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THE LAW OF REGISTRATION OF PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS

The Law of Registration of Industrial Designs

Chapter II- Industrial Designs

Article 20- For the purposes of this Law, any combination of lines or colours and combinations of 3 dimension shapes and figures with lines and/or colours or without such elements, but to such extent that the combination or profile of an industrial design or a product of handicrafts shall change, will be regarded as industrial design.

In an industrial design, the mere achievement to a technical result, without change of appearance, shall not be covered by protection under this law.

Article 21- An industrial design may be registered only in case it shall be novel and genuine. An industrial design shall be novel when prior to publication of notice, it was not known or disclosed to the public, in any part of the Globe, or prior to the date of submission of a statement of registration of industrial design or grant of priority right certificate, it was not disclosed by usage and application or otherwise to the public, in any part of the World.

Provisions of the latter part of Sub-clause "e" and Sub-Clause "f" of Article 4 of this law may also be applied to industrial designs.

Article 22- A statement of registration of an industrial design submitted to the Department of Industrial Property, shall contain the drawings, pictures and other graphical specifications of the commodity that forms the industrial design, as well as the type of products for which the industrial design shall be used.

If the industrial design shall be 3- dimensional, the Department of Industrial Property may require submission of an actual sample or small model together with the statement.

The statement shall be submitted together with payment of the applicable charges.

The statement shall contain the specifications of the design. In cases where the applicant shall not be the same party who created the design, the statement shall be given together with a document evidencing applicant's right to apply for registration of the design.

Article 23- Provisions of Articles 5, 9, and Sub-clause "c" of Article 11 and 15 of this Law shall be enforceable in the case of industrial designs.

Article 24- Two or more industrial designs may be inserted in a single statement and submitted. Provided, however, that the said designs shall be related to one international classification or shall concern a collection or a combination of components.



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Article 25- In a statement of registration, request may be made that publication of the notice of registration of the industrial design shall be delayed for a period not exceeding twelve months after the date of submission of the statement or after the date of certificate of priority if priority certificate has been applied.

Article 26- An applicant may withdraw his statement, so long as the review of the statement is not finished.

Article 27- The review, registration and publication of notice of an industrial design shall be in the following manner:

- a- The date of statement shall be the same date of filing the statement with the Department of Industrial Property. Provided, however, that on such date, the statement shall contain all the information that renders identification of the applicant possible and contains the graphical demonstration of the commodity pertaining to the industrial design.
- b- The Department of Industrial Property, upon receiving a statement shall review it in respect of compliance with the provisions of Article 22 below as well as compliance of the industrial design with provisions of Article 20 and Sub-clause "f" of Article 4 above.
- c- If the Department of Industrial Property decides that the conditions of Sub-clause "b" of this Article have been met, it shall register the industrial design, publish the relevant notice and issue the certificate of registration in the name of the applicant. Otherwise it shall declare the statement to be unacceptable.
- d- If an application shall be submitted by reference to Article 25 above, the industrial design shall be registered but no notice shall be published in respect of the design and the contents of the statement. In such case, the Department of Industrial Property shall publish a notice in respect of delay in publication of the notice of the industrial design, details about the proprietor of the registered design and the date of filing the pertinent statement, the period of delay required and other matters that the said Department shall deem necessary. After the expiry of the period of delay, the Department of Industrial Property shall publish a notice of registration of the industrial design.

Investigating of a claim field with court in respect of a registered industrial design, during the period of delay requested for publication of notice, shall be subject to notification in writing of the information registered in the registers of Department of Industrial Property and the file pertaining to the statement of industrial design, to the person against whom the lawsuit has been filed.

Article 28- The rights resulting from registration of an industrial design, period of validity and conditions for extension of validity period shall be as follows:



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- a- Exploitation and use of any industrial design registered in Iran, by any person, shall be subject to agreement by the proprietor of the industrial design.
- b- Exploitation and use of a registered industrial design comprise the manufacture, sale and importation of the items containing that industrial design.
- c- A proprietor of a registered industrial design may bring legal action against a person who, without the consent of the proprietor, carried out the acts enumerated in Sub-clause (b) above or committed an act normally causing future encroachment of the rights of the proprietor, through court.
- d- The period of validity of an industrial design shall be five years after the date of filing the statement of registration.

The above five year period may be extended for two more consecutive five year periods by paying the relevant charges.

After expiry of each period, a grace period of six months shall begin immediately after the date of expiry for payment of the costs together with delay penalties.

Article 29- Any interested party may apply, through the court, for cancellation of registration of an industrial design. To this end, the applicant must prove that one of the conditions set forth in Article 20 and 21 was not complied with or the person in whose name the industrial design has been registered is not the one who created the design and/or is not the legal substitute of the said creating party.

The provisions of the latter part of Article 18 above shall also be applicable, in this case, as well.