

DESIGN PROTECTION & DESIGN PATENTS

In the crowded marketplace, product design is often the biggest differentiator between a company and its competitors. It is no accident that the top global companies are also design leaders in their respective fields. At Hodgson Russ, we understand that design protection should be a key part your intellectual property strategy.

Our attorneys take a creative approach to protecting product design by balancing design patent, copyright, and trade dress rights to build a robust intellectual property portfolio for our clients. We help clients protect against literal knock-offs and protect individual features of a product that may be incorporated into competitors' products. We also leverage continuing application practice to provide our clients the flexibility to capture the full scope of their designs.

Hodgson Russ attorneys regularly use design law to help clients obtain protection on products that can be difficult to protect with utility patents. For example, our attorneys routinely use design law to protect “functional” articles, consumables, incremental product improvements, packaging, and software—including animated images, graphic user interfaces, and computer-generated icons.

We also assist clients in protecting their designs globally by working with a network of experienced foreign law firms to coordinate strategies for international design protection—including taking advantage of the Hague System for the International Registration of Industrial Rights. We have the know-how to deal with the variability of foreign design protection schemes to protect our clients' interests in foreign markets.

Experience

Defended design patent infringement action involving jewelry designs for several large jewelry manufacturers and distributors.

Hodgson Russ intellectual property attorneys manage a large and growing medical device patent portfolio for a designers and developer of medical products. The portfolio includes patents and patent applications in Europe, Asia, South America, and the Middle East.

Hodgson Russ intellectual property and litigation attorneys defended a manufacturing client in a patent infringement lawsuit involving automated fabric-cutting machines. Our attorneys prepared strong non-infringement positions early in the litigation to help our client reach an early and favorable settlement.

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Hodgson Russ intellectual property attorneys handle U.S. patent and trademark filings for a well-known German manufacturer of microscopes and related systems. The relationship is now more than two decades old.

In the News

Why Tesla Is Taking a Big Risk by Opening Up Its Patents
LXBN TV, July 23, 2014

Press Releases

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*
Hodgson Russ Press Release, August 19, 2022

Hodgson Russ Receives Top Tier National and Metropolitan Rankings in 2022 Best Law Firms Listings
Hodgson Russ Press Release, November 15, 2021

Publications

Federal Circuit Set to Rehear Case En Banc Impacting the Longstanding Test for Design Patent Obviousness
Hodgson Russ Design Protection & Design Patents Alert, August 9, 2023

Comment: Loosening the Grasp of Restriction by Allowing Multiple Claims in Design Patents
Buffalo Law Review, August 2020

Hague to Break It to You: International Design Applications Are Not a Silver Bullet for Multijurisdictional Protection
Intellectual Property & Technology Alert, May 13, 2015

Supreme Court Raises Bar for Patents in KSR
Buffalo Law Journal, May 31, 2007

Presentations & Events

Intellectual Property Protection & Enforcement: Protecting Your Most Valuable Assets
Hodgson Russ, 140 Pearl Street, Buffalo, NY 14202, October 12, 2023

Buffalo Niagara Manufacturing Alliance Lunch and Learn
September 26, 2023

Dive into Intellectual Property
UB North Campus, 330 Student Union, Buffalo, NY 14228, September 18, 2023

Nathaniel Lucek Mentors and Judges at North Country Regional Business Plan Competition
North Country Regional Business Plan Competition in Saranac Lake, April 24, 2023

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Ranjana Kadle, PH.D., Guest Lectures at University at Buffalo
November 14, 2022

What Nordic Companies Need to Know to Protect Their Intellectual Property Interests in the U.S.
November 8, 2018

Update: America Invents Act
New York, NY, February 7, 2012

In re Bilski's Impact on Patent Protection
Buffalo, NY, September 2, 2010