



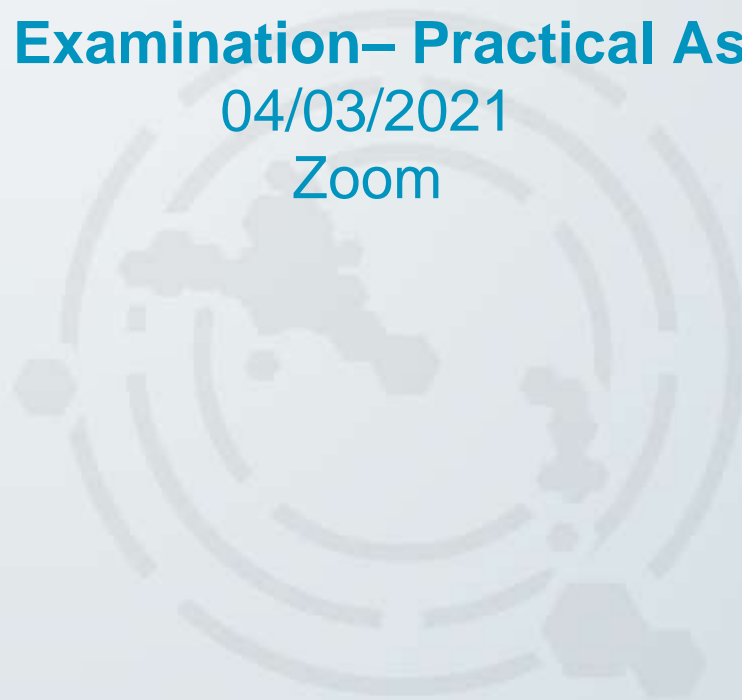
QUESTIONS & ANSWERS



Design Examination– Practical Aspects I

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Zoom



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Design Examination– Practical Aspects I Questions and Answers

1. [For the Dominican Republic] Can you go over the absolute grounds for refusal?

We don't protect the aspects of the design that are only technical, national elements such as the coat of arms and the flag, nor elements with prior protection in the country such as copyright, distinctive sign or industrial design.

2. Do you examine Novelty at the registration stage?

(DR) Yes. In the DR we carry out novelty and distinctiveness examination from the inception. We carry out searches in international and national databases. We use IPAS and also search the trade marks and distinctive signs databases. As mentioned in the presentation, we accept signs and symbols and since these would be part of the decorative aspect of the design, searching those databases would allow us to see if protection was previously sought for any of these elements.

3. How long does it take from the application to the publication of the design in the DR?

The law establishes 6 months from the date of submission to determine whether this product satisfies the parameters for novelty and distinctiveness. This also depends on the applicant's timely submission of all the requirements. The applicant can also request an extension of the time given to submit the requirements. All this can cause a delay in the examination process.

4. What is the extent of the Design Industry in the DR? How many applications do you receive per year?

We receive around 50 applications per year.

5. [In the EUIPO application] Is singular and/or plural an indication of one product or many separate products?

More than one product can be indicated in the application. When more than one product is indicated in the application, the products don't have to belong to the same Locarno class, unless several designs are combined into multiple applications.

6. I take it that the EU uses two types of classification, Locarno and Design Class?

We use Design Class which is actually based on Locarno. We strongly recommend it because of its specificity. It doubles the amount of product indications available to identify the products. It enables searchability, transparency and a quicker registration process because we don't have to wait for translations.

The main distinction between Locarno and DesignClass is that DesignClass is based on Locarno but it contains more terms and better reflects the complexity of the market nowadays.

7. What is the practice in your countries, do you have deferment?

In TT we have deferment of publication for up to 12 months. It is requested before publication.

8. Does your office remind applicants/agents as to when their design is due for renewal?

Yes, we do issue a reminder.

9. Can you share your experience as to the use of the design databases by business/industry?

The DesignView database is used to search for designs already registered in the EU and beyond. Image search functions have been improved recently. There are thousands of searches performed every day by users: <https://www.tmdn.org/tmdsview-web/#/dsview>

DesignClass is used by businesses and representatives before and in the moment of submitting their design applications, in order to identify (and/or translate) the product(s) the design will be applied to.

<http://euipo.europa.eu/designclass/>

10. Do you allow post grant amendment after publication and under what circumstances?

EU: Once you have a filing date, no. You can amend certain details, but nothing to do with the representation unless it is to do with a deficiency. You can amend the representation due to a deficiency but by changing it you lose your filing date; you would be given a new filing date.

11. Do you grant and then publish or is it the other way around?

It is practically done at the same time. We publish and register within 48 hours, when you use e-filing. Publication is only delayed where the applicant so requests – deferment.

12. Can you confirm that the duration is 25 years from the application date?

The duration is 5 years, renewable by 5 years up until 25.

13. Can you share your examination manual?

<https://guidelines.euipo.europa.eu/1937338>

<https://guidelines.euipo.europa.eu/1937338/1785654/designs-guidelines/examination-of-applications-for-registered-community-designs>