



**WIPO | HAGUE**

The International  
Design System

# ■ Practical Guidance to Users Designating the United States of America, Japan or the Republic of Korea

## Seminar on the Hague System for the International Registration of Industrial Designs

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and Mr. Ho Beom Jeon, Examiners,  
Operations Service, The Hague Registry

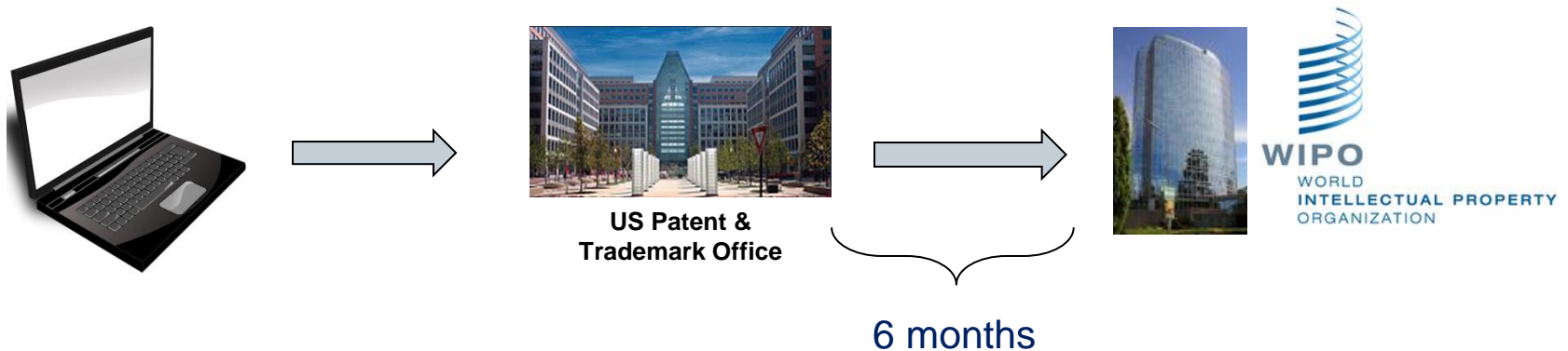
**Geneva  
June 23, 2016**

# Topics Addressed

- Issues specific to the USA
- Issues specific to Japan and the Republic of Korea
- Priority documents
- Statistics for grounds of refusals

# ■ ISSUES SPECIFIC TO THE USA

# USA: Indirect filing and security clearance



## ■ Rule 13(3):

The filing date shall be the date on which the Office received the international application, provided that it is received by the International Bureau (IB) within one month from that date and the application is governed exclusively by the 1999 Act.

## ■ Rule 13(4):

The US, whose law requires security clearance, made a declaration to extend the above period to six months.

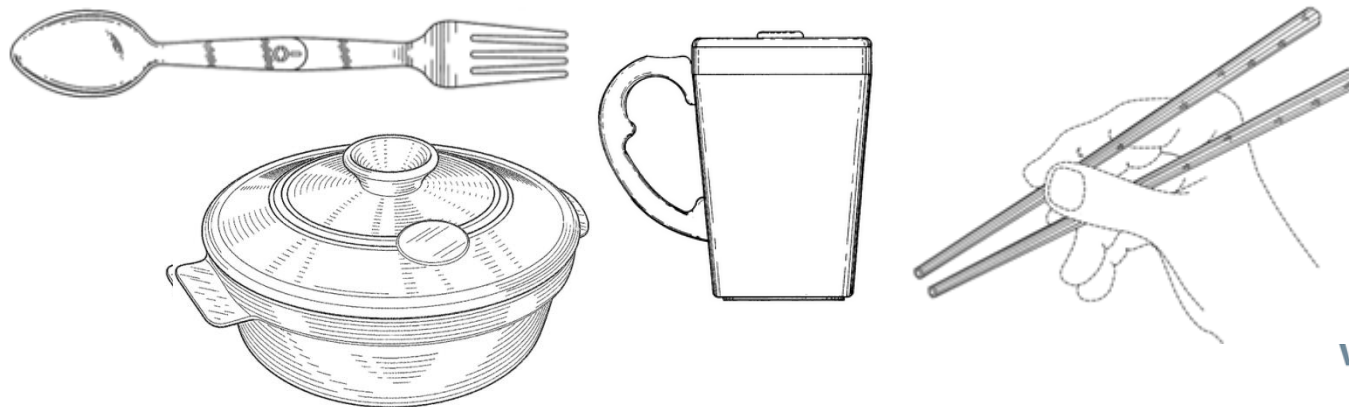
# USA: Unity of Design

## ■ Declaration under Article 13(1)

### **A single independent and distinct design:**

- No examination regarding unity of designs by IB
- Up to 100 designs may be filed in an application, though patentably distinct designs will be divided out by the United States Patent & Trademark Office (USPTO)
- Possibility of refusal by USPTO based on this requirement

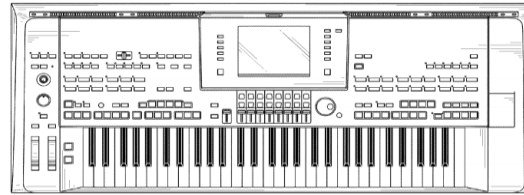
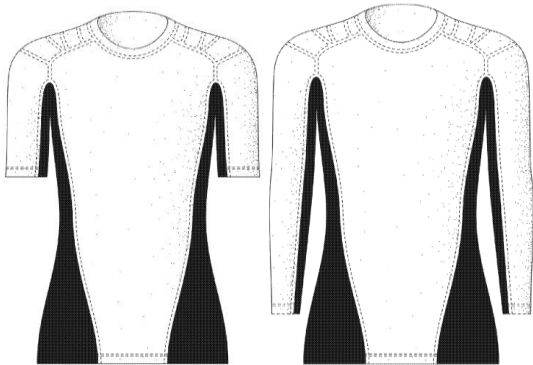
## ■ Examples of **independent and distinct designs:**



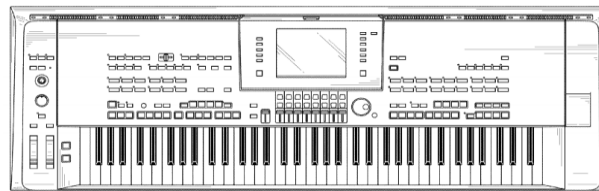
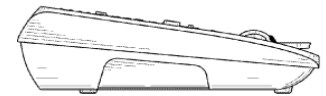
# USA: Unity of Design

■ Examples of multiple **indistinct designs** in a single application:

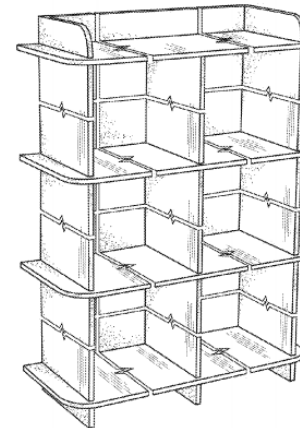
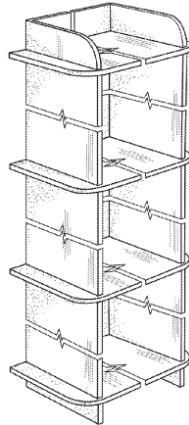
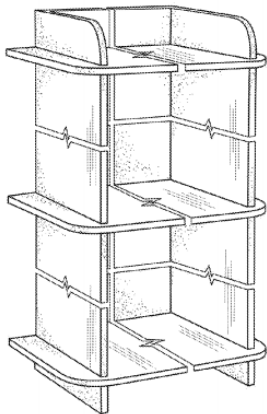
US D746,552 S



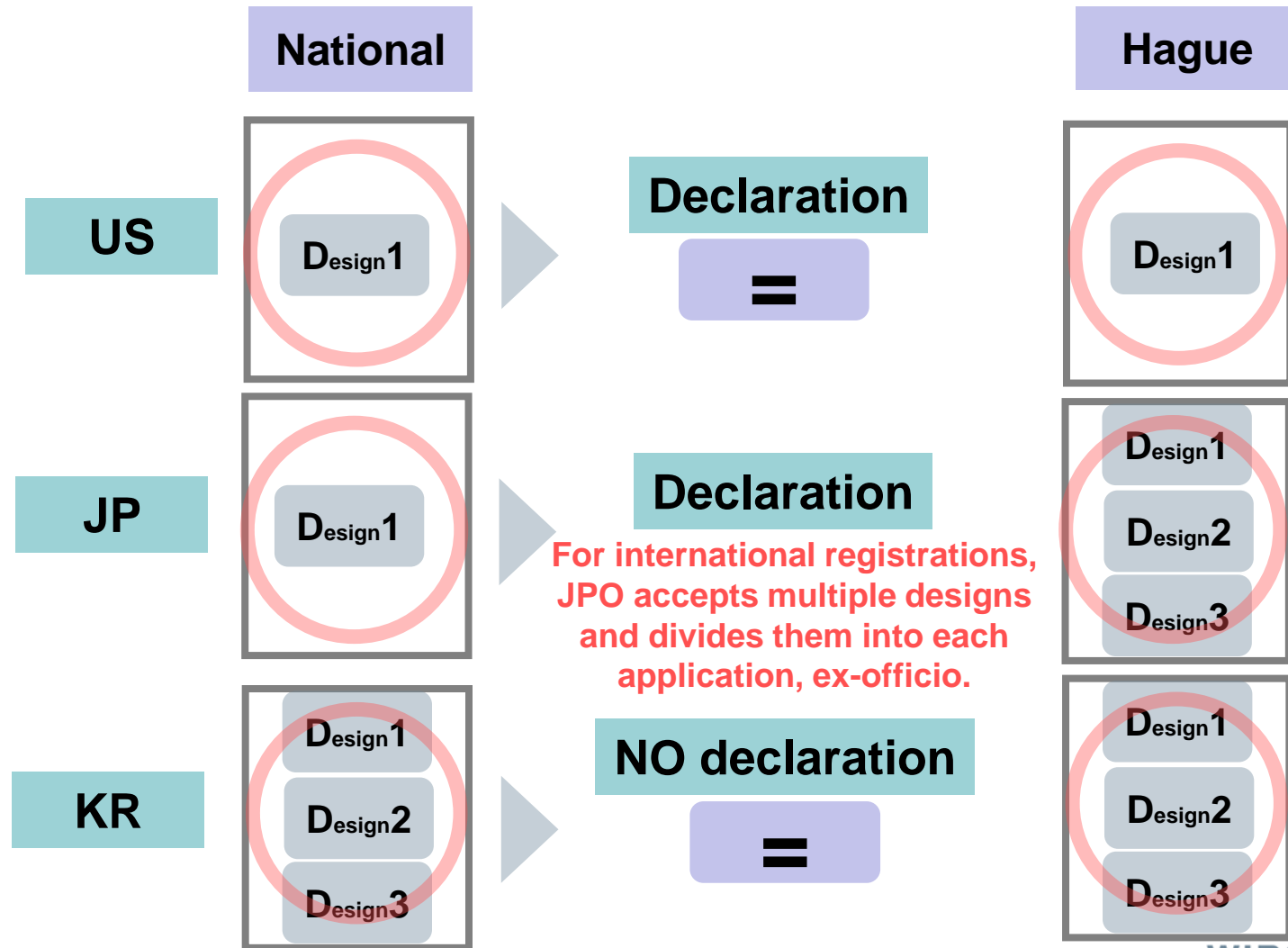
US D719,609 S



US D748,416 S



# Declaration under Article 13(1) : US, JP and KR



# USA: Claim

## ■ Declaration under Article 5(2)

### **A single claim:**

- Specific wording of the claim (even for multiple designs):

***The ornamental design for «product indication» as shown and described.***

- A missing claim affects the international registration date (and possible cancellation of US designation)



# USA: Claim

## ■ E-filing Interface:

Information concerning the claim(s)

Claim \*

The ornamental design for  as shown and described

(\*) Compulsory

Save Cancel

## ■ Paper Applications (form DM/1) Item 12:

**12** CLAIM (Applicable to the designation of the **United States of America** only)<sup>8</sup>  
Indicate an article in the blank space provided. Only one article shall be indicated, irrespective of the number of industrial designs contained in the present international application.

CLAIM: The ornamental design for ..... as shown and described

If the space provided is not sufficient, check this box and use a continuation sheet.

<sup>8</sup> If the **United States of America** is designated in item 7, this information is required.

# USA: Individual designation fee

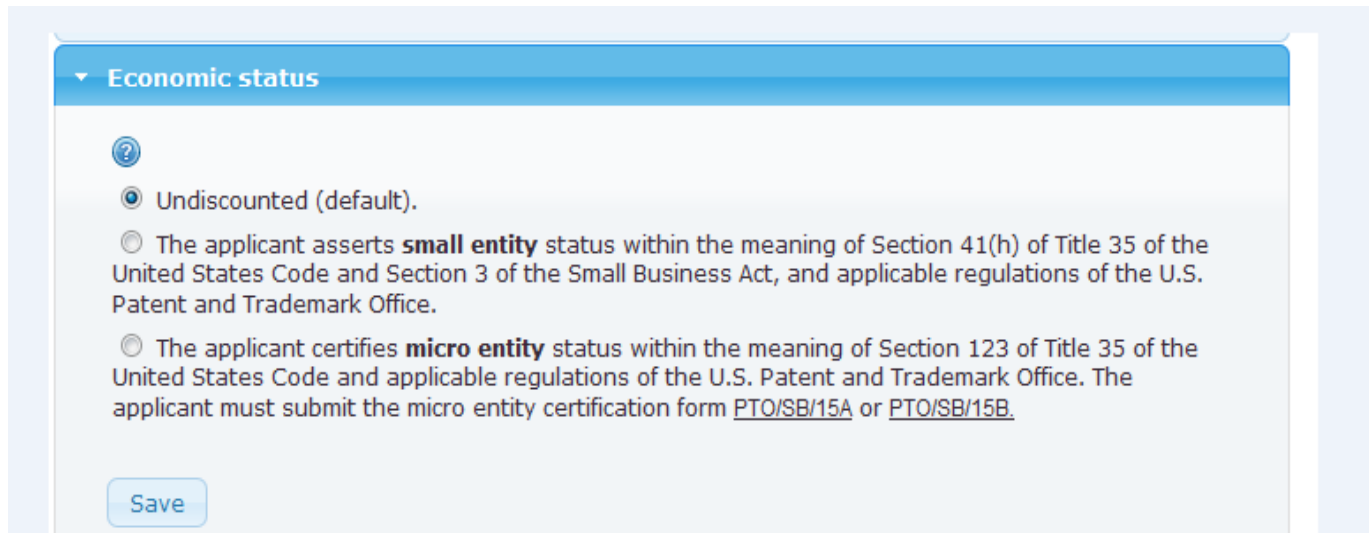
## ■ Declaration under Article 7(2)

### A single fee:

Paid in **Two Parts**: Rule 12(3)

### ■ 1st part: Filing of the international application

- Undiscounted (default): 733 CHF (1st)
- Small entity: 367 CHF (1st)
- Micro entity: 183 CHF (1st)



The screenshot shows a web form titled "Economic status" with a dropdown arrow on the left. Below the title is a help icon (question mark in a circle). There are three radio button options:

- Undiscounted (default).
- The applicant asserts **small entity** status within the meaning of Section 41(h) of Title 35 of the United States Code and Section 3 of the Small Business Act, and applicable regulations of the U.S. Patent and Trademark Office.
- The applicant certifies **micro entity** status within the meaning of Section 123 of Title 35 of the United States Code and applicable regulations of the U.S. Patent and Trademark Office. The applicant must submit the micro entity certification form [PTO/SB/15A](#) or [PTO/SB/15B](#).

At the bottom left of the form is a "Save" button.

# USA: Individual designation fee

## ■ To claim micro entity status

### - Certification required:

- Use PDF for E-Filing or DM/1: Annex IV (cover page) **and** USPTO form: PTO/SB/15A or PTO/SB/15B for paper applications (available at: [http://www.uspto.gov/forms/aia\\_forms.jsp](http://www.uspto.gov/forms/aia_forms.jsp) )

DM/1/IV (E)	
<p><b>ANNEX IV:</b> <b>REDUCTION OF UNITED STATES INDIVIDUAL DESIGNATION FEE</b> under Section 408(b) of the Administrative Instructions</p>	
<p><b>IMPORTANT</b></p> <p>1. This cover sheet is only relevant for the designation of the United States of America and is mandatory content if the applicant claims micro entity status in the DM/1 form. It cannot be submitted alone. 2. This document is to submit a certification following Section 408(b) of the Administrative Instructions. 3. The certification form (PTO/SB/15A or PTO/SB/15B), along with the instructions for its completion and signature, is available on the United States Patent and Trademark Office web site: <a href="http://www.uspto.gov/forms/aia_forms.jsp">http://www.uspto.gov/forms/aia_forms.jsp</a>. 4. Please number your pages.</p>	
<p style="text-align: center;"><i>For use by the applicant</i></p> <p>This Annex concerns the international application referenced by the applicant as below: Reference: .....</p>	<p style="text-align: center;"><i>For use by the International Bureau</i></p> <p>Document type: DCE Contracting Party: US</p>
<p><b>IV</b> REDUCTION OF INDIVIDUAL DESIGNATION FEES</p> <p>Number of pages: .....</p>	
<p>World Intellectual Property Organization 34, chemin des Colombettes, P.O. Box 18, 1211 Geneva 20, Switzerland Tel.: +41 (0)22 338 9111 Fax (The Hague Registry): +41 (0)22 740 14 20 e-mail: <a href="mailto:iprreg@mail@wipo.int">iprreg@mail@wipo.int</a> – Internet: <a href="http://www.wipo.int">http://www.wipo.int</a></p>	

CERTIFICATION OF MICRO ENTITY STATUS (GROSS INCOME BASIS)			
Application Number or Control Number (if applicable):		Patent Number (if applicable):	
First Named Inventor:		Title of Inventor:	
<p>The applicant hereby certifies the following—</p> <p>(1) <b>SMALL ENTITY REQUIREMENT</b> – The applicant qualifies as a small entity as defined in 37 CFR 1.27.</p> <p>(2) <b>APPLICATION FILING LIMIT</b> – Neither the applicant nor the inventor nor a joint inventor has been named as the inventor or a joint inventor on more than four previously filed U.S. patent applications, excluding provisional applications and international applications under the Patent Cooperation Treaty (PCT) for which the basic national fee under 37 CFR 1.492(a) was not paid, and also excluding patent applications for which the applicant has assigned all ownership rights, or is obligated to assign all ownership rights, as a result of the applicant's previous employment.</p> <p>(3) <b>GROSS INCOME LIMIT ON APPLICANTS AND INVENTORS</b> – Neither the applicant nor the inventor nor a joint inventor, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986 (26 U.S.C. 61(a)), exceeding the "Maximum Qualifying Gross Income" reported on the USPTO Web site at <a href="http://www.uspto.gov/patents/law/micro_entity.jsp">http://www.uspto.gov/patents/law/micro_entity.jsp</a> which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.</p> <p>(4) <b>GROSS INCOME LIMIT ON PARTIES WITH AN "OWNERSHIP INTEREST"</b> – Neither the applicant nor the inventor nor a joint inventor has assigned, granted, or conveyed, nor is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding the "Maximum Qualifying Gross Income" reported on the USPTO Web site at <a href="http://www.uspto.gov/patents/law/micro_entity.jsp">http://www.uspto.gov/patents/law/micro_entity.jsp</a> which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.</p>			
SIGNATURE by an <u>authorized party</u> set forth in 37 CFR 1.33(b)			
Signature			
Name			
Date	Telephone	Registration No.	
<input type="checkbox"/> There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. The required additional certification form(s) signed by the other joint inventor(s) are included with this form.			

# USA: Individual designation fee

## ■ Declaration under Article 7(2)

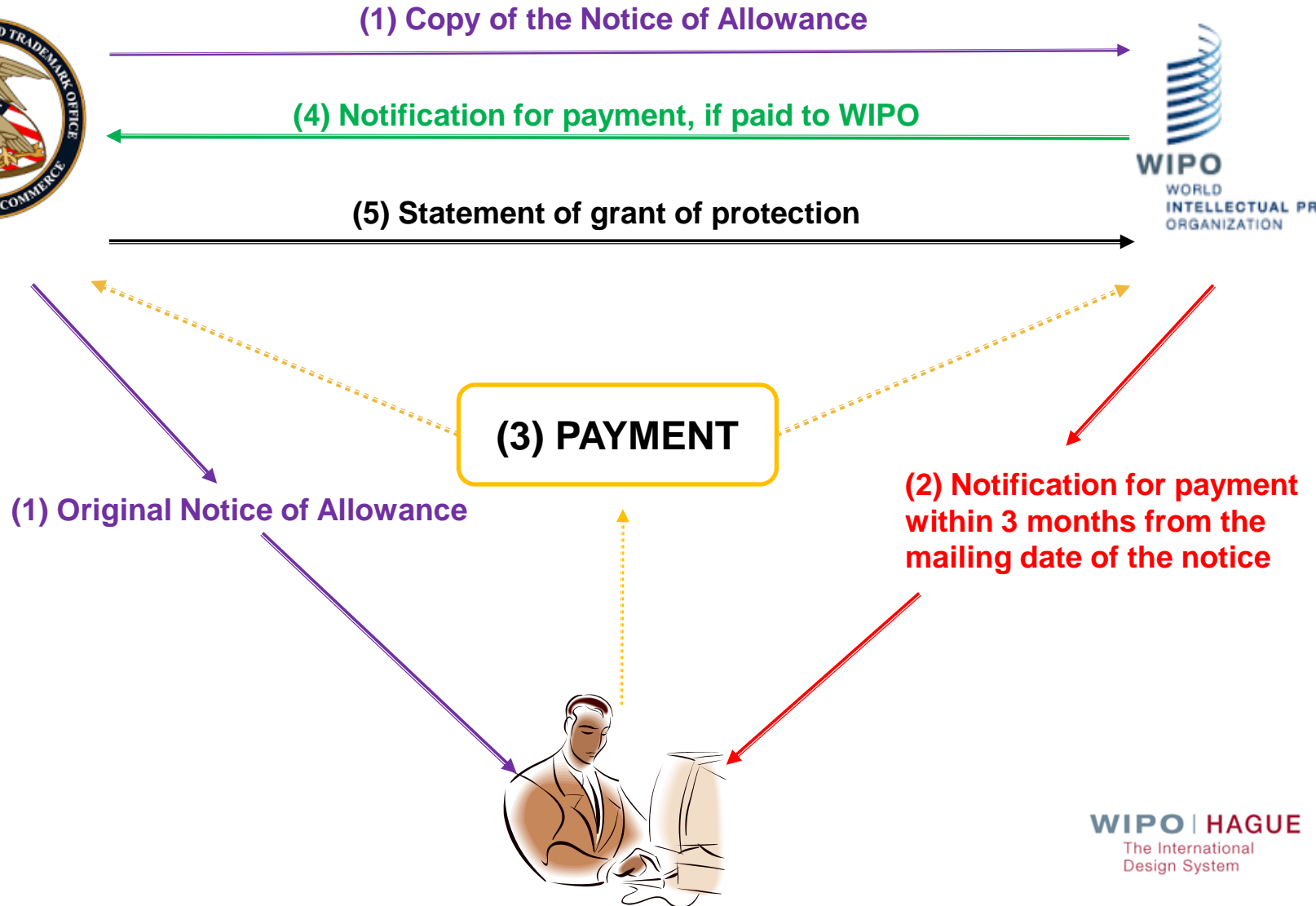
### **A single fee:**

Paid in **Two Parts**: Rule 12(3)

## ■ **2nd part**: Upon Notice of Allowance by USPTO

- Undiscounted (default): 540 CHF (2nd)
- Small entity: 270 CHF (2nd)
- Micro entity: 135 CHF (2nd)
  
- Payment of fee to the IB or the USPTO
- Covers full 15 year period (no renewal fee)

# USA: Payment of the 2<sup>nd</sup> part of designation fee



# USA: Payment of the 2<sup>nd</sup> part of designation fee



(1) Copy of the Notice of Allowance



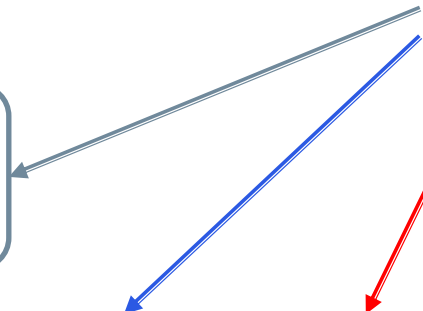
(4) Notification of non-payment



(5) Request for cancellation of US designation



(6) Publication of cancellation



(1) Original Notice of Allowance

(3) Non-payment

(6) Notification of cancellation

(2) Notification for payment within 3 months from the mailing date of the notice



# USA: Information on eligibility for protection

Eligibility for protection

For the purpose of the designation of the United States of America, you may attach to your international application an Information disclosure statement and reference documents.

+ Selection

File name	Actions
No records found	

## ■ Information Disclosure Statement (IDS)

- May be submitted to IB (**at the time of filing application only**, either by PDF (E-Filing) or paper (use Annex III for cover page))
- Otherwise, it must be submitted directly to USPTO (later)

Form (USPTO): [http://www.uspto.gov/forms/aia\\_forms.jsp](http://www.uspto.gov/forms/aia_forms.jsp).

Information (USPTO): <http://www.uspto.gov/web/offices/pac/mpep/s609.html>.





# USA: Oath or Declaration of the creator

- “Declaration of inventorship”

  - *Required from each of the creators*

- Standard WIPO form (DM/1/I)

  - [http://www.wipo.int/export/sites/www/hague/en/forms/docs/form\\_dm\\_1\\_annex\\_1.pdf](http://www.wipo.int/export/sites/www/hague/en/forms/docs/form_dm_1_annex_1.pdf) (in English, French and Spanish)

- Electronic WIPO form (DM/1/I) on E-Filing Interface

- Standard USPTO form

  - <http://www.uspto.gov/sites/default/files/forms/aia0001.pdf>  
(in 11 languages)

# USA: Oath or Declaration of the creator

- “Substitute Statement”

***May be used where it is not possible to obtain the signature of the inventor.***

- Standard WIPO form (DM/1/I)

[http://www.wipo.int/export/sites/www/hague/en/forms/docs/form\\_dm\\_1\\_annex\\_I.pdf](http://www.wipo.int/export/sites/www/hague/en/forms/docs/form_dm_1_annex_I.pdf) (in English, French and Spanish)

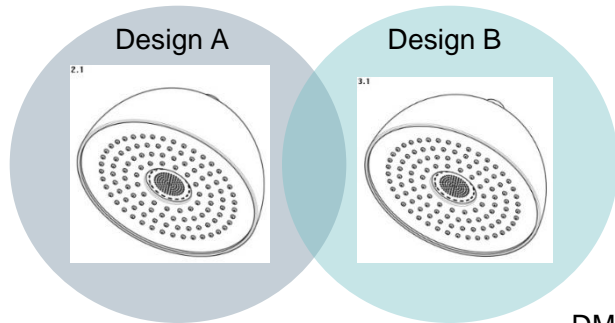
- Electronic WIPO form (DM/1/I) on E-Filing Interface

- Standard USPTO form

<http://www.uspto.gov/sites/default/files/forms/aia0002.pdf>  
(in 11 languages)

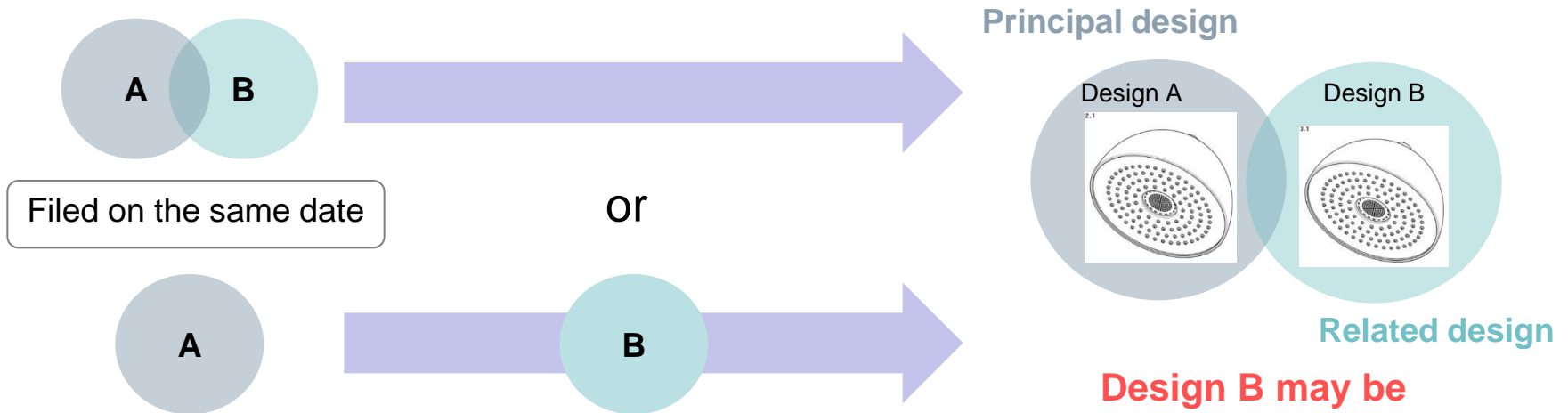
# ■ ISSUES SPECIFIC TO JAPAN AND THE REPUBLIC OF KOREA

# What is related design?



DM/084369

- Similar
- Filed by the same applicant
- Filed in appropriate duration



**Design B may be registered as a related design of Design A**

KR: filed within 1 year from the filing date of Design A

JP: after the filing date and before the date of publication of the application for design registration of Design A in the design bulletin in JP

# Related design for JP

## Information regarding data entry

The following Contracting Parties have been designated: JP,KR

If you wish some or all of the designs to be recorded as a "Related Design" under the law of these Contracting Parties, provide the required information concerning the principal design.

### Indicate related design(s)

Select one or more designs in present application

Indicate JP

## Relation with a principal design, application

Contracting Party concerned\* JP

Related design(s)\*

Please select one or more designs

Reference Type\*

Select a reference type

Reference\*

Principal design

(\*) Compulsory field

### Indicate principal design

One design in the below application/registration could be a principal design

- The present international application
- National application [filed in JP](#)
- National registration [filed in JP](#)
- International application [designating JP](#)
- International registration [designating JP](#)

Reference Type - Select the type of application/registration

Reference - Indicate the application/registration number

Principal design - Indicate the design No. of the principal design

(if the application/registration includes several designs)

# Related design for KR

## Information regarding data entry

The following Contracting Parties have been designated: JP,KR

If you wish some or all of the designs to be recorded as a "Related Design" under the law of these Contracting Parties, provide the required information concerning the principal design.

Indicate KR

Indicate related design(s)

Select one or more designs in present application

## Relation with a principal design, application

Contracting Party concerned\*

Related design(s)\*

Reference Type\*

Reference\*

Principal design

(\* ) Compulsory field

Indicate principal design

One design in the below application/registration could be a principal design

- The present international application
- National application filed in KR
- National registration filed in KR
- International application designating KR
- International registration designating KR

Reference Type - Select the type of application/registration

Reference - Indicate the application/registration number

Principal design - Indicate the design No. of the principal design

(if the application/registration includes several designs)

# Related design – DM/1 form

**16**

## RELATION WITH A PRINCIPAL DESIGN (optional element applicable to the designation of

Under the national laws of Japan and the Republic of Korea one/some design(s) may be registered as a related design(s) in relation with the principal design (for more guidance, refer to the Guide to the International Application – Item 16, at [www.wipo.int/hague/en/guide/ia.html#r16](http://www.wipo.int/hague/en/guide/ia.html#r16)).

check JP and/or KR

(a) Check the appropriate box:

Contracting Party concerned:  Japan and/or  Republic of Korea

The applicant requests all the industrial designs which are contained in the present international application to be registered as a related design, or

The applicant requests the following industrial designs which are contained in the present international application to be registered as a related design(s):

Indicate the number(s) of the industrial design(s) concerned.

.....  
 .....

Indicate related design(s)  
 all or some of the designs in  
 present application

(b) Information concerning the principal design to which the design(s) indicated under item (a) are related

Check the appropriate box, and provide the required information.

(i) The principal design is the subject of:

the present international application

a prior international application designating the Contracting Party concerned (Japan and/or Republic of Korea)  
 WIPO reference<sup>10</sup>: .....

a prior international registration designating the Contracting Party concerned (Japan and/or Republic of Korea)  
 International Registration No.: .....

a prior national application filed with the Office of the Contracting Party concerned (Japan and/or Republic of Korea)  
 Application No./Applicant's reference: .....

a prior national registration at the Office of the Contracting Party concerned (Japan and/or Republic of Korea)  
 National registration No.: .....

(ii) If the above national or international application or registration contains several industrial designs, indicate the number of the industrial design to be considered as the principal design.

Design number of the principal design: .....

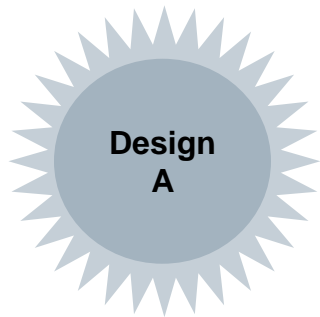
Indicate principal design  
 (i)  
 - Check one of the boxes  
 - Indicate the number of the application/registration (if it is not in the present application)  
 (ii)  
 - Indicate design number if the application/registration includes several designs

If the space provided is not sufficient, check this box and use a continuation sheet.

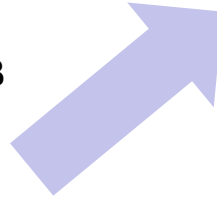
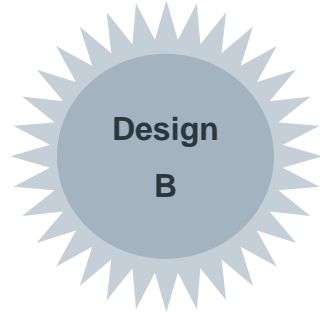
<sup>10</sup> WIPO reference is indicated in the International Bureau's acknowledgement of receipt of an international application ("WIPOxxxxx (5 digits)" or "xxxxxxxxx (9 digits)").

# Exception to lack of novelty: JP, KR

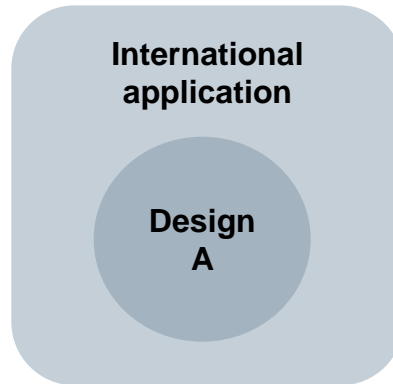
Disclosure of Design A



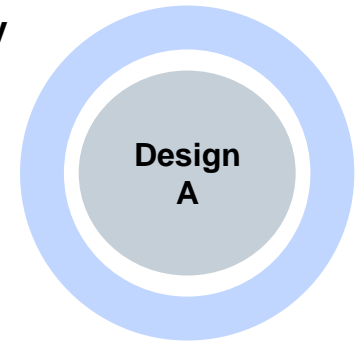
Disclosure of Design B



Filing of IA



Examination by  
JPO/KIPO



- Filing within 6 months from the date of disclosure
- With declaration concerning exception to lack of novelty

Disclosure of Design A and/or Design B does not become a reason for lack of novelty and does not become basis of a reason for lack of creativity either

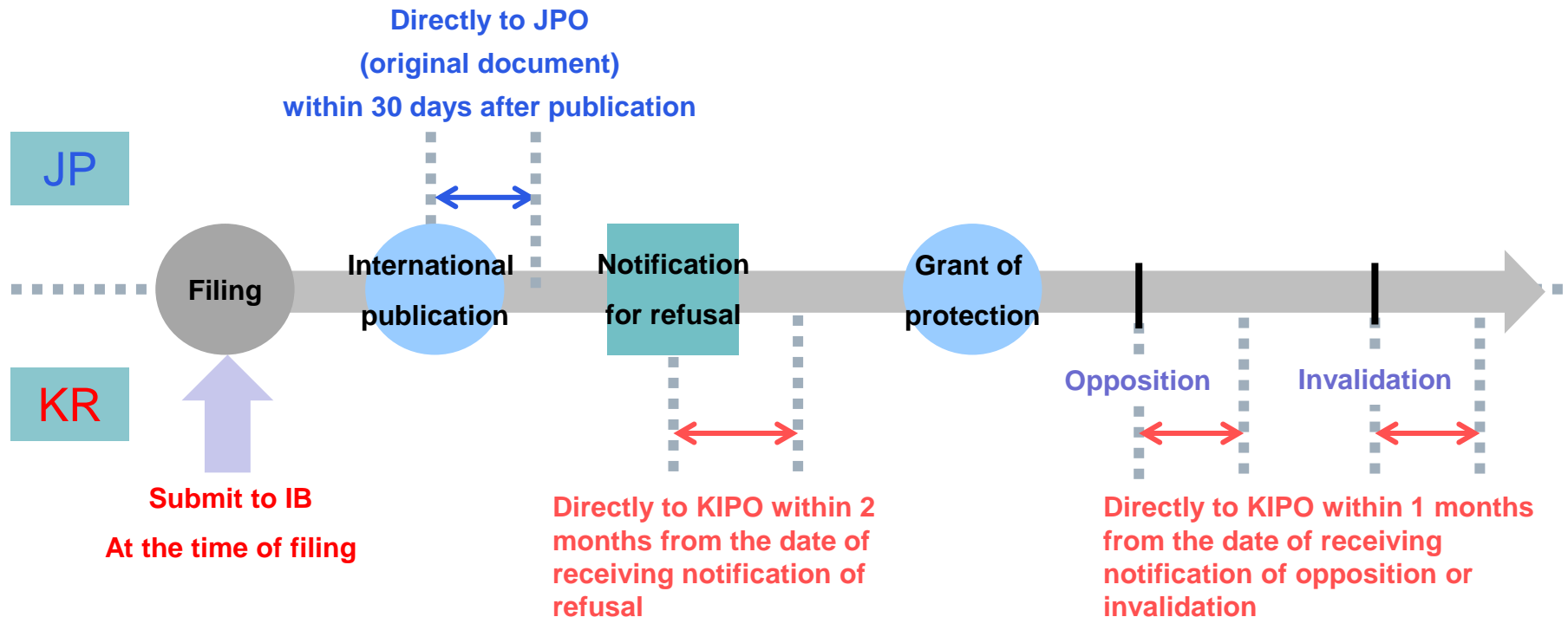
In an exhibition, published materials such as a magazine, catalog, or through the internet media, etc.

- Same/similar/any
- Disclosed by the creator or applicant (the person who had the right to obtain a design registration when disclosure was made)



# Exception to lack of novelty: JP, KR

## Supporting document



(Only in KR) After filing, directly to KIPO

- Upon submitting written opinion against notification of refusal
- Upon submitting written refutation against opposition or invalidation

# Exception to lack of novelty: JP, KR

## < 'More optional contents' tab >

Information regarding data entry

If you wish to make a declaration concerning exception to lack of novelty, click "save" to record your declaration. You may also submit supporting documentation in PDF.

### Declaration concerning exception to lack of novelty



The applicant claims to benefit from exceptional treatments provided for in the applicable laws of the respective designated Contracting Parties concerned, for disclosure of the following industrial designs

Contracting Party concerned\* KR

Indicate **JP** or **KR**

Design(s)

Please select one or more designs

Select the corresponding design(s) in present application

#### Supporting document (PDF)

+ Upload PDF

\* Only for **KR**

File name

Actions

Save

Cancel

# Exception to lack of novelty: JP, KR

DM/1 (Application form in paper filing)

Check JP and/or KR

15

EXCEPTION TO LACK OF NOVELTY (optional element applicable to the designation of **Japan** and/or **Republic of Korea** only)

For more guidance, refer to the Guide to the International Registration of Industrial Designs, International Application – Item 15, at [www.wipo.int/hague/en/guide/ia.html#r15](http://www.wipo.int/hague/en/guide/ia.html#r15).

Contracting Party concerned:  Japan and/or  Republic of Korea

The applicant claims to benefit from exceptional treatment provided for in the design law of the Contracting Party(ies) concerned, for disclosure of all the industrial designs, or the industrial designs indicated below, included in the present application.

Check box

1	2	

Supporting documentation may be submitted using Annex II. Annex II provided



- Remain empty if exception to lack of novelty is claimed for all designs
- Indicate design no., if it concerns only some design(s), not all designs

Only for KR,  
Supporting document may be submitted

# Exception to lack of novelty: KR

## Supporting document only for KR

DM/1/II (E)

**Cover sheet (DM/1/II)**

ANNEX II:  
SUPPORTING DOCUMENT(S)  
CONCERNING A DECLARATION TO THE EXCEPTION TO LACK OF NOVELTY  
under Section 408(c)(ii) of the Administrative Instructions

**IMPORTANT**

1. This cover sheet is to submit documentation in support of a declaration concerning exception to lack of novelty (refer to DM/1, item 15)
2. Please note that a declaration concerning exception to lack of novelty might affect the applicant's rights in other jurisdictions. It is the responsibility of the applicant to ensure that his rights are preserved.
3. This Annex must be submitted with the DM/1 form. It cannot be submitted alone.
4. Please number your pages.

<p style="text-align: center; font-size: small;"><u>For use by the applicant</u></p> <p style="font-size: x-small;">This Annex concerns the international application referenced by the applicant as below.</p> <p>Reference: <input style="width: 80%;" type="text"/></p>	<p style="text-align: center; font-size: small;"><u>For use by the International Bureau</u></p> <p style="font-size: x-small;">Document type: DDD</p>
--	---

II SUPPORTING DOCUMENT(S) CONCERNING A DECLARATION TO THE EXCEPTION TO LACK OF NOVELTY

Contracting Party concerned	Design(s) number(s) (leave empty if the documents concern all designs)	Number of pages
KR	1, 2	3

World Intellectual Property Organization  
34, chemin des Colombettes, P.O. Box 18,  
1211 Geneva 20, Switzerland  
Tel.: +41 (0)22 338 9111  
Fax (The Hague Registry): +41 (0)22 740 14 29  
e-mail: [iptrreq.mail@wipo.int](mailto:iptrreq.mail@wipo.int) – Internet: <http://www.wipo.int>

## Cover sheet

- User reference (if any)
- Design no. for which exception to lack of novelty is claimed in item 15
  - \* Empty if it concerns all designs
- Number of total pages

## Contents of supporting document

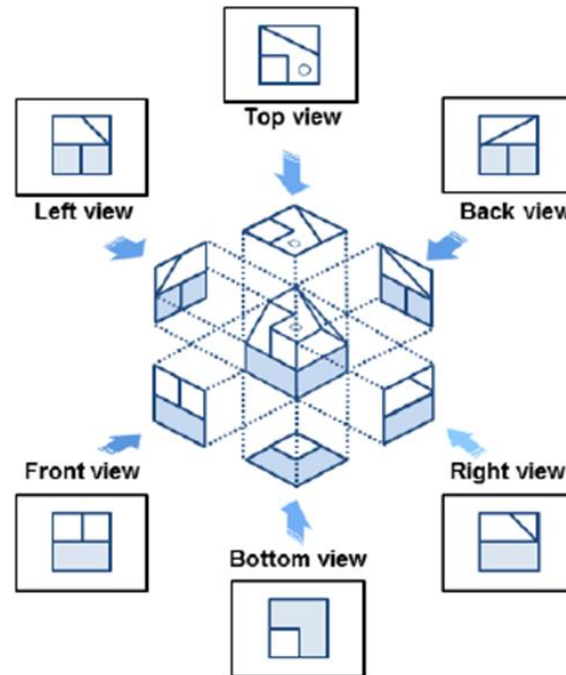
- Type, date, place of disclosure
  - Person who disclosed the design
  - Evidence of disclosure
- (Source: website, printed materials)

This Annex must be submitted with the DM/1 form (it cannot be submitted alone)

# Declaration under Rule 9(3) by JP

## ■ Six views

front view, back view, top view, bottom view, left view and right view by the orthographic projection, are required



Six views created by the orthographic projection method

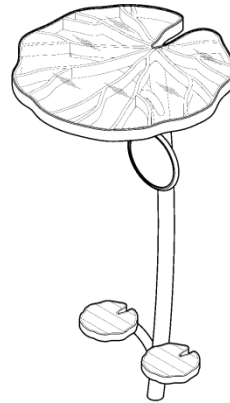
# Declaration under Rule 9(3) by KR

- A design of a set of articles  
one view of the coordinated whole and corresponding views of each of its components

KR 30-0728275 (Set of table with chair for outdoor use)



< Perspective A >  
(table + chair)



< Perspective B >  
(table)



< Perspective C >  
(chair)

- Six views with perspective views were included for A, B, and C, respectively

# Declaration under Rule 9(3) by KR

## ■ Typefaces

views of the given characters, a sample sentence and typical characters

KR 30-0576060 (English typeface)

A B C D E F G  
H I J K L M N  
O P Q R S T U  
V W X Y Z  
a b c d e f g h i j  
k l m n o p q r  
s t u v w x y z

(52 given characters)

The quick  
brown fox  
jumped  
over the  
lazy dog

The quick brown fox jumped over  
the lazy dog

(sample sentence as  
with above)

H a  
R e  
S g

(typical characters as  
with above)

# Declaration under Rule 18(1)(b) by KR

## ■ Extension to 12 months of refusal period

- Class 2, 5, or 19 → **6 months** from the date of publication

\* *Class 2 (clothing, footwear), 5 (textile, sheet materials), 19 (stationary)*

- Others except for class 2, 5, or 19 → **12 months** from the date of publication

### < **Substantive examination** >

(Except for class 2, 5, and 19)

- Industrial Applicability
- Definition of design
- Insufficient disclosure
- Novelty
- Creativity
- Not to be any of the unregistrable Design Categories (ex. public order)

### < **Partially substantive examination** >

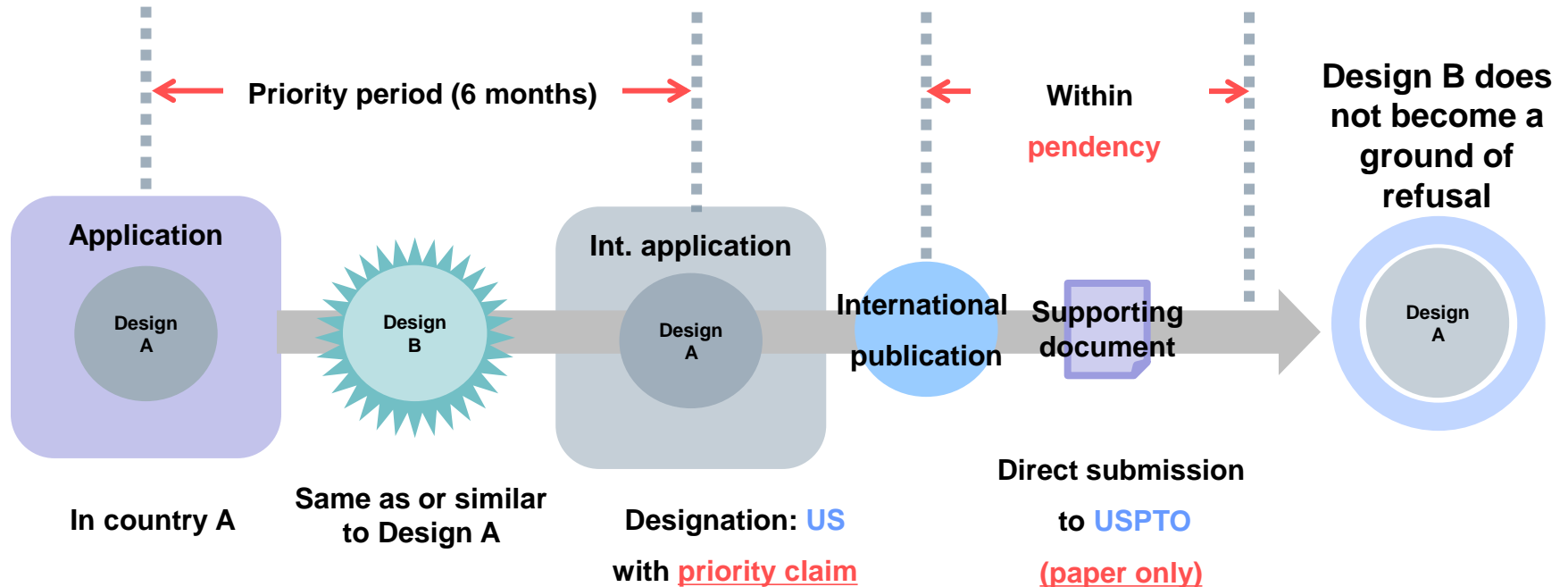
(Class 2, 5, and 19)

- Industrial Applicability
- Definition of design
- Insufficient disclosure
- Novelty (X)
- Creativity (X)
- Not to be any of the unregistrable Design Categories(ex. public order)



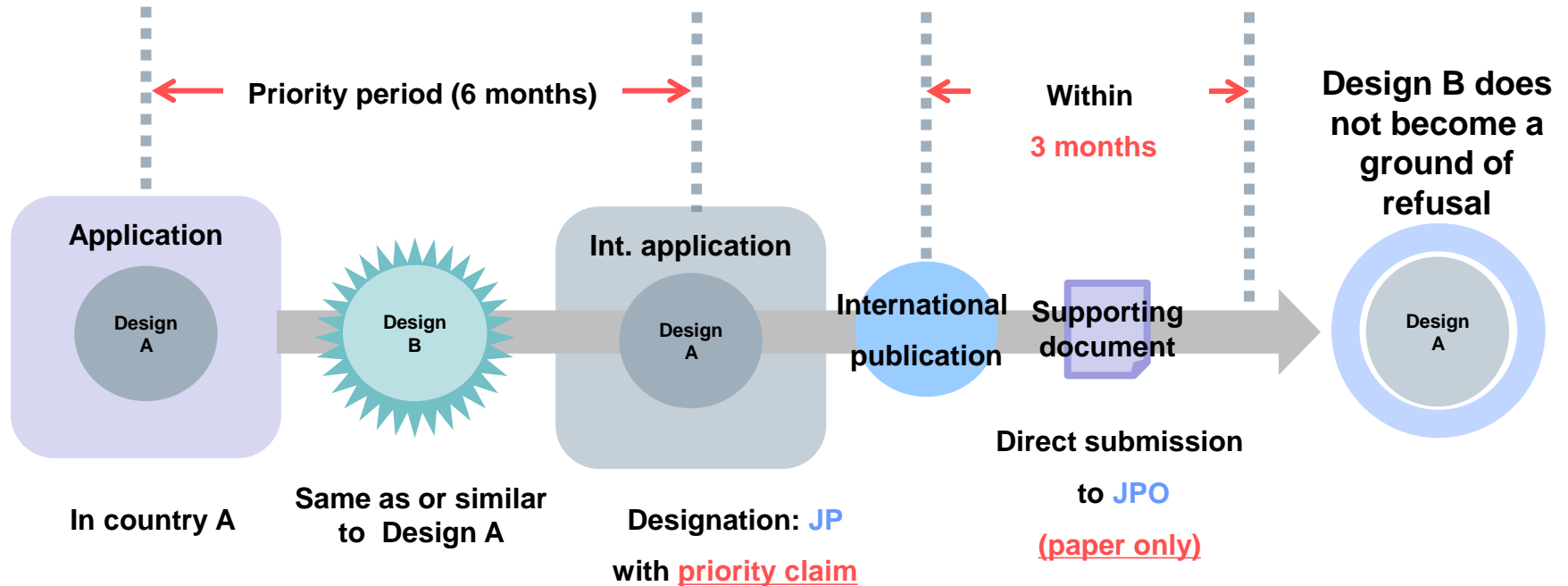
# ■ PRIORITY DOCUMENTS

# Priority documents for US



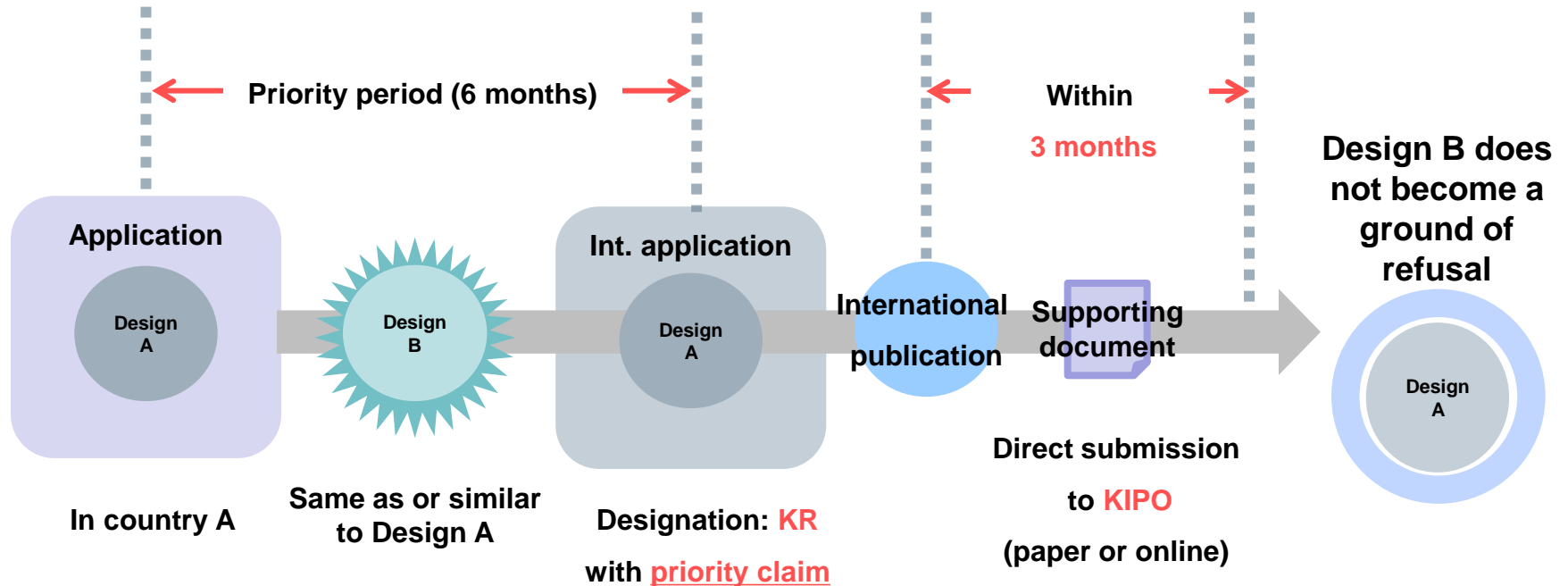
Original priority documents must be submitted directly to the USPTO, at the latest before “the date the issue fee is paid” (according to Title 37 – Code of Federal Regulations Patents, Trademarks, and Copyrights (37 CFR) §1.55, paragraphs (g)(1) and (m)).

# Priority documents for JP



Original priority documents must be submitted directly to the JPO within 3 months from the date of publication of the international registration.

# Priority documents for KR



< **Interim measure agreed with KIPO** >

- Priority documents can be attached to international application.
- by using E-filing interface, under "Priority" tab or by using Annex II

# Priority claim for US, JP, KR

**Priority claim (optional)**

The applicant(s) claim(s) the priority of the earlier filing mentioned below

Office of earlier filing \*

No. of earlier filing

Date of earlier filing \*

Design No. \*

Priority document for KR:

(\*) Compulsory field

Save Cancel

Select country code

Select the date of earlier filing

Select the corresponding design in present application

Only for **KR**  
**Copy of priority document** issued by the Office of earlier filing

- (Only for KR) Priority document should be submitted at the time of filing (It cannot be submitted alone)

# Priority claim for JP, KR

DM/1 (Application form – paper filing)

**13** PRIORITY CLAIM – Article 4 of the Paris Convention

The applicant claims the priority of the earlier filing mentioned below.

Indicate the number of each industrial design for which the priority is claimed. If no industrial design is indicated, it will be understood that the priority claim relates to all industrial designs included in the present application.

Office of earlier filing	No. of earlier filing (if available)	Date of earlier filing (dd/mm/yyyy)	No. of the design (in numerical order)	Annex V provided <sup>9</sup>
WIPO	DM/087065	01/05/2016	1	<input checked="" type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

If the space provided is not sufficient, check this box and use a continuation sheet.

<sup>9</sup> Check the box if the priority document is provided using Annex V for the purpose of a designation of the Republic of Korea.

Only for KR designation

# Priority documents for KR

## Priority document in paper filing

DM/1/V (E)

**Cover sheet (DM/1/V)**

ANNEX V:  
SUPPORTING DOCUMENT(S) CONCERNING PRIORITY CLAIM  
under Article 4 of the Paris Convention

**IMPORTANT**

1. This cover sheet is to submit (a) document(s) in support of a priority claim (priority document) to the Korean Intellectual Property Office (KIPO) (refer to DM/1 form, item 13).
2. Where the priority document is not submitted with the DM/1 form, it may be submitted directly to KIPO. In such a case, the priority document must be submitted to KIPO within three months from the date of publication of the international registration in the *International Designs Bulletin*. If the holder resides outside the country, it must be submitted through a local representative. The right of priority will be lost if the priority document is not submitted within this period.
3. This Annex must be submitted with the DM/1 form at the time of filing. It cannot be submitted alone.
4. Please number your pages.

<p style="text-align: center; font-size: small;">For use by the applicant</p> <p style="font-size: x-small;">This Annex concerns the international application referenced by the applicant as below:</p> <p>Reference: <input style="width: 80%;" type="text"/></p>	<p style="text-align: center; font-size: small;">For use by the International Bureau</p> <p style="font-size: x-small;">Document type: DDY</p>
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**V** SUPPORTING DOCUMENT(S) CONCERNING PRIORITY CLAIM IN ITEM 13 OF DM/1 FORM

The supporting document(s) concern(s) the following design(s), for which priority is claimed in item 13 of the DM/1 form:

All

OR

(Indicate the design numbers)

Number of pages:  (including this cover page)

World Intellectual Property Organization  
34, chemin des Colombettes, P.O. Box 18,  
1211 Geneva 20, Switzerland  
Tel.: +41 (0)22 338 9111  
Fax (The Hague Registry): +41 (0)22 740 14 29  
e-mail: [intreg.mail@wipo.int](mailto:intreg.mail@wipo.int) – Internet: <http://www.wipo.int>

## Cover sheet for paper filing

- User reference (if any)
- Design no. for which priority is claimed in item 13
- Number of total pages

## Copy of priority document only for KR

(issued by the Office of earlier filing )

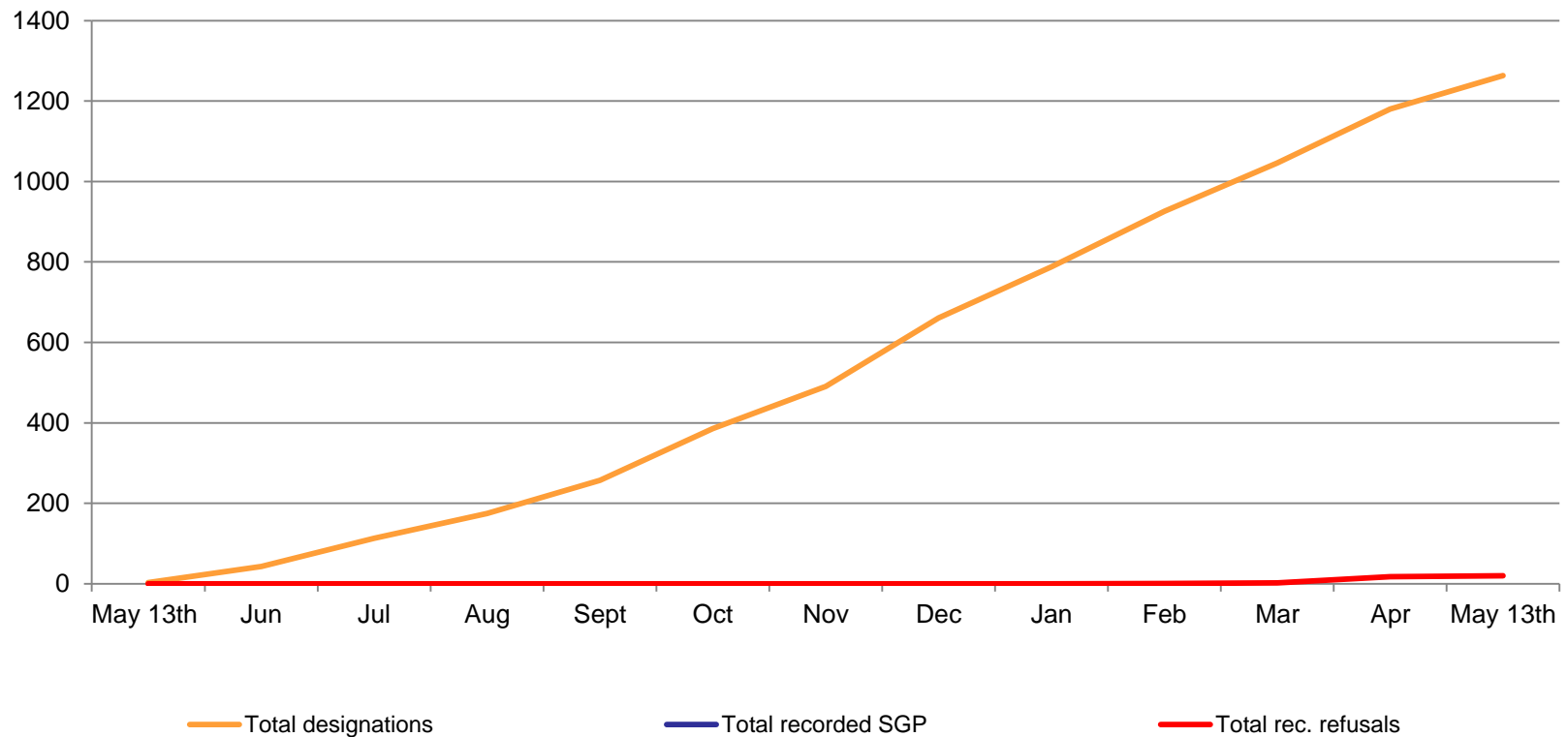
This Annex must be submitted with the DM/1 form at the time of filing.

(It cannot be submitted alone)

# ■ STATISTICS FOR GROUNDS OF REFUSALS



## Number of US designations in international registrations, compared with recorded Grants of protection and refusals, May 13th, 2015 to May 13th 2016



- Designations 1,263, grant of protection 0, refusals 20  
(Criteria: date inscribed in the International Register)

# Grounds of refusals by USPTO

(from May 13th, 2015 to May 13th, 2016 )

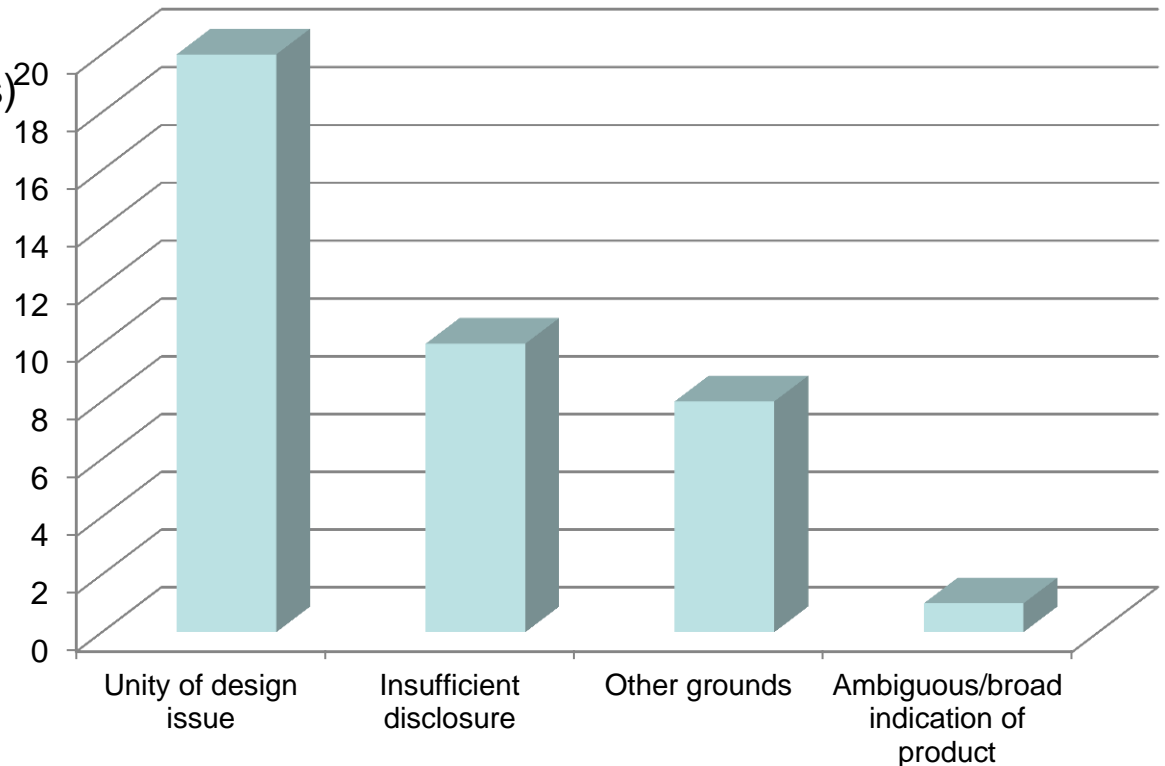
Source: Internal (unofficial) statistics

## Number of refusals by USPTO

**38 designs**  
(20 international registrations)

## Main grounds of refusals

1. Unity of design issue  
**27 designs**
2. Insufficient disclosure  
**10 designs**
3. Other grounds  
**8 designs**
4. Ambiguous/broad indication of product  
**1 design**



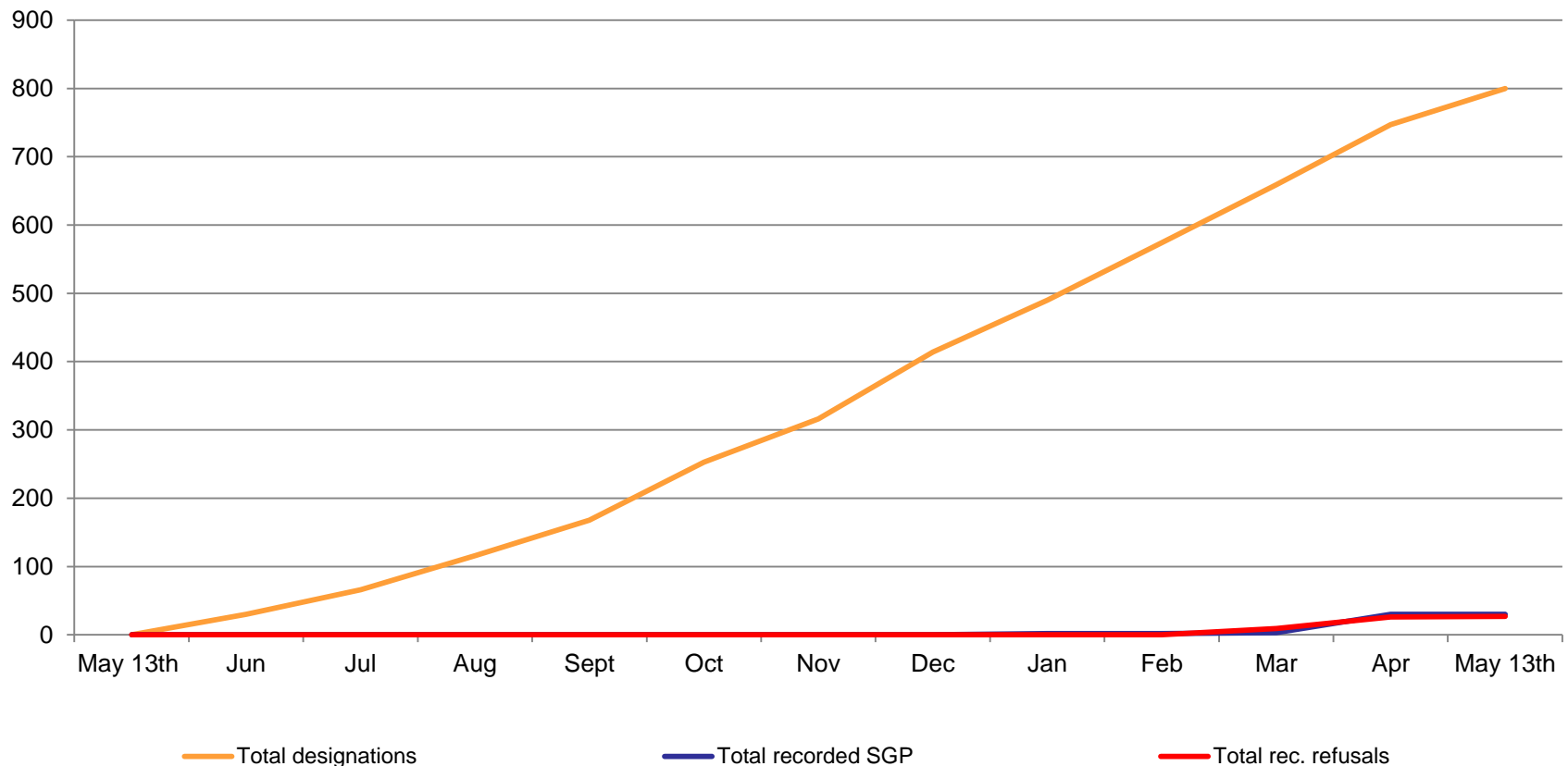
## Grounds of refusals by USPTO (from May 13th, 2015 to May 13th, 2016)\*

Grounds	Total number of refusals by USPTO			
	Design basis		Registration basis	
	<b>38</b>		<b>20</b>	
Insufficient disclosure	10	26.3%	9	45.0%
Creator's details missing	0	0%	0	0%
Missing or wrong indication of related design (competitive application on the same filing date)	0	0%	0	0%
Ambiguous/broader product indication	1	2.6%	1	5.0%
Lack of novelty	0	0%	0	0%
Lack of creativity	0	0%	0	0%
Incompliance with definition of design	0	0%	0	0%
Public order issue	0	0%	0	0%
Unity of design issue	27	71.1%	10	50.0%
Others**	8	21.1%	8	40.0%

\* Based on qualitative analysis of the recorded refusals

\*\* "Others" refers to: Several identical designs, Issue with the submitted views...

## Number of JP designations in international registrations, compared with recorded Grants of protection and refusals, May 13th, 2015 to May 13th 2016



- Designations 800, grant of protection 30, refusals 27  
(Criteria: date inscribed in the International Register)

# Grounds of refusals by JPO

(from May 13th, 2015 to May 13th, 2016)

Source: Internal (unofficial) statistics

## Number of refusals by JPO

41 designs

(27 international registrations)

## Main grounds of refusals

1. Lack of novelty

19 designs

2. Insufficient disclosure

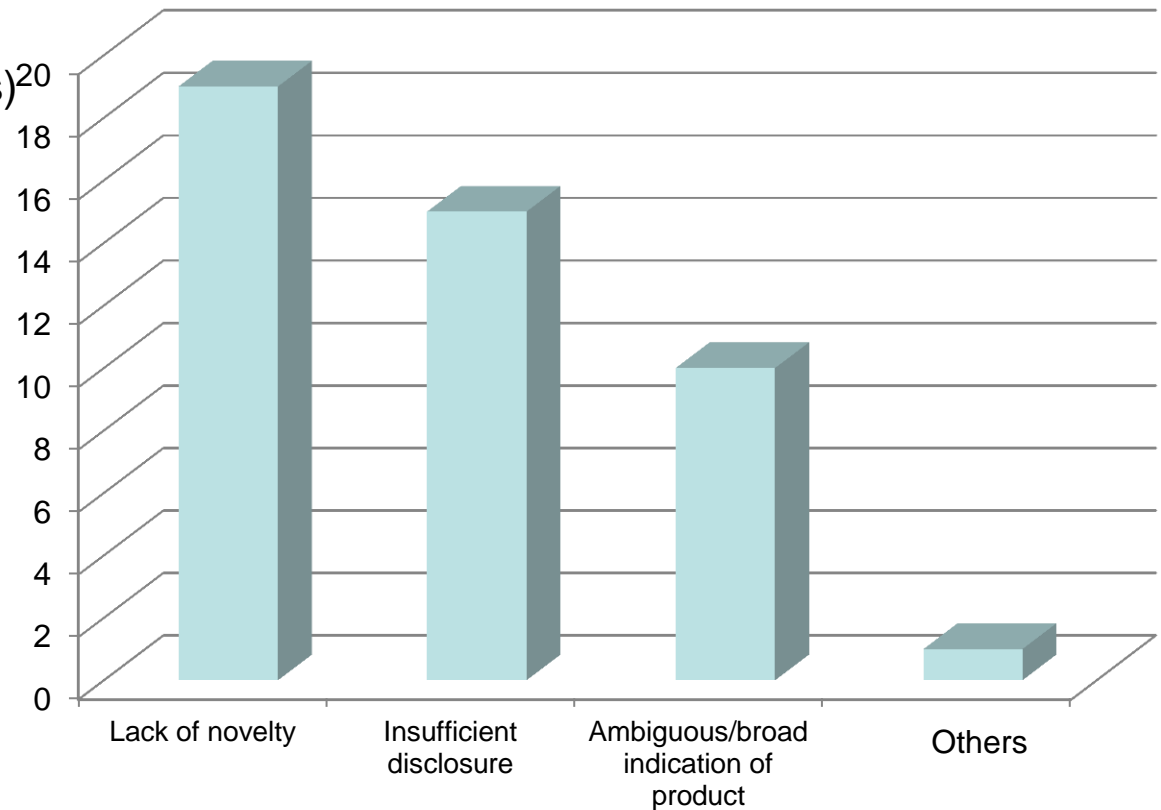
15 designs

3. Ambiguous/broad indication of product

10 designs

4. Others

1 design



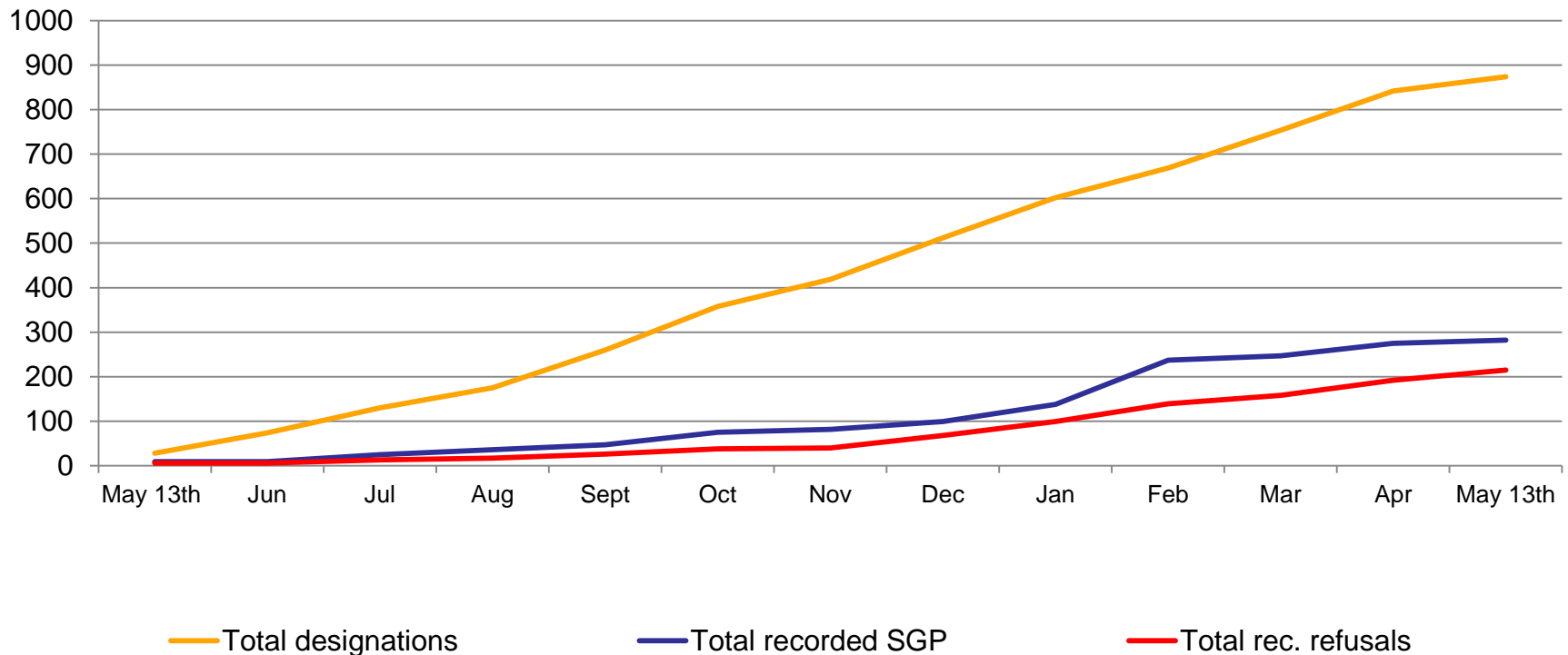
## Grounds of refusals by JPO (from May 13th, 2015 to May 13th, 2016)\*

Grounds	Total number of refusals by JPO			
	Design basis		Registration basis	
	41		27	
Insufficient disclosure	15	36.6%	9	33.3%
Creator's details missing	0	0%	0	0%
Missing or wrong indication of related design (competitive application on the same filing date)	0	0%	0	0%
Ambiguous/broader product indication	10	24.4%	5	18.6%
Lack of novelty	19	46.3%	15	55.6%
Lack of creativity	0	0%	0	0%
Incompliance with definition of design	0	0%	0	0%
Public order issue	0	0%	0	0%
Others**	1	2.4%	1	3.7%

\* Based on qualitative analysis of the recorded refusals

\*\* "Others" refers to: Several identical designs, Issue with the submitted views...

## Number of KR designations in international registrations, compared with total recorded Grants of protection and refusals, May 13th, 2015 to May 13th, 2016



- Designations 874, grant of protection 282, refusals 215  
(Criteria: date inscribed in the International Register)

# Grounds of refusals by KIPO

(from May 13th, 2015 to May 13th, 2016)

Source: Internal (unofficial) statistics

## Number of refusals by KIPO

681 designs

(215 international registrations)

## Main grounds of refusals

1. Insufficient disclosure

447 designs

2. No indication of a creator

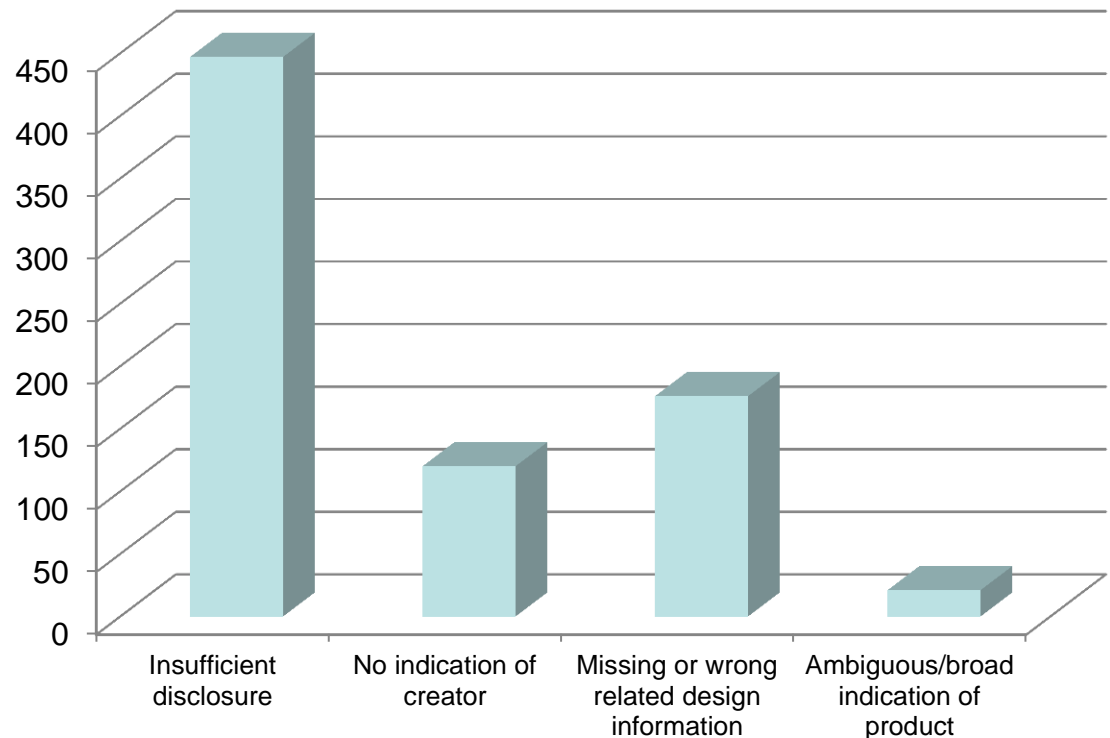
120 designs

3. Missing or wrong indication of related design

176 designs

4. Broad indication of product

21 designs





## Grounds of refusals by KIPO (from May 13th, 2015 to May 13th, 2016)\*

Grounds	Total number of refusals by KIPO			
	Design basis		Registration basis	
	681		215	
Insufficient disclosure	447	65.6%	133	61.9%
Creator's details missing	120	17.6%	34	15.8%
Missing or wrong indication of related design (competitive application on the same filing date)	176	25.8%	54	25.1%
Ambiguous/broader product indication	21	3.1%	5	2.3%
Lack of novelty	46	6.8%	30	14.0%
Lack of creativity	16	2.3%	12	5.6%
Incompliance with definition of design	14	2.1%	3	1.4%
Public order issue	4	0.6%	1	0.5%
Others**	29	4.3%	11	5.1%

\* Based on qualitative analysis of the recorded refusals

\*\* "Others" refers to: Several identical designs, Issue with the submitted views...

# ■ Questions? ■

For more information, visit <http://www.wipo.int/hague/en/faqs.html>

## Thank You