

REGISTERED DESIGNS DECREE 2.4.1971/252

Registration Application and Official Register

Section 1

Applications for registration of designs shall be delivered to the Finnish Patent and Registration Office (the registering authority).

Section 2

An application for the registration of a design shall consist of a written communication (application document) and accompanying documents.

The application document shall be signed by the applicant or his or her agent, and shall contain:

- (1) the applicant's name, domicile and address and, where the applicant is represented by an agent, the agent's name, domicile and address;
- (2) the name and address of the creator of the design;
- (3) where the design has been created by a person who is not the applicant, confirmation by the applicant that the design right has been transferred to the applicant;
- (4) indication of the products for which registration of the design is applied for;
- (5) information as to whether priority in accordance with section 8 of the Registered Designs Act (221/1971) is requested;
- (6) information as to whether the applicant requests deferment of design registration and publication under section 18 of the Registered Designs Act;
- (7) information identifying the documents accompanying the application document.

The following documents shall accompany the application document:

- (1) a representation or representations of the design;
- (2) where the applicant is represented by an agent, a power of attorney.

Section 3

The application document and accompanying documents shall be in the Finnish or Swedish language in accordance with the legislation in force relating to languages. If the applicant is a foreigner, the application document and accompanying documents shall be in Finnish. If a document accompanying the application is in a foreign language, a translation into Finnish or Swedish shall be filed if the registering authority so requests.

Section 4

The representations of the design shall be filed in triplicate. All representations shall be of a size not exceeding A4 (21 x 29.7 cm; 8.2 X 11.6 in). The representations shall be suitable for reproduction in black and white in another size.

Where the applicant deposits a specimen of the design, it shall be of durable material and must not exceed 40 centimetres (15.6 in) in any dimension or weigh more than 4 kilograms (8 lb 13 oz). An object that is subject to decomposition or that is dangerous may not be deposited as a specimen.

Where an application relates to more than one design, a separate representation or representations shall be submitted for each design. In the case of such an application, the representations and the specimens, if any, shall be clearly marked with consecutive numbers.

Section 5

The registering authority shall state on an application for registration the serial number of the application and the date of receipt of the application.

Section 6

The registering authority shall keep an official register of applications for registration of designs received. The official register shall be accessible to the public.

The following shall be entered in the official register for each application:

- (1) the filing date of the application and the serial number;
- (2) the date when a representation or representations or a specimen of the design was first deposited, if this date is not the filing date;
- (3) the product(s) for which registration of the design is applied for and the class(es) to which the design is assigned;
- (4) the applicant's name, domicile and address;
- (5) where the applicant is represented by an agent, the agent's name, domicile and address;
- (6) the name and address of the creator of the design;
- (7) if priority has been requested, the place where the previous application referred to was filed, the date and serial number of that application;
- (8) whether the applicant has requested deferment of design registration and publication in accordance with section 18 of the Registered Designs Act;
- (9) any specimens deposited, written communications received and fees paid;

(10) decisions made in the case;

(11) any deferment granted because of conflict under section 14 with an earlier application; a corresponding note shall be made on the records of the earlier application.

Section 7

Where a notification is made to the registering authority that a design for which registration has been applied for has been transferred to another person, such person may be entered in the official register as an applicant only if the transfer of the right has been confirmed.

Priority

Section 8

Section 8 has been repealed by Decree 18.7.2002/620.

Sections 9–11

Sections 9 to 11 have been repealed by Decree 14.4.2011/357.

Division

Section 12

Where an application relates to more than one design, the applicant may divide the application by filing more than one; in such a case, the said applications shall be deemed to have been made simultaneously with the original application.

New application fees and additional fees as provided for in section 47 of the Registered Designs Act shall be paid for such applications, if they have not already been paid.

Processing of Applications for Registration

Section 13

In the examination for fulfillment of the conditions for registration of a design, the registering authority shall take into consideration everything of which that authority has knowledge.

The registering authority shall conduct an examination as to novelty which includes national applications for registration that have been filed before the filing date, as well as designs that have been entered in or removed from the register. The examination shall also include international applications for registration that have been filed before the filing date and valid international design registrations, both designating Finland.

The eligibility for registration of a design in relation to sections 4, 4 a and 4 b of the Registered Designs Act shall be investigated by the registering authority to the extent necessitated by the substance of the design and without a substantial delay in the processing of the application.

Section 14

In the case of conflict with an earlier application for registration of a design, the registering authority may defer the processing of the later application until a decision has been made with respect to the earlier application or until the earlier application becomes available to the public or until the conflict has ceased as the result of a change in the application.

Publication of registration of a design

Section 15

Publication of registration of a design shall contain:

- (1) the serial number of the application;
- (2) the registration number of the national or international registration;
- (3) indication of the date on which the application was filed or is deemed to have been filed in accordance with section 10 a of the Registered Designs Act;
- (4) the name and domicile of the registration holder and, where the holder is represented by an agent, the agent's name and domicile;
- (5) the name of the creator of the design;
- (6) indication of the articles for which the design is registered and of the classes to which the design has been assigned;
- (7) information regarding priority requested and as to where the application to which reference is made was filed and the date and serial number of that application;
- (8) a representation or representations of the design;
- (9) information as to whether a specimen has been deposited;
- (10) information as to whether the representation or representations are in colour.

Opposition proceedings

Section 16

Any opposition to the registration of a design and any later written communications from the registration holder and opponent shall be filed with the registering authority in triplicate, together with accompanying documents. The grounds for the opposition shall be stated.

Section 17

Where an opponent is represented by an agent, a power of attorney shall be filed with the registering authority.

Section 18

The registration holder shall be supplied with copies of all written communications and accompanying documents from opponents.

Where the holder submits a statement regarding the opposition, the registering authority shall decide whether a further exchange of correspondence is required.

Section 19

If, before the time prescribed for opposition, the registering authority receives a written communication that is of importance for the registration of the design, the applicant shall be informed thereof. If anyone sends such a written communication, the registering authority shall draw his or her attention to the possibility of entering opposition after the registration of the design, except where a better right to the design is in question.

The Register of Designs

Sections 20–21

Sections 20 to 21 have been repealed by Decree 14.4.2011/357.

Section 22

If one or more applicants have, on the same day, applied for registration of two or more designs the overall impressions of which do not differ from one another, this fact shall be recorded in the Register of Designs and on the registration certificate for each design concerned, when the designs are registered; the application number and registration number of each of the other designs shall also be indicated.

Section 23

Section 23 has been repealed by Decree 14.4.2011/357.

Section 24

Any notification made to the registering authority that a person has taken legal action for cancellation of the registration of a design in whole or in part, for transfer of registration, or for the granting of a compulsory license shall be recorded in the register.

When a copy of a decision has been sent to the registering authority in accordance with Chapter 4, section 23, of the Act on the Judicial Proceedings at the Market Court (100/2013) or section 44 of the Registered Designs Act, this fact shall be recorded in the register. Once the decision has become final, an entry shall be made in the register in such a way that the main content of the decision is apparent.

Section 25–26

Sections 25 to 26 have been repealed by Decree 14.4.2011/357.

Section 27

Where the registration of a design is renewed, this shall be noted in the register.

Publication of renewal shall contain information as to the design's registration number, the date of commencement of the renewal period, and the name of the design right owner.

Section 28

Where a registration has ceased to be in force, the design shall be removed from the register by the registering authority.

Where a design has been removed from the register or it has been modified or where a design right has been transferred to another person or cancelled in part in consequence of a judgment having become final, this shall be published by the registering authority.

Fees

Sections 29 to 32 have been repealed by Decree 3.12.1976/943.

Special Rules

Section 33

Designs shall be classified in one or more classes. The classification of designs shall be drawn up by the registering authority.

Section 34

Notices in matters concerning the protection of designs shall be published in a designs gazette issued by the Finnish Patent and Registration Office.

Section 35

A model deposited with the registering authority in accordance with section 10 of the Registered Designs Act shall be kept by the authority until five years have elapsed after the expiry of the registration. If the design right owner has not, during the five-year period, requested its return, the registering authority may destroy the model.

Section 36

Section 36 has been repealed by Decree 14.4.2011/357.

Section 37

Priority in accordance with the provisions of section 8 may not be based on an application filed in a foreign country before the entry into force of the Registered Designs Act on 1 April 1971.

Entry into force and application of amendments:

3.12.1976/943:

22.12.1995/1703:

This Decree enters into force on 1 January 1996.

This Decree applies to applications filed after its entry into force.

18.7.2002/620:

This Decree enters into force on 1 August 2002.

14.4.2011/357:

This Decree enters into force on 1 May 2011.

18.7.2013/583:

This Decree enters into force on 1 September 2013.