Frequently asked questions

Designs

What is a design?

A design is a unique creative form that you can protect by registering it at the IPI. This includes two-dimensional designs such as fabric patterns and bottle labels as well as three-dimensional forms such as watches, lamps and chairs.

Why protect a design?

A design is appealing to the eye, which is often what makes us want to buy it. Creating a good design, however, is both cost and time-intensive, which is why you too should reap the fruits of your labour – and not those who copy and plagiarise the work of others. As the owner of a protected design, you can prevent others from using your design for commercial purposes for up to 25 years. You can also trade your IP rights as you would other goods such as selling them or licensing them, i.e. granting rights of use to others. You can find out how to protect and exploit a design on the following pages:

• Developing a design filing strategy
• Applying nationally or internationally
• Exploiting your design

What can be protected as a design?
A design can be protected if it meets the following requirements:

• The design is new
• The design has individual character, i.e. its overall impression differs sufficiently from existing designs.

We don’t check for these two requirements in the examination procedure – which is why you should check them yourself before filing an application. Find out if your design is new. Is there maybe an identical or similar design that has already been protected or made available to the public? Get more information by looking in specialist shops, on the internet via search engines, in specialist literature and at trade fairs.

The Swiss register of IP rights includes information on nationally registered designs.

www.swissreg.ch
Design searches

What can't be protected as a design?

The following can't be protected as a design:
• Immaterial objects such as musical creations
• Ideas and concepts
• Designs that result solely from the realisation of a technical function such as the form of a screw thread
• Designs that are illegal, immoral or improper
• The method of manufacture, the utilitarian purpose or the technical effect of an object.

Aspects of a design that can't be protected

How do I protect a design in Switzerland?

If you want to protect your design in Switzerland, send us a properly completed
Application for Registration together with at least one good quality illustration of the design (a drawing or photo). You can also apply to have several designs registered using a single application form if they belong to the same category of goods.

Once a design has been registered, it is then published. If you’re a ‘trendsetter’, you can defer publication for up to 30 months after the initial application to register your design.

Deferring publication

How do I protect a design abroad?

After applying for registration, make use of the priority period if you also want to protect your design abroad. This means that for six months after the initial application, you can claim the Swiss application date for protection abroad. During this period, the design’s novelty remains in force.

There are several possibilities for protecting your design abroad: an international application via the World Intellectual Property Organization (WIPO); filing at the European Union Intellectual Property (EUIPO) for protection in all European Union member countries; or filing an application directly in the country of interest.

Applying nationally or internationally

Alternatives to a design

Not every new creation is best protected with a design. As well as design protection, the following options are also available to protect yourself against imitations:

Publish
If you don't want to register your design but you still want to prevent anyone
else from protecting it, then you can publish it such as on a publication platform or in a magazine or journal article. By publishing it, your design is considered as known and nobody else can legally protect it. You can continue to use your design – but so too can your competitors.

**Other IP rights**

Designs such as logos and three-dimensional forms used to identify goods or services can also be protected as trade marks.

You can find an overview of IP rights at [SMEs and the general public](#).

Each of these possibilities has advantages and disadvantages. A specialist will be glad to help you go through the various options and develop an IP strategy.

Trade mark consultants and patent attorneys

Schutzrechtsstrategie

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**Post registration – what next?**

By registering your design in the designs register, you’ve taken the most important step as the first to file in safeguarding the rights to your design. But you know best that the competition never sleeps, so continue to watch the market closely to detect possible free riders and counterfeiters as early as possible.

**Enforcing your design**

Enforcing design rights