

GUIDE FOR INDUSTRIAL DESIGN APPLICATION

Industrial Designs Importance

Industrial designs are a basic asset of entities using designs, such as:

- Fashion, textiles, leather
- Footwear
- Furniture
- Consumer electronics
- Automotive industries and accessories
- Other consumer goods

Industrial designs, incorporated into products, are protected for their merchantability.

Registering a design that you are using for business gives you the possibility to exclude anyone else from using the same design within the specific sector. This means that manufacturing, marketing, selling or putting into market, importing or exporting a product incorporating a protected design without the owner's authorization is illegal.

An industrial design encompasses the appearance of a product or part it; it could be a two or three-dimensional configuration. The configuration may be perceived through lines, colors or combination of colors with the shape, the material, the ornamentation, but, in any case, it must be visually perceived.

How is this protection acquired?

To protect your designs in Egypt you need to file an application before Trademarks and Industrial Designs Office (TIDO), Internal Trade Development Authority, Ministry of Trade and Industry [<http://www.itda.gov.eg>].

Another possibility to obtain protection is by filing an application with the World Intellectual Property Organisation (WIPO)

[<https://www.wipo.int/portal/en/index.html> which constitutes the International Route of Design Protection under the Hague system to which Egypt became party in 2004. A Hague System application designating Egypt may be filed directly at the International Bureau in Geneva or at the office of a member state/organisation. The filing of an international application does not require any prior national application or registration. The International Bureau does not appraise or concern itself in any way with the novelty of the design and it is therefore not entitled to reject an international application on this or any other substantive ground. Each designated contracting party has the right to refuse protection within its own territory.

What can be protected as an Industrial Design?

An industrial design is any composition of lines or any three-dimensional form whether or not associated with colors provided that such composition or form gives a special appearance of novelty and is industrially applicable.

A new and original visual appearance of a product and its industrial applicability are the conditions for the design to be protected.

What cannot be registered as an Industrial Design?

The following industrial designs shall not be registered:

- Non visible parts or components.
- Designs whose shape is basically due to the technical or functional requirements of the product.
- Designs that include emblems, religious symbols, stamps or flags of Egypt or other states, or the use of which may undermine public order or offend public morality.
- Designs which are identical, similar or closely resemble a registered trade mark or a well-known mark.

- Designs going against public morality or public policy.
- A design that is not new or industrially applicable.

Do I need to specify for which products I need to protect my design?

Products incorporating industrial designs are classified in accordance with the International Classification of Designs established by the Locarno Arrangement. Your design will therefore be protected for the specific products that you need to protect.

If my design is incorporated in more than one products, do I have to apply for protection of the design for all of these products?

You need to file an application asking for protection for more products. TIDO gives you the possibility to file an application that comprises a number of designs not exceeding 50, provided that all such designs form one coherent unit; you will need to pay a supplement fee in case of such multiple application.

Supposing that I have disclosed my design to the public before the filing of the application is there any possibility to protect the design?

Disclosure or description of an industrial design does not affect its novelty if:

- it occurred in a national or an international exhibition, or in a conference or a scientific periodical within six months prior to the date on which the registration application was filed in Egypt.
- such disclosure concerns an application for registration in a country member in the World Trade Organization, or a country which applies reciprocity to Egypt, or if the disclosure occurred, which was filed within six months prior to the date on which the registration application was filed in Egypt.

Therefore, in these cases you can file an application within the 6 months grace period!

What will I need to submit with the application?

You will be requested to submit with the application four copies of each industrial design; however, if capable of being maintained, a specimen of the article for which the design is intended may be submitted. You may find the application forms here: <http://www.itda.gov.eg/Form-TM.aspx>.

The industrial design must not contain words, letters or numbers other than substantial material which cannot be excluded from the design; any such words, letters or numbers shall be deleted.

If the applicant is a legal entity, it needs to submit an extract of the page of the commercial register where the entity is recorded, an official extract of the constitution act or a reproduction of the statute.

If the design has been presented in in exhibitions, where the application for registration involves a priority right, it shall be accompanied by a certificate of temporary protection.

How much does it cost to file an application?

- Filing a designs application 30
- Filing more than one design applications 30 the first and 15 each subsequent
- Publication of each design 30
- Publication of registration of a design 75
- Renewal request “within 6 months after the deadline”

(for more details see Annex below)

For how long can a design be protected?

An industrial design is protected for a period of ten years from the date of filing the registration application in Egypt. The protection is extendable for a further period of five years.

If I file an application, is it certain that the design will be registered?

You need to file the correct documents, as provided by TIDO and provide all necessary documentation requested by TIDO. You also need to make sure that your design is new and industrially applicable and that it does not fall under one of the categories of non-registrable designs. If all these conditions are met, and the examiner finds that your design is new and industrially applicable, your design will be registered! You must remember to renew the design!

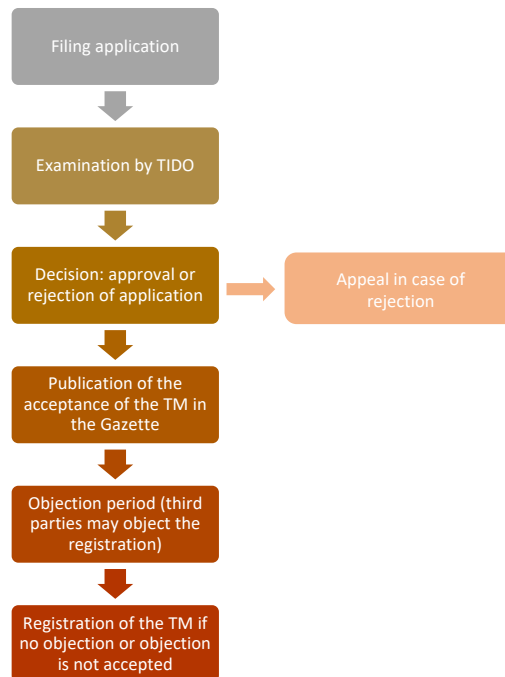
How can a Company let people know that the industrial design is protected?

It is advisable that the owner of the design lets people know that the design is protected, by using a notice "ID" or "Registered Design" for industrial designs, to alert the public that the design is protected. It is a powerful message to potential infringers of your design and a notice to customers and/or future collaborators that the Company's creations are protected. If the application has only been filed, but the design has not yet been registered, the term "Design Pending" may be used. The use of such symbol is not obligatory; it is only advisable.

Once registered can I license my design to someone else?

Of course, you can license your rights on the design. But remember in this case to inform the TIDO and make all necessary actions. This change needs to be registered and TIDO will ask you to provide specific documentation and will publish the change to the Official Gazette.

An overview of the application process:



Number	Procedure	Fee in Egyptian Pounds
1	Application for the registration of a single industrial design	30
	In case of multiple deposit, each industrial design after the first	15
2	Application for the registration of a local industrial design abroad	100
3	Appeal before committee under Article 124 of the Law	100
4	Publication of each industrial design	30
5	Objecting registration of an industrial design	75
6	Registration of an industrial design	75
7	Request for cancellation of an industrial design	15
8	Request for the recording of transfer of ownership, or grant of right to use the industrial design, as follows	
	- the request is submitted within three months from the date of transfer of ownership or right of use	75
	- the request is submitted after three months from the date of transfer of ownership or right of use	100
	- the request is submitted after six months from the date of transfer of ownership or right of use	150
9	Publication of transfer of ownership, or indication of cancellation or right of use	30
10	Request for the recording of a mortgage of an industrial design as follows:	
	- the request is submitted within three months from the date of the mortgage	75
	- the request is submitted after three months from the date of the mortgage	100
	- the request is submitted after six months from the date of the mortgage	150
11	Publication of the mortgage of an industrial design	30
12	Request for the cancellation of a recording of the mortgage of an industrial design	30
13	Request for renewal of period of protection of an industrial design	
	- the request is submitted within the last year of the period of protection	75
	- the request is submitted within three months following the expiration of the period of protection	100
14	Publication of renewal of registration for an industrial design	30

Number	Procedure	Fee in Egyptian Pounds
15	Request for recording a data relating to an industrial design	15
16	Publication of one or more indications relating to an industrial design, submitted in a single application	15
17	Request for introducing one or more modification in an industrial design	15
18	Submission of clichés for publication of an industrial design of a length or width not exceeding 50 cm	30
	For any excess in length or width of 2 cm or part thereof	10
19	Request for completion, addition or change of a recording for which no fee has been fixed	15
20	Publication of completion, addition or change of a recording for which no fee has been fixed	15
21	Request for the examination of an industrial design prior to the filing of the application for registration	100
22	Request for a registration certificate to obtain registration of an industrial design abroad	30
23	Request for access to a registered industrial design or obtaining an extract or copies of the register where the industrial design is registered	30
24	Request for a copy or extract of requests, applications or documentation	
	For each paper	30
25	Request for copy or extract of the register where an industrial design is recorded	10
26	Request for temporary protection for exhibitions, seminars, conferences or other services	50

Stamp value to be added, according to the legislation on stamps.