

	CNIPA	EUIPO	JPO	KIPO	USPTO
<b>A. INDUSTRIAL DESIGN TERM PROTECTION</b>					
A.1 What is the maximum term of protection for industrial designs in your jurisdiction?	As of June 1, 2021, fifteen (15) years from the filing date.	Twenty five (25) years renewable every five (5) years.	Applications filed before April 2007 expire fifteen (15) years from the registration date.  Applications filed from April 2007 to March 2020 expire twenty (20) years from the date the registration date.  Applications filed on or after April, 2020 expire twenty-five (25) years from the filing date.	Twenty (20) years from the filing date.  Industrial designs applied before July 2014 expire fifteen (15) years from the date of registration.	Applications filed on or after May 13, 2015 expire fifteen (15) years from filing date.  Applications filed before May 13, 2015 expire fourteen (14) years from the date of grant.
A.2 What is the minimum term of protection granted for industrial designs in your jurisdiction?	Fifteen (15) years	Five (5) years from filing date	One (1) year	Three (3) years	Fifteen (15) years for applications filed on or after May 13, 2015.  Fourteen (14) years for applications filed before May 13, 2015.
A.3 Is the industrial design term fixed in your jurisdiction or does your industrial design term have renewable industrial design term increments?	Fixed	Four (4) renewals of five (5) years each	Twenty four (24) renewals of one (1) year each	Twenty (20) renewals of one (1) year each. The renewal fees may be paid in advance.	Fixed

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A.4 Is the term of protection granted from the priority date, the filing date, or grant date (e.g. in the United States (U.S.) the industrial design term is 15 years from the grant date)?	Filing date	Filing date	Grant date	Filing date (as of July 1, 2014)	Grant date
A.5 If your jurisdiction has a term of protection for related designs, is the term of protection different from the principle design?	N/A -- China does not have a related designs system.	N/A – EUIPO does not have a related designs system.	The protection term for a related design right is calculated to be aligned with the duration of its fundamental design.	A related design right expires at the end of the duration of the principal design.	N/A – the United States does not have a related designs system.
A.6 Are there any measures or steps the applicant must take to maintain the industrial design right for the maximum term of protection (maintenance fees, etc.)?	Annual fees must be paid within the time limit.	Renewal fees must be paid.	Annual fees must be paid within the time limit.	Annual registration fees.	No
A.8 If your jurisdiction’s industrial design term is renewable, what are the increments of renewal (as in the amount of time for each renewal)?	N/A	Five (5) years	One (1) year	Initially three (3) years renewable in one (1) year increments.	N/A
A.9 If your jurisdiction has renewable industrial design term increments, can the industrial design right be renewed only for one increment at a time or can the industrial design right be renewed for multiple time increments at once?	N/A	One (1) increment at a time.	Both	Both	N/A
A.10 Please list any applicable laws and/or regulations as it applies to industrial design terms in your jurisdiction.	Article 42, 43 and 44 of the PATENT LAW; Rule 5 and 98 of the IMPLEMENTING	• Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs.	Articles 20 and 21 of the Design	Applicable laws and regulations are as follows:	35 U.S.C. 173 - Term of design patent.

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	REGULATIONS OF THE PATENT LAW OF THE PEOPLE'S REPUBLIC OF CHINA	<p><a href="#">CDR - Community Design regulation</a></p> <ul style="list-style-type: none"> <li>• Commission Regulation (EC) No 2245/2002 of 21 October 2002</li> </ul> <p><a href="#">CDIR- Implementing Regulation</a></p> <ul style="list-style-type: none"> <li>• Commission Regulation (EC) No 2246/2002 of 16 December 2002</li> <li>• <a href="#">CDFR- Community Designs Fees regulation</a></li> <li>• Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs.</li> <li>• <a href="#">Directive on the legal protection of designs</a></li> </ul> <p>Also, EUIPO website <a href="#">most frequently asked questions about Designs.</a></p>		<p>Design Protection Act</p> <p>Article 91 (Duration of Design Rights)</p> <p>Article 79 (Design Registration Fees)</p> <p>Article 4②(1)(table 3) and Article 8</p>	MPEP 1505 Term of Design Patent [R-08.2017]
A.11 Does your jurisdiction have unregistered industrial design rights?	N/A	Yes, three (3) years.	N/A	N/A	N/A

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If so, is the term of protection the same as registered industrial design rights or is the term of protection different? Please list any applicable laws and regulations with regard to industrial design term of protection with regard to unregistered industrial design rights.					
<b>B. PROCEDURE FOR SECURING AN INDUSTRIAL DESIGN TERM</b>					
B.1 What procedural steps must be taken to receive a term of protection in your jurisdiction?	Applicant must file a request of application and the application must be examined. After receiving the notification to grant patent right for design, the applicant shall finish the formalities of registration of the grant of patent right within the time limit, the Patent Office shall make a decision to grant the patent right for design, issue the certificate of patent for design, register and announce it.	Applicant must file an application with the office or with the IP office of a member state and the application must be subjected to a substantive examination.	Applicants need to pay registration fees for the first year within 30 days from the date on which a certified copy of examiners' decisions or trial decisions to register designs has been sent from the JPO.	Applicants need to pay registration fees for three years from the date the grant of the right in three months from the date of grant of protection. From the fourth year onward, the relevant annual design registration fees should be paid for the protection.	Applicants must pay the post allowance "issue fee" pursuant to 37 CFR 1.18. Once the design right holder pays the "issue fee" and is granted the patent, the industrial design is protected for the duration of the 15-year term of protection.

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B.2 If your jurisdiction has a renewable industrial design term, who initiates the renewal, the design right holder or the Office? Does the Office remind the industrial design right holder to renew the industrial design right?	N/A	The right holder. The Office will send out a notice at least 6 months in advance of expiration.	The right holder. The JPO sends a notice of the deadline.	The right holder. The Office sends an annual notice.	N/A
B.3 If your jurisdiction has renewable industrial design term increments and the industrial design right holder allows an industrial design term to lapse, can the industrial design term be reinstated?	N/A	Yes, an additional fee must be paid.	Yes, an additional fee must be paid within 6 months. A longer period may be obtained with “justifiable reasons.”	Yes, an additional fee must be paid within 6 months.	N/A
B.4 Are there any penalties associated with reinstating an industrial design term that has lapsed?	N/A	The late request for renewal must be submitted and the renewal fee plus a 25% surcharge can be paid within the six-month grace period starting on the day following the last day of the month in which the RCD was due for renewal.	Where a design right has been restored, such design right shall not be effective against certain articles, buildings or graphic images, or acts as provided in the law, after the lapse of the time limit during which the late payment of the registration fees is allowed but before the registration of the restoration of the design right.	After 6 months the rights might be restored by paying twice the annual registration fee.	N/A
B.5 What procedure must the industrial design right holder follow	Under Rules 6.1 and 6.2, the party	Within six (6) months, the design	Within six (6) months, a design	Within two (2) months of the	Not applicable – the United States does

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to reinstate the industrial design term? Must the application provide a showing of “unavoidable or unintentional” lapse or related showing of reason for the industrial design term lapsing?	shall submit a request, state the reason, attach, if necessary, the relevant supporting documents, and respond to all necessary formalities. Under Rule 6.2, the party shall also pay a fee.	shall be renewed upon payment of an additional fee.  Restitutio in integrum (Reinstatement of rights) due to inability to renew must be filed in writing, pay a fee within two (2) months of the removal of the cause of inability, complete omitted acts.	right holder may pay the registration and a late surcharge. If the right holder is late for “justifiable reasons,” the right holder must submit a statement of reason along with their payment within two months after the “justifiable reasons” cease to exist.	expiration date, twice the registration fee may be paid to restore the rights. If the design right holder is not responsible, the late fees may be paid within two (2) months of the date the relevant cause ceases to exist.	not have a renewable industrial design term.
B.6 Please list the applicable laws and regulations with regard to lapse and reinstatement of industrial design rights.	Rule 6 of the IMPLEMENTING REGULATIONS OF THE PATENT LAW.	Article 13 (3) of the Community Design Regulation (CDR), Article 22(2) (a), (b) of the Community Design Implementing Regulation (CDIR) and Article 7(1) and Annex to the Community Design Fee Regulation (CDFR) points 11 and 12 on renewal Article 67 CDR regarding Restitutio in integrum	(Late payment of registration fees) Article 44 (1) (Restoration of design right by late payment of registration fees) Article 44-2 (Restriction on effect of restored design right) Article 44-3	Design Protection Act Article 82 (Late Payment of Registration Fees) Article 83 (Payment of Underpaid Registration Fees) Article 84 (Restoration of Applications for Design Registration and Design Right by Late Payment of Registration Fees or Payment of Underpaid Registration Fees)	N/A

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<b>C. FEES FOR INDUSTRIAL DESIGN TERM PROTECTION</b>					
C.1 Are there fees associated with receiving a term of protection in your jurisdiction after the application is registered or granted? If so, what is the fee(s) . . . .	Yes, an annual fee	Yes, for each design there is a basic fee for each design, a registration fee, a publication fee, a deferment fee (if publication deferment is requested), and four renewal fees.	Yes, in addition to filing fees, applicants must pay annual fees (registration fees)	Yes, an annual design registration fee	Yes, the applicant must pay an issue fee
C.2 Are the fees identified in C.1 a separate fee from the original filing fee? Or does the application filing fee also cover the industrial design term of protection such that there is not a separate fee for the industrial design term of protection? . . .	Yes	Yes	Yes	Yes	Yes
C.3 If your industrial design terms are renewable, how much are the fees to renew?	N/A	Renewal fee (Article 13(1) of Regulation (EC) No 6/2002; Article 22(2)(a) of Regulation (EC) No 2245/2002) per design, included or not in a multiple registration: D-041 Fee for the first period of renewal: 90 € D-042 Fee for the second period of renewal: 120 €	Annual fee is JPY8,500 for the first to third years and JPY16,900 from the fourth year on.	If the first round of 3 years is over, you can renew by paying the annual fees (KRW) as follows. i) Substantive examination track a. 4 to 6 years, annually: 35,000 b. 7 to 9 years, annually: 70,000 c. 10 to 12 years, annually: 140,000 d. 13 to 20 years, annually: 210,000	N/A

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		D-043 Fee for the third period of renewal: 150 € D-044 Fee for the fourth period of renewal: 180 € Individual renewal fee for an international registration (Article 13(1) and 106c of Regulation (EC) No 6/2002; Article 22(2)(a) of Regulation (EC) No 2245/2002 per design: info Fee for the first period of renewal — (per design): 31 € Fee for the second period of renewal — (per design): 31 € Fee for the third period of renewal — (per design): 31 € Fee for the fourth period of renewal — (per design): 31 €		ii) Partial-substantive examination track a. 4 to 20 years, annually, for each design: 34,000	
C.4 Whether fixed or renewable, are there any other applicable fees beyond renewal fees? E.g., does your jurisdiction have annual/maintenance fees associated with your industrial design term of protection?	Annual fees must be paid within the time limit.	No	N/A	N/A	N/A



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C.5 If there are other fees, such as maintenance fees, associated with the industrial design term of protection, what happens if those fees are not paid?	The patent shall lapse.	The design right shall lapse.	N/A	N/A	N/A
C.6 Is there a discount if the required fees associated with receiving and/or maintaining a term of protection are processed electronically versus by paper submission?	No	No	No	No	No
C.7 Do the fees associated with receiving and/or maintaining a term of protection vary for small entities, micro entities, individuals, nonprofits, universities, etc.?	Yes	No. However, small and medium-sized enterprises (SMEs) can apply for a 50% reimbursement.	No	Yes	Yes
C.8 Are the required fees associated with receiving and/or maintaining a term of protection dependent upon the classification of the design being protected?	No	No	No	Please refer to C.1.	No
C.9 Are there limitations on who can pay industrial design fees? Can someone other than the design right holder pay the industrial design term fee? Must the fees be paid through a local representative?	No	No	Yes, design registration fees can be paid only by persons having the rights to obtain design registrations, design rights holders, and their representatives and stakeholders.	No	Yes
C.10 If your jurisdiction has terms of protection for related designs, what are the fees for related designs? Are	N/A	N/A	The fee for related design is same as the principal one.	The fee for related design is same as the principal one.	N/A

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the fees for related designs different for the fees for the principle design?					
C.11 Please list applicable methods (cash payment, fund transfer, credit card payment, etc.) for payment of design fees. Can a person residing outside the jurisdiction pay fees without a local representative? Is there a system that automatically pays fees?	There are 3 methods of payment for the annual fee: 1. The fees may be paid directly to the Patent Office (including the local patent receiving agencies); 2. For registered electronic application user, the fees may be paid through the online payment system of the e-application official website after logging in. 3. The fees may be paid by postal or bank remittance	Current accounts opened at the Office, or by credit and debit cards.  No.  Current Office accounts allow for automatic payment.	Advance-payment system, cash payment, online cash transfer, bank transfer, and credit card payment.  No.  Also, the JPO has an automatic payment system available.	(1) Cash, electronic transfer, postal orders and credit card but only an individual or SME are allowed to pay by credit card. (2) No. (3) The automatic payment system is available.	Debit/credit card payment, deposit account, electronic funds transfer, wire transfer, money order (only by mail)  Yes, as long as they are a party of interest.  No.
C.12 Is it possible to check a payment status for the design term fees or a continuance of the design rights in the database provided by the office?	Yes	Yes	Yes	Yes	Yes
C.13 Please explain that if your office provides user-friendly means and assistance to help users understand fees and payment	Yes	Yes	Yes	Yes	Yes

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methods. For example, is there a service / mechanism that allows users to calculate the approximate total amount of fees?					
C.14 Please list any applicable laws and regulations with regard to industrial design term fees.	Article 43 and 44 of the PATENT LAW; Chapter 9 of the IMPLEMENTING REGULATIONS OF THE PATENT LAW; The notice about the reduction of patent fees.	Article 36(4) <a href="#">CDR - Community Design regulation</a> (EC) No 6/2002 Article 6 <a href="#">CDIR - Community Design implementing regulation</a> (EC) No 2245/2002 <a href="#">CDFR - Community Design fees regulation</a> (EC) No 2246/2002	<Design Act> (Registration fees) Article 42  <Enforcement Order of Design Act> (Registration fees) Article 1	Enforcement Rule of the Collection of Patent Fees, ETC Article 7 and 8	37 C.F.R. 1.18(b)(1) – Design “issue fee”