

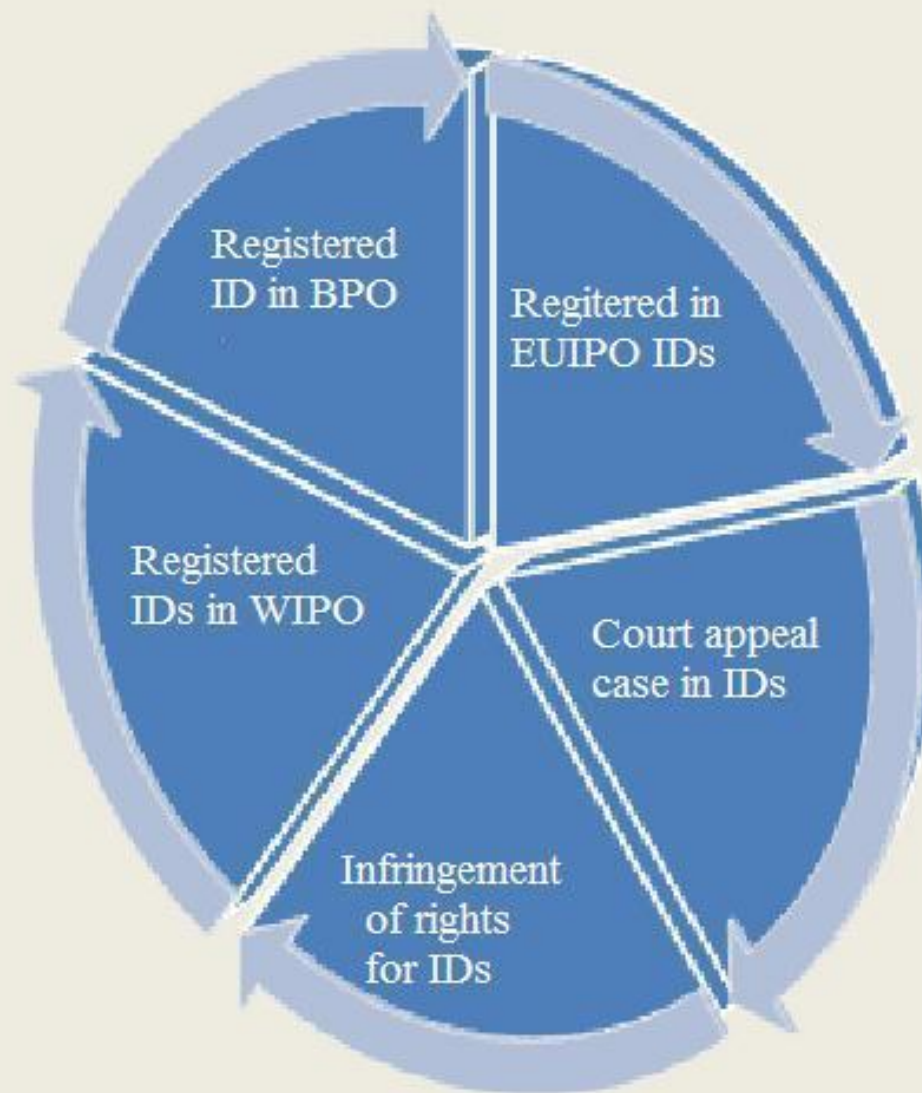


Case studies based educational model for the 'Company design and visual culture' course in UNWE

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The aim of this paper is to explain the main features of the educational model which is based on lectures and IP research in Industrial design for the academic course ‘Company design and visual culture’ in the curriculum of “Intellectual property” specialties. In particular, these IP research is divided into the following 5 main areas:



ID RESEARCH IN DIFFERENT AREAS



1. cases in “company design” *registered by Bulgarian companies for the territory of Bulgaria*
– the electronic resource is the e-portal of the Bulgarian Patent Office: www.bpo.bg.

Among this area of study the students carry out different kind of searches for designs, filed and registered according to the national legislation for ID protection of Republic of Bulgaria, namely designs registered by the BPO. The searches are carried out at the online database, called electronic portal for trademarks and designs of the BPO. They are done according to specific methods for carrying out “patent research” /searches for the different objects of industrial property, including design research/.



Services without registration

IP objects search

SEARCH WITH BPO ONLINE



Trade Marks



Inventions



Designs

Request for studies and reports

INVENTION STUDY

DESIGN STUDY

TRADE MARK/
GEOGRAPHICAL INDICATION STUDY

INDUSTRIAL PROPERTY REPORTS

Services, requiring registration

In order to use these services it is required that you register once in this portal. The registration is free of charge, it takes only a few minutes and provides you with access to all services in this section. In the process of registration you will choose your username and password, which you can use to log into the portal at any given moment. You will have to provide a valid email address, that the systems will use to send to you service messages (confirmations, acknowledgments and other). Learn more by downloading a comprehensive user manual from [here](#).

The analysis comprises of selection and systematization of the results according to various criteria:

- product field of the registered designs (according the Locarno classification);
- depth of the search;
- current legal status (active registrations, ended, expired, etc.),
- legal form of the applicants (physical/ legal entities),
- type of the application filed (individual/ multiple application),
- type of the products (single product/set of products).



The results of this kind of searches enable to displaying **trends in the registration activity of the different product areas on the Bulgarian market.**



2. cases in “company design” registered by BG companies for the territory of European Union-
the electronic resource is EUIPO database:

www.euipo.europa.eu/eSearch/.



eSearch plus

The EUIPO's database

access



Search

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Classification

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Ascending ▾

Design number

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and ▾

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When an design of a product is protected as industrial property in the form of ID, opportunities for competitive advantage of the owner among other contractors of the market inevitably increase and the reasons for this are the essence of intellectual property and the commercial monopoly which is established by its effective protection.

The economic interests of today's manufacturer exceed increasingly the borders of its own country.

One of the possible ways for that is the protection of the design as Community design (EU design).

Once the registration is obtained, the design is protected in all current EU member states /27 members at the beginning of 2017/ and its new comers.



For the reasons set off, the proposed educational model contains a field of study for registered EU designs. Subject of the search hereto are IDs, filed by Bulgarian entities at the European Union Intellectual property Organization (EUIPO). This search is carried out at the online database of EUIPO – ‘e search plus’.



The analysis comprises of selection and systematization of the results according to various criteria, similar to the mentioned above.

The results of this area of search could not only reveal trends in the registration activity of a certain product category, but also could be an indicator for the policy of the Bulgarian market agents for the protection of their intellectual property



3.cases in “company design” *registered by BG companies for the territory of the Hague union*



The electronic resource is the WIPO online database: www.wipo.int/hague.

The subject of that searches in the third area of the educational model are IDs, filed through the so called Hague system for international registration of industrial designs.

The analysis on this point allows to display trends on the activity of the Bulgarian applicants as users of the Hague System /66 countries/.

The search is carried out in the online data base of the World intellectual property organization (WIPO) — “Hague express”.

Hague Express

The Hague Express Database, updated weekly, includes bibliographical data and, as far as international registrations governed exclusively or partly by the 1999 and/or by the 1960 Act(s) of the Hague Agreement are concerned, reproductions of industrial designs relating to international registrations that have been recorded in the International Register and published in the International Designs Bulletin as of issue No. 1/1999. International registrations that have lapsed are not removed from the database.

SEARCH BY

Design Names Numbers Dates Country

Indication of Products ▾ =

Locarno Class =

Description ▾ =

search 🔍

FILTER BY

Designation Locarno Class Reg. Year * Contracting Party * Expiration *

CH	34,187	FR	20,634	DE	20,421	LU	19,684	NL	19,684	BE	19,684	BX	19,684	IT	19,329
EM	18,096	EG	14,391	TN				MC	10,514	TR	10,411	MA	10,378	LI	9,986
GR	9,959	ID	9,466	VA				ME	7,490	RS	7,206	MK	7,181	HU	6,872
SI	6,782	SG	6,390	AN	6,201	RO	5,533	MD	5,466	NO	4,615	HR	4,585	KP	4,537
BG	4,366	MN	4,057	CW	3,723	BQ	3,723	SX	3,722	GE	3,356	US	3,088	KG	2,727
BZ	2,235	AL	2,154	KR	2,066	BA	1,981	CI	1,947	SN	1,876	SR	1,833	AM	1,813
OM	1,808	BJ	1,714	JP	1,605	AZ	1,347	YU	825	OA	804	IS	787	EE	663
LV	594	TJ	563	LT	427	SY	387	NA	374	GA	374	DK	357	BW	307



Display: List Sort: Count - desc

filter ▼

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edit columns ↔

10 per page 1 / 4,924

	Reg. No	Holder	Reg. Date	Locarno Cl.	Ind. Prod.	Designations	Image
<input type="checkbox"/>	DM/095896	CHANEL	2017-05-04	32-00	1.-3. Ornamental graphics	BX,IT,CH,DE,ES,FR,HU,MC,R	
<input type="checkbox"/>	DM/095954	ARA SHOES AG	2017-05-03	02-04	1.-4. Shoes	CH,NO,US	



Additionally, the analysis can be further differentiated by examining two separate aspects, according to the flow of applications filed, namely:

- applications filed from Bulgaria according to the Hague Agreement /66 countries-members/, on one hand,
- and on the other - designs applications applied under the Hague Agreement, where Bulgaria is a designated country.



4.cases in “company design” in the field of
infringement of IP rights

The studies in the field of infringements of IP rights comprise of analysis of the following aspects:

- parties in the dispute,
- arguments of the parties,
- a comparative analysis of the essential and non-essential elements of compared designs and others.

The sources are the following:

- The first one is the database of the Commission for Protection of Competition /CPC/, containing cases of unfair competition in the field of design.

The second source is the database of EUIPO, in particular the database with decisions of the Invalidity division of EUIPO.

Examples for this group of cases are: Decisions N1239/2014 and N1444/2014 published on the official page of CPC.



5.cases in “company design” in the field of
court case

The electronic resources are the specialized law platforms: www.ciela.net and www.apis.bg.

Subject of study are litigations in the field of Bulgarian designs and designs of the EU, that comprises of analysis of: parties of the dispute and their arguments, subject matter of the dispute, decisions of upper instances and etc.

From all the listed areas of case studies prepared and presented by students, the following ones were especially interesting and useful from both theoretical and practical side of the learning process in the academic year 2016/2017:

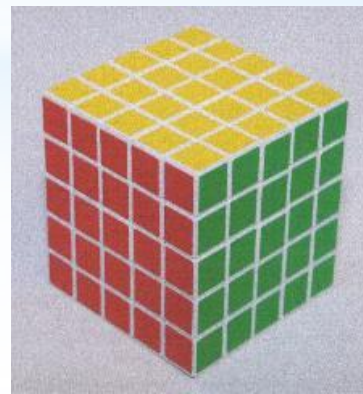
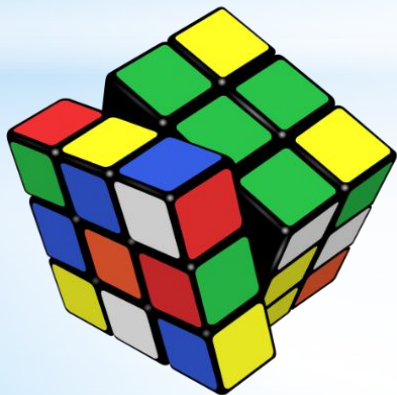
- Decision of the Invalidity division of EUIPO ICD 9971 – **Versace case**;
- Decision of the invalidity division of EUIPO ICD 9649 - **Rubik cube case**;
- Decision 47/19.01.2012 of CPC - **Maggi case of Nestle**.

4. Law Case: 000009649 Rubik's Brand Limited

In the process of declaring the registered community design to be invalid, the File Number is ICD 9649 and the Community design is 001092928-0001. English is the language of the legal procedure. On the side of APPLICANT is “RUBIK’S BRAND LIMITED”, on the contrary side is the HOLDER-Kainotomies Verde-Kyvika Logika Paignida ,A.E.B.E. (VERDES INNOVATIONS S.A.). The INVALIDITY DIVISION is composed of Natalie Pasinato (rapporteur), Alvaro Sesma Merino (member) and Michele M. Benedetti Aloisi (member).

First I will shortly present the facts, evidences and arguments, which are known. Community design with No 001092928-0001 (the RCD) was registered in the name of the holder with a filing date of 19/02/2009.

Design declared invalid



The application of the declaration of invalidation is filed in behalf of the well –known international fashion house Gianni Versace S.P.A. against a small Romanian company in the home furnishing industry called Still House Perfect SRL, filed and registered a Community Design № 002548701-0001. The Registered Community Design falls under class 32-00 "Logos, Graphic symbols and logos, surface patterns, ornamentation" of the Locarno Classification. The registration of the Romanian company's design contains the following images



The main features of the developed educational model are the following:

- its interactive nature and skills to carry out a complex comprehensive search and to convince the public for the presented author's thesis.
- It is determined by the fact that the student is almost as committed in the learning process as the lecturer himself.

The course combines both theory and practice of intellectual property.

Theoretical knowledge acquired by students during the lecture hours are further build upon the basis of research, analysis and oral presentation of real case studies in the study area at national, regional and international level, performed and presented in auditorium by the students themselves.



The educational model presented in the current paper is innovative and perspective way of study in the field of company design as a complex object of intellectual property system.



*THANK YOU
FOR
YOUR ATTENTION
AND
DISPLAYED INTEREST!*

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