

# Regulatory Procedure for Industrial Design Registration



**Small and Medium Enterprises Development Authority**

**Ministry of Industries & Production  
Government of Pakistan**

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## **1. Legal Services, SMEDA-Punjab**

The Legal Services (LS) is a part of Punjab office of the Small Medium Enterprises Development Authority (SMEDA) and plays a key role in providing an overall facilitation and support to the small and medium businesses. Information dissemination among the SMEs on the existing legal & regulatory environment and business to business and business to client contracting is of paramount importance and plays a pivotal role in their sustainable development.

## **2. Need for Registration of Industrials Design of Commercial Products**

Before launching of any marketing campaign of any commercial Product, it is important to get registered its design first to get whole benefit of the good will of the product. Mostly people don't know from where to start this. Keeping in view this element, the subject document is prepared in simplified form to facilitate the SME sector. This document is a demonstrative guide for business community who are interested in getting design registration of their commercial products.

## **3. Disclaimer**

The information contained in this template is meant to facilitate the businesses in documenting transactions. However, SMEDA, accepts no responsibility and expressively disclaim any and all liabilities for any and all losses/shortfalls caused by or motivated by recommendations from the information contained within this document. Although SMEDA's ambition is to provide accurate and reliable information; yet, the document is not an alternative to expert legal advice and should ideally be used in conjunction with the same. Any person using this document and or benefiting from the information contained herein shall do so at his/her own risk and costs and be deemed to have accepted this disclaimer.

All information contained in this document may be freely used provided that relevant acknowledgement is accurately quoted with each usage.

#### 4. Words and Phrases<sup>1</sup>

Serial #	Words and Phrases	Definition
1	Article	“Article” means any article of manufacture and includes an part of an article if made and sold separately
2	Assignee	“Assignee” includes the legal representative of a decease assignee, and any references to the assignee of any person include references to the assignee of the legal representative or assignee of that person;
3	Design	“Design” means features of shape, configuration, and pattern ornament applied to an article by any industrial process or means, being features which in the finished article appeal to and are judged solely by the eye, but does not include a method or principle of construction or features of shape or configuration which are dictated solely by technical and functional considerations.
4	Registration of design	“Registration of design” means the right to prevent third parties from applying a design to an article and from making, importing, selling, hiring or offering for sale or hire any article in respect of which a design is registered, being an article to which the registered design or a design not substantially different from the registered design has been applied and from making anything enabling such article to be made as aforesaid, except with the license or written consent: of the registered proprietor.
5	Proprietor or creator of a design	Owner of the design

<sup>1</sup> Registered Design Ordinance, 2000

## 5. Relevant Law

The Pakistani law that deals with design registration in Pakistan is as following:

- Registered Design Ordinance, 2000

## 6. Relevant Authority for Application of Registration of Design

Intellectual Property Organization of Pakistan (IPO – Pakistan)

### **IPO Pakistan-HQs:**

3rd Floor, NTC-HQs Building, Attaturk Avenue (East), Sector G-5/2, Islamabad.

- Tel: +92-51-9245830-32
- Fax: +92-51-9245874

### **The Patent Office:**

IP-House: Plot # CD-3 behind KDA Civic Centre, Gulshan-e-Iqbal, Karachi

Tel: + 92 - 21 - 99230591

Fax: +92 - 21 - 99230592

Email: [patent@ipo.gov.pk](mailto:patent@ipo.gov.pk)

### **Lahore Office:**

Basement of Lahore Chamber of Commerce Building

11-Shahrah-e-Aiwan-e-Sanat-o-Tijarat (Near China Chowk), Lahore

Tel: +92-42-99205850

Fax: +92-42-99205855

Email: [lahore@ipo.gov.pk](mailto:lahore@ipo.gov.pk)

## **7. Introduction of Industrial Design**

An industrial design is the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two dimensional features, such as patterns, lines or colour.

Industrial designs are applied to a wide variety of products of industry and handicraft: from technical and medical instruments to watches, jewellery and other luxury items; from house wares and electrical appliances to vehicles and architectural structures; from textile designs to leisure goods.

An industrial design is primarily of an aesthetic or visual nature, and does not relate to the technical features of an article.

## **8. Advantages of Registered Designs**

- Legal Protection of your intellectual work in the Court of Law;
- Prevent unauthorized copying or duplication of your design by others;
- Branding and Goodwill in the Marketplace;
- Industrial designs that add to the commercial value of your product and facilitate its marketing and commercialization;
- Protection helps ensure that fair return on investment obtained;
- Design and Industrial design protection promote fair competition and fair-trade practices. This leads to the production of more aesthetically pleasing and diversified products, thereby expanding consumer choice;
- The protection of industrial designs stimulates the economic development of the country, promoting the expansion of commercial activities and increasing the export potential of the national product;
- Eliminate the fear of theft and threats;

## 9. Procedure for Registration of Industrial Design

Filing of an Application on the prescribed form (D 15) with the applicant's necessary information including:

- Name
- Nationality,
- Complete business address of the applicant
- Six copies of representation of the design along with priority document (If the applicant intends to claim priority).
- Deed of Assignment (If the applicant is not true and first inventor, duly signed Power of Authority from the applicant and prescribed fee;

Upon submission of the design application, the Industrial Design Registration application will become reviewed by an Examiner of Design Office. Thereafter the first examination Report will be issued involving following steps:

- i. Formal examination
  - ii. Substantive examination
  - iii. Reporting
- It is necessary to file a reply within one month from the issuance of the examination report;
  - After satisfaction of reply of examination, report Registrar passes an order for Publication in E-Journal /Official Gazette;
  - If no Opposition received within 2 months from the publication in the E-Journal/Official Gazette Registration Certificate issues accordingly
  - Accumulated time from Filing to Registration of Design applied for is six months only

## 10. Grounds for Refusal of Registration of Industrial Designs

- If a design is not new or original cannot register;
- If a design which is similar or identical to those already registered or published somewhere in the world before the filing date (or, in the case of an application claiming priority U/S 11 of the Design Ordinance) In the case of a design, or this, it differs from such previous designs only in non-essential details or features that will commonly use variants in the industry;
- However, in accordance with section 6 of the Design Ordinance, exceptions to this rule are; “When the registered owner of a registered industrial design for any product files an application;
- Registration for one or more other articles of the registered industrial design, or the same or more than one industrial design consisting of a registered industrial design. For registrations related to others. objects, change the character, or significantly affect his personality;
- An application cannot refuse and the registration made for this application shall not invalidate solely on the basis of previous registration or publication of the registered industrial design;
- Provided that the period for registration of an industrial design registered in accordance with this section cannot exceed the expiration of the initial and extended registration period for the original registered industrial design;
- A method or design principle, or an improvement in the design, arrangement, or application of machines;
- Anything that is essentially just a mechanical device. In other words, a construction that consists of shape or configuration features, which determined solely by the function that the article to manufacture in this shape or configuration must fulfil;
- Trademarks all trademarks within the meaning of Section 2 of the Trademark Act 1940. The mere addition of two or more known articles with a known shape or pattern;



## 11. Duration of License

In Pakistan, the Registration Term of the Industrial Design is 30 years from the Date of Application, with the first renewal due at the end of the 10th year and the second renewal at the end of the 20th year. The Effective Date of Registration of the Industrial Design is the Priority Date.

## 12. Classes of Design <sup>2</sup>

Following are the classes of the design to be selected for registration:

**Class 1.** Articles composed wholly of Metal or in which metal predominates, and jewellery.

**Class 2.** Books and bookbinding of all materials.

**Class 3.** Articles composed wholly of India-rubber, wood, bone, ivory, Paper Mache, celluloid, bakelite, or like substances, or of material in which such substances predominate

**Class 4.** Articles composed wholly of glass, earthenware or porcelain, clay (burnt or baked), or cement or in which such materials predominate.

**Class 5.** Articles composed wholly of paper, card-board, mill-board or straw board, or in which such materials predominate.

**Class 6.** Articles composed wholly of leather or in which leather predominates, not included in other classes.

**Class 7.** Paper hangings

**Class 8.** Carpets, rugs and floor coverings in all materials.

**Class 9.** Lace.

**Class 10.** Boots, shoes and the like foot-wear.

**Class 11.** Millinery and wearing apparel (except articles included in class 10).

**Class 12.** Goods not included in other Classes.

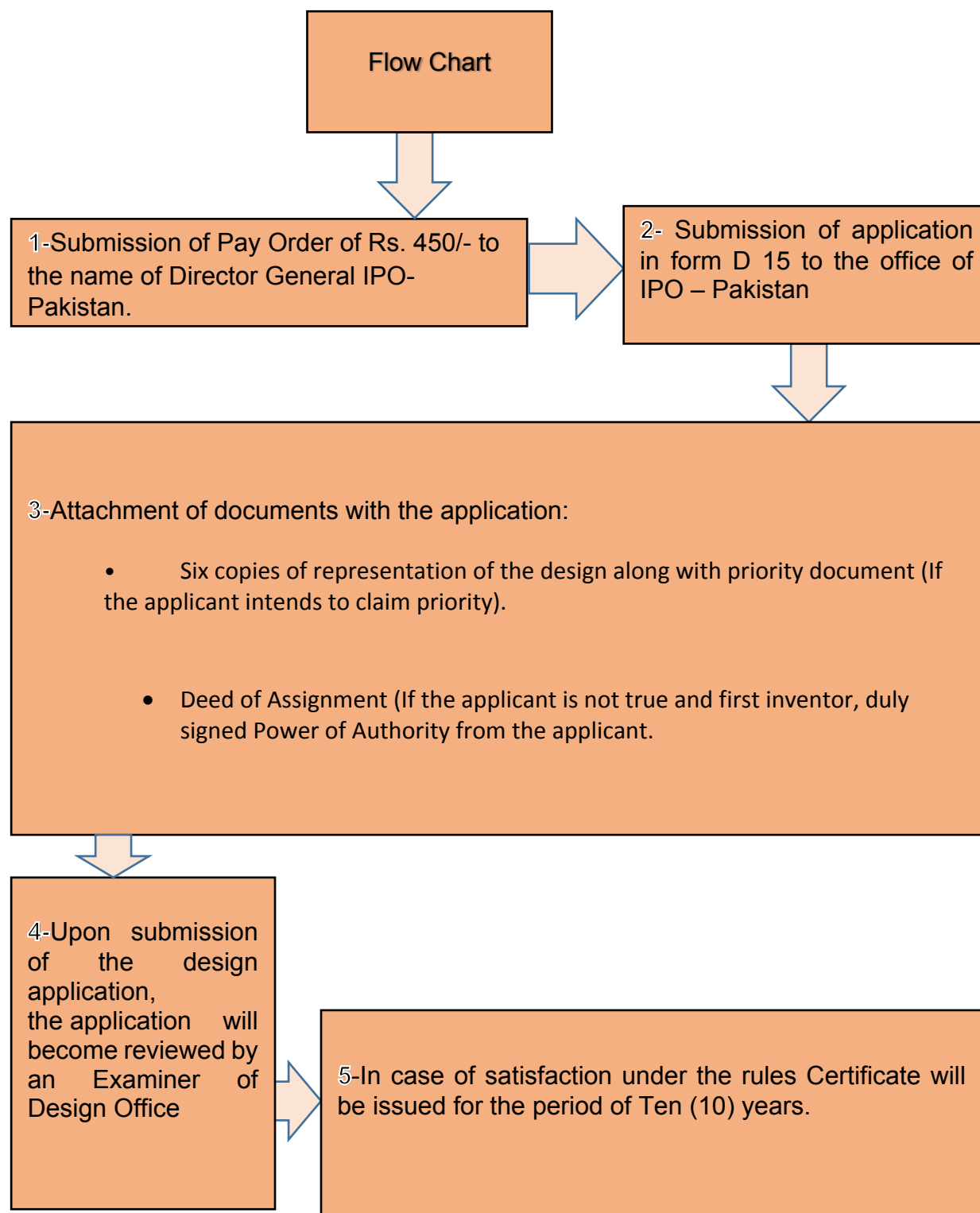
**Class 13.** Printed or woven designs on textile goods (other than checks or stripes).

**Class 14.** Printed or woven designs on textile goods being checks or stripes.

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<sup>2</sup> [https://ipo.gov.pk/design\\_classifications](https://ipo.gov.pk/design_classifications)

### 13. Flow Chart of Stepwise Procedure



## 14. Annexure: A

**Form 15**

Fee: Rs. 450.00

**Registered Designs Ordinance, 2000**Application for registration of designs  
(Section 3)<sup>1</sup>Insert number of class.You are requested to register the accompanying design in Class No. <sup>1</sup>\_\_\_\_\_ in the  
name of <sup>2</sup>\_\_\_\_\_<sup>2</sup>Insert (in full) the name,  
address, and nationality.

\_\_\_\_\_ who claim (s) to be proprietor (s) thereof.

<sup>3</sup>State whether drawings,  
photographs or specimens.Four exactly similar <sup>3</sup>\_\_\_\_\_ of the design accompany this request.<sup>4</sup>Insert name of article or  
articles to which the design  
is to be appliedThe design is to be applied to <sup>4</sup>\_\_\_\_\_<sup>5</sup>Strike out these words if  
no previous registration  
has been effected.<sup>5</sup>The design has been previously registered in Classes \_\_\_\_\_  
under No \_\_\_\_\_Address for service in Pakistan is <sup>6</sup> :—<sup>6</sup>Unless an address for  
service in Pakistan is  
given, the request may not  
be considered.  
See Rule 4.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200

(Signed) \_\_\_\_\_

To,

THE CONTROLLER OF PATENTS AND REGISTRAR OF DESIGNS.

THE PATENT OFFICE, KARACHI.