



Notes on the Application Form for Registered Community Design

1. General remarks

1.1 Use of the form

This form is made available by the Office for Harmonization in the Internal Market (OHIM) pursuant to Article 68 of the Community Designs Implementing Regulation (CDIR). The form may be obtained free of charge from the Office and may be downloaded from the Office's Website (<http://www.oami.europa.eu>). The form may also be freely copied.

Applicants or their representatives may use forms of a similar structure or format, such as forms generated by computers on the basis of the information contained in the application form.

Where such electronically generated forms are used, the use of attachments may be avoided by simply extending the electronic version where the application form does not provide sufficient space.

The correct completion of the application form provided by the Office ensures that the application meets the formal requirements set forth in Article 36(1) CDR. Therefore, the use of that form is recommended. However, applicants may use their own forms.

It is recommended that the form be submitted as complete as possible at the time of filing. This will facilitate and expedite the handling of the application. The fields that contain an * must be filled.

The application form should be used both for single and for multiple applications.

Single application: request for one design, irrespective of the number of views used to graphically represent the design.

Multiple application: request for the registration of several designs, within the same application. There is no upper limit to the number of designs.

For any information, the OHIM may be contacted on the following number: (34) 965 139 100.

1.2 Addressing

Completed forms should be sent directly to the Office in Alicante or, at the applicant's choice, to one of the central industrial property offices of the Member States or to the Benelux Design Office. Forms (as well as any other related communication) are to be addressed as follows:

Office for Harmonization in the Internal Market
Receiving Unit
Avenida de Europa, 4
E-03008 Alicante, Spain

Communications by telefax are to be sent to the following fax number of the Office:

+34 965 131 344

Avenida de Europa, 4, E - 03008 Alicante, Spain
Tel. (+34) 965 139 100 - Fax: (+34) 965 131 344 - www.oami.europa.eu

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In the case of fax filing, the quality of the representation of the design is likely to be quite poor (especially if photographs are used) since this technology is not adequate for the transmission of image information.

Filing by fax is therefore not to be favoured in general. If, however, applicants still wish to use the fax to file, they should make sure that a paper copy of the representation is sent to the OHIM within one month from the date of the receipt of the telecopy. The examiner will await a confirmation copy for a period of up to one month, before further processing the application.

2. The Form, first page

2.1 Application type

2.1.1 Multiple application

This box should be ticked if the application relates to more than one design.

2.1.2 Number of designs

In case of a multiple application, the "number of designs" contained in the application shall be indicated in this box in Arabic numerals. The number of designs should not be confused with the "number of views" that represent the designs (the "representation" of one design should consist of at least one view and a maximum of 7 views).

2.1.3 Deferment

At the time of filing an application for a registered Community design, the applicant may request that the publication of the design be delayed for a period of up to 30 months from the application date or from the date of priority.

This box should be ticked if the application contains **at least** one design for which publication is deferred. This will help the Office to identify immediately applications that contain at least one design the publication of which is deferred.

2.1.4 Specimen

This box should be ticked if the application contains **at least** one design in which the graphical representation is replaced by a specimen. Specimens can be filed only if they are two-dimensional and if the publication of the design is deferred.

If this box is ticked, the box corresponding to deferment (see above) must also be ticked.

When an application contains at least one design whose representation is replaced by a specimen, the application must be sent in a single mail or directly delivered to the receiving office. Five identical copies of each specimen must be included.

2.2 Applicant/representative reference

The applicant may indicate its own reference of no more than 20 characters in the space provided.

e.g.: initials, string of letters...

The Office will use this reference to verify fee payment (i.e. a payment corresponds to a given application).

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2.3 Languages

2.3.1 Language of the application

The applicant must indicate the language in which he/she is applying and which may be any of the official languages of the European Community.

The two-letters ISO CODES (codes set up for identifying languages by the International Organisation for Standards) may be used in the box provided.

2.3.2 Second language

The applicant must also indicate a second language, which must be one of the five languages of the Office (Spanish-ES, German-DE, English-EN, French-FR or Italian-IT) and which must be different from the first language.

2.4 Applicant

If the applicant has been allocated an ID number by the Office, it is sufficient to indicate that ID number and the name. Otherwise, the applicant has to be identified by indicating its name together with its ID address and nationality and/or state of incorporation.

The legal form field is mandatory for legal entities. However, if you wish the legal form to appear in official publications, you must also include it as part of the name in the field above. If it is not included, it will not appear in publications or certificates.

2.5 Representative

Representation by a professional representative –except for the filing of the application— is mandatory for all applicants that have neither their domicile or principal place of business nor a real and effective industrial or commercial establishment in the European Community.

Where the application is filed by the applicant directly, any further communication by the Office or with the Office will have to be through a representative. Any applicant who has a domicile or principal place of business or a real and effective industrial or commercial establishment in the Community is free to appoint a representative.

Representation before the Office may be exercised only by professional representatives falling into one of the two following categories:

- **legal practitioners** qualified in a Member State who are entitled to act in that Member State as representatives in trade mark matters and who have their place of business in the European Community,
- **professional representatives** entered on the lists maintained by the Office. Professional representatives already entered on the list maintained by the Office for Community trade mark matters do not need to ask for inclusion on the list for registered Community design matters.

Applicants may also act through their **employees**. Where such an employee is appointed, the name of the employee must be indicated in the box "representative". Employees of legal entities with their domicile or principal place of business or an establishment within the

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European Community may represent other legal entities provided economic connections exist between the two legal entities, such as common ownership or control. This also applies when the applicant is a legal entity from outside the European Community. In these cases, information relating to the legal entity whose employee is acting on behalf of the applicant must be provided in the box "representative".

Representatives who have already been given an ID number for CTM matters should use this ID; no new and specific ID numbers will be allocated for design matters.

2.6 Name (natural persons and legal entity) and address

When there is more than one applicant/representative, the others shall be specified on the attachment sheet, under the corresponding heading "name of the applicant" or "name of the representative".

As regards natural persons, the first name(s) and surname must be given in that order.

Where the applicant is a legal entity, the official name of that entity must be indicated, including its legal form ("Incorporated", "Sociedad Anónima", "Aktiengesellschaft", etc.). The indication of the legal form may be abbreviated in a customary manner ("Inc.", "S.A.", "AG", etc.).

Where the delivery address (street, house number, etc.) is different from the postal address (such as a P.O. Box), both addresses should be given.

The Office will use them as appropriate. The delivery address will be the one published.

Furthermore, the country where the legal entity has its seat must be indicated and use of the standard two-letter code is recommended. The State of incorporation should also be indicated if applicable (USA, Australia, etc.).

The nationality of the applicant must be indicated.

The telephone as well as fax numbers and details of other data communication links, such as electronic mail, should be provided in order to facilitate communication.

Only one address should be indicated for each applicant. However, where several addresses are indicated, only the address mentioned first will be taken into account, except where the applicant designates another address as an address for service.

In the event of a change of address, a request for recoding the change for the existing ID number(s) must be addressed to the Office separately. An applicant with more than one address will be allocated a separate ID number for each address.

2.7 Fee check-list

This box is intended to facilitate the calculation of the amount due.

The total amount paid must always be stated.

Payment of fees must be made in Euro and at the same time as the filing of the application.

Fees are payable per design (and not per photograph or drawing contained in the application).

a) The fee structure has three levels:

An identical structure is applicable for the three fees:

- a basic fee for a single design or the first design of a multiple application,

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- a reduced fee for the 2nd to the 10th design,
- a further reduced fee per design from the 11th design onwards.

In case of a multiple application, the applicant will always pay a full basic registration fee and publication fee for the first design which he wishes to be immediately published.

When deferment is requested, the applicant will always pay a full basic registration fee and the fee for deferment of publication for the first design for which he wishes to defer its publication.

b) Fee for publication or fee for deferment of publication?

- IMMEDIATE PUBLICATION:

To be paid immediately with the filing: registration fee(s) + publication fee(s)

- DEFERRED PUBLICATION:

To be paid immediately with the filing: registration fee(s) + deferment fee(s)

To be paid later (maximum 27 months): publication fee(s).

A multiple application may concern designs to be published immediately as well as designs for which publication is deferred.

To help the applicant, the Office has created a fee calculator which is available on the web site: <http://www.oami.europa.eu/en/design/default.htm>

2.8 Payment of fees

The means of payment should be specified and should be one of the following:

- current account with OHIM;
- transfer to account of OHIM;

OHIM bank accounts:

Banco Bilbao Vizcaya Argentaria
0182-5596-90-0092222222 Swift code (BIC): BBVAESMM XXX
IBAN ES88 0182 5596 9000 9222 2222

La Caixa
2100-2353-01-0700000888 Swift code (BIC): CAIXESBB XXX
IBAN ES03 2100 2353 0107 0000 0888

2.9 Signature

The application form must be signed and the name of the undersigning person must be indicated.

2.10 Page number

The number of the page out of the total should be indicated by the applicant on each page of the application within the box at the lower right corner of each page. This will help the Office to understand properly the sequence of the representation sheets and hence facilitate the examination.

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3. The form, second page

The second page "continuation sheet" corresponds to the specific details of each design. Where the application refers to more than one design, the sheet should be reproduced for each additional design in a multiple application.

The application shall contain as many second pages as there are designs contained therein save where all the data applying to all designs contained in a multiple application are the same (same indication of product and Locarno class, same convention priority or same exhibition priority, same designer, same brief description of the representation/specimen).

In this case, the relevant box "the following data is the same for all designs contained in the application" should be ticked and it will not be necessary to send several continuation sheets.

3.1 Design number out of total

The applicant should indicate, in Arabic numerals, the number of the design and the total number of designs contained in the application.

e.g.: the 3rd design of a multiple application containing 60 designs should be indicated in this box as follows: 3 out of total of 60.

3.2 Applicant name

The name as it appears on the first page of the form should be indicated by the applicant in order to facilitate the examination.

3.3 Indication of products and indication of the Locarno classification

3.3.1 Indication of product

The "indication of product" for each applied design must be provided by the applicant.

If the same indication of product applies to all designs contained in a multiple application, the relevant box "same indication of product for all designs" should be ticked and the "indication of product" field can be left blank for the subsequent designs.

The indication of products shall be worded in such a way as to indicate clearly the nature of the products. Applicants are strongly advised to use the EUROLOCARNO list of products as this will allow swifter registration.

The Office is making the list available on its website:

<http://www.oami.europa.eu/en/design/default.htm>

The indication of product does not affect the scope of protection of the registered Community design.

3.3.2 Indication of the Locarno classes and sub-classes

The class of Locarno may be indicated by the applicant.

If the applicant uses the terminology of EUROLOCARNO, he will find at the same time the class to which the product belongs.

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This indication is not compulsory and it does not affect the scope of protection of the right of registered Community design.

In case of multiple application, the products in which the designs are intended to be incorporated or to which they are intended to be applied must belong to the same class of the Locarno Classification (except in case of ornamentation).

3.4 Priority

One or more priorities can be claimed in the application or subsequently to the filing of the application.

Same priority for all designs: If the same priority applies for all designs contained in a multiple application, the relevant box should be ticked and the priority field can be left blank for the subsequent designs.

Although priority documents (Convention and Exhibition priority) may be supplied within 3 months after the request of the priority claim, it is recommended to send priority documents to the Office as soon as possible.

3.4.1 Convention priority

The applicant should supply:

- the indication of the country of first filing or ISO code of this country,
- the date of first filing,
- the filing number.

If the requested documents are attached to the application (certificate of filing, certificate of registration), the relevant box should be ticked.

A same design application can have several priorities. Any additional convention priority should be indicated by the applicant on the attachment sheet.

The applicant must file a copy of the Certificate of filing or of the registration certificate within three months from the filing date of the RCD application.

3.4.2 Exhibition priority

The applicant should supply:

- the name of the exhibition,
- the date and place of the exhibition,
- the date of first disclosure.

If the same Exhibition priority is to be claimed for all designs of a multiple application, the relevant box "same priority for all designs" should be ticked by the applicant. If the required documents (certificate of exhibition) are attached, the relevant box should be ticked.

The same design application can have several priorities. Any additional Exhibition priority should be indicated by the applicant on the attachment sheet.

The applicant must file a certificate issued by the authority responsible for the protection of industrial property at the exhibition within three months from the filing date of the RCD application. This certificate must declare that the design was in fact incorporated or applied to the product and disclosed at the exhibition, and must state the opening date of the exhibition.

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If the first disclosure of the product did not coincide with the opening date of the exhibition, the date of such first disclosure of the product must be indicated. The certificate must be accompanied by an identification of the actual disclosure of the product, duly certified by that authority.

3.5 Designer

The designer or the team of designers and their addresses may be indicated in the box "designer". A collective designation for a team of designers is allowed. If the designer has waived the right to be cited, the appropriate box should be ticked.

Same designer for all designs: if the designer or the team of designers is the same for all designs applied for in a multiple application, it should be so indicated by ticking the box "same designer for all designs" and the designer field can be left blank for the subsequent designs.

3.6 Miscellaneous

3.6.1 Request for deferment of publication

If the applicant wants the design to be kept undisclosed the box must be ticked.

3.6.2 Design filed with a specimen

If a specimen is filed, the appropriate box should be ticked. The publication of the design will be deferred. The deferment box should also be ticked.

3.6.3 Number of views

The number of views of the graphical representation of the design shall be indicated by the applicant in this box (1 to 7).

3.7 Brief description of the representation/specimen

The brief description shall not exceed 100 words.

The description must relate only to those features which appear in the representation of the design or the specimen. It shall not contain statements as to the purported novelty or individual character of the design.

The brief description will not be included into the register nor published and it does not affect the scope of protection of the registered Community design.

Only a mention that a description was filed will be published but not the text of the brief description itself.

4. The form, third page ("representation/specimen sheet")

This is the sheet on which the graphical representations are affixed. If space on this sheet is not sufficient to affix all graphical representations and/or specimens, it should be reproduced for each additional representation.

The representation/specimen sheet can be used for several different designs. However, it is highly recommended, in case of multiple applications, to use one or two sheets per design.

4.1 Number of views

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The applicant should indicate the number of views either pasted or directly printed on the representation/specimen sheet.

4.2 Designs number out of total

As the representation/specimen sheet can be used for one or more designs, the numbers of designs represented by the views pasted or directly printed on the sheet shall be specified by the applicant.

e.g.: if the representation/specimen sheet deals with the representations of the design 1 out of a total of 10, the indication shall be 1 out of total of 10.

4.3 Applicant name

The name of the applicant shall be specified in the relevant box.

4.4 Graphical representation of the design

The representation may contain a maximum of seven different views (photographs, drawings) of the design, the minimum being one view, relating to the same design.

Where more than seven views are provided, the Office will disregard for registration and publication any of the extra views. The Office shall take the views in the consecutive order in which they are numbered by the applicant.

Each design is represented by a graphical representation. A multiple application has as many graphical representations as designs.

e.g.: a multiple application of 5 designs requires 5 graphical representations, each of those comprising between 1 and 7 views, hence the total of views is between 5 and 35.

A view is a drawing or photograph representing the design in itself or a detail of it, in black and white or in colour.

The view must be pasted, affixed or printed directly on the representation sheet(s) that shall not be folded or stapled. They may not contain any explanatory text.

The view shall be reproduced on a neutral background and shall not be retouched with ink or correcting fluid. It shall be of a quality permitting all the details of the matter for which protection is sought to be clearly distinguished and permitting it to be reduced or enlarged to a size not more than 8 cm by 16 cm per view for entry in the Register and for direct publication in the Community Designs Bulletin.

Only one copy of each view shall be filed.

Each of the views shall be numbered by the applicant in Arabic numerals by separate figures separated by a dot, the first being the number of the design, the second being the number of the view.

e.g.: third view of the fourth design: 4.3.

Special care should be taken to avoid confusion among views between different designs of a multiple application.

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- a) **Repeating surface patterns:** Where registration of a design that consists of a repeating surface pattern is applied for, the representation of the design shall show the complete pattern and a sufficient portion of the repeating surface.
- b) **Typographic typefaces:** Where registration for a design consisting of a typographic typeface is applied for, the representation of the design shall consist of a representation of a string of all the letters of the alphabet, upper case and lower case as applicable, and of all the Arabic numerals, as well as of a text of five lines produced with the typographic typescale, both being in the size pitch 16.

4.5 Specimen

Piece of material (textile, wall paper, lace, leather...) which replaces the graphical representation under certain circumstances:

- the design must be two-dimensional, and
 - the application for registration must include a request for deferment of publication.
- a) **Number of copies:** **Five identical copies must be filed** for each design.
- b) **Size:** no larger than 26,2 cm x17 cm, unfolded.
- c) **Weight:** no more than 50 grams.
- d) **Thickness:** no more than 3 mm.
- e) **Nature:** Specimens that are perishable or dangerous to store will be refused.
- f) **Repeating surface pattern:** Where the design concerns a repeating surface pattern, the specimen should show the complete pattern and a sufficient portion of the repeating surface in length and width but must not exceed the measurements given above.

5. Attachment

The space provided in this attachment sheet can be used for any supplementary information if space is not sufficient in sheets one and two.

To speed up the process of the registration and publication, the applicant should indicate the heading to which the information relates and specify the page number and the number of the design the information is relating to.

e.g.: additional designer, design Number XX, page 2 of 4