

Global Design Patent Guide

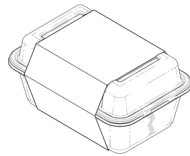
By: Tracy-Gene G. Durkin, Ivy Clarice Estoesta, and Bethany M. Kokanovich

Product design holds tremendous monetary value globally. This often leads to successful designs falling victim to knock-offs that can damage brand loyalty and reduce revenue. Design patents, which protect the ornamental appearance of an article, are a proven effective tool in combating copycats. While consumer products, like footwear and wearable technology, are obvious candidates for design patent protection, it is easy to overlook design patent protection for other types of goods such as industrial products, graphical user interface, and type fonts. Below is a sampling of various products that are protected by design patent.

Design Patent Examples



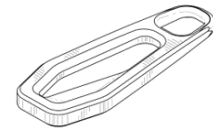
Electric Lighter
D780,515
TYL, Inc.



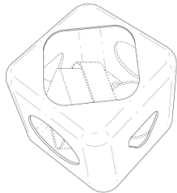
Container
D850,902
Blue Apron, LLC



Shoe
D819,323
Reebok International Limited



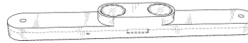
Zipper Puller
D829,600
Thule, Inc.



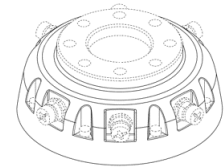
Toy
D807,967
Bioserie



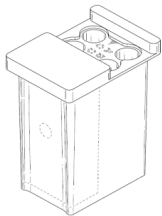
Electronic Device
D842,853
Apple Inc.



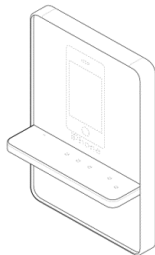
Sensor Module
D772,736
SZ DJI TECHNOLOGY CO., LTD.



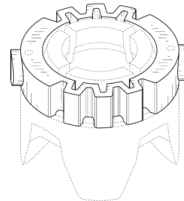
Connector
D827,686
KUKA Roboter GmbH



Receptacle Holder
D855,826
GEN-PROBE INCORPORATED



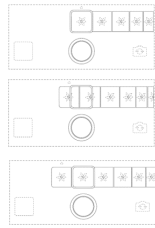
Retail Fixture
D867,035
Apple Inc.



Multipart Collar
D852,951
West Pharmaceutical Services, Inc.



**Display Screen or Portion Thereof
with Graphical User Interface**
D812,093
salesforce.com, inc.



abcdefghijklm
nopqrstuvwxyz

ABCDEFGHIJKLM
NOPQRSTUVWXYZ

0123456789

**Display Screen or Portion Thereof with
Animated Graphical User Interface**

D846,587
Apple Inc.

Type Font

D802,049
Apple Inc.

Almost five years ago, the U.S. joined the Hague Agreement, providing U.S.-based entities the possibility of filing up to 100 designs in one International Design Application (IDA) designating multiple countries that are a party to the Hague Agreement. With 73 countries (including 4 of the largest intellectual property offices in the world) now participating in the Hague system, and others, like China, exploring eventual membership, applicants may be wondering what is the better way to secure worldwide protection for a design. In other words, is it better to file a single IDA through the Hague system or file multiple separate national design applications directly with each intellectual property office of interest?

For applicants domiciled or that have a real and effective place of business in a country that is party to the Hague Agreement, filing a single IDA might sound more appealing. Indeed, unlike filing multiple national design applications (which requires an applicant to engage local counsel to make the filing on the applicant's behalf), filing through the Hague system provides the upfront cost benefit of avoiding the expense of local counsel. It also provides the long term benefit of administrative efficiency because, for example, renewals may be made for all or some of the industrial designs included in the international registration and for all or some of the designated countries.

But, before deciding to filing an IDA, it is important to note that an IDA is examined according to each designated country's particular rules (which vary from country to country), including whether the IDA will be examined only for formalities or substantively for patentability. And, if an IDA is objected to or rejected during examination, local counsel would need to be engaged to address the objection/rejection, cancelling out the upfront cost benefit of filing an IDA.

Regardless of which filing system an applicant decides to use, there is, in general, limited ability to change the representations of a design and maintain Paris Convention priority after their home country patent application is filed. Therefore, all applicants should be mindful of the particular rules of the countries they plan to direct file in or designate in their IDA to ensure that their initial application contains representations that are ready to file abroad. To that end, the following quick-reference guide provides a sampling of design preparation and prosecution requirements in a variety of countries around the world.

Country	Preparation							Prosecution			
	Hague member state	Shading allowed	Broken lines allowed	GUI designs protectable	Multiple embodiments allowed in a single registration	Detailed written description of the design features required	Multiple Locarno sub-classes permitted	Substantive examination conducted (automatic or on request)	Average length of prosecution (from filing to issuance)	Process for expediting registration available	Approximate total costs from filing to grant
Argentina	N	Y	Y	Y	Y	N	N	N	1-2M	N	\$3,050
Australia	N	Y	Y	N	N	N	Y	Y	1-2M	N	\$2,950
Brazil	N	Y	N	Y	Y	N	N	Y	1-2Y	N	\$3,150
Canada	Y	Y	Y	Y	Y	N	N/A	Y	1-2Y	Y	\$2,500
Chile	N	Y	Y	Y	Y	Y	Y	Y	2Y	N	\$5,200
China	N	N	N	Y	Y	N	N	N	1Y	N	\$1,850
Colombia	N	Y	Y	Y	Y	N	N	N	1Y	N	\$2,700
Croatia	Y	Y	N	Y	Y	N	Y	N	1Y	N	\$2,200
Europe	Y	Y	Y	Y	N	N	Y	N	1-2M	N	\$2,400
Hong Kong	N	Y	Y	Y	N	N	Y	N	6M	N	\$1,900
India	N	N	N	N	N	N	N	Y	1Y	N	\$1,800
Indonesia	N	Y	Y	N	N	N	N	Y	1-2Y	N	\$1,800
Israel	Y	Y	Y	Y	Y	N	N	Y	8-12M	Y	\$2,200
Japan	Y	Y	Y	Y	N	N	N	Y	1Y	Y	\$2,900
Jordan	N	Y	Y	N	N	Y	N	Y	1Y	N	\$2,200
Korea	Y	Y	Y	Y	N	N	N	Y	7-8M	Y	\$2,150
Malaysia	N	Y	Y	N	N	N	N	Y	9M	N	\$2,200
Mexico	N	Y	Y	Y	Y	N	N	Y	1-2Y	N	\$3,450
New Zealand	N	Y	Y	Y	N	N	Y, PTO DISCRETION	Y	6M	N	\$2,600
Norway	Y	N	Y	Y	Y	N	Y	Y	6M	N	\$2,300
Paraguay	N	Y	Y	N	Y	N	N	Y	2-3Y	N	\$2,050
Russia	Y	Y	Y	Y	Y	Y	Y	Y	1-2Y	Y	\$2,650
Singapore	Y	Y	Y	Y	Y	N	Y	N	4-6M	N	\$1,950
South Africa	N	Y	Y	Y	N	N	N	N	9M	Y	\$2,020
Switzerland	Y	Y	Y	Y	Y	N	Y	N	1-2M	Y	\$2,200
Taiwan	N	Y	Y	Y	N	Y	Y	Y	1-2Y	N	\$1,900
Thailand	N	N	N	Y	N	N	Y	Y	3-4Y	Y	\$2,040
Turkey	Y	Y	Y	Y	Y	Y	Y	N	1-2Y	N	\$2,030
Ukraine	Y	Y	N	Y	Y	Y	N	N	8-10M	N	\$1,825
United Kingdom	Y	Y	Y	Y	Y	N	Y	Y	3-6M	N	\$2,065
United States	Y	Y	Y	Y	Y	N	N/A	Y	1.5Y	Y	\$3,500
Vietnam	Y	Y	N	N	N	Y	Y	Y	1-2Y	Y	\$1,580

The information contained in this quick-reference guide should not be construed as a legal opinion or as legal advice. The quick-reference guide is intended to convey general information only, and may not address fact-specific nuances.