

*How to apply to
register a design
in the Hong Kong SAR?*

*Designs Registry, Intellectual Property Department,
The Government of the HKSAR*

General introduction

This document provides basic information on how to apply to register your design in the Hong Kong Special Administrative Region (the HKSAR). Please read it carefully before you submit your application. A sample application form has been included for your reference.

More information

Website: <http://www.ipd.gov.hk/>

Enquiry: enquiry@ipd.gov.hk

Submitting your design application

All design applications should be sent to:

*Designs Registry
Intellectual Property Department
24/F, Wu Chung House
Wanchai
213 Queen's Road East
Hong Kong*

The Designs Registry does not undertake to give legal advice and this document carries no legal authority. The Designs Registry will therefore not accept any responsibility for the consequences of any omissions or inaccuracies in this document.

What designs can be registered?

New designs

To be registrable a design must be new at the filing date of the application, or the priority date (if claimed). A design is new if :

- it has not been previously registered for the same or any other article, or
- it has not been previously published or disclosed in the HKSAR or elsewhere.

Disclosure of a design before filing an application may destroy its novelty. As a result, the registration may be invalid because the design is not new.

This means that to obtain a valid registration, the design owner should apply for registration before marketing the designed product in the HKSAR or anywhere else in the world.

Convention priority

A design owner can claim a priority date based on a first application in a Paris Convention country or World Trade Organisation member territory if he applies in the HKSAR within six months of the first application. To be registrable the design must be new at the priority date.

Confidential disclosure

Disclosure in confidence by the owner, or disclosure by another person in breach of good faith, or communication to a government department, or display at an official international exhibition will not destroy the novelty of a design.

International exhibitions

If an application is made not later than six months after the opening of the exhibition, a design displayed at, or published after, an official international exhibition will not lose its novelty.

Spare parts

Designs for spare parts are registrable only if the parts are made and sold separately.

Who can apply for registration?

Only the owner of a design is entitled to register a design. An owner may obtain ownership by commissioning the creation of the design, or under an employment contract or by assignment, etc.

How to apply?

Filing application

Filing an application requires:

- a completed application form ([Designs Form D1](#))
- a set of clear representation of the design, and
- payment of the filing fee and advertisement fee.

Both the filing and advertisement fees have to be paid at the time the application is filed. The fees payable for filing an application, or for other transactions under the Registered Designs Ordinance, can be found in the Schedule to the Registered Designs Rules (click [here](#)).

Notes for completing Designs Form D1 are provided [below](#).

Multiple applications

More than one design can be included in an application provided that the designs relate to the same class of articles as classified under the Locarno Classification, or to the same set of articles. A reduced fee is payable for every subsequent design in a multiple application.

A set of articles means two or more articles of the same or similar design and of the same general character that are usually sold together or are intended to be used together. For example, a tea set is a set of articles.

What documents are required?

Representations and statement of novelty

Representations and a statement of novelty are essential as they show the design and describe the features claimed to be new so that the scope of protection can be known to the public. It is in the interests of the design owner to file clear representations so that the registration effectively protects the design.

Notes on representations and the statement of novelty are provided [below](#).

Samples for textile designs

In addition to a representation, a sample can be filed to support an application to register a two-dimensional design for a textile article. A textile sample can be filed if:

- it is contained in a single envelope or packet,
- its dimensions do not exceed 30 cm and the weight of the envelope or packet and its packing does not exceed 4 kg, and
- it is not perishable or dangerous to store.

Samples of other articles will not be accepted unless required by us.

What happens to an application after it has been filed?

Filing date

Shortly after receiving the application, we will send a notice to the applicant or the agent, giving the filing date of the application.

The filing date is the date we receive the following:

- a request for registration of the design,
- a representation of the design suitable for reproduction,
- applicant's name and address, and
- the fees payable.

The filing date is the registration date from which the period of registration starts. It is also the date for determining the novelty of the design (unless priority is claimed).

Formality examination

After giving the filing date, we will examine the formalities of the application. The formalities are the information required in the application form. There is no substantive examination of the application and the Designs Registry does not search records of prior registered designs.

If the application is not in order, we will give notice to the applicant to correct the deficiencies within three months. Failure to correct deficiencies may result in the application being deemed withdrawn.

Registration and publication

If an application is in order, we will register the design, publish the registration in the Hong Kong Intellectual Property Journal (http://www.ipd.gov.hk/eng/ip_journal.htm) and issue a certificate of registration.

Usually a certificate of registration can be issued within two months after an application is filed. A registered design owner can bring civil proceedings for infringements committed after the certificate of registration is issued.

Duration of registration

The registration of a design lasts for five years beginning from the filing date. It may be extended for additional periods of five years, up to a maximum of 25 years from the filing date.

Access to design information

Anyone can make a search about designs registered in Hong Kong, China at the online search system provided by the Intellectual Property Department (<http://ipsearch.ipd.gov.hk>).

Information about design registration is published in the Hong Kong Intellectual Property Journal (http://www.ipd.gov.hk/eng/ip_journal.htm).

Business hours

The Designs Registry is open to the public as follows:

Monday to Friday	9:00 a.m. - 5:00 p.m.
Saturday	9:00 a.m. - 12:00 noon

Designs Form D1

Application for registration of designs

Registered Designs Ordinance (Cap. 522)

Registered Designs Rules (Cap. 522A)

General notes

- Either Chinese or English can be used as the language of proceedings. Please complete this form in English unless otherwise stated.
- This form must be signed and dated.
- If there is not enough space for any part on this form, please continue on an additional sheet. Number each additional sheet and state the number of additional sheets.
- Please enquire through the following means:
 - E-mail: enquiry@ipd.gov.hk
 - Internet homepage address: www.info.gov.hk/ipd

Submission of application / request

In person or by mail with the appropriate fee to the Registrar of Designs, 24/F, Wu Chung House, No. 213 Queen's Road East, Wanchai, Hong Kong, China.

Use of personal data

Personal data provided in this form will be used by the Intellectual Property Department and can be disclosed for purposes relating to the administration of the Registered Designs Ordinance and its subsidiary legislation. Registration will protect your intellectual property rights and information in this form is used to process your application. You can obtain information regarding access to and alteration of your personal data in accordance with the Registered Designs Ordinance and its subsidiary legislation by contacting the Registrar of Designs.

01 Your reference	MY/2000/1
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Note 1 You may use this form for more than one design in the same class of articles or for the same set of articles.

Note 2 The term "set of articles" is defined in section 2 of the Registered Designs Ordinance as two or more articles of the **same general character** that are **ordinarily on sale together or intended to be used together**, to each of which the **same design**, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, is applied, for example, a tea set. The Registered Designs Ordinance can be viewed at www.info.gov.hk/ipd.

02 Number of designs included in this application (Note 1)	<input type="text" value="1"/>
	<input type="checkbox"/> Please indicate by marking the box if the articles form a set (Note 2)

Note 3 Please provide your residential or business address.

03 Details of applicant

Name (If the name of the applicant is not in Roman letters or in Chinese, please include a transliteration in Roman letters)

Standard Co. Ltd.

Address (Note 3)

25/F, Wu Chung House, 213 Queen's Road East
Wanchai, Hong Kong

Note 4 The International Classification for Industrial Designs ("the Locarno Classification") published by the World Intellectual Property Organization is adopted for classifying design articles. For details of the Locarno Classification, please refer to the website at www.info.gov.hk/ipd.

04 Locarno Classification (Note 4)

Class	Sub-Class
10	01

Note 5 The statement identifying the article(s) must be made in English and Chinese. It should be no more than 50 words for each language in English and Chinese.

05 Article

State in English and Chinese the article(s) or set of articles to which the design applies (Note 5)

English	Chinese
Alarm Clock	鬧鐘

Note 6 A statement of the features (pattern, ornament, shape or configuration) of the design for which novelty is claimed ("statement of novelty") in **both English and Chinese** should be included in the application. A statement of novelty is not required for textile articles or wallpaper. The statement of novelty can be expressed in the following way:

"The features of the design for which novelty is claimed are the (*pattern, ornament, shape or configuration) of the article as shown in the representations.

表述所顯示的物品的(*式樣、裝飾、形狀或構形)是聲稱具有新穎性的外觀設計特色。"

(*delete as appropriate)

06 Statement of novelty (Note 6)				
English		Chinese		
The features of the design for which novelty is claimed are the shape or configuration of the article as shown in the representations		表述所顯示的物品的形狀或構形是聲稱具有新穎性的外觀設計特色		
07 Applicant's rights to the design(s) If the applicant is not the designer, explain the applicant's rights in relation to the design(s).				
By employment				
08 Number of articles in the set if the articles form a set (See Note 2)				
Not applicable				
09 (a) Details of confidential disclosure If the design(s) has / have been previously disclosed and section 9(1) of the Registered Designs Ordinance applies, please indicate by marking the appropriate box(es). The Registered Designs Ordinance can be viewed at www.info.gov.hk/ipd .				
section 9(1)(a)	section 9(1)(b)	section 9(1)(c)	section 9(1)(d)	State the circumstances of the disclosure and the relevant dates (DD-MM-YYYY)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable
(b) Details of non-prejudicial disclosure Disclosure at an official international exhibition under section 9(2) of the Registered Designs Ordinance which can be viewed at www.info.gov.hk/ipd .				
Name and place of exhibition :		Opening date of exhibition : (DD-MM-YYYY)		Date of first disclosure : (if not on the opening date of the exhibition) (DD-MM-YYYY)
Not applicable		Not applicable		Not applicable

Note 7 Where priority is claimed, you are required to file a copy of a certificate issued by the competent authority of the relevant Paris Convention country or WTO member verifying: <ul style="list-style-type: none"> ● the country, territory or area of filing ● the filing date and number ● the representation of the design ● the articles covered by the previous application If any copy of certificate or other document relating to the Convention application is in a language other than English or Chinese, you need to file a translation into English which states the name of the translator and his official capacity (if any).
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10 Priority application details (Note 7) State the Paris Convention country or WTO member, the filing date and filing number of any previous application from which priority is claimed under section 16 of the Registered Designs Ordinance which can be viewed at www.info.gov.hk/ipd .		
Country/Territory/Area :	Filing date : (DD-MM-YYYY)	Filing no. :
United Kingdom	1/3/2004	2016757
11 Applicant's priority rights If the previous application indicated in Part 10 was not made in the name(s) given at Part 03, state the instrument (for example, deed of assignment) which gives the applicant the right to claim priority including appropriate name(s) and date(s).		
Name of instrument :	Date of instrument : (DD-MM-YYYY)	Names of parties :
Assignment	15/3/2004	Assignors : Peter Robert and Micky Donald
12 Associated design(s) State the application/registration number(s) and filing date(s) of any previous design application(s) or registration(s) for association under section 11 of the Registered Designs Ordinance which can be viewed at www.info.gov.hk/ipd .		
Application/Registration no. :	Filing date : (DD-MM-YYYY)	
Not applicable	Not applicable	
13 Division of applications State the number and filing date of any earlier application whose filing date is claimed under section 22 of the Registered Designs Ordinance which can be viewed at www.info.gov.hk/ipd .		
Application no. :	Filing date : (DD-MM-YYYY)	
Not applicable	Not applicable	

Note 8 An address for service in Hong Kong, China must be supplied.

14 Address for service in Hong Kong, China (Note 8)	
Name	Standard Co. Ltd.
Address	25/F, Wu Chung House, 213 Queen's Road East Wanchai, Hong Kong
Telephone no.	2803 5860
Facsimile no.	2838 6315
E-mail address	enquiry@ipd.gov.hk

Note 9 If you are an agent, an address in Hong Kong, China where you reside or carry on your business activities must be supplied.

15 Agent's address (Note 9)	Not applicable
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Note 10 Designs forms may be signed by the applicant or his agent.

Note 11 The representation may be either a drawing or a photograph and shall be of a size of not more than 210 mm by 297 mm. If the representation is a photograph, please affix it on A4 paper.

Note 12 If the design relates to a set of articles, the representations should show the design as applied to each article in the set.


Note 13 Please indicate the page no. on top right corner of the representations as 1, 2, 3 accordingly. For multiple applications relating to two or more designs, please also number the representations M001, M002, M003... for the first, second, third... designs respectively and sort them into separate sets, one for each design.

16 Declaration (Note 10)

Please mark the boxes to make declaration

I/We apply to register the design(s) shown in the **representation(s) put on the A4 sheet(s) attached to this form (Notes 11 to 13).**

I/We declare that the applicant(s) claim(s) to be the owner(s) of the design(s) in relation to the article(s) or set of articles specified above.



 Signature

P.Mcdonald

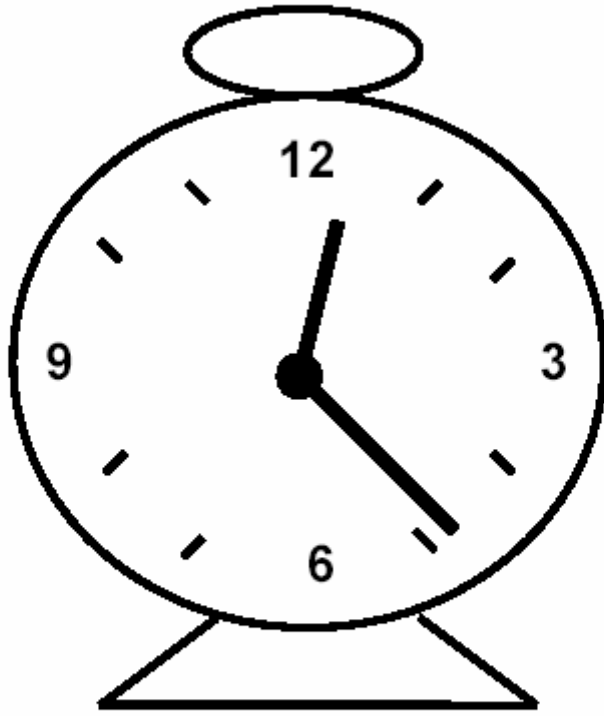
 Name and Official Capacity of Signatory

07.05.2004

 Date
 (DD-MM-YYYY)

17 State the number of additional sheet(s) attached to this form

Representations



Front View

Notes on Completion of Designs Form D1

Please read carefully the notes in Form D1 and complete the form in English.

Parts 02, 03, 04, 05, 06, 14 and 16 must be completed.

Other parts may need to be completed, depending on the circumstances.

Part 02

State the total number of designs included in the application. Please mark the box if the articles form a set.

Part 03

If the name of the applicant is not in Roman letters or in Chinese, please include a transliteration in Roman letters.

Part 04

Please refer to the latest edition of “International Classification for Industrial Designs” under the Locarno Agreement published by the World Intellectual Property Organization (WIPO). A copy of it is available for reference at WIPO’s website <http://wipo.int/classifications/fulltext/locarno/enmain.htm> and also at the registry’s counter.

Part 05

The statement of article must be specific. Vague, general, or descriptive terms should not be used. The Chinese and English statements of article should be consistent.

Part 06

A statement of the features (pattern, ornament, shape or configuration) of the design for which novelty is claimed (“statement of novelty”) in both English and Chinese should be included in the application. A statement of novelty is not required for textile articles or wallpaper. The statement of novelty can be expressed in the following way:

"The features of the design for which novelty is claimed are the (*pattern, ornament, shape or configuration) of the article as shown in the representations.

表述所顯示的物品的(*式樣、裝飾、形狀或構形)是聲稱具有新穎性的外觀設計特色。"

(*delete as appropriate)

Part 07

If the applicant is not the designer, state how the ownership of the design was obtained, for example, by commission, employment, assignment, etc.

Part 08

If this application is in respect of several articles forming a set under Section 2(1) of the Registered Designs Ordinance, state the number of articles in the set.

Part 09

If the design has been disclosed in circumstances where Section 9 of the Registered Designs Ordinance applies, give details.

Part 11

State from whom and the date and name of instrument by which the applicant obtained the right to claim priority for the application.

Part 12

To be completed if the design is to be associated under section 11 of the Registered Designs Ordinance.

Part 13

To be completed if the application is divided out of an earlier application.

Part 14

One set of the representations must be attached to the application form. Notes on representations and the statement of novelty are provided [below](#).

Notes on representations and statement of novelty

Representations

1. Representations must be either drawings or photographs (except instant photos) affixed to good quality A4 size paper by adhesive tape.
2. One set of representations must be attached to form part of the application form.
3. Only one side of the paper should be used. Each sheet should show the total number of sheets in the set, for example, 1/3, 2/3 or sheet 1 of 3, sheet 2 of 3, etc.
4. The drawings or photographs should show only the designed article. No other objects should be shown and the representations should not show any corrections.
5. Representations should be labelled with short designations of the view. The views should **include one perspective view**.
6. Representations should show all details of the article clearly and should be capable of being reproduced clearly.
7. Other than designations of views and the statement of article, representations should not contain unnecessary descriptive wording such as disclaimers, etc.
8. Where a design is to be applied to a set of articles, the representations should show the design as applied to each different article included in the set.
9. For multiple applications, representations should be labelled M001, M002, etc. The representations for each of the multiple designs shall be affixed to separate sheets of A4 paper.
10. Sectional views are unnecessary unless they show some aspects of external shape which would not be clear from two-dimensional drawings or photographs. They should not show details of internal construction which would not usually be seen.
11. If sectional views are included, they must be blacked in solidly on the plane of cut to conceal all internal features not normally visible in the finished article.
12. If the applicant wants protection for only a particular part of an article, that part of the article in which novelty is claimed must be clearly and unambiguously identified, for example by colouring the part, or by encircling

the part in ink, or by drawing it in solid lines and showing the remaining parts in dotted lines.

Drawings

13. Drawings should be not more than 210 mm by 297 mm (A4 size).
14. The lines of drawings must be even and boldly drawn.

Photographs

15. Photographs should be not more than 210 mm by 297 mm (A4 size).
16. Photographs must be clear originals. The articles should be shown against a neutral plain background without shadows or reflections. Photographs must not be instant type photographs.
17. Photographs should be firmly affixed to the backing sheets by double-sided adhesive tape. Glue must not be used.

Statement of novelty

18. The statement of novelty must be in both Chinese and English.
19. The statement of novelty must be included in Part 06 of the application form (A statement of novelty is not required for designs, intended to be applied to a textile article, to wall paper or similar wall covering or to lace or to sets of textile articles or lace).
20. The statement of novelty can be expressed in the following way :

“The features of the design for which novelty is claimed are the (*pattern, ornament, shape or configuration) of the article as shown in the representations”.

(*delete as appropriate)

21. The statement of novelty must not include any description of the use of the article or its features, or its advantages or method of construction.
22. Where novelty is claimed for a particular part of an article, the statement of novelty can be expressed as follows :

“The features of the design for which novelty is claimed are the (*shape, configuration, pattern or ornamentation) of the part (** coloured blue, ringed in red, shown in solid lines) in the representations.”

(*, ** delete as appropriate)