

ORDINANCE FOR DRAWING UP, PRESENTATION AND INVESTIGATION OF APPLICATIONS FOR REGISTRATION OF INDUSTRIAL DESIGN

Prom. SG. 9/1 Feb 2000, amend. SG. 14/14 Feb 2006, amend. SG. 32/25 Mar 2008, amend. SG. 52/8 Jul 2011

Chapter one. GENERAL PROVISIONS

Art. 1. The ordinance shall regulate the way of drawing up and the order of presentation and investigation at the Patent department of applications for registration of industrial design, further on referred to as "the applications".

Art. 2. (amend. - SG 14/06) (1) One application can include one or several designs.

(2) If the application refers to several designs, the products in which they are included or to which the designs are attached, it is necessary that they belong to:

1. (amend. – SG, 52/11) One class of the International classification of the industrial designs pursuant to the Agreement from Locarno, or
2. One and the same complex, or
3. A composition of articles.

(3) When the multiple application refers to ornaments for the products in which are included or applied the designs the conditions of para 2 shall not be applied.

Chapter two. DRAWING UP AND SUBMITTING AN APPLICATION

Section I. Submitting an application

Art. 3. (1) (amend. - SG 32/08, in force from 25.03.2008, amend. – SG, 52/11) The application shall be submitted under the procedure of Art. 31, Para. 1 of the Industrial Design Act (IDA).

(2) (suppl. – SG 14/06; amend. - SG 32/08, in force from 25.03.2008, amend. – SG, 52/11) If the application has been submitted by fax, or electronically, the original materials on it shall be submitted to the Patent department within a one-month-term of the receipt of the fax or the electronic copy. Applications for registration of design, determined by the specifics of the color combination, shall not be accepted through fax. Where the original is not received within the specified time limit, the application shall be deemed not to have been submitted and the person, who submitted it, shall be notified.

(3) (new - SG 14/06; amend. and suppl. - SG 32/08, in force from 25.03.2008, suppl. – SG, 52/11) The term under Para 2 shall not be considered exceeded, when the filing of the materials was made within the term by post. The date of receipt of the postmark of the sending post office shall be considered as the date of receipt of these materials. When this date is illegible, as the date of receipt shall be considered the one, on which the correspondence is received at the Patent office.

Section II.

Requirements to the application

Art. 4. (1) The application shall contain the following documents:

1. (amend. – SG, 52/11) a request for registration, representing the expressed will of the applicant to register the design, applied for;
2. Copies of the depictions of the design;
3. A document for paid charges;
4. Power of attorney if submitted through a local representative of industrial ownership pursuant to art. 5 of the Law of the industrial design (IDA), further on referred to as "the representative";
5. Priority certificate in the event of a claim for a convention priority;
6. A brief description of the peculiarities of the design - up to 100 words, presented on the initiative of the applicant;
7. (new - SG 32/08, in force from 25.03.2008, repealed, - SG, 52/11)

(2) (Amend. – SG, 52/11) The documents and the data in them shall be presented in the Bulgarian language within the term, pursuant to Art. 31, Para 2 of the IDA. Translation of the priority certificate shall be presented only if need be on the request of the Patent office.

Art. 5. (Amend. – SG, 52/11). The request for registration shall be submitted in one copy according to form of the Patent office and shall contain:

1. Identification data of the applicant:
 - a) (amend. - SG 14/06) when the applicant is a physical person the application shall contain the name, surname and family name, the state of which he is a citizen, or the state in which he has permanent address, as well as his address;
 - b) (amend. – SG, 52/11) when the applicant is a legal person the application shall include its title and type of the legal person, its nationality, seat and address of management;
2. Identification data on the representative, if authorised - name and address;
3. (amend. – SG, 52/11) Address for correspondence in the Republic of Bulgaria - the address indicated by the applicant or the representative to be used for the correspondence; if no such address has been included, the correspondence shall be sent to the first indicated in the request Bulgarian natural, or legal person; when the applicants are more than one they can include a common address for correspondence.
4. Claim for priority, if any, and in the event of a convention priority stressed shall be the date and state of the preceding application, while concerning a priority of a national application - its entry number;
5. Name and address of the author or the authors of the design;
6. Number of the designs for which is requested protection;
7. (amend. – SG, 52/11) List of the products, in which the design is either included or attached to, with instructions on the classification index of the International classification of the industrial designs, pursuant to the Agreement from Locarno;
8. Depictions of the design;
9. Inventory of the submitted depictions;
10. Inventory of the documents attached to the application;
11. (amend. – SG, 52/11) a request for postponing the publication of the registration, under Art. 48a of the IDA;
12. (amend. – SG, 52/11) The name and signature of the applicant or of his representative; when the applicant is a legal person or one-man trader, indicated shall be the post of the person, who has signed the request and the document shall be affixed with a seal.

Art. 6. (amend. - SG 32/08, in force from 25.03.2008) (1) The depiction of the design shall present it in one basic view and in as many additional views as needed (no more than 7) for its clear-cut, complete and detailed reflection. On each depiction there shall be the type of the view, for example "basic view", "rear view", "rear from above", etc.

(2) When the application includes several designs, presented shall be depictions pursuant to para 1 of each one of them. Each design shall be presented in depictions of similar style - photographic or graphical.

(3) (Amend. – SG, 52/11) The products, to which the design is applied, shall be presented in the position in which they are usually used. Where the design has been attached to, or included in a product, which is a part of a combined product, they shall be presented in images of the visible part only in normal use.

(4) Concerning a set or composition of articles, there shall be presented depictions pursuant to para 1 of the set or the composition in the mass. To an application for registration of a design of a set or composition may be included also designs of the separate articles from the set.

(5) When the application concerns a packing, a depiction of the unfolded packing can be presented.

(6) The photographic depictions shall be made on even lighting, against a neutral background without any other articles and without retouching. The graphic depictions shall be contrast, drawn in thick lines and shall present the design. The depictions shall be presented on a white non-transparent paper, shall be in good quality, without special effects or hologram signs, so that they can be reproduced. All specifics of the design shall be easily visible.

(7) Where the design specifics are determined by the color composition, color depictions shall be presented.

(8) Where the application concerns a type font, its depiction shall be in font size at least 16 and shall contain at least a sequence of all small and big letters of the alphabet, of all Arabic numerals, accompanied by a text in the font, covering five rows.

(9) The depictions for every design shall be consequently numbered in Arabic figures, starting from the basic view. If a design has been presented with additional views, each view shall be marked by noting the number of the design, a dot after it and the consequent number of the view.

(10) The size of the depictions shall be no less than 3/4 cm and no bigger than 14/24 cm.

(11) (Amend. – SG, 52/11) Attached to the request shall also be two copies of every depiction. Written on the reverse side of the copies of the depictions shall be the number according to Para 9.

(12) The depiction of the design on an electronic carrier may be also enclosed with the application.

Art. 7. (Amend. – SG, 52/11) (1) Correspondence with the Patent Office must include the entry number of the industrial design request, respectively the number of the international design registration under the Hague Agreement, and the signature of the applicant or the representative. Where the applicant is a legal person or sole proprietor, the correspondence shall be signed by the person, representing him under the law, stating his name and position and placing a stamp of the company or the sole proprietor.

(2) The correspondence may be sent via a fax, or a communication device, transmitting an electronic copy. In these cases, it shall be regarded received if within 1 month term from the date of receiving the fax, or the electronic copy, the original has been received in the Patent

office.

(3) The correspondence from the Patent Office to the applicant or to his representative shall be sent with a proof of delivery, certifying the date of its receipt. Where the proof of delivery is not returned within one month or the correspondence is returned by the postal service as undelivered, or not received, on the official internet site of the Patent Office and on the board for notifications in the Patent Office a publication regarding the existence of such correspondence shall be made. The publication shall contain instruction about the entrance N of the request, or the registration N of the international registration, the name of the design, the name and the address of the applicant or his representative, the type of correspondence, the actions to be taken and the terms for their performance. The time limits, established in the correspondence shall commence from the date of removing the publication in the official internet site and from the board for notifications.

(4) Where the correspondence to the Patent Office was sent by post, the date of receiving of such correspondence shall be deemed to be the date of the postal stamp of the sending post office. If the date of the postal stamp cannot be read, the date of receiving shall be deemed to be the date of delivery of the correspondence to the Patent Office.

Section III. Representation

Art. 8. (Amend. – SG, 52/11) (1) If a representative or patent specialist has been authorised pursuant to § 3 of the Transitional and Final Provision of the Ordinance for the industrial property representatives, adopted by Decree N 137 of CM of 1993, (publ. – SG, 65/93, amend. and suppl., N86/94 and N 41/97, N 32/03 and N 69/05), attached to it shall be a power of attorney.

(2) The power of attorney must contain information about the applicant, data about the representative, the entry number of the request and the name of the applicant, respectively the number of the international registration and the name of the holder thereof. Where a patent specialist is authorized, the power of attorney shall state both the number and the date of his employment contract.

(3) Where there are several applicants and at least one of them is a Bulgarian natural or legal person, the authorization of a representative is optional. In this case, a correspondence address in the Republic of Bulgaria must be provided. Where no correspondence address is specified, it shall be kept with the first Bulgarian or legal person indicated in the list.

(4) The power of attorney shall be presented under a standard form of the Patent office or in another form, selected by the applicant.

(5) When the power of attorney is in a foreign language, a translation in the Bulgarian language must be attached to it.

(6) Where a power of attorney authorizes a representative for several requests, a copy of the power of attorney shall be required for each of them. The authenticity of the copies with the original power of attorney shall be certified by the signature of the representative.

(7) When more than one representative with different addresses is authorized to submit an application, they must indicate one address, at which the correspondence will be kept. If no such address is provided, the correspondence shall be kept at the address of the first designated industrial property representative.

(8) Where a second industrial property representative is authorized in the course of the application process, the authorization of the first representative shall be deemed to have been withdrawn and the correspondence shall be kept with the new representative, unless otherwise specified in the power of attorney.

(9) Where the representative acts by re-authorization, a power of attorney shall be

presented, proving, that the person, who authorized him has such authority. The power of attorney or a certified copy thereof, pursuant to Para. 6 shall be attached to the power of attorney of the representative.

(10) For withdrawal of the authorization, the Patent Office must be notified in writing, except in the cases under Para. 8.

(11) For the withdrawal of the request, an explicit authorization of the representative shall be required.

Chapter three. INVESTIGATION

Section I. Formal investigation

Art. 9. (1) (amend. - SG 32/08, in force from 25.03.2008) Every application filed with the Patent department shall be checked for compliance with the requirements of art. 31, para 2 LID for establishing a filing date.

(2) (amend. - SG 32/08, in force from 25.03.2008) When the requirements under para 1 have been met the application is entered in the Entry register of the Patent department for the applications for design and the applicant is notified in written of its entry number and the established date of presentation.

(3) (amend. - SG 32/08, in force from 25.03.2008, amend. – SG, 52/11) When the application is submitted by fax or electronic means and meets the requirements of Para. 1, and the original is received in the Patent Office after the term under Art. 3, Para. 2, the date of receipt of the original documents in the Office shall be considered as the date of submission. When the request is submitted by fax or electronically with black and white images and meets the requirements of Para. 1, and with the original color images are received, the date of receipt of the request shall be the date of receipt of the color images in the Patent Office.

(4) (amend. - SG 32/08, in force from 25.03.2008, amend. – SG, 52/11) When the requirements under Art. 31, Para 2 IDA have not been met, a filing date shall not be established and the request shall be considered as not submitted.

Art. 10. (1) (amend. - SG 14/06; amend. - SG 32/08, in force from 25.03.2008, amend. – SG, 52/11) For each application with established date of submitting, the actions under Art. 36, Para. 2 IDA. Where payment of the fees is made by bank transfer, the date on which the Patent Office's bank account is credited shall be considered as the payment date. When the account of the Patent Office is certified after the expiry of the term under Art. 36, Para. 2 of the IDA, but the applicant provides evidence, that within 3 days before the expiration of the term he had ordered the due amount, it shall be considered, that the fee has been paid on time.

(2) In two - month term from submitting the document for paid fees every application shall be subjected to formal examination, checking:

1. If the applicant is a person meeting the requirements of art. 2 IDA;
2. (amend. – SG, 52/11) The presence of the documents under Art. 4, Para. 1, p. 1, 2, 4,5 and 6 and the data under Art. 5.
3. Whether the designs in a multiple application meet the requirement of Art. 33 IDA;
4. The compliance between the inventory, number of the presented depictions and their copies;
5. Whether the provided depictions are clear and made in compliance with Art. 6.

(3) (Amend. – SG, 52/11) If flaws are established under Para 2, the applicant shall be

notified of that and shall be granted a two-month term for their removal. If the applicant fails to remove the flaws, does not respond or object without any ground, a decision to terminate procedure on the application shall be taken.

(4) (Amend. – SG, 52/11) If established that included in the application is a representative or a patent specialist, but a power of attorney is not provided or it is not duly drawn up pursuant to art. 8, para 2 and 5, (Amend. – SG, 52/11) or a person is indicated, who hasn't been entered in the register of the representatives competent in the field of design, the applicant or his representative shall be invited to remove the established flaws within the term under Para 3.

(5) If the flaws under Para 4 are not corrected in the cases of compulsory representation under art. 5, para 2 IDA, a decision shall be taken to terminate the procedure. If the applicant resides permanently or is seated in the Republic of Bulgaria, the procedure continues and the correspondence is kept directly with him.

(6) If priority is claimed in compliance with the requirements of art. 35, para 2 IDA and no priority document has been supplied or no priority fee has been paid, the applicant shall be notified that his priority claim is not accepted and the application priority shall be determined from the date of its submission to the Patent Office.

(7) (Amend. – SG, 52/11) In case of division of an industrial design application, the divisional applications shall use the filing date, respectively priority date, of the initial application, if filed within two- months from the notification for division, respectively from the request of the applicant for division of the application, and shall include designs contained in the initial application.

Art. 10a. (new - SG 32/08, in force from 25.03.2008, repealed – SG, 52/11)

Art. 11. (revoked - SG 32/08, in force from 25.03.2008)

Section II.

Registration procedure (Title, amend. – SG, 52/11)

Art. 12. (amend. - SG 32/08, in force from 25.03.2008, amend. -SG, 52/11) Within two months from expiration of the time limit under Art. 36, Para. 3 of IDA, every application shall be subjected to substantive examination under Art. 3 and Art. 11, Para. 2, p. 1 of the IDA.

Art. 12a. (new - SG 32/08, in force from 25.03.2008, repealed, - SG, 52/11)

Art. 13. (amend. - SG 32/08, in force from 25.03.2008) (1) (Amend. – SG, 52/11) An investigation of the materials under the application and shall assess if design refers to the visible outer appearance of a product or a part of a product under Art. 3, Para 1 of IDA.

(2) (Suppl. – SG, 52/11) The department shall assess if the product to which the design is included or attached, can be obtained industrially or by craftsmanship and if it can be reproduced repeatedly in the meaning of Art. 3, Para. 2 of IDA. The products obtained by industrial reproduction shall include all specifics of the design.

Art. 14. (amend. - SG 32/08, in force from 25.03.2008) An assessment shall be made, if the declared design:

1. (suppl. - SG 32/08, in force from 25.03.2008) Concerns a computer program under

Art. 3, Para 2 IDA;

2. (suppl. – SG, 52/11) Falls in the exceptions to art. 11, Para 2, p. 1 of IDA.

Art. 15. (amend. - SG 32/08, in force from 25.03.2008) (1) (Suppl. – SG, 52/11) The determined class under the effective edition of the International Classification of the industrial design shall be checked, and also a sub-class classification shall be made. Where necessary, the determined class shall be corrected and the change shall be notified to the applicant.

(2) (Repealed – SG, 52/11)

(3) (Repealed – SG, 52/11)

(4) (Repealed – SG, 52/11)

(5) (Repealed – SG, 52/11)

(6) (Repealed – SG, 52/11)

Art. 16. (revoked - SG 32/08, in force from 25.03.2008)

Section III. Passing a decision

Art. 17. (amend. - SG 32/08, in force from 25.03.2008) (1) (Amend. – SG, 52/11) When after the examination under Art. 13 and 14, it is found, that the design meets the requirements for registration, the applicant shall be notified in writing about this and shall be granted a one month term from receiving the notification to pay charges for registration, for issuance of a certificate and publication. The applicant shall be instructed that, within one month of the expiry of that period, the fees may be paid in double. Where payment of the fees is made by bank transfer, the date on which the bank account of the Patent Office is credited shall be taken as the date of payment. When the account of the Patent Office is certified after the expiry of the term under Art. 36, Para. 2 of the IDA, but the applicant provided evidence. that within 3 days before the expiration of the term he had ordered the due amount, the fee is considered to have been paid on time.

(2) When within the time limit under Para 1 the due fees are paid, a decision for registration shall be taken, in which shall be noted the registration number of entry of the design in the State register of the designs.

(3) When no due fees have been paid within the time limit under Para 1, the application shall be considered withdrawn.

Art. 18. (amend. - SG 32/08, in force from 25.03.2008) (1) (Amend. – SG, 52/11) When established after the expertise under Art. 13 and 14 that the declared designs or a part of them under a multiple application cannot be registered because they do not meet the requirements of Art. 3, and Art. 11, Para 2, p. 1 of the IDA, the applicant shall be notified thereof and shall be provided a two month term for objections. In the notification shall state all grounds and motives for rejection of the registration.

(2) (amend. and suppl. - SG 32/08, in force from 25.03.2008, suppl. – SG, 52/11) If the applicant does not respond, within the term granted to him, does not remove the flaws, does not restrict the application to the designs which can be registered, or his objections are assessed as groundless, a decision for rejection of the registration of all applied designs, or a part of them shall be taken. The decision shall be taken not later than a month of the expiration of the term under Para 1.

(3) If the objections of the applicant are assessed as substantiated or he restricts the designs' application to the designs which can be registered, valid shall be the actions under art. 17.

(4) (New, SG, 52/11) Upon the entry into force of the decision for refusal of a part of the requested designs upon a multiple request, the applicant shall be given a one-month term for payment of registration fees, issuance of a certificate and publication of the designs subject to registration and the production shall continue in accordance with Art. 17, Para. 2 and 3.

Section III "a".

Postponing the publication for registration (New – SG, 52/11)

Art. 18a. (New, SG No. 52/2011) (1) The applicant may request the postponement of the publication of the design registration in accordance with Art. 48a, Para. 1 and 2 of IDA.

(2) A request for a postponement of a publication made for a term of less than 30 months shall be deemed to have been made for a period of 30 months.

Art. 18b. (New, SG, 52/11) The request under Art. 18a must be accompanied by a fee paid document. When this requirement is not met, the actions under Art. 10, Para. 1 shall be done.

Art. 18c. (New, SG, 52/11) (1) A request for publication of the registration shall be submitted by the holder of the design, in accordance with the requirements and within the time limit under Art. 48b, Para. 1 of IDA.

(2) The holder of the design may request, that the publication of the registration be completed before the expiry of the 30-month period. In this case, the request for publication must be submitted at least 3 months before the month, in which the publication is requested, and must be accompanied by a document for the paid publication fee.

(3) When the request does not meet the requirements of para. 2, the design owner shall be informed, that the publication will be made after the expiration of 30 months term.

Art. 18d. (New, SG, 52/11) (1) Where upon multiple application, the paid publication fee is insufficient to cover all designs, the holder shall be provided with a one-month term, which is within the term under Art. 48a, Para. 1 of the IDA, pay the fee due or specify which designs it applies to.

(2) When, within the term of Para. 1, the applicant fails to pay the fee due or fails to specify the designs, for which he has paid, the application shall be considered withdrawn and the design owner shall be notified within 3 days.

Section IV.

Withdrawal, restriction and changes in the application

Art. 19. (1) (amend. - SG 32/08, in force from 25.03.2008) The application for a design can be withdrawn by a written declaration by the applicant till the adoption of a decision on it.

(2) A designs' application can be restricted when the withdrawal concerns only some of the designs.

(3) The withdrawal or restriction shall be carried out when under the application:

1. (suppl. – SG, 52/11) There is an explicit written demand which does not contain any additional terms for the withdrawal, or restriction and has been signed by all applicants or by a person authorised by them with observance of the requirements of art. 16, para 1 IDA;

2. No official document has been submitted for the transfer of rights or such a document has been submitted but the application has been signed by the legal heirs or by their representatives;

3. There has been no notification from the court or a third person to the effect that there

is an argument on establishing a right to applying.

(4) If the terms under para 3 have been met:

1. (amend. - SG 32/08, in force from 25.03.2008) On withdrawal of the application the applicant shall be notified that the request for withdrawal was granted and the application shall be considered as not submitted;

2. (amend. - SG 32/08, in force from 25.03.2008) On restricting the application the applicant shall be informed.

(5) (Amend. - SG, 52/11) When deficiencies under Para. 3 are found, the applicant shall be given a one-month term for their removal. Where the deficiencies are not remedied or the applicant fails to reply within the time limit, the application shall proceed as submitted and the applicant shall be notified thereof.

Art. 20. (1) The application can be amended as follows concerning:

1. The name or address of the applicant;

2. Obvious flaws which do not affect the submitted design.

(2) (Amend. - SG, 52/11) For performance of the changes and amendments under Para. 1, it is necessary for the applicant to make an explicit request, accompanied by a document for payment of the fee. Where the fee is not paid, the change shall not be made and the applicant shall be notified thereof.

Art. 20a. (new - SG 32/08, in force from 25.03.2008, amend. – SG, 52/11) (1) If, before taking a decision on the application, a request for entry of assignment of rights in one or several designs of a multiple application, the assignee of the right in the application shall be notified that the assignment will be completed, if within two months from receiving the notification he files an application including the assigned designs. The new application shall use the filing date, respectively the priority date, of the initial application.

(2) When, within the term of Para. 1, the assignee did not file an application, including the transferred designs, a decision shall be made to terminate the procedure for recording the assignment.

Chapter four.

REGISTRATION OF INDUSTRIAL DESIGN UNDER THE HAGUE AGREEMENT FOR INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS (TITLE, AMEND. – SG, 52/11)

Art. 21. (1) (prev. text of Art. 21, amend. - SG 32/08, in force from 25.03.2008, amend. – SG, 52/11) Upon an international application, to which the Republic of Bulgaria is a designated country, within 6 months from the date of publication of the international registration, the Patent Office shall examine, whether a design within the meaning of Art. 3 of the IDA is present and whether it falls within the exceptions under Art. 11, Para. 2, item 1 of IDA.

(2) (new - SG 32/08, in force from 25.03.2008, amend. and suppl. – SG, 52/11) Where grounds for complete, or partial refusal of registration have been found, a notification for refusal shall be sent to the International Bureau, stating:

1. (amend. – SG, 52/11) all grounds and reasons for the refusal;

2. time limits for objection against the reasons for refusal under Art. 37, Para 3 and 7 and Art. 41, Para 1, Item 1 IDA.

(3) (new - SG 32/08, in force from 25.03.2008) If an objection is filed within the

provided time limits, the correspondence shall be carried out with an authorised representative.

(4) (new - SG 32/08, in force from 25.03.2008) If the objections of the applicant are considered grounded or he restricts the multiple application to the designs, which can be registered, the representative shall be notified and a notification shall be sent to the International Bureau for withdrawal of the refusal, in which shall be stated:

1. which designs are affected by the withdrawal of the refusal, when it does not concern all designs;
2. the date of withdrawal of the refusal.

(5) (New – SG, 52/11) When there are no grounds for refusal or the refusal is withdrawn under Para. 4, the international registration to which the Republic of Bulgaria is a designated country shall have the same effect, as that of a design, registered by a national procedure, as of the date of the international registration.

(6) (New, SG, 52/11) When it is established, that there are no grounds for refusal, the international registration shall have effect in respect of third parties in the territory of the Republic of Bulgaria from the date of expiry of the 6-month term under Art. 50, Para. 2 of IDA.

Art. 22. (1) The international application under which the Republic of Bulgaria is a country of origin, shall be submitted personally or through a representative directly to the International bureau or through the Patent department.

(2) (amend. - SG 14/06) The application shall be submitted in French or English in one copy, which is a form of the International bureau.

(3) (amend. - SG 32/08, in force from 25.03.2008) Apart from the depictions of the design, the applicant can also submit copies or miniature models of the design which shall meet the requirements of art. 5, para 3, item 3B of the Hague agreement.

(4) (amend. - SG 32/08, in force from 25.03.2008) Attached to the application shall be a document for paid charge according to the Tariff of the charges collected by the Patent department.

(5) (amend. - SG 14/06; amend. - SG 32/08, in force from 25.03.2008) If the applicant hasn't paid the charges under para 4, he shall be invited, without a one month term, to remove this flaw.

(6) If the Patent department is informed by the International bureau of flaws in the international application, it shall notify the applicant of them and shall grant him a one month term for reply. If the flaws are not removed within the fixed term the application shall be considered as abandoned by the sense of the Hague agreement.

Chapter five.

COMMUNITY DESIGN APPLICATION (NEW - SG 32/08, IN FORCE FROM 25.03.2008)

Art. 23. (new - SG 32/08, in force from 25.03.2008) (1) When the Community Design application is filed through the Patent Office, it shall be accompanied by a document for paid fee for forwarding.

(2) The Patent Office shall place a date of receipt on the application, shall number the pages in Arabic numerals and shall notify the applicant for the date of receipt, for the type and number of the documents and for the date of forwarding the application.

(3) Within two weeks from its receipt the application shall be sent to the Office for Harmonization of the Internal Market, accompanied by a certificate, containing a description of the documents, filed with the application, and the date of their receipt by the Patent Office.

Additional provisions

§ 1. (repealed - SG 14/06, new – SG, 52/11) In the meaning of the Ordinance, the “Hague Agreement” is the Hague Agreement for International Registration of Industrial Designs, dated November 6, 1925, as amended on November 28, 1960, or as amended on July 2, 1999 (promulgated, SG, 83/94; amended, 90/96 and 89/08).

§ 2. (revoked - SG 32/08, in force from 25.03.2008)

Transitional and concluding provisions

§ 3. The investigation of the applications for registration of industrial samples on which there is no final decision by effecting LID shall be carried out by the order of the ordinance.

§ 4. The ordinance is issued pursuant to § 12 of the transitional and concluding provisions of LID.

§ 5. The implementation of the ordinance is assigned to the chairman of the Patent department.

Concluding provisions

TO DECREE NO 1 FROM THE 2ND OF FEBRUARY 2006 FOR AMENDMENT AND SUPPLEMENT OF THE ORDINANCE FOR DRAWING UP, PRESENTATION AND INVESTIGATION OF APPLICATIONS FOR REGISTRATION OF INDUSTRIAL DESIGN

(PROM. - SG 14/06)

§. 12. The ordinance shall also be applicable to applications for industrial design registration, for which the formal expertise has not been concluded till the entrance into force of the ordinance.

Transitional and concluding provisions

TO DECREE NO 50 FROM 17 MARCH 2008 ON AMENDMENT AND SUPPLEMENTATION OF THE ORDINANCE ON DRAWING UP, LODGEMENT AND INVESTIGATION OF APPLICATIONS FOR REGISTRATION OF INDUSTRIAL DESIGN

(PROM. - SG 32/08, IN FORCE FROM 25.03.2008)

§ 24. The amendments and supplementations to the Ordinance, which are specified in the Decree, shall apply also to applications for registration of industrial design, on which no final decision has been taken before its entry into force.

§ 26. This Decree shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO DECREE N 183 OF 30 JUNE 2011, AMENDING AND SUPPLEMENTING THE
ORDINANCE FOR FORMATION, SUBMISSION AND EXPERTISE OF
APPLICATIONS FOR REGISTRATION OF INDUSTRIAL DESIGN

(PROM. – SG, 52/11)

§ 26. The Ordinance shall apply to applications for registration of industrial designs, submitted after its entry into force, as well as to applications for registration of industrial designs, for which no decision has entered into force.