

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:  211967
III. <input type="checkbox"/> Refusal for all the industrial designs  <input checked="" type="checkbox"/> Refusal for the following industrial designs:  7.1 through to 7.7 only
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:  
20 September 2021

(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 is required within the United Kingdom, Gibraltar or the Channel Islands.

VIII. Date on which the refusal was pronounced:

20<sup>th</sup> July 2021

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

A handwritten signature in black ink, appearing to be 'A. McGarrity', written in a cursive style.

(OPTIONAL ELEMENTS)

X. Contact details of the examiner:

(i) Name

Adam McGarrity

(ii) Telephone number

01633 814120

(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:** 211967  
**Examiner:** Adam McGarrity  
**Direct Telephone:** 01633 814120  
**Email:** designsexamination@ipo.gov.uk  
**Date:** 20<sup>th</sup> July 2021

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

Please reply by **20<sup>th</sup> September 2021** quoting the International Registration Number

### Examination Report of the UK Intellectual Property Office

**Product Description:** Package with surface ornamentation

Dear Sir or Madam,

Your applications 7.1-7.7 (UK application number 6141988) has failed to meet the requirements of the Registered Designs Act 1949 for the following reasons:

#### **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 packaging with surface ornamentation split into two elements separated by a gap. One element is a solid coloured rectangle and the second element has patterning and a semi-circular edge. The illustration 7.1 shows the patterning on the second element ending at the semi-circular edge, whilst illustration 7.2 shows this patterning extending beyond the semi-circular edge and completing the leftmost cap.

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 (colour, material, ornamentation) 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 7.1, 7.3, 7.4, 7.5, 7.6 and 7.7 only **OR** 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7 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,

Adam McGarrity

**Designs Registry**