

## **ID5 Project Proposal**

**Title:** 3D Printing and Industrial Design Protection  
**Lead Office** Korean Intellectual Property Office  
**Introduced** ID5 Midterm Meeting (June 25, 2018)

---

### **Background**

A 3D printer, a digital device to print out 3D objects, can manufacture a variety of products including toys, drugs, clothes and foods. The increasingly pervasive spread of low-cost and high-performance 3D printers allows general consumers to access transformative digital manufacturing technologies. As a result, anyone can readily duplicate any type of items by using a 3D CAD file, which can lead to design infringement. Nevertheless, neither 3D printer users nor design right owners fully understand 3D printing issues such as whether 3D printing constitutes infringement or what kind of infringements concerning 3D printing can take place.

Against this backdrop, it is necessary to understand how the ID5 Partners protect industrial design rights concerning 3D printing under their current systems in order to enhance the predictability of registration.

### **Project Definition**

The “3D Printing and Industrial Design Protection” Project is to compare the scope of industrial design protection among Partners in relation to the undertaking at different stages of the 3D printing process.

The 3D printing process, which may cause design disputes, can be divided into the following steps.

Step 1 : Create and store a 3D printable file

Step 2: Transmit, sell and transfer a 3D printable file

Step 3: Manufacture a duplicate by using a 3D printable file (for a private use)

Sept 4: Sell and trade a duplicate created by using a 3D printable file

This project will look into whether the undertaking at the abovementioned four steps of the process is protected under the current law applicable to the respective jurisdictions of the Partners. The project is expected to produce a catalog summarizing information such as whether 3D printable files are included in the definition of an industrial design and whether creating and transmitting 3D printable files constitute industrial design infringement.

The structure and format of the catalog will be decided through discussions among the Partners and the Partners may contribute to the project on a basis of their national laws. The lead Office will prepare the structure of the catalog and final proposal reflecting feedback from Partners.

## **Project Scope**

### *In scope:*

- Establish the project structure to compare regulations concerning industrial design protection in relation to 3D printing
- Outline the project scope and receive feedback from the Partner Offices
- Draft a project brief based on feedback from the Partner Offices
- Submit the final project proposal by reflecting the feedback at the 2019 Annual Meeting
- Publish the project result for users on the ID5 Website

### *Out of scope:*

- The purpose of the project is not harmonizing the Partners' different design

protection systems such as legal definitions and protection requirements.

- This project has no legal binding effect as it is only to provide information and enhance understanding of Partners' systems.

### **Desired Outcome**

This project is to understand the need to cooperate to protect future designs in the rapidly changing trading environment by examining design infringement issues in relation to the increasingly rapid spread of 3D printers.

### **User Benefits**

This project will help users understand the industrial design protection scope of the Partners concerning design infringement caused by 3D printing by looking into contentious industrial design protection issues related to 3D printing.