

### **WHAT IS A DESIGN?**

A Design in relation to the features of shape, configuration, pattern or ornamentation which, when applied to a product, gives the product a unique appearance. A registered Design can be a valuable commercial asset – registration of a Design gives the owner protection for the visual appearance of the product, but not how the product works.

### **WHAT DO I HAVE TO DO TO REGISTER A DESIGN?**

To register a Design, the Design must be new or original.

It is important to note that the Design or even one that is very similar cannot have been registered, published, used or sold in Australia prior to the date on which the application for registration was lodged or the earliest priority date.

### **WHAT DO I HAVE TO DO BEFORE FILING AN APPLICATION?**

It is important that before you file an application to register your Design a search is made of existing Design records.

There is always a possibility that similar Designs could affect your application for registration and in certain circumstance completely prohibit you from taking the application further. It is important to note that as with any intellectual property rights, if you infringe somebody else's Design then you may be open to legal action from them for breach of the Design.

At Ferguson Cannon Lawyers, we can provide search services to ascertain if your Design may breach the rights of another parties Design. It is important to note that many Designs do not proceed through to registration purely because of the lack of professional advice that has been provided to the Applicant.