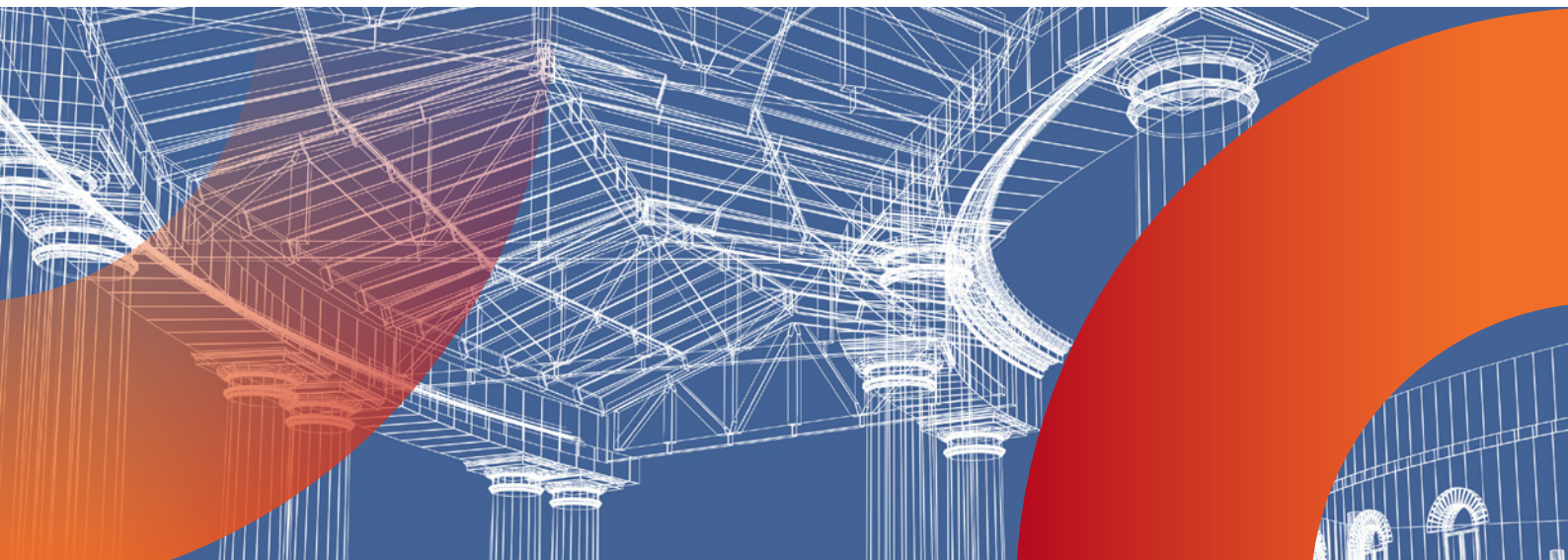


# Design Snapshot

## *Asia Pacific*



# Protecting and enforcing your designs across Asia Pacific



Spruson & Ferguson is a leading intellectual property (IP) firm providing a range of IP services throughout the Asia-Pacific region from our Bangkok, Beijing, Brisbane, Hong Kong, Jakarta, Kuala Lumpur, Manila, Melbourne, Singapore and Sydney offices.

With a combined team of over 480 people, including patent attorneys, trade mark attorneys and IP lawyers, Spruson & Ferguson is one of the only IP firms with true regional capability, knowledge and experience.

Registered designs can be a powerful tool for protection against unauthorised copying and become a valuable IP asset in a company's portfolio. We recognise the importance of registered designs and work closely with our clients to evaluate the key features of their designs and optimise the scope of a design protection.



# Designs Snapshot Summary

## Jurisdiction

	Novelty requirement	Classification system	Multiple classes allowable	Multiple design allowable	Divisional/ associated application allowable	Partial design allowable	Surface lines allowable
Australia	Worldwide	Locarno	✗	✓*9	✓	✗	✓
New Zealand	Local	Locarno	✗	✗	✗	✗	✓
Singapore	Worldwide	Locarno	✓	✓	✓	✓	✓
Malaysia	Worldwide	Locarno	✗	✓	✓	✓	✓
Cambodia	Worldwide	Locarno	✗	✗	✗	✓	✓
China	Worldwide	Locarno	✓	✓	✓	✓	✗
Hong Kong	Worldwide	Locarno	✓	✓	✓	✓	✓
India	Worldwide	Locarno	✗	✗	✗	✓	✗
Indonesia	Worldwide	Locarno	✗	✓*2	✗	✓	✓
Macau	Worldwide	Locarno	✗	✓	✓	✗	✓
Nepal	Local	✗	✗	✗	✗	✗	✗
Pakistan	Worldwide	Local	✓	✓*2	✗	✗	✗
Philippines	Worldwide	Locarno	✓	✓	✓	✓	✓
South Korea	Worldwide	Locarno	✗	✓	✓	✓	✗
Sri Lanka	Worldwide	Locarno	✗	✗	✗	✓	✓
Taiwan	Worldwide	Locarno	✗	✓*2	✓	✓	✗
Thailand	Worldwide	Locarno	✗	✓*2	✗	✗	✗
Vietnam	Worldwide	Locarno	✗	✓	✓	✗	✗

# Designs Snapshot Summary

## Jurisdiction

	Protection can be extended to include the colour of a design	Claiming priority to multiple priority applications allowable	GUI registrable	Dynamic GUI registrable	Substantive examination conducted	Limitation on the number of views	Term of registration	General novelty grace period
Australia	✓	✓	✓ *10	✓ *11	✓ *12	✗	A maximum term of 10 years. A single renewal fee is payable five years from filing.	12 months prior to the claimed priority date. The grace period came into effect on 10 March 2022 and only applies to applications filed on or after this date, and disclosures that occur on or after this date.
New Zealand	✓	✓	✗	✗	✓	✗	A maximum term of 15 years. Renewal fees payable on the 5th and 10th year anniversaries	*8
Singapore	✓	✓	✓	✓	✗	maximum 10 views per design	*3	12 months from the date of the disclosure to file a design application in Singapore. Applicable to disclosure made on or after 30 October 2017 only.
Malaysia	✗	✓	✓	✓	✗	✗	*4	*8
Cambodia	✓	✓	✗	✗	✗	✗	*3	*8
China	✓	✓	✓	✓	✗	✗	A maximum term of 15 years, provided that annuities are paid on a yearly basis.	*8
Hong Kong	✗	✓	✓	✓	✗	✗	*8	*8
India	✓	✗	✗	✗	✓	✗	Initial 10-year period, renewable for a further 5-year period, for a maximum term of 15 years.	*8
Indonesia	✓	✗	✓	✓	✓ *1	✗	10 year period, no renewal required.	*8
Macau	✓	✓	✓	✓	✓	✗	*4	*8

# Designs Snapshot Summary

## Jurisdiction

	Protection can be extended to include the colour of a design	Claiming priority to multiple priority applications allowable	GUI registrable	Dynamic GUI registrable	Substantive examination conducted	Limitation on the number of views	Term of registration	General novelty grace period
Nepal	✓	✓	✓	✓	✓	✗	*3	*8
Pakistan	✓	✓	✗	✗	✓	✗	initial 10-year period, renewable for up to two further 10-year periods, for a maximum term of 30 years	12 months to file the Pakistan application or, where applicable, the priority application
Philippines	✓	✓	✓	✓	✗	✗	*3	6 months to file the Philippines application if no priority claim; or 6 months to file the priority application which the Philippines application claims priority to
South Korea	✓	✓	✓	✓	✓	✗	A maximum term of 20 years, provided that annuities are paid on a yearly basis from the 3rd anniversary of the registration date	12 months to file the South Korean application
Sri Lanka	✓	✓	✓	✓	✓	✗	*3	*8
Taiwan	✓	✗	✓	✓	✓	✗	A maximum term of 15 years, provided that annuities are paid on a yearly basis	6 months from the date of the disclosure to file a design application in Taiwan
Thailand	✓	✗	✓	✗	✓	✗	A maximum term of 10 years, provided that annuities are paid on a yearly basis from the 4th anniversary of the registration date	✗
Vietnam	✓	✓	✗	✗	✓	✗	*3	*8

- \*1 The examination will only be conducted if the Indonesian design office receive any third-party objection during the publication period.
- \*2 Limited to a set of articles.
- \*3 Initial 5-year period, renewable for up to two further 5-year periods, for a maximum term of 15 years.
- \*4 Initial 5-year period, renewable for four further 5-year periods, for a maximum term of 25 years.
- \*5 There is no provision in the act for divisional applications, however the Office allows them.
- \*6 Registerable, but enforcement not yet tested in Courts.
- \*7 Only post registration and to obtain certification for enforcement.
- \*8 Limited exception to loss of novelty available.
- \*9 A separate fee is payable for each separate design in a multiple design application. The Australian Designs Office also issues a separate filing receipt, design number and subsequent design registration for each separate design. Our standard practice is thus to file separate applications for each design embodiment.
- \*10 Uncertain whether a design registration directed to a graphical user interface (GUI) would be enforceable in Australia.
- \*11 If protection is sought for a GUI sequence, this would relate to multiple appearances and accordingly require multiple design applications.
- \*12 Australian design applications are not subjected to substantive examination prior to registration. New design applications proceed directly through to registration following formalities examination. Post-registration examination is available.



— Jurisdictions with physical offices and/or direct filing  
— Other jurisdictions serviced

480<sup>+</sup>  
Employees

190<sup>+</sup>  
IP professionals

25<sup>+</sup>  
Countries

10  
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