

DAIMLERCHRYSLER

Developing a Successful
Global Design Registration Plan

International Symposium on Industrial Designs
Buenos Aires, March 20 and 21, 2007

Sabine Gluthe

BRANDS

Mercedes
Car Group

MAYBACH



Mercedes-Benz



Chrysler Group



DODGE



Jeep



Commercial
Vehicles



Mercedes-Benz



STERLING
TRUCKS



BUILT BUSES



AMERICAN
EAGLE



WESTERN STAR TRUCKS



FUSO



DaimlerChrysler
Financial Services

DaimlerChrysler Bank



Strategic partners



MITSUBISHI
MOTORS



DAIMLERCHRYSLER'S STRATEGY IS BASED ON FOUR STRATEGIC PILLARS

1

Superior Products & Customer Experience

2

Leading Brands

3

Innovation & Technology Leadership

4

Global Presence & Network



Mercedes Car Group



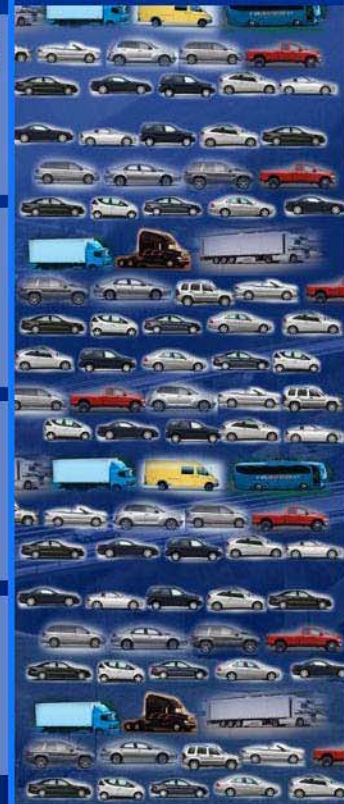
Chrysler Group



Commercial vehicles



DC Financial Services



MERCEDES CAR GROUP

Maybach



Mercedes-Benz Pkw



smart



COMMERCIAL VEHICLES DIVISION



Mercedes-Benz



Setra

Western Star

Sterling

Freightliner

DaimlerChrysler worldwide present with 97 Product Plants



National and Regional Systems for the Registration of Designs



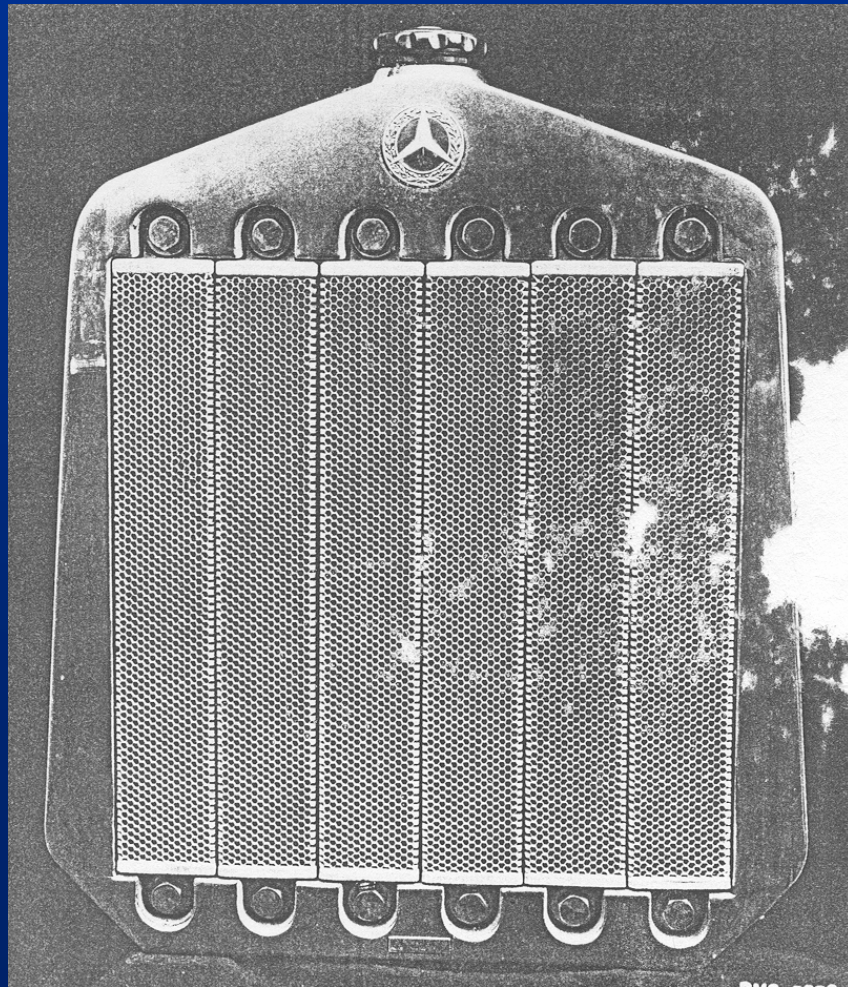
Where and how to file Design Patent Applications
for a new vehicle?

Importance of Designs and Design Protection

200-250 different Industrial Designs a year

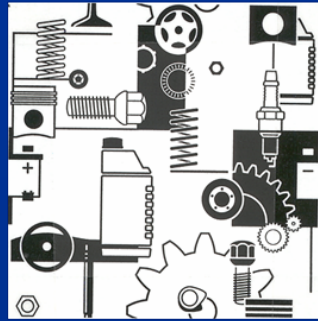


First Industrial Design of Mercedes-Benz



Filed March 15, 1926





Design Applications Worldwide



- National laws differ greatly
 - with regard to which system of protection can or should apply in respect of industrial design

Where to file Applications for Design Rights



Deutsches
Patent- und Markenamt



**German Patent and
Trademark Office**

or other
national Offices



**Office for Harmonization
in the Internal Market
(OHIM)**

Registered Community Design



**World Intellectual
Property Office**

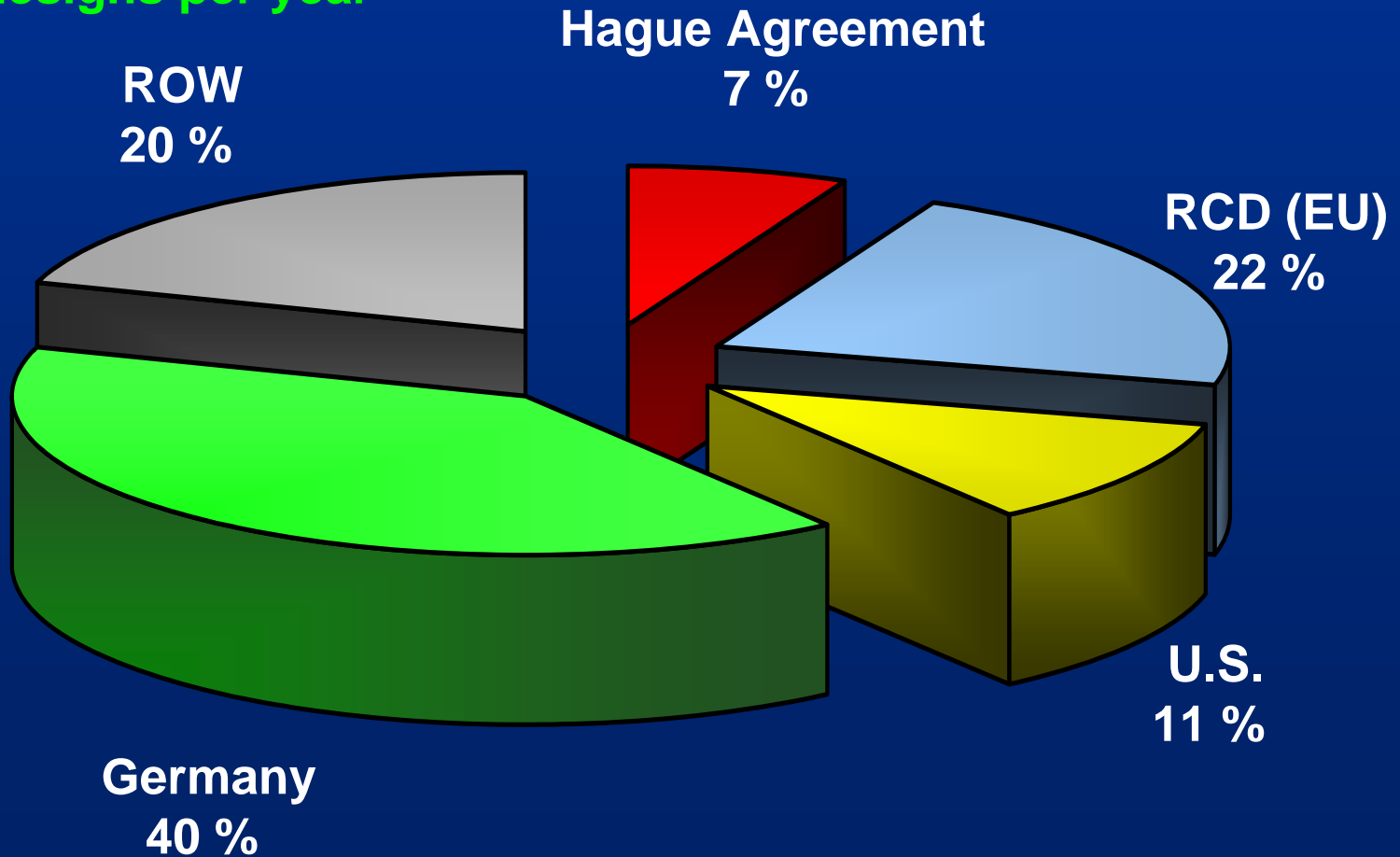


**Unregistered
Community Design**

Statistics 2005/2006



200-250 designs per year



Design Applications Abroad

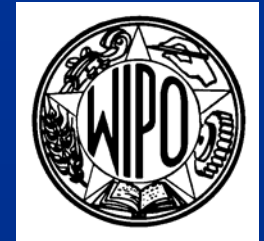


Decisive Factors:

- ⇒ main product markets
- ⇒ manufacturing countries
- ⇒ countries where counterfeiting is expected
- ⇒ countries where protection is possible
- ⇒ countries where enforcement is possible

⇒ ***individual decision for each product***

Hague System - *Advantages*



- Minimum of formalities
 - ➔ 1 form, 1 deposit valid in designated countries
- National representative is not compulsory
- No prior national filing is required
- Cost-effective
- Multiple Deposit up to 100 designs (in 1 class)
- Deferment of publication up to 12 months (under '99 Act 30 months)
- One deposit for 42 Contracting Parties
 - ➔ same effect as national deposit
- **Refusal or nullification not affect validity of entire Hague Agreement deposit**

Hague System - *Disadvantages*



- Only for member state countries
 - ➔ closed system

- Complexity of the System
 - ➔ different laws in designated countries
 - ➔ different scope of protection, jurisdiction, sanctions, period of protection etc.

- Scope of Contracting Parties not that attractive at present

Geneva Act 1999 – *Advantages*



Germany is (at present) only Contracting Party to '34 and '64 Act
– not '99 Act !!

- one application, one system, one Registration Office
 ➔ easy, fast and user-friendly system for applicants
- expand of geographical scope
- allows accession of member states with novelty examination
- more attractive for potential member states (e.g. US, Japan)
- attractive fees and costs
- deferment of publication up to 30 months
- allows a link with regional registration systems
 e.g. EC design, OAPI (African IP Organisation)

European Community Design - *Advantages*



- Protection for all articles in which it is incorporated or applied to (class will not limit the scope of protection)
- Multiple applications (no limit)
- Deferment of publication up to 30 months
- Languages: applications can be filed in any official language of EU
OHIM working languages: English, French, German, Italian and Spanish
- No representative required
- Only formal examination
- Grants a monopoly right;
prevention of any unauthorised person from making, importing, exporting, using and otherwise dealing

European Community Design - *Limitations*

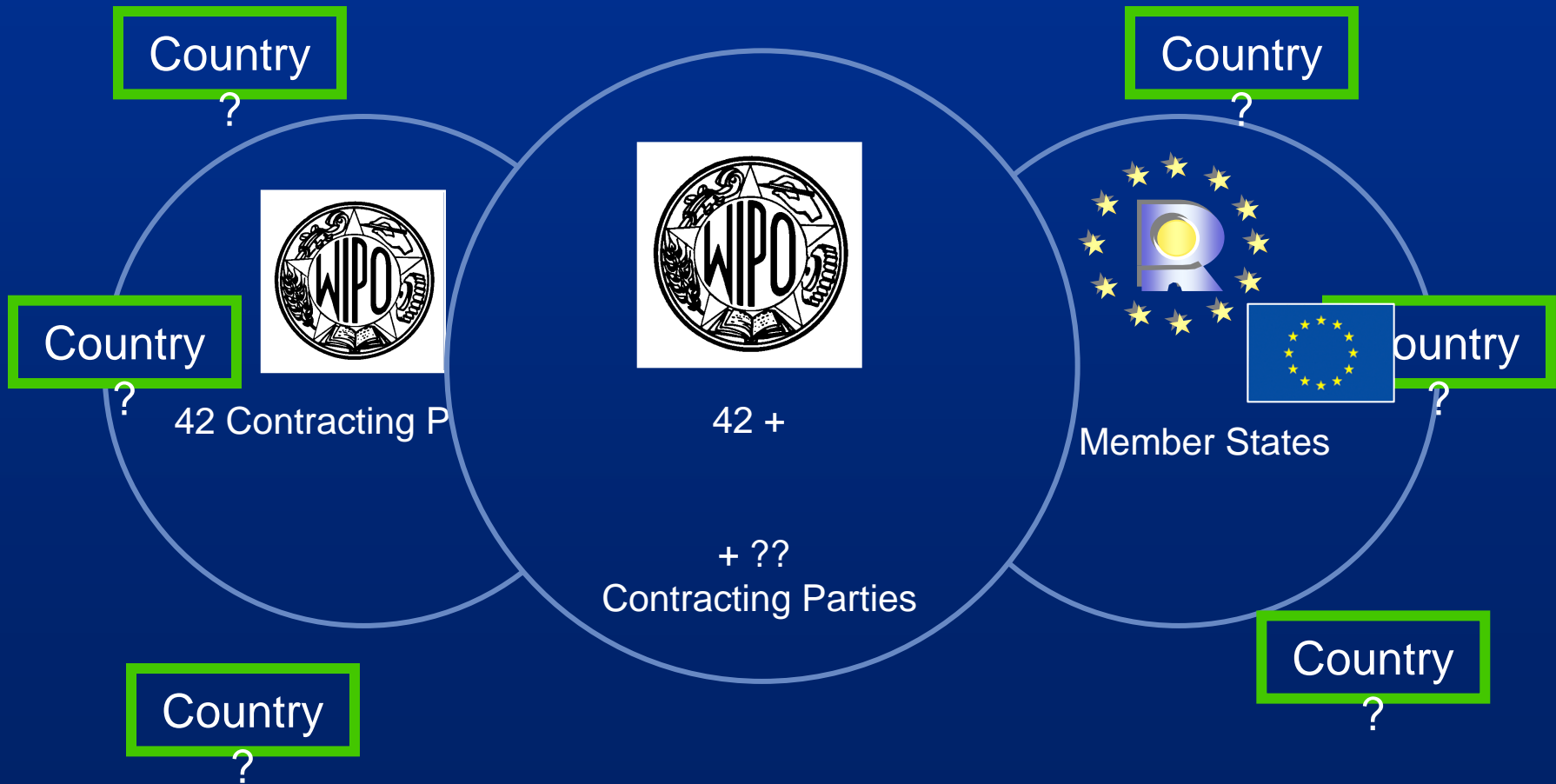


- Designs of interconnections (must-fit)
- Non-visible component parts of a complex product (not visible during normal use)
- **No enforcement of protection for spare parts** - at present (parts of a complex product used for the purpose of repair of that complex product as to restore in its original appearance)

!!! Nullification in 1 country affects complete EC Design !!!



Geneva Act 1999 - Outlook



Importance of Designs and Design Protection



■ Genuine wheel



■ Copy



■ Genuine wheel



■ Copy

Importance of Designs and Design Protection



- ,Geely' -
- Beijing Motorshow
June 2002

Importance of Designs and Design Protection



- ‘Geely’
- Beijing Motorshow June 2004

Thank you !

