Industrial designs. Requirements in respect to the documents of the application

Application and Required Documents

In order to register an industrial design (ID), the applicant shall submit to the AGEPI an application, which shall include:

- the standard application form approved by the AGEPI through which the industrial design is sought;
- the graphical representations of the industrial design.

Applications shall be accompanied by:

- the description of the industrial design, if applicable;
- the power of attorney signed by the applicant if the application is filed through a representative;
- the priority document if it was claimed;
- the assignment contract or any other document confirming that the applicant is entitled to claim priority according to the first application under Art. 41 of Law no. 161/2007 on the protection of the industrial design;
- the letter of agreement, if applicable;
- the proof of payment of the prescribed fee.

The application and accompanying documents shall be filed with the AGEPI by the applicant or his representative.

The application form shall be submitted in 2 copies.

The graphical representations of an industrial design shall be submitted:

- in eight copies, if they are in color, or
- in 4 copies if they are in black and white, all being identical.

One graphical representation shall be reproduced on each copy of the application form, the other ones shall be submitted in a separate envelope.

The graphical representations of the industrial design may be made as graphical reproductions (including graphics by electronic means) or black and white or colored photographs.

The graphical representations shall meet the following requirements:

- Each graphical representation shall be included in a rectangle which shall not contain any other representations or parts of another graphical representation;
- The graphical representations shall be glued or printed on the application form or separate sheets of paper;
- The graphical representations shall have minimum dimensions of 3x3 cm, and maximum of 16x16 cm;
- The industrial design shall be reproduced on a neutral background and it shall not be retouched with ink or a liquid correction pen. The background shall be deemed neutral if the industrial design is clearly distinguished therein. The image shall be clear, distinct, without

shadows, other accessories, persons, animals, etc.;
- In case of graphical representations submitted on separate sheets of paper, A4 white opaque sheets of paper shall be used. On the left, a margin of at least 2,5 cm shall be left, and the space reserved for the representations shall not exceed 24x16 cm;
- The sheets shall not be bent or stapled. No explanatory text, term or symbol shall appear on the sheets of paper, except the numbering of the graphical representations.

It is recommended to enclose an electronic support to the graphical representations, which shall contain graphical representations identical to the ones submitted on paper;

- The graphical representations shall completely render the industrial design which is the subject-matter of the registration application so that its aesthetic features are highlighted. The graphical representations shall be of sufficient quality so that all the industrial design details are highlighted and the publication is possible;
- a product may be represented in one or more positions and angles (front, side, above, etc., views). Each view shall be numbered on margins with Arabic figures, separated by dot, the first figure indicating the number of the industrial design and the second one – the number of the view (for example 1.1, 1.2, etc.);
- all the views for an industrial design shall be presented at the same scale. Where necessary, in order to highlight certain essential fragments, additional views shall be presented at a larger scale.

The following shall not be admitted as graphical representations:

- technical designs showing the object in section or plan with symmetry axes, breaks and allowances, and explanatory texts on or next to the objects;
- representations that may not be reproduced.

The documents enclosed with the application and, if appropriate, subsequent communications related to the application shall be submitted in a single copy.

The application for registration of an industrial design may include one or more industrial designs (up to 100). The industrial designs of an application shall relate to the same class of the International Classification of Industrial Designs.

Moreover, the applicant and the author (s) shall be one and the same for all industrial designs contained in the application.

The application, the documents enclosed with it and, where appropriate, the subsequent communications related to the application shall be typewritten in the state language.

Translation from Russian of the documents enclosed with the application shall not be compulsory for natural persons.

The applicant may attach a description to the application.

Where the application is filed through a representative, the power of attorney issued by the applicant shall be attached thereto.

The power of attorney shall be issued and signed by the applicant not requiring legalization or notarial authentication. It shall:

- be issued in respect to the management of one or more applications;

- contain the issue date. A power of attorney with no date indicated shall be deemed null;

- fix the limits of the empowerment of the representative.

Where it is requested the withdrawal of the application, renunciation to the right over the industrial design or any other procedure related to the transfer of rights, this may be done through a representative only by a special mandate which will specify expressly the withdrawal of the application , renunciation or transfer of rights;

- be signed by the person who issued it.

Any action of the representative for which he is empowered in the power of attorney shall be considered the action of the applicant. Any recording on the designation of a representative shall be deleted, where it is requested in a written communication. The designation, change and radiation of the representative recording shall not be subject to fees.

Where the application priority is claimed, the document justifying priority claiming shall be submitted within 3 months from the application filing date. Where the priority acts were not submitted within the prescribed term, the claimed priority shall not be recognized.

In order to claim priority on the basis of a previous application (conventional priority) the applicant shall file the priority act, issued by the competent body where the first deposit and a copy thereof were created.

Claiming exhibition priority is justified by a document which shall include:

- name and address of the organizer of the exhibition where the industrial design was exposed;
- exhibition name, address and date of inauguration;
- name, surname and address of the natural person or name and residence of the legal entity which included the industrial design in the exhibition;
- date of the public exhibition;
- date of issue of the document;
- representations of the exhibited industrial design, and, if applicable, the copies of the description, certified by the exhibition administration, confirming that the exhibited industrial design is identical to the one requested.

As an authorization on the right of claiming priority belonging to another person may serve an assignment contract or the excerpt thereof which will reflect the transferred rights or any other document confirming the transfer of the priority right.

The priority of the industrial design shall be determined on the deposit date.

Conventional priority shall be determined on the application filing date in a country party to the Paris Convention or the Agreement Establishing the World Trade Organization if the application for registration was filed with the AGEPI within six months of that date.

Exhibition priority shall be determined on the basis of the exhibit included in an international exhibition if the application was filed within 6 months from the date of its inclusion in the exhibition.

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