



Georg Günter Libuda
Zollernstr. 12
Villingen-Schwenningen
GERMANY
78056

Date: February 10, 2021

Application N°: 191889
International Registration N°: DM/204602
Applicant: Georg Günter Libuda
Title or Finished Article: SUITCASE
Your Reference N°:

Reply Due Date: May 10, 2021

Application for the Registration of an Industrial Design EXAMINATION REPORT

This report is sent pursuant to subsection 22(2) of the *Industrial Design Regulations* (the Regulations). The above-noted application has been examined and the applicant's attention is drawn to the following objection to registration.

Novelty

It is considered that the present design is not registrable pursuant to paragraph 7(b) of the *Industrial Design Act* (the Act). The design is not novel. A search of prior art has revealed that the present design has been disclosed to the public as noted below:

Cited Design

Name of Author: Facebook, Inc.

Title : Pull Up Suitcase – INSTAGRAM “The Pull Up is a classic and functional suitcase for business travellers. #pullup #pullupsuitcase #suitcase #NewStandartAndStyle] ”

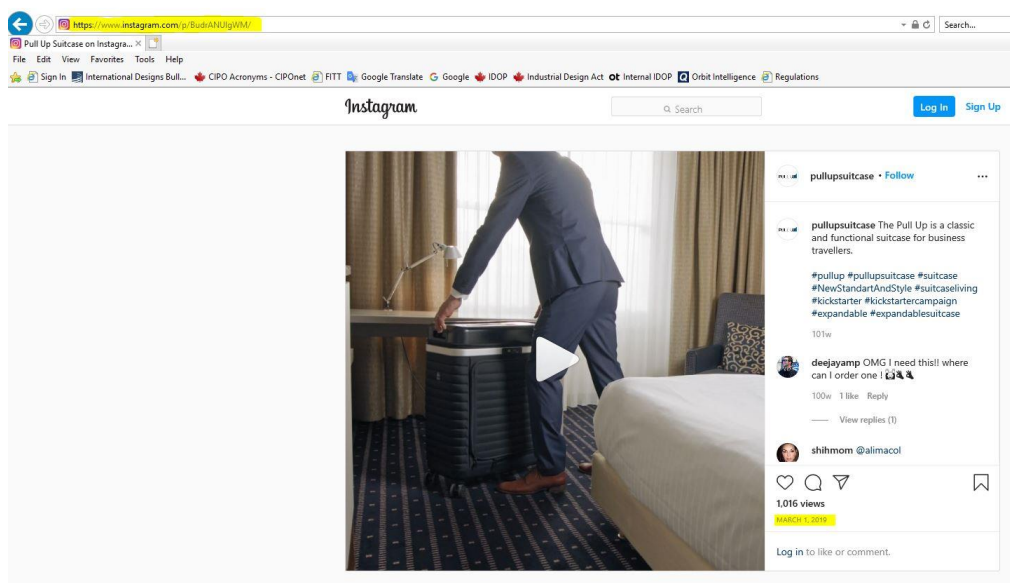
Date of Publication: 2019/03/01

Source of Information: Retrieved from the internet

Source Type: Video Advertisement

Address of Information: [URL:https://www.instagram.com/p/BudrANUlgWM/](https://www.instagram.com/p/BudrANUlgWM/)

A screen grab image has been provided for the applicant's reference.



In accordance with paragraph 8.2(1)(b) of the Act, a design is novel if the same design, or a design not differing substantially from it, applied to a finished article that is the same as or analogous to the finished article in respect of which the design is to be registered, has not been disclosed by any person other than the person who filed the application, a predecessor in title or a person who obtained, from them, knowledge of the design.

In accordance with paragraph 8.2(1)(a) of the Act, if the design has been made available to the public, in Canada or elsewhere, within 12 months from the date of priority of the design by either the person who filed the application, a predecessor in title or by a person who obtained, from them, knowledge of the design, then the applicant is invited to submit evidence to substantiate this fact. If supported, the Industrial Design Office may withdraw this objection to registration.

Further office action will be taken upon receipt of applicant's comments and/or amended application.

A reply to this report is required no later than three months after the date of this report. If the applicant does not reply within this time, the application will be deemed to be abandoned in accordance with subsection 22(6) of the Regulations.

Danielle Collier

Examiner
Industrial Design Office
Telephone Number: 819-790-9607
Facsimile: 819-953-2476



World Intellectual Property Organization

34, chemin des Colombettes, P.O. Box 18
1211 Geneva 20, Switzerland

Date: February 10, 2021

International Registration N°: DM/204602
Design N°: 1
Canadian Application N°: 191889
Holder: Georg Günter Libuda
Date the Refusal is Pronounced: February 10, 2021

NOTIFICATION OF REFUSAL
Rule 18 of the Common Regulations under the Hague Agreement
Subsection 22(3) and Section 43 of the *Industrial Design Regulations* of Canada

This refusal relates to the design(s) included in the international registration as identified above. The attached examination report(s) explain(s) the ground(s) for refusal.

If the applicant disagrees with the objections outlined in the examination report(s), she/he may submit a response directly to the Canadian Intellectual Property Office (the Office) no later than three months after the date of notification of refusal as specified above. This deadline is also highlighted in the examination report(s). Note that the applicant must not file such a reply through the International Bureau.

The Office communicates in French and English. Correspondence may be submitted in either language and the Office will respond in the correspondent's language of choice.

Please note that the holder may appoint an agent to represent her or him in business before the Office. An agent will be considered appointed only if the Office receives a notice to that effect and that notice includes the name and postal address of the appointed agent. There is no requirement that the agent be Canadian.

Industrial Design Office

Canadian Intellectual Property Office
Telephone Number: 1-866-997-1936
Facsimile: 819-953-2476

Encl.: Examination report(s)