

# Comparative Study of the Application of a Grace Period for Industrial Design Applications

Lead USPTO/JPO



## Project definition

**Aim of project:** Catalogue and compare the provisions related to a grace period for industrial designs for each of the Partners, and how the grace period is applied.

The delivery of the project shall consist of:

- A Study that compares the legal provisions, rules/regulations and guidelines of the Partners as regards to any grace period in the context of industrial designs. (\* *Note:* “Grace period” is defined/understood broadly for this project to include similar/related concepts such as exception to absolute novelty.)
- The Study will be formatted and structured in a way that allows easy identification of the practices and requirements which are shared by the Partners and other practices and requirements where divergences exist.
- The proposed Study is expected to include questions within the following sections:
  - Overview
  - Requirements for invoking the grace period during prosecution of an industrial design application before the IP Office
  - Requirements and ability for invoking the grace period during the life of the industrial design rights
  - Legal Provisions Relating to Grace Period for Industrial Design Rights

## In scope

- Develop a format and structure of the Study allowing a comparison of any grace period as allowed by the Partners in their respective proceedings for the registration of industrial designs.
- Create an agreed list of elements to be covered by the Study and collect and compile contributions from the Partners for each element.
- Create a first draft of the Study upon receipt of all contributions and distribute the draft among the Partners for comments.
- Create a final draft of the Study taking into account the comments of the Partners and present the final draft in early 2017.
- Publish the result of the study on the ID5 website in a form agreed to by Partners.

## Out of scope

- The project does not aim to make proposals for legal amendments of any Grace Period provisions of the Partners.
- The project does not seek to involve input of external users at this stage as the Study is intended to focus on current Partner practice in this area.

## Timeline

Proposed Project Timeline Study of The Application of a Grace Period for Industrial Design Applications	
<b>February 28, 2017</b>	The Lead Office submits proposals for the format and the structure of the Study and the list of elements.
<b>March 31, 2017</b>	The Partners will submit observations on the format and the structure of the Study and the list of elements on or March 31, 2017.
<b>May 31, 2017</b>	Based upon observations from Partner Offices, the Lead Office submits the final format and structure of the Study and the list of elements before May 31, 2017. <b>Deliverable: Final format, structure of Study and list of elements</b>
<b>By Midterm meeting (or September 1, 2017 if no Midterm meeting)</b>	The Partners prepare their contributions to the Study and submit them to the Lead Office. <b>Deliverable: Contributions by Partners</b>
<b>2017 ID5 Annual Meeting</b>	The Lead Office compiles the contributions from the Partners and creates a first draft of the Study which is submitted to the Partners by the 2017 ID5 Annual Meeting. <b>Deliverable: First draft by Lead Office</b>
<b>February 15, 2018</b>	Partners submit observations regarding the first draft by February 15, 2017.
<b>2018 ID5 Midterm Meeting (or September 1, 2018 if no Midterm meeting)</b>	The Lead Office compiles the observations and prepares a final draft of the Study which is submitted for approval by the Partners at the 2018 ID5 Midterm Meeting (or September 1 if no Midterm Meeting). <b>Deliverable: Final draft of Study and Approval of final draft at 2018 ID5 midterm meeting</b>
<b>2018 ID5 Annual Meeting (tentative)</b>	A user-friendly version of the Study will be published in English on the ID5 website in a form agreed to by Partners. The Partners may translate the Study in their respective office languages and publish it on their own. <b>Deliverable: User-friendly version of Study</b>