

Online filing facility for design applications

A facility for filing design applications online is now available. The online facility has a number of differences from the traditional paper filing method.

Online filing permits filing of applications accompanied by representations of the design. Applicants are able to request antedating of an application thereby filing a so-called “divisional” application; and to designate whether the application is a “convention application” or a “non-convention” application.

Design forms 2, 3, 4 and 5.

The use of the online application form satisfies certain filing requirements of a new design application in that there is no need to file separate design forms 2, 3, 4 or 5 with the online application or to send these design forms separately at a different time. IPONZ will accept the online form as a suitable alternative to the identified forms where an applicant or their agent uses the online filing facility.

Number of copies of representations.

Due to the Office’s practice of converting all documents received into electronic form, multiple copies of these documents are not required for examination and registration purposes.

Therefore, only one copy of the representations of a design is to be filed with the request to register a design under the Designs Act 1953. This requirement applies to applications made using the online electronic filing facility and to applications made using the traditional prescribed application forms. This note changes the requirement to file four identical copies of the representations that is prescribed in Regulations 25 and 26(1) of the Designs Regulations 1954.

For online filing, a single file of the electronic representations of the design attached to the online application will meet the requirements for registration if the representations can be reproduced in a format that meets the requirements of regulation 27.

Authorisation of Agent (Design form 1).

If the person filing the design application is not the proprietor of the design, then a separate electronic authorisation document (or advice of a general authorisation) will be required, either attached to the online application prior to submission of the application or filed at a later date.

General signatory requirements for online filing of patents and designs

With the introduction of patents and design applications online filing facilities, IPONZ considers that the user logon requirements which must be completed before an application can be filed online satisfy the conditions under Section 22 of the Electronic Transactions Act 2002 for a legal requirement for a signature to be met by means of an electronic signature.

Therefore, regulation 13 of the Patents Regulations 1954, and regulation 19 of the Designs Regulations 1954, (which provide (in part) that an application to the Commissioner for the granting of a patent or registration of a design shall be signed by the applicant or his agent) are met by a user completing the logon requirements of the online filing facilities and becoming a registered user.