

**UNITED STATES: REQUIREMENTS FOR DESIGN PATENT APPLICATION**

An application for a design patent shall be made, by the inventor(s) to the Commissioner for Patents.

A complete design application comprises:

- (1) a specification, including one or more claims;
- (2) a declaration by all the inventor(s); and
- (3) drawings.

1. **SPECIFICATION:** The specification for design patent applications is limited to a brief description of the views shown. The wording of the single claim is the design for a - - -, as shown. The criteria for patentability are novelty, utility and non-obviousness.
2. **DECLARATION:** The declaration must be signed by the inventor in person, or by the person entitled by law to make application on the inventor's behalf. A full first and last name with middle initial or name, if any, and the citizenship of each inventor are required. The mailing address of each inventor and foreign priority information (if any) is also required either in the declaration or in a separate document in a format prescribed by the USPTO.

It is preferable to submit the executed declaration with the application

For applications filed on or after September 16, 2012 (including the international filing date for United States national phase applications) the declaration can be submitted, with a surcharge, any time prior to the allowance, but no later than a three-month non-extendable time period set by the U.S. Patent and Trademark Office in a Notice of Allowability.

For applications filed before September 16, 2012 (including the international filing date for United States national phase applications) the declaration can be submitted, with a surcharge, within the time period set by the U.S. Patent and Trademark Office in a Notice to File Missing Parts; said time period can be extended up to five (5) months upon payment of requisite fees for extensions of time.

3. **DRAWINGS:** A design application can be filed with informal drawings. The submission of formal drawings can be delayed until after the application has been filed, but no later than the time period set by the U.S. Patent and Trademark Office in a Notice to File Missing Parts; said time period can be extended up to five (5) months upon payment of requisite fees for extensions of time. Since the drawings represent the claimed subject matter, the as-filed drawings must show all elements of the intended design protection.
4. **SMALL ENTITY STATUS:** There are different filing fees for large entities and small entities. If an applicant qualifies as a small entity, the filing fee is reduced by one-half (1/2). The qualifications for a small entity are attached.

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5. **FOREIGN PRIORITY CLAIM:** An applicant is entitled to the priority benefits of an earlier filed application in a foreign country, if the foreign country grants similar rights to U.S. applications or U.S. citizens, provided the U.S. non-provisional patent application is filed six (6) months of the earliest filed foreign application. A claim to priority must be made at the time of filing, and a certified copy of the original foreign application must be filed in the U.S. Patent Office before the patent is granted.
6. **INFORMATION DISCLOSURE STATEMENT:** A patent applicant has a duty of candor to the U.S. Patent and Trademark Office. This duty requires that all prior art having relevance to an application must be brought to the attention of the Examiner within three months of knowledge thereof. Failure to submit any pertinent prior art references may result in invalidity of any resulting patent. The above duty of candor also requires that you consider any prior applications or patents by the same inventor(s) and any pending applications or patents of the assignee, including any priority applications, which may be relevant and material to the examination of this case.
7. **CONFIDENTIALITY:** Applications are maintained in confidence by the U.S. Patent Office, and no information concerning the application will be divulged without authority of the applicant or owner, until issuance of the design patent.
8. **ASSIGNMENT:** Applications or any interest therein, can be assigned and will be recorded, provided the assignment is in writing. It is recommended that the assignment include a notarial acknowledgment. An assignment can be filed at any time during the pendency of the application or after grant of the patent.