



Catalogue on Deferment of Publication of Industrial Designs

This catalogue contains information provided by the ID5 partners. The document is for educational and informational purposes only. It aims to reflect the practices of the participating offices in the area of industrial designs. The ID5 partners are not responsible for any use that may be made of the information contained in the catalogue. Readers looking for reference or additional material related to applications or practice before an ID5 partner are encouraged to consult the website of the respective ID5 partner.

A. Deferment of Publication of Industrial Designs

A.1 When is the design application or registration published by your office? Can applicants predict when it will be published?

- CNIPA: CNIPA receives and examines the patent application for design. Where it is found after examination that there is no grounds for rejection of that application, CNIPA shall make a decision to grant the patent right for design, issue the certificate, register and publish it.
- EUIPO: An application filed with no request for deferment is published upon registration of the design.
- JPO: Except for a design for which secrecy is requested as described below, a gazette containing the registered design shall be published promptly after the registration establishing of the design rights. The period until publication by the gazette is approximately two weeks after the date of the registration establishing the right.
- KIPO: When an applicant requests for early publication, the design is published by the official Design Gazette. When there is not any request, the design is published by the official Design Gazette after registration. An applicant can predict when the design will be published to some extent, being aware of the status of the design.
- USPTO: The USPTO does not publish design applications filed under 35 U.S.C. Chapter 16. See 35 U.S.C. § 122(b)(2)). If the application issues as a patent, the USPTO will publish the design patent grant. The file of an application that has issued as a patent is available to the public as set forth in 37 CFR 1.11(a).

A.2 Is there any system for users to prescribe or adjust (i.e., defer) the publication time of their design application

or registration?

- CNIPA: Applicants can request for deferment of examination.
- EUIPO: Yes, the applicant may request deferment of publication up to 30 months upon filing the application for design registration.
- JPO: An applicant for a design registration may request that the design be kept secret for a designated period up to three years from the date of the registration establishing the design right. This is called the secret design system, which, like the publication postponement system, allows the user to control the timing of publication of the design.
- KIPO: Applicants can bring forward the publication of their design by requesting for early publication, or can defer it by requesting the design kept secret.
- USPTO: Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Applicants may seek expedited prosecution under 37 CFR 1.155. If the application is issued, the file of the application will be made available to the public as set forth in 37 CFR 1.11(a).

A.3 What timing requirements, if any, exist in relation to an applicant's request to defer publication?

- CNIPA: The request for deferment of examination shall be made at the same time as the application is applied.
- EUIPO: The request for deferment must be submitted together with the application for registration
- JPO: The request shall be made either at the time of filing the application for design registration or at the time of making a payment of registration fee for the first year.

- KIPO: From the day of filing an application to that of paying the first registration fee.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2) the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

A.4 Can an applicant who has not requested for deferred publication or early publication at filing apply for it later? What limits exist as to when that request can be made?

- CNIPA: No.
- EUIPO: the applicant cannot change course once the application for registration of the design is filed without a request for deferment.
- JPO: An applicant who did not request a secret design at the time of filing the application may request a secret design upon payment of the registration fee for the first year after receiving the decision of registration from JPO.
- KIPO: Through requesting for a secret design, an applicant can request to defer the publication later, by the date on which he or she pays the initial design registration fee. If the applicant is exempted from the registration fee, the request may be made by the time of the establishment of the design right registration. As for early publication, an applicant can request for early publication after filing an application, but no request may be filed after a certified copy of determination regarding design registration is delivered.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no early publication or deferment of publication of the design application.

A.5 What is the unit of the deferred period? (week, month or year)

- CNIPA: Currently, the deferred period for examination can be 1 year, 2 years or 3 years from the effective day of the request.
- EUIPO: The request for deferment always is for a period of 30 months. However, within these 30 months, the applicant may request publication at any day. Upon receipt of the request for publication, the Office will publish the registration within days, provided the requirements for publication are met (fees, etc.)
- JPO: An applicant can request that the design be kept secret in units of years or months, designating a period up to three years.
- KIPO: An applicant can request that the design kept secret for a period of months, up to 3 years from the date of registration.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

A.6 Can the applicant request deferment of publication for one or more designs of an application instead of all designs?

- CNIPA : No.
- EUIPO: Yes, it is possible to request deferment of only one or more designs in a multiple application.
- JPO: In the case of the "multiple design batch application procedure", all

requests to keep a design secret will be made in a batch. Therefore, if an applicant wishes to individually file a request for a secret design, the applicant may file a regular application without using the "multiple design batch application procedure".

- KIPO: It may be requested to keep all or some designs in the multiple design application secret.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

A.7 Can applicants modify (i.e., shorten) the deferment period after a request for deferment of publication? If so, how is a change in the publication time effectuated?

- CNIPA: Currently, applicants cannot modify the deferment period.
- EUIPO: Yes, the applicant may request publication at any day during the period of deferment.
- JPO: The applicant for design registration or the holder of a design right may request that the period for which secrecy is requested be extended or shortened for a period not exceeding three years from the date of registration establishing design rights.
- KIPO: An applicant for design registration or the owner of a design right may request a reduction or extension of the period designated by him/her by submitting a request under the Korean national law. In such cases, the period so extended shall not exceed 3 years from the date of registration.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

A.8 After an applicant requests early publication can they change course and defer publication?

- CNIPA: Early publication is not applicable for design patent in CNIPA.
- EUIPO: No, the applicant cannot change course once the application for registration of the design is filed without a request for deferment.
- JPO: There is no system of early publication of designs in Japan.
- KIPO: If the applicant requests for early publication after a request for secret design, the request for secret design is considered to be withdrawn. However, in case the design is already published as a result of requesting for early publication, it is impossible to request for a secret design.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

A.9 After receiving a request for deferment of publication, does your office send a notification indicating whether the request is accepted? If yes/no, what kind of notification is sent? Can applicants modify their requests according to the grounds of the reject notification and apply again if they have been rejected?

- CNIPA: There is no notification after a request for deferment of examination.
- EUIPO: A request of deferment must be submitted by the applicant together with the application for registration. The Office will notify the applicant about the status of the application. This notification of the Office includes a statement as regard the deferment.

- JPO: There is no notice specially provided to indicate to the applicant the allowance or rejection of the request for a secret design.
- KIPO: As secret design is not subject to examination or refusal, there is no notification after a request.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

A.10 After the requested deferment expires, will your office send a notification indicating that the deferment period has expired? Can the applicant request for another deferment of publication for the same application after one deferment of publication?

- CNIPA: There is no notification indicating the end of deferment of examination. The applicant cannot request for another deferment for the same application.
- EUIPO: The EUIPO sends a reminder indicating the end of deferment. The applicant cannot request another deferment because deferment must be requested with the application for registration i.e. at the very beginning of the registration proceedings.
- JPO: The end of the secret period shall not be notified to the holder of the design right. The holder of a design right may request extension or shortening of the period not exceeding three years from the date of registration establishing design rights until the end of the period for which the secrecy is requested.
- KIPO: There is no notification indicating the end of the deferment period. It is impossible to request the same application once the deferment period ends.

- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

A.11 If a request for deferment of publication is accepted, will your office publish the bibliography of the application (e.g. product name, applicant, etc.), or no information is published until the deferment period ends? The benefit of basic information is made available at filing is that Parties operating in the same field are then aware that they should monitor future design publications.

- CNIPA: No information is published after the request of the deferment of examination is accepted.
- EUIPO: When a design is registered and deferment of publication is requested, the Office will publish only the file number, date of filing, date of entry in the Register, registration number, name and address of the holder, and name and business address of the representative (if applicable).
- JPO: If a registered design is kept secret, the name of the article embodying the design, the description of the article embodying the design, and the description of the design are also kept secret. On the other hand, the name and domicile or residence of the holder of the design right, the number and date of the application for design registration, the registration number and the date of registration establishing design right shall be made public.
- KIPO: The bibliography of the application is published even if the request for deferment of publication is accepted.

- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

B. Effect of deferment of publication of designs

B.1 If a request for deferment of publication is accepted, does your office publish the bibliography of the application (i.e., product name, applicant, etc.), or publish no information until the deferment period ends? Which information is subject to deferment of publication?

- CNIPA: No information is published after the request of the deferment of examination is accepted.
- EUIPO: When a design is registered and deferment of publication is requested, the Office will publish only the file number, date of filing, date of entry in the Register, registration number, name and address of the holder, and name and business address of the representative (if applicable). Everything else, incl. views of the design and the indication of product, are subject to deferment.
- JPO: If a registered design is kept secret, the name of the article embodying the design, the description of the article embodying the design, and the description of the design are also kept secret. On the other hand, the name and domicile or residence of the holder of the design right, the number and date of the application for design registration, the registration number and the date of registration establishing design right shall be made public.
- KIPO: The following information is published regardless of deferment request - design right holder or creator's name and address; application and registration numbers; and whether the design is related to substantive

examination or partial-substantive examination. The following information is not published until the deferment period ends – drawings; identification and classification of the article for the design; and design description.

- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

B.2 Please explain any restrictions, limitations, or disadvantages, if any, imposed on the applicant or right holder by the deferment of the publication of an industrial design.

- CNIPA: CNIPA adopts the system of deferment of examination. After the request is accepted, the application will not enter examination procedure, and it has not obtained a design patent right.
- EUIPO: During the deferment, the owner of the registered design, can enforce his/her rights only against infringements which are the result of knowingly copying the registered design. In other words, the owner has to prove that the infringer knew about the registered design and copied it. Obviously, the infringer could not know about the protected by design from publication of the registration, because that official publication is deferred, but the infringer may have got to know about the protected designs on other opportunities, for instance when the owner has shown a product incorporating the protected design on a fair. In that case, the owner has to prove that the infringer has got knowledge of the exhibition of the product.
- JPO: With regard to a design for which secrecy is requested, the holder of design rights or the exclusive licensee may not make a demand the person who infringes or is likely to infringe the design right or the exclusive license to stop or prevent such infringement unless that person has given a warning by presenting documents stating the contents of the design, which are certified by the Commissioner of the Japan Patent Office. When the holder of

the design right claims damages for the infringement of the design right, the presumption that the infringing act was committed due to the negligence of the other party does not apply, so the holder of the design right bears the burden of proving the fact that the other party infringed the design right intentionally or due to negligence and thus caused the damages.

- KIPO: When the design is subject to partial-substantive examination, the period of opposition is extended. Where the right or exclusive license which is related to secret design is infringed, design right holder should prove the infringer's intention or negligence in order to claim compensation for loss or restoration of reputation. If a design right holder is to file a claim for injunction for, or prevention of, infringement, he/she should go through certain procedures prior to filing – written warning including drawings and other information on design application.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

B.3 Does your office have any precautionary measures in place to ensure that a design subject to a request for deferred publication remains undisclosed during the period of deferment?

- CNIPA: Before the requested deferment of examination expires, the application will not be examined and will not prepare for publication.
- EUIPO: There are protection measures in place in the EUIPO that no person has access to unpublished designs.
- JPO: Documents, models or specimens of designs that are requested to be kept secret shall not be subject to a request for inspection. A present or former official of the JPO who has divulged any secret learned in the course of their duties is punished by law.

- KIPO: According to the article 225 of the Design Protection Act, if any employee of the Korean Intellectual Property Office or any person who inspected the secret design divulges information about the design, he or she shall be punished by imprisonment with labor or by a fine.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

B.4 As for the unpublished design registration (or application), are there any exceptional ways to access the details of the design registration (or application)?

- CNIPA: This question is not applicable.
- EUIPO: Yes, access to the details of the design may be achieved via file inspection. However, access to the file is given only to persons who have the approval of the owner of the registered design or if they can prove legitimate interest. In particular, there is a legitimate interest where an interested person submits evidence that the holder of the registered Community design whose publication is deferred has taken steps with a view to invoking the right against them.
- JPO: The Commissioner of the Japan Patent Office must disclose the design for which secrecy is requested to person other than the holder of the design right if any of the following cases applies:
 - 1) the case where the consent of the holder of design right is obtained;
 - 2) the case where a request has been made by a party or an intervenor in an examination, trial, retrial or litigation concerning the design or a design identical or similar to the design;
 - 3) the case where a request has been made by the court; and
 - 4) the case where an interested person makes a request by submitting to the Commissioner of the Japan Patent Office a document stating the name and registration number of the design right holder or any other document provided by Ordinance of the Ministry of Economy, Trade and Industry.

- KIPO: Yes. In any of the following case, a request to inspect a secret design can be accepted.
 - 1) Where a person with consent from the relevant design right holder makes a request for inspection;
 - 2) Where a party to an examination, petition to object to the registration of a partially examined design, administrative patent trial and retrial, or lawsuit on a design identical or similar to a secret design or an intervenor in any of such proceedings;
 - 3) Where a person who presents prima facie evidence for the fact that he/she has been warned or infringement on a design right;
 - 4) Where a court or the Intellectual Property Trial and Appeal Board makes a request for inspection.
- USPTO: Yes. The USPTO will provide access to unpublished design applications in accordance with 37 CFR 1.14 and MPEP §§ 103 and 104.

B.5 Does your office bear reliability if such a design is published by accident?

- CNIPA: Before the requested deferment of examination expires, the application will not be examined and will not prepare for publication.
- EUIPO: The question of reliability may arise if the design was published by accident.
- JPO: There is no provision for reliability assurance specially prepared for cases where secret designs are published accidentally. In general, Japanese public sector officials are under a strict duty of confidentiality regarding any secrets they have learned in the course of performing their duties, and any violations of this duty is punishable.
- KIPO: The specific case is not stipulated in the current law but the case is considered to be covered by the Article 225 of the Design Protection Act, which is mentioned above.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed

under 35 U.S.C. chapter 16. Therefore, it would not be possible for of the design application to publish by accident.

B.6 If the design of later application is identical to the early application that requested deferment of publication, will the novelty of the later application be killed? Does your office inform the applicant of the later application that is lack of novelty? Given that the prior application has not been made public, it cannot be used as prior art to evaluate the novelty of the later application.

- CNIPA: According to Article 9 of the Patent Law, CNIPA will issue an office action on the later application informing that it cannot be granted.
- EUIPO: The first filed application does not destroy the novelty of the second (later) filed application provided the first filed application has not been published earlier than 12 months from the date of priority.
- JPO: The design of a later application shall not be a design lacking novelty unless the earlier application has been published elsewhere. This is because it is provided that only the applicant who filed the application for design registration on the earliest date may obtain a design registration for the design if two or more applications for design registration are filed for the same or similar designs on different dates. If the design of the later application is identical to the design of the earlier application for which the secrecy is requested, the design of the later application would lack the registration requirements on the grounds that it is identical to the design of the earlier application.
- KIPO: The Office sends a notice of suspension of examination for the later application, including a message that the applicant can inspect the secret design if necessary. Then the Office sends a notice of refusal after the secret design including its drawing is published.

- USPTO: Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. We note that, except as provided in 37 CFR 1.11(b), 37 CFR 1.14(a)(1)(v) and 37 CFR 1.14(a)(1)(vi), pending U.S. applications which have not been published are generally preserved in confidence (37 CFR 1.14(a)) and are not available as prior art. See MPEP § 901.03. However, in some situations a claimed design can be provisionally rejected under 35 U.S.C. § 102(a)(2) based on a co-pending application. See MPEP § 2154.01(d) et seq.

B.7 If the unpublished design is believed infringed (i.e. used) between the date of requesting deferment of publication and the expiration date of requesting deferment of publication, or between the grant date and the date of publication, how can the design owner deal with the infringement to enforce their rights?

- CNIPA: This question is not applicable.
- EUIPO: The owner of the unpublished registered design may enforce his/her right while the design remains unpublished.
- JPO: With regard to a design for which secrecy is requested, the holder of design rights or the exclusive licensee may make a demand the person who infringes or is likely to infringe the design right or the exclusive license to stop or prevent such infringement if that person has given a warning by presenting documents stating the contents of the design, which are certified by the Commissioner of the Japan Patent Office.
- KIPO: The owner of a design right or an exclusive licensee, who made a request to keep the relevant design confidential should issue a warning by presenting a document certified by the Commissioner of the Korean Intellectual Property Office on the following matters regarding the design, prior to claim for injunction for infringement against a person who infringes or is likely to infringe upon his/her rights.

- 1) The name and domicile (or the name and principal place of business, if the claimant is a corporation) of the design right holder or the exclusive licensee (applicable only where an exclusive licensee file a claim);
 - 2) The serial number and date of an application for design registration;
 - 3) The design registration number and the date of registration;
 - 4) Details of drawings, photographs, or specimens accompanying the application of design registration.
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

C. International application and deferred publication

C.1 Does publication of an application/grant in a first filed jurisdiction destroy novelty in a second filed application in your jurisdiction, in case the first filed application is published prior to the second application's filing and then priority claim to the first filed application is disapproved?

- CNIPA: Yes.
- EUIPO: The first filed application does not destroy the novelty of the second (later) filed application provided the first filed application has not been published earlier than 12 months from the date of priority.
- JPO: If a second country (Japanese) application is filed after publication of the first country application in the territory of jurisdiction, and the priority claim under the Paris Convention has not been recognized as effective, the publication of the first country application in the territory of jurisdiction will result in the loss of novelty of the design of the application to Japan.
- KIPO: Yes.

- USPTO: All foreign patents, published applications, and any other published derivative material containing portions or summaries of the contents of published or unpublished patents (e.g., abstracts) which have been disseminated to the public are available to U.S. examiners as potential prior art. See MPEP §§ 901.05, 901.06(a) paragraphs I.C. and IV.C, and 901.08.

However, a disclosure that would otherwise qualify as prior art under AIA 35 U.S.C. § 102(a)(1) will not be treated as prior art by Office personnel if the disclosure is made one year or less before the effective filing date of the claimed invention, and the evidence shows that the disclosure is by the inventor or a joint inventor. See MPEP § 2153.01(a).

C.2 If yes, please let us know the relevant laws/regulations.

- CNIPA: According to the Article 23 of Patent Law, any design for which patent right may be granted shall not be a prior design. The prior design means any design known to the public before the date of filing in China or abroad.
- JPO: Japan Design Act Article 3(1)A creator of a design that is industrially applicable may obtain a design registration for the design, except for the following designs: (i) designs that were publicly known in Japan or a foreign country, prior to the filing of the application for design registration; (ii) designs that were contained in a distributed publication, or designs that were made publicly available through a telecommunications line in Japan or a foreign country, prior to the filing of the application for design registration; or (iii) designs similar to those prescribed in the preceding two items.
- KIPO: According to the Article 33(1) of the Design Protection Act (Requirements for Design Registration), a design described in a printed publication distributed in the ROK or a foreign country or made available for public use via telecommunications lines before an application for design registration is filed, is not eligible for design registration. A published design application is considered to be the design mentioned above.
- USPTO: AIA 35 U.S.C. 102(a) defines the prior art that will preclude the grant of a patent on a claimed invention unless an exception in AIA 35 U.S.C. 102(b) is applicable. See also MPEP 2152.

D. Declaration of deferment of publication on the Hague system

D.1 Has your country declared Article 11(1)(a) [deferment of publication for a period less than 30 months] or (b) [publication cannot be deferred] in the Geneva Act of the Hague Agreement?

- CNIPA: No.
- EUIPO: Yes.
- JPO: No.
- KIPO: Yes.
- USPTO: Yes. The US has made a declaration under Article 11(1)(b) that publication of a design application cannot be deferred. See MPEP § 2903 and the IB's webpage *Hague System: Declarations by Contracting Parties* at <https://www.wipo.int/hague/en/declarations/>

D.2 If yes, how long is the deferment of publication?

- CNIPA: N/A
- EUIPO: up to 30 months
- JPO: N/A
- KIPO: up to 30 months
- USPTO: As the US has made a declaration under Article 11(1)(b), publication of a design application cannot be deferred.

E. Laws and regulations on deferred publication

E.1 Please identify all laws and regulations directly relevant to deferment of publication of an industrial design application.

- CNIPA: Guidelines for Patent Examination Part V Chapter 8.3
- EUIPO: Article 36(3)(b) CDR. The European EU Design Regulation is currently under revision.
- JPO: Articles 14 (Secret Design), 20 (Registration of Establishment of a Design Right), 37 (Right to Demand an Injunction), 40 (Presumption of Negligence), 60 bis (Special Provisions on Secret Designs), 63 (Request for Certificate), 66 (Design Gazette) and 67 (Fees) of the Japanese Design Act
Articles 10, 11 and 12 of the Ordinance for Enforcement of the Japanese Design Act
Article 3 of the Ordinance on Fees Related to the Patent Act and other Acts
- KIPO: Article 43(secret designs), article 113(2)(rights to prohibit infringement concerning secret designs), article 184(special cases concerning secret designs), article 185(inspection of applications for international design registration subject to requests for deferment of publication of international registration), article 225(offense of divulging secrets) of the Design Protection Act; Article 10(design gazette) of the Enforcement Decree of the Design Protection Act; Article 39(request for keeping design secret), article 61(2)(public notice day for design registration, concerning secret design) of the Enforcement Rule of the Design Protection Act
- USPTO: This question is not applicable. Pursuant to 35 U.S.C § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication.

E.2 Please provide information on how to request for the deferment of the publication of an industrial design, forms of documents, fees, etc.

- CNIPA: The request for deferment of examination shall be made at the same time as the application is applied. There is no additional fee.

- EUIPO: Deferment of publication is requested by ticking a box in the form of application for registration.
- JPO: A request for secrecy may be filed at the time of filing of the application for registration of the design or at the time of payment of the establishment registration fee. When a request for a secret design is made at the time of filing an application for design registration, care should be taken not to make a duplicate request at the time of payment.
 Where a request for a secret design is filed at the same time as the filing of an application, if the application is filed by a physical medium, the drawings and other materials to be attached to the application shall be sealed and the words "secret design" shall be written in red ink.
 In the case of an on-line application, an application form shall include a column entitled [Period for which secrecy is requested] and indicate the period of time for which the request that design be kept secret in the column as "xxx months" or "xxx years".
 If a request for a secret design is filed at the time of payment, the written payment of the design registration fee shall include a column entitled [Period for which secrecy is requested] and indicate the period for which the request that design be kept secret as "xxx months" or "xxx years".
 The period can be requested up to 3 years, and shall be stated as "36 months" or "3 years" if it is the maximum. The "fee for requesting secrecy" is 5,100 yen.
- KIPO: Any person who intends to request for secret design shall submit the prescribed forms – Application for Design Registration Report (appended Form 3 to the Enforcement Rule), or Request for Keeping Design Secret (appended Form 7 to the Enforcement Rule) to the Office. The cost is 18,000KRW per design (electronic document), 20,000KRW per design(paper).
- USPTO This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16. Therefore, there is no deferment of publication of the design application.

F. Relevant trial cases

F.1 Please let us know if there is any notable jurisprudence (cases) related to deferred publication.

- CNIPA: None
- EUIPO: None
- JPO: No notable jurisprudence related to secret designs has been identified.
- KIPO: None
- USPTO: This question is not applicable. Pursuant to 35 U.S.C. § 122(b)(2), the USPTO does not provide for publication of design applications filed under 35 U.S.C. chapter 16.