

DESIGN REGISTRATION

'Design' means only the features of shape, configuration, pattern or ornament or composition of lines or colour or combination thereof applied to any article whether two dimensional or three dimensional or in both forms.

Creation of a novel and original outer appearance (shape, configuration and pattern or ornamentation) of an article can be protected through a registered design that recognizes and protects the exclusive rights of the registered proprietor in the design. He can then apply the design to the article in the class in which the design has been registered. This form of IP protection, albeit narrow in scope, is rendered very attractive, because it is swift, procedurally simple and cheap to obtain.

Object of the Designs Act or Registration under the said Act is to protect new or original designs so created. Sometimes purchase of articles for use is influenced not only by their practical efficiency but also by their appearance.

The creator/owner of the design should understand following before making application:

1. The design should be new or original, not previously published or used in any country before the date of application for registration.
2. The design should relate to features of shape, configuration, pattern or ornamentation applied or applicable to an article. Thus, designs of industrial plans, layouts and installations are not registrable under the Act.
3. The design should be applied or applicable to any article by any industrial process.
4. The features of the design in the finished article should appeal to and are judged solely by the eye. This implies that the design must appear and should be visible on the finished article, for which it is meant.
5. The design should not include any Trade Mark or property mark or artistic works as define under the Copyright Act, 1957.

An application for design registration can be filed by any person claiming to be the proprietor of any new original design. The Registration of Design initially confers the right for Ten Years from the date of registration. It is renewable for the further period of five years. The process of Registration includes following steps:

1. To search and identify whether proposed design can be registered or not.
2. Identify the related class and drafting application of Design Registration. A statement of novelty should be included on the representation of a design as per the Act in order to specify the claim.

3. To Submit a duly filled in registration form/application with the prescribed fees. The drawing should clearly depict the features of the design from all the views and it must state the view.
4. On receipt of the Application, it will be numbered, dated and taken for examination by the Authority.
5. If any defects are noticed in the Application, they are communicated to Applicant or to his Agent. Design Office may seeks additional information or clarifications after preliminary examination, Accordingly reply will be filed and information will be provided as required by Design office.
6. Once application is cleared from examination stage and hearing stage it will be accepted and notified in the Patent Office Journal.

The following designs are excluded from the scope of design:

1. books, jackets, calendars, certificates, forms-and other documents, dressmaking patterns, greeting cards, leaflets, maps and plan cards, postcards, stamps, medals.
2. labels, tokens, cards, cartoons.
3. any principle or mode of construction of an article.
4. mere mechanical contrivance.
5. buildings and structures.
6. parts of articles not manufactured and sold separately.
7. variations commonly used in the trade.
8. mere workshop alterations of components of an assembly.
9. mere change in size of article.
10. flags, emblems or signs of any country.
11. layout designs of integrated circuits

Examples of Design Registration:

