

## **DECISION OF THE COUNCIL OF MINISTERS**

**No. 381 of April 8, 2009,**

### **ON APPROVAL OF THE REGULATION ON THE REGISTRATION OF INDUSTRIAL DESIGNS**

Pursuant to Article 100 of the Constitution and Article 202 of Law no 9947 of 7 July 2008, "On Industrial Property," upon the proposal of the Minister of Economy, Trade and Energy, the Council of Ministers

#### **DECIDED:**

1. To approve the Regulation "on the Registration of Industrial Designs" as per the text attached with this decision.
2. To designate the Directorate General of Patents and Trademark for the implementation of this decision.
3. To have Order no 4 of the Committee of Science and Technology, of 8 December 1994, "Rules on patents, utility models and industrial designs" repealed.

This decision shall enter into force after its publication in the Official Journal.

**PRIME MINISTER**  
**Sali Berisha**

### **REGULATION ON THE REGISTRATION OF INDUSTRIAL DESIGNS**

#### **CHAPTER I GENERAL PROVISIONS**

##### **1. Purpose**

1.1 The purpose of this regulation is to define the rules and procedures with respect to:

- a) submission of applications for the registration of industrial designs with the Directorate General of Patents and Trademarks (DGPT) and their review by DGPT;
- b) submission of applications for the renewal of industrial designs, for other changes to be made to the register of designs and their review by DGPT;
- c) filing and review of complaints and appeals with the Board of Appeals at DGPT, with respect to applications for designs and their rejection;
- ç) publication of design-related data by DGPT in the Industrial Property Journal.

## 2. General principles

2.1 Any legal or natural person who engages in creation in the course of his commercial activity shall be entitled to apply for the registration of a design at DGPT.

2.2 DGPT shall review the submitted applications and issue the respective notifications and other acts, in accordance with the provisions of the Law No 9947 of 7 July 2008, "On Industrial Property" (hereinafter referred to as the "Law") and this regulation.

2.3 DGPT activities with respect to such applications shall be based solely on documents in writing. Applications and any other type of documentation that are submitted to DGPT shall be in print and in the Albanian language.

2.4 DGPT shall establish and manage the electronic database, which will store all the conducted actions with respect to the designs.

## 3. Types of applications

3.1 The types of applications related to designs that may be submitted to DGPT are as follows:

- a) Application for design registration through FD 1 form (Annex 1 of the Regulation)
- b) Request for design renewal through FD 2 form (Annex of the Regulation)
- c) Request for the transfer the ownership on a design through the FD3 form (Annex 1 of the Regulation)
- ç) Request for the registration of the license of a design through FD4 form (Annex 1 of the Regulation)
- d) Request for the change of the name of the design owner through FD5 form (Annex 1 of the Regulation).
- e) Request for waiver of a registered design through FD7 form (Annex 1 of the Regulation).
- ë) Opposition to the registration of the published design through FD8 form (Annex 1 of the Regulation).
- f) Request for appeal of the DGPT decision that rejects the application (Annex 1 of the Regulation).
- g) Request for the separation of the application for multiple designs through the FD10 form (Annex 1 of the Regulation).

## 4. Multiple designs

4.1 Two or more designs may be included jointly in a single application, in accordance with the provisions of Article 119(2) of the Law, creating thus an application of the registration of a multiple, provided that the products they will apply to or the products they shall be joined with belong to the same category of the International Classification for Industrial Designs (Locarno).

4.2 Each design contained in an application or multiple design registration may be treated as a separate application or registration for the purpose of this law and this regulation. Upon the request of the applicant or owner of the multiple design and after meeting all the requirements provided for by the law and this regulation, including the payment of the respective fees, each of the designs of a multiple application or registration may be processed separately with respect to the licensing,

ownership transfer, renewal, waiver and any other action related to designs that is provided by the law and this regulation.

## **CHAPTER II**

### **SUBMISSION OF APPLICATION FOR REGISTRATION OF INDUSTRIAL DESIGN**

#### **1. Submission of the application**

1.1 The application for the registration of a design is based on the FD1 form, which is signed by the applicant or his representative and is filed with the protocol office of DGPT. The applicant or his representative may submit the FD1 form to DPGT also by mail or via fax. When submitted via fax, the applicant shall submit to DGPT the original form of the application within one month from the day of filing or the application shall not be considered as submitted.

1.2 The application file shall contain the list of the submitted documents (file index), which shall be signed by the applicant or his representative.

1.3 The application may be filed for the registration of a design for a single product or the registration of multiples designs, as provided by Chapter I, point 4 of this regulation.

1.4 Upon receipt of FD1, the DGPT protocol office shall on the same day note down on the form the date and hour of the submission and the number of the application.

#### **2. Essential elements of an application**

2.1 In accordance with Article 119 of the law, when submitted to DGPT, an application for design registration shall contain the following elements:

- a) the name and address of the submitter of the application;
- b) submission of the design in accordance with the requirements of point 2.2 of this chapter;
- c) the product on which the design will be applied to or joined with, its category and subcategory in compliance with Locarno Classification, as well as an indication of the product or products where the design will be incorporated, if the product represented by the design is an integral part of a complex product;
- ç) a description of the design;
- d) in the case of claim for priority, the filing date, number of application and the office where the previous application was filed to;
- dh) identity of the creator/s of the design;
- e) payment document of the filing fee.

2.2 The presentation of the industrial design shall be the graphic or photographic reproduction of the design itself and shall meet the following requirements:

- a) the reproduction of the design shall be clear, without corrections, placed on a neutral background and with an image quality that allows clear visibility of all the design elements subject to the application for protection;

b) the design reproduction shall be filed together with the application, attached with or print on a white A4 paper. Such paper shall not contain any explanatory texts, letters or symbols, except for an indicator that shows the number of the page, where appropriate;

c) the design reproduction on the A4 white paper shall not exceed the sizes 26.2 cm x 17 cm;

ç) the design presentation shall contain no more than seven different images of the design, one of which should be the general image of the design;

d) the applicant shall put an ordinal number on each of the design images. In the case of multiple designs, each of the images shall have an ordinal number that contains the number of the design and the number of image divided by a dot;

dh) each of the graphic or photographic reproductions of the design shall contain only one image of that design;

e) where the applicant submits more than seven different images of the design, DGPT shall take in consideration for purposes of publication and registration only the first seven images, as per the ordinal number put on the images by the applicant.

2.3 The description of the design shall contain no more than 100 words and shall only refer to those design components which are visible in the design reproduction. Such description shall not contain any statements related to the individual nature or novelty of the design.

2.4 In the case of multiple designs, the applicant shall file for each of the designs contained in the application the presentation of the design, in accordance with the requirements of point 2.2 of this chapter, a description of the design and the product the design shall be applied to or joined with. Each of the designs of the multiple design application shall be numbered according the Arabic number system.

### 3. Data and additional documents that an application shall contain

3.1 In accordance with Article 119 of the law, the application for the registration of a design shall also contain:

a) declaration of the creator/s which states the agreement to have the design registered under the name of the applicant. The declaration of the creator shall be a notary act notarized;

b) power of attorney, where the application is filed by the representative of the applicant. The power of attorney shall contain the signature of the applicant and, if the latter is a legal person, his stamp;

c) a prepared scheme, drawings or a model of the product, if necessary to clarify the essence of the design;

### 4. Filing of the priority document

4.1 In the case that priority is claimed, the applicant shall file to DGPT within three months from submission of application the priority document, as provided by Article 119(4) of the law or the certificate issued by the respective authorities of the exposition where the product was exhibited, in accordance with Article 120. The priority document filed according to Article (4) of the Law shall contain the date and number of the previous application, presentation of the design and the product represented by such design. The priority document shall be submitted in the Albanian language and shall be notarized.

4.2 If, within three months from the filing date, the applicant fails to submit to DPGT the priority document or the certificate issued by the relevant exposition authorities, in compliance with the requirements of the Law and this regulation, the DGPT shall not take into consideration the application for priority.

4.3 The priority right which is recognized according to the requirements of the Law and this regulation shall, consequently, consider the priority date as the filing date of the application for the registration of the design to DGPT, exclusively for the purpose of determining which application enjoys a prior right.

### **CHAPTER III**

#### **FORMAL EXAMINATION OF DESIGN REGISTRATION APPLICATION**

##### 1. Order of examination of an application

1.1 Applications for the registration of a design shall be examined according to their ordinal number. A request shall be examined out of order only if there is a conflict with respect to the infringement of the design rights or a request in writing has been filed for the international registration of the design. The examiner shall perform the examination out of order, after the applicant has filed a request and paid the designated tariff.

##### 2. Examination of application and recognition of the filing date

2.1 The application shall be examined within 3 (three) months from the filing date. If the application meets all the requirements provided in Article 119 of the Law and Chapter II of this regulation, DGPT shall file the application for the design registration and issues the filing certificate to the applicant, which recognizes the filing date to DGPT as the filing date of the application, in accordance with point 1.4 of Chapter II of this regulation.

2.2 If the application fails to meet all the requirements provided in Article 119 of the Law and Chapter II of this regulation, DGPT shall notify the applicant, so that he can submit the completions within three months from the notification date. The time period for the submission of completions may be extended with one month, if the applicant filed a request in writing based on reasonable motive and against payment of the designated tariff. In any case, the request for extension shall be filed to DGPT prior to the expiration of the three-month term for the completion of the application.

2.3 Where the applicant submits all the required completions within the established term, DGPT shall issue the filing certificate to the applicant within 3 months from the date in which the applicant submitted the completions to his application, recognizing as the filing date of the application:

a) the filing date of the application to DGPT, in accordance with the requirements of point 1.4 of Chapter II of this regulation, if the shortcomings of the application do not consist in any of the elements referred to in point 2.1 of Chapter II of this regulation;

b) date of application completion, if shortcomings consist in any of the elements referred to in point 2.1 of Chapter II of this regulation. In the case where the shortcomings related to any of the elements referred to in point 2.1 of Chapter II of this regulation consist in such errors that do not prejudice the essence of such elements, the date where the application was submitted to DGPT shall be considered as the filing date of such application.

2.4 If the applicant fails to submit completions within the term provided by point 2.2 of this chapter, DGPT shall refuse the application for the registration of the design and shall notify the applicant on such refusal.

##### 3. Filing certificate

3.1 The filing certificate shall contain the following data:

- a) filing date and number;
- b) name and address of the applicant;
- c) name and address of the design creator, except for when the creator has required that his name is not included;
- ç) the product represented by the design, and the category and sub-category of the product, in conformity with Locarno Classification;
- d) priority data (if any);
- dh) number of designs included in the application in the case of multiple designs.

#### **CHAPTER IV EXAMINATION OF REQUEST ON ABSOLUTE BASIS AND DESIGN REGISTRATION**

1. Examination of absolute grounds for refusal

1.1 Upon certifying the filing date, the examiner shall examine whether the application is in compliance with Article 115 of the law within three months from the issuance of the filing certificate.

1.2 In the course of such examination, DGPT may require additional documents and materials from the applicant by sending a request in writing. The applicant shall submit the required documents to DGPT within two months from the notification date, otherwise the request shall be refused and the applicant shall be informed of such refusal through a notice in writing that includes the grounds of such refusal.

1.3 If the examination finds that the application for the registration of the design is not in compliance with the requirements of Article 115 of the Law, DGPT shall refuse such application and shall inform the applicant of such refusal through a notice in writing that includes the grounds of such refusal.

2. Design registration

2.1 If no opposition is filed by third parties against the registration of a design within three months from the publication date of the application, DGPT shall issue the notification for the payment of the registration fee and shall ask the applicant to pay the fee and submit a document showing the payment of the respective fee to DGPT within one month from the receipt of the notification.

2.2 If the applicant fails to pay the registration fee within the established timeline, DGPT shall refuse the application for the registration of the design and shall inform the applicant in writing accordingly.

2.3 If the applicant pays the registration fee within the established timeline, DGPT shall register the design with the register of designs and shall issue the registration certificate within three months from the date of payment.

2.4 DGPT shall publish the registered design in the Industrial Property Gazette.

3. Data contained in the design registration certificate

3.1 The design registration certificate shall contain:

- a) name and address of the owner of the registered design;
- b) number of the request and registration number of the design;
- c) filing date, date of expiration of the protection, date of registration and the priority date (if any);
- ç) the product represented by the design and the category and subcategory of the product, in compliance with Locarno Classification;
- d) images of the design;
- dh) publication date of the design;
- e) number of designs to be registered, in the case of multiple designs;
- ë) name and address of the design creator, except for when the creator requests that his name is not mentioned by a statement in writing.

#### 4. Changes to or withdrawal of application prior to design registration

4.1 If there is a change of name and/or address of the applicant or the applicant has transferred the rights on the design to a third party in the course of the examination of the application for the registration of a design, DGPT, following submission by the applicant of the respective forms and documents which prove the above changes and payment of the designated fee, shall register the design with the new data in the register of designs, without changing the filing date of the application.

4.2. The applicant may request in writing correction of errors or inaccuracies found in the application for the registration of the design, where the latter consist in the name or address of the applicant, of the creator or of the applicant's representatives, or any other inaccuracies that do not affect the essence of the application elements, for as long as the application has not been registered in the register of designs.

4.3 The applicant shall have the right to withdraw the application for the registration of a design by a request in writing for as long as the design has not been registered in the register of designs. Upon filing of such a request, the application shall be deemed withdrawn. In the case of multiple designs, the applicant may withdraw some of the designs included in the application or the entire application.

4.4 Registration date of the design in the register of designs shall be considered the date of issuance of the design registration certificate by DGPT.

#### 5. Division of the application for multiple designs

5.1 In the case of multiple design application, the applicant may request the division of the application by submitting the FD10 form and the document showing the payment of the respective fee.

5.2 Separate applications shall have the same filing date as the initial application and shall be processed by DGPT as applications for single designs, according to the Law and this regulation.

5.3 DGPT may request the applicant to divide the multiple design application where the products these designs shall apply to or be joined with belong to different categories of the International Design Classification (Locarno).

5.4 The separate application shall be granted the right of priority of the initial application only if such priority right has been requested from the applicant in the request for the division of the application and if the priority of initial application is applicable to it.

## **CHAPTER V PUBLICATIONS IN THE INDUSTRIAL PROPERTY GAZETTE**

### 1. Types of publications

1.1 In accordance with Article 122 of the Law, DGPT shall publish the data related to the applications for design registration in the Industrial Property Gazette. In the Gazette shall be published also the following data: design registration, renewals, licensing and transfer of the ownership of registered designs, the changes of name, address of the design owner, surrender and cancellation of the registered designs.

### 2. Publication of design applications and registrations

2.1 Data published in the gazette with respect to applications for the registration of designs shall include:

- a) name and address of the applicant;
- b) number of application and filing date;
- c) name and address of the design creator, unless the creator requests in writing that his name is not mentioned;
- ç) design images;
- d) the product represented by the design and the category and subcategory of the product in accordance with Locarno Classification;
- dh) data on priority (if any);
- e) number of designs included in the application in the case of multiple designs.

2.2 Data published on the gazette with respect to registered designs include:

- a) name and address of the owner of the registered design;
- b) number of application and registration number of the design;
- c) filing date, date of expiration of the protection term, date of registration and the priority date (if any);
- ç) the product represented by the design and the category and subcategory of the product, in accordance with Locarno Classification;
- d) name and address of the design creator, unless the creator requests in writing that his name is not mentioned;
- dh) number of designs included in application in the case of multiple designs.



2.3 If the applicant has filed together with the application a request in writing to extend the design publication and has paid the designated fee, DGPT shall publish the design in accordance with the requirements of Article 122(3) of the Law.

## **CHAPTER VI OPPOSITION TO DESIGN REGISTRATION**

### **1. Filing of the opposition**

1.1 Opposition against a published design may be filed with DGPT within three months from the publication date by the individuals referred to in Article 123(1) through the submission of the following documents:

- a) the FD8 form of opposition to the design registration;
- b) the payment document of the opposition fee.

1.2 The opponent shall submit the following documents:

- a) power of attorney, where the opposition is filed by the opponent representative;
- b) documents proving that the opponent enjoys one of the rights provided for by Article 116 of the Law.

### **2. Examination of opposition from the Board of Appeals**

2.1 The Board of Appeals at DGPT shall examine the opposition and make the respective decision within three months from the date such opposition was filed.

2.2 In the case where the opposition fails to meet the requirements provided for by point 1.1 of this Chapter, the board of appeals shall consider the opposition as unfiled and shall notify the opponent in writing.

2.3 In the case where the opposition fails to meet the requirements of point 1.2 of this chapter, the Board of Appeals shall request the opponent in writing to complete the missing documents within 30 days from the notification date, otherwise the opposition shall be considered as unfiled.

2.4 When the opposition meets all the requirements of point 1 of this chapter, the Board of Appeals shall admit the opposition for examination and shall inform in writing the applicant of the design against which such opposition is filed, asking the latter to submit his claims in writing with respect to the opposition and any other documents supporting his claims the within one month from the notification date.

2.5 In the course of examination, the Board of Appeals has the right to request the parties in writing to provide other additional materials and documents which one month from the notification date. The Board of Appeals may require the parties in writing to attend the examination procedure of the opposition and provide their arguments verbally and sends them a notification on the date and hour of the opposition examination hearing.

### **3. Processing of the application following the decision on the opposition**

3.1 Where the Board of Appeals decides to overturn the opposition and the decision is not appealed in court, a copy of the board decision shall be included in the application file for the registration of the design and the examiner shall continue with the registration procedure of the design, in accordance with the provisions of this Law and this regulation.

3.2 Where the Board of Appeals decides to uphold the opposition and the decision is appealed in court, a copy of the board decision shall be included in the application file for the registration of a design and the examiner shall issue the notification for the refusal of the registration.

3.3 In the case where the decision of the Board of Appeals with regard to an opposition of the registration of a design is appealed in court, copy of the final court decision shall be included in the application file for the registration of the design and DGPT shall refuse or register the design according to the court decision.

## **CHAPTER VII CHANGE OF THE NAME AND/OR ADDRESS OF DESIGN OWNER**

### 1. Application filing

1.1 The design owner may require changing the name and/or addressing in the register of designs, according to Article 130 of the Law. The application for the change of name is filed to DGPT through the FD5 form and the application for the change of address through the FD6 form.

1.2 Together with the application, the following documents shall be submitted:

- a) the document showing the payment of the designated fee;
- b) power of attorney, where the application is filed by the representative of the design owner;
- c) in the case where the change of name of the design owner is required, the document certifying such change.

### 2. Examination of the request by DGPT

2.1 DGPT shall examine the application for the change of name and/or address of the design owner to find if it is in compliance with the requirements of point 1 of this chapter and, if there are missing documents, informs the applicant to make the relevant completions within three months from the date of notification, otherwise the application shall be turned down.

2.2 DGPT shall register the change of name and/or address of the design owner in the register of designs and shall inform the applicant on the registration of the change within 6 months from the date where the application meets all the requirements of point 1 of this chapter. The change is published in the Industrial Property Gazette.

## **CHAPTER VIII TRANSFER OF OWNERSHIP ON A REGISTERED DESIGN**

### 1. Application filing

1.1 The application for transferring the ownership on a registered design, provided for by Article 131 of the Law shall be filed to DGPT through the FD3 form by the existing owner or the new owner of the design.

1.2 Together with the application the applicant shall submit the following documents:

- a) the document showing the payment of the designated fee;
- b) power of attorney, where the application is filed by the representative of the design owner;

c) the ownership transfer act, which should be notarized.

## 2. Examination of application by DGPT

2.1 DGPT shall examine the application for the ownership transfer to find if it is in compliance with point 1 of this Chapter and, if there are missing documents, it sends a notification to applicant requiring from him to make the relevant completions within three months from the date of notification, otherwise the application shall be refused.

2.2 DGPT shall register the change of design ownership in the register of designs and shall notify the applicant on the registration of the change within 6 months from the date where the application meets all the requirements of point 1 of this chapter. The notification on the change of the design ownership shall be published in the Industrial Property Gazette.

## **CHAPTER IX REGISTRATION OF LICENSE CONTRACT**

### 1. Application filing

1.1 The request for the registration of the license contract on the registered design, provided by Article 129 of the Law, shall be filed to DGPT by the design owner through the FD4 form.

1.2 Together with the application, the applicant shall also submit the following documents:

- a) the document showing the payment of the designated fee;
- b) power of attorney, where the application is filed by the representative of the design owner;
- c) the license contract, which shall meet the requirements of Article 129(1) of the Law.

## 2. Examination of application by DGPT

2.1 DGPT shall examine the application for registration of the license contract to find if it is in compliance with the provisions of point 1 of this chapter and if there are missing documents, it sends a notification to applicant requiring from him to make the relevant completions within three months from the date of notification, otherwise the application shall be refused.

2.2 DGPT shall register the license contract in the register of designs and shall notify the applicant on the registration of the change within 6 months from the date where the application meets all the requirements of point 1 of this chapter. The notification on the change of the design ownership shall be published in the Industrial Property Gazette.

## **CHAPTER X DESIGN RENEWAL**

### 1. Filing of the application for design renewal

1.1 The application for the design renewal, as provided by Article 128 of the Law, shall be submitted to DGPT by the design owner through the FD2 form and shall include also the document showing the payment of the designated fee.

1.2 Together with the application, the design owner shall also submit the power of attorney, where his application is filed by the representative of that design owner.

1.3 The application for the design renewal, which includes the FD2 form and the document showing the payment of the designated fee, shall be submitted to DGPT within six months prior to the expiration of the protection term of the design. The date of expiration of the design protection term shall be the last day of such term. If the application is not submitted within such term, it may be submitted within an additional period of six months from the day when the design protection term has expired and against payment of an additional fee.

1.4 In the case of multiple designs, the design owner may apply for the renewal of all the designs contained in the registration or for some of them.

## 2. Examination of the application DGPT

2.1 DGPT shall examine the application for design renewal to find if it is in compliance with the provisions of point 1 of this chapter and if there are missing documents, it sends a notification to applicant requiring from him to make the relevant completions within three months from the date of notification, otherwise the application shall be refused.

2.2 When the application for the design renewal is in compliance with the requirements of point 1 of this chapter, DGPT shall register such renewal in the register of designs within 6 months from the date the date where the application meets all the requirements of point 1 of this chapter.

2.3 The design renewal certificate shall contain:

- a) name and address of the design owner;
- b) number of application and registration number of the design;
- c) filing date, protection expiration date, date of renewal and the priority date (if any);
- ç) the product represented by the design and the category and subcategory, in accordance with Locarno Classification;
- d) design images;
- dh) design publication date;
- e) number of designs included in the registration, in the case of multiple designs;
- ë) name and address of the design creator, unless when the creator requests that his name is not mentioned.

2.4 DGPT shall publish the renewal in the Industrial Property Gazette.

## **CHAPTER XI REGISTRATION OF SURRENDER OF A DESIGN**

1. Filing of an application for surrender from the registered design

1.1 Application for the registration of surrender from a registered design, provided by Article 137 of the Law, shall be submitted by the design owner to DGPT through FD7 form.

1.2 Together with the application, the applicant shall also submit the following documents:

- a) the document showing the payment of the designated fee;

- b) power of attorney, where the application is filed by the representative of the design owner;
- c) in the case where a license contract on the design has been registered in the register of designs, the declaration of the licensee affirming that he is informed of the application for surrender, in accordance with Article 137(2) of the Law;
- ç) if judicial proceedings are in place on the design protection right, the declaration of the plaintiff affirming that he agrees with the registration of the surrender, in accordance with Article 137(2).

## 2. Examination of application by DGPT

2.1 DGPT shall examine the application for surrender to find if it is in compliance with the provisions of point 1 of this chapter and if there are missing documents, it sends a notification to applicant requiring from him to make the relevant completions within three months from the date of notification, or otherwise the application shall be refused.

2.2 DGPT shall register the surrender of design in the register of designs and shall notify the applicant on the registration of the change within 6 months from the date where the application meets all the requirements of point 1 of this chapter. The notification on the change of the design ownership shall be published in the Industrial Property Gazette.

2.3 In the case where the registered design is a multiple design, its owner may apply for surrender of all the designs or some of them declaring at the moment of application which designs he wants to surrender.

## **CHAPTER XII APPEALS AT THE BOARD OF APPEALS**

### 1. Filing of an appeal

1.1 Within two months upon receipt of the notification for the refusal of the application, the applicant is entitled to file an appeal against the decision of DGPT with the Board of Appeals, in accordance with Article 126 of the law, by depositing the following documents to DGPT:

- a) FD9 form of appeal, with the signature of the applicant or of his representative;
- b) document certifying the payment of the fee of appeal;
- c) power of attorney if the appeal is filed with by the representative of the applicant.

### 2. Examination of the appeal by DGPT Board of Appeals

2.1 The Board of Appeals shall examine whether the appeal meets the requirements of point 1.1 of this chapter and if such requirements are not met, the Board of Appeals shall notify the applicant in writing that his appeal is considered as unfiled.

2.2 Where the request for appeal meets the requirements of point 1 of this chapter, the Board of Appeals shall examine the request for appeal within three months from its filing and shall inform the applicant of the decision. The submitter of the appeal shall have the right to file a complaint against the decision of the Board of Appeals in court, in accordance with Article 126, paragraph 4.

2.3 During the examination, the Board of Appeals shall have the right to require from the submitter of the appeal against the decision to provide other additional materials and documents within one month from the notification date.

### 3. Application processing after the decision on the appeal

3.1 Where the Board of Appeals decides to uphold the appeal and no appeal is filed against the decision in court, a copy of the decision of the Board shall be included in the application file for the registration of the design and the examiner shall continue the procedure for the registration of the design, in accordance with the provisions of the Law and of the regulation.

3.2 In the case where the Board of Appeal decides to reject the appeal and no appeal is filed against the decision in court, a copy of the Board decision shall be included in the application file for the registration of the design and the refusal becomes final.

3.3 In the case where the Board decision is appealed against in court, a copy of the final decision of the court shall be included in the application file for the registration of the design and DGPT shall refuse or register the design in accordance with the court decision.

## **CHAPTER XIII OTHER DOCUMENTS ISSUED BY DGPT WITH RESPECT TO DESIGNS**

### 1. Extracts and investigations responses issued from the register of designs

1.1 According to Article 192(2) and Article 194 of the Law, DGPT shall issue to concerned parties extracts from the register of designs, as well as the responses to applications for investigation.

1.2 The application for an extract from the register of designs shall be filed with DGPT in writing and shall also be accompanied with the document showing the payment of the designated fee, otherwise the application shall be considered as unfiled. The register extract issued by DGPT shall contain all the data related to the design and the history of changes it has been subject to.

1.3 The application for investigation with respect to a design shall be filed with DGPT in writing and shall be accompanied with the document showing the payment of the designated fee, otherwise the application shall be considered as unfiled. DGPT shall send the applicant a notification in writing with respect to the result of investigation of the register of designs.

### 2. Duplicates and the priority document

2.1 The owner of a registered design shall have the right to apply for a duplicate of the design registration certificate, of the renewal certificate or of other notifications issued by DGPT with respect to the registration of changes to the register of designs by an application in writing, which shall be accompanied with the document showing the payment of the designated fee and with the power of attorney where the application is filed by the representative of the design owner, otherwise the application shall be considered as unfiled.

2.2 The applicant who has filed an application for the registration of a design with DGPT shall have the right to request a priority document for the design within 6 months from the filing date of the application for design registration against the payment of the designated fee.

2.3 The priority document issued by DGPT shall contain the following data:

- a) filing date and number;

b) name and address of the applicant;

c) name and address of the design creator;

ç) the product represented by the design and the category and subcategory of the product in accordance with Locarno Classification;

d) number of designs included in the application, in the case of multiple designs;

dh) presentation (reproduction) of the design in accordance with the images submitted by the applicant.

### 3. Correction of acts by DGPT

3.1 In the case where DGPT issues acts which contain errors or inaccuracies that are not made by the applicant, DGPT shall correct them upon a request in writing submitted by the applicant or the design owner. DGPT shall re-issue the corrected act, after the applicant or design owner submits original copy of the act which is required to be corrected, reflect the correction in the register of designs and publishes such design in the Industrial Property Gazette.

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