



Savvy Selling

Why Intellectual Property (IP) Matters In The Retail Sector

Laura Newbold Breen
CEO, ACID



WHAT WE WILL COVER

About ACID

Why Does IP Matter?

What is IP?

How Can You Protect Your IP?

If You're Worried You've Been Copied

Any questions?





About Anti Copying in Design (ACID)

ACID Stats



FIVE PILLARS

Education & Awareness
Deterrence Prevention
Support Campaigning



Achieved **Intellectual Property Act 2014 & Small Claims Track for IP** and other design law reforms



c. **90% ACID Members believe design IP infringement is deliberate**



Partnerships

designs in mind



A selection of
partners making up
our ACID
Community!



CREATIVITY | CRAFTSMANSHIP | COMMUNITY



MEMBERSHIP



Membership Logo

Get a license to display the Member of ACID logo on your websites, products and marketing materials as a powerful brand of deterrence.



Initial Free Legal Advice

Gain entitlement to a free period of preliminary legal advice on separate issues from our IP Specialist Legal Affiliates.



IP Databank

Upload your designs and documents to our online IP Databank to ensure you have third party dated evidence of their existence.



Campaigning

Take the opportunity to respond to surveys and give your opinion through case studies, and get your voice heard at Parliamentary level.



SnapDragon Monitoring

SnapDragon's cutting-edge AI, Swoop, proactively hunts down online threats & infringements. As an ACID Member, you'll benefit from a 15% discount!



Webinars & Events

Keep track of upcoming ACID events including ACID's Business Webinar Series or Meet the Team at ACID Accredited Exhibitions.

A MEMBER OF



ANTI COPYING IN DESIGN

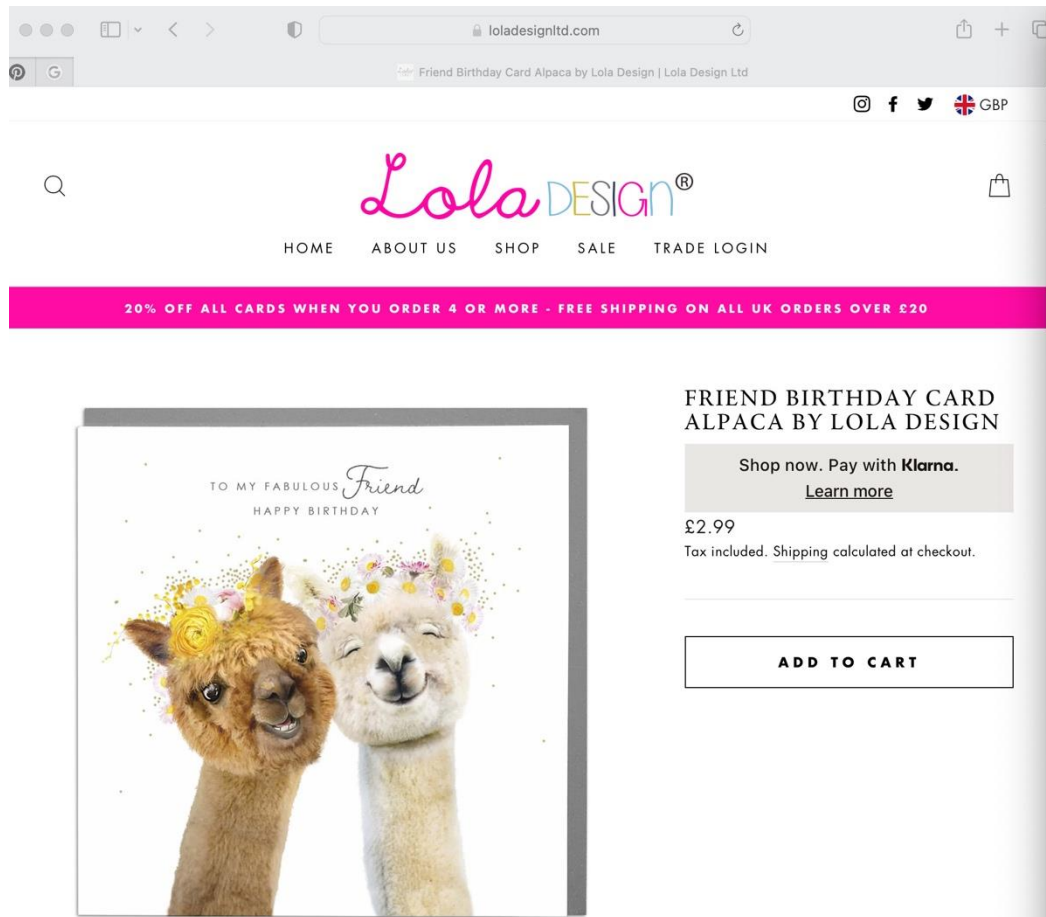


Why Does IP Matter?

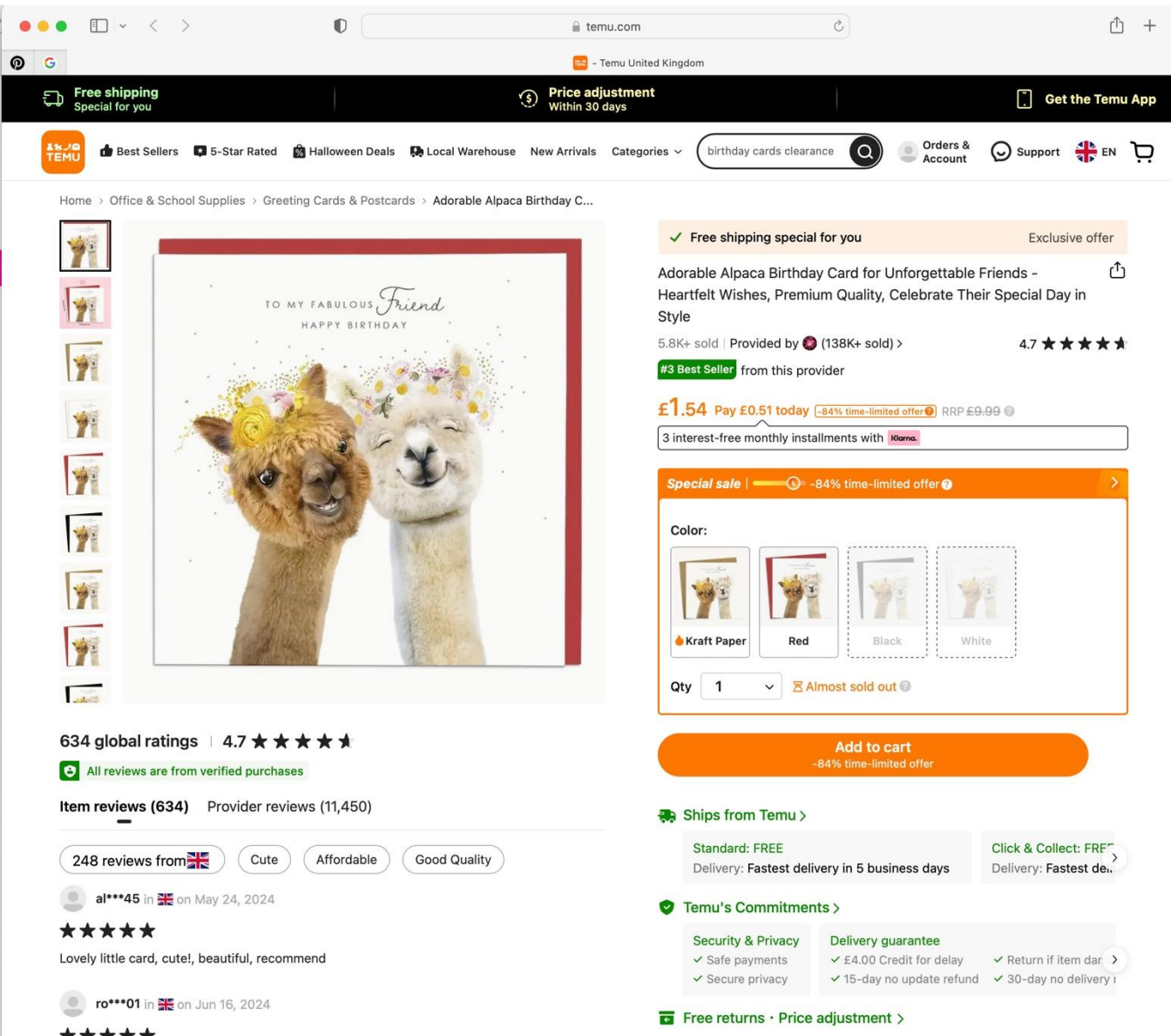
Little Brian / The Range



Lola Design/ Temu



Alpaca Fabulous Friend Birthday Card by Lola Design
Left Blank inside for your own message
Each card supplied with a grey envelope
Dimensions - 150mm x 150mm
Our paper is sourced from FSC-certified suppliers.
The Copyright of all images belongs to Lola Design LTD



634 global ratings | 4.7 ★★★★★

All reviews are from verified purchases

Item reviews (634) Provider reviews (11,450)

248 reviews from Cute Affordable Good Quality

al***45 in on May 24, 2024

★★★★★

Lovely little card, cute!, beautiful, recommend

ro***01 in on Jun 16, 2024

★★★★★

Free shipping special for you

Exclusive offer

Adorable Alpaca Birthday Card for Unforgettable Friends - Heartfelt Wishes, Premium Quality, Celebrate Their Special Day in Style

5.8K+ sold | Provided by (138K+ sold) >

4.7 ★★★★★

#3 Best Seller from this provider

£1.54 Pay £0.51 today -84% time-limited offer RRP £9.99

3 interest-free monthly installments with Klarna

Special sale | -84% time-limited offer

Color:



Qty 1

Almost sold out

Add to cart

-84% time-limited offer

Ships from Temu >

Standard: FREE

Delivery: Fastest delivery in 5 business days

Click & Collect: FREE

Delivery: Fastest de...

Temu's Commitments >

Security & Privacy

Safe payments

Secure privacy

Delivery guarantee

£4.00 Credit for delay

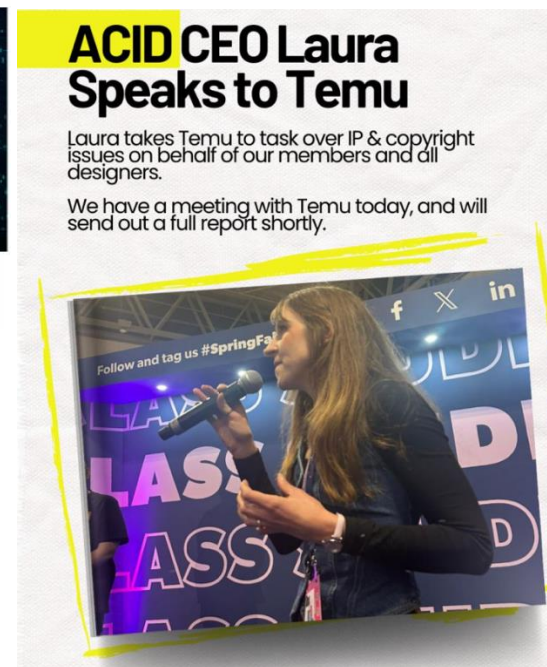
15-day no update refund

Return if item dar

30-day no delivery i

Free returns · Price adjustment >

2025 Campaigning So Far





What is IP?

INTELLECTUAL PROPERTY RIGHTS (IPRs)

- **Trade Marks**
Registrable, potentially perpetual
- **Design rights**
Registered 25 years
Unregistered 10-15 years
Supplementary 3 years
- **Copyright**
Life plus 70 years, automatic
- **Patents**
Inventions, 20 years
- **Trade Secrets** (know-how), forever!



Smart Phones – IP in your Pocket!

Trade marks
NOKIA
Product
“208”
Start up tone

Designs



Patents & Utility Models

Copyright

Trade secrets

TRADE MARKS

45 classes (34 goods classes & 11 services)

Limited to Territory e.g. EU, UK, Individual countries

Prior searching / Watch services for maintenance

Renewal (typically 10 years)

Use requirement

Always search before use

Register in all relevant classes

Look out for similar registrations and oppose if necessary (take advice!)



Smart Phones – IP in your Pocket!



DESIGN RIGHT

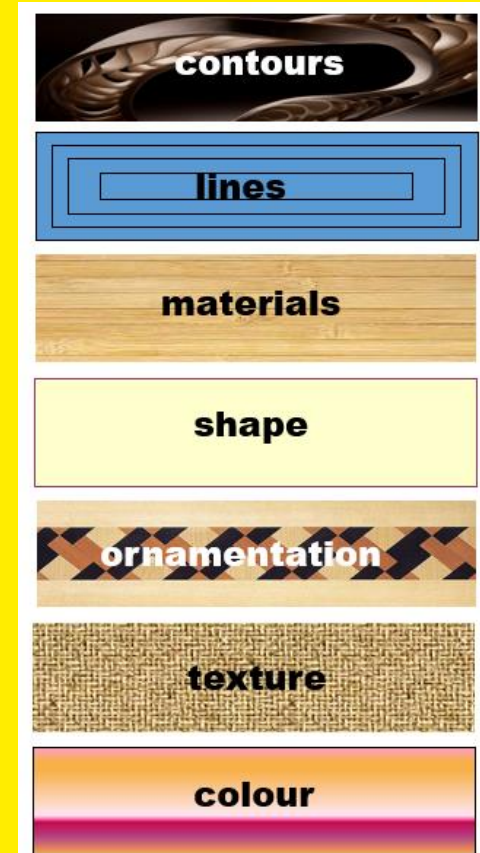
Registered
Unregistered
Supplementary (loss of EU27 Community design protection)

Designs, generally:

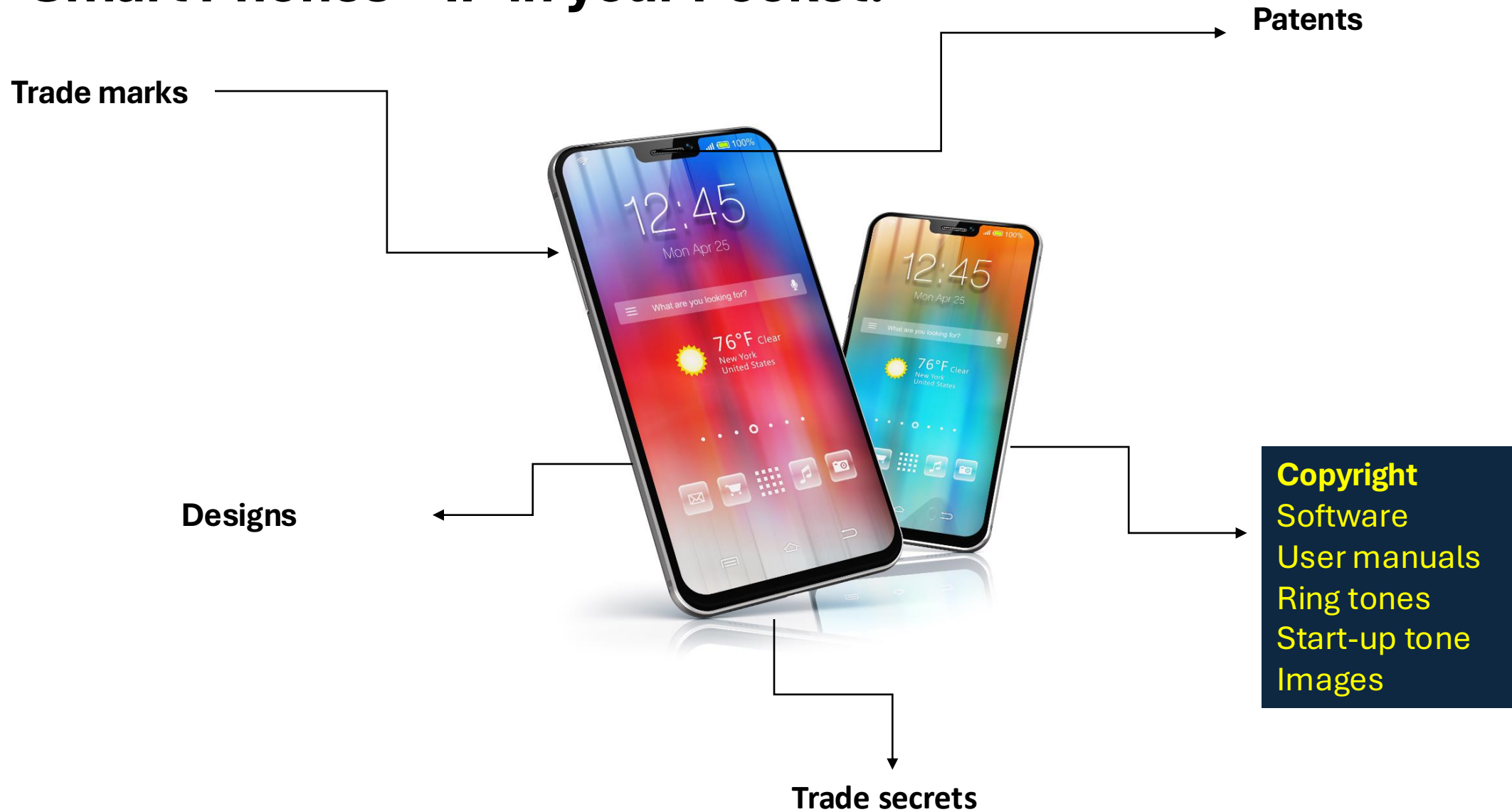
Complex

Cost and time prohibitive to pursue

Need for IP reform – Consultation 2024



Smart Phones – IP in your Pocket!



COPYRIGHT

Drawings and plans

Technical specifications

Software

Images

Terms and conditions
of business

Marketing material

Written words

Architectural plans/works

Photographs

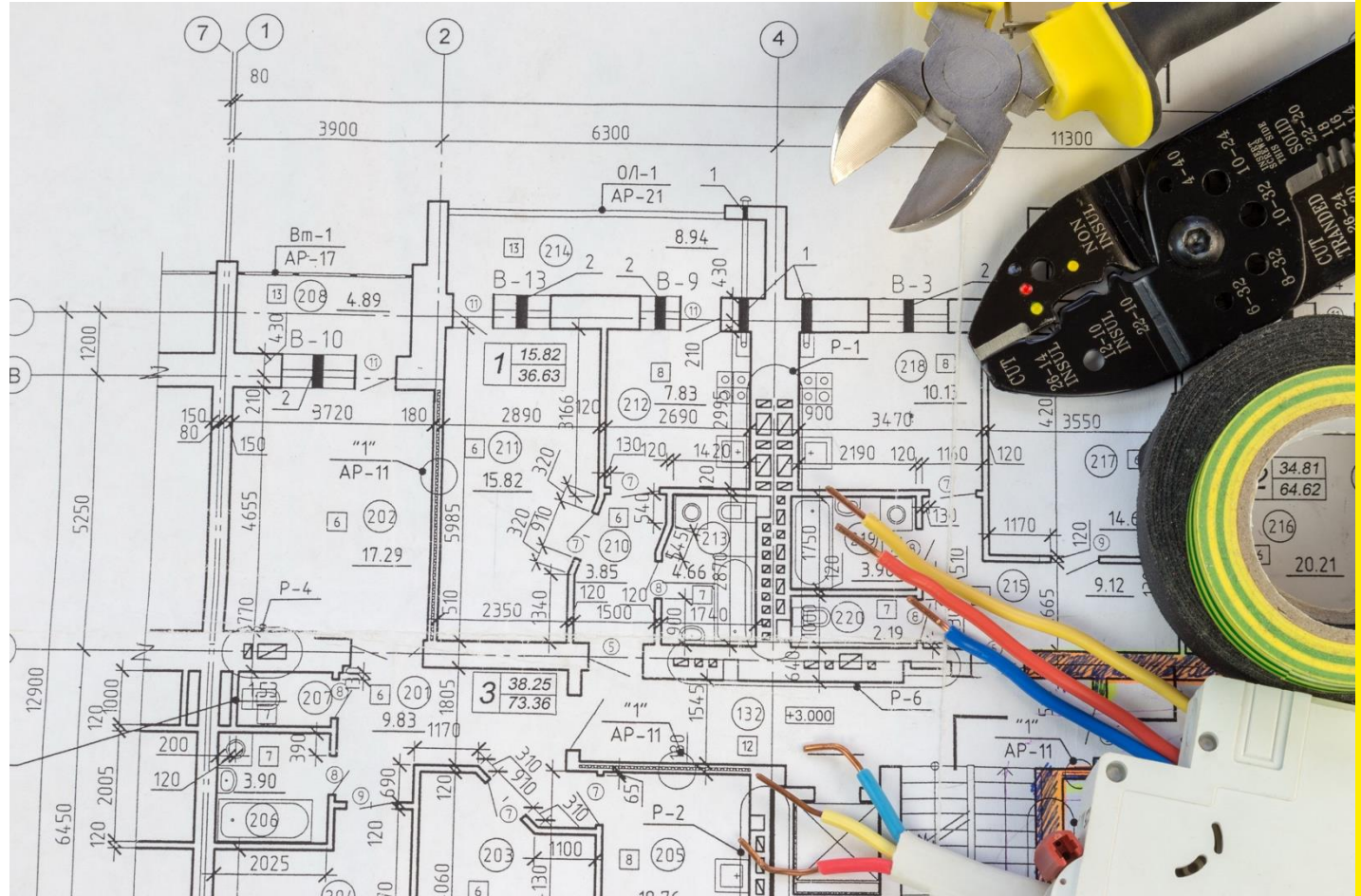
Collages

Sculptures

Engravings

Surface decoration

Works of artistic craftsmanship



Smart Phones – IP in your Pocket!

Trade marks

Designs

Trade secrets

Copyright

Patents

Data processing
models
Operating system
Operation of user
interface



Patents

- Confers registered protection on inventions relating to products or processes
- Must be novel, inventive and not in the public domain prior to making a patent application
- Dyson relies on global patents rather than design rights



What Are Trade Secrets?

Technical information

- manufacturing processes
- pharmaceutical test data
- designs and drawings of computer programs

Commercial information

- distribution methods
- suppliers and clients
- advertising strategies
- secret formulae/recipes, e.g. Coca Cola





How Can You Protect Your IP?

HOW CAN YOU PROTECT YOUR IP RIGHTS?

- Keep evidence
- ACID members use the **IP Databank**
- Register your designs
- use a **written agreement** and **protect confidentiality**
- Use a warning statement on your website, “***All Intellectual Property Rights in our designs belong to [name]. Any infringement will be pursued vigorously.***”



IP Databank

- FREE members' vault
- 3rd party, dated audit trail for designs and documents
- Police Intellectual Property Unit (PIPCU) endorsed certification of ownership
- Invaluable for unregistered design rights and copyright
- Proven success on TEMU takedown portal



CERTIFICATE

of IP Lodgement and Independent 3rd Party Evidence of Date & Time of Receipt.

Member ID	16809
Member company name	Deanie's Designs
Submission title	Chicks
Locked date & time	29th May 2024 10:08AM

File Ref	File Name	File Description
363945332-1	Chicken-Collection2.pdf	Chicks



Nick Kounoupas
ACID Chief Legal Counsel



The ACID Intellectual Property (IP) Databank supports protection but does not add to IP rights, which are created automatically. However, this certificate is evidence of the date on which you have submitted the above copyright and/or design files to ACID (Anti Copying In Design). Each file has a unique reference number with a confirmed locked date.

ACID's IP Databank service supports your unregistered rights (copyright & designs) and by downloading this certificate you acknowledge that this is different to paying a fee to register your designs officially at the UK Intellectual Property Office or EU Intellectual Property Office.

By lodging your copyright, designs and documents to the ACID IP Databank you are effectively date stamping your submitted files and this gives you a third party verifiable date of receipt. Should you be legally challenged on your unregistered IP rights' ownership, as with your registered rights, your rights can be invalidated if another party provides more legally compelling proof of design ownership. Ultimately a Court will decide. However, as you have ACID certification, the onus is on the challenger to provide evidence that you do not own the IP rights registered on the ACID IP Databank.

Anti Copying in Design Ltd | Registered in England & Wales No. 3402512 | VAT Reg No. 707 5923 23 Registered Head Office: Fifth Floor, Suite 23, 63/66 Hatton Garden, London EC1N 8LE.



Have a Proactive IP Strategy

- Know your IP rights
- Territories – protect before you go
- Keep trade secrets, secret!
- Check contracts and agreements
- Manage risks
- Keep an audit trail!

“If you don’t want to be copied, say so!”





**If You're Worried
You've Been
Copied**

What to do if you are copied

- Taking legal action doesn't have to mean going to court
- Often, claims are settled via correspondence
- Intellectual Property Enterprise Court has a Small Claims Track (SCT) for IP claims

[Intellectual Property Enterprise Court - GOV.UK](https://www.gov.uk/intellectual-property-enterprise-court)

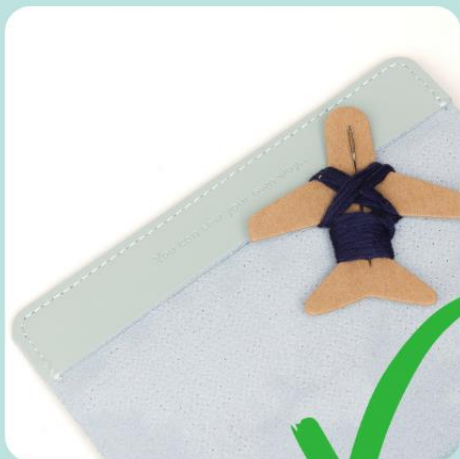
What to do if you are copied

- Gather evidence – Registered IP, Unregistered – ACID IP Databank.
- Try and purchase an alleged copy and keep receipt/provide snapshots/images of copy.
- Seek specialist IP advice – ask, have I got a case? Is the evidence strong? What are the available defences?
- Send a Letter Before Action (“Cease and Desist” letter)
- **An alternative is to ask ACID to write a letter.**
- If no success, consider issuing a claim.
- Start proceedings. When settled, publicise.

ACID Letter

Chasing threads and Flying Tiger

Original



Copy ?



Original



Copy ?



Some ACID Member Big Wins!



Talking Tables Ltd and R & M Bargain

Old English Company halt Morrisons' sale of infringing designs

ACID member Old English Company Ltd, who design and manufacture a range of high-quality bespoke giftware items, successfully resolved a copyright infringement dispute against national supermarket chain Morrisons over the sale of infringing designs printed on mugs. Old English Company were assisted by ACID's legal affiliate, McDaniels Law. Despite not admitting liability, Morrisons and Old English reached a settlement, the terms of which were confidential.



M&S forced to pull products after ACID member Rachael Taylor spotted lookalikes of her own original design.

The design in question: Rachael's 'signature design', a hand-drawn etched floral design. Rachel said it was one of her signature designs and that she would never have granted permission for M&S to use it. Without admitting liability M&S withdrew the products from sale saying they had bought them 'in good faith' from a direct supplier. In the age of the internet, increasingly high street retailers are realising that reputational damage is critical and in this case they acted quickly. Initially M & S stonewalled any legal challenge but eventually the furore in the media had a good result though for Rachel, the stress was something she would not want to repeat.



Aldi lookalikes halted in high profile BBC exposure - A David v Goliath result for ACID member BaBaBing!

BaBaBing, launched their award-winning "Mani" baby changing backpack in the spring of 2018 but were horrified when they discovered Aldi selling a "dead ringer" and under-cutting the BaBaBing Mani design by over half as part of a promotion for babies called 'Specialbuy'.

Following a recent high-profile BBC exposé of cheap look-alike baby bags being sold by supermarket chain ALDI, remarkably similar to those designed by ACID member BaBaBing, Aldi decided they would no longer sell the lookalikes but 'without admitting liability'.



B & M bargains pays £25,000 damages to Big Little Toys in copycat Christmas elf case

ACID member Sarah Greenwell, owner and creator of Big Little Toys discovered a look alike product launched by B & M Bargains, which was almost identical to her product "An Elf for Christmas". The B & M product was called "A Magical Christmas Elf". B & M Bargains initially denied any infringement and continued sales of their product and so Big Little Toys issued proceedings at the Intellectual Property Enterprise Court (IPEC).

In a legal settlement between Big Little Toys and B & M, undertakings were received from B & M that they will not sell the offending product again, agreeing to pay Big Little Toys the sum of £25,000 in damages and to pay their legal costs subject to the IPEC scale caps.



Royal Armouries Pay £5000 to ACID member Table Art in intellectual property dispute

When ACID member, Table Art discovered that the Royal Armouries were using centre pieces identical to some of their signature pieces, Despite McDaniels Law sending a strong Letter Before Action (LBA) with evidence of their IP ownership, at first Royal Armouries denied any infringement forcing Table Art to issue proceedings in the Small Claims Court. Despite not admitting liability, Royal Armouries agreed to destroy, on oath, all the centre pieces complained of and pay £5000 in damages and costs.

IP RESPECT, COMPLIANCE AND ETHICS

Please scan and sign!



<https://www.acid.uk.com/become-a-charter-signatory/>

Don't forget!



DCA Members
get 20% off
ACID
Membership!



Any questions?

