**Plagiarism**

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Copying is an essential part of the design process. This is done with more or less legality and ethical

acceptability depending on circumstance. The problems of protecting design from copyists have long been

acknowledged by the development of patent systems, which usually cover technologies and materials. In many

countries there are also design registration systems, which cover decoration and form; while there is copyright

legislation more generally. These systems are often nation specific and prove difficult to police. Moreover they

are all time limited. While they protect, they can also retard, preventing wide-scale dissemination and

adoption when their holders become protective.

Overriding patents by proving “prior art” was a significant part of early attempts to wrest control of

design away from its “owners.” A good example was the Michelin Brothers’ successful overriding of Dunlop’s

1888 patent for the pneumatic tyre in 1891, having found a long-forgotten patent for the same principle taken

out in 1845. Design registrations are more difficult to protect given the complications of decoration and form

not being a “principle.” A recent example is the “Trunki” children’s travel case in the form of a molded, hard

plastic animal on which a child could sit holding its “horns.” Here, a copyist introduced a similar case, but in the

form of an insect where the child held its “antennae.” Having reached the Supreme Court, the UK design

registration was not seen to protect the principle of a travel case in the form of a sit-on creature mounted on

wheels but just one that was held by its horns, not antennae or ears.

Plagiarism is further complicated by design that draws directly from exemplars, copying elements

and/or working “in the manner of” other design, a legitimate design practice without which design could

hardly exist. However, the term “plagiarism” assumes a level of deceit, which differentiates it from mere

copying. With the rise of globally branded, luxury consumer goods, it is commonly to be found in look-alike

products, such as wristwatches and fashion accessories, masquerading as the genuine branded product,

complete with trademarks. These are sold for a tiny fraction of the price of the genuine product and are now

freely available through the web and illegal street traders in major cities.

While a plagiarized mechanical wristwatch is unlikely to be of like quality to its genuine counterpart,

this is not the case with other goods where the added value is in the brand rather than the material or build of

the product. In such cases the plagiarist saves hugely by having no on-costs, such as showrooms, sales staff,

and extensive advertising and marketing.

Historically, plagiarism in design is also commonly found in nation-states which aim to develop their

manufacturing sectors. The first stages of this often involve the copying of already established products made

elsewhere, often at a lower cost. Political factors can legitimize plagiarism where there are rival nation-states

with limited trade links. A blatant example of this was a scheme carried out by the UK government during the

First World War where manufacturers were encouraged to put out direct copies of German consumer goods.

This was in the hope of encouraging home manufacture of products that had previously been dominated by

German imports. To exhibit the results a British Industries Fair was held in 1915 and thereafter became an

annual event, well after the scheme that founded it had passed into history. This scheme, as with most

examples of state-sponsored plagiarism, did not survive after being exposed to a free market.