



INTELLECTUAL PROPERTY DIVISION MINISTRY OF ECONOMIC AFFAIRS

A Guide to Filling An Industrial Designs Application Form

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Instruction Sheet for Filing Application for Registration of Industrial Design¹

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¹ Note: The word “industrial design” and “design” are used interchangeably

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All Sections and Rules quoted on this instruction sheet are from the Industrial Property Act of Kingdom of Bhutan, 2001 and Industrial Property Rules, 2001

PERSON DETAILS

1. Applicant Details:

This section allows the applicant to fill details of the applicant as required by the Rule 31(2)

Name and address of the applicant:	Provided full name and address of applicant(s) including country. The person must be entitled to be owner of the industrial design(s) and must be same for all the industrial designs in the application intended for registration.
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2. Correspondence Information:

This section allows the applicant to indicate the address for correspondence of documents and communications from the Office as required by Rule 53. *Refer Agent details below.*

3. Agent Details:

As required by Section 35 and Rule 53, foreign applications, whose address is not within Bhutan must designate a registered agent to file the application and whose address will be used by the Office for all communications.

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application does not constitute a power of attorney in the application, unless it is filed within two months from filing the application

An Address is being provided for the correspondence Information of this application:	Provide a correspondence address if the address provided above is different When filing an application, a correspondence address must be set forth in a clearly identifiable manner. This is the address that ALL industrial design related correspondences from Intellectual Property Division (hereinafter “the Office”) will be sent. The Office will direct
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	<p>all notices, official letters, and other communications relating to the application to the correspondence address.</p> <p>If a registered agent has been authorized to represent on your behalf, please provide their name and address as the address for correspondence. Contact details such as telephone number, email, fax would be useful when need to contact the applicant.</p> <p>The Office will not engage in dual correspondence with an applicant and a registered agent, or with more than one registered agent except as deemed necessary by the Registrar.</p>
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4. Designer/Creator details:

This section mandates the applicant to mention the name of the actual designer/creator of the design as required by Section 20(2) of the Act.

Designer(s)/Creator(s):	<p>One who contributes to the conception of or designs or creates a design.</p> <p>If the applicant/owner is different from the designer/creator, the designer/creator name must be reflected in a clearly identifiable manner</p>
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APPLICATION INFORMATION

5. Details of Industrial Design:

This section allows the applicant to provide details of the design such as title, number of industrial designs, article or product to which the design is to be applied and classification as required by Section 20(1), (4), 44 of the Act and Rule 32

Title of the industrial design:	<p>The Title of the industrial design must identify the product or article in which the design is embodied by the name generally known and used by the public. A title descriptive of the actual article helps the examiner in developing a complete field of search of the prior art. It further aids in the proper assignment of new applications to the appropriate class and subclass for proper classification. It also helps the public in understanding the nature and use of the article embodying the design after that it has been published. Thus, applicants are encouraged to provide a specific and descriptive title.</p>
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Number of industrial design:	An applicant is entitled to register only one industrial design per application. If, however, the application relates to a multiple industrial designs in a set, the number of industrial design(s) must be reflected by reproducing this sheet corresponding to number of industrial design intended to be registered.
Name of product(s) or article(s):	The title of the industrial design provides to which product or article it is to be embodied.
Class and Sub-class:	Industrial designs are classified according to Locarno Classification of Industrial Design. For the latest edition of the Classification please visit the web page : http://www.wipo.int/classifications/locarno/en/news/2014/news_0001.html

6. Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority. Providing this information in the application constitutes the claim for Right of Priority as required by Section 9 of the Act and Rule 20. Certified copies of priority documents must be filed within two months from the filing of the application

Convention Country:	Enter the country where the application was filed.
Priority Application Number:	Enter the Foreign Document Number of an associated foreign-filed application in the Application Number field.
Priority Filing Date :	Enter the foreign filing date of the priority application in the Date field.

7. Deferment of Publication Information:

This section allows applicant to defer the publication of design in the Design Journal/Bulletin up to a period not exceeding 12 months as provided by Section 20(5) and 21(4)(a) of the Act.

Deferment:	Whether deferment is requested or not. The Office publishes all registered design in the Official Bulletin for invalidation. The applicant can request for deferment of publication to not to publish the design in the Bulletin
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8. Fees Payable:

Section 20 of the Act requires payment of the prescribed fee for filing application for registration of industrial design.

Application Fee:	The basic application fee is Ngultrum 1000.
For multiple design in a set:	If the application relates to multiple design in a set, for each additional design the fee is Ngultrum 800
Deferment Fee:	If the applicant has requested deferment of publication under serial number 7 above, the applicant is required to pay the deferment fee of Ngultrum 1000
Number of designs deferred publication:	For each additional design deferred publication, the fee is Ngultrum 1000

9. Additional Details:

This section allows for the applicant to submit with the Office a specimen of the design as provided by Section 20(1) and Rule 32(2). The specimen shall be of a size not exceeding 20 centimeters x 20 centimeters x 20 centimeters.

Industrial design is represented with a specimen:	Whether the design is accompanied with a specimen or not
Brief description of the specimen:	Briefly describe the specimen along with all details necessary for the Office to assist in the examination

10. Representation or Specimen Sheet:

This section allows the applicant to provide representations of the article or product embodying the design as required by Section 20(1) of the Act and Rule 32. It is also important in the application to indicate the product or article to which the design is to be applied or used under serial number 5.

Representation:	<p>The application must be accompanied with drawings, photographs or other adequate graphic representations of the article or product embodying the design.</p> <p>If the design is 2D, four graphic representations/four drawings/four tracings must be submitted</p> <p>If the design is 3D, four graphic representation/four drawings/four tracings of each of different sides of the</p>
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	design must be submitted Further, graphic representation, drawing or tracing must not exceed 10 centimeters x 20 centimeters. Such representations, drawings, tracings must be affixed on four sheets of paper of A4 size. All drawings or tracings must be in black ink.
Statement of Novelty:	For the benefit of assessing the novelty (newness and distinctiveness) of the design, if the applicant wish to identify particular features of the design as new and distinctive, it is advised to provide the statement of novelty.
Disclaimers:	Disclaim any ornamental pattern on the product/article that is likely to be confused with a trademark, any mechanical function, words, letters, numerals and any other lines or patterns in the representation sheet which is not part of the industrial design. In case if the industrial design is very similar to a previously registered industrial design by the same owner, disclaim shall be made with regard to interface and use of the prior industrial design

11. Enquiries

For enquiries relating to official notices and other information appearing in the Bulletin, please contact the Office at 02335233/326512 or at email address kpalden@moea.gov.bt during office hours.

Information pertaining to Industrial Designs is also available at web sites: <http://www.ipbhutan.gov.bt> and at <http://www.moea.gov.bt>

All application, notices, statements or other documents or any fees required by the Industrial Property Act of Kingdom of Bhutan, 2001 and Rules therein will be received at the Intellectual Property Division, Ministry of Economic Affairs, Royal Government of Bhutan, Thimphu.
