

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: 219867
III. <input checked="" type="checkbox"/> Refusal for all the industrial designs <input type="checkbox"/> Refusal for the following industrial designs:
IV. Grounds for refusal (where applicable, see item V): Rule 9(4) of the Common Regulations of the Hague Agreement – As the appearance of the industrial design has not sufficiently been disclosed, the application is not acceptable in the United Kingdom.
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): N/A
VI. Corresponding essential provisions of the applicable law: The application discloses more than one design and therefore does not comply with section 1(2) of the Registered Designs Act 1949. An application can only contain one single design.

VII. Information relating to subsequent procedures:

(i) Time limit for requesting review or appeal:
Two Months

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

(iii) Indications concerning the appointment of a representative:
An address for service which is located in the United Kingdom, Gibraltar or the Channel Islands is required.

VIII. Date on which the refusal was pronounced:

26 April 2022

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



(OPTIONAL ELEMENTS)

X. Contact details of the examiner:

(i) Name: Leah Roberts

(ii) Telephone number: 01633814193

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



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

International Design No: 219867
Examiner: Leah Roberts
Direct Telephone: 01633 814193
Email: designsexamination@ipo.gov.uk
Date: 26 April 2022

HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS NOTIFICATION OF REFUSAL

Please reply by **26 June 2022** quoting the International Registration Number

Examination Report of the UK Intellectual Property Office

Product Description: Display screen or portion thereof with animated graphical user interface

Dear Sir or Madam,

Your applications 1.1 to 1.3 and 2.1 to 2.3 (UK application number 6201124 and 6201125) has failed to meet the requirements of the Registered Designs Act 1949 for the following reasons:

Software

It would appear you seek protection for either an idea or the functionality of a piece of software i.e. a technical feature which allows one to bring up a text box when pressing a specific area on the interface screen.

To progress through the sequences shown it appears you are required to press the circular button shown in the first image of the sequence and drag the circular button up or down to progress through the sequence. Therefore, it is suggested these are not self-contained sequences

This is not something that can be protected via design registration. The purpose of a design is to protect the visual appearance of a product alone as set out in Section 1(2) of the Registered Designs Act 1949:

(2) 'In this Act "design" means the appearance of the whole or part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture or materials of the product or its ornamentation.'

Section 1(3) of the Act goes on to define a 'product', and precludes the registration of computer programs:

(3) "Product" means any industrial or handicraft item other than a computer program; and, in particular, includes packaging, get-up, graphic symbols, typographic type-faces and parts intended to be assembled into a complex product.

For reasons outlined above, I would be grateful if you could confirm when responding what exactly it is that you are trying to protect as I may have misinterpreted your application.

Disclosure of Design

Your application discloses more than one design and therefore does not comply with Section 1(2) of the Act, as outlined above. An application can only contain one single design. A UK

application can consist of a number of visual elements including colour, lines, contours etc. As soon as differences in appearance occur, the design to be protected changes.

The illustrations filed consist of individual and separate graphical user interfaces because they don't appear to show self-contained sequences.

I would further draw your attention to Rule 9(4) of the Common Regulations of The Hague Agreement:

“A Contracting Party may however refuse the effects of the international registration on the grounds that the reproductions contained in the international registration are not sufficient to disclose fully the industrial design”

Such illustrations as those provided, which show inconsistency result in ambiguity in the disclosure of the designs in question.

As the appearance of the industrial design has not sufficiently been disclosed, your application is not acceptable in the UK.

How to Overcome the Objections

The objection can be overcome if you limit the reproductions to:

1.1 only OR 1.2 only OR 1.3 only

2.1 only OR 2.2 only OR 2.3 only

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.

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

Address for Service

You are required to provide an address for service (correspondence address) within the UK for the purposes of any proceedings under the UK Registered Designs Act 1949.

Rule 42(4) states:

“An address for service furnished under this rule shall be an address in the United Kingdom, Gibraltar or the Channel Islands.”

You must provide an appropriate address as above to which we can correspond should you choose to proceed with the application.

Failure to Respond

If you fail to respond by the date given above, your application will be refused under Section 3A(4)(a) of the Registered Designs Act 1949.

Yours faithfully,

Leah Roberts

Designs Registry