

Comparative Study of Partial Designs as an Effective Means of Protection for Industrial Design Innovation

Lead USPTO/JPO



Project definition

Aim of project: Catalogue and compare the provisions, if any, related to the protection of partial designs (i.e., a designs for less than the entire article/product) including use of broken lines and other depiction mechanisms for each of the Partners.

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 the protection of partial designs.
- The Study will be formatted and structured in a way that allows easy identification of the requirements and practices which are shared by the Partners and other requirements and practices where divergences exist.
- The proposed Study is expected to include questions within the following sections:
 - History
 - Overview
 - Requirements for claiming protection for an industrial design comprising less than the entirety of an article
 - Applicant trends in utilization of partial designs
 - Legal provisions relating to partial designs (claims to designs for less than the entire article/product)

In scope

- Develop a format and structure of the Study allowing a comparison of the use of Partial Designs as utilized 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 at the 2017 ID5 midterm meeting.
- 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 Partial Design provisions of the Partners.
- The project does not seek to involve input of external users. At the present stage the Study is intended to capture only the current status of Partner practice in this area.

Timeline

Study of Partial Designs as an Effective Means of Protection for Industrial Design Innovation	
February 28, 2017	The Lead Office submits proposals for the format and the structure of the Study and the list of elements.
March 31, 2017	The Partners will submit observations on the format and the structure of the Study and the list of elements on or before March 31, 2017.
May 31, 2017	Based upon observations from Partner Offices, the Lead Office collects the observations of the Partners and submits the final format and structure of the Study and the list of elements before May 31, 2017. Deliverable: Final format, structure of Study and list of elements
By Midterm meeting (or September 1, 2017 if no Midterm meeting)	The Partners prepare their contributions to the Study and submit them to the Lead Office. Deliverable: Contributions by Partners
2017 ID5 Annual Meeting	The Lead Office compiles the contributions from the Partners and creates a first draft of the Study which is submitted to the Partners at the 2017 ID5 Annual Meeting. Deliverable: First draft by Lead Office
February 15, 2018	Partners submit observations regarding the first draft by February 15, 2018.
2018 ID5 Midterm Meeting (or September 1, 2018 if no Midterm meeting)	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). Deliverable: Final Draft of Study and Approval of final draft at 2018 ID5 midterm meeting
2018 ID5 Annual Meeting (tentative)	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. Deliverable: User-friendly version of Study