

S.I. 574 of 2004

Industrial Designs (Amendment) Regulations 2004

I, Michael Ahern, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by sections 20(1), 30(1), 31(1) and 85 of the Industrial Designs Act 2001 (No. 39 of 2001) and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No. 2) Order 2003 (S.I. No. 157 of 2003), hereby make the following regulations:

1. These Regulations may be cited as the Industrial Designs (Amendment) Regulations 2004.
2. These Regulations come into operation on 1 November 2004.
3. The Industrial Designs Regulations 2002 (S.I. No. 280 of 2002) are amended-
 - (a) in Regulation 22(d), by deleting “and of its feature or features of novelty and individual character”,
 - (b) in Regulation 24(f), by deleting “and of the feature or features of novelty and individual character claimed”, and
 - (c) in Schedule 2, by substituting-
 - (i) Form No. 1 in the Schedule to these Regulations for Form No. 1,
 - (ii) Form No. 1A in the Schedule to these Regulations for Form No. 1A, and

(iii) Form No. 2 in the Schedule to these Regulations for Form No. 2.

SCHEDULE

FORM No. 1

INDUSTRIAL DESIGNS ACT 2001

APPLICATION FOR REGISTRATION OF A DESIGN

SINGLE APPLICATION

Reference No. of Applicant
or Authorised Agent.....

To: The Controller of Patents, Designs and Trade Marks,
Patents Office,
Government Buildings,
Hebron Road,
Kilkenny.

The Applicant(s) named herein hereby claim(s) to be the proprietor(s) of the design, a representation of which is attached, and request(s) the registration of the design on the basis of the following information:

1. Type of Application

This is a single application in respect of one design.

2. Fees

Included with this application is the prescribed fee of €70 or evidence of payment thereof.

3. Representations

A representation of the design complying with the conditions set out in Regulation 11 is enclosed.

Yes

No

4. Applicant(s)

Full name(s):

Address(es):

Nationality(ies):

5. Author

If the author(s) is/are not the first proprietor(s) of the design, insert here the name(s) and address(es) of the author(s).

Full name(s):

Address(es):

6. Brief description of design

Insert here a brief description of the design.

7. Product(s)

List here the product(s) to or in which the design is to be applied or incorporated.

8. Class(es)

List here the class(es) including subclass(es) of the Locarno system of International Classification in which registration of the design is requested.

9. Claim for right of Priority

Complete this section where a right of priority is claimed on the basis of an earlier application for registration of the design that was filed in a state, country, territory or area within the meaning of section 26 of the Industrial Designs Act 2001 ("the Principal Act").

State/Country/Territory/Area

Filing Date

File No. (if available)

10. Deferment of Publication

Is deferment of publication as provided for in section 32(2) of the Principal Act requested?

Yes

No

If yes, please indicate the period for which deferment is requested (the maximum period allowed is 30 months from the filing date or, if priority is claimed, from the date of priority).

Period of Deferment

11. Authorised Agent (if any)

The following has been authorised to act on behalf of the Applicant(s) in all proceedings connected with this application for registration:

Name of Agent:

Address:

12. Address for Service (indicate and complete as appropriate)

Same as at 11.

If not the same as at 11, state hereunder the address for service.

13. Signature

(The application may be signed by a person authorised to do so by or on behalf of the Applicant(s) or by the Agent named at 11).

Date:

FORM No. 1A

INDUSTRIAL DESIGNS ACT 2001

APPLICATION FOR REGISTRATION OF A DESIGN

MULTIPLE APPLICATION

Reference No. of Applicant
or Authorised Agent.....

To: The Controller of Patents, Designs and Trade Marks,
Patents Office,
Government Buildings,
Hebron Road,
Kilkenny.

The Applicant(s) named herein hereby claim(s) to be the proprietor(s) of the designs, representations of which are attached, and requests the registration of the designs on the basis of the following information:

1. Type of Application

This is a multiple application covering designs.

2. Fees

Included with this application is the prescribed fee of €
(or evidence of payment thereof) which comprises an application fee of €70 and an additional fee of €25 for each design included in the application.

3. Representations

Separate representations of each of the designs, complying with the conditions set out in Regulation 11, are enclosed.

Yes

No

[IMPORTANT – PLEASE NOTE: THE REPRESENTATIONS ENCLOSED WITH THIS APPLICATION MUST BE NUMBERED CONSECUTIVELY USING ARABIC NUMERALS INSERTED ON THE BACK OR REVERSE SIDE OF THE REPRESENTATIONS. THESE NUMERALS ARE REQUIRED TO IDENTIFY AND DISTINGUISH THE DESIGNS IN RESPECT OF WHICH REGISTRATION IS REQUESTED. WHERE MORE THAN ONE

REPRESENTATION OF A PARTICULAR DESIGN IS SUBMITTED, EACH OF THE REPRESENTATIONS OF THAT DESIGN SHOULD BE ASSIGNED THE SAME IDENTIFICATION NUMERAL.]

4. Applicant(s)

Full name(s):

Address(es):

Nationality(ies):

5. Author(s)

If the author(s) is/are not the first proprietor(s) of the designs, insert here the Design Identification Numeral(s) and the name(s) and address(es) of the author(s). If there is more than one author indicate the design identification numeral of each design (see 3 above) opposite the name of each author.

<i>Design Identification Numeral</i>	<i>Name of author(s)</i>	<i>Address(es)</i>

6. Brief description of designs

Insert here a brief description of the designs. If you need to provide separate descriptions of each of the designs included in the application, indicate the design identification numeral of each design opposite each of the descriptions provided.

Design Identification Numeral	Description

7. Product(s)

List here the product(s) to or in which the designs are to be applied or incorporated. If the different designs included in the application are to be applied to or incorporated in different products, indicate the design identification numeral of each design opposite each of the products listed.

Design Identification Numeral	Product

8. Class(es)

List here the class(es) including the subclass(es) of the Locarno system of International Classification in which registration of the design(s) is/are requested.

[Note: Except in cases of ornamentation, all of the designs in a multiple application for registration must be in respect of products that belong to the same class of the Locarno system of International Classification.]

Design Identification Numeral	Class	Sub-class

9. Claim for right of Priority

Complete this section where a right of priority is claimed on the basis of an earlier application for registration of the design(s) that was filed in a state, country, territory or area within the meaning of section 26 of the Industrial Designs Act 2001 ("the Principal Act"). If there are different claims to priority in respect of the different designs included in the application, indicate the design identification numeral of each design opposite each of the claims listed.

Design Identification Numeral	State/Country/Territory/Area	Filing Date	File No. <i>(if available)</i>

10. Deferment of Publication

Is deferment of publication as provided for in section 32(2) of the Principal Act requested?

Yes

No

If yes, please indicate the period for which deferment is requested (the maximum period allowed is 30 months from the filing date or, if priority is claimed, from the date of priority).

Design Identification Numeral	Period of Deferment

11. Authorised Agent (if any)

The following has been authorised to act on behalf of the Applicant(s) in all proceedings connected with this application for registration:

Name of Agent:

Address:

12. Address for Service (indicate and complete as appropriate)

Same as at 11.

If not the same as at 11, state hereunder the address for service.

13. Signature

(The application may be signed by a person authorised to do so by or on behalf of the Applicant(s) or by the Agent named at 11).

Date:

FORM No. 2

INDUSTRIAL DESIGNS ACT 2001

CERTIFICATE OF REGISTRATION OF A DESIGN

It is hereby certified that the design to which this certificate relates (representation attached) has been registered in the Register of Designs in the name of

.....

(registered proprietor) at

.....(address)

under registration No.....in respect of certain products in class(es) and sub-class(es)

.....

.....

.....

.....

.....

This design has been registered as of.....

Dated this day of 2 .

.....

Controller of Patents, Designs and Trade Marks.

Given under my Hand,

29th September 2004

Michael Ahern,

Minister of State at the Department of

Enterprise, Trade and Employment.

EXPLANATORY NOTE

[This note is not part of the Instrument and does not purport to be a legal interpretation].

These Regulations amend the Industrial Designs Regulations 2002 (S.I. No 280 of 2002) by removing the requirement to forms 1 and 1A of the Schedule for a statement of novelty and individual character in the application for registration of a design. These Regulations also revise the format of the Certificate of Registration for a design, which is issued by the Controller of Patents, Designs and Trade Marks upon registration of a design. The revised format has removed the reference to and requirement for a product listing on the Certificate of Registration.