

ANNEX I

**Quantitative Summary of Replies to the Questionnaires on Industrial Design Law and Practice
(documents SCT/18/7 and SCT/18/8 Rev.)**

Questions		Replies	YES	%	NO	%	N/A	%
I. SUBJECT MATTER OF INDUSTRIAL DESIGN								
1. The following subject matter may be protected as an industrial design	A typeface	42	33	79%	9	21%		
	A mere word or sequence of letters without a particular styling	42	3	7%	39	93%		
	Colors	42	20	48%	19	45%	3	7%
	Color <i>per se</i>	42	2	5%	39	93%	1	2%
	A graphic symbol, such as a drawing, picture or logo	42	34	81%	8	19%		
	Ornamentation, such as figurative elements and patterns	42	39	93%	3	7%		
	Product packaging	42	42	100%				
	Product shape	43	42	98%	1	2%		
	Get-up and trade dress	42	30	72%	6	14%	6	14%
	A specific texture or material	42	28	67%	14	33%		
	A graphical user interface	42	28	67%	9	21%	5	12%
	An architectural structure	42	28	67%	11	26%	3	7%
	An architectural plan as such	42	8	19%	31	74%	3	7%
	Interior of a room, shop, vehicle, etc.	41	28	68%	11	27%	2	5%
	Appearance of a product of variable form, such as a fountain or an inflatable balloon	42	21	50%	16	38%	5	12%
	Labels	42	37	88%	5	12%		
Holograms	42	21	50%	16	38%	5	12%	

SCT/19/6
Annex I, page 2

Questions		Replies	YES	%	NO	%	N/A	%
	Cartoon character	42	28	67%	13	31%	1	2%
	Animated icon	42	13	31%	24	57%	5	12%
	Layout-design of integrated circuits	42	6	14%	34	81%	2	5%
	Spare parts	42	32	76%	7	17%	3	7%
2. A part of a product which can be separated from the product may constitute an industrial design.		42	41	98%	1	2%		
3. A part of a product which cannot be separated from the product may constitute an industrial design.		42	31	74%	11	26%		
II. INDUSTRIAL DESIGN APPLICATION								
4. The industrial design, or the product or products which constitute the industrial design, may be reproduced in the form of:	Photographs (black and white)	64	60	94%	3	5%	1	1%
	Photographs (color)	63	58	92%	4	6%	1	2%
	Drawings	63	60	95%	1	2%	2	3%
	Technical drawings	61	36	59%	22	36%	3	5%
	Other graphical representations, namely	11						
	perspective views		1					
	computer representations		3					
	CAD drawings		2					
	Any other format which enables to accurately reproduce the design (e.g. image file of a motion design)	60	11	18%	40	67%	9	15%
5. Dotted or broken lines may be used to represent matter that is not part of the claimed design.		64	46	72%	14	22%	4	6%
6. A specific number of copies of the reproduction is required		66	53	80%	13	20%		
6 ^{bis} . Number of copies required.		53						
	up to 10 copies		52					
	more than 10 copies		1					

SCT/19/6
Annex I, page 3

Questions		Replies	YES	%	NO	%	N/A	%
7. The reproduction should contain a sufficient number of views to completely disclose the appearance of the claimed design.		66	58	88%	8	12%		
8. The number of views that may be provided is limited.		66	12	18%	53	80%	1	2%
8 ^{bis} . Maximum number of views permitted.		12						
	7		6					
	10		2					
	Other		4					
9. A specific number of views is required.		64	16	25%	45	70%	3	5%
9 ^{bis} . Views required:	Front	18	17	94%	0	0%	1	6%
	Rear	17	16	94%	0	0%	1	6%
	Right side	17	16	94%	0	0%	1	6%
	Left side	17	16	94%	0	0%	1	6%
	Top	17	16	94%	0	0%	1	6%
	Bottom	17	16	94%	0	0%	1	6%
	Other view	8						
10. Sectional views of the industrial design are permitted.		67	46	69%	19	28%	2	3%
10 ^{bis} . Detailed views (enlargements) of the industrial design are permitted.		64	53	83%	9	14%	2	3%
11. Perspective views of the industrial design are:	Mandatory	63	16	25%	47	75%		
	Optional	62	49	79%	11	18%	2	3%
12. A specific number of perspective views is required.		67	10	15%	54	81%	3	4%
12 ^{bis} . Number of perspective views required:		8						
	up to 5		5					
	more than 5		3					

SCT/19/6
Annex I, page 4

Questions		Replies	YES	%	NO	%	N/A	%
13. The quality of the reproduction must be:	Of professional level	63	12	19%	47	75%	4	6%
	Of a quality permitting all the details of the matter for which protection is sought to be clearly distinguished	68	67	99%	1	1%		
14. A description of the reproduction is:	Mandatory	58	23	40%	28	48%	7	12%
	Optional	58	33	57%	18	31%	7	12%
	Generally not permitted	51	5	10%	33	65%	13	25%
15. A description of the characteristic features of the industrial design is:	Mandatory	59	21	36%	35	59%	3	5%
	Optional	58	32	55%	21	36%	5	9%
	Generally not permitted	54	8	15%	34	63%	12	22%
	Optional since it does not affect the scope of protection of the design as such	53	22	42%	16	30%	15	28%
16. The use of a description is:	Largely made by applicants	63	32	51%	20	32%	11	17%
	% of applications with descriptions	24						
	≤20%		1					
	21% - 50%		4					
	51% - 100%		19					
	Rarely made by applicants	55	22	40%	20	36%	13	24%
	% of applications with descriptions	19						
	≤20%		14					
	21% - 50%		2					
	51% - 100%		3					
17. The submission of a design specimen is:	Generally not permitted	63	26	41%	27	43%	10	16%
	Optional for two and three-dimensional designs	62	23	37%	22	35%	17	28%
	Optional for two-dimensional designs only	58	25	43%	23	40%	10	17%
18. The specimen:	Substitutes the reproduction	64	14	22%	34	53%	16	25%

SCT/19/6
Annex I, page 5

Questions		Replies	YES	%	NO	%	N/A	%
	Complements the reproduction	61	27	44%	16	26%	18	30%
	Can only be submitted in the case of a deferment of publication	61	7	11%	28	46%	26	43%
19. If the reproduction does not correspond to the specimen	The reproduction is decisive	59	12	20%	19	32%	28	48%
	The specimen is decisive	61	13	21%	19	31%	29	48%
	The applicant is asked for clarification	59	32	54%	7	12%	20	34%
20. The use of a specimen is:	Largely made by applicants	59	8	14%	33	56%	18	30%
	% of applications accompanied by specimen is	4						
	≤5%		1					
	80% - 100%		3					
	Rarely made by applicants	58	31	53%	7	12%	20	35%
	% of applications accompanied by specimen is	28						
	≤5%		22					
	6% - 20%		6					
21. An indication of the product or products which constitute the industrial design or in relation to which the industrial design is to be used is required		67	63	95%	3	4%	1	1%
21 ^{bis} . If not, does this means that an industrial design could be applied for in the abstract		27	3	11%	6	22%	18	67%
22. An indication of the class (or sub-class) of the Locarno Classification for which the design(s) is (are) registered is required		67	30	45%	36	54%	1	1%
23. The application may include several industrial designs.		67	51	76%	16	24%		
24. The number of industrial designs that may be included is limited.		64	37	58%	26	40%	1	2%

SCT/19/6
Annex I, page 6

Questions		Replies	YES	%	NO	%	N/A	%	
24 ^{bis} . Maximum number of industrial designs.		38							
	1		12						
	5		1						
	10		3						
	20		4						
	40		1						
	50		8						
	100		9						
25. The industrial designs that are included in the same application must:	Belong to the same class of the Locarno Agreement		65	41	63%	14	22%	10	15%
	Belong to the same set or composition of items		63	32	51%	19	30%	12	19%
	Conform to a requirement of unity of design		63	28	45%	24	38%	11	17%
	Conform to a requirement of unity of production		60	8	14%	35	58%	17	28%
	Conform to a requirement of unity of use		60	11	18%	33	55%	16	27%
26. The use of multiple applications is:	Largely made by applicants		62	35	57%	15	24%	12	19%
	% of applications that contain more than one design		29						
		≥50		13					
		≤51		16					
	Rarely made by applicants		53	15	28%	24	45%	14	27%
	% of applications that contain more than one design		14						
		≥20		9					
	≤21		5						
27. The application must contain one or several claims.		67	21	31%	31	46%	15	23%	
28. The number of claims is limited.		62	12	19%	16	26%	34	55%	

SCT/19/6
Annex I, page 7

Questions		Replies	YES	%	NO	%	N/A	%
28 ^{bis} . Permitted number of claims.		12						
	1	11						
	3	1						
29. The claim may generally refer to:	The reproduction or the specimen of the industrial design (“the design as shown”)	59	21	35%	4	7%	34	58%
	Additional descriptions (“the design as shown and described”)	56	18	32%	5	9%	33	59%
30. The application must contain:	Indications allowing the identity of the creator to be established	68	52	76%	16	24%		
	A statement that the creator believes himself or herself to be the creator of the industrial design	66	14	21%	49	74%	3	5%
	The signature of the creator	66	18	27%	46	70%	2	3%
	Indications allowing the identity of the owner of the industrial design to be established	67	62	93%	3	4%	2	3%
	A signature of the owner of the industrial design	67	54	81%	10	15%	3	4%
31. Instead of the creator’s signature, the application may contain	The signature of the creator’s representative	64	23	36%	16	25%	25	39%
	Other evidence of the creator’s consent	64	22	34%	18	28%	24	38%
32. The creator of the industrial design must be a natural person.		65	52	80%	9	14%	4	6%
33. The application must be filed:	In the name of the creator	61	15	25%	41	67%	5	8%
	In the name of the owner	65	59	90%	3	5%	3	5%
34. In case the applicant is not the creator, the application must contain:	A statement of assignment	65	30	46%	30	46%	5	8%
	Other evidence of assignment	62	19	31%	38	61%	5	8%

SCT/19/6
Annex I, page 8

Questions		Replies	YES	%	NO	%	N/A	%
35. For a filing date to be accorded, the following indications and elements are required:	A request that the registration of an industrial design is sought	66	65	98%	1	2%		
	Indications allowing the identity of the applicant to be established	67	65	97%	2	3%		
	Indications allowing the applicant or its representative, if any, to be contacted	66	55	83%	11	17%		
	A sufficiently clear reproduction of the industrial design	66	63	95%	1	2%	2	3%
	A description of characteristic features	65	20	31%	41	63%	4	6%
	A specimen of the industrial design	67	7	10%	52	78%	8	12%
	A sufficiently clear indication of the product(s) which constitute the industrial design or in relation to which the industrial design is to be used	67	38	57%	27	40%	2	3%
	A claim	67	17	26%	39	58%	11	16%
	Indications allowing the identity of the creator to be established	67	22	33%	45	67%		
	Indications allowing the creator or its representative, if any, to be contacted	66	16	24%	50	76%		
	The payment of a fee	67	35	52%	32	48%		
36. If the application does not contain all indications and elements required for a filing date to be accorded, the applicant may complement the application within a given time limit.		66	50	76%	15	23%	1	1%
36 ^{bis} . Time limit.		50						
	1 month		11					
	2 months		24					
	3 months		8					
	Other		7					
37. The application may contain one or several priority claims.		66	63	95%	3	5%		

SCT/19/6
Annex I, page 9

Questions		Replies	YES	%	NO	%	N/A	%
37 ^{bis} . The claim	Must be made in the application	62	47	76%	13	21%	2	3%
	May be made in the application or later within a certain limit	70	30	43%	38	54%	2	3%
	Must be accompanied with supporting documents	61	41	67%	19	31%	1	2%
	May be accompanied with supporting documents	57	26	46%	18	31%	13	23%
38. Where the industrial designs in a multiple design application do not meet the necessary requirement to be included in a single application, the applicant may divide the application.		42	34	81%	6	14%	2	5%
39. Division should take place within a given time limit.		38	30	80%	4	10%	4	10%
39 ^{bis} . Time limit.		28						
	1 month		4					
	2 months		10					
	3 months		4					
	Other		10					
40. A disclosure of the industrial design within a given period of time before the date of filing, or the priority date of the application (grace period), is allowed, without affecting the requirement of novelty of the industrial design.		42	36	86%	5	12%	1	2%
40 ^{bis} . Period of time.		37						
	6 months		13					
	12 months		24					
41. A “grace period” is available for disclosure made by:	The creator	42	37	88%	3	7%	2	5%
	A person authorized by the creator	41	36	88%	3	7%	2	5%
	An unauthorized person (in bad faith or unintentionally)	40	24	60%	14	35%	2	5%
42. A disclosure of the industrial design does not affect the novelty of the industrial design if it was made at:	An official or officially recognized international exhibition	41	21	51%	12	29%	8	20%
	An official or officially recognized national exhibition	41	14	34%	19	46%	8	20%

SCT/19/6
Annex I, page 10

Questions		Replies	YES	%	NO	%	N/A	%
43. Amendments to the industrial design after the application has been filed are allowed.		42	32	76%	10	24%		
43 ^{bis} . The circumstances under which the amendments are allowed:	Under all circumstances	35	2	6%	26	74%	7	20%
	Only where the changes relate to non-essential features of the industrial design	36	24	68%	6	16%	6	16%
44. Where the amendments to the industrial design after the application has been filed exceed the scope of the original application, the application is considered to be filed on the date of the amendments.		41	20	49%	14	34%	7	17%
44 ^{bis} . The Office informs the applicant of that fact.		32	19	59%	1	3%	12	38%
III. EXAMINATION								
45. The Office examines industrial design applications only for compliance with formal requirements.		66	28	42%	37	56%	1	2%
46. The Office examines industrial design applications only for compliance with substantive requirements:	In all cases	65	37	57%	18	28%	10	15%
	In respect of specific designs	55	3	5%	33	60%	19	35%
	In respect of specific products	55	2	4%	34	62%	19	34%
47. As to formal requirements, the Office examines whether the industrial design application:	Contains a request that the registration of an industrial design is sought	67	64	96%	3	4%		
	Indicates the identity of the applicant	67	65	97%	2	3%		
	Provides the contact details of the applicant or its representative	67	66	99%	1	1%		
	Indicates an address for service	67	59	88%	6	9%	2	3%
	Contains a reproduction of the industrial design in a permissible form	67	65	97%	0	0%	2	3%
	Contains the required number of reproductions	67	46	69%	13	19%	8	12%
	Contains a sufficient number of views for the industrial design to be fully disclosed	66	40	61%	24	36%	2	3%
	Does not exceed the maximum number of views permitted	64	13	20%	35	55%	16	25%
Contains the required number of perspective views	64	14	22%	36	56%	14	22%	

SCT/19/6
Annex I, page 11

Questions		Replies	YES	%	NO	%	N/A	%
	Contains a description of the industrial design	65	34	52%	24	37%	7	11%
	Contains a description of the characteristic features of the industrial design	65	25	38%	31	48%	9	14%
	Contains a design specimen	67	18	27%	38	57%	11	16%
	Contains a correct indication of the product or products to which the industrial design is applied	66	57	86%	8	12%	1	2%
	Contains a correct indication of the class (or sub-class) of the Locarno Classification	65	32	49%	24	37%	9	14%
	Complies with the requirements that apply to a multiple design application	67	53	79%	8	12%	6	9%
	Contains a correct claim	64	19	30%	22	34%	23	36%
	Does not exceed the maximum number of claims	63	6	10%	30	47%	27	43%
	Complies with the requirement concerning the design creator	66	48	73%	10	15%	8	12%
	Is accompanied by the required fee	67	65	97%	2	3%		
48. As to substantive requirements, the Office examines whether the industrial design for which registration is sought:	Is an independent creation	63	14	23%	33	52%	16	25%
	Is new	65	35	54%	27	41%	3	5%
	Is original	65	21	33%	34	52%	10	15%
	Differs significantly from known designs.	63	33	52%	26	41%	4	6%
	Is essentially dictated by technical or functional considerations	64	28	44%	32	50%	4	6%
	Can be easily created by combining two or more known designs	65	18	28%	41	63%	6	9%
	Is contrary to morality or public order	65	54	83%	8	12%	3	5%
	Conflicts with official signs or emblems protected under Article 6ter of the Paris Convention, or other international conventions or according to national law	65	44	68%	17	26%	4	6%
	Fulfils the notion of “design” established by the legal framework	64	52	81%	7	11%	5	8%
	Has individual character	64	24	38%	27	42%	13	20%

SCT/19/6
Annex I, page 12

Questions		Replies	YES	%	NO	%	N/A	%
49. When examining the industrial design, the Office takes into account:	Prior industrial designs or industrial design application	67	36	54%	26	39%	5	7%
	Copyright in literary or artistic works	65	20	31%	39	60%	6	9%
	Prior trademarks or trademark application	66	23	35%	37	56%	6	9%
	Well-known marks	66	23	35%	36	55%	7	10%
	Geographical indications or appellations of origin	65	18	28%	40	62%	7	10%
	The real or assumed name, likeness or portrait persons	64	23	36%	33	51%	8	13%
50. When examining an industrial design as to novelty or originality, the Office takes into account the situation:	In the country in which registration is sought (national)	65	28	43%	16	25%	21	32%
	Worldwide (international)	65	28	43%	16	25%	21	32%
	In a specific group of countries (regional)	63	7	11%	32	51%	24	38%
50 ^{bis} . Countries considered (if the novelty/originality standard is regional)		6						
51. On average, the examination by the Office is carried out in about:		61						
	up to 12 weeks		32					
	more than 12 weeks		29					
52. The Office examines industrial designs for compliance with substantive requirements:	Upon request of the applicant	38	6	16%	25	66%	7	18%
	<i>Ex officio</i>	38	28	74%	7	18%	3	8%
	Following opposition by a third party	38	12	32%	18	47%	8	21%
	Following an invalidation action	37	12	32%	17	46%	8	22%
53. The Office carries out a “limited” examination as to novelty (for example, an examination as to local or regional novelty only, when the criterion for the validity of the design right under the applicable legislation is worldwide novelty).		40	6	15%	27	67%	7	18%
54. The Office examines industrial designs for compliance with substantive requirements:	<i>Before</i> registration of the industrial design	41	28	68%	9	22%	4	10%
	<i>After</i> registration of the industrial design	37	8	22%	22	59%	7	19%

SCT/19/6
Annex I, page 13

Questions		Replies	YES	%	NO	%	N/A	%
55. When examining an industrial design as to novelty, the Office takes into account:	The <i>essential features</i> of the industrial design	40	17	42%	12	30%	11	28%
	All the features of the industrial design	40	20	50%	9	23%	11	28%
	Other	4						
56. When examining an industrial design as to originality, the Office takes into account:	The <i>essential features</i> of the industrial design	41	11	27%	7	17%	23	56%
	The <i>overall impression</i> left by the industrial design	40	11	28%	6	15%	23	57%
57. When examining an industrial design as to individual character, the Office takes into account:	The <i>essential features</i> of the industrial design	41	9	22%	14	34%	18	44%
	The <i>overall impression</i> produced by the design on an informed user compared to that produced by any prior design	40	17	42%	5	13%	18	45%
58. If the Office finds grounds for refusing the industrial design application during the procedure of substantive examination, the Office notifies those grounds to the applicant before sending a final decision of refusal.		40	31	78%	3	8%	6	15%
58 ^{bis} . The applicant is given the opportunity to express his opinion to the Office, concerning the invoked grounds for refusal.		38	31	82%	0	0%	7	18%
59. If the grounds for refusal are not overcome by the applicant, the Office notifies a final decision of refusal.		40	32	80%	0	0%	8	20%
60. On average, the period of time between the date of filing an industrial design application and the date of issue of a first office action is		38						
	up to one month		16					
	1 - 6 months		16					
	Other		6					
IV. OPPOSITION								
61. The registration system provides for:	Pre-registration opposition proceedings	62	21	34%	35	56%	6	10%
	Post-registration opposition proceeding	62	23	37%	34	55%	5	8%
62. In case of pre-registration opposition, the opposition procedure takes place:	After the examination of the application	43	18	42%	10	23%	15	35%
	During the examination of the application	39	12	31%	9	23%	18	46%

SCT/19/6
Annex I, page 14

Questions		Replies	YES	%	NO	%	N/A	%
63. An opposition can be lodged by:	Any person	52	26	50%	16	31%	10	19%
	Any person having a legitimate interest	50	26	52%	8	16%	16	32%
	A circle of persons defined in national law	48	9	19%	18	37%	21	44%
64. The opposition period is:		35						
	up to 2 months		16					
	3 months		10					
	6 months		4					
	Other		5					
64 ^{bis} . This period can be extended.		35	6	17%	25	72%	4	11%
64 ^{ter} . Maximum period of extension:		35	6	17%	0	0%	29	83%
65. As to substantive requirements, the opponent may assert that the industrial design:	Is not an independent creation	51	22	43%	11	22%	18	35%
	Is not new	54	41	76%	2	4%	11	20%
	Is not original	52	23	44%	14	27%	15	29%
	Does not differ significantly from known designs	53	37	70%	4	8%	12	22%
	Is essentially dictated by technical or functional considerations	51	32	62%	7	14%	12	24%
	Can be easily created by combining two or more known designs	51	21	41%	14	27%	16	30%
	Is contrary to morality or public order	53	33	62%	9	17%	11	21%
	Conflicts with official signs or emblems protected under Article 6 ^{ter} of the Paris Convention, other international conventions or according to national law	52	34	65%	7	13%	11	21%
	Should not be registered for other reasons:	6						
	Does not fulfill the notion of “design” under the applicable law	49	33	68%	6	12%	10	20%
	Does not have individual character	49	24	49%	10	20%	15	31%

SCT/19/6
Annex I, page 15

Questions		Replies	YES	%	NO	%	N/A	%
66. The opponent may base the opposition on a conflict with:	A prior industrial design or industrial design application	53	40	75%	2	4%	11	21%
	Copyright in a literary or artistic work	53	36	68%	4	8%	13	24%
	A prior trademark or trademark application	52	36	69%	4	8%	12	23%
	A well-known mark	52	33	63%	5	10%	14	27%
	A geographical indication or appellation of origin	52	27	52%	10	19%	15	29%
	A person's real or assumed name, likeness or portrait	52	29	56%	8	15%	15	29%
67. Oppositions are examined by:	A single examiner	45	13	29%	17	38%	15	33%
	A collegial body of examiners	44	10	22%	17	39%	17	39%
	An opposition board including a judge	55	19	35%	17	30%	19	35%
68. On average, the opposition procedure is carried out in about		34						
	1 - 3 months		13					
	4 - 6 months		10					
	more than 6 months		11					
69. Opposition decisions are subject to an appeal within the Office		51	15	30%	23	45%	13	25%
V. PUBLICATION AND DEFERMENT OF PUBLICATION								
70. The industrial design is published:	Upon the filing of the application	61	5	8%	54	89%	2	3%
	Before the examination by the Office	59	12	20%	44	75%	3	5%
	After the examination by the Office	59	17	29%	39	66%	3	5%
	After registration	65	54	83%	11	17%		
	In stages	57	5	9%	46	81%	6	10%
71. The industrial design is published:	In a paper gazette	65	45	69%	19	29%	1	2%
	On compact disc or DVD	61	23	38%	36	59%	2	3%
	On the website of the Office	61	41	67%	19	31%	1	2%

SCT/19/6
Annex I, page 16

Questions		Replies	YES	%	NO	%	N/A	%
72. The publication is issued:	Weekly	9						
	Every 2 weeks	8						
	Every 10 weeks	1						
	Monthly	29						
	Daily	7						
	Every 2 months	2						
	Every 3 months	5						
	Every 4 months	1						
	Every 6 months	1						
73. In case the application contains a specimen of the industrial design but no reproduction, the Office requests a reproduction for the purpose of publication.		65	28	43%	12	18%	25	39%
74. The applicant can request the deferment of publication.		65	32	49%	27	42%	6	9%
74 ^{bis} . Maximum period of deferment		30						
	up to 6 months		4					
	12 months		11					
	more than 12 months		15					
75. Deferment of publication is requested largely		55	5	9%	28	51%	22	40%
75 ^{bis} . % of designs that are subject to deferment of publication:		5						
	28%		1					
	46.32%		1					
	50%		1					
	70%		1					
	85%		1					

SCT/19/6
Annex I, page 17

Questions		Replies	YES	%	NO	%	N/A	%
76. Deferment of publication is requested rarely		51	22	43%	6	12%	23	45%
76 ^{bis} . % of designs that are subject to deferment of publication:		17						
	up to 1 %		7					
	2%-10%		10					
VI. DURATION AND SCOPE OF PROTECTION								
77. According to the applicable law, the registration of an industrial design is effected for a period of time which starts to run from:	The date of filing of the application	40	34	85%	5	13%	1	2%
	The date of registration of the industrial design	37	8	22%	25	68%	4	10%
	The date of publication of the industrial design	37	3	8%	29	78%	5	14%
78. The scope of protection afforded by a right in an industrial design is determined on the basis of:	The reproduction only	40	29	72%	9	23%	2	5%
	The reproduction and claims	38	4	11%	24	63%	10	26%
	The reproduction and a description of the characteristic features	40	12	30%	24	60%	4	10%
79. Where an infringement action on the basis of a registered industrial design is lodged before a Court of law, the plaintiff <i>may</i> submit a formal search report on prior known designs which are relevant to such registered industrial design, or a technical opinion as to the registrability of that industrial design, prepared by the Registry/Industrial Property Office or any other relevant authority.		42	19	45%	12	29%	11	26%
80. Where an infringement action on the basis of a registered industrial design is lodged before a Court of law, the plaintiff <i>must</i> submit a formal search report on prior known designs which are relevant to such registered industrial design, or a technical opinion as to the registrability of that industrial design, prepared by the Registry/Industrial Property Office or any other relevant authority.		42	3	7%	29	69%	10	24%
81. The formal report or technical opinion mentioned in items 79 and 80 may be submitted to authorities other than a Court of law (for example, at the Customs).		42	16	38%	11	26%	15	36%

SCT/19/6
Annex I, page 18

Questions		Replies	YES	%	NO	%	N/A	%
82. In order to determine whether a protected industrial design is infringed by another industrial design, a comparison is made between:	The essential features of the protected industrial design and the essential features of the allegedly infringing industrial design	42	22	52%	15	36%	5	12%
	The overall impression created by the protected industrial design and the allegedly infringing industrial design	40	30	74%	5	13%	5	13%
	The overall impression created by the protected industrial design and the any disclosed industrial design	39	8	21%	24	62%	7	17%
83. In order to determine whether a protected industrial design is infringed by another industrial design, regard is given to the opinion of:	The creator	39	8	21%	25	64%	6	15%
	An informed user	38	28	74%	2	5%	8	21%
	Any user	41	8	20%	27	65%	6	15%
VII. APPEALS								
84. There is a procedure for filing an appeal against a decision to grant or refuse the registration of an industrial?		39	37	95%	2	5%		
84 ^{bis} . Before what authority	The Registry/ Industrial Property Office	36	21	58%	15	42%		
	Another Administrative Body	33	6	18%	23	70%	4	12%
	A Court or Tribunal	36	25	69%	11	31%		
VIII. ALTERNATIVE DISPUTE SETTLEMENT MECHANISMS (MEDIATION, ARBITRATION)								
85. Disputes between parties may be referred to an alternative dispute-settlement mechanism:		41	15	36%	13	32%	13	32%
85 ^{bis} . The following disputes may be referred to an alternative dispute-settlement mechanism:	Those concerning the validity of an industrial design	28	6	21%	8	29%	14	50%
	Those concerning an alleged infringement of an industrial design	30	13	43%	3	10%	14	47%

SCT/19/6
Annex I, page 19

Questions		Replies	YES	%	NO	%	N/A	%
IX. INVALIDATION PROCEEDINGS								
86. A registration of an industrial designs may be invalidated on the grounds that the design:	Does not fulfill the notion of “design” establish by the legal framework	42	40	95%		0%	2	5%
	Is not new	42	40	96%	1	2%	1	2%
	Is not original	42	17	41%	11	26%	14	33%
	Does not have individual character	41	27	65%	6	15%	8	20%
	Is dictated solely by technical or functional considerations	41	38	93%	1	2%	2	5%
	Is dictated partly by technical or functional considerations	40	10	25%	24	60%	6	15%
	Is contrary to morality or public order	41	40	98%		0%	1	2%
	Is in conflict with an earlier right	41	37	91%	3	7%	1	2%
	Was not filed by the creator or an authorized person	41	33	80%	6	15%	2	5%
87. A registration of an industrial design may be declared invalid by the following authority:	The Registrar	41	24	59%	17	41%		
	Another Administrative Body	38	3	8%	31	82%	4	10%
	A Court	42	33	79%	8	19%	1	2%
X. MANAGEMENT OF REGISTRATIONS								
88. According to the applicable law, the registration of an industrial design is effected for:	A single term of:	15						
	10 years		9					
	14 years		1					
	15 years		5					
	An initial term of:	53						
	1 year		2					
	5 years		43					
	10 years		7					
	15 years		1					

SCT/19/6
Annex I, page 20

Questions		Replies	YES	%	NO	%	N/A	%
	Additional terms of:	53						
	1 year		1					
	5 years		50					
	9 years		1					
	10 years		1					
89. Prior to the expiry of the current term of registration, the Office sends a notice of expiry indicating the date of expiry of the registration.		66	24	36%	38	58%	4	6%
89 ^{bis} . The notice of expiry is sent ___ months before the expiry of the term of registration.		24						
	1 month		6					
	3 months		3					
	6 months		9					
	Other		6					
90. The renewal of an industrial design registration may be effected by:								
	Sending a written request and paying a fee	62	36	58%	18	29%	8	13%
	Submitting an official form and paying a fee	60	34	57%	19	32%	7	11%
	Paying a fee without sending any request	61	16	26%	38	63%	7	11%
91. In case the registration concerns multiple industrial designs, the renewal may be limited to certain designs specified in the request		64	35	55%	12	19%	17	26%
92. In case the payment of the prescribed renewal fee is not made until the date on which the renewal is due, it may still be made within a period of grace		65	53	82%	5	8%	7	10%
92 ^{bis} . Length of the period of grace		53						
	1 month		1					
	3 months		3					
	6 months		48					
	12 months		1					

SCT/19/6
Annex I, page 21

Questions		Replies	YES	%	NO	%	N/A	%
92 ^{ter} . If the payment is not made during the grace period, it is possible to re-establish the registration after it was canceled		62	16	26%	35	56%	11	18%
93. % rate of registered designs that are renewed:		41						0%
	up to 50%		26					
	more than 51%		15					
94. With regard to registered industrial designs, the applicable law provides for the recordal of licenses.		67	59	88%	8	12%		
95. The recordal of the license is a condition for the license to take effect between the parties to the license.		66	25	37%	36	55%	5	8%
96. The licensee can bring infringement actions in his/her name only if the license is recorded		67	39	58%	20	30%	8	12%
97. In the case of a transfer of the registered industrial design, the transferee remains bound by an existing license only if the license is recorded.		67	44	66%	16	24%	7	10%
98. With regard to the recordal of a license, the following evidence is accepted by the Office:	An extract of the license contract indicating the parties and the rights being licensed	63	39	62%	12	19%	12	19%
	A certified extract of the license contract indicating the parties and the rights being licensed	64	43	67%	12	19%	9	14%
	An uncertified statement of license signed by both the holder and the licensee	59	23	39%	26	44%	10	17%
99. In the request for recordal of a license, the legal cause of the license must be indicated		63	22	35%	30	48%	11	17%
100. The recordal of a license is necessary:	To maintain the protection of the industrial design concerned	66	17	26%	45	68%	4	6%
	To maintain the registration of the industrial design concerned	66	15	23%	47	71%	4	6%
	For the licensee to initiate infringement proceeding with regard to the industrial design concerned	65	41	63%	17	26%	7	11%
	For the licensee to join infringement proceeding initiated by the holder of the industrial design concerned	65	42	65%	17	26%	6	9%
	For the licensee to receive damages resulting from the infringement of the industrial design concerned	65	42	65%	15	23%	8	12%

SCT/19/6
Annex I, page 22

Questions		Replies	YES	%	NO	%	N/A	%
101. The following stages of the registration procedure require the payment a fee:	The filing of an industrial design application	67	67	100%				
	The examination of the application by the Office	65	18	28%	44	67%	3	5%
	The publication of the industrial design	67	41	61%	24	36%	2	3%
	The deferment of publication	63	14	22%	30	48%	19	30%
	The extension of time limit	65	38	59%	23	35%	4	6%
	The issuance of a registration certificate	63	32	51%	31	49%		
101 ^{bis} . The fees depend on:	The number of industrial designs	64	46	71%	17	27%	1	2%
	The number of reproductions	60	14	23%	43	72%	3	5%
	The number of classes claimed	63	9	14%	47	75%	7	11%
	The filing of a specimen	64	9	14%	44	69%	11	17%
102. The following stages of the opposition procedure require the payment of a fee:	The lodging of an opposition	63	31	49%	13	21%	19	30%
	The extension of time limits	61	12	20%	24	39%	25	41%
	Oral hearings	60	8	13%	25	42%	27	45%
102 ^{bis} . The fees depend on the number of industrial designs opposed		57	12	21%	23	40%	22	39%
103. The renewal fees depends on:	The number of industrial designs to be renewed	64	30	47%	25	39%	9	14%
	The number of reproductions	63	3	5%	51	81%	9	14%
	The number of classes claimed	63	6	10%	45	71%	12	19%
	The fact that a specimen was filed	63	4	6%	41	65%	18	29%
104. The payment of the renewal during the grace period is subject to the payment of a surcharge		65	46	71%	10	15%	9	14%
104 ^{bis} . The surcharge depends on:	The number of industrial designs to be renewed	62	16	26%	33	53%	13	21%
	The number of reproductions	60	3	5%	43	72%	14	23%
105. The recordal of a license requires the payment of a fee.		66	54	82%	7	10%	5	8%
105 ^{bis} . The fee depends on the number of industrial designs covered by the license.		59	23	39%	30	51%	6	10%

SCT/19/6
Annex I, page 23

Questions		Replies	YES	%	NO	%	N/A	%
XI. COMMUNICATION WITH THE OFFICE								
106. The office accepts communications:	On paper	66	66	100%				
	Filed by electronic means of transmittal, such as fax	63	43	68%	17	27%	3	5%
	Filed by electronic form, for instance, via the Internet	63	25	40%	34	54%	4	6%
107. Applications can be filed:	On paper	64	64	100%				
	On paper accompanied by reproductions on an electronic support	64	21	33%	38	59%	5	8%
	By electronic means of transmittal	62	27	44%	32	51%	3	5%
	In electronic form (e-filing)	62	18	29%	40	65%	4	6%
108. A communication on paper must:	Be signed by the applicant, holder or other interested person	64	60	93%	3	5%	1	2%
	Be supplemented with evidence where the Office doubts the authenticity of the signature	61	28	46%	29	47%	4	7%
	Generally be certified	61	8	13%	49	80%	4	7%
	Only be certified in special cases, such as the surrender of registration	61	20	33%	34	56%	7	11%
109. Communications filed by electronic means of transmittal will be considered signed if a graphic representation of a signature appears on the communication		61	20	33%	20	33%	21	34%
110. The original of a communication filed by electronic means of transmittal must be filed with the Office		57	22	39%	14	24%	21	37%
111. Communications filed in electronic form may be authenticated through a system of electronic authentication		59	12	20%	10	17%	37	63%
112. An electronically filed application must be accompanied by a reproduction of the industrial design	In JPEG format	59	13	22%	6	10%	40	68%
	Other format	9						

SCT/19/6
Annex I, page 24

Questions		Replies	YES	%	NO	%	N/A	%
113. In case of a multiple application filed by electronic means, there is a limit to the total number of designs		57	5	9%	8	14%	44	77%
114. According to the applicable law, one or more of the following relief measures are available in a case of failure to comply with a time limit before the Office:	Extension of the time limit concerned	63	51	81%	7	11%	5	8%
	Continued processing	62	25	40%	29	47%	8	13%
	Reinstatement of rights	63	31	49%	23	37%	9	14%
XII. RELATION WITH TRADEMARKS								
115. According to the applicable law, the following subject matter may enjoy co-existing protection as a trademark and an industrial design:	A typeface	42	20	48%	19	45%	3	7%
	A mere word or sequence of letters without a particular styling	42	3	7%	36	86%	3	7%
	Colors	42	19	45%	20	48%	3	7%
	Color <i>per se</i>	42	2	5%	36	85%	4	10%
	A graphic symbol, such as a drawing, picture or logo	42	33	79%	7	16%	2	5%
	Ornamentation, such as figurative elements and patterns	42	37	88%	4	10%	1	2%
	Product packaging	42	41	98%	0	0%	1	2%
	Product shape	42	39	93%	2	5%	1	2%
	Get-up and trade dress	42	18	43%	16	38%	8	19%
	A specific texture or material	42	13	31%	24	57%	5	12%
	A graphical user interface	42	14	33%	21	50%	7	17%
	An architectural structure	42	20	47%	18	43%	4	10%
	An architecture plan as such	42	2	5%	34	81%	6	14%
	The interior of a room, shop, vehicle, etc.	42	10	24%	27	64%	5	12%
The appearance of a product of variable form, such as a fountain or an inflatable balloon	41	8	20%	29	70%	4	10%	

SCT/19/6
Annex I, page 25

Questions		Replies	YES	%	NO	%	N/A	%
	Labels	42	36	85%	4	10%	2	5%
	Holograms	41	19	46%	16	39%	6	15%
	A cartoon character	42	34	81%	7	17%	1	2%
	An animated icon	42	12	29%	23	54%	7	17%
	A layout-design of integrated circulars	42	3	7%	33	79%	6	14%
	Spare parts	42	17	40%	18	43%	7	17%
116. A protected industrial design may acquire distinctiveness in the sense of trademark law during the period of industrial design protection		41	31	75%	8	20%	2	5%
117. According to the applicable law, subject matter that is dictated essentially by technical or functional considerations is excluded from protection as a trademark		42	32	76%	9	22%	1	2%
117 ^{bis} . Such exclusion is limited to three-dimensional subject matter		23	16	70%	5	21%	2	9%
118. According to the applicable law, subject matter that is dictated essentially by technical or functional considerations is excluded from protection as an industrial design		43	38	88%	4	10%	1	2%
118 ^{bis} . Such exclusion is limited to three-dimensional subject matter		38	16	42%	19	50%	3	8%
119. In case of subject matter enjoying cumulative protection, trademark and industrial design rights can be invoked in parallel before the courts:	Without having to satisfy any specific requirements	39	21	54%	13	33%	5	13%
	Only if the interested party shows a distinct legitimate interest with regard to each of the two protection regimes	42	18	43%	18	43%	6	14%
XIII. RELATION WITH COPYRIGHT								
120. Subject matter which is protected under industrial design law:	Is protected at the same time under copyright law (cumulative protection)	38	19	50%	18	47%	1	3%
	Cannot be protected under copyright law	37	2	5%	32	87%	3	8%
	May be protected under copyright law under certain conditions only	40	22	55%	15	37%	3	8%
	May be alternatively protected under copyright law	37	12	32%	18	49%	7	19%

SCT/19/6
Annex I, page 26

Questions		Replies	YES	%	NO	%	N/A	%
121. Where the subject matter which is protected under industrial design law may be protected under copyright law under certain conditions only, those conditions are the following:	That the subject matter can be identified <i>separately</i> from, and exist <i>independently</i> of, the functional aspect of the product	33	10	30%	8	25%	15	45%
	That the subject matter presents a <i>high</i> or <i>marked</i> artistic character	35	17	49%	5	14%	13	37%
122. In case of subject matter enjoying co-existing protection, copyright and industrial design rights can be invoked in parallel before the courts:	Without having to satisfy any specific requirements	38	23	61%	10	26%	5	13%
	Only if the interested party shows a distinct legitimate interest with regard to each of the two protection regimes	36	14	39%	18	50%	4	11%
XIV. RELATION WITH UNFAIR COMPETITION LAW								
123. Subject matter which is protected under industrial design law:	Is protection at the same time under unfair competition law (cumulative protection)	36	15	42%	16	44%	5	14%
	Cannot be protected under unfair competition law	35	2	6%	25	71%	8	23%
	May be protected under unfair competition law under certain conditions only	36	19	53%	11	30%	6	17%
124. Where the subject matter which is protected under industrial design law may be protected under unfair competition law under certain conditions only, those conditions are the following:	That there is a <i>distinct</i> act of unfair competition, which can be identified <i>separately</i> from an act of infringement of the industrial design	32	15	47%	2	6%	15	47%
125. Action based on unfair competition law and on industrial design law can be lodged in parallel before the courts:	Without having to satisfy any specific requirements	33	18	55%	8	24%	7	21%
	Only if the interested party shows a distinct legitimate interest with regard to each of the two protection regimes	35	12	34%	15	43%	8	23%

SCT/19/6
Annex I, page 27

Questions		Replies	YES	%	NO	%	N/A	%
XV. SYSTEM UNDER WHICH REPLIES TO QUESTIONNAIRE HAVE BEEN PROVIDED								
126. The replies to the present questionnaire have been provided under the following legislation:		38						
127. According to the applicable law, protection for industrial designs is provided also under:	Design patent legislation	36	6	17%	25	69%	5	14%
	Registered industrial design legislation	36	27	75%	5	14%	4	11%
	Unregistered industrial design legislation	37	10	27%	20	54%	7	19%
	Copyright legislation	37	24	65%	10	27%	3	8%
	Protection against unfair competition legislation	34	20	59%	8	23%	6	18%

[End of Annex and of document]