

PRACTICAL MEASURES TO PROTECT THE FOOTWEAR DESIGN

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Sometimes design is the added value that highlights the difference between competitors; especially when production costs and the final price of the product can be higher than those of rival companies. Similarly, compared with other intangible rights, in the market design represents the companies' reality. The current legal system perceives industrial design as a mere creation of a *singular* character, understood as the difference between pre-existing designs, and does not take into account originality and its artistic and aesthetic value. In line with today's reality, non-registered designs are given three-year full protection against copying starting from their launching into the market, and registered designs have 25-year protection, visibly speeding up formalities for granting, abolishing examinations and allowing those interested to apply instantly for registration on OHIM and SPTO's web sites. The registration ownership belongs to the company if developed by an employee or by a third party employed by the company. Co-ownership, transfers, licensing and design lien are also provided for. Alongside these measures, the Commercial Court has been created to deal exclusively with this issue. It has established oral procedures that help resolve problems, with the possibility of using preventative, coercive and compensatory measures for an effective safeguard for industrial design.