

Design Right Reform to Benefit the Lighting Industry

Illuminations Article

Lighting Council Australia, with representatives from Members Signify and Beacon Lighting have recently been involved in round table discussions with IP Australia regarding research into the Australian design economy and outlining the next steps towards design reforms.

Intellectual Property (IP) can be protected in one of three ways in Australia.

- Design Rights - what makes a product look the way it does.
- Patents - any device, substance, method or process that is new, inventive and useful.
- Trademarks - used to distinguish your goods and services from those of another business.

The process for filing for each of these methods of protection is different and provides varying levels of protection.

IP Australia have determined that many in the design ecosystem have no or very limited knowledge of design rights, their purpose, or how to make use of them. Even experienced users find the registration process difficult, and incompatible with the iterative nature of design.

Design rights provide protection on the visual features that form the design including the shape, configuration, pattern and ornamentation. The mechanics of how a product works or operates are not protected by design rights but may instead be protected using a patent.

The benefits of a design rights application are that comparative to patents and trademarks the registration process is relatively quick and inexpensive. To register design rights generally takes around three months, costs around \$250 and provides protection for up to 10 years. Alternatively, the process to register a patent can take years and cost thousands of dollars.

A problem commonly faced by designers is that they are required to demonstrate that their design is new and distinctive before applying for design rights. This means that designers must not publish their designs or take their products to market before the design rights have been registered. A significant upcoming legislative change intended to help address this publication issue will introduce a six-month grace period for those applying for design rights. This is expected to be a significant step to remove barriers for many who are prevented from participating in the design rights system and to create new opportunities for those seeking to protect their designs.

Other design right reforms underway at IP Australia aim to increase awareness of design rights, remove barriers to uptake, improve accessibility and re-develop the registration system with a new online design rights filing service. The lighting industry was identified as one of the few industries to benefit from having a design right, especially lighting designers and manufacturers who develop products for the Australian market.



Readers interested in learning more about the process of applying for design rights for their products are encouraged to look to IP Australia's website (<https://www.ipaustralia.gov.au/designs>) for further information.

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