

What is a design?

Design relates to the visual appearance of an article. A registrable design in New Zealand is defined as the new or original features of shape, configuration, pattern or ornament that are applied to an article by any industrial process or means¹.



What is the difference between design and patent protection?

Design registration protects only the external appearance of a manufactured article, especially those novel or original design features that can appeal to the eye of a customer.

A patent protects the concept or idea behind an industrial product, such as its novel or original construction and functions.

It is therefore possible to protect both the external shape, pattern or ornamentation of an article through a design registration and the working concept and function of the same article through a separate patent application, provided that the article meets both design registration and patent protection requirements.

What features make a design registrable?

Registration of a design offers [many commercial benefits](#). To be registrable, the design must:

- not be published in New Zealand before the filing date. This means that you should keep the design confidential and not publish the design at least until after you have filed the application to register. In particular do not show your design on a website or in publicity pamphlets until after you have made your application.
- consist of new or original “features of shape, configuration, pattern or ornament” that are applied to an article by any industrial process or means.
- have features that appeal to and are judged solely by the eye.
- not be purely functional or relate to a method or principle of construction.

For example, a registered design would not be granted for designing a fork, as this would prevent everyone else from making forks. However, the shape of a fork, or a particular pattern applied to a fork, may be registered as a design.

Some designs are not registrable:

- A design which is a method or principle of construction is not registrable.
- Designs applied to works of sculpture except if they to be used as casts or models for mass production cannot be registered.
- Designs applied to wall plaques and medals cannot be registered.
- Designs applied to printed matter primarily of a literary or artistic character cannot be registered. Examples are bookjackets, calendars, certificates, maps, plans, leaflets.

How long does protection last?

The full term of a design registration is 15 years. A design is initially registered for five years and then [renewal fees](#) are charged at five and ten years from the application date.

Footnote

¹The Formway® LIFE® Chair has been used with the permission of Formway Furniture Limited.
