

The cost of free: Industrial design research

Industrial design infringement is on the rise

In a recent survey, 35% of IP professionals experienced industrial design infringement in 2018¹. And that infringement has been increasing in recent years.

This increase is due to several factors, including a rapid expansion of global patent applications, the proliferation of commercial activity on the Internet and social media, and brands filing marks across global markets.

As the volume of industrial design registrations increases, it becomes ever more important to thoroughly vet industrial designs prior to filing. In an effort to save money, some IP professionals choose free methods of prior art searching. These range from conducting simple Internet image and design patent searches to painstakingly searching patent trademark office (PTO) databases, one by one.

While these methods may seem cost-effective, are they an efficient use of an IP professional's time? What is the risk of missing critical findings? In other words, what is the true cost of these 'free' approaches?

To answer these questions, consider the following challenges of using free methods to research prior art.

1. It's complex

Industrial designs are complex, consisting of two-dimensional features like patterns and color or three-dimensional features such as the shape of a bottle. To account for these complexities, PTO databases use thousands of confusing, potentially outdated codes for various figurative design elements. This requires you to build complex queries using keywords and image codes every time you research an industrial design. Incorrect coding can lead to missing relevant findings.

2. It's time-consuming

Free methods of researching industrial designs are tedious and complex, often resulting in many hours spent gathering results that are rudimentary at best.

Free database searches often return results in no set order. This causes you to compile and review hundreds, if not thousands, of results. As you expand your search into more jurisdictions, requiring individual searches for each one, the effort can quickly become overwhelming.

3. It's inaccurate

Coding inaccuracies are common, due to differences in how PTOs classify industrial designs, combined with human error. Often, you are left guessing which Locarno Classification codes to use when searching PTO databases. This guessing game can cause searches to return irrelevant results. Other times, incorrectly coded designs may cause your search to exclude relevant results. To add further frustration, many PTOs use country-specific codes unique to their database, leaving more room for error and requiring you to invest additional time in customizing your search.

4. It's imprecise

To search common law sources, you're limited to web search engines. But these are not designed for intellectual property searches, delivering page after page of irrelevant results you'll need to sift through for hours. And no matter how carefully you craft your query, you could still miss important findings.

5. It's risky

Even though you spend many hours researching your design using free tools, there is a good chance of missing a relevant finding. This could lead to a refusal of your application, wasting precious time and money. Or, worse yet, you launch your product without a comprehensive search and risk infringing on someone else's design rights. Either outcome can be extremely costly.

There must be a better way

How can you minimize time, cost and risk when researching industrial designs? Use a tool that is purpose-built for the task: TM go365™ Industrial Design Search. It uses advanced image recognition technology to revolutionize the process of researching industrial designs and trade dress. With TM go365 you can:

1. Forget complex design codes

TM go365 is powered by image recognition technology that eliminates the need for complex, error-prone codes and keywords. Simply drag an image of your design into TM go365 and it automatically analyzes key image attributes and compares it to millions of records, matching image for image to identify identical or confusingly similar results. While codes are not required, TM go365 offers the flexibility to add codes to further refine your search, if you wish.

2. Get reliable results in seconds

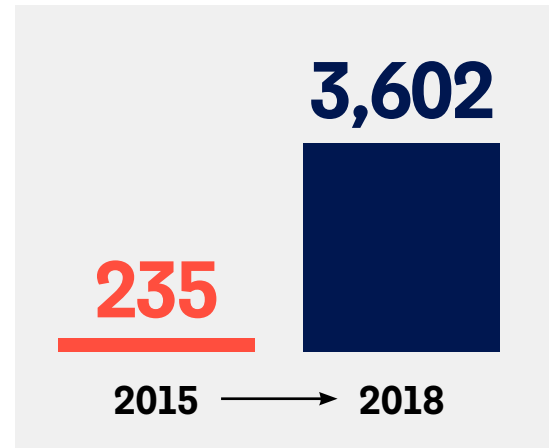
TM go365 is an intuitive, self-service solution that delivers results with incredible speed and ease. Simply drag, drop and go! Make decisions quickly, with CompuMark confidence.

3. Work more efficiently

TM go365 was designed with your workflow in mind. Results are ranked by similarity, so you can focus on what matters. Quickly sort and filter results to pinpoint the most relevant and critical results. Then flag and annotate critical findings to highlight key points. Easily create customized reports to share your findings with clients and colleagues.

4. Rely on trusted global content

TM go365 provides easy access to the industry's most reliable data. We quality-check our proprietary trademark database to help ensure accuracy and continually add new content, so you can search across multiple jurisdictions with confidence.



International industrial design application refusals increased from 235 in 2015 to 3,602 in 2018².

5. Have expert support on demand

With Internet and PTO searches, you're on your own. With TM go365, you have access to CompuMark's customer service team. We're here to help you, by phone or email 24 hours a day, five days a week.

When you factor in the time and risk involved with free research methods, it becomes clear that 'free' really isn't. When you consider the speed, efficiency and quality of results delivered by TM go365, the true value equation comes into sharp focus. Aren't your designs worth it?

About CompuMark

CompuMark™, a Clarivate Analytics company, is the industry leader in trademark research and protection solutions. We enable trademark and brand professionals worldwide to launch, expand and protect strong brands through the most comprehensive data set available for trademark professionals; advanced trademark screening, search, and watch tools supported by time-tested algorithms; expert analysis; and best-in-class service. Key products include: SAEGIS® Trademark Screening Tools; TM go365™ Self-Service Research Solution; Trademark Full Search; Trademark Watching; and Copyright Searches. For more information, please visit compumark.com.

AMERICAS

Main office (USA): + 1 (800) 692 8833
compumark.us@clarivate.com

Canada: + 1 (800) 561 6240
compumark.ca@clarivate.com

APAC

Japan: +81 (0)3 4589 2300
compumark.jp@clarivate.com

EMEA

Main office (Belgium):
+ 32 2 200 89 98
compumark.be@clarivate.com

UK: + 44 020 3564 5888
compumark.uk@clarivate.com

France: + 33 01 57 32 47 99
compumark.fr@clarivate.com

Italy: + 39 02 23 33 1221
compumark.it@clarivate.com

Germany: + 49 69 153 253 300
compumark.de@clarivate.com

compumark.com
clarivate.com