

MODULE 1.4 INDUSTRIAL DESIGNS – LEARN THE BASICS



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This presentation is adapted from the IP foundation series on the Canadian Intellectual Property Office (CIPO) website.



What's the difference between industrial designs and patents?

Can industrial designs protect the shape of a chair?

In this section, we will introduce industrial designs and what they protect.

LEARNING OBJECTIVES FOR INDUSTRIAL DESIGNS - LEARN THE BASICS

By the end of this section, you will be able to:

- Explain what an industrial design is
- Describe what a registered industrial design protects
- Outline examples of designs that can be protected



UNDERSTANDING INDUSTRIAL DESIGNS

WHAT IS AN INDUSTRIAL DESIGN?

Simply put, it is about how a product looks.

It consists of the **visual features** of shape, configuration, pattern, ornament or any combination of these features.

The design must be **novel** and **appeal to the eye**.

It must be applied to a finished article and the features can be 2- or 3-dimensional.



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UNDERSTANDING INDUSTRIAL DESIGNS

INDUSTRIAL DESIGNS ILLUSTRATED

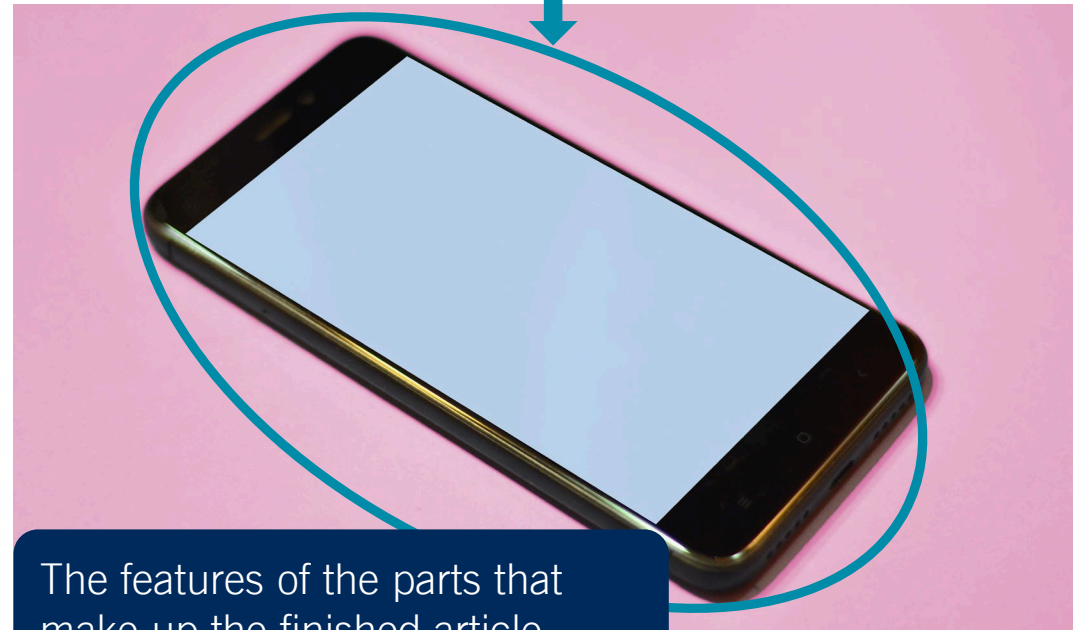
Features of **shape** and **configuration** refer to a finished article's 3-dimensional structure.

Shape



The external form or outline of the article

Configuration



The features of the parts that make up the finished article



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UNDERSTANDING INDUSTRIAL DESIGNS

INDUSTRIAL DESIGNS ILLUSTRATED

Features of **pattern** and **ornament** are defined as 2-dimensional elements placed on a finished article for decorative purposes.

Pattern



Repeating decorative elements that are all the same

Ornament



Any other decorative element placed on the surface of the finished article



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UNDERSTANDING INTELLECTUAL PROPERTY

PATENTS AND INDUSTRIAL DESIGNS

It is important not to confuse how a product looks with how it works.

Industrial designs protect **only the visual features** of a product.

To protect functional features of a product, such as what it is made of and how it works, you need to obtain **patent** protection.



UNDERSTANDING INDUSTRIAL DESIGNS

REGISTERING AN INDUSTRIAL DESIGN IN CANADA

Register your industrial design by submitting an application to CIPPO's Industrial Design Office. Once your design is registered, you get the **exclusive right** to it in Canada for up to **15 years**.



The [*Industrial Design Act*](#) is the federal legislation governing industrial designs in Canada.



UNDERSTANDING INDUSTRIAL DESIGNS

WHY REGISTER YOUR INDUSTRIAL DESIGN?

A registered industrial design:

Constitutes a legal claim of ownership

Gives you the exclusive right to make, import, sell, offer or expose for sale or rent a finished article to which your design is applied, or a design not differing substantially from it (for up to 15 years)

Prevents competitors from making, importing, selling, offering or exposing for sale or rent, in Canada, a product that copies or does not differ substantially from your design

Gives you the ability to enforce your design registration

Constitutes a valuable business asset



UNDERSTANDING INDUSTRIAL DESIGNS

WHAT CAN YOU REGISTER AS INDUSTRIAL DESIGNS?

Here are examples of designs that are registrable in Canada:



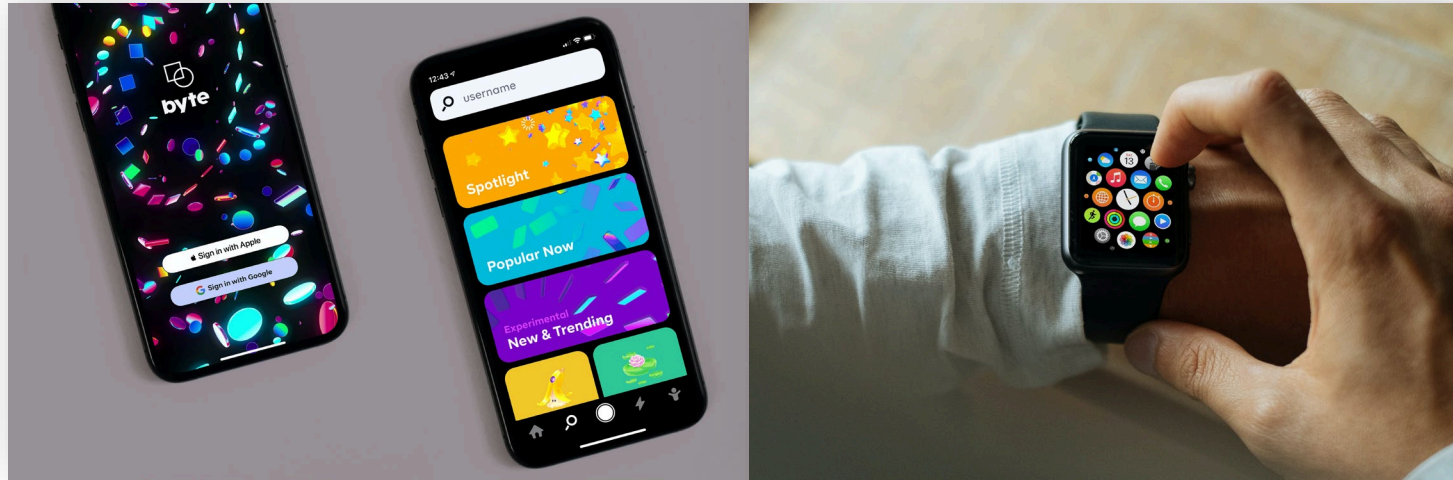
Contour of a car hood



UNDERSTANDING INDUSTRIAL DESIGNS

WHAT CAN YOU REGISTER AS INDUSTRIAL DESIGNS?

Here are examples of designs that are registrable in Canada:



Graphical user interface on an electronic device



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UNDERSTANDING INDUSTRIAL DESIGNS

WHAT CAN YOU REGISTER AS INDUSTRIAL DESIGNS?

Here are examples of designs that are registrable in Canada:



Shape of styled furniture

CHECK FOR UNDERSTANDING

A company has developed a new smart watch. Which of the following cannot be protected by an Industrial Design?

- A. The shape of the watch head
- B. A novel and unique latching mechanism for the clasp
- C. The graphical user interface
- D. The pattern on the wrist band



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ANSWER: B. This is a functional feature. You would need to obtain patent protection. All the others are visual features which could be protected by an industrial design.



SUMMARY OF LEARNING OBJECTIVES FOR INDUSTRIAL DESIGNS - LEARN THE BASICS

You should now be able to:

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- Describe what a registered industrial design protects
- Outline examples of designs that can be protected

