

Consultation on the statutory forms to be introduced with the new registered designs rules

Summary of Responses and the Designs Registry's Conclusions

Overview

1.1 The consultation document entitled "Consultation on the statutory forms to be introduced with the new registered designs rules" was placed on the Patent Office website on 15 March 2006. During the consultation period, the document was accessed by 792 users (the PDF version of the consultation document was downloaded 136 times) and paper copies were sent to all of the organisations and individuals listed at Annex A. A total of two organisations commented specifically on the proposed new forms, namely the Chartered Institute of Patent Attorneys (CIPA) and the Chartered Society of Designers. Written comments were also received from a practising patent and trade mark agent who regularly files design applications. In addition, a meeting of the representative groups took place in London on 6 March 2006 where the draft forms were scrutinised and all comments were taken into account in preparing the final drafts.

1.2 The Designs Registry is in the process of modernising the system to register new designs, to make it as quick, accessible and as affordable as possible. The aim of the new statutory forms is to achieve these modernisation objectives, and to underpin the changes to the Registered Designs Act 1949 that are due to be made with a Regulatory Reform Order.

1.3 The responses make clear that the users of the system generally welcome the new set of forms, and comments centred around the need for the forms to be in keeping with other Patent Office statutory forms that have recently been updated, and the need for the application forms to be as clear and transparent as possible, especially in introducing the multiple application system and new fees based on multiple filings and the new option to defer publication of all designs.

Summary of responses and our conclusions

2.1 A number of drafting amendments have been made as a result of all of the responses. The main responses related to the design of the application forms as detailed below.

The application forms DF2A and DF2B

3.1 The aim of the application forms is to enable either an application for a single design or an application for any number of designs, otherwise known as a multiple design application. Furthermore the aim is to design the forms in such a way that they are clear and transparent to any applicant who wants to use them. The original design of the application form, which gives a front sheet asking for all common information such as name and address of the applicant and the contact details, and a second sheet which asks for information that is just special to each individual design in the application has been maintained due to the overall favourable comments. Also

maintained, are a set of explanatory notes to assist the public in completing all sections of the forms. Following all of the comments, certain phraseology has been changed in order to make the forms and the notes as clear as possible. The main areas of re-design have been concerning the way in which the form assists in helping the applicant to determine the fees payable in any multiple application. Finally, we decided upon a "Designs Ready Reckoner" sheet as a guide to calculate the fees which will be attached to each application form.

Appointment or change of agent or contact address

3.2 One other significant change was brought about by a comment from CIPA on the DF1A. They suggested that the form be for authorisation of certain actions rather than a blanket appointment of one agent for all actions on a case. This is because applicants could have more than one agent representing them on any one design application or registration, or indeed they may wish to deal with some actions themselves. This point was accepted and the DF1A has been changed accordingly.

Annex A

List of organisations consulted

The Law Society
The Law Society of Scotland
The Bar Council
Trade Marks, Patents and Designs Federation
Confederation of British Industry
University of London, Queen Mary and Westfield College
British Retail Consortium
Incorporated Society of British Advertisers
Chartered Society of Designers
Association of British Chambers of Commerce
Consumers Association
National Consumers Council
Federation of Small Businesses
Licensing Executives Society
International Chambers of Commerce
Intellectual Property Institute
London Chamber of Commerce and Industry
Anti-Counterfeiting Group
British Brands Group
The Patent Judges
The Intellectual Property Sub-Committee of the City of London Law Society
Anti-Copying in Design (ACID)
Chartered Institute of Patent Agents (CIPA)
The Design Council
Institute of Trade Mark Agents (ITMA)
University of Oxford
University of Cambridge

Governmental/Quasi Governmental Organisations

The Scottish Parliament
The National Assembly for Wales
The Isle of Man Office
The Treasury
The Ministry of Defence
The Council on Tribunals
The Scottish Council on Tribunals
The Law Commission
The Scottish Law Commission