

Costs and procedures for obtaining Registered Designs

Registered Designs protect the shape of an article or the ornamentation of an article. The Registered Designs do not protect the way an article works - only the appearance.

Consequently protection is relatively narrow, and it is often desirable to file a number of applications to guard against several variations in shape or ornamentation.

It should be noted that the registration of a valid Registered Design does not confer rights to produce a product, but only the right to stop others from producing the product. Generally, before producing a product it is advisable to formulate a strategy for determining whether other rights exist that might prevent exploitation of a product subject of a Registered Design.

Application Procedure

Australia

The application procedure includes the preparation of suitable drawings. The quality of the drawings are critical and unless they are of adequate standard the rights obtained can be jeopardised. The cost of filing an application is dependent on the complexity of the drawings required. The total cost of filing an application covering a single product is usually in the order of \$1100-1300, unless appropriate drawings are supplied and then the cost is \$745. Multi-product applications can be made with the cost for each additional product being marginally lower.

Registration

The Designs Office automatically examines the application for conformation with formality matters and typically no report will issue. Typically registration is achieved within a few months. The initial term is for 5 year from the date of application.

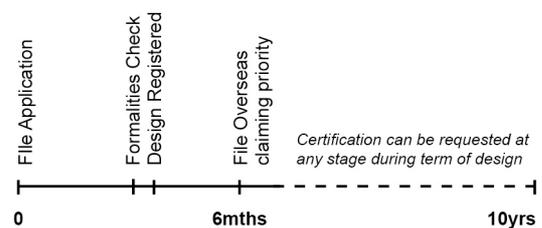
Extension of term

The maximum term possible is 10 years taken from the time of filing. One renewal is payable before the expiration of five years from the application date.

Examination and Certification

To be enforceable against third parties a Design Registration must be Certified. This can be achieved by requesting Examination, on which request the Designs Office conducts a search and assesses whether the one or more products in the registration are registrable. Our charges for filing a request for Examination is \$893. Dealing with any objections that arise is charged on a time basis. On completion the Design Registration is Certified.

Set out below is a timeline for a Design that is renewed at the fifth year anniversary of filing.



Overseas Applications

Most overseas countries have Registered Design protection available. It is possible to base overseas applications in a Paris Convention country on an Australian Design application however the overseas application must be made within 6 months of filing the corresponding Australian application.

The cost of applying for design registration varies greatly from country to country but expected costs generally fall in the range of \$1800 to \$3500.

The applications will be examined and in most cases the downstream cost for a design application is not expected to exceed the application costs.

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