

# Enhancing your brand protection by design

You're launching a new drinks brand which is covered by your registered trade mark, but designs can work in tandem with your trade mark rights to protect aspects of the appearance of your new brand and strengthen your brand identity.

Unlike trade marks, designs need to be new to be protected. However, you can still apply to register your designs within 12 months of your first disclosure of the design and the prosecution cycle is very short.

## **So, what can you protect with designs?**

The following designs protect different aspects including **shape, surface decoration, individual elements and partial aspects** of a brand's identity.

By protecting different elements of the brand in separate designs, you can make it very difficult for competitors to copy individual aspects of the brand.

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**Contact your Murgitroyd attorney**  
for more information on how designs can  
help strengthen your brand protection.

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# Protecting your brand through design

## Shape

The shape of your bottle could be protected. Perhaps the silhouette of the bottle is different or you may have incorporated a decorative series of bubbles into the outer surface of the bottle. Protecting these features can deter competitors from selling bottles or any other products of the same shape, **even if they use a different trade mark to differentiate their products from yours.**



## Surface Decoration

The surface decoration on the bottle, or even on the packaging you supply with your bottle could be protected. Have you designed a pattern or other decorative element as part of your brand identity? Is colour an important aspect of your brand identity? Protecting these features may deter competitors from using the same features of any other product **even if those products fall in a different class of goods than your trade mark is protected in.**



## Individual Elements

You can focus design protection to individual elements of your bottle or packaging such as a decorative label on the bottle or packaging, an embossed symbol on the bottle or a decorative cap. By protecting your label, you can deter competitors from applying the same label to their bottles or other products, **even where the shape of their bottle is very different to yours.**



## Partial Aspects

You can even protect partial aspects of your bottle and packaging with designs. Have you designed a decorative feature in the base of your bottle, or perhaps an eye catching neck that makes your bottle stand out on a shelf, or even designed part of your label to have a decorative shape representing the flavour of your drink? Focussing protection on these features can deter competitors from attempting to copy even a small aspect of your bottle, such as only copying the decorative base or neck while changing other features. **This makes it harder for competitors to imitate your bottle or the packaging, even in the smallest details.**

