

ACID[®] MAGAZINE

YOUR VOICE AGAINST DESIGN THEFT



**NFTs a
cautionary
tale!**

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“by those
with deeper
pockets
and more
experienced
legal teams”



MEMBERS

Early Spring 2022 caught us unawares, when out of the blue, the government (Intellectual Property Office) announced a Calls for Views on Design IP. Little did we realise that all the case studies, cajoling and shouting loudly would appear to have been heard and that, a decade after the last Review, this would land on our doorstep.

We are indebted to members and our ACID partner organisations who supported, not least the Design Council who included the following in support of our submission. We held two meetings with the IPO where many members shared their distressing case studies of the continual challenges they consistently face as a result of the “copying culture”.

DESIGN COUNCIL WERE FULLY SUPPORTIVE OF ACID'S SUBMISSION AND BELOW ARE THEIR COMMENTS ON IP PROTECTION.

“Protection - For many current design law system is simply too complex and confusing, with those seeking to protect designs unsure of what type and what level of design protection to seek. There are multiple protections, terminology is opaque and the results of obtaining a particular form of protection are unclear.

Frequently the costs and time associated with protection of designs is seen as prohibitive and if design protection is infringed, then resolution is seen by many as all but impossible in the face of a system that can be gamed by those with deeper pockets and more experienced legal teams. Not only does this have a big financial impact, but a huge emotional one too.

Through our ongoing work with ACID (Anti Copying in Design) and in listening to a variety of voices from across the design landscape of the UK we have identified a series of areas that we need to address to ensure that design protection truly protects and is fit for the challenges of the near and further future.”

See ACID's and the Design Council's submissions below:

→ ACID Submission

→ Design Council

We still have many opponents to our calls for the intentional infringement of unregistered designs to be made a crime, mainly from big business. Further research into the 2012 Calls for Views revealed what we believe was a misrepresentation of the evidence which was in favour of both registered and unregistered infringement being made a crime. We are making representations at the highest level to ensure that the UK's 1.9 million involved in design and design skills, many of whom are SME, receive the support from Government this time around. We will be keenly watching this space!

I am delighted to announce that we have a new Head of Membership, Marion Horwood, who played a key role in assisting Nick and I with our submission and to whom we are indebted. We wish Marion a long and happy career with ACID and I know she is looking forward to engaging with

you. Marion joins us with a wealth of experience and I invited her to be our Guest Editor – see Pages 6 and 7.

My announcement to retire on 30 June has not been as speedy as I had hoped but with Marion now on board, we are on the hunt for a CEO/DG of ACID an outward 'face of ACID' then my retirement plans can really take place and I will remain as Chairman. The spec has changed slightly, and we are searching for someone who may wish to take this strategic role as an NED for 2 days per week. He or She will have broad design sector and membership organisation experience, knowhow and, hopefully, strong political connections.

On 6 July British IP Day we will be launching our new website, a streamlined IP Databank and an online marketplace with member store fronts displaying

designs/products and including a seamless self-managed payment - system. At the same time we will be launching our ACID IP Charter, a new low level entry to ACID to join our community and create a critical mass of British designers who are fed up with the copying culture and who want to should loudly about IP respect, compliance and ethics. Signatories who sign the ACID Charter may use the logos. A fighting fund will be created which aims to help those who cannot afford to fight their corner to be funded if we gain enough traction.

Watch this space!

Didi



“our ACID IP Charter, a new low level entry to ACID to join our community”

CAMPAIGN UPDATE

A massive thank you to all ACID members who responded to the recent Calls for Views on Design & IP which closed at the end of March.

We hope that, given ACID's consistent reportage and case study evidence over two decades, this will result in meaningful reforms to an archaic set of laws and the long-awaited level playing field between copyright and design creators. Designers deserve better support to protect the significant IP they create, free from the behemoths of this world, who still run rough shod over SME innovators with little challenge.

Westminster

At a recent meeting between ACID and the All Party Parliamentary Group for Intellectual Property (APPGforIP) at Westminster, ACID member Christine Dunford of Triclimb shared her two year nightmare story when she discovered not only that her trade mark had been used without permission by Aldi UK but they had infringed her registered design and were selling cheap lookalikes. MP's and Peers also heard about a further debilitating debacle with TP Toys. Read Christine's heart-breaking address to parliamentarians **here**.

Following her speech, new APPG for IP Chairman, Rt Hon John Whittingdale, MP., said, "In view of the current Calls for Views of Design & IP, I will ensure that we arrange for a round table meeting with our Minister, Rt. Hon George Foreman, so he is fully aware and briefed about the problems that SME designers are facing against big companies."

Dids Macdonald, OBE., in her closing words told MPs, "Opposition to much needed design law reform and criminal provisions for the intentional infringement of unregistered designs has come from big global, patent-led businesses who have



CAMPAIGNING

Read more
about
campaigning
here

said that its introduction would be chilling for innovation and cause business uncertainty yet provided no evidence. On the other hand ACID has, over the past 10 years, consistently provided compelling case studies of despair.

“If this isn’t chilling for innovation, I don’t know what is.”

In 2012, IPO Policy Makers had listened to foreign behemoths instead of British designers. And to put the design sector in context, latest design economy figures indicate design makes a 97-billion-pound contribution to the UK’s GVA supporting 1.9 million jobs, the majority of them are lone, micro and SME. British Designers deserve more support from this Government – let’s hope in the 2022 Calls for Views the IPO and Government listens to the real concerns of our amazing UK designers.”



Dids Macdonald with Christine Dunsford at Westminster



Nick Kounoupas, ACID Chief Counsel’s highlighted the disparity and unlevel playing field in the landscape of IP to the All-Party Parliamentary Group for IP, April 2022 below:

“George Orwell said that all animals were created the same, but some animals were more equal than others. This is the same with IP rights. All were created as the same kind of property rights, yet some IP rights seem more equal than others. At the bottom of the IP legal rights hierarchy seem to be design rights which are referred to as the Cinderella Right, or the Poor Cousin or even the Unloved Child! Given that those using these epithets include judges and senior academics then it’s obvious that there is something very wrong with the legal protection of designs.

Designs law is fiendishly complicated and uncertain in scope. Pre Brexit there were five different legal regimes that protected designs but none of them, for different reasons, offered satisfactory protection for designers or equivalent protection to other IP rights. Post Brexit two of these regimes were lost with catastrophic consequences for U.K. designers wishing to protect their designs within the EU but even though they were replaced by two more regimes, so we are still left with five separate design regimes none of which are satisfactory.

- The most obvious defects are the different tests for infringement of a design - there are currently three, the different treatment accorded to a two-dimensional drawing of a design and the three-dimensional design produced from the drawing and the absence of criminal protection for the deliberate copying of a design. We at ACID still cannot understand why the rights of a songwriter, publisher, trade mark owner, software creator and others in the creative space are deemed more valuable than the contribution of a designer. It’s a legal nonsense and grossly unfair.
- In December 1944 Winston Churchill’s Wartime Government created the forerunner of the Design Council and took steps to make sure that designs law was as robust as ever. That Government took these steps to bolster the UK’s wartime reconstruction and economic recovery.
- Churchill correctly identified that innovation in design was critical to this economic recovery for U.K. plc. The situation is broadly the same today - after the double whammy of Brexit and Covid the U.K. needs to look to designers to guide us towards economic recovery. And to do so needs strong clear and simple IP laws and we do not have these yet.”



Guest Editor

Marion Horwood

Head of Membership & Business Development (ACID)

During the many years working in the in-house legal team in a music membership organisation, PRS for Music, which I left during the 2020 pandemic, I gained a wealth of knowledge in intellectual property, particularly copyright infringement, and working in a membership organisation.



Marion Horwood

GUEST EDITOR

I instructed on many copyright infringement cases in the High Court Chancery Division and whilst there were many highlights in my career, one of my most memorable cases was *PRS Ltd v Alexander Burns and William Burns [2012] EWHC 221 (Ch)*, which resulted in a record damages multiplier award under s97 of the Copyright, Designs and Patents Act, 1988 for flagrant infringement. I was also nominated for the 2018 Music Week's Women in Music Roll of Honour.

Little did I know then that I would work again with Nick Kounoupas, CEO and Founder of Kounoupas IP and ACID Chief Counsel, with whom I worked for many years in PRS for Music. I thought the licensing and protection of the copyright in musical works was challenging but working for Kounoupas IP led me to an introduction to the complex world of design rights, in which I have acquired an overwhelming interest, and the extraordinary challenges designers face; and

to the worthy and valuable work undertaken by ACID on behalf of its members.

What a fantastic opportunity it has been for me to work closely with ACID's CEO, Dids Macdonald, as we completed research into the responses to the previous 2012 Calls for Views. This confirmed a different consensus in relation to the call from designers for Government to introduce criminal sanctions for both registered and unregistered designs. The ground-breaking news was the change in law introducing criminal sanctions for the intentional infringement of registered designs but it would appear that Government ignored the evidence to include unregistered designs.

A decade later in March 2022, I have assisted Dids with the complicated recent submission to Government for a reform of design law with solution-led suggestions to some of the many difficulties designers face in protecting and enforcing their design rights. We

“We hope that the Government will take heed of the frustrations of designers, who need better protection for their designs”

Marion Horwood and
ACID Financial Director
Ann Bond celebrate ACID
Member Gallery Direct's
award at the furniture show



hope that the Government will take heed of the frustrations of designers, who need better protection for their designs and quicker and cheaper access to justice to enforce their rights when their designs are copied.

I have now officially joined the ACID team as Head of Membership & Business Development (whilst continuing in my part time role as an IP consultant at Kounoupias IP). I am joining ACID at an exciting time on the brink of our new website launch together with the new ACID IP Charter.

My role at ACID will be to focus on our members. My priority will be to lead on recruiting, engaging, and retaining members as well as developing and promoting the full range of new and current events and benefits for our members. Supporting our members in their continued challenge to protect their registered and unregistered designs will be a priority.

I cannot think of a better role to invest my extensive IP and member organisation knowledge as well as my energy and desire for fairness and justice. I look forward to getting to know you.



Marion meets the
McDaniels' team,
Adam Turley and
Megan Walker'

IS THIS A COPY or just inspiration?

Long standing Anti Copying in Design (ACID) member Dan Black of Black+Blum recently contacted ACID to ask advice about trying to mediate in what he had described as discovering a disturbing lookalike design to his stainless-steel lunch box.

Dan Black said, “I am extremely passionate about all the products we launch. We design them from scratch and are constantly looking for new ways to innovate. They are unique to us and not simply off-the-shelf imports with a custom logo. So while it might be flattering to inspire other brands, I do take it personally and am disappointed when one of our designs appears to have been copied. I recently discovered a stainless-steel lunch box being sold by a company called One Green Bottle. We haven’t formally started our legal challenge yet, so I can’t say it is a copy, but would greatly appreciate anyone who reads this to give their opinion and share.”

Since founding Black+Blum in 1998, Dan has discovered that this situation is not unique. The normal route is to launch a new design and within 1 – 2 years, they can start to see other brands taking inspiration. But actual lookalikes can sometimes be seen faster and are normally offered by retailers (for example, online marketplaces).

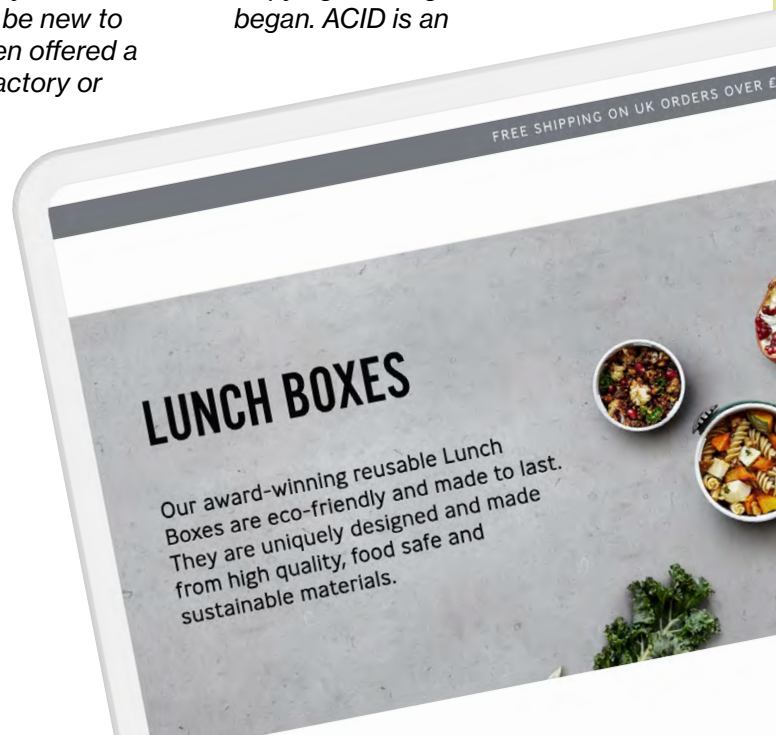


ONE GREEN BOTTLE



Dan continued, “The usual scenario is that a buyer from a large retailer might be new to a category and when offered a copy by a foreign factory or UK agent, won’t realise that it infringes our design. So what happens next? We will always try and resolve these issues without the need for lawyers and reach a settlement. We always register our designs and

have been members of ACID (Anti Copying in Design) since we began. ACID is an



Black + Blum have officially registered their design with the **Intellectual Property Office**, which can be viewed [here](#).



amazing organisation that helps advise designers on how to protect their work and challenge copies."

As soon as Dan saw the One Green Bottle lunch box, he contacted them and sent the details of their design and registration. One Green Bottle immediately took the design off their website and said they had 25 in stock from their supplier. Dan wrote back to say that was fine but if they could also, please provide proof of how many they bought, and the details of who they bought them from (this is quite standard practice in a situation like this). With no reply, he wrote again.

Dan then received a reply from One Green Bottle, to say that, as they had removed the items from their website, the matter was resolved.

Dan responded, *"Unless I heard back from them, I would write a LinkedIn post. But because there was no reply, here it is. We now also have a letter from their lawyer stating their design is not infringing our registered design, and that we have made groundless threats. So for the next steps, we will be forced to pursue this through formal legal channels."*

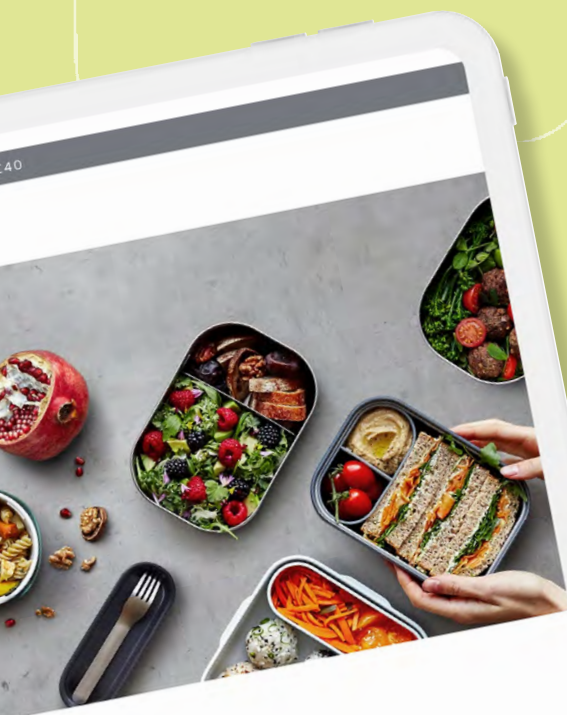
Sometimes a legal route is required, but the normal outcome is that the retailer promises not to order the product again. We often request they contribute to a sustainable charity as recompense.

In the case of this lunch box, One Green Bottle is a brand, not a retailer. They have been operating in the same space as Black+Blum since 2006. Whilst Dan cannot prove they were aware of the Black+Blum design, the category is not that big, and the Black+Blum design has been stocked in major UK retailers for the last four years. It has been selected as the best Stainless Steel Lunch Box by the Evening Standard and Independent. A quick Google search for "Stainless Steel Lunch Box" will bring up their design in the top three search results. It is not hard to find.

Dids Macdonald, OBE., CEO of ACID said, *"Should Dan be publicising this case on the ACID News desk and a platform like LinkedIn? Some might argue he is making a big deal out of a minor issue. I would argue that if you spend over two years innovating a design, investing time, energy, and money, you might feel differently."*

"It is about time that ethics, compliance, and respect for the intellectual property of others becomes the norm rather than the exception, which is a sad reality!"

Visit
Black + Blum
website



Letter to the IP Minister

Following ACID's submission to the recent Design & IP Calls for Views Dids wrote an urgent letter to the Minister of Intellectual Property requesting a meeting to make a plea for more support for designers. Previously, in the 2012 Calls for Views, ACID believes that big global business pressure had precluded UK grass roots designers from the support they deserve.

committed to fighting intellectual property theft www.acid.uk.com



The Rt Hon George Freeman, MP
Parliamentary Under-Secretary (Dept for BEIS)
1 Victoria Street
London SW1H 0ET

By post and email

5 May 2022

Dear Minister

I am writing to you as the CEO of Anti Copying in Design (ACID), a membership organisation created to help designers protect their designs. Our objectives remain the same as when I co-founded ACID 25 years ago, namely IP and design education and awareness, prevention, deterrence, and support. We are also notable for championing design IP reform and campaigning work, and in 2014 ACID was the driving force behind the introduction of criminal provisions for the intentional infringement of a registered right in the 2014 IP Act. This addressed the disparity between design rights and copyright/trade marks owners as well as providing a strong deterrence against IP infringement, a sanitised word for theft.

The Government's recent Call for Views on Design IP are welcomed, albeit long overdue, to address a current complexity in design law. Sadly, the lack of access to cost and time effective redress for SMEs to address copycats is a travesty. (SMEs, incidentally, comprise the majority of the UK's designers who rely on unregistered design rights). It is they who consistently suffer from design infringement and an unstoppable culture of copying mainly by large retailers and manufacturers with no real deterrence.

To put a context around the significance of the design economy, Design Council figures (confirmed, by ONS) soon to be announced, confirm a £97.4 billion contribution to the UK's GVA. We are delighted that the UK Design Council has supported our submission on the latest Calls for Views on Design IP. A link to which can be found [here](#).

Following a FOI request, we analysed the evidence in the **2012** Calls for Views and were dismayed that the recommendations to the then Minister, would seem to have been misinterpreted and did not represent those put forward by SME British designers. Instead, the UK Government listened and were in favour of the views of a patent-led organisation 38 out of 44 of whom have their global shareholding headquarters in non-UK countries.

The **2012** evidence supported the view that the criminalisation of both registered and unregistered rights should have been included in the 2014 IP Act. The IPO have continued to put forward a minority view over the last decade that introducing the intentional infringement of an unregistered design as a crime would lead to business uncertainty and be chilling for innovation whilst providing no evidence. On the contrary, we believe that the continuing culture of IP theft on design innovators is more than chilling and leads to job loss.

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At an All-Party Parliamentary Group for Intellectual Property meeting last week, where we presented a tragic case (one of many) of blatant infringement by a foreign owned behemoth retailer against a British micro design innovator, we were encouraged that you have already held talks with Tim Clement-Jones and John Whittingdale, OBE., MP., who have briefed you and they indicated that you would be willing to meet with us.

Nick Kounoupas (ACID's Chief Counsel) and I would welcome the opportunity to meet you at the earliest opportunity (and before decisions are made on IPO recommendations on the 2022 Calls for views) so that history is not repeated, and UK designers get the support they deserve in line with others within our creative industries. I.e., that they benefit from uncomplicated laws with the ultimate sanction of criminal provisions as a robust deterrent, if needed.

Yours sincerely

Dids Macdonald, OBE.,
Chief Executive of ACID
Vice Chair – Alliance for IP

CC: Rt Hon Kwasi Kwarteng, Secretary of State, BEIS
Tim Moss, CEO IPO; James Porter, IPO, Chris Mills, IPO and Fiona Walker, IPO
All Party Parliamentary Group for IP: Rt. Hon John Whittingdale, OBE., Lord Clement Jones; Ruth Jones; Pete Wishart, MP; Kevin Brennan, MP; Lord Foster, Earl of Devon; Barry Shearman – Chair, All Parliamentary Group for Design; Barry Shearman, MP., Chairman – APPG for Design; Rt Hon Jonathan Reynolds, MP., Shadow Secretary of State for BEIS; Minnie Moll, CEO of the Design Council; Hugo Jameson, Design Council

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The World IP Day 2022 theme was IP and Youth – Innovating for a Better Future.

NFTs a cautionary tale!

The world around us is drastically changing and it is necessary for us to adapt to new and evolving challenges. It is our youth, full of enthusiasm, fresh ideas, and creative ingenuity, who will pave the way down new creative roads. Ultimately, they will lead the way with innovative ideas to create new jobs, re-build and stabilise the economy, and reinvigorate industry with smarter, cleaner, and greener initiatives.

New technologies such as AI and Blockchain are growing, it is imperative that our system and IP law moves at the same rate, to ensure creatives don't get left in the dust of nefarious fraudsters, who will no doubt be ahead of the game on learning how to disrupt these new technologies.

With that in mind, we would like to share a cautionary tale of a young ACID member, a talented artist, just beginning to venture into sharing her work with the world, with pride. She was cut down in the most distressing way when her artwork was being sold on blockchain sites as NFT's. She sadly, had no-one to turn to, and no support. Here is her disheartening story.

A divorced mother has alleged that her ex-husband showed her daughter's artwork to a friend Ben Flowers, who decided he could make himself some money from the sale of her work. **As X is a minor, we are withholding her name.** He originally messaged X saying he was looking to release some of her work on the blockchain/crypto. She said she didn't really know much about it but would be interested to know more. At no point did she give him any permission to use/copy/edit any of her work.

A couple of weeks later out of the blue he messaged X again to say "Guess what, you are officially an NFT artist with your first sale. The first few are up for \$25 but for the life of that piece will get 10% split with me of course, so if it sells for \$100 say 10 times in 12 months then for that 1 piece \$100 a year

in royalties, when they hopefully get more and more popular they could go for a lot more if I market them in right places and the right way...WELL DONE your art is brilliant." He then messaged again later that day to say, "second one sold. Download this app and I will start putting the proceeds in it, on your way to becoming an artist millionaire."

X was obviously very shocked and upset to know that other people had now bought her art online and were saying that they owned it. X asked, "Are you selling my art?" to which Ben replied, "I assure you it's not the actual art'." X told him he had no permission to do this, and she wanted him to delete all the images online and stop selling her work.





The artwork on the front cover was also created by **X**.



Her mother has managed to get 'Opensea' to take down the images and 'Emoon.space' have now closed down. Apparently, they got hacked and had lots of NFTs stolen. Further images were recently discovered on 'Opensea' and again these were immediately taken down by 'Opensea.' She then discovered this man was also selling her art on 'Isengard' as previously mentioned. She has contacted them requesting the images are taken down as they are being fraudulently sold.

Isengard have advised they have reviewed the case and been in contact with the seller. They have temporarily marked the images as possible scam but will not remove the images or prevent the seller from advertising them. They advised what the seller does is not technically against any policy that they have, and laws apply differently in different countries of residence. Therefore they cannot completely remove the NFT's from the marketplace as it would result in a complete destruction of their decentralization foundation. They further advised reporting the NFT's to the 'Elrond' network' for further assistance which **X**'s mother has done. The 'Elrond' Network is the platform used by 'Isengard.' She has also messaged this man via twitter demanding he removes and deletes all images of **X**'s art work as this is copyright infringement but received no response.

@Flenart, FlenCali are attributed to Ben Flowers.

She is only fifteen but is planning to go on and study art at college and make a career in art so ACID thinks it's important to do whatever we can going forward to ensure her artwork is safe.

ACID's CEO Dids Macdonald, OBE., said, "Having reviewed this disturbing case study, **X** is now a member of ACID, and all her existing artwork will be lodged on the ACID Databank, and she will be able to use the powerful ACID logo of deterrence around all her work. Using anyone's work without permission is against the law, using a minor's work without permission is even more deplorable. World IP Day in 2022 theme is "**IP and Youth**", it is very much hoped that IP education, deterrence, prevention and support, ACID's key objectives, will focus on the necessity to promote and IP and Youth and also recognise the real dangers of exploitation."



X's mother continues, "We have copies of all the images this man had on the other sites before they were taken down and all the messages, he has sent to her before he deleted them. In one of the messages he said she had made \$180 in the first day and a half and he would save it for her. To our knowledge he sold four images on 'emoon space' before it closed and it looks like he has sold several on the 'Isengard' site, although these are crypto sites of which I have little knowledge, so it is difficult to understand all the data and figure out how much money he has sold them for."

ACID is determined to do everything it can to help this mother and her artist daughter to resolve this upsetting matter and this formed a case study sent to the Intellectual Property Office in their Call for Views on the fitness of the IP framework for artists and designers.

NFTs are A non-fungible token is a non-interchangeable unit of data stored on a blockchain, a form of digital ledger, which can be sold and traded. Types of NFT data units may be associated with digital files such as photos, videos, and audio. [Wikipedia](https://en.wikipedia.org/wiki/Non-fungible_token)

EXHIBITION UPDATE

Jewellery Show

Organiser steps up IP support for sector



The Jewellery Show, the brand-new dedicated Jewellery trade event brought to you by Closer Still Media announces a new partnership with Anti Copying in Design (ACID) the UK's leading design and intellectual property campaigning organisation.

The jewellery industry will come together at Excel, London on the 5th & 6th September for the largest UK trade event of the year to be inspired, learn and trade.

This new partnership allows design-led exhibitors from the Jewellery Show to join ACID at a preferential rate and gain access to their member-only benefits. To be a part of the ACID Community, all potential members must be designers or have a design capability and the majority of their products must be designed either in-house or by commissioned designers.



Alison Balshaw, Sales Director of Jewellery Show said, "We are delighted to announce our new partnership with this highly respected and influential organisation. Joining forces with ACID is a key foundation for us and in turn will provide our exhibitors with significant help and advice on supporting their original designs, should they need it. We're excited about helping to build awareness for ACID within the jewellery market as well as providing a seminar platform where ACID will be able to inform and educate exhibitors and visitors on how to use their intellectual property rights to grow their businesses."

Creating a safer trading environment, ACID's powerful logo is not only a real symbol of deterrence, but also reflects a positive voice for IP creation.

ACID commented, "The UK jewellery sector has many talented and creative designers whose skills and craftsmanship is much revered. The importance of protecting the precious intellectual property they create is paramount to maximising growth and it is great to see the organisers, Closer Still Media, reinforcing this in our new partnership which we value."

Exhibition organisers, The Jewellery Show promises to bring an award-winning trade show formula to the Jewellery sector.



PUT YOUR BUSINESS AT THE HEART OF THE JEWELLERY WORLD

Located at ExCel London, exhibitors and attendees are also encouraged to reserve accommodation close to the venue, there are lots of hotels nearby from luxury Sunborn Yacht hotel to trendy boutiques and well-known hotel chains. The Excel venue provides great access for UK and International visitors alike with easy to reach connections by air, road and rail and boasts over 3000 car parking spaces on site. In addition the new Elizabeth line opening by June this year will mean you can get from the infamous London Jewellery hub, Hatton Garden in just 12 mins. Run by CloserStill Media, one of Europe's fastest-growing exhibition businesses.



[Register to Exhibit Here](#)

EXHIBITION UPDATE

Gallery Direct wins award at the Furniture Show

ACID are delighted to announce that long standing ACID member Gallery Direct UK was awarded the coveted "Design Innovation" award at the recent Furniture Show. Dids was on hand to congratulate Managing Director Peter Delaney.



Member Profile

Turnstyle Designs

Read
more of our
Member
Focuses
here

Turnstyle Designs started from humble beginnings of one man, Steve Roberts, feeling the need to design a new style of handle due to there not being enough choices on the market. Thus the company was born, drawn from the necessity for innovation, excellent design, and desire for a bespoke style in the sector.

Founded in North Devon, 1992, Turnstyle Designs is now one of the largest companies of the region and employs many skilled and talented craftsmen and engineers, all of whom help to create and maintain the company's well-deserved image of luxury and quality. It is no wonder Turnstyle Designs were granted the prestigious Queens Award for Export, as they now export over 75% to business partners in over 30 countries around the world.

Turnstyle's fearless design and continued innovation remain at the heart of their business, when they will test and try any new material on the market. Their first slogan, being tongue and cheek "Bored of Brass" and serves to reinforce them as cutting-edge industry leaders. Their attention to detail is just as important,

Turnstyle Designs have been a part of the ACID community since the very beginning. They understand how important IP is for their business and do everything they can to protect their valuable intellectual property.

Turnstyle have lodged hundreds of designs to the ACID IP Databank, ensuring they have that all important 3rd party evidence of their designs. They also use the ACID logo on their homepage, which links to the ACID website, as a strong form of deterrence against copyists.

We put the following questions to Steve Roberts:

Design, quality, and service have been the hallmarks of Turnstyle Design's in your impressive history delivering luxury door hardware for high-end residential, commercial and yacht projects for many years. Can you tell me a little more about how the company started?

Thank you, I started the business back in 1992, I was newly married, and we had decided to start a new life in North Devon, mainly to be near the sea (I am a bit of a surf addict). Prior to moving down I had renovated a Victorian house in London and whilst doing that had tried to find some unusual door handles. Back in 1990

there really was only brass, glass and iron door hardware, none of which I liked, so I made some of my own door knobs using cement fondue. A few friends liked them and asked me to make some for them, which I did, but it didn't go any further until a couple of years later we moved to Devon and after failing to make a living as an artist I revisited the door handle idea and launched Turnstyle Designs, with a range of whimsical door knobs make in a composite. It started as a mail order company, but I soon started to wholesale to homeware and gift shops, with my big break coming from John Lewis. We pulled away from traditional retail some years ago and now just serve B2B high end designers, architects, and specialist door hardware dealers.

IP protection has been at the heart of your proactive business strategy for quite some time with regular registrations and numerous lodgements on our IP Databank. It's clear you take your intellectual property very seriously ensuring that there is evidence from concept to marketplace. Have you ever been copied and if so, how do you discover and deal with infringements?

Unfortunately we get copied quite often, around 75% of our sales are export and we see copies cropping up all over the world. We have learnt to chose which battles to fight, and have a fund put aside for blatant copies, going after those where we

know we can win. Now we have a difficult case in China with a company who is not only copying our designs, but advertising them as Turnstyle products, even copying our display boards.

“A handle is like a button on a coat, it can make or break a great room or piece of furniture and it has to function as well as it looks.”

What do you think are the ingredients for your success in this highly competitive sector?

We pride ourselves on excellent customer service, there is no point having a great product if you don't have the staff to back it up, this ensures that we retain our customers to keep specifying us on new projects. Our huge breadth of range is also a big factor, it gives the customer enormous choice of design, material and finish and makes it very difficult for our competitors to emulate. We currently have a product range of over 30,000 skus if you take all our finish combinations into account. We also offer custom design.

As a design/skill led company, what is your message about the copy culture that pervades some of this sector with cheap lookalikes by riding rough shod over the law?

The reality now is that with so much

product being produced in China which offers no IP protection, copying is going to keep happening. The best line of defence is to produce designs that are difficult to copy en masse and to keep producing new designs to keep ahead of copyists.

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 this sector achieve this?

Yes, I do, it is extremely disheartening and damaging for any design led company in any sector to see their hard-fought design work devalued and copied by larger competitors. For this to be reduced or prevented we really need those that we sell to be more vigilant about what they purchase and to tied down specifications tighter. Not an easy thing to ask for in such a diverse and international playground.

You take a pride in your workforce and invest in your people by helping them to develop skills, technology, and craftsmanship. How important do you think this is for the future of Turnstyle Designs?

We are and always will be a British manufacturer, we employ talented craftspeople and engineers across a wide range of skills. If we come up with a new process or finish, then we will often need to work out how to produce this in house and train staff up in a completely new craft. Our future is only as good as our talent base, finding new staff who want to learn new skills and work with their hands is becoming harder and harder. So I believe schools have their roles to play in this, in encouraging the next generation that working with their hands is something to be proud of.

Can you give us a steer on what you feel ACID's achievements have been and what we could do in the future to raise further awareness about IP theft?

I have been an ACID member from the start (our registration number is 11),

we have been proud to fly the flag at every exhibition and on all our sales and marketing literature, knowing that it is an organisation that has teeth and that is taken seriously. Relentless campaigning and engagement has led to some fantastic results and has kept the relevance and importance of design IP at the forefront of industry and government. Naming and shaming those that steal IP is a strong deterrent, but it probably needs more publicity, perhaps using social media would be a useful tool. Companies do not like getting negative PR, and social media can spread the word very fast.



As you know ACID is the main Policy and Government campaigning body for Design & IP reform. What are your 3 recommendations to Government to stem the tide of blatant design theft to support this sector and broader furniture sector?

1. Some sort of certified process that prevents contractors from passing off copied designs. Perhaps some accountability from the designers/ architects to ensure that what they specify is what is bought.
2. Extend Unregistered Design right to 25 years. It often takes 3-5 years for a design to take hold, so 10 years is not long enough.
3. Intergovernmental support to enable litigation and action over international borders.

Turnstyle Designs

turnstyledesigns.com

ACID MEMBER



Member Focus

Eleanor Fausing



Visit
the Eleanor
Fausing
website [here](#)

Step into the world of Eleanor Fausing, a British fabric designer, full of botanical and floral prints, with fine and delicate lines, flourishes of colour amongst muted backdrops. Her technique, using mostly hand drawn designs, enables her to express the inspiration fed from her experiences in the natural world. As Eleanor says, *"nature... be at peace."* We agree, because there is an overwhelming feeling of calm, serenity, and peace from Eleanor's art.

Eleanor became enthused by textiles at the early age of 10 whilst studying, by being introduced to screen printing and sewing. She has further developed her skills to include different forms of printing, lino printing, lampshade making, and upholstery. The majority of her products are hand drawn flora, with painting and mark-making to refine her style, printed on 100% linen, using pattern repeats.

Eleanor feels it is important to carry a sustainability ethos within her business model. She says, "Work with nature." Her commitment is to supply a quality product but also sustainable, so she uses digital printing, biodegradable packaging, and 100% flax linen. All of these

choices means she is limiting water wastage, reducing landfill waste, and using less chemicals. Which also means all her products are OEKO-TEX certified.

Eleanor uses the **'Member of ACID'** logo with expertise, having a link at the bottom of her homepage called 'Copyright'. Once on the page, a large ACID logo is displayed, with a variety of intellectual property statements, letting viewers know she takes her rights seriously. This acts as a strong deterrence. She also uploads many of her designs on the ACID IP Databank to ensure her work is lodged and protected.

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 furnitremaker 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.



You say your textile journey started when you were 10. What inspired you at such an early age? And what elements of textile design drew you into a creative career?

I was very fortunate to have the most inspirational textiles teacher. I've always been a perfectionist and loved to work with colour and this was really celebrated in my school textiles department. Since I was young, I have been able to spot patterns and textures around me which is why I love to study the natural world to create my prints.

Your beautiful designs often feature nature, what inspires you about the natural world? And how important is sustainability to your design process?

My love for the natural world stems from feeling relaxed in the outdoors. As a perfectionist, I have used nature and outdoor sport all my life to be

at peace and find inspiration. I used to be a full-time ski instructor and my dedication for sustainability really comes from that. I have seen first-hand how glaciers have been melting and the winter seasons have become more unpredictable weather wise. This sparked an interest in being more eco-friendly in my personal life which has then translated into how I set up my design business. Learning more each day about sustainability has now become a big interest for me.

What are your favourite mediums and tools to work with when designing prints? And why?

I love to experiment with different types of printing: lino block, screen & digital; but I feel most comfortable drawing with pen and inks. Therefore, many of my prints feel very "hand-drawn". I love the use of "line" to create textures – I think it creates a very raw/delicate feel.

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

I found out little bits about intellectual property when I started, although I found all the information very overwhelming. I didn't know which things I needed to do which related to my own business.

Which ACID Membership services have you used and how have you benefited from being a Member?

I have lodged many designs on the ACID IP Databank and I also use it as a tool to find out more about IP rights. I also use the ACID logo on my website which let's people know how seriously I take IP rights. The membership has also been great as I have found other designers/makers through the ACID social media pages/emails.

Have you created anything new and exciting you would like to share with us?

I have just released my first interior fabric collection, FOLIUM. Beautiful botanic prints on 100% linen. Head over to www.eleanorfausing.co.uk or my social media @eleanorfausingtextiles to have a look.

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

The knowledge you can access from

ACID. It's hard to be able to know what information is relevant and what to prioritise without the help from those who are experienced with IP rights. Being able to use ACID as a resource helps save time when needing to find information.

What advice would you offer to a new designer?

Protect your designs as soon as you can. Once you post an image on social media, it's out in the world and you have no control over it. If you can legally claim ownership of a design, it makes the process a lot easier if you ever have something copied.

Do you think that copying of designs is deliberate and blatant?

I get upset when I see someone's work blatantly copied. It's happened to some of my colleagues in the past. I can see how much pain it causes.

ACID values the support of its members to enable it to campaign for design law reform. Do you have any messages for Government/Policy Makers on IP issues?

I do not have any messages as I am still fairly new to this. Given time and experience, I will develop a clearer understanding of the IP laws and, I am sure, have ideas on how the whole process works.



Eleanor Fausing

www.eleanorfausing.co.uk

ACID MEMBER

TAKING COPYCATS TO COURT

It doesn't have to cost the earth!

Did you know there was a Small Claims Track for IP disputes?

Since 2019, claims in the small claims track (SCT) of the Intellectual Property Enterprise Court (IPEC) can be issued and heard in the Business and Property Courts (B&PCs) in **Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester**, and **Newcastle**, as well as in **London**.



In an online webinar to be held on 22 June at 11am, one of ACID's legal affiliates Adam Turley of McDaniels Law will guide you through some of the challenges that prohibit most taking action themselves when they discover their IP is infringed.



Adam Turley
McDaniels Law

The SCT hears the most straightforward intellectual property cases, where less than £10,000 is claimed. Its focus is on claims relating to copyright, unregistered designs, passing off and trademarks. The hearings in the small claims track are short and informal, the parties are frequently unrepresented, and the loser seldom must pay the winner's costs.



Adam Turley writes, “We constantly hear from small businesses who have discovered an infringement of their intellectual property rights but who often feel that there is no realistic option to take to attempt to enforce their rights. For many small businesses, the option of taking infringers to court or even engaging in “cease and desist” correspondence is too expensive, from a purely financial point of view, to even consider and that is before they think about the time and stress that is often involved in such proceedings.”

The Intellectual Property Enterprise Court Small Claims Track (IPEC SCT) exists in theory to enable these small businesses to seek to enforce their rights. It is aimed at disputes with a monetary value of less than £10,000 and has only limited costs recovery, all of which should in theory make it attractive for small businesses. The procedure is also streamlined which is supposed to make it easier for people representing themselves to navigate. Despite all of this however for many small businesses even the IPEC SCT is too difficult to navigate and the cost of engaging legal representation to assist in the process is simply too high and negates the benefits of the Court.

In an ideal world the IPEC SCT would be easier to navigate, however, with a bit of help and by learning a little about how the IPEC SCT works it can still be a viable option for small businesses to utilise.

“In an ideal world the IPEC SCT would be easier to navigate”

The webinar’s lead, Adam Turley of McDaniels Law will run you through the process behind the IPEC SCT, what is required at the different stages of a claim and will equip you with the knowledge needed to utilise the IPEC SCT in a cost-effective way. Armed with this knowledge accessing justice through the IPEC SCT can become a realistic option for small businesses which in turn will make a real difference to the tools available to you to enforce your intellectual property rights.

You can register for the webinar below:

**Webinar
Registration**



In this webinar you will learn:

- 📌 How to access a streamlined and cheaper way of resolving lower value and less complex IP claims
- 📌 To understand how the Small Claims Track works
- 📌 What cases you can pursue
- 📌 How to prepare
- 📌 How you can file to make a claim online
- 📌 Straightforward tips to use the system and understand the process



SHOUT OUT



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.

Lovelilly

Lilly Wells has a passion for art and loves creating feelings through painting. She creates the most colourful greeting cards and artwork. Using watercolour, the images are full of character and splashes of joy with choices of details and vibrant colours.

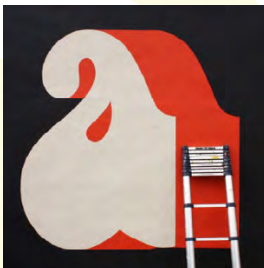
www.lovelilly.art



Corin Kennington

Corin Kennington is a London based studio which designs hand painted lettering, on any scale, and murals. They have a large and high-profile list of clients due to the quality of art and workmanship.

www.coverall.studio



Isabella Roux Limited

Isabella Roux Limited is an award-winning fine jewellery designer. Isabella focuses on creating bespoke creations for private clients, allowing her to work closely with them and design pieces tailored to their specific tastes and needs.

www.isabellaroux.com



Unhidden

Unhidden creates adaptive fashion for people with other needs. Victoria designs clothes which work with you, not against you.

The inspired idea allows for wearers to feel comfortable and confident, whilst still accommodating a variety of health requirements. Truly amazing design looks great but also revolutionises clients lifestyles.

www.unhiddenclothing.com



Annabelle Tiam-Fook

Annabelle Tiam-Fook is a jewellery designer with a history of art and design. She often uses gem stones and birthstones for personalised bespoke orders.

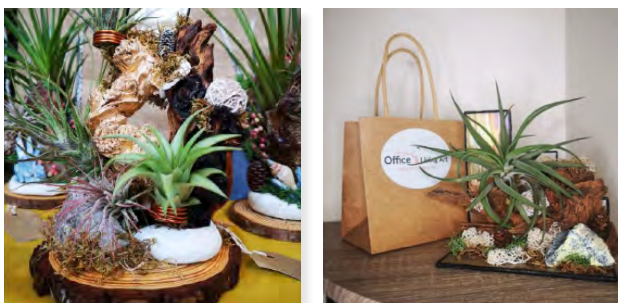
www.annabelletiamfook.com



Office Living Art

Office Living Art create living, breathing, ornament and art sculptures for home and office. Bringing nature into your workspace is a fantastic idea and would make an excellent gift!

www.office-living-art.co.uk

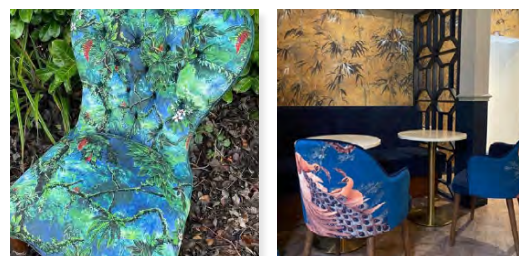


Mallion & Knowles

Mallion & Knowles create exquisite hand-painted designs for luxury fabrics and wallpaper.

Take a look at their account and see the huge range of beautifully created designs and high-end application to interior designs.

www.mallionandknowles.co.uk



Evolution Fires

Evolution Fires design and create pre-built media walls. Their media walls come in a range of colours, styles, sizes, including electric fires and LED lights. Their design innovation allows you to put the pre-built kits together yourself or get them expertly fitted.

www.evolutionfires.co.uk

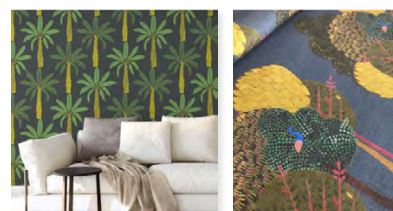


S Mistry Designs Ltd

S Mistry Designs is a women-led design studio in Glasgow. Their designs are initially and exquisitely hand-painted using rare pigments, which include global historic heritage techniques. Using digital technologies, the artwork is transformed into interior accessories.

Their products are used for high-end interior designers and boutique hoteliers – we can see why!

www.shwetamistry.com



Finer Equine

Finer Equine make award winning equestrian luggage. Their business centers around innovative designs, luxury style, and quality workmanship.

Their designs are registered with the IPO and using the ACID logo on their website proudly. Meaning they are off to the right start in protecting their precious intellectual property.

www.finerequine.co.uk



The Greenhouse Art

Joanna Green is an artist who uses acrylic on canvas. Her artistic technique is filled with delicate tones with textured strokes to invoke a balance of both calm, yet a depth of feeling. The gold accents are beautifully added to uplift the art and your heart.

www.thegreenhouseart.com



New Members

ACID welcomes the following new members to the ACID Community

| Company | Industry |
|---|--------------------|
| Sunday's Coming Ltd | Childrenswear |
| Rachel Stowe | Fabrics & Textiles |
| by Elizabeth Hill | Fabrics & Textiles |
| CF & MK Ltd Trading as Mallion & Knowles | Fabrics & Textiles |
| Bodkin Beak | Fabrics & Textiles |
| SassiNiemand | Fabrics & Textiles |
| Unhidden | Fashion |
| The Settlers Stores Ltd (T/A Acre & Holt) | Fashion |
| Fully Charged Entertainment Ltd | Fashion |
| APC Assets Ltd/ TA Evolution Fires | Fires & Fireplaces |
| Amc Furniture Limited | Furniture |
| The Spirit of the Hebrides Upholstery | Furniture |
| Camilla Hampton Interiors Ltd | Furniture |
| Porter + Trundle | Furniture |
| Office Living Art | Giftware |
| Amica Accessories Ltd | Giftware |
| cmglassdesigns | Giftware |
| Jennifer Phillips | Graphics |
| Corin Kennington | Graphics |
| Kelly Valencia Designs | Graphics |

| Company | Industry |
|---------------------------------|----------------------|
| Design + Made Ltd | Interior Accessories |
| The Inklings | Interior Accessories |
| Annabelle Tiam-Fook | Jewellery |
| Isabella Roux Limited | Jewellery |
| Blowlamp Ltd | Lighting |
| Samarkand Design & Textiles Ltd | Lighting |
| Gruffpawtraits | Photography |
| Finer Equine | Product Design |
| SleepHubs | Product Design |
| S Mistry Designs Ltd | Product Design |
| Nexgen U.K. Ltd | Product Design |
| Giulio Amodio | Product Design |
| Barrow Hepburn & Gale Limited | Product Design |
| Impossible Things Ltd | Product Design |
| The Green House Art | The Arts |
| Mashka Ltd | The Arts |
| Toria Lamb | The Arts |
| Cali Gurnett | The Arts |
| Wildwood | The Arts |
| Giovanna Forte | Toys |




Anti Copying in Design Ltd

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Online: www.acid.uk.com

Social Media:

 @ACID_tweets
 Anti.Copying.In.Design
 anti.copying.in.design

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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 Online Webinars

Taking Copycats To Court – It Doesn't Have To Cost The Earth!

22 June 2022 11.00am

REGISTER HERE

Trade Shows

Exclusively Housewares | 14-15 June 2022

Business Design Centre, London | www.exclusivelyshows.co.uk

GLEE | 28-30 June 2022

NEC Birmingham | www.leebirmingham.com

Autumn Fair | 4-7 September 2022

NEC, Birmingham | www.autumnfair.com

The Jewellery Show | 5-6 September 2022

ExCel, London | www.thejewelleryshow.co.uk

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.

