**Week 3 Legal and Intellectual Property**

Tc’s and C’s – Kevin and Jonny Freeths LLP

Check the UK IPO – Intellectual Property Office

Copyright is common sense.

“The key there is just tod ocument your work so that, if someone does accuse you of copying them, you can point back and say I’m terribly sorry you think that’s the case but this was me.”

Forensic detail of documents – Evidence trail

Emails can be contractual but it is better to have an independent document.

Who takes that copyright ownership?

Practical resolution

Once in public domain there is a risk it can be copied

**steps that graphic designers should take to protect their intellectual property**

unregistered design rights

“The rights just come into being, which is a wonderful thing.”

Tokyo Vs The Liege

there’s a bit of a similarity there but I don’t think you would be to the point of confusion

Public opinion took its toll (outside influence)

**“**this design logo from Belgium was readily available on Pinterest and they should have checked that.”

how do we extend what the law says onto a global scale whilst also protecting individual jurisdictional rights?

“even by sharing, by retweeting, by jumping on that bandwagon, you’re potentially exposing yourself to allegations, defamation and potentially claims personally for doing that.”

“In terms of financial remedies for copyright, really what you’re looking for is something like damages for lost sales of the original copyright work or something that we call account of profits.”

“The financial remedies available if you went legal, probably don’t justify all the effort of going legal, so it’s a perfect situation for going public and just naming and shaming and seeing where you get to in the court of public opinion.”

No loss of sales for Liege Theatre.

“there are only so many note”

progress records

infringement of third-party IP

F1 Vs 3M

“Nope. We know our client’s agency defendant came up with that completely independently and we will be able to substantiate that at trial, if you drag us through a trial process. Once we disclose all of our documents in a year’s time from now, having already incurred £100,000 worth of court fees at the High Court, if we get to that point, and then you see our documents, you’re going to realise that you’ve made a terrible mistake. So, we invite you now to just withdraw your complaint thank you very much.”

“So in that regard, as a very cheerfully oversimplified summary, would it be fair to say that in the F1 case, from an IP point of view, that because the two entities exist in very different fields, and the likelihood for confusion is low, also the likelihood that you would, when doing a reasonable amount of checks to ensure that you’re not mimicking something that exists in the same space, that the case there is rather weak? But if it were a successfully registered trademark, while that doesn’t 12 necessarily change those facts, it does perhaps shift the dial in terms of the levels which you could get away with saying that you have done due diligence, because it being a registered trademark adds an extra means of checking to make sure that you’re not going out there and stepping on someone’s toes.”

Goliath vs Goliath.

Tuesday Bassen Vs Zara

imitation is the greatest form of flattery

it’s about that direct copy which is being protected not necessarily something which is similar

So, calling out these big brands in the long term might not always be a good idea because these might be your future employers or collaborators or commissioners

Mr Bingo? Etsy

[**https://99designs.co.uk/blog/design-resources/copyright-infringement/**](https://99designs.co.uk/blog/design-resources/copyright-infringement/)

[**https://www.bbc.co.uk/news/topics/c6mk4k7vmv8t/trademark-disputes**](https://www.bbc.co.uk/news/topics/c6mk4k7vmv8t/trademark-disputes)