

Enhancing your brand protection by design

You're launching a fashion brand which is covered by your registered trade mark, but designs can work in tandem with your trade mark rights to protect aspects of the appearance of your new brand and strengthen your brand identity.

Unlike trade marks, designs need to be new to be protected. However, you can still apply to register your designs within 12 months of your first disclosure of the design and the prosecution cycle is very short.

So, what can you protect with designs?

The following designs protect different aspects including **shape, surface decoration, individual elements and partial aspects** of a brand's identity.

By protecting different elements of the brand in separate designs, you can make it very difficult for competitors to copy individual aspects of the brand.

Contact your Murgitroyd attorney for more information on how designs can help strengthen your brand protection.

Tel: +44 (0) 141 307 8400

Email: mail@murgitroyd.com



Protecting your brand through design

Shape

The shape of your hand bags or sunglasses or items of clothing could be protected. Perhaps the silhouette of your bag is different or you may have changed the shape of your sunglasses from season to season. Protecting these features can deter competitors from selling any products of the same shape, **even if they use a different trade mark to differentiate their product from yours.**



Surface Decoration

The surface decoration on your fashion items or even the packaging you supply with your products could be protected. Have you designed a pattern or other decorative element for your scarves or handbags as part of your brand identity? Is colour an important aspect of your brand identity? Protecting these features may deter competitors from using the same features on any other product, **even if those products fall in a different class of goods than your trade mark is protected in.**



Individual Elements

You can focus design protection to individual elements of your products or packaging, such as a decorative buckle on a bag or the sole of your shoes or even the pocket placement on an item of clothing. By protecting the sole of your shoes, you can deter competitors from making shoes with the same sole **even where the shape of the rest of their shoe is very different to yours.**



Partial Aspects

You can even protect partial aspects of your products and packaging with designs. Have you designed a decorative shape to the hinge of your sunglasses, or perhaps an eye catching decorative element on your shoes that makes your shoes stand out or even designed part of your hand bag to incorporate a new decorative element. Focussing protection on these features can deter competitors from attempting to copy even small aspects of your branding, such as only the hinge of your sunglasses or only part of a surface pattern while changing other features. **This makes it harder for competitors to imitate your products, even in the smallest details.**

