

**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:  210618
III. <input checked="" type="checkbox"/> Refusal for all the industrial designs  <input type="checkbox"/> Refusal for the following industrial designs: [followed by design numbers]
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):  Not applicable
VI. Corresponding essential provisions of the applicable law:  Section 1(C) 1 of UK Registered Designs Act 1949

VII. Information relating to subsequent procedures:

(i) Time limit for requesting review or appeal:

13<sup>th</sup> January 2021

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

UKIPO

(iii) Indications concerning the appointment of a representative:

NA

VIII. Date on which the refusal was pronounced:

13<sup>th</sup> November 2020

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



(OPTIONAL ELEMENTS)

X. Contact details of the examiner:

(i) Name: Amy Simms

(ii) Telephone number: 0044 1633 813 720

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



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

**Your Reference: NA**  
**International Registration No: 210618**  
**Examiner: Amy Simms**  
**Direct Telephone: 0044 1633 813720**  
**Date: 13<sup>th</sup> November 2020**

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**NOTIFICATION OF REFUSAL**

**Please reply by 13<sup>th</sup> January 2021 quoting the International Registration Number**

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

**Product Description: Protective Mask**

**Applicant: Paul Boye Technologies**

Dear Sir or Madam,

Thank you for your design application, number 210618, filed on 16<sup>th</sup> October 2020.

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

### **Technical Function**

Your design consists of a basic face mask which allows the user to protect themselves and reduce the spread of i.e. germs. It would appear that the product has been designed to purely obtain a technical function. All of the features of the design, i.e. the ear straps, the perforated front section which allows the mask to be fixed away from the face, and the ergonomically-shaped protective face panel 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 to protect them from contact with harmful viruses, thus reducing the spread of germs. 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.'

### **Next steps**

Your application cannot proceed unless the above objection is overcome.

If you would like to discuss your application you can write, e-mail, or telephone me. My contact details are shown at the top of this letter. Alternatively, you can request a Hearing with a Senior Officer of the Registry.

If you do not reply by the date shown above, your application will be refused under Section 3A of the Registered Designs Act 1949.

Yours faithfully,

Amy Simms

**Designs Registry**