

Pakistan - New Rules for Design Registrations

The Federal Government repealed the Patents & Design Rules, 1933 and notified the new Registered Designs Rules, 2023 published in the Official Gazette Part-II on March 11, 2023 which came into force from the same date and have recently come to our hands due to delay in issuance of the Official Gazette.

The salient features of the new Designs Rules under the Registered Designs Ordinance, 2000 are as under:

- **Fees:** Fees for all matters pertaining to designs have been increased.
- **New Forms:** The forms prescribed under the old rules have been revised. Consequently, in all cases in which any form has been filed on or after March 11, 2023 and the matter is still pending it is to be replaced with the corresponding new form and also to pay deficit fee.
- **New Classification:** The previous 12 classification of articles has been replaced with a new classification system comprising of 32 classes of articles which classes are mostly aligned with the prevailing International Designs Classification though with some amendments.
- **Excluded Designs:** A list of designs that are excluded from protection such as painting, sculpture, diagram, map, chart, plans, engraving and photograph, whether or not any such work possesses artistic quality; an architectural work of art, artistic craftsmanship, trademark or trade dress are also excluded.
- **Representations:** Representation of design can be furnished in various forms such as drawings, photographs, three-dimensional models or any combination thereof and including any other visual representation of design either in color or in black and white.
- **Timeframe for Examination Report Response:** Applicants have two months from the date of issuance of an examination report to respond. This period can be extended for up to six months, subject to the payment of a prescribed fee.
- **Design Registration Certificate:** To obtain a design registration certificate, applicants must submit a request subsequent to examination with the prescribed fee.

- **Publication of Registered Designs:** After registration and issuance of the registration certificate, a suitable representation of the registered design will be published in the Patents' Journal, along with other relevant details.
- **Restoration of Lapsed Designs:** If a design registration lapses due to non-compliance, restoration is possible within six months by filing extension request along with the prescribed late fee.
- **Surrender of Design Registration:** To surrender the registration of a design, a declaration must be filed with the Registrar.
- **Right to Oppose Cancellation:** The registered proprietor has the right to oppose cancellation of a design within one month of receiving the notice. This can be done by submitting a counter-statement to the Registrar, clearly stating the grounds of opposition. Additionally, with the Registrar's permission, either party may submit evidence in support of its case before the final decision is made.
- **E-Filing:** The new Rules provide options for e-filing whenever the portal is ready to accept online design applications.

