



Design Patents

Oftentimes, the design of a product or innovation can be of great value, and consideration should be given to how best to protect this asset as part of a company's intellectual property portfolio. Design patents (known as industrial design rights in many jurisdictions) protect the ornamental appearance of an article or manufactured product, which includes the distinct configuration, shape, and/or surface ornamentation. In addition to protecting physical articles, design patents can also be obtained to protect the appearance of graphical user interfaces, effectively protecting the user experiences of innovative software.

Design patent protection can protect against counterfeits and competing products that can potentially direct sales revenue to competitors and damage a company's brand. Compared to utility patents, design patents are generally granted more quickly and with lower investment. Utilizing design patents as part of a sophisticated IP portfolio strategy may be advantageous for some businesses.

Our dedicated in-house patent illustration capabilities enable our attorneys and clients to work closely together to capture the essence of designs in the form of skilled patent illustrations. Utilizing SolidWorks®, AutoCAD®, Adobe Illustrator® and Photoshop®, we produce accurate design illustrations that comply with the United States Patent and Trademark Office requirements and anticipate the requirements of foreign patent offices.

For over 90 years, COJK has assisted clients in the U.S. and around the world to obtain and enforce these valuable IP assets. COJK attorneys actively participate in intellectual property trade groups to influence U.S. design law and to stay current on global trends. We assist clients in identifying and protecting their product designs as part of a comprehensive IP strategy, to add depth and value to their IP portfolio.

We obtain and enforce design patents for clients in a broad range of technologies and industries, including apparel, automotive, electronics, footwear, medical and cosmetic devices, packaging, pest control, software, sporting goods, textiles, tools, toys, and various other consumer products.

COJK attorneys assist clients with:

- Preparing and prosecuting design patents in the U.S., including leveraging expedited examination and other mechanisms to accelerate issuance
- Developing foreign design patent/industrial design right portfolios through our network of trusted foreign counsel and Hague Convention filings
- Enforcing design patents in federal court, including obtaining injunctions and damages
- Implementing anti-counterfeiting campaigns
- Defending clients accused of design patent infringement
- Representing clients in administrative proceedings before the Patent Trial and Appeals Board
- Assessing freedom to operate (FTO), design landscape, patentability, and validity
- Obtaining broadening reissues