

## Executive Summary: Basic Proposal for a Design Law Treaty (DLT)

### OBJECTIVES

**Design** is a category of intellectual property (IP) consisting of a product's ornamental aspects. Protection for designs is usually obtained through a registration procedure or the grant of a design patent. Protection procedures vary substantially from one jurisdiction to another, which makes it challenging for designers to protect their designs. The Design Law Treaty will facilitate design protection by eliminating red tape and simplifying application procedures. That will ultimately make it easier and more affordable for designers to protect and market their designs.

### STREAMLINING PROCEDURES

**Providing a predictable framework for design application requirements:** all elements that may be required in an application will be clearly defined.

**Choosing how to represent a design:** applicants will be able to represent the design using drawings, photographs and/or other visual media (such as video files) admitted by industrial property offices.

**Including several designs in a single application:** it will be possible to include, under certain conditions, several designs in a single application, rather than having to file a separate application for each individual design. Safeguards will ensure that the original filing date is maintained if one of the designs is not accepted and the application needs to be divided.

**Making it easier to obtain a filing date:** the filing date is a key element of a design application; it is the decisive point in time for assessing novelty and the date on which a claim of priority in subsequent applications is based.

To secure a filing date it will be sufficient for applicants to submit some essential parts of the application rather than a complete application.

**Creating a predictable framework for post-registration/grant procedures:** all elements that may be required in a request for recording certain transactions, such as a renewal, a change in ownership or a license, will be clearly defined.

### FACILITATING PROTECTION

**Filing for a design after public disclosure:** a design that is disclosed to the public before an application for protection is filed is no longer considered new and, therefore, may not be protected. The Treaty, however, will provide for a grace period of six or 12 months following a first disclosure of the design, during which such disclosure will not be deemed detrimental to the novelty of the design.

**Keeping a design unpublished for at least six months after filing an application:** applicants will retain control over the publication date of a design, even after having secured a filing date.

**Providing for relief measures:** if a time limit in a procedure before an industrial property office is missed, relief measures will be available to help applicants to avoid losing their rights.

### TWO-TIER STRUCTURE

The Treaty will consist of articles (the Treaty itself) and rules (the Regulations). The Assembly of the Contracting Parties will be able to amend the rules, thereby fostering a dynamic framework within which to further develop design law.