

GUIDELINES FOR CUSTOMIZATION OF  
LOOKING GOOD - AN INTRODUCTION TO INDUSTRIAL DESIGNS FOR  
SMALL AND MEDIUMS-SIZED ENTERPRISES

Overall objective

- The main objective of customizing the guide is to make it suitable for providing specific guidance to SMEs based on national design law, regulations, practices, forms, fees, institutions, designs agents, other designs services, case law providers, court decisions, and the specific administrative procedures available in each country.
- While doing so, include, as far as possible, illustrations, examples and case studies from the country for which the guide is being customized. Authorization for the images included in the international edition of the guide have only been granted for that specific edition. Therefore, customized guides should include different examples and images or, if the same images are included, authorization should be requested directly to the relevant companies.
- The guide is to be translated into the local language(s).

General remarks

- The words “your national intellectual property (IP) office” should be replaced every time it appears with the actual name of the intellectual property or industrial property office in your country.
- The words “your country” should be replaced every time it appears with the name of your country.

SECTION 1: INDUSTRIAL DESIGNS

What is an industrial design?

- Provide the exact definition as contained in your national law. It could be added as a box at the beginning of the guide.

SECTION 2: PROTECTING INDUSTRIAL DESIGNS

How do you obtain protection for industrial designs?

- This section should be adapted according to the national legislation in your country. Can designs be protected as three-dimensional marks? Can they be protected under copyright law? Can they be protected under the law on unfair competition?
- Does your country have unregistered design rights? If so, reference to this should be made.

What rights are provided by industrial design protection?

- Check this section with reference to your national legislation. What rights are granted by industrial design protection?

What can be registered as an industrial design?

- State the main requirements for industrial design registration in your country. Novelty? Originality? Individual character? Any other criteria? Add and/or modify accordingly.

What cannot be protected by industrial design rights?

- State what type of designs cannot be protected. Add any categories of designs which are not already on the list provided.
- Can handicrafts be registered as industrial designs? If so, reference to this issue may be omitted.

How do you register a design?

- Indicate what needs to be included in the application form. Provide a copy of the application form as an annex.
- Indicate whether there is a specific format required for the graphic illustration of the design that is to be included in the application.
- State whether a written statement of novelty is required in your country and amend section accordingly.
- Explain whether a document certifying the powers of the IP agent is required.
- Does the IP office in your country conduct substantive examination of industrial designs? Where and when are industrial designs published? Is it possible to request deferment of publication?
- It would be preferable to add a flow chart, with an outline of the procedure for registration, and the average time taken at each stage.

How long does it take to register a design?

- State the range and the average time taken to register an industrial design from the date of filing.

What is the “grace period”?

- State whether your country’s legislation provides for a grace period. If this is not the case, this question may be omitted.

How long does industrial design protection last?

- Indicate the duration of protection in your country and state whether it may be renewed and for how long.

How much does it cost to protect an industrial design?

- Include a table with the main fees associated with the design registration process (e.g. application fee, publication fee, registration fee and renewal fee) and amend text accordingly.

Who owns the rights over an industrial design?

- Check whether the reply to this question reflects the legislation of your country. If not, amend accordingly.

Can you apply for the registration of many different designs through a single application?

- This part should focus on the practice in your country. However, you may wish to include a reference to the fact that the procedure may be different in other countries and to include a short description of the different systems.

The International Classification System

- State which classification system applies in your country. If not the Locarno system, insert a paragraph explaining the system that applies in your country and include the classification as Annex III instead of the Locarno Classification System.

## PROTECTING YOUR DESIGNS ABROAD

How do you protect designs abroad?

- Adapt the answer depending on whether your country is a party to any of the regional protection systems (e.g. OHIM, ARIPO, OAPI, etc.) or whether it is a party to The Hague System. Even if your country is not a member of the regional systems it is still important to refer to them, as foreigners may also benefit from those Systems to obtain protection in various countries.

## ENFORCING INDUSTRIAL DESIGNS

How can you enforce your rights when your design is being imitated, copied or infringed?

- Indicate the role of courts, police and customs in IP matters in your country. Include a reference to the relevant laws, regulations, notifications, etc.
- In this section you may make specific reference to institutions that may be of assistance in case of infringement, provide address, telephone number, e-mail and website, if available.
- Check the rest of the text to see whether it is suitable and whether it reflects enforcement measures available in your country and amend accordingly.

- Does an assignment or license of an industrial design require to be registered for enforcement purposes?

#### OTHER INSTRUMENTS FOR PROTECTING INDUSTRIAL DESIGNS

##### What are the differences between copyright protection and industrial design protection for designs?

- This entire section should be modified to reflect national legislation. If copyright protection is not available for designs in your country or only limited protection is available, this should be stated. If this is the case, it is important, however, to point out that copyright protection may be available in other countries.
- Registration: State whether your country has a copyright register.
- Duration: State the exact duration of industrial designs and copyright protection in your country.
- Types of products: Indicate the type of designs which would benefit from copyright protection in your country and which would not.
- Costs: Refer to the exact cost of an application for an industrial design (or refer back to the relevant question).

##### When can trademark law protect a design?

- Can industrial designs be protected as three-dimensional marks in your country?

##### Do laws on unfair competition protect designs?

- Check whether laws on unfair competition or other legislation may be involved to protect industrial designs. If not, the question can be omitted.

##### Annexes

- Annex I provides a list of web sites of industrial (\*\*\*) property offices.
- Annex II should provide the classification system(s) applicable in your country. .
- If your country is a party to The Hague Agreement, Annex III should provide the list of countries which are members of the Hague System.
- The national application form could be provided as Annex IV.