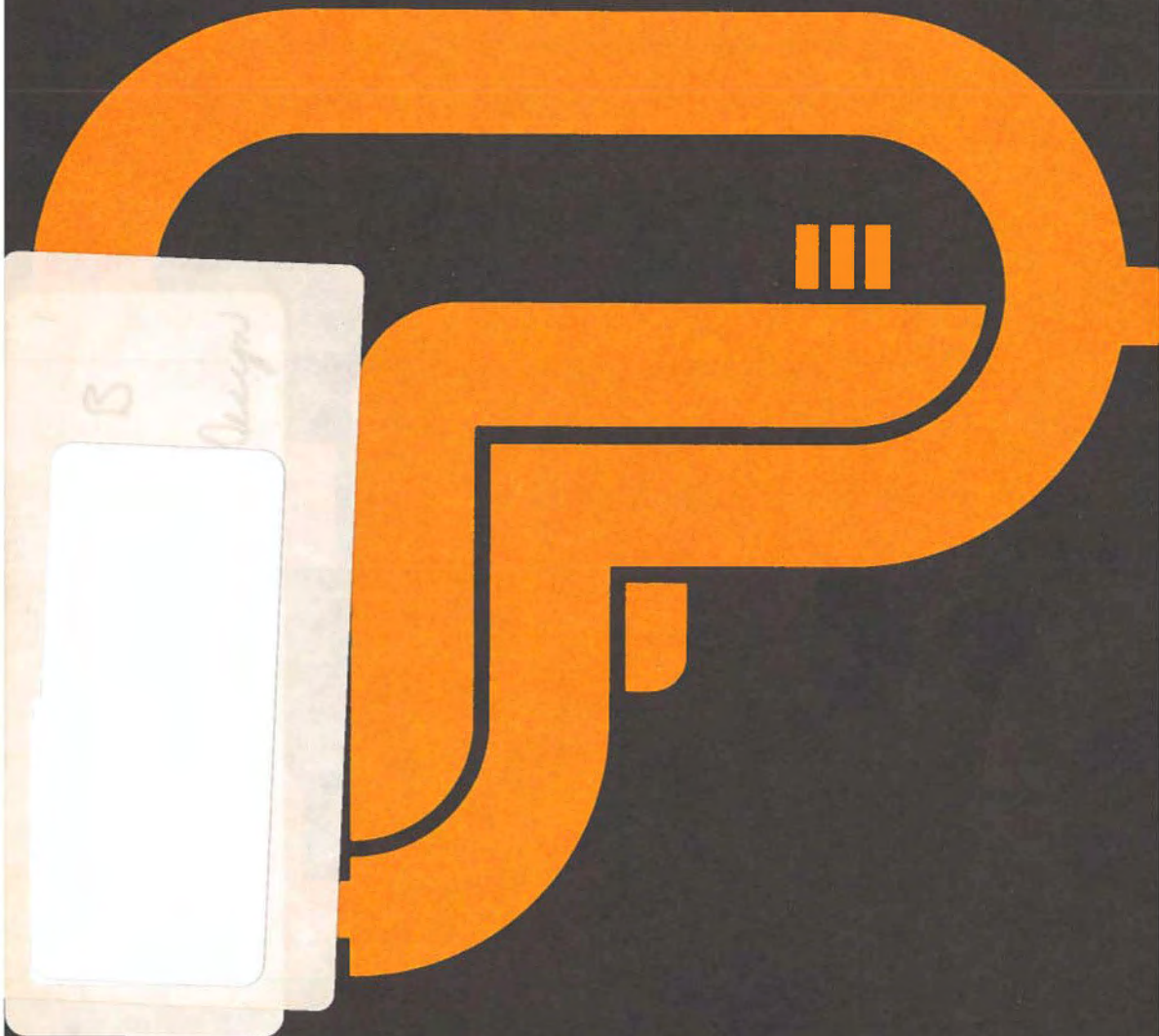


Canada

Industrial Designs:
an Introduction





**Consumer and
Corporate Affairs
Canada**

**Consommation
et Corporations
Canada**



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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. Applications for industrial design registration must conform to the requirement of the Industrial Design Act and the Industrial Designs 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 prevent such limitation. 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 50,000 registered industrial designs. A staff of four examiners processes some 1,800 new applications per year.

Searching at the Industrial Design Office

Over 50,000 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.

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 0C9

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 must be 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, a declaration 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 signed and executed.
- c) The application must include a description and drawings or photographs (in duplicate) 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 by its generic or common name.
- e) The applicant must provide his or her full mailing address.
- f) The completed form, including the drawing, must be addressed to the Commissioner of Patents, (Industrial Design Office), Consumer and Corporate Affairs Canada, Ottawa, K1A 0C9.

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 be shown in stippled lines in the drawings.

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 — One copy of the drawing on good quality 8½" 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 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 applied to the article of manufacture and 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.

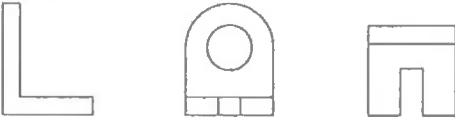
G) Arrangement of Views — All the views on one sheet should stand in the same direction and be readable in an upright position. One figure must not be superimposed upon another or placed within the outline of another.

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 striped 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 similar nature.

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

Alternatively, the applicant must choose which design he wishes registered and must delete the remaining design(s) from the 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 90 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 decided to register his design, he would have only nine 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 prior to examination. 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 proceed with examination.

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 return of the fees which were refunded, receipt of a reply to the examiner's report and 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 finally refused. 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 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 gathered 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, and in this case 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: \$155.00.

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 and Corporate Affairs Canada
Sir Humphrey Gilbert Building
5th Floor
Duckworth Street
St. John's, Nfld., A1C 1G4
Telephone: (709) 737-5514

Corner Brook, Newfoundland

Consumer and Corporate Affairs Canada
Herald Tower
Suite 503
4 Herald Avenue
Corner Brook, Nfld., A2H 4B7
Telephone: (709) 639-8958

Halifax, Nova Scotia

Consumer and Corporate Affairs Canada
Bank of Montreal Tower
6th Floor, 5151 George Street
Halifax, N.S., B3J 1M5
Telephone: (902) 426-6099

Sydney, Nova Scotia

Consumer and Corporate Affairs Canada
Federal Building, Room 245
Dorchester & Charlotte Street
Sydney, N.S., B1P 5Z2
Telephone: (902) 539-7765

Charlottetown, Prince Edward Island

Consumer and Corporate Affairs Canada
Dominion Building
Third Floor, Room 4
97 Queen Street
Charlottetown, P.E.I., C1A 4A9
Telephone: (902) 894-5524

Moncton, New Brunswick

Consumer and Corporate Affairs Canada
Terminal Plaza
1222 Main Street
Moncton, N.B., E1C 1H6
Telephone: (506) 388-6633

Fredericton, New Brunswick

Consumer and Corporate Affairs Canada
633 Queen Street
2nd Floor
Fredericton, N.B., E3B 1C3
Telephone: (506) 452-3042

Saint John, New Brunswick

Consumer and Corporate Affairs Canada
Standards Building
295 Bayside Drive
Saint John, N.B., E2J 1B1
Telephone: (506) 648-4590

Québec, Québec

Consumer and Corporate Affairs Canada
Bank of Montreal Building, Room 1801
800 Carré d'Youville
Québec, Qué., G1L 3P4
Telephone: (418) 694-4280

Montréal, Québec

Consumer and Corporate Affairs Canada
1410 Stanley Street
Montréal, Qué., H3A 1P7
Telephone: (514) 283-6192

Sherbrooke, Québec

Consumer and Corporate Affairs Canada
1335 King Street West
Room 402
Sherbrooke, Qué., J1J 2B8
Telephone: (819) 565-4724

Trois-Rivières, Québec

Consumer and Corporate Affairs Canada
222 Des Forges Street
2nd Floor
Trois Rivières, Qué., G9A 2G8
Telephone: (418) 374-8972

Hamilton, Ontario

Consumer and Corporate Affairs Canada
Union Gas Building
3rd Floor
20 Hughson Street South
Hamilton, Ont., L8N 2A1
Telephone: (416) 523-2991

Sudbury, Ontario

Consumer and Corporate Affairs Canada
767 Barrydowne Road
Sudbury, Ont., P3A 3T6
Telephone: (705) 566-6770

Ottawa, Ontario

Consumer and Corporate Affairs Canada
Brunswick Building
240 Bank Street
P.O. Box 2009
Station "D"
Ottawa, Ont., K1P 6A8
Telephone: (613) 995-2994

London, Ontario

Consumer and Corporate Affairs Canada
217 York Street
Third Floor
London, Ont., N6A 1B7
Telephone: (519) 679-4034

Consumer and Corporate Affairs Canada
781 Richmond Street
London, Ont., N6A 3H4
Telephone: (519) 679-4032

Toronto, Ontario

Consumer and Corporate Affairs Canada
25 St. Clair Avenue East
7th Floor
Toronto, Ont., M4T 1M2
Telephone: (416) 966-6486

Willowdale, Ontario

Consumer and Corporate Affairs Canada
Federal Building, 6th Floor
4900 Yonge Street
Willowdale, Ont., M2N 6B8
Telephone: (416) 224-4031

Winnipeg, Manitoba

Consumer and Corporate Affairs Canada
203-260 St. Mary Avenue
Winnipeg, Man., R3C 0M6
Telephone: (204) 949-3229

Regina, Saskatchewan

Consumer and Corporate Affairs Canada
2212 Scarth Street
Regina, Sask., S4P 2J6
Telephone: (306) 569-5391

Saskatoon, Saskatchewan

Consumer and Corporate Affairs Canada
3421-8th Street East
Saskatoon, Sask., S7H 0W5
Telephone: (306) 665-4298

Calgary, Alberta

Consumer and Corporate Affairs Canada
2919-5th Avenue, Northeast
Bag 60, Station J
Calgary, Alta., T2A 4X4
Telephone: (403) 231-5607

Edmonton, Alberta

Consumer and Corporate Affairs Canada
Oliver Building
10225-100th Avenue
Edmonton, Alta., T5J 0A1
Telephone: (403) 420-2476

Vancouver, British Columbia

Consumer and Corporate Affairs Canada
P.O. Box 10066
Pacific Centre
700 West Georgia Street
Vancouver, B.C., V7Y 1E2
Telephone: (604) 666-2051

Victoria, British Columbia

Consumer and Corporate Affairs Canada
1230 Government Street, Room 401
Victoria, B.C., V8W 1Y3
Telephone: (604) 566-3341

Kelowna, British Columbia

Consumer and Corporate Affairs Canada
Federal Building
363-471 Queensway Avenue
Kelowna, B.C., V1Y 6S5
Telephone: (604) 763-5902

Prince George, British Columbia

Consumer and Corporate Affairs Canada
Permanent Tower
7th Floor, Suite 708
299 Victoria Street
Prince George, B.C., V2L 2J5
Telephone: (604) 562-7235

In the case of an urgent request for registration due to publication in Canada, applicants are advised to send documents directly to the Industrial Design Office by messenger.

(see page 11)

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 common or generic 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. The application should be signed by the applicant (proprietor) and witnessed by two parties whose signatures should be inserted where indicated.



Consumer and
Corporate Affairs Canada

Industrial
Design Office

Consommation
et Corporations Canada

Bureau des
dessins industriels

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

I,
Je,

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

hereby request you to register in my name an Industrial Design for a
demande par les présentes l'enregistrement en mon nom 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
Je déclare que ledit dessin industriel n'était pas en usage à ma connaissance par quelque autre personne que

time of my adoption thereof
moi-même 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
une
description
du dessin)

A drawing of the said Industrial Design is hereunto annexed.
Ci-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 0C9

Adresser au
Commissaire des brevets
Ottawa, Canada
K1A 0C9



Consumer and Corporate Affairs Canada

Consommation et Corporations Canada

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

Industrial Design Office

Bureau des dessins industriels

I, John Doe / Je, John Doe

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

hereby request you to register in my name an Industrial Design for a lighter / demande par les présentes l'enregistrement en mon nom d'un dessin industriel pour un lighter

of which I am the sole proprietor. / dont je suis le seul 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 my adoption thereof. / Je déclare que ledit dessin industriel n'était pas en usage à ma connaissance par quelque autre personne que moi-même lorsque je l'ai adopté.

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

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

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

Signed at Windsor this third / Fait à Windsor ce 3

day of January 19 79, in the presence of the two undersigned / jour d Janvier 19 79, en présence de deux témoins soussignés

witnesses:

John Doe Signature

Witnesses: / Témoins:

(1) Emily White / (2) Joan Davis

Address to: The Commissioner of Patents, Ottawa, Canada. K1A 0C9

Adresser au: Commissaire des brevets, Ottawa, Canada K1A 0C9

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) _____



Consumer and Corporate Affairs Canada

Consommation et Corporations Canada

Industrial Design Office

Bureau des dessins industriels

**PART A -- FILING CERTIFICATE
PARTIE A -- CERTIFICAT DE DEPOT**

CLIENT'S REFERENCE NO.
NUMERO DE REFERENCE DU CLIENT

NAME AND ADDRESS OF APPLICANT OR AGENT

NOM ET ADRESSE DU REQUERANT OU DE L'AGENT

APPLICANT - REQUERANT

ARTICLE OF MANUFACTURE - ARTICLE FABRIQUE

APPLICANT CLAIMS CONVENTION PRIORITY ON THE BASIS OF THE FOLLOWING FOREIGN APPLICATION.

LE REQUERANT INVOQUE LA PREROGATIVE RELATIVEMENT A UNE DEMANDE PRODUITE A L'ETRANGER.

Y-A M D-J

COUNTRY - PAYS

DATE

APPLICATION NO. NO DE LA DEMANDE

FOR OFFICE USE ONLY - A L'USAGE DU BUREAU SEULEMENT				APPROVED - APPROUVE				
APPL. NO. NO DE LA DEMANDE	FILING DATE DE DEPOT Y-A M D-J			CONV. PRIORITY CLAIMED PRIORITE CONVENTIONNELLE DEMANDE	<input type="checkbox"/> YES OUI	<input type="checkbox"/> NO NON	<input type="checkbox"/> YES OUI	<input type="checkbox"/> NO NON
REASON - MOTIF								

PART B -- PARTIE B CHECK -- LISTE DE CONTROLE

The following papers and Fees are enclosed - Ci-joint les documents et les droits perçus

AUTHORIZATION OF AGENT (IF APPLICABLE)
AUTORISATION D'UN AGENT (SILY A L'EU)

APPLICATION FORM A (2 COPIES)
FORMULE A DE DEMANDE (2 EXEMPLAIRES)

DRAWINGS (3 COPIES)
DESSINS (3 EXEMPLAIRES)

OR
OU

PHOTOGRAPHS (3 COPIES)
PHOTOGRAPHIES (3 EXEMPLAIRES)

FORMAL
OFFICIELS

INFORMAL
NON OFFICIELS

FEES FOR EXAMINATION AND REGISTRATION
DROITS POUR L'EXAMEN ET L'ENREGISTREMENT

OTHER FEES (PLEASE SPECIFY)
AUTRES DROITS (VEUILLEZ PRECISER)

The Industrial Design Office is requested to register this design:- Le Bureau des dessins Industriels est prié d'enregistrer ce dessin:

AS SOON AS POSSIBLE
AUBITOT QUE POSSIBLE

ON OR AFTER
LE

Y-A M D-J

OU APRES

REMARKS - REMARQUES

SIGNATURE Y-A M D-J

CLIENT - DETACH AND RETAIN THIS COPY OF PART B FOR YOUR RECORDS
CLIENT - SEPARÉZ ET CONSERVEZ CETTE COPIE DE LA PARTIE B

CCA - 1646 (8-79)

