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PRIVREMENE INSTITUCIJE SAMOUPRAVLANJA  
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT

QEVERIA E KOSOVËS / MINISTRIA E TREGTISË DHE INDUSTRIË  
VLADA KOSOVA / MINISTARSTVO TRGOVINE I INDUSTRIJE  
GOVERNMENT OF KOSOVO / MINISTRY OF TRADE AND INDUSTRY

Based on the UNMIK Regulation No. 2001/19, “*For the Executive Branch of the Provisional Institutions of Self-Government in Kosovo*” article 1 paragraph 1.3 section (d), and the Law No.02/L-45 “*On Industrial Design*”, article 61, Minister of Trade and Industry, issues this:

## **ADMINISTRATIVE DIRECTION No. 2007/12**

### **FOR PROCEDURES OF INDUSTRIAL DESIGN REGISTRATION**

#### **I. GENERAL PROVISIONS**

##### **The scope**

##### **Article 1**

This Administrative Direction, further on as the Direction, regulates the procedures for protection of the Industrial Design at the Office for Industrial Property, further on as the Office, including application, registration, objection, publication, changes on the register of industrial design, extension, cessation of validity, and other issues related to the registration of industrial design at the Office..

#### **II. APPLICATION FOR INDUSTRIAL DESIGN**

##### **Content of the application for industrial design**

##### **Article 2**

2.1 The industrial design application should contain as follows:

- a) explicit request for industrial design registration;
- b) name and surname respectively enterprise of the request submitter;
- c) address of the request submitter, street, house no., post no., place, state, phone no., fax no. or email address;
- d) nationality of the application submitter, respectively name of the state where the legal person acts;
- e) information for presentation of design in accordance with articles from 3 to 11 of this direction, respectively design sample, in accordance with article 12 of this direction;

- f) note of the product where the design should be as an integral part or in which design should be applied, noting of the product should clearly show the nature of the product so that the product can be classified in conformity with the Locarna agreement for basis in International Classification for industrial design, hereinafter as International Classification, it is preferred to use nomination of products according to the products list of International Classification;
- g) information on the authorized representative and regular authorization, when the request submitter has a representative, sections b, c and d of this article shall be applied also toward representatives;
- h) outline of the name of joint representative, when the request was a joint submission;
- i) outline of the total number of designs, when a multiple request is submitted;
- j) signature of the request submitter or joint representative, respectively signature and stamp of the representative, if the request submitter possesses it..

2.2 The industrial design application may contain:

- a) description which more clearly explains the appearance or sample of the design; the description should not include more than one hundred words for each design, should do it exclusively with those characteristics which are apparent in the appearance or sample of the design and should not contain information in regard to the innovation of the design, individual character of the design neither its technical value;
- b) request for publication postponement of the industrial design registered noting the period for which the postponement is requested;
- c) product classification, the class note where should the design be as an integral part with International Classification, or in which design it should be applied, accordingly
- d) information on designer or designers, provisions from the article 1 section b, c and d of this article are applied also for the designers;
- e) note that designer or designers do not want to be mentioned;
- f) information and evidence on advantage in accordance with the article 29 and 30 of the Law for industrial design;
- g) note that the application was created (from!) the separation of the multiple application, and the number of the first application; (cekjen se fletëparaqitja është krijuar ndarja nga aplikacioni i shumëfishtë, si dhe numri i aplikacionit të pare).

2.3 Information form the section a and b of this article shall be noted on the form for industrial design application, form which is constituent part of this direction. To the Form are added attachments as:

- a) presentation respectively design sample;
- b) formal authorization, when the request submitter has a representative;
- c) statement for nomination of joint representative, provisions form the paragraph 2.1 section b, c and d of this article also during the noting of joint representative;
- d) statement of one or some designers who do not want to be mentioned, respectively signed statement of the application submitter that the designer or designers do not want to be mentioned;
- e) evidence for advantage.

2.4 To the industrial design application is attached also the evidences for the manner of expenses compensation, in accordance with special provisions.

2.5 The Office by the request of the party will submit the exemplar, and all the other forms described in this direction..

## **Presentation of Design**

### **Article 3**

3.1 Presentation of design which is attached to the industrial design application may be graphic presentation or design picture, presented in black and white or with colors. .

3.2 Presentation of the design is done in the form, which is a constituent part of this direction. The form is A-4 format, whereas the valid space for presentation of the design should not be more than the dimension 26,2 x 17 cm, but not less than 4x4 cm. From the left side of the page the margin should be at least 2.5 cm. In the beginning of each page is noted the general number of presented designs, ordinal number and following number of the ordinal number in accordance with the article 8 paragraph 8.2 of this direction, application submitter respectively the joint representative. In the space dedicated for presentation of the design is attached or printed electronically the graphical presentation or the picture of the design.

3.3 If the presentation of the design is presented with more drawings respectively pictures, to the application are attached the necessary number of multiplied exemplars of forms, whereas at the low right part of the page is written the page number. On each exemplar of the application can be presented only one graphical presentation respectively one design picture. All pages, signs attached together make one exemplar of the application.

### **Article 4**

4.1 Graphical presentation respectively the picture should have straight angles and flat corners, should not be curved, signed nor stapled on the form. .

4.2 On design or on the design which is presented with graphical presentation or picture are not noted explanations nor legends.

4.3 On the graphical presentation respectively on the picture is presented only the design of the product without any other material, additional things, individuals or animals.

### **Article 5**

5.1 Graphical presentation of the design can be attached as original or reproduced by the original made electronically so that this exemplar has the same quality as the original. Graphical presentation of the design should be suitable for reproduction.

5.2 Graphical presentation of the design should be qualitative presentation with the assistance of the equipments for drawing or by electronic ways and that with full lines, uninterrupted, whereas the mark of the design should be seen clearly. It is preferred that the three dimensional design to be shown in perspective, such a presentation might contain shades in order to emphasize the space.

5.3 Graphical presentation is presented on white page.

5.4 Graphical presentation should not be a technical drawing by which the subject is presented in cuts or the drawing which contains separated lines or the drawing which contains drawings with lines or axis cuts.

#### **Article 6**

6.1 To the industrial design application may be attached the design picture or reproduction of this picture, made with tools or electronically. The picture and its copy should be made in that way that the drawing of the design presented to be qualitative, visible and suitable for reproduction or copy. To the design presentation should not be attached photocopy of the picture

6.2 Design is shown on a neutral and one colored base.

6.3 Attached picture cannot be re-colored, with brush, color and corrected with correcting equipment.

#### **Article 7**

7.1 When the industrial design application has to do with a design which is composed from more repeated structures, colors, same colorings, in the presentation of the design should be presented the structure itself and the part of the repeated surface.

7.2 When the application for design has to do with the design in the form of typographic letters, the presentation of the design should contain in order all small and capital letters of the alphabet and by the order of the Arab numbers from zero to nine and five lines of text written with these type of letters, all written on the size 16.

#### **Article 8**

8.1 When with one graphical presentation respectively picture cannot be shown all the characteristics of the innovation and individual character of the design, should be submitted as many presentations respectively pictures as necessary for this purpose, but not more than six design presentations in different presentations. When in additional presentation of the design the due part is not clearly seen, such part may be presented in a bigger size.

8.2 When the same design is presented with many graphical presentations respectively pictures, each presentation of the design in particular is written with a number, so that the mark contains two numbers separated with dot, where the first number indicates the ordinal number of the design, whereas the second number indicates the number of presentation, for example: 1.1, 1.2, 1.3.

#### **Article 9**

9.1 Industrial design will be registered and published in color, where together with the application of the industrial design is attached the presentation in colors, whereas when the presentation of design is made on the black and white technique then the design will be registered on the black and white technique.

9.2 In case of publication of the design and issue of the document for industrial design with colors, should be used the best technique of reproduction which the Office possesses. In case of the contest in regard to the nuances or undertones of colors on which the design has been reproduced, the design of the product is determined by taking into consideration the presentation of the design which is attached to the industrial design application.

### **Article 10**

In the procedures for registration of industrial design it is considered as a regular condition that condition in which the design is presented in the form attached to the industrial design application.

### **Article 11**

11.1 When submitted multiple application, for each design should be submitted in a specific way graphical presentation respectively special pictures.

11.2 When in the multiple application the same design presented in more graphical presentations respectively pictures, all presentations related with the same design are written with numbers, in the same way as specified in the article 8 paragraph 8.2 of this direction, i.e. 1.1, 1.2 and 1.3 for the first design, 2.1, 2.2, 2.3 for the second design..

### **Design sample**

#### **Article 12**

12.1 Presentation of the design can be complemented with sample, if the presented subject of the design is two-dimensional, whereas the presentation contains the request for postponement of publication of industrial design registration.

12.2 Presentation of industrial design and design sample are submitted to the Office at the same time.

12.3 Design sample cannot be bigger than dimension 26,2 x 17 cm, weight up to 100 grams and wide up to 5 mm, and it is submitted attached to the form.

12.4 Should not be submitted sample which can easy be damaged neither samples which are considered hazardous for deposition.

12.5 Design sample is submitted to the Office in three exemplars, whereas in case of more presentations, are submitted three exemplars of the sample for each design.

12.6 When the presentation of industrial design related to the design from the article 7 paragraph 7.1 of this direction, the design sample is considered the structure itself and the part of repeated surface.

### **Separation of multiple applications**

#### **Article 13**

13.1 When the industrial design application contains requests for registration of many designs whereas the product in which the design should be an integral part or should be applied cannot be

classified only in one class according to the International Classification, the Office will invite the party to separate the application and pay the amount of money for the expenses of procedures, in compliance with special provisions.

13.2 In the invitation form the paragraph 13.1 of this article, the Office gives to the application submitter the direction for which design it is necessary to submit new application for industrial design, respectively new application when it in question are more designs which should be classified in different classes according to the International Classification.

13.3 When multiple application submitter acts on the basis of the invitation of the Office in the foreseen timeline in the article 33 of the Law on Industrial Design, the Office issues Decision for separation of multiple application.

13.4 When multiple application submitter does not act according to the invitation of the Office, the application is refused with a decision.

### **III. THE REGISTER**

#### **Content of the register of industrial design application**

#### **Article 14**

In the register of industrial design application is registered this information:

- a) number of industrial design application, when submitted multiple application, number of each special design included in the multiple application, by noting the accurate number of designs ;
- b) date of industrial design application submission;
- c) information of application submitter, in accordance with the provision of article 2 paragraph 2.1 section b, c and d of this direction;
- d) presentation of design respectively information that to the presentation was attached the sample;
- e) noting of the product where the design should be an integral part on in which the design should be applied;
- f) number of the class and sub-class according to the International Classification;
- g) information for the authorized representative, in compliance with article 2 paragraph 2.1 section g of this direction, when the application submitter has one;
- h) information for joint representative, in compliance with article 2 paragraph 2.3 section c of this direction, when joint application was submitted;
- i) information for publication postponement noting the period of postponement, when postponement was requested ;
- j) information of advantage, when advantage was requested, date and number of first application and name of the state where the application was presented, name of exhibition, date of its opening and closure, date of the first day of product exposure which contains the design or applies the design, when it is in question for the right of exposure advantage,
- k) information regarding the advantage of the first application, when the application which is subject of the registration is created by the separation of multiple application;

- l) information of designer or designers, in compliance with article 2 paragraph 2.2. section d of this direction, respectively information for designer or designers who do not want to be mentioned, in compliance with the article 2 paragraph 2.3 section d of this direction;
- m) information that in the application is attached the description of presentation or design sample, in compliance with article 2 paragraph 2.2. section a of this direction;;
- n) information regarding the changes related with the industrial design application, noting the date, when these changes were put in the register;
- o) information for paying of taxes and compensation of procedures expenses, in accordance with special provisions.

## **Content of the register of industrial design**

### **Article 15**

In the industrial design register are registered the information as follows:

- a) number of industrial design application and number of each design separately, included in the multiple presentation;;
- b) date of submission of industrial design application;
- c) number of industrial design, date of making the decision for registration of industrial design and registration of industrial design in the register;
- d) information for the bearer of industrial design; Provision from the article 2 paragraph 2.1 section b, c and d of this direction, applied in determined manner also on the bearer of industrial design ;
- e) presentation of design respectively information that to the presentation has been attached also the sample;
- f) name of the product or part of the product in which the design is an integral part or in which design is applied;
- g) number of class and sub-class according to the International Classification;
- h) information for the authorized representative, in compliance with article 2 paragraph 2.1 section g of this direction, when the application submitter has it;
- i) date of publication of industrial design on the Bulletin of the Office;
- j) information for postponement of publication of industrial design and the date of expiration of timeline of declared suspension, when the postponement was requested;
- k) information for acceptance of the right of advantage, date and number of first application and name of state where the application was presented, name of exhibition, date of its opening and closure, date of the first day of product exposure where the design is an integral part or where the design is applied, when it is in question for the right of exposure advantage;
- l) information of designer or designers, in compliance with article 2 paragraph 2.2. section d of this direction, respectively information for designer or designers who do not want to be mentioned, in compliance with the article 2 paragraph 2.3 section d of this direction;
- m) information that in the application is attached the description of presentation or design sample, in compliance with article 2 paragraph 2.2. section a of this direction ;
- n) date until when the protection of industrial design is valid and information for extension of industrial design protection;
- o) information for changes related with the registration of industrial design, presenting the date when these changes were put in the register;
- p) information for validity cessation of industrial design, and the basis for validity cessation;
- q) information for declaring invalid the industrial design;
- r) information for the payment of taxes and compensation of procedure expenses, in accordance with special provisions.

## **IV. PUBLICATION OF INDUSTRIAL DESIGN AND GIVING OF CERTIFICATE FOR INDUSTRIAL DESIGN**

### **Publication of industrial design**

#### **Article 16**

16.1 In the Office Bulletin, is published this information for the registered industrial design:

- a) number of industrial design and date of the issue of decision for industrial design registration and registration of industrial design in the register;
- c) information for design bearer, name, surname, address and citizenship, when it is in question physical person, respectively enterprise, head quarters, when it is in question legal person;
- d) presentation of design;
- e) name of product or of the part of product where design is an integral part or in which it is applied;
- f) number of class and sub-class according to the International Classification;
- g) information for authorized representative, when industrial design bearer has it, name, surname and the address of the representative, when it is in question physical person, respectively enterprise, head quarters, when it is in question legal person;
- h) information for designer or designers, name, surname and address, except in cases when designer or designers declare they do not want to be mentioned;
- i) information for the right of the known advantage, date and number of the first application and name of state where the application has been presented, name of exhibition, date of opening and closure, first date of exposure of the product in which the design is an integral part of in which the design is applied, when it is in question for the right of exposure advantage.

16.2 When it has been requested postponement of publication, in the Office Bulletin are published the data from the paragraph 16.1 section a, b, c and g of this article, and information that the publication postponement has been requested. The presentation of design is not published neither any detail related with the appearance of the design itself. After the expiration of the publication postponement period, the industrial design is published in the Office Bulletin, which will be issued after the expiration of the postponement period.

16.3 In case of contest outspoken in the presentation of the design because of technical limitations during the publication of graphical presentation respectively the picture, the product design is determined with the source sample of the presentation of the design attached to the application of industrial design, which is accessible by any person interested. In the postponement of publication has been requested, the interested person has the right to access only on bibliographical information for the mentioned industrial design in the paragraph 16.2 of this article and has no right to access the presentation of the design neither the data for appearance of the design itself.

16.4 Information from the paragraph 16.1 of this article is written with INID codes for identification of bibliographical data for industrial design which have been established by the International Organization for Intellectual Property, herein referred as: INID codes.

16.5 The Office will repeat the publication of industrial design if in case of the first publication are verified important deficiencies in the publication.

## **Certificate of Industrial Design**

### **Content of the industrial design certificate**

#### **Article 17**

Certificate for industrial design contains:

- a) number of industrial design;
- b) title of industrial design;
- c) information for the bearer of industrial design, name, surname and dwelling place for physical persons, or enterprise and headquarters for legal persons;
- d) information for designer, name and surname;
- e) date of reception of the advantage right;
- f) date of registration of industrial design in the register for industrial design;
- g) date of industrial design publication;
- h) date of certificate issue:

### **Content of the industrial design document**

#### **Article 18**

18.1 The Document for industrial design contains the following:

- a) number of industrial design together with the date of issue of the decision for industrial design registration and registration of industrial design in the register;
- b) number of industrial design application and date of presentation;
- c) information of the industrial design bearer, name, surname, address and statehood for physical persons, respectively enterprise and headquarters for legal persons;
- d) presentation of the design;
- e) name of the product of part of the product in which the design is integral part or in which it is applied;
- f) number of class and subclass according to the International Classification;
- g) information for designer or designers, name, surname and address, except in cases when designer or designers declare they do not want to be mentioned;
- h) date of the publication of industrial design in the Office Bulletin;
- i) information for the postponement of industrial design publication, when postponement is requested.

18.2 Information from the paragraph 18.1 of this article, are written with INID codes.

18.3 When the industrial design is registered based on the multiple application, the Office issues a joint document or special document for each registered industrial design, depending on the request of the industrial design bearer.

18.4. The issued document is registered in the register for evidences.

18.5. The document contains notes that the issued document is identical with the source one, place and date of issue, number with which the document was issued, stamp and signature of the Office authorized officer.

## **V. REGISTRATION OF CHANGES IN THE REGISTER**

### **Request for registration of changes in the register**

#### **Article 19**

19.1 Changes that came after the submission of the industrial design application and the changes in the registered industrial design are registered in the register based on the decision issued by the Office according to the request of the party for registration of changes.

19.2 Registration of the changes in the register of industrial design application or in the register of the industrial design is started with a written request, in the form presented which is a constituent part of this direction.

19.3 The Form should contain:

- a) request for registration of changes of the information for the request submitter or bearer of industrial design, changes which have been created after the submission of the application respectively after its registration;
- b) request for license registration;
- c) request for registration of guaranty and execution;
- d) request for registration of bearing the right;
- e) request for registration of other information in regard to the legal status of the bearer of the industrial design or industrial design itself.

### **Content of the request for registration of changes**

#### **Article 20**

20.1 The request of registration of changes in the register should contain:

- a) explicit request for registration of changes in register;
- b) number of application industrial design respectively number of industrial design;
- c) information for the request submitter respectively the bearer of industrial design , in accordance with article 2 paragraph 2.1 section b, c and d of this direction;
- d) information for submitters of the request, provision from the article 2 paragraph 2.1 section b, c and d of this direction in a particular way is applied also on the submitter of the request;
- e) data for the authorized representative, in accordance with the article 2 paragraph 2.1 section g of this direction, when the submitter of the request has it;
- f) information for the type of change which is subject of registration together with the content of the change itself, and with outlining of the new information for which the registration is requested;
- g) signature of the request submitter, respectively signature and stamp of the representative, when the representative has it.

20.1 By the request from the paragraph 20.1 of this article, shall be attached also:

- a) evidence for the legal basis of the changes for which has been requested the registration in the register;
- b) formal authorization, when the request submitter has the representative;
- c) evidence for paying of taxes and compensation of expenses, in accordance with the special provisions. .

## **VI. EXTENSION OF THE INDUSTRIAL DESIGN PROTECTION TIMELINE**

### **Request for extension of industrial design protection**

#### **Article 21**

21.1 Information for extension of the industrial design protection is registered in the register of industrial design based on the decision issued by the Office according to the request of the party for the extension of the protection.

21.2 Request for extension of industrial design protection timeline is presented in the certain form, which is a constituent part of this direction.

### **The content of the request for extension of industrial design protection**

#### **Article 22**

22.1 The request for extension of industrial design protection timeline should contain:

- a) clear request for extension of industrial design protection timeline;
- b) number of industrial design respectively number of industrial design for multiple application for which it is requested extension of protection timeline;
- c) information for industrial design bearer, provisions from the article 2 paragraph 2.1 section b, c and d of this direction in a special manner are applied also for the industrial design bearer;;
- d) information for the authorized representative, in accordance with the article 2 paragraph 2.1 section g of this direction, when the submitter of the application has it;
- e) signature of the application submitter respectively signature and stamp of the representative, when the submitter has the representative.

22.2 To the request for extension of industrial design protection timeline is attached also:

- a) authorization, when the application submitter has the representative;
- b) evidence for payment of taxes and procedure expenses compensation, in accordance with special provisions.

## **VII. REQUEST TO DECLARE THE INDUSTRIAL DESIGN INVALID**

### **Content of the request to declare industrial design invalid**

#### **Article 23**

23.1 Request to declare industrial design invalid should contain:

- a) clear request to declare industrial design invalid;
- b) number of industrial design in regard to the request and information for the bearer, name, surname and address, when it is in question for physical person, whereas enterprise and headquarters when it is in question for legal person;
- c) information for submitter of application, provisions from the article 2 paragraph 2.1 section b, c and d of this direction, in a certain manner are applied also for the submitter of the request;

- d) information for the authorized representative in accordance with article 2 paragraph 2.1 section g of this direction, when the request submitter has representative;
- e) reasons for presentation of the request, in accordance with article 9 of the Law on Industrial Design, noting the facts on which the request is based;
- f) signature of the request submitter respectively signature and stamp of representative, when the request submitter has the representative;

23.2 To the request from the paragraph 23.1 of this article are attached also:

- a) evidences for the causes for declaring invalid the industrial design;
- b) authorization, when the request submitter has a representative;
- c) evidence for payment of the tax and procedure expenses compensation, in accordance with special provisions.

23.3 When the request from the paragraph 23.1 of this article is presented based on the article 9 section b of the Law on industrial design, because the industrial design registered does not fulfill the conditions of the innovation from the article 4 or individual character from the article 5, of the Law on industrial design, together with the request is submitted the previous presentation of the design and respective documentation by which it is proved that this design was known for the public before the industrial design application submission or when the advantage right was requested, before the accepted date of the advantage.

23.4 When the request from the paragraph 23.1 of this article is presented based on the article 9 section d of the Law on industrial design, together with request is attached previous presentation of design and necessary information to verify which design is in question, and the documentation with which the request submitter proves that the submitter of the request or the bearer of the earlier right, with which he verifies that is authorized for submission of the request for declaration of industrial design invalid, in accordance with the article 44 paragraph 44.6 of the Law on industrial design

23.5 When the request from the paragraph 23.1 of this article is presented based on the article 9 section e of the Law on industrial design, together with request is presented also the distinctness mark and necessary information to verify, what distinctness mark is in question, and the documentation by which the application submitter proves that it is the previous bearer of the distinctness mark and by this is authorized for presentation of request to declare the industrial design invalid, in accordance with the 44 paragraph 44.7 of the Law on industrial design.

23.6 When the request from the paragraph 23.1 of this article is presented based on the article 9 section 7 of the Law on industrial design, together with request are presented also the evidences from which it is seen which act of the authorship is a breach subject, which is the essence of the unauthorized use, and the documentation with which the application submitter will prove that he is the author or bearer of the authorial rights, so also based on this he has the right to submit request to declare the industrial design invalid, in accordance with the article 44 paragraph 44.7 of the Law on industrial design.

## **VIII. TERMINATION OF INDUSTRIAL DESIGN VALIDITY**

### **Article 24**

24.1 Termination of industrial design validity is registered in the industrial design register based on the decision issued by the Office.

24.2 In the Office Bulletin is published the information for termination of industrial design validity:

- a) number of industrial design;
- b) information for the bearer of industrial design, name, surname, address and statehood, when it is in question for physical person, respectively enterprise and headquarters when it is in question the legal person;
- c) date of industrial design validity termination; .

## **IX. FINAL AND TRANSITIONAL PROVISIONS**

### **Termination of the validity of acts**

#### **Article 25**

By the effective date of this Administrative Direction, all bylaws that regulated this field are abrogated.

### **Enforcement**

#### **Article 26**

This Administrative Direction enters into force on the date of signing by the Minister of Trade and Industry.

Prishtinë, 17.09.2007

Minister of Trade and Industry  
Bujar Dugolli

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