

DENMARK

Designs Act

as amended by Act No. 1259 of December 20, 2000

ENTRY INTO FORCE: October 1, 2001

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Chapter I General Provisions

Section 1

The creator of a design (the designer), or his successor in title, may by registration in accordance with this Act acquire the exclusive right to the design (design right), cf. Section 9.

Section 2

In this Act:

(i) "design" shall mean the appearance of a product or part of a product resultant from the features of, in particular, the lines, contours, colours, shape, texture or material of the product and its ornamentation,

(ii) "product" shall mean any industrial or handicraft item, including i.a. parts intended to be assembled into a complex product, packaging, get-up, graphic symbols and typographic typefaces, but excluding computer programmes,

(iii) "complex product" shall mean a product composed of multiple components which can be replaced permitting disassembly and reassembly of the product.

Section 3

(1) A design right may only be obtained where the design is new and has individual character.

(2) A design shall be deemed to be new if no identical design has been made available to the public before the filing date of the application for registration or, if priority is claimed, the date of priority, cf. Section 16. Designs shall be deemed to be identical where their features differ only in immaterial details.

(3) A design shall be deemed to have individual character where the overall impression it produces on the informed user differs from the overall impression produced on such user by any design which has been made available to the public before the filing date of the application or, if priority is claimed, the date of priority, cf. Section 16. In assessing the individual character of a design, the degree of freedom of the designer in developing the design shall be taken into consideration.

Section 4

(1) A design of a component of a complex product shall only be deemed

to be new and have individual character where:

(i) the component upon being incorporated into the complex product remains visible during normal use of the product, and

(ii) the visible features of the component comply with the requirements as to novelty and individual character.

(2) "Normal use" shall mean use of the complex product by the end user, excluding maintenance, servicing, or repair work.

Section 5

(1) A design shall be deemed to have been made available to the public where it has been published following registration or otherwise, or has been exhibited, exploited commercially or otherwise disclosed.

(2) A design shall not, however, be deemed to have been made available to the public where:

(i) the circumstances stated in Section 1 could not reasonably have become known in the normal course of business to the circles specialized in the sector concerned, operating within the Community, before the filing date of the application or, if priority is claimed, the date of priority, cf. Section 16, or

(ii) the design has been disclosed to a third party under explicit or implicit conditions of confidentiality.

Section 6

A design shall not be deemed to have been made available to the public where it has been published during the 12-month period preceding the filing date of the application or, if priority is claimed, the date of priority, cf. Section 16,

(i) by the designer, his successor in title, or a third party as a result of information provided or steps taken by the designer, or his successor in title, or

(ii) as a consequence of abuse in relation to the designer or his successor in title.

Section 7

(1) A design right shall not subsist where the design:

(i) conflicts with public policy or accepted principles of morality,
(ii) conflicts with a prior design which has been made available to the public after the filing date of the application or, if priority is claimed, the date of priority, cf. Section 16, provided the application date of the prior design precedes the application date of the design in question,
(iii) unauthorized:

(a) constitutes use of any of the items listed in Article 6ter of the Paris Convention for the Protection of Industrial Property, or other badges, emblems and escutcheons not covered by Article 6ter of the said Convention which are of particular public interest,

(b) includes a trademark, trade name, or distinctive sign of the business of another person,

(c) constitutes use of a work protected by copyright laws,

(d) includes a prior design.

(2) A prior design shall mean a design protected by:

(i) application or registration in this country,

(ii) application for or registration as a Community design,

(iii) a non-registered Community design, or

(iv) an international application or registration effective in this country.

Section 8

(1) A design right shall not subsist in features of the appearance of a product which:

(i) are solely dictated by its technical function, or

(ii) must be reproduced in their exact form and dimensions in order to permit the product to which the design is applied to be mechanically connected to or placed in, on, around or against another product, to enable either product to perform its function.

(2) Notwithstanding subsection 1(ii), a design right may subsist in a design which is new and has individual character pursuant to Section 3, provided the design allows for multiple assembly or connection of products within a modular system, consisting of mutually interchangeable parts.

Section 9

(1) Subject to the exceptions stated in Sections 10-12, the design right shall imply that no other person may exploit the design without explicit

consent from the registered owner. Such exploitation shall include, in particular, the making, offering, marketing, importing, exporting or use of a product to which the design is applied, or stocking such a product for those purposes.

(2) The design right pursuant to subsection 1 shall include any design which does not produce on the informed user a different overall impression. In assessing the scope of the design right, the degree of freedom of the designer in developing his design shall be taken into consideration.

Section 10

The rights conferred by a design right shall not extend to:

- (i) acts done for non-commercial purposes,
- (ii) acts done for experimental purposes, or
- (iii) acts of reproduction for the purpose of making citations or of teaching, provided that such acts are compatible with fair trade practice and do not unduly prejudice normal exploitation of the design, and provided that reference is made to the source.

Section 11

In addition, the rights conferred by a design right shall not extend to:

- (i) equipment on ships and aircraft registered in another country, when these temporarily enter the territory of this country, and
- (ii) the importation to this country of spare parts and accessories for the purpose of repairing such craft and the execution of repairs on such craft.

Section 12

The rights conferred by a design right shall not extend to acts relating to a product to which a protected design is applied, when the product has been marketed in the European Economic Area (EEA) by the registered owner of the design right or with his consent.

Chapter II Applications for Registration of Designs

Section 13

(1) Applications for registration of designs shall be filed with the Patent and Trademark Office.

(2) The application shall state the name or company name of the applicant and contain a reproduction of the design.

(3) The application may moreover contain a model. Where a model is filed, the model shall constitute the basis for the registration of the design.

(4) Where the applicant is not the creator of the design, the applicant or the creator may request that the creator of the design be specified in the design register. Where the design is the result of collaboration between more than one designer, a specification of the group of designers in question may replace a specification of the individual designers.

(5) The prescribed fees shall accompany the application.

Section 14

(1) An application may only have legal effect from the day the applicant has filed a reproduction or model illustrating the design.

(2) An application may not be altered so as to relate to a design other than the design stated in the application.

Section 15

An application may comprise more than one design, provided the products for which the designs are to be applied are referable to the same class, cf. the international agreement relating to classification of industrial designs and models signed in Locarno on 8 October 1968 (The Locarno Agreement).

Section 16

(1) Where a design is contained in an application for registration of a design or for protection of a utility model in another country which is party to the Paris Convention of 20 March 1883 for the Protection of Industrial Property, or which is a member of the World Trade Organization (WTO), and the design registration is applied for in this country within six months of the date of filing in that other country, the application

shall, pursuant to Sections 3 and 7(1)(ii) and (iii), on request of the applicant be considered as filed simultaneously with the application in that other country.

(2) The same right of priority pursuant to subsection 1 shall apply, even where the prior application for protection does not originate from a country party to the Convention or the WTO, provided a similar priority from a Danish design application is granted in the country where the prior application was filed, and the legislation in the country in question principally complies with the Paris Convention.

(3) The same right of priority pursuant to subsection 1 shall also apply where the design is included in an application for protection of a design or utility model in this country.

(4) Where an application for registration is filed in this country within six months after the design has been displayed for the first time at an official or officially recognized international exhibition, the application shall pursuant to Sections 3 and 7(1)(ii) and (iii) on request of the applicant obtain priority from that date. The exhibitions referred to are such exhibitions as defined in the Convention on International Exhibitions, signed in Paris on 22 November 1928, as subsequently revised on 30 November 1972.

Section 17

(1) The Patent and Trademark Office shall ensure that the application relates to a design, cf. Section 2(i), and that the provision of Section 7(1)(i) does not prevent registration, and furthermore, that the application only contains one design, cf. however Section 15.

(2) The applicant may request the Patent and Trademark Office to examine other matters of significance to the design right known to the Office. For the request the applicant shall pay the prescribed fee.

(3) The Minister for Trade and Industry shall lay down the rules for the examination, its extent, and the fee for the examination.

Section 18

Where the application complies with the rules and regulations and no objection has been found to registration, the design shall be registered. The registration shall be published by the Patent and Trademark Office.

Publication may be deferred for up to six months counted from the filing date or, if priority is claimed, the date of priority, cf. Section 16, provided the applicant so requests in his application.

Section 19

(1) Where the applicant has not observed the rules and regulations laid down for the application, or the Patent and Trademark Office otherwise finds objections to the registration, The Patent and Trademark Office shall notify the applicant accordingly and invite him to file his observations or to take steps to correct his application within a fixed time limit.

(2) Where the applicant fails within expiry of the time-limit to file his observations or to take steps to correct the application, the application shall be shelved. The notification referred to in subsection 1 shall contain information to that effect.

(3) The examination of the application may be resumed on request of the applicant, provided he files his observations or takes steps to correct the application within two months after expiry of the fixed time-limit, and within the same time-limit pays the prescribed resumption fee. Resumption may be granted only once.

(4) Where the Patent and Trademark Office finds any objection to granting registration after the applicant has had an opportunity to file his observations on the objection, the application shall be rejected unless the Patent and Trademark Office finds grounds for renewing the invitation pursuant to subsection 1.

Section 20

(1) Where the Patent and Trademark Office pursuant to Section 19 finds any objections to registration, the design may be registered in the amended form, provided it complies with the requirements for protection, and the identity of the design is retained.

(2) Where the applicant is not in agreement with the decision of the Patent and Trademark Office pursuant to subsection 1 as to registration in the amended form, the application shall be rejected.

Chapter III Publicity and Obligation to Provide Information

Section 21

(1) As from the date when the design is registered, the application documents shall be available to the public.

(2) Six months after the filing date or, if priority has been claimed, the date of priority, cf. Section 16, the application documents shall be made available to the public, even where the application has not been published pursuant to Section 18. However, where it has been decided to shelve or reject the application, the documents shall not be made available unless the applicant requests resumption or appeals against the rejection.

(3) Where the applicant so requests, the documents shall be made available earlier than prescribed in subsection 1 and 2.

(4) When the documents are made available pursuant to subsection 2 or 3, a notice to that effect shall be published.

Section 22

(1) Where an applicant invokes an application for a design registration against another person prior to the application documents having been made available to the public, he shall on request make the documents available to the other person.

(2) Any person who, either upon direct approach to another or by advertisement or by labelling on products or their wrapping, or in any other way, indicates that a design is registered or sought registered without also indicating the registration or application number, shall without undue delay communicate this information to whoever may request it. Where it is not explicitly specified that a design is registered or sought registered, but where the information may prompt an understanding that this is in fact the case, information as to whether the design is registered or sought registered shall on request be communicated without undue delay.

Chapter IV Period of Validity of the Design Registration

Section 23

(1) A design registration shall be valid for the period or periods of five years, which the application has been filed for to be counted from the filing date of the application. Registration may, on request, be renewed for further periods to a total of 25 years. Each period shall run from the expiry of the preceding period.

(2) Notwithstanding subsection 1, registration may be valid for a maximum of 15 years for a design of a component which is used in the repairs of a complex product, providing the product with its original appearance.

Section 24

(1) Application for renewal of a design registration shall be made by paying to the Patent and Trademark Office the prescribed renewal fee not earlier than three months before and not later than six months after expiry of the registration period. Where the renewal fee is paid after expiry of the period, an augmented fee shall be paid.

(2) The Patent and Trademark Office shall collect the prescribed renewal fee from the registered owner of the design or his agent, but shall not be held responsible for any loss of right as a consequence of non-collection.

(3) Where the prescribed renewal fee has not been paid within six months after expiry of the registration period, the registration shall be cancelled.

(4) Renewal of the registration shall be published.

Chapter V Termination of the Registration by Judgment or after Administrative Examination, etc.

Section 25

(1) When a design has been registered , any person may file a request with the Patent and Trademark Office for complete or partial cancellation of the registration. The request may exclusively be filed on the grounds that:

(i) the registration does not comply with Sections 1-8,
(ii) the application has been amended contrary to Section 14(2),
(iii) the provisions of Section 15 are not complied with, or
(iv) the registration has been maintained for more than 15 years, contrary to Section 23(2).

(2) A request pursuant to subsection 1 may only be filed concerning:

(i) the design right by the person claiming to be rightfully entitled to the design,
(ii) the rights stated in Section 7(1)(ii) and (iii)(b-d), by the person claiming to be rightfully entitled to the rights in question,
(iii) exploitation of the rights stated in Section 7(1)(iii)(a), by the person affected by the exploitation.

(3) Where proceedings before a court as to a design remain to be finally settled, a request may not be filed pursuant to subsection 1 as to the design in question. Where proceedings as to a design are brought before a court prior to a final decision on the request pursuant to subsection 1, relating to the same design, the Patent and Trademark Office or the Patent Board of Appeal shall temporarily shelve the consideration of the request pending the final settlement of the proceedings, unless the request has been filed by the registered owner of the design.

(4) For requests pursuant to subsection 1, the prescribed fee shall be paid.

Section 26

(1) A request pursuant to Section 25(1) shall be accompanied by documentation. Where the material for such documentation is deemed to be insufficient, the Patent and Trademark Office may require additional material in order to consider the request.

(2) Where another person than the registered owner of the design registration has filed the request, the registered owner shall be informed of the submitted material and be invited to file his observations.

Section 27

(1) A design registration may be declared completely or partially invalid by a judgment, where:

- (i) the registration does not comply with Sections 1-8,
- (ii) the application has been amended contrary to Section 14(2),
- (iii) the provisions of Section 15 are not complied with, or
- (iv) the registration has been maintained for more than 15 years, contrary to Section 23(2).

(2) Any person may institute proceedings pursuant to subsection 1. Proceedings may, however, only be instituted concerning:

- (i) the design right by the person claiming to be rightfully entitled to the design,
- (ii) the rights stated in Section 7(1)(ii) and (iii)(b-d) by the person claiming to be rightfully entitled to the rights in question,
- (iii) exploitation of the rights stated in Section 7(1)(iii)(a) by the person affected by the exploitation.

(3) Proceedings pursuant to subsection 2(i) shall be instituted within a year subsequent to the person in question having acquired knowledge of the registration and of other factors, on which the proceedings are based. Where the registered owner of the design acted in good faith when the design was registered, or when the design right passed to him, the proceedings may not be instituted later than three years after the registration of the design.

(4) A design may be declared invalid after the design right has lapsed or been surrendered.

Section 28

(1) A design registration may be maintained in amended form, provided the design in the amended form fulfils the requirements for protection, and retains its identity.

(2) Where the registered owner of a design is not in agreement with a decision as to maintaining the registration in amended form or fails to pay the prescribed fee for publication of the amendment, the registration shall be cancelled.

Section 29

(1) Where any person claims to be entitled to a design registered or applied for, the Patent and Trademark Office may, provided it finds the claim doubtful, invite him to institute proceedings within a fixed time-limit. Where the invitation is not complied with, the claim may be disregarded. Notification to that effect shall be given in the invitation.

(2) Where proceedings have been instituted as to the title to a design, the Patent and Trademarks Office shall suspend the examination of the case, pending the final settlement of the proceedings.

Section 30

(1) Where anyone proves before the Patent and Trademark Office that he and not the applicant or the registered owner of the design is entitled to a design comprised by a design registration or application, the Patent and Trademark Office shall transfer the application or registration to him if he so requests. The transferee shall pay the prescribed fee.

(2) Where transfer of an application or registration is requested, the application may not be amended, shelved, rejected or accepted, and the registration may not be amended or cancelled, completely or partially, before the request for transfer has been finally decided on.

Section 31

(1) Where a design has been registered in the name of a person who is not the rightful owner as defined in Section 1, the Court shall, where a claim is filed by the rightful owner, transfer the design right to him. Where another person is entitled to the design right, the Patent and Trademark Office shall transfer the registration to the entitled person.

(2) Where a person deprived of a design registration has exploited the design in good faith in this country or has taken substantial steps for that purpose, he may, against payment of reasonable compensation and on fulfilment of other reasonable terms, continue the commenced or commence the intended exploitation, provided the general character is maintained. In similar circumstances, licensees shall enjoy the same right.

(3) The rights pursuant to subsection 2 may only pass to others with the business in which the design is exploited, or in which exploitation of the design was intended.

Section 32

(1) Where an objection exists to the maintenance of a design registration in accordance with a decision pursuant to Section 25(1) or a judgment, the registration shall be cancelled by the Patent and Trademark Office. The Office shall, moreover, cancel the registration where the registered owner of the design surrenders his right.

(2) Where the Patent and Trademark Office based on a request pursuant to Section 25(1) finds no grounds for complete or partial cancellation of the registration, the request shall be rejected and the registration be maintained.

Section 33

(1) The Patent and Trademark Office shall publish the lapse of a design registration. The Office shall moreover publish amendments in the design registration resulting from a decision or a judgment as to complete or partial cancellation or to the transfer of the design right to another party.

(2) For the publication of a registration in amended form, the prescribed fee shall be paid.

Chapter VI Appeals

Section 34

Appeals against the final decision of the Patent and Trademark Office regarding a design application may be filed with the Patent Board of Appeal by the applicant. The same shall apply to the registered owner of the design, where a design registration is completely or partially cancelled. Where a design registration is maintained in amended or original form, the decision may be appealed against by the person having filed the request for complete or partial cancellation of the design registration. Where the latter withdraws his appeal, the appeal may nevertheless be examined, provided there are special grounds for such action.

Section 35

(1) Appeals pursuant to Section 34 shall be filed with the Patent Board of Appeal within two months after the Patent and Trademark Office has notified the party in question of the decision. The prescribed fee for appeal shall be paid within the same time-limit. Failure to do so shall result in dismissal of the appeal. Filing an appeal with the Patent Board of Appeal shall have suspensive effect.

(2) The decisions of the Patent Board of Appeal may not be brought before any other administrative authority.

(3) Decisions of the Patent and Trademark Office which may be brought before the Patent Board of Appeal, may not be brought before the courts, before the decision of the Patent Board of Appeal is available. Where a party wants to bring a decision of the Patent Board of Appeal before the courts, the proceedings shall be instituted within two months of the day the party in question was notified of the decision. The proceedings shall have suspensive effect.

Chapter VII Liability to Punishment and Liability for Damages, etc.

Section 36

(1) Any person who intentionally infringes a design right (design infringement) shall be liable to a fine. Under aggravating circumstances, including in particular if the purpose of the infringement is a significant and obviously unlawful profit, the penalty may be increased to imprisonment of up to one year.

(2) Corporations, etc. (legal persons) may be liable to punishment pursuant to Chapter 5 of the Penal Code.

(3) Proceedings shall be instituted by the injured party. Proceedings as to infringement pursuant to subsection 1, 2nd clause shall, however, be instituted by the public authorities on request of the injured party.

Section 37

(1) Any person who intentionally or negligently commits design infringement shall be liable to pay reasonable compensation for the exploitation of the design and damages for the further injury which the infringement may have caused.

(2) Where any person commits design infringement which is not intentional or due to negligence, and he has obtained a profit thereby, he is liable to pay compensation and damages pursuant to the provisions of subsection 1, where and to the extent this is found reasonable, however not exceeding the profit he is assumed to have made by the design infringement.

Section 38

(1) Where design infringement has been committed, and a claim has been filed by the injured party, the Court may to the extent found reasonable, in order to prevent continued design infringement, decide that products illegally manufactured or imported into this country, or products, the use of which would imply design infringement, shall be altered in a specified manner or be destroyed or, in the case of illegally manufactured or imported products, be surrendered to the injured party against compensation. This shall, however, not apply to the person who in good faith has acquired the products in question or acquired the rights to the same, and has not himself committed the design infringement.

(2) Where special circumstances exist, the Court may, notwithstanding

the provisions of subsection 1 and where so claimed, grant permission to dispose freely of products illegally manufactured or imported during the term of protection or part thereof against reasonable compensation and on otherwise reasonable conditions.

Section 39

(1) Where anyone unauthorized exploits a design sought registered after the application documents have been made available to the public, and the application results in a design registration, the provisions as to design infringement shall apply mutatis mutandis. This shall, however, not apply to the provision of Section 38. Compensation for damage arising from infringement committed before the application documents were made available to the public shall be payable only to the extent provided for in Section 37(2).

(2) The limitation period for claims of compensation pursuant to subsection 1 shall not come to an end before one year after registration of the design.

Section 40

In proceedings as to design infringement, the invalidity of the design right may only be put in issue where a claim for cancellation of the registration has been filed against the registered owner of the design, possibly after the latter has been summoned pursuant to the rules of Section 45. Where the design registration is cancelled, the provisions of Sections 36-39 shall not apply.

Section 41

(1) Any person who, in the cases referred to in Section 22, fails to comply with his obligations or gives false information shall be liable to a fine unless a heavier penalty is provided for by other legislation, and shall be liable to compensate for the injury caused thereby to the extent found reasonable.

(2) The provisions of Section 36(2) and (3) shall apply mutatis mutandis.

Chapter VIII Provisions of Administration of Justice

Section 42

(1) Civil proceedings, on the outcome of which the application of this Act has considerable significance, shall be brought before The Maritime and Commercial Court in Copenhagen, unless the parties agree otherwise.

(2) The Maritime and Commercial Court in Copenhagen shall be the Community Design Court of first instance, and the Danish Supreme Court shall be the Community Design Court of second instance pursuant to the Community Design Regulation.

Section 43

(1) Injunctions pursuant to the Community Design Regulation shall be issued by the Bailiff's Court.

(2) Injunctions pursuant to the Community Design Regulation, which are to have effect in every Member State, shall be issued by the Maritime and Commercial Court in Copenhagen.

(3) Injunctions as to both a Community design and other designs protected by virtue of this Act shall be issued by the Maritime and Commercial Court in Copenhagen, provided the injunction concerning the Community design is to have effect in every Member State.

(4) The provisions of Chapter 57 of the Administration of Justice Act shall apply *mutatis mutandis*.

(5) The decisions of the Maritime and Commercial Court may pursuant to subsection 2 and 3 be brought before the Eastern High Court.

Section 44

(1) Any person who institutes proceedings for complete or partial cancellation of a design registration or for transfer of the registration shall notify the Patent and Trademark Office hereof for entry in the design register, and by registered mail give notification of the proceedings to any registered licensee whose address is indicated in the register. A licensee intending to institute proceedings as to infringement of the design right shall correspondingly notify the registered owner of the design thereof.

(2) Where the plaintiff fails to document in the writ that notification pursuant to subsection 1 has taken place, the Court may fix a time-limit for the plaintiff to fulfil the conditions. Where this time-limit is disregarded, the proceedings shall be dismissed.

Section 45

(1) In proceedings as to design infringement brought by the registered owner of the design, the defendant shall give notification, pursuant to the rules laid down in Section 44(1), to the Patent and Trademark Office and registered licensees, where the defendant intends to file a claim for cancellation of the registration. The provision of Section 44(2) shall apply mutatis mutandis, meaning that the claim for cancellation of the registration shall be dismissed where the fixed time-limit is disregarded.

(2) In proceedings as to design infringement brought by a licensee, the defendant may summon the registered owner of the design without regard to his venue and file a claim against him for cancellation of the registration. The provisions of Chapter 34 of the Administration of Justice Act shall apply mutatis mutandis.

Section 46

Transcripts of judgments in the cases referred to in Sections 27-29, 31, 32, and 36-39 shall be submitted to the Patent and Trademark Office by order of the Court.

Chapter IX Miscellaneous Provisions

Section 47

The Patent and Trademark Office may invite an applicant or a registered owner of a design to appoint an agent residing in the European Economic Area (EEA) to represent him as to the application or the registration. The name and address of the agent shall be entered in the design register.

Section 48

(1) Where non-observance of a time-limit vis-à-vis the Patent and Trademark Office prescribed by or provided for in this Act causes a loss of rights to a design applicant, the Patent and Trademark Office shall on request re-establish the rights, provided the design applicant has taken all due care reasonably required. The request shall be filed with the Patent and Trademark Office within two months from the removal of the obstacle causing non-observance of the time-limit, however not later than one year after expiry of the time-limit. The omitted action shall be performed and the fee prescribed for re-establishment shall be paid within the same time-limits.

(2) The provision of subsection 1 shall apply mutatis mutandis, where a registered owner of a design has failed to pay the renewal fee within the time-limit laid down in Section 24(1), provided the request for reestablishment is filed and the renewal fee paid not later than six months after expiry of the time-limit.

(3) The provision of subsections 1 and 2 shall apply mutatis mutandis to time-limits vis-à-vis the Patent Board of Appeal. Rights shall be re-established by the Patent Board of Appeal.

(4) The provisions of subsection 1 shall not apply to the time-limits referred to in Section 16.

Section 49

(1) The Minister for Trade and Industry shall lay down further provisions for design applications and their examination, priority, division of design applications and registrations, renewal or surrender of, as well as requests for complete or partial cancellation of design registrations, the keeping of the design register, exchange of electronic data with the Patent and Trademark Office and the Patent Board of Appeal, the publication and contents of the Dansk Designtidende (Danish Designs Gazette), and

the procedures of the Patent and Trademark Office. It may, furthermore, be laid down that the records of applications filed with the Patent and Trademark Office shall be available to the public. The Minister for Trade and Industry may also lay down rules to specify days on which the Patent and Trademark Office shall be closed.

(2) The Minister for Trade and Industry shall lay down the rules necessary for applying the Community Design Regulation.

(3) The Minister for Trade and Industry may moreover prescribe fees for examination of cases as to application for registration of a design or renewal of design registration. The Minister for Trade and Industry may also prescribe fees for examination of Community designs.

Section 50

A registered design may also be protected by the law of copyright from the point in time, where the design was created or established in a given form.

Section 51

(1) Where a design has passed to another, a license has been granted, a design has been mortgaged, execution has been levied on the design, or the registered owner of the design has been subject to insolvency proceedings, this shall on request be entered in the design register. The same shall be to the entry of the name of the creator of a design and rights pursuant to Section 31(2).

(2) A request for entry, amendment, or deletion of information in the design register pursuant to subsection 1 shall be accompanied by the necessary documentation. For the request the prescribed fee shall be paid.

(3) For a registration including more than one design, cf. Section 15, the passing of a design right to another person may only be entered in the register provided the passing includes all designs.

(4) Proceedings relating to a design may always be instituted against the person entered into the register as the owner of the design, and notifications from the Patent and Trademark Office may be submitted to the registered owner.

Section 52

(1) The Patent and Trademark Office may on request undertake the solution of specific tasks relating to designs and design rights.

(2) The Open Administration Act shall, except for Section 4(2), not apply to the tasks mentioned in subsection 1.

(3) The Minister for Trade and Industry shall lay down the rules for this service and the payment therefor.

Chapter X International Design Registration

Section 53

An "international design registration" shall mean a registration pursuant to the amendment to the Hague Agreement for international registration of designs adopted in Geneva on 2 July 1999 (The Geneva Agreement).

Section 54

An international design registration with validity in Denmark shall have the same legal effect, as was the design registered in this country.

Section 55

An international design application shall be filed with the Patent and Trademark Office or the International Bureau. The international design application may be filed with the Patent and Trademark Office by Danish citizens as well as natural or legal persons residing in Denmark, or being owners of a regular industrial or commercial enterprise in Denmark.

Section 56

On filing an international design application, priority may be claimed from a country party to the Paris Convention or member of the World Trade Organization (WTO).

Section 57

Within the time-limit laid down in the Geneva Agreement, The Patent and Trademark Office may notify the International Bureau that the validity of the design in Denmark is completely or partially rejected, where the design fails to comply with the conditions of registration pursuant to this Act.

Section 58

The rules laid down in the Geneva Agreement shall apply to the renewal of an international design registration.

Section 59

The Minister for Trade and Industry shall lay down rules for implementation of the provisions of this chapter. Special rules may also be laid down as to publication of internationally registered designs. The Minister for Trade and Industry may, moreover, prescribe fees for the examination of cases in connection therewith.

Chapter XI Provisions as to Entry into Force and Transitional Provisions

Section 60

(1) This Act shall enter into force on 1 October 2001. The Minister for Trade and Industry shall, however, fix the effective date for Chapter 10.

(2) The Consolidate Designs Act no. 251 of 17 April 1989, shall be repealed, cf., however, subsection 3.

(3) The Act shall apply to designs registered and design applications filed after the entry into force of this Act. For designs registered and design applications filed prior to the entry into force of this Act, the provisions of the legislation hitherto in force shall continue to apply.

(4) Any person who prior to the entry into force of this Act pursuant to Section 6 of the Consolidate Designs Act, no. 251 of 17 April 1989, was exploiting a design for commercial purpose in this country, or has taken substantial steps for that purpose, may continue such exploitation.

Section 61

This Act shall not apply to the Faroe Islands and Greenland, but may by Royal Ordinance, be put into force for the Faroe Islands and Greenland with the deviations deemed appropriate considering the special conditions of the Faroe Islands and Greenland.