

Feedback form for comments on the draft Guidelines

User Association/National Office	INTA (International Trademark Association)
---	--

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	1.2.4
Page of the document	8
Issue(s) you wish to comment on	Amend the paragraph as shown below.
Suggestion for text	The examination procedure is kept to a minimum, that is, mainly an examination of the formalities. However, the following grounds for non-registrability foreseen in Article 47 CDR must be examined ex officio by the Office:

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	2.2.3
Page of the document	10
Issue(s) you wish to comment on	Amend the paragraph as shown below.
Suggestion for text	

Feedback form for comments on the draft Guidelines

	Applications can also be handed in personally at the reception of the Office from Monday to Friday, except on holidays, during the hours shown on the Office's website.
--	--

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	2.6.2
Page of the document	13
Issue(s) you wish to comment on	Amend the paragraph as shown below.
Suggestion for text	For electronically filed Community design applications, the system issues an immediate automatic filing receipt that appears on the screen of the computer from which the application was sent. Ideally , the applicant should save or print out the automatic receipt.

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	2.7.1
Page of the document	13-14
Issue(s) you wish to comment on	One of the conditions for the accelerated procedure is said to be "no exhibition priority is claimed". We would appreciate to receive clarifications as to what would happen if exhibition priority with information is claimed?

Feedback form for comments on the draft Guidelines

Suggestion for text	

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	2.7.2
Page of the document	14
Issue(s) you wish to comment on	Amend the paragraphs as shown below.
Suggestion for text	<p>Where a deficiency has been detected in the application, the examiner will issue an examination report summarising the irregularities noted and giving a time limit for the applicant to remedy them.</p> <p>Before sending such an examination report, the examiner can send an informal communication, called 'preliminary examination report', highlighting some potential deficiencies and aimed at speeding up the examination procedure. This informal communication informs the applicant that the examination procedure is pending due to any of the following circumstances.</p>

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>

Feedback form for comments on the draft Guidelines

Part/Section/Chapter of the Guidelines the comment(s) refer to	3.3.3
Page of the document	20
Issue(s) you wish to comment on	Amend text as shown below.
Suggestion for text	<p>Examiners do not see the paper version of the representation, only scanned representations thereof. Therefore, it is only where the use of ink or correcting fluid leaves doubt as to whether the visible correction is or is not an ornamental feature forming part of the design, that corrected representations will be objected to and refused for the purpose of allocating a filing date.</p> <p>The applicant may remedy a deficiency in the same manner as described above under paragraph 3.3.2 above.</p>

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	3.3.4.2
Page of the document	21-22
Issue(s) you wish to comment on	Amend text as shown below.
Suggestion for text	<p>The Office distinguishes an illegible transmission from one of insufficient quality as follows. Where a comparison between the initial transmission and the original reproduction allows drawing a conclusion that these documents relate to the representation of one and the same design, it must be considered that the initial transmission was merely of insufficient quality. Where such a conclusion is not possible at all, the initial transmission was illegible.</p>

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>

Feedback form for comments on the draft Guidelines

Part/Section/Chapter of the Guidelines the comment(s) refer to	4.1.7
Page of the document	25-26
Issue(s) you wish to comment on	The photos would benefit from an explanation of whether or not they are acceptable examples.
Suggestion for text	N/A

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	4.1.9
Page of the document	26
Issue(s) you wish to comment on	Amend text as shown below (note insertion of the comma).
Suggestion for text	A design application will be refused where the representation is of a product that is simply one example amongst many of what the applicant wishes to protect. An exclusive right cannot be granted to a 'non-specific' design that is capable of taking on a multitude of different appearances. This is the case where the subject matter of the application relates, inter alia, to a concept, an invention or a method for obtaining a product.

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	4.2
Page of the document	26
Issue(s) you wish to comment on	<ol style="list-style-type: none"> 1. Amend text as shown below. 2. For the same reasons, "this design" should be amended to "the design" on pages 46, 47 and 56.

Feedback form for comments on the draft Guidelines

Suggestion for text	Given the unitary character of the registered Community design (Article 1(3) CDR), it is enough that a design be found contrary to public policy in at least part of the Union for the design to be refused under Article 9 CDR (see, by analogy, judgment of 20/09/2011, T-232/10, ‘Coat of arms of the Soviet Union, EU:T:2011:498, § 37 and 62). This finding can be supported by the legislation and administrative practice of certain Member States.
----------------------------	---

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	4.3
Page of the document	27
Issue(s) you wish to comment on	Amend text as shown below.
Suggestion for text	Where the applicant opts for submitting an amended representation of the design, this representation will be admissible subject to the condition that ‘the identity of the design is retained’ (Article 11(2) CDIR).

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	5.2.6
Page of the document	34
Issue(s) you wish to comment on	The guidance on ‘snapshots’ gives two possible applications (animated icons and animated graphical user interfaces). Is this list intended to be exhaustive?
Suggestion for text	N/A

Contributor (name & position)	INTA Designs Committee
--	------------------------

Feedback form for comments on the draft Guidelines

Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	5.2.7
Page of the document	34-35
Issue(s) you wish to comment on	<p>INTA recommends:</p> <ol style="list-style-type: none"> Updating the text on page 34 to make clear that the guide will now show two examples “see the examples below”. Inserting the RCD number of the additional design (there is currently only one RCD number given).
Suggestion for text	N/A

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	5.2.9
Page of the document	36
Issue(s) you wish to comment on	Amend text as shown below.
Suggestion for text	The applicant will, therefore , be invited either to withdraw some of the colour views in order to maintain consistency between the remaining ones, or to convert the application into a multiple application, and pay the corresponding fees.

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	5.2.10
Page of the document	37
Issue(s) you wish to comment on	<ol style="list-style-type: none"> Amend text as shown below. Insert a comment to explain RCD No 2068692-0002
Suggestion for text	

Feedback form for comments on the draft Guidelines

	<p>Views should not include external and foreign matter in the design representation provided (see paragraph 3.3.2 above), except when their inclusion does not cast any doubt on the protection sought and serves only an illustrative purpose (see paragraph 3.3.2 above).</p> <p>See for instance the following two RCDs, in which the inclusion of a hand in one of the views serves the purpose of illustrating how the product in which the design is incorporated will be used (albeit the method of use does not form part of the design's subject-matter of protection) or the context in which it will be used:</p>
--	---

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	5.3.2
Page of the document	39
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	Blurring is a type of visual disclaimer that consists of obscuring the features for which protection is not sought in the drawings or photographs of a design application.

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	5.3.3
Page of the document	40
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	Colour shading is a type of visual disclaimer that consists of using contrasting tones to sufficiently obscure the features for which protection is not sought in the drawings or photographs of a design application.

Contributor (name & position)	INTA Designs Committee
--	------------------------

Feedback form for comments on the draft Guidelines

Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	5.5
Page of the document	42
Issue(s) you wish to comment on	There is a reference to paragraph 2.2.5. That paragraph will be deleted so here the guidance could instead refer to paragraph 3.3.4.2.
Suggestion for text	N/A

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	5.6.1
Page of the document	42
Issue(s) you wish to comment on	INTA believes that the example used here needs an explanatory caption, as it does not show (particularly well) a repeating surface pattern which is what the section of the guidance relates to. The sample shown does not show the full pattern repeat (see the word "Sweet" in red about one third of the way down)
Suggestion for text	N/A

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	6.1.2
Page of the document	44
Issue(s) you wish to comment on	<p>The 'specification of the languages' section states: <i>"The application may be filed in any of the official languages of the European Union (language of filing) (Article 98(1) CDR; see paragraph 2.4 above). The language used in the application form does not affect the language of the application. It is the language of <u>the content</u> supplied by the applicant that is decisive. The language of filing will be the first language of the application."</i> (emphasis added)</p> <p>INTA wonders whether it is sufficiently clear what "the content" is in this paragraph?</p>

Feedback form for comments on the draft Guidelines

Suggestion for text	
----------------------------	--

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	6.1.3
Page of the document	44
Issue(s) you wish to comment on	As amended, this section states: <i>“The application must be signed by the applicant or its representative (Article 1(i) CDIR). Where there is more than one applicant or <u>representative</u>, the signature of one of them will be sufficient.”</i> (emphasis added). The inclusion of the word “representative” in the second sentence is inconsistent with the deletion of “representative” in the first sentence.
Suggestion for text	

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	6.1.4.2
Page of the document	45
Issue(s) you wish to comment on	Amend heading as shown below.
Suggestion for text	The Locarno and Classification and the database of product indications

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	6.1.4.4.
Page of the document	47
Issue(s) you wish to comment on	Amend text as shown below

Feedback form for comments on the draft Guidelines

Suggestion for text	<p><u>1. Under the heading ‘Products and their parts: sets’</u></p> <p>Where a design represents a set of products, and these products are indicated in the application (e.g. an application for the design of a set of dishes specifies that the products in which the design will be incorporated are ‘dishes’ in subclass 07-01), the examiner will replace that indication by ‘Product(s) X (Set of -)’.</p> <p><u>2. Under the heading ‘ornamentation’</u></p> <p>Where the product indication is ‘Ornamentation’ and the design does not limit itself to representing this ornamentation but also discloses the product to which the ornamentation is applied, or part of that product, without its contours being disclaimed, the examiner will raise an objection and will suggest to either disclaim its contours (in which case a new filing date must be accorded) or to add the product indication for the disclosed product (in which case the original filing date may be kept but the design’s subject-matter of protection remains to be determined on the basis of the representation as filed). If the applicant does not reply within the time limit set, the suggested product indication will be added ex officio to the applicant’s product indication.</p>

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	6.1.4.4
Page of the document	47
Issue(s) you wish to comment on	<p>Under the heading ‘Notification of the ex officio change of indication’ the guidance suggests that “provided there are <u>no issues</u> concerning the clarity and precision of these terms or their classification” (emphasis added), the holder can request that the original terms used in the application be maintained.</p> <p>However, this appears to be contradictory; if there were not any issues, why would the examiner have made any ex officio change?</p>
Suggestion for text	

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>

Feedback form for comments on the draft Guidelines

Part/Section/Chapter of the Guidelines the comment(s) refer to	6.1.5
Page of the document	48
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	However, in order to ensure that the Community Designs Register remains searchable, where the product indication contains more than five products that do not belong to the same subclass of the Locarno Classification, the examiner will suggest that the applicant limits the number of products to a maximum of five and selects products accordingly, which may also be suggested by the examiner.

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	6.2 – Deficiencies
Page of the document	53
Issue(s) you wish to comment on	Amend text as shown below.
Suggestion for text	Whether the previous application was filed in a country that is a member of the Paris Convention or the World Trade Organization (WTO), or in another state with which there is a reciprocity agreement

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	6.2.1.2 – Claiming exhibition priority
Page of the document	55
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	Like ‘Convention priority’ (see paragraph 6.2.1.1 above), exhibition priority can be claimed either when filing a Community design application or subsequently. Where the applicant wishes to claim exhibition priority after having filed an application, the declaration of priority, indicating the name of the exhibition and

Feedback form for comments on the draft Guidelines

	the date of first display of the product, must be submitted within a period of one month of the filing date (Article 9(2) CDIR).
--	--

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	6.2.2
Page of the document	56
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	The description may, however, clarify the nature or purpose of some features of the design in order to overcome a possible objection. For instance, where different views of the same design display different colours, thus raising doubts as to consistency between them (see paragraph 5.2.9 above), the description may explain that the colours of the design change when the product in which this design is incorporated is in use.

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	6.2.3.1
Page of the document	56
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	Since classification is optional, no objection will be raised if the applicant does not submit a classification or does not group or sort the products as required, provided that no objection is raised with regard to the indication of products (paragraph 6.1.6 above). If no such objection is raised, the examiner will classify the products ex officio according to the Locarno Classification.

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>

Feedback form for comments on the draft Guidelines

Part/Section/Chapter of the Guidelines the comment(s) refer to	6.2.4
Page of the document	57
Issue(s) you wish to comment on	<p>The guidance states that “If the designer or the team of designers is the same for all designs applied for in a multiple application, this should be indicated by ticking the box ‘Same designer for all designs’ in the (paper) application form.”</p> <p>What step should the applicant take if the application is made using e-filing? The e-filing option is referred to in section 6.2.5.2 regarding a request for deferment but is not in section 6.2.3.2 (Multiple applications and the requirement of unity of class) or 6.2.1.1. (Claiming priority).</p>
Suggestion for text	N/A

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	7.2.3.3
Page of the document	63
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	A multiple application can therefore combine designs for ornamentation with designs for products such as those to which the ornamentation will be applied, provided that all the products belong to the same class of the Locarno Classification.

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	9.3.1
Page of the document	67
Issue(s) you wish to comment on	There is a list of elements which may be corrected at the applicant’s request if they contain errors of wording or of copying or obvious mistakes. This list includes ‘the description’. However, on the following page at section 9.3.4 the guidance states

Feedback form for comments on the draft Guidelines

	that descriptions cannot be submitted after the date of filing and requests for correction that involve submitting a description after the date of filing will be refused.
Suggestion for text	

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	11.2.2.2
Page of the document	73
Issue(s) you wish to comment on	<p>1. Point (e) on the list of what must be contained within a declaration of surrender is “<i>e</i>) representation of the amended design in accordance with Article 4 CDIR in the case of partial surrender”.</p> <p>Beneath this list, this requirement appears to be repeated unnecessarily. The guidance states: “In the case of a partial surrender, the holder must submit a representation of the Community design as amended (Article 27(1)(e) CDIR).”</p> <p>2. Amend text as shown below.</p>
Suggestion for text	If a declaration of surrender does not contain all the particulars listed above and does not fulfil all the above requirements, depending on the situation, the Office will notify the holder of the deficiencies and request that they be remedied within the specified time limit. Where the deficiencies are not remedied within the time limit, the surrender will not be entered in the Register and the Community design holder will be informed thereof in writing (Article 27(4) CDIR).

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	11.2.4.2
Page of the document	74
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	The right of prior use in respect of a registered Community design cannot be transferred except; where the third person, who claimed the right of prior use

Feedback form for comments on the draft Guidelines

	before the filing or priority date of the application for a registered Community design, is a business which includes that part of the business in the course of which the act was done or the preparations were made (Article 22(4) CDR).
--	---

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	11.2.5.2
Page of the document	75
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	The CDR and CDIR require an indication of the products in which the design is intended to be incorporated or to which it is intended to be applied to (see paragraph 6.1.4 above.). The recordal of a partial licence for only some of the products in which the design is intended to be incorporated or to which it is intended to be applied to is not possible.

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	12.2.2.2
Page of the document	79
Issue(s) you wish to comment on	Delete comma in text as shown below.
Suggestion for text	Thus, within two months of the date of receipt of the notification of provisional refusal by the international registration holder, the latter will be given the opportunity to renounce the international registration ₇ in the EU (for all the designs in the registration), to limit the international registration to one or some of the designs for the European Union or to submit observations (Article 11a(2) CDIR).

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>

Feedback form for comments on the draft Guidelines

Part/Section/Chapter of the Guidelines the comment(s) refer to	12.2.2.7
Page of the document	80
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	Where the Office finds grounds for refusing protection and the holder does not renounce the international registration in the EU, does not limit it to one or some of the designs or does not submit observations that satisfy the Office within the specified time limit or does not withdraw the application, the Office will confirm its decision refusing protection for the international registration. If the refusal concerns only some of the designs contained in a multiple international registration, the Office will refuse the latter only insofar as those designs are concerned (Article 11(3) CDIR).

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	13
Page of the document	82
Issue(s) you wish to comment on	At some point, Brexit will need to be added to this section. Next year may be the appropriate time to give guidance on the consequences of Brexit.
Suggestion for text	N/A

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	13.3
Page of the document	83
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	However, where a Community design contains an offensive word element in a language which, as a result of the accession of a new Member State, becomes an official language of the European Union after the date of filing, the ground of for non-registrability provided for under Article 9 CDR does not apply.

Feedback form for comments on the draft Guidelines

--	--

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	13.4.1
Page of the document	84
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	<p>1. Community designs filed or registered before 01/05/2004, 01/01/2007 or 01/07/2013 will not be cancelled on the basis of grounds for invalidity that exist in one of the Member States acceding to the European Union on those dates if the ground for invalidity only became applicable as from the accession date in question (Article 110a(3) CDR). This is an expression of the need to respect acquired rights.</p> <hr/> <p>2. Non-visibility and functionality The non-visibility of a Community design applied to a part of a complex product and the restrictions applying to features of a design that are solely dictated by technical function or the requirements of interconnection⁷ are grounds of invalidity that must be evaluated on the basis of the design itself and not of a factual situation that exists in any given Member State (Article 25(1)(b) CDR read in combination with Articles 4 and 8 CDR).</p>

Contributor (name & position)	INTA Designs Committee
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	13.4.1.2
Page of the document	85
Issue(s) you wish to comment on	Amend text as shown below
Suggestion for text	A Community design filed before 30/04/2004, 31/12/2006 or 30/06/2013 respectively cannot be invalidated on the basis of the four grounds of invalidity referred to below where any of these grounds becomes applicable as a result of the accession of a new Member State on those dates (Article 110a(3) CDR).