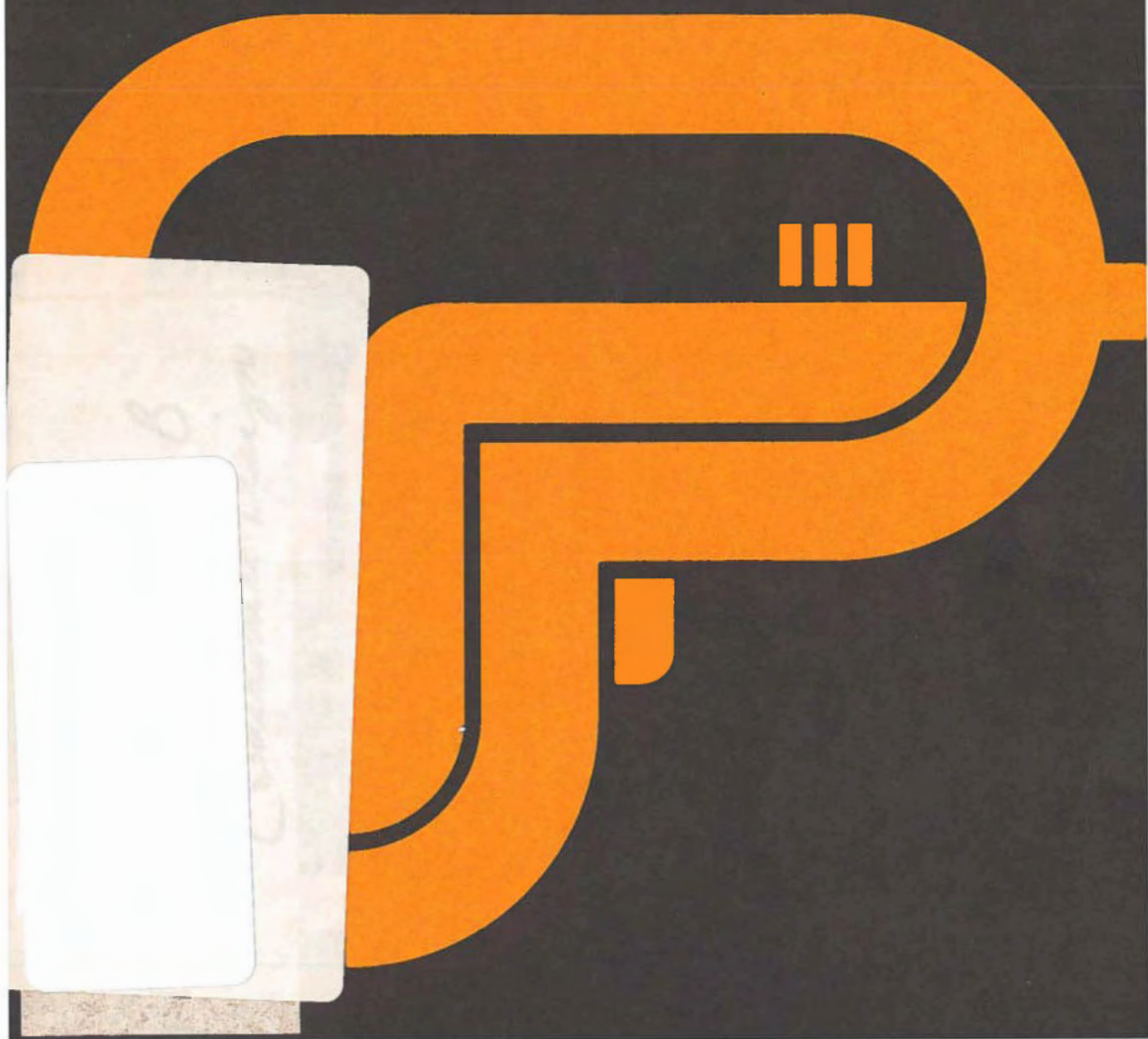


Canada

Industrial Designs:
an Introduction





**Consumer and
Corporate Affairs
Canada**

**Consommation
et Corporations
Canada**



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Industrial Designs:
an Introduction

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The Purpose of this Booklet

This booklet is intended to provide basic general information on registrable industrial designs, the procedures for registration in the Canadian Industrial Design Office, and the advantages of such registration. It is not intended to be an authority or comprehensive text on Canadian law pertaining to industrial design rights. Application for industrial design registration must conform to the requirement of the Industrial Design Act and the Industrial Design Rules. More detailed information may also be obtained from legal texts on intellectual property available in many libraries and from registered patent agents.

Introduction

Canadian law governing the protection of original industrial designs distinguishes between the functional and the aesthetic aspects of an article. Patent law is concerned with functional or utilitarian qualities. The Industrial Design Act, on the other hand, covers the appearance of an industrially produced article or the aspects of design intended to make an article more appealing to the eye. Industrial designs are registered with the Canadian Industrial Design Office for the shape, pattern or ornamentation of industrially produced articles. (In cases where visual design is bound up with the function of an article, both patent and industrial design registration may be necessary.)

Modern technology permits a broader range of design possibilities than ever before. Much time, skill, effort and money may be employed in the execution of a design, and a successful one may yield sizeable rewards. But without legal protection of innovative design, successful creations would also be quickly imitated. By knowing their legally defined rights and registering their original designs, designers, craftsmen and manufacturers can limit such imitation. This protection yields profits for the successful designer, and thereby encourages design innovation beneficial to all.

The Industrial Design Office

The Canadian Industrial Design Office is part of Consumer and Corporate Affairs Canada, the federal department responsible for formulating and enforcing laws to ensure fairness in the marketplace for all who participate in it. Within the department the Industrial Design Office is part of a larger agency called the Bureau of Corporate Affairs which is responsible for all "intellectual property" rights, including not only industrial design but also patents, copyright, trade marks and timber marks.

The Industrial Design Office operates under the general supervision of the Director of the Copyright and Industrial Design Office. The Office maintains a file of some 47,000 registered industrial designs. A staff of four examiners processes some 1,800 new applications per year.

Searching at the Industrial Design Office

Over 47,000 registered industrial designs are on file in the Industrial Design Office. The search facilities of the Office are open to the general public, and the Office staff assists by explaining the manner of searching the files and by supplying copies of designs already registered (at a nominal copying fee). Searching these files is useful for:

- helping to determine if your design is original, to determine if it might be registrable;
- familiarizing yourself with the various designs in the product market in which you intend to compete and the types of designs that have been registered;
- obtaining ideas in your own and related design fields. The proprietary rights to registered industrial designs last for five years, renewable for the next five years. All registered designs whose rights have expired may be used by anyone.

The Office itself cannot conduct searches for the public, except in relation to applications which have been made for registration.

The Industrial Design Office is located at Place du Portage, Phase I, 5th Floor, 50 Victoria Street, Hull, Québec. Office hours are 8:30 to 17:00. For telephone enquiries call (819) 997-1725.

Correspondence with the Office

All letters should be addressed to:

The Commissioner of Patents (Industrial Design Office)
Consumer and Corporate Affairs Canada
Ottawa K1A 0E1

When appropriate, a letter may be marked for the attention of a particular officer or individual.

The Industrial Design Office provides information services, help in filing an application, and copies of designs already registered (at a nominal copying fee). Although the Office cannot give legal advice as to the registrability of a design prior to application for registration, information of a general nature may be provided either by direct answer to an enquiry or by supplying or referring the inquirer to an appropriate publication.

Applications for registration must be prosecuted by correspondence, and the personal attendance of the applicant at the Office is not normally necessary. Oral representations or statements not confirmed by letter cannot be acted upon.

A letter relating to a pending application should identify it by title, the name of applicant, and the number of the application. A letter relating to a registered industrial design should identify it by number.

If a registered patent agent has been authorized to represent an applicant for registration, all correspondence on the application will be conducted through the agent.

Registrable and Unregistrable Industrial Designs

Registrable Industrial Designs

A registrable industrial design is any original shape, pattern or ornamentation applied to an article of manufacture, such as the shape of a table, the pattern on a fabric, or the ornamentation on the handle of a spoon. The article is made or intended to be made industrially en masse (not necessarily machine made). To be registrable, a design must have features which are intended to make a visual appeal. Although the design must be original, the quality or merits of the visual appeal in a design are not judged by the Design Office.

Disclosure of functional features in an application does not prevent the design from being registered, but an application directed to functional features *only* is not acceptable.

Comparison with Copyright, Patents and Trade Marks

Registrable industrial designs are often confused with copyrights, patents, and trade marks, which are also forms of "intellectual property."

Copyright is for original literary, musical, dramatic and artistic works. Many registered industrial designs when first originated were protected by the Copyright Act as "artistic works." If the artistic work is used or intended to be used as a model or pattern to be multiplied by any industrial process in more than 50 single articles, or sets of articles, it becomes an industrial design and it is advisable to effect registration under the Industrial Design Act.

Patents are for inventions of new and useful processes, machines, compositions of matter, or any new and useful improvements thereof. None of these features are registrable as an industrial design. It may be possible, however, to obtain a registered industrial design on the visual aspects of an article, i.e. its shape, pattern or ornamentation, while at the same time separately obtaining patent rights for its structural and functional aspects.

Trade Marks are words, symbols, pictures, or any combination thereof, which are used to distinguish the goods or services of the owner from the goods or services of others in the marketplace.

Unregistrable Industrial Designs

Industrial designs that pertain solely to functional or utilitarian features of an article in which no visual appeal is intended are not registrable. Also, if a design lacks a fixed appearance and cannot be precisely ascertained, or if the design seeks to protect a method or principle of construction, or merely an idea, then it is not registrable.

Also unregistrable are: the materials used in the construction of an article; the useful purpose the design is intended to serve or does serve; and colour as such, other than a pattern that may be created by an arrangement of contrasting colours.

In making judgements concerning registrable and unregistrable designs the Industrial Design Office may in some cases request further information from the applicant to help determine whether the design actually contains features beyond those necessary for the article to carry out its functions. Such information may be needed if it appears that the design is applied to an article of manufacture that is:

- a) a component of a larger machine or part of another article which is purely functional,
- b) part of an article which is never seen by its user in the form disclosed in the application,
- c) an article or part of an article which is normally not visible when used,
- d) an article in which the description portion of the application describes utilitarian features.

Advantages of Registration

The main advantage to registration of an industrial design is the exclusive right conferred upon the owner to prevent others from making, using and selling his or her design in Canada for up to ten years. An industrial design is not protected from copying unless it is registered.

Who May Register

Only the "proprietor" of a design is entitled to apply for and obtain registration of an industrial design. The "proprietor" is the author-creator of the design, unless the author has been compensated to execute the design for another person (in which case the latter is the proprietor and the only person entitled to apply for and obtain registration).

If more than one person co-operated in creating a design, they are joint authors and, unless they have been compensated to execute the design for someone else, they should file an application as joint proprietors.

If a design is created while the author or authors are working for someone else (for example, an employee who creates a design on "company time"), then the company is the proprietor and is the only "person" entitled to registration of the industrial design. Only the company's name may appear as applicant and registrant.

If there is any doubt in a particular case as to who is the proprietor, such doubts should be resolved before filing an application since the industrial design registration is valid only if applied for and obtained in the name of the true proprietor.

When to File the Application

An applicant must *register* his or her design within *one year* of "publication" of the design in Canada. It is not sufficient merely to file the design application within a year.

“Publication” includes public disclosure or commercial offering made in a non-confidential manner. For example, if an applicant made his design available to the public on January 1, 1979, he must have it registered by January 1, 1980.

As there must always be some time lag between filing and registration to allow the Industrial Design Office to examine the application, it is highly advisable to file the application as quickly as possible if “publication” has occurred.

Registered Patent Agents

The applicant is entitled to prepare and prosecute his or her own application, and the Industrial Design Office will help in filing the application. However, since the adequacy of the protection obtained by registration depends upon the skill with which the application is drafted, it may often be advisable to hire agents who have experience in this area and who will carry out the necessary correspondence with the Industrial Design Office. You may obtain a list of Registered Patent Agents by writing to the Industrial Design Office. Most applications for industrial design registration are done through Registered Patent Agents.

The fees of registered patent agents are not regulated by the Office and should be agreed upon by the agent and the applicant beforehand.

Preparing the Design Application

A complete application for an industrial design comprises a written description of the original features of the design, drawings, and the required fees. Filing and registration fees should be included with the application. The application must follow the format of the prescribed form.

Along with application forms, the Office provides a “filing certificate and checklist” for the convenience of the applicant. A sample is provided on page 21.

Application forms

A sample form is illustrated on page 18. Copies of this form are available free from the Industrial Design Office or from any office of Consumer and Corporate Affairs Canada (page 14).

Important points to remember when completing the application are:

- a) Only the “proprietor” of the design may file an application (see page 7 on “Who May Register”).
- b) The form must be completed and executed in duplicate.
- c) The application must include a description and drawings or photographs (in triplicate) of the design as applied to an article of manufacture.
- d) The title appearing in the application must identify the article to which the design is applied.
- e) The applicant must provide his or her full mailing address.
- f) The completed form in duplicate, including the drawing, must be addressed to the Commissioner of Patents, (Industrial Design Office), Consumer and Corporate Affairs Canada, Ottawa, K1A 0E1.

See page 19 for a “sample completed application.”

Description Requirements

The description set out in the application must be a description of the *design* and *not* of the *article* for which the design is applied. The description should be in ordinary language and written clearly and concisely.

The description need not be a detailed word picture of every particular of the design, but *it must indicate with reasonable certainty* what the design is and what the applicant believes to be its original visual features. Beyond the satisfaction of this Office requirement, the wording and quality of the description are the applicant’s responsibility.

Since the courts may use the description to assist in determining the limits of protection for the design, applicants should exercise care and precision in their wording. Too broad a description may lead to over-extending the scope of the design, too narrow a description may enable other persons to avoid the design registration by means of minor changes. In either case, the value of the registration may be jeopardized. As the legal consequences of the description are the applicant's responsibility, applicants are advised to take into account the following in drafting the description of the design:

- a) The description should clearly define the applicant's concept of the shape, configuration, pattern or ornamentation as applied to the article of manufacture.
- b) If the applicant is aware that similar designs already exist, then enough detail should be included in the description to differentiate the applicant's design from designs already known.
- c) The applicant may, if desired, state which design features he or she considers most important.
- d) The description must be focussed on the visual aspects of the design only. A common fault is to describe the design primarily in terms of its functioning.
- e) Words or letters in the design are not entitled to Industrial Design protection, and must be disclaimed in the description or the drawings, or both (see page 10).

Drawing Requirements

An application for an industrial design must contain a drawing or photograph of the design as applied to the article of manufacture. The function of the drawing or photograph is to clearly disclose the design. The drawing should be consistent with the description. The drawing and description together should fully define and provide a complete "picture" of the design.

A) Size and Paper Quality, Number of Copies, Mailing Instructions — Two copies of the drawing on good quality 8 1/2" x 11" or 8" x 13" white paper or tracing cloth and *one additional copy on 2 or 3 ply, pure white 8" x 13" Bristol Board Sheet* are required. All three drawings should be sent flat, not rolled, and should be protected by a heavy sheet of cardboard.

B) Margin — To comply with the Rules, there must be a clear margin of approximately one inch on the left-hand side of the paper.

C) Character of Lines — Every line of a drawing, no matter how fine, must be made with black ink or its equivalent and must be permanent in nature. All lines must be clear and full; fine or crowded lines should be avoided.

Dotted or stippled lines may be used to distinguish surrounding structure, but the article itself must be shown in solid lines.

Applicants have the option of highlighting the design features by heavy black lines, encircling or any other means, provided that the result is clear and can be reproduced by Office photocopying equipment.

D) Scale — All drawings must be on a sufficiently large scale, easily readable, consistent with each other and to the same scale (except for enlargement views).

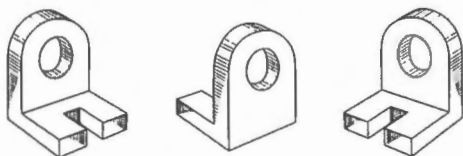
E) Content of Drawing — The drawing of the article should show every feature of the design as described. This may require more than one view. The Office will not amend an applicant's drawings.

F) Number of Views — The application should contain as many views as are necessary to adequately disclose the design.

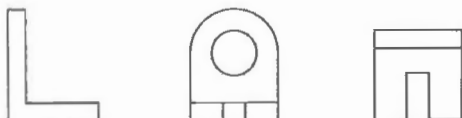
G) Arrangement of Views — All the views on one sheet should stand in the same direction and be readable in an upright position. One figure must not be superimposed upon another or placed within the outline of another.

If views that are longer than the width of the paper are necessary for clear illustration of the design, the sheet may be turned on its side. The previously indicated one inch margin would then be on top.

H) Types of Views — Perspective types of views are recommended for best presentation. Here are some examples:



However, other means of illustration are acceptable, for example:



I) Disclaimer — All letters and words appearing in the drawing, that have not been disclaimed in the description, should be in stippled lines.

J) Shading — While not a requirement, shading may be used in drawings. Standard shading practice is the use of heavy lines in the shaded side of the object.

K) Miscellaneous Features — Occasionally, applicants need to show the following features — open and closed positions, cross-sectional views (hatching), fragmentary views, flexible articles, transparent articles, and indefinite length and repeat patterns. Information on disclosure of these features can be obtained by contacting the Industrial Design Office.

L) Note — It is important that drawings do *not contain* the title, descriptive matter, dimensions or names, but each sheet may bear, in the lower right-hand corner, the signature of the proprietor.

The Office may occasionally request the applicant to provide a sample of the design, (i.e., a swatch of textile fabric) to supplement the drawing.

Photographs*

Photographs will be accepted by the Industrial Design Office in lieu of drawings provided that:

- a) they are of a quality that can be reproduced by Office photocopying equipment;
- b) three copies of each photograph are submitted;
- c) each photograph is unmounted with one copy on 8" x 13" good quality paper, and the other two copies on either 8" x 13" or 8 1/2" x 11";
- d) they show every feature of the design in a clear and apparent manner;
- e) the angle from which the photograph is taken does not distort the true image of the article; and
- f) they show the article alone and with a neutral (blank) background.

Multiple Representations of the Same Design

Each industrial design application must be limited to a *single* design but may contain a number of representations of that design. Such representations will be considered as showing essentially the same design, i.e., a common theme, if *both* of the following conditions are met:

- a) the original design features in each representation do not differ sufficiently to render any representation original over each other;
- b) the article or articles to which the design is applied are of a similar nature.

Additional similar representations of the same design may be added to the application at any time prior to registration.

If the representations in the one application are so different from each other that they should be in separate applications, then the applicant will be required to file separate applications for the separate designs. In such instances, the newly filed separate applications will be given the same filing date as the original application.

*Although photographs are acceptable for the convenience of applicants, it is uncertain to what extent the courts will support their validity as "drawings."

Examination and Registration

The Design Examiner's Task

The examiner will assess an application to determine if it is in proper form, study the description and drawings, and make a search among prior registered designs and other known designs to ensure that the design as described is new and original. The examiner will then allow the application for registration, or report to the applicant regarding anything found objectionable and requiring amendment.

The examiner will not express an opinion regarding the aesthetic or commercial merits of a design, nor will he indicate in advance of filing whether the design is registrable.

Processing Time

The Industrial Design Office attempts to register industrial designs within 30 days of receiving the application in the Office, provided that the application contains no deficiencies.

Expedition of Applications

If an application is nearing the one-year time limit (page 8) the Industrial Design Office will act upon a request in writing for an accelerated examination. For example, if an applicant made his design available to the public on January 10, 1979, then by January 1, 1980 he had only 9 days to have his design application filed, examined and registered. However, by requesting an accelerated examination, his application could be registered by the January 10, 1980 deadline.

If the expedition of an application is required, the applicant must take steps to avoid delays. For instance, all necessary forms must be correctly completed and submitted, and applications should be *delivered by messenger* to the Industrial Design Office in Hull instead of through regional or district offices. Communication by telephone — (819) 997-1725 — is recommended to resolve cases critically near the time limit.

Requests for Delay

An applicant must inform the Industrial Design Office in writing if he wishes his design registration to be delayed, i.e., for reasons of marketing or filing in foreign countries. This option to delay registration may be exercised at the time of filing an application or any time during the first 30 days after filing. An applicant may delay an acceptable application for registration for a maximum period of seven months from the day of filing. The applicant may withdraw his request for delayed registration at any time during the seven month period. If the application is acceptable, it will then be registered immediately.

The Initial Processing Stage

Prior to examination of the design itself, the application is checked to ensure that all of the necessary formal requirements have been met. If any statutory deficiencies — i.e., missing fees, declaration, drawing or description — are found in an application during the initial processing stage, the applicant will be informed that the application will not be given a filing date until all statutory requirements have been met.

If any non-statutory deficiencies (e.g. incomplete dates or drawings) are found in an application during the initial processing stage, the Office will issue a letter to the applicant requesting correction of these deficiencies.

Examination

In the examination stage, the design examiner studies the application to ensure that all the requirements of the Industrial Design Act and Rules have been met, and in particular to ensure that the design is "original," that is, not the same or similar to a design already applied to a similar article of manufacture.

If any defects are found during the examination stage, an Examiner's report will be issued to the applicant. The report will outline the defects and set forth a formal requirement to amend the application.

Amendment and Reconsideration

In most cases the Examiner's objections can be overcome by an amendment to the application or by argument. An application should not be abandoned merely because an objection has been raised. The applicant has six months from the date of the Examiner's report to respond. If no response is received within the six month period, the application is deemed inactive. Inactive applications can be reactivated at the applicant's request upon receipt of a statement that the design has not been published in Canada for more than one year.

Appeals

If the defects indicated in the Examiner's report cannot be overcome by the applicant's response, the application will be rejected again. The applicant may then appeal the rejection to the Patent Appeal Board which in turn will make recommendation to the Commissioner of Patents. Decisions of the Commissioner of Patents and of the Industrial Design Office are appealable to the Federal Court of Canada, whose decisions are in turn appealable to the Supreme Court of Canada.

Conflicts

When two or more persons apply for essentially the same design, the applications are examined on a "first come, first served" basis. The application with the earliest filing date (Canadian filing date, or Convention filing date if filed earlier in another country) will be registered.

Registration

Once accepted for registration, the application will be registered unless a delayed registration has been requested. When the industrial design is registered, a Certificate of Registration is issued to the proprietor. This certificate is evidence of ownership and originality of the design. It grants the proprietor the exclusive right in Canada to make, use and sell the design, in whole or in part, for five years from the date of registration; it is renewable once for another five years.

Marking of Product

Once a design is registered, each article to which the design is applied must bear the name of the proprietor, the letters "Rd" and the year of registration. This information should, if possible, be on the article itself, but may also be on an attached label. It is very important that all such articles be properly marked since failure to do so may invalidate the registration.

Enforcement of Rights

Under the Industrial Design Act, action can be taken by the proprietor of a registered design against anyone who infringes his design in Canada. It is the responsibility of the proprietor to bring legal proceedings against anyone in such instances and to do so within 12 months of the act of infringement.

Renewals

Renewals are made by sending the Industrial Design Office a letter requesting renewal, along with the prescribed renewal fee (page 14). The letter should be received by the Office prior to the expiry of the first five-year term, but requests for renewals will also be accepted up to three months after the expiry date, with the payment of an additional fee.

The letter requesting renewal should identify the registration by number and by the name of its proprietor.

Marketing the Industrial Design Rights

The proprietor of a registered industrial design has the exclusive right to make, use or sell the product incorporating the specified registered design, or to sell or license the exclusive rights to others. In the latter case, the names of Canadian manufacturers who might be interested in the exclusive rights to a registered industrial design are available from two main sources: The *Canadian Trade*

Index, issued by the Canadian Manufacturers' Association, Toronto; and Frazer's *Canadian Trade Directory*. Both of these publications are available in public libraries.

The legal agreement to transfer rights to registered industrial designs takes the form of either an "assignment" or a "license."

Assignments

"Assignment" occurs when all or part of the interest in design is *permanently* transferred from the registrant to another party, called the "assignee." The assignee then assumes the ownership rights originally held by the registrant. The arrangement must be in writing. A sample form for assigning the rights is shown on page 20.

The new owner should ensure that the assignment is recorded with the Industrial Design Office. Many legal text writers have expressed the opinion that recording of the assignment by the new owner is necessary before this owner can sue anyone for infringing the design. The assignment is recorded with the Office by submitting the original transfer document or a copy thereof, certified by an appropriate official such as a notary.

The design must be registered before the assignment may be recorded. Only the original owner, and not the assignee, may register the design.

Licensing

"Licensing" differs from assignment in that the owner of the registered industrial design retains ownership but *temporarily* allows the licensee to use the design, subject to the conditions or limitations set forth in the licensing agreement.

Registration Outside Canada

Registered industrial design rights in Canada apply only to Canada. Similar rights abroad must be applied for in each country separately.

In the *United Kingdom* the Industrial Design laws are very similar to those of Canada, and the same term "Industrial Design" is used.

In the *United States* the term "Design Patent" is used to describe what corresponds approximately to our Canadian registered "Industrial Design." "Design Patents" should not be confused with "patents" for invention.

In many other countries, rights are granted for functional aspects combined with the corresponding design or appearance of the article — e.g. "petty patent" (Japan), "utility model" (France), and "gebrauchsmuster" (Germany) — whereas the Canadian registered industrial design is for visual aspects only.

Canada, and all other countries which honour the "Paris Convention" of 1883, must allow six months priority to applicants seeking industrial design registration who have already applied for a design patent *gebrauchsmuster*, etc., in another Convention country. For example, if a design owner files an application in any country on January 1, 1979, he or she has until July 1, 1979 to file an application in any other Convention country in order to enjoy the benefits of convention priority. However, as a result, the application will receive an effective filing date of January 1, 1979.

The "Paris Convention" is an international agreement of some 90 countries. The Canadian Design Office will provide applicants with a list of countries upon request.

Applicants should be aware that some foreign countries may reject an industrial design application because it has already been registered by the same or a different person in another country. In order to assist owners of designs in Canada in avoiding this unusual situation, the Canadian Design Office allows applicants the option of delaying registration so that their application in a foreign country can proceed concurrently with their application in Canada. (See "Requests for Delay," page 11).

Other Publications Available

Applicants or their agents who wish to refer directly to the Industrial Design Act and Rules may obtain copies of these documents from Supply and Services Canada, Publishing Center, Mail Order Services, Ottawa K1A 0S9, or any bookstore that sells federal government publications.

Available free of charge from the Industrial Design Office or any regional or district office of Consumer and Corporate Affairs Canada is a basic information booklet "Industrial Design, Questions and Answers." In addition, Consumer and Corporate Affairs Canada publishes general brochures in other areas of intellectual property, i.e., patents, copyright, trade marks. It is advisable for anyone considering an industrial design application to refer in advance to these brochures to ensure that the Industrial Design Act is the appropriate area of protection.

Fees

Fees are subject to change without notice. Updated fee schedules may be obtained from the Industrial Design Office or from any office of Consumer and Corporate Affairs Canada.

Cheques for fees should be made payable to the Receiver General of Canada.

Following are the principal fees:

Examination and registration of an application for an industrial design and issue of a certificate: \$100.

Renewal of a registration for an industrial design and issue of a certificate: \$200.

Recording of an assignment: \$25, plus \$10 for each additional industrial design referred to in the assignment.

Providing copies of extracts from the Designs Register, or copies of certificates, drawings or other documents: for each sheet: \$0.50.

Certification of copies, an additional \$10.00.

Field Offices

General information relating to industrial design, as well as to patents, trade marks and copyright, is available from all offices of Consumer and Corporate Affairs Canada.

Mail intended for the Industrial Design Office, instead of being posted, may be hand-delivered to any of the following departmental offices and all such mail received in these offices will be accorded the date of reception in each office.

St. John's, Newfoundland

Consumer & Corporate Affairs Canada
5th Floor
Sir Humphrey Gilbert Building
Duckworth Street
St. John's, Newfoundland
A1C 1G4

Corner Brook, Newfoundland

Consumer & Corporate Affairs Canada
P.O. 1048
5th Floor, Herald Tower
Herald Avenue
Corner Brook, Newfoundland
A2H 4B7

Halifax, Nova Scotia

Consumer & Corporate Affairs Canada
Bankruptcy
6th Floor, 5151 George Street
Bank of Montreal Tower
Halifax, Nova Scotia
B3J 1M5

Sydney, Nova Scotia

Consumer & Corporate Affairs Canada
Room 245, Federal Building
Dorchester & Charlotte St.,
Sydney, Nova Scotia
B1P 5Z2

Charlottetown, Prince Edward Island

Consumer & Corporate Affairs Canada
Third Floor, Room 4
Dominion Building
97 Queen St.,
Charlottetown, Prince Edward Island
C1A 4A9

Moncton, New Brunswick

Consumer & Corporate Affairs Canada
2nd Floor, Norwick Union Building
100 Cameron Street
Moncton, New Brunswick
E1C 5Y6

Fredericton, New Brunswick

Consumer & Corporate Affairs Canada
2nd Floor
633 Queen Street
Fredericton, New Brunswick
E3B 1C3

Saint John, New Brunswick

Consumer & Corporate Affairs Canada
295 Bayside Drive
Saint John, New Brunswick
E2J 1B1

Québec, Québec

Consumer & Corporate Affairs Canada
Bankruptcy
Bank of Montreal Building
800 Carré d'Youville
Room 1801
Québec, Québec
G1L 3P4

Montréal, Québec

Consumer & Corporate Affairs Canada
Bankruptcy
10th Floor
1410 Stanley Street
Montréal, Québec
H3A 1P7

Sherbrooke, Québec

Consumer & Corporate Affairs Canada
Bankruptcy
Royal Trust Building
25 Wellington St. N.
Suite 510
Sherbrooke, Québec
J1H 5B1

Trois-Rivières, Québec

Consumer & Corporate Affairs Canada
Royal Trust Building
1300 Notre-Dame Street
Trois-Rivières, Québec
G9A 4X3

Hamilton, Ontario

Consumer & Corporate Affairs Canada
Bankruptcy
Union Gas Building
3rd Floor
20 Hughson Street South
Hamilton, Ontario
L8N 2A1

Sudbury, Ontario

Consumer & Corporate Affairs Canada
Bankruptcy
767 Barrydowne Road
Sudbury, Ontario
P3A 3T6

Ottawa, Ontario

Consumer & Corporate Affairs Canada
Bankruptcy
Brunswick Building
240 Bank Street
P.O. Box 2009
Station "D"
Ottawa, Ontario
K1P 6A8

London, Ontario

Consumer & Corporate Affairs Canada
Bankruptcy
217 York Street
Third Floor
London, Ontario
N6A 1B7

Consumer & Corporate Affairs Canada
781 Richmond Street
London, Ontario
N6A 3H4

Toronto, Ontario

Consumer & Corporate Affairs Canada
Bankruptcy
25 St. Clair Ave. E.
7th Floor
Toronto, Ontario
M4T 1M2

Willowdale, Ontario

Consumer & Corporate Affairs Canada
Federal Building, 6th Floor
4900 Yonge Street
Willowdale, Ontario
M2N 6B8

Winnipeg, Manitoba

Consumer & Corporate Affairs Canada
Bankruptcy
203 - 260 St. Mary Avenue
Winnipeg, Manitoba
R3C 0M6

Regina, Saskatchewan

Consumer & Corporate Affairs Canada
Bankruptcy
2212 Scarth Street
Regina, Saskatchewan
S4P 2J6

Saskatoon, Saskatchewan

Consumer & Corporate Affairs Canada
3421 - 8th Street East
Saskatoon, Saskatchewan
S7H 0W5

Calgary, Alberta

Consumer & Corporate Affairs Canada
Bankruptcy
1008 - 7th Avenue
Calgary, Alberta
T2P 1A7

Edmonton, Alberta

Consumer & Corporate Affairs Canada
Bankruptcy
Oliver Building
10225 - 100th Avenue
Edmonton, Alberta
T5J 0A1

Vancouver, British Columbia

Consumer & Corporate Affairs Canada
Bankruptcy
P.O. Box 10066
Pacific Centre
700 West Georgia Street
Vancouver, British Columbia
V7Y 1E2

Victoria, British Columbia

Consumer & Corporate Affairs Canada
Room 401
1230 Government St.,
Victoria, British Columbia
V8W 1Y3

Kelowna, British Columbia

Consumer & Corporate Affairs Canada
478 Bernard Avenue
Room 305, 3rd Floor
Kelowna, British Columbia
V1Y 6N7

Prince George, British Columbia

Consumer & Corporate Affairs Canada
7th Floor, Suite 708
Permanent Tower
299 Victoria Street
Prince George, British Columbia
V2L 2J5

INSTRUCTIONS FOR COMPLETING AN INDUSTRIAL DESIGN APPLICATION

1. On the first line of the application form insert the name(s) of the proprietor(s) of the design. Note the provisions of Section 12(1) of the Industrial Design Act which states:

12. (1) The author of any design shall be considered the proprietor thereof unless he has executed the design for another person for a good or valuable consideration, in which case such other person shall be considered the proprietor.

Where there is more than one proprietor, it is not necessary to alter the pre-printed form to read in the plural.

2. On the second and third lines of the form insert the full postal address of the proprietor.

3. On the fourth, fifth and sixth lines, repeat the proprietor's name and address or you may insert the phrase "same as above".

4. On the seventh line of the application form please insert a title which identifies the specific article of manufacture to which the design is being applied, for example:

a TOY ANIMAL FIGURE,
a CHAIR,
a BOTTLE.

5. On the eighth line insert the word "sole" or "co-" as applicable.

6. In the lower portion of the first page and following the words "is characterized by", insert a description of the characteristic features of the design, i.e. a description of the shape and/or the ornamentation applied to the article. Geometric terms may be used, if desired. If the description is too lengthy to be contained on page one, continue it on a blank page of the same size, which should be numbered 1A.

7. On page 2 of the printed form, insert the location (city, town or village) and the date of signature of the application.

8. Both copies of the application should be signed by the applicant (proprietor) and witnessed by two parties whose signatures should be inserted where indicated.

COMMENT REMPLIR UNE DEMANDE D'ENREGISTREMENT DE DESSIN INDUSTRIEL

1. À la première ligne de la formule de demande, inscrire le(s) nom(s) du/des propriétaire(s). Veuillez noter les dispositions de l'article 12(1) de la Loi sur les dessins industriels:

12. (1) L'auteur d'un dessin en est considéré comme le propriétaire à moins que, pour une bonne et valable considération, il n'ait exécuté le dessin pour une autre personne. Dans ce cas, cette autre personne en est considérée comme le propriétaire.

Lorsqu'il y a plus d'un propriétaire, il n'est pas nécessaire de modifier la première ligne de la formule pour les besoins du pluriel.

2. À la deuxième et la troisième ligne de la formule, inscrire l'adresse postale complète du propriétaire.

3. À la quatrième, cinquième et sixième lignes, répéter le nom et l'adresse du propriétaire ou inscrire la mention "même que précédemment".

4. À la septième ligne de la formule de demande, veuillez inscrire un titre qui identifie l'article fabriqué auquel est appliqué le dessin industriel, par exemple:

Un ANIMAL JOUET,
Une CHAISE,
Une BOUTEILLE.

5. À la huitième ligne, inscrire "unique" ou "co" selon le cas.

6. Au bas de la première page et à la suite de "est caractérisé par", décrivez les traits caractéristiques du dessin, c'est-à-dire une description de la forme et/ou de l'ornementation appliquée à l'article. Vous pouvez utiliser des termes de géométrie si vous le désirez. Si vous n'avez pas suffisamment d'espace sur la première page pour compléter ladite description, continuer celle-ci sur une page de même format que vous numéroterez 1A.

7. À la page 2 de la formule, inscrire l'endroit (ville ou village) et la date de signature de la demande.

8. Les deux copies de la demande doivent être signées par le requérant (propriétaire) et deux témoins qui apposeront leur signature dans l'espace prévu à cet effet.



Consumer and
Corporate Affairs Canada

Consommation
et Corporations Canada

Industrial
Design Office

Bureau des
dessins industriels

APPLICATION FOR REGISTRATION
OF AN INDUSTRIAL DESIGN
DEMANDE D'ENREGISTREMENT
D'UN DESSIN INDUSTRIEL

(TO BE MADE IN DUPLICATE - EN DOUBLE EXEMPLAIRE)

I, _____
Je, _____

whose full post office address is _____
de (adresse postale au complet) _____

hereby request you to register in the name of _____
demande par les présentes l'enregistrement au nom de _____

_____ whose full post office address is
de (adresse postale au complet) _____

an Industrial Design for a _____
d'un dessin industriel pour un _____

of which I am the _____ proprietor
dont je suis le _____ propriétaire

I declare that the said Industrial Design was not in use to my knowledge by any other person than myself at the time of
Je déclare que ledit dessin industriel n'était pas en usage à ma connaissance par quelque autre personne que moi-même
my adoption thereof.
lorsque je l'ai adopté.

The said Industrial Design is characterized by _____
Ledit dessin industriel est caractérisé par _____

(In this space
describe the
design in
words)
(Insérer ici
une
description
du dessin)

A drawing of the said Industrial Design is herewith annexed.
C-joint une esquisse dudit dessin industriel

Signed at _____ this _____
Fait à _____ ce _____

day of _____ 19 _____, in the presence of the two undersigned
jour d _____ en présence de deux témoins soussignés

witnesses:

Signature

Witnesses:
Témoins:

(1) _____

(2) _____

Address to:
The Commissioner of Patents,
Ottawa, Canada.
K1A 0E1

Adresser au
Commissaire des brevets,
Ottawa, Canada.
K1A 0E1



Consumer and
Corporate Affairs Canada
Consommation
et Corporations Canada
Industrial
Design Office
Bureau des
dessins industriels

APPLICATION FOR REGISTRATION
OF AN INDUSTRIAL DESIGN
DEMANDE D'ENREGISTREMENT
D'UN DESSIN INDUSTRIEL

(TO BE MADE IN DUPLICATE - EN DOUBLE EXEMPLAIRE)

I, John Doe
Je, _____

whose full post office address is 12 Atlantic Blvd.
de (adresse postale au complet) _____

Windsor, Ontario

hereby request you to register in the name of John Doe
demande par les présentes l'enregistrement au nom de _____

_____ whose full post office address is
(same as above) de (adresse postale au complet) _____

an Industrial Design for a lighter
d'un dessin industriel pour un _____

of which I am the sole proprietor
dont je suis le _____ propriétaire

I declare that the said Industrial Design was not in use to my knowledge by any other person than myself at the time of
Je déclare que ledit dessin industriel n'était pas en usage à ma connaissance par quelque autre personne que moi-même
my adoption thereof.
lorsque je l'ai adopté.

The said Industrial Design is characterized by a vertically elongated, generally
Ledit dessin industriel est caractérisé par
oval-like body having a flat rear portion. The body is divided

(In this space
describe the
design in
words)
(Insérez ici
une
description
du dessin)

into a smaller upper-section and a larger lower-section. The
smaller upper-section of the body has a downwardly and rearwardly
slanted back portion from which a triangular-shaped pushbutton
extends.

A drawing of the said Industrial Design is hereunto annexed.
Ci-joint une esquisse dudit dessin industriel

Signed at Windsor this third
Fait à _____ ce _____

day of January 1979, in the presence of the two undersigned
jour d _____ en présence de deux témoins sous-signés

witnesses:

John Doe
Signature

Witnesses:

Témoins:

(1) Emily White
(2) John Doe

Address to: The Commissioner of Patents, Ottawa, Canada. K1A 0E1
Adresser au: Commissaire des brevets, Ottawa, Canada. K1A 0E1

ASSIGNMENT FORM

In consideration of the sum of _____ dollars (\$ _____), receipt of which is hereby acknowledged, I/We hereby sell, assign and transfer to (name of new proprietor and address), all my/our interest in Canada in and to the industrial design shown in Canadian industrial design registration no. (number) entitled (title), and in and to such Canadian industrial design registration for the remainder of the full term for which the industrial design was granted.

SIGNED AT _____
this (_____) day of (_____)
year (_____).

(Witness) (Proprietor)

