

Global Design Patent Guide

Product design holds tremendous monetary value globally. This often leads to successful designs falling victim to knock-offs that can damage brand loyalty and reduce revenue. Design patents, which protect the ornamental appearance of an article, are a proven effective tool in combating copycats. The following quick-reference guide provides a brief overview of design preparation and prosecution requirements in a variety of countries around the world.

Country	Preparation						Prosecution		
	Shading Allowed	Broken lines Allowed	Digital images allowed	Multiple embodiments allowed in a single registration	Detailed written description of the design features required	Multiple Locarno sub-classes permitted	Substantive examination conducted (automatic or on request)	Average length of prosecution (from filing to issuance)	Process for expediting registration available
Australia	Y	Y	Y	N	N	Y	Y	1-2M	N
Brazil	Y	N	Y	Y	N	N	Y	1-4M	N
Canada	Y	Y	Y	Y	N	N/A	Y	1-2Y	Y
Chile	Y	Y	N	Y	Y	Y	Y	2Y	N
China	N ¹	N	Y	Y	N	N	N	1-2Y	N
Colombia	Y	Y	Y	Y	N	N	N	4-6M	N
Croatia	Y	N	Y	Y	N	Y	N	6-10M	N
Europe	Y	Y	Y	N ²	N	Y	N	1-2M	N
Hong Kong	Y	Y	Y	N ³	N	Y	N	13M	N
India	N	N ⁴	Y	N	N	N	Y	6M	N
Indonesia	Y	Y	Y	N	N	N	Y	2Y	N
Israel	Y	Y	Y	Y ⁵	N	N	Y	8-12M	Y ⁶

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Japan	Y	Y	Y	N	N	N	Y	1-1.5Y	Y
Korea	Y	Y	Y	N ⁷	N	N	Y ⁸	7-8M	Y
Mexico	Y	Y	Y	Y	N	N	Y	1Y	N
Norway	N	Y	Y	Y	N	Y	Y	6-8M	N
Singapore	Y	Y	Y	N	N	Y	N	4-6M	N
Switzerland	Y	Y	Y	Y	N	Y	N	1-2M	Y
Taiwan	Y	Y	Y	N	Y	Y	Y	14M	N
Turkey	Y	Y	Y	Y	Y	Y	N	12-14M	N
Ukraine	Y	N	Y	Y	Y	N	N	8-10M	N
United States	Y	Y	Y	Y	N	N/A	Y	1.5Y	Y

1. China permits using oblique shading lines to depict transparency.

2. The Office for Harmonization in the Internal Market (OHIM) permits filing multiple designs in a single application but each design will be assigned a separate registration number.

3. OHIM & Hong Kong assign separate registration numbers to each design, but permit filing multiple designs in a single application.

4. India does not allow the use of broken lines, but protection may be achieved for partial designs by pinpointing novelty of the portion of interest.

5. Multiple designs can be filed in a single application; however, upon commencement of examination of the application, the applicant will be required to elect one design for prosecution and delete the excessive designs, which may be filed as divisional applications; any divisional application will be entitled to bear the filing date of the parent application.

6. A request for an expedited examination will be only approved under a few exceptional circumstances, in cases where there is substantive concern of infringement and in cases when the applicant is interested in filing an infringement suit with the court, where the design's registration would be required. Expedited examination could also be approved in cases where the design could be used during an upcoming period of holidays.

7. South Korea permits multiple designs to register under a single registration if the design qualifies as a "non-examination design."

8. In South Korea, substantive examination may not be requested, and is not conducted automatically, for designs categorized as "non-examination designs."

Legal Disclaimer:

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