

# Filing a design application in Australia



## Filing requirements

1. Name and address(es) of applicant(s)
2. Name of designer(s).
3. A copy of the design representations, either as drawings or photographs.
4. Name of the product the design is applied to.
5. Information about the applicant's entitlement to the design, for example by assignment or as employer.
6. We also recommend that a statement of newness and distinctiveness is filed. The statement will identify the feature(s) of the design that are new and distinctive. We can prepare this for you.

## Additional requirements for convention applications

1. Details of the filing date and country in which the priority-forming application(s) was/were filed. Full name and street address of the basic applicant(s) in respect of the priority-forming application(s).
2. Details of the assignment from the basic applicant(s) to the Australian applicant(s), if the Australian applicant(s) is/are not the basic applicant(s).

## Next steps

After the design application is filed, IP Australia will check the application for formalities.

If IP Australia raises any formality objections, we will have 2 months to reply.

Once all formalities are satisfied, IP Australia registers the design and issues a certificate of registration. The design will then be advertised in the IP Australia journal and the design drawings made publicly available on IP Australia's on-line design database.

## Terms of protection

An Australian registered design lasts 10 years from the Australian filing date.

One renewal fee is due at the end of the 5<sup>th</sup> year.

## Enforcement of registered designs

You cannot enforce a design registration until it has undergone post-registration substantive examination and certification. That requires payment of an examination fee. The examiner will do a search to determine whether the design is new and distinctive.

Talk to AJ Park for the best advice about registering a design in Australia.