



# DEFERMENT

REBECCA SANTANA DAVIES | 4 MARCH 2021



CARIFORUM



EU-CARIFORUM Regional project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

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## General Principles

The applicant for a registered Community design may, when filing the application, request that its publication be deferred for **30 months** from the date of filing or, if a priority is claimed, from the date of priority (Article 50(1) CDR).



Deferment of publication **must be requested when filing the application** (Article 50(1) CDR).

**Subsequent requests will not be accepted**, even if received on the same day.



A request for deferment of publication may concern only some of the designs of a **multiple application**.

In this case, the designs to be deferred must be clearly identified by ticking the box 'Request for deferment of publication' on the (paper) form or the box 'Publication to be deferred' (e-filing) for each individual design.



If, **by mistake**, an application did not contain such request for deferment, the application should be withdrawn in order to prevent publication.

Given the speed of the registration and publication processes, this should be done immediately after filing. The applicant should also contact an examiner on the day of the withdrawal.



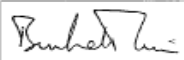
# HOW TO REQUEST DEFERMENT/ PAPER APPLICATION

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- Tick the Deferment Box on the front page of the application
- Tick the Deferment Box on the page of the design
- Indicate payment of Deferment Fee(s)

# HOW TO REQUEST DEFERMENT

Tick on the front page of the application

For receiving office		Date of receipt (DDMMYYYY)	Number of pages (including this one)	Mod 001
For OHIM				
<b>Application Type</b> Multiple application <input checked="" type="checkbox"/> Number of designs <input type="checkbox"/> 7		<b>Applicant/representative reference (not more than 20 characters)</b> GM-122 716		
Deferment <sup>1</sup> <input type="checkbox"/> Specimen <sup>2</sup> <input type="checkbox"/>		<b>*Language</b> Language of the application or ISO code <input type="checkbox"/> en <input checked="" type="checkbox"/> Second language <input type="checkbox"/> es <input type="checkbox"/> de <input type="checkbox"/> en <input type="checkbox"/> fr <input type="checkbox"/> it		
<b>Applicant<sup>3</sup></b> *Name of signatory or first name and surname Legal form of the entity Tel, fax, e-mail *Address Street and number City and postal code Country Postal address (if different) Nationality / State of incorporation		ID number <input type="text"/> <input checked="" type="checkbox"/> legal entity <input type="checkbox"/> natural person FOWLDS 3 LIMITED Akara Building, 24 De Castro Street, Wickhams Cay 1, Road Town, Tortola, British Virgin Islands United Kingdom British		
<b>Representative<sup>3</sup></b> Name Tel, fax, e-mail Address Street and number City and postal code Country Postal address (if different) Type of representative <input type="checkbox"/> legal practitioner <input type="checkbox"/> professional representative <input checked="" type="checkbox"/> association of representatives <input type="checkbox"/> employee		ID number <input type="text"/> 11130 Wuesthoff & Wuesthoff Patent- und Rechtsanwälte 089-62 18 00-0   089 / 621800-15   wuesthoff@wuesthoff.de Schweigenstr. 2 81541 Muenchen Germany		
<b>Fee check-list</b> Registration fee (1st design) 230 € for 2 <sup>nd</sup> to 10 <sup>th</sup> design (115 € x .6) 690 € from 11 <sup>th</sup> onwards (50 € x .0) 0 € Publication fee (1st design) 120 € for 2 <sup>nd</sup> to 10 <sup>th</sup> design (60 € x .6) 360 € from 11 <sup>th</sup> onwards (30 € x .0) 0 € Fee for deferment of publication (1st design) 40 € for 2 <sup>nd</sup> to 10 <sup>th</sup> design (20 € x .6) 0 € from 11 <sup>th</sup> onwards (10 € x .0) 0 € <b>TOTAL AMOUNT PAID</b> 1.400 €		<b>*Payment of fees</b> Current account with OHIM <input checked="" type="checkbox"/> Account No <input type="text"/> 000364 <input type="checkbox"/> Do not use my current account with OHIM Transfer to account of OHIM <input type="checkbox"/> Banco Bilbao Vizcaya Argentaria <input type="checkbox"/> La Caixa Date of transfer (DDMM/YYYY) <input type="text"/> / /		
<b>Signature</b> Name <input type="text"/> Bernhard Thum, European Patent Attorney		*Signature 		

#000101EN

<sup>1</sup> Mandatory details

<sup>2</sup> Please tick the box if the application contains at least one design of which publication is deferred

<sup>3</sup> Please tick the box if the application contains at least one specimen of a two-dimensional design

<sup>4</sup> If more than one or if space provided is not sufficient, please continue on the attachment sheet.

# HOW TO REQUEST DEFERMENT

The request of deferment may concern only some designs of a multiple application



## APPLICATION FOR REGISTERED COMMUNITY DESIGN (continuation)

Reproduce this sheet in case of more than 1 design (use 1 sheet per design)

<input type="checkbox"/> Tick the box if the following data is the same for all designs contained in the application		Mar 002
Design number	1 out of total of 7	
*Indication of product(s) <sup>1</sup> <input type="checkbox"/> Same indication of product for all designs		Locarno classification
Container for a blasting cartridge		22
Convention priority <sup>2</sup> <input type="checkbox"/> Same priority for all designs		<input checked="" type="checkbox"/> Document attached
Country of first filing or ISO	South Africa	ZA
Date of first filing <sup>3</sup>	28 / 11 / 2012	
Filing number	F2012/02056	
Exhibition priority <sup>3</sup> <input type="checkbox"/> Same priority for all designs		<input type="checkbox"/> Document attached
Name of the exhibition		
Date and place <sup>3</sup>		
Date of first disclosure <sup>3</sup>		
Designer <sup>4</sup> <input type="checkbox"/> Same designer for all designs		<input type="checkbox"/> Waiver
Name		
Address		
John Hofmeyr GODSIFF Akera Building, 24 De Castro Street, Wokwams Cay 1, Road Town, Tortola Virgin Islands (British) United Kingdom		
Miscellaneous <input type="checkbox"/> Request for deferment of publication		<input type="checkbox"/> Design filed with a specimen <sup>5</sup>
		8 Number of views
Brief description of the representation(s) specimen <sup>6</sup> see attachment sheet		

<sup>1</sup> Mandatory details

<sup>1</sup> Indicate the usual generic name of the product(s) in which the design is intended to be incorporated or to which it is intended to be applied, preferably using the term(s) included in the EuroLocarno Database. If the space provided is not sufficient, please continue on the attachment sheet

<sup>2</sup> If more than one, please continue on the attachment sheet

<sup>3</sup> (DD/MM/YYYY)

<sup>4</sup> Filing with a specimen is only allowed in the case of deferment (see explanatory notes)

<sup>5</sup> Please continue on the attachment sheet if the space provided is not sufficient

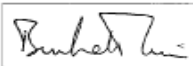
page number

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# HOW TO REQUEST DEFERMENT

## Deferment fees paid

Date of receipt (DDMM/YYYY)		Number of pages (including this one)	
For OHIM			
<b>Application Type</b> Multiple application <input checked="" type="checkbox"/> Number of designs <input type="checkbox"/> 7		<b>Applicant/representative reference</b> (not more than 20 characters) GM-122 715	
<b>Deferment<sup>1</sup></b> Specimen <sup>2</sup>		<b>*Language</b> Language of the application or ISO code <input type="text" value="englisch"/> en <input type="checkbox"/> ES <input type="checkbox"/> DE <input type="checkbox"/> EN <input type="checkbox"/> FR <input type="checkbox"/> IT Second language	
<b>Applicant<sup>3</sup></b> *Name of legal entity or first name and surname Legal form of the entity Tel, fax, e-mail *Address Street and number City and postal code Country Postal address (if different) Nationality / State of incorporation		ID number <input type="text"/> <input checked="" type="checkbox"/> legal entity <input type="checkbox"/> natural person FOWLDS 3 LIMITED Akara Building, 24 De Castro Street, Wickhams Cay 1, Road Town, Tortola, British Virgin Islands United Kingdom British	
<b>Representative<sup>3</sup></b> Name Tel, fax, e-mail Address Street and number City and postal code Country Postal address (if different)		ID number <input type="text" value="11130"/> Wuesthoff & Wuesthoff Patent- und Rechtsanwaelte 089-82 18 00-0   089 / 821800-15   wuesthoff@wuesthoff.de Schweigenstr. 2 81541 Muenchen Germany	
Type of representative <input type="checkbox"/> legal practitioner <input type="checkbox"/> professional representative <input checked="" type="checkbox"/> association of representatives <input type="checkbox"/> employee			
<b>Fee check-list</b>		<b>TOTAL</b>	
<b>Registration fee (1st design)</b>		<b>230 €</b>	
for 2 <sup>nd</sup> to 10 <sup>th</sup> design (115 € x . 5 )		690 €	
from 11 <sup>th</sup> onwards (50 € x . 0 )		0 €	
<b>Publication fee (1st design)</b>		<b>120 €</b>	
for 2 <sup>nd</sup> to 10 <sup>th</sup> design (105 € x . 5 )		380 €	
from 11 <sup>th</sup> onwards (30 € x . 0 )		0 €	
<b>Fee for deferment of publication (1st design) 40 €</b>		<b>40 €</b>	
for 2 <sup>nd</sup> to 10 <sup>th</sup> design (20 € x . . . )		0 €	
from 11 <sup>th</sup> onwards (10 € x . 0 )		0 €	
<b>TOTAL AMOUNT PAID</b>		<b>1400 €</b>	
<b>Signature</b> Name <input type="text" value="Bernhard Thum, European Patent Attorney"/>		<b>*Signature</b> 	

#0501EN

<sup>1</sup> Mandatory details

<sup>2</sup> Please tick the box if the application contains at least one design of which publication is deferred

<sup>3</sup> Please tick the box if the application contains at least one specimen of a two-dimensional design

<sup>4</sup> If more than one or if space provided is not sufficient, please continue on the attachment sheet

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## HOW TO REQUEST DEFERMENT / E-filing

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Tick the box 'Publication to be deferred' for each individual design

## 27 MONTHS FROM FILING/PRIORITY

At the latest three months before the 30-month deferment period expires (i.e. at the latest 27 months after the date of filing or the date of earliest priority), the applicant must file a **request for publication** and, together with the request, complete the following formalities:



Pay the publication fee(s)



## 27 MONTHS FROM FILING/PRIORITY

In the case of a multiple application, give a **clear indication** as to **which** of the **designs** will be published or surrendered, or, if the period of deferment has not yet expired, for which deferment is to be continued.



Any time before the end of deferment

Only when it is clearly requested in writing by the applicant  
(“immediately”, “as soon as possible”...)

If the payment of the publication fees is made **but no specific date of publication is requested** the design will be published at the end of deferment.

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*“The Office informs you that the thirty-month deferment period expired on ...*

*Following Article 50(4) CDR, as the Office did not receive a request for publication and payment in due time, the above registered Community design(s) is (are) deemed not to have had the effects specified in the Regulation (CDR).”*





THANK YOU



Funded by the European Union

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