

LIECHTENSTEIN

Industrial Designs Regulations

promulgated by the law of June 15, 1964

ENTRY INTO FORCE: June 25, 1965

TABLE OF CONTENTS

I. Application for Registration

Article 1

Article 2

Article 3

Article 4

Article 5

Article 6

Article 7

Article 8

Article 9

Article 10

Article 11

Article 12

II. Alterations

Article 13

III. Registration

Article 14

Article 15

Article 16

Article 17

Article 18

Article 19

Article 20

Article 21

Article 22

Article 23

Article 24

Article 25

Article 26

IV. Miscellaneous

Article 27

Article 28

Article 29

Article 30

Article 31

I. Application for Registration

Article 1

The author of new industrial designs and models or his legal successors who wish to secure exclusive rights to the use of same must submit the following files and objects to the Liechtenstein intellectual property office (referred to hereinafter as the "Office"):

1. an application with a bordereau on a printed, official form, in duplicate;
2. one sample each of the designs and models in question;
3. the fee for the first period of protection as laid down in the regulations;
4. in the case of a representative who is a third party domiciled in Liechtenstein, a power of attorney granted by the registering party and provided with his signature;
5. in an instance when the registration is not requested in favour of the author, a declaration concerning legal succession;
6. for designs and models which are to be published in the form of illustrations (Article 4), two letterpress blocks each.

Article 2

- 1) Applications for registration must be drawn up in the German language; the applicants must use for this purpose printed forms which they or their representatives can obtain free of charge from the Office.
- 2) Each design or model must be provided with its reference number (the same number as entered in the applicant's business records). The designs and models must be entered on the bordereau in consecutive sequence. In the case of consecutive numbers, only the lower and the highest numbers of the string of numbers is to be given, with the word "up to" or an equivalent sign.
- 3) All documents relating to a registration must be signed; those which are not originals drawn up in the German language must be accompanied by their certified translations into the language of the application. Declarations concerning legal successors must be either provided with the author's verified signature or prepared by a competent authority or a notary public.
- 4) Applications for a registration from abroad must be handed in through a third party who is a person domiciled in Liechtenstein and authorized by the applicants to represent them.

Article 3

- 1) Designs or models must be registered either in the form of industrial

products for which they are intended or in another form adequately representing them (e.g. a drawing or a photograph).

2) No explanatory notes may accompany either the designs or the models.

3) Letterpress blocks of those designs and models which are to be published in illustrations must represent them faithfully. The blocks must be at least 15 mm high and no wider than 80 mm; they must be sent without a frame.

Article 4

1) Design and model protection extends over a maximum time of 15 years. This period is calculated in five-year periods, the first of which commences with the registration date, followed by the next ones uninterrupted.

2) Designs and models can be lodged for the first period of protection either open or as a secret (in an open or a sealed envelope).

3) Designs of an embroidery must also remain lodged as secrets during the second and third period of protection.

4) Models relating to pocket watches which are not exclusively decorations are excluded from filing as secrets. They must be published in illustrated form.

Article 5

1) Designs or models can be registered individually or in blocks.

2) They must be submitted to the Office in strong packing; if they are sent by post, the envelope containing them must be enclosed within a wrapping with the address of the Office inscribed on it.

3) Envelopes of secret registrations must be provided with the inscription "Secret" or "Sealed" ["Geheim" or "Versiegelt"] and must be actually sealed or secured against unauthorized opening in some other way. The Office itself is authorized to rectify such deficiencies.

4) The contents of parcels must be arranged in accordance with the information contained on the bordereau.

5) Parcels must not weigh more than 10 kg and not be larger than 40 cm in any of the three main directions; if the nature of the object allows it, the parcel must be in one of the following basic shapes and the depth must not be out of proportion:

15 by 20 or 20 by 30 or 30 by 40 cm.

6) The number of designs or models allowed within one parcel is only limited by the maximum weight and dimensions indicated above.

7) Individual designs or individual models weighing more than 10 kg or the envelope of which exceeds 40 cm in one of the main directions, will not be accepted or will only be accepted after special terms are agreed with regard to the payment of storage fees. The decision on this matter made by the Office is final.

Article 6

1) One and the same registration must not include designs and models at the same time. Similarly, a registration concerning embroidery must not contain any other designs and a registration relating to pocket watch models must not contain any other models.

2) It must be stated in the application whether the registration concerns designs or models; their quantity must be stated; the products for which the designs or models are intended must also be correctly stated.

Article 7

The fees for the registration of designs and models are stipulated by special ordinance.

Article 8

1) Applications for renewing the period of protection for a registration or a part of same must be submitted to the Office in writing together with receipt for payment of a fee.

2) It must also contain the official number of the registration and, if the renewal is not applied for the complete contents of a parcel, it must contain the numbers, clearly written, of the designs or models to be protected, and must be worded unambiguously.

3) The Office is not under obligation to accept an application for extending protection for the next period before the end of the preceding period if the registration during that period is secret.

4) In the case of a representative handling these matters, the application for renewal must be submitted by the representative.

Article 9

1) A waiver of protection for a registration or a part of same intended to be introduced within a period of protection must be submitted to the Office in writing.

2) Such a notification must state the official number of the registration; if the waiver concerns only a part of the registration, the numbers of the designs or models concerned must also be stated in clear writing.

3) In the case of a representative handling these matters, the waiver

must be submitted by the representative.

Article 10

An application for changing the registration of a trade mark which is secret into an open one must be submitted to the Office in writing together with evidence of the fee having been paid; if these matters are handled by a representative, this must be done by him.

Article 11

1) The Office shall regard the date of posting as the date of receipt for all internal postal items addressed to the Office.

2) This date shall be determined either by means of a written certificate of the posting date given to the sender for registered items on request or from the date stamped by the post office on all postal items which arrive without a written certificate indicating the date of posting.

3) If the time is not visible on the postmark of the post office from which it was sent, the item shall be regarded as sent at 8 p.m., of the day indicated by the date stamp even if it was in fact received earlier by the post office.

4) If the fee is paid by transfer or cash to the postal account of the cash office of the Land, the fee shall be regarded as paid on the date shown as the posting date on the transfer of payment slip issued by the postal cheque office through which the transfer or payment was made. If no such slip is available, the payment date shall be regarded as the date on the date stamp from the above-mentioned postal cheque office; the stipulations of Para. 3 apply accordingly.

5) If, in an exceptional case, a postal cheque is sent direct to the cash office of the Land, the date of receipt shall be the date on which it is posted to the cash office of the Land.

Article 12

1) In calculating a fixed period, the day on which the event starting the fixed period occurs is not included.

2) When a fixed period is stipulated by ordinance, its dispatch/communication shall be regarded as an event within the meaning of Para. 1.; the despatch date shall be deemed to be the date of the order, unless proven otherwise.

3) If the last day of a fixed period is a Saturday or a Sunday or any other day on which the Office is closed or a day which is a recognized national holiday at the Liechtenstein place of residence of the applicant or his representative, the fixed period shall end on the following working

day.

4) In a leap-year, the 29th February is regarded as the 28th of February and the 29th of February as the 28th in normal years. If a fixed period calculated in months ends in normal years on the 28th of February, it shall end in a leap-year on the 29th.

II. Alterations

Article 13

1) The right of the registering party passes to its heirs and can be wholly or partly assigned to third parties. The right by which other persons are authorized to use designs and models can also form the subject of granting licences.

2) Alterations relating to the ownership and enjoyment of this right are only effective vis-a-vis bona fide third parties when they are entered in the designs and models register.

3) Applications for registering alterations to ownership and enjoyment of this right must be submitted to the Office. Such an application must be accompanied by an authentic declaration on a permanent registration. This document must be either provided with an authenticated signature of the registering party, or be prepared by a competent authority or a notary public.

4) Alterations relating to the person of a representative must be communicated in writing to the Office if the latter is to take account of them.

5) A fee must be paid in advance for each entry changing the rights in a design or model registration. If a registration application is rejected, part of the registration fee shall be forfeited to the State. The entry shall be published.

III. Registration

Article 14

1) Applications for registration shall be accepted when the requests comply with the conditions stated in Para. 1 to 3 and Paragraphs 4, 5 or 6 of Article 1 are also fulfilled, if necessary.

2) Those requests which fail to meet the requirements of the various stipulations contained in Articles 2 to 7 or contain objects or illustrated representations which are not designs or models within the meaning of the Law or which contravene the stipulations contained in other national Laws or State treaties or which are of an offensive character shall be rejected. Any requests, which cannot be sorted out because of their character shall be rejected forthwith while those which can be sorted out shall only be rejected if objections concerning deficiencies sent by the Office are not responded to at all or are responded to inadequately within a reasonable time allowed. The periods of grace for supplementing inadequate information must not extend beyond the fourth month from the date on which the registration application is submitted.

3) These stipulations must also be appropriately applied when changing secret registrations into open ones, particularly when a secret registration filed before 1 August 1956 contains designs for cotton printing or for silk and half-silk cloth printing (provided it is not Jacquard cloth). No alterations of substance may be introduced to the registered objects on this occasion; replacing them by others is not allowed either.

4) According to the stipulations in Article 8, applications for extending protection must be submitted within three months from the end of the preceding period of protection. In the case of complaints concerning registrations following removal of a seal from an envelope on such an occasion, the regulation period of grace must not extend into the fourth month and, in the case of restoration (Article 11 of the Law), not into the seventh month of the new period of protection.

5) In the case of complaints concerning registrations and relating to the removal of envelope seals in conjunction with applications made as in Article 10, the regulation period is one month.

6) If a registration is rejected, the fee paid for the first period of protection shall be forfeited.

7) If a registration application or a registration or an application for renewal of protection is rejected due to the lapse of a regulatory time limit prescribed only by an administrative order or by the Office, the rejection can be cancelled on the following condition:

Within one month from the date on which rejection is notified,
a) the action which should have been attended to during the period of omission must be made good;
b) a restoration fee must be paid to the Office.

Article 15

1) The registration date is, as a rule, the day and time on which the registration application is received. If temporary return of designs and models is ordered, the registration date must be put forward to the date and time when they are again received.

2) If a declaration documenting legal succession of the registering party is received during the period between receipt of the registration application and its registration at the Office, this will move the registration date forward by an appropriate length of time. Declarations of this nature received by the Office after the registration has been registered are subject to the payment of a fee which must be enclosed in the registration file (Article 18), clearly marked with the registration date. The relevant facts must also be entered in the register.

Article 16

Entries and publications related to the registration shall be worded in the German language.

Article 17

1) The Office keeps a register containing the following details:

1. reference number of the registration;
2. date of registration (day and time);
3. the amount paid by way of fee for the various periods of protection and the date of payment;
4. the date on which the registration certificate was issued;
5. the date of the first registration abroad, if any, or that on which the respective production was admitted to a Liechtenstein or an international exhibition;
6. date of publication;
7. name of the registering party and his place of residence;
8. representative's name and his place of residence, if applicable;
9. the subject of the registration (whether designs or models);
10. the products for which the designs or models are intended;
11. the type of registration (open or secret), possibly the date of sealing, if applicable;
12. renewal of protection;

13. alterations notified in accordance with Article 13;
14. legally valid decisions on forfeiture and invalidation (on demand from the successful party);
15. cancellation.

2) Entering the numbers of the registered designs or models and the numbers of those for which protection has been waived (Article 9) or of those for which protection has been extended is not obligatory; if this is not done, the relevant details available in the registration file (Article 18) must be regarded just the same as an integral part of the registration entries.

3) An alphabetical name index of the registering party giving the ordinal numbers of their registration is updated on a day-to-day basis.

Article 18

A special file marked with the appropriate ordinal number must be opened for each registration.

Article 19

1) Once a registration has been entered, the Office certifies the act of registration by stamping, signing and entering the date and time of the registration.

2) Extracts from the register shall be sent to the proprietors as proof of protection having been extended.

Article 20

1) Registrations are published by the Office. This publication contains the following details: Subject and type of registration, description of the products for which the designs and models are intended, date and ordinal number of the registration, name and place of domicile of the registering parties and any of their representatives.

2) Furthermore, models relating to pocket watches which are not exclusively concerning decorations are published in illustrated form.

3) All protection renewals, seal removals required according to Article 10 and alterations to the ownership and enjoyment of the right of the registering parties, mentioned in Article 13, shall also be published. Cancellation of a registration due to the fees for extending the period of protection not having been paid within due time shall be published only at the end of the period of grace allowed for reinstatement if no action is taken in the interim (Article 11, Para. 2 of the Law).

Article 21

1) If no application for extending protection is received at the end of the first or the second period of protection, the Office shall send to the proprietor of the registration in question, or through the mediation of a representative as the case may be, a reminder with a note that he shall lose his rights unless the fee (Article 7) is paid within three months from the date of expiry.

2) The registration shall expire on account of non-payment of the fee within the above time even if the issue of such a reminder were to be overlooked by the Office or if the proprietor were not to receive it at all or not in time.

3) If the payment of the fee is not forthcoming, the Office shall register cancellation and inform the proprietor accordingly.

Article 22

1) To restore a forfeited registration due to late payment of the fee for continued protection of the cancelled registration, a reinstatement fee is payable to the Office, in addition to the protection renewal fee which is due.

2) The restoration time limit is deemed as being kept to only when the full amount of the protection renewal fee and of the restoration fee is paid to the Office within that time limit.

Article 23

1) The Office shall subsequently affix seals to sealed envelopes which were temporarily opened following a request from the proprietor of a given registration or on the strength of a judicial order. While seals are temporarily removed, such envelopes are regarded as sealed to third parties. Seals shall not be removed from sealed envelopes of cancelled registrations by virtue of the Office.

2) Sealed envelopes, the full or part contents of which are to have their protection extended, shall have their seal removed only when the fee for the following period of protection, and also the restoration fee, if necessary, have been paid. Seals shall then not be removed from envelopes containing embroidery designs either. When protection is to be extended only to a part of the contents of a registration filed in a sealed envelope, the envelope is regarded as not unsealed in respect of the remaining part of its contents.

3) If the opening of a sealed envelope reveals irregularities concerning those designs or models, the protection of which, or of some of them, is to be extended, proceed as in Article 14.

Article 24

- 1) The proprietor of a registration can waive its protection at any time.
- 2) If protection for a registration has lapsed, its designs or models can be withdrawn at any time. Designs or models which are not withdrawn shall be kept by the Office for three years from the date on which protection ceases; the registration shall subsequently be sent back to its proprietor or his representative; in special cases, the Office can dispose of it in other ways with the Government's approval.

Article 25

- 1) Any person who can prove a legitimate interest can obtain verbal information from the Office on the contents of the designs and models register and the files. Open designs and models registered can also be inspected in the presence of an official. A fee is payable for such services.
- 2) A fee is payable for written information, particularly when such registers have to be searched to produce it; such a fee depends on the time needed to produce the required information.
- 3) A fee is also payable for register extracts and authentication of file documents.

Article 26

Authorities which, for the purpose of exercising their judicial functions, require files or registrations to be sent to them, must assert in their appropriate request the capacity in which they act, and take responsibility for returning them in good order.

IV. Miscellaneous

Article 27

1) With the approval of the Government, the latter can break his connections to professional representatives whose manner of handling matters vis-a-vis the Office gives rise to serious complaints, by not accepting any new registrations from them.

2) As a rule, first interruption of connections lasts one month and, if repeated, for a longer time, possibly for ever.

3) Disciplinary measures taken against the representative are recorded by the Office, stating the grounds and are published in Liechtenstein publications without explaining the reasons.

Article 28

The Office is authorized to correspond on the subject of the designs and models lodged and their registration.

Article 29

Letters and other items sent to the Office must be provided with the correct postage.

Article 30

Stipulations of this enforcement decree does not apply to industrial registrations of industrial designs or models.

Article 31

This enforcement decree comes into force on the date of its publication.