

HOW AICO PROTECTS ITS DESIGNS FROM INFRINGEMENT

February 10, 2010

Larry Rinaldi, President of Amini Innovation, Corp. (“AICO”), doesn’t believe in the adage “imitation is the sincerest form of flattery.” Designing product for its clients is a challenging creative process that AICO performs exceptionally well. Rinaldi exclaims, however, that infringement of its designs is distracting, costly and frustrating, which explains why AICO devotes its attention and resources to protecting its proprietary rights. Rinaldi and I discussed AICO’s furniture design program and how it keeps the pirates at bay. For an outline of possible legal protection for your designs see my previous posts [here](#) and [here](#).

1. *Describe AICO’s furniture design process:* AICO has an internal design committee headed by its founder Michael Amini, and also utilizes an external exclusive design firm. They find inspiration by attentively observing their surroundings and also by studying trends and consumer likes and dislikes – essentially designing the product from the outside in as ultimately the customer dictates the design. Demographics, psychographics, style and price segmentation, marketing tools, and discussions with dealers and others individuals of influence round out the process. They strive to innovate through unique design, components and materials with a laser-like focus on ROI since the primary measure of success is retailer and consumer purchases and satisfaction. It takes approximately six months from concept to final sketches and another six months for commercialization. The final step is to assist the retailer in visualizing the concept and furniture by depicting it in an actual showroom setting.

2. *What legal protection does AICO seek and why:* AICO seeks copyright, design patent and trademark protection for most but not all of its products. They protect as much product as possible as a shield to ward off potential infringers as well as a sword to prosecute infringers if necessary. This is especially vital today in light of AICO’s licensing relationship with Jane Seymour. Rinaldi feels AICO’s actions against infringers have proven that it will vigorously protect its designs, which has scared off many potential infringers. But he warns that AICO remains ever vigilant as the market always breeds a new batch of “bad guys.” He believes that some retailers are unaware that they are pushing the ethical and legal envelope when they ask for a product on the market to be “reinterpreted” because they can’t otherwise sell the original due to price or distribution constraints. Rinaldi believes its important to protect the integrity of its designs to ensure that consumers are getting the quality and product that they bargained for. AICO doesn’t employ a “police squad” to track infringement but is alerted about an infringer from reps, partners, dealers, and by keeping a watchful eye on the internet.

continued...

3. *What action do you take against an infringer:* AICO usually starts with a Cease and Desist letter before it commences a lawsuit. If the infringer relents then AICO will seek to settle the matter outside of court. If the infringer refuses to cease selling a protected design by, for example falsely claiming it's in the public domain, AICO will take action to protect its rights and seek monetary damages. It's a subjective decision process but has worked for the company -- AICO currently has approximately forty litigations and settlement agreements with manufacturers, distributors and others. AICO, for example, points to its lawsuit against Collezione Europa where the judge has ruled that the principals of Collezione are to be included as defendants in AICO's infringement action against the company.

4. *Rinaldi's Parting words:* Rinaldi feels that retailers and internet providers have a responsibility to their customers to ensure that the customer is purchasing the "real deal." A race to the lowest price point through knockoffs and counterfeits will further commoditize furniture product to the detriment of the entire industry.

5. *My parting words:* Successfully designing, marketing and selling its products is the first vital step in AICO's business plan. However, relentless protection of its designs ensures the continuation of AICO's successful enterprise.

Please share your thoughts and experiences on either side of this issue by commenting below or emailing me at jcohen@ctswlaw.com or jcohen@homefurnishingslaw.com.

Y. Jerry Cohen, Partner

C | T | S | W

Cohen Tauber Spievack & Wagner P.C.

420 Lexington Ave., Suite 2400

New York, New York

(212) 586-5800

jcohen@ctswlaw.com

jcohen@homefurnishingslaw.com