About us:
The Cell for IPR Promotion & Management (CIPAM) is a professional body under the aegis of Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce & Industry (MOCI). It was created in the year 2016 to take forward the implementation of the National IPR Policy, 2016 and ensure focussed action on issues related to IPRs. CIPAM assists in simplifying and streamlining of IP processes, apart from undertaking steps for furthering IPR awareness, commercialization and enforcement.

CIPAM is thankful to the International Trademark Association (INTA) and Fidus Law Chambers for their immense support and contribution to this comic strip series.

All information contained in this comic strip series is provided for educational, information and non-commercial purposes only, and should not be construed as legal advice or as an offer to perform legal services on any subject matter.

To know more about CIPAM and its initiatives, you may follow us at our following social media handles:

You may visit our website: www.cipam.gov.in
You may also drop us an email at: cipam_dipp@gov.in

Be sure to read the other comic books in this series on:

- Trademarks
- Copyright
- Patents
- IP is Everywhere
- Geographical Indications

SUPER COOL ICE TEA
Beat the Heat with CHOTU BUNTY MINTI
We will sell my special iced tea! Don’t you love my iced tea, Nani?

So, what brings the gang together today? Any special agenda?

We are going to set up a stall in school fete! This will be our first ever business venture, Nani!

Oh yes, yes! It is delicious, Chotu. And I am sure people will love it.

What?

Thanks, Nan. And you know what is going to be the unique thing about my iced tea?

Aren’t these the characteristic square shaped bottles of that company Dabba Cola? I really like these bottles for their cola drink. So unique!

Bunty points at an array of square shaped glass bottles on his table.

Wow! That is a great idea. What will you be offering in your stall?

We will sell my special iced tea! Don’t you love my iced tea, Nani?

Just look at these Nani.

We are going to set up a stall in school fete! This will be our first ever business venture, Nani!

So, what brings the gang together today? Any special agenda?

Yes, yes! It is delicious, Chotu. And I am sure people will love it.

What?

Thanks, Nan. And you know what is going to be the unique thing about my iced tea?

Aren’t these the characteristic square shaped bottles of that company Dabba Cola? I really like these bottles for their cola drink. So unique!

Bunty points at an array of square shaped glass bottles on his table.

Wow! That is a great idea. What will you be offering in your stall?

We will sell my special iced tea! Don’t you love my iced tea, Nani?

Just look at these Nani.
Yes, Nani! They are exactly like the Dabba Cola bottles. We got our own bottles made to sell our iced tea in them so that our business is as good as Dabba Cola's!

Oh no, Chotu! That is very wrong. Did you know that the square shaped Dabba Cola bottle is actually a registered industrial design?

Yes! A design is a visually appealing characteristic feature that forms part of an article that is for sale. For example, grooves on the back of a toothbrush or a bag, motifs on apparel, chair, and so on.

Bunty, Minti, Chotu (in unison): A registered design!
Oh, I see! We didn’t know that. Oh no, Nani, does this mean that if we sell our iced tea in these bottles, it will amount to infringement?

Yes, Chhotu. Think about it, the company Dabba Cola spent so much time and money in conceptualising and designing the bottle. Everyone associates the shape of the bottle with the brand and the quality of its product. By selling your product in a container that bears Dabba Cola’s registered design you will be riding on their reputation. That is unfair and illegal.

Oh, I see! We didn’t know that. Oh no, Nani, does this mean that if we sell our iced tea in these bottles, it will amount to infringement?

Ten days later, the three kids come to Nani with a sample of their new bottle. Nani! You have to see this. It is a circular pouch with a cap on its head.

Wow! This bottle is so beautiful and unique.

Bunty gives the bottle to Nani. It is a circular pouch with a cap on its head.

Yes, Nani! Bunty designed this with the help of his father in his factory. It is not just a different shape but it is made of bio-degradable material and is easy to dispose. It also has several layers, which protects the drink from contamination!

Okay, Nani. We will brainstorm about this.

Come up with your own idea. Don’t copy Dabba Cola.

Aah! That is a great idea.
But Nani, we have been thinking about what you said about copying Dabba Cola’s design and we feel very bad about our actions.

It’s okay, kids. I am happy that you realized your mistake and came up with a design of your own!

It’s okay, kids. I am happy that you realized your mistake and came up with a design of your own!

Log on to www.ipindia.nic.in and know more about how to file an application.

That sounds good! Guys, let’s get that done then. We also have to print and publish the advertisement pamphlets for our bottles!

I strongly suggest that you get your design registered!

That sounds good! Guys, let’s get that done then. We also have to print and publish the advertisement pamphlets for our bottles!

Wait, wait. Hold your horses. You cannot disclose your design to the public before applying for registration. If you publish your design in, say, a pamphlet, it becomes part of public domain and anyone can replicate it. You cannot stop that. In fact, anyone can file a petition to cancel your registration on this basis alone.

Thanks, Nani! And we understand the value of making our own characteristic design for our bottles. That is why we want to protect it from being copied by anyone.

www.ipindia.nic.in
Bunty and Chotu (Bunty looking embarrassed and Chotu looking excited): Yes!

Really, Nani? Thanks! We should wait until we get the Design registered then.

Yes!

Tell us more, Nani. What are the advantages of design registration?

If you are the owner of a registered design, you have economic rights, just like a copyright owner has over an artistic work. Chotu and Bunty know everything about copyright. Right kids?

But Nani, is there any difference between a design and a copyright for an artistic work?

Of course, there is. Design protection is meant for features of industrial products or in relation to any article that is meant for sale. Like a bottle, a bag, a dress, or a phone. Artistic work on the other hand can be any work on any surface or in any form. Like a drawing on a paper, a sculpture, or a sound recording.

Tell us more, Nani.

What are the advantages of design registration?

If you are the owner of a registered design, you have economic rights, just like a copyright owner has over an artistic work. Chotu and Bunty know everything about copyright. Right kids?

So...we can’t have design rights in a painting?

No. Because it is not an industrial product...if you remove the paint from the surface of a painting, what remains is only the paper or canvas!
What I am trying to explain is that it doesn't matter if your iced tea container is circular or not, it will still be saleable. But if you remove the design on a stamp or a card, what remains is only the paper, which is of no use!

So, if the design is not for a saleable industrial product, one cannot claim design rights?

Ummm... I don't understand.

Not just this, it should be an industrial product that would continue to fulfil its purpose without the design as well. For example, artistic work on stamps, cards, tokens, and labels cannot be registered as designs.

Right! So, copyright can be claimed in artistic works on any surface and in any form, but design rights can only be claimed on features of an industrial product that do not affect the purpose and function of the product.

Correct. Which brings me to the next essential element for the registration of a design. A design must be purely artistic in nature and not mechanical. This means that if your design forms a part of the article without which it cannot function, it will not be registered by the Designs Office.

What I am trying to explain is that it doesn't matter if your iced tea container is circular or not, it will still be saleable. But if you remove the design on a stamp or a card, what remains is only the paper, which is of no use!

I don't understand, Nani.

It's simple. Why do you think a circular bottle can be a registered design but a circular cap of the bottle can't be?
Wow, Nani! Thanks for telling us so much about designs. We want to know more!

There is so much to learn about designs kids! In fact, we are surrounded by registered designs!

Because it is common to trade!

Partly correct. What else?

Absolutely correct! The circular shape of the bottle cap provides better grip and a screw like feature to open and close it. It makes it a functional feature that cannot be registered. Also, it is not unique, as pointed out by Chotu.

Because caps need to be circular!

Like your slippers, Chotu! This shape is a registered design. Also, Minti's skirt here. It is a registered design by that famous fashion designer... I can't remember the name.

Like?
But there are so many replicas in the market, Nani!

Yes, my skirt is a Maya Batliwala product. My aunt gifted it to me.

Yes! Exactly. Look how unique the motifs are!

You are right, Nani.

You are right, Nani.

Hmmm... What else? Yes, look at Bunty's glasses! Their shape is so unique, it is also a registered design.

Yes, yes!

Look kids, this pen has star shaped grooves on it which is also a registered design.

Nani takes out a pen from her bag. It is a shiny golden pen with stars engraved on its body.

Wow!!!

Wow!!!
Yes! In fact, my bag is also a registered design. Look at this bow shaped buckle and the unique circular base.

OK, yes! I recognized this bag as soon as I entered the room! This is the company’s signature design! So pretty.

Oh, yes! I recognized this bag as soon as I entered the room! This is the company’s signature design! So pretty.

Yes! So what have you learnt today, kids?

That we should not copy anyone else’s design for our product for the school fete!

We should apply for our iced tea container’s design registration before we disclose it to the public or advertise it.

And?

Great! Now you have all understood the basics of designs.

When we get our design registered we will have the exclusive economic right to industrially produce it and monetise it, just like in copyright.

And?

Chotu, Bunty, Minki! All thanks to you, IP Nani!