

# INDUSTRIAL DESIGN REGISTRATION:

## PROTECTS YOUR DESIGNER PRODUCTS FROM IMITATION

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# LONG HISTORY OF DESIGN REGISTRATIONS IN INDIA

IT STARTED WITH THE DESIGNS ACT, 1911:

PRESENTLY THE DESIGNS ACT, 2000 IS IN FORCE

KEY FEATURES WHICH MAKE THE PRESENT DESIGNS ACT AS PER INTERNATIONAL STANDARDS:

- (a) the broadened scope of “Article” which now specifically includes any part of an article capable of being made and sold separately;
- (b) “Design” to include apart from shape, configuration, pattern or ornament even composition of lines or colours applied to any article;
- (c) absolute (worldwide) novelty for registration of designs;
- (d) introduction of the International system of Classification of goods;
- (e) possible restoration of lapsed designs;
- (f) possible inspection of registered designs immediately after registration;
- (g) allowing broadened convention priority;
- (h) making Cancellation proceedings applicable only before Controller anytime during registration.

# DESIGNS ACT 2000

(Came In To Force On 11-05-2001)

APPLIED TO

ANY ARTICLE OF MANUFACTURE IN TWO DIMENESION  
OR THREE DIMENSION OR IN BOTH FORM



**BY ANY INDUSTRIAL PROCESS OR MEANS**



**IT CAN BE:  
MANUAL;  
MECHANICAL;  
CHEMICAL;  
SEPARATE OR COMBINED**



## DESIGN SHOULD BE APPLICABLE BY INDUSTRIAL MEANS

WHERE THE ESSENTIAL CONSTRUCTION OF THE DESIGN COMPRISES OF NATURAL THINGS AS SUCH, FOR EXAMPLE,

AN ORNAMENT USING NATURAL ROCKS,

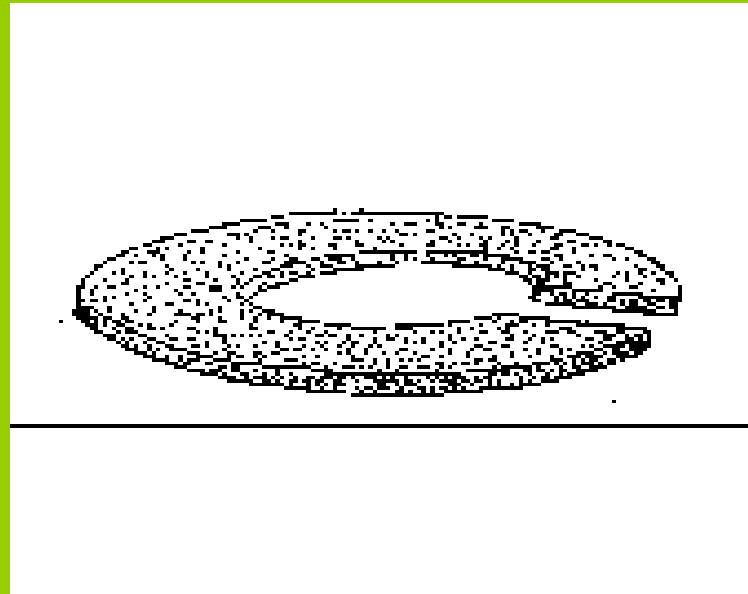
A STUFFING OF A BIRD OR ANIMAL,

AN ORNAMENT OR CONTAINER USING WOOD OR BAMBOO,

EACH INCORPORATES, FORMATIVE BEAUTY CREATED BY NATURE AS AN ESSENTIAL PORTION OF THE DESIGN.

SUCH A DESIGN CAN NOT BE PRODUCED ON A REPEATED BASIS BY INDUSTRIAL MEANS HENCE NOT A SUBJECT FIT FOR DESIGN REGSITRATION.

**ANY SUBSTANCE**



**Fertiliser Tablet**

WHICH APPEAL TO AND ARE JUDGED SOLEY BY THE EYE



# WHAT IS A DESIGN FEATURE

ARTICLE

Flower Pot



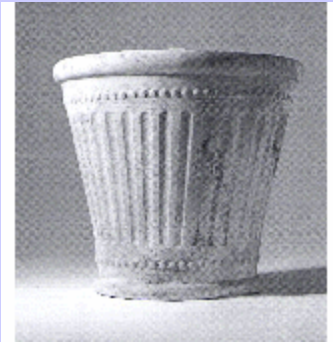
Same Article Having Different Shape

**SHAPES** : form of the article in three dimensions



**ARTICLE**

**Flower Pot**

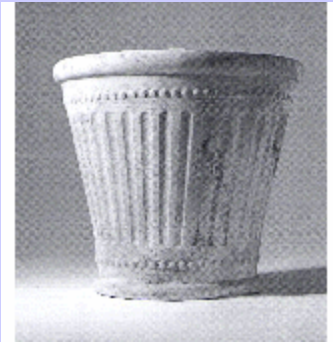


**Look At Disposition Of Different Design Features On Surface**

**CONFIGURATION : arrangement /physical relation of various components of the design**

**ARTICLE**

**Flower Pot**

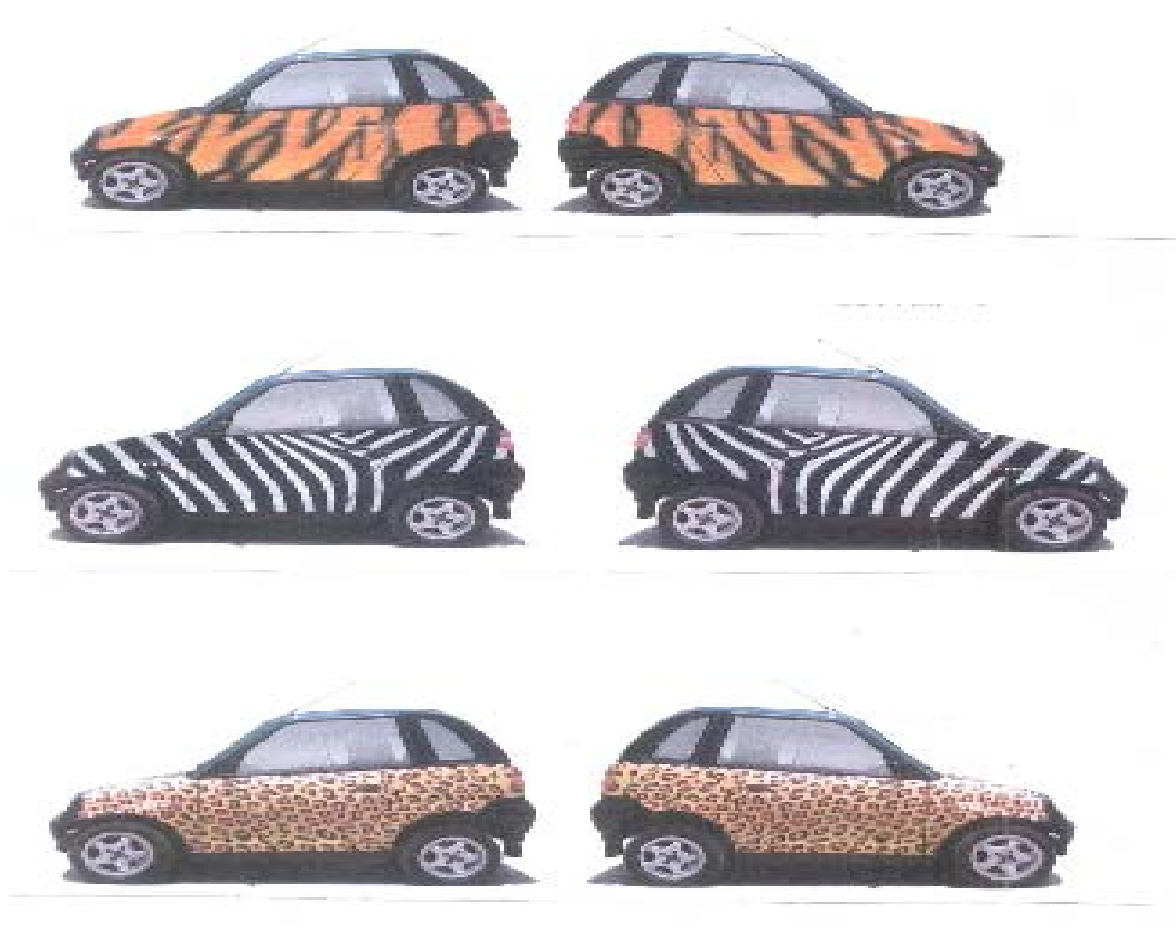


**Same Shape But Surface Pattern Different**

**SURFACE PATTERN/**

**ORNAMENTATION: decorative patterns**

# HOW SURFACE PATTERN CAN IMPACT EYE APPEAL

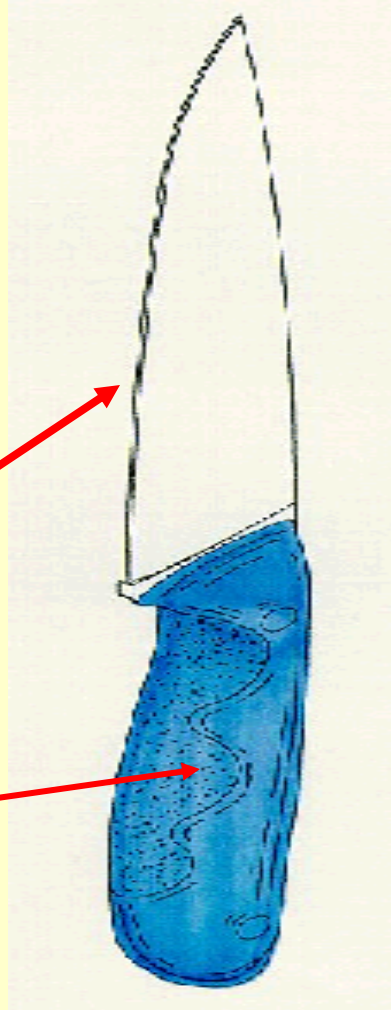


# IT IS THE DESIGN THAT IS PROTECTED NOT THE MECHANISM DRESSED IN THE DESIGN

**DESIGN**

**PROTECTS SHAPE**

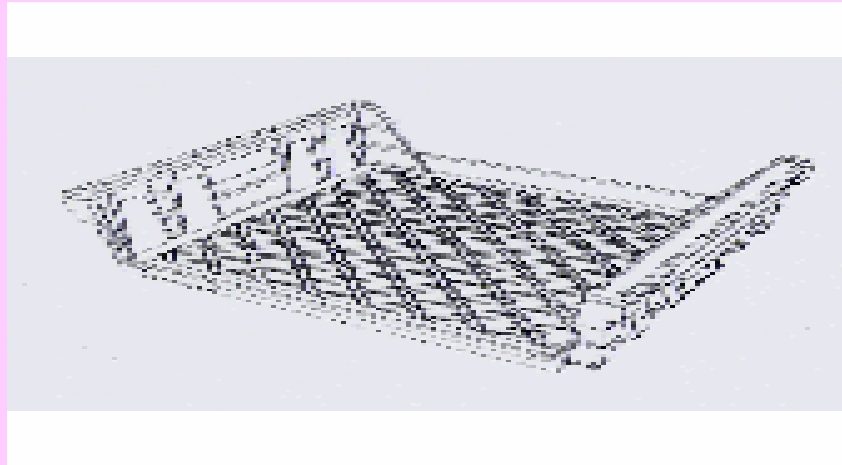
**PROTECTS  
PATTERN**



**FUNCTIONAL  
ADVANTAGE  
IF ANY OF THE  
DESIGN NOT  
PROTECTED**

# METHOD OF MANUFACTURE NOT PROTECTED BY DESIGN

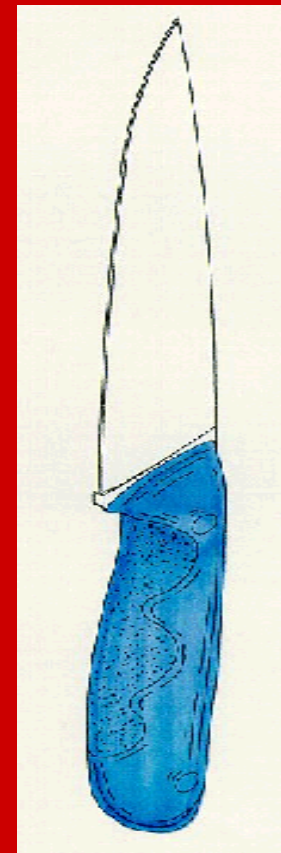
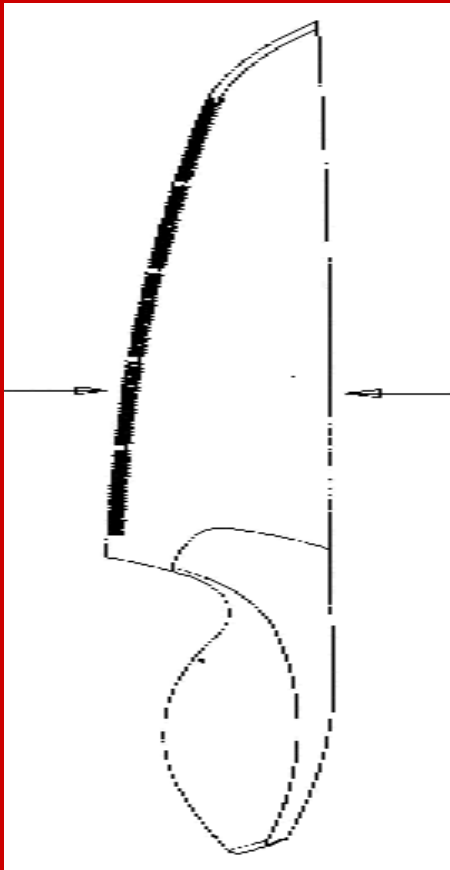
## FRUIT BASKET DESIGN



**CLAIM:** PATTERN OF THE BASKET CONSISTING OF THE OSIERS BEING WORKED IN SINGLY AND ALL THE BUTT ENDS BEING OUTSIDE

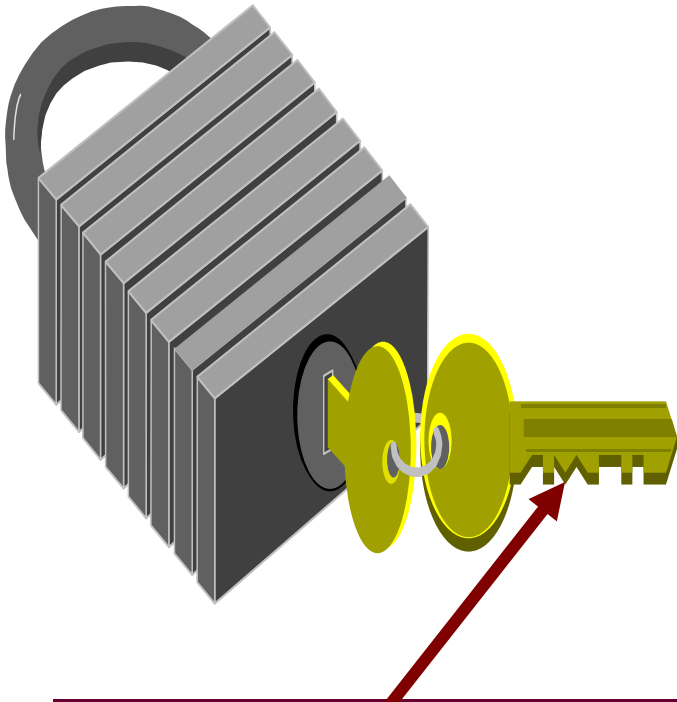
**IMPROPER CLAIM AS PER THE REPRESENTATION  
-DESIGN DISALLOWED**

**SIGNIFICANTLY DISTINGUISHABLE FROM  
KNOWN DESIGNS**



**DESIGN WHICH IS SOLELY DICTATED BY FUNCTION  
NOT ALLOWED**

**SHAPE OF A KEY**



**SOLELY FUNCTIONAL**

**NOT REGISTRABLE**

**NOT EVERY DRAWING OR PAINTING PLACED UPON A PIECE OF PAPER OR CANVAS CAN BE A REGISTERABLE DESIGN**

**WHERE THE ARTICLE HAS NO PURPOSE BEYOND MERELY CARRYING THE ORNAMENT, THE ARTICLE IS SO SUBORDINATE TO THE ORNAMENT THAT IT FAILS TO QUALIFY AS AN ARTICLE**

**THUS A DRAWING OF A LANDSCAPE OR HUNTING SCENE ON A PIECE OF PAPER ALTHOUGH THERE IS PATTERN IN IT CANNOT QUALIFY**

**HOWEVER SAME PICTURE OF A HUNTING SCENE WOULD BE REGISTRABLE AS A DESIGN TO BE APPLIED TO**

- CIGARETTE BOX**
- TRAY**
- LAMP SHADE.**



**DESIGNS WHICH ARE PRIMARILY OF ARTISTIC  
OR LITERARY CHARACTER AND NOT PROTECTABLE  
UNDER THE DESIGNS ACT**

*CERTIFICATES*

*STAMPS*

*TRADE MARKS*

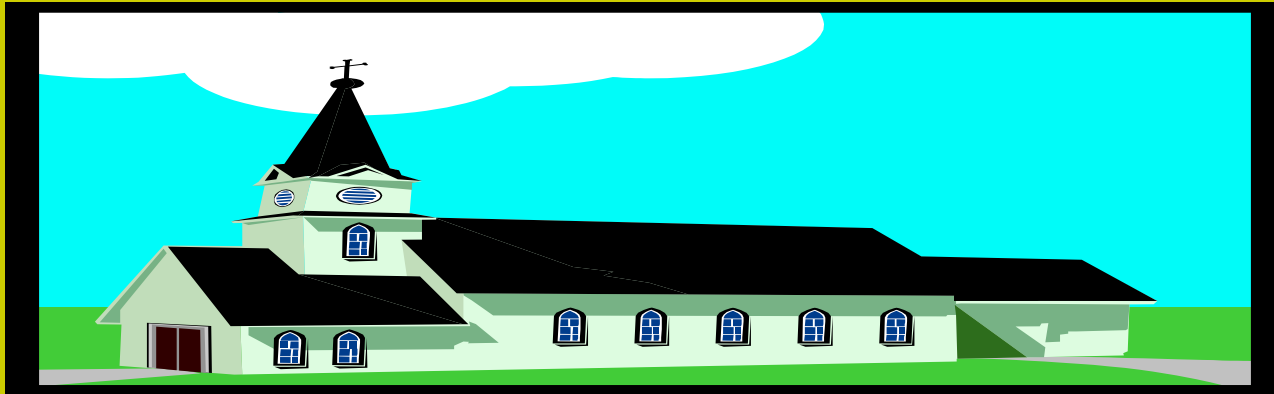
*CARTOONS*

*LABELS*

*FLAGS, EMBLEMS*

*MAPS*





**BUILDINGS OR STRUCTURES LIKE A PETROL FILLING STATION IS NOT AN ARTICLE WITHIN THE DEFINITION OF DESIGNS ACT**



# **DESIGN TO BE REGISTRABLE SHOULD BE NEW**

## **NOT DISCLOSED/PUBLISHED BEFORE FILING THE APPLICATION FOR REGISTRATION**

**THE DESIGN TO BE NEW SHOULD NOT HAVE BEEN DISCLOSED BY**

**A )PUBLISHED ANYWHERE IN ANY COUNTRY IN ANY TANGIBLE FORM**

**OR**

**B) BY USE**

**OR**

**C) BY ANY OTHER WAY**

**Classification of designs in classes :**

# **Locarno Agreement**

An International classification of Industrial Designs according to the Locarno Agreement has been introduced in the Designs Rules, 2001. The classification of goods is based upon the function of the classification of goods is applied.

Classes and most of the classes are further divided into sub-classes. These classes and sub-classes are mainly function oriented.

Normally, the name of the article should be such that is common/familiar in the trade or Industries. The name of the article as mentioned in the application from should correspond with the representation of the article as filed

# CLASSIFICATION OF DESIGNS

**CLASS-01= FOODSTUFFS**

**Sub Class 01-01: Bakers' products ,biscuit  
pastry .....,Chocolates**

**Sub Class 01-04: Butcher's meat, fish ..**

**Sub Class 01—06: Animal Foodstuff**

**CLASS 07 : HOUSEHOLD GOODS**

**Sub Class 07-01 : China ,glassware,dishes..**

**Sub Class 07-03 : Table Knives..**

**Sub Class 07-08: Fire Place Implements**

# **CLASS 15 : MACHINES**

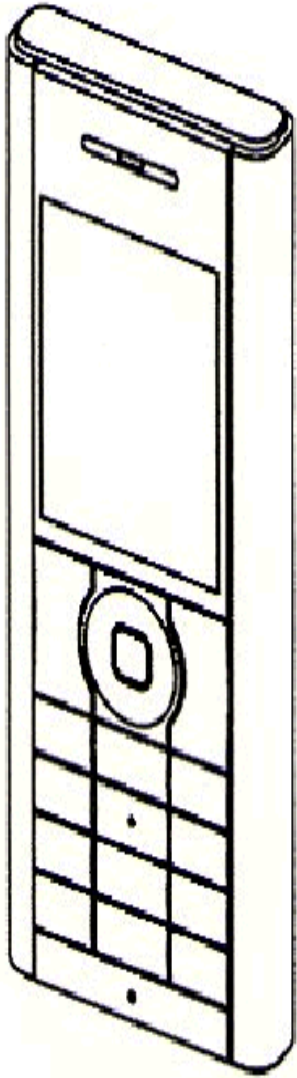
## **Sub Class 15-03 : AGRICULTURAL MACHINERY**

**-PLOUGH DESIGNS**

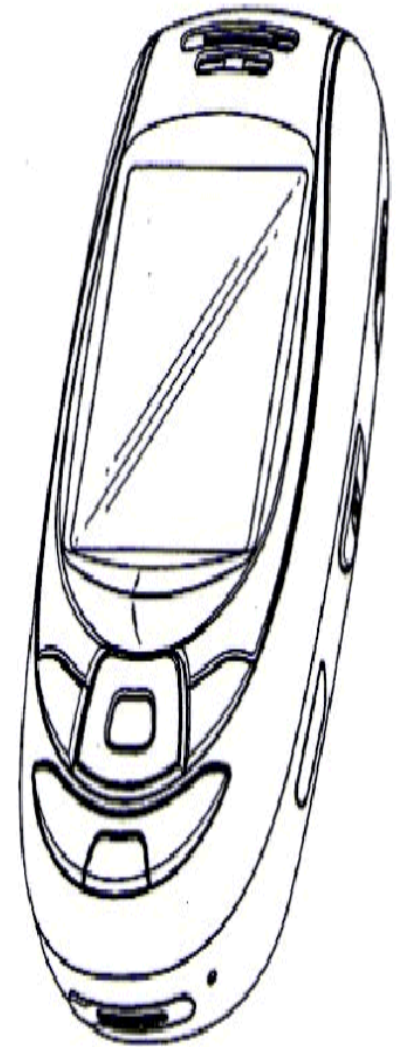
**-REAPING MACHINES**



IS IT MANDATORY TO MAKE THE  
ARTICLE BY INDUSTRIAL  
PROCESS OR MEANS BEFORE  
MAKING AN APPLICATION FOR  
REGISTRATION OF THE DESIGN



NOT MANDATORY TO PRODUCE  
THE ARTICLE WITH THE DESIGN  
BEFORE APPLYING FOR THE  
REGISTRATION





**PROTECTION ON REGISTRATION**

**EXCLUSIVE COPYRIGHT**

**FIRST PERIOD= 10 YEARS FROM DATE OF REGN.**

**ANOTHER PERIOD= 5 YEARS ON RENEWAL**

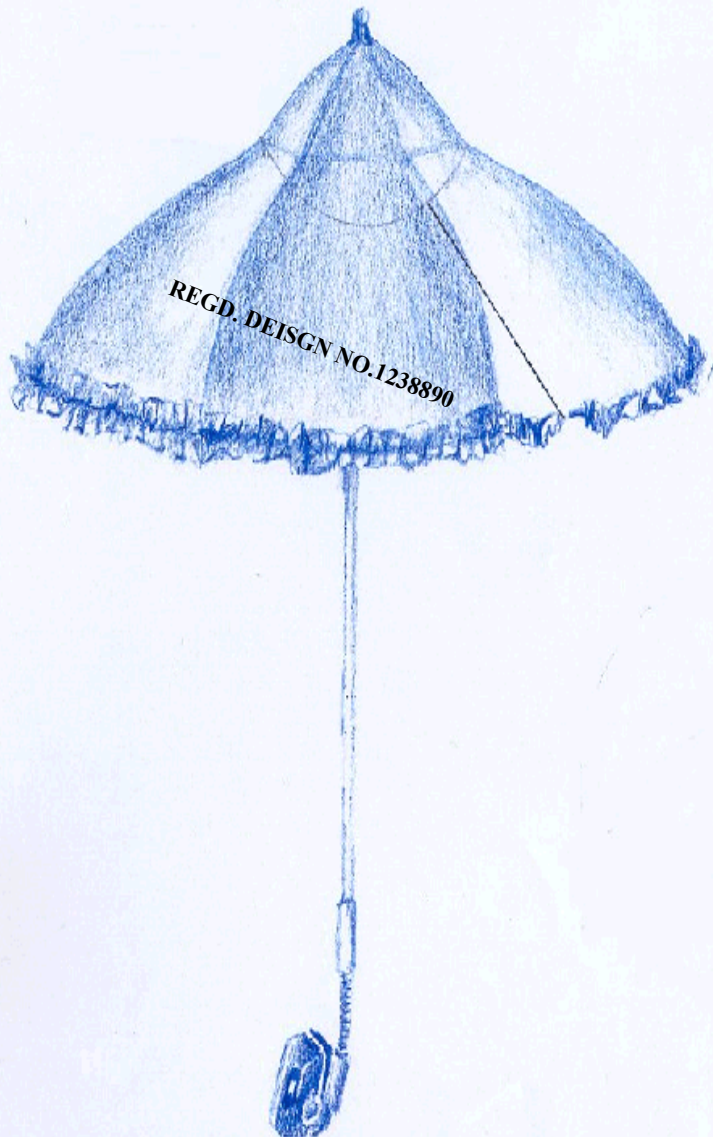


## **FEES INVOLVED**

**ON APPLICATION : RS. 1000/-**

**ON RENEWAL FOR ADDITIONAL 5 YRS.:RS. 2000/-**

# MARKING OF AN ARTICLE AS A REGISTERED DESIGN



**PREFERABLY MARK THE  
ARTICLE AS:  
“REGD. DESIGN.  
NO.....”**

**IF NO MARKING ON THE  
ARTICLE THE REGD.  
PROPRIETOR WOULD NOT  
BE ENTITLED TO CLAIM  
DAMAGES FROM ANY  
INFRINGEMENT**

POSSIBILITY OF SEARCH TO FIND OUT  
WHETHER ANY DESIGN IS PRIOR REGISTERED

YOU CAN REQUEST A SEARCH :

I) WITH REGISTRATION NUMBER ,IF  
AVAILABLE ;

OR

II) BY PROVIDING REPRESENTATIONS OF  
DESIGN TO THE CONTROLLER

**How Can One Assess :  
Determination Of  
Immaterial Differences & Trade Variants In Designs**

# **THE IMPORTANCE OF MARKING NOVELTY IN A DESIGN**

**CHINA AND POTTERY CAN HAVE NOVEL SHAPE AND ALSO A NOVEL PATTERN OR ORNAMENT**

**IF THE WHOLE DESIGN IS REGISTERED AS ONE DESIGN AND A PERSON TAKES THE SHAPE ALONE OR THE PATTERN ALONE IT WILL NOT CONSTITUTE INFRINGEMENT OF THE WHOLE DESIGN AS REGISTERED SINCE THE PROTECTION IS FOR THE COMBINATION OF SHAPE AND PATTERN**

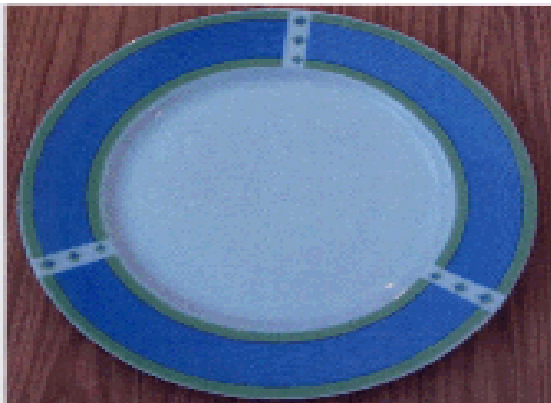


## CHINA AND POTTERY CAN HAVE NOVEL SHAPE AND ALSO A NOVEL PATTERN OR ORNAMENT

IF ONLY SHAPE TO BE PROTECTED NOVELTY SHOULD ONLY BE ON THE SHAPE

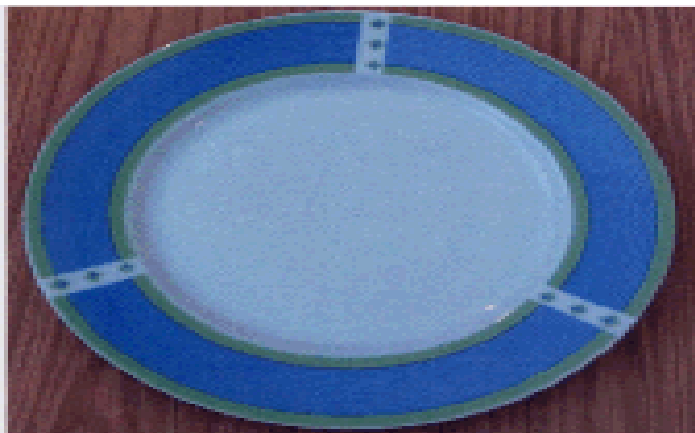


IF ONLY PATTERN NEED TO BE PROTECTED THE NOVELTY SHOULD BE ONLY FOR THE PATTERN.  
(TWO REGISTRATIONS ONE FOR SHAPE AND ONE FOR PATTERN)



**CHINA AND POTTERY CAN HAVE NOVEL SHAPE AND  
ALSO A NOVEL PATTERN OR ORNAMENT**

**YOU CAN HAVE INDEPENDENT REGISTRATIONS  
TO PROTECT NOVEL SURFACE PATTERN/ORNAMENTATION**





**ONLY ORNAMENTATION BASIC FILING  
SUBSEQUENT FILING COMPLETE ARTICLE  
PRIORITY IN DOUBT**

**FIRST FILING: Novelty Resides In The Surface Pattern As Marked**



**Subsequent Filing Claiming Novelty  
In Same Shape & Configuration –  
Not Allowed**

## WHAT IS A SET OF ARTICLE UNDER THE DESIGN REGSITRATIONS

A GROUP OF ARTICLES MAY BE REGARDED AS A SET OF ARTICLES UNDER THE DESIGNS ACT PROVIDED:

- (A) THEY ARE ORDINARILY ON SALE OR INTENDED TO BE USED TOGETHER;
- (B) ALL HAVE COMMON DESIGN EVEN THOUGH ARTILCES ARE DIFFERENT (SAME CLASS);
- (C) HAVE SAME GENERAL CHARACTER

EG. “TEA SET”; “PEN SET”; “KNIFE SET”

***A set of cuff links and a tie clip***

***A set of smoking accessories***

***A tea set***

***A coffee set***

***A set of table knives, forks and spoons***

***A set of furnitures for drawing room***

***A set of air conditioners***

***A set of golf clubs***

***A set of seat covers for automobile***

***An audio equipment***

***A set of electronic calculators***

***A set of a gatepost, a gate and a fence***



6 piece coaster set

