

# Jon Lang Mediation

## *Design Right – mediation examples*

a dispute between competitors in the luxury goods market concerning community and national registered design rights and unregistered design right;

a mediation of an unregistered design right infringement claim in the fashion sector with discussion focusing on surface decoration/shape and configuration, substantial copying, prior art/common place design features and, in relation to damages, infringing elements and the 'essential ingredient' of the product;

a registered and unregistered design right dispute in the FMCG sector with discussion focusing on the essential or significant features of the registered design with regard to the statement of novelty, prior art and functional exclusions;

a registered and unregistered design right dispute in the travel products sector raising various issues including common place design, and whether a particular design is excluded from protection because it is a method or principle of construction;

a dispute concerning electrical products in which copying of unregistered design right was alleged, raising numerous issues including prior art, commonplace design, features being a method or principle of construction or allowing fit with another product, surface decoration, non-copying etc;

a claim of infringement of community registered design right raising issues of invalidity for lack of novelty and individual character over prior art, and non-infringement based on differing overall impression;

a registered and unregistered design right (also involving allegations of breach of confidence, passing off, trade mark infringement and copyright infringement) arising out of the setting up of a business in customised body parts for a luxury car brand;

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