

# *Investigating Design: A Qualitative Study of Professional Designers*

*Mark McKenna and Jessica Silbey*

This is a qualitative study of professional designers and the organizational contexts in which they work. We are conducting dozens of long-form interviews of designers to learn from them the meaning of design work and the role of design process in contemporary innovative and creative businesses. Broadly, our goal is to understand how professional design work has evolved to encompass a combination of more traditional IP-rich fields, such as engineering, architecture, software and web design, product manufacturing, and graphic design. Within this broader inquiry, we consider: the structure of design firms and the difference between design work completed in-house and in consultancies; the nature of clients and client engagements; and the metrics of what counts as excellent design. Specifically, we aim to understand how professional designers conceive of the design process and product, which they describe in their own terms as feasibility, desirability, profitability and beauty. Largely explained as “problem finding” and “problem solving” by professional designers, the integration of form and function presents puzzles for intellectual property law (especially design patents and trademark law). Nonetheless, design clients harness IP to protect the output of professional design work for which they’ve paid, but according to our interview data, design professionals consider IP largely inapposite to evaluating excellent service.

Our paper for IPSC will identify the multiple variables from the interview data that delineate the categories of “design practice,” “design excellence,” the differences between brand and design, and the characteristics of a professional designer. Once these variables are identified, the next step will be to hypothesize the relationships between these variables and role of IP law and law reform initiatives to better calibrate IP law to the practices of creators and innovators today.

This study is important because, while design continues to increase in economic and legal significance, it has thus far not been systematically studied. The lack of information about design and the design process stands in relatively stark contrast to the growing body of evidence relating to other innovative and creative communities, and it makes informed policy-making impossible. We aim to fill the void by beginning to map the design community and the contexts of design.