

Designs Regulation Amendment. May 30, 2002.

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Regulation (No. 2002:572) Amending

the Design Protection Regulation (1970:486)

Issued on May 30, 2002

Amendments ➡

The Government prescribes, as regards the Design Protection Regulation (1970:486),

that Sections 5, 8 to 11, 14 to 19, 22, 23, and 35 shall cease to apply

that the headings immediately before Sections 8 and 15 shall be deleted

that Sections 2 to 4, 6, 13, 20, 21, 24, 27, 29, 32, 34 and 36 to 38 shall read as follows and

that seven new Sections shall be inserted into the Regulation, numbered 28a to 28g, and that new headings shall be inserted immediately before Sections 28a and 28b, reading as follows.

2. An application for the registration of a design shall consist of a document in writing (application document) with annexes.

The application document shall be signed by the applicant or his representative and contain

1. the name, domicile and address of the applicant and, where the applicant has a representative, the name, domicile and address of the representative

2. the name and the address of the creator of the design

3. an indication of the product or the products in which the design is intended to be incorporated or be applied to, and about the class under the Locarno Agreement of October 8, 1968, Establishing an International Classification for Industrial Designs to which the product, according to the applicant, shall be assigned

4. if the registration is applied for jointly by several persons, an indication whether one of them is authorized to receive, for all of them, communications from the Registration Authority

5. an indication of whether priority is claimed under to Article 8 of the Design Protection Act (1970:485) as well as an indication about where and when the earlier application was filed

6. an indication of whether the applicant requests that the document showing the design shall be kept secret

7. an indication about how many periods of five years the application relates to, in case the applicant, under Article 24 of the Design Protection Act, applies for registration for several periods of five years

8. an indication about the annexes that accompany the application.

As annexes to the application shall be attached

a) pictorial material showing the design

b) where the applicant has a representative, a power of attorney for the representative

c) if the design has been created by a person other than the applicant, a document proving the applicant's entitlement to the design.

Application fees and additional fees as indicated in Section 29 shall be paid together with the application.

3. Any application document and annexes shall be in the Swedish, Danish or Norwegian language. The Registration Authority may, however, in particular cases decide that the indication of products shall be in Swedish.

If a document is filed in a language other than what is prescribed in the first Paragraph, first sentence, a translation shall be filed if the Registration Authority so requests.

4. Pictorial material showing the design shall be filed in the number of copies decided by the Registration Authority and in a format not exceeding A 4 (21 times 29,7 centimetres). If the format is a smaller one than A 4, one copy shall be fixed on a white paper in format A 4. The pictorial material shall be suitable for reproduction in black and white in another format.

If the applicant files a model of the design, it shall be made of durable material and must not exceed 40 centimetres in any direction or weigh more than 4 kilograms. Objects that are liable to become putrid or are dangerous must not be filed as models.

If an application relates to several designs, distinct pictorial material shall be filed for each design. In the case of such an application, pictures and, where applicable, models shall be clearly marked with subsequent numbers.

6. The Registration Authority keeps a diary of applications received for the registration of designs. The diary is open to the public.

In the diary is recorded, in respect of each application,

1. the filing date and the number in the diary

2. the date on which pictorial material or a model showing the design was first filed, where

this date is not the same as the filing date

3. the product in which the design is intended to be incorporated or be applied to, and the class to which the design shall, according to the applicant, belong

4. the name, domicile and address of the applicant

5. if the applicant has a representative, the name, domicile and address of the representative

6. the name and address of the designer

7. if priority is claimed, an indication of where the earlier application was filed, the date of that application, and the number of the application

8. an indication of the expiry date for the requested protection term

9. whether the applicant has requested that a document showing the design shall be kept secret

10. models that have been filed, communications that have been received and fees that have been paid in the case

11. decisions taken in the case

12. postponements that have been decided under Section 28f in an opposition procedure.

13. In the course of the examination under Article 14 of the Design Protection Act (1970:485) the Registration Authority shall take into consideration everything that has come to the knowledge of the Authority.

The examination under Article 14 of the Design Protection Act concerning whether there is an obstacle to registration shall be conducted to the extent called for by the contents of the design and to the extent that can be carried out without a substantial delay in the examination of the application.

20. The Register referred to in Article 18 of the Design Protection Act (1970:485)—the Design Register—is kept by the Registration Authority.

The Design Register and the diary referred to in Section 6 are kept by means of automatic data processing.

The Registers shall be kept at the Registration Authority.

21. When a design is entered into the Design Register, it shall be given a registration number. In the case of a joint registration, all the designs shall be given a joint registration number. The holder of the design shall be presented a certificate of the registration.

The Register shall contain

1. the diary number of the application and the registration number of the design

2. the name, domicile and address of the design holder and, where the holder has a representative, the name, domicile and address of the representative

3. the name and address of the designer

4. an indication of the products in which the design is intended to be incorporated or applied to and about the class to which it has been assigned

5. an indication of the date

a) when the application for registration was filed or, according to Article 13, first Paragraph, of the Design Protection Act (1970:485) shall be considered to have been filed

b) when a document showing the design has been made publicly available

c) when the design was registered and was published

6. an indication of the expiry date for the registration

7. an indication of priority claimed with an indication of where the application from which priority is claimed was filed, the date for that application and the number of the application

8. pictorial material showing the design

9. an indication of whether a model has been filed.

24. If someone has given notice to the Registration Authority that he intends to file an action for the revocation of a design registration or for a transfer of a registration, this fact shall be recorded in the Register.

When a copy of a judgement or a final decision has been transmitted to the Registration Authority according to Article 44 of the Design Protection Act (1970:485) this fact shall be recorded in the Register. When the judgement or the decision has taken legal force, such an entry shall be recorded in the Register that the essential contents of the case can be obtained from the Register.

27. The publication of a notice about the renewal shall contain an indication about the registration number for the design, the first and the last date of the renewal period and about the name and address of the holder of the design.

Publication of Notice of Registration ➡

28a. A notice of registration under Article 18, first Paragraph, of the Design Registration Act (1970:485) shall contain

1. the diary number and the registration number of the application

2. the name and the address of the design holder and, if the holder has a representative, the name, domicile and address of the representative

3. the name and address of the designer

4. an indication of the product in which the design is intended to be incorporated or applied to, and about the class to which the design has been assigned
5. an indication of the date when the application was filed or, according to Article 13, first Paragraph, of the Design Protection Act (1970:485), shall be considered to have been filed
6. an indication of the priority requested and of where the earlier application to which reference has been made, was filed, the date for that application and the number of the application
7. pictorial material showing the design
8. an indication of whether a model has been filed
9. an indication of whether the pictorial model was in colour
10. an indication of the last date of the validity of the registration.

Opposition Proceedings ➡

28b. Any opposition against a registration, as well as later submissions from the applicant or the opponent, shall, together with any annexes, be filed in three copies with the Registration Authority.

When an opposition is filed, it shall indicate the facts on which it is based.

28c. If the opponent is represented by a representative, also a power of attorney shall be filed.

28d. The design holder shall receive copies of all documents filed by an opponent.

If the design holder files observations relating to the opposition, the Registration Authority shall decide whether further exchange of communications is necessary in the case.

28e. If a communication of relevance for the examination by the Registration Authority is filed in the course of the examination of the application for registration, the applicant shall be informed about this fact. If anyone has filed such a communication before the registration has been published, the Registration Authority shall, where the matter does not concern the entitlement to the design, inform him about the possibility to file an opposition.

28f. If an opposition filed is based on Article 4, item 3 of the Design Protection Act (1970:485) the Registration Authority may postpone the examination of the opposition case until the design with the earlier application or priority date is made publicly available.

28g. The decision by the Registration Authority in an opposition procedure shall be published. If the decision implies that the registration is partly revoked, the design in the new form shall be clear from the publication.

29. The following fees shall be paid in respect of applications for registration of designs

Application fee according to Article 48 of the Design Protection Act (1970:485) for the first period of five years 1 500 SEK

Application fee for every period of five years beyond the first one, where the registration relates to registration for several periods of five years 2 200 SEK

Additional fee according to Article 48 of the Design Protection Act:

a) class fee for each class to which the design is assigned, beyond the first one 500 SEK

b) joint registration fee for each design beyond the first one 1 000 SEK

c) storage fee for each model 500 SEK

d) publication fee for each picture beyond the first one 200 SEK

Reinstatement fee according to Article 14, fourth Paragraph of the Design Protection 500 SEK

An additional fee shall, except as regards the publication fee, be paid also for each period of five years beyond the first one.

32. Designs shall be assigned to classes according to the Locarno Agreement of October 8, 1968, establishing an International Classification for Industrial Designs. The classification shall be available at the Registration Authority.

34. Any model that has been filed with the Registration Authority according to Article 10, third Paragraph, of the Design Protection Act (1970:485) shall be kept at the Registration Authority until five years have elapsed from the expiry of the registration. If the design holder has not, at the time of the expiry of the five year period, requested the model to be returned, the Registration Authority may destroy it.

36. Any action based on any of the provisions in Article 4, items 1 or 2 of the Design Protection Act (1970:485) shall be brought by the public prosecutor.

37. When a judgement or a final decision in cases referred to in Articles 16, 31 to 32, 35 to 38 or 41 of the Design Protection Act (1960:485) has taken legal force, the Court shall, as soon as possible inform the Registration Authority.

38. The Registration Authority may issue further provisions concerning applications for registration, and the examination procedures relating to them, concerning cases relating to registered designs, concerning the Design Register and concerning the publication of notices in cases relating to the registration of designs.

Entry into force ➡

1. This Regulation enters into force on July 1, 2002.

2. The new provisions shall, subject to what is prescribed below, apply also to designs which are registered at the time of the entry into force or which are registered on the basis of applications which have been filed before that point in time.

3. The provisions previously in force shall apply to applications for registration which have been filed before October 28, 2001.

