



भारत सरकार

वाणिज्य तथा उद्योग मंत्रालय

कार्यालय महानियंत्रक एक्सब, अभिकल्प एवं व्यापार चिन्ह
बौद्धिक संपदा भवन, एस. एम. रोड, एन्टॉप हिल, मुंबई - 400 037.

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY

Office of the Controller General of Patents, Designs & Trademarks
Boudhik Sampada Bhawan, S. M. Road, Antop Hill, Mumbai - 400 037.

No. CGPDTM/0-1/2015/86

Circular No. 2/2015 Dated August 18, 2015

The Designs Act, 2000 provides for registration and protection of designs. As per Section 5 (3) of the Act, "a design may be registered in not more than one class". Section 6(1) of the Act reads as "A design may be registered in respect of any or all of the articles comprised in a prescribed class of articles".

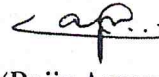
2. Under the Designs Rules 2001 made under the Act, Rule 11 (2) reads as "The application shall state the class in which the design is to be registered, and the article or articles to which the design is to be applied." The Third Schedule of the Design Rules, 2001 provides for the classification of goods in which classes and sub-classes are listed.

3. A reading of the above mentioned Sections of the Act and Rules clearly shows that one application can be made for any one or more or all of the articles comprised in a class. Thus, these articles may come under any one or more sub-classes under the same class.

4. It is thus clarified that an application under Section 5 of the Act for registration of Design can be made for any one or all the articles in that particular class, irrespective of the sub-classes therein.

5. It is further clarified, as provided for in Rule 11(3), that " If it is desired to register the same design in more than one class of article, a separate application shall be made in each class of article and the application shall contain the number or numbers of the registration or registrations already effected".

6. The above clarification is for compliance with immediate effect.


18/08/2015
(Rajiv Aggarwal)

Controller General of Patents, Designs and Trade Marks

To

All Heads of Offices.

Copy to:- O/o CGPDTM – with a request to place the above on the website and also issue a press release for public purpose.