

iP

IP is at the heart of designers' work, particularly for graphic and/or product designers.

Designers are engaged to create and their creations are almost always protected forms of intellectual property

A SMALL GUIDE

for Designers

What IP rights are mainly pertinent to designers work?



trademarks

particularly relevant to:
corporate identity,
brands,
packaging,
advertising,
motion design,
web design.



industrial designs

particularly relevant to:
product design,
packaging,
3D logotypes.



copyright

particularly relevant to: product design,
corporate identity, brands, packaging,
advertising, motion design, software
applications design, web design.

Key info on trademarks

What are they?

Trademarks are signs capable of distinguishing the products/services of a business from those of its competitors.

Functions

Indication of origin of a product/service.
Quality guarantee.
Advertising -
Communication of the brands values.

Requirements

Registration is required. The trademark should be adequately distinctive (i.e. not purely descriptive) and should not conflict with earlier identical/similar trademarks or unregistered distinctive signs of 3rd parties.

Duration

Perpetual provided that the trademark is renewed every 10 years.

Value - Scope of protection

The owner may stop 3rd parties from using the same or similar marks for the same or similar products/services in the market. Criminal sanctions may also be imposed upon infringers and monetary compensation is also available. The value of a trademark is its ability to strengthen a business' brand and products, protecting their distinctiveness and uniqueness. Moreover, it represents an asset with financial value for the business through licensing, sale or even use as a funding tool

Outside Greece?

Community Trademark (CTM) - one mark valid throughout the EU
International Registration - a Greek TM serves as basis for trademark registration in approx. 92 countries around the world

Key info on copyright

What is it?

Copyright is a legal concept that grants the creator of an original work exclusive rights to its use and distribution.

Functions

May function as a trademark. It is an instrument for the protection of the aesthetics / outward appearance of a product.

Duration

As a rule of thumb, 70 years after the death of the author.

Value - Scope of protection

Commercial exploitation represents the key value of copyright. Each form of the work (e.g. a theatrical play, a movie, character merchandising) allows for separate commercial rights. The same goes for methods or forms of exploitation not known at the time the work was created or its commercial exploitation agreed.

Requirements

Registration is not required. Protection is obtained as from the point of For a work to be protected it must be original, namely it must present statistical singularity.

Outside Greece?

Works protected under Greek copyright law are protected in the EU. They are additionally protected in other countries on the basis of the International Berne Convention.

Key info on industrial designs

What are they?

Industrial designs relate to the aesthetics / outward appearance of a product.

Functions

May function as a trademark. It is an instrument for the protection of the aesthetics / outward appearance of a product.

Duration

Up to 25 years provided that the design registration is renewed every 5 years.

Requirements

Registration is required. The design should be new and possess individual character. Moreover it should not conflict with earlier identical industrial designs.

Value - Scope of protection

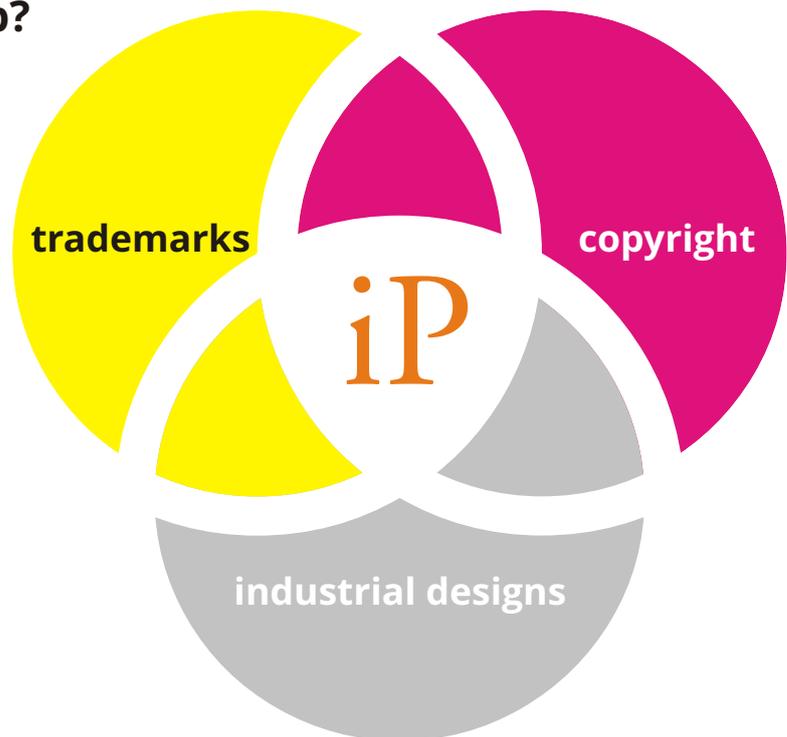
The owner may stop 3rd parties from using the same industrial design. Criminal sanctions are in principle not provided under law, but monetary compensation is also available. The value of an industrial design is its ability to promote through protection of the outward appearance, a business product. Moreover, it represents an asset with financial value for the business through licensing, sale or even use as a funding tool.

Outside Greece?

Registered Community Design (RCD) - a single design registration valid throughout the EU
International Design System (Hague Arrangement) - a bundle of design registrations in approx. 60 countries around the world.

**Do the IP rights overlap?
Can the same work
be protected
under trademark,
industrial design
and copyright law?**

The same work can be all 3 and, accordingly, be protected under trademark, industrial design and copyright law, if the requirements for each one are met separately.



**Who owns the IP rights?
The client or
the designer?**

This is a matter of agreement between the parties. Depending on the nature of the assignment, the designer may choose to keep ownership of the work and provide the client with a license.

**Can the designer invoke
IP rights protection
if the client breaches
their agreement?**

Only if:
(a) the parties have agreed that the designer's work remains with the designer until full payment and
(b) the relevant work has been registered (in case of trademarks and industrial designs).
In the absence of registration, trademarks and industrial designs will still enjoy limited legal protection as unregistered signs.
Alternatively, the designer is protected for breach of contract.



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