Designating the Russian Federation in an international application

Design Seminar, organized in cooperation by the Finnish Patent and Registration Office and the World Intellectual Property Organization

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Designating the Russian Federation

«Examining jurisdiction» under the Hague System (Art.1(xvii) of the 1999 Act):

- **Declarations by Russian Federation:**
  - Article 7(2) of the 1999 Act: individual designation fee
  - Article 11(1)(b) of the 1999 Act: no deferment of publication
  - Article 13(1) of the 1999 Act: unity of design
  - Article 16(2) of the 1999 Act: supporting documents for change in ownership
  - Article 17(3)(c) of the 1999 Act: max duration of protection 25 years
  - Rule 13(4) of the Common Regulations: security clearance
  - Rule 18(1)(b) of the Common Regulations: 12-month period for notifying a refusal of the effects of an international registration
  - Rule 18(1)(c)(i) of the Common Regulations, the date of effect of the international registration
RU: Individual Designation Fee

- **International Application**
  - for the first design: 206 CHF
  - for each additional design*: 43 CHF

- First renewal: 327 CHF
- Second renewal: 802 CHF
- Third renewal: 1,192 CHF
- Fourth renewal: 2,074 CHF

*The Russian Federation has made a declaration under Article 13(1) of the 1999 Act of the Hague Agreement Concerning the International Registration of Industrial Designs whereby, in accordance with its law, industrial designs that are the subject of the same international application shall meet the requirement of the unity of a single creative concept.
The requirement of unity of design does not affect the applicant’s right to include up to 100 designs in the international application, even if a Contracting Party that has made the declaration is being designated.

However, to forestall possible refusals on the ground that the designs in the international registration do not conform with the requirement of unity of design under the applicable law, the applicant may wish to take into consideration any declaration of unity of design made by a Contracting Party, in which protection is sought.
Unity of design requirement under the Russian Law:
- Industrial designs that are the subject of the same international registration shall meet the requirement of the unity of a single creative concept.

This requirement is met where there is
- only one independent and distinct design in the international registration; or
- one design and its variants differing from that design by visually insignificant features and/or by color combination; or
- a group of designs belonging to the same set of products, as well as one or more designs for separate products belonging to the same set of products.
Example №1

A group of industrial designs consists of a frying pan (as a design) and a panhandle (as a part thereof).

The group of industrial designs does not meet the unity requirement because combining a product and its part fails to comply with the unity of an industrial design concept.

Example №2

A group of industrial designs includes two chairs (embodiments). The group does not meet the unity requirement because the chairs do not form a common creative concept and differ from each other by essential features.
Examination as to compliance with the industrial design unity requirement taking into account the essence of the industrial design.

Example №1

A group of industrial designs consists of “a label (two embodiments)”. The label embodiments differ from each other by colour combination. This group meets the design unity requirement.
Example №2

A group of industrial designs includes a set of cutlery (design in whole) and a Fork (part of a design in whole).

The design in whole and its part relate to the same Locarno class (07: household goods, not elsewhere specified), they have the same form and pattern and are made of the same material.

This group of industrial designs meets the requirements of the unity concept.
Refusal by Rospatent on the ground of lack of unity

Following a notification of refusal on the ground of lack of unity, the international registration may be divided before ROSPATENT to overcome the refusal ground (Article 13(2) of the 1999 Act)
Specific elements in the international application recommended by ROSPATENT:

- Brief description of the characteristic features of the industrial design;
- Identity of the Creator
Submission of priority documents:

• a certified priority document must be furnished to the ROSPATENT, in support of a priority claim, within three months from the date of publication of the international registration in the *International Designs Bulletin*,

• failing which the priority date is disregarded.

• ROSPATENT accepts a copy of the certified priority document.
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12-month grace period:

• Disclosure of the industrial design by its creator (or successor-in-title) does not affect its patentability, if the application for an industrial design is filed within 12 months from the date of disclosure.
Rule 18(1)(c)(i) of the Common Regulations:
date of effect of the international registration

IR shall produce the effect as grant of protection* in the Russian Federation from the date the statement of grant of protection, which shall be within six months from the date of expiration of the 12-month refusal period (counted from the date of publication of the IR).

*Article 14(2)(a) of the 1999 Act
Kiitos!