



European IPR Helpdesk

Case Study

Low cost branding protection with IP services support

April 2014

Company details

Name: Mancinism

Business sector: ethical fashion and goods

Type of company: SME

Website: www.manciniwear.com



1. Background

Mancinism is a business that has grown from a visual communication and print service into an inclusive bespoke ethical fashion and goods company. Their product range includes eco-friendly clothing, accessories, merchandise, stationery and print material - their ethical brand of equality and diversity offering an educational twist. All these products convey witty, positive and thought-provoking messages through the art of visual communication, while encouraging corporate social responsibility (CSR) via the consumption of ethical and sustainable materials to encourage that lifestyle.



Mr Winston Hoyte, a graphic designer, was looking to launch an ethical fashion brand for *Mancinism* products and wanted to know how best to protect his designs and brand.

Mr Hoyte was introduced to his local Enterprise Europe Network contact and European IPR Helpdesk Ambassador Dr Andrew Hebb of Greenwich Research & Enterprise to explore his options and also find out more about the partner searching and advisory services the network had to offer. A launch of the

brand in Europe as well as the identification of suitable partners was the ultimate aim beyond the successful protection of the business's assets.

2. Intellectual property issues

During their first conversation Mr Hoyte was able to work out with Dr Hebb the questions that would need to be addressed to sufficiently protect his company's trade mark and designs in the UK and overseas, and to also understand the costs involved. With expert input from the European IPR Helpdesk and the national Intellectual Property Office in the UK, Mr Hoyte was able to understand what was acceptable with regard to the proposed trade mark, and how the territories and goods or services for which it would be registered could affect future business.

For a small business, creating a number of different items (illustrations), such procedures could be a cost which it is not possible to support, so the Helpdesk recommended that at least Mr. Hoyte should keep as much evidence as possible on the creation of each illustration and follow one of the following routes.

Illustrations on T-shirt fabrics are generally protected by copyright, as long as they are original. Differently from many other intellectual property rights (IPR), copyright does not require registration. However, often in practice this lack of paper evidence of copyright may pose some problems. Hence, many designers lodge their works with a solicitor or with a service such as I-Depot (a service of the Benelux Office of Intellectual Property), which often proves to be essential to provide some evidence that they have created the designs in a given date in time.

Furthermore, the European IPR Helpdesk highlighted that design protection should also be considered by Mr Hoyte since two-dimensional and three-dimensional designs can be protected in the European Union as Community Designs, such as new T-shirt shapes or graphic prints.

The Community Design system includes two rights:

- The registered community design, which requires registration and can be renewed in blocks of five years up to a maximum of 25 years; and
- The unregistered community design, which is an automatic right and protects designs for three years from the date that the design was first made public in the European Union.

Seeking community design registration has many advantages, including a longer term of protection and simplifying the enforcement of rights. However, in the fashion industry and for small organisations this can be costly. For this reason, in the fashion industry designers often prefer to register only their most innovative designs and rely on unregistered design protection for the rest of their work, which is generally sufficient given the seasonal character of this industry.

3. Action undertaken

With the information provided by the European IPR Helpdesk, Mr Hoyte was able to calculate the costs to his business and understand the benefits gained from ensuring sufficient IP protection is in place. Subsequent advice was provided by Dr Hebb with regard to relevant grants and connections to suitable IP Attorneys who were able to assist with the submission of the relevant documents.

As a result Mr Hoyte was able to develop an effective IPR exploitation and internationalisation strategy working with the Enterprise Europe Network to effectively promote his business.

4. Lessons learned

In this case the need to generally protect the intellectual property within the business was understood from the start but the costs, procedures and support mechanisms were not clear. Here the main lesson learned was that there were many different elements that could be protected in the client's business and that the best strategy depends on its business plan and overall plans for the future, not just today.

The European Commission has set up specially developed services, provided by Enterprise Europe Network and the European IPR Helpdesk, to guarantee that SMEs and researchers can be provided with all the information and suggestions that are useful for managing international businesses and exploitable innovation.

GET IN TOUCH

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ABOUT THE EUROPEAN IPR HELPDESK

The European IPR Helpdesk aims at raising awareness of Intellectual Property (IP) and Intellectual Property Rights (IPR) by providing information, direct advice and training on IP and IPR matters to current and potential participants of EU funded projects. In addition, the European IPR Helpdesk provides IP support to EU SMEs negotiating or concluding transnational partnership agreements, especially through the Enterprise Europe Network. All services provided are free of charge.

Helpline: The Helpline service answers your IP queries within three working days. Please contact us via registration on our website – www.iprhelpdesk.eu – phone or fax.

Website: On our website you can find extensive information and helpful documents on different aspects of IPR and IP management, especially with regard to specific IP questions in the context of EU funded programmes.

Newsletter and Bulletin: Keep track of the latest news on IP and read expert articles and case studies by subscribing to our email newsletter and Bulletin.

Training: We have designed a training catalogue consisting of nine different modules. If you are interested in planning a session with us, simply send us an email at training@iprhelpdesk.eu.

DISCLAIMER

This Case Study has been initially developed under a previous edition of the European IPR Helpdesk (2011-2014). At that time the European IPR Helpdesk operated under a service contract with the European Commission.

From 2015 the European IPR Helpdesk operates as a project receiving funding from the European Union's Horizon 2020 research and innovation programme under Grant Agreement No 641474. It is managed by the European Commission's Executive Agency for Small and Medium-sized Enterprises (EASME), with policy guidance provided by the European Commission's Internal Market, Industry, Entrepreneurship and SMEs Directorate-General.

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