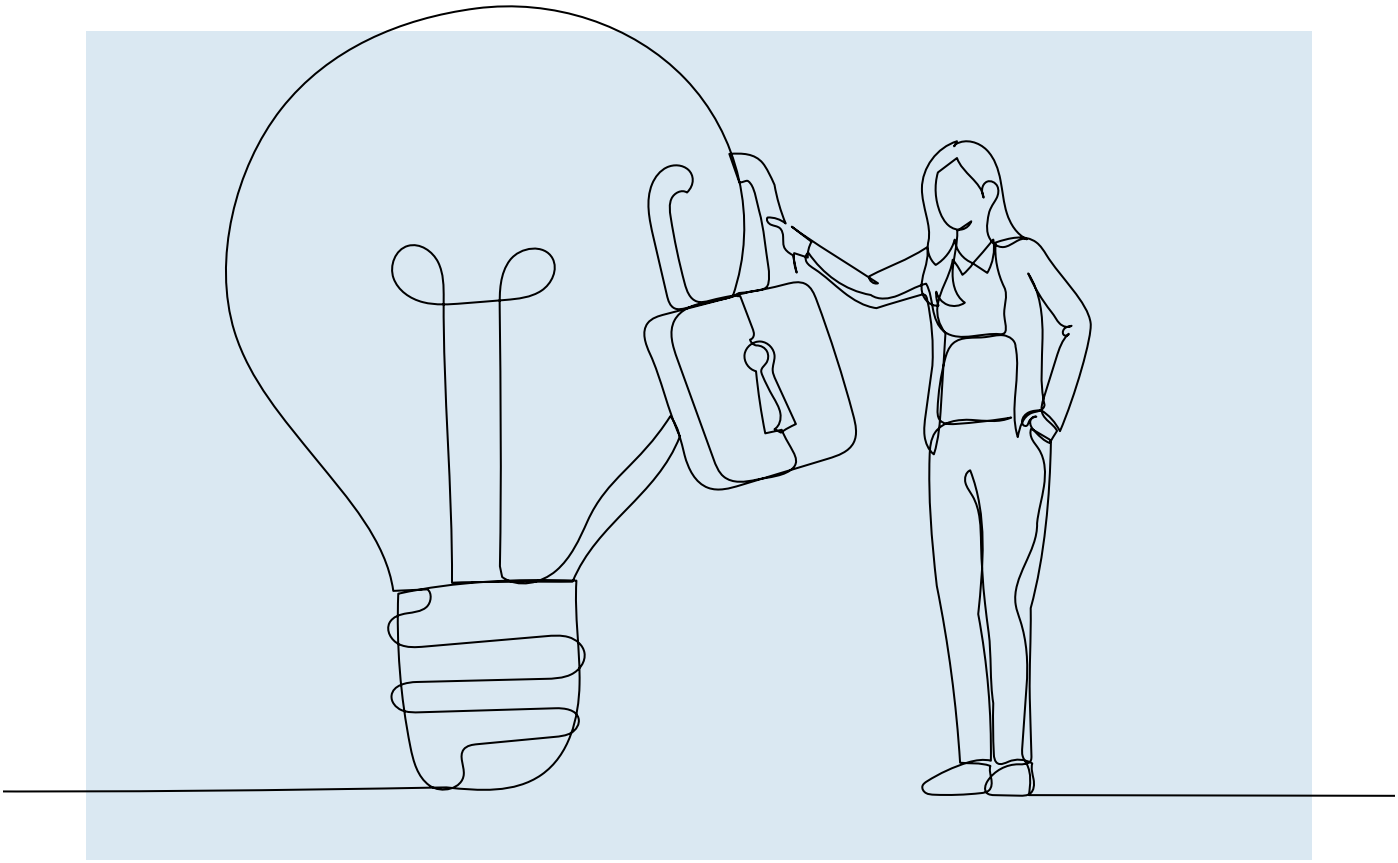
NAJ Guidance Note

DESIGN REPLICATION AND INTELLECTUAL PROPERTY

Version 1. June 2026.



Introduction

As a professional association committed to upholding legal standards and best practice in the jewellery industry, the National Association of Jewellers (NAJ) encourages members to respect Intellectual Property (IP) rights when designing, manufacturing, selling, and promoting jewellery.

This guidance helps members understand the legal and reputational risks associated with replicating existing designs and provides practical steps to minimise these risks. It also includes practical steps to help members protect their own designs and signposts NAJ member support.

This guidance is for general information and best practice. IP issues are often fact specific. If you are unsure, seek specialist advice.

The National Association of Jewellers

Supporting our members to grow their businesses profitably and responsibly.

NAJ Guidance Note:

Design Replication and Intellectual Property

The National Association of Jewellers

Understanding Intellectual Property in Jewellery Design

Jewellery designs may be protected under various UK intellectual property laws. Protection can arise automatically, but registering designs often provides stronger protection and makes enforcement easier. Registering key or high value designs, particularly signature pieces, can therefore be advantageous.

Jewellery designs may be protected under the following types of IP rights:

Copyright;(Copyright, Designs and Patents Act 1988) Copyright automatically protects original artistic creations, including both two dimensional and three dimensional jewellery designs. Functional aspects of jewellery are generally not protected.

Design rights; (Registered Designs Act 1949) Registered designs protect the visual appearance of a design, such as shape and ornamentation, and can last for up to 25 years if renewed.

Unregistered design rights arise automatically and protect the shape and configuration of a design for between 10 and 15 years. Functional features are not protected.

Trade marks and trade dress; (Trade Marks Act 1994) Trade marks and trade dress can protect distinctive design elements, branding, or product shapes that are strongly associated with a particular brand, for example well known branded jewellery designs.

Common Misconception; The myth of "three differences"

There is no legal rule that a design is safe if a certain number of features are changed. Courts look at the overall impression and how an average consumer would perceive the piece. If it remains recognisable as a copy, it may still infringe IP rights, even where modifications have been made.

Who May Be Liable for Infringement

Responsibility for infringement can extend to several parties:

- **Designers** – Must ensure originality and avoid closely replicating protected or well known designs.
- **Manufacturers and casters** – Should verify the originality of designs they produce; replicating well known designs can expose them to legal and reputational risk.
- **Retailers** – Can be liable if they knowingly sell infringing products or fail to carry out reasonable checks.

Best Practice Principles

The following ongoing behaviours help reduce IP risk:

- **Prioritise originality**
  Create designs that are clearly distinguishable from existing works. Maintain a design archive, train staff on IP basics, and use Non Disclosure Agreements (NDAs) when sharing concepts externally.
- **Maintain ethical standards**
  Where designs are inspired by cultural, historical, or traditional motifs, ensure proper acknowledgement and avoid misappropriation. Licensing may be appropriate where protected designs are used legitimately.
- **Take responsibility across the supply chain**
  Ensure all parties involved in design, manufacture, and sale understand their IP obligations.
- **Engage legal expertise early**
  Early advice can prevent costly disputes later.

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Due Diligence Checklist – Before Manufacture

Before producing a new jewellery design, members should follow these steps.

Step 1: Conduct IP searches

- Search registered designs and trademarks:
  - **UK:** UKIPO – design and trade mark searches; Find a registered design - GOV.UK and Search for a trade mark - GOV.UK
  - **EU:** EUIPO eSearch; EUIPO - eSearch
  - **Worldwide:** WIPO Global Design Database and Global Brand Database

Review competitor collections, trade publications, and online marketplaces.

Practical Tip Where possible, use reverse image search tools and social media scans to identify similar designs before production. This can provide an additional safeguard as part of your due diligence.

Step 2: Document your design process

- Record inspiration sources, sketches, and design iterations.
- Keep notes of internal reviews or legal advice.
- Register designs before public disclosure where possible.

Step 3: Supplier and manufacturer verification

- Obtain written confirmation from suppliers that designs provided are original.
- Avoid using supplied designs that appear to replicate protected pieces.

Step 4: Internal review

- Carry out an internal originality and risk review.
- Confirm:
  - No direct copying of protected designs
  - Ethical sourcing and cultural respect
  - Legal advice sought where uncertainty exists

Step 5: Redesign or withdraw if necessary

- If a design closely resembles a protected piece, consider substantial redesign or withdraw it before production.

Handling Client Requests to Replicate Designs

Clients may request pieces similar to existing or branded designs. In these situations:

- Clearly explain IP risks and legal limitations.
- Offer bespoke alternatives rather than near replicas.
- Keep clear written records of discussions.
- Obtain written confirmation that the client understands and accepts these limits.

Ownership of commissioned designs

- Unless otherwise agreed in writing, the designer typically owns the copyright or design rights.
- Use written agreements to assign or license IP rights where appropriate.

Protecting Your Own Designs- Practical Steps

The following light touch measures can help members protect and evidence their own designs without needing a legal deep dive.

- **Keeping good design records**
  Maintain dated sketches, CAD files, design iterations and key emails or notes showing how a design developed. Photograph prototypes, masters and finished pieces, and keep original image files where possible. A simple design archive can be invaluable if questions arise later.
- **Using registration and protection tools**
  Where appropriate, consider registering important or high value designs or trademarks. NAJ members can also use the NAJ Design Deposit Scheme to help evidence the existence of a design at a particular point in time.
- **Using written protections when working with others**

Use NDAs when sharing designs or concepts externally, such as with CAD providers, suppliers or collaborators. For commissioned or collaborative work, use clear written terms covering approvals and ownership or use of intellectual property.

Handling an Infringement Claim (If You Are Accused of Copying)

If a claim is made against you, consider the following steps:

- Review the claim carefully and understand what is being alleged.
- Seek specialist guidance early, as early advice can prevent escalation and unnecessary cost.
- Consider appropriate next steps, which may include redesigning, withdrawing or licensing a design.
- Be aware that selling platforms can vary in how quickly they respond to intellectual property complaints.

If You Think Your Design Has Been Copied

If you believe another party may be copying your design:

- Gather what evidence you reasonably can, such as screenshots, listings, dates and images.
- Be cautious about making direct allegations before taking advice, as IP disputes are often fact specific.
- Act promptly, as copied designs can spread quickly online and through supply chains.
- NAJ members can access support through Copywatch.

Copywatch – NAJ Member Support

NAJ members can access support through **Copywatch**, which has two parts:

Design Deposit Scheme (administered by the NAJ)
The NAJ Design Deposit Scheme allows members to deposit designs with the Association. This can help evidence the existence of a design at a particular point in time and create an audit trail showing when a design was created or first made available.

The Design Deposit Scheme is a member benefit administered by the NAJ. While it is not a legal registration, it can be a useful supporting tool if questions arise about the originality or timing of a design. NAJ members can submit their designs for free here.

Intellectual Property Support (via National Business Register)
The NAJ works with the National Business Register (NBR) to provide members with access to specialist intellectual property support. This includes early stage guidance and further assistance where members need help protecting their designs, brands, or creative assets.

Further details about Copywatch, the Design Deposit Scheme, and IP support available through NBR can be found here; Intellectual Property Services for NAJ Members

Copywatch is a member support service and does not replace independent legal advice. What is appropriate will depend on the circumstances of each case.

International Considerations

If selling or exporting abroad, check IP laws in target markets. Protection, enforcement, and time limits vary by jurisdiction, and some countries apply stricter rules. Specialist local advice may be appropriate for high value pieces.

Conclusion

Respecting intellectual property supports trust, reputation, and long term professionalism within the jewellery industry. By prioritising originality, ethical conduct, and careful due diligence, NAJ members can reduce legal risk and protect both their businesses and their creative work.

NAJ Professional Standards Definitions

The National Association of Jewellers

Code of Conduct

The NAJ Code of Conduct is a set of rules and standards based on honesty, integrity and professionalism that members MUST abide by. The honouring of this commitment to the Code of Conduct sets members businesses apart from others.

Code of Practice

An NAJ Code of Practice is a set of rules regarding a particular subject. Most often, these Codes of Practice are translations of existing UK law. A Code of Practice provides explanations of how to uphold the law. Members MUST follow these codes in order to remain legally compliant.

Guidance Notes

An NAJ Guidance Note is a document produced to help members better understand their obligations in various areas. Guidance Notes can be on various subjects and are not always based on a specific UK Law. Members are expected to follow these instructions as best practice, although there is no statutory requirement. Guidance notes will be considered by The NAJ Professional Technical Standards Group for elevation to a Code of Practice after a period of two years has elapsed since their publication.

Disciplinary Procedure

The NAJ Disciplinary process is a series of steps that the NAJ can take to address member behaviour that falls short of the expectations as set out in the Code of Conduct.

These documents are live documents and subject to continued review; they can all be accessed on the NAJ website here; Codes of Practice (naj.co.uk)

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NAJ Disciplinary Procedure Tree

