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# Design Patents

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Design patents protect the new, original and ornamental design of manufactured products. That is, design patents protect the appearance of an article of manufacture, rather than the functionality of the article, which is the province of utility patents. When the look of an invention is important, a design patent is a potent form of protection.

Design patents are often an under-utilized form of intellectual property protection. For the right type of invention, where appearance distinguishes a product from others in the marketplace, a design patent is an excellent way to curtail the competition. Design patents can also be used where trade dress product configuration is difficult to enforce, or as a strategy to supplement the protection of a utility patent.

There are virtually no limits on the types of articles of manufacture that could benefit from design patent protection and filings have increased over the years. Since a design patent can provide similar intellectual protection advantages as any other type of patent, it can be used as a strategy when products are niche or a quicker patent is desired.

Significantly, design patents have an additional remedy for infringement that is not available for utility patents. In addition to the usual patent damage remedies that may be available, such as a reasonable royalty or lost profits, the United States Patent Act specifically provides for potentially obtaining an infringer's profits as damages for design patent infringement. This unique aspect of design patents adds to their strength in an infringement action.

Volpe Koenig has obtained design patents for clients in many diverse industries. Our attorneys also assist clients with screening for infringing design patents and damages that are recoverable for design patent infringement.

Our professionals have extensive experience with many technologies and industries including:

- cell phones

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## Related Industries

Computer Technology Software  
and Business Methods

Consumer Products and  
Services

Electrical Technology and  
Components

Life Sciences and Chemistry

Material Sciences and

- clothing
- computer icons
- computers and printers
- consumer products
- containers
- electrical components
- footwear
- furniture
- home goods and housewares
- industrial equipment
- jewelry
- motor vehicle components
- pet products
- sporting goods
- surveillance cameras
- toys
- wheels
- writing implements

Metallurgy

Mechanical Technologies

**Global Experience**

Asia Pacific

Europe

Middle East and Africa

North America

South America

**Blog Posts**

Design Patent Riddle Question: When is a Chair a Storage Bin? Answer:  
It isn't.

*Imagine That IP Law Blog, 09.13.2019*

\$400 Million on Hold Awaiting New Test for U.S. Design Patent  
Damages

*Imagine That IP Law Blog, 02.28.2017*