



ACID (Anti Copying In Design) is a membership organisation, committed to raising awareness about intellectual property within the creative industries. Creating a safer trading environment for members is a priority by encouraging respect for intellectual property within corporate social responsibility. By encouraging design talent we help our members protect their livelihoods to maximise growth. ACID's powerful logo is not only a real symbol of deterrence, but also reflects a positive voice for IP creation. [www.acid.uk.com](http://www.acid.uk.com)

## **ACID** PRESS RELEASE

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### **IP ACT BECOMES LAW - NEW DESIGN LAW IMPROVES PROTECTION FOR DESIGNERS**

#### **Intentional infringement of a registered design is now a crime**

Today history is made, a new [Intellectual Property Act](#) becomes law and it is now a crime to intentionally infringe a registered design. Individual Board Directors will also be held accountable. The changes which are set out in The Intellectual Property Act have been introduced to:

- **Reduce the scale of registered design infringement by acting as a deterrent**
- **Increase protection for the holders of registered designs**
- **Better punish perpetrators of blatant design infringement. Individual Directors will also be liable**

Intentionally infringing a [registered](#) design and producing a copy that differs from an original in only immaterial respects now becomes a criminal offence punishable by up to ten years in prison. This is a significant development for designers but for the time being the change in the law will only assist those designers who have registered their designs at either the Intellectual Property Office in England or at the Community Design Office in Alicante. It does not cover unregistered designs.

The [ACID](#) (Anti-Copying in Design) [campaign](#), spanning many years, consistently supported by case studies, demonstrated the scale of the problem and the objective was to address a shortfall in laws to protect designers. In 2011 Professor Hargreaves [reported](#) that Design and IP had been neglected. Government listened and The Prime Minister put [Design and IP law](#) (Ch7) as one of his ten recommendations. Following consultations, it was introduced in the Queen's Speech in [November 2013](#). ACID Members wrote to their MP's to make them aware about the impact that design theft was having on the job security of their employees and the threat to their growth opportunities. Several ACID members also met with Government [officials and Ministers](#) to add their weight to the argument for reform. Following at times, a tricky route with [opponents](#) and, subsequently, through the House of Lords and then House of Commons the Bill received Queen's Assent on 14<sup>th</sup> May 2014.

**[Nick Kounoupas](#), ACID's Chief Legal Counsel and a partner at DMH Stallard said,**

*"This is the result of a genuine grass roots campaign and shows what can be done with a well presented case argued with integrity and honesty. To get fundamental legislation of this kind, in which copying of designs is made a criminal offence, from lobbying to law in less than 12 months is nothing short of phenomenal. Criminal sanctions for Registered design infringement should be seen as evolution not revolution and the proposed changes are sensible and pragmatic. However, we believe that Government should listen again to the powerful arguments for including unregistered designs."*

When the bill passed to committee stage **Pete Wishart MP (Vice Chair of the All Party Parliamentary IP Group)** commented *“It is great that it covers Registered design rights—the great forgotten IP right. It is fantastic that ACID has at last got its way and that this will now be covered by criminal infringement provisions, but it is totally wrong that unregistered designs are not covered too.”*

**Rodney McMahon, MD of ACID Member [Morgan Contract Furniture Ltd.](#)** said, *“Strengthening of IP law can not only serve as a strong deterrent to copying, but also act as a real vehicle for growth, innovation and job certainty for those who create design originality.”*

**[Dids Macdonald](#), ACID’s Chief Executive** commented, *“I welcome the fact that the [IP Bill](#) is a significant step in the right direction. However, there is still much work to be done because the majority of UK designers rely on unregistered rights. Way back in 1996 when ACID was just a round table action group, I gave a talk along with design law specialist and co-founder of ACID, [Simon Clark](#), saying we needed design issues to be heard and acknowledged within Government and a change of law to bring design in line with copyright. Little did I think it would take 18 years to happen! Next step is to persuade Government to include unregistered designs, exemplary damages and unfair competition (At the moment our EU designer counterparts can turn to unfair competition laws if IP laws fail them).”*

**ENDS**

**Editors Notes:** ACID is trade association for designers and manufacturers with a diverse membership ranging from individuals to multinationals and spanning many industry sectors. The organisation is committed to fighting design theft and lobbying Parliament for design law reform. Members have many free benefits including access to a specialist intellectual property legal hotline for initial free advice and, if relying on unregistered Community or UK design rights, have free and unlimited use of the ACID Design Data Bank to help protect their intellectual property (IP) Rights. ACID’s key objectives are protection, deterrence and education, working towards a safer commercial trading framework enabling originators to fully exploit and maximise their IP rights.

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