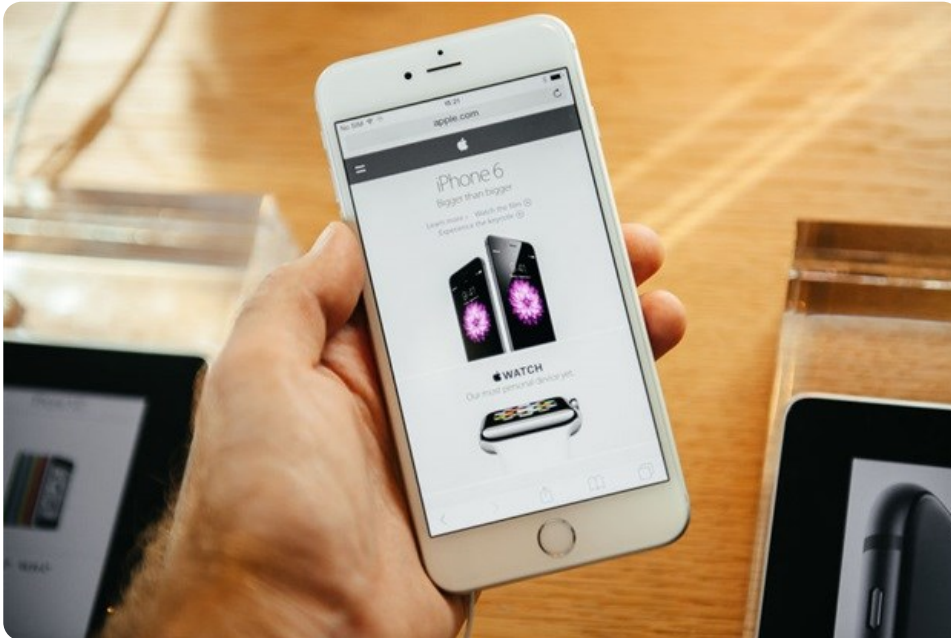


Top designers back Apple in Samsung patent appeal

WASHINGTON, USA: More than 100 global design professionals on Thursday, 4 August 2016, offered support Apple in its long-running patent design battle with Samsung, now before the US Supreme Court.



© adrianhancu – 123RF.com

The group, which includes US fashion designer Calvin Klein, Nicolas Ghesquiere of the French group Louis Vuitton and renowned German industrial designer Dieter Rams joined an amicus brief supporting Apple's contention that Samsung's \$548 million penalty for infringing on a design patent should stand.

The case is expected to result in a landmark decision on whether total profits from an unlawfully copied design should be assessed as a penalty, in the first major design patent case at the top US court in over a century.

The amicus brief filed on behalf of design professionals, researchers and academics said they have no financial interest in the case but argue on the basis of "fundamental principles of visual design."

They cite precedents like the Coca-Cola bottle, which is an integral part of the value of the product, according to the brief.

"The history of industrial design and the experience of America's most profitable industries demonstrate that a product's visual design becomes the product itself in the mind of consumers," they argued.

"It is the design of a successful product that embodies the consumer's understanding of and desire to own and interact with it."

Other signatories of the brief include Bentley Motors designer Stefan Hans Sielaff, Terence Conran of Conran Holdings and fashion designer Alexander Wang.

The arguments run counter to those offered by many in the technology industry, who claim that upholding the award will only encourage frivolous suits filed by "patent trolls" that make no products.

A brief filed earlier this year by Google, Facebook, eBay, Dell, Hewlett-Packard Enterprise and others said allowing the award to stand "will lead to absurd results and have a devastating impact on companies... that spend billions of dollars annually on research and development for complex technological products and their components."

The tech firms argued that awarding a design patent holder the total profit from an infringer's product when the design covers only a relatively minor portion of the product "is out of proportion with the significance of the design and out of touch with economic realities."

A California jury ruled that Samsung had infringed on the US firm's patent for the iPhone, including for its design, in smartphones made by the South Korean giant.

The Supreme Court in February agreed to hear the case, opening the door to reducing the hundreds of millions of dollars damages owed in the blockbuster patent case between the world's biggest smartphone makers.

The justices will not reconsider Samsung's guilt, but will look at whether the penalty was excessive for copyright infringement of certain electronic components.

Samsung last year agreed to pay Apple some \$548 million, pending the outcome of the appeal.

But Samsung argued that \$399 million of the penalty was excessive because it was based on the premise that "Apple was 'entitled to' those entire profits no matter how little the patented design features contributed to the value of Samsung's phones," according to the appeal brief.

Source: AFP via I-Net Bridge

For more, visit: <https://www.bizcommunity.com>