

STATE OFFICE OF INDUSTRIAL PROPERTY

**REGULATION
ON INDUSTRIAL DESIGN**

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On the basis of Article 144 paragraph (2), 145 paragraph (4), 147 paragraph (2), 148 paragraph (4), 154 paragraph (2), 155 paragraph (2), 156 paragraph (4), 159 paragraph (4), 160 paragraph (3), 163 paragraph (2), 164 paragraph (2) and 172 paragraph (6) of the Law on Industrial Property ("Official Gazette of the Republic of Macedonia" No 21/2009), the Director of the State Office of Industrial Property enacts:

REGULATION ON INDUSTRIAL DESIGN

I. GENERAL PROVISIONS

Content of the Regulation

Article 1

This regulation regulates the content and form of the industrial design application and other constituent elements and attachments to the application; the content of the request for issuing the priority right certificate on industrial design and the content of the priority right certificate; the content and manner of maintaining the Register of industrial design applications and the register extract; the content of the request for division of the industrial design application; application data for industrial design that are published in the Official Gazette of the State Office of Industrial Property; the manner of data publishing of the industrial design application in the Official Gazette of the State Office of Industrial Property, if a postponement on the industrial design publication is required; content of the opposition and method of filing an opposition to the published industrial design application; content and manner of maintaining the Register of industrial design and register extract; changes that are entered in the registers; content and form of the request and changes entry procedure; the industrial design data which are published in the Official Gazette of the State Office of Industrial Property; the content of the industrial design certificate and the form and content of the request for the renewal of industrial design validity.

II. INDUSTRIAL DESIGN APPLICATION

Content and form of the application

Article 2

- (1) Industrial design application shall contain:
 - 1) Request for grant of an industrial design right, and
 - 2) Presentations of the filed industrial design.
- (2) The industrial design application shall be filed in the Form DZIS- ID 1, on A4 paper, given in Appendix 1 which forms an integral part of this Regulation.

Content of the request for a grant of an industrial design right

Article 3

- (1) The request for a grant of an industrial design right shall contain: applicant's data; correspondence address; author's data or a statement of the author for he/she does not want to be identified in the application; industrial design title; representative's data, if the application is filed through a representative, data for the requested priority right and its basis, designation of the design type and indication of the industrial designs' total number.
- (2) If the space provided in the related section of the request for a grant of an industrial design right is not sufficient, the requested data shall be enclosed as a separate supplement to the Form in total content, indicating the number of the section to which the supplement refers to.

Presentations of the filed industrial design

Article 4

- (1) The presentation of the filed industrial design in the industrial design application may be in form of photographs and graphic presentations, printed in black and white or in color.
- (2) The presentation of the industrial design shall be submitted on A4 paper and shall contain squares in the maximum margins of 4x4 cm in whose usable surface area the photographs or graphic presentations of the filed design

shall be printed in electronic form or stuck, and they shall not exceed 3x3 cm nor exceed the total surface of the square in margins of 16x24 cm.

- (3) If the provided space for presentations of the design is not sufficient to display all photographs or graphic presentations of the design, the necessary number of copies shall be filed to the Form, indicating the sheet number in the up right corner. All filed and numbered sheets shall present one copy of the presentations of the filed industrial design.

Designs reproduction and color publishing

Article 5

- 1) Photographs and graphic presentations of the filed industrial design shall be in right angles and with equal sides, not doubled over, designated, connected by infiltration or overlapping in a manner which disables clear visibility of all features or their reproduction.
- 2) If color publishing of an industrial design is requested, photographs and graphic presentations in color shall be submitted to the State Office of Industrial Property (hereinafter "Office").
- 3) The best reproduction techniques shall be used during the publishing of designs and the issuing of the certificate for industrial design. In case of any dispute regarding the color nuances or shades of the design reproduction, the product design shall be determined by the original sample of the design filed in the industrial design application.
- 4) Regarding the design spatial position, the position in which the design is presented in the Form enclosed in the industrial design application shall be considered for regular position in the procedure for industrial design grant.

Photographs

Article 6

- (1) Filed photographs must be of professional quality, and design characteristics shall be clearly visible and appropriate for reproduction. Designs must be presented on neutral and monochromatic background, without shadings.
- (2) The application containing retouched photographs (with India ink, ink or correction fluid), shall not be considered as appropriate.

Graphic presentations

Article 7

- (1) Graphic presentations shall be submitted in original or electronically imprinted, with the same quality as the original. Copies of the original may be filed as well, but only if they are of the same quality as the original. The presentations shall be quality performed with a drawing kit or electronically, and design contours shall be clearly visible and in full line. The body may be presented in perspective and the relief shall be emphasized with shadings.
- (2) The Official Gazette of the Office shall not publish:
 - 1) Technical drawings in which the object is presented in section or in foreground, as well as technical drawings containing axial lines and dimensions;
 - 2) Graphic presentations containing explanations or legends of the object or on the side;
 - 3) Graphic presentations which are not appropriate for reproduction.

Number of presentations and designation

Article 8

- (1) In the photographs or graphic presentations, only the design of the product shall be presented, without any other additions, objects, persons or animals.
- (2) If one picture or graphic presentation is not sufficient to display all new design features, the number of photographs or graphic presentations necessary for the display of all new design features shall be filed, and it shall not exceed a total of six design presentations from various views.
- (3) If the design is presented in several photographs or graphic presentations, the photographs or graphic presentations shall be marked with two numbers, separated by full stop (1.1, 1.2, 1.3 etc.). The front page of the picture or graphic presentation shall be numbered at the margin.

Multiple application and designation of the presentations

Article 9

- (1) In case of multiple application, a separate picture or graphic presentation shall be filed for each design.
- (2) If one design is presented by several photographs or graphic presentations, the photographs or graphic presentations referring to the same design, shall be separately marked in a manner determined in Article 8 paragraph (3) of this Regulation (i.e. 1.1, 1.2, 1.3, for the first design, 2.1, 2.2, 2.3. for the second design, 3.1, 3.2, 3.3 for the third design) etc.

Other constituent elements and attachments to the application

Article 10

- (1) The following constituent elements and attachments shall be filed in written to the industrial design application from Article 2 of this Regulation:
 - 1) data for other applicants and a statement for a joint representative, if the application is filed by more applicants;
 - 2) data for other authors;
 - 3) a statement of the author that he/ she does not want to be identified in the application, if requested;
 - 4) description of the novelty and individual industrial design character, if needed;
 - 5) a sample (two-dimensional design) when postponement of the application publishing is requested;
 - 6) evidence for the granted priority right, in accordance with Articles 140 and 141 of the Law on Industrial Property, if requested;
 - 7) Power of authority, if the application is filed through a representative;
 - 8) evidence for paid appropriate fee and evidence on which the fee decrease is based on, if there is ground for it;
- (2) If the postponement of the two-dimensional industrial design publication is requested in the application, the filed design sample shall not be smaller than the size necessary for the presenting of all design characteristics nor bigger than the determined biggest weight of the envelope content (approximate size of A4 paper), but lighter than 4 kg.
- (3) Constituent elements and attachments in paragraph (1) in this Article should contain signature and seal of the applicant, or the representative, if the application is filed through a representative.
- (4) If the Constituent elements and attachments of paragraph (1) in this Article are filed additionally, they should contain the application number of the industrial design (hereinafter "ID - number"), as well.

Design description

Article 11

(1) If a design novelty and individual character description are enclosed to the request for an industrial design grant, the description shall refer only to the external design shape and shall not contain more than 100 (one hundred) words.

(2) Data related to the construction, function or functional advantages of the material of which the design is created, or similar design data and such as data for its parts, are not necessary.

(3) In case of multiple application, description for every design shall be filed.

III. REGISTER OF INDUSTRIAL DESIGN APPLICATIONS AND REGISTER EXTRACT

Content and manner of maintaining the register

Article 12

(1) The Register of industrial design applications shall contain:

- 1) ID- number and register number;
- 2) Filing date of the industrial design application,
- 3) Correspondence address: name, address, telephone number, telefax and e- mail;
- 4) Data for the applicant; surname, name and address of a natural person, or company and registered seat of a legal person;
- 5) Representative data, if the application is filed through a representative: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 6) Author's data: surname, name and address, or a statement of the author that he/ she do not want to be identified in the application.
- 7) Data for the requested priority right: name of the exhibition or fair, country and date of the first exhibition, and for the Union priority right, date of the first application, country and application number;
- 8) Design title;
- 9) Indication of the total number of industrial designs, and specification of the design type (two-dimensional or three-dimensional), color publishing;
- 10) Date of the application publishing;

- 11) Class and subclass number according to the Locarno Classification;
- 12) Indication of the publishing postponement, if the request for publishing postponement is filed with the application;
- 13) Data for application division: number and date of the request, number and date of the decision on the application division and ID-number of the divisional and of the first application;
- 14) Data for the filed opposition: number and date of opposition;
- 15) Data for the changes: number and date of the request, number and date of the decision and the pursued changes;
- 16) Date of the transfer of right: number and date of the request, number and date of the decision and data for the new applicant;
- 17) Data for the paid fees, expenses and ground for reduction;
- 18) Data for the Office decision;
- 19) Data for the judicial decision;
- 20) Data for the Administrative Court decision;
- 21) Data for the request for continuation of the procedure and decision, and
- 22) Data for the proposal of returning to the previous condition and decision.

(2) The Register of paragraph (1) in this Article shall be maintained in electronic form.

Extract from the Register of applications

Article 13

- (1) The Office shall issue an extract from the Register of industrial design applications upon a request of an interested party, indicating ID- number after an evidence for paid fees is enclosed.
- (2) The extract from the Register of industrial design shall contain data from Article 12 of this Regulation, in accordance with the condition on the day indicated in the extract.

IV. CERTIFICATE FOR PRIORITY RIGHT

Content of the request

Article 14

- (1) The request for issuing the certificate for the priority right shall contain:

- 1) Indication of the request for issuing a certificate for the priority right;
- 2) ID number which the certificate issue is required for;
- 3) Data on the submitter of the request;
- 4) Indication of the needed number of certificates for the priority right;
- 5) Applicant's signature and seal, or the representative, and
- 6) Evidence for the paid appropriate fee fee.

Content of the certificate

Article 15

- (1) The certificate for the priority right shall contain:
 - 1) Data of the applicant; surname, name and address of a natural person, i.e. company and registered seat of a legal person;
 - 2) Applicant's data: surname, name, address of a natural person, or company name and registered seat of a legal person;
 - 3) Author's data: surname, name, address, or indication that the author does not want to be identified in the application;
 - 4) ID- number;
 - 5) Filing date of the industrial design application;
 - 6) Industrial design title;
 - 7) Description of the industrial design (if filed in the application);
 - 8) Presentations of the industrial design;
 - 9) Class and subclass number according to the Locarno Classification and
 - 10) Indication that the data in the certificate are identical to the data from the industrial design application.

(2) Data of paragraph (1) in this Article shall be identified by INID-codes for identification of bibliographic data of the industrial design established by the World Intellectual Property Organization (hereinafter: "INID-codes")

V. DIVISION OF THE APPLICATION

Content of the request

Article 16

- (1) The request for division of the industrial design application shall contain:
 - 1) Indication of the request of application division;
 - 2) Filing date and number of the first application;
 - 3) Applicant's data identical to the original application data;
 - 4) Data for the representative, if the request is filed through a representative;
 - 5) Indication of the industrial design number separated from the first application and
 - 6) Evidence for paid fee for division of the application.

- (2) To every divisional application, a number of new applications equal to the number of the applications deriving from the division, shall be filed., in the DZIS- ID1 form.
- (3) Every divisional application shall be given a new number.

VI. PUBLISHING OF THE INDUSTRIAL DESIGN APPLICATION

Data from the industrial design application which are published in the Official Gazette of the Office

Article 17

- (1) The following data for the industrial design application shall be published In the Official Gazette of the Office:
 - 1) ID number;
 - 2) Filing date of the application;
 - 3) Indication of the total number of designs and the design type(two-dimensional or three- dimensional);
 - 4) Data for the requested priority right: name of the exhibition or fair, country and date of the first exhibition, and the Union priority right, date of the first application, country and application number;
 - 5) Publishing date of the application;
 - 6) Number and date of the first application, if is a divisional application;
 - 7) Class and subclass number according to the Locarno Classification;
 - 8) Design title;
 - 9) Color indication, if color design protection is requested;
 - 10) Industrial design presentations;
 - 11) Applicant's data: name, surname and address of a natural person, and company and registered seat of a legal person;
 - 12) Author's data, if the author is identified in the application: name, surname and address, or statement that the author does not want to be identified in the application, and
 - 13) Representative's data, if the application is filed through a representative: surname, name and address of a natural person, and company and main office of a legal person.
- (2) The presentations of the filed industrial design in Article 4 paragraph (1) of this Regulation shall be clear, precise and appropriate for reproduction.
- (3) The data of paragraph (1) in this Article shall be identified by INID- codes.

(4) If the design presentation is not in accordance with paragraph (2) of this Article, the Office shall republish the industrial design application.

(5) If after the publishing of the application there are changes of the data in paragraph (1) items 11 and 12 of this Article, they shall be published in the Official Gazette of the Office.

Publishing of the industrial design application data, if a postponement is requested

Article 18

(1) If a request for postponement of industrial design publication has been made, only the bibliographical data in Article 17 paragraph 1 shall be published in the Official Gazette of the Office, but not the design presentations.

(2) The data of paragraph (1) of this Article shall be identified by INID – codes.

VII. OPPOSITION TO A PUBLISHED INDUSTRIAL DESIGN APPLICATION

Content of the opposition

Article 19

(1) The opposition to a published application shall contain:

- 1) Data for the person filing the opposition: surname, name and address of a natural person, i.e. company and registered seat of a legal person; surname, name and address of a natural person, or company and main office of a legal person;
- 2) ID- number and date of publishing;
- 3) Indication of the request for refusal of the published industrial design application in total or partially, indicating the number of the design/s to which the opposition refers to.
- 4) Applicant's data: surname, name and address of a natural person, or company and registered seat of a legal person.
- 5) Representative's data: surname, name and address of a natural person, or company and registered seat of a legal person;
- 6) Reasons for filing the opposition and evidence for those reasons, and

- 7) Evidence for paid appropriate fee.

Manner of filing an opposition

Article 20

(1) The opposition shall be filed to the Office in written form with an explanation for the reasons for the opposition along with the following documents:

- 1) If the opposition is filed on the basis of identity or similarity with a previously published design or a protected industrial design, the person filing the opposition must file the evidence that his/ her industrial design is protected or that it became known in the Republic of Macedonia before the priority right was granted.

- 2) If the opposition is filed on the basis of infringement of other industrial property right, the person filing the opposition must submit evidence which visibly shows that the recognition of the published application for industrial design infringes certain former industrial property right.

- 3) If the opposition is filed on the basis of copyright infringement, the person filing the opposition must submit an evidence of the authorship, to indicate the author's work that is subject of infringement and list the evidences which show that the recognition of the design of the published application infringes the authors work.

VIII. REGISTER OF INDUSTRIAL DESIGNS AND EXTRACT FROM THE REGISTER

Content and method of maintaining the Register of industrial designs

Article 21

(1) The Register of industrial designs shall contain:

- 1) Register number of the industrial design;
- 2) ID- number and filing date of the application;
- 3) Data for the industrial design - holder; surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 4) Representative's data, if the design- holder has one: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 5) Author's data: surname, name and address of the author, or indication that the author does not want to be identified;

- 6) Number and date of the decision for grant of an industrial design right;
 - 7) Data for the publishing of the granted industrial design (number of the Official Gazette of the Office);
 - 8) Industrial design title,
 - 9) Data for the design type (two- dimensional or three- dimensional), color,
 - 10) Indication of the total designs' number;
 - 11) Class and subclass number according to the Locarno Classification;
 - 12) Data for the requested priority right: name of the exhibition and fair, country and date of the first exhibition, or Union priority right, date of the first application, country and application number.
 - 13) Number and date of the first application, if the application is divisional;
 - 14) Validity date of the industrial design and data for renewal of the industrial design validity;
 - 15) Data for the changes regarding the industrial design and the right- holder of the industrial design: number and date of the request, number and date of the decision and the pursued change;
 - 16) Data for assignment of the right: number and date of the request, number and date of the decision and data for the new right- holder;
 - 17) Data for the judicial decision;
 - 18) Data for the cancellation of industrial design validity, or declaring nullification (number and date of the request, i.e. proposal, number and date of the decision, legal grounds and cancellation date)
 - 19) Data for the Administrative court decision;
 - 20) Data for the request of continuation of the procedure and decision, and
 - 21) Data for the proposal of returning to the previous condition and decision.
- (2) The Register of paragraph (1) in this Article shall be maintained in an electronic form.

Extract of the Register of Industrial designs

Article 22

- (1) The Extract form the Register of industrial designs shall be issued by the Office upon a request of an interested party, indicating the Register number of the industrial design and after enclosing evidence for the paid fees.
- (2) The Register Extract shall contain the data of the Article 21 of this Regulation, according to the condition on the day indicated in the Extract.

IX. PUBLISHING OF THE INDUSTRIAL DESIGN DECISION

Data for the decision for recognition of the industrial design right published in the Official Gazette of the Office

Article 23

- (1) The following data concerning the decision for granting right of industrial design shall be published In the Official Gazette of the Office:
 - 1) register number of the industrial design;
 - 2) ID number and filing date of the industrial design application;
 - 3) total number of industrial designs and data for the design type(two-dimensional and three- dimensional);
 - 4) data for the recognizing priority right: name of the exhibition or the fair, state, and date of the first exhibition, or the Union priority right, date of the first application, country and number of the application;
 - 5) publishing date;
 - 6) number and date of the first application, if the application is divisional;
 - 7) industrial design validity date;
 - 8) class and subclass number according to the Locarno Classification;
 - 9) title of the industrial design;
 - 10) presentations of the industrial design;
 - 11) Indication of the colors, if the design is in color;
 - 12) Author's data: surname, name and address of the author, or indication that he/ she do not want to be identified;
 - 13) Data for the industrial design- holder: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
 - 14) Representative's data, if the design-holder has a representative: surname, name and address of a natural person, i.e. company and main office of a legal person.
- (2) The data of paragraph (1) of this Article shall be indicated by INID-codes.
- (3) The following data shall be published In the Official Gazette of the Office:
 - 1) Changes entered in the Register of industrial designs;
 - 2) Transfer of right;
 - 3) Renewal of industrial design validity and
 - 4) Cancellation of industrial design validity.

X. INDUSTRIAL DESIGN CERTIFICATE

Content of the certificate

Article 24

- (1) The industrial design certificate shall contain:
- 1) Register number of the industrial design;
 - 2) ID- number;
 - 3) data for the industrial design-holder: surname, name and address of a natural person, or company and registered seat of a legal person;
 - 4) author's data: surname, name and address of the author, or an indication that the author does not want to be identified;
 - 5) number of the class and subclass according to the Locarno Classification;
 - 6) industrial design title;
 - 7) presentations of the design;
 - 8) data for the recognized priority right;
 - 9) date of the industrial design validity, and
 - 10) data for the publishing of the industrial design in the Official Gazette of the Office.
- (2) The data of paragraph (1) of this Article shall be identified by INID-codes.
- (3) Should the industrial design be granted upon multiple applications, the Office shall issue one certificate after the submission of the evidence of paid fees and a separate certificate for each design at the request of the right - holder.

XI. PROCEDURE FOR ENTERING CHANGES IN THE REGISTER OF INDUSTRIAL DESIGN APPLICATIONS AND IN THE REGISTER OF INDUSTRIAL DESIGNS

Entry of changes in the Register

Article 25

The following changes shall be entered in the Register of Industrial Designs' applications, or in the Register of Industrial Designs: changes of the name, or company name of the applicant, or the right-holder; change of the address, i.e. change of the registered seat of the applicant office, i.e. the right-

holder; change of the representative; assignment of right, recording and invalidation of the licence; pledge, a court decision regarding the declaration of nullification; Administrative court decisions; decisions regarding court protection of rights.

Content and form of the request for the entry of changes

Article 26

The request for the entry of changes in the appropriate register shall be filed in written in the Form DZIS-ID2 on A4 paper size, given in Appendix 2, enclosed in this Regulation.

Entry of homogenous corrections in one request

Article 27

- (1) One request for entry of changes shall be filed according to Article 26 paragraph (1) of this Regulation in regard with the name and/ or address or change of a representative for more registered industrial designs, i.e. more industrial designs applications of the same holder, i.e. applicant, if in the request are indicated all register numbers, i.e. ID- numbers to which the request refer to.
- (3) One request for entry of changes shall be filed according to Article 26 paragraph (1) of this Regulation in regard with several name and address changes for the same industrial design application or for the same registered industrial design, if all changes are indicated in the request in the order of their implementing, without any interruption of the continuity from the first until the last change.
- (4) One request for entry of changes shall be filed according to Article 26 paragraph (1) of this Regulation in regard with the assignment of right to the same applicant which refers to more industrial design applications, if all register numbers, or ID-numbers are indicated in the request, and if the scope of the right that is transferred is equal and indicated in the request.
- (5) One request for entry of changes shall be filed according to the Article 26 paragraph (1) of this Regulation in regard with recording of a license of more industrial designs, or more industrial designs applications, if all register numbers, or ID- numbers are indicated in the request, and if the right - holder, the licensee and the scope of the license remain the same.

- (6) Number of copies of the form in which the requests for the entry of changes are filed according to paragraphs (1), (2), (3) and (4) of this Article shall be equal to the number of the granted industrial designs, or industrial design applications to which the change refers to.
- (7) Evidence of paid fees and paid publishing fees shall be filed for the entry of more changes, for every single change whose entry is required.

Procedure for Entry of changes

Article 28

- (1) If the request is filed in accordance with Articles 26 and 27 paragraph (1) of this Regulation, the Office adopts a decision for entry of changes.
- (2) If the request is filed in accordance with Articles 26 and 27 paragraph (2) of this Regulation, the Office adopts a decision for the latest change indicating all changes mentioned in the request.
- (3) Changes which are entered in the Register of applications which occurred after the publishing of the application in the Official Gazette of the Office and changes entered in the industrial design register shall be published in the Official Gazette of the Office, after filing the evidence of paid fees.
- (4) If the request for the entry of changes is not filed in accordance with Articles 26 and 27 of this Regulation, the Office shall invite the applicant of the request to complete the request in the prescribed term.
- (5) If the applicant of the request does not act in accordance with the Office announcement, the request for change shall be rejected.
- (6) If the legal ground of the request for the entry of changes does not meet the prescribed requirements of the Law on Industrial Property, or if data for the request do not contemplate with the data of the register, the Office can not reject the request for entry of changes, if the applicant was not previously invited upon to explain the reasons for not entering the changes.

XII. RENEWAL OF THE INDUSTRIAL DESIGN VALIDITY

Content and form of the request for renewal of the industrial design validity

Article 29

The request for industrial design validity extension shall be filed on the Form DZIS-ID3, on paper A4, enclosed in this Appendix 3, which forms an integral part of this Regulation.

XIII. TRANSITIONAL AND FINAL PROVISIONS

Cessation of validity Article 30

The validity of the Regulation for industrial design ("Official Gazette of the Republic of Macedonia", No. 18/2004 and 93/2006) shall cease on the day when this Regulation enters into force.

Entry into force

Article 31

This Regulation shall enter into force on the day following that of its publication in the "Official Gazette of the Republic of Macedonia".

No. _____

Skopje

DIRECTOR

Safet Emruli MSc.