

REGISTERED DESIGNS DECREE

(Decree No. 252/71 of April 2, 1971, as amended by Decrees No. 943 of December 3, 1976, and No. 1703 of December 22, 1995)

Registration Application and Official Register

Section 1

Applications for registration of designs shall be delivered to the National Board of Patents and Registration (*the registering authority*).

Section 2

An application for registration of a design shall consist of a written communication (*application document*) with appendices.

The application document shall be signed by the applicant or his agent and shall contain:

- (1) the applicant's name, domicile and address and, where the applicant is represented by an agent, the agent's name, domicile and address;
- (2) the name and address of the creator of the design;
- (3) information concerning the articles for which registration of the design is applied for, concerning the classes to which the design, according to the applicant, is to be assigned, and as to whether the design is a prototype for an article's appearance or for an ornament;
- (4) information as to whether priority in accordance with the provisions of Section 8 is requested;
- (5) information as to whether the applicant requests deferment of publication of the design under Section 18 of the Registered Designs Act;
- (6) information identifying the appendices to the application document.

The following shall be attached as appendices to the application document:

- (1) a representation or representations of the design;
- (2) where the applicant is represented by an agent, a power of attorney;
- (3) the attestation referred to in Section 10(3) of the Registered Designs Act;
- (4) where the design has been created by a person who is not the applicant, a document evidencing the right of the applicant.

The application fee and additional fees stated in Section 29 shall be paid when the application is filed.

Section 3

The application document and appendices shall be in the Finnish or Swedish language in accordance with the legislation in force relating to languages. If the applicant is a foreigner the application shall be in Finnish. If a document attached to the application is in a foreign language, a translation into Finnish or Swedish shall be deposited if the registering authority so requests.

Section 4

The representation of the design shall be filed in triplicate in a size not exceeding A4 (21×29.7 cm-8.2×11.6 in). If the size is smaller than A4, a copy shall be mounted on white paper in size A4. The representation shall be suitable for reproduction in black and white in another size.

Where the applicant deposits a model of the design, it shall be of durable material and must not exceed 40 centimetres (15.6 in) in any dimension or weigh more than 4 kilograms (8 lb 13 oz). An object that is subject to decomposition or that is dangerous may not be deposited as a model.

Where an application relates to more than one design, a separate representation shall be submitted for each design. In the case of such an application, the representations and the models, if any, shall be clearly marked with consecutive numbers.

Section 5

The registering authority shall state on an application for registration the serial number of the application and the date of receipt of the application.

Section 6

The registering authority shall keep an official register of applications for registration of designs received. The official register shall be accessible to the public.

The following shall be entered in the official register for each application:

- (1) the filing date of the application and the serial number;
- (2) the date when a representation or model of the design was first deposited, if this date is not the filing date;
- (3) the article(s) for which registration of the design applied for, the class(es) to which the design, according to the applicant, is to be assigned, and whether the design is a prototype for an article's appearance or for an ornament;
- (4) the applicant's name, domicile and address;
- (5) where the applicant is represented by an agent, the agent's name, domicile and address;
- (6) the name and address of the creator of the design;
- (7) if priority has been requested, the place where the previous application referred to was filed, the date and number of that application;
- (8) whether the applicant has requested that the documents disclosing the design be kept secret in accordance with Section 18 of the Registered Designs Act;
- (9) any model deposited, written communications received and fees paid;
- (10) decisions made in the case;
- (11) any deferment granted under Section 14 because of conflict with an earlier application; a corresponding note shall be made on the records of the earlier application.

Section 7

Where a notification is made to the registering authority that a design for which registration has been applied for has been transferred to another person, such person may be entered in the official register as an applicant only if the transfer of the right has been confirmed.

Priority

Section 8

Any application for registration of a design that was the subject of an application for registration of a design or for protection as a utility model in a foreign country adhering to the Paris Convention for the Protection of Industrial Property (Finnish Treaty Series 43/75) or the Agreement Establishing the World Trade Organization (Finnish Treaty Series 5/95) shall be deemed for the purposes of Sections 2 and 6 of the Act to have been filed in this country at the same time as the application in the foreign country, provided that such application is made in this country within six months from the date of the application in the foreign country. This provision shall also apply where the design was the subject of an application outside this country of such a kind that the registering authority finds special reasons for equating it with an application filed in a country adhering to the Convention.

In order to enjoy priority in accordance with the provisions of subsection (1), the applicant shall request priority in the application filed in this country, stating where and when the application referred to was made; he must also state, as soon as possible, the number of the application referred to.

Section 9

The registering authority may order the applicant to substantiate the requested priority within a certain period by filing a certificate from the authority that received the basic application referred to, attesting to the filing date of the application and the applicant's name, and a copy of the application document (certified by the said authority) with a representation of the design attached to it. The period prescribed may not expire earlier than three months from the date on which the application is filed in this country.

If the applicant does not comply with the order in accordance with subsection (1), priority may not be enjoyed.

Section 10

Priority may be based only upon the first application of which the design was the subject.

If the person making the first application, or his successor in title, has filed with the same authority a later application relating to the same design, the later application may be invoked as the basis of priority provided that, at the time of filing, the earlier application had been withdrawn, dismissed or rejected and the documents filed in the case had not become available to the public, and has not left outstanding any right based upon it and has not served as a basis for priority. Where priority is accepted on the basis of the later application, the earlier application may no longer be invoked as grounds for priority.

Section 11

Where an application is filed for multiple registration in accordance with Section 11 of the Act, priority may be obtained for one or more of the designs.

Where such an application is filed, priority may be invoked on the basis of more than one application, even if they have been deposited in different countries.

Division

Section 12

Where an application relates to more than one design, the applicant may divide the application by filing more than one; in such a case, the said applications shall be deemed to have been made simultaneously with the original application.

New application fees and additional fees as provided for in Section 29 shall be paid for such applications if they have not already been paid.

Processing of Applications for Registration

Section 13

In the examination for fulfillment of the conditions for registration of a design, the registering authority shall take into consideration everything of which that authority has knowledge.

The registering authority's examination as to novelty shall include applications for design registration that are pending with the authority and that have been received before the date of application as well as designs that have been entered in or removed from the Register of Designs.

The registrability of a design in relation to Section 4 of the Act shall be investigated by the registering authority to the extent necessitated by the substance of the design and without a substantial delay in the processing of the application.

Section 14

In the case of conflict with an earlier application for registration of a design, the registering authority may defer the processing of the later application until a decision has been made with respect to the earlier application or until the earlier application becomes available to the public or until the conflict has ceased as the result of a change in the application. This provision shall also apply where the authority acquires knowledge of a conflict with an earlier application for a patent or for registration of a trademark.

Publication of Applications for Registration

Section 15

Publication of an application for registration in accordance with Section 18 of the Registered Designs Act shall contain:

- (1) the serial number of the application;
- (2) information concerning the date on which the application was filed or is deemed to have been filed in accordance with Section 13(1) of the Registered Designs Act;
- (3) the applicant's name, domicile and address and, where the applicant is represented by an agent, the agent's name, domicile and address;
- (4) the name and address of the creator of the design;
- (5) information concerning the articles for which registration of the design is applied for, concerning the classes to which the design has been assigned and as to whether the design is a prototype for an article's appearance or for an ornament;
- (6) information regarding priority requested and as to where the application to which reference is made was filed, the date and number of that application;
- (7) a representation or representations of the design;
- (8) information as to whether a model has been deposited;
- (9) information as to whether the representation is in color.

Section 16

Any oppositions to applications for registration and any later communications from applicants and opponents shall be filed with the registering authority in triplicate, together with appendices. The grounds for the opposition shall be stated.

Section 17

Where an opponent is represented by an agent, a power of attorney shall be filed with the registering authority.

Section 18

The applicant shall be supplied with copies of all written communications and supplementary matter from opponents.

Where the applicant submits a statement regarding the opposition, the registering authority shall decide whether a further exchange of correspondence is required.

Section 19

If, during examination of the application for registration but outside the time prescribed for opposition, the registering authority receives a written communication that is of importance for the examination, the applicant shall be informed thereof. If anyone sends such a written communication before the application has been published, the registering authority shall—except where a better right to the design is in question—draw his attention to the possibility of entering opposition if the application is published.

The Register of Designs

Section 20

The Register of Designs shall be kept by the registering authority.

Section 21

When a design is entered in the Register of Designs, it shall be given a registration number. In the case of multiple registration, all the designs shall be given a common registration number. The registered owner of the design shall be provided with a certificate of registration.

The Register shall contain:

- (1) the serial number of the application and the registration number of the design;
- (2) the name, domicile and address of the registered owner of the design and, where he is represented by an agent, the agent's name, domicile and address;
- (3) the name and address of the creator of the design;

- (4) information concerning the article(s) for which the design is registered, concerning the class(es) to which the design has been assigned, and as to whether the design is a prototype for an article's appearance or for an ornament;
- (5) information concerning the date
 - (a) on which the application for registration was filed or is deemed to have been filed in accordance with Section 13(1) of the Act,
 - (b) on which the application documents became available to the public,
 - (c) on which the application for registration was published, and
 - (d) on which the design was registered;
- (6) information as to priority requested, stating where the application giving rise to priority was filed, the date and number of that application;
- (7) a representation or representations of the design;
- (8) information as to whether a model has been deposited.

Section 22

If one or more applicants have applied on the same day for registration of two or more designs that are not substantially different from one another, this fact shall be recorded in the Register of Designs and on the registration certificate for each design concerned, when the designs are registered; the application number and registration number of each of the other designs shall also be indicated.

Section 23

Publication in accordance with Section 23(1) of the Act shall contain information concerning the design's registration date and number, and also the application's serial number and the date when the application was published.

Section 24

Where anyone has notified the registering authority that he has instituted an action for cancellation of the registration of a design, for transfer of registration, or for the granting of a compulsory license, this shall be noted in the Register.

When a copy of a final decision has been sent to the registering authority in accordance with Section 44 of the Act, this shall be noted in the Register. When the decision has gained force of law, an entry shall be made in the Register showing the principal outcome of the case.

Section 25

An entry in accordance with Section 27 of the Act shall state the name, domicile and address of the proprietor of the right, and the date of the transfer of the design right or of a license or mortgage. If a request is made to this effect with respect to a license, a note shall be made as to whether the right of the registered owner of the design to grant a further license is restricted.

If a question concerning a note cannot immediately be settled, it shall nevertheless be noted in the Register that a note has been requested.

Subsection (1) shall apply correspondingly to a note concerning a compulsory license and the right defined in Section 32(2) of the Registered Designs Act.

On notification that the right to a design is the subject of attachment, this shall be noted in the Register.

Notification of an amendment regarding an agent shall be noted in the Register.

Section 26

Where the registered owner of a design gives notice, in accordance with Section 33(1) of the Act, that he renounces his right to a design and where a license is noted in the Register, the licensee shall be informed and allowed sufficient time to safeguard his interests in the matter, before the design is removed from the Register.

Section 27

Where registration of a design is renewed, this shall be noted in the Register.

Publication of renewal shall contain information as to the design's registration number, the date of commencement of the renewal period, and the name and address of the registered owner of the design.

Section 28

Where a registration has ceased to be in force, the design shall be removed from the Register by the registering authority

Where a design has been removed from the Register or where a design right has been transferred to another person in consequence of a judgment having force of law, this shall be published by the registering authority.

Fees

Sections 29 to 32 have been repealed by Decree 943/76 of December 3, 1976.

Special Rules

Section 33

Designs shall be classified in one or more classes of goods. The classification of designs shall be drawn up by the registering authority.

Section 34

Notices in matters concerning the protection of designs shall be entered in a Registered Designs Gazette issued by the registering authority.

Section 35

A model deposited with the registering authority in accordance with Section 10 of the Registered Designs Act shall be kept by the authority until five years have elapsed after the expiry of the registration. If the registered owner of the design has not, during the five-year period, requested its return, the registering authority may destroy the model.

Section 36

More detailed regulations shall be drawn up by the registering authority regarding applications for registration and the processing of such applications, matters concerning registered designs, the Register of Designs, and publication in matters concerning the protection of designs.

Section 37

Priority in accordance with the provisions of Section 8 may not be based on an application filed in a foreign country before the entry into force of the Registered Designs Act on April 1, 1971.
