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EVALUATING THE EFFECTIVENESS OF DESIGN PROTECTION LAWS IN INDIA

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ABSTRACT: The protection of intellectual property is of the utmost importance if we are to encourage the generation and diffusion of concepts that are genuinely novel and inventive. If individuals and corporations do not take the necessary steps to safeguard their intellectual property, they will be unable to profit from it. Design law, which is a subdivision of intellectual property law, offers protection for the visual aspects of a work, which may encompass elements such as patterns, figures, and forms. According to the definition of the term "design" as it is specified in Section 2(d) of the Design Act of 2000, it is "the configuration, pattern, organization, and arrangement of lines and colors applied to an object through an industrial process." What is of the utmost importance is how it appears; its dimensionality is completely inconsequential. Not only is the production of imitations of other things illegal, but restrictions have also been put in place with regard to design in order to safeguard the aesthetic worth of items. The objective of the writers is to present a comprehensive analysis of the design regulations that are currently in effect in India, together with the key judicial decisions that have played a role in the clarification and evolution of these laws. They are filled with a great deal of excitement at the prospect of surmounting difficult problems and obstacles.

Keywords: *Industrial designs; Designs Act, 2000; Design law; Novelty; Registration.*

1. INTRODUCTION

The Design Act is the name that is used to refer to a piece of law that was adopted by the Indian government in the year 2000. The goal of this regulation is to ensure that the visual design of any and all goods and services is protected and registered. This approach aims to guarantee that the initial components, qualities, and layout of the item in question stay the same, regardless of whether it is mechanical, chemical, or manual in nature. one solitary In order to ensure that other firms are unable to manufacture, market, or distribute products that are comparable to the products that are manufactured by your company, it is absolutely necessary to register the design. The proprietor of the property is able to exercise their legitimate entitlement to assert proprietorship over a specific section of land as a consequence of this. In India, the process of submitting and registering designs is subject to regulation by two distinct pieces of legislation: the Design Act of 2000 and the Design Rules of 2001. This essay will focus on the Design Act of 2000, which, like other legislative acts, contains a considerable number of difficulties and intricacies.

Research Methodology

The methods of analysis and doctrine are being employed in the course of this inquiry. The approaches that are currently being utilized in this investigation have been applied to a wide variety of sources. These sources include statutes, case law, literature, pertinent publications, and research articles that have been published in the past.

Research Objective

This investigation's major goal is to establish a record of the history of design-related law, beginning with its earliest beginnings and continuing through to the present day. The authors' intention is to examine the relevant challenges and issues, as well as the regulations that regulate design in India.

2. EVOLUTION OF DESIGN LAW IN INDIA

It was the members of the Native American community who were the first to recognize the significance of maintaining designs. This occurred during the later half of the eighteenth century. This result was the direct cause of the passage of the Protection of Patterns and Designs Act in the year 1872. The innovators were given exclusive rights to both produce and commercialize their findings for a predetermined amount of time. Nonetheless, it was subsequently succeeded by the British Design and Patent Act of 1907, as well as the Inventions and Designs Act of 1988. In 1907, the British government passed the Design and Patent Act, which laid the groundwork for the Patents and Designs Act of 1911.

At the beginning, the only item of legislation that was in place that covered both patents and designs was one particular piece. The requirement of patent regulations was eliminated in the year 1970, as a consequence of the enactment of the Patent Act. The fact that it was invalid did not result in the Act being invalid because of its design-related qualities; this was the outcome of this particular situation. The Patents and Designs Act of 1911 was repealed as a direct result of India's membership in the World Trade Organization (WTO), which was established in the year 1995. This was achieved with the intention of making the implementation of the newly established laws and regulations that were created as a direct result of the TRIPs Agreement more straightforward. The Designs Act was approved by the government in the year 2000. During the process of enacting new legislation, the acceptance of the TRIPS Agreement, in addition to the considerable advancement that was achieved in the sectors of science and technology, held the greatest significance.

The fact that creative works are not included in the definition of designs is the most notable distinction between this Act and its predecessors, making it the most significant difference between this Act and its predecessors. The Delhi High Court delivered an explanation of the Designs Act's protective scope, as it pertains to creative works, in the matter of Microfibers Inc. versus Girdhar Co. and Others. Despite the fact that the court has found that these works definitely meet the criteria for protection under Section 2(d) of the Act, the scope of the Design Act does not encompass the creative works that were excluded from the scope of the Act.

3. SALIENT FEATURES OF THE DESIGNS ACT, 2000

The Trade Related Intellectual Property Rights (TRIPS) Agreement establishes the fundamental requirements for the protection of industrial designs, and India is a signatory to it. The fundamental conditions of the Agreement were fulfilled by the Design Act of 2000. The principal provisions of the Act are as follows:

1. Design registrations executed in accordance with the Act are valid for a duration of fifteen years. Upon initial registration, the proprietor of a design is conferred ten years of exclusive rights. These rights may be renewed for an additional five years if the renewal

process is adhered to.

2. The Act comprises eleven chapters, each addressing a significant facet of design legislation. Chapter 1 addresses the implementation of the Act and the concept of "design." Chapter 2 delineates the methodology, registration procedure, and eligibility criteria for design registration. Chapter 3 addresses copyrights in registered designs, while Chapter 5 pertains to lawsuits. Chapter 6 addresses the regulations pertaining to costs. The responsibilities and competencies of the controller are further upon in Chapter 7. The controller's authority is confined to that of a civil court, with the capacity to gather evidence, confirm attendance, and identify and supply necessary documentation for the proceedings. Chapter 10 of the Act pertains to central government entities, whereas Chapter 8 focuses on evidence.
3. India must comply with the Act's essential stipulations regarding registration, cancellation, and refiling, as it is a signatory to international agreements.
4. Consequently, we utilize the Locarno categorization, which categorizes designs based on their content. Prior to the implementation of this rule, they were classified based on the materials utilized in their construction.
5. The Act mandates the regulation of anti-competitive practices by prohibiting restrictive conditions.
6. The Act authorizes the District Courts to refer cases to the High Court when a petition contests the legitimacy of an industrial design registration.

4. REGISTRATION OF DESIGN UNDER THE DESIGN ACT, 2000

Design delineates the appearance of an object by its attributes, hues, and arrangement. Design control is implemented to inhibit others from manufacturing, distributing, and disseminating products featuring identical designs. Remember that you are entitled to use this just if you have registered your design under the Act, and this constitutes a legal entitlement. A multitude of prerequisites must be fulfilled prior to the registration of a design under the Act.

1. An original and novel composition must be crafted for the article.
2. Quality should be ascertainable just by eye assessment.
3. The design must remain confidential globally, including in India.
4. Previous designs and all other known designs must be excluded from the new design.
5. An article is ineligible for design registration if it has a technical or functional purpose.
6. The design must not collide with public morality.
7. Section 4 of the Design Act of 2000, delineating the criteria for the rejection of new design registrations, should likewise be inapplicable to it.

The explicit regulations provide the definition of what is and is not allowed in terms of registration under the Act. Disagreements about the ideas of uniqueness and originality have frequently led to legal procedures. Bharat Glass Tube Ltd. v. Gopal Glass Works Ltd. was the very first case that addressed this particular issue. Regardless of whether a design concept was formed in India or in another country, the courts will determine if it is imaginative or distinctive if it is completely original and has not been disclosed to anybody prior to this.

The primary objective of the case brought about by Crocs Inc. USA against Liberty Shoes Limited and others was to restrict the manufacture, promotion, and sale of what Crocs alleged to be counterfeit versions of their clog-style footwear. The decision to come to an unprecedented conclusion was reached by the Delhi High Court after taking into

consideration all of the issues that were discussed above.

When the court was assessing the shoes that had been supplied by CROCS, they placed a significant amount of stress on their originality and the fact that they had never been seen before. The court carried out an extensive investigation into the product's earlier presence on the Holey Soles website as part of its verdict on this issue. The revocation of the registration was supported by a substantial amount of evidence, which was derived from the fact that the product had already been made available on the website that was specified prior to the registration of this design. 12 Furthermore, in order to provide a reason for its decision, the court referred to past decisions, emphasizing the one-of-a-kind nature and originality of the shoes that were being considered. Their registration was revoked on the grounds that simply modifying an existing product does not always make it unique or creative.

5. ISSUES AND CHALLENGES

The Design Act of 2000 presents several obstacles and challenges at the municipal level, similar to other legislative measures. The most notable challenges and obstacles are as follows:

1. Minor flaws identified during registration lead to the swift rejection of numerous designs. A significant rationale is employed to exclude only a select few individuals.
2. The Act's provision of design protection for a maximum of 15 years is likely to deter enterprises from registering their designs under it. Their compositions prompted them to select copyrights and trademarks.
3. In the lack of registration in that jurisdiction, design rights in one country become invalid in another. Protection is exclusively available in the UK or India.
4. Due of the intricate procedures associated with design registration and the owners' insufficient knowledge on online registration, they are unable to leverage the law.
5. The registration status cannot be ascertained by an appropriate method.
6. A further challenge encountered by business proprietors is the protracted procedure of design registration.

6. LANDMARK JUDICIAL PRONOUNCEMENTS

1. **Reckitt Benckiser (India) Ltd. v. Wyeth Ltd** - Wyeth Ltd., the defendant in the case, notified the judge that the spatula's design had been registered in another nation prior to its registration in India, so indicating a lack of originality or invention. The court resolved to annul the registration in India upon discovering that the design had been previously published in another country. The determination was made by examining the case's facts and the arguments presented by both parties.
2. **Sree Vishnu Bottles v. The State of Tamil Nadu** - This decision reaffirms the rights of resellers. Sree Vishnu Bottles was purportedly importing paper and empty beer bottles from Tamil Nadu to Madhya Pradesh and Karnataka at the time the allegation was made. Recently, they were prohibited from proceeding owing to convictions for design infringement under Section 2217 of the Design Act, resulting in the registration of the bottles. The court determined that the petitioners' request for aid was excessively ambiguous to justify the granting of an injunction.
3. **M/s SK Industries v. Dipak Ghosh** - The plaintiff asserted that the defendant was unable to sell the jelly included in the cup. The court, dissatisfied, ruled that the cup was only an

ordinary cup, referencing its absence of invention and uniqueness in proportions and style. The plaintiff's argument was unsuccessful.

4. **M/S. Whirlpool of India Ltd. v. M/S. Videocon Industries Ltd.** - Whirlpool submitted two designs regarding this issue, after which Videocon registered the identical design. Every aspect, from its form to its arrangement, was identical. Videocon asserted that it could not be deemed liable for infringement as it had previously registered the design. The court determined that Videocon's designs were indistinguishable from those registered by Whirlpool. Consequently, Videocon was found guilty of copyright infringement and concept theft from Whirlpool.

7. SUGGESTIONS AND CONCLUSION

The proprietor of a business that operates in India has the legal authority to register their design in order to ensure that it cannot be utilized by anyone without their express permission. The judicial system will take an active role in implementing this form of protection, which is financially viable, in instances in which the rights of the creator are being infringed upon. In doing so, it will guarantee that the rights of the creator are safeguarded. The Design Act of 2000 contains the precise specifications that must be fulfilled in order for a design to be registered. Additionally, this act provides protection for designs for a period of fifteen years. Although this remark has been made, it is necessary to point out that there are a number of crucial domains in which the execution of this Act still does not live up to the standards that have been set.

Authorities continue to encounter challenges in determining when infringement has taken place, and the process of contesting charges of infringement remains to be both complicated and lengthy, even in cases in which designs have been officially registered. As a result, it is of the utmost importance to build a system that has the capability to detect infractions that are performed by small businesses as well as to implement policies and procedures that will assist in preventing such violations from occurring in the future.

The rights of design owners are protected by the Design Act of 2000, which also encourages the development of novel ideas and the implementation of creative techniques. The implementation of design protection contributes to the achievement of financial gains and the marketing of products.

REFERENCES:

1. Shivalik Thaman, All About the Designs Act,2000,Latest Laws.
2. STA Law Firm, https://www.stalawfirm.com/en/blogs/view/design-rights-in-india.html.
3. LegalServicesIndia,http://www.legalserviceindia.com/legal/article-475-origin-and-development-of-designs-act-2000.html.
4. Section2(d),DesignAct,2000.
5. Section3,DesignsAct,2000.
6. Section19,DesignsAct,2000.
7. Section4,DesignsAct,2000
8. Section19(1)(d),DesignsAct,2000.
9. Section4(b),DesignAct,2000.
10. Section22,DesignAct,2000.

11. Microfibers Inc.v. Girdhar Co.& Another,Suit No. 1480/2002.
12. Bharat Glass Tube Ltd. v. Gopal Glass Works Ltd., 2008(10) SCC 657.
13. CrocsInc.USA v. Liberty Shoes Limited and Others,CS (COMM)No. 772/2016.
14. PentalKabushikiKaishav.AroraStationersandOthers,247(2018)DLT
15. ReckittBenckiser(India) Ltd.v. WyethLtd,*(FAO(OS)No. 458/2009).*
16. Sree Vishnu Bottles v. The State of TamilNadu,W.P.Nos.1295and 1296of 2012.
17. M/sSKIndustriesv.DipakGhosh,IANo.10778/2007inCS(OS)No. 1300/2007.
18. M/S.Whirlpool of India Ltd.v.M/S. Videocon IndustriesLtd,SuitNo.1675Of 2012.