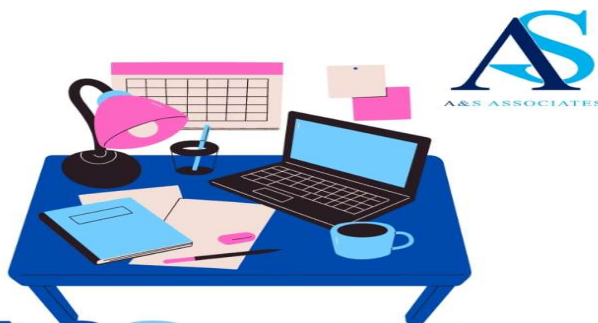


A & S LAW WEEKLY

*WEEKLY LEARNING
SERIES*



A & S LAW WEEKLY
Week - 23
Registration of designs



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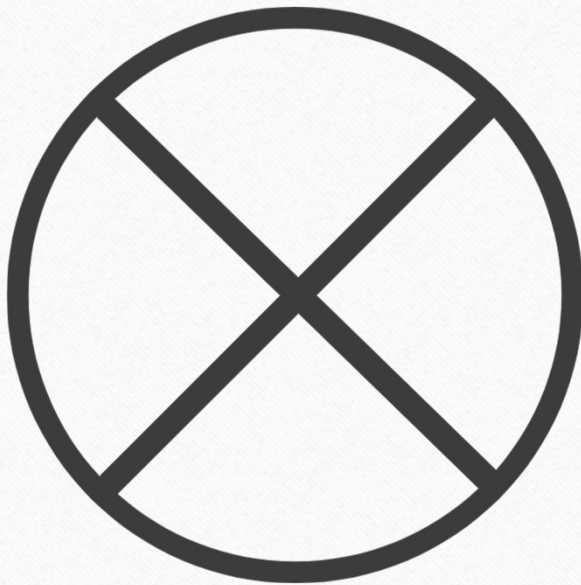
What is Design ?– Section 2(d) of Design Act

Design is defined as features of

- (i) Shape
- (ii) Configuration
- (iii) Pattern
- (iv) Ornament or Composition of lines or colors applied to any article.
 - ❖ The Article can be 2D or 3D Article with capability of being made or sold separately.
 - ❖ The design in the finished article should appeal to and being judged only by the eye.



Section 4 - Prohibition of Certain Designs



- *Design that is not new or not original*
- *Design disclosed to public*
- *Design not significantly distinguished*
- *a scandalous or obscene design*

Section 5 - Application for Registration of Designs



- A controller shall register a new, original and a design not opposed to public morality under this act
- an application may be filed in the prescribed format in the patent office
- The Controller can refuse to register the design if he thinks fit
- In such case, the applicant may appeal to the high court
- A design shall be registered from the date of application



Registration to be in respect of Particular Article. Section.6



- A design may be registered in respect of any or all of the articles comprised in a prescribed class of articles.
- The Controller shall examine, whose decision in the matter shall be final.
- The design having been previously published in India or in any other country, by reason only that it has been applied to articles in respect of which it was previously registered.
- That subsequent registration shall not extend the period of copyright in the design beyond that arising from previous registration.

S.7 - PUBLICATION OF PARTICULARS OF REGISTERED DESIGNS

After registration of a Design, the Controller shall publish the particulars of the Design in such prescribed manner, which shall be open to public inspection



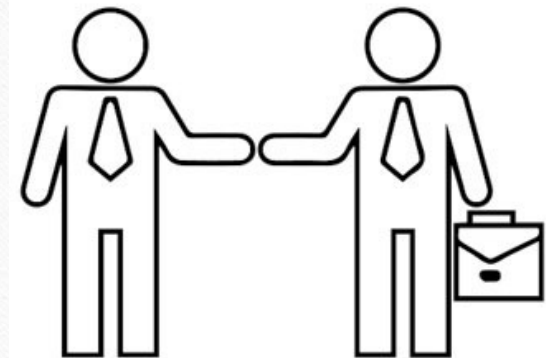
S.8 - POWER OF CONTROLLER TO MAKE ORDERS REGARDING SUBSTITUTION OF APPLICATION, ETC

- ❖ The Controller may direct that such application shall proceed in the name of the claimant(s) and the applicant(s) accordingly
- ❖ No such direction as aforesaid shall be given without the consent of the other joint applicant(s).
- ❖ No such direction as aforesaid shall be given the benefit of a design unless:
 - i. The design is identified therein by reference to the number of the application for the registration
 - ii. An acknowledgement to the Controller by the person by whom the assignment or agreement relates to the design in respect of which that application is made .
 - iii. The rights of the claimant have been finally established by the decision of a court.

S.8 - POWER OF CONTROLLER TO MAKE ORDERS REGARDING SUBSTITUTION OF APPLICATION, ETC

❖ Where one of two/more joint applicant dies at any time before registration, upon a request on that regard made by the survivor(s) to the Controller, with the consent of the LR of the deceased, the application shall proceed in the name of the survivor(s) alone.

❖ In case of dispute arises between joint applicant(s), upon application made by any of the party, an opportunity to be heard shall be given to all the parties, and shall be decided accordingly.



Section 9 – Certificate of registration



- When the design is registered, the controller shall give certificate of registration to the proprietor.
- If the original certificate is lost or damaged, the controller shall provide one or more copies.

Section 10 – Register of designs

Book for register of designs shall be maintained in patent office, with names and addresses of the proprietors of registered design, notifications of assignment and other prescribed particulars.



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