

How to Apply for a Registered Community Design



Applying for a Registered Community Design

Guidance for UK applicants

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The Registered Community Design

A Registered Community Design (RCD) is a registration for a single design. It is valid in all countries of the European Union (EU).

You can send your application for a Registered Community Design either to:

- the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) in Alicante, Spain; or
- us (the UK Intellectual Property Office), but you will have to pay us an extra handling fee if you file via us.

This booklet tells you how to apply and also includes other information about OHIM.

Who can apply for a Registered Community Design?

Anyone can apply for a Registered Community Design.

How do I apply?

You can fill in an electronic application form on the OHIM website at www.oami.eu.int or print the form and then fill it in.

You can create your own form on a computer but you must make sure that the form is in the same format and gives the same information as the official form.

Or you can fill in a printed form which you can get from us or from OHIM.

Which language should I use to fill in my application form?

You can fill in the form in English.

You can fill in the form in any of the languages of the EU. However you must also choose a second language from Spanish, German, English, French or Italian (the five working languages of OHIM). This must be different from the language you used to fill in the form even if the language you used is one of these five.

OHIM will use the second language in case there are invalidity proceedings and the first language is not one of their five working languages. Invalidity proceedings are where someone tries to prove that a registered design should not have been registered.

Where should I send my application?

1 You can send your application straight to OHIM in one of the following ways.

- Post it to: Office for Harmonization in the Internal Market
(Trade Marks and Designs)
Apartado de correos, 77
E-03080 Alicante, Spain.
- Have it delivered to: Office for Harmonization in the Internal Market
(Trade Marks and Designs)
Avenida de Europa, 4
E-03008 Alicante, Spain.
- Hand it in at the OHIM reception during their opening hours (8.30am to 1.30pm, and 3pm to 5pm), or put it in their 24-hour letter box.

We do not recommend that you send your application by fax.

2 You can take or send your application to us at one of the following addresses.

International Trade Mark
and Designs Applications
Concept House
Cardiff Road
Newport
NP10 8QQ

International Trade Mark
and Designs Applications
Harmsworth House
13-15 Bouverie Street
London
EC4Y 8DP

Mark your envelope 'For the attention of the OHIM Application Unit'.

You should send **only**:

- your application form;
- the handling fee sheet (form FS3); and
- the handling fee of £15.

You can pay the £15 handling fee:

- by cheque made payable to 'The UK Intellectual Property Office'
- by credit or debit card if you fill in the details on the fee sheet;
- straight from your UK Intellectual Property Office deposit account; or
- by bank transfer straight to our account at Barclays Bank (sort code 20-18-15, account number 80531766).

We will:

- send your application by courier to Alicante; and
- send you a receipt confirming:
 - when we received your application;
 - your reference;
 - how many pages of attachments we received;
 - how many pages we sent to OHIM; and
 - that we have received your handling fee.

OHIM will examine your application and will contact you or your representative if there are any problems with it.

What about follow-up documents?

You must send all other documents straight to OHIM. Please write your original reference number on all other documents you send. We cannot accept any other documents for OHIM.

What is the filing date of my Community Design application?

The filing date is the date when we or OHIM received your application as long as your application contained all of the following.

- A request for registration of a community design. That is, you have applied for a Registered Community Design and not any other industrial property right.
- Your name and address.
- An illustration of your design or, where possible, a two-dimensional sample of your design.

What happens if I do not send all of the above with my application?

OHIM will ask you to send the missing documents or information within two months.

If you do this, they will give your application the filing date when they received the last document or piece of missing information.

If you do not do this, they will treat your application as if it had never been made.

What does it cost to apply for a Registered Community Design?

The fee is in two parts.

- The registration fee is:
 - 230 euros for one design;
 - another 115 euros for each extra design up to 10; and
 - another 50 euros for each extra design above 10.
- The publication fee is:
 - 120 euros for one design;
 - another 60 euros for each extra design up to 10; and
 - another 30 euros for each extra design above 10.

You can ask OHIM to delay or 'defer' publication by paying the following fees instead of the publication fee, but you must pay these fees when you apply.

- 40 euros for one design;
- another 20 euros for each extra design up to 10; and
- another 10 euros for each extra design above 10.

If you do this, you will still have to pay the publication fee when you ask OHIM to publish your application.

How do I pay?

You must pay all these fees in euros. You cannot pay in any other currency.

You must send all fees, apart from the UK handling fee, straight to OHIM.

You can pay OHIM:

- by cheque;
- straight from an OHIM current account; or
- by bank transfer to either of the following accounts.

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

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

[Do I have to pay when I apply?](#)

Yes, you must pay OHIM when you apply.

[Do I need a representative?](#)

You do not need a representative if you live in one of the countries of the EU. However, if you live outside the EU, you need to authorise a representative in the EU.

The laws, rules and time limits that apply to designs can often be complicated. If you have no experience in design legal matters, you may find it useful to employ someone such as a trade mark attorney or patent agent. Their professional experience and advice may help you to overcome some of the difficulties.

If you employ someone to deal with your application, please remember that only lawyers who qualified in one of the countries of the EU, and professional representatives whose names are on the list kept by OHIM, can act as your representative with OHIM.

Only people who are qualified to deal with the various national industrial property offices (such as the UK Intellectual Property Office) in the EU can be put on the list of professional representatives.

Publications

The Community Designs Bulletin is only available on the OHIM website at www.oami.eu.int

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