

Filing requirements for design applications in Australia.

We require the following information to file a design application on your behalf

Filing Requirements

- The full name(s) and address(es) of the applicant(s).
- The generic name of the article(s) or product(s) e.g. bottle, pump, shoe.
- Representations of the article(s) or product(s), preferably including a perspective view. We can provide optional drafting services, if preferred.
- A description of any new and distinctive features of the design(s) that are to be given particular emphasis when considering validity and infringement of the design.
- Entitlement details confirming how the applicant(s) gains entitlement to registration of the design from the author(s) e.g. by explicit assignment or employment contract.
- Details of any claim to convention priority, including priority application number, country and filing date of the priority application(s).

Representations should preferably be black line drawings. Digital (photographic) images are acceptable. Do not include wording or numbering in the representations other than to indicate the type of view (perspective, front, side etc.) We do not recommend the use of engineering drawings as these generally show extraneous measurement and manufacturing detail that can aid product copying. We also recommend removing any trade marks, product and company names, part numbers, manufacturing or safety codes, marks or standards, or wording such as "patent pending", "patent number #" or "design registered" etc.

Once the application is filed it will be examined for formality and registration requirements. If no objections are made by the Designs Registry, the application will proceed to registration.

Examination

A design application or registration is not automatically examined for substantive requirements. Once registered, the applicant, a third party or the Registrar of Designs can request substantive examination.

If commenced, substantive examination must be completed and the design registration certified within six months from issue of the first substantive examination report. The design registration lapses if it is not certified within this period. No extension of this six month period is

possible unless exceptional circumstances apply. Once certified, the registration is enforceable for infringement purposes against third parties.

Term

Once registered, the design registration remains in force for an initial five (5) years from the registration date and may be renewed once for a further five year period, giving a maximum potential term of ten years.

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Note: No authorisation of agent form or power of attorney is required for us to act in Australia on your behalf.

For more information on Watermark's comprehensive range of intellectual property services contact mail@watermark.com.au

NZ
Designs

