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Legal Designs: Danish Designers as Court-Appointed Experts and the Expansion of the Concept of Copyright

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In the three centuries that have passed since its introduction by the British Statute of Anne in 1710,[1] copyright law has been transformed from a narrow law regulating only the printing of books to a modern wide-ranging law that protects intangible property rights in the works of sculptors, jewelers, photographers, architects, cabinetmakers, software developers and numerous other types of people who are recognized to be creative. It has been acknowledged that their products or artifacts contain an intangible dimension that is protectable by copyright law.

An example of the expansion of this subject matter occurred in the early twentieth century in Danish copyright law when design became an object of copyright protection in Denmark. Recently, Danish lawyers have commented on the fact that, in copyright infringement cases involving applied art, Danish courts tend to accord an unimpeachable authority to the views of court-appointed experts.[2] Yet few have sufficiently recognized quite how important and influential these court-appointed experts have been. Strategically, they have been given the authority to inform judges and lawyers, and society at large, about both the principles of modernist aesthetics in design and the working practices of designers. It will be argued in this chapter that court-appointed experts, in particular experts

[1] (1709) Anne c. 19 (The Statute of Anne). The statute provided for "a sole Right and Liberty of Printing such Book and Books for the Term of One and Twenty Years" to stationers who had already had privileges in existing published works. Moreover, fourteen years of copyright protection was offered to "the Author of Any Book or Books already Composed and not Printed and Published, or that shall hereafter be Composed, and his Assignee, or Assigns." If the author was still alive after the fourteen-year term, a renewal was possible for a second period of fourteen years. For more on early British copyright, see Ronan Deazley, *On the Origin of the Right to Copy* (Oxford: Hart Publishing, 2004).

[2] Morten Rosenmeier, "Lawyers and Experts in Danish Copyright Infringement," in *Art and Law: The Copyright Debate*, ed. M. Rosenmeier and S. Teilmann (Copenhagen: Djoef Publishing, 2005), 75–83.

recruited from the circle of "Danish Modern" designers, have had a crucial impact on the direction of design copyright in Denmark—both on the scope of copyright protection of applied art, and on the very notion of "design" which deserves such protection. Three landmark cases from Danish law concerning copyright infringement in designs will be discussed, tracing a path from expert opinion statements to statutory law.

The Use of Court-Appointed Experts

The practice of appointing experts in copyright infringement cases (and in other legal disputes) is common in many national legislations today. In Denmark, the particular rules are formulated in the Administration of Justice Act,[3] which goes back to 1916, although the practice can be traced back several hundred years.[4] Different countries have different traditions and processes for appointing experts. In the US, for example, it is common that the parties to a case appoint their own experts to give testimony. Court-appointed experts are, as the name indicates, assigned by the court itself to provide it with the objective views and evaluation of an expert in the subject matter of the dispute. In Denmark, appointments take place at the request of any of the parties to the case, and one or more experts may be appointed.[5] In practice, the parties themselves often agree to propose a specific expert. If the parties cannot agree the court either elect one or ask a relevant professional association to provide one with the appropriate expertise.[6] Typically, experts' accounts are presented as written statements to the court; cross-examinations may also take place in court. The remuneration of experts is determined by the court.

[3] The Danish Administration of Justice Act, Consolidated Act No. 809 of the Danish Ministry of Justice (14 September 2001), Chapter 19.

[4] Possibly to Danske Lov of 1683.

[5] The Danish Administration of Justice Act, § 196 (1).

[6] In design infringement case today, the professional organization Danske Designere (Danish Designers) is frequently consulted in order to identify suitable experts.

Applied Art as an Object of Copyright

In Denmark, applied art seems to have been first introduced as an object of copyright by the 1902 Act on Authorial and Artistic Rights. An earlier law of 1864—granting a ten-year exclusive right to the originator of works to be used as prototypes in the production and decoration of articles for everyday use—had been allowed to lapse.[7] The 1864 law had allegedly lapsed because such works would now fall under copyright law. However, the 1902 act failed to live up to this implicit intention, as demonstrated by a Supreme Court decision of 1907. The decision concerned a blue-fluted china coffee pot designed by Arnold Krog (1856–1931), who was one of the most important designers in the history of The Danish Royal Porcelain Factory (today: Royal Copenhagen) (see figure 4.1).[8]

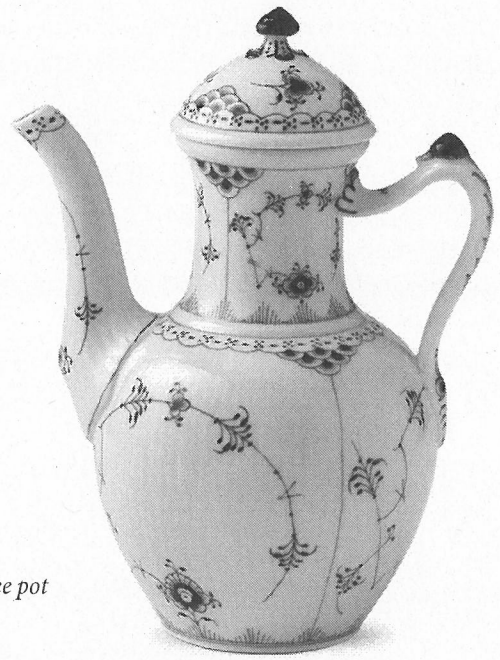

FIGURE 4.1.
Blue fluted china coffee pot by Arnold Krog.

[7] Lov om Eftergørelse af Kunstarbejder, 31 March 1864.

[8] For further discussion of this case, see Stina Teilmann-Lock, "What Is Worth Copying Is Worth Protecting: Danish Modern and the Shaping of Danish Copyright Law," in *Scandinavian Design: Alternative Histories*, ed. Kjetil Fallan (Oxford: Berg Publishers, 2012), 35–48.

According to the ruling of the Supreme Court, Krog's coffee pot did not qualify for copyright protection:

> The plaintiff's pot, according to its description as ordinary industrial ware, the foremost purpose of which is practical usage, cannot be considered a work of art in the sense wherein this expression is used in the Act of 19 December 1902 § 24.[9]

The fact that the coffee pot had a practical use was deemed to disqualify it from copyright protection. If this were to set a precedent, all applied art would routinely be excluded. However, the Danish parliament reacted promptly.[10] An amendment to the act was made, stating that:

> According to this act, original artistic works intended to be prototypes for industrial art and handicrafts, as well as the objects created on the basis of such works, are to be considered works of art whether or not these are produced individually or in a larger quantity. The right according to this act is valid for any type of reproduction, when it requires mediating artistic work as well as when the reproduction takes place by purely mechanical or chemical means, and whether or not the reproduction takes place with a purely artistic purpose or with an industrial purpose or to serve a practical use.[11]

Thus it was written into the Danish Act on Authorial and Artistic Rights that even if a work was made for practical use, this should not in itself

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[9] U.1907.619, 621.

[10] The Supreme Court, in fact, had included the following unambiguous message to the Danish parliament in the judgment: "There being no explicit provision in the act of 19 December 1902, there are no grounds for classifying industrial goods within its framework, their production—as is the case with the coffee pot that this lawsuit concerns—being undertaken, with however much artistry, for practical use and with the aim of mass production." U.07.619, 621.

[11] Lov om ændret Affattelse af § 24 i Lov om Forfatterret og Kunstnerret (Amendment of 28 February 1908). The text of § 24 of the 1902 Act on Authorial and Artistic Rights (as amended in 1904), which was being replaced, had had the following wording: "An artist has, according to the restrictions of this act, the sole right to publish or sell or let be published or put up for sale reproductions of his original work of art or of parts of it. This is so when the reproduction requires mediating artistic work as well as when the reproduction takes place by purely mechanical or chemical means."

exclude it from copyright protection. Even so, the fact that function is a defining feature of a work of applied art continued to make courts hostile to the idea of extending copyright protection to applied art. And it was precisely by reconciling the functional and the nonfunctional—or the applied arts and the fine arts—that court-appointed experts wielded immense influence over the direction and expansion of Danish copyright law in the twentieth century.

The Influence of Design Experts

This reconciliation was achieved when the Danish Copyright Act of 1961 specifically defined "applied art" (*brugskunst*) as an object of protection.[12] To get to this point the circle of "Danish Modern" designers had been working scrupulously and insistently for decades in order to explain to the legal establishment what was to be understood by "applied art."[13] In particular they had introduced a way of viewing a work of applied art as a synthesis of function and aesthetics. Importantly, they had familiarized courts with the artistic idiom of functionalism, which categorically denies any distinction between form and function, famously in slogans such as "form follows function."[14]

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[12] Lov om ophavsretten til litterære og kunstneriske værker (31 May 1961) § 1. The Danish term "*brugskunst*" is modeled on the German "*Gebrauchskunst*."

[13] Applied art had been introduced as a potential object of protection in the Berlin Revision of the Berne Convention (1908). However, the Berne Convention had left it up to individual national legislations to decide on the extent of copyright protection of design. Cf. Article 2(7): "Subject to the provisions of Article 7(4) of this Convention, it shall be a matter for legislation in the countries of the [Berne] Union to determine the extent of the application of their laws to works of applied art and industrial designs and models, as well as the conditions under which such works, designs and models shall be protected. Works protected in the country of origin solely as designs and models shall be entitled in another country of the [Berne] Union only to such special protection as is granted in that country to designs and models; however, if no such special protection is granted in that country, such works shall be protected as artistic works."

[14] The saying originates from an article by the architect Louis Sullivan: "It is the pervading law of all things organic, and inorganic, of all things physical and metaphysical, of all things human and all things super-human, of all true manifestations of the head, of the heart, of the soul, that the life is recognizable in its expression, that *form ever follows function*. This is the law." Louis Sullivan, "The Tall Office Building Artistically Considered," *Lippincott's Magazine* 57 (1896): 403–9.

In 1908 (as discussed above) Danish statutory law began to offer protection to works "intended to be prototypes for industrial art and handicrafts" and made "with an industrial purpose or to serve a practical use." Yet this should not be taken in itself to imply that the status of applied art under copyright law would be secured. As the historical development in United States copyright law serves to illustrate, a different route might well have been taken had it not been for the lessons in functionalism supplied by design experts in Denmark. The United States Copyright Act of 1909 had introduced "works of art models or designs for works of art"[15] as a type of subject matter. Initially, works of industrial art with utilitarian purpose were banned from copyright protections. However, a regulation of 1917 stipulated that, if copyright had been registered in artistic drawings, these may "afterwards be utilized for articles of manufacture."[16] Accordingly, it became possible to register copyright in works of applied art. Later United States copyright law adopted the term "works of artistic craftsmanship" to further ensure that what might rightly be considered a "work of art" under copyright law should be recognized as such even if the work might also serve a useful purpose.[17]

However, the direction taken in United States law has been significantly different from that of Danish copyright law. A number of decisions by United States courts—in which the question of copyrightability of applied art remained unresolved—led to the adding of the "useful article doctrine" to the Copyright Act of 1976.[18] Thus, today, under US copyright law, applied art falls under the "useful article doctrine," which denies copyright protection to any utilitarian element of a design. In the definition of pictorial, graphic, and sculptural works in the 1976 act, which includes works of "applied art," it is specified that,

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[15] Copyright Act of 1909, Pub. L. 60-349, 35 Stat. 1075, Sec. 5 (g). The 1909 act repealed the Copyright Act of 1870, which had limited protection to "a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts." § 86, Copyright Act of 1870, 16 Stat. 198, in *Primary Sources on Copyright (1450–1900)*, ed. Lionel Bently and Martin Kretschmer, www.copyrighthistory.org.

[16] Copyright Office, *Rules and Regulations for the Registration of Claims to Copyright*, Bulletin no. 15 (1910), cited in Richard P. Sybert and L. J. Hulley, "Copyright Protection for 'Useful Articles,'" *Journal of the Copyright Society of the U.S.A.* 54, no. 2–3 (2007): 422. See this article for a discussion of the history of copyright protection for applied art in the United States as well.

[17] See Sybert and Hulley, "Copyright Protection for 'Useful Articles,'" 422.

[18] See the discussion of the cases in ibid.

> Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.[19]

Insofar as a work has a "practical use" (which, by definition, is always the case in a work of applied art) it will be denied copyright protection unless the artistic expression of the work can be extracted and identified as an independent artwork. In other words applied art (in particular applied art with a modernist artistic idiom) is barred from copyright protection in the United States. In a nutshell, this was the situation in Denmark in the early twentieth century. However, court-appointed "design experts" made sure that it did not remain that way.

After the introduction of the 1908 amendment to Danish copyright law, a number of cases that concerned applied art were heard by various courts. In some cases[20] works of applied art were found to be copyrightable: silver jewelry,[21] a lamp shade designed by the Danish functionalist Poul Henningsen (1894–1967)[22] and, indeed, Arnold Krog's coffee pot along

[19] 17 United States Code title § 101, definitions. The whole text states that: "'Pictorial, graphic, and sculptural works' include two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, diagrams, models, and technical drawings, including architectural plans. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article."

[20] Note however: U.1924.251H concerning a bottle opener shaped as a sea horse. On this case, see the Danish Arts & Crafts Association report *Kunstnerret: Kunsthaandværk og Kunstindustri* (Copenhagen: G. E. C. Gads Forlag, 1943).

[21] U.1913.760.

[22] U.1930.376Ø. Poul Henningsen was a prominent architect, designer, script writer, art critic, and social reformer in Denmark in the mid-twentieth century. As a designer he had won great acclaim for his multishade glare-free lighting system at the International Exhibition of Modern Decorative and Industrial Arts held in Paris in 1925. He later developed a series of lamps on the basis of his glare-free lighting system. The lamps (for example, PH5, the Artichoke

with other pieces from his blue fluted tea and coffee set. In 1926, the Royal Porcelain Factory once again sued a market rival for copyright infringement, and this time it won the case.[23] However, court members continued to put up remarkable resistance to the new type of subject matter of copyright law. For instance, in the Arnold Krog case in 1926, the Supreme Court voted only narrowly in favor of copyright protection for the pot, with five votes in favor and four votes against.[24]

In 1935 two experts of modern design were faced with a critical challenge. What have since become icons of modernist design—Thonet-Mundus's tubular steel furniture, including Mart Stam's S 33 chair and Marcel Breuer's chairs B 32 and B 64 (now renamed as S 32 and S 64) (see figure 4.2)—was the object of a copyright dispute that was eventually taken to the Danish Supreme Court.[25]

FIGURE 4.2.
Marcel Breuer's chair S 32 (1929/30).

Lamp and the Cone Lamp) are still produced by Louis Poulsen A/S and their huge popularity in Denmark has remained undiminished since the 1920s. See http://www.louispoulsen.com.

[23] U.1926.251H.

[24] See Per Håkon Schmidt, *Teknologi og Immaterialret* (Copenhagen: GAD, 1989), 58.

[25] For a discussion of litigation over the same chairs in Germany, see Otakar Máčel, "Avant-garde Design and the Law: Litigation over the Cantilever Chair," *Journal of Design History* 3, no. 2–3 (1990): 125–43.

The design experts—one of them, Kay Fisker (1893–1965), a professor at the School of Architecture at the Danish Academy of Art and a key figure of Danish modernist architecture[26]—presented their view of applied art to the court:

> Nowadays the artistic task in designing an article of everyday use such as a steel chair consists in giving it as simple a shape as possible; taking into consideration, on the one hand, the material and its technical utilization and, on the other hand, the most functional shaping of the article. By contrast, the conception of art of former days consisted in putting the chief emphasis on the ornamentation of the article whereby a large amount of slackness and crudity could be concealed. The chairs from the Thonet-Mundus factory possess by dint of their elegant and seemingly matter-of-course simple lines and the practical positioning of the seat, back, arm rest and so forth precisely such qualities [of functional shaping] and ought therefore to be regarded as works of art as defined by the law.[27]

Fisker summarized the modernist notion of successful design as something which unites its aesthetic and the utilitarian purpose, as something whose artistic originality is not merely ornamental. As such, Fisker stresses the artistic idiom, the elegance and the simple lines of Breuer's works as the fulfillment of modern aesthetic ideals. The first court ruled to affirm this modernist view of the aesthetics of applied art.[28] The Supreme Court, however, took a different stance on chair design:

> [T]he pieces of furniture presented by plaintiff were all very simple models and the shapes that they had been given were naturally and technically motivated by the material and their intended use. The attractive form which has resulted does not imply such artistic characteristics that render the furniture as works of industrial art according to § 24, article 3 of the Act on Artistic and Literary Rights.[29]

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[26] Kay Fisker is known for a series of prominent apartment blocks in central Copenhagen, including "Dronningegården" (1942–43) and "Vestersøhus" (1935) as well as Aarhus University (1932–43).

[27] U.1935. 695, 697.

[28] Similarly in U.1930.376Ø.

[29] U.1935. 695, 698.

According to the ruling, the aesthetic appeal of the furniture was not considered to be the result of artistic endeavor. Courts had not yet acknowledged the lessons of the functionalists and the Supreme Court in particular remained hesitant. This situation remained for decades to come.[30] However, the introduction of the 1961 Copyright Act indicated that a significant change had taken place. "Applied art" was defined as an object of copyright protection. Crucially, the Danish Arts and Crafts Association had ensured that the 1961 act would contain a specific formulation determining whether an article of everyday use was to be subject to protection under copyright law. A white paper dated 27 April 1961 declared, wholly in accordance with a modernist or "functionalist" aesthetics of design, that

> emphasis ought to be placed on whether the article is an artistic creation which fulfills the usual requirements for a work as defined by the law. In that case it ought to be protected without taking into account its practical purpose, even when the consideration of the functionally appropriate design played a decisive role in the shaping of the article.[31]

By 1961 the modernist aesthetic ideal of a synthesis between form and function had been heeded. A work of applied art was to be viewed purely in terms of the originality of its artistic expression regardless of its utility. From that time, in line with this turn in copyright law, Danish courts more or less have granted copyright protection when experts consider that a work of applied art is "original." Thus, for example, a set of saucepans, a drinking bowl for dogs, a coffee mill and a washing-up brush have all been found to qualify for copyright protection, in each case, on the basis of experts' opinions.

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[30] See, for example, U.1954.170Ø and U.1956.237/2H.

[31] "Betænkning om lovforslag om ophavsretten til litterære og kunstneriske værker m.m.", *Folketingstidende* 1960–61, Tillæg B, Sp. 628f.

The Tripp Trapp Case

A remarkable test of the power of modernist aesthetics in the court room took place in 2001. This concerned the so-called Tripp Trapp adjustable wooden high chair for children, designed by Peter Opsvik and first marketed in 1972 (see figure 4.3).[32] Importantly, the chair's construction had been protected by a patent from 1974 until the patent expired in 1994 (twenty years is the maximum term of patent protection in all countries). After the patent lapsed, the designer would have to rely on copyright protection to secure his exclusive right to the characteristic design of the chair.[33]

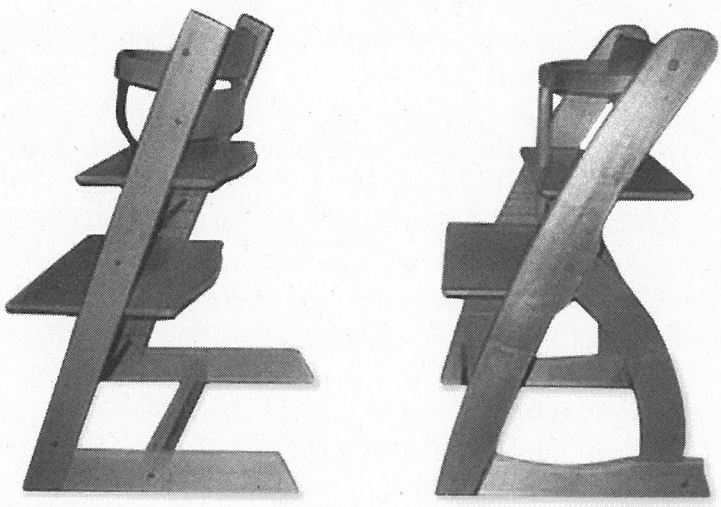

FIGURE 4.3. *Tripp Trapp high chair (left) designed by Peter Opsvik and the 2-step chair (right) produced by the Tvilum Møbelfabrik.*

[32] See further discussion of the case in Stina Teilmann-Lock, "'Much More Than a Highchair™': A Cultural-Legal Case Study of the Tripp Trapp Chair," in *FLUX: Research at the Danish Design School*, ed. Anne Louise Sommer et al. (Copenhagen: The Danish Design School Press, 2009), 142–49.

[33] Copyright infringement cases concerning the Tripp Trapp have also been heard in Germany and Norway.

In the 1990s a rival furniture maker marketed its "2-step chair," a chair resembling the Tripp Trapp. Peter Opsvik and Stokke, the manufacturer of the Tripp Trapp, sued the furniture maker, Tvilum Møbelfabrik, for damages. The case, *Peter Opsvik and Stokke Fabrikker* v. *Tvilum Møbelfabrik*,[34] was first heard by the High Court of Western Denmark. According to the plaintiff, the design of the 2-step chair infringed copyright. To be sure, the appearance of the 2-step chair was rather similar to that of the Tripp Trapp, except for few deviations including a curved stiffening piece, which did not have any counterpart on the Tripp Trapp, as well as a number of curved sides and cross pieces where those of the Tripp Trapp were straight. Yet some degree of similarity between the chairs was inevitable simply because the 2-step chair was based, quite legally, on the constructive principle of the Tripp Trapp, whose patent had lapsed.

Three experts were appointed by the court to evaluate the differences between the two chairs. The most prominent of the experts was the renowned furniture designer Rud Thygesen, who is himself the creator of a series of classic Danish Modern pieces, many of which are exhibited in design museums around the world.[35]

The decisive question was whether it would be possible for anyone to make use of the Tripp Trapp construction (which after the lapse of the patent was freely available) without simultaneously replicating and thus infringing the copyrighted design of the Tripp Trapp. The experts observed that the design of the Tripp Trapp was very closely tied to its purpose. They argued that the design of the chair was "conditioned by its technical function."[36] Yet this "technical function" had been protected only by a patent. (It is remarkable, in the 1970s, a decade after the 1961 act, that the Tripp Trapp's producers still considered patent protection to be more appropriate than copyright protection. Patents must be applied for and the registration process is usually long and costly, whereas copyright protection comes without formalities.) The old arguments were rehearsed and the courts (which seemed to ignore the 1961 act) attempted to make a

[34] U.2001.747H.

[35] Rud Thygesen, in collaboration with the designer Johnny Sørensen, is the originator of a large number of wooden chairs and tables, some of which can be found in the collections of MOMA in New York and the Victoria and Albert Museum in London.

[36] "Betænkning om lovforslag om ophavsretten til litterære og kunstneriske værker m.m.," 751.

conceptual distinction between those aspects of the chair that belonged to its aesthetic quality and those that belonged to its purely "technical functionality." As one would anticipate, this argument was entirely unacceptable to the experts. They argued that, in such a simple design as that of the Tripp Trapp, function and form were in effect indistinguishable, and that "no further designerly components could be found in the chair other than those dictated by function."[37]

On the basis of the experts' report, the High Court decided that the Tripp Trapp was indeed an original work and thus deserved protection under copyright. However, they declared that the 2-step chair did not infringe the copyright of the Tripp Trapp. The court held that, since both chairs were constructed according to the same technical principles, there would inevitably be a limited range of variations possible in their design and that considerable similarity was unavoidable.

The plaintiff (the manufacturer and designer of Tripp Trapp) appealed and the Supreme Court of Denmark overruled the decision. While affirming that the Tripp Trapp was a copyrightable work, it also found that there had in fact been infringement. The Supreme Court claimed that what mattered was simply the fact that the 2-step chair *copied* the Tripp Trapp. Rather than basing its ruling on any positive properties of similarity or deviance, it was the causal relation between the two chairs that was deemed to be incriminating. Summing up the view of the experts, the Supreme Court declared that "the Tripp Trapp possesses a pioneering design, while the 2-step chair has been generated by copying, without any independent skill or effort."[38]

Conclusion

The Tripp Trapp ruling was the culmination of a century of modernist design aesthetics promoted in "experts opinions" in Danish courts. Practical use was once enough to exclude works of applied art from copyright protection outright; today the Supreme Court accepts that function

[37] Ibid.
[38] Ibid., 758.

and form in a chair may be indistinguishable. Copyright is allowed to expand accordingly. Yet the law has not arrived at this conclusion by making observations and judgments from a position of detachment and sovereignty. Rather, judges have had to listen patiently while experts have explained both the aesthetic and technical principles of modern design—and insisted on their indivisibility in this particular epoch.

It is to be expected that if designers are allowed a say as to whether design is to be protected by copyright, their answer will be in the affirmative. To be sure, as has been argued in this chapter, the Danish systematic use of designers as court-appointed experts in copyright infringement cases has expanded copyright considerably in the realm of design. However, as one commentator has pointed out, the "grant of copyright protection itself is not, and should not be viewed by artists, artisans, designers, or manufacturers, as a governmental statement of artistic merit or legitimacy."[39] There is no doubt that the quest for artistic recognition has guided the argumentation of the Danish design experts. At present, this pursuit has been carried across to the United Kingdom where the repeal of Section 52 of the Copyright, Designs and Patents Act 1988 carries the intention to make the term of protection of designs as long as the term of protection of fine art.[40] To a large extent, the drive for the extension came from Danish (and Italian) design manufacturers, who were campaigning for such an equal status for design—and designers—under copyright law.[41] However, the desirability of importing the Danish approach to the United Kingdom is debatable. The difficulty with copyright protection of design is its potential for restricting the making of fair followers: in Denmark this problem has been resolved by narrowing the scope of protection. If an equivalent measure cannot be found in the case of UK law, design protection may in fact come to work to the disadvantage of designers by stifling new work.

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[39] Barbara Lauriat, "Copyright for Art's Sake?," *European Intellectual Property Review* 36, no. 5 (2014): 275.

[40] Enterprise and Regulatory Reform Act 2013 c. 24, http://www.legislation.gov.uk/ukpga/2013/24/enacted

[41] "Copyright Protection for Designs: Impact Assessment," 15 May 2012, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31970/12-866-copyright-protection-designs-impact-assessment.pdf.