

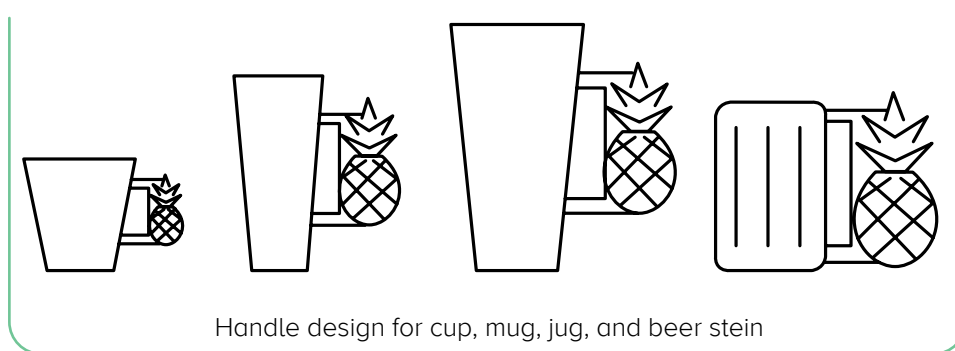
Partial Designs



Australian Government
IP Australia

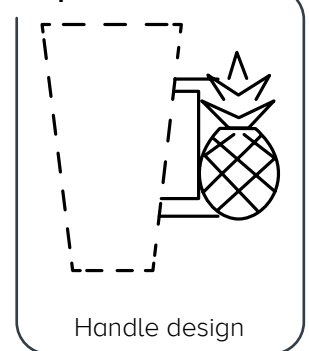
IP Australia proposes to protect design innovation for parts of whole products made in one piece. This would bring Australia into line with other countries who already offer design protection for parts of whole products and improve the opportunity for designers to commercially benefit from the Australian designs system.

Current



Handle design for cup, mug, jug, and beer stein

Proposed



Handle design

Proposal details:



Definition of a design: Expand the definition of 'design' in the Designs Act to allow protection of partial designs (the overall appearance of part of a product made in one piece, such as the heel of a shoe).



Indicating the partial design: Allow visual indicators and/or written claims to indicate the part of a product that the partial design is embodied in.



Scope of protection: The scope of protection sought in a design application must be clear to the familiar person, considering the representations and any written claim. The **familiar person** is a person who is familiar with the design's product or similar products.



Identifying each product: All design applications must identify each product clearly, so that the familiar person can work out its nature and intended use. A partial design application can be for more than one product, but all products must be clearly identified.



Protection requirements: Assess whether a partial design is validly registered by comparing it with earlier designs for the same or similar products.



Infringement: A partial design registered for a product will be infringed by similar products embodying the design. For example, a registered handle design for a cup would be infringed by a water jug, mug, or cup with an identical handle.



Copyright/Design overlap: Apply the existing overlap to parts of products in the same way as it applies to whole products.



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