

CASE STUDY 2

Bombo Stool versus Tango Stool

In *Magis v Furniture Craft International*, ACID supported member designers Magis.

Magis designer Stefano Giovannoni had created the Bomba stool, but an 'impostor' stool, the 'Tango', apparently identical apart from its low price, appeared on the market, undermining the whole business plan (according to ACID, from concept to market Magis had invested £500,000 in the Bombo).

ACID could have pursued the case under designs law, but decided instead to use the stronger protection of copyright law (on the basis that Bomba was a work of 'artistic craftsmanship'), to seek an injunction to stop sales of the Tango; to deliver up and destroy any Tangos; and to seek damages.



According to ACID CEO Dids Macdonald,

'Copyright is a longer lasting right than other unregistered design rights and protects more features (for example, surface decoration would be excluded under UK unregistered design right), and there are certain exclusions which are not part of copyright law but which apply to industrial designs. In the absence of a registration, copyright is a more effective right than other unregistered rights and can be enforced in other jurisdictions more easily.'

Currently there are no criminal sanctions available for design infringement, but there are moves a foot to get this changed

<http://www.acid.uk.com/>

against copying in design