

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

**– NOTIFICATION OF REFUSAL –**

**Rule 18(2) of the Common Regulations**

**INSTRUCTIONS**

This form is to be used where the Office considers that protection cannot be granted in the Contracting Party concerned. If the ground for refusal is remedied subsequently, the Office shall send to the International Bureau a notification of withdrawal of refusal in accordance with Rule 18(4), or a statement of grant of protection in accordance with Rule 18*bis*(2).

It is to be noted that the main purpose of this model form is to explain mandatory elements that must be included in the present communication. **In this regard, Offices are encouraged to send communications to the International Bureau in electronic format, and their IT personnel are welcome to contact the International Bureau to agree on the form of communication.**

Item III: Where the Office has found a ground for refusal with respect to only one/some of the industrial designs contained in the international registration, the second box should be checked, followed by the numbers of the industrial designs concerned.

Item V: This item is applicable, where the ground for refusal relates to an earlier national, regional or international application or registration. The indications required under this item may also be given by annexing a printout from the register or database.

Item VI: The indication required under this item may also be given by annexing a printout of the relevant provisions.

Item VII(iii): If the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party concerned, it should be so indicated.

Item X: This optional element is not required under Rule 18(2), but may be provided at the Office's discretion.

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

**– NOTIFICATION OF REFUSAL –**

**Rule 18(2) of the Common Regulations**

|   |
|---|
| I. Office sending the notification:<br>UKIPO  |
| II. Number of the international registration: 206730  |
| III. <input checked="" type="checkbox"/> Refusal for all the industrial designs<br><br><input type="checkbox"/> Refusal for the following industrial designs:<br>[followed by design numbers]   |
| IV. Grounds for refusal (where applicable, see item V):<br><br>N/A  |
| V. Information relating to an earlier industrial design:<br><br>(i) Filing date and number, and priority date (if any): n/a<br><br>(ii) Registration date and number (if available): n/a<br><br>(iii) Name and address of the owner: n/a<br><br>(iv) Reproduction of the earlier industrial design<br>(if that reproduction is accessible to the public): n/a |
| VI. Corresponding essential provisions of the applicable law:<br><br>Section 1C(1) and 1C(2) of the UK registered Designs Act 1949 – Technical Function   |

VII. Information relating to subsequent procedures:

(i) Time limit for requesting review or appeal:

3<sup>rd</sup> November 2020.

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

UKIPO

(ii) Indications concerning the appointment of a representative:

EEA Address for service required.

VIII. Date on which the refusal was pronounced:

3<sup>rd</sup> September 2020.

Signature or official seal of the Office making the notification:



IX.

(OPTIONAL ELEMENTS)

X. Contact details of the examiner:

(i) Name: Lauren Johnson

(ii) Telephone number: 01633 813838

(iii) Email address: lauren.johnson@ipo.gov.uk



Concept House  
Cardiff Road, Newport  
NP10 8QQ

T +44 (0) 30 0300 2000  
F +44 (0) 16 3381 7777

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

Your Reference: N/A

International Registration No: 206730

Examiner: Lauren Johnson

Direct Telephone: 01633 8813838

Date: 3<sup>rd</sup> September 2020

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

**NOTIFICATION OF REFUSAL**

**Please reply by 3<sup>rd</sup> November 2020 quoting the International Registration Number**

**Examination Report of the UK Intellectual Property Office**

**Product Description:** Helmet Shield

Dear Sir or Madam,

Thank you for your design application, number 206730, filed on 28<sup>th</sup> August 2020.

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

### **Technical Function**

Your application is unacceptable under Section 1C(1) of the Registered Designs Act 1949 as it appears to have been designed in this way to solely perform a technical function.

Your design appears to be a visor pinlock which creates a double glazed window effect when the pinlock visor is inserted or attached to the helmet, this would mean that the design itself would have been ergonomically designed to fit the face/cover the eyes and would have to be made to specific dimensions in order to insert into the helmet visor. Its sole function is a protective safety device which protects a wearers eyes from debris, pollen, bugs etc and to protect the users' vision whilst riding.

The overall shape of the design is necessary, and essential, for the product to fulfil its technical function as a safety device and to securely fit into the helmet.

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.

There is also an objection under 1C(2) of the Registered Designs Act 1949 which 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 helmet shield 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. inside the helmet to protect the wearers eyes) and for this reason it would fall foul of the above section of the Act.

### **Address for Service**

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

Rule 42(5) states:

***"An address for service furnished under this rule shall be an address in the United Kingdom, another EEA state or of the Channel Islands"***

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

### **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 Registered Designs Act 1949.**

Yours faithfully,

Lauren Johnson

**Designs Registry**