

Model Form

**HAGUE AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

– NOTIFICATION OF REFUSAL –

Rule 18(2) of the Common Regulations

I. Office sending the notification: UKIPO
II. Number of the international registration: 205058
III. <input checked="" type="checkbox"/> Refusal for all the industrial designs <input type="checkbox"/> Refusal for the following industrial designs: [followed by design numbers]
IV. Grounds for refusal (where applicable, see item V):
V. Information relating to an earlier industrial design: (i) Filing date and number, and priority date (if any): (ii) Registration date and number (if available): (iii) Name and address of the owner: (iv) Reproduction of the earlier industrial design (if that reproduction is accessible to the public):
VI. Corresponding essential provisions of the applicable law: UK Registered Designs Act 1949 Section 1C(1) and 1C(2) – Technical Function

VII. Information relating to subsequent procedures:

(i) Time limit for requesting review or appeal:

5th August 2020

(ii) Authority to which such request for review or appeal should be made:

UKIPO

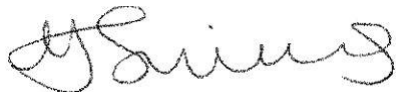
(iii) Indications concerning the appointment of a representative:

NA

VIII. Date on which the refusal was pronounced:

5th June 2020

IX. Signature or official seal of the Office making the notification:



(OPTIONAL ELEMENTS)

X. Contact details of the examiner:

(i) Name: Amy Simms

(ii) Telephone number: 0044 1633 813720

(iii) Email address: DesignsExamination@ipo.gov.uk



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World Intellectual Property
Organisation (WIPO)
International Bureau
34, Chemin des Colombettes
1211 Geneva 20
Switzerland

Your Reference:
International Registration
No: 205058
Examiner: Amy Simms
Direct Telephone:
0044 1633 8138720
Date: 5th June 2020

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THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

NOTIFICATION OF REFUSAL

Please reply by 5th August 2020 quoting the International Registration Number

Examination Report of the UK Intellectual Property Office
Product Description: Air Mask/ Fan for Air Mask
Applicant: Koninklijke Phillips N.V

Dear Sir or Madam,

Thank you for your design application, IR number 205058 (UK numbers 6090796-6090801), filed on 28th November 2019.

Your application has failed to meet the requirements of the Registered Design Act 1949 for the following reasons:

Section 1C(1)

Designs 1.1-1.7, 2.1-2.7, 3.1-3.7, 4.1-4.7, 5.1-5.7, 6.1-6.7

Your applications are not acceptable under Section 1C(1) of the Designs Act 1949 as they appear to have been designed in this way solely to perform a technical function of an anti-pollution mask. The features of the designs i.e. the contours which have been ergonomically designed to fit the face, the side panels designed to attach a strap, the strap which holds the mask to the face, the shape of the opening which allows the fan to be connected, are necessary, and essential, in order for the products to fulfil their technical function as anti-pollution masks.

Registration is not permitted in cases where the technical function dictates the appearance of the product to the extent that it restricts design freedom and it is therefore not possible to create a new design.

Design 4.1-4.7

There is also an objection under 1C(2) of the Act (as amended). This states the following:

"A right in a registered design shall not subsist in features of appearance of a product which must necessarily be reproduced in their exact form and dimensions so as to permit the product in which the design is incorporated or to which it is applied to be mechanically connected to, or place in, around or against, another product so that either product may perform its function".

It appears that the fan for the air mask would have to be made to specific dimensions so that it was able to fit the product to which it is intended to be applied (i.e. the air mask and its specifically placed/sized opening) and for this reason it would fall foul of the above section of the Act.

Next Steps

If you disagree with my findings you may request a hearing to appeal the decision by contacting me using the details provided.

If you would like to discuss your application or if there is any confusion on how to proceed, you can write to, e-mail or telephone me. My contact details are shown at the top of this letter.

Failure to Respond

If you fail to respond by the date given above, your application will be refused under Section 3A(4) of the Act.

Yours faithfully,

Amy Simms

Designs Registry