



# PROTECTION OF DESIGN IN INDIA

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## ABSTRACT

*We encounter various objects in our day to day life, which we can recognize by observing their design. Products which are artistically designed can grab the attention of the customer the moment they see it. These designs can take the form of Art, drawings, graphics etc. These designs may be created by professionals which includes engineered designs or architectures blueprints for any property, interior designs etc. Industrial Design is the use of both applied art and applied science to improve the aesthetics, ergonomics, functionality, and/or usability of a product, and it may also be used to improve the product's marketability and even production. The role of an industrial designer is to create and execute design solutions for problems of form, usability, physical ergonomics, marketing, brand development, and sales. Industrial design studies function and form and the connection between product, user, and environment. Generally, industrial design professionals work in small scale design, rather than overall design of complex systems such as buildings or ships. Industrial designers don't usually design motors, electrical circuits, or gearing that make machines move, but they may affect technical aspects through usability design and form relationships. Usually, they work with other professionals such as marketers to identify and fulfill customer needs and expectations. This paper makes an exploration into the arena of designs protection in India. The author sketches out the major provisions of the Designs Act 2000.*

**KEYWORDS:** Design , Industrial design, piracy, burden of proof.

## INTRODUCTION

Consumers are influenced by the appearance of the article of their choice. Many people blindly choose the article which catches their eye by appearance. At the time of purchase, people are attracted by a design which has an artistic merit. Some articles with a particular design may attract the public and within a short period, the whole stock may be sold in the market. Hence, design of goods increases profits by attracting customers<sup>1</sup>.

Producers hunt for an attractive design which will increase sales. Some intellectuals do hard work by putting much thought, time and expense to find a design for a particular article which will increase sales. The object of design registration is to see that the creator of a profitable design is not deprived of his reward by others applying it to their goods without his permission<sup>2</sup>.

Design according to the Indian Designs Act, 2000, means only the features of shape, configuration, pattern or ornament or composition of lines or color or

combination thereof applied to any article whether two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye, but does not include any mode or principle or construction or anything which is in substance a mere mechanical device, and does not include any trade<sup>3</sup>.

### Design act 2000

Earlier this Act was governed by the *Design Act, 1911*. In order to bring the Design Act at par with the International law the enactment of the Design Act, 2000 took place. So, presently the design laws are regulated by the *Design Act of 2000*. It is an Act to consolidate and amend the law relating to the protection of designs. It was published in the Gazette of India and came into force on 12.05.2000. This Act is a complete code in itself and is statutory in nature. It extends to the whole of India<sup>4</sup>.

<sup>1</sup> Law of Intellectual Property- Dr. S.R Myneni

<sup>2</sup> Ibid

<sup>3</sup> <http://www.ipcell.iisc.ernet.in> (visited on 28-10-2013)

<sup>4</sup> <https://blog.ipleaders.in/salient-features-design-act-2000/amp/>



## Design

The expression "Design" means only the features of shape, configuration, pattern or ornament applied to any article by any industrial process or means whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye. The design means the features applied to an article and not the article itself. The features are conceived in the author's intellect who give those ideas conceived by him a material (visual) form as a pictorial illustration, or as a specimen, prototype, or model. By registration under the Act, the features are protected as design. The protection is given for independently created industrial designs that are new or original, for example, the distinctive shape of a coke bottle or a pen or a textile design. The protection of design is for a maximum period of fifteen years<sup>5</sup>.

## INDUSTRIAL DESIGN: MEANING.

Industrial design protection is provided only for the aesthetic feature of a product, not for its functional design. Industrial design laws generally protect designs applied on industrial products which are aesthetic and non functional. Such designs merely enhance the aesthetic appeal of industrial products. Typically industrial designs are applied on products like furniture, packaging, watches, textiles and handicrafts. The economic value of these products lies in enhancing their aesthetic appeal to consumers. Designs which are functional are not registrable under the Designs Act, thus if a designer makes an article in a certain shape not to make it appeal to the eye of a consumer but solely to make the article perform a function, then it does not become registrable.

## What it does not include?

1. It does not include any mode of construction or any trademark as defined under clause (v) of sub-section (1) of Section 2 of the *Trade and Merchandise Marks Act, 1958*.
2. It does not include 'property mark' as defined in section 479 of the *Indian Penal Code, 1860*.
3. It does not include any artistic work as defined in clause (c) of section 2 of the *Copyright Act, 1957*<sup>6</sup>.

<sup>5</sup> The Designs Act, 2000, Gazette of India, Extraordinary part H-Section I, 2002.

<sup>6</sup> The Designs Act, 2000, Gazette of India, Extraordinary part II-Section I, 2002.

## Salient features of design act 2000

- India is a member of the World Trade Organization's Paris Convention. It has signed the Patent Cooperation Treaty which allows all the signatories of the convention to claim priority rights.
- Under the Act of 2000, Locarno classification has been adopted in which the classification is based only on the subject matter of design. Under the previous provisions, the classification was made on the basis of the material which has been used to make that material.
- The introduction of "Absolute Novelty" makes it possible to judge a novelty on the basis of prior publication of any article. This is applicable in other countries also.
- As per the new law, a design can be restored which was absent in the previous enactment. Now, the registration of a design can be restored.
- The Act allows the district courts to transfer cases to the high courts where the jurisdiction is present. It is possible only in cases where a person is challenging the validity of any registration.
- Laws regarding the delegation of powers of the controllers to other controllers and the duty of examiner are also mentioned in the new Act.
- The quantum of punishment is also enhanced under the Act in case of any infringement.
- The secrecy of two years of a registered design is also revoked.
- Provisions regarding the avoidance of certain restrictive conditions are also there so as to regulate anti-competitive practices in contractual licenses.
- Whenever a license is brought within the domain of public records and that too publicly, the registration is likely to be taken into consideration. Anyone can get a certified copy of it in order to inspect the same.
- The laws regarding the substitution of the application before registering a design are also mentioned in the new enactment.
- Under new provisions, power has been given to district court to transfer cases to the high court where the court is having jurisdiction. This is only possible if the person is challenging the validity of the design registration.



- Incorporates the provisions regarding delegation of powers of the controller to other controllers and duty of examiner.
- Under the new provision, the quantum of punishment is also enhanced in case of infringement.
- It revokes the secrecy of two years of a registered design.
- It contains provisions for the avoidance of certain restrictive conditions so as to regulate anti-competitive practices within contractual licenses.
- The registration is taken into consideration when it is brought within the domain of public records that too physically. Anyone can inspect the records and get a certified copy of it.
- It contains provisions for substitution of the application before registering the <sup>7</sup>.

### Objectives of design act 2000

- i. The primary objective of the Design Act is to protect the designs.
- ii. The Design Act Of 2000 is an Act to consolidate and amend the law relating to the protection of designs.
- iii. Its main objective is to protect new or original designs from getting copied which causes loss to the proprietor.
- iv. The important purpose of design registration is to see that the creator, originator or artisan of any design is not deprived of his reward for creating that design by others copying it to their goods or products.
- v. An industrial design helps in drawing a customer's attention and helps in increasing the commercial value of an article. Therefore, helps in expanding its market.
- vi. There are many competitors who adopt evil ways to reduce the competition in the rival groups by exploiting the designs to their advantage. Thus, it is necessary to have laws to safeguard the interests of the owners of these designs. In order to fulfill this objective, the Design Act of 2002 came into existence <sup>8</sup>.

<sup>7</sup> <https://blog.ipleaders.in/salient-features-design-act-2000/amp/>

<sup>8</sup> <https://blog.ipleaders.in/salient-features-design-act-2000/amp/>

### Essential Requirements for registration Novelty and originality

A design can be considered for registration only if they are unique. A combination of previously registered design can also be considered only if the combination produces new visuals. In a case **Hello Mineral Water PVT. LTD. v. Thermoking California Pure**, a design of water dispenser having a cylindrical shape was not considered as new on the grounds that mere shape and form is not sufficient to prove novelty.

### Design must be unique, a Prior publication is not acceptable

The design must not be a published one. If the design is already published than the design is not eligible for the publication. There should not be any tangible copy available already in the market if you are seeking registration of the design that is in digital format. Displaying of the design in any fashion show by the creator is the publication of that design. Secret and private use of the design does not amount to the publication and can be used for the experimental purpose.

It was held in **Kemp and company v. Prima Plastics LTD.** that disclosure of design by the proprietor to any third person cannot be claimed as publication provided that the disclosure must be in good faith.

### Making application of design to an Article

The applicability of the design should be to the article itself. It can be informed of a three-dimensional figure. There are two-dimensional figures also included in this act i.e any painting or any graffiti on the walls or print on the bedsheets.

### The design must not be contrary to the order and morality

The design must be registrable under the Design Act, 2000. It must not be prohibited by the Government of India or any institution so authorized. The design must be capable of registering under Section 5 of this act. The design which can cause a breach of peace and may hurt the sentiments of the people may not be allowed to get register.

### What is to be considered to register under this Act?

Looking forward to registering a design under Design Act, 2000, one must ensure following features in your design which are:

- The work must be capable of selling and made separately.
- It must be original and new to the market. The plagiarised design will not be considered under this act.
- It should be purely distinguishable from other designs.



- It must not relate to obscenity or any material which is inappropriate.

### Rights of the proprietor of the design

When a proprietor applies for the registration of the design he shall automatically get 'copyrights in design' for the period of 10 years from the date of registration. This period can be extended if the proprietor wants to continue with the design. The Design Act should not be confused with the Copyrights act because there are many products which can be registered under both the acts but their remedies cannot be sought in both the acts individually.

### Who is entitled to seek Registration?

As per the provisions of Design Act, 2000 any proprietor who is seeking registration of a design which is original and unpublished previously in any country which does not seem to be contrary to any law and order of that country can file an application for registration. A proprietor as per Section 2(j) includes that person who

1. is the author of that design
2. acquired design for a valid consideration and
3. Any person to whom the design has been devolved from the original proprietor.

In case there is more than one author than the design must be applied by the joint authors only.

### Locarno classification

Locarno agreement is an agreement as per which the designs are registered under the Act. It classifies goods for the purpose of registering them which helps in Design searches. It divides designs into different classes which are mainly function-oriented.

### Procedure for registration of design in India

Chapter 2 of the Design Act deals with the registration of designs and the procedure to be followed for the same. The following steps must be followed:

- An application for the registration shall be made in the patent office in the prescribed form along with the prescribed fee. The class in which the design is to be registered must be specified in the application and the article(s) to which it is to be applied. There are separate applications which need to be filed for each class of article.
- The controller will give the application for examining it so as to check whether the design is capable of being registered or not. If everything seems perfect then the controller will accept the application and proceed further.

- If there is any objection, then the applicant or his agent will be asked to make necessary amendments so as to register the design and nullify the objection.
- If the objection does not get removed within three months after the hearing, the application will be withdrawn and it must be noted that

### Application for registration of designs

The application for registration of designs is given under Section 5 of the Design Act, 2000.

- The controller registers a design under this Act after verifying that the design of any person, claiming to be the proprietor, is the new or original design not previously published anywhere and is not against any public policy or morality. Provided that such a design should be capable of being registered under this Act.
- The applications under the Act shall be filed in the Patent Office in the prescribed manner along with the prescribed fee for filling the form.
- The design should be registered in a specific class and not in more than one class. In case of any doubt regarding the class in which the design should be registered, the Controller will decide the matter.
- The controller may even reject any design and not register it. In such a case, the person aggrieved may file an appeal before the High Court.
- If any application is not complete within the prescribed time limit owing to the fault of the applicant then it shall be abandoned.
- A design when registered shall be registered as of the date of the application for registration.

A wide variety of items that can be registered under the Act include cutlery, dresses, etc.

### Items that cannot be registered as a design under the Act

- Signs, emblems or flags of any country.
- Size of any article, if changed.
- Structures and buildings.
- Integrated circuits' layout designs.
- Trade variations.
- Any principle or mode of construction of any article such as labels, tokens, cartoons, cards, etc.
- Books, calendars, certificates, jackets, forms-and other documents, greeting cards, maps and plan cards, postcards, leaflets, stamps, medals, dressmaking patterns.



- A mechanical contrivance.
- Workshop alterations of components of an assembly.
- Parts of any article which is not manufactured and sold separately.

### Duration of the registration of a design

The total time for which a design can be registered is 15 years. Initially, it was 10 years, which could be extended for another 5 years by paying a fee of Rs. 2000 to the Controller but it should be done before the expiry of that 10 years period. The proprietor of any design may even file an application as soon as the design gets registered for such an extension.

### Appeal for cancellation of the registration of a design

The registration of any design can be canceled anytime after it gets registered by filing a petition for such cancellation in *Form 8* along with a fee of Rs. 1,500 to the Controller.

The grounds for such cancellation are as follows:

- The design has been already registered in India previously.
- It has been published in India or somewhere else before the date of registration.
- The design is not original or new.
- It is not registrable under the Act.

### Entitlement of registration under design act 2000

According to the Design Act of 2000, a proprietor who wants to get his design registered and it is original and is not published previously anywhere in any country and the one which does not seem to be clashing to any law and order of that country, can file an application for getting the design registered. A proprietor includes the persons who:

- Is the author of the design;
- Has acquired the design for a valid consideration and
- Anyone to whom that design has been devolved from the original titleholder.

In case if there is more than one author of the design, then the design must be applied by the joint authors.

### Copyright in registered designs

After the registration of a design, the proprietor shall have the copyright of the design for 10 years from the date of registration.

If you want to extend the copyright period for the second period of 5 years then before the expiry of the original said ten years an application must be filed in the Controller's office along with the prescribed fee.

### Protection under Design Act:

The Designs Act only protects registered designs not the unregistered designs. Hence, fashion designers who have not duly registered their designs cannot get the benefits of the Act. It is pertinent to note that a fashion design, which is a trademark, cannot get protection under the Designs Act.

Further, The Designs Act 2000, is so drafted to permit protection of the non-functional aspects of an object, having visual appeal, such that design that include the features of shape configuration, pattern, ornament or composition of lines or colours applied to any two dimensional or three dimensional or on both forms. Such a design right remains in force for a period of ten years, extendable subject to conditions, for a total period of 15 years.

Section 22 of The Design Act states that in the case of piracy of a registered design, the infringer shall be liable to pay the registered proprietor of the design a sum not exceeding Rs25,000 (\$451) recoverable as a contract debt; if the proprietor elects to bring a suit for the recovery of damages for any contravention of the rights conferred to him and for an injunction against repetition of it, damages may be awarded and the person may be restrained by injunction.

The design registration system in India is time bound and the fastest of all IP registration procedures. Moreover, in view of the resources invested in creating a new design, the registration procedure is economical and cost effective. Once registered the proprietor enjoys monopoly and exclusive rights not only against copies of the protected design, but also against substantially similar products<sup>9</sup>

### PIRACY OF A REGISTERED DESIGN

Infringement of a copyright in design is termed as Piracy of a registered Design. It is not lawful for any person during the existence of copyright to do the following acts without consent or license of the registered proprietor of the design-

- (a) To publish or to have it published or expose for sale any article of the class in question on which either the design or any fraudulent or obvious imitation has been applied.
- (b) To either apply or cause to apply the design that is registered to any class of goods covered by the registration, the design or any imitation of it.
- (c) To import for the purpose of sale any article belonging to the class in which the design has been registered and to which the design or a

<sup>9</sup> <https://www.candcip.com/fashion--ip>



fraudulent or obvious imitation thereof has been applied<sup>10</sup>.

A distinction is made between fraudulent and obvious imitation. The only common factor between the two is that both should be imitations. Thus even in the case of fraudulent imitation the design applied must be an imitation of the registered design. In a fraud the imitation has been made with the intention to deceive another person with the knowledge that what is being done is a violation of the other persons right. Where, therefore, fraudulent imitation is established even if the imitation is rather clumsy and not obvious, the Court will declare it as an infringement of copyright in the design. There must be exact duplication, an imitation of the registered design. Nothing less than imitation is sufficient to establish piracy<sup>11</sup>.

**A. Test to determine infringement-**

The court has to determine whether the alleged infringement has the same shape or pattern and must eliminate the claim of similarity due to similarity of functions, e.g. similarity of functions would result when two articles have same shape due to the inherent nature of goods, two pens will necessarily be similar in having an ink tube, a cap and nib for writing. This element of functional similarity is to be eliminated. The Judge has to look at the two articles and check out their similarities and differences and through the eyes of person with average intelligence see whether the defendant's article is substantially different from that of the plaintiff<sup>12</sup>.

**B. Judicial remedy-**

The judicial remedy for infringement of a registered design recommended in the Act is damages along with an injunction. Section 22(2) stipulates remedy in the form of payment of a certain sum of money by the person who pirates a registered design. A suit in the appropriate manner for seeking the relief in the form of an injunction is also recommended<sup>13</sup>.

**C. Jurisdiction of the Court-**

A suit under section 22 is to be instituted in a District Court or a High Court depending upon the quantum of damages claimed. The provisions of this section do not exclude action for passing off and for rendition of accounts. A person complaining infringement of his

design can certainly ask for accounts from the defendant to show the profits earned by the defendant which would be the loss sustained by him which he could claim as damages. A suit for injunction restraining infringement of registered design and for rendition of account is, therefore, maintainable only when filed in the appropriate court<sup>14</sup>.

**D. Burden of proof-**

The general principle of law is that the party making the charge, i.e accusing another party of an act has to establish the occurrence of such an act. The burden of proof is thus on the plaintiff who brings an action to establish the fact of piracy of his design.

**E. Defences which may be set up by the Defendant-**

In a suit for infringement, a defendant may present evidence and argue the following defences-

- (a) The plaintiff has no title to sue. He may question whether the plaintiff is a registered proprietor of the design or his duly authorized agent or licensee.
- (b) The design is not entitled to protection. Disentitlement to protection can be pleaded on the grounds that the design has been previously registered in India; it has been published in India prior to the date of registration; the design is not a new or original design.
- (c) The plaintiff's own conduct is tainted in law. Law expects the party approaching its doors to approach with clean hands.
- (d) Delay and acquiescence- The institution of the suit within a reasonable time after the discovery of the infringement is expected of the plaintiff. The unreasonable delay in institution of the proceeding would amount to Acquiescence on the part of the plaintiff to such an infringement. Acquiescence of piracy is a reasonable ground to deny the plaintiff any of the reliefs prayed for.
- (e) The Copyright on a design is limited by time, the defendant on proving the expiry of period of registration is entitled to use the design and the plaintiff is not entitled to any relief.

**CASE LAWS ON VIOLATION OF DESIGNS-**

A.C Footwear Co. vs Deiem (India) Pvt Ltd, (2006) 32 PTC 91

<sup>10</sup> Law relating to Intellectual Property- Dr.

B.L. Wadehra

<sup>11</sup> Ibid.

<sup>12</sup> Law relating to Intellectual Property- Dr.

B.L. Wadehra

<sup>13</sup> Ibid

<sup>14</sup> Ibid



The subject matter of dispute was the design in respect of the sole of the shoe which had been registered with the Controller of Patents and Designs, Calcutta. It was the submission of the petitioner that design ought not to have been registered in view of the dual plea; firstly that the design had been previously registered in India and secondly, the design was not a new or an original design. The plea raised by the respondent was that the petitioner was pirating the design of respondent no.1 which was original. Moreover, there was prior registration of design in favour of another company. Both the designs appeared to be practically identical. The direction was given for cancellation of registration of designs.

Britannia Industries vs Sara Lee Bakery, 2001 PTC 23 (Mad)

Britannia industries filed a suit for interim injunction restraining the respondent from committing the acts of piracy of the applicant's registered design of its biscuits by the manufacture of the impugned product 'Milk Wala' 'Milk cream biscuits' bearing the design which is identical with or similar to applicant's design. The Court held on facts, that the main features in both the biscuits are not substantially same in the eyes of the customer, namely, children. Therefore, there is no infringement by the respondent in respect of the Designs Act.

Texla Metals and Plastics Pvt. Ltd. Vs Anil K. Bhasin, 2001 PTC 146 (Del)

The court held that the concept of a new or an original type of design is relatable to the publication of such a design or its availability to the public in India. The court further held that if the contention that the defendant has received brochures from Malaysia, Korea and Japan with regard to such goods, the mere receipt of such brochures would amount to publication of such designs within India.

Escorts Construction Equipment Ltd Vs Action Construction Equipment Pvt Ltd, 1999 PTC 36(Del)

The Delhi High Court had occasion to interpret this part of the definition (as contained in the Designs Act, 1911). This case was concerning the alleged illegal copying of a design by the respondent of Pick-N-Carry Hydraulic Self Mobile Cranes manufactured by the plaintiff. Though the case was not directly coming under the Designs Act, the Court examined whether the said design was capable of registration under the Designs Act. After examining the definition of design

under the Act, the Court held that the design in question was incapable of registration. According to the Court the definition made it amply clear that the primary object of the Act was to protect shape and not function, or functional shape. "The expression 'design' does not include a method or principle of construction or features or shape or configuration which are dictated solely by the function which the article to be made in that shape or configuration has to perform." Rejecting the contention of the plaintiff who claimed protection of certain specific parts of the crane, the Court held: "The aforesaid parts of the crane are made in a particular shape so as to interrelate with others mechanically. These parts of the crane are not made to appeal to the eye but solely to make the crane work or function. Most of the key components or parts, unseen in the crane for which they were required, had only to pass the test of being able to perform their function. They would be judged by performance and not by appearance. Consequently, the aforesaid key components or parts are incapable of being registered as designs".

In *Disney Enterprises Inc. v. Prime Housewares Ltd.*, the international registration of industrial designs became a matter of conflict in India. A Mumbai based company Prime Housewares used to manufacture characters like Mickey Mouse, Donald Duck, etc. a suit was filed by the Disney enterprises for the infringement of their international registered designs.

The court held that the plaintiff's trademark is protected but not the designs under the Indian law. An order was passed by the court for the infringement of the trademark of the enterprises. The Indian company was asked to deliver all the infringing material to the enterprises so that it could not be used further.

In the case of *Bharat Glass Tube Limited v. Gopal Gas Works Ltd.*, the respondents (Gopal Glass Works) had registered their design for diamond-shaped glass sheets and had a certificate of the same. The appellants started using this design for marketing. These designs were made in collaboration with a German company.

After knowing that the appellants are using their design, they moved to the Court. The appellants contended that the respondents' designs were not new since the German company had been using it since 1992 and it was already published in the U.K. Patent Office so it lost its originality. When the matter went to the High Court on appeal then it restored the designs to the respondents. When the matter reached the Supreme



Court, it upheld the decision of the Calcutta High Court.

## CONCLUSION

A design is something that catches the eyes of the consumers. The design itself may not be of much use to the consumers yet the uniqueness or attractiveness may tempt them to purchase it. The more unique the design, the better are the chances of demand increasing. Manufacturers are ever willing to come up with something new that meets the eye in order to push their sales right up. The strong competition among various manufacturers benefits the consumers in the end as they enjoy a variety in products offered by different manufacturers.

However it cannot be forgotten that the creator of the design has spent a whole lot of time and money in preparing the design, and it is certainly unfair if the design is copied and put to use by others without the knowledge and permission of the creator. Companies invest large sums in research and development of products coming up with innovative and useful designs. Therefore the protection of the industrial designs becomes very important in today's times when such designs are prone to copying.

In India, the Designs Act, 2000, is a legislation meant to protect industrial designs. A design to be registerable under the Act, must be of some shape, configuration, pattern or ornamentation or composition of lines or colours applied to such article in any form by any industrial process or means. However it does not include any mode or principle of construction or anything which is in substance a mere mechanical device and does not include any Trade or Property mark or artistic work. In order to get statutory protection under the Designs Act, 2000, the design has to satisfy the definitional requirements of Section 2(d).

The products which have a unique appearance or a pattern or design can be registered under the Act. The main aim of law, hence, is to promote innovation. Design being intellectual property, what law is concerned when it comes to an industrial design is the ornamental or aesthetic aspect of a product.

In the International sphere the Hague Agreement is an international registration system which offers the possibility of obtaining protection for industrial designs in a number of States and/or intergovernmental organizations by means of a single international application filed with the International Bureau of the World Intellectual Property Organization. Hence under this agreement the need to have a series of applications in different countries is done away with. Under the The Locarno Classification a list of classes and subclasses along with an alphabetical list of goods in which industrial designs are incorporated, with an

indication of the classes and subclasses into which they fall and explanatory notes are prepared. The advantage of the Locarno Classification system is that there is an industrial design-specific classification system. Hence industrial design searches are much simpler both at the national and international level. The Paris Convention covers a wider aspect of industrial property like patents, marks, industrial designs, utility models, trade names, geographical indications and repression of unfair competition.

In case of any infringement of any designs registered under the Designs Act, 2000, the judicial remedy is damages along with an injunction. Section 22(2) stipulates remedy in the form of payment of a certain sum of money by the person who pirates a registered design. Thus a suit may be filed in the appropriate Court and appropriate manner.

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