



# Application Form - Instruction Sheet

You can apply online for a Design Application by using online services. This is located on our website: <https://portal.ipaustralia.gov.au/login/>

By using online services you can complete your design application quicker, easier, and at a lower fee. The fee for applying online is: \$250

This Instruction Sheet is provided to assist you in filling out the Designs Application Form. It should be read in conjunction with the more detailed information provided in The Guide to Designs publication.

If there is not enough space in any of the boxes provided on the form please attach additional pages to the application form.

## Personal Details of Applicant

Provide the full name and address for all applicants. The applicant/s must be all person/s entitled to be the owner of the design/s. The applicant/s must be the same for all designs in the application.

The applicant can be an individual, a company, a firm, a partnership or an association or any combination of these. If the owners of the design/s are a firm, a partnership or an association then all individuals of the firm or association, who are entitled to an element of ownership of the design, should be listed as the applicants. A Trust can only be an applicant if it is a body corporate, eg it is Incorporated. Providing an ABN/ARBN number is optional.

Provide an address in Australia or New Zealand where legal documents can be served by IP Australia. The address should be a street address in Australia or New Zealand.

*Provide a correspondence address if different from the the address for service*

This is the address that ALL design related correspondence from IP Australia will be sent. If you have a Patent Attorney acting as your agent, please provide their name and address as the address for service. Contact details, such as telephone numbers and email address, while optional are useful when we need to contact you.

## Number of Designs

Indicate the number of designs in the application. The number of designs will determine the application fee, as a fee is payable for each design.

If your application includes more than one design you should complete a separate designs details sheet (the back page of the Application form) for each design in the application.

If your application includes more than one design please ensure that the representations you file with the application are clearly labelled and arranged, so that separate designs can be clearly identified. Ensure you attach the representations of each design to the Designs Details sheet to which that design relates.

## Design Details

Fill out a design details sheet for each design in the application, e.g. 1 of 3, 2 of 3, 3 of 3. Give each design a reference so it will be easier to identify designs later on.

If you want the details on the Design Details sheet to be the same for all designs simply tick the box provided. If the details are different for the different designs complete the relevant information for each design on a separate details form.

Indicate the product/s to which the design/s is to be applied, eg pen, hat, telephone handset etc. Where multiple designs are contained in your application make sure it is clear which product name relates to each design, eg Design

1: Table;

Design 2: Chair.

## Statement of Newness and Distinctiveness (Optional)

A Statement of Newness and Distinctiveness is not required when filing an application, however it can be of benefit because special regard will be had to features identified in the statement when assessing the newness and distinctiveness of the design. If you do wish to identify particular features of the design/s as new and distinctive it is best to do so at this stage, or at the latest, before registration.

Where the application contains more than one design and you wish to have a different Statement of Newness and Distinctiveness for each design you should ensure each statement clearly indicates the design to which it relates.

## Designer Details

Indicate the name of all designers in relation to the designs disclosed in the application. If the designer/s is/are the same as the applicant/s, simply indicate 'Same as applicant/s'.

## Convention Priority (only if applicable)

If you have applied for protection of your design/s in another country in the last six months and you want to claim convention priority, indicate the details of those application/s. The other country must be a Convention Country. See Regulation 1.05 of the Designs Regulations for the definition of convention country.

## Excluded Design (only if applicable)

If this application is in respect of a design that was excluded from a previous 'Initial' design application, you should indicate the Design number relating to the excluded design. Remember that an application for an excluded design must be made before any designs in the initial application are registered or published. You should contact IP Australia if you are unsure about the progress of your initial application.

## Request for Registration or Request for Publication (Optional)

You can file a request to register or publish at any time up to six months from the priority date of your application. If you have not indicated anything in sections 8 or 9 of this form, the priority date is the date your application is filed with IP Australia. See the Designs Application Kit for more information about design registration or publication.

Registration of a design provides enforceable design rights. However infringement proceedings may not be commenced until a certificate of examination has been issued.

Publication does not give any enforceable design rights. It prevents others from gaining rights to the design.

If you would like to request that all designs be registered at this stage, simply tick the box indicating 'I request registration of all the designs' on the application form. If you want to register some and publish other designs in your application at this stage, you need to clearly indicate which designs are to be registered and which are to be published.

If you do not request registration or publication of any designs in your initial application, you must ensure that you do so within six months of the priority date. If a request to register or publish all designs in the application is not filed within the six months your application will lapse. IP Australia will not remind you about this, it is your responsibility and you should make an appropriate diary or calendar entry. Ensure the request is filed with IP Australia before the six month period expires.

Also note that if you initially request to register some, but not all, designs in your application, you may be prevented from seeking registration of other designs in the application at a later stage - so think carefully about your decision.

**Note: If you wish to request publication ONLY of your design, please ring the Customer Service Centre on 1300 651 010 for more information.**

## Representations

The representations of your design should be of good quality. This is important so that the public will know exactly what is protected by your design registration.

You should make sure that you lodge 5 copies of each view of your drawings and/or photographs or printed digital images sorted into sets.

See the Guidelines for Representations of Designs fact sheet for further information on representations

**Remember to make a copy of the completed Application Form and any other documents which form part of the application, for your own records, before sending your design application to the Designs Office.**