

REGULATIONS ON INDUSTRIAL DESIGNS

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REGULATIONS ON INDUSTRIAL DESIGNS

(UNOFFICIAL CLEAR TEXT)

I. GENERAL PROVISIONS

SUBJECT MATTER OF THE REGULATIONS

Article 1

These Regulations shall in detail provide for specific questions contained under the Industrial Design Act in relation to the procedures conducted before the State Intellectual Property Office (hereinafter referred to as: the Office).

II. INDUSTRIAL DESIGN APPLICATION

CONTENTS OF INDUSTRIAL DESIGN APPLICATION

Article 2

(1) The industrial design application shall contain:

1. the express request for the registration of an industrial design;
2. the name and forename or the corporate name of the applicant;
3. the address of the applicant (street, street number, postal code, town, the State); the application may also indicate different means of communication with the applicant, such as the telephone number, facsimile number or electronic mail address;
4. the nationality of the applicant, or the name of the State in which a legal entity has head office;
5. a representation of a design in accordance with Article 3 to 11 under the Regulations, or a specimen of a design pursuant to Article 12 under the Regulations;
6. indication of the product in which a design is intended to be incorporated or to which a design is intended to be applied; the indication of the product shall clearly distinguish the nature of the product and enable the classification of each product in one class pursuant to the Locarno Agreement Establishing an International Classification for Industrial Designs (hereinafter: the International Classification); for this purpose preferably using the terms appearing on the list of products under the International Classification;
7. information identifying the authorised representative and a valid power of attorney, if the applicant has a representative; the provisions under subparagraph 2, 3 and 4 of the present paragraph shall apply accordingly to the representatives;
8. mention of the appointment of a common representative where a common application has been filed;

9. indication of a total number of designs where a multiple application has been filed;
10. the signature of the applicant or common representative, or the signature or seal of the representative, if the applicant has any.

(2) An industrial design application may contain:

1. description in detail explaining a representation or a specimen of a design; a description may not exceed hundred words for each design, it shall exclusively relate to those features appearing in a reproduction or on a specimen of a design and it may not contain statements relating to the novelty, individual character of the design or its technical value;
2. request for deferment of publication of the registered industrial design specifying the period for which deferment has been requested;
3. classification of the product (indication of the class) in which a design is intended to be incorporated or to which a design is intended to be applied in accordance with the International Classification;
4. information identifying a designer or a team of designers; the provision under paragraph (1) subparagraph 2, 3 and 4 of this Article shall apply accordingly to the designers;
5. indication that a designer or a team of designers waive the right to be cited;
6. information and the evidence of priority in accordance with Articles 29 and 30 of the Industrial Design Act with the clear indication of design which the identity in design application refers to;
7. indication that the application resulted from separation of a multiple application, and the number of the original application.

(3) Information pursuant to paragraph (1) and (2) under this Article shall be indicated on the prescribed industrial design application form being an integral part of the Regulations (the form D-1), except for the following contents of the application and the evidence appended thereto:

1. a representation or a specimen of a design,
2. valid power of attorney if the applicant has a representative,
3. statement on the appointment of the common representative; the provisions pursuant to paragraph (1) subparagraph 2, 3 and 4 under this Article shall likewise apply when indicating information identifying the common representative,
4. statement of a designer or a team of designers that they waive their right to be cited, or a statement signed in manuscript by the applicant that a designer or a team of designers waive their right to be cited,
5. evidence of priority.

- (4) Evidence on the paid fees and costs of procedure shall be attached to the industrial design application, in accordance with special provisions.
- (5) Upon request of the party, the Office shall submit a specimen of D-1 form and all the other forms prescribed under the Regulations.

REPRESENTATION OF DESIGN

Article 3

- (1) The representation of a design filed under an industrial design application may consist of a graphic or a photographic reproduction of a design, either in black and white or in colour.
- (2) The representation of a design shall be filed on the prescribed D-2 form being an integral part of the Regulations. The D-2 form shall be of DIN A14 format, and the space used for the reproduction of a design shall not be larger than 26.2 x 17 cm and not smaller than 4 x 4 cm. A margin of at least 2.5 cm shall be on the left-hand side of the sheet of paper. At the top of each sheet of paper the total number of designs under the application, the ordinal number of the design and the number of views shall be indicated pursuant to Article 8 paragraph 3 of the Regulations, and the applicant or the common representative. Graphic or photographic representations of a design shall be pasted or printed by electronic means on the space intended for the representation of designs.
- (3) Where a design is disclosed by more than one graphic or photographic representation, the required number of copied forms shall be filed under the application, and each sheet of paper shall be numbered on the bottom right-hand side margin. Each specimen of the form may have only one graphic or photographic representation of the design. All the attached and numbered sheets of paper shall constitute one specimen of the D-2 form.

Article 4

- (1) Graphic or photographic representations of a design shall have right angles and straight edges, may not be folded, marked or connected with the form by perforations.
- (2) No explanatory text or wording may be represented on the object of the graphic reproduction of a design, or near the object.
- (3) Graphic or photographic representations of a design shall disclose only a design of the product with no other object, accessory, person or animal.

Article 5

- (1) A graphic representation of a design may be attached in original or in electronic print out of such an original produced by electronic means or procedures, provided the quality thereof is identical to the original. The graphic representation of a design shall be adequate for reproducing.

- (2) The graphic representation of a design shall be of a quality production by means of drawing materials or by electronic means permitting continuous lines (uninterrupted), and having clearly distinguished characteristics. A three-dimensional design shall preferably be represented in view/perspective containing nuances and shades in order to underline three-dimensional features.
- (3) The graphic representation of a design shall be reproduced on the white sheet of paper.
- (4) The graphic representation of a design shall not be a technical drawing, the subject matter of which is represented on cross-section or containing axis lines and dimensions.
- (5) Without prejudice to the provision of paragraph 2 of this Article, the representation of a design may contain dashed lines, if such lines mark the visible parts of the design for which the protection is not sought in the proceedings in question.

Article 6

- (1) A photographic representation of a design or a reproduction thereof, produced by electronic means or procedures may be filed under an industrial design application. Photographic representations and reproductions thereof shall be of a quality so that the characteristic of the design are clearly distinguished and adequate for reproducing. For the representation of a design no photocopy or photographic representation may be attached.
- (2) A design shall be represented on a neutral and a single colour background.
- (3) The attached photographic representation may not be retouched (with Indian ink, ink or correcting fluid).

Article 7

- (1) Where an industrial design application refers to a design consisting in a repeating surface pattern (ornament, pattern and similar), the representation of such a design shall disclose the complete pattern and a sufficient portion of the repeating surface.
- (2) Where an industrial design application refers to a design consisting in a typographic typeface, the representation of such a design shall consist in a string of all the letters of the alphabet, in both upper and lower case, and of all the Arabic numerals from zero to nine, with a text of five lines produced using that typeface, both letter and numerals being in the size pitch 16.

Article 8

- (1) Where one graphic or photographic representation may not disclose all the novel and individual character of the design, graphic or photographic representations shall be of adequate number for this purpose, but a representation shall contain no more than six different views of the design. Where a specific portion of the attached representation of a design is not sufficiently distinguished, such a portion may be represented to the enlarged scale.
- (2) Where the same design is represented with several graphic or photographic reproductions, they shall be each numbered separately, the numbering shall consist of

numerals separated by a point, the numeral to the left-hand side of the point indicating ordinal number of the design, that to the right-hand side indicating the number of the view (example: 1.1, 1.2, 1.3).

Article 9

- (1) Industrial design shall be registered and published in colour where a design in colour is filed under the industrial design application, and where a representation is filed in black and white technique, a design shall be registered and published in that technique.
- (2) For publishing an industrial design and issuing a Certificate for industrial design in colour, the best reproduction technique available at the Office shall be used. In the event of any dispute relating to nuances or colour shades in which a design is reproduced, the design of the product shall be characterised by an original representation of the design filed under the industrial design application.

Article 10

Under a procedure for the registration of an industrial design the right position of a design shall be considered such, in which the design is represented on the D-2 form filed under the industrial design application.

Article 11

- (1) In case of a multiple application for each design a separate graphic or photographic representation shall be submitted.
- (2) Where in the multiple application the same design is represented by several graphic or photographic representations, all the representations relating to the same design shall be numbered separately in the manner specified under Article 8, paragraph 2 of the Regulations (example: 1.1, 1.2, 1.3 for the first design and 2.1, 2.2, 2.3 for the second design).

SPECIMEN OF DESIGN

Article 12

- (1) Where deferment for publication of a registered industrial design was requested under the application, and the subject matter of the application is a two-dimensional design, the representation of a design may be replaced by a specimen thereof.
- (2) An industrial design application and a specimen of a design shall be concurrently submitted to the Office.
- (3) The specimen of a design shall not exceed 26.2 x 17 cm in size, 100 gram in weight or 5 mm in thickness, and shall be submitted pasted on the D-2 form.
- (4) Specimens that are perishable or dangerous to store shall not be filed.
- (5) The specimen of a design shall be filed in three copies to the Office, and in the event of a multiple application three copies of the specimen shall be filed for each design.

- (6) Where an industrial design application is relating to a design pursuant to Article 7, paragraph (1) under the Regulations, the specimen of a design shall disclose the complete pattern and a sufficient portion of the repeating surface.

DIVISION OF MULTIPLE APPLICATION

Article 13

- (1) Where an application is a multiple application requesting registration of several designs, and the products in which a design is intended to be incorporated or to which it is intended to be applied may not be classified in only one class pursuant to the International Classification, the Office shall call upon the applicant to divide the application and to pay full amount of the fees and costs of procedure in accordance with special provisions.
- (2) The Office shall, under the call pursuant to paragraph (1) of this Article, instruct the applicant for which design under a multiple application a new industrial design application shall be filed, or new applications in the event of more than one design, which shall be classified under more than one class pursuant to the International Classification.
- (3) Where the applicant for a multiple application proceeds according to the call of the Office within the time limit specified pursuant to Article 32 paragraph (2) and (3) of the Industrial Design Act, the Office shall issue a decision on division of a multiple application.
- (4) Where the applicant for a multiple application fails to proceed within the set time limit upon the call of the Office, the application shall be rejected by a decision.

III. REGISTERS

CONTENTS OF THE REGISTER OF INDUSTRIAL DESIGN APPLICATIONS

Article 14

The register of industrial design applications shall contain the following entries:

1. number of an industrial design application and in the event of a multiple application the number of each single design included in the multiple application and the indication of a total number of designs;
2. date of filing of the industrial design application;
3. information identifying the applicant pursuant to Article 2, paragraph (1) and subparagraph 2, 3 and 4 under the Regulations;
4. representation of a design or information that a representation was replaced by a specimen of a design;

5. indication of the product in which a design is intended to be incorporated or to which it is intended to be applied;
6. classification and sub-classification number pursuant to the International Classification;
7. information identifying the accredited representative pursuant to Article 2 Paragraph (1) subparagraph 7 under the Regulations, if the applicant has any;
8. information identifying the common representative pursuant to Article 2 paragraph (3) subparagraph 3 under the Regulations, in the event of a common application;
9. information on deferment of publication indicating the period for deferment, where deferment has been requested;
10. information of priority where priority has been claimed, such as:
 - the date and number of the first application and the name of the State in which the application was filed in the event of the Union priority right, or
 - the name of exhibition, the opening and closing date thereof and the date of the first disclosure of the product in which the design is incorporated or on which the design is applied in the event of exhibition priority right,
11. application, which is the subject matter of the registration resulting from a separation of a multiple application, shall contain information on the priority of the original application;
12. information identifying a designer or a team of designers pursuant to Article 2, paragraph (2) subparagraph 4 of the Regulations, or the information that a designer or a team of designers waive the right to be cited pursuant to Article 2 paragraph (3) subparagraph 4 under the Regulations;
13. information that a description of a design or a specimen of a design was filed under the application pursuant to Article 2, paragraph (2) subparagraph 1 of the Regulations;
14. information on the changes relating to an industrial design application indicating the date of the entry of changes in the register;
15. data on the paid fees and costs of procedure in accordance with special provisions;
16. date of the decision on dismissing the industrial design application or the date of the decision refusing the registration of the industrial design was rendered, if such decisions were rendered;
17. data on the appeal against the decision of the Office, if the appeal was submitted, being:
 - data on the appellant; the provisions of Article 2, paragraph 1, subparagraph 2, 3 and 4 of these Regulations apply *mutatis mutandis* to the appellant,
 - the number and date of the decision of the Office which is appealed,
 - the date on which the appeal is received,

- data on the attorney, if the appellant has one; the provisions of Article 2, paragraph 1, subparagraph 7 of these Regulations apply *mutatis mutandis* to the attorneys in the appeal proceedings,
- data on paid fees and costs of proceedings for submitting the appeal,
- date and type of decision rendered on the appeal.

CONTENTS OF THE REGISTER OF INDUSTRIAL DESIGNS

Article 15

The register of industrial designs shall contain the following entries:

1. the number of the industrial design application and the number of each single design included in a multiple application;
2. date of filing of the industrial design application;
3. number of the industrial design and the date of a decision for the registration of the industrial design and the date of the entry of the industrial design into the register;
4. information identifying the holder of industrial design; the provisions under Article 2, paragraph (1) and subparagraph 2, 3, and 4 of the Regulations shall apply accordingly to a holder of an industrial design;
5. representation of a design or information that the representation of a design was replaced by a specimen;
6. the name of a product or a part of the product in which a design is incorporated or to which a design is applied;
7. the classification and sub-classification number pursuant to the International Classification;
8. information identifying the accredited representative pursuant to Article 2, paragraph (1) subparagraph 7 under the Regulations, if the holder of industrial design has any;
9. the date of publishing industrial design in the Office Official Gazette;
10. information on deferment of the publication of industrial design and the date of expiration of the period for deferred publication, where deferment has been requested;
11. information on the granted priority right, such as:
 - the date and number of the first application and the name of the State in which the application was filed in the event of the Union priority right, or,
 - the name of exhibition, opening and closing date thereof, the date of the first disclosure of the product in which a design is incorporated or on which a design is applied in the event of an exhibition priority right;

12. information identifying a designer or a team of designers pursuant to Article 2, paragraph (2), subparagraph 4 of the Regulations, or information that a designer or a team of designers waive their right to be cited pursuant to Article 2, paragraph (3), subparagraph 4 under the Regulations;
13. information that a description of a design or a specimen of a design is filed under an application pursuant to Article 2, paragraph (2), subparagraph 1 of the Regulations;
14. validity date for the protection of industrial design, and information on the renewal of protection of industrial design;
15. information on the changes relating to the registered industrial design indicating the date of changes entered in the Register;
16. information on ceasing of effects of an industrial design and the grounds thereof;
17. information on a declaration of invalidity of an industrial design;
18. data on the paid fees and costs of procedure in accordance with special provisions;
19. data on the appeal against the decision of the Office, if the appeal was submitted, being:
 - data on the appeal; the provisions of Article 2, paragraph (1), subparagraph 2, 3 and 4 of these Regulations apply *mutatis mutandis* to the appellant,
 - the number and date of the decision of the Office which is appealed,
 - the date on which the appeal is received,
 - data on the attorney, if the appellant has one; the provisions of Article 2, paragraph (1), subparagraph 7 of these Regulations apply *mutatis mutandis* to the attorneys in the appeal proceedings,
 - data on paid fees and costs of proceedings for submitting the appeal,
 - date and type of decision rendered on the appeal.

IV. PUBLICATION OF INDUSTRIAL DESIGN AND ISSUE OF CERTIFICATE FOR INDUSTRIAL DESIGN

PUBLICATION OF INDUSTRIAL DESIGN

Article 16

- (1) Information on the registered industrial design shall be published in the Office Official Gazette, as follows:
1. number of the industrial design and the date of a decision on the registration of the industrial design and the date of entry of the industrial design in the register;

2. number of the industrial design application and the date of filing thereof;
 3. information identifying the holder of the industrial design (the name, surname, address and nationality in the event of a natural person, or the corporate name and the seat in the event of a legal entity);
 4. representation of the design;
 5. name of a product or a part of the product in which the design is incorporated or to which the design is applied;
 6. classification and sub-classification number under the International Classification;
 7. information identifying the accredited representative if the holder of industrial design has any (the name, surname and address of a representative in the event of a natural person, or the corporate name and head office in the event of a legal entity);
 8. information identifying a designer or a team of designers (the name, surname and address) except in the event a designer or a team of designers have waived their right to be cited);
 9. information on the granted priority right, such as:
 - date and number of the first application and the name of the State in which the application was filed in the event of the Union priority right, or
 - the name of exhibition, opening and closing date thereof, the date of the first disclosure of the product in which a design is incorporated or on which a design is applied in the event of an exhibition priority right;
- (2) Where deferment of publication is requested, information pursuant to paragraph (1), subparagraph 1, 2, 3 and 7 under this Article and information that publication deferment has been requested shall be published in the Office Official Gazette. Neither a representation of a design nor any particulars identifying the appearance of the design shall be published. On the expiration of the period for deferment, the industrial design shall be published in the first Office Official Gazette issued following the expiry of the mentioned period.
- (3) Where a representation of design characteristics is disputable due to technical limitations in publishing a graphic or a photographic reproduction, a design of the product shall be characterised by the original of a design representation filed under the industrial design application, to which any interested person shall have the right for inspection after its publication. Where a deferment of publication is requested, any interested person shall have the right for inspection only of bibliographical data concerning the industrial design provided for under paragraph (2) of this Article, and shall have no right for inspection neither of a representation nor of any particulars relating to the appearance of the design.
- (4) Information pursuant to paragraph (1) of this Article shall be indicated by INID-codes to identify bibliographical data of an industrial design established by the World Intellectual Property Organisation (hereinafter: the INID-codes).

- (5) The Office shall republish the industrial design where at initial publication substantial deficiencies were found.

CONTENTS OF INDUSTRIAL DESIGN CERTIFICATE

Article 17

(1) Industrial design certificate shall contain the following information:

1. number of the industrial design and the date of a decision on the registration of industrial design and the entry of the industrial design into the register;
2. number of the industrial design application and the date of filing thereof;
3. information identifying the holder of the industrial design (the name, surname, address and nationality in the event of a natural person, or the corporate name and head office in the event of a legal entity);
4. representation of a design;
5. the name of a product or a part of the product in which the design is incorporated or to which the design is applied,
6. classification and sub-classification number under the International Classification;
7. information identifying a designer or a team of designers (the name, surname, address) except in the event a designer or a team of designers have waived their right to be cited;
8. information on the granted priority right, such as:
 - date and number of the first application and the name of the State in which the application was filed in the event of the Union priority right, or,
 - name of exhibition, opening and closing date thereof, the date of the first disclosure of the product in which the design is incorporated or on which the design is applied in the event of exhibition priority;
9. date of publication of the industrial design in the Office Official Gazette;
10. information on deferment of the publication of the industrial design, where deferment was requested.

(2) Information under paragraph (1) of this Article shall be indicated by INID-codes.

(3) Where the industrial design is registered under a multiple application, the Office shall issue a unique certificate or a single certificate for each registered industrial design, dependent on the request of the holder of the industrial design.

V. ENTRY OF CHANGES INTO REGISTERS

REQUEST FOR THE ENTRY OF CHANGES INTO REGISTER

Article 18

- (1) The changes brought about after the date of filing the industrial design application and the changes on the registered industrial design shall be entered in the registers on the basis of a decision issued by the Office and at the request of a party for the registration of changes.
- (2) The entry of changes into the Register of industrial design applications or into the Register of industrial designs shall be lodged by a written request on the prescribed form being an integral part of the Regulations (D-3 form).
- (3) The D-3 form is intended for filing the following requests:
 1. request for the entry of changes of information identifying the applicant or the holder of an industrial design, brought about after the date of filing an industrial design application or after the registration thereof;
 2. request for the entry of a licence;
 3. request for the entry of the right in rem;
 4. request for the entry of transfer of rights;
 5. request for the entry of other information relating to the legal status of the holder of an industrial design or a design as such.

CONTENTS OF REQUEST FOR ENTRY OF CHANGES

Article 19

- (1) The request for the entry of changes into the register shall contain:
 1. express request for the entry of changes into the register;
 2. number of the industrial design application or number of the industrial design;
 3. information identifying the applicant or the holder of the industrial design pursuant to Article 2, paragraph (1), subparagraph 2, 3, and 4 under the Regulations;
 4. information identifying the person filing the request; the provisions pursuant to Article 2, paragraph (1), subparagraph 2, 3, and 4 under the Regulations shall apply accordingly to the person filing the request;
 5. information identifying the accredited representative, in compliance with Article 2, paragraph (1) subparagraph 7 under the Regulations, if the person filing the request has any;

6. information on the type of a change which is a subject matter of the registration, and the contents of the change indicating all the new information for which the entry is requested;
7. signature of the person filing the request, or the signature and seal of the representative, if any.

(2) The request pursuant to paragraph (1) of this Article shall be accompanied by:

1. Evidence of the legal grounds for a change for which the entry into the register has been requested;
2. valid power of attorney if the person filing the request has a representative;
3. evidence of the paid fees and costs of procedure in accordance with special provisions.

VI. RENEWAL OF PROTECTION FOR INDUSTRIAL DESIGN

APPLICATION FOR RENEWAL OF PROTECTION FOR INDUSTRIAL DESIGN

Article 20

- (1) Information on the renewal of protection for industrial design shall be entered in the Register of industrial designs based on a decision issued by the Office at the request of the party applying for the renewal of protection.
- (2) The application for the renewal of protection for the industrial design shall be filed on the prescribed form, which is an integral part of the Regulations (D-4 form).

CONTENTS OF APPLICATION FOR RENEWAL OF PROTECTION FOR INDUSTRIAL DESIGN

Article 21

- (1) The application for the renewal of protection for the industrial design shall contain:
 1. express request for the renewal of protection for industrial design;
 2. number of an industrial design or the number of industrial designs under a multiple application for which a renewal of protection has been requested;
 3. information identifying the holder of an industrial design; the provisions under Article 2, paragraph (1), subparagraph 2, 3 and 4 of the Regulations shall apply accordingly to the holder of an industrial design;
 4. information identifying the accredited representative, pursuant to Article 2, paragraph (1), subparagraph 7 under the Regulations, if the applicant has any;

5. signature of the applicant or the signature and seal of the representative, if the applicant has any.
- (2) The application for the renewal of protection for industrial design shall be accompanied by:
 1. valid power of attorney if the applicant has a representative;
 2. evidence on the paid fees and costs of procedure in accordance with special provisions.

VII. REQUEST FOR DECLARATION OF INVALIDITY OF INDUSTRIAL DESIGN

CONTENTS OF A REQUEST FOR A DECLARATION OF INVALIDITY OF INDUSTRIAL DESIGN

Article 22

- (1) The request for a declaration of invalidity of the industrial design shall contain:
 1. express request for a declaration of invalidity of an industrial design;
 2. number of an industrial design in relation to which the request is filed and information identifying the holder thereof (the name and address in the event of a natural person, or the corporate name and head office in the event of a legal entity),
 3. information identifying the applicant; the provision under Article 2, paragraph (1), subparagraph 2, 3 and 4 of the Regulations shall apply accordingly to the applicant;
 4. information identifying the accredited representative pursuant to Article 2, paragraph (1), subparagraph 7 under the Regulations, if the applicant has any;
 5. the reasons for filing the request pursuant to Article 9 of the Industrial Design Act referring to the facts and evidence on which the request is grounded;
 6. signature of the applicant, or the signature and seal of the representative, if the applicant has any.
- (2) The request pursuant to paragraph (1) of this Article shall be accompanied by:
 1. evidence on the reasons for declaration of invalidity of an industrial design;
 2. valid power of attorney if the applicant has a representative,
 3. evidence on the paid fees and costs of procedure in accordance with special provisions.
- (3) Where the request pursuant to paragraph (1) of this Article is filed according to Article 9, subparagraph 2 of the Industrial Design Act for the reasons of non-compliance of the registered industrial design with the requirements of novelty referred to in Article 4, or individual character referred to in Article 5 of the Industrial Design Act, a representation of an earlier design and appropriate documentation shall be filed under

a request proving that the design was made available to the public prior to the date of filing the application for an industrial design, or if priority right was claimed prior to the date of the granted priority.

- (4) Where the request pursuant to paragraph (1) of this Article is filed pursuant to Article 9, subparagraph 4 of the Industrial Design Act, a representation of an earlier design and information necessary to identify the type of the design shall be filed under the request, and the documentation proving that the person filing the request is the applicant or the holder of prior right thus being authorised for filing the request for a declaration of invalidity of the industrial design, in accordance with Article 44, paragraph (6) of the Industrial Design Act.
- (5) Where the request pursuant to paragraph (1) of this Article is filed pursuant to Article 9, subparagraph 5 of the Industrial Design Act, a representation of a distinctive sign and information necessary to identify the distinctive sign shall be filed under the request, and the documentation proving that the person filing the request is the holder of prior right on a distinctive sign thus being authorised for filing the request for a declaration of invalidity of the industrial design, in compliance with Article 44, paragraph (7) of the Industrial Design Act.
- (6) Where the request pursuant to paragraph (1) of this Article is filed pursuant to Article 9, subparagraph 6 of the Industrial Design Act, the evidence identifying a copyrighted work as the subject matter of infringement and the kind of unauthorised use of this work shall be filed under the request, and the documentation proving that the person filing the request is the author or the holder of a copyright thus being authorised for filing the request for a declaration of invalidity of the industrial design, in accordance with Article 44, paragraph (7) of the Industrial Design Act.

VIII. APPEAL

APPEAL PROCEEDINGS

Article 22a

- (1) Appeal proceedings are initiated by submitting the appeal to the Board of Appeal.
- (2) The appeal referred to in paragraph (1) of this Article shall contain:
 1. an express indication that the appeal is being submitted,
 2. data on the appellant (for natural persons: name, surname and address, and for legal persons: the company name and the seat),
 3. the classification number of the decision which is appealed,
 4. the registration number of the industrial design application or the registration number of the industrial design,
 5. an indication on whether the decision is appealed in its entirety or certain parts thereof, and explained reasons for the appeal, together with the necessary evidence.

- (3) The proof on the paid administrative fee and costs of proceedings shall be submitted along with the appeal, in accordance with the special regulation.
- (4) The appeal shall be submitted in two copies directly or shall be sent to the Office by mail; through the Secretariat referred to in Article 91, paragraph 5 of the Patent Act (Official Gazette Nos. 173/2003, 87/2005 and 76/2007) the Office will forward the appeal to the Board of Appeal.

IX. EXPIRATION OF INDUSTRIAL DESIGN

Article 23

Expiration of the industrial design shall be entered in the Register for industrial designs based on a decision issued by the Office.

X. COMMUNITY DESIGN APPLICATION

SUBMITTING A COMMUNITY DESIGN APPLICATION THROUGH THE OFFICE

Article 23a

- (1) If the application for registration of the Community design (hereinafter: Community design application) is submitted through the Office, the applicant shall submit the proof on payment of the administrative fee and costs related to forwarding the Community design application to the Office for Harmonisation in the Internal Market along with the application, in accordance with the special regulation.
- (2) If the prescribed administrative fees and costs related to forwarding the Community design application have not been paid when the application was submitted, and if they are not paid and the proof on their payment is not submitted within 14 days from the day of receipt of the Community design application in the Office, it shall be assumed that the applicant has withdrawn the Community design application.

XI. GENERAL PROVISIONS

SUBMISSION OF COMMUNICATIONS

Article 23b

- (1) A communication may be submitted to the Office by personal delivery or by post.
- (2) If the office has reasons to doubt the completeness or authenticity of the communication submitted in photocopy, it may order by a conclusion the submission of its original within a period of 30 days from the receipt of the conclusion.
- (3) If the person who submitted the communication complies with the conclusion referred to in paragraph (2) of this Article, the date on which the photocopy of the

communication is submitted to the Office shall be considered as the date of the receipt of the communication.

- (4) If the person who submitted the communication fails to comply with the conclusion referred to in paragraph (2) of this Article within the prescribed time limit, it shall be considered that the Office has not received the communication.

FILING OF AN APPLICATION AND SUBSEQUENT COMMUNICATIONS OF THE APPLICANT IN ELECTRONIC FORM

Article 23c

- (1) An application for the registration of an industrial design and subsequent communications of the applicant in the procedure of registration and maintenance of industrial design in value may be filed in electronic form by using an e-filing service available at the web site of the Office.
- (2) The Office shall publish at its web site technical pre-conditions for the realization of electronic communication for filing an application and subsequent communications in accordance with paragraph (1) of this Article. The applicant who wishes to file an application and subsequent communications in accordance with paragraph (1) of this Article shall ensure technical pre-conditions required for filing applications and other data or attachments by electronic means. The Office shall ensure the required software and hardware support for receiving applications and other data or attachments by electronic means.
- (3) When filing an application or subsequent communications in accordance with paragraph (1) of this Article, the applicant shall use qualified certificates, issued by an authorised legal person, registered for issuing certificates.
- (4) The application filed in accordance with paragraph (1) of this Article shall be considered received by the Office, where the advanced electronic signature has been verified by an automatic action.
- (5) Upon the receipt of a successfully received application or subsequent communications in accordance with paragraph (1) of this Article, the Office shall notify the applicant by e-mail of the receipt of the application or subsequent communications, indicating a temporary file number, as well as the date and time of the receipt.
- (6) If the application or subsequent communications are filed in accordance with paragraph (1) of this Article, the attachments which shall accompany the application shall be filed in the same manner. The applications or subsequent communications filed electronically and carrying an advanced electronic signature shall be considered as signed by a hand-written signature.
- (7) The attachments accompanying the application or subsequent communications filed in accordance with paragraph (1) of this Article shall be considered as original documents, and the applicant shall guarantee by the advanced electronic signature that the attached documentation in electronic form is identical with the original documentation.

XII. FINAL PROVISIONS

EXPIRATION OF OTHER PROVISIONS

Article 24

Notwithstanding the provisions pursuant to Article 59, paragraph (1) and (4) of the Industrial Design Act, upon the entry into force of these Regulations, the provisions under the Regulations on Industrial Designs (Official Gazette No. 146/99) and the pertinent forms as an integral part thereof, shall expire.

ENTRY INTO FORCE OF THESE REGULATIONS

Article 25

The present Regulations shall enter into force on the date of its publication in the Official Gazette.

FINAL PROVISIONS OF THE REGULATIONS ON AMENDMENTS TO THE REGULATIONS ON INDUSTRIAL DESIGNS

(NN 117/07)

Article 6

These Regulations shall enter into force on the day of its publication in the Official Gazette, with the exception of Articles 2, 3 and 4 of these Regulations which shall enter into force on 1 June 2008 and Article 5 of these Regulations which shall enter into force on the day the Republic of Croatia accedes to the full membership of the European Union.

FINAL PROVISIONS OF THE REGULATIONS ON AMENDMENTS TO THE REGULATIONS ON INDUSTRIAL DESIGNS

(NN 66/11)

Article 5

Former D-1, D-3 and D-4 forms shall cease to be valid on the date of the entry into force of these Regulations. New D-1, D-3 and D-4 forms shall be applied as of the date of the entry into force of these Regulations, and shall form the integral part thereof.

Article 6

These Regulations shall enter into force on the date of the publication thereof in the Official Gazette.

FINAL PROVISIONS OF THE REGULATIONS ON AMENDMENTS TO THE
REGULATIONS ON INDUSTRIAL DESIGNS

(NN 125/13)

Article 3

These Regulations shall enter into force on the eighth date following the date of the publication thereof in the Official Gazette.