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# INDUSTRIAL DESIGNS

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## ASEAN IP HANDBOOK

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## TABLE OF CONTENTS

1.	Industrial Designs Registration in Malaysia	
	▪ Overview.....	2
	▪ Application Procedure.....	3
	▪ Information Required for Filing.....	3
	▪ Documents Required for Filing.....	4
2.	Industrial Designs Registration in Singapore	
	▪ Overview.....	6
	▪ Application Procedure.....	7
	▪ Information Required for Filing.....	7
	▪ Documents Required for Filing.....	8
3.	Industrial Designs Registration in Indonesia	
	▪ Overview.....	10
	▪ Application Procedure.....	11
	▪ Information Required for Filing.....	11
	▪ Documents Required for Filing.....	12
4.	Industrial Designs Registration in Philippines	
	▪ Overview.....	14
	▪ Application Procedure.....	15
	▪ Information Required for Filing.....	15
	▪ Documents Required for Filing.....	16
5.	Industrial Designs Registration in Thailand	
	▪ Overview.....	19
	▪ Application Procedure.....	20
	▪ Information Required for Filing.....	20
	▪ Documents Required for Filing.....	21
6.	Industrial Designs Registration in Vietnam	
	▪ Overview.....	23
	▪ Application Procedure.....	24
	▪ Information Required for Filing.....	24
	▪ Documents Required for Filing.....	25
7.	Industrial Designs Registration in Brunei	
	▪ Overview.....	27
	▪ Application Procedure.....	28
	▪ Information Required for Filing.....	28
	▪ Documents Required for Filing.....	29

8.	Industrial Designs Registration in Cambodia	
	▪ Overview.....	31
	▪ Application Procedure.....	32
	▪ Information Required for Filing.....	32
	▪ Documents Required for Filing.....	33
9.	Industrial Designs Registration in Laos	
	▪ Overview.....	35
	▪ Application Procedure.....	36
	▪ Information Required for Filing.....	36
	▪ Documents Required for Filing.....	37
10.	Industrial Designs Registration in Myanmar	38

# 1. MALAYSIA

## INDUSTRIAL DESIGN APPLICATION IN MALAYSIA

### **1. Legislation:**

Industrial design protection in Malaysia is governed by the Industrial Designs Act 1996 which entered into force on 1st September 1999. Prior to this date, industrial designs were protected in Malaysia by registering the design in the United Kingdom.

### **2. Definition:**

Industrial design means features of shape, configuration, pattern or ornament applied to an article by any industrial process or means.

### **3. Criteria:**

A design must have features of shape, configuration, pattern or ornament which are new and appeal to and are solely judged by the eye.

On the point of novelty, Malaysian industrial design law adopts worldwide novelty standard, in that the design must not have been disclosed to the public anywhere in Malaysia or elsewhere in the world before the priority date or the date of application for registration in Malaysia, in respect of the same article or any other article. The applicant is required to include a "statement of novelty" in the registered design application.

### **Excluded Subject Matter:**

The following features are excluded from industrial design registration in Malaysia:-

- method or principle of construction
- features of shape or configuration
- features of shape or configuration that depend on the appearance of another article, of which the first article is intended by the designer to form an integral part and;
- designs for an article where appearance is immaterial, in the sense that aesthetics are not normally taken into account to any material extent by persons using those kind of articles.

### **4. Rule of Priority:**

Applications for priority have to be made within six months from the earliest date of filing.

### **5. Duration and Renewal:**

The initial term of registration for a Malaysian design is 5 years from the filing date of the application for registration. The application can be renewed for four further five year periods, giving a maximum term of 25 years.

## MALAYSIA INDUSTRIAL DESIGN APPLICATION PROCEDURES

### 1. Application

Every design application has to be filed with the Malaysian Industrial Design office.

### 2. Examination

Applications are examined by the Registrar to ensure they meet all formal requirements within 6 months from the date of filing. There is no search or substantive examination of the application.

However, in practice, objections of a substantive nature are often raised. The applicant will be required to make amendments or modifications to the application as determined by the registrar.

### 3. Publication

Once the certificate is issued the Registrar will cause the registration to be published in the Gazette containing the notice of registration, details of the owner and other related information.

### 4. Registration

The registrar will record the details of the design in his register and issue a certificate of registration to the applicant. A design once registered is valid for a term of 5 years and will be subject to protection depending on its further renewal for two further five years periods

### **Filing Requirements**

The following information and/or documents are required to file an application for an industrial design application in Malaysia:-

1. ID Form 1 with
  - (a) Full name, address and state of incorporation/nationality of the applicant.
  - (b) Name of article and statement of novelty; and details of any priority claim i.e. at least the country and filing date.
  - (c) International Design Classification; serial number of the priority application.
  - (d) Full name and address of the author.
  - (e) Information on how the applicant has derived the right to the design from the author (normally by way of assignment, employment or other agreement);
2. Appointment of Agent Form (Form ID 10) signed by the applicant.
3. six sets of representations of the design (drawings or photographs).
4. Priority documents and certified English translation (if necessary) of the priority document.

## Documents To Be Furnished For Filing an Industrial Design Application in Malaysia

### Basic Requirements

Documents	Remarks	Time of Filing
Appointment of Agent (Form ID10)	no legalization/ notarization requirement	On filing date
Description of Design	to be translated to English	On filing date
Drawings/Photographs		On filing date

### Additional Documents for Claiming Convention Priority

Documents	Remarks	Time of Filing
Priority documents	to be translated to English language	2 months from filing

## 2. SINGAPORE



## INDUSTRIAL DESIGN APPLICATION IN SINGAPORE

### 1. Legislation:

Registered Designs Act (Chapter 266)

### 2. Definition:

A Design refers to the features of shape, configuration, pattern or ornament applied to an article by an industrial process. It is the appearance of articles we see everyday. An article refers to any object to which the design is applied.

### 3. Criteria:

Registered Designs are used primarily to protect designs for industrial use. Designs can be two-dimensional or three-dimensional and can be applied to everyday items. To qualify for registration, a design must, in general, satisfy two key criteria: **New:** It has not been registered in Singapore and elsewhere; or published anywhere in the world before the date of application of the first filing. Thus the owner of a design should be careful not to disclose the design to anyone, until a design registration is filed.

**Industrial Process:** A Registered Design applied to an article must be capable of an industrial process i.e. more than 50 copies of the article have been or are intended to be produced for sale or hire.

Under the Registered Designs law in Singapore, the following cannot be registered:

- Designs that are contrary to the public policy or morality.
- Computer programs or layout-designs of integrated circuits.
- Designs applied to certain articles: Works of sculpture (other than casts used or intended for use as models or patterns to be multiplied by any industrial process); wall plaques, medals and medallions; and printed matter primarily of a literary or artistic character (including book jackets, calendars, certificates, coupons, dress-making patterns, greeting cards, labels, leaflets, maps, plans, playing cards, postcards, stamps, trade advertisements, trade forms and cards, transfers and similar articles).
- Any method or principle of construction.
- Designs that are solely functional.
- Designs that are dependent upon the appearance of another article, of which it is intended by the designer to form an integral part; or enable the article to be connected to, or placed in, around or against, another article so that either article may perform its function.

### 4. Rule of Priority:

The design registration system in Singapore operates on a first-to-file basis. In other words, the first person to file for application will, in general, have priority over others

### 5. Duration and Renewal:

A Registered Design can last for an initial period of 5 years. Thereafter, the registration may be renewed every 5 years up to a maximum of 15 years, subject to the payment of renewal fees.

## SINGAPORE INDUSTRIAL DESIGN APPLICATION PROCEDURES

### 1. Application

Every design application has to be filed with the Intellectual Property of Singapore.



### 2.Examination

A formalities examination will be conducted after the issuance of a filing date to ensure formalities as to the size, quality of the representation and classification are met.



### 3.Objections

If there are any amendments or deficiencies spotted in the formalities examination, the examiners will notify the applicant and the applicant would have to correct this non-compliance within a given period.



### 4. Registration

Once an application is in order, a registration certificate will be issued and the application will be published in the Designs Journal. Once published, the published designs are made available for public inspection. It takes about 2 to 3 months from the submission of the application to the successful registration of a design.

### **Filing Requirements**

The following information and/or documents are required to file an application for an industrial design application in Singapore:-

1. Form D5
  - (a) Full name, address and state of incorporation/nationality of the applicant.
  - (b) Name of article and statement of novelty; and details of any priority claim i.e. at least the country and filing date.
  - (c) International Design Classification; serial number of the priority application.
  - (d) Full name and address of the author.
  - (e) Information on how the applicant has derived the right to the design from the author (normally by way of assignment, employment or other agreement)
2. Appointment of Agent Form (Form D2) signed by the applicant.
3. six sets of representations of the design (drawings or photographs).
4. Priority documents and certified English translation (if necessary) of the priority document.

## Documents To Be Furnished For Filing an Industrial Design Application in Singapore

### Basic Requirements

Documents	Remarks	Time of Filing
Appointment of Agent (Form ID 2)	no legalization/ notarization requirements	On filing date
Description of Design	to be translated to English	On filing date
Drawings/Photographs		On filing date

### Additional Documents for Claiming Convention Priority

Documents	Remarks	Time of Filing
Priority documents	to be translated to English language	2 months from filing

# 3. INDONESIA

## INDUSTRIAL DESIGN APPLICATION IN INDONESIA

### **1. Legislation:**

Law No. 31 of 2000

### **2. Definition:**

Industrial Design shall mean a creation on the shape, configuration, or the composition of lines or colours, or lines and colours, or the combination thereof in a three or two dimensional form which gives aesthetic impression and can be realized in a three or two dimensional pattern and used to produce a product, goods or an industrial commodity and a handy craft.

### **3. Criteria:**

Industrial Design Protection will be given to a design which has a aesthetic feature and the design must be a new design.

### **4. Rule of Priority:**

An Industrial Design Application must be filed within 6 months from its priority date.

### **5. Duration and Renewal:**

An Industrial design registration is protected for 10 years from its filing date, and it cannot be renewed.

## INDONESIA INDUSTRIAL DESIGN APPLICATION PROCEDURES

### 1. Application

Every design application has to be filed with the Indonesian Patent Office. Incomplete applicants will be given 3 months for rectification, else the application will be deemed withdrawn. An application number and filing date will be issued on submission of the application.



### 2. Publication

Applications will be published for 3 months from the filing date. On request it can be extended to a maximum period of twelve months.



### 3. Opposition

Oppositions are invited during the publication period from concerned parties. A counter statement for the same has to be submitted within 3 months after the date of receipt of notification from the Director General.



### 4. Substantive Examination

A substantive examination will be conducted only during oppositions. Opposition and counter statements are taken into consideration during the examination. The decision of registration or vice versa is not to 6 months after the expiration of the publication period.



### 5. Registration

A certificate of registration will then be issued within 30 days of the end of the examination.

### Filing Requirements

The following information and/or documents are required to file an application for an industrial design application in Indonesia:-

1. Application form:
  - (a) the name and address of the applicant.
  - (b) Description of the design.
  - (c) the country and filing particulars of basic application whose priority is claimed.
  - (d) Full name and address of the author.
2. Power of Attorney.
3. Representations of the design.
4. Priority documents and certified English translation (if necessary) of the priority document.

## Documents To Be Furnished For Filing an Industrial Design Application in Indonesia

### Basic Requirements

Documents	Remarks	Time of Filing
Power of Attorney	Simply signed	On filing date
Statement of Design Owner	Simply signed	On filing date
Description of Design	(to be translated to English language)	On filing date
Physical sample (if available/ possible)	If the item is considerably large, drawings or photographs, taken from every angle of the item, can be made in lieu of a sample.	On filing date
Drawings	(floppy diskettes or CD-ROM is acceptable ) on A4 paper	On filing date

### Additional Documents for Claiming Convention Priority

Documents	Remarks	Time of Filing
Priority documents	(to be translated to English language).	2 months from filing

# 4. PHILIPPINES



## INDUSTRIAL DESIGN APPLICATION IN PHILIPPINES

### **1. Legislation:**

The Intellectual Property Code of the Philippines (Republic Act No. 8293)

### **2. Definition:**

An industrial design is any composition of lines or colors or any three-dimensional form, whether or not associated with lines or colors; Provided, That such composition or form gives a special appearance to and can serve as pattern for an industrial product or handicraft.

### **3. Criteria:**

Only industrial designs that are new or original shall benefit from protection. Industrial designs dictated essentially by technical or functional considerations to obtain a technical result or those that are contrary to public order, health or morals shall not be protected.

### **4. Rule of Priority:**

Applications for priority have to be made within six months from the earliest filing date of the corresponding foreign application.

### **5. Duration and Renewal:**

A design once registered is valid for a term of 5 years from the date of filing of the application and may be renewed for not more than 2 consecutive periods of 5 years each.

## PHILIPPINES INDUSTRIAL DESIGN APPLICATION PROCEDURES

### 1. Application

Every design application has to be filed with the Intellectual Property of Philippines.

### 2.Examination

A formalities examination will be conducted after the issuance of a filing date to ensure formalities as to the size, quality of the representation and classification are met.

### 3.Objections

If there are any amendments or deficiencies spotted in the formalities examination, the examiners will notify the applicant and the applicant would have to correct this non-compliance within a given period.

### 4. Registration

Once an application is in order, a registration certificate will be issued and the application will be published in the Designs Journal. Once published, the published designs are made available for public inspection. It takes about 2 to 3 months from the submission of the application to the successful registration of a design.

### **Filing Requirements**

The following information and/or documents are required to file an application for an industrial design application in Philippines:-

1. A request for registration of the design:-
  - (a) Information identifying the applicant;
  - (b) Indication of the kind of article of manufacture of handicraft to which the design shall be applied;
  - (c) The name and address of the creator;
  - (d) where the applicant is not the creator, a statement indicating the origin of the right to the industrial design registration according to intellectual property protection in the Philippines.
2. Power of Attorney signed by the Applicant.
3. A representation of the design (drawings, photographs or other adequate graphic representation of the design).
4. Priority documents and certified English translation of the priority document.

## Documents To Be Furnished For Filing an Industrial Design Application in Philippines

### Basic Requirements

Documents	Remarks	Time of Filing
Power of Attorney	Signed; notarization is not required.  To be translated to English (if necessary)	Two months from filing date
Description of Design	A specification containing the following: <ul style="list-style-type: none"> <li>(a) title;</li> <li>(b) brief description of the different views of the drawings;</li> <li>(c) characteristic-feature description of the design; and</li> <li>(d) claim</li> </ul> To be translated to English (if necessary)	On filing date
Drawings	of the different views of the design showing the complete appearance thereof including the signature of the applicant or representative  To be translated to English (if necessary)	On filing date
Deed of Assignment	(if applicable)  Notarized.  To be translated to English (if necessary).	(a) anytime during the pendency of the formality examination of the design application; or (b) anytime while the design registration is still active status.

**Additional Documents for Claiming Convention Priority**

<b>Documents</b>	<b>Remarks</b>	<b>Time of Filing</b>
Priority documents	to be translated to English language (if necessary)	Within six months from filing

# 5. THAILAND

## INDUSTRIAL DESIGN APPLICATION IN THAILAND

### **1. Legislation:**

Thai Patent Act B.E. 2522

### **2. Definition:**

“Design” means any form or composition of lines or colors which gives a special appearance to a product and can serve as a pattern for a product or handicraft.

### **3. Criteria:**

A patent may be granted under this Act for a new design for industry, including handicrafts.

The following designs are not new:-

- a design which was widely known or used by others in this country before the filing of the application for a patent;
- a design which was disclosed or described in a document or a printed publication in this or a foreign country before the filing of the application for a patent;
- a design which was published under section 65 and section 28 before the filing of the application for a patent;
- any design so nearly resembling any of the designs prescribed in (1), (2) or (3) as to be an imitation.

### **4. Rule of Priority:**

An Industrial Design Application must be filed within 6 months from its priority date.

### **5. Duration and Renewal:**

A Registered Design can last for an initial period of 10 years from the date of filing of the application in Thailand. Annuity fees must be paid from the 5<sup>th</sup> year onward until the 10<sup>th</sup> year.

## THAILAND INDUSTRIAL DESIGN APPLICATION PROCEDURES

### 1. Application

Every design application has to be filed.



### 2. Preliminary Examination

A preliminary examination of the application is done to test the compliance of legal requirements. The applicants may also be required to produce additional documents or materials within 90 days.



### 3. Publication

If the examination is completed and the invention appears patentable it will be published in the Gazette.



### 4. Opposition

A substantive examination will be conducted by the examiner if no opposition has been expressed within 90 days of publication.



### 5. Substantive Examination

No request for substantive examination is made for the registration of designs.



### 6. Registration

A certificate will be issued upon payment of the issuance fee.

### Filing Requirements

The following information and/or documents are required to file an application for an industrial design application in Thailand:-

1. Application form:
  - (a) Name and address of the applicant;
  - (b) Name and address of the designer (if different from applicant);
  - (c) Country and filing particulars of application whose priority is claimed;
  - (d) Deed of Assignment is required when the applicant is not the designer.
2. Power of Attorney.
3. Drawings.
4. Priority documents and certified English translation (if necessary) of the priority document.

## Documents To Be Furnished For Filing an Industrial Design Application in Thailand

### Basic Requirements

Documents	Remarks	Time of Filing
Power of Attorney	Signed by applicant and notarized by a Notary Public	On filing date
Deed of Assignment	(if applicable) Signed by applicant and notarized by the Notary Public	On filing date
Drawings/Photographs	7-view orthographic drawings or photographs (must exhibit white background and be in grayscale) – front, back, left, right, top, bottom and perspective view	On filing date

### Additional Documents for Claiming Convention Priority

Documents	Remarks	Time of Filing
Priority documents	Certified	2 months from filing



## 6. VIETNAM

## INDUSTRIAL DESIGN APPLICATION IN VIETNAM

### 1. Legislation:

Intellectual Property Law 50/2005; Ordinance No. 44/2002/PL-BUTVQH10; Decree No. 103/2006/ND-CP; Decree No. 105/2006/ND-CP; Decree No. 106/2006/ND-CP; Circular No. 01/2007/TT-BKHCN.

### 2. Definition:

Industrial design is appearance of a product expressed in shapes, lines, colors or any combination thereof.

### 3. Criteria:

An industrial design shall be eligible for protection if it is

- new,
- creative and
- industrial applicable

### 4. Rule of Priority:

To enjoy priority right under Paris Convention, the Vietnamese industrial design application must be filed within 6 months from the earliest priority date.

### 5. Duration and Renewal:

Under Vietnamese IP law and regulations, patent for industrial design is valid for five years from filing date, renewable twice, each for five years. Payment of renewal fee should be paid within 6 months before the anniversary of the filing date.

## VIETNAM INDUSTRIAL DESIGN APPLICATION PROCEDURES

### 1. Application

Every design application has to be filed with the National Office of Intellectual Property of Vietnam (NOIP).

### 2. Examination

A formal examination takes place within 1 month of the filing date. Responses for amendment to the application are made within 2 months from the date of request.

### 3. Publication

A design patent is published within 2 months of the acceptance date.

### 4. Substantive Examination

The duration of a substantive examination is 6 months from the date of publication.

### 5. Registration

duration for obtaining Patent for Industrial Design from filing application to granting may vary from 9-11 months. The registration is effective from date of application.

### Filing Requirements

The following information and/or documents are required to file an application for an industrial design application in Vietnam:-

1. Application form:
  - (a) Full name, address and nationality of the applicant;
  - (b) Full name, address and nationality of the inventor(s);
  - (c) Specification comprises a description of industrial design and claims for protection;
  - (d) Under Vietnam IP law and regulations, documents justifying the right to file industrial design application, such as Assignment Deed, Employment Agreement, or Inheritance document, is required. However, in practice, such document is not requested to be submitted to the NOIP if the applicant of the Vietnamese application is a company and not different from the applicant of priority application.
2. Power of Attorney.
3. Six sets of representation of the design (drawings or photographs).
4. Priority documents and certified English translation of the priority document.

## Documents To Be Furnished For Filing an Industrial Design Application in Vietnam

### Basic Requirements

Documents	Remarks	Time of Filing
Power of Attorney	signed  no legalization/notarization requirement  to be translated to English (if applicable)	Within one (1) month from the filing date.
Photographs/drawings	illustrating the front, rear, left, right, top, bottom and perspective views	Fax copies of photographs/drawings are acceptable at filing, provided that the originals are submitted within one (1) month from the filing date
Description of Design and claims for protection.	to be translated to English (if applicable)	On filing date

### Additional Documents for Claiming Convention Priority

Documents	Remarks	Time of Filing
Priority document	Certified  to be translated to English language (if applicable).	priority data are acceptable at filing, provided that the certified copy of the priority document is submitted within 3 months from the filing date.

## 7. BRUNEI

## INDUSTRIAL DESIGN APPLICATION IN BRUNEI

### 1. Legislation:

The Emergency (Industrial Designs) Order 1999 which came into force on the 1<sup>st</sup> May 2000.

Effective 01 October 2012, the Registry of Industrial Designs in Brunei has been transferred from the Attorney General's Chambers to the Patent Registry Office (PRO).

### 2. Definition:

“Industrial Design” is defined “as features of shape, configuration, pattern or ornament applied to an article by any industrial process, being features which in the finished article appeal to and are judged by the eye, but does not include -

- (a) method or principle of construction; or
- (b) features of shape or configuration of an article which –
  - (i) are dictated solely by the function which the article has to perform; or
  - (ii) are dependent upon the appearance of another article of which the article is intended by the designer to form an integral part.”

### 3. Criteria:

To claim protection, a design has to fulfill the following conditions:-

- (i) design must be new, that is there must not have been any prior disclosure;
- (ii) appearance of article must be material;
- (iii) publication or use of design must not be contrary to public order or morality;

### 4. Rule of Priority:

A claim to priority right must be applied for within six (6) months from the filing date of the first application in a Paris Convention Country or WTO member or successor in title, subject to compliance with any prescribed conditions.

### 5. Duration and Renewal:

A Registered Design can last for an initial period of 5 years from the filing date of the application for registration. Thereafter, the registration may be renewed up to a maximum of 15 years, subject to the payment of renewal fees.

## BRUNEI INDUSTRIAL DESIGN APPLICATION PROCEDURES

### 1. Application

Every design application has to be filed with the Registry.



### 2. Examination

The Registrar on receipt will accord a filing date; and will proceed to examine the application on the “formal requirements”. If there are deficiencies with regards to the formal requirements, the applicant will be notified and given the opportunity to correct the deficiencies within a prescribed period.



### 3. Registration

If the formal requirements are satisfied then as soon as practicable after such examination, but subject to Section 27, the Registrar shall on payment of the prescribed fees register the industrial design by entering the prescribed particulars in the Register.

### **Filing Requirements**

The following information and/or documents are required to file an application for an industrial design application in Brunei:-

1. Request for registration for the industrial design:-
  - (a) the name and address of the applicant;
  - (b) where the applicant is not the industrial designer, a statement explaining the applicant’s rights in relation to the industrial design;
  - (c) an address in Brunei Darussalam for the services of documents
  - (d) a transliteration of the name of the application, if it is not in Roman letters;
  - (e) a statement identifying the article or articles to which the industrial design is intended to be applied;
  - (f) a statement identifying the classification of the article or articles to which the industrial design is intended to be applied, according to the class and sub-class of the classification establish by the Lacarno Agreement.
  
2. six additional representations of the industrial design.

## **Documents To Be Furnished For Filing an Industrial Design Application in Brunei**

### **Basic Requirements**

<b>Documents</b>	<b>Remarks</b>	<b>Time of Filing</b>
Drawings/Photographs	The size shall be not more than 160 millimeters by 160 millimeters, and one side of the representation shall not be less than 30 millimeters.	On filing date

Note: Where any document or part of a document is not in the English Language, it shall be accompanied by a translation into the English Language and such translation shall be verified to the satisfaction of the Registrar as corresponding to the original text. No notarization is required. This also applies to documents supporting any Statements.



## 8. CAMBODIA

## **INDUSTRIAL DESIGN APPLICATION IN CAMBODIA**

### **1. Legislation:**

Prakas No. 706 on Patent, Utility Model and Industrial Design.

### **2. Definition:**

Industrial design is appearance of a product expressed in shapes, lines, dimensions, colors or any combination thereof.

### **3. Criteria:**

The general requirements for a design to be eligible for protection are:

- novelty;
- it involves inventive step;
- it is susceptible of industrial application.

### **4. Rule of Priority:**

Applications for priority have to be made within six months from the earliest date of filing.

### **5. Duration**

The duration of protection is 5 years from the official filing date in Cambodia. Thereafter, the registration may be renewed every 5 years up to a maximum of 15 years.

**CAMBODIA INDUSTRIAL  
DESIGN APPLICATION  
PROCEDURES**

The entire duration for obtaining a Patent for design will take approximately 12 months as of the official filing date.

**Filing Requirements**

The following information and/or documents are required to file an application for an industrial design application in Cambodia:-

1. Application form:
  - (a) the name and address of the applicant.
  - (b) description of the industrial design, comprising of –
    - (i) the name of the article to which the industrial design is applied;
    - (ii) the field of using articles to which the industrial design is applied;
    - (iii) stating the salient features of design to which the registration is sought.
  - (c) a statement justifying the applicant's rights to the registration of the industrial design, if the creator himself is not the applicant.
2. Power of Attorney.
3. Six sets of representation of the design (drawings or photographs).
4. Priority documents and certified English translation (if necessary) of the priority document.

## Documents To Be Furnished For Filing an Industrial Design Application in Cambodia

### Basic Requirements

Documents	Remarks	Time of Filing
Power of Attorney	Signed by applicant and notarized by the Notary Public	On filing date
Deed of Assignment	(if applicable) Signed by applicant and notarized by the Notary Public	On filing date
Drawings/Photographs	7-view orthographic drawings or photographs (must exhibit white background and be in grayscale) – front, back, left, right, top, bottom and perspective view. Dimension of representation should not be less than 90mm x 120mm and not exceeding 210mm x 297mm.	On filing date

### Additional Documents for Claiming Convention Priority

Documents	Remarks	Time of Filing
Priority documents	Certified	On filing date

# 9. LAOS

## **INDUSTRIAL DESIGN APPLICATION IN LAOS**

### **1. Legislation:**

Decree No. 01/PM on Patent, Petty Patent and Industrial Design.

### **2. Definition:**

Industrial design is appearance of a product expressed in shapes, lines, dimensions, colors or any combination thereof.

### **3. Criteria:**

The general requirements for a design to be eligible for protection are:

- novelty;
- it involves inventive step;
- it is susceptible of industrial application.

### **4. Rule of Priority:**

Applications for priority have to be made within six months from the earliest date of filing.

### **5. Duration**

The duration of protection is 5 years from the official filing date in Cambodia. Thereafter, the registration may be renewed every 5 years up to a maximum of 15 years.

**LAOS INDUSTRIAL DESIGN  
APPLICATION PROCEDURES**

The entire duration for obtaining a Patent for design will take approximately 12 months as of the official filing date.

**Filing Requirements**

The following information and/or documents are required to file an application for an industrial design application in Laos:-

2. Application form:

- (a) the name and address of the applicant.
- (b) description of the industrial design, comprising of –
  - (j) the name of the article to which the industrial design is applied;
  - (ii) the field of using articles to which the industrial design is applied;
  - (iii) stating the salient features of design to which the registration is sought.
- (c) a statement justifying the applicant's rights to the registration of the industrial design, if the creator himself is not the applicant.

3. Power of Attorney.

4. Six sets of representation of the design (drawings or photographs).

5. Priority documents and certified English translation (if necessary) of the priority document.

## Documents To Be Furnished For Filing an Industrial Design Application in Laos

### Basic Requirements

Documents	Remarks	Time of Filing
Power of Attorney	Signed by applicant and notarized by the Notary Public	On filing date
Deed of Assignment	(if applicable) Signed by applicant and notarized by the Notary Public	On filing date
Drawings/Photographs	7-view orthographic drawings or photographs (must exhibit white background and be in grayscale) – front, back, left, right, top, bottom and perspective view. Dimension of representation should not be less than 90mm x 120mm and not exceeding 210mm x 297mm.	On filing date

### Additional Documents for Claiming Convention Priority

Documents	Remarks	Time of Filing
Priority documents	Certified	On filing date



# 10.MYANMAR

## DESIGN APPLICATION IN MYANMAR

### 1. Legislation:

The Myanmar Patent and Design Act was issued in 1995 but never came into effect. The law was subsequently repealed. The 1946 Patents and Designs (Emergencies Provisions) Act (Emergencies Act) remains on Myanmar's statute books, although it is essentially defunct as its main purpose was to apply Indian Patents and Designs Act of 1911. Since the India Act was never listed in the Myanmar Codes, there is effectively no patent and design law in Myanmar. Meanwhile, the Attorney General Office under the assignment of the Government has already drafted the new Patent Law and Industrial Design Law in compliance with the TRIPS Agreement due to the fact that Myanmar is a member of WTO, ASEAN, and at the least, WIPO in 2001. In this interim period, patent/design may be registered under section 18(f) of the Registration Act.

### 2. Membership:

- √ - WTO
- √ - Paris Convention
- X - Patent Cooperation Treaty (PCT)

### 3. Rule of Priority:

Priority claim is not yet available in Myanmar Registration system.

### 4. Duration and Renewal:

In Myanmar, the law does not enact the validity period of a patent registration. According to the established practice, renewal of registration is usually done once in every three-year by one of the following ways:-

- Renewal by re-registration in the form of Declaration
- Renewal by re-publication in the local daily newspapers or weekly journals
- Renewal by both re-registration and re-publication.

## MYANMAR DESIGN APPLICATION PROCEDURES

### 1. Declaration

A design owner is required to submit a declaration containing solemn statement of facts to the Registry of Deeds and Assurances.



### 2. Registration

A design is registered on submission of the declaration by the owner.



### 3. Publication

Publication of cautionary notices in designated local newspapers serve to avoid possible infringements and passing off actions.



### 4. Protection

There exists no procedure for the protection of designs per se.

## Filing Requirements

The following information and/or documents are required to file an application for a design in Myanmar:-

### Direct National Application:-

1. Application Form:-
  - a) the name, address and nationality of the applicant;
  - b) the name, address and nationality of the inventor;
  - c) a specification comprising a description, claims and any necessary drawings; and
  - d) the country and filing particulars of basic application whose priority is claimed.
2. Appointment of Patent Agent
3. If the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.
4. There is no requirement for the filing of an assignment from inventor to applicant.

## Documents To Be Furnished For Filing A Design Application in Myanmar

### Basic Requirements

Documents	Remarks	Time of Filing
Declaration of Ownership of Design	Signed and notarized  If it has already been registered elsewhere (i.e. US Patent Application No), its registration number and the country, the detailed background of the invention must be attached with Declaration.	On filing date

### Additional Documents for Convention Design Application

Documents	Remarks	Time of Filing
Power of Attorney	Signed and notarized. The signature and seal of the Notary in turn must be attested by Myanmar Embassy in the country concerned	On filing date