

Enhancing your brand protection by design

You're launching a food 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.

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

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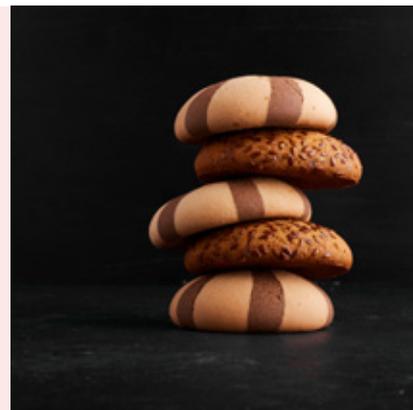
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Protecting your brand through design

Shape

The shape of your food products themselves or the packaging for them could be protected. Perhaps you have created a new confectionary item or biscuit or dog chew with a different shape or a fast food container with a different silhouette. Protecting these features can deter competitors from selling 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 your food products and packaging can also be protected. Have you designed a pattern or other decorative element as part of your brand identity? Is colour an important aspect of your branding? Protecting these features may deter competitors from using the same features on any other product **even if their products fall into a different class of goods than your trade mark is protected in.**



Individual Elements

You can focus design protection to individual elements of your food products or packaging such as a decorative label on the packaging, or the branding on a lid of a container. By protecting the lid of a container you can deter competitors from applying the same lid to their containers **even where the shape of their containers are very different to yours.**



Partial Aspects

You can even protect partial aspects of the food products and packaging with designs. Perhaps the colour of your wrapper gradually changes over the surface of the wrapper? Or perhaps you have a new short term on pack promotion using Christmas images? Focussing protection on these features can deter competitors from attempting to copy even a small aspect of your packaging, such as only the background images or placement of individual features while changing other features. **This makes it harder for competitors to imitate your packaging, even in the smallest details.**

