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## May I 3D-print my designer sunglasses?

Category: News

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[Rz 1] According to the Gartner Group 3D consumer printing has already surpassed the peak of expected inflation.<sup>1</sup> Nonetheless, we anticipate that Santa Claus(e) will be delivering many 3D printers this year. And if you receive such a device: May you print a copy of your designer sunglasses for the coming skiing season?

[Rz 2] There are at least three areas in additive manufacturing<sup>2</sup> that touch upon intellectual property (IP): the blueprint of the original object, the manufacturing device (i.e. printer), and the reprinted object.

[Rz 3] The *blueprint* is a representation (e.g., drawing or CAD file) of the original object. It can be designed from scratch or derived from a scan of the original object by digitalising it. This blueprint is a protected work according to art. 2 para. 2 lit. d CopA<sup>3</sup>. The *original object* (e.g., sculpture) is also a protected work according to art. 2 para. lit. c CopA. If registered at an IP law office, the object might also be protected by (3D) trademark, design or patent. The *manufacturing device* itself contains a lot of IP. And the *reprinted object* is a copy of the work whose printing requires a license (art. 10 para. 2 CopA).

[Rz 4] Our law differentiates between four types of IP: copyright, trademark, design and patent. Copyright law protects intellectual creations with an individual character; trademark law<sup>4</sup> protects signs of goods and services; design law<sup>5</sup> protects the design of productions; and patent law<sup>6</sup> protects technical inventions.

[Rz 5] There are some fundamental differences between these rights: e.g., whereas copyright protection begins with the creation of the work, trademark, design and patent protection require registration at an IP office; whereas copyright, design and patent protection are limited in time, trademark protection can be extended infinitely.

Table 1: Selected criteria of IP rights

	Copy-right	Trade-mark	Design	Patent
Protec-tion	Work	Sign	Design	Inven-tion
Start	Creation	Registration		
Limit in years	70 (50)	$\infty \times 10$	5 x 5	20 (25)
Personal use	Permitted			

<sup>1</sup> COLIN BAKER, ZDNet.com, [tinyurl.com/kevywau](http://tinyurl.com/kevywau).

<sup>2</sup> 3D printing, or «additive manufacturing» is only one of many fabrication types, [tinyurl.com/q7g33qp](http://tinyurl.com/q7g33qp).

<sup>3</sup> Copyright Act, CopA, SR 231.1.

<sup>4</sup> Trademark Protection Act, TmPA, SR 232.11.

<sup>5</sup> Design Act, DesA, SR 232.12.

<sup>6</sup> Patents Act, PatA, SR 232.14.

[Rz 6] However, according to all four laws *personal IP use* is legal: art. 19 CopA explicitly stipulates this right except for software, and art. 13 TmPA, art. 9 DesA and art. 8 PatA (only) forbid commercial reproduction without a license, hence, personal use is permissible *e contrario*. This means you may print your designer sunglasses for personal but not for commercial use. Whether they will be of acceptable quality and whether the print will be affordable is arguable.

*Daniel Ronzani*