

# The draft Design Law Treaty – Principle Features

Moscow  
April 24 2014

Marcus Höpferger  
WIPO

# The Rise of Design in Innovation and Intellectual Property

Definitional Issues

Measurement Issues

Intellectual Property Rights

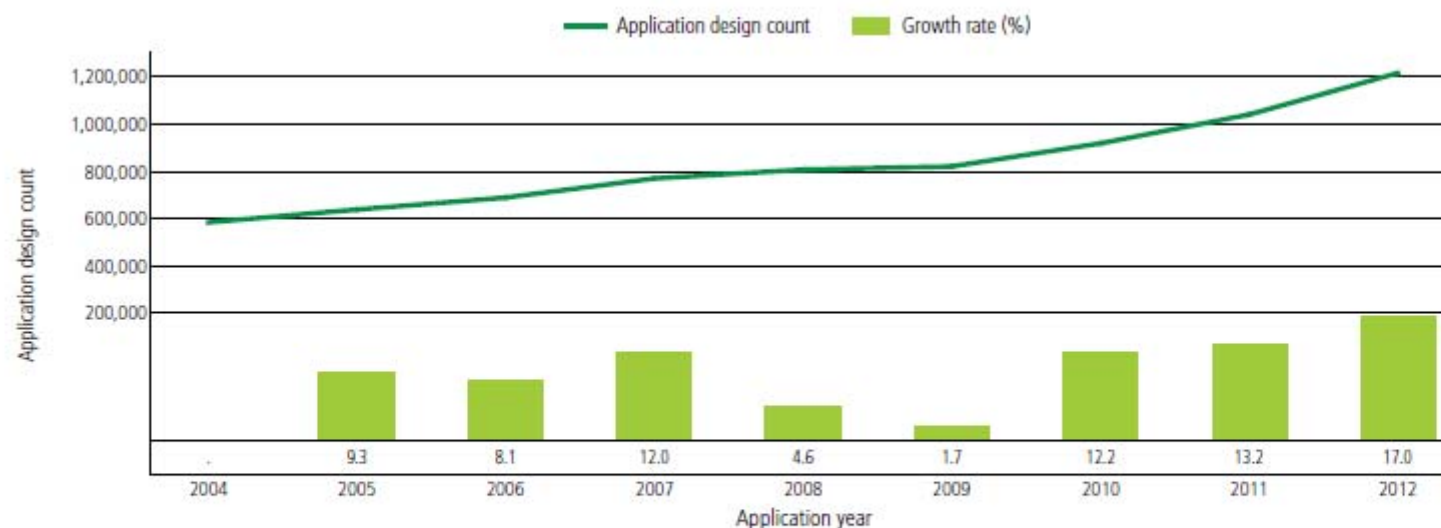
Industrial Design Rights

Copyright

Trademark Rights

Unfair Competition

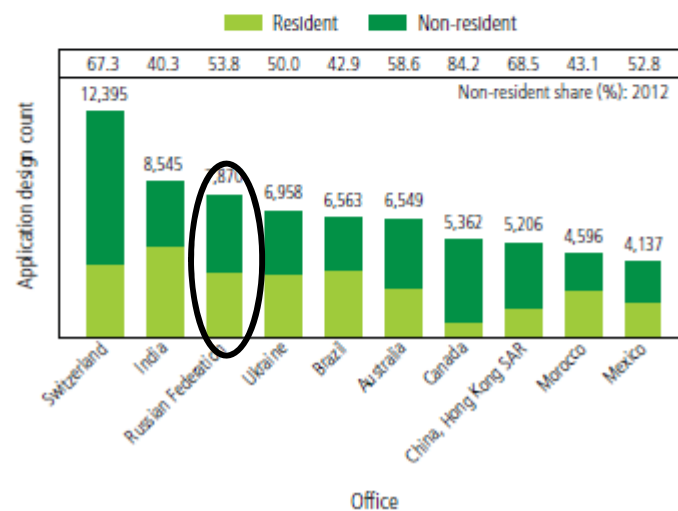
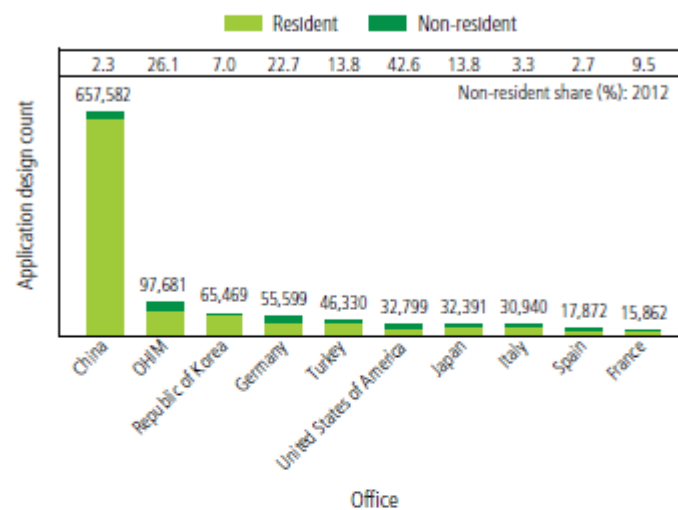
# Development in international designs filings



Note: World totals are WIPO estimates covering 131 IP offices (see Data Description). These estimates include direct national and regional applications as well as designations received via the Hague system.

Source: WIPO Statistics Database, October 2013

**Figure C.2.1.3 Application design counts for the top 20 offices, 2012**



# SCT – draft Design Law Treaty

- As of SCT/15 (Nov/Dec 2005) initiation of work on harmonization and simplification of industrial design registration procedures
- Fact finding by way of two questionnaires
- Analysis presented in SCT/19/6
- Various versions of draft provisions following the path of STLT 2006 and PLT 2000.

# Study on the Potential Impact of the Work of the SCT on Industrial Design Law and Practice

- Two phases (spring/summer 2012 and winter 2013)
- Summary into 9 areas of proposed change
- Data collection via on-line survey
- 59 design offices
- 154 applicants

Change	Proposed change	Explanation
1	Greater choice in how you represent or illustrate a design	With this change, the applicant will be able to choose whether to illustrate or represent the design using either drawings, photographs, other visual media (e.g. CAD) or a combination of media.
2	Reduced number of copies of each illustration required for filing	With this change, the applicant will not have to submit more than three copies of each illustration or representation when filing an application (or just a single copy in the case of e-filing)
3	Registering a set of related designs in a single application	With this proposed change, it will be possible to register several related designs in a single application, rather than register each individual design in a separate application. There will be safeguards in place to ensure that the original filing date is protected in the event that one of the individual designs is not accepted.
4	Easier to gain a secure filing date from which your design is protected	With this proposed change, it will be simpler to gain a secure filing date for the protection of your design. In order to gain a secure filing date, you will only need to provide details on the applicant, an illustration of the design and possibly a fee.
5	Register a design six months after public disclosure	With this change, it will be possible to register a design up to six months after a new design has been publically released.
6	Register a design 12 months after public disclosure	With this change, it will be possible to register a design up to twelve months after a new design has been publically released.
7	Secrecy for six months after filing an application	With this proposed change, it will be possible to keep a design secret for at least six months after filing a new design.
8	Standardising the information needed to submit (or make changes to) a design registration	With this proposed change, the information needed to submit a new application will be standardised internationally.
9	Simplifying the procedures to present legally valid documents in another country	With this proposed change, there will be a simplification to the requirements for creating and signing legal documents.



# Representation of the Industrial Design

3.3



2



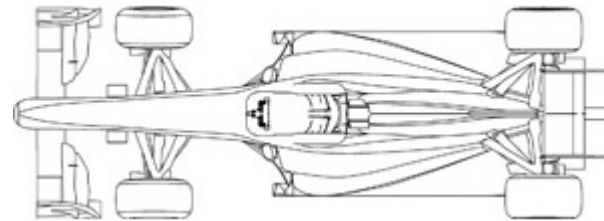
3



1.7



1.4

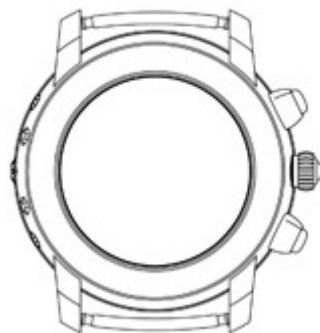


# Multiple Designs in Application

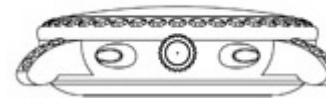
1.1



1.2



1.3



1.7



2



3



1.2



1.3



5.2



4.2



9.1



8.2



# Animated icon design ('12.7.1~)

product : animated icon



1.1



1.2

# Amendment or Division of Application

- Non-compliance with specific conditions
- Request for amendment or division (at the option of the applicant)
- Divisional applications maintain filing date

# Filing Date Requirements

- Express or implicit request
  - Identity of applicant
  - Sufficiently clear representation
  - Contact details
- 
- [indication of product]
  - [brief description]
  - [claim]
  - [fees]

# Grace Period for Disclosure

- Six or twelve months for disclosure during which novelty/originality remains preserved
  - by creator or successor in title
  - by third party (including cases of abuse)

# Publication of Industrial Design

- Non-publication of design for six months
  - Request for earlier publication

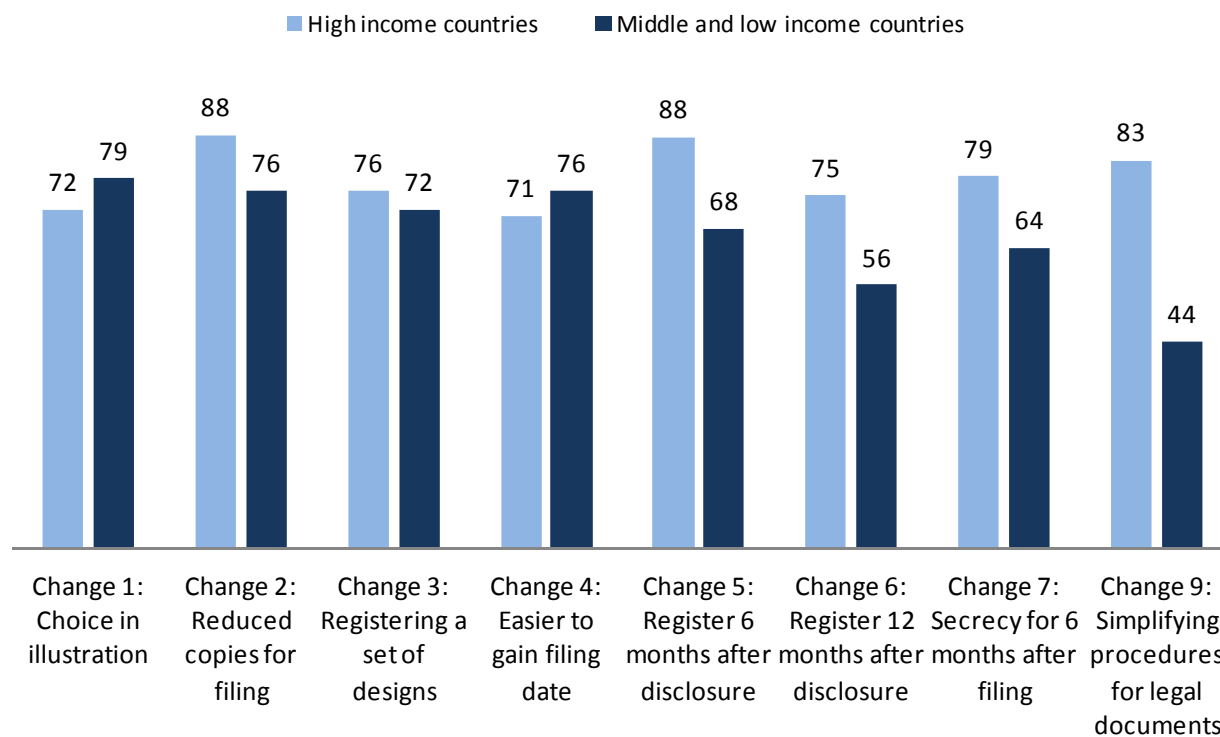


# Various Procedural Matters

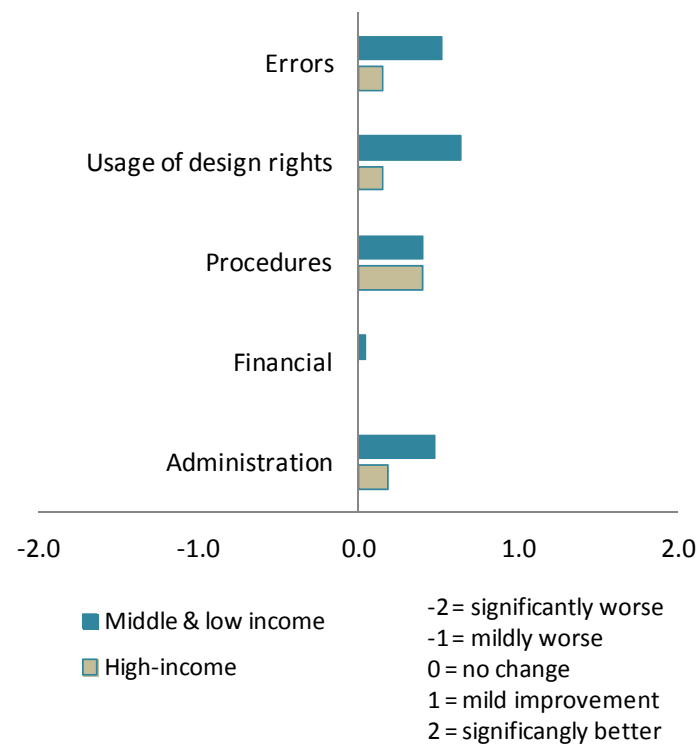
- Representation
  - May be mandatory except for filing date and payment of fee
- Relief Measures
- Recording of changes and licenses
- Renewal

# Current implementation of proposed changes

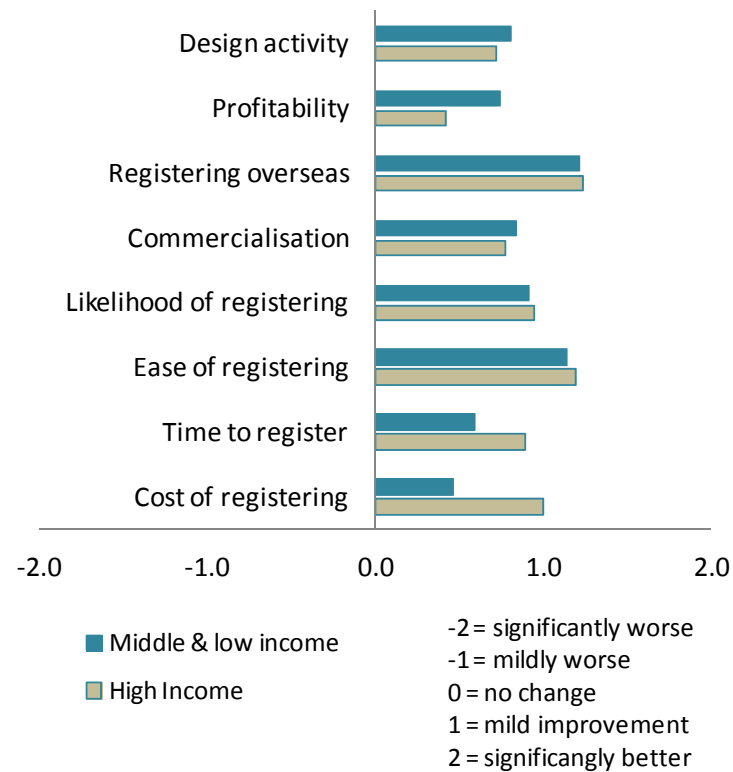
Percentage of countries in which change is already implemented



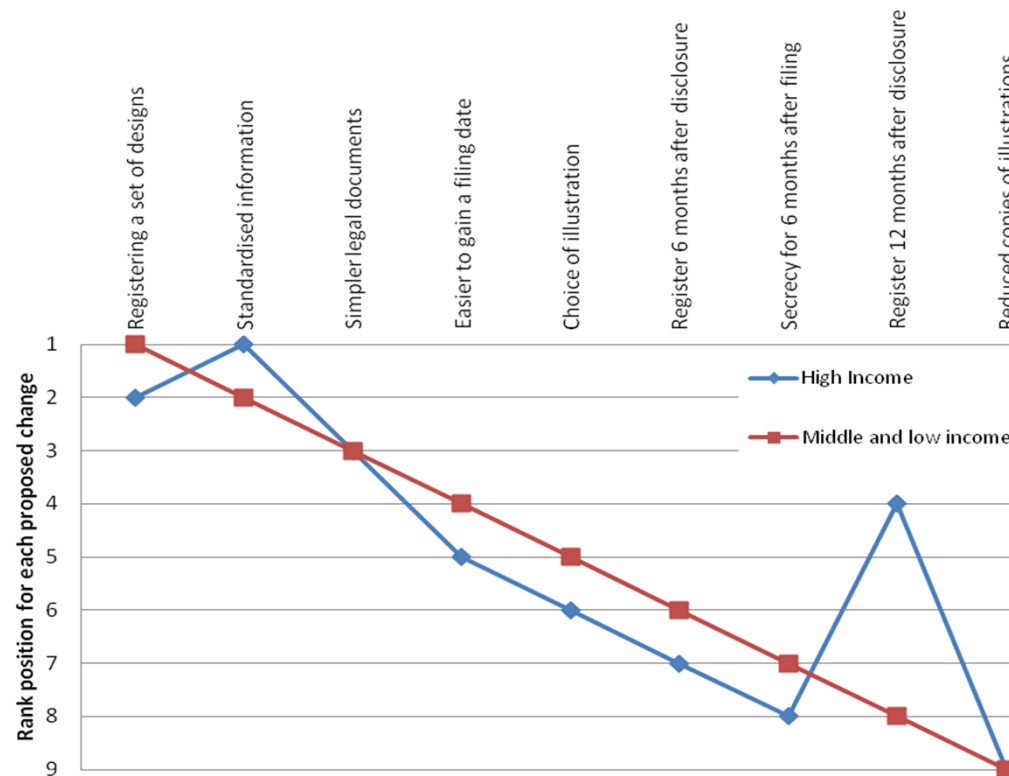
# Potential impact on national offices



# Potential impact on users (applicants' view)



# Relative importance of changes (All applicants)



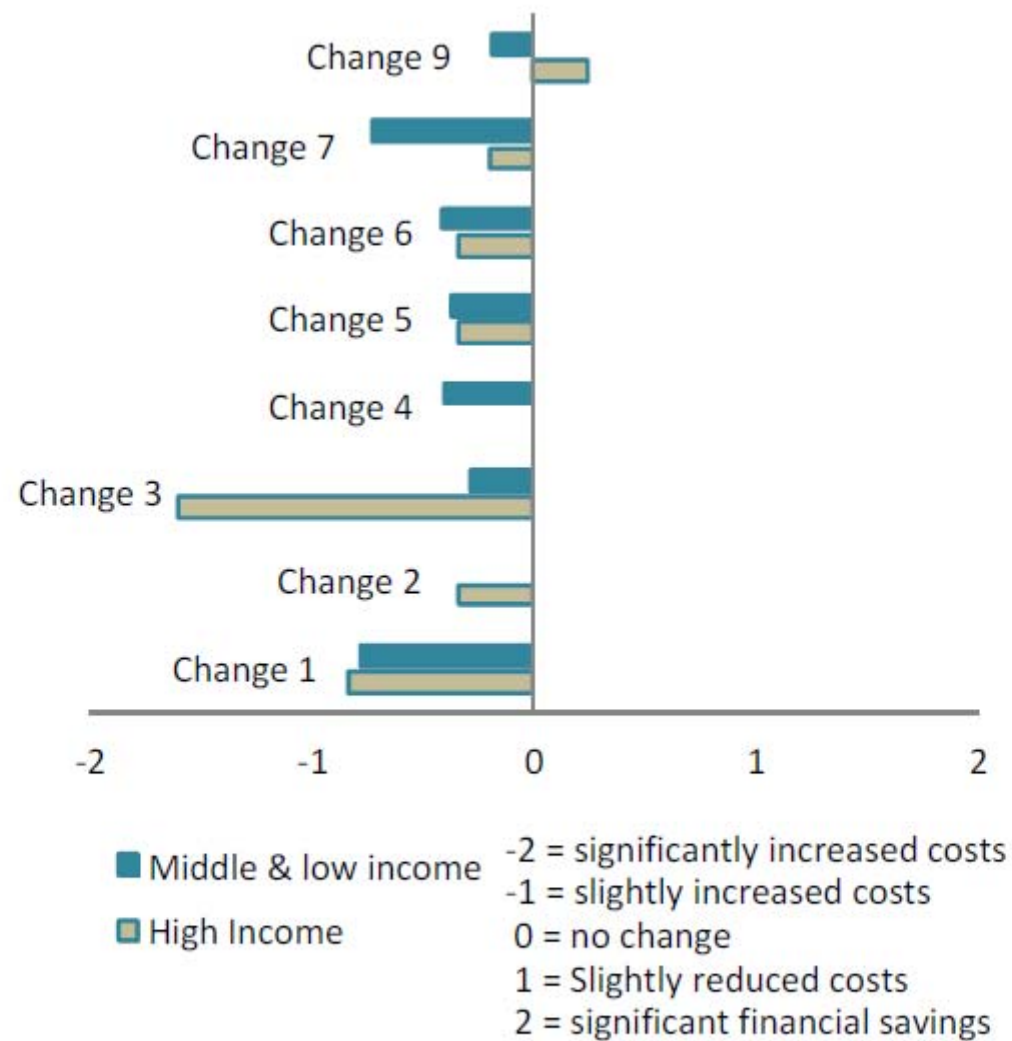


Fig E.1.1: Perceived cost implications of each change

# State of affairs

- After SCT/31
  - 2014 WO/GA: will assess progress made and decide on convening a diplomatic conference
  - 32 draft articles
  - 17 draft rules
  - Options on three Articles (Filing Date, Effects of Non-recording of Licenses, Entry into Force;
  - Five delegations with individual proposals
  - Draft Article/Resolution on technical assistance/capacity building