

renunciation, cancellation, or abandonment. However, such withdrawn, renounced, canceled, or abandoned international design application may serve as the basis for a claim of priority under subsections (a) and (b) of section 386, or under subsection (a) or (b) of section 365, if it designated a country other than the United States.

(Added Pub. L. 112-211, title I, §101(a), Dec. 18, 2012, 126 Stat. 1530.)

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.

§ 389. Examination of international design application

(a) **IN GENERAL.**—The Director shall cause an examination to be made pursuant to this title of an international design application designating the United States.

(b) **APPLICABILITY OF CHAPTER 16.**—All questions of substance and, unless otherwise required by the treaty and Regulations, procedures regarding an international design application designating the United States shall be determined as in the case of applications filed under chapter 16.

(c) **FEES.**—The Director may prescribe fees for filing international design applications, for designating the United States, and for any other processing, services, or materials relating to international design applications, and may provide for later payment of such fees, including surcharges for later submission of fees.

(d) **ISSUANCE OF PATENT.**—The Director may issue a patent based on an international design application designating the United States, in accordance with the provisions of this title. Such patent shall have the force and effect of a patent issued on an application filed under chapter 16.

(Added Pub. L. 112-211, title I, §101(a), Dec. 18, 2012, 126 Stat. 1530.)

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.

§ 390. Publication of international design application

The publication under the treaty of an international design application designating the United States shall be deemed a publication under section 122(b).

(Added Pub. L. 112-211, title I, §101(a), Dec. 18, 2012, 126 Stat. 1531.)

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.