



Practice Fiche

GRAPHIC REPRESENTATION OF DESIGNS in (selected) CARIFORUM IP Offices



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CARIFORUM



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Fiche concerning the Practice on Graphic Representation of Designs

	<p>Antigua and Barbuda Intellectual Property and Commerce Office</p>
	<p>Belize Intellectual Property Office</p>
	<p>Cuban Industrial Property Office (Oficina Cubana de la Propiedad Industrial)</p>
	<p>Dominica Companies and Intellectual Property Office (CIPO)</p>
	<p>Dominican Republic National Office of Industrial Property (Oficina Nacional de la Propiedad Industrial)</p>
	<p>Jamaica Intellectual Property Office</p>
	<p>Intellectual Property Office of Suriname (Bureau Intellectuele Eigendom)</p>

1. BACKGROUND

This Practice Fiche has been prepared in the framework of the CARIFORUM Intellectual Property and Innovation Project, and is aimed to provide guidance for design applicants and examiners, on the **use of visual disclaimers, types of views and how to represent designs in a neutral background**.

The document constitutes a **reference to guide applicants and examiners**, and the use of it results in increased transparency, certainty, and predictability of Design application procedures. In addition, this document also provides **recommendations** to enhance the applicants' understanding of how best to reproduce their designs to facilitate examination procedures.

IP Registries / Offices (hereinafter referred to as Offices) of the following countries subscribe to this practice:

- Antigua and Barbuda
- Belize
- Cuba
- Dominica
- Dominican Republic
- Jamaica
- Suriname¹

The information contained in this document relates to practical aspects of examination procedures only and is **NOT intended to give advice on the scope of protection of a design under National law**.

The following issues are out of scope: Verbal disclaimers, Additional elements, Priority, Disclosure, Number of views, Computer-animated representations, 3D representations.

2. THE PRACTICE


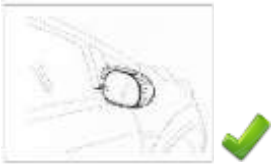
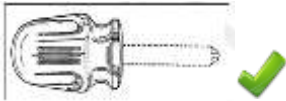
The following text summarizes the key messages and the main statements of the principles of the Practice. It is divided in four sub-sections:

1. Use of visual disclaimers – addressing the use of visual disclaimers as a means to indicate features for which protection is not claimed.
2. Types of views – addressing the types of views that can be accepted and the requirements to be established in order to represent correctly designs in an application for registration. It also determines if a combination of photographs and drawings is allowed in the representation of a design.
3. Neutral background: defining the requirements to determine when a background is considered neutral.
4. Format of views: developing recommendations for representations of designs filed in the form of drawings and/or photographs.





2.1 WITH RESPECT TO THE USE OF VISUAL DISCLAIMERS

Despite accepting visual disclaimers in an application for registration of a design, this practice has been defined to provide clarity to the rules/requirements concerning disclaimers, in order to assist applicants to disclose their designs correctly.

¹ Suriname will apply this Practice fiche after introducing design registration system in the country. For the time being it is not possible to register designs in Suriname.

Definition	<p>Visual disclaimers indicate that protection is not being sought for, and registration has not been granted for, certain features of the design shown in the representation. Thus, they indicate what is not intended to be protected.</p>
Requirements	<p>Visual disclaimers will only be accepted when:</p> <ul style="list-style-type: none"> • They clearly indicate that protection is not being sought for certain features of the design shown in the representation. • They are shown consistently in all the views where the disclaimer appears. <div style="text-align: center;">  </div>
Recommendations/ Guidelines	<p>Graphic or photographic representations showing only the claimed design are preferred.</p> <p>However, disclaimers can be used when the graphic or photographic representation of the design contains parts of the product for which no protection is sought. In these cases, the disclaimer must be clear and obvious: the claimed and disclaimed features must be clearly differentiated.</p> <p>Where a disclaimer is used, broken lines are recommended. Only when broken lines cannot be used due to technical reasons (for example, when they are used to indicate stitching on clothing or patterns; or photographs are used), other disclaimers can be used: colour shading, boundaries and blurring.</p>
a) Broken lines	<p>If a disclaimer is used, broken lines are recommended. They are used to indicate that no protection is sought for the features that are shown using the interrupted trace.</p> <p>In order to be accepted, the features for which protection is not sought should be clearly indicated with broken lines, whereas the parts for which protection is sought should be indicated with continuous lines.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>BX registered design No. 38212-0001 (12.16) mirrors) Owner: Interimage BV</p> </div> <div style="text-align: center;">  <p>Hungarian registered design No. D9900409-0001 (Rearview (08.04) (handle of screwdriver) Owner: Cooper Industries, Inc.</p> </div> </div> <p>When broken lines are a feature of the design and a part of the design needs to be disclaimed, other visual disclaimers can be used.</p>


2 For the sake of the clarity, the examples indicated with a  are acceptable and the examples indicated with a  are not acceptable

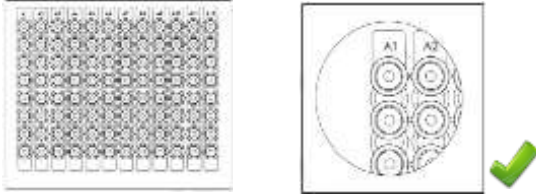
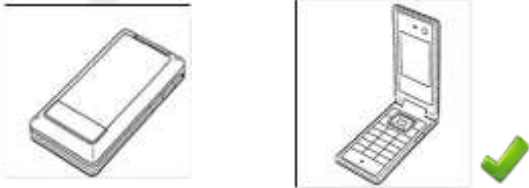
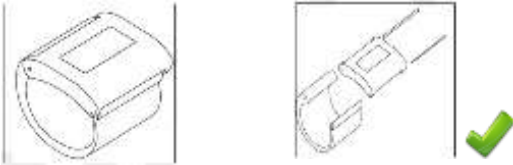
<p>b) Colour shading</p>	<p>Although broken lines are the preferred disclaimer, if they cannot be used, the use of colour shading could be an option. This type of visual disclaimer consists of using contrasting tones of colour to obscure sufficiently the features for which protection is not being sought.</p> <p>The features for which protection is sought must be clearly shown so that they are neatly perceptible, whereas the disclaimed features must be represented in a different tone of colour and in a way that they appear blurred or imperceptible.</p> <div data-bbox="726 472 1013 645" data-label="Image">  </div> <p data-bbox="453 658 1243 683">RCD No. 000910146-0004 (12.08) (Automobiles (part of-)) Owner: TYOTA MOTOR CORPORATION</p>
<p>c) Boundaries</p>	<p>Although broken lines are the preferred disclaimer, if they cannot be used, the use of boundaries could be an option. With this type of visual disclaimer, the features for which protection is sought should be clearly indicated/represented within the boundary, whereas all the features outside the boundary are considered to be disclaimed and therefore not protected. Boundaries must be carefully used in drawings/photographs due to the risk of including more than just the design within the boundary.</p> <div data-bbox="619 1025 849 1220" data-label="Image">  </div> <p data-bbox="528 1236 853 1294">RCD No. 001873688-0003 (02.04) (soles for footwear) Owner: <u>Martin s.r.o.</u></p> <div data-bbox="906 1016 1098 1220" data-label="Image">  </div> <p data-bbox="917 1236 1252 1294">CP6 Example (12.16) (Air-intake grilles for vehicles)</p> <p data-bbox="395 1310 1311 1339">NOTE: The second example will be acceptable for Jamaica, Suriname and Cuba</p>
<p>d) Blurring</p>	<p>Although broken lines are the preferred disclaimer, if they cannot be used, the use of blurring could be an option. This type of visual disclaimer consists of obscuring the features for which protection is not being sought and may only be accepted when the features for which protection is sought are clearly distinguishable from the disclaimed (blurred) features.</p> <div data-bbox="798 1585 965 1803" data-label="Image">  </div> <p data-bbox="734 1818 1029 1921">RCD No. 000244520-0002 (12.15) (Tyres for vehicle wheels, pneumatic) Owner: Nokian Tyres plc</p> <p data-bbox="395 1937 928 1966">NOTE: This statement does not apply to Cuba</p>


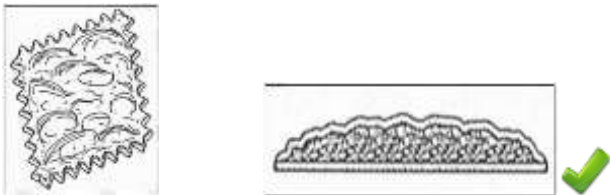
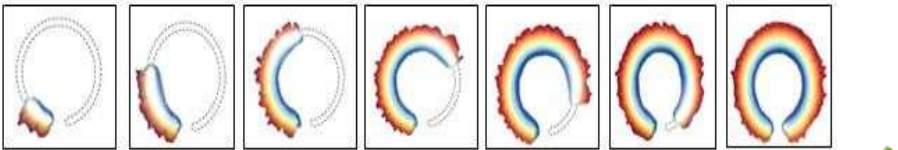
2.2 WITH RESPECT TO THE DIFFERENT TYPES OF VIEWS

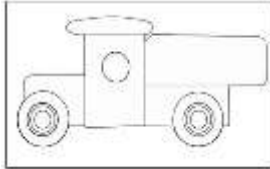


The applicant should file the types of views considered appropriate for a clear, full and detailed disclosure of the design. If all the features of the design cannot be displayed in one single view, the applicant may submit additional views which are necessary for this purpose.

The following information aims at helping applicants to file a design application correctly with the appropriate type of view while facilitating the work of design examiners.

Definition	A view is a visual representation of the design. It may reproduce the design from various directions (angles) or at different moments in time or in various states.
General recommendation	<ul style="list-style-type: none"> • In most cases, aspect views (see the guidelines below) are enough for disclosing all the features of the design. However, the applicant may provide complementary/additional views in order to further disclose the features of the design (Georgian legislation allows the applicant to provide unlimited number of views.). • It is not obligatory for the applicant to file a certain number of views or a certain type of view as long as all the features of the design can be clearly perceived, e.g. one view may be sufficient. • The views must belong to one and the same design, and each view must be shown separately. • In case of products consisting of several parts, at least one view must show the entire product.
Guidelines for each type of view:	The use of aspect views to disclose the features of the design is preferred . However, the applicant is free to provide complementary/additional views as mentioned above. Therefore:
a) Aspect views	<p>Show the design from certain directions (angles) and encompass the following views: front view, top view, bottom view, right side view, left side view, back view and perspective views. The applicant is recommended to file as many views as necessary to fully disclose the features of the design. In some cases one view can be sufficient.</p> <div style="text-align: center;">  </div> <p style="text-align: center;">RCD No. 002325456-0001 (31.00) (Mixers, electric [kitchen]) Owner:KENWOOD LIMITED</p>

<p>b) Views magnifying part of the design</p>	<p>Show one part of an overall design in an enlarged scale.</p> <p>A single magnified view is acceptable provided that the magnified part is already visible in one of the other submitted views and it is presented in a separate single view.</p> <div style="text-align: center;">  </div> <p style="text-align: center;">RCD No. 001913690-0002 (24.02) (PCR multi-well plates) Owner: ABGENE LIMITED</p>
<p>c) Alternate positions</p>	<p>Designs with alternate positions have an appearance which can be modified into several configurations without any addition or removal of any parts.</p> <p>The views showing the different configurations of the design must be shown separately.</p> <div style="text-align: center;">  </div> <p style="text-align: center;">RCD No. 000588694-0012 (14.03) (Mobile phones) Owner: Fujitsu Mobile Communications Limited</p>
<p>d) Exploded views</p>	<p>Views where the parts of a product are shown disassembled in order to clarify how the parts fit together.</p> <p>These views must be combined with at least one view representing the product assembled. All the parts of a product must be shown disassembled in a separate single view, in close proximity and in order of assembly.</p> <div style="text-align: center;">  </div> <p style="text-align: center;">Croatian registered design No. D20140080 (24.01) (Bracelets with muscle stimulator) Owner: Dominik Žinić</p> <p>NOTE: Showing the exploded parts in an additional view can help to facilitate the understanding of the design. However, only the parts that remain visible during the normal use of the product are protected.</p> <p>This statement and examples do not apply to Dominica.</p>




<p>e) Partial views</p>	<p>Show a part of a product in isolation.</p> <p>Partial views can be magnified and must be combined with at least one view representing the product assembled.</p>  <p>RCD No. 2038216-0001 (15.01, 23.04) (Air filters, Containers for air filters, for engines) Owner: BMC S.r.l.</p> <p>NOTE: This statement will apply to Jamaica after coming into force of the new Patents and Design Act.</p>
<p>f) Sectional views</p>	<p>Cutaway portions that complement aspect views by illustrating a feature or features of the appearance of the product such as the contour, surface, shape or configuration of the product.</p> <p>Sectional views should, in an unambiguous way, be a view of the same design and must be submitted with other traditional views such as aspect views. It should be noted that representations with technical indications such as axial lines or sizes (dimensions), numbers are not allowed.</p>  <p>Spanish registered design No. I0152702-D (01.01) (biscuits) Owner: CUETARA, S.L.</p> <p>Note: Adding sectional views can help to facilitate the understanding of the design. However, only the parts that remain visible during the normal use of the product are protected.</p>
<p>g) Sequence of snapshots (animated designs)</p>	<p>Short sequence of views used to show a single animated design at different specific moments in time, in a clearly understandable progression. This applies to an animated icon (design consisting of a sequence) or an animated graphical user interface (design of an interface). In order to be accepted:</p> <p>The sequence of snapshots needs to be visually related (must have features in common) and it is the responsibility of the applicant to number the views in such a way so as to give a clear perception of the movement/progression.</p>  <p>RCD No 2085894-0014 (14.04) (Animated screen displays) Owner: NIKE Innovate C.V.</p>





<p>h) Combination of several means of visual representation</p>	<p>It is recommended that a design should be represented using only one visual format (drawing, photograph) so as to avoid disclosing aspects that contribute to a different overall impression.</p> <p>Where multiple representations of a design are used, each must clearly and obviously relate to the same design and be consistent when comparing the features disclosed.</p> <div style="text-align: center;">    </div> <p style="text-align: center;">(Vehicles [toys])</p> <p>CP6 Example (21.01)</p> <p>NOTE: The example does not apply to Jamaica, Dominica, Antigua and Barbuda, Suriname, and Cuba.</p>
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2.3 WITH RESPECT TO NEUTRAL BACKGROUND

Although Offices require design applications to be reproduced on a neutral background, there is a need for clarification of the notion of neutral background.

Therefore, in order to assess if a background is neutral, the following aspects should be taken into consideration: colours, contrast and shadows.

	<p>In order to assess if a background is neutral, the following aspects should be taken into consideration:</p>
<p>a) Requirements related to colours</p>	<ul style="list-style-type: none"> • A single or predominant colour in a background is always acceptable if it stands out against the colours of the design. • Graduating colour and more than one colour in a background is acceptable if the design is clearly distinguishable. <div style="text-align: center;">    </div> <p>Austrian lapsed design No. 1747/1999 (01.01) (Ice lolly) Owner: Schölle Lebensmittel GMBH & O. KG</p> <p>French registered design No. 955805-0005 (09.07) (Cover for perfume bottle) Owner: SNIC SARL</p> <p>CP6 Example (01.01) (Cakes)</p> <p>NOTE: The example does not apply to Jamaica and Antigua and Barbuda</p>

<p>b) Requirements related to contrast</p>	<ul style="list-style-type: none"> • All features of the design should be clearly visible. • The contrast is considered insufficient when the colour of the background and the design are similar and partly melt into each other (i.e. it is not clear where the product finishes and the background starts). • Sometimes a darker background can help when the design is clear or pale and vice-versa. <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>BX registered design No. 38895-00 (25.03) (Shed) Owner: Herman Lankwarden</p> </div> <div style="text-align: center;">  <p>Portuguese lapsed design No. 420-0006 (06.01) (chairs) Owner: Abril Mobiliário</p> </div> </div> <p>NOTE: The second example does not apply to Antigua and Barbuda</p>
<p>c) Requirements related to shadows/ reflections</p>	<ul style="list-style-type: none"> • Shadows or reflections are acceptable as long as all features of the design remain visible. • Shadows or reflections are unacceptable when the subject of protection of the design, in any of the submitted views, cannot be determined in an unambiguous way. This can occur when there is limited colour contrast with the design, and/or shadows interfere with, or hide parts of, the design or they distort the contour of the design. <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>Danish registered design No. 2013 00069 (12.11) (wheeled cargo bike) Owner: 3PART A/S</p> </div> <div style="text-align: center;">  <p>CP6 Example (11.02) (Flower vases)</p> </div> </div> <p>NOTE: The first statement and example does not apply to Dominica The second example does not apply to Suriname and Antigua Barbuda</p>

2.4 FORMAT OF VIEWS

The quality standards required for applications received by paper are as follows:

Dominica

Applications received by paper	
Representation of the design on paper (e.g. size of the separate sheet and other requirements, such as “A4”, “No limit”, “No limit but recommended A4”, “Mix A6, Max A4”,...)	Applications must be on strong durable white paper and be written on one side. The sheets shall be of the same size on A-4 paper
Maximum number of designs per application (e.g. “No limit”, “1”, “10”, “100”,...)	Two or more designs – as outlined in the legislation- provided that the designs relate to the same class of International Classification or to the same set or composition of articles
Maximum number of views submitted per design (e.g. “No limit”, “1”, “5”, “7”, “Max 6 views”,...)	As many views as possible to sufficiently disclose design being protected without being duplicated.
Number of representations that can be submitted per sheet (e.g. “No limit”, “Not determined”, “Max 4”, “1”, “Preference 1 per sheet”, “Min 1, Max 4”, “If several representations, 2cms empty spaces between each representation”,...)	Several figures may appear on the same page – it would be preferred that if several representations, 2cms empty spaces between each representation, would be best suited
Each representation corresponds to one view?	The drawings or photographs should contain a sufficient number of views to fully disclose the appearance from all sides
Dimensions of the representation on photographs and drawings in a single and multiple application (minimum and maximum) (e.g. “No minimum, maximum 21 cm x 39.7 cm”, “A4”, “Min 4 cm x 4 cm, margin of at least 2.5 cm”,...)	The representation must be on white paper suitable for reproduction, sheets must be same size as those used in the application in durable dark lines suitable for reproduction and appear on only one side of the paper. The representation must be on a scale sufficiently large to show the design clearly. The figures in the representation must be numbered consecutively without regard to the number of sheets in the representation and so far, as possible, the figures shall be arranged in

	numerical order, and several figures may appear on the same page
Is the number of views indicated?	
Are descriptions of the types of views allowed, e.g. front view, back view?	Yes
Are technical drawings; explanatory text, wording or symbols allowed within the representation?	The legislation outlines as follows - Other adequate graphic representations of the article embodying the design may be presented
Number of Copies required (e.g. "1", "3 copies of each view",...)	

Cuba

Applications received by paper	
Representation of the design on paper (e.g. size of the separate sheet and other requirements, such as "A4", "No limit", "No limit but recommended A4", "Mix A6, Max A4",...)	Yes, no limit but recommended A4
Maximum number of designs per application (e.g. "No limit", "1", "10", "100",...)	100
Maximum number of views submitted per design (e.g. "No limit", "1", "5", "7", "Max 6 views",...)	No limit
Number of representations that can be submitted per sheet (e.g. "No limit", "Not determined", "Max 4", "1", "Preference 1 per sheet", "Min 1, Max 4", "If several representations, 2cms empty spaces between each representation",...)	If several representations, 2cms empty spaces between each representation
Each representation corresponds to one view?	Yes
Dimensions of the representation on photographs and drawings in a single and multiple application (minimum and maximum) (e.g. "No minimum, maximum 21 cm x 39.7 cm", "A4", "Min 4 cm x 4 cm, margin of at least 2.5 cm",...)	The representations must be no larger than 16 x 16 cm and no less than 3x 3 cm., Each one complying with the corresponding margins: at least Top margin 6 cm Left margin 3 cm Right margin 2 cm Bottom margin 4 cm
Is the number of views indicated?	Yes. The same object is represented, if necessary, from different angles, and each view will be identified by two numbers

	separated by a point. Example: 1.1, 1.2, 1.3, etc. for the first object; and 2.1, 2.2, 2.3, etc. for the second object and so on, in case of multiple deposits.
Are descriptions of the types of views allowed, e.g. front view, back view?	Yes
Are technical drawings; explanatory text, wording or symbols allowed within the representation?	No. Explanatory text, wording or symbols are allowed in the Description document.
Number of Copies required (e.g. "1", "3 copies of each view",...)	2

Antigua and Barbuda

Applications received by paper	
Representation of the design on paper (e.g. size of the separate sheet and other requirements, such as "A4", "No limit", "No limit but recommended A4", "Mix A6, Max A4",...)	A4 If the industrial design is two dimensional, by four graphic representations or four drawings or tracings or if the industrial design is three dimensional by four graphic representations or tracings of each of the different sides of the industrial design and a specimen shall be of a size not exceeding 20 centimetres x 20 centimetres x 20 centimetres. Such representations, drawings or tracing shall be affixed on four sheets of cardboard of A4 siz. Drawings and tracings be in black ink.
Maximum number of designs per application (e.g. "No limit", "1", "10", "100",...)	
Maximum number of views submitted per design (e.g. "No limit", "1", "5", "7", "Max 6 views",...)	Please see above for the requirements.
Number of representations that can be submitted per sheet (e.g. "No limit", "Not determined", "Max 4", "1", "Preference 1 per sheet", "Min 1, Max 4", "If several representations, 2cms empty spaces between each representation",...)	Please see above for the requirements.
Each representation corresponds to one view?	

Dimensions of the representation on photographs and drawings in a single and multiple application (minimum and maximum) (e.g. “No minimum, maximum 21 cm x 39.7 cm”, “A4”, “Min 4 cm x 4 cm, margin of at least 2.5 cm”,...)	Please see above.
Is the number of views indicated?	View should be indicated.
Are descriptions of the types of views allowed, e.g. front view, back view?	Descriptions are allowed.
Are technical drawings; explanatory text, wording or symbols allowed within the representation?	Yes these are allowed.
Number of Copies required (e.g. “1”, “3 copies of each view”,...)	

Jamaica

Applications received by paper	
Representation of the design on paper (e.g. size of the separate sheet and other requirements, such as “A4”, “No limit”, “No limit but recommended A4”, “Mix A6, Max A4”,...)	Max Letter
Maximum number of designs per application (e.g. “No limit”, “1”, “10”, “100”,...)	1
Maximum number of views submitted per design (e.g. “No limit”, “1”, “5”, “7”, “Max 6 views”,...)	At least 3 preferred
Number of representations that can be submitted per sheet (e.g. “No limit”, “Not determined”, “Max 4”, “1”, “Preference 1 per sheet”, “Min 1, Max 4”, “If several representations, 2cms empty spaces between each representation”,...)	Preference 1 per sheet
Each representation corresponds to one view?	Yes
Dimensions of the representation on photographs and drawings in a single and multiple application (minimum and maximum) (e.g. “No minimum, maximum 21 cm x 39.7 cm”, “A4”, “Min 4 cm x 4 cm, margin of at least 2.5 cm”,...)	Max letter
Is the number of views indicated?	
Are descriptions of the types of views allowed, e.g. front view, back view?	yes

Are technical drawings; explanatory text, wording or symbols allowed within the representation?	yes
Number of Copies required (e.g. "1", "3 copies of each view",...)	

Dominican Republic

Applications received by paper	
Representation of the design on paper (e.g. size of the separate sheet and other requirements, such as "A4", "No limit", "No limit but recommended A4", "Mix A6, Max A4",...)	Letter (8.5 X 11)
Maximum number of designs per application (e.g. "No limit", "1", "10", "100",...)	No limits
Maximum number of views submitted per design (e.g. "No limit", "1", "5", "7", "Max 6 views",...)	No limits
Number of representations that can be submitted per sheet (e.g. "No limit", "Not determined", "Max 4", "1", "Preference 1 per sheet", "Min 1, Max 4", "If several representations, 2cms empty spaces between each representation",...)	1
Each representation corresponds to one view?	Yes
Dimensions of the representation on photographs and drawings in a single and multiple application (minimum and maximum) (e.g. "No minimum, maximum 21 cm x 39.7 cm", "A4", "Min 4 cm x 4 cm, margin of at least 2.5 cm",...)	
Is the number of views indicated?	Yes
Are descriptions of the types of views allowed, e.g. front view, back view?	Yes
Are technical drawings; explanatory text, wording or symbols allowed within the representation?	No
Number of Copies required (e.g. "1", "3 copies of each view",...)	2

2.4.1. Quality recommendations for representations of designs filed in the form of drawings and/or photographs

a) In the form of drawings: The drawings should be of good quality so that the images are drawn with clear and dark continuous lines. Representations should be capable of being reproduced so that the features of the design remain clearly visible.

Thus, the following should be avoided in the representations:

- Poor line quality.
- Blurry lines.
- Substantial pixilation.
- Lines which merge forming black and undefined areas.
- Drawings which are excessively small or large.
- Drawings with signs of deletion or correction.

b) In the form of photographs: The representations of the design filed in the form of photographs must be of good quality. The design must be shown in such a way that all features of the displayed design are clearly visible and suitable for reproduction. In order to guarantee the quality of the photographs representations, the following should be avoided:

- Undefined areas due to a lack of lighting.
- Glare on shiny, reflective or transparent surfaces.
- Blurriness (unless used as a disclaimer).
- Poor contrast.
- Obvious deletions or corrections.