



## Seven Tips for Clearing a Product Design

### 1. Identify comparison designs:

- Ask design, marketing, or business contact for “most similar” designs.
- Review websites, including those of competitors and market leaders.
- Review intellectual property databases.

### 2. Analyze each comparison design for trade dress issues:

- Might it have secondary meaning?
- Are any of the features functional?
- Likely to confuse consumers with respect to the proposed design?
- What modifications can be made to decrease the likelihood of confusion?

### 3. Any patent markings on the comparison design or packaging? If so, conduct patent search and analysis.

### 4. Any logos or word marks on the comparison design or packaging? If so, conduct trademark search and analysis.

### 5. Any creative designs or patterns of concern on the comparison design? If so, conduct copyright search and analysis.

### 6. Think practically:

- Is the owner of any comparison design aggressive?
- Is the proposed design intended to be used on a highly visible or long-term product?

### 7. Avoid placing bad news in writing. But print or save materials, especially from the Internet, for your files.