



3D Printing and issues relating to Intellectual Property

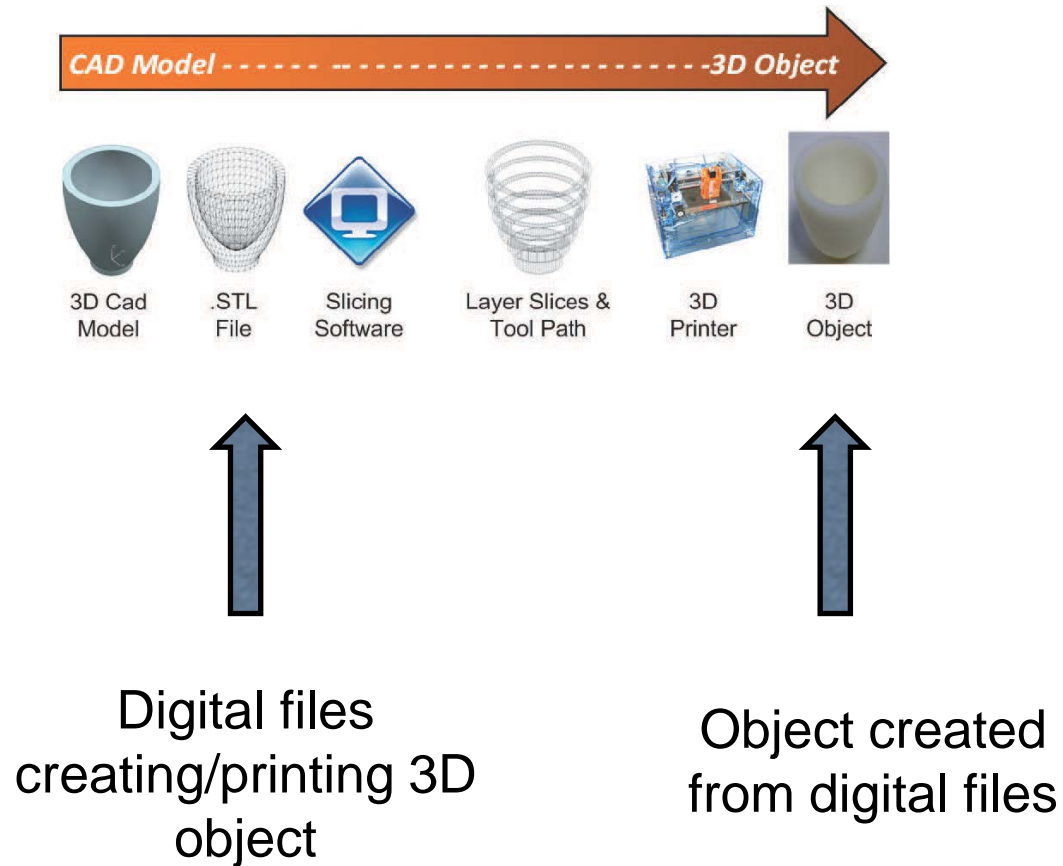
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3D printing



Range of IP rights

- > Copyright
- > Designs
- > Patents
- > Trade Marks (not covered)
- > Common law rights/Consumer law (not covered)



Copyright

- > exclusive right to author reproduce, publish and communicate artistic works (70+ years)
- > Protection of object if an “artistic work”
- > Digital files if sufficient amount of human effort put in (vs algorithmic).



Infringement of copyright

- > Reproduction of object by 3D printing



- > Sharing digital blueprint of object? – authorisation by owners of platforms of file sharing sites?



Designs

- > Protects “visual features” – shape, configuration, pattern and ornamentation of a product
- > “new and distinctive”
- > 10 year protection



Infringement of Design



- > make, hire, use, import a product that is "identical or substantially similar" in overall impression to the subject product or authorize a person to do so

- > Printing a object covered by a registered design would constitute infringement

- > Sharing digital blueprint files?
 - > there is no third party authorization provision
 - > Digital files are not a "product" under *Designs Act*



Take home message



- > Copyright protection is lost for unregistered designs that have been applied industrially (>50 times in AU or overseas)
- > Register design and don't rely copyright protection



Patents



- > Once an invention has a patent granted, it is an infringement of that patent to do or authorize any person to:
 - > Product - make, hire or sell or import the product
 - > Method or process – to make hire or sell product resulting from use of method



Patent Infringement



- > Infringement of patent relating to object by making, hiring, selling or importing the object
- > Therefore infringement of patent by 3D printing object
- > Digital file sharing – authorization and perhaps contributory infringement – supply of digital file with instructions to use or print



QUESTIONS

