June 30th – it seems only a moment ago, actually 25 years, since a group of design enthusiasts sat in Adam Aaronson’s ‘hot as hell’ glass studio. Every week we plotted and planned to change the world, because we were outraged at the copycat culture! Did we? Hopefully yes, but there is much more to be done. Time will tell. Future-proofing the next ACID chapter is critical. Who is this person? In my view someone who is a successful business entrepreneur, shares a passion about the preservation of original design and has inexhaustible enthusiasm to march us resolutely into the future with energy. Please write to me at didsm@acid.uk.com if you are this person or you can recommend ACID’s next ‘terrier’.



I hope to remain Chairman during the transition period and to further our resolute mission to make the intentional infringement of an unregistered design a crime. See Nick Kounoupas’ summary on Pages 4 and 5 about the inexplicable opposition by Government (IPO) and their consistent failure to provide evidence for their assertion that the introduction of criminal provisions for the intentional infringement of an unregistered design would/could be,

offence involved should it be copied. This is both unfair and ridiculous. The disparity between design creators who rely on copyright and those on design right is both seismic and unfair.

The good fortune of benefitting from a highly engaged and innovative ACID team, generous legal affiliates, again giving much pro-bono aid, and a proactive ACID Council has laid solid foundations for 2022, so a massive thank you to all.

“Chilling for innovation and lead to business uncertainty.”

Thank you also to you, our members, for your continued support and all good wishes to you, your families and teams for a healthy, happy and successful year ahead. Above all keep safe and well.

Dids

Dids Macdonald OBE
CEO of ACID

Designers, rightly, still continue to be baffled by a law that makes it a criminal offence to copy a two-dimensional design drawing but when that drawing is converted into a 3D product there is no criminal

In the lead up to the Government's next Enforcement Strategy Nick Kounoupas, ACID's Chief Counsel and IP Director talks about evidenced based policy...

To chill or not to chill?

Is that the question?



Intellectual Policy needs to be evidence based. That was one of the conclusions of the Hargreaves review of intellectual policy back in 2011. So whenever the UK Intellectual Property Office (IPO) is presented with arguments in favour or against a change or enhancement to UK IP laws, it needs to review all the available evidence and weigh it up when deciding whether to propose the change. And so whenever ACID has campaigned for changes to design laws in the UK, we have carried out detailed

surveys of our members, which we have then sent to the IPO in support of our arguments.

But is evidence-based policy a one-way or a two-way street? To put it another way is the IPO obliged to share with ACID evidence that it claims to have received which it uses as the basis for refusing to provide ACID members and designers generally with the urgent changes needed to design laws in the UK?

The situation has arisen in respect of ACID's campaign to criminalise unregistered design right infringement. At present it is a criminal offence deliberately to copy a song, book, 2-dimensional artwork, photograph, computer software, registered trade mark or logo, or a registered design. The penalty is a maximum ten-year prison sentence and directors of a company convicted of the offence can also be prosecuted. However, it is not even a criminal offence to deliberately copy an unregistered design and the vast majority of designs are unregistered.

The IPO's response to ACID's lobbying has been that to criminalise the deliberate copying of an unregistered design would have **"a chilling effect on innovation and lead to business uncertainty."** When we have asked for the evidence to support this conclusion, which the IPO claims to have, it has not been sent to us. We have asked innumerable times both in person and in writing. We have not

even been told how the evidence has been assembled or who has provided it. This is completely unacceptable.

Whilst this issue is at present a concern for designers obviously it sets an unhappy precedent in all areas of IP policy making. In our view sharing evidence must be a two-way street. If the IPO refuses to share the evidence that it does have then it damages the trust and generally good working relationship that rightsowners share with it.

Background information

ACID's campaigning arm raises awareness about design's significance to the UK economy, not only for its members but for designers in general. In October 2014 the IP Act was passed, following a 10-year long Campaign spearheaded by ACID to criminalise

the intentional infringement of a registered design. The idea behind the IP Act was to simplify and strengthen design protection for the UK's hugely important design sector. It also sends a clear deterrent message to copyists.

Designers continue to be baffled by a law that makes it a criminal offence to copy a two-dimensional design drawing but when that drawing is converted into a 3D product there is no criminal offence involved should it be copied. This is both unfair and ridiculous. This is why we are resolute in pursuing criminal provisions for the intentional infringement of an unregistered design.

Read more
about
campaigning
here

"a chilling effect on innovation and lead to business uncertainty?"



Guest Editor

Gilane Tawadros

Chief Executive, Design and Artists Copyright Society (DACS)

As the cultural and creative industries navigate the post-pandemic and post-Brexit landscape, we must ensure that the rights of creators are at the forefront of how the UK manages its recovery towards a sustainable future.

Since 1984 the Design and Artists Copyright Society (DACS) has campaigned for the rights of visual artists and since 2006, has paid out over £100m in Artist's Resale Right royalties to artists and their estates. As ACID celebrates 25 years of ensuring that all designers have Intellectual Property protection, it is time to look at how all creators can be afforded the same rights, not just in the UK, but globally.

As we forge new pathways and opportunities to work creatively and maintain our world-leading cultural and creative industries, we must collaborate to protect creative rights. But how do we ensure that artists' and designers rights are maintained for works post-Brexit and post-pandemic? How, as a society that values creativity, do we guarantee that artists and designers working in new technology and on digital platforms are protected?

In March 2021 DACS launched its Manifesto for Artists – a collaborative statement of ideas and intent to steer visual artists beyond the Covid crisis. In a survey to our artist members, 73% reported that their livelihoods had been affected



Gilane Tawadros

www.dacs.org.uk

GUEST EDITOR



Economic value

This £117bn creative sector is arguably one of the most vital in the UK. It thrives on, needs and directly benefits technology producers and users.

That's why we need The Smart Fund to create a sustainable partnership between the tech and creative industries.

“It is time to look at how all creators can be afforded the same rights.”

“73% reported that their livelihoods had been affected by COVID-19, 54% had seen the cancellation or postponement of exhibitions and projects and 47% were not eligible for any government support”

by COVID-19, 54% had seen the cancellation or postponement of exhibitions and projects and 47% were not eligible for any government support. Legislation, such as the Artist's Resale Right, can help secure not just the rights of artists and designers but also support creators' ongoing practice and livelihoods, providing them with a continuing stake in the increasing value of their work.

The cross-over between copyright and design rights for artists and designers has always existed. In 2020 a significant development has come from the *Cofemel v G-Star Raw* judgement. The case provided a landmark ruling likely to impact copyright protection for designs and other objects - paving the way for increased rights of creators in the UK. In short, the *Cofemel*

case removed any requirement for an aesthetic test when deciding whether an item is copyright protected. It is this point that has the potential to extend copyright protection to more 'works of artistic craftsmanship' including items of design, which in turn may extend the number of works that could qualify for Artist Resale Right.

As 2022 dawns, and the UK's political leaders continue to meet to discuss how we can reshape and rebuild the UK's economy, we have an opportunity to work



collaboratively and collectively to reassess the imbalances within our cultural economy, and to further reinforce Global Britain as a dynamic cultural and creative hub.

DACS®

Gilane Tawadros

Chief Executive, Design and Artists Copyright Society (DACS)

Gilane has spent her career in the visual arts. She was the founding Director of the Institute of International Visual Arts (Iniva) in London, chaired by Professor Stuart Hall, which, over a decade, achieved an international reputation as a ground-breaking cultural agency at the leading edge of artistic and cultural debates nationally and internationally.

She has curated numerous exhibitions and has written extensively on contemporary art. She is a Trustee and Vice-Chair of the Stuart Hall Foundation. She is a Trustee of the Stuart Croft Foundation, a member of the Whitechapel Art Gallery Editorial Board and serves on the Board of European Visual Arts (EVA) and on the Intellectual Property Office's (IPO) Copyright Advisory Panel.

ACID legal affiliates Taylors win damages for Portfolio Home after copyright battle

Portfolio Home, a textiles supplier has won more than £35,000 in damages following a successful claim for copyright infringement. Manor Park Trading initially denied the copyright claim on the basis that the respective designs were different but admitted liability immediately before trial in 2019. Portfolio Home's innovative and best-selling design *Orkney* was copied by Manor Park Trading, which marketed its fake product as 'Aztec' on online marketplaces such as Amazon.

Sales of *Orkney* declined significantly following the launch of 'Aztec' in 2017. Portfolio Home, based in Denton, Greater Manchester, is a leading designer and supplier of bed linen and sheets, cushions, curtains and towels to high street and online retailers. Portfolio is a registered trademark of Bridstock Gate, which is part of the Evans Group of Companies.

The judge accepted Portfolio Home's calculation for its lost profit for the period in which 'Aztec' was on sale, plus the following two years, ordering Manor Park to pay damages plus a costs contribution.



Orkney



Aztec

IP lawyer, Tony Catterall said: "We are delighted to have brought this claim to a successful conclusion on behalf of Portfolio Home. Reputable firms in the textile trade spend vast sums on their design function, and it is immensely frustrating to see a successful design copied. The result of this claim demonstrates that our clients can be confident of using the legal system to protect their investment in original designs."

Portfolio Home managing director Paul Callan said: "We are pleased to have concluded this claim on the basis that we have established the principle that the Evans Group of Companies will not stand for copyright infringement". We take great pride in the innovative nature of our products and invest heavily in the design of our original textile ranges. This case has shown that we will pursue anybody who crosses the line into plagiarism of our designs."

www.taylors.co.uk

Another success for Taylors as it defends copyright claim against Altrincham based Arley House

Taylors have successfully seen off a copyright infringement claim from a minority shareholder of Arley House by Barry Ward who is a well-known fabric designer. Arley House, an independent, boutique design house based in Ashley, near Altrincham, specialises in creating luxury fabric designs for the commercial and residential markets.

Mr Ward alleged that he owned more than 60 designs that he created for Arley House, and that the company had no right to use them.

Following service of a robust defence and counterclaim by Taylors, Mr Ward accepted that copyright in the six best-selling designs was owned outright by Arley House and that it had a perpetual, royalty-free licence to make and sell the rest of the designs that Mr Ward had created for the company. As part of the arrangement, Mr Ward also agreed to transfer his minority shareholding in Arley House to its managing director Adrian Tratalos.

Tony Catterall, head of Taylors' intellectual property team and an internationally-recognised authority on copyright, said: *"We are very pleased that our advice to stand up to Mr Ward and fight this claim was fully justified. We were instructed after other solicitors advised that the company had a weak case."*

Adrian Tratalos, Managing Director of Tratalos said: *"We have achieved a result that goes well beyond our initial expectations, and we are delighted with the outcome, which enables us to continue marketing many of our successful designs that had been put in jeopardy by the claimant's unfounded allegations in these proceedings."*



Tony Catterall
Senior Partner of Taylors

www.taylors.co.uk



ACID TACKLES ONLINE IP INFRINGEMENT CHALLENGES

At a recent ACID webinar
“Online Challenges” - ‘Social Media & Online Platforms – IP Tips & Guidelines on Takedowns’, ACID legal affiliate Kelly Hudson aka The @IP_Doctor gave some useful tips and guidelines to a packed audience:

Types of infringement usually discovered on social media:

- **Copyright infringement** – posting a photograph, video, or quote without permission on Facebook, Instagram, or any other social media platform
- **Trademark infringement** – creating an account using a brand name or using a brand’s logo as your user profile picture
- **Design infringement** – using images of a protected design to market a product

Examples of infringement on online selling platforms include:

- **Counterfeit goods** – Goods made or sold under another’s brand name without the brand owner’s authorisation, e.g., fake clothing, bags, and accessories often of an inferior quality
- **Copyright infringement** – using someone else’s images in the sale or market of a product
- **Trademark infringement** – selling a product depicting a protected name or logo.

**Did you know
what you agree
to when you use
online selling
platforms?**

Photographs - Facebook and Instagram, will have copyright ownership. Your IP rights do not change; however you do give these social media platforms certain rights.

Facebook, Instagram, and Twitter accounts - you grant them a non-exclusive, transferable, royalty-free, sub-license which means they can: host, use, distribute, modify, run, copy, publicly perform or display, translate and create derivative works of the content you post.

On Etsy, eBay, and Alibaba - you authorise the selling platform to exercise any and all copyright, trade mark, publicity, and other IP rights.

Moral rights - You also waive any moral rights to the fullest extent permitted under applicable law.

What is a Takedown notice? | (TDN)



A TDN is a notice submitted to online hosts in response to allegations that the content that is advertised on its platform is in breach of its terms and conditions. For Facebook, Instagram, Twitter it is a tick box form, whilst Alibaba and eBay use effective, easy to follow platforms and policies to report infringement of intellectual property rights.



Some Webinar Q&A questions (a full list of Q & A can be found on our members' section of the website)

Q) My design has been heavily copied by manufacturers in the Far East and bought by small businesses worldwide. I have registered my design in the UK but the number of fakes popping up is massive – becoming almost a viral product, such as those seen on TikTok. When I report listings to eBay, they don't seem to acknowledge design rights and are more interested in trademark and copyright. How can I handle the situation in the UK and worldwide?

A) If you have a registered design then eBay *should* be listening to you. If they aren't, then get in touch with us and we will give you some specific advice around your circumstances. The sad fact is – sometimes the online platforms will take more notice if the report comes from a law firm. If these goods are coming into the UK, then that is an infringement of UK rights – so we can absolutely stop that from happening.

Q) "Is "Passing Off" regulated with the Unfair Competition Legislation in certain countries? I don't quite understand what this is?"

A) "Passing Off" is the UK's version of "Unfair Competition". When the UK was part of the EU, IP laws had to be harmonised with Europe's – so all countries had to offer the same protection. The UK government used to claim it didn't need Unfair Competition as Passing Off is the same in terms of product protection and so forth, but it is not as strong. It is widely used in the UK and is an equivalent right.

Q) Copies found on Alibaba. "I've contacted the UK IPO about registration and was told, they wouldn't be able to help me because the products were being

sold in China. Their advice - register my products in every country individually – not helpful as is impossible for a small business like mine. Is this correct?"

A) IP rights are generally territorial, so that is correct to some extent. However – if you were to do this the enormous cost is disproportionate and would ultimately not be worth it! So why not concentrate on relevant registrations that affect your market. For example – for the UK, UK registrations for Europe think separately about European registrations. If you are manufacturing in China, you may want to think about registrations there also. Registrations in China are not necessarily cost-prohibitive for trademarks and registered designs – they can be relatively reasonable. The question you need to ask yourself is, "What markets do I need to register in so that my business is not affected?"

Q) When using Etsy, can you initiate a takedown for sellers who are selling your product, who are not authorised resellers?

A) Absolutely! If they are not authorised resellers, you could reasonably say that it, in your view, it is an infringement. They are not authorised therefore you do not know where they have acquired that product from.

Q) We sell original personalised gifts on Etsy and are constantly having battles with other sellers. We have managed to get items taken down by Etsy but unless we take court action, they reappear in ten days if the other seller counters our claim. It is not practical to take court action, so what action can be taken if they are overseas? We are members of ACID and log all our designs on the ACID IP Databank;

our designs are unregistered, but we do have a registered trademark.

A) It is a difficult one in terms of sites taking things down for a period so that you can initiate court proceedings – which of a lot of them will do before relisting them again. Sometimes, if you have registrations, that can help keep things down for longer. What it may be worth doing in that instance is writing to the other party to say it is an infringement and that you will action it if it is relisted, as trying to resolve things directly with them can often be enough to resolve the situation.

Q) What is a 'DMCA counter notice' and what happens when you have the UK design registration and you receive a DMCA counter notice from somewhere outside the UK, such as Turkey?

A) A DMCA notice is a Digital Millennium Copyright Act notice; an American act which used to be used on a lot of platforms, to basically verify in accordance with that act that you think it is an infringement. If, for example, you have made an allegation of infringement around a UK right then that DMCA notice is not appropriate and should not be what has been filed in response. Therefore, it's best to approach the platform and say that it is not appropriate and what you are alleging needs to stay taken down until they have accurately dealt with it and responded in the correct way.

Do you have a question about social media or online infringement or another IP query? If so, write to info@acud.uk.com as we will be hosting an IP clinic with our IP Doctor, Kelly Hudson of McDaniels Law and Gavin Llewellyn of Stone King in early 2022.

WHAT'S IN A NAME?

Why brand clearance is critical in trade mark protection



Your brand identity is one of the most important assets of your business. Your brand helps consumers distinguish and identify it from others and if you have a reputation for creating high quality designs, services or products this reputation will accrue in your brand. Businesses spend a lot on branding, but it is essential to incorporate brand clearance and protection in to the development process.



Adam Turley

McDaniels Law

IP NEWS & EVENTS

Adam Turley, an IP lawyer with ACID Legal Affiliates McDaniels Law, said, "Brand Clearance should be an essential element of any brand creation exercise. Failure to carry out brand clearance may result in infringing upon third party rights. Implications resulting from infringement can be far reaching and costly, but ultimately may result in:

- **An injunction to prevent further use of the brand.**
- **Damages and costs liabilities.**

Further costs would be incurred in rebranding, and all the time and effort spent building that brand would be lost. It's relatively easy to do but easy to forget and could cost you dearly."

What is Brand Clearance?

Quite simply, it is about due diligence and checks that need to be made before creating a new brand and/or

new design range for which a trade mark is being used. For example, it could be a new furniture range and you want to add trade mark protection by registering the name or you could be a new start-up business or an existing business wanting to create additional brands.

What is a Brand Clearance search

– Seeking expert advice to carry out a full trade mark search or other relevant clearance searches at the time the brand is created enables you to ensure the brand is available and free to use. This is essential if you are creating brand reputation, which will become key to your success as your brand grows.

Brand
A unique identifying symbol, trademark, company name, etc., which enables a buyer to distinguish a product or service from its competitors.

ACID'S TOP TIPS

- ✓ Reduce exposure to future legal challenge by having a brand clearance policy. It pays by not putting the creator at risk from the consequences of expensive legal costs after a brand launch, without requisite checks.
- ✓ Use specialist trade mark lawyers, because they may discover something that you may not know about with a more sophisticated search
- ✓ Ensure that marketing teams work in close tangent with you trade mark advisor – creation can sometimes be at odds with what is already legally in place and brand clearance will mitigate those risks.
- ✓ Registering new designs make sense but do check that there are no existing designs which are too similar. ACID Legal Affiliates know their way around the UK, EU and global databases and they know easily what can and can't be trade marked. These searches can include domain names.
- ✓ Once a risk assessment has taken place, it is a commercial decision to go ahead based on the facts provided, but you are in a better position having completed comprehensive brand clearance searches.
- ✓ As always, keeping a vigilant eye on your competitors in your field is essential and communicating any concerns to your legal advisors is essential.

Brand Protection – trade mark registration

Following brand clearance, protection is the next vital step in maintaining brand identity. Protecting a brand ensures the owner has a legal right to stop others from using the brand. A trade mark registration ensures the mark is exclusive to the owner.

And the good news is that a trade mark is a company asset which can increase in value over time. A registered trade mark will have a greater value than a brand which is not registered. Failure to protect the brand may result in exploitation, and damage, to the brand by the actions others.

Whilst owners may not have considered budgeting for brand clearance and protection, the benefits unequivocally outweigh the burden of cost, especially considering the amount businesses spend on creating a brand.

ACID's Affiliate Lawyers, McDaniels Law are on hand with brand clearance and registration advice

McDaniels Law are a full-service IP law firm offering advice and assistance on trade mark, design and patent registration, the commercial exploitation of intellectual property and dispute resolution in respect of infringement of your IP rights. McDaniels Law have been ACID affiliates for many years and have helped countless ACID members protect their creations and resolve their disputes.

www.mcdanielslaw.com



Post Brexit - An ACID IP Refresher for Designers

Designs, Trade Marks and Copyright

Who has the time to read reams of small print? As with all major changes in law, Brexit is no different, it's all unbelievably complicated, so it's important to know the key aspects that will affect those involved in the creating designs in all sectors and those safeguarding their trade marks and/or creating new brands. These changes are set out in more detail [here](#). Our focus is primarily on issues around design right and trade marks and touches briefly on copyright and patents. Recent, comprehensive Government guidelines are [here](#).

Designers no longer have automatic unregistered design protection in EU27

The biggest change by far, sadly, is an erosion of design rights with the loss of the Community unregistered design. EU design rights have been a valuable tool for designers seeking to protect their creations. Pre-Brexit, UK designers had access to two EU design rights; a Registered Community Design (RCD) and an Unregistered Community Design (UCD) which provide significant protection for products across the EU at relatively little cost. The UCD was very useful for designers as it arises automatically with no cost or administrative burden on designers. Having left the EU designers will unfortunately suffer a reduction in protection in EU 27.

The UK Government introduced a new Supplementary Unregistered Design Right on Jan 1, 2021



The good news for designers is that the Supplementary Unregistered Design right (SUD) is now available as a strong unregistered design right, however a design will not qualify for a SUD where it is first disclosed in the EU, and equally a design will no longer qualify for a UCD where it is first disclosed in the UK. This means that designers relying on unregistered rights will have to decide whether to seek UK protection or EU protection. This is potentially a significant loss, particularly for any businesses that export or have plans to export in the future and will force more business to consider applying for RCDs to ensure protection in the EU. See information about the new Supplementary Unregistered Design right [here](#) as well as a summary of other changes.

ACID is still urgently seeking clarification from Government on the simultaneous publication of unregistered designs in the UK and EU. What does this mean to a fashion designer? Well, if you first show a new design in London Fashion week and then a couple of weeks launch it in Paris, you will only get protection in the UK if you are relying on unregistered design right. [See here](#).



Check out [here](#) to better understand the differences between registered and unregistered design rights



Trade Marks – A trade mark is a vital tool to protect your business and your reputation. They act as a badge of origin and serve to distinguish you and your goods or services from those of your competitors. Prior to Brexit it was possible to obtain one EU trade mark (EUTM) which covered the whole of the EU, including the UK. Following Brexit EUTMs will no longer provide protection in the UK (see our ACID legal affiliate McDaniel Law's advice [here](#)). Copyright & Patents are by and large unaffected – see further information [here](#).

IP ESSENTIALS:

1. Check your EU registered rights, whether designs or trade marks, to make sure that the mirror UK rights have been properly created and recorded.
2. If you want to maintain your EUTM's make sure that you are using them in a member state of the Union.
3. If you rely on unregistered rights, consider now which market is more important to you; the UK or the EU and implement a strategy for making your designs public accordingly.
4. It is now relatively inexpensive to [register your rights](#) at the UK Intellectual Property Office. Registering has a real benefit as you have a piece of paper, a numbered certificate which says you own the design you have created (so long as the criteria has been met). This makes taking legal action much easier. It is also essential for take down on any online platforms as they insist on registered rights.
5. If you are relying on unregistered rights, consider the [ACID IP Databank](#) which holds over 300,000 copies of designs and copyright works. This doesn't add to IP rights but give the all-important third-party evidence that designs have been lodged with ACID. A unique, tamperproof number is created for each lodgement.



In 2014, after ACID's campaign, the intentional infringement of a registered design was **made a crime**, but this is only half the battle, ACID is continuing to put pressure on Government to make the intentional infringement of an unregistered design a crime to support designers against the insidious crime of producing copycat designs. In what is a David & Goliath continuing struggle only the Goliaths win. If you want to join our campaign to achieve this, please write to Dids Macdonald at info@acid.uk.com



Member Profile

Funky Chunky Furniture

Known for an original style in their designs, Funky Chunky Furniture is built with quality and durability, so customers can feel assured and safe they are getting furniture which makes a lifestyle and lifetime commitment.

We asked them what makes them the trusted brand and what is most important aspect in the design and manufacture process, and how important it is to have IP strategies for their business. Funky Chunky diligently protect their intellectual property to ensure their designs do not get infringed. They talk about the importance of being a part of the ACID community, and how it strengthens their own IP understanding and strategy.

Their use of the 'Member of ACID' logo is expertly utilised as a strong deterrent against copyists and ensure that a copyright statement is visible on their homepage, which then links to a dedicated page with a more expanded IP message.

Their Autumn Winter 2021 collection sees the furnituremaker launch its first solid oak furniture range, Salters Oak. Inspired by mid-century and Scandinavian design, Salters Oak celebrates the beauty of solid oak timber with its simple lines and tactile curves. Like all its furniture, the Salters Oak collection is designed and made in its workshop in the North East of England and comes with a 25-year guarantee.

We asked how the company was developed and the driving force behind its success as innovators in furniture design.

Founded in 2013 by Kevin Johnston, a skilled joiner, Funky Chunky Furniture began after converting the garage of his former home into a small workshop. Fast forward 8 years, and Funky Chunky Furniture now employs over 50 people, including its own product designer and dedicated marketing and design team, as well as a workshop of skilled craftspeople who bring the designs to life.

The focus of their design is to create handmade furniture that is as functional as it is stylish. It has to be beautiful, to chime with their brand aesthetic, which can

be at the heart of their customers' homes for years to come.

The combination of the design ideas, talent of their product designer, the practical knowledge and skill of their joiners and craftspeople ensures all their furniture designs stay true to these principles, from concept through the design process and into production.

Why do you think Funky Chunky Furniture is an award-winning and desired brand, and continues to thrive in such a competitive market?

You're right. It is a competitive marketplace, but there's always a space for a brand that's true to

Visit the
Funky Chunky
Furniture
website [here](#)





its roots and creates an honest and undeniable product. We've always focused on doing what we do and doing it well. We've stayed true to our brand values.

Our marketing department works hard at conveying our brand. They look at ways to tell consumers the story behind the furniture they're considering buying – where it comes from, who designed it, and how it's made.

That's important because consumers increasingly want to know more about the products they're buying.

They want reassurance that the items they're introducing into their homes are what they say they are. Funky Chunky Furniture can offer that, and more – a really compelling back story.

The Funky Chunky Furniture brand is synonymous with quality, which is durable but also makes a stand-out impression with style. Such a distinctive brand

identity means Funky Chunky Furniture is a leader not a follower. Good design is often copied. When you have come across infringements, how have you dealt with them?

We take any infringements very seriously, and we proceed rigorously against anyone who seeks to copy our designs. Our distinctive designs are registered with ACID's IP Databank, so that we have documentation to back up any infringements we have to pursue.

Copying culture is an unfortunate but undeniable aspect of design in the UK, what is your message about this culture, to those who perpetuate it?

Some say that imitation is the highest form of flattery. We don't agree. Imagine how incredibly varied and exciting our industry would be if everyone brought their own ideas to life, rather than imitating others!

Designing stylish furniture is at the heart of Funky Chunky Furniture's design principles; how do you inspire your team to persistently attain high standards and how important do you think this is for the future of such a trusted and respected British family company?

Funky Chunky Furniture was started by a former apprentice who went on to start his own joinery business before moving into furniture manufacture. So, we know how transformational training and personal development can be, for both the business and the individual. It's a real focus, across all areas of Funky Chunky Furniture.

Alongside that we have quality control procedures at every stage of design and production that ensure the quality of our furniture. All our furniture has a 25-year guarantee. It's our commitment to our customers, demonstrating that we are focused on designing and making exceptional furniture that'll be part of their lives for

many years to come.

Under the latest IP Act, we have criminal provisions for intentional Registered design infringement against the infringing company but also for individual directors. Do you believe that if these criminal provisions are extended to unregistered design infringements, it will become more of a deterrent?

Anything that criminalises an action will create a deterrent for some individuals. To what extent that law is enforced will also have an impact.

What do you feel ACID's achievements have been and what could we do in the future to further raise awareness about IP theft?

As a member of ACID we have found your resources and advice invaluable. It's not-for-profit organisations, such as ACID, that have the ability to campaign for effective change to laws on behalf of their members and the industries they represent.



Funky Chunky Furniture

www.funky-chunky-furniture.co.uk

ACID MEMBER

MEMBER FOCUS

Diane Marland Art and Design

Read
more of our
Member
Focuses
here

Northumberland-based ACID member Diane Marland designs and hand paints exquisite interiors including wallpaper, fabric for soft furnishing, and murals. Diane's skill has been celebrated by being chosen as the 2018 winner for the Designer Maker category in the Northern Design Awards.



Bringing a lifetime of art and design practice to her skill, having been a professional artist since the age of 16, Diane furthered her education in Surface Pattern Design, understudying the Master Craftsman in design studios. She lives and breathes her craft which is evident from the way she encompasses influences from her varied life of urban and country living, where her designs include themes such as nature, fauna, and flowers. Her eclectic style also includes influences from East Asia, from where she has travelled and lived, enabling her to soak in the rich history and design to her portfolio, creating a stunning and beautiful amalgamation, the DNA of which is flamboyant, unique, and luxurious.

Even more outstanding is that her intricate hand painting enables her to create bespoke interiors for her clients, meaning every commission is completely unique. Handpicking colours and details, means that a design from Diane is elegant and stylish.

Diane uses the ACID IP Databank for many designs which allows her to strengthen her evidence should she be copied. She displays her 'Member of ACID' logo proudly on her homepage, which acts as a strong deterrence. Diane further establishes her knowledge of the importance of IP by adding a copyright statement where she states 'Any infringement of these rights will be pursued vigorously.'



When and where did you first start creating your products and designs?

I had been creating designs for many years for lots of different textile companies in the UK and overseas. All the time thinking that one day I would like to have my own collections and also work on hand painted silks and murals for the more bespoke side of the industry. I started with the bespoke side first in 2018 and my printed collections are still in the development stage.

Did you have any knowledge of intellectual property when you started your business?

Yes, because of my early career. In those days before social media, any design collections were a closely guarded secret and no one saw the designs until they were actually in the market place. Copying came after this and in some ways was a little easier to monitor.



Which ACID membership services have you used and how have you benefited from being a member?

I constantly use the IP Databank. This is great when I am working on ideas and it is comforting to know that this service is available. I have also accessed legal advice when I had an issue with a manufacturing company. This is an invaluable service when you are a small company.

Have you brought anything new to the market place that you would like to share?

I am still working on the developments for my new wallpapers and fabrics. I'm excited about these as they are a collection from old documents with a lovely story to tell. I am also constantly working on concepts for my hand painted collections.

What is the best aspect of ACID membership for your business?

The database is probably the one I value the most, also the knowledge that the support is there if you need to access it. It is so difficult these days protecting your IP so the membership and displaying the ACID logo is very important to me.

What advice would you offer to a new designer?

As most designers use lots of historical references, I would probably advise them to make the interpretation unique to them. It must be difficult proving ownership of the design if it's too close to the original reference as someone else may use the same reference innocently.

ACID values the support of its members to enable it to campaign for design law reform. Do you have any messages for Government or policy makers on IP issues. Do you think the copying of designs is deliberate and blatant?

I think some overseas manufacturers think it is OK to blatantly copy any design or idea they see. I think other copies are by accident and lack of awareness. My advice would be to not only have the laws in place but educating these manufacturers about the importance of IP issues is paramount.

Diane Marsland
Art and Design

englishdecoratives.co.uk

ACID MEMBER

Congratulations to ACID logo competition winner CHASING THREADS!



Em Royston, designer, creator and owner of Chasing Threads, is the winner of the recent Anti Copying in Design logo competition – designed to raise awareness about the importance of high-profile ways of displaying the “Member of Anti Copying in Design” logo.

The ACID logo aims to communicate a powerful anti-copying message to all, through the strong ACID brand of deterrence against theft and Em rose to the challenge by designing and making her fantastic, customised laptop sleeve – stitched with her interpretation of the “Member of ACID” logo that she proudly displays on her website as a show of force against copying.



Em Royston

@chasing threads
www.chasingthreads.com

A delighted Em Royston, said: “*NOT Entering the ACID logo competition wasn’t an option having used so many of the membership benefits over the last few months, after discovering copies of my products. The Intellectual Property I create is so important and my hand-stitched logo is a visual representation of the time and effort it takes to protect original ideas. I will be proudly displaying this image on my website and hope it will act as a deterrent for future design theft.*”

Em was recently featured in an ACID member focus here. No stranger to her innovative designs being ripped off we also shared information about a successful takedown of a knock-off design on Etsy here.

Sadly, Em’s copying issues are ongoing, with ACID CEO, Dids Macdonald intervening in an open

letter to Hekaytnoon.com over clear copying of Em’s products. The letter from Dids can be viewed here, along with our recent news story on our News desk.

CEO Dids Macdonald, OBE said, “Em is one of hundreds of small creative companies continually copied so we are absolutely committed to working closely with her to help resolve her ongoing dispute and will post future updates as and when they occur. I want to reach out to design creatives everywhere to support her in this latest battle”.

Please support by visiting the Chasing Threads website and following on Instagram, Facebook and Pinterest.

Follow ACID on Twitter, Instagram and Facebook.

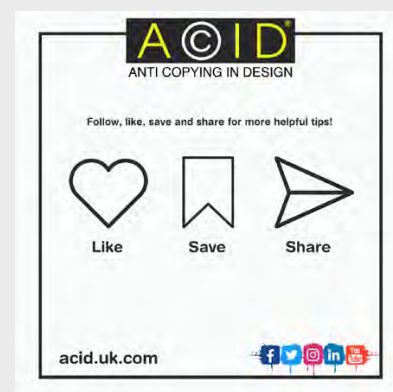
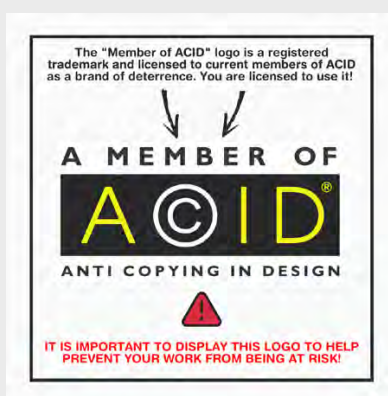
Once again, congratulations to Chasing Threads – we hope you enjoy your prize!

HOW DO YOU USE YOUR MEMBER OF ACID LOGO?

Members of ACID are licensed to use the Member of ACID Logo as a brand of deterrence on websites, social media, emails signatures, product packaging, marketing and promotional material and wherever else you can place it!



Take a look at the following slides for help on the placement of the logo.





A warm welcome to some of our new members. We have been delighted to share their work through our social media channels. Keep up with our latest news on Facebook Twitter and Instagram.

Jolly Dee!

Jolly Dee loves to inspire you with its signature mix of jolly delightful messages, bold patterns and images!

www.jollydee.co.uk

www.instagram.com/shopjollydee

www.pinterest.co.uk/shopjollydee



etta loves!

Etta Loves use the science of what babies can and can't see to create clever patterns to aid sensory and cognitive development:

www.ettaloves.com

www.facebook.com/ettaloves/

www.instagram.com/ettaloves



Strooys Art Gallery!

Strooys Gallery & Gifts is based on the Isle of Man and also provides courses in ceramics and photography.

www.strooys.co.uk

www.facebook.com/Strooys-Gallery-Gifts

www.instagram.com/strooys



Crafters & Makers!

Crafters & Makers is a fantastic teaching studio where you can learn to sew and share your love of crafting and making.

www.craftersandmakers.com

www.instagram.com/craftersandmakers



BackYard!

BackYard design and manufacture beautiful garden furniture and work with a number of garden centres, distributors, DIY chains and independent furniture retailers across Australia and Europe.

www.backyardfurniture.co.uk



Wood Artisan!

Based in East Sussex, Wood Artisan create incredible wood furniture, from cabinets to games tables.

www.woodartisan.co.uk



Wild Things Gifts!

Wild Things are one of the best-loved wholesale crystal gifts suppliers for stores and garden centres across the UK.

www.wildthingsgifts.com

www.instagram.com/wildthingsgiftsltd

www.facebook.com/wildthingsgiftsltd

www.pinterest.co.uk/WildThingsGifts



@Baca_Architects.

They are award-winning architects, specialising in Aquitecture, masterplanning and high quality private homes.

www.baca.uk.com

www.instagram.com/bacaarchitects

www.twitter.com/baca_architects

www.facebook.com/baca.architects.uk

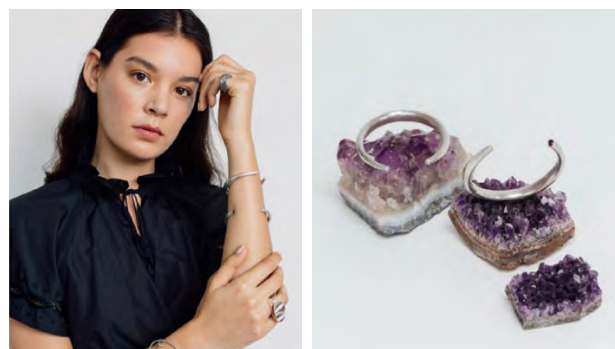


Heather Rajaratnam Jewellery!

Heather has nurtured a contemporary jewellery style which has inspired her bold and unique designs.

www.heather-rajaratnam-jewellery.com

www.instagram.com/heatherrajaratnam_jewellery



Crafty Ponies!

Crafty Ponies make fantastic soft toy ponies that look just like the real thing.

www.craftyponies.co.uk

www.instagram.com/craftyponies_uk

www.facebook.com/craftyponiescraftkits



Nique Forde!

Nique Forde design and sell unique women's open-toe clogs, inspired by the 70's.

www.niqueforde.com

www.instagram.com/niquefordepresents

www.facebook.com/Throbacks



New Members

ACID welcomes the following new members to the ACID Community

| Company | Industry | Company | Industry |
|---------------------------------|--------------------|---|----------------------|
| MK Designs Ltd | Ceramics | & So They Made | Giftware |
| Etta Loves Ltd | Childrenswear | Coast 2 Coast Designs Ltd | Giftware |
| Me & the Wild | Childrenswear | LoveLilly | Giftware |
| 2G Environmental Ltd | Design Agency | Smiling Faces Ltd | Giftware |
| Crafters & Makers | Education | Strooys Gallery | Giftware |
| Tracy Chaplin | Education | Wild Things Gifts Ltd | Giftware |
| Elizabeth Dymond | Fabrics & Textiles | Hana Abstracts | Graphics |
| Garm Farm | Fabrics & Textiles | Jill McBride | Graphics |
| Grace April | Fabrics & Textiles | Lumie Glass (Granny Smith Wirksworth Ltd) | Interior Accessories |
| I Bella Designs | Fabrics & Textiles | The Banner Boutique | Interior Accessories |
| Katchopine Design Développement | Fabrics & Textiles | Eden Luxury Interiors | Interior Design |
| Lochs & Fens | Fabrics & Textiles | Heather Rajaratnam Jewellery | Jewellery |
| Lorelei London Limited | Fabrics & Textiles | Caroline Hurme | Lighting |
| Caroline Gilbey | Fashion | AndreozziWright | Product Design |
| MICHAELME | Fashion | Ashev | Product Design |
| Nique Forde Presents | Fashion | Babel Bike Ltd | Product Design |
| Urban Pirate | Fashion | Cherisse Appleby | Product Design |
| Totter and Tumble | Floor Coverings | Creative Nurture | Product Design |
| Back Yard | Furniture | Global Designs Fenton Ltd T/A Vivid Squid Wholesale | Product Design |
| Chris Alley Furniture | Furniture | I AM FEM | Product Design |
| Cla'r Furniture | Furniture | Jolly Dee | Product Design |
| Dansette Products Ltd | Furniture | Mariell Equestrian | Product Design |
| Kelston House International | Furniture | desayn | The Arts |
| Robert Welch Designs Ltd | Furniture | Elsker Creations | The Arts |
| Robert Welch Designs Ltd | Furniture | Monacraven | The Arts |
| Baca Architects Limited | Garden Products | Crafty Ponies LTD | Toys |

2022 Events / Exhibitions

January Furniture Show

NEC 23-26 January
Hall 5, Stand A71.

<https://januaryfurnitureshow.com/>

Spring Fair

NEC 6-10 February
Hall 3, Stand J40.

<https://www.springfair.com/>

Anti Copying in Design Ltd

All Mail to:
Anti Copying In Design Ltd
34 Electroline House
15 Lion Road, Twickenham
TW1 4JH

Membership Office:


+44 (0) 845 644 3617

Email: info@acid.uk.com

Online: www.acid.uk.com

Social Media:

 @ACID_tweets

 Anti.Copying.In.Design

 [anti.copying.in.design](https://www.instagram.com/anti.copying.in.design)

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Garden, London, EC1N 8LE
Company Reg. No 3402512.
VAT Reg. No 707 5923 23

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

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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.

