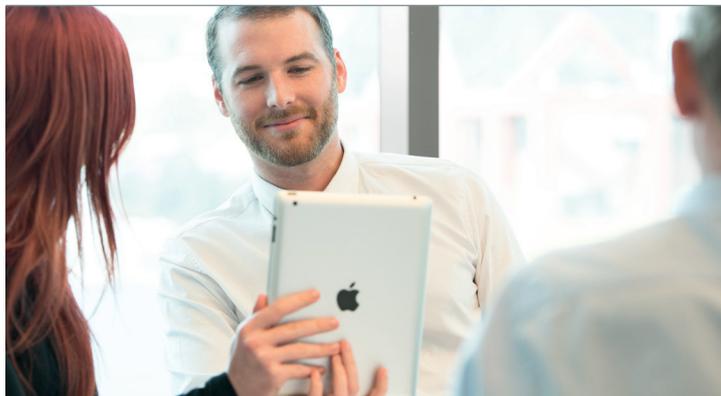


# Introduction to New Zealand copyright in industrial designs



Please contact us if you would like our advice about how we can help your business.

## What is copyright in industrial designs?

In New Zealand, copyright protects the appearance of three-dimensional products that have been industrially applied, provided that certain conditions are met. More than fifty copies of the product must be manufactured before the product will be considered to have been 'industrially applied'.

Other forms of copyright protection may be relevant if the product has not yet been industrially applied; see our separate information sheet "Introduction to Copyright Law in Artistic and Literary Works".

## What rights does copyright in industrial designs provide?

Copyright provides the copyright owner with the right to exclude others from copying the appearance of any product protected by the copyright.

## How long is the term of copyright?

The effective term of copyright protection for three-dimensional products that have been industrially applied is usually limited to 16 years, but this may vary in some circumstances.

## What are the requirements of copyright protection?

Copyright protection arises automatically in New Zealand as soon as a copyright work, such as a drawing or prototype model, is made.

Copyright protection for industrially applied products is unique to New Zealand (although the UK and Europe have similar options called Unregistered Design Rights).

There is no official copyright register on which to record or assert ownership of copyright.

## What limitations are there in relying on copyright protection?

Copyright protection will only protect against unauthorised copying of the product design by others. Copyright will not preclude others from independently developing and commercialising the same or a substantially similar design of their own accord. If another party does produce such a design independently, then they will also automatically have copyright in their design.

If you rely on copyright law to stop someone copying your product, it is necessary to show that they copied your design. However, it is not always easy to show that copying actually occurred. Consequently, having your product design registered has advantages over relying on copyright because it is not necessary to show that the design has been copied. Also, ownership disputes that are common to copyright cases are usually avoided.