

(5) the term “effective registration date” means the date of international registration determined by the International Bureau under the treaty;

(6) the term “international design application” means an application for international registration; and

(7) the term “international registration” means the international registration of an industrial design filed under the treaty.

(b) RULE OF CONSTRUCTION.—Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

(Added Pub. L. 112-211, title I, §101(a), Dec. 18, 2012, 126 Stat. 1527.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the later of the date that is 1 year after Dec. 18, 2012, or the date that the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs enters into force with respect to the United States (May 13, 2015), and applicable only to certain applications filed on and after that effective date and patents issuing thereon, see section 103 of Pub. L. 112-211, set out as an Effective Date of 2012 Amendment note under section 100 of this title.

§ 382. Filing international design applications

(a) IN GENERAL.—Any person who is a national of the United States, or has a domicile, a habitual residence, or a real and effective industrial or commercial establishment in the United States, may file an international design application by submitting to the Patent and Trademark Office an application in such form, together with such fees, as may be prescribed by the Director.

(b) REQUIRED ACTION.—The Patent and Trademark Office shall perform all acts connected with the discharge of its duties under the treaty, including the collection of international fees and transmittal thereof to the International Bureau. Subject to chapter 17, international design applications shall be forwarded by the Patent and Trademark Office to the International Bureau, upon payment of a transmittal fee.

(c) APPLICABILITY OF CHAPTER 16.—Except as otherwise provided in this chapter, the provisions of chapter 16 shall apply.

(d) APPLICATION FILED IN ANOTHER COUNTRY.—An international design application on an industrial design made in this country shall be considered to constitute the filing of an application in a foreign country within the meaning of chapter 17 if the international design application is filed—

- (1) in a country other than the United States;
- (2) at the International Bureau; or
- (3) with an intergovernmental organization.

(Added Pub. L. 112-211, title I, §101(a), Dec. 18, 2012, 126 Stat. 1528.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the later of the date that is 1 year after Dec. 18, 2012, or the date that the Geneva Act

of the Hague Agreement Concerning the International Registration of Industrial Designs enters into force with respect to the United States (May 13, 2015), and applicable only to certain applications filed on and after that effective date and patents issuing thereon, see section 103 of Pub. L. 112-211, set out as an Effective Date of 2012 Amendment note under section 100 of this title.

§ 383. International design application

In addition to any requirements pursuant to chapter 16, the international design application shall contain—

(1) a request for international registration under the treaty;

(2) an indication of the designated Contracting Parties;

(3) data concerning the applicant as prescribed in the treaty and the Regulations;

(4) copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international design application, presented in the number and manner prescribed in the treaty and the Regulations;

(5) an indication of the product or products that constitute the industrial design or in relation to which the industrial design is to be used, as prescribed in the treaty and the Regulations;

(6) the fees prescribed in the treaty and the Regulations; and

(7) any other particulars prescribed in the Regulations.

(Added Pub. L. 112-211, title I, §101(a), Dec. 18, 2012, 126 Stat. 1528.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the later of the date that is 1 year after Dec. 18, 2012, or the date that the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs enters into force with respect to the United States (May 13, 2015), and applicable only to certain applications filed on and after that effective date and patents issuing thereon, see section 103 of Pub. L. 112-211, set out as an Effective Date of 2012 Amendment note under section 100 of this title.

§ 384. Filing date

(a) IN GENERAL.—Subject to subsection (b), the filing date of an international design application in the United States shall be the effective registration date. Notwithstanding the provisions of this part, any international design application designating the United States that otherwise meets the requirements of chapter 16 may be treated as a design application under chapter 16.

(b) REVIEW.—An applicant may request review by the Director of the filing date of the international design application in the United States. The Director may determine that the filing date of the international design application in the United States is a date other than the effective registration date. The Director may establish procedures, including the payment of a surcharge, to review the filing date under this section. Such review may result in a determination that the application has a filing date in the United States other than the effective registration date.