

# Chopra Law Offices

Solicitors & Advocates

## A TEN STEPS GUIDE TO FILE AN APPLICATION FOR INDUSTRIAL DESIGN

### Step 1 Finding out whether any registration already exists

CLO will assist you to search whether the proposed design has been previously registered with the Registrar, Designs. If the registration number is known, Form No.-6 is filed along with the prescribed fees. If the representation of the article or the specimen of the article is known, Form No.-7 is filed along with the prescribed fees.

### Step 2 Preparing a representation of the design

A representation is the exact representation of the article on which the design has been applied. It should be prepared on white A4 size paper of durable quality. Cardboard or mount it on other papers are ineligible. Details of the design and applicant have to be indicated clearly.

### Step 3 Identifying the class of design

Proposed design is to be categorized in separate classes. An internationally accepted classification of Industrial Designs based upon the function of the article is required. The class and sub-class should be mentioned in the application. There are 32 classes and most of the classes are further divided into sub-classes.

### Step 4 Providing a statement of novelty

A statement of novelty should be included on the representation of a design as per the Designs Act in order to specify the claim, which will enable speedier examination and provide a more specific protection. The claim will protect the overall visual appearance of the design as described in the representation of drawing.

### Step 5 Including a disclaimer

Inclusion of a disclaimer if the ornamental pattern on an article is likely to be confused with a trademark, suggests any mechanical action or contains words, letters, numerals, etc.

### Step 6 Claiming Registration by citing a priority date

An Applicant can claim registration of the proposed design in India by citing a priority date if the Applicant has applied for protection of the proposed design in convention countries or countries which are members of inter-governmental

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organizations. This is the date of filing of the application in any of such countries provided the application is made in India within six months therefrom.

7 Determining the fee to be paid

Applications are to be accompanied by the statutory fee.

Step 8 Ensuring all enclosures are attached

File an application only after ensuring that all enclosures and applicable statutory fee in the required numbers are attached.

Step 9 Complying with objections (if any)

After preliminary examination by the design office, in case the Design Office seeks additional information or clarifications CLO will ensure that these are provided promptly. This will help the office to take up your application for early examination.

Step 10 Providing full details

While filing an application make sure that all contact details and addresses are clearly and legibly filled in.

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