

Proposed questions for inclusion in the second WIPO questionnaire on industrial designs (substantive laws)

- (1) The scope of legal protection for an industrial design is established:
- only according to a reproduction (representation) of an industrial design or object;
 - according to a reproduction (representation) of an industrial design or object and industrial design claims;
 - according to a reproduction (representation) of an industrial design or object and a list of the essential features of an industrial design, or the external appearance of an object;
 - according to a reproduction (representation) of an industrial design or object and description of an industrial design;
 - according to a general impression, in comparison with another industrial design.
- (2) Within the scope of legal protection for an industrial design, the purpose of an object is:
- included;
 - not included.
- (3) How is the fact that a protectable industrial design is used in an object in violation of the rights in the industrial design established:
- by comparing the essential features of a protectable industrial design with the essential features of the external appearance of an object – infringer;
 - by comparing the general impression left by a patented industrial design with the general impression left by an object – infringer.
- (4) When establishing the fact that a protectable industrial design is used in an object in connection with the infringement of the rights in the industrial design, a comparison is made of:
- a reproduction (representation) of a protectable industrial design with an object – infringer;
 - an original industrial design (a design in nature) with an object – infringer.
- (5) When establishing the fact that a protectable industrial design is used in an object in connection with the infringement of the rights in the industrial design, a comparison is made by:
- the designer;
 - a user who knows the particular form of objects well (an informed user);
 - a user who is unfamiliar with an object (chance purchaser).

- (6) When establishing novelty, a comparison is made of:
- the essential features of a claimed (protectable) and well-known industrial design;
 - all the features of a claimed (protectable) and an opposing industrial design.
- (7) When establishing originality, a comparison is made of:
- the essential features of an industrial design with well-known industrial designs;
 - the general impressions left by a claimed (protectable) industrial design, and an opposing industrial design.
- (8) The external appearance of architectural structures as industrial designs:
- is protected;
 - is not protected.
- (9) The external appearance of objects of variable form (fountains, inflatable balloons, etc.) as:
- is protected;
 - is not protected.
- (10) The external appearance of polygraphic products as industrial designs:
- is protected;
 - is not protected.
- (11) The external appearance of labels as industrial designs:
- is protected;
 - is not protected.
- (12) The insertion of changes to an industrial design during the process of granting legal protection or examining an objection:
- is not permitted;
 - is permitted, if the changes relate to non-essential features.
- (13) The essential nature of the features of an industrial design shall be established, during the verification of novelty and originality, by:
- an examiner;
 - an applicant.

(14) The features included in the essential features of an industrial design:

- define the peculiarities of the external appearance of an object, including the form, contours, ornamentation, color combination, composition and texture;
- dominate the features of an object's external appearance;
- are indicated by the applicant in a description of an industrial design to be essential.

(15) The requirement of unity of an industrial design shall be recognized as observed, if:

- claimed industrial designs relate to a single class of the International Classification for Industrial Designs;
- claimed industrial designs constitute alternative solutions for the external appearance of an object;
- claimed industrial designs relate to an object as a whole and to part thereof.

(16) The description of an industrial design:

- plays an auxiliary role;
- discloses the essential features of (scope of rights in) an industrial design.

(17) In a comparative analysis relating to the establishment of novelty and originality of an industrial design, the features defined by the function of an object or technical features:

- are taken into account;
- are not taken into account.