

DESIGN DAY TAKEAWAYS

On April 25, 2019, the U.S. Patent and Trademark Office (USPTO) once again hosted [Design Day](#) at its Alexandria, Virginia headquarters. The event was also streamed live to the [USPTO Regional Offices](#) and, for the first time, directly to patent examiners who telecommute.

Commissioner for Patents, Drew Hirshfeld, welcomed the crowd and kicked-off the day. Speakers from industry-leading companies that rely heavily on design protection and a series of case law updates were interesting and informative. A highlight of the program was a keynote address by Sarah B. Brooks, IBM Distinguished Designer and Director, Digital Journeys. Ms. Brooks talked about the importance of embedding design, and designers, in all aspects of innovation in order to continue to strive towards Thomas J. Watson, Jr.'s creed that, "good design is good business."

The USPTO and Canadian Intellectual Property Office (CIPO) updates were particularly insightful for those who track industrial design practice around the world.

Technology Center 2900 Update

Technology Center 2900 Director Karen Young shared an update on the state of the tech center and her FY19 priorities, including the following items.

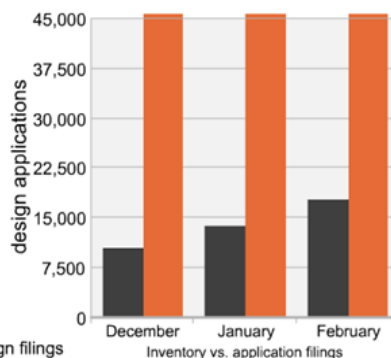
Staffing and Inventory

Recent retirements and resignations have left the tech center with several acting Supervisory Patent Examiners (SPE) and fewer examiners than this time last year. Director Young is focusing on filling those gaps to ensure the team has enough bandwidth to tackle both inventory and new filings.

Design Unexamined Application Inventory



March 2019



■ design filings
■ design inventory

The unexamined patent application inventory is the number of new utility, plant, and reissue (UPR) patent applications in the pipeline at any given time which are awaiting a First Office Action by the patent examiner. Continuation, continuation-in-part, and divisional applications are included in the total.

Application filings are utility, plant, and reissue (UPR) filings, or the incoming patent application workload. The bar chart reflects the cumulative number of application filings this fiscal year in each of the preceding three months. Continuation, continuation-in-part, divisional, and Request for Continued Examination (RCE) applications are included in the total.

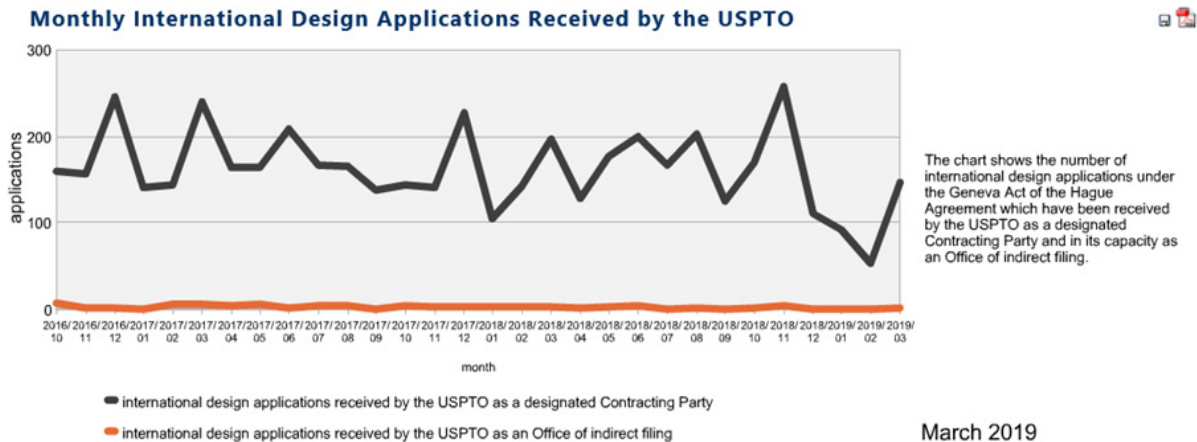
Note: FY 2019 filings are preliminary and will be finalized in November 2019.

Training

Director Young is committed to rolling out additional training for the design examiners, with a special emphasis on consistency. Two new programs are planned for this spring and summer. Materials related to examiner training are generally made available to the public once all examiners are trained.

International

The tech center is currently handling about 100-150 Hague applications per month. At this volume, the group is able to beat the internal goal of 10 months to first action, which allows the office to meet its obligation to provide a first action in 12 months.



USPTO Data Visualization Dashboard at <https://www.uspto.gov/corda/dashboards/patents/main.dashxml?CTNAVID=1006>

Examiner Insight

Examiner Dana Weiland spoke about the impressive process she uses to manage her docket and produce high quality work product when examining both US design applications and international design applications (IDA) under the Hague system. It was a pleasure to see how much thought and intention Examiner Weiland puts into her work and that she is a resource for other examiners in the technology center.

News from Across the Globe

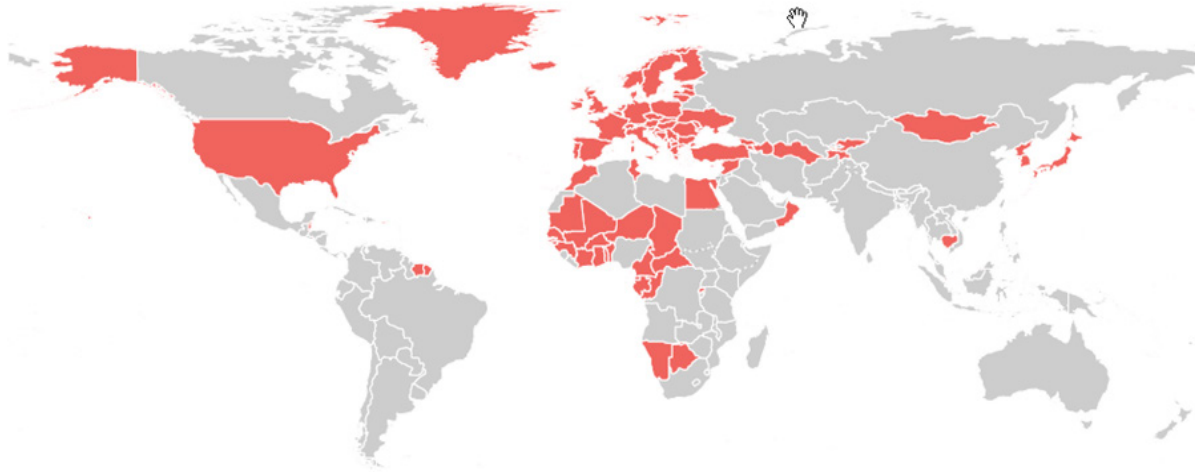
David Gerk from the Office of Policy and International Affairs spoke about the current state of international cooperation efforts.

The Hague System

[The Hague System for the International Registration of Industrial Designs](#)¹ now includes 70 contracting parties, including Belgium, Canada, Luxembourg, Netherlands, and Russia. The United Kingdom signed on in 2018, and Belize and San Marino joined in early 2019.

¹An industrial design constitutes the ornamental or aesthetic aspect of an article and may consist of 3-D features, such as the shape of an article, or 2-D features, such as patterns, lines or color. Industrial designs can be protected by patent through an examination process or by registration depending on a jurisdiction's particular regime.

Hague members in 2017

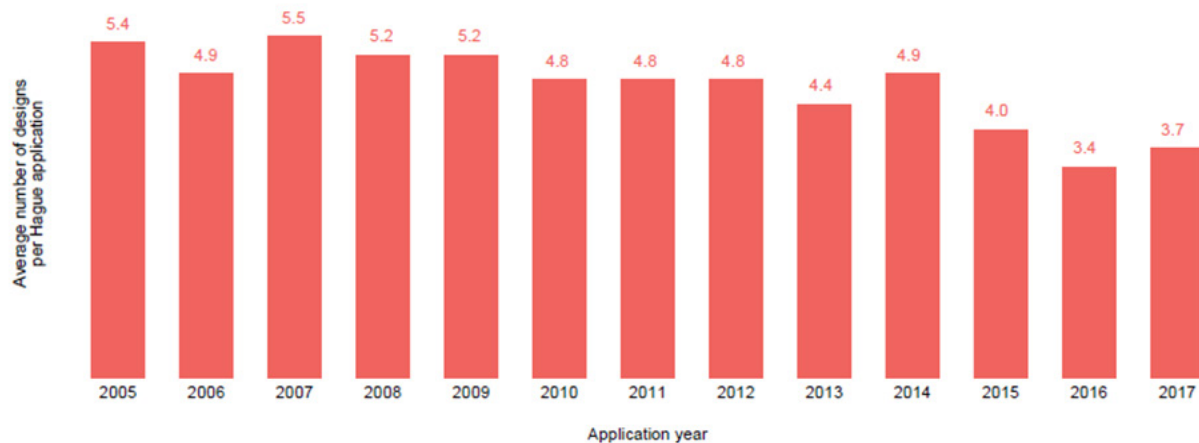


Hague Yearly Review - International Registrations of Industrial Designs - 2018

Mr. Gerk highlighted some of the interesting statistics included in the [Hague Yearly Review - International Registrations of Industrial Designs - 2018](#), such as differences in the number of designs included in each international design application (IDA), companies and countries that were top filers in 2018, and the countries most often designated in IDAs.

The average number of designs per Hague international application rose from 3.4 in 2016 to 3.7 in 2017.

A3 Average number of designs per international application, 2005–2017

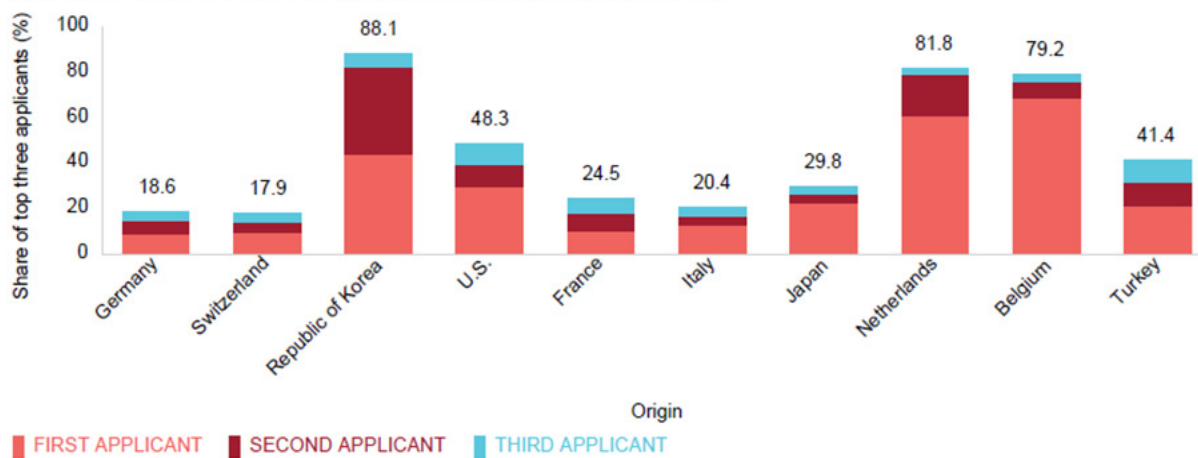


Source: WIPO Statistics Database, May 2018.

Hague Yearly Review - International Registrations of Industrial Designs - 2018

The top three applicants accounted for 88.1% of all designs originated from the Republic of Korea in 2017.

A5. Share of the top three applicants for the top ten origins, 2017

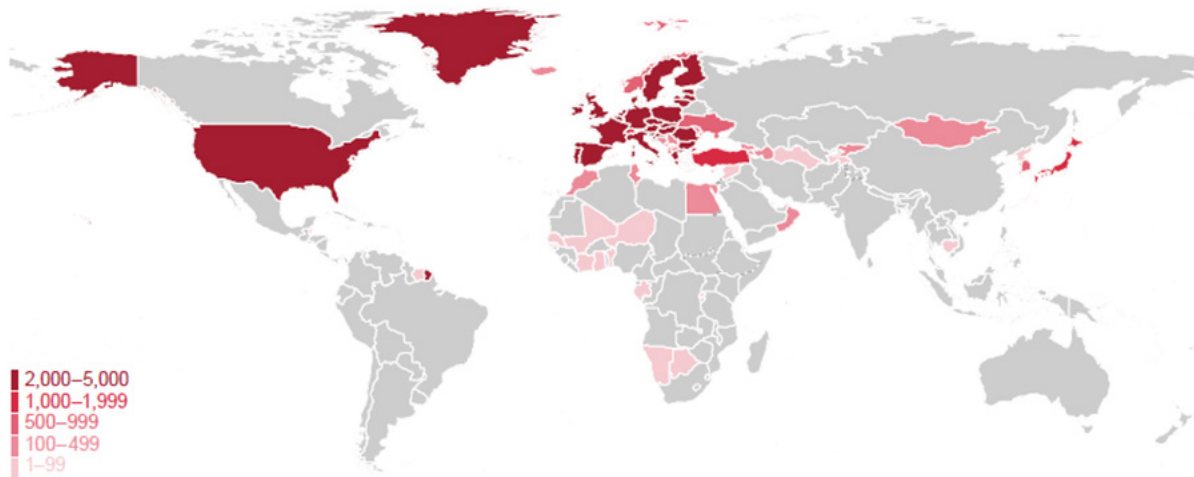


Source: WIPO Statistics Database, May 2018.

[Hague Yearly Review - International Registrations of Industrial Designs - 2018](#)

The top five designated Hague members accounted for half of all designations in 2017.

A20. International applications by designated Hague member, 2017



Source: WIPO Statistics Database, May 2018.

[Hague Yearly Review - International Registrations of Industrial Designs - 2018](#)

Data Sharing

Applicants can now request digital access of priority design applications or registrations under the [WIPO Digital Access Service \(DAS\)](#). Eight countries are acting as depositing offices for IDAs and six are participating as accessing offices.

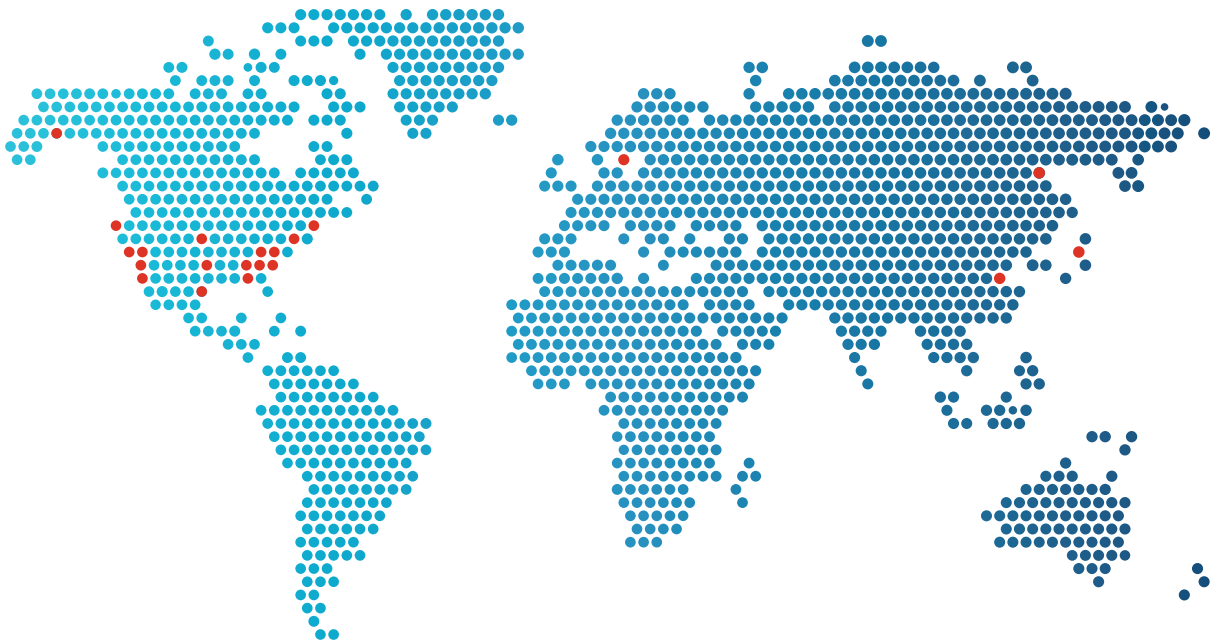
Harmonization

The [ID5²](#) are continuing to work towards increased consistency across design regimes. The groups have completed, and continue to work on, a number of projects and studies to that end. Of particular interest are the comparative studies on various design-related topics and the studies on protection of new technological designs, such as graphical user interfaces (GUIs) and designs represented within virtual reality and video games.

Canadian IP Office

The program also included Todd Hunter, Copyright and Industrial Design Branch Director of the Canadian Intellectual Property Office (CIPO). Director Hunter shared news about Canada's implementation of the Hague regime and other modernization efforts, which are now part of the updated [CIPO Industrial Design Office Practice Manual \(IDOP\)](#).

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² The ID5 The ID5 is an Industrial design framework comprised of the National Intellectual Property Administration, PRC(CNIPA), the European Union Intellectual Property Office(EUIPO), the Japan Patent Office(JPO), the Korean Intellectual property office(KIPO) and the United States Patent and Trademark Office(USPTO).