

Examples of Industrial Design:

MANUFACTURING DESIGN	NEW INDUSTRIAL DESIGN
<p data-bbox="56 183 145 215">Clock</p> 	<p data-bbox="380 183 537 215">Clock/Radio</p> 
<p data-bbox="56 550 145 582">Teapot</p> 	<p data-bbox="380 550 582 582">Teapot/Warmer</p> 

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**Intellectual Property Office
 Papua New Guinea**

What is an Industrial Design ?



What is an industrial design ?

An industrial design is the ornamental or aesthetic aspect of an article. The design may consist of three dimensional features, such as the **shape of the surface** of an article, or of two-dimensional features, such as **patterns, lines** or **color**.

Industrial designs are applied to the wide variety of products of industry and handicraft: from technical, medical instruments to watches, jewelry, and other luxury items; from house ware's and electrical appliances to vehicles and architectural structures from textile design to leisure goods.

To be protected under the national laws, an industrial design must **appeal to the eye**. This means that an industrial design is **primarily based on the exterior design**, and does not protect any technical feature of the article.

Why protect industrial design ?

Industrial design is what makes an **article attractive and appealing**; hence, they add to the **commercial value** of the product and **increase it's marketability**. When a design is protected the owner- the person or entity - that has registered the design is assured an exclusive right

against **unauthorized copying** or **imitation** of the design by the third parties. This helps to ensure a fair return on investment.

An effective system of protection also benefits **consumers and the public at large**, by promoting fair competition and honest trade practices, encouraging creativity and



They contribute to the expansion of commercial activities and the export of national products. Industrial designs can relatively be simple and inexpensive to develop and protect. They are reasonably accessible to small and medium-sized enterprises as well as to individual artists and craftsmen, in both industrialized and developing countries.

How can industrial design can be protected ?

In most countries, an industrial design must be registered in order to be protected under industrial design law. As a general rule, to be registrable, the design must be **"new"** or **"original"**. Different countries have varying definitions of such terms as well as variations in the registration process itself. Generally, **"new"** means that no identical or very similar design is known to have existed before.

Once a design is registered, a registration certificate is issued. Following that, the term of protection is generally five years, with possibility of further periods of renewal up to, in most cases, 15 years. Depending on the particular national law and the kind of design, an industrial design may also be **protected as a work of art** under **copyright law**. In some countries, industrial design and copyright protection can exist concurrently.

In other countries, they are mutually exclusive: once the owner chooses one kind of protection, he can no longer invoke the other. Under certain circumstances an industrial design may also be protectable under **unfair competition law**, although the conditions of protection and rights and remedies ensure can be significantly different.

promoting more aesthetically attractive product. Protecting industrial designs help **economic development**, by encouraging activity in the industrial and manufacturing sectors, as well in traditional arts and crafts.



Left: Picture showing various footwear designs that are registered as Industrial Designs. The appearance varies qualifying each one to be registered.

How extensive is industrial design protected ?

Generally, industrial design protection is limited to the country in which protection is granted. Under the Hague Agreement Concerning the International Deposit of Industrial Designs, a WIPO-administered treaty, a procedure for an international registration is offered.

An applicant can file a single international deposit either with WIPO or the national office of the country which is party to the treaty. The design application will then be used to seek protection in as many member countries of the treaty as the applicant wishes.