



Case Studies Based Educational Model for the 'Company Design and Visual Culture' Course in UNWE

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Abstract

As a result of years of academic practice, the authors of the current paper - Assoc.Prof.Dr.Maria Markova and Dr.Victoria Chorbadiyska-Angelova developed an educational model, based on real case studies in the field of IP research for registered industrial designs (examples from the educational process provided for the students in the University of National and World Economy, Sofia, Bulgaria). The aim of prepared material 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 are divided into the following 5 main areas:

- 1.Cases in "company design" registered by BG companies for the territory of BG – the electronic resource is the e-portal of the Bulgarian Patent Office: www.bpo.bg.*
- 2.Cases in "company design" registered by BG companies for the territory of European Union – the electronic resource EUIPO database: www.euipo.europa.eu/eSearch/*
- 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.*
- 4.Cases in "company design" in the field of infringement of IP rights - Committee for protection of unfair competition - www.cpc.bg and also www.euipo.europa.eu.*
- 5.Cases in "company design" in the field of court appeal – the electronic resources for the purpose of which are: www.ciela.net and www.apis.bg.*

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.

Above mentioned educational model possesses few main advantages, among which are: the interactivity of the model, the integrity of theory and practice and the development of oral communicative skills of the students by means of PP presentations in auditorium.

Keywords: *IP research for intellectual property rights, industrial design, visual culture*

Teaching students at the university becomes as challenging as never before. Retention of students' attention on the teaching material is one of the most serious issues for the present educational system. It determines the necessity of increasingly larger efforts by the lecturer, which can result in developing of new learning methodologies.

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- 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 Industrial design protection of Republic of Bulgaria, namely designs registered by the Bulgarian Patent Office. The searches are carried out at the online database, called electronic portal for trademarks and designs of the Bulgarian Patent Office. They are done according to specific methods for carrying out "patent research" [1]. The term 'patent research' is used in the broad sense to explain the searches for the different objects of industrial property, including design research. The analysis comprises of selection and systematization of the results

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according to various criteria: product field of the registered designs (according the Locarno classification) [4]; depth of the search; current legal status of the designs (active registrations, ended, expired and 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.

- 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/.

When an attractive and innovative design of a product is protected as intellectual property, in particular as industrial property in the form of industrial design, 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. However in view of globalization and the opening of the markets, obtaining a protection of the design in the country of origin is only one the possibilities for further economic realization of the object of protection. The economic interests of today's manufacturer exceed increasingly the borders of its own country. Expanding into foreign market and the supply of innovative design require to protect it outside the national market as well. 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 designs, filed by Bulgarian entities at the European Union Intellectual property Organization (EUIPO), Alicante, Spain. 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. Moreover, 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.

- 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 EU market takes a small part of global market and the protection as Community design is only one of the possibilities for ensuring legal protection abroad. Therefore subject of the searches in the third area of the educational model are designs, filed through the so called Hague system for international registration of industrial designs. The latter is a system for obtaining protection of industrial design in different countries (member of the Hague Union) by means of filing single application in single Patent Authority. The analysis on this point allows to display trends on the activity of the Bulgarian applicants as users of the Hague System. The search is carried out in the online data base of the World intellectual property organization (WIPO) — “Hague express”. 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 the one hand, and on the other - designs applications applied under the Hague Agreement, where Bulgaria is a designated country.

- cases in “company design” in the field of infringement of IP rights – the electronic resources are: official website of the Committee for protection of unfair competition and its search engine - www.cpc.bg and also EUIPO database - www.euipo.europa.eu.

The studies in the field of infringements of IP rights comprise of analysis of 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 two main. 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.

- cases in “company design” in the field of court appeal – 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.

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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. Furthermore, 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. During the whole process students receive guidance and direction by the academic team of the course.

The studies of above listed 5 areas are realized by the students by means of individual assignment, prepared and orally presented thereafter by each student. The practical part of student's work is preceded by a theoretical one, which includes a phased review of the below mentioned topics:

- Analysis of the different design fields, their characteristics and place in the modern market [2].²
Small part of the proposed classification of design fields contains the following areas: design of cars, motorcycles and accessories - wheel trims, accessories and more; design of watches; design of electrical and electronic products - telephones, television sets, household and office equipment; design of jewelry and luxury accessories; furniture design; design of packages and etc.
- Classification of the designs fields according to the classes of the current edition of the international classification for industrial designs (Locarno classification).
The classifying of design field according to the 32 classes of products listed in the Locarno classification is a key element of the whole search process of the designs.
- Presentation of the different systems (national, regional and international) for protection of design, including pluses/minuses, and the specific features of each registration system.
- Presentation of the methods for carrying out research for national designs, EU designs and designs registered according to the Hague agreement.
- Approbation of the said methods.

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.

References:

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- [3] Hague agreement concerning the international registration of industrial designs, www.wipo.int/hague
- [4] INTERNATIONAL CLASSIFICATION FOR INDUSTRIAL DESIGNS (Locarno classification), www.wipo.int/locarno
- [5] EC Regulation 6/2002 of the Council on the Community design, www.euipo.europa.eu

² Markova, M, "Design management", p.12