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Design Registration and Its Fortification

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ABSTRACT: When it comes to Intellectual Property Rights (hereinafter referred to as IPR), it is not incorrect to say that the first image that comes to people's minds is of IPR domains. IPR may be bifurcated further into 2 heads, i.e. Copyright and Protection in Industry. In essence, this paper addresses one of the heads of industrial property, i.e. Designs in Industry. From the filing to the registration for theft, industrial designs have a lot of things to be protected under them. In addition, the interplay between architecture and other heads of the IPR has already been briefly addressed in this article, and such interplay, more generally referred to as the overlap of intellectual property rights, allows to achieve a deeper understanding of industrial design by wicking away any misunderstanding that might occur. In addition to the clarification of the IPR under which security is obtained by the creator, author, proprietor as well as any other true heir of the legal right and protection that is complementary to any development, knowing the interrelationship between copyrights allows the individual who has the right to have a better understanding of the same and in the competitive environment of today.

KEYWORDS: Interplay of laws, IPR, Overlapping of Rights.

I. INTRODUCTION

In fact, only on registration does the legislative right accrue. Such a right defends the right holder against any other party seeking to produce, import, market or export goods of similar appearance or from any person attempting a false or apparent imitation. Such a time during which the above privilege is exercised shall be referred to as a monopoly term and shall be for 10 years, which can be extended for a further period of 5 years. Another justification for having it licensed is that it provides you with a special point of sale. A template that is registered is an advantage and can be certified. Hence, having a template licensed is often helpful.[1]

The Locarno Arrangement is used to identify products specifically for the purpose of registering the design of an article, and its purpose of registering an industrial design adds enormously to the quest for designs. 15 years is the cumulative period by which the design is registered and the patent of the design is given to the owner for 15 years only and the 15 year tenure will be extended by 5 years on making the application for renewal.[2]

Furthermore, the security for design is that the protection sought must be original or new; in other words, it must not be revealed to the public in India or anywhere in the world by means of a prior publication or, in essence, by means of evidence of its prior use.

The graphic design of items which are not totally utilitarian is covered.

II. DISCUSSION

Under the act, design is defined as a term primarily covering the characteristics of configuration, structure, pattern, arrangement of lines or colors added to any object or decoration, whether in 2D or 3D or in a combination of both, by any industrial means or procedure, whether mechanical or manual or chemical, separate or mixed, which may be appealed to or measured solely by the finished article.[3]

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According to the Locarno Arrangement, designs are listed to be registered in various classes.

That's why today, designers expend a lot of money on prototypes that maximize the look of their items, which draw viewers/consumers' interest. In other words, by increasing the competitiveness of the commodity owner and increasing social life, exterior presence / style plays an invaluable function in the sector. In order to reward the ingenuity of owners/designers, promote their potential efforts and discourage anyone from making profits on their inventions, it is therefore important to protect the design of industrial goods.

It is said that the Design Act, 2000 is a full code in itself and that the defense covered by the Design Act is of the sort to be considered legislative without considerations to other facts of other legal domains.

For starters, a product's presence is a significant thing that not only draws audiences, but also helps to separate one brand from another. When properly managed under the rule, the look/design would express the impression that the product is authentic and therefore draw customers more and more. In other words, it would create a brand that consumers will buy from you without hesitation. Furthermore, maintaining the design of any label or packaging grants imitation goods a moral right to avoid hurting the image of the company and failing to meet the claims of efficacy and protection of the brand. It can have several other substantial advantages, including possession of exclusive right.[4]

Can Design Registration be cancelled?

The registration of a project may be canceled at any time after the registration of the project in the application for cancellation of form 8 and the fee determined by the Property Manager for the following reasons:

Whether the design was previously registered in India or

Whether published in India or elsewhere before registration date or

The design is neither new nor original

The design does not matter either

It is not a project under Section (d) of Section 2.

Only approved designs and not unregistered designs are covered under the Designs Act. Therefore, the advantages of the Act will not be obtained by fashion designers who have not formally registered their creations. They cannot sue for the recovery of damages for the illegal copying of their sketches and for an injunction against their repetition. In view of the competitive nature of the fashion industry, where fashion design houses typically come up with a fresh selection of fashion pieces at a frequent interval every season, fashion designers require automatic and immediate security regardless of their design registration.

And the Design Act is incapable of delivering the same in the absence of the principle of unregistered design security. In addition, it deprives designers of the luxury of getting their revolutionary projects on the market, observes the response and then determines whether or not the individual concept in question is worth registering.

Fashion in India emerged with glorious traditions behind it thousands of years ago. India has a rich and complex heritage of textiles in which each region and state has its own distinctive indigenous costume and traditional dress and accessories.

The fashion and accessories sector in India is improving at a rapid pace with international advancements in this globalized era. India's fashion industry is rising day by day and has seen tremendous development in the last decade, led largely by the growth of domestic artists, some of whom have achieved international attention in recent years.

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The Indian fashion industry, on the one hand, is thriving; on the other hand, it is beleaguered by the challenge of piracy in fashion design. The people of the industry, especially fashion designers, have been found complaining about imitating and copying their inventions.

The fashion industry has long been known for its omnipresent nature by copying original fashion designs, and this copying process has been made very simple by the wide availability of advanced software technologies. Fashion design, perceived to be the development of one's intellectual invention and original imagination, has raised the interest and demand for fashion design security for intellectual property rights (IPRs). Against this backdrop, the present paper makes a cautious effort to systematically examine the new IPRs regime shielding fashion designs in India.

Before delineating this, though, it is important to quickly clarify the definition of "fashion," "fashion design," and "piracy of fashion design," since they have been used in this article. The paper also discusses the general reasons for the defense of IPRs in the apparel industry.

III. CONCLUSION

In the past, the most ignored cornerstone of intellectual property protection was intellectual industrial design, including patents, industrial design, copyrights, trademarks, etc., but now, in the modern period, the era of innovation, beauty and design has arrived, where the artistic appeal of goods is very significant. Industrial design safety has been an important necessity for manufacturers, suppliers and marketers. Any of the things that can make you appreciate the value of defending design are the constantly evolving competitive environment, the objectives of imitators or violators, and the need to preserve brand identity.[5]

Poems that relay the message that in today's culture, where the presence of a commodity is considered rather than its consistency and utility, the elegance of an object is still pleasurable and never transforms into nonsense. Most individuals nowadays prefer products that appeal to the beauty of their design. Furthermore, Indian economies have been overwhelmed by liberalization and globalization in a number of ways, offering buyers a wide range of choices to choose from.[6] Finally, it has made customers more selective. Therefore, suppliers must not only show the reliability of their goods, but also fulfill the consumer's aesthetic appetite.[7]

REFERENCES

- [1] KIPO (2008), Brand design management manual for small enterprises, KIPO, p.51
- [2] Jung Kyung-Won and RhiJoo-Myung (2008), Design management: 10 points, KDIP, p.23
- [3] WIPO statistics database (2008), Available at [Accessed 28 April 2009]
- [4] KIPO (2008), English-Korean glossary of Intellectual Property terms, KIPO, p.156
- [5] KIPO (2009), Available at [Accessed 12 May 2009]
- [6] KIPO, English-Korean glossary of Intellectual Property terms, p.201
- [7] ChoeKyong-Soo (2001), Introduction to International Intellectual Property, Hanwool Academy, p.52
- [8] AnupamBaliyan, Vishal jain, Manish Kumar, Achin Jain and Uttam Singh, "Performance Analysis of Amdahl's and Gustafson's Law under multicore Processor Architecture", INDIACOM-2018, 5th 2018 International Conference on "Computing for Sustainable Global Development", 14th – 16th March, 2018, held at BharatiVidyapeeth's Institute of Computer Applications and Management (BVICAM), New Delhi (INDIA).
- [9] P Durga, S Jeevitha, A Poomalai, M Sowmiya, S Balamurugan, "Aspect Oriented Strategy to model the Examination Management Systems", International Journal of Innovative Research in Science, Engineering and Technology, Vol. 4, Issue 2, February 2015
- [10] Khaleel Ahmad, Monika Sahu, MadhupShrivastava, Murtaza Abbas Rizvi and Vishal Jain, "An Efficient Image Retrieval Tool: Query Based Image Management System", International Journal of Information Technology (BJIT), available online at 26th May, 2018, having ISSN No. 2511-2104.



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Website: www.ijirset.com

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- [11] ManjotKaur, Tanya Garg, RitikaWason and Vishal Jain, “Novel Framework for handwritten Digit Recognition Through Neural Networks”, 3C Technology, Glosses of innovation applied to the SME, ISSN: 2254-4143, Vol. 29, Issue 2, page no. 448 – 467.
- [12] Muhammad Noman, Muhammad Iqbal, Muhammad TalhaAlam, Vishal Jain, HiraMirza, Kamran Rasheed, “Web Unique Method (WUM): An Open Source Blackbox Scanner For Detecting Web Vulnerabilities”, International Journal of Advanced Computer Science and Applications (IJACSA) having ISSN No. 2156-557, Vol. 8, No. 12, December, 2017.