

Abstract**A study on the Intellectual Property Right of Minimalism Design.**

Kim, Jong-kyun*

Lee, chul-nam**

Minimalism which emerged in Europe in about the 1900's, has greatly influenced world art movement and has been constantly reproduced. Mostly, Minimalist art and design consists of geometric shapes with no decoration, which is barely protected under the intellectual property rights. Basically, Industrial designs are protected under the laws such as the Patent Act, the Trademark Act, the Design Protection Act, the Copyright act or the Unfair Competition Prevention and the Trade Secret Protection Act. However, Copyright protection is generally not available to articles which have a utilitarian function. Article 5(2) 'Easy creation' of the Design Protection Act makes it harder for Minimalist design to get registered. Minimalist Design cannot be approved under the Trademark Act because its main features are not sufficiently differentiated. As it is regarded as a 'general form' design, it can not be protected under the Unfair Competition Prevention and Trade Secret Protection Act either. After all, creativity of Minimalist design is not approved and it is not protected by any laws currently.

It is hard to deny the creativity of Minimalist design in modern society; however many luxury goods or expansive brand companies mainly produce Minimalist design products. If these designs are not taken into account during the design process, management and designers that put time and energy into producing consumer samples will not be given credit for their hard work and ingenuity. In conclusion, Minimalist design should be protected as intellectual property as it would give more creative to design companies. To do this, the relevant laws and screening systems must be improved.

Keywords

Minimalism Design, Functional Works, Easy Creation, Well-Known Form, General form.

* KIPO, Trademark & Design Examination Bureau, Examiner / Deputy Director

** Chungnam National University, Lawschool, Professor