

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: 212395
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):
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: An objection has been raised under section 1C(1) of the Registered Designs Act 1949 due to its technical function.

VII. Information relating to subsequent procedures:

(i) Time limit for requesting review or appeal:
15 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:

15 July 2021

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



(OPTIONAL ELEMENTS)

X. Contact details of the examiner:

(i) Name

Stephen Maniatt

(ii) Telephone number

01633 814735

(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: 212395
Examiner: Stephen Maniatt
Direct Telephone: 01633 814735
Email: designsexamination@ipo.gov.uk
Date: 15.07.2021

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

Please reply by **15 September 2021** quoting the International Registration Number

Examination Report of the UK Intellectual Property Office

Product Description: Sanitary mask

Dear Sir or Madam,

Your applications 1.1-1.8 (UK application number 6139635) has failed to meet the requirements of the Registered Designs Act 1949 for the following reasons:

Technical Function

Your design consists of a face mask that allows the user to protect themselves and reduce the spread of i.e. germs. It would appear the product has been designed to purely obtain a technical function.

All of the features of the design, i.e. the straps for fitting the product around the ears to keep it in place, the front to cover the airways, size and shape of the product as a whole are necessary, and essential, in order that the product may perform its technical function of allowing the user to wear the product over their airways in order to protect themselves avoiding contact with harmful viruses or airborne debris.

It is the technical function that has determined these features. Therefore, an objection has been raised under section 1(C)1 of the RDA which states:

'a right in a registered design shall not subsist in features of appearance of a product which are solely dictated by the product's technical function'

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,

Stephen Maniatt

Designs Registry