

SELF-REGULATORY DESIGN CODE OF PRACTICE

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INTRODUCTION

Aims of the self-regulatory code of practice.

The code of practice aims to protect designers, manufacturers, traders and consumers of design products from unfair competition which damages the originality of ideas and creative worth of products, with a particular focus on counterfeit goods. The code of practice penalizes all activity which is in disagreement with the above-mentioned aims, which is not prosecutable under current Italian legislation; the regulations of the code of practice wish to provide a foundation for self-regulation within the design sector.

In order to ensure the application of the regulations and principals of the code of practice ASSICOR stipulates the formation of, according to article 8 of its own statute, a suitable technical body hereinafter Jury. the self-regulatory design code of practice is binding for companies participating in trade shows organized by organizations or companies which have subscribed to the code of practice. Moreover, the code of practice shall be binding for all those whom in their business relationships make an express reference to the code of practice

Definitions

For the uses of the code of practice the term "design" indicates the invention, planning and/or the manufacturing, including industrial manufacture of, products, instruments, machinery as well as parts and accessories of the afore-mentioned items in keeping with a cogent aesthetic shape and not necessarily in keeping with the proposed function of the product. The term product includes any design output whatsoever as outlined above. The term "consumer" indicates any person whomsoever purchases, or in all cases uses, a design product.

Modifications

Any eventual modifications to the present code of practice and its related regulations may be carried out by the managing board of Assicor, in the case the modifications are approved by a two-thirds majority.

REGULATING BEHAVIOUR

Article.1

Protecting creativity against counterfeit goods

All unfair exploitation of the creative invention of others and counterfeit goods shall be avoided. This ban is also extended to good sectors which are not direct competitors.

Article. 2

Consumer protection against misleading goods

Moreover, counterfeit goods and the systematic exploitation of the shape, outline, materials, and color of goods designed by others shall be avoided, in particular when the afore-mentioned characteristics are recognizable trademarks of another manufacturer. Especially, and to be dealt with severely, in the cases where such counterfeiting is realistic enough to mislead consumers as

to the actual origin of the products.

Article. 3
Legitimization of action

Designers, manufacturers, traders and consumers of design products, who in the carrying out of their work become aware of any counterfeiting as outlined in article 1 and 2 may demand that the Jury takes action required by the case.

Article 4
Preventive depositing of designs

As a preventive measure against the behavior outlined in articles 1 and 2 and in order to provide evidential proof, a design bank has been set up at the secretarial office of the Jury, according to the measures outlined in the implementation regulations.

Designs can be deposited at the bank also electronically, according to the procedures outlined in the implementation regulations.

Any designer or manufacturer whomsoever may deposit any plan, design or model whatsoever, with the sole aim of exhibiting it in any eventual future competition controversy, also in front of normal judicial authorities, which is punishable by the Jury.

Article 5
Priority at trade shows

The first exhibiting of a new model at trade shows and sector trade fairs is considered the equivalent of depositing the design at the design bank as outlined in article 4.

The related proof shall be governed by the procedures outlined in the implementation regulations.

PROCEDURES AND SANCTIONS

Article 6
Composition of the Jury

The Jury is made up of no less than 5, and no more than 20 members, who have been nominated by, according to Article 8, letter d) of the Statute, the managing board of Assicor from a shortlist of names provided by trade association organizations, trade fair organizations subscribing to the code of practice, the Italian Chambers of commerce associated with Assicor, chosen from amongst legal experts, as well as market, design and consumer experts.

The cases where membership of the Jury is incompatible with potential members current status are outlined in the implementation regulations.

Jury membership lasts up to two years and may be reconfirmed.

The Jury is chaired by an Assicor pro term president. Once the Jury has been set up, the Jury shall nominate, from amongst its members, a national co-coordinator. The national co-coordinator shall preferably be chosen, from the members of the Jury who are design experts.

Article 7
Principals for judging

The members of the jury shall carry out their duties as their conscience dictates and shall in no way represent the interests of particular trade categories.

The jury members are required to maintain the up most discretion when carrying out their duties.

Article 8 Duties of the Jury

The Jury shall examine the controversies brought to its attention and judge them according to the present code of practice and the implementation regulations.

The Jury may, on the agreed request of the interested parties, set up a one-off referee commission to arbitrate a ruling. The president of the Jury shall establish the procedure on a case-by-case basis.

The Jury shall:

- a) express its judgment to the interested party who wishes to know whether their design product breaks, or does not break the regulations outlined in this present code of practice, in relationship with another existing design which has been expressly indicated;
- b) provide, upon request, consultancy support regarding the present code of practice, to the Italian Chambers of Commerce which have set up referee help desks and settlement services;
- c) guarantee to subscribing trade fair organizations, on request, watch-dog services during the shows organized by these organizations, in order to resolve any disputes which may arise during the afore-mentioned trade shows, covered by the matters governed by this present code of practice.

Except in the cases outlined in the present code of practice and the implementation regulations, the Jury shall carry out its duties without any prior established procedure.

Article 9 Headquarters and meetings

The headquarters of the Jury is based at Assicor

The Jury shall meet when summoned by the President who shall communicate the meeting at least 7 working days before the established date.

The minutes of the meetings of the Jury shall not be published.

The Jury is considered valid in the case where a third of the current members are present, including the president and where this is not possible the national co-coordinator.

The Jury shall decide based on a majority vote of those members present. In the case of a tie the chair's vote shall be decisive.

Article 10 Petitioning the Jury

Whomsoever believes that they have been harmed by the design and/or the products of other persons, which are assumed to have been produced in violation of the principals of the present code of practice may request the intervention of the Jury against the person who has allegedly committed the acts considered harmful, following the procedure outlined in the implementation regulations.

Article 11 Procedure of the Jury

Once the petition has been made, and except in the cases where there exists a different agreement between the interested parties, the Jury shall attempt to settle the dispute according to the procedure outlined in the implementation regulations.

Article 12 Watch-dog services at trade fairs

During exhibitions organized by subscribing trade show organizations, the Jury shall guarantee, on the express request of the organization or the company, a watch-dog service to resolve, via the

in-situ presence of an appropriate assessment committee, any disputes which might take place during the exhibition itself, connected to the disciplinary measures outlined in the present code of practice.

The assessment committee shall carry out not only the afore-mentioned duty, but also, on the request of interested parties, a product description and assessment service, according to the procedures and aims outlined in the regulations.

The trade fair organizations which wish to take advantage of the trade show watch-dog service shall oblige its exhibitors to subscribe to the complete acceptance of the regulations of the present code of practice and the implementation regulations and the decision made by the assessment committee whilst carrying out its duties outlined in first subsection above. Furthermore, trade show participants shall be committed to resolving definitively any possible disputes which the committee has expressed judgment according to subsection 1 above, making use of the settlement help desks set up at the Italian Chambers of Commerce.