



**SURVEY OF FILING PROCEDURES AND FILING REQUIREMENTS, AS WELL AS
OF EXAMINATION METHODS AND PUBLICATION PROCEDURES,
RELATING TO INDUSTRIAL DESIGNS**

*Survey adopted by the PCIPI Executive Coordination Committee
at its fifteenth session on November 25, 1994*

INTRODUCTORY NOTES

1. This survey contains information received, in reply to Circular PCIPI 1674, by the International Bureau from 28 countries and three regional or international organizations concerning the registration or deposit of industrial designs. The survey reflects the situation as of the year 1994. The countries and organizations mentioned in the tables are indicated in the order of their two-letter codes according to WIPO Standard [ST.3](#).
2. The tables are complemented by an appendix which contains an excerpt of the replies to the questionnaires of the respective country or organization and which provides to the user supplementary information with respect to the entry concerned (see Appendix 1).
3. Attention is drawn to the fact that the same numbering as allotted to the initial questions and the identical wording as used in the two questionnaires are used in Tables I and II. It should be noted that not all questions in the questionnaires are included in this survey.
4. In addition to the two-letter codes to identify countries and organizations, the following abbreviations are used in the tables:

F	=	At filing date
D	=	Within delay fixed by law
R	=	Recommended
M	=	Mandatory
N	=	No forms are provided
PR	=	Partial refund
FR	=	Full refund
CID	=	International Classification for Industrial Designs (Locarno Classification)
*	=	See remarks or explanation relating to the relevant paragraph(s) of the respective questionnaire, which are re-typed as an excerpt of the replies (Appendix 1).
5. For both languages, English and French, an alphabetical index is provided (see Appendix 2). The index includes major terms used in the tables along with their corresponding entry numbers. A Roman numeral following a sequence of Arabic digits used in the entry numbers of Appendix 2 refers to the respective table. Numeral "I" is used for the table on filing procedures and filing requirements, numeral "II" for the table on examination methods and publication procedures.
6. It should be noted that information on filing procedures and filing requirements, as well as on examination methods and publication procedures, in respect of countries which are member States of the African Intellectual Property Organization (OAPI) can be found under the column "OA." OAPI, which has its headquarters in Yaoundé (Cameroon) serves as national Industrial Property Office for each of the following 14 States: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Senegal, Togo.
7. It is also important to note that since January 1, 1975, a joint Office, known as the Benelux Designs Office (BX), with headquarters in The Hague, has replaced the national Offices of Belgium, Luxembourg and the Netherlands. The territories of these States in Europe are regarded as a single State for the purposes of the Hague Agreement.

[Table I follows]



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.2

TABLE I

FILING PROCEDURES AND FILING REQUIREMENTS RELATING TO INDUSTRIAL DESIGNS

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
3. Information on filing requirements																
3.1 Minimum elements an application must contain											*					
3.1.1 Request for registration or application for deposit of the industrial design	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
3.1.2 Identification of applicant	F	F	F	F	F	D	F	F	F	F	F	F	F	F	F	F
3.1.3 Address for service	F	F	F	F*	-	D	F	F	F	*	F	F	F	D	F	F
3.1.4 Specimen of design concerned:																
(a) Representation of design concerned	-	-	F	F*	F	-	F	F	F	-	D	-	F	-	F	-
(b) Specimen and representation of design concerned	-	-	-	-	-	-	F*	-	-	-	-	-	-	-	-	-
(c) Specimen or representation of design concerned (at the option of the applicant)	F	F	-	-	-	F	-	-	-	F*	F	F	-	F	-	F
3.1.5 Identification of creator(s)	-	D	D	F	F	D	F	F	D	-	D	F	-	D	-	-
3.1.6 Declaration on transfer of rights from creator(s) to applicant(s) (if different)	-	D	-	*	-	D	F	F	D	-	D	-	-	D	-	-
3.1.7 Document deposited in case of succession of title	-	D	-	D	-	-	*	*	D	-	D	-	-	D	-	-
3.1.8 Name of attorney or agent	F	D	F	F	*	D*	F	F	D	D*	D	F	F	D	F	F
3.1.9 Power of attorney	*	-	D	D	*	D	F	*	D	-	D	F	D	D	D*	-
(a) certified	-	-	D	-	*	-	F	*	-	-	-	-	-	-	-	-
3.1.10 Declaration of priority claimed	D	-	F	F*	*	F	F	F	F	F	F	D*	F	F	F	F
3.1.11 Copy of first application the priority of which is claimed	-	-	D	*	*	*	D	F,D*	D	D	-	D	-	D	D*	D
(a) certified	-	D	D	D	*	-	D	F,D*	-	-	-	-	D	-	-	D



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.3

TABLE I: FILING PROCEDURES AND FILING REQUIREMENTS - page 2

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
3. <i>Information on filing requirements</i>															
3.1 Minimum elements an application must contain															
3.1.1 Request for registration or application for deposit of the industrial design	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
3.1.2 Identification of applicant	F	F	F	F	F	F	F	F	F	F	D	F	F	F	F
3.1.3 Address for service	F	F	F	F	F	-	F	F	F	F	D	F	F	F	F
3.1.4 Specimen of design concerned:															
(a) Representation of design concerned	F	-	-	F	F*	-	F	F	F	F	-	-	F	F	F*
(b) Specimen <i>and</i> representation of design concerned	-	-	-	-	-	-	F	-	-	-	-	-	F	-	F*
(c) Specimen <i>or</i> representation of design concerned (at the option of the applicant)	-	F	F	-	-	F	-	-	-	-	F	F	F	-	F*
3.1.5 Identification of creator(s)	D	F	F	F	-	-	F	-	F	F	D	F	F	F	*
3.1.6 Declaration on transfer of rights from creator(s) to applicant(s) (if different)	D	-	-	-	-	-	-	D	F	D	D	-	-	D	-
3.1.7 Document deposited in case of succession of title	D	-	-	F	-	-	-	F	R	D	-	-	-	D	-
3.1.8 Name of attorney or agent	D	F	F	F	F	-	F	F	F*	D	D	F	F	D	*
3.1.9 Power of attorney	D	F	F	F	F	-	F,D	F	F	D	D	F	F	D	*
(a) certified	-	-	-	-	-	-	-	F	-	D	-	F	F	D	-
3.1.10 Declaration of priority claimed	F	F	F	F	F	F	F,D	F	F	D	F	F	F	D	-
3.1.11 Copy of first application the priority of which is claimed	D	D	D	F	-	-	F,D	D	D	D	D	F	F	D	-
(a) certified	-	D	D	-	F	-	F	D	D	D	D	-	F	D	-



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.4

TABLE I: FILING PROCEDURES AND FILING REQUIREMENTS - page 3

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
3.1.12 Indication of the kind(s) of products for which the design is to be used:																
(a) by narrative description	-	F	-	-	F	F	F	-	*	-	-	F	F	-	F	F
(b) according to the CID	F	*	F	F*	-	-	*	F	*	*	D	F	-	D	-	-
(c) according to a national classification	-	-	-	-	*	-	-	-	-	-	-	-	-	-	-	-
3.2 May an application include several industrial designs ?	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes*	Yes	Yes*	Yes	Yes	Yes
3.3 Is an industrial design which is the subject of an application required to be represented from different angles for the purposes of the representation which has to be annexed to the application form?	No	Yes*	Yes*	No	No	No	Yes*	Yes	No	No	Yes*	No	No	Yes*	No*	No*
3.4 Physical requirements concerning an application																
3.4.1 Is the use of forms provided by your Office recommended?	R	R	R	*	R	M	R	N	R	R	R	-	R	R	R	R
3.4.2 Which requirements exist for the acceptability of specimen and/or representations (e.g., minimum or maximum size and weight of specimen, if acceptable; formats and quality of photographs or drawings, representation of colors)?	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
3.4.3 Are microforms accepted for certain parts of an application (e.g., priority documents)?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.5

TABLE I: FILING PROCEDURES AND FILING REQUIREMENTS - page 4

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
3.1.12 Indication of the kind(s) of products for which the design is to be used:															
(a) by narrative description	-	F	F	F	-	-	F	F	F	-	-	F	-	F	F
(b) according to the CID	D	-	-	-	-	*	F	-	-	F	D	-	-	-	*
(c) according to a national classification	-	-	-	-	-	-	-*	-	-	-	-	-	F	F*	-
3.2 May an application include several industrial designs?	No	Yes	No	Yes	Yes	Yes	Yes	Yes*	Yes	No	Yes	Yes	No	Yes	Yes*
3.3 Is an industrial design which is the subject of an application required to be represented from different angles for the purposes of the representation which has to be annexed to the application form?	Yes*	Yes*	Yes*	No	No	Yes*	No	Yes*	No	Yes*	Yes*	No	No	Yes*	No
3.4 Physical requirements concerning an application															
3.4.1 Is the use of forms provided by your Office recommended?	N	R	R	-	R	R	-	R	M	R	R	R	N	N	M
3.4.2 Which requirements exist for the acceptability of specimen and/or representations (e.g., minimum or maximum size and weight of specimen, if acceptable; formats and quality of photographs or drawings, representation of colors)?	*	*	*	-	*	*	*	*	*	*	*	*	*	*	*
3.4.3 Are microforms accepted for certain parts of an application (e.g., priority documents)?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	-



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.6

TABLE I: FILING PROCEDURES AND FILING REQUIREMENTS - page 5

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
3.5 Further information on filing procedures																
3.5.1 On which date does the registration or deposit of an industrial design have a legal effect?																
(a) on the date of the filing of the application, even if there are some shortcomings to be corrected later on	-	Yes	Yes	-	-	-	Yes	Yes	Yes	-	Yes	-	-	Yes*	Yes	Yes*
(b) on the date on which an applicant has complied with all the requirements fixed in the rules, including payment of the prescribed fees	-	-	-	Yes	-	-	Yes	-	-	-	-	Yes	-	-	-	-
(c) on another possible date by which certain minimum requirements have been met	Yes*	-	-	-	Yes*	Yes*	-	-	-	Yes*	-	-	Yes*	-	-	Yes*
3.5.2 Does the fee to be paid at the time of filing an application cover also further procedural action by your office (e.g., examination, registration and publication of the design) and the first period of protection?	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
3.5.3 Are there any actions which require payment of additional fees?	No	Yes*	Yes*	Yes*	Yes*	No	Yes*	Yes*	Yes*	Yes*	No	No	Yes*	No	Yes*	Yes*
3.5.4 If "Yes" in 3.5.2 above, is a refund of fees possible for application refused or abandoned at an early stage?	Yes (PR)	No	Yes (PR)	Yes* (PR)	No	Yes* (FR)	-	-	Yes (PR)	No	Yes* (PR)	No	-	No	No	No*



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.7

TABLE I: FILING PROCEDURES AND FILING REQUIREMENTS - page 6

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
3.5 Further information on filing procedures															
3.5.1 On which date does the registration or deposit of an industrial design have a legal effect?															
(a) on the date of the filing of the application, even if there are some shortcomings to be corrected later on	Yes	-	-	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes*
(b) on the date on which an applicant has complied with all the requirements fixed in the rules, including payment of the prescribed fees	-	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	Yes*
(c) on another possible date by which certain minimum requirements have been met	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3.5.2 Does the fee to be paid at the time of filing an application cover also further procedural action by your office (e.g., examination, registration and publication of the design) and the first period of protection?	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes*
3.5.3 Are there any actions which require payment of additional fees?	Yes*	Yes*	*	No	No	No	No	Yes*	Yes*	Yes*	No	Yes*	No	Yes*	Yes*
3.5.4 If "Yes" in 3.5.2 above, is a refund of fees possible for applications refused or abandoned at an early stage?	No	No	-	-	No	Yes (PR)	Yes (PR)	-	Yes*	Yes (PR)	No	No	-	-	Yes* (PR)



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

TABLE II

EXAMINATION METHODS AND PUBLICATION PROCEDURES RELATING TO INDUSTRIAL DESIGNS

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
3. <i>Information on examination</i>																
3.1 Does the examination performed by your Office for each application or deposit of a design include:																
(a) checking whether all elements of an application have been furnished which are requested by the law?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(b) checking whether all these elements are in the appropriate form?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(c) checking whether the object of an application falls within the definition of a design as set by the applicable law?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
(d) examining whether the object of an application is not protectable since it is contrary to morality or public order?	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(e) in case of several designs being subject of one and the same application, checking whether an application fulfills the criteria set by the law for these objects to be covered by a single application?	Yes	Yes	Yes	Yes	Yes	Yes*	Yes	Yes	Yes	Yes	Yes	-	Yes	Yes	No	Yes
(f) allotting classification symbols (e.g., the International Classification for Industrial Designs) to an application?	Yes	Yes	Yes	Yes*	Yes	Yes*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(g) checking classification symbols furnished by an applicant?	Yes	No*	Yes	Yes	No	No	*	Yes	No	Yes	Yes	No	*	Yes	Yes	No



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.9

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 2

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
3. <i>Information on examination</i>															
3.1 Does the examination performed by your Office for each application or deposit of a design include:															
(a) checking whether all elements of an application have been furnished which are requested by the law?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
(b) checking whether all these elements are in the appropriate form?	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
(c) checking whether the object of an application falls within the definition of a design as set by the applicable law?	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
(d) examining whether the object of an application is not protectable since it is contrary to morality or public order?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
(e) in case of several designs being subject of one and the same application, checking whether an application fulfills the criteria set by the law for these objects to be covered by a single application?	No	Yes	Yes	Yes	*	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes
(f) allotting classification symbols (e.g., the International Classification for Industrial Designs) to an application?	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes
(g) checking classification symbols furnished by an applicant?	No	No	No	-	No	Yes	Yes	*	Yes	Yes	Yes	Yes	No	No	Yes



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 3

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
3.2 Does your Office perform examination of design applications or deposits of designs as to novelty:	No	Yes	Yes	No*	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No	Yes
(b) in case of opposition by using material furnished by opponents (see also 5.5)?	-	-	-	-	-	-	-	-	-	-	Yes	-	Yes	-	-	Yes
(c) in selected cases at the discretion of your Office?	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Yes
(d) <i>ex officio</i> for all applications? - with the opportunity for third parties to file opposition after publication of the application (see also 5.5)?	- -	Yes Yes	Yes Yes	- -	Yes -	- -	Yes Yes	Yes -	Yes -	- -	Yes Yes	- -	- Yes	Yes Yes	- -	- -
3.3 If your reply is affirmative for 3.2 (c) or (d) above, please specify here the documentation used by your examiners (kind of documentation, period covered, etc.)	-	*	*	-	*	-	*	*	*	-	*	-	*	*	-	*
3.4 Does the examination performed by your Office cover matters other than those referred to in 3.1 and 3.2?	-	-	Yes	No	No	No	Yes*	Yes*	No	No	Yes*	No	No	Yes*	No	Yes*
3.5 Does an applicant have to correct an application found defective by your Office within a prescribed deadline? If "yes," within what period?	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*
4. <i>Information on sealed deposits and deferment of the publication</i>																
4.1 Can an applicant request the Office to keep secret during a certain period of time the industrial design which is the subject of the application? If "Yes," for how long (maximum)?	Yes*	No	No	Yes*	No	Yes*	No*	No	No	No	Yes*	No	No	Yes*	No	No*



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 4

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
3.2 Does your Office perform examination of design applications or deposits of designs as to novelty:	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes	No
(b) in case of opposition by using material furnished by opponents (see also 5.5)?	-	-	-	-	-	-	-	-	Yes	-	Yes	-	-	-	-
(c) in selected cases at the discretion of your Office?	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
(d) <i>ex officio</i> for all applications?	Yes	Yes	Yes	-	-	-	-	Yes	Yes*	Yes	Yes	-	-	Yes	-
– with the opportunity for third parties to file opposition after publication of the application (see also 5.5)?	Yes	-	-	-	-	Yes	-	Yes	Yes	Yes	Yes	-	-	Yes	-
3.3 If your reply is affirmative for 3.2 (c) or (d) above, please specify here the documentation used by your examiners (kind of documentation, period covered, etc.)	*	*	*	-	-	*	-	*	*	*	*	-	-	*	-
3.4 Does the examination performed by your Office cover matters other than those referred to in 3.1 and 3.2?	Yes*	Yes*	Yes*	No	No	No	-	No	No	No	No	No	No	Yes*	No
3.5 Does an applicant have to correct an application found defective by your Office within a prescribed deadline? If “yes,” within what period?	Yes*	Yes*	Yes*	No	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	No	No	Yes*	Yes*
4. <i>Information on sealed deposits and deferment of the publication</i>															
4.1 Can an applicant request the Office to keep secret during a certain period of time the industrial design which is the subject of the application? If “Yes,” for how long (maximum)?	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	No	No	No	No	Yes*	Yes*	Yes*	No	Yes*



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.12

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 5

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
4.1.1 Does an application kept secret have legal consequences with regard to:																
(a) infringements?	No	-	-	Yes*	No	No	-	-	-	-	Yes*	-	-	No	-	Yes
(b) other applications concerning similar objects?	Yes	-	-	-	No	No	-	-	-	-	Yes*	-	-	No	-	Yes
(c) other factors?	No	-	-	-	No	No	-	-	-	-	-	-	-	-	-	No
4.1.2 Does an application become accessible through your Office in case it is withdrawn (abandoned) before expiration of the secrecy period?	No	-	-	No	No	No	-	No	-	-	No	-	-	No	-	No
4.1.3 Is an application kept secret the subject of the publication of bibliographic data?	No	-	-	Yes*	No	Yes	-	No	-	-	No	-	-	No	-	No
4.2 Can an applicant, where the law provides for the publication of are production of the industrial design, request the deferment of the publication during a certain period of time? If "yes," for how long (maximum)	No	No	No	Yes*	No*	No	No	No	Yes*	Yes*	Yes*	No	No	Yes*	Yes*	No
4.2.1 In case of deferment of publication, what are the legal consequences with regard to:																
(a) infringements?	-	-	-	*	-	-	-	-	-	*	*	-	-	*	*	-
(b) other applications concerning similar objects?	-	-	-	-	-	-	-	-	*	*	*	-	-	*	-	-
(c) other factors?	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4.2.2 In case of deferment of the publication, does the file of the application become accessible through the Office in case the application is withdrawn (abandoned) before expiration of the period of deferment?	-	-	-	No	No	-	-	*	-	No*	No	-	-	Yes	No	No*



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.13

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 6

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
4.1.1 Does an application kept secret have legal consequences with regard to:															*
(a) infringements?	Yes	Yes	Yes	-	Yes	No	-	-	-	No	No	Yes	Yes	-	-
(b) other applications concerning similar objects?	Yes	Yes	Yes	-	-	No	-	-	-	No	No	Yes	No	-	-
(c) other factors?	-	-	-	-	-	No	-	-	-	No	-	No	-	-	-
4.1.2 Does an application become accessible through your Office in case it is withdrawn (abandoned) before expiration of the secrecy period?	No	Yes	Yes	No	No	No	-	-	-	No	No	-	Yes	-	No
4.1.3 Is an application kept secret the subject of the publication of bibliographic data?	No	Yes	Yes	Yes	No	No	-	-	-	No	Yes	No	No	-	*
4.2 Can an applicant, where the law provides for the publication of a reproduction of the industrial design, request the deferment of the publication during a certain period of time? If "yes," for how long (maximum)?	Yes*	Yes*	Yes	-	-	Yes*	No	No	Yes*	No	Yes*	-	No	No	Yes*
4.2.1 In case of deferment of publication, what are the legal consequences with regard to:															
(a) infringements?	-	*	-	-	-	*	-	-	*	-	-	-	-	-	-
(b) other applications concerning similar objects?	-	*	-	-	-	*	-	-	-	-	-	-	-	-	-
(c) other factors?	-	-	-	-	-	-	-	-	-	-	*	-	-	-	*
4.2.2 In case of deferment of the publication, does the file of the application become accessible through the Office in case the application is withdrawn (abandoned) before expiration of the period of deferment?	No	Yes	No	-	-	No	-	-	No	-	Yes*	-	Yes	-	No



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 7

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
4.2.3 Where the publication of a reproduction of the industrial design is deferred, is there a publication of bibliographic data before the publication of the design in question?	-	-	-	No	No	-	-	-	No	Yes	No	-	-	No	No	Yes
5. <i>Information on selected procedural and legal questions</i>																
5.1 Can industrial design rights be enforced in your country																
(a) as from the date on which the corresponding application was filed?	-	Yes	Yes	-	-	Yes*	-	Yes	Yes	-	Yes	Yes	-	Yes	Yes	Yes
(b) as from the date on which the corresponding application became complete and regular according to the criteria set by the law?	-	-	-	Yes	-	-	-	-	-	-	-	-	-	-	-	-
(c) as from the date of registration or grant?	-	-	-	-	Yes	-	Yes	-	-	Yes*	-	-	Yes	-	-	Yes
(d) as from a date other than (a) to (c) above defined by the law?	*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*
5.2 How long is the initial term of protection for industrial design registrations or deposits and from which date is it computed? (in years)	5*	1*	5*	5*	5*	5*	10*	5*	5*	5*	5*	5*	10*	5*	25*	5*
5.3 Is prolongation (renewal) possible on request? If "Yes":	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(a) how many times?	2	3	-	2	1	2	-	1	2	3	2	2	1	2	1	2,4*
(b) for which period each time? (in years)	5	*	-	*	5	5	-	5	5	5	5	5	10	5	25	5
5.4 Is a reasonable extension granted, on request, of any deadline set in the examination procedure (examination as to form and to substance)?	No	Yes	Yes	-	Yes	Yes	-	Yes	No	No	Yes	-	Yes	Yes	Yes	Yes
(a) If "Yes," is such an extension subject to payment of an additional fee?	-	Yes*	Yes	-	No	No	-	Yes	-	-	No	-	Yes	No	No	Yes



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 8

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
4.2.3 Where the publication of a reproduction of the industrial design is deferred, is there a publication of bibliographic data before the publication of the design in question?	No	Yes	Yes	-	-	No	-	-	No	-	Yes	-	No	-	No
5. Information on selected procedural and legal questions															
5.1 Can industrial design rights be enforced in your country															
(a) as from the date on which the corresponding application was filed?	-	-	-	Yes	Yes	Yes	Yes	-	Yes	Yes	Yes	Yes	Yes	-	-
(b) as from the date on which the corresponding application became complete and regular according to the criteria set by the law?	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
(c) as from the date of registration or grant?	Yes*	Yes	Yes	-	-	-	-	Yes	-	-	-	-	-	Yes*	-
(d) as from a date other than (a) to (c) above defined by the law?	-	-	-	-	*	-	-	-	-	-	-	-	-	-	*
5.2 How long is the initial term of protection for industrial design registrations or deposits and from which date is it computed? (in years)	5*	15*	10*	25*	10*	5*	5*	25*	5*	10	5*	5*	5*	14*	5
5.3 Is prolongation (renewal) possible on request? If a "Yes":	Yes	No	No	Yes*	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	*	No	Yes
(a) how many times?	1	-	-	1	4	2	2	-	2	1	2	1	-	-	*
(b) for which period each time? (in years)	5	-	-	25	10	5	5	-	5	5	5	5 or 10	-	-	*
5.4 Is a reasonable extension granted, on request, of any deadline set in the examination procedure (examination as to form and to substance)?	Yes	Yes	Yes	-	-	No	No	Yes	No	Yes	Yes	No	Yes	Yes	No
(a) If "Yes," is such an extension subject to payment of an additional fee?	Yes	No	Yes	-	-	-	-	No	-	Yes	No	-	No	Yes	-



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 9

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
5.5 If you have replied to questions 3.2(b) and/or 3.2(d), please answer the following questions:																
Can oppositions against a design application be filed in your Office by any third party:	-	Yes	Yes	No	-	No	Yes	No	-	-	Yes	-	Yes	Yes	No	Yes
(a) free of charge?	-	Yes	-	-	-	-	Yes	-	-	-	Yes	-	-	Yes	-	Yes
(b) against payment of a fee?	-	-	Yes	-	-	-	-	-	-	-	-	-	Yes	-	-	-
6. Information on publication practice																
6.1 How many months after filing an application is the first publication related to a design made normally in an official gazette (or similar publications issued by your Office)?	3-4	*	10-12	4*	*	1	-	*	12	3*	7-9	6	2	8	3*	5*
6.2 What are common reasons for delays in publication? (Please specify and give maximum delays for each reason)	*	*	*	*	-	*	-	-	*	*	-	-	*	*	*	*
6.3 Which of the reasons under 6.2, above, have a cumulative effect together?	*	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*
6.4 Is the first publication of a design usually made:																
(a) in the order in which their registration or deposit was applied for?	-	-	-	Yes	-	-	-	-	-	-	Yes*	-	Yes	Yes	Yes	-
(b) in the order of priority dates of these applications?	-	-	-	-	-	-	-	-	-	-	Yes*	-	-	Yes	-	-
(c) in the order in which they were registered?	Yes	Yes	-	-	Yes	-	-	Yes	Yes	Yes	-	-	-	-	-	Yes
(d) in another sequence?	-	-	-	-	-	Yes*	-	-	-	-	-	-	-	-	-	-
6.4.1 Does your Office have further levels of publication?	No	No	No	No	No	No	No	No	No	No	Yes*	-	Yes*	Yes*	No	No
(a) Please give details on the numbering system of your applications and/or publications	*	*	*	*	*	*	*	-	*	*	*	*	*	*	*	*



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.17

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 10

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
5.5 If you have replied to questions 3.2(b) and/or 3.2(d), please answer the following questions:															
Can oppositions against a design application be filed in your Office by any third party:	-	-	-	-	No	Yes	No	No	Yes	Yes	Yes	No	No	Yes*	-
(a) free of charge?	-	-	-	-	-	Yes	-	-	Yes	-	Yes	-	-	Yes	-
(b) against payment of a fee?	-	-	-	-	-	-	-	-	-	Yes	-	-	-	-	-
6. Information on publication practice															
6.1 How many months after filing an application is the first publication related to a design made normally in an official gazette (or similar publications issued by your Office)?	12	24	10	12	3-6	8-12	*	12*	3-6	9-10	6	*	*	26*	2-3
6.2 What are common reasons for delays in publication? (Please specify and give maximum delays for each reason)	-	-	*	-	*	*	-	*	-	No	*	-	-	*	-
6.3 Which of the reasons under 6.2, above, have a cumulative effect together?	-	-	-	-	-	*	-	-	-	-	*	-	-	*	-
6.4 Is the first publication of a design usually made															
(a) in the order in which their registration or deposit was applied for?	-	-	-	Yes	Yes	Yes	-	-	Yes	-	Yes	Yes	Yes	-	-
(b) in the order of priority dates of these applications?	-	-	-	-	-	-	-	Yes	-	-	-	-	-	-	-
(c) in the order in which they were registered?	Yes	Yes	Yes	-	-	-	Yes	-	-	Yes	-	-	-	-	Yes
(d) in another sequence?	-	-	-	-	-	-	-	-	-	-	-	-	-	Yes*	-
6.4.1 Does your Office have further levels of publication?	No	No	No	No	No	No	No	Yes*	No	No	No	No	No	No	No
(a) Please give details on the numbering system of your applications and/or publications	-	*	*	-	*	*	*	*	-	*	-	*	-	*	*



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.18

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 11

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
6.5 Is there any public information on or access to applications for design registration or deposits which were withdrawn or refused before the date of the first regular publication thereon?	Yes*	Yes*	No	No	No	No	Yes*	Yes*	No	No	No	No	No	Yes*	No	No
6.6 Public information on design applications, deposits or registrations																
6.6.1 Does your Office publish																
(a) an official gazette																
(i) containing design applications or deposits filed?	No	Yes	No	Yes	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes*	No
(ii) containing registered designs?	Yes	Yes	Yes	Yes*	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-	Yes
(iii) containing amendments with regard to any industrial designs, such as changes of address, renewals, assignments and transfers, license contracts, renunciations and declaration of nullity?	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Is the information referred to in subparagraph 6.6.1(a), above, published?																
- as part of a comprehensive gazette?	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No	-	Yes	No	-	-	Yes
- as a separate publication?	Yes	-	No	No	No	No	No	No	-	Yes	Yes	-	Yes	Yes	Yes	No
(b) a copy of the industrial design application and/or the registered or deposited design?	No	Yes	No	Yes	No	No	No	No	Yes	No	-	-	No	No	Yes	No*



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.19

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 12

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
6.5 Is there any public information on or access to applications for design registration or deposits which were withdrawn or refused before the date of the first regular publication thereon?	No	No	No	No	No	Yes*	No	No*	No	No	No	No	No	No	No
6.6 Public information on design applications, deposits or registrations															
6.6.1 Does your Office publish (a) an official gazette															
(i) containing design applications or deposits filed?	Yes	Yes	No	-	-	Yes	-	Yes	Yes	-	Yes	Yes	Yes	No	No
(ii) containing registered designs?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
(iii) containing amendments with regard to any industrial designs, such as changes of address, renewals, assignments and transfers, license contracts, renunciations and declaration of nullity?	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Is the information referred to in subparagraph 6.6.1(a), above, published															
- as part of a comprehensive gazette?	Yes	-	Yes	Yes	Yes	-	Yes	Yes	No	Yes	-	Yes	Yes	Yes	No
- as a separate publication?	-	Yes	-	-	-	Yes	No	No	Yes	-	Yes	-	-	No	Yes
(b) a copy of the industrial design application and/or the registered or deposited design?	Yes	Yes	Yes	No	No	No	-	No	No	-	-	No	-	Yes*	No



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.20

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 13

Country or Organization	AT	AU	BG	BX	CA	CH	CL	CU	CZ	DE	DK	EG	ES	FI	FR	GB
6.6.2 Does the public have access to the Register of industrial designs maintained by your Office? If "Yes," please specify from which date onwards:	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes*	No	Yes	Yes	Yes	Yes
(a) the date of filing the application	-	-	-	-	-	-	Yes	-	-	-	-	-	-	Yes	-	-
(b) the date of registration or grant	-	Yes	-	-	Yes	Yes	Yes	Yes	Yes	Yes	-	-	Yes	-	-	Yes
(c) the date of publication	Yes	-	-	Yes	-	-	Yes	-	-	-	-	-	-	-	Yes	Yes
6.6.3 Are there any search files on registered designs or deposits accessible to the public?	Yes*	Yes*	No	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	No*
6.6.4 Does your Office have a database on design applications and/or registered designs, comprising:																*
(a) bibliographic information?	Yes*	Yes*	-	Yes*	Yes*	No	Yes*	-	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes	Yes*
(b) pictorial information?	Yes*	-	-	No	Yes*	No	-	-	-	-	-	-	-	-	-	-
(c) legal status information?	Yes*	Yes*	-	Yes*	Yes*	No	Yes*	-	Yes*	Yes*	Yes*	-	Yes*	Yes*	Yes	Yes*
6.6.5 Does your Office plan to develop a database on applications or deposits of designs and/or registered designs, comprising:																
(a) bibliographic information?	-	-	-	-	-	Yes*	-	-	Yes	-	-	-	-	-	-	-
(b) pictorial information?	-	Yes	-	Yes*	-	Yes*	-	-	Yes	Yes	Yes	-	Yes	Yes	Yes*	-
(c) legal status information?	-	-	-	-	-	Yes*	-	-	Yes	-	-	-	-	-	-	-
6.6.6 Other public sources of information with respect to applications or deposits of designs and/or registered designs	Yes*	Yes*	Yes*	No	No	Yes*	-	-	-	Yes*	-	-	Yes*	-	-	Yes*



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.21

TABLE II: EXAMINATION METHODS AND PUBLICATION PROCEDURES - page 14

Country or Organization	HU	JP	KR	MA	MC	NO	OA	PT	RO	RU	SE	TN	TT	US	WO
6.6.2 Does the public have access to the Register of industrial designs maintained by your Office? If "Yes," please specify from which date onwards:	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes*	Yes	Yes	Yes	Yes
(a) the date of filing the application	-	-	-	Yes	-	Yes	-	-	-	-	-	Yes	Yes	-	-
(b) the date of registration or grant	-	Yes	Yes	-	-	-	Yes	-	-	-	-	-	-	Yes*	-
(c) the date of publication	Yes	-	-	-	-	-	-	Yes	-	Yes	-	-	-	-	Yes
6.6.3 Are there any search files on registered designs or deposits accessible to the public?	Yes*	Yes*	Yes*	Yes*	-	Yes*	No	Yes*	Yes*	Yes*	Yes*	No	No	Yes*	Yes*
6.6.4 Does your Office have a database on design applications and/or registered designs, comprising:															
(a) bibliographic information?	Yes*	Yes*	Yes*	-	-	Yes*	No	Yes*	Yes*	Yes*	Yes*	Yes*	No	Yes*	Yes*
(b) pictorial information?	-	Yes*	-	-	-	-	No	-	-	-	-	-	No	-	No
(c) legal status information?	-	Yes*	-	-	-	Yes*	No	Yes*	Yes*	-	Yes*	-	No	Yes*	No
6.6.5 Does your Office plan to develop a database on applications or deposits of designs and/or registered designs, comprising:															
(a) bibliographic information?	-	-	-	Yes	Yes	-	Yes	-	-	Yes	-	-	Yes	-	-
(b) pictorial information?	Yes	-	-	-	-	Yes	Yes	-	Yes	Yes	-	-	Yes	Yes	-
(c) legal status information?	-	-	-	-	-	-	Yes	-	-	Yes	-	-	Yes	-	-
6.6.6 Other public sources of information with respect to applications or deposits of designs and/or registered designs	-	-	-	-	-	-	-	Yes*	-	-	Yes*	-	-	Yes*	-

[Appendices follow]



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.22

APPENDIX 1

EXCERPT OF THE REPLIES TO THE QUESTIONNAIRES OF THE RESPECTIVE COUNTRY OR ORGANIZATION

AT

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.9 Power of attorney or reference to the authorization on the basis of which the agent acts has to be provided within a reasonable time period.
- 3.4.2 Maximum size of specimen is 50 x 40 x 40 cm; maximum weight amounts to 10 kg. In case of two-dimensional specimen 50 x 100 x 2.5 cm or 75 x 100 x 1.5 cm, foldable to the maximum size of 29.7 x 21 cm. The maximum size of drawings is 29.7 x 21 cm and that of photographs 21 x 14.8 cm.
- 3.5.1(c) Protection of an industrial design starts on the date of publication of the design.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.5 Within a "reasonable period of time" (two months or more).
- 4.1 The maximum is 18 months after the priority date.
- 5.1(d) Protection starts on the date of publication of the design in the official gazette.
- 5.2 Protection expires five years after the end of the month in which the design application was filed.
- 6.2 Reasons for delays are: (a) secret designs (plus 18 months); (b) defective applications.
- 6.3 Reasons given under (a) and (b) of question 6.2.
- 6.4.1(a) Format of application number: MU NNNN/YY. Format of publication number: NNNN. Chronological order is applied.
- 6.5 Information is available through the design register and by online access (within the Office).
- 6.6.3 Bibliographic data of design applications and registered designs are accessible.
- 6.6.4 Data coverage goes back to January 1991. Information available to public as from the same date.
- 6.6.6 Design applications: bibliographic and legal status information available to the public. Registered designs: data contained in electronic register accessible online (from terminals at the Office and through external PCs using Datex-P).

AU

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.12(b) Classes and subclasses of the Locarno Classification are assigned by the Australian Designs Office after lodgement of the application.
- 3.3 No need to represent the design from different angles in case of two-dimensional items, e.g., textiles.
- 3.4.2 Specimen or representations must be able to be stored flat; they must suit an A-4 format (though may be folded) and must be suitable for photographic reproduction.
- 3.5.3 Payment of additional fees is required if an application lapses and is restored or is subject to a hearing.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.1(g) The applicant does not indicate classification symbols.
- 3.3 Previously registered designs in same or related classes, trade literature, prior published patent literature related to particular fields. Covering period as considered appropriate in each case.
- 3.5 Twelve months from initial notification; three months from subsequent notification.
- 5.2 One year from the date of registration.
- 5.3(b) Six, eleven and sixteen years from date of lodgement of the application.
- 5.4(a) The Registrar of the Office may grant extensions without requiring a fee; most extensions, though, require a fee.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.23

Appendix 1, page 2

- 6.1 Between one and twenty-one months after lodgement (when all legal requirements have been fulfilled). Normal examination takes place six months after filing, expedited examination within one month after filing.
- 6.2 Non-fulfillment of statutory requirements.
- 6.4.1(a) Format of application number: NNNN/YY. Format of registration number: NNNNNN.
- 6.5 Bibliographic details of lodgements are on public record in the Official Journal (no pictures).
- 6.6.3 Classified sets of the representations of registered designs on paper or microfiche are available in AIPO's Sub-Offices. Bibliographic data are available to external users on computer database (upon payment).
- 6.6.4 Data coverage of bibliographic and legal status information goes back to 1976.
- 6.6.6 AU Official Journal of Designs published fortnightly.

BG

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.3 Additional views are necessary to show the overall form of the industrial design.
- 3.4.2 The design can be represented by drawing or photograph (black and white or in color). The size is 3 x 4 cm (minimum) and 5 x 7 cm (maximum). Ten copies are required.
- 3.5.3 Additional fees are to be paid for use of convention or exhibition priorities or extension of the term for preparation of the industrial design application, publication, etc.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 Conclusion of examination. Period covered: three months.
- 3.5 Within a period of three months.
- 5.2 Five years from the date of filing the application.
- 6.2 First publication is made after examination and registration of the design.
- 6.4.1(a) A continuous numbering system is used.
- 6.6.6 Systematic card files of registered designs in BG and other countries.

BX

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.3 If the applicant has not appointed an agent and has neither headquarters nor residence on Benelux territory, he has to give a postal address there.
- 3.1.4(a) The deposit of the three-dimensional design itself is not accepted; either a photographic or a graphic representation of the appearance of the product is necessary (Article 2 of the Administrative Regulations).
- 3.1.6 Where the applicant is not the same person as the one who made the Benelux deposit, the latter has to enclose a document proving his entitlement with the deposit.
- 3.1.10 Priority is claimed on deposit. If not on deposit, by special declaration filed with the Benelux Office during the month following deposit. Fee payable: 26.50 Netherlands Guilders/488 Belgian Francs.
- 3.1.11 The applicant who claims a right of priority is obliged to file a certified true copy of the documents proving his entitlement (Article 5 paragraph 1 of the Executive Rules).
- 3.1.12(b) The product in which the design is or is to be embodied must be designed in precise terms, preferably those of the alphabetical list of the International Classification (Article 1 paragraph 6 of the Executive Rules).
- 3.4.1 The content of the forms is prescribed by the Office; applicants or attorneys may make reprints of the forms.
- 3.4.2 The Benelux Designs Office does not accept specimens in kind. Representations have to be either photographic or graphic, showing the appearance of the product. Formats and dimensions: minimum 4 cm wide x 4 cm high; maximum 16 cm wide x 24 cm high. Photographic quality: black and white originals with clear contrasts (the same for color photographs). Graphic qualities: clear copy of the original line drawing, executed in black on white paper.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.24

Appendix 1, page 3

- 3.5.3 Additional fees are to be paid for:
(i) publication of the design;
(ii) publication of the description of characteristic elements of the design.
- 3.5.4 Three-quarters of the fees are refunded for designs that are filed without processing (Article 4 paragraph 3 of the Executive Rules).

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.1(f) The classification symbols are allotted by the Office.
- 3.2 Deposits of designs may not be the subject, as far as substance is concerned, of any examination liable to give rise to findings that could be held against the applicant (Article 9 paragraph 1 of the Uniform Benelux Law).
- 3.5 Maximum four months. The time limit may be extended on request or ex officio but may not exceed four months as from the date of dispatch of the first notification (Article 4 paragraph 2 of the Executive Rules).
- 4.1 Maximum one year or from the date of the first deposit where the application claims the application of Article 4 of the Paris Convention.
- 4.1.1 A claim of compensation by virtue of the exclusive right for the acts listed in paragraph 1 of the Article in question may be made only where the acts in question are performed after publication (Article 14 paragraph 2).
- 4.1.3 On publication of the registration in Column III, every registration is considered published (cf. Article 9 paragraph 3 of the Uniform Benelux Law).
- 4.2 Maximum one year or from the date of the first deposit where the applicant claims the application of Article 4 of the Paris Convention.
- 4.2.1 See explanation given under 4.1.1.
- 5.2 The registration of a Benelux deposit is for a term of five years counted from the date of deposit (Article 12 paragraph 1 of the Uniform Benelux Law).
- 5.3 It may be renewed for two successive terms of five years simply by payment of the renewal fee to the Benelux Office (Article 12 paragraph 2 of the Uniform Benelux Law).
- 6.1 Publication within about four months following the date of the deposit application.
- 6.2 Dispatch of a letter requiring the deposit to be put in order if incomplete. Examples: no power of attorney, no priority documents, no instruments of assignment; then a maximum period of twice two months is allowed. In that case publication of the deposit is delayed by six or seven months at least.
- 6.4.1(a) The deposit application is given a deposit number, which may serve as an identification number. Where all the administrative formalities have been fulfilled, the application is given a file number, which means that the deposit is in order. That number is tantamount to a registration number.
- 6.6.1(a) Deferment(s) Column II. Only the serial number of the registration and the period of deferment of publication are given.
- 6.6.3 The Benelux Register and the Register of International Deposits.
- 6.6.4(a)(c) Bibliographic and legal status information relating to all Benelux applications and registrations are available.
- 6.6.5(b) A database of graphic data is planned for 1995.

CA

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.8 An agent can file an application on behalf of the applicant.
- 3.1.9 Power of attorney may be required by the Industrial Design Office in certain circumstances.
- 3.1.10 Applicants may declare priority any time before registration of the design.
- 3.1.11 A certified copy of the priority document may be required by the Industrial Design Office in certain circumstances.
- 3.1.12(c) The application must identify the specific article to which the design is applied. The classification is added by the Industrial Design Office according to the Canadian Industrial Design Classification System.
- 3.4.2 Photographs or drawings with a size of 8 x 13 inches or A-4 format are accepted. In case of drawings, one soft copy and one on bristol board are required.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.25

Appendix 1, page 4

- 3.5.1(c) Rights start on the date of registration.
- 3.5.3 Additional fees are to be paid to obtain copies of the application.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 CA industrial design registrations are always searched. A search can also include: CA and US patents as well as catalogues, trade magazines, brochures, pamphlets and advertisements.
- 3.5 Within four months.
- 4.2 Registered designs are available to the public at registration, but are not published. Deferment of registration is possible.
- 5.2 Five years from the date of registration.
- 6.1 Industrial designs are not published in an official gazette or otherwise.
- 6.4.1(a) Applications are numbered using an annual series of numbers, but are not published.
- 6.6.3 All registered designs are available by name index, numerical index and Canadian Industrial Design Classification.
- 6.6.4 Data coverage goes back to 1861. All information is available to public as from same year.

CH

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.8 For an application from abroad, on the date of deposit.
- 3.1.11 Copy of priority document is not required.
- 3.4.2 The requirements are set out in Articles 3 and 5 of the Ordinance on Industrial Designs and Models (ODM).
- 3.5.1(c) Protection of an industrial design starts on the date by which the application for deposit was filed or by which application fees were paid.
- 3.5.4 Full refund is possible in case of withdrawal of an application.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.1(e) Separately for two-dimensional and three-dimensional designs.
- 3.1(f) Classification symbols are allotted by the Office.
- 3.5 Within one month.
- 4.1 Five years (for embroidery designs 15 years possible).
- 5.1(a) Minimum requirements: deposit application, object and deposit fee.
- 5.2 Five years from the filing date.
- 6.2 Administrative notification (one month); extension of the time limit (one month).
- 6.4(d) According to the Locarno Classification.
- 6.4.1(a) A continuous numbering system is used.
- 6.6.3 The following documents are accessible: annual catalogue, International Designs Bulletin.
- 6.6.5 Development of database is planned for 1995.
- 6.6.6 The same literature as mentioned for question 6.6.3.

CL

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.4(b) Prototype is required when it is considered necessary by the Office.
- 3.1.7 Document can be submitted at any step of the procedure or after the right has been granted.
- 3.1.12(b) The Locarno Classification is allotted by the Office during the preliminary examination and later on, during substantive examination.
- 3.3 The drawings must include a top view, a horizontal section, a view in profile and one in perspective.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.26

Appendix 1, page 5

3.4.2 Drawings must be made on polyester (mylard) paper with India ink or laser printed in A-4 format or standard size. Only one side should be used. Photographs may be included, but they will not be considered as a substitute for the drawings.

3.5.3 Additional fees are to be paid for substantive examination or granting the rights.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

3.1(g) The applicant does not allot classification symbols.

3.3 Spanish, United States and Argentine gazettes, and actual pending applications and design deposits granted.

3.4 Information obtainable in the trade, from design manufacturers and in advertising.

3.5 In the preliminary examination 40 days(*);
in the substantive examination 120 days (*);
with extension for 120 further days (*);
(*): working days are from Monday to Friday inclusive.

4.1 Any application is kept secret up to the date of its publication in the Diario Oficial.

5.2 If there is a design that has been granted registration and is in force abroad, the grant is for the time remaining abroad, but not more than ten years and provided that the requirements of the Law are met.

6.4.1(a) A continuous numbering system is used.

6.5 As there is no official gazette, the Office has to be consulted.

6.6.3 Designs and registrations are both arranged by Classification using a computer system accessible by application number, applicant, classification, registration number and priority number.

6.6.4 Data coverage dates back to September 1991 (for bibliographic and legal status information). Information is available to public as from same date.

CU

FILING PROCEDURES AND FILING REQUIREMENTS

3.1.7 Document to be provided at filing date or during a time period of up to three months from that date.

3.1.9 The Chamber of Commerce of Cuba is the only authorized attorney by law.

3.1.11 Copy of priority document to be provided at filing date or during a time period of up to three months from that date.

3.4.2 Size of drawings: 8 1/2 x 13 inches. Format of photographs: 7 1/2 x 10 cm.

3.5.3 Additional fees are to be paid for inquiries, amendments, etc.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

3.3 Documentation used: industrial designs applications received or industrial designs registered by the Office, official gazettes, further documents.

3.4 Industrial applicability is also checked when examining designs applications.

3.5 Within 60 days after notification of the official action (additional period of 30 days is possible).

4.2.2 Deferment of publication is not provided for by law.

5.2 Five years from the date of filing.

6.1 Three to six months after the date of registration.

6.5 A card file arranged according to the Locarno Classification is available.

6.6.3 Search files of registered designs or deposits according to the Locarno Classification.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.27

Appendix 1, page 6

CZ

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.12(a) Description of kind(s) of products is not obligatory, but may be indicated.
- 3.1.12(b) The classification is allotted by the Office.
- 3.4.2 Format of photographs or drawings minimum A6, maximum A5; professional quality. Representation of colors is required only if colors are to be protected.
- 3.5.3 Requests for extending deadlines require payment of additional fees.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 Documentation used: catalogues of industrial designs applications and of registered designs, official journals of several industrial property offices, various other journals.
- 3.5 Within two months.
- 4.2 No limitation regarding period of time.
- 4.2.1 The Office shall not register an industrial design the subject matter of which is identical to that of another application based on earlier priority right.
- 5.2 Five years from the date of filing the application.
- 6.2 The Office publishes a notice of the registration of an industrial design in the Official Bulletin.
- 6.4.1(a) Applications are numbered continuously. Registered designs are published according to their registration numbers.
- 6.6.3 Through the Register of Industrial Designs.
- 6.6.4 Data coverage of bibliographic and legal status information goes back to 1986. That information is available to the public as from the same date.

DE

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.3 An address for service must be known to the Office. The date of application will not be deferred if, after the filing of the application, the address is changed or even communicated for the first time.
- 3.1.4(c) The applicant does not have the option of choosing specimen or representation.
- 3.1.8 In case of foreign applicants delay is fixed by the Office. The application date will not be deferred if the name of the representative is submitted later.
- 3.1.12(b) The applicant is invited to indicate the kind(s) of products; however, final decision is made by the Patent Office.
- 3.4.2 The maximum size of plain specimens is 50 x 100 x 2.5 cm or 75 x 100 x 1.5 cm. It must be foldable to A-4 format. Maximum weight is 10 kg. The maximum size of models is 50 x 40 x 40 cm; weight up to 10 kg, including packaging. The representation must be suitable for publication.
- 3.5.1(c) Protection of an industrial design starts on the date on which the applicant has complied with all requirements fixed in the rules. Payment of the fees can be effected within the time limit fixed by law.
- 3.5.3 The following actions require payment of additional fees: publication, prolongation, transfer of rights (under certain circumstances).

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.5 Within two months.
- 4.2 The law provides for the possibility of deferment of publication of 18 months.
- 4.2.1 The consequences are identical to those in case of publication.
- 4.2.2 The file may be inspected by third parties if a justified interest is proved.
- 5.1(c) The industrial design right can be enforced by a court from the date of registration although it is in force earlier (as from the date of filing—as defined by law).
- 5.2 Five years from the date of filing. In case of deferment of publication the initial term of protection is 18 months.
- 6.1 Approximately three months after the date of registration.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.28

Appendix 1, page 7

- 6.2 A defective application may cause delay in publication.
- 6.4.1(a) The present format of the application number consists of letter code, year indicator, serial number and check digit (e.g., M 92 123450). According to the new numbering system to be introduced shortly, the letter code "M" indicating a design application will be replaced by the numeral "4."
- 6.6.3 Folders containing bibliographic data and pictures of protected designs, arranged in accordance with the Locarno Classification, are available in public reading rooms in Munich and Berlin.
- 6.6.4 Data coverage of bibliographic and legal status information goes back to 1988. That information has been available to the public since 1991.
- 6.6.6 Applications of domestic applicants prior to July 1, 1988, had to be filed with the corresponding local courts. The registers of these courts are accessible to the public. The German Patent Office keeps the register (in paper form) of applications filed by foreign applicants prior to that date. Both kinds of applications had been published after registration in "Bundesanzeiger."

DK

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1 The Danish Designs Act provides, as a further element which an application must contain, a declaration signed by the applicant to the effect that to his knowledge the design was not known prior to the filing date.
- 3.2 An application may contain up to 20 industrial designs. Such designs must, however, be related as to manufacture and/or use.
- 3.3. The design has to be represented from as many angles as required to show the object properly.
- 3.4.2 The maximum size of specimens is 40 cm at any side with a weight of up to 4 kg. No perishable goods are accepted. Photographs or drawings must be suitable for reproduction. They should not exceed A-4 format. Black-and-white or colored representation is accepted.
- 3.5.4 Partial refund is possible under certain circumstances.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 Documentation used: earlier DK applications and registrations (max. 20 years back), catalogues.
- 3.4 Whether required fees have been paid.
- 3.5 Within two months. Possibility of further extension depends on certain circumstances.
- 4.1 For a period of six months from the filing date.
 - 4.1.1 Infringements and conflicts with other applications cannot be dealt with until the secrecy period has expired.
- 4.2 Deferment of publication may be extended up to six months.
 - 4.2.1 Infringements and conflicts with other applications cannot be dealt with until publication has taken place.
- 5.2 Five years from the date of filing the application.
- 6.4 The first publication is made in the order of the filing dates or priority dates as the case may be.
 - 6.4.1 Three publication levels: (1) Non-examined applications made available to the public; (2) Examined applications laid open to public inspection; and (3) Registered designs.
 - 6.4.1(a) Numbering format is MA XXXX YYYY for applications and MR XXXX YYYY for registrations. The numbering series are separate.
- 6.6.2 The public has access to a design six months after the filing date or the priority date, as the case may be.
- 6.6.3 The search files on registered designs are accessible to the public.
- 6.6.4 Data coverage of bibliographic and legal status information dates back to 1988. That information is available to the public as from the same year.

EG

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.10 Declaration to be provided within delay of six months.
- 3.4.2 Size and weight of the specimen should be such that the Office can keep it in files.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.29

Appendix 1, page 8

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.5 Within three months.
- 5.2 Five years from the filing date.
- 6.4.1(a) A serial numbering system is used.
- 6.6.3 The records contain all information concerning registered designs.
- 6.6.4 Data coverage of bibliographic information dates back to 1951. That information is available to the public as from the same year.

ES

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.2 Up to ten industrial designs can be included in the same application, provided that they belong to the same class of the Locarno Classification.
- 3.4.2 Representations must be filed on "couche" paper, with a maximum size of 6 x 10 cm.
- 3.5.1(c) Protection starts on the date of registration (after payment of the prescribed fees).
- 3.5.3 The following additional fees have to be paid: opposition fee, registration fee, "first period of protection" fee.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.1(g) The applicant does not furnish classification symbols.
- 3.3 Documentation provided by opponents during the opposition procedure is used.
- 3.5 Within one month.
- 5.2 Ten years from the date of registration.
- 6.2 Incomplete or incorrect applications may cause delays in publication (maximum six months).
- 6.4.1 Publication of the registrations.
- 6.4.1(a) A sequential numbering system is used for applications. No specific numbering system is applied for registrations.
- 6.6.3 The following search files are available: administrative file arranged by application number, industrial design database "MODINDU."
- 6.6.4 Data coverage of bibliographic and legal status information dates back to 1979.
- 6.6.6 Database containing bibliographic information about industrial designs available to the public, from 1968 onwards, with the text of the Locarno Classification.

FI

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.3 As many views of the design are required as are necessary to show the object properly.
- 3.4.2 The maximum size of specimens is 40 cm at any side with a weight of up to 4 kg. Perishable or dangerous goods are not accepted. Photographs or drawings must be suitable for reproduction and should not exceed A-4 format. No technical drawings are accepted. Three black-and-white photographs are required. If color registration is desired, one black-and-white and two color photographs are to be provided.
- 3.5.1(a) Protection of an industrial design starts on the date of filing the application on the condition that a specimen or representation of the design has been filed.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 Documentation used: pending applications filed earlier and designs entered in or removed from the Register of Designs.
- 3.4 For details see Section 4 of the Registered Designs Act of March 12, 1971.
- 3.5 Within two months.
- 4.1) Up to six months from the filing date.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.30

Appendix 1, page 9

- 4.2)
- 4.2.1 Legal consequences with regard to infringements are liability for damages. A secret application if it becomes available to the public can be an obstacle to later applications concerning similar objects.
- 5.2 Five years from the date of filing the application.
- 6.2 (i) the possibility for the applicant to keep the application secret for six months;
(ii) if the formalities of an application are not fulfilled or there are obstacles, the Office has to invite the applicants to make the corrections or express their views within two months.
- 6.3 All have a cumulative effect.
- 6.4.1 Design applications laid open for public inspection and registered designs.
- 6.4.1(a) The Office is using an annual numbering system for applications and a continuous numbering system for registrations.
- 6.5 Applications are available to the public from the filing date. Where deferment of publication has been requested, the documents shall be available to the public at latest after six months from the filing date or the priority date.
- 6.6.3 The following files exist:
(i) register of Designs;
(ii) representation File (it contains all the pictures of the applications; the pictures have been put in order according to the CID);
(iii) databased diary.
- 6.6.4 Data coverage of bibliographic and legal status information goes back to 1989. That information has been available to the public since 1992.

FR

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.9 New provisions exempt professional representatives from furnishing these powers, but they are still required from other representatives.
- 3.1.11 Copy of priority application is to be provided within a maximum delay of three months.
- 3.3 While under no obligation to do so, the applicant does have the option of filing as many reproductions as he considers necessary, subject to payment of the prescribed fees.
- 3.4.2 The following are required: photographs for drawings on paper, of a format between 8 x 8 and 15 x 18 cm, in black and white or color, or possibly samples of fabric, metal foil or plastic sheeting, etc., with the same format limits and of a thickness not exceeding 3 mm (pasted on to the form provided).
- 3.5.3 Additional fees to be paid are for:
– extension for the second period of 25 years;
– putting the deposit in order prior to publication;
– provision of an official copy (on request);
– waiving postponed publication;
– corrections (clerical errors);
– request for a statement of expiry dates.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.5 Within a period of one to four months.
- 4.2 Up to three years.
- 4.2.1(a) The unpublished design is presumed unknown to infringers.
- 5.2 Twenty-five years from the date of filing.
- 6.1 Three months for making available to the public in the documentation and reading room. Publication takes place four to five months after filing.
- 6.2 There are the following reasons:
(i) deposit not in order (five to six months);
(ii) excessive workload in the department (unforeseeable delays);
(iii) computer problems (one or two months).
- 6.3 The above reasons can have a cumulative effect, but this is very rare.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.31

Appendix 1, page 10

- 6.4.1(a) Each deposit is given a national number (year plus four figures). At the time of publication a number is given to each reproduction contained in the deposit in a computerized operation (a three-dimensional design of which several views are shown will thus have several publication numbers).
- 6.6.1(a) INPI publishes in the Designs and Models Bulletin the bibliographic references of deposits and the objects contained in those deposits.
- 6.6.3 The search file consists of a collection of photographs of designs published since 1910.
- 6.6.4 There is an internal management database from which INPI intends to derive a commercial online database.
- 6.6.5(b) The database is scheduled to contain graphic data in the future.

GB

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.3 In principle, no representation from different angles is required, but it may be necessary if a single view fails to effectively disclose the features for which protection is required.
- 3.4.2 The requirements to be met are those of the Registered Designs Rules 5 (size), 15 (statement of novelty), 17 and 18 (number of copies), 19 (layout), 20 (drawings or tracings), 21 (replacement of specimens), 22 (words and letters), 23 (surface patterns), 24 and 25 (portraits and insignia).
- 3.5.1(a) Protection of an industrial design starts on the filing date provided that some shortcomings are corrected prior to registration and that the design is registered.
- 3.5.1(c) Protection of an industrial design may start on another date if the priority of an earlier application is claimed under the Convention (according to Section 14 or to Sections 3(4), 3(5) of the 1949 Registered Designs Act).
- 3.5.3 Error corrections and late completions of the application require payment of additional fees.
- 3.5.4 Full refund can be made if an application is withdrawn prior to search and examination.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 No time limit. Citation of registered designs or other published material for all articles except those of checks and stripes, textiles or laces.
- 3.4 All details.
- 3.5 Twelve months or 15 months (with payment of additional fees) under Rule 36 of the Registered Design Act of 1989. This period of time can be exceptionally extended under Rule 51.
- 4.1 All applications are secret until registration.
- 4.2.2 Whilst there is no request for secrecy, the Office does not publish any data or information on withdrawn or abandoned applications. For textile, wallpaper or lace articles, the secrecy periods of Rule 69 apply but their bibliographic data would be published on registration.
- 5.1(d) Protection arises automatically under the Design Right provision when the design is created. Proof of the date of the design creation needs to be kept in case the design right is challenged. The protection available to designs can be enforced in the courts following the date of grant of the Certificate of Registration as of the date of registration which stems from the date of first filing of the design in the UK or, if a priority is claimed under the Convention, in another country.
- 5.2 Five years from the date of registration.
- 5.3(a) The term of protection may be extended two times (15 years) if the application was filed prior to August 1, 1989. A four-time renewal (for five years each time and up to 25 years) is possible if the application was filed on or after August 1, 1989.
- 6.1 Publication is made when the Certificate of Registration is issued, which happens on average five months after the filing date.
- 6.2 Delays in the amendment and correction of applications following failings found during examination.
- 6.3 The combination of both the public and official delays in attention given to the amendment of application defects.
- 6.4.1(a) Current applications are numbered on a seven-digit basis commencing from 2,000,000; other than textiles, which commence from 600,000.
- 6.6.1(b) A copy of the design is available for public inspection following registration publication in the journal with the exception of wallpaper and lace, publishing being governed by Rule 69.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.32

Appendix 1, page 11

- 6.6.3 The Office maintains a public box of designs in numerical order at Newport, Gwent, and a London office copy at its premises, to enable the public to see Registered Designs with the exception of textiles, wallpaper and lace, publication being governed by Rule 69.
- 6.6.4 Data coverage of bibliographic and legal status information goes back to 1989.
- 6.6.6 Patent Office Journal.

HU

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.3 The applicant has to provide, upon request of the Office, six photographs showing different angles of the design.
- 3.4.2 The industrial design should be represented by photos made of as many views as it is necessary for its unequivocal determination: six photos of each view. Color photos are necessary only if color is claimed.
- 3.5.3 In case that prompt procedure is requested by the applicant, additional fees are to be paid.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 Applications are examined whether they have been publicly known before the filing date either in Hungary or abroad. Official gazettes on industrial designs, prior applications, catalogues and periodicals are consulted for examination. No limitation as to period covered.
- 3.4 The application is checked as to whether the design is not excluded from protection.
- 3.5 A request for correction or completion is sent if any defect is found during examination. The applicant should correct or complete it within a period of 30 days after sending the notification of defect.
- 4.1) Until the end of the registration procedure.
- 4.2)
- 5.1(c) With retroactive effect as from the filing date.
- 5.2 Five years from the date of filing.
- 6.6.3 Search files and the register of registered designs are accessible.
- 6.6.4 Data coverage of bibliographic information goes back to 1991. That information is available to the public as from the same year.

JP

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.3 Drawings giving six views of the design are required. In addition, cross-sectional views may be submitted, if suitable.
- 3.4.2 The format of specimen should not exceed 22 x 18 x 0.7 cm (up to 1 x 1 m in case of cloth or sheets).
- 3.5.3 An additional fee has to be paid for registration of the design.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 Applications are examined whether they have been publicly known prior to the filing of applications in Japan or in any foreign country. Such documentation as official gazettes on industrial designs, prior applications, catalogues and periodicals are consulted. No limitations as to period covered.
- 3.4
 - (i) the creativity of a design is examined;
 - (ii) in the case of applications including several designs, examination is carried out as to whether they are customarily sold or used together as a set of designs.
- 3.5 Within 40 days from the notification of the defects.
- 4.1) Up to three years from the date of registration.
- 4.2)
- 4.2.1(a) In case of deferment of publication of an application, the design right in respect of that application, during a period of its secrecy, cannot be enforced unless the right holder submits to the alleged infringer a written warning which indicates the bibliographic data and the protected design.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.33

Appendix 1, page 12

- 4.2.1(b) Other applications concerning similar objects may be refused if such applications have been filed later than the filing date of an application whose publication is deferred. Applicants of the later-filed applications may inspect the application document which is cited as the prior application.
- 5.2 Fifteen years from the date of registration.
- 6.4.1(a) Applications are numbered using an annual series of numbers. Registrations are given a separate serial number.
- 6.6.3 Official Gazette on Industrial Designs.
- 6.6.4 Data coverage of bibliographic , pictorial and legal status information goes back to 1888.

KR

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.3 The design must be represented from six angles.
- 3.4.2 The maximum size of specimen is 15 x 22 x 1 cm. The format of photographs is 7 x 10 cm at minimum and 10 x 15 cm at maximum.
- 3.5.3 A fee for registration and publication of the design has to be paid at the time of registering it.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 Domestic and foreign publications, catalogues, etc., are used. Time coverage goes back to 1950.
- 3.4 Creativity of the design is also examined.
- 3.5 Within the prescribed deadline set by the Office (usually one month from the notification). The time limit may be extended on request.
- 4.1 Up to three years from the date of registration.
- 5.2 Ten years from the date of registration.
- 6.2 Delays in publication mainly result from examination procedure.
- 6.4.1(a) The following format is used:
 - (i) for applications: year-number;
 - (ii) for registrations: number.
- 6.6.3 Official Gazette.
- 6.6.4 Data coverage of bibliographic information goes back to 1981. Available to the public from 1982 onwards.

MA

FILING PROCEDURES AND FILING REQUIREMENTS

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 4.1 Up to 25 years.
- 5.2 Secret deposit: five or 25 years;
deposit with publicity: 25 years.
- 5.3 In the case of the secret deposit the applicant may, before the five-year period expires, request maintenance of the deposit up to 25 years. After a first 25-year period, the deposit may be extended for a further period of 25 years (the total term of protection then being 50 years).
- 6.6.3 The deposit files are the search files.

MC

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.4 Specimens of the object itself may be deposited.
- 3.4.2 Representations made or pasted on sheets of 21 x 27 cm format or 21 x 31 cm format (21 x 29.7 cm accepted). The specimens of the object, where deposited, have to be in a wooden or metal box not exceeding 50 cm in length. The total weight (box and objects) must not exceed 8 kg.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.34

Appendix 1, page 13

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.1(e) No specific conditions.
- 3.5 Within eight days from the receipt of the official notification.
- 4.1 Up to five years.
- 5.1(d) Date of prior disclosure declared on deposit.
- 5.2 Ten years from the date of deposit or of the prior disclosure.
- 6.2 Applicant delays putting the file in order.
- 6.4.1(a) Number assigned chronologically according to the date (and where applicable also the hour) of deposit of the application with a different letter (from A to Z) added for each design in the same application.

NO

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.12(b) Indication only of kind of product which the design represents is necessary; no description of the product required.
- 3.3 The total appearance of a design should be shown by the representation.
- 3.4.2 The specimen shall be of a durable material and must not exceed 40 cm in any dimension, or weigh more than 4 kg. A picture shall be filed in triplicate in a size not exceeding A-4 format. The picture can be both in color or black and white, and shall be suitable for reproduction.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 The examination as to the novelty of a design that the Office shall effect shall comprise design registrations made in accordance with Section 23 of the Design Act, being still in force, such registrations which have been removed from the register during the last five years, and the applications for registration filed in accordance with Section 10 of the Design Act, but not yet decided upon.
The registrability of a design in relation to the provisions in Section 4 of the Design Act shall be investigated by the Office to the extent made possible by the substance of the design, and to the extent this may be done without a substantial delay in the handling of the application.
- 3.5 Within two months.
- 4.1)
4.2) Up to six months from filing or priority date
- 4.2.1(a)
4.2.1(b) No legal consequences.
- 5.2 Five years from the date of filing.
- 6.2 Novelty search of applications with foreign priority (maximum six months). Corrections of the application to be made by applicants (two to six months).
- 6.3 All have a cumulative effect.
- 6.4.1(a) The Office uses an annual numbering system for applications with a two-digit indication of the year of filing (e.g., 930001).
- 6.5 Available at the Office.
- 6.6.3 All documentation of the Office which is not secret is accessible.
- 6.6.4 Data coverage of bibliographic and legal status information goes back to 1989.

OA

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.12(c) OAPI is not using a national classification.
- 3.4.2 Drawings and graphic or photographic representations should not measure less than 3 cm on any side or exceed the 16 x 16 cm format. They must be submitted flat or rolled, not folded.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.35

Appendix 1, page 14

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.5 In the case of a defect not liable to invalidate the deposit, the applicant is allowed a period of two months within which to put his deposit in order.
- 5.2 The term of protection expires at the end of the fifth year.
- 6.1 The publication appears at irregular intervals.
- 6.4.1(a) According to a numbering system specific to the Office.

PT

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.2 An application may contain up to 10 designs. Industrial designs contained in one and the same application should all be covered by the "same use."
- 3.3 When there is some doubt as to the shape of the subject matter of an application, the industrial design should be shown from different angles.
- 3.4.2 The drawings must be executed in the form of durable line drawings with clear outlines, without color or washes. The scale of the drawings and the clarity of their execution should be such that a photographic reproduction made with a linear reduction of two-thirds allows all the details to be distinguished without difficulty. The format of the drawings and photographs should meet the following minimum margin conditions: upper margin 2.5 cm; left-hand margin 2.5 cm; right-hand margin 1.5 cm; lower margin 1 cm.
- 3.5.3 The stages corresponding to grant, to new publications and to amendments to bibliographic data.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.1(g) Classification symbols are allotted by the examiners.
- 3.3 Design applications filed in Portugal after 1970 are used.
- 3.5 Within 60 days.
- 5.2 The term is limited to 25 years from the application date if the owner of the registration takes care of the payment of annual fees.
- 6.1 Twelve months from the filing date, or priority date if any.
- 6.2 There should not normally be any delay in publication since the law stipulates a twelve month period for first publication. If an application contains formal defects, the office sends a notification to the applicant and invites him to correct the application. If the applicant does not reply, the notification is published together with the application in the official bulletin.
- 6.4.1 Any amendment and the notice of grant or refusal are published.
- 6.4.1(a) We have a system of serial numbering, and the application and publication numbers are the same.
- 6.5 The public is simply informed that the application has been withdrawn at the time of first publication in the bulletin and, in such case, the bibliographic data alone is published (no drawings).
- 6.6.3 The only search files are the Portuguese Official Bulletins.
- 6.6.4 Data coverage of bibliographic and legal status information goes back to 1964. That information is available to the public as from the same year.
- 6.6.6 Official journals of foreign countries.

RO

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.8 For foreign applicants only.
- 3.4.2 Representations or photographs should suit a size of 6 x 6 cm, but not exceed 18 x 24 cm.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.36

Appendix 1, page 15

- 3.5.3 Additional fees are payable for:
- deferment of publication;
 - claim of priority;
 - certification of registration for the first five years;
 - prolongation for each period:
 - for one design;
 - for every additional design;
 - change of owner, change of name or address of the owner;
 - making of a copy of a deposit from the National Register;
 - examination in the case of appeal against a refusal or request for revocation.
- 3.5.4 Refund in part of the publication fee solely if withdrawal is requested before the preparation for publication is completed. There is no refund for a renunciation.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.2(d) During examination of the publication, the examination committee will take into account the provisions of Law No. 129 of 1992 on the protection of industrial designs in Romania, and will take into consideration all applications for registration whose regular national filing with the State Office for Inventions and Trademarks enjoys earlier priority.
- 3.3 The documents used are the designs registration applications filed in Romania since 1992 and the design registration applications filed under the Hague Agreement since 1960.
- 3.5 Within three months.
- 4.2 Up to 12 months from filing or priority date.
- 4.2.1(a) Only with respect to indemnification.
- 5.2 Five years from the date of filing.
- 6.6.3 The collection of the Official Bulletin of Industrial Property—"industrial designs" section.
- 6.6.4 Data coverage of bibliographic and legal status information goes back to January 1993. That information is available to the public as from the same year.

RU

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.3 Representation of the design is left to the discretion of the applicant.
- 3.4.2 The format of photographs should not exceed 18 x 24 cm. If the color is an essential feature of the design, color photographs or slides are to be provided.
- 3.5.3 Correction of errors, amendments of the application and requests for renewal require payment of additional fees.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 Applications and registered designs as contained in the collection of the Office of the last 10 years are used.
- 3.5 Within two months.
- 6.4.1(a) Format of the application number: YY NNNNNN. Format of the publication number: NNNNN.
- 6.6.3 Applications and registered designs as contained in the collection of the Office are accessible.
- 6.6.4 Data coverage of bibliographic information goes back to 1990.

SE

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.3 The object must be represented properly.
- 3.4.2 The maximum size of specimens is 40 cm at any side with a weight of up to 4 kg. Drawings or photographs are accepted in black-and-white or in color. It is desired to provide representations of the design in perspective views.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.37

Appendix 1, page 16

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 All earlier applications, registrations, etc., even cancelled, dismissed or rejected, are used by examiners; also catalogues, brochures in all fields; patent applications, trademarks applications; all kinds of material that show different objects.
- 3.5 Within two months after official notification.
- 4.1 Up to six months.
- 4.2 No limitation as to time period.
- 4.2.1(c) No consequences at all.
- 4.2.2 In case the application is not secret.
- 5.2 Five years from the date of filing.
- 6.2) Reasons for delays in publication are: wrong pictures, bad pictures, obstacles
- 6.3) found during examination.
- 6.6.2 Public access to the register is possible after the registration has become official and the data have been stored on microfilm.
- 6.6.3 Files (in microfilm) are accessible.
- 6.6.4 Data coverage of bibliographic and legal status information goes back to 1989.
- 6.6.6 All kinds of information are available by using the Commission Services Department "Inter-Pat."

TN

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.4.2 Specimen should not exceed the format 40 x 40 x 40 cm. The maximum weight is 10 kg.
- 3.5.3 Additional fees are to be paid for the administration of the specimen.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 4.1 No limitation as to time period.
- 5.2 Five years from date of filing.
- 6.1 The journal is published quarterly.
- 6.4.1(a) The Office applies an annual numbering system for applications with a two-digit indication of the year of filing.
- 6.6.4 Data coverage of bibliographic information goes back to 1984.

TT

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.4.2 The requirements to be met are set out in the instructions.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 4.1 Up to five years.
- 5.2 Five years from date of registration.
- 5.3 Renewal is not provided for by the legislation. The applicant can merely re-register the design at the end of the five-year period.
- 6.1 The journal is published quarterly.

US

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.12 The US Patent Classification System is applied.
- 3.3 The representation of the design must meet the requirements of definiteness under the US Patent Law (Vol. 35 of US Code, Section 112).



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.38

Appendix 1, page 17

- 3.4.2 The requirements to be met are set out in Vol. 37 of US Code of Federal Regulations, Sections 1.84 and 1.152.
- 3.5.3 The following actions require payment of additional fees: extension of time, appeals, petitions, issue of design.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.3 Prior art consisting of US patents, foreign patents and non-patent literature are used.
- 3.4 Non obviousness of invention under the provision 35 US Code, Section 103 and non prior art rejections are checked by the Office.
- 3.5 Within a time period from 30 days to six months.
- 5.1(c) As from date of grant.
- 5.2 Fourteen years from date of grant.
- 5.5 There exists no formal procedure.
- 6.1 If and when the application is patented, publication is made at an average time of 26 months after the date of filing.
- 6.2 Reasons for delays in publication are completion of the examination process or printing backlogs.
- 6.3 Both of the reasons given under 6.2.
- 6.4 Designs are published in the order in which they were patented.
- 6.4.1(a) Applications are numbered in a sequential order by date of filing; publications are numbered in a sequential order by date of patent grant. Designation is alphanumeric, i.e., D-NNN, NNN.
- 6.6.1(b) Registered design is identical to design patent.
- 6.6.2(b) As from the date of grant.
- 6.6.3 Search files of granted design patents filed according to US Patent Classification System are accessible.
- 6.6.4 Data coverage of bibliographic and legal status information goes back to 1935. That information is available to the public as from the same year.
- 6.6.6 Granted design patents available in 76 Patent Depository Libraries.

WO

FILING PROCEDURES AND FILING REQUIREMENTS

- 3.1.4 According to the 1960 Act of the Hague Agreement Concerning the International Deposit of Industrial Designs, two representations of the design are mandatory. The provision of specimen is left to the discretion of the applicant. According to the 1934 Act of that Agreement, two representations or two specimen are required.
- 3.1.5 Identification of creator(s) is left to the discretion of the applicant (1960 Act only).
- 3.1.8 Identification of agent is left to the discretion of the applicant.
- 3.1.9 Required if an agent was chosen.
- 3.1.12(b) Indication according to the Locarno Classification is left to the discretion of the applicant.
- 3.2 An international deposit may include up to 100 designs. In the case of international deposits governed exclusively or partly by the 1960 Act, all designs included in a multiple deposit shall be intended for incorporation in articles listed under the same class of the International Classification.
- 3.4.2 Requirements for representations:
 - not less than 3 cm but maximum 16 x 16 cm (1960 Act);
 - no limitation under the 1934 Act.Requirements concerning specimens:
 - no envelope or package may, including packaging material, exceed 30 cm in any of its dimensions or a weight of 4 kg.The photographs supplied must be of professional standard, without halftones, obtained from a negative or a transparency. They must be cut at right angles. The articles must be shown against a neutral plain background. Shadows must be removed.



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.39

Appendix 1, page 18

Graphic representations must be either originals of professional standard produced with drawing instruments, in India ink, on tracing paper, quality white paper or Bristol board, or prints made from such originals and having the same quality. The lines must be even and boldly drawn. The article represented should preferably be in perspective; it may comprise shading and hatching to provide relief.

- 3.5.1(a) In the case of minor defects such as the sending of only one photograph or specimen instead of the two required.
- 3.5.1(b) In the case of defects in essential elements of the application (Rule 14.2(c)).
- 3.5.2 In the case of deferment, the publication fee is not payable on deposit.
- 3.5.3 In the case of deferment, if the publication fee has not been paid on deposit, it has to be paid not later than one month before the publication date.
- 3.5.4 Partial repayment of the publication fee only in the case of withdrawal requested before the work on publication has been completed. No repayment in the event of renunciation.

EXAMINATION METHODS AND PUBLICATION PROCEDURES

- 3.5 Within three months.
- 4.1 Up to five years under the 1934 Act, up to 12 months under the 1960 Act.
- 4.1.1 The international deposits are subject to national legislation in the designated countries.
- 4.1.3 Yes, under the 1934 Act; no, under the 1960 Act.
- 4.2 Up to 12 months (under the 1960 Act).
- 4.2.1(c) International deposits are subject to national legislation in the designated countries.
- 5.1 Subject to Rule 14.2 of the Regulations (on defects), the International Bureau enters the international deposit in the International Register on the date on which it has in its possession the application together with the items required. Reproductions, samples or models pursuant to Rule 12, and the prescribed fees.
- 5.3 Under the 1934 Act once for 10 years, under the 1960 Act at least once for five years. They can then be renewed for further five-year periods, but have effect only in States that grant international deposits a term of protection of over ten years.
- 6.4.l(a) Under the 1934 Act the NNNNN format is used, and under the 1960 Act the DM/NNNNNN format. Deferred deposits have a provisional format number DMA/NNNNNN.
- 6.6.3 Collection of International Designs and Bulletins.
- 6.6.4 A database containing bibliographic information was created in January 1994.

[Appendix 2 follows]



APPENDIX 2

ENGLISH ALPHABETICAL INDEX

A	
Additional fees, actions requiring payment of	3.5.3 (I)
Address for service	3.1.3 (I)
Agent, name of	3.1.8 (I)
Applicant(s), identification of	3.1.2 (I)
Application	
– access to an	4.2.2 (II)
– access to applications withdrawn or refused	6.5 (II)
– correction of an	3.5 (II)
– kept secret	4.1.1, 4.1.2, 4.1.3 (II)
Attorney, name of	3.1.8 (I)
B	
Bibliographic information	6.6.4 (II)
C	
Copy of first application	3.1.11 (I)
Creator(s), identification of	3.1.5 (I)
D	
Database(s) on industrial designs	6.6.4 (II)
Declaration of priority	3.1.10 (I)
Deferment of publication	4.1, 4.2, 4.2.2, 4.2.3 (II)
Drawings	3.4.2 (I)
Duration of term of protection	5.2 (II)
E	
Enforcement of the industrial design	5.1 (II)
Examination procedure	3.1 (II)
Examination as to novelty	3.2 (II)
F	
Fees	3.5.2 (I)
– payment of additional	3.5.3 (I)
– refund of	3.5.4 (I)
Filing procedures	3.5 (I)
Filing requirements	3 (I)
Form(s), use of	3.4.1 (I)
I	
International Classification for Industrial Designs	3.1.12 (I)
K	
Kind(s) of products	3.1.12 (I)
L	
Legal effect of registration or deposit	3.5.1 (I)
Legal status information	6.6.4 (II)



HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

Ref.: Examples and IPO Practices

page: 7.8.41

Appendix 2, page 2

	M	
Microforms		3.4.3 (I)
Minimum elements		3.1 (I)
	N	
National classification		3.1.12 (I)
	O	
Opposition		3.2, 5.5 (II)
	P	
Payment of additional fees		3.5.3 (I)
Photographs		3.4.2 (I)
Physical requirements		3.4 (I)
Public information on industrial designs		6.6 (II)
Pictorial information		6.6.4 (II)
Power of attorney		3.1.9 (I)
Prolongation of the industrial design		5.3 (II)
Publication		
– of bibliographic data		4.2.3 (II)
– appearance of first publication after filing an application		6.1, 6.4 (II)
	R	
Refund of fees		3.5.4 (I)
Register of industrial designs		6.6.2 (II)
Renewal of the industrial design		5.3 (II)
Representation of the industrial design		3.1.4 (I), 3.3 (I)
	S	
Sealed deposits		4.1 (II)
Several industrial designs in one application		3.2 (I)
Specimen of the industrial design		3.1.4 (I), 3.4.2 (I)
Succession of title		3.1.7 (I)
	T	
Term of protection		5.2 (II)
Transfer of rights		3.1.6 (I)

[End of Appendix 2 and of Survey]