

# SUPREMEiP

## **What is Industrial Design or Patent Design?**

In a legal sense, an industrial design constitutes an article or product's ornamental or aesthetic aspect. An industrial design may consist of three-dimensional features, such as the shape of an article, or two-dimensional features, such as patterns, lines, or color. In principle, the owner of a registered industrial design or of a design patent has the right to prevent third parties from making, selling, or importing articles or products bearing or embodying a design, which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes.

## **How do you file a convention application with a priority claim?**

A design application based on a foreign application is possible within six (6) months from the foreign application date. A certified copy of the application of the member of the Paris Union country must be filed along with the application.

## **What is the valid duration of a design Design in Bangladesh?**

The Registration of an industrial design is valid for five (5) years from the date of the application and renewable for two (2) further consecutive periods of five (5) years on payment of the prescribed fee. In case of a priority application, the Effective Date of Registration of the Industrial Design is the Priority Date.

## **What are the filing requirements for a Design in Bangladesh?**

- 1) Name and Address of the applicant
- 2) Representation: The application on the prescribed form shall be accompanied by four identical copies of a representation of the article clearly showing the features of the design in different views and stating the names of the views. The representation may contain drawings, photographs, or specimens of the design where applicable.
- 3) Statement of Novelty: The applicant should endorse the application and each of the representations a brief statement of the novelty for which he/she seeks protection. This may be done when he/she files the application or at any time before registration is finally effectuated.
- 4) Endorsement of disclaimers: Statement of the novelty will contain a disclaimer to the effect that no right is claimed over the use of Trademarks, any mechanism, letters, words, numbers, etc.
- 5) Classification of Goods: For the purpose of registration of industrial designs, goods to which the design is to be applied are divided into fourteen classes.
- 6) Original POA (Power of Authority by Applicant) Original copy of POA must be filed within 1 month

of filing of Patent Application in Bangladesh

7) Priority: There is a provision for priority application in Bangladesh. In this respect, the applicant for registration of an industrial design who desires to avail himself of the priority of an earlier application filed in a convention country shall, within six months of the date of such earlier application, append to his application a written declaration indicating the date and number of the earlier application, the name of the applicant and the country in which he or his predecessor in title filed such application and shall, within three months from the date of the later application filed in Bangladesh, furnish a copy of the earlier application certified as correct by the appropriate authority of the country where such application was filed earlier. Verified/ notarized English translation of the priority document if the priority document is in any language other than English.

### What are the basic conditions for Industrial Design registration in Bangladesh?

- A) The size and shape of the product must be new and fancy. Its size, shape, and design are not familiar and have never been seen in practice before.
- B) The design must be new and original at the time of submission of the registration application.
- C) The application for registration cannot be published to the public without the permission of the Department of Patents, Designs, and Trademarks before submitting it.
- D) The design must be visually pleasing in general.
- E) The product must be individually manufactured or individually marketable.
- F) It cannot be contrary to law and ethics.
- G) For industrial design registration, the combined product must be productive through application in the industry.

### Fee Schedule & Registration Flowchart of a Industrial Design in Bangladesh

<b>Stage-1: Application filing</b>  <b>Who can apply?</b> Any person whether national or foreigner claiming to be the proprietor of a new or an original industrial design may apply to the Registrar of the Department of Patent, design, and Trademarks for the registration of the design in Bangladesh with the following documents. In the case of the foreign application, the application will be submitted through a local agent/Lawyer.  <b>Design application in Bangladesh can be filed in two categories:</b> (1) Ordinary Applications without claiming priority (2) Convention Application with claiming priority (within 12 months from the date of an application made in a convention country)  <b>Timeline for filing:</b> 7 Working days <b>Timeline for registration:</b> Smooth case 6 to 36 Months	<b>\$1000</b>
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## **Filing Requirement**

(1) Name and Address of the applicant:

(2) Original POA (Power of Authority by Applicant): Original copy of POA must be filed within 1 months of filing of Patent Application in Bangladesh

(3) Certified copy of the priority documents:

The applicant who desires to avail himself of the priority of an earlier application filed in a convention country shall, within six months of the date of such earlier application, append to his application a written declaration indicating the date and number of the earlier application, the name of the applicant and the country in which he or his predecessor in title filed such application and shall, within a period of three months from the date of the later application filed in Bangladesh, furnish a copy of the earlier application certified as correct by the appropriate authority of the country where such application was filed earlier. Verified/ notarized English translation of the priority document if priority document is in any language other than English.

(4) Original Affidavit:

**Cost:** Without Priority Claim \$1000, and With Priority Claim \$1200

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## **Stage-2: Substantive and Formality Examination**

**Formality Examination:** The submitted applications are considered Formality Examination according to the Law.

**Substantive Examination:** The submitted applications are considered for substantive examination according to the Law, an examination of a design application is carried out automatically without a formal request being made.

**Time Frame:** The first examination report is generally issued within 6 months of the filing date of application in Bangladesh

**If Objection:** (Written Argument/Hearing/Amendment)

Step-1: Notification to Comply the Official Requirements: After competition of

Formality and Substantive Examination, if any requirements need to fulfilment, the Registrar shall notify the applicant Comply with the Official Requirements.  
Step-2: Filing Written Argument/Amendment: If any official action raised by the Registrar, a written response has to be submitted within the prescribed period of time. Cost for the written response;

### **Stage-3: Process of Registration**

If there is no office action or if the determination is in favor of the applicant of a design the Registrar is obliged to issue a Certificate of Registration for the Design.

**Term of Registration:** Initial Term of Registration of Design is 5 years and which is renewable next two terms of each 5 years. There is no option to file a late renewal application like a trademark, so the renewal application should be filed before the expiry date. The period of registration of industrial design is initially 05 (five) years as per section 46 of the Act of 1911.

**In other words, the total period of industrial design is 15 (fifteen) years.**

### **Stage-4: Renewal**

**The period of registration of industrial design is initially 05 (five) years as per section 46 of the Act of 1911.**

This period can be extended up to two terms of 05 (five) years subject to submission of appropriate fees within the stipulated time. In other words, the total period of industrial design is 15 (fifteen) years. Duly filled Form-19 prescribed in accordance with Sections 48 (2) and 46 (3) of the 1911 Act, Renewal of Industrial Design Registration within the stipulated time with fee pay order of BDT. 10000 / - (Ten Thousand) and 15% VAT Registration can be renewed by submitting an application.