

INDUSTRIAL DESIGN IN THE DOMINICAN REPUBLIC
ONAPI
(National Intellectual Property Office of the Dominican Republic)
4 March 2021

LAW 20-00

Industrial Property

It is a group of rights that can be possessed by a physical or legal person on an invention, an industrial design or a distinctive sign.

INDUSTRIAL DESIGN

How is the industrial design law 20-00 defined?

Industrial design is considered to be any grouping of lines or combination of colours or any external two-dimensional or three-dimensional shape, that is incorporated into an industrial or craft product, included, among other things, the parts designated to its assembly in a complex product, its packaging, presentation, graphic symbols and typographical characters.

PROCEDURE

Procedure for in-depth examination of industrial designs

- Submission of adequately presented documents
- Examination of form
- First publication
- Opposition
- In-depth examination
- Resolution
- Second publication
- Certificate

TYPES

Locarno Clasification

EUROLOCARNO (ninth edition) – 01/2009

With its 32 classes of products.

There can be up to 20 designs in one application, as long as they belong to the same class.

Two-Dimensional

Having two dimensions. It is an object which can only be visualized by its height and width.

Three-Dimensional

Having three dimensions. It is an object that can only be visualized by its height, width and depth.

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Examples of Two-Dimensional and Three-dimensional registrations

WHAT IT DOES NOT PROTECT

Material excluded from protection

- 1) An industrial design with an appearance that is only determined by a technical function and does not incorporate any arbitrary contribution of the designer will not be protected.
- 2) An industrial design which consists of a form requiring its exact reproduction in order for the product that incorporates it to be mounted mechanically or connected with another product in which it is an integral part, will not be protected.
- 3) An industrial design which is contrary to public order and morality will not be protected.

Others

- 4) An industrial design that incorporates a mark or other distinctive sign that is previously protected in the country, with a right holder who, in virtue of this protection, has the right to prohibit the use of this sign in the registered design, will not be protected.
- 5) An industrial design that includes unauthorized use of a work protected in the country by copyright, will not be protected.
- 6) An industrial design that includes improper use of elements of public interest such as the shield, flag and other emblems of the Dominican Republic, will not be protected, unless it has obtained the appropriate approval from the competent authority or institution.

Note

An industrial design should not be functional, this means that the character of the design must be based on its aesthetic aspect. As such, any technical traits of the article to which the design is applied are not protected. This is a fundamental aspect to consider when presenting an industrial design application. There must be clarity on what is to be protected.

REQUIREMENTS

Registration Requirements

To be able to register a design, the design must be new and unique.

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New?

An invention is new when it does not previously exist in the technical state.

The technical state comprises everything that has been divulged or made accessible to the public, in any part of the world, by means of a tangible publication, oral divulgence, commercialization, use or any other medium, prior to the date of application.

Unique

An industrial design is considered unique when the general impression it produces in an informed user differs from the general impression produced in said user by any other industrial design which has been made available to the public prior to the date of application for registration or, if priority is claimed, prior to the date of priority.

TIME

Duration of Protection

Five (5) years which can be extended for an additional five (5) years, up to a total of 15 years.

APPLICATION

How do I apply?

- Application form
- Description
- Claim
- Graphic visualization
- Priority document (if applicable)
- Power of attorney (if applicable)
- Deed of assignment, if applicant is not the designer
- Receipt for corresponding fee

CONTACT

Marielys Rodriguez

Graduate in Industrial Design

Specialty: Patents and Inventions Examiner

Email: m.rodriquez@onapi.gob.do

Tel: (809) 567-7474 ext. 3402