

Registered in the National Register of Legal Acts

of the Republic of Belarus February 8, 2011 N 5/33275

RESOLUTION OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BELARUS
February 2, 2011 N 121

ON APPROVAL OF THE REGULATION ON PROCEDURE FOR DRAFTING OF AN APPLICATION FOR GRANTING AN INDUSTRIAL DESIGN PATENT, AN EXAMINATION OF AN APPLICATION AND A DECISION MAKING ON EXAMINATION RESULTS

(as amended by the Resolution of the Council of Ministers of February 27, 2014 [No. 173](#) ,
dated 28.04.2015 [No. 352](#) , dated 28.06.2018 [No. 499](#))

In accordance with [paragraph 3 of Article 12](#) of the Law of the Republic of Belarus of December 16, 2002 "On Patents for Inventions, Utility Models, Industrial Designs" the Council of Ministers of the Republic of Belarus DECIDES:

1. To approve the enclosed [Regulation](#) on the procedure for drafting an application for granting a patent for an industrial design, conducting an examination and making a decision on examination results.
(as amended by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

2. By February 3, 2011, the State Committee on Science and Technology should develop and approve the following forms:

applications for the grant of a patent of the Republic of Belarus for an industrial design;

powers of attorney to represent interests of an applicant (s) before the patent body (in Russian);

powers of attorney to represent interests of an applicant (s) before the patent body (in English);

applications for amending the indication of authors of an industrial design in connection with changes in the composition of authors

(the paragraph was introduced by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

applications for amending the indication of authors of an industrial design in connection with the change of surname, proper name, patronymic (if any) of an author (authors) and (or) his/her (their) address(es) of residence (place of stay);

(the paragraph was introduced by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

applications for amending the indication of an applicant(s) upon the transfer of the right to obtain a patent for an industrial design as a result of succession;

(the paragraph was introduced by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

applications for amending the indication of an applicant(s) when transferring the right to obtain a patent for an industrial design under an agreement;

(as amended by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

applications for amending the indication of an applicant (applicants) on an application for the grant of a patent for an industrial design in connection with a change of surname, proper name, patronymic (if

any) or name of an applicant (applicants) and (or) his/her (their) address(es) of residence (place of stay) or location.

(the paragraph was introduced by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

3. This Resolution enters into force on February 3, 2011, with the exception of [paragraph 2](#) , which comes into force on the day of its adoption.

Prime Minister of the Republic of Belarus

M. Myasnikovich

APPROVED
Resolution of the
Council of Ministers of the
Republic of Belarus
02.02.2011 N 121

REGULATION
ON PROCEDURE FOR DRAFTING OF AN APPLICATION FOR GRANTING AN INDUSTRIAL DESIGN PATENT,
AN EXAMINATION OF AN APPLICATION AND A DECISION MAKING ON EXAMINATION RESULTS

(as amended by the Resolution of the Council of Ministers of February 27, 2014 [No. 173](#) ,
dated 28.04.2015 [No. 352](#) , dated 28.06.2018 [No. 499](#))

SECTION I
APPLICATION FOR GRANTING AN INDUSTRIAL DESIGN PATENT

CHAPTER 1
GENERAL PROVISIONS

1. In this Regulation, developed in accordance with [paragraph 3 of Article 12](#) of the Law of the Republic of Belarus of December 16, 2002 “On Patents for Inventions, Utility Models, Industrial Designs” (National Register of Legal Acts of the Republic of Belarus, 2003, N 1, 2/909) (hereinafter –Law), the requirements for documents for an industrial design application, the procedure for conducting an examination of an industrial design application and decision making on examination results are established.

(as amended by the [Resolution](#) of the Council of Ministers of June 28, 2018 N 499)

2. In the Regulation, the terms are used in the meanings defined in the [Law](#) , as well as the following terms and their definitions:

WIPO – World Intellectual Property Organization;

SCST – State Committee on Science and Technology;

application –application for the grant of a patent of the Republic of Belarus for an industrial design;

ICID – International Classification for Industrial Designs, established by the Locarno Agreement of October 8, 1968;

paragraph is excluded. – [Resolution](#) of the Council of Ministers dated 02.27.2014 No. 173;

paragraph is excluded from July 7, 2018. – [Resolution](#) of the Council of Ministers of June 28, 2018 N 499;

Paris Convention – Paris [Convention](#) for the Protection of Industrial Property of March 20, 1883;

patent [attorney](#) – individual certified and registered in the State Register of Patent Attorneys of the Republic of Belarus;

representative – patent attorney or general representative;

Register of Industrial Designs – State Register of Industrial Designs of the Republic of Belarus.

CHAPTER 2 APPLICATION FOR AN INDUSTRIAL DESIGN AND DOCUMENTS ATTACHED TO IT

3. [An application](#) for an industrial design should relate to one industrial design or a group of industrial designs belonging to one class of the ICID.

A single industrial design means an artistic and design solution for both a single product and a set (kit) of products that are independent in the process of operation and have a general purpose (for example, furniture set, dinner set).

A single product refers to as a whole product, and the product, which is part of it (for example, bumper, headlight).

(in the ed. [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

Part excluded. – [Resolution](#) of the Council of Ministers dated 02.27.2014 No. 173.

4. A group of industrial designs refers to artistic and design solutions of the same product (set, kit), which differ in the combination of features that determine the aesthetic features of the appearance of an industrial design, in particular its shape and configuration, ornament and color combination (industrial design variants), or belonging to one class of the ICID, one of which determines the appearance of the product as a whole, and the other (others) – the appearance visible in the operation of the product of its independent part(s).

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

5. An application for an industrial design should contain:

5.1. claim (application);

5.2. a set of images that give a complete detailed view of the appearance of the product, its aesthetic features, in particular, the shape and configuration, ornament and combination of colors.

(pp. 5.2 in the ed. [Resolution](#) of the Council of Ministers of 28.06.2018 No. 499)

5.3. Excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers from 28.06.2018 No. 499.

6. An application for an industrial design is filed by an applicant(s) independently or through a patent [attorney](#).

7. An application is submitted in Belarusian or Russian.

Documents attached to an [application](#) for an industrial design shall be submitted in Belarusian, Russian or a foreign language.

(part 2, p. 7 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

Documents of an [application](#) for an industrial design drawn up in a foreign language should be accompanied by a translation into Belarusian or Russian. The correctness of a translation is certified by the signature of an applicant(s) or his/her (their) patent [attorney](#). The translation should be submitted when filing an application for an industrial design or no later than two months from the date of receipt of this application to the patent body. Prior to submitting the translation documents filed in a foreign language, are considered as uncollected.

(in the ed. [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

8. Documents of an [application](#) for an industrial design (application, set of images) should be submitted:

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

application – in duplicate;

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

a set of images - in five copies.

9. A set of images containing inscriptions in a foreign language shall be submitted in one copy.

(p. 9 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

10. Documents of an [application](#) for an industrial design should not contain expressions, drawings, images, photographs and other materials that are contrary to public order and morality, disparaging statements in relation to industrial designs and other results of the creative activity of other persons, as well as information that is not related to an industrial design.

(in the ed. [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

11. An application for an industrial design shall be accompanied by a document confirming the payment of the patent fee in the prescribed amount or exemption from paying the patent fee, or a document confirming the partial payment of the patent fee, simultaneously with documents confirming the existence of grounds for reducing its size.

These documents shall be submitted simultaneously with an application for an industrial design or on the date specified in [paragraph 4 of Article 15](#) of the Law.

12. An applicant (applicants) may appoint a representative to conduct business on an [application](#) for an industrial design, to represent his/her interests when considering issues arising during the examination of an application for an industrial design.

13. The powers of a representative before the patent body shall be certified by a power of attorney.

A power of attorney for the representation of interests of an applicant (applicants) before the patent body can be issued both by an applicant(s) and his/her (their) representative (by way of transfer of the power of attorney).

14. A representative of an applicant(s) is considered to be a person expressly indicated in the power of attorney. If the power of attorney is issued in the name of several individuals, each of them shall be recognized as the representative of an applicant(s).

15. A power of attorney for representation before the patent body does not require a notarial certificate, except in cases of transfer of the power of attorney.

16. Forms of a power of attorney in Russian and English languages shall be approved by the SCST.

17. If a power of attorney is issued in a foreign language, a translation into Belarusian or Russian, executed on a separate sheet, should be attached, the correctness of which is certified by the patent [attorney](#) in whose name such power of attorney has been issued.

18. An original power of attorney shall be submitted to the patent body.

For the purposes of consideration of an application for an industrial design, a copy of the power of attorney is attached to the materials, the correctness of which is certified by the patent body.

19. A power of attorney should be signed by the person who issued it, indicating his/her name and initials, as well as his/her position (if a power of attorney is issued on behalf of the legal entity). When appointing a common representative from among applicants, a power of attorney shall be signed by other applicants.

(in the ed. Resolution of the Council of Ministers of February 27, 2014 [No. 173](#) , of June 28, 2018 [No. 499](#))

A power of attorney should specify the amount of authority granted to a representative, date, and place of its execution.

20. A power of attorney may refer to one or more applications for industrial designs, both existing and future.

21. An [application](#) for an industrial design received by the patent body is assigned a number and the date of receipt to the patent body is stamped on it.

22. Materials of a registered [application](#) for an industrial design are non-refundable.
(p. 22 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

CHAPTER 3 SELECTED APPLICATION FOR AN INDUSTRIAL DESIGN

23. An applicant (applicants) has the right to file a selected application if:

an original application was filed in violation of the unity of an industrial design;

industrial design options declared, but an applicant(s) decided to obtain patents for each of the options or for some industrial design options;

(in the ed. [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

A group of industrial designs is declared, which constitute solutions for the appearance of the product as a whole and its parts, but an applicant(s) decided to obtain patents for the product as a whole and its part.

24. A selected [application](#) for an industrial design should be filed by the same applicant(s) as the original application for an industrial design. This means that in the case of a separate application for an industrial design that is filed by another applicant(s), documents should be submitted confirming the transfer of the right to receive a patent for an industrial design.

25. The filing of an industrial design application should be made before the date of a patent registration for the initial application for an industrial design, and in the case of the decision on refusal on granting a patent in respect of the initial application for an industrial design – before the expiry of the period for appeal.

Part excluded. - [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173.

26. As of the date of receipt by the patent body of a selected [application](#) for an industrial design, the original application should not be withdrawn and it should not be decided to refuse to grant a patent. (in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

27. A selected application for an industrial design should meet all the requirements set forth in [p. 30 – 88](#) of the Regulation.

28. Consideration of a selected application for an industrial design in the patent body is carried out in the manner provided for in this Regulation.

29. A selected industrial design application may be a source for selecting another industrial design application from it, and the industrial design should be disclosed in both the original application for an industrial design and the first separate application for an industrial design.

SECTION II APPLICATION DOCUMENTS

CHAPTER 4 STATEMENT

30. An application is submitted in [accordance](#) with the [form](#) approved by the SCST and should contain:

30.1. request for the grant of a patent of the Republic of Belarus for an industrial design in the name of an applicant(s);

30.2. information about applicant(s):

last name, first name and patronymic name (if any) of an individual, last name shall be indicated before name, and (or) full name of a legal entity in accordance with the constituent documents in the nominative case;

(in the ed. Resolution of the Council of Ministers of February 27, 2014 [No. 173](#) of June 28, 2018 [No. 499](#))

address of the place of residence (stay) or location, as well as the telephone (fax) number and e-mail address (if any). When specifying the country of residence (stay) or location, the country code according to WIPO Standard ST.3 is used, if it is identified. If an applicant(s) is an author (authors) of an industrial design, details of his/her (their) place of residence (stay) are specified in the order provided to indicate place of residence (stay) of an author(s) of an industrial design. If an applicant (applicants) is a legal entity (legal entities) of the Republic of Belarus, the following shall be used: its (their) code according to the National Classifier of Enterprises and Organizations of the Republic of Belarus (OKPO), a payer's registration number (UNP) and name of a legal entity to which it is subordinated or the composition (system) which includes a legal entity (legal entities) - an applicant(s) (if any);

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

30.3. name of a claimed industrial design (group of industrial designs), which should coincide with the name given on the images of an industrial design;

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

30.3-1. index heading current edition of the ICID;

(paragraphs 30.3-1 introduced by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

30.4. excluded;

(p. 30.4 excluded. - [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

30.5. filing date and number of an original application for an industrial design, if an application for an industrial design is submitted as selected;

30.6. request to establish priority in claiming a priority earlier than the date of filing an application for an industrial design to the patent body, indicating the date and reason for claiming such priority (filing the first application for an industrial design in a member state to the Paris [Convention](#), or additional materials filed to an application for an industrial design, or filing an earlier application for an industrial design to the patent body);

30.7. The number of the first or an earlier industrial design [application](#) and the date of priority claimed. If priority is claimed on the basis of several applications, the numbers of all applications and, where appropriate, several dates of the priority claimed are indicated. When requesting a Convention priority, the code of the country of filing according to WIPO Standard ST.3 is indicated.

Number of the first application for an industrial design, date of the priority claimed and the state in which the first application for an industrial design was submitted, shall be indicated when submitting an application for an industrial design or on the date specified in [part 3 of paragraph 3 of Article 16 of the Law](#).

(part 2, p. 30.7 is introduced by the [Resolution of the](#) Council of Ministers of April 28, 2015 No. 352)

If an application for an industrial design claiming a Convention priority has been received by the patent body later than the deadline set in [part 1 of paragraph 3 of Article 16](#) of the Law, but before the expiration of two months from the date of its completion, an applicant(s) should submit an application to extend the deadline for filing such an application for an industrial design and a document confirming the payment of a patent fee in the prescribed amount. In such an application, circumstances should be specified, which are independent from a applicant(s), for which an application for an industrial design claiming a Convention priority could not be filed within the prescribed period;

(third part of paragraphs 30.7 is introduced by the [Resolution](#) of the Council of Ministers of April 28, 2015 N 352; in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 of No. 499)

30.8. address for correspondence in accordance with the rules for addressing mailings with name, first name, patronymic (if any) or name of an addressee (applicant, patent attorney, general representative among applicants), as well as telephone, fax number and e-mail address if available);
(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

30.9. information on a representative, if an application for an industrial design is filed through a representative:

surname, first name and patronymic (if any) or name of a representative;
(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

an indication that a representative is a patent [attorney](#) or general representative;

registration number of a patent attorney, if a representative is a patent attorney, telephone and fax number, e-mail address (if any);

30.10. list of documents attached to an [application](#) for an industrial design indicating the number of sheets in one copy and the number of copies. For attached documents, the type of which is not provided for in an application form, their purpose is indicated specifically;

30.11. indication of grounds (grounds) for the occurrence of the right to obtain a patent in accordance with [paragraph 2 of Article 6](#) of the Law;

30.12. information about an author (authors) of an industrial design:

surname, first name and patronymic (if any), while surname indicated before name;
(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

address of a place of residence (place of stay), including a country code according to WIPO Standard ST.3, if it is identified.

31. The information specified in [subparagraphs 30.5 - 30.7 of paragraph 30](#) of this Regulation is given only when priority is claimed earlier than the date of receipt of an application for an industrial design in the patent body.

32. An application is signed by an applicant(s) or his/her (their) patent [attorney](#): name, surname and the date of signing.
(in the ed. [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

If an applicant (applicants) is a legal entity (legal entities), an application is signed by the head of this legal entity (legal entities) or the authorized person, indicating the position of the signatory. The signature is decrypted (indicate name, surname, patronymic and position of the signatory).
(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

If an application submitted to the patent body does not indicate the date of its signing, then the date of signature is considered the date of submission of an application to the patent body.

33. If several applicants are indicated in one application for an industrial design, they should either collectively sign each document requiring an applicant's signature, or appoint a representative (patent attorney or general representative).

A general representative of applicants may be indicated on an application form signed by all applicants.

34. Information that, due to its large volume, cannot be fully placed in the appropriate place provided for in an application form, is indicated in the same order on an additional sheet(s), as indicated by the corresponding indication: "See the continuation on the additional sheet(s)". The additional sheet(s) shall be signed by an applicant (s).

35. Application columns located above the word "application" are intended to enter details after the receipt of an application for an industrial design to the patent body and an applicant(s) are not filled out.

CHAPTER 5 SET OF PRODUCT IMAGES

36. Images depicting the appearance of a product should give a complete detailed view of its appearance, allowing to identify a set of signs of a product.
(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

37. Product images are photos, drawings and their copies obtained using copying equipment, as well as images made using computer graphics.

38. A set of images may contain images of the general form of the product in the perspective of three-quarters in front, as well as other types of products required, according to an applicant(s), to reveal the essence of the claimed industrial design.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

A set of images may contain more than seven types of one product (parts of the product). If an applicant submits more than seven types of one product, a document should be submitted confirming payment of a patent fee in the prescribed amount for each type of product over seven.

(part 2, p. 38 in the red. [Resolution](#) of the Council of Ministers of 28.04.2015 No. 352)

39. For a planar industrial design, a plan view is represented.

40. Plane industrial designs of textiles in an image should be displayed with a repeated motif.

Products of the clothing industry in an image can be represented on a mannequin.

(part 2, p. 40 introduced by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

41. A set (kit) of products should be represented via images of a general form completely, that is, by all the products included in the complete set (kit). In addition, each product included in the set (kit) can additionally be presented on separate sets of images.

(in the ed. [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

In special cases, when a set (kit) of products cannot be represented on one image of a general form in its entirety, it is allowed to present fragments of a set (kit) on separate images.

42. Each version of an industrial design should be represented by a separate set (kit) of images.

43. Products that can be closed, collapsed, transformed can be represented by images of these products in assembled form (for example, kitchen machines, vacuum cleaners), and, if necessary, in open form (for example, refrigerators, telephone boxes), provided that no part of the product will be added or removed.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

44. In cases when the colorographic (artistic and coloristic) solution is one of the features of an industrial design, a set of images is presented in color.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

45. All images regardless of the method of execution should be clear and readable. On them all elements of a product should be clearly visible both on the illuminated and on the shady sides.

46. It is not allowed to submit images containing traces of retouching or corrections, as well as images made with erased ink.

47. A product should be depicted on a neutral background without foreign objects, explanatory inscriptions, dimensions, axes, lines, arrows, notations of breaks for long products on images themselves.

It is allowed to use the dotted line to display on the images of the part (element) of the appearance of the product, for which the applicant does not claim legal protection. At the same time, parts (elements) of the appearance of a product related to the declared industrial design should be depicted with a solid line.

If a different interpretation is possible (for example, dotted lines can be perceived as an integral part of the declared industrial design), an applicant shall explain how to determine the part (element) for which protection is not sought.

(p. 47 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

48. Images in the form of photographs are, as a rule, 180 x 240 mm in size, other images (including those made using computer graphics) are on A4 sheets.

For products or layouts, none of the dimensions of which exceed 300 mm, images of 130 x 180 mm or 90 x 120 mm may be submitted.

Images of one type are given under one number.

49. On images, industrial design name, image number, variant number (if an industrial design variants are declared), as well as explanations (for example, general view, side view, front view, rear view, top view) are indicated from top to bottom.

Images are sequentially numbered in Arabic numerals in the following order: general view, other types (if they are presented).

(part 2, p. 49 introduced by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

If an industrial design is represented by only one type of product, the image number is not indicated. (part 3, p. 49 introduced by the [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

CHAPTER 6 EXCLUDED

(Chapter 6 excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

50 - 54. Excluded.

(p.50 - 54 excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

CHAPTER 7 INDUSTRIAL DESIGN NAME

55. The name of an industrial design characterizes its purpose and corresponds to its essence. The name should be short, concise (preferably not more than 10 words) and should not contain fictitious, familiar (unceremonious) names, abbreviations, trademarks and service marks, advertising, company and other special names, appellations of origin of goods, the words like "etc." similar to them, which do not serve the purpose of identifying an industrial design.

56. The name is stated in the singular. The exceptions are names that are not used in the singular (for example, pliers, nippers, scissors);

The name of an industrial design is recommended to be formulated in terms of the ICID.

57. Special names may have the following structure: an indication of a generic concept (for example, a machine), then a specific concept (for example, a lathe machine), then, if necessary, a special purpose or a special name (for example, for the manufacture of optical instruments).

58. The name of an industrial design relating to the set (kit) of products should begin with the word "set" ("kit").

The name of a group of industrial designs related to a single product should contain the name of a product, supplemented by an indication in brackets of the word "options" and the number of options (for example, a chair (3 options)).

59. The name of a group of industrial designs related to a single product and its independent part should contain the name of a product as a whole, indicating in brackets the words "product as a whole" and the name of its independent part indicating in brackets the words "part of the product".

60. If a group of industrial designs related to a product and its independent part is declared, and the product and (or) its independent part are presented as options, the name should contain the name of the product as a whole, supplemented by indicating in brackets the word "options" and the number of options, indicating in brackets the words "product as a whole" and the name of its independent part,

supplemented by indicating in brackets the words “options” and the number of options, indicating in brackets the words “part of the product”.

CHAPTER 8 EXCLUDED

(Chapter 8 excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

61, 62. Excluded.

(p. 61, 62 excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

CHAPTER 9 EXCLUDED

(Chapter 9 is excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

63 - 74. Excluded.

(p. 63 - 74 excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

Chapter 10 REGISTRATION OF DOCUMENTS OF THE APPLICATION FOR INDUSTRIAL SAMPLE

75. All documents of an [application](#) for an industrial design should be drawn up on thick white smooth non-glossy paper so that it is possible to get an unlimited number of readable copies when directly reproducing documents using standard means of copying or scanning.

If the number of images exceeds 14, the set of images is additionally presented on an optical medium (CD-R).

(part 2, p. 75 is introduced by the [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

Each image should be saved as a separate file in the tif format at 300 DPI.

(part 3, p. 75 introduced by the [Resolution](#) of the Council of Ministers dated February 27, 2014 No. 173)

Files containing images should not contain more than one layer.

(part 4 of p. 75 introduced by the [Resolution](#) of the Council of Ministers dated February 27, 2014 No. 173)

The file name should match the image number in the image set and consist of two numbers (for example, 01, 02 ..., 15, and so on).

(part 5, p. 75 introduced by the [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

Color images should be saved in RGB mode, and black and white images in the “grayscale” mode.

(part 6 of p. 75 introduced by the [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

76. Each document of an [application](#) for an industrial design (application, set of images) should begin with a new sheet of paper.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

77. Each sheet should be used only on one side with the arrangement of lines parallel to the smaller side of the sheet, with the exception of an application, which is drawn up on one sheet from two sides.

78. Sheets should not be crumpled, torn and have kinks.

79. Each sheet should not have erasures, corrections, inscriptions and inserts. Exceptions to this rule may be allowed, if the clarity of the content does not raise any doubts and the requirements of high-quality reproduction are not violated.

80. Deleted.

(p. 80 excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

81. Photos should be submitted on matte photo paper.

82. Sheets should be in A4 format .

83. On sheets containing reproductions of drawings, the size of the used area shall not exceed 262 x 170 mm. Sheets should not be framed around the used or usable area.

84. Fields of sheets when applying for an industrial design should be clean.

85. Deleted.

(p. 85 excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

86. An application and images should be printed. Handwritten inscriptions are not allowed.

(part 1, p. 86 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

It is not allowed to glue images onto sheets of paper, if this causes them to become creased, and (or) gluing is done in such a way that images can be separated from sheets of paper.

Part excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499.

87. Deleted.

(p. 87 excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

88. The requirements for materials of an industrial design [application](#) also apply to any document submitted to the patent body after filing an application for an industrial design (for example, sheets containing corrections, translations).

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

SECTION III GENERAL QUESTIONS ON EXAMINATION OF AN INDUSTRIAL DESIGN APPLICATION IN THE PATENT BODY

Chapter 11 REQUIREMENTS FOR MATERIALS OF AN INDUSTRIAL DESIGN APPLICATION, SENDED AFTER ITS SUBMISSION TO THE PATENT BODY

89. Consideration of an application for an industrial design in the patent body is conducted in Belarusian or Russian. All materials, submitted by an applicant(s) in a foreign language after filing of an application with the patent body, should be accompanied by an appropriate translation. The correctness of a translation should be certified by an applicant(s) or his/her (their) representative. Prior to submitting translation materials – deemed uncollected.

Part excluded. - [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173.

90. Materials submitted to the patent body after filing an application with design defects that impede their reading, as well as materials submitted by a person who is not an applicant(s) or his/her (their) representative, are not considered. A person submitting such materials shall be notified accordingly.

91. If materials submitted to the patent body are executed in violation of the requirements set forth in the Regulation, the actions committed by an applicant(s) in connection with their provision are considered invalid and the submitted materials shall not be accepted for consideration, of which the applicant(s) are notified.

92. Correspondence on an [application](#) for an industrial design is conducted by an applicant(s) or his/her (their) representative for each application for an industrial design separately.

93. Materials sent after filing of an application for an industrial design should refer to the number of an application for an industrial design assigned by the patent body.

Materials that do not contain an [application](#) number for an industrial design shall not be considered, if an application number for an industrial design cannot be identified indirectly. A person submitting such materials shall be notified accordingly.

Part excluded from July 7, 2018. - [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499.

94. Materials submitted to the patent body should be signed by an applicant(s) or his/her (their) representative.

95. Materials submitted on behalf of a legal entity (legal entities) shall be signed by its (their) manager or other person authorized by the constituent documents of a legal entity or a [power of attorney](#) duly executed, and should contain an indication of the position, surname and name of the signatory.

Materials submitted on behalf of a legal entity are also considered as signed by a person authorized to do so, if they are submitted with a cover letter signed by a person authorized to do so.
(p. 95 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

96. Correspondence sent by a legal entity (legal entities) should be submitted on the form of this legal entity (legal entities).
(p. 96 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

97. Any document relating to an [application](#) for an industrial design, sent before the expiration of the deadline for its submission by facsimile or e-mail in the facsimile image of this document, is considered to be submitted in time if its original arrived within one month from the date of expiry of the established deadline. When presenting by an applicant(s) or his/her (their) representative or other person on his/her own initiative of a document by facsimile or e-mail in the facsimile image of this document not in connection with any deadlines, the date of submission of this document to the patent body is considered the date of its receipt in the facsimile image, if the original of this document will be submitted within one month from the date of its submission by the specified means of communication.

98. When submitting the original document, which was previously sent by means of communication specified in [paragraph 97](#) of the Regulation, it is necessary to indicate that the submitted document is the original of what was sent earlier.

99. If the document or its part, received by facsimile or e-mail, is illegible or incomplete, then they are considered to be not received, about which the sender of the document is notified in writing.

CHAPTER 12

AMENDMENTS AND CORRECTIONS TO MATERIALS OF AN INDUSTRIAL DESIGN APPLICATION

100. An applicant is entitled to make corrections and clarifications to documents of an [application](#) for an industrial design that do not alter the essence of the declared industrial design before the patent body making a decision to issue or refuse to issue a patent for an industrial design.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

The correction of obvious and technical errors in materials of an application for an industrial design submitted by an applicant can be made before the registration of an industrial design in the Register of Industrial Designs.

Obvious errors are errors that are a consequence of what is written, not what was explicitly implied in an [application](#) for an industrial design.

101. Correction and clarification of materials of an [application](#) for an industrial design are carried out by submitting replacement sheets of relevant documents of an application for an industrial design, which are amended. Replacement sheets are drawn up in accordance with the requirements in respect of relevant documents of an application for an industrial design, and are submitted for each copy of the modified document of an application for an industrial design. The cover letter to the replacement sheets indicates the differences between the replaced and replacement sheets and explains the reasons for changes.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

102. If corrections concern typographical errors, errors in indicating bibliographic data and another, and correcting the document will not lead to negative consequences in terms of clarity in direct reproduction, the need for corrections can be expressed in a letter of an applicant(s) without submitting replacement sheets.

103. If corrections and clarifications are made to an application for an industrial design on the initiative of an applicant(s), a document confirming payment of a patent fee in the prescribed amount shall be submitted to the patent body simultaneously with the corrected and updated materials.

A document confirming the payment of a patent fee in the prescribed amount can be submitted within three months from the date of sending an applicant(s) a notice of its absence.

(part 2, p. 103 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

104. If a document confirming payment of a patent fee is not submitted within the deadline, corrections and clarifications to an application for an industrial design are not taken into account, and an applicant(s) is notified thereon.

105. The patent body notifies an applicant(s) about the changes to an application for an industrial design.

106. If an applicant(s) requests an extension of the deadline for submitting properly executed documents upon the request of the patent authority, then such a request indicates the requested extension period for submitting the properly drafted documents requested by the patent body.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

107. A document confirming the payment of a patent fee in the prescribed amount is attached to an application for the extension of the period.

108. An application for the extension of the term shall be submitted within the term established in [paragraph 6 of Article 24](#) of the Law for the submission of duly executed documents at the request of the patent body.

If the deadline for filing an application for extension of the period and (or) failure to submit a document on the payment of a patent fee is not observed, the application for extension of the period is not subject to satisfaction, about which an applicant(s) is notified.

109. If an application for the extension of the term is approved, an applicant(s) shall be notified of the extension of this period.

CHAPTER 13 CHANGES TO THE INDICATION OF AUTHORS OF INDUSTRIAL DESIGNS

110. Inclusion in the authors' list of an industrial design of persons not listed in an application, and (or) exclusion from the authors' list of an industrial design of persons referred to in an application as authors of an industrial design, is carried out on the basis of an application of an applicant(s) to amend the indication of authors of industrial design due to changes in the composition of authors filed before the patent body made a decision on issuing or refusing to issue a patent for an industrial design. (in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

111. An application for amendments to the indication of authors of an industrial design due to a change in the composition of authors is submitted in Russian or Belarusian, should contain the number of the corresponding [application](#) for an industrial design and be signed by all interested parties: applicant(s), author(s), including those included and/or excluded from the authors' indication. (part 1, p. 111 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

In the absence of consent of all interested parties to change the composition of authors of an industrial design, changes to the indication of authors of an industrial design are made on the basis of a court decision.

111-1. The last name, first name, patronymic (if any) of an author(s) and (or) his/her (their) address of residence (place of stay) is changed on the basis of an application for amending the indication of authors of an industrial design in connection with a change of surname, name, patronymic (if any) of an author(s) and (or) his/her (their) address of residence (place of stay), filed before the date of registration of an industrial design in the Register of Industrial Designs. (p. 111-1 introduced by [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

111-2. An application for amending the indication of an authors of an industrial design in connection with a change of surname, name, patronymic (if any) of an author(s) and (or) his/her (their) address of residence (place of stay) is submitted in Russian or Belarusian, and shall contain the number of the corresponding application for an industrial design, surname, name, patronymic (if any) of an author(s) and/or his/her (their) address of residence (place of stay) before and after their change and be signed by an applicant(s) and an author(s) for whom such changes are made. (p. 111-2 introduced by [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

111-3. Applications indicated in [paragraphs 111](#) and [111-1](#) of the Regulation shall be submitted in accordance with the forms defined by SCST. (p. 111-3 introduced by [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

112. Applications indicated in [paragraphs 111](#) and [111-1](#) of the Regulation shall be accompanied by a document confirming the payment of a patent fee in the prescribed amount. A document on the payment of a patent fee can be submitted within three months from the date of sending an applicant(s) a notice of its absence. (in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

If a document confirming payment of a patent fee in the prescribed amount is not submitted, the applications indicated in [paragraphs 111](#) and [111-1](#) of the Regulation are not accepted for consideration and no changes are made by the patent body, about which an applicant(s) is notified within five days. (part 2, p. 112 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

In the case of a change in the composition of authors, the application specified in [paragraph 111](#) of the Regulation shall also be accompanied by an application for the grant of a patent for an industrial design with the corresponding changes in two copies.

(part 3, p. 112 introduced by [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

In the case of a change in the surname, name, patronymic (if any) of an author(s) and (or) his/her (their) address of residence (place of stay), the application indicated in [paragraph 111-1](#) of the Regulation shall also be accompanied by a document confirming change of the surname, name, patronymic (if any) of an author(s) and (or) his/her (their) address of residence (place of stay), and an application for the grant of a patent for an industrial design with the corresponding changes in two copies, if changes are made before taking by the patent body of a decision to grant or refuse to grant a patent for an industrial design. (part 4, p. 112 introduced by [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

113. The patent body notifies an applicant(s) about the changes made to an application for an industrial design.

Chapter 14 **CHANGES TO AN APPLICATION OF AN APPLICANT(S)**

114. When transferring or assignment of the right to receive a patent for an industrial design, changes to the indication of an applicant(s) are made before the date of registration of an industrial design in the Register of Industrial Designs.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

115. In order to make changes to the indication of an applicant(s) upon transferring or assignment of the right to receive a patent, an applicant(s) or a person to whom the right to receive a patent is transferred or assigned, shall submit to the patent body an application for amending the applicant's (applicants') indication upon the transfer of the right to receive a patent for an industrial design as a result of a succession or an application for amending the indication of an applicant(s) when assigning the right to receive a patent for an industrial design according to to the forms defined by SCST.

(p. 115 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

116. An application for amending the indication of an applicant(s) when transferring the right to receive a patent for an industrial design under an agreement is submitted in Russian or Belarusian and should contain:

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

request for changes in the indication of an applicant(s) and the basis for its implementation;

indication of the number of a relevant application for an industrial design;

surname, name, patronymic (if any) of an individual(s) and (or) a full name of a legal entity(s) according to a constituent document that are parties to an agreement on the transfer of the right to receive a patent;

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

place of residence or place of stay of a person(s) entitled to receive a patent;

address for correspondence in accordance with the rules for addressing mailings, as well as telephone number, fax number and e-mail address (if any).

117. An application for amending the indication of an applicant(s) when transferring the right to receive a patent under an agreement should be signed by the parties to an agreement on the transfer of the right to receive a patent. If a party(s) to an agreement on the transfer of the right to receive a patent is a legal entity(es), an application is signed by the head of this legal entity(es) or a person authorized to do so, and the position of the signatory is indicated.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

117-1. An application for amending the indication of an applicant(s) upon the transfer of the right to receive a patent for an industrial design as a result of succession shall be submitted in Russian or Belarusian and should contain:

request for changes in the indication of an applicant(s) and the basis for its implementation;

number of a relevant [application](#) for an industrial design;

surname, name, patronymic name (if any) of individuals and (or) a full name of legal entities in accordance with the constituent documents before and after the succession;

place of residence (place of stay) or location of the assignee(s);

address for correspondence in accordance with the rules for addressing mailings, as well as telephone number, fax number and e-mail address (if any).

(p. 117-1 introduced by [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

117-2. An application specified in [paragraph 117-1](#) of the Regulation shall be signed by a person(s) who is an assignee(s) of an applicant(s).

(p. 117-2 introduced by [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

118. The applicants referred to in [paragraph 115](#) of the Regulation shall be accompanied by:

application for the grant of a patent for an industrial design with the corresponding changes in two copies, if the applications indicated in [paragraph 115](#) of the Regulation are submitted before the patent body makes a decision to issue or refuse to issue a patent for an industrial design;

document confirming the payment of a patent fee in the prescribed amount. This document can be submitted within three months from the date of the notification to an applicant(s) about its absence.

If the document confirming payment of a patent fee in the prescribed amount is not submitted within the established period, the applications indicated in [paragraph 115](#) of the Regulation are not accepted for consideration and no changes are made by the patent body, and an applicant(s) is notified within five days.

(p. 118 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

119. In the case of a change of surname, first name, patronymic (if any) or the name of an applicant(s) and (or) his/her (their) address of residence (place of stay) or location, an application is submitted to the patent authority in Russian or Belarusian. amending the applicant's (applicants') indication in respect of an [application](#) for the grant of a patent for an industrial design in connection with the change of surname, first name, patronymic (if any) or name of an applicant(s) and (or) his/her (their) residence address (place of stay) or location. Such an application should contain the number of a relevant application for an industrial design, surname, first name, patronymic (if any) or full name of an applicant(s) and (or) his/her (their) address of residence (place of stay) or location before and after changes and to be signed by an applicant(s). The application is submitted in the [form](#) defined by SCST.

(p. 119 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

120. The application specified in [paragraph 119](#) of the Regulation shall be accompanied by:
(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

document confirming changes of surname, first name, patronymic (if any) or name of an applicant(s) and (or) his/her (their) address of residence (place of stay) or location;

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

application for the grant of a patent for an industrial design with the corresponding changes in two copies, if an application for amending the indication of an applicant (s) is submitted before the patent body makes a decision to issue or refuse to issue a patent for an industrial design; (in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

document confirming the payment of a patent fee in the prescribed amount. The specified document can be submitted within three months from the date of sending the notice to an applicant(s) about its absence.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

(part one of p. 120 in the ed. [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

If the document confirming the payment of a patent fee in the prescribed amount is not submitted within the established period, the application indicated in [paragraph 119](#) of the Regulation is not accepted for consideration and no changes are made by the patent body, and an applicant(s) is notified within five days.

(part two of p. 120 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

121. The patent body notifies an applicant(s) about changes made to the indication of an applicant(s).

122. Deleted.

(p.122 excluded. - [Resolution](#) of the Council of Ministers of February 27, 2014 No. 173)

SECTION IV

EXAMINATION OF AN APPLICATION FOR AN INDUSTRIAL DESIGN

CHAPTER 15

CONDITIONS OF CONDUCT AND CONTENT OF EXAMINATION OF AN APPLICATION FOR AN INDUSTRIAL DESIGN. FILING DATE OF AN APPLICATION FOR AN INDUSTRIAL DESIGN

123. When conducting an examination of an application for an industrial design, the following shall be checked:

availability of documents that should be contained in an application for an industrial design or be attached to it;

compliance with the established requirements for the documents of an application for an industrial design, including the correctness of payment of the established patent fees;

whether the proposed application applies to objects protected as industrial designs.

124. When conducting an examination of an [application](#) for an industrial design, the date of its filing shall be established.

125. The date of filing an application for an industrial design shall be the date on which an applicant(s) submitted an application and a set of images.

(in the ed. [Resolution](#) of the Council of Ministers of April 28, 2015 No. 352)

If these documents are submitted at different periods of time by an applicant(s), the filing date is considered the date of receipt of the last of the submitted documents.

126. The filing date of a distinguished [application](#) for an industrial design shall be the date of filing of the initial application for an industrial design, from which an application for an industrial design is separated.

127. If the patent body determines that an application for an industrial design has been filed by several applicants and an organization that is not a legal entity is indicated as one of the applicants, other applicants who have the right to receive a patent are notified on the need to sign within a three-month period to make changes to an application for an industrial design related to the exclusion of an organization that is not a legal entity from the applicants' indications. If within the prescribed period changes to the indication of an applicant(s) is not made, upon [application](#) for an industrial design a decision is taken to refuse to issue a patent, about which an applicant(s) are notified within five days. In this case, the deadline for making the said amendments can be extended in accordance with [paragraph 6 of Article 24](#) of the Law.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

128. If the patent body determines that an organization indicated in an application as the sole applicant is not a legal entity, a decision is made on the [application](#) for an industrial design as to refuse to grant a patent.

CHAPTER 15-1

SETTING INDUSTRIAL DESIGN PRIORITY

(introduced by [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

128-1. The priority of an industrial design is established on the grounds provided for in [Article 16](#) of the Law.

128-2. When an applicant(s) is asking the Convention priority the following is verified:

presence of an indication in respect of the requested convention priority;

compliance by an applicant(s) with the deadline for filing an [application](#) for an industrial design with the patent body, claiming the Convention priority established in [part 1 of paragraph 3 of Article 16](#) of the Law. If an application for an industrial design with a request for the Convention priority was received later than the deadline, but before the expiration of two months from the date of its expiration, an applicant(s) should submit an application to extend the deadline for filing such an application indicating the circumstances due to which the application could not be filed within the prescribed period. The application should be accompanied by a document certifying payment of fees for the patent extension filing of a patent application for an industrial design with claiming the Convention priority.

128-3. When claiming by an applicant(s) of an industrial design priority date of receipt of additional materials to the previously filed [patent application](#) for an industrial design of the same applicant(s) in accordance with [paragraph 4 of Article 16](#) of the Law the following shall be verified:

presence of an indication of the claimed priority;

compliance by an applicant(s) with the deadline for filing an [application](#) for an industrial design, claiming priority by the date of receipt of additional materials, established in [paragraph 4 of Article 16](#) of the Law;

disclosure of the claimed industrial design in additional materials on the date of receipt of which priority is claimed (taking into account the content of the initial application for an industrial design on which these materials were submitted).

128-4. When claiming by an applicant(s) of an industrial design priority filing date with the patent body in respect of an earlier industrial design application of the same applicant(s) in accordance with [paragraph 5 of Article 16](#) of the Law the following shall be verified:

presence of an indication of the claimed priority;

compliance by an applicant(s) with the deadline for filing an [application](#) for an industrial design, claiming priority by the date of receipt by the patent body of an earlier application for an industrial design of the same applicant(s), established in [paragraph 5 of Article 16](#) of the Law;

disclosure of the claimed industrial design in an earlier application for an industrial design, while an earlier application for an industrial design should not be the subject for claiming an earlier priority.

When claiming priority on the date of filing with the patent body of an earlier [application](#) for an industrial design in respect of an earlier application for an industrial design, a decision to refuse to issue a patent is made, about which an applicant(s) is notified within five days.

128-5. When claiming by an applicant(s) the priority of an industrial design in respect of a separated application for an industrial design in accordance with [paragraph 6 of Article 16](#) of the Law the following shall be verified:

presence of an indication of the claimed priority;

compliance by an applicant(s) with the conditions for filing an application for an industrial design with claiming priority on a separate application for an industrial design provided for in [paragraph 6 of Article 16](#) of the Law;

disclosure of a claimed industrial design in the initial [application](#) for an industrial design.

When determining the priority for a separated application for an industrial design, the date of filing is recognized as the date of filing the initial application for an industrial design, and if the right to establish an earlier priority for the initial application for an industrial design is available, the date of this priority shall be recognized.

128-6. In the case when an applicant(s) claims several priorities, depending on the specified grounds for claiming such priorities, the compliance with the relevant conditions defined in [paragraphs 128-2 - 128-5](#) of the Regulation shall be observed.

128-7. The establishment of a priority or several priorities in accordance with [paragraphs 4 - 6 of Article 16](#) of the Law is possible provided that an application for an industrial design, on the basis of which priority is claimed, or an [application](#) for an industrial design, to which additional materials are submitted, which are the basis for claiming priority, is withdrawn or it is not decided to refuse to grant a patent.

128-8. When verifying that an applicant(s) complies with the disclosure conditions of the claimed industrial design in previously submitted materials (previously filed an application for an industrial design, additional materials) that are the basis for claiming priority, it is checked whether the appearance of the product shown on the images does not differ on the requested priority date contained in the previously filed patent application, or other materials from the appearance of the product to the represented original images in the considered application.

128-9. If an applicant(s) complies with the conditions specified in [paragraphs 128-2 - 128-8](#) of the Regulation, the claimed priority shall be established in relation to the declared industrial design.

128-10. If an applicant(s) does not comply with at least one of the conditions defined in [paragraphs 128-2 - 128-8](#) of the Regulation, the priority of an industrial design is established (with prior notification of an applicant(s) by the date of filing an application for an industrial design to the patent body).

CHAPTER 16
CHECKUP OF THE CORRECTNESS OF PAYMENT OF PATENT FEES

129. When verifying the payment of patent fees, the following are checked:
observance of the terms of payment and submission of payment documents;
compliance of the paid patent fees with the established amounts.

130. If the document confirming payment of the patent fee for filing and conducting an examination of an application for an industrial design is not submitted within the deadline set in [paragraph 4 of Article 15](#) of the Law, a decision shall be made to refuse to accept an application for an industrial design, about which an applicant(s) is notified within five days.

(p. 130 in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

131. When paying a patent fee in the amount less than the established one, an applicant(s) shall be notified of the need to pay such a fee in full and submit a document confirming such surcharge within two months from the date of receipt by an applicant(s) of the notice.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

An applicant(s) shall be sent a decision on refusal to accept an [application](#) for an industrial design, if the document confirming the surcharge has not been received by the patent body within the specified period.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

132. When verifying the correctness of the payment of patent fees, the possibility of applying privileges provided for by the [legislation](#) of the Republic of Belarus is established.

Chapter 17
CHECKUP OF AN APPLICATION TO OBJECTS THAT CAN BE RECOGNIZED AS INDUSTRIAL DESIGNS

133. When checking an application to objects that can be recognized as industrial designs, it is established whether the proposed application does not apply in an obvious way to objects that are not protected as industrial designs.

134. An application for an industrial design can be subject of a decision to refuse to issue a patent, if during the examination it is established that an application of an applicant(s) refers to objects that are not protected as industrial designs in accordance with [paragraph 2 of Article 4](#) of the Law.

135. If it is established that an application of an applicant(s), referred to objects that are not protected as industrial designs, is declared as part of a set or group of industrial designs, an applicant(s) is invited to remove it from application materials for an industrial design.

136. If the necessary corrections and clarifications are not made or the evidence that refutes the findings of the examination is not presented, a decision is taken to refuse to issue a patent, about which an applicant(s) is notified within five days.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

CHAPTER 18
CHECKUP OF THE AVAILABILITY OF DOCUMENTS CONTAINED IN AN APPLICATION FOR AN INDUSTRIAL DESIGN, AND COMPLIANCE WITH ESTABLISHED REQUIREMENTS THEREON. REQUEST FOR RELEVANT DOCUMENTS COMPLETED IN THE REQUIRED ORDER

137. In the course of the examination of an application for an industrial design, the presence of documents in an application is checked provided for in [subparagraphs 5.1](#) and [5.2 of paragraph 5](#) of the

Regulation, and compliance with the requirements for their preparation set out in [paragraphs 30 - 88](#) of the Regulation.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

138. While determining the number of industrial designs to which an application for an industrial design relates, the compliance with the formal requirements for application documents for an industrial design is checked in cases where it belongs to one industrial design or group of industrial designs.

If an [application](#) for an industrial design is submitted with violation of the requirement of unity of an industrial design, an applicant(s) is sent a request with a proposal within three months from the date of the request, indicate which of the industrial designs should be considered, and clarify the relevant documents.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

139. If an application for an industrial design does not contain the necessary information and (or) documents stipulated by the [Law](#) and this Regulation, and (or) in case of violation of the requirements for their preparation, an applicant(s) are sent a request indicating the violations found and a proposal to submit the properly executed or missing documents within three months from the date of the request.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

140. The grounds for the request during the examination are:

140.1. absence in an [application](#) for an industrial design of at least one of the documents provided for in [subparagraphs 5.1](#) and [5.2 of paragraph 5](#) of the Regulation;

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

140.2. absence of the required number of copies of the document(s);

140.3. incorrect execution of documents for an industrial design (for example, absence of signatures);

140.4. need to address with an applicant(s) the question of further consideration of an [application](#) for an industrial design in case of violation of the requirement of the unity of an industrial design;

140.5. need to clarify with an applicant(s) issues related to the payment of patent fees;

140.6. detection of violations of the requirements for a set of images;

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

140.7. discrepancy of the power of attorney to the established requirements for representation before the patent body

140.8. identifying inconsistencies in the information contained in materials of an [application](#) for an industrial design;

140.9. identifying other shortcomings that impede the completion of the examination.

141. The deadlines granted to an applicant(s) for the correction of materials of an application for an industrial design can be extended at a request of an applicant(s) filed before their expiry, subject to the payment of the established patent fee.

142. If an applicant(s) did not submit within the defined deadline the requested materials or request for an extension of the deadline for submitting them, the decision is made to refuse to grant a patent for an industrial design, about which an applicant(s) is notified within five days.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

Chapter 19

CHECKUP OF THE CLASSIFICATION OF AN INDUSTRIAL DESIGN IN RESPECT OF ICID

143. The industrial design classification is carried out according to the ICID headings.

144. In the classification, the grounds for choosing a classification index (indices) are the name of an industrial design and a set of images.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

Chapter 20

CHECKUP OF MATERIALS, SUBMITTED BY AN APPLICANT(S) ON HIS/HER OWN INITIATIVE OR ACCORDING TO THE REQUEST OF THE PATENT BODY

145. When additional materials are submitted at the initiative of an applicant(s) to the patent body, which are provided for the correction or clarification of application materials for an industrial design, that is to be included in their content, the documents confirming payment of the patent fee in the fixed amount shall be checked along with the submitted additional materials.

146. In the absence of documents confirming the payment of the patent fee, an applicant(s) is notified of the need to submit them. If the specified documents are not submitted within three months from the date of the notification, the materials modified or updated by an applicant(s) are not taken into account when considering an application for an industrial design, about which an applicant(s) is notified accordingly.

(in the ed [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

147. It is not considered as a correction or clarification of application documents for an industrial design on the initiative of an applicant(s) if:

147.1. correction or clarification, submitted by an applicant(s), both after he/she or they received a request of the patent body, and without receiving such a request, is aimed at eliminating violations of the established requirements for the materials of an application for an industrial design;

147.2. correction or clarification, submitted by an applicant(s) after he/she or they received a request from the patent authority, is related to the content of a request from the patent body.

148. If the amended or revised materials are submitted by an applicant(s) after the patent body decides to issue or refuse to grant a patent on an application for an industrial design, such materials are not taken into account, about which an applicant(s) is notified.

149. With regard to duly executed documents submitted by an applicant(s) at a request of the patent body, the compliance with the deadlines for their submission by an applicant(s) is checked, established in [paragraph 6 of Article 24](#) of the Law.

150. Upon receipt of amended and updated materials submitted by an applicant(s) on his/her (their) own initiative or at a request of the patent body and accepted for consideration, it is checked whether such materials change the essence of the claimed industrial design or not.

151. Additional materials change the essence of the claimed industrial design, if they change the appearance of the product presented on the original images.

152. Additional materials that change the nature of the claimed industrial design are not accepted for consideration, and an applicant(s) are notified thereon.

Such materials can be issued by an applicant(s) as an independent [application](#) for an industrial design, including claiming priority on the date of their receipt in accordance with [paragraph 4 of Article 16](#) of the Law.

Chapter 21

PARTICIPATION OF AN APPLICANT(S) WHEN CONDUCTING THE EXAMINATION OF AN APPLICATION FOR AN INDUSTRIAL DESIGN

153. Issues arising during the examination of an [application](#) for an industrial design can be considered with the participation of an applicant(s).

Consideration of issues that have arisen during the examination of an application for an industrial design, with the participation of an applicant(s), is carried out at the suggestion of the patent body or at the request of an applicant(s) after preliminary acquaintance of the parties with the issues to be considered. Patent body's questions can be set forth in a request, which further reports on the desirability of considering them jointly with an applicant(s), questions of an applicant(s) – in a petition for joint consideration of issues arising during the examination of an application for an industrial design.

In the case of a request from the patent body, the answer to it is submitted by an applicant(s) within the time period specified by [Law](#), regardless of whether an applicant(s) intends to take part in the joint consideration of the issues raised in it.

154. The date and time of consideration with the participation of an applicant(s) of issues arising during the examination of an application for an industrial design shall be pre-agreed.

A party that is unable to participate in the consideration of an application for an industrial design at an agreed time shall immediately notify the other party.

155. The consideration of issues that have arisen during the examination of an application for an industrial design, with the participation of an applicant(s), is carried out through negotiations if the issues can be resolved directly by an expert and an applicant(s), or at an expert meeting if the issues resolution requires the participation from the patent body of a number of specialists.

156. According to the results of negotiations or an expert meeting, a protocol is drawn up in two copies containing information about the participants, arguments and suggestions made by the parties, as well as the conclusions reached by the participants.

157. The protocol is signed by all participants in the negotiations or expert meeting. One copy is attached to [application](#) materials for an industrial design, the other is transferred to an applicant(s).

158. In the absence of agreement on the issues discussed, the protocol can contain special opinions of the participants in the consideration.

CHAPTER 22

DECISION ON ISSUE OF A PATENT FOR AN INDUSTRIAL DESIGN

159. Subject to the conditions established in [paragraph 9 of Article 24](#) of the Law, the patent body makes a decision on granting a patent, about which an applicant(s) is notified within five days. (in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

160. The decision to grant a patent, that is transferred to an applicant(s), informs that in order to transfer the application materials for an industrial design for the registration of an industrial design and to publish information about the patent the applicant(s), if he/she (they) agrees with the decision of the patent body, within three months after receiving the decision should submit to the address of the patent body a document confirming the payment of a patent fee in the fixed amount for an industrial design

registration in the Register of Industrial Designs, for the grant of a patent, and for patent maintenance in force for each paid the past and next that began on the date of the decision of the patent year.

(in the ed. Resolution of the Council of Ministers of February 27, 2014 [No. 173](#) , of June 28, 2018 [No. 499](#))

In the case when the beginning of the next year of the patent falls on a date within three months from the date of sending the patent body's decision to an applicant(s), the fee for the year of its validity should be paid simultaneously with the patent fee for the grant.

(in the ed. [Resolution](#) of the Council of Ministers of June 28, 2018 No. 499)

161. The decision to grant a patent states that a patent is issued without verifying the compliance of the claimed industrial design with the conditions of patentability.
