

Promoting Intellectual
Property Rights in the
ASEAN Region



Session 3: Representation of the design

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Session 3: Representation of the design

Objectives

- Understand chapter 8 Representation of the design of the Common Guidelines
- Be capable of preparing a training session on the subject matter
- Be able to answer questions on the subject matter

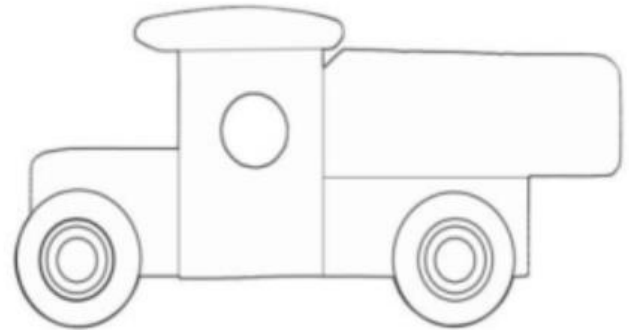
1. General requirements
2. Form
3. Number and consistency of views
4. Appearance of the product during use
5. Complex products, sets of articles and variations
6. Part of a product
7. Description of views and explanatory text
8. Repeating surface patterns
9. Designs with colours

GENERAL REQUIREMENTS

- Adequate, sufficient and clear representation
- Representing the real product (specimens/samples unnecessary)
- Linked to filing date
- Deficiencies – remediable BUT no expansion to scope of protection

FORM OF REPRESENTATION

- Drawings
- Photographs
- Computer-generated images
- Electronic format – must comply with same requirements





FORM OF REPRESENTATION – Background of the representation

- Neutral background
- Contours clearly contrast
- Background does not interfere with or hamper the clarity
- Allows design to stand out



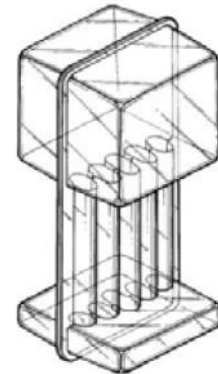
FORM OF REPRESENTATION - Background of the representation

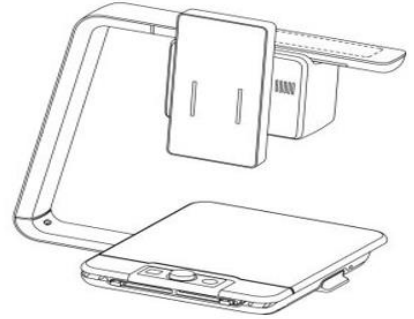
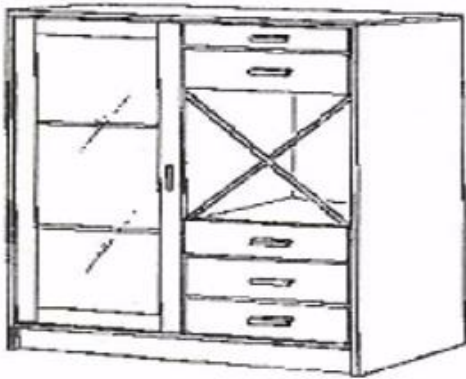
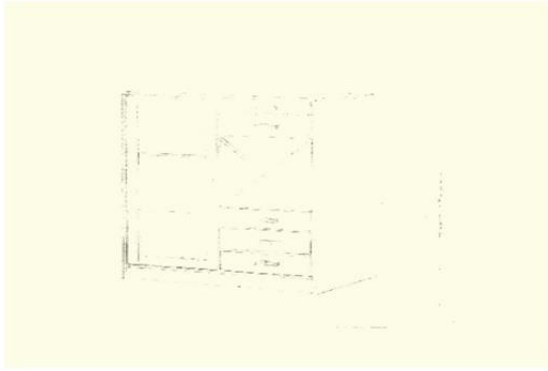


- Unacceptable shadows or reflections
- Unacceptable single or predominant background colour
- Insufficient contrast with background

FORM OF REPRESENTATION – Transparency in the design representation

Light parallel lines at the place of the
transparent surface or part





FORM OF REPRESENTATION – Quality of the representation

Examples of bad quality representations

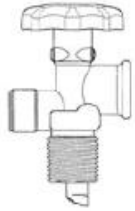


Image 1



Image 2

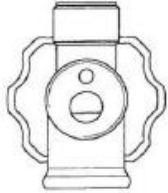


Image 3

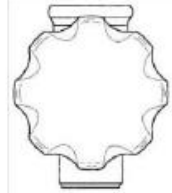


Image 4

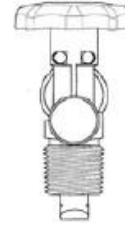


Image 5



Image 6



Image 7

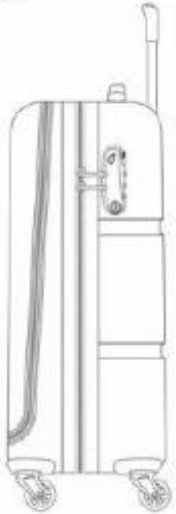
NUMBER AND CONSISTENCY OF VIEWS

Six directional views (front, back, sides, bottom and top) one perspective view

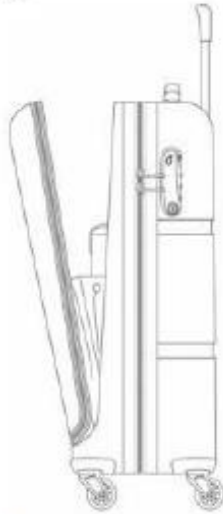
DIFFERENT APPEARANCE OF A PRODUCT DURING USE

Representation of all alternate positions that would be visible

2.3



2.4



Suitcases⁷³



[Image 8]



[Image 7]

Portable Phone⁷⁴

COMPLEX PRODUCTS, SETS OF ARTICLES AND VARIATIONS – Complex products

A *complex product* is a product, article or device that consists of several individual component parts that can be assembled and disassembled, and replaced or alternated among two or more positions in the ensemble

1



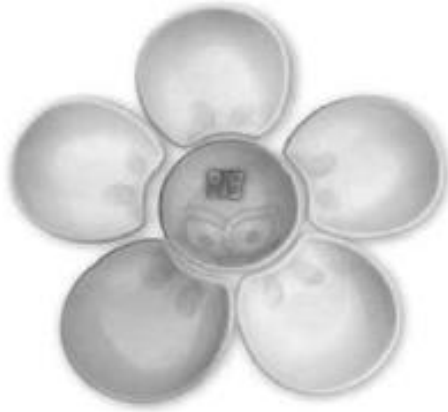
3



4



1



Dish⁷⁹

1.3



Handles for cutlery sets⁸⁰

COMPLEX PRODUCTS, SETS OF ARTICLES AND VARIATIONS – Sets of articles

Intended for use together. Representation to include set *ensemble*

5.5



1.1



2.1



3.1



COMPLEX PRODUCTS, SETS OF ARTICLES AND VARIATIONS - Variations

Multiple application if unity of design requirement is met

REPRESENTATION OF A DESIGN FOR PART OF A PRODUCT – Representation of a claimed part

Industrial design may refer to only a part or a feature of a larger product

1.1



1.2



REPRESENTATION OF A DESIGN FOR PART OF A PRODUCT – Means of identification of a claimed part

- Dotted lines and solid lines
- Perimetric boundaries
- Shading and blurring
- Separations and cuts

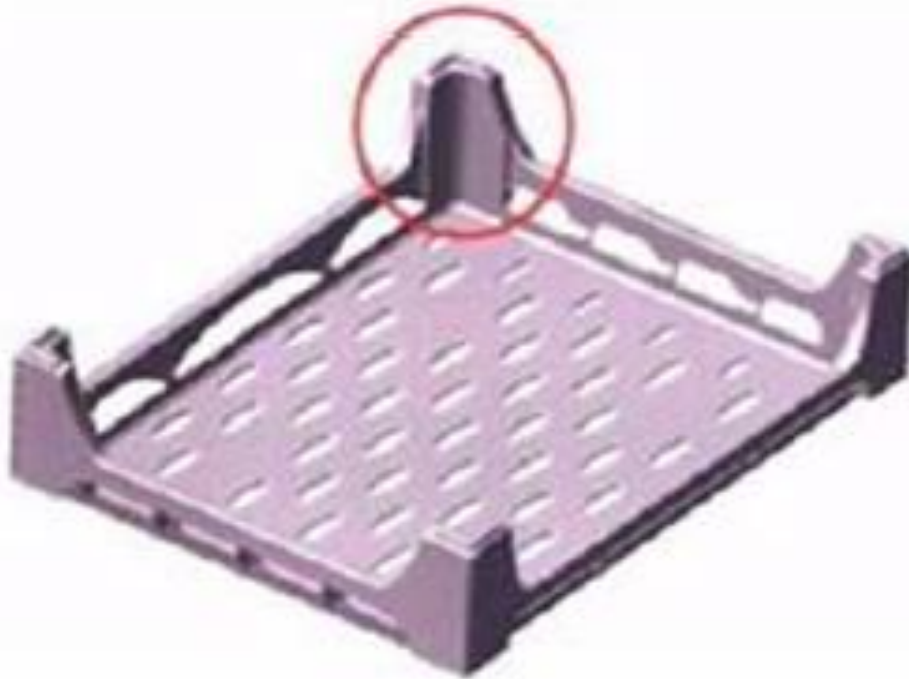
Means of identification of a claimed part – dotted lines and solid lines

Solid lines: what is being
claimed

Dotted or broken lines: what
is not claimed

1.1





Means of identification of a claimed part – Perimetric boundaries

Surround and identify the part
of the larger product that is
claimed

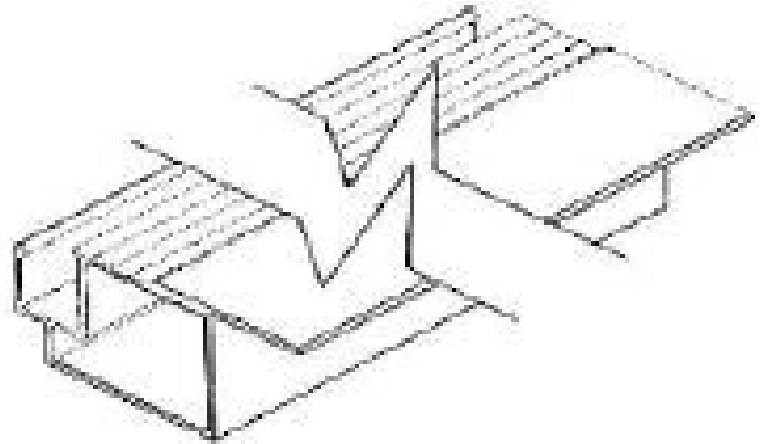
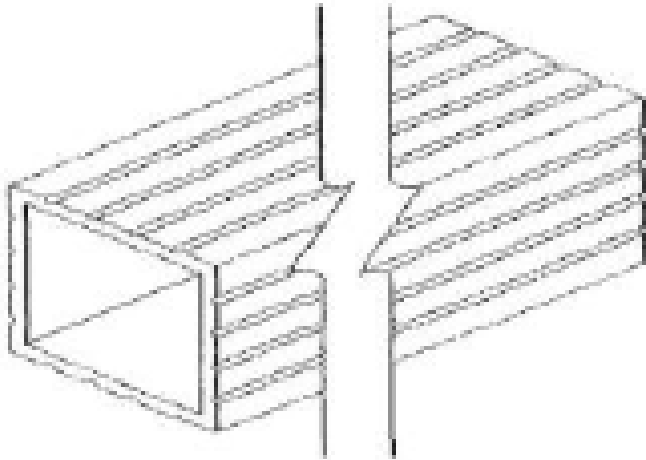


Means of identification of a claimed part – shading and blurring

Shading or blurring for the parts that are not claimed

Means of identification of a claimed part – Separations and cuts

Separation or cut to indicate the omission of a part of the length of the product



DESCRIPTION OF VIEWS AND EXPLANATORY TEXT

- Clarify the purpose or nature of some of the features
- Refer only to features of appearance that may be seen
- Should not refer to other possible or optional features that are not represented
- Should not discuss the novelty, functional or aesthetic value of the design.
- Cannot replace the representation of a design
- Cannot remedy any deficiencies
- Cannot remedy insufficient clarity in the representation of the design

REPRESENTATION OF REPEATING SURFACE PATTERN DESIGNS

Must disclose all features that
are repeated





REPRESENTATION OF DESIGNS WITH COLOURS

May not combine views in black and white and in colour



TEST – Background of the representation

Which of these designs would be acceptable as being on a *neutral* background?



TEST – Consistency of the views

Are the following 6
views consistent?



TEST – Different appearance during use

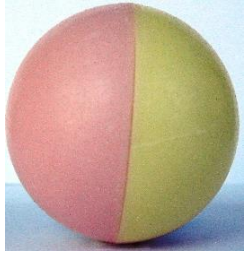
Would you consider this
to be a case of alternate
positions?

INPI bags and towels



TEST – Sets of articles

Which of the following designs would be acceptable as a “set” of articles?



TEST – Designs with colours

Do these 5 views show the same colour or colours in a consistent manner?

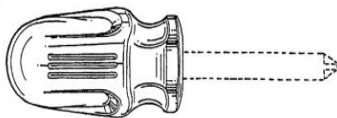
CP6: Graphic representation of designs

“Define a common practice for the graphic representation of a design which safeguards both the principle of legal certainty and the objective of having a flexible system of design registration available for users.”

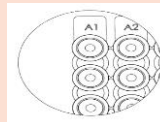
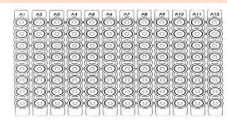


Objectives

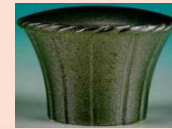
Disclaimers



Types of Views



Neutral Background



Format of Views

- Limited to Benchmarking
- General recommendations





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THANK YOU



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