

Specialised Training for IPO Staff: Design Invalidity



EXPERIENCE OF TRINIDAD AND TOBAGO, MARCH 9, 2021

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EXAMINATION, TRINIDAD AND TOBAGO INTELLECTUAL PROPERTY OFFICE

Industrial Design Legislation in Trinidad & Tobago

- ▶ Trinidad & Tobago, the Patents Act, Chap.
82:77

Definition

- ▶ Any composition of lines or colours
- ▶ Any three-dimensional form where such composition, form or material gives a special appearance to a product of industry or handicraft
- ▶ Is judged by the eye.

Definition

- ▶ The protection under this Act does not apply to anything in an industrial design which serves solely to obtain a technical result and to the extent that it leaves no freedom as regards arbitrary features of appearance.

Registrable if...

- ▶ New
- ▶ It has not been disclosed to the public anywhere in the world by publication in tangible form or by use or in any other way, prior to the filing date or, where applicable, the priority date of the application for registration
- ▶ [The public disclosure was not more than 12 months prior to the filing date]
- ▶ Not contrary to public order or morality

Novelty test

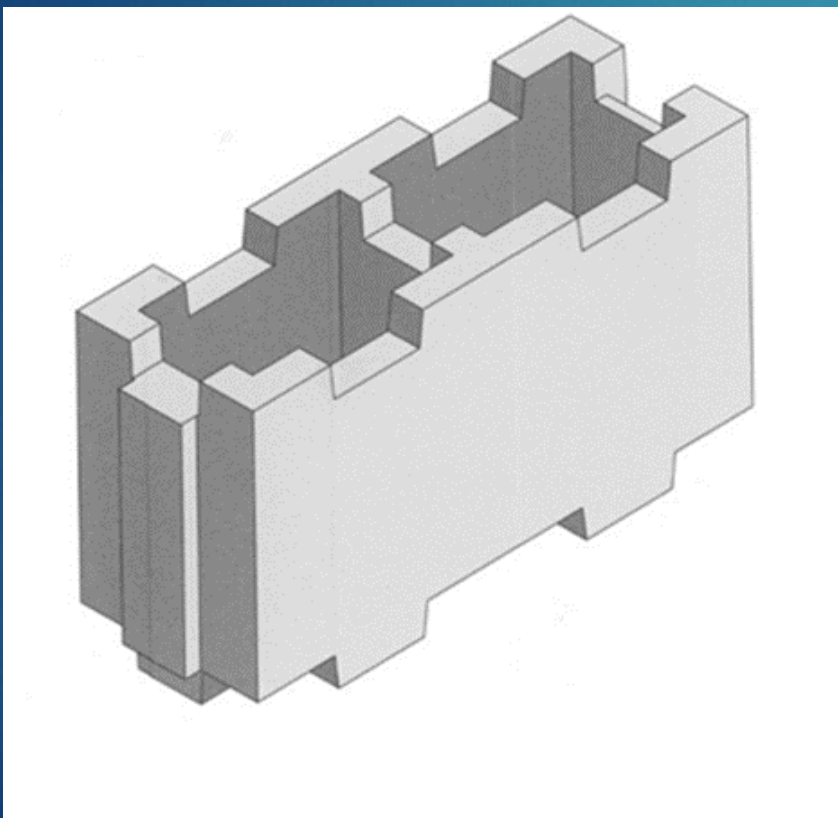
- ▶ Online search
- ▶ Public databases
 - ▶ <https://www3.wipo.int/designdb/en/>
 - ▶ <https://euipo.europa.eu/ohimportal/en/rcd-search-availability>
- ▶ Phone apps e.g. Google Lens

Invalid or Unregistrable Designs

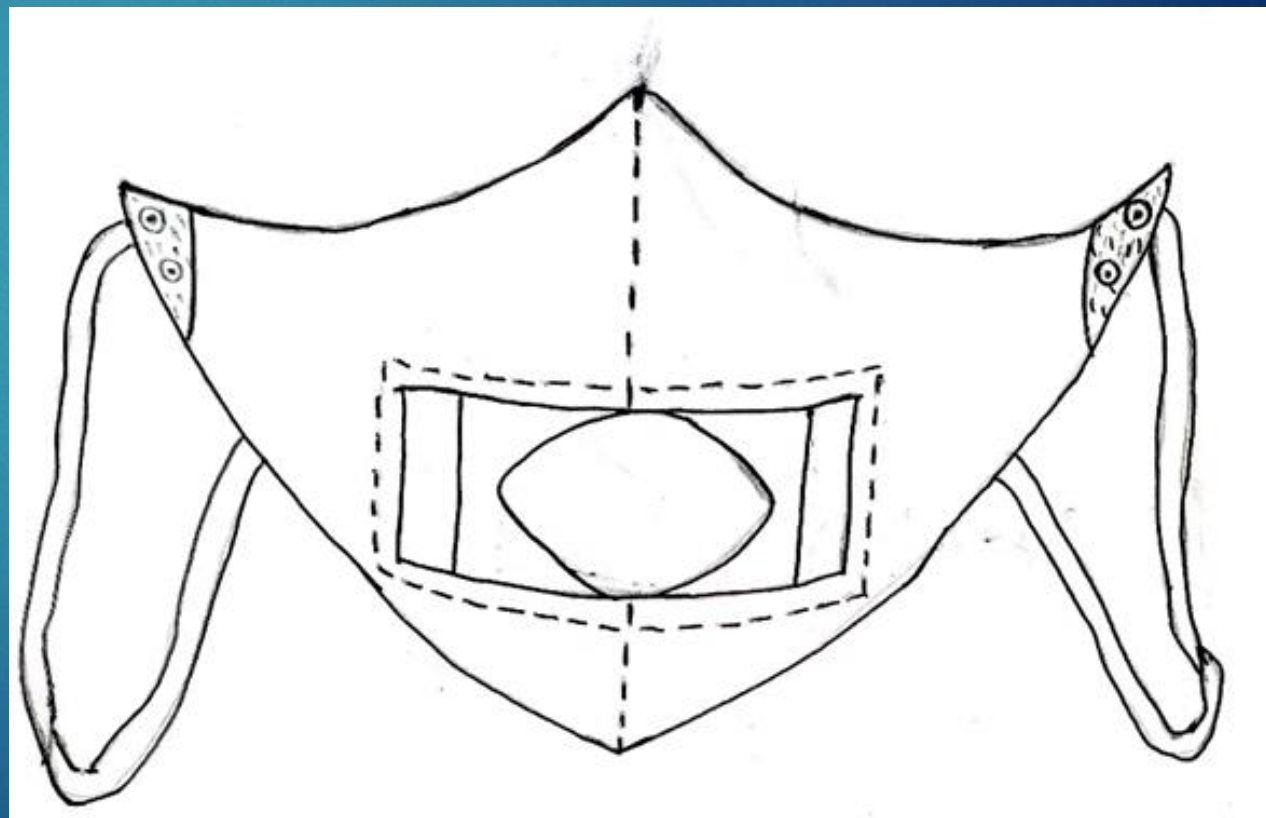
- ▶ Vast majority of local applications so they get screened before filing
- ▶ Not new
- ▶ Common geometric shapes
- ▶ Copies of existing products

Registered Designs

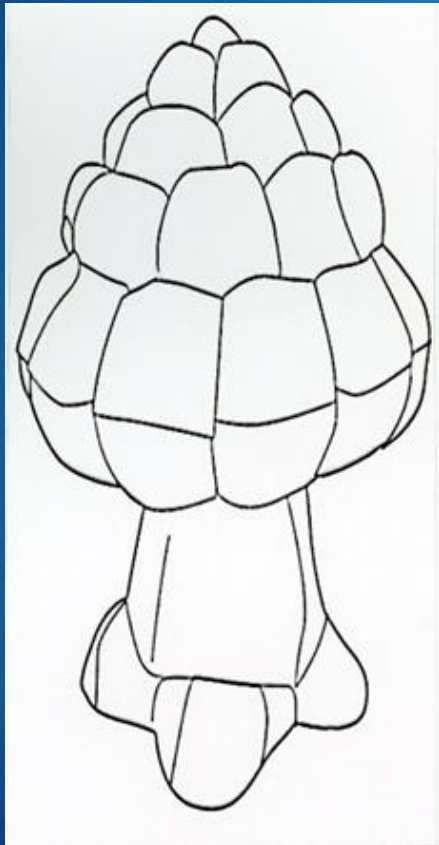
▶ TT/F/2020/00009



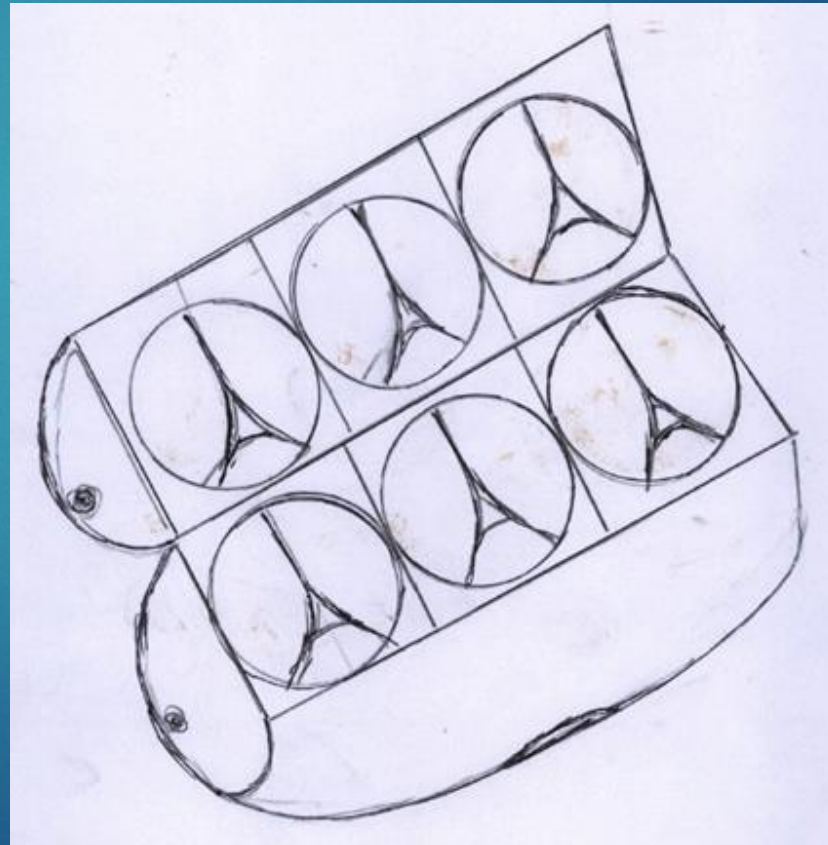
TT/F/2020/00003



▶ TT/F/2018/00021



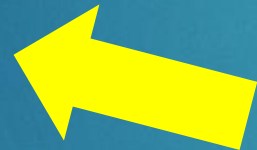
TT/F/2019/00001





▶ THANK YOU FOR YOUR ATTENTION!

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