

**SWEDEN**

**Design Regulation**

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## **Section 1 Application for Registration and Diary**

Applications for registration of a design shall be filed with the Patent and Registration Office (the Registration Authority).

## **Section 2**

An application for the registration of a design shall consist of a document in writing (application document) with annexes.

The application document shall be signed by the applicant or his representative and contain:

1. the name, domicile and address of the applicant and, where the applicant has a representative, the name, domicile and address of the representative;
2. the name and the address of the creator of the design;
3. an indication of the product or the products in which the design is intended to be incorporated or be applied to, and about the class under the Locarno Agreement of October 8, 1968, Establishing an International Classification for Industrial Designs to which the product, according to the applicant, shall be assigned;
4. if the registration is applied for jointly by several persons, an indication whether one of them is authorized to receive, for all of them, communications from the Registration Authority;
5. an indication of whether priority is claimed under to Article 8 of the Design Protection Act (1970:485) as well as an indication about where and when the earlier application was filed;
6. an indication of whether the applicant requests that the document showing the design shall be kept secret;
7. an indication about how many periods of five years the application relates to, in case the applicant, under Article 24 of the Design Protection Act, applies for registration for several periods of five years;
8. an indication about the annexes that accompany the application.

As annexes to the application shall be attached

- a) pictorial material showing the design;
- b) where the applicant has a representative, a power of attorney for the representative;
- c) if the design has been created by a person other than the applicant, a document proving the applicant's entitlement to the design.

Application fees and additional fees as indicated in Section 29 shall

be paid together with the application.

### **Section 3**

Any application document and annexes shall be in the Swedish, Danish or Norwegian language. The Registration Authority may, however, in particular cases decide that the indication of products shall be in Swedish.

If a document is filed in a language other than what is prescribed in the first paragraph, first sentence, a translation shall be filed if the Registration Authority so requests.

### **Section 4**

Pictorial material showing the design shall be filed in the number of copies decided by the Registration Authority and in a format not exceeding A 4 (21 times 29,7 centimetres). If the format is a smaller one than A 4, one copy shall be fixed on a white paper in format A 4. The pictorial material shall be suitable for reproduction in black and white in another format.

If the applicant files a model of the design, it shall be made of durable material and must not exceed 40 centimetres in any direction or weigh more than 4 kilograms. Objects that are liable to become putrid or are dangerous must not be filed as models.

If an application relates to several designs, distinct pictorial material shall be filed for each design. In the case of such an application, pictures and, where applicable, models shall be clearly marked with subsequent numbers.

### **Section 5 (Repealed)**

### **Section 6**

The Registration Authority keeps a diary of applications received for the registration of designs. The diary is open to the public.

In the diary is recorded, in respect of each application:

1. the filing date and the number in the diary;
2. the date on which pictorial material or a model showing the design was first filed, where this date is not the same as the filing date;
3. the product in which the design is intended to be incorporated or be

applied to, and the class to which the design shall, according to the applicant, belong;

4. the name, domicile and address of the applicant;

5. if the applicant has a representative, the name, domicile and address of the representative;

6. the name and address of the designer;

7. if priority is claimed, an indication of where the earlier application was filed, the date of that application, and the number of the application;

8. an indication of the expiry date for the requested protection term;

9. whether the applicant has requested that a document showing the design shall be kept secret;

10. models that have been filed, communications that have been received and fees that have been paid in the case;

11. decisions taken in the case;

12. postponements that have been decided under Section 28f in an opposition procedure.

## **Section 7**

Where a communication has been made to the effect that a registered design has been transferred to another person, he may be recorded in the diary as the applicant only where the transfer of the right has been proved.

## **Sections 8-11 (Repealed)**

## **Section 12 Division**

If an application comprises several designs, the applicant may divide the application into several applications which shall be considered as having been made at the same time as the initial application.

## **Section 13**

In the course of the examination under Article 14 of the Design Protection Act (1970:485) the Registration Authority shall take into consideration everything that has come to the knowledge of the Authority.

The examination under Article 14 of the Design Protection Act concerning whether there is an obstacle to registration shall be conducted to the extent called for by the contents of the design and to the extent than can be carried out without a substantial delay in the examination of the application.

## **Sections 14-19 (Repealed)**

## **Section 20**

The Register referred to in Article 18 of the Design Protection Act (1970:485)—the Design Register—is kept by the Registration Authority.

The Design Register and the diary referred to in Section 6 are kept by means of automatic data processing.

The Registers shall be kept at the Registration Authority.

## **Section 21**

When a design is entered into the Design Register, it shall be given a registration number. In the case of a joint registration, all the designs shall be given a joint registration number. The holder of the design shall be presented a certificate of the registration.

The Register shall contain:

1. the diary number of the application and the registration number of the design;
2. the name, domicile and address of the design holder and, where the holder has a representative, the name, domicile and address of the representative;
3. the name and address of the designer;
4. an indication of the products in which the design is intended to be incorporated or applied to and about the class to which it has been assigned;
5. an indication of the date
  - a) when the application for registration was filed or, according to Article 13, first paragraph, of the Design Protection Act (1970:485) shall be considered to have been filed
  - b) when a document showing the design has been made publicly available
  - c) when the design was registered and was published;
6. an indication of the expiry date for the registration;
7. an indication of priority claimed with an indication of where the application from which priority is claimed was filed, the date for that application and the number of the application;
8. pictorial material showing the design;
9. an indication of whether a model has been filed.

## **Sections 22-23 (Repealed)**

#### **Section 24**

If someone has given notice to the Registration Authority that he intends to file an action for the revocation of a design registration or for a transfer of a registration, this fact shall be recorded in the Register.

When a copy of a judgement or a final decision has been transmitted to the Registration Authority according to Article 44 of the Design Protection Act (1970:485) this fact shall be recorded in the Register. When the judgement or the decision has taken legal force, such an entry shall be recorded in the Register that the essential contents of the case can be obtained from the Register.

#### **Section 25**

An entry according to Article 27 of the Design Protection Act shall indicate the name, domicile and address of the right-owner and the date for the transfer or the license. As regards a license, an entry shall, upon request, also be made concerning whether the right of the design holder to grant further licenses has been limited.

If it can not be immediately decided whether an entry shall be made, it shall nevertheless be noted in the Register that an entry has been requested.

Where the right in a design has been seized, sequestered or kept for securing payment of a debt, this fact shall, following a request to this effect, be recorded in the Register.

A notice of the change of a representative shall be recorded in the Register.

#### **Section 26**

Where the design holder indicates, under Article 33, first paragraph, of the Design Protection Act that he renounces from the design right and a license is recorded in the Register, the licensee shall be informed and sufficient time be given to him to take care of his interests in the case, before the design is removed from the Register.

#### **Section 27**

The publication of a notice about the renewal shall contain an indication about the registration number for the design, the first and the last date of the renewal period and about the name and address of the holder of the design.

## **Section 28**

When a registration has ceased to be valid, the Authority shall remove the design from the Register.

The Authority shall publish a notice when a design has been removed from the Register or when a registration has, through a judgement having legal force, been transferred to another person.

### **Section 28a Publication of Notice of Registration**

A notice of registration under Article 18, first paragraph, of the Design Registration Act (1970:485) shall contain:

1. the diary number and the registration number of the application;
2. the name and the address of the design holder and, if the holder has a representative, the name, domicile and address of the representative;
3. the name and address of the designer;
4. an indication of the product in which the design is intended to be incorporated or applied to, and about the class to which the design has been assigned;
5. an indication of the date when the application was filed or, according to Article 13, first paragraph, of the Design Protection Act (1970:485), shall be considered to have been filed;
6. an indication of the priority requested and of where the earlier application to which reference has been made, was filed, the date for that application and the number of the application;
7. pictorial material showing the design;
8. an indication of whether a model has been filed;
9. an indication of whether the pictorial model was in colour;
10. an indication of the last date of the validity of the registration.

### **Section 28b Opposition Proceedings**

Any opposition against a registration, as well as later submissions from the applicant or the opponent, shall, together with any annexes, be filed in three copies with the Registration Authority.

When an opposition is filed, it shall indicate the facts on which it is based.

### **Section 28c**

If the opponent is represented by a representative, also a power of attorney shall be filed.



**Section 28d**

The design holder shall receive copies of all documents filed by an opponent.

If the design holder files observations relating to the opposition, the Registration Authority shall decide whether further exchange of communications is necessary in the case.

**Section 28e**

If a communication of relevance for the examination by the Registration Authority is filed in the course of the examination of the application for registration, the applicant shall be informed about this fact. If anyone has filed such a communication before the registration has been published, the Registration Authority shall, where the matter does not concern the entitlement to the design, inform him about the possibility to file an opposition.

**Section 28f**

If an opposition filed is based on Article 4, item 3 of the Design Protection Act (1970:485) the Registration Authority may postpone the examination of the opposition case until the design with the earlier application or priority date is made publicly available.

**Section 28g**

The decision by the Registration Authority in an opposition procedure shall be published. If the decision implies that the registration is partly revoked, the design in the new form shall be clear from the publication.

**Section 29**

The following fees shall be paid in respect of applications for registration of designs.

Application fee according to Article 48 of the Design Protection Act (1970:485) for the first period of five years 1,500 SEK

Application fee for every period of five years beyond the first one, where the registration relates to registration for several periods of five years 2,200 SEK

Additional fee according to Article 48 of the Design Protection Act:

a) class fee for each class to which the design is assigned, beyond the first one 500 SEK

b) joint registration fee for each design beyond the first one 1,000

SEK

c) storage fee for each model 500 SEK

d) publication fee for each picture beyond the first one 200 SEK

Reinstatement fee according to Article 14, fourth paragraph of the Design Protection Act 500 SEK

An additional fee shall, except as regards the publication fee, be paid also for each period of five years beyond the first one.

### **Section 30**

The following fees shall be paid in respect of matters relating to registered designs.

Renewal fee according to Article 48 of the Design Protection Act (1970:485)

a) the first time 1,400 SEK

b) the second time 1,900 SEK

Additional fee according to the same Article in respect of an application for renewal

a) class fee, for each class to which the design is assigned, beyond the first one 200 SEK

b) joint registration fee, for each design beyond the first one 800 SEK

c) storage fee, for each model 100 SEK

d) where the renewal fee is paid after the expiry of a current registration period 200 SEK

Application for recordal

of any owner 100 SEK

of a license 100 SEK

### **Section 31**

A fee which has not been paid in time or where an insufficient amount has been paid so that the payment can not be accepted, shall be paid back.

### **Section 32**

Designs shall be assigned to classes according to the Locarno Agreement of October 8, 1968, establishing an International Classification for Industrial Designs. The classification shall be available at the Registration Authority.

### **Section 33**

Publication of notices in design registration matters shall be effected in a Gazette issued by the Registration Authority.

**Section 34**

Any model that has been filed with the Registration Authority according to Article 10, third paragraph, of the Design Protection Act (1970:485) shall be kept at the Registration Authority until five years have elapsed from the expiry of the registration. If the design holder has not, at the time of the expiry of the five year period, requested the model to be returned, the Registration Authority may destroy it.

**Section 35 (Repealed)****Section 36**

Any action based on any of the provisions in Article 4, items 1 or 2 of the Design Protection Act (1970:485) shall be brought by the public prosecutor.

**Section 37**

When a judgement or a final decision in cases referred to in Articles 16, 31 to 32, 35 to 38 or 41 of the Design Protection Act (1960:485) has taken legal force, the Court shall, as soon as possible inform the Registration Authority.

**Section 38**

The Registration Authority may issue further provisions concerning applications for registration, and the examination procedures relating to them, concerning cases relating to registered designs, concerning the Design Register and concerning the publication of notices in cases relating to the registration of designs.

### **Additional Notes**

1. This Regulation enters into force on July 1, 2002.
2. The new provisions shall, subject to what is prescribed below, apply also to designs which are registered at the time of the entry into force or which are registered on the basis of applications which have been filed before that point in time.
3. The provisions previously in force shall apply to applications for registration which have been filed before October 28, 2001.