

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

**Third Special Session - Preparation of the Basic Proposal for the Diplomatic
Conference to Conclude and Adopt a Design Law Treaty (DLT)
Geneva, October 2 to 6, 2023**

PROPOSAL BY THE DELEGATION OF THE UNITED STATES OF AMERICA

Document prepared by the Secretariat

In a communication dated September 26, 2023, the Delegation of the United States of America transmitted to the International Bureau of the World Intellectual Property Organization (WIPO) the proposal contained in the Annex to the present document.

[Annex follows]

**PROPOSAL ON INDUSTRIAL DESIGN LAW AND PRACTICE –
DRAFT ARTICLES AND REGULATIONS FOR A DESIGN LAW TREATY (DLT)**

The United States of America respectfully proposes the following language for incorporation into draft texts SCT/S3/4 and SCT/S3/5.

The footnotes herein are for informational purposes only and are not proposed to be included in the draft texts.

I. New Articles:

The United States proposes new *Articles 9bis, 9ter* and *14bis* as follows:

Article 9bis: Term of Protection

A Contracting Party shall provide a term of protection for industrial designs of at least 15 years¹ from either: (a) the filing date, or (b) the date of grant or registration.

Article 9ter: Electronic Industrial Design System

A Contracting Party shall provide:²

- (a) a system for electronic application; and*
- (b) a publicly available electronic information system, which must include an online database of registered industrial designs.*

Article 14bis: Electronic Priority Document Exchange

A Contracting Party shall provide for electronic exchange of priority documents for applications.

¹ Taking into account the varied industrial design systems, this provision may be flexibly implemented, for example, through three (3) successive five-year terms with renewals, a single fifteen-year term, etc.

² Contracting Parties would not need to supply or develop the technology itself but rather ensure the aforementioned functionality is available with respect to their jurisdiction. With regard to electronic filing, the IP Office of a Contracting Party itself would not need to host or develop the electronic system itself but merely ensure electronic filing is available for their jurisdiction. Likewise, Contracting Parties need not develop or host any database but rather ensure information in relation to designs registered in their jurisdiction is publicly available, such as via an existing database. (E.g., WIPO Global Design Database (<https://designdb.wipo.int/designdb/en/index.jsp>), DesignView (<https://www.tmdn.org/tmdsview-web/#/dsview>)).

II. **Addition to Existing Rule:**

The United States proposes adding subpart (3) to Rule 2 as follows:

Rule 2: Details Concerning the Application

"... (3) [Partial Design] A Contracting Party shall permit the application to be directed to a design embodied in a part of an article or product."

[End of Annex and of document]