

# ACID

Issue 25

news  
SPRING 2006

## ANTI COPYING IN DESIGN

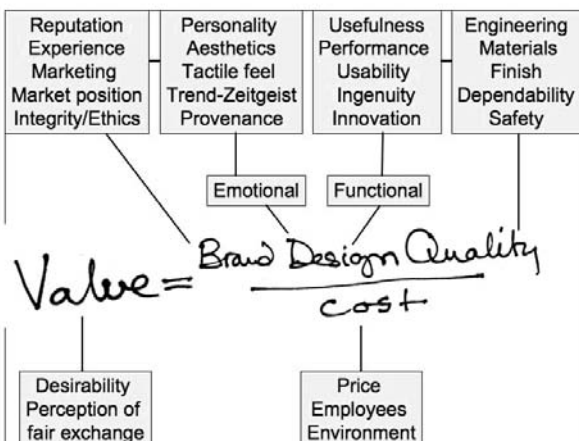
# 'Protect it - or forget it!' Intellectual Property - A positive force!

*Sebastian Conran, Creative Director, Conran & Partners and Dids Macdonald, CEO ACID, at ACID's high profile 'Protect it or Forget it!' annual design conference.*

*The prestigious event attracted leading names within the design community pan-Europe and the presenters inspired the packed audience of over 120 ACID members and supporters with their thought provoking and challenging sound bites regarding the future role of design and IP protection, exploitation and respect.*



Iconic product designer Sebastian Conran opened the event with a keynote speech emphasising the importance of design creating value. Conran explained that **"value, as well as the perception of brand entirely resides in the mind of the consumer"** and created an equation to bring home the point:



The event also attracted other high profile speakers including Design Council's Harry Rich who provided PROOF: "that design drives business growth" by communicating that design intensive companies out performed the FTSE by 200% over a ten year period. Nils Toft led delegates through the labyrinth of successful manufacturing in China whilst Tony Davis provided a fascinating insight into how he has fully exploited IP rights by linking up with Penguin Books with his eclectic product range. June Davies from OHIM described the key benefits of obtaining a registered Community design and navigated delegates through some of the myths and pitfalls of application. The event concluded with Simon Clark of Berwin Leighton Paisner using Magis' successful actions with the Bombo stool here in the UK which received huge publicity; an example of a positive IP strategy - cutting off the oxygen supply in western markets! Copies of all these presentations are available from ACID. For highlights of speakers speeches, some questions and answers and a picture gallery of those present see pages 7 to 11.

## A © I D LANDMARKS FOR 2005!

**42 FREE**  
IP PROTECTION CLINICS

**1862 VISITORS TO**  
IP PROTECTION CLINICS

**23 SEMINARS/**  
ACID PRESENTATIONS/  
FORUMS

**2970 CALLS TO THE**  
MEMBERSHIP HOTLINE  
FOR COMMERCIAL  
ADVICE

**50,000 REACHED BY**  
4 ACID NEWSLETTERS

**20,000 REACHED BY**  
10 E-NEWSLETTERS

**1158 CALLS FOR FREE**  
LEGAL ADVICE FROM  
THE SPECIALIST  
HOTLINE

**25 INDUSTRY SECTORS**  
REPRESENTED BY ACID

**ACID MEMBERSHIP HAS**  
COLLECTIVE TURNOVER  
OF JUST UNDER  
**£3 BILLION**

**1620 ACID EXHIBITION**  
MEDIATIONS SINCE  
1997, 73% REQUIRED  
NO FURTHER ACTION

**Over £2 MILLION**  
RECOVERED IN COSTS  
AND DAMAGES IN  
**200 settlements**  
BY ACID'S ASSOCIATE  
LAWYERS SINCE  
1997

**ACID'S DESIGN WEEK Hot 50 TREBLE!** SEE INSIDE PAGE 3



design WEEK

giftfocus  
MAGAZINE

CFJ  
CONTRACT FLOORING JOURNAL

Cabinet  
Maker

furnitureproduction  
MATERIALS & TECHNOLOGY FOR INTERIORS & HOMES

GRAND  
DESIGNS

ACID has received huge support from editors and journalists, who put the subject of intellectual property awareness high on their agenda and continually feature success stories, initiatives, concerns and warnings against the potential devastation of intellectual property infringement. A media supporter campaign has been launched with key design publications to underpin this strategy. Design Week, Cabinet Maker, Contract Flooring Journal, Fabrics and Furnishings, Gift Focus and Grand Designs are all MEDIA Supporters of ACID.

Together we are helping to create **awareness** and a **safer commercial** environment for all!

# KNIFE EDGE AGREEMENT -

## Argos settles lookalike dispute with Robert Welch Designs

Settlement worth over £150k secured by RWD



*The instantly recognisable "swirly" cutlery design known as the Ammonite Flat range belonging to ACID (Anti Copying In Design) members Robert Welch Designs Ltd (RWD) was successfully launched in 1996. In 2002 they discovered remarkably similar cutlery being sold by Argos Limited, named the "Swirl" range, through the Argos catalogue and web-site and decided to take immediate legal action. They also discovered the same cutlery being sold through various catalogues and web-sites owned by GUS Home Shopping Limited (now known as Shop Direct Group Limited). Following protracted legal negotiations, Argos and Shop Direct agreed to a settlement under which Argos took a licence from RWD to produce cutlery featuring the Ammonite Flat design in return for royalties and both companies paid royalties for their past sales of the Swirl cutlery sets and £46,750 towards RWD's costs, the liability for which was to be shared between them.*

A licence deal was only struck with Argos, because Shop Direct decided not to continue to produce the Swirl cutlery sets, so gave an undertaking to RWD not to sell any further items of the cutlery or any cutlery which incorporated a design the same or substantially the same as RWD's Ammonite Flat design. The compensation which Argos and Shop Direct paid in the form of royalties to RWD for their past sales of the Swirl cutlery sets totalled £103,302.81 from Argos and from Shop Direct £9,584.06.

The "swirly" RWD Ammonite Flat range had been a successful seller through UK high street stores such as John Lewis department stores and in the US through Bloomingdales and Macys as well as to numerous hotels and restaurants prior to the discovery of the "Swirl" cutlery set. The Ammonite Flat range had also been exhibited at major international trade fairs since its launch and received substantial coverage in the press and in trade magazines.

Argos claimed the Swirl cutlery set arose from an independent design process and provided evidence of other ceramic and glassware products with what Argos claimed featured the same or similar swirl features and stated their belief that RWD was unlikely to own any intellectual property rights in the Ammonite Flat design. They said that their supplier, Amefa International, was not aware of RWD's range and were not in the same market as RWD. RWD maintained that Amefa dealt in the same market and would have been aware of the Ammonite Flat range, particularly given its high profile exposure and extensive use within the hotel and restaurant industry.

When no agreement could be reached RWD had no option but to commence High Court proceedings against

both Argos Limited and Shop Direct Group Limited. They said in their defence in the Court proceedings that the design for the Swirl cutlery set was put forward by a company called Hong IK Metal Company Limited in Korea to Amefa and that the Swirl cutlery set resulted from Hong IK being instructed by Amefa to prepare a sample to the suggested design which was subsequently approved by Argos' and GUS Home Shopping's buyer. They said that they suspected that RWD's design had in fact been copied because enquiries at Hong IK had revealed that Hong IK had previously been asked to make a variant of RWD's design by a different customer. However, Argos and Shop Direct Group denied any prior knowledge of this and maintained that they did not know of RWD's Ammonite Flat cutlery or that the design had been copied when they imported and sold their Swirl range.

Dids Macdonald, ACID's Chief Executive, commenting on the successful settlement said, "Clearly when a design audit trail can be traced back as far as 1994 with supporting market evidence, it is very difficult to dispute design ownership. Therefore, I am delighted that this has now been settled. There is a huge opportunity for many UK major retailers to provide consumers with cutting edge design by harnessing the talent of designers such as RWD and supporting UK design by commissioning original design and entering into positive relationships." [www.robertwelch.com](http://www.robertwelch.com)

Alice Welch, Marketing Director of Robert Welch Designs said, "Having built our brand on a strong design history, it is critical to us that our customers do not mistake an inferior product/copy to be our design. Therefore, we at Robert Welch take intellectual property very seriously and will pursue anybody who copy/pass off our designs."

# NOSTALGIE VERLAG – No place to hide now!

*Following a long, debilitating legal battle, determined and feisty ACID (Anti Copying In Design) member, Jessica Muldoon, Managing Director of Find The Three Daughters, has finally had the satisfaction of achieving a Court Judgement against Nostalgie Verlag GMBH, who are frequent exhibitors at TPS Spring and Autumn Fairs.*

**FTTD were determined to pursue this blatant infringement and Nostalgie Verlag have now been brought to justice. A staggering 18 tons of metal plaques showing more than 140 different trademarks were seized and destroyed following a Court order against Nostalgie Verlag who were also finally ordered to bear FTTD's full costs and the costs of the whole proceedings.**

Muldoon also brought criminal proceedings against Mr. Pampuch of Nostalgie Verlag who was ordered to pay a fine of 3.600,00 Euros and to bear the costs of the whole criminal proceedings, including the costs of the searches, seizure, storage and devastation of the shields, which

amounts to approx. 23.000,00 Euros. Furthermore, Nostalgie Verlag will have to pay for potential civil proceedings, which will, most likely, be initiated against them.

The copycat saga all started way back at Autumn Fair in 2003 when Muldoon discovered Nostalgie Verlag were showing various designs which infringed FTTD's copyright. Nostalgie Verlag ignored an initial warning shot fired off by IP solicitors Addleshaw Goddard, so Muldoon immediately instructed leading Munich law firm Boehmert and Boehmert to instigate proceedings against Nostalgie Verlag in Germany and a private investigator was hired to obtain infringing samples as proof for potential proceedings. In December 2003 a preliminary injunction was issued by the

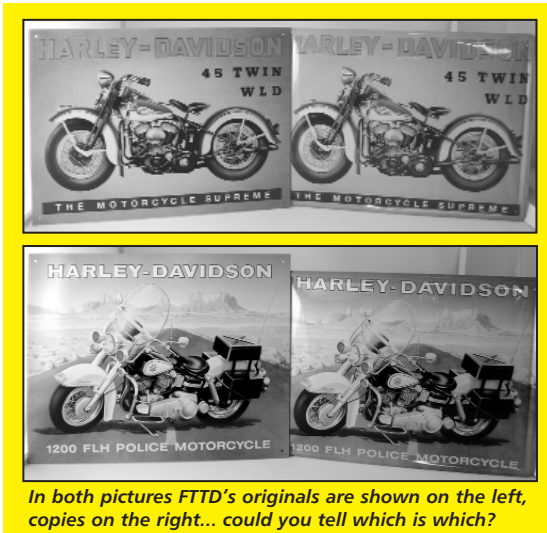
Regional Court in Hamburg forbidding Nostalgie Verlag to keep on producing, selling and marketing the infringing shields and it has taken all this time to enforce the order once and for all.

Despite being sickened by the whole debacle, Jessica Muldoon commented, "I was determined to see this through to send a clear anti copying message to all those who seek the fast track through copying. I will pursue all infringements of my rights vigorously. I have been trying for some time now to convince the

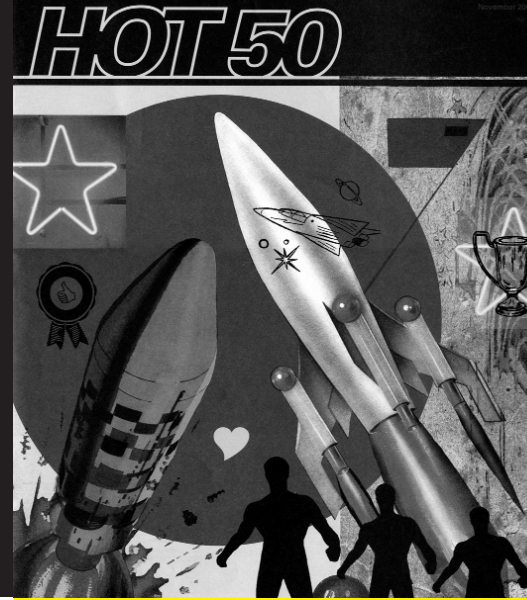
organisers of Spring & Autumn Fair that this company should not be included in any future Fairs, I have been a loyal exhibitor and supporter of the Fairs for over 10 years now, its now time for them to show their mettle and demonstrate to the industry

that as an ACID Accredited show organiser they really do support a "zero tolerance" to plagiarism by refusing Nostalgie Verlag entry to any future fairs, even if they do try and reinvent themselves as ReKlame Verlag".

Dids Macdonald, ACID's Chief Executive added, "Spending two years pursuing an infringement is not for the faint hearted from either a time or financial point of view, especially in another country. If any company copies her work then they should expect to pay the price, in this case a significant one, if they infringe her designs. I also hope that we will not see the likes of Nostalgie Verlag (or, for that matter, ReKlame Verlag) at Spring or Autumn Fair or indeed any German Gift Fairs again."



*In both pictures FTTD's originals are shown on the left, copies on the right... could you tell which is which?*



WEEK  
**design**

## HOT 50

people  
making a  
difference in  
design...

**Anti Copying campaigner ACID has made it into the Design Week Hot 50 for the third year!**

"..If there is a barometer measuring how design is faring in the wider world, it is surely Design Week's Hot 50. Compiled with input from readers and honed down by a panel of industry experts, the listing charts the people and organisations that have made the greatest contribution to design over the past 12 months – over and above the demands of their remit".

The Panel said, "This illustrious track record shows just how tireless ACID founder and chief executive Dids Macdonald and Simon Clark are in their lobbying activities. As a supporter of designers whose work has been plagiarised by manufacturers or retailers, ACID has helped its members to win court cases or achieve settlements. It continues to patrol the high street in a bid to sign up retailers to the cause and is taking on the hotel and leisure industry. But the big thing for 2005 has been ACID's lobbying at European level through its ACID lobby arm, to make design copying a criminal offence and for more legal remedies to protect against infringement"





Above: 'Me to You' range, inset Payneprint card

# BIG SPLASH DROWNS DOUBLE LOOKALIKES!

**Prompt action by ACID member Desri, sees 40 bin liners of clothes destroyed.**

## CARTE BLANCHE

"Me to You" range:  
a legal settlement

Carte Blanche Greetings Limited and Payneprint Limited have reached settlement of a dispute which arose between them regarding a range of greetings cards which Carte Blanche

Greetings Limited claimed were copies from their own "Me to You" range.

Payneprint Limited denied that any copying had taken place and without any admission of liability have

agreed to cease any further manufacturer or sale of the cards in question, to destroy their remaining stock and to pay an undisclosed sum.

Following the settlement, Dids Macdonald, ACID's Chief Executive said, "ACID (Anti Copying In Design) members Carte Blanche Greetings have adopted a zero tolerance approach to plagiarism and they continue to expand upon this within their global brand protection strategy. As market leaders, they have invested heavily to create a fantastic brand within the gift and greetings card sector and their continuing policy, when they see what they believe to be copies, is to take immediate legal action. Originality in design is the focus for Carte Blanche's product development and their continuing mission is to make a brand that their retailers are proud to be associated with".

Following swift legal action by ACID (Anti Copying In Design) member Desri Goodwin of Splash About, 40 bin liners full of baby clothes were delivered up to be destroyed and undertakings were received that they would not be marketed or sold in the future together with a payment of legal costs.



Desri Goodwin was first alerted to what appeared to be "dead ringers" to her own designed Baby Wrap, Baby Snug and Happy Nappy clothes by her own loyal customers, a group of commercial "friends" who Desri values highly. Apparently, Rebecca Harrington was selling them through a company called Baby Wetsuits Limited. Desri then surfed the web and confirmed what appeared to be look-alikes which she believed infringed her design right, so she immediately purchased examples so that she could check the alleged copies with her own products. Almost simultaneously, Desri Goodwin also discovered that many of her customers had been contacted by a Catherine Bradshaw who had written to all Splash About customers inviting them to buy from her instead! Catherine Bradshaw, trading as Bubbadocks, was selling what Desri believed was an imitation of her Baby Wetsuit and again, immediate action was taken by Desri's solicitor.

"This look-alike discovery was particularly upsetting for me", said Desri, "Because not only was Rebecca Harrington a trade customer but Catherine Bradshaw had bought one of my products for her own child and then actually wrote to me about the possibility of becoming a stockist. Taking action was also made somewhat more difficult because I live and work

from France. The ACID team, especially Membership Coordinator Annette Howard was really helpful initially writing letters to both parties and basically guiding me through this whole debacle."

Acting on behalf of Desri Goodwin, Niall Head-Rapson, an intellectual property lawyer from McDaniel & Co. sent two immediate letters before action which evoked a prompt response from both competitors and an excellent result for Desri Goodwin. Commenting on the action, Niall Head-Rapson said, "It is quite clear to me that Desri Goodwin is determined that she will pursue what she believes are any infringements of the



Niall Head-Rapson  
Partner, McDaniel & Co.

rights in the designs she creates and these settlements will send a warning shot to all in her market sector about the importance she places on the protection of her intellectual property".

**McDaniel & Co.**  
tel: +44 191 281 4000  
fax: + 44 191 281 4333  
nhr@mcdanielandco.co.uk  
www.mcdanielandco.co.uk

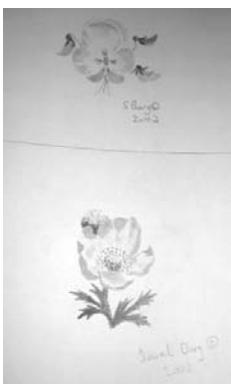
# LEGAL ACTION -

## What are the alternatives?



Sarah Borg

Many small product designers and manufacturers think that dealing with intellectual property issues is just too financially prohibitive and ACID is often asked "what are the alternatives"? Often too, taking action can be an expensive process that can outweigh what you would get in return. To avoid the costs, the small claims procedure may provide a much simpler solution.



Sarah's Buttercups



Sarah's Roses

### Dids Macdonald, ACID's CEO looks at a recent case study involving ACID member Sarah Borg and Moussie Sayers of Nordic Style.

This case study and recent successful action taken by ACID member Sarah Borg against Moussie Sayers of Nordic Style proves that it is possible to pursue an infringement though this took amazing courage and persistence by Sarah but she eventually saw what she considered to be fairplay by being awarded a Judgment in the Small Claims Court.

The commercial relationship between the two started well in 2001 but along the way went extremely wrong when, after repeated attempts Sarah could not get Moussie Sayers to pay for designs that she had created for Nordic Style and for which she owned the copyright. As a result, Sarah decided to approach ACID and told them that it would be impossible to instruct lawyers because she simply could not afford to do so. Initially, Dids Macdonald, ACID's CEO wrote to Moussie Sayers in January 2005 asking for her comments on the matter in the hope that a letter from an organization to which Sarah Borg belonged might elicit a response so that an amicable settlement could be reached. Despite three letters there was no response from Moussie Sayers. In the meantime, Moussie Sayers and Nordic Style had launched a silk taffeta collection which

featured a Sarah Borg floral sprigs design which was one of the designs which Moussie had not paid for. Sarah at this point was exasperated, having first tried a conciliatory route, Dids then suggested that as the sum of £2450 (plus interest) was below the Smalls Claims Court threshold of £5000, her most cost effective route may be to file an application to the Small Claims Court. Sarah Borg filed a Claim in August 2005 but the Claim was returned undelivered. However, in September Moussie Sayers acknowledged the claim and informed Sarah Borg that she was going to defend it. Fortunately, ACID was able to supply all the recorded delivery correspondence that had ensued and was able to also provide the Court with its diary of events from when they were first informed of the situation in January 2005.

The Court awarded the following based on Sarah Borg's ownership of the copyright on two designs and costs totalling =£1876.60. Moussie Sayers of Nordic Style was given 28 days to pay. Following the settlement Sarah Borg commented, *"I felt there was a principle at stake. No one likes to be taken advantage of and this was clearly IP infringement. I'm delighted the Court upheld copyright and Nordic Style was made to pay. Behaviour such as this brings the whole industry down, so for all who play by the rules it was definitely worthwhile pursuing."*



### HOW DOES THE Small Claims Court work?

1. The person claiming must complete a standard form which sets out details regarding the claim and lists the parties involved so ask your local County Court for a document known as a "Claims Form", you will need to complete this with details of what you are claiming and against whom.
2. If you decide to make a claim you will be called the "Claimant" and your opponent will be called the "Defendant".
3. You will also have to pay a court fee; this will depend upon how much you are claiming. You can claim this fee back from your opponent, if you win your case. (This is known as Fixed Costs).
4. Your completed form should be returned to the County Court office with the relevant fee.
5. The Court then sends a summons to the Defendant. At this point the Defendant may decide to pay but they also have the option to admit a part of the claim, pay it or make a request to pay by instalments. The other option is that they may decide to defend the claim in full.
6. If this is the case or any part of the claim is disputed, the claim will be heard in a Small Claims Court. It is informal and often around a table in a Judge's chambers
7. You can use a solicitor, or someone else, but you can't claim costs back for using that solicitor, except the standard fees which are prescribed by the Court. The court fee is separate though you must present your own 'case'. i.e. The Judge will only address you, not a solicitor. Equally, you are the only person who may address the Judge, not a solicitor.
8. Chambers, whilst informal, can sometimes be intimidating and claimants can find themselves out of their depth because they are unfamiliar with these surroundings.
9. As a result, Judges will be aware that most claimants have not been in this position before and will be unaware of Court procedures, therefore, they will do everything to help and assist claimants.
10. Judges, whilst doing everything in their power to assist in a small claims matter will not tolerate unreasonable representations or verbal abuse.

#### Enforcing a court ruling

If a court has decided that someone must pay you an amount of money and you haven't received it, you can ask the court to enforce the ruling.

#### For more information:

[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

# What is the low down on

# Money Laundering?



## Why do you have to identify yourselves to solicitors before they will act for you?

Before any firm of solicitors can act for a client which it has never acted for before, it is bound by law to obtain certain documents about you in order to verify your identity. These rules are contained in the Money Laundering Regulations. It is important to understand that the requirements differ depending upon whether the new client is a company, partnership or individual. Time taken now to understand what is required will ensure these documents are readily available to avoid unnecessary delays occurring between your instructing a solicitor and their being able to start working for you.

## Individuals

Solicitors will need to obtain one document from each of the following two categories of documents in order to verify both the identity and address of each new client:

### 1 A certified copy of at least one of the following items (to show proof of identity):

- Current signed Passport/National Identity Card
- Current EU Photo-Card Driving Licence
- Current full UK Driving Licence (old style)
- Inland Revenue Tax Notification
- Firearms Certificate

### 2 A certified copy of at least one of the following items (to show proof of address):

- Electoral register search
- Recent utility bill (not mobile telephone bill)
- Current year Local Authority tax bill
- Bank or building society statement (you can blank out figures if you wish)

These documents should be certified as true copies by either a solicitor, accountant, or bank manager with a clear indication of their name and firm/company. Rather than provide certified copies, you could take the originals of the above documents to your solicitors' office to copy.

## Partnerships

The following documents need to be seen:

- 1 A certified copy of your partnership agreement (if you have one)
- 2 Latest report and accounts (or equivalent)
- 3 Evidence of business address, e.g. recent bank statement. You can blank out any figures if you wish, and
- 4 In respect of each of the principal partners and/or other controllers of the business and, where relevant, principal funders of the partnership, the documents listed under "Individuals".

## Companies

Your solicitor will need to identify any shareholder who owns 20% or more of the shares in the company.

Where 20% or more of the shares in a company are owned by another person or company, they have to obtain details about that person or company too (and so on until they know who ultimately owns all the shares). For each individual shareholder in the company (or any holding company of the company) who owns 20% or more of the shares, they will need certified copies of the identity documents listed under "Individuals". They also need to verify the company's existence, but ACID's associate lawyers, Berwin Leighton Paisner, for example, can usually do this by obtaining copies of documents filed at Companies House, except in the case of very recently formed companies, in which case, they might need to ask you for evidence to establish the company's existence.



# the future.....

## Design - *Protect it, or forget it!*

ACID (Anti Copying In Design) Conference

17 November 2005



Dids Macdonald



Simon Clark

Dids Macdonald ACID's Chief Executive welcomed over 100 members and supporters to the Annual Design Conference by reinforcing the importance she places in the creation of ACID's future plans and strategies. These include grass roots interaction with membership, listening to members' comments and views - at industry forums, design protection clinics and numerous exhibitions where ACID has a proactive presence. She stressed that ACID is not a trade association in the traditional sense but rather a hard-hitting action group with a deep-rooted sense of fair play and justice. ACID likes to get its hands dirty and will neither be shaken off, nor fobbed off by government when tackling issues and legislation regarding copyright theft. The organisation is not committee bound either - it listens, reacts and responds to every single good idea that can help support an industry to which we all belong and upon which we rely. The ACID brand has now become a recognisable brand of deterrence that communicates pan industry that **DESIGN = VALUE for creator, buyer and above all, the end user. Intellectual property must be protected, exploited and respected.**

**She closed the conference saying,** *"IP theft needs new solutions to meet the old challenges and all too familiar problems which increase every year - from Government, Industry, the Public Sector and within Education. Intellectual property crime is still considered a "soft" crime with abysmal exemplary damages which do absolutely nothing to dissuade the perpetrators that IP theft isn't just a fast track route to quick gain by stealing or by free riding on the back of another's design equity. It costs livelihoods, businesses, and at the more spurious end, is known to fund organised crime and cost lives".* There was a call to action to all members, a rallying cry on a subject that she is passionate about - legislative reform and urged all members to email [help@acid.uk.com](mailto:help@acid.uk.com) for a template letter to send to your MP demanding that Government addresses a continuing loophole in UK design law with the inclusion of ACID's law of Unlawful Imitation onto the statute books. She finished by saying that Government has got a fantastic opportunity to put its money where its mouth is and say, *"Yes, innovation is a key USP and we are supporting the industry with laws that will protect all the investment and sweat equity that goes into making UK design the best".*

*continued over >>>*



Conference co-sponsored by

**\*berwin leighton paisner**





**Sebastian Conran explained The Conran Group's principal activity, as a product design studio, was to create successful merchandise for manufacturers to simply produce, for retailers to profitably sell and for people to enjoy using.**

*"It is a very competitive world we work in: not only is there a plethora of products for people to choose from, but there are plenty of good designers vying for the task of creating these products. So, how do they succeed in creating this 'currency for trade' against this competition? How do they use their skill and experience to win sales? The answer is disarmingly simple and paradoxically really quite complex: they create value. "And VALUE as well as the perception of brand", he concluded, "Resides entirely in the mind of the consumer!"* For a full report of Sebastian Conran's keynote address please email [help@acid.uk.com](mailto:help@acid.uk.com) [www.conranandpartners.com](http://www.conranandpartners.com)

the Far East, had they not introduced design into their strategic processes they would have been in a really difficult position now. They invested £60K into new design and achieved new sales of £800K.

[www.designcouncil.org.uk](http://www.designcouncil.org.uk)

**June Davies from (OHIM) the Office for Harmonization in the Internal Market dispelled some of the many myths about the registered Community design including the fact that most people believe only big companies protect their designs.**



Out of the 133,000 that have been filed to date, many are from individual designers and small companies. June told delegates, *"Very ordinary designs can be registered, contrary to what most people believe that only unusual designs can be protected"*. Reinforcing the power of the brand and its protection, Davies cited Coca Cola's bottle price of .45 Euros and the value of Coca Cola trade mark 76,810,000,000 Euros!

[www.oami.eu.int](http://www.oami.eu.int)



**To say that Nils Toft is a bit of a traveller is probably an understatement; he spends half his working life in China & Vietnam. Toft outlined to delegates that CBD has made its mark by a grass roots approach to success in a global market place by addressing the design and production costs issues.**

Not by distant control and the fairly "chancy" strategy of working with China and Vietnam as an absentee CEO, but by taking himself off where the products are made with his own design team and harnessing local talent to establish design and manufacturing bases in the countries within which he works.

Not only satisfying the price element demanded by a highly competitive global market place, but creating effective production methods, underpinned by hands-on control and a true understanding of the very different work cultures and values of a country and its economy, driven by a commitment to be world leaders. His strategy would appear to be grass roots, long term and visionary, supported by good design.

[www.cbd.dk](http://www.cbd.dk)



**Tony Davis, Chief Artistic officer of Art Meets Matter was founded in 2002 to explore the practice and perfection of**

**product design and true expression of intellectual property.**

Although he believes that all intellectual property is theft and he quotes Picasso's famous words 'the best artists always steal', Tony considers himself to be one of the first true universal intellectual property developers without a law degree. He described himself as having an interest in breaking through industry and skill ghettos considering that our ability to box ourselves into restricted, niche and parochial ways of thinking – i.e. 'who is the expert?' Syndrome - has led to impoverished design and reduced innovation. His case study, apart from an excellent exercise in an effective and successful licence deal with Penguin, served to reinforce the amazing achievement of a small company managing to convince a major brand owner not only to work with him but work with him exclusively on his eclectic product range!

[www.artmeetsmatter.com](http://www.artmeetsmatter.com)

**Simon Clark of Berwin Leighton Paisner put the case for unregistered Design rights and asked the question, "Do they really offer protection?"**

Clark cited the Bombo Stool by Magis as a classic example of a company who have an aggressive anti copying strategy and relied upon their unregistered rights – in this case study artistic craftsmanship in copyright. He reinforced his point, having been responsible for the 200 or so ACID cases which have been settled pointing out that 97% relied on unregistered Design right. However, he was keen to stress that the weakness in relying on unregistered rights is that one has to prove copying and this can sometimes lead to protracted legal debacles. He stressed the importance of using the ACID brand as a brand of deterrence and its use in the communication of a company's intellectual property policy with a simple statement. Simon, whilst proud of his achievements of settlements on behalf of ACID members based on unregistered design, believes that the most reliable and effective protection for the future available is in the form of the Registered Community Design reinforcing the main theme of the conference **"Protect it, or Forget it!"**

[www.blplaw.com](http://www.blplaw.com)

**ACID believes :**  
that the most reliable  
and effective protection  
available for the future  
is in the form of  
the registered  
Community design



**"Design skills are vital to business innovation, but not enough companies use design to connect new ideas with market opportunities" said Harry Rich, Deputy Chief Executive Officer of the Design Council whose talk "PROOF: Design drives business growth" pushed the boundaries of misconceptions about the use of design.**

For example, 57% of companies that invest in design have no accounting mechanism to measure the return on their investment. In considering the role of design Rich reported *"Design is integral or significant to 33% of growing companies – but to only 11% of shrinking ones"*. Using a case history of Taylor's who had addressed the problem of customers beginning to source from





*Dids Macdonald with Harry Rich, Deputy CEO of the Design Council*



**FAR RIGHT:** Sebastian Conran delivers the keynote address.

**CIRCLE:** Tony Davis of Art Meets Matter onstage with ACID's CEO, Dids Macdonald.



*Zoe Simpson of Elizabeth Gage (left) chats with speaker June Davis from OHIM*

**BELOW:** Nils Toft of CBD



**Design - Protect it, or forget it!**

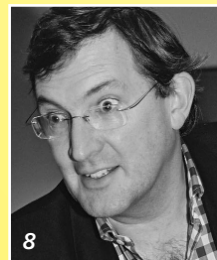
# Let's see Action!...



ACID's 'Protect it or forget it' event saw a call to action for attendees to demand the Government address loopholes in UK design law...



- 1 Jenny Clarke and Paul Castledine (Jenny Clarke Design)
- 2 Kate Mitchell (Ulster Carpets) and Jane Albon (The Blanket Factory)
- 3 Gavin Llewellyn of ACID's Associate Lawyers, Berwin Leighton Paisner (BLP)
- 4 Robin Brookes (Robin Brookes Design) chats with Caroline Barber (BLP)
- 5 Jane Stephenson of ACID
- 6 (L to R) Nick Gierus (Spaced Out) and Deniz Karagulle (Tudor International) deep in conversation with ACID's Dids Macdonald
- 7 Annette Howard (ACID) is entertained by John Lennon (John Lennon Arts)
- 8 John Noble (British Brands Group)
- 9 Heather Lindsay (JFA Limited)
- 10 Debbie Jedwab (Jedwab Design)
- 11 Nick Stanier (New House Textiles)



Below:  
Rachel Jones  
(Anne Kyro Quinn)



# © the future.....

the **main** event [17th November 2005]



Left: Judy Head (Head Creative Associates) and Simon Clark of BLP



Mark Studley (The Patent Office)



Left: Sue Swannell (Brintons) shares a joke with Ian Gruselle (BLP)



Above: Steve Frost (Third-I) and Colin Roast (BigBobs).



above: Chris Halsey (Designers Guild)



Liz Wyatt (PR+)

Guest speaker Tony Davis (Art Meets Matter) clearly enjoys the company of son Joe!



always informative and thought provoking, the event also provided ACID members with a great opportunity to exchange ideas, network... and have some fun!...

**Design - Protect it, or forget it!**

**Maximise your legal protection via an International Network of specialist Intellectual Property Lawyers & Hotlines:**

**UK:**

Berwin Leighton Paisner  
+44 (0)845 230 5742

[www.acid.uk.com](http://www.acid.uk.com)

e: [help@acid.uk.com](mailto:help@acid.uk.com)

**Benelux:**

NautaDutilh  
+32 2 566 84 48

**HOTLINES...**

Legal Hotline:

+44 (0)845 230 5742

Legal Hotline fax:

+44 (0)20 7760 1111

Membership:

+44 (0)845 644 3617

Membership fax:

+44 (0)845 644 3618

Merchandise fax:

+44 (0)845 644 3618



**ACID (Anti Copying in Design) Ltd.**

Adelaide House, London Bridge,  
London EC4R 9HA

[www.acid.uk.com](http://www.acid.uk.com)

**ACID new membership totals for 2005**

INDUSTRY	TOTAL
Art	15
Associations	1
Bridal	2
Ceramic/Sculpture	9
Childrens Wear	7
Design Consultancy	12
Education	1
Fashion	22
Fire & Fireplaces	3
Floor Coverings	2
Footwear	1
Furniture	70
Garden Products	8
Giftware	15
Graphics	9
Greeting Cards	11
Housewares	7
Int. Accessories	18
Interior Design	8
Jewellery	11
Kitchens/Bathroom	1
Lighting	15
Photography	3
Product Design	9
Textiles	17
Toys	2
Wallpaper Manu.	3
Other	36
<b>TOTAL for 2005</b>	<b>318</b>



**events and exhibition participation**

*ACID will be supporting the following ACID Accredited Exhibitions in early 2006 offering FREE specialist legal advice from the ACID Design Protection Clinics and a high profile brand presence to all exhibitors. ACID Accreditation objectives are to provide a safer trading environment for exhibitors whilst sending a clear warning shot to would-be copyists of a zero tolerance of plagiarism. During these exhibitions, if you need emergency IP help and support, please call the ACID legal mobile hotline on 07956 229876.*

**Design Interiors, The Furniture Show, The Lighting Show**

**22 –25 January 2006 NEC, Birmingham**

**HALL 10, STAND No.G31**

Visit the stand for one to one advice and facts sheets on the following subjects:-

- 22. Design Buyers Do's and Don'ts – legally based guidelines for design buyers. How NOT to infringe the rights of originators
- 23. Attending an Exhibition – How to protect your designs
- 24. Pitch Guidelines
- 25. Sourcing from China – IP Considerations



**Spring Fair**

**05 –09 February 2006 NEC, Birmingham**

**STAND Entrance to HALL 19**

IP Protection Clinic Focus – Generic Agreements. Do you have sound agreements which form the basis of your standard terms and conditions of business? Come and find out what is available to you from ACID!

Visit the stand for one to one advice and facts sheets on the following subjects:-

- 5. Design Buyers Do's and Don'ts – legally based guidelines for design buyers. How NOT to infringe the rights of originators
- 6. Attending an Exhibition – How to protect your designs
- 7. Pitch Guidelines
- 8. Sourcing from China – IP Considerations
- 9. Photography Guidelines



**Helping to create safer trading environments for Exhibitors**

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 particular circumstances. ©ACID 2006