

**Decree No. 19/2001. (XI. 29.) IM of the Minister of Justice**  
**on the detailed formal requirements of applications for design protection**

By virtue of the authorization under Article 68 of Act XLVIII of 2001 on the Protection of Designs (hereinafter referred to as "the Design Act") – and in agreement with the President of the Hungarian Intellectual Property Office – I order the following:

***Design applications***

***Article 1***

(1) Design applications shall contain the following:

- (a) a request and, in the request, the designation of the product embodying the design;
- (b) the representation of the design;
- (c) the document on the appointment of a representative, if any;
- (d) documentary evidence of succession, if the applicant is the successor in title of the designer;
- (e) the priority document where convention priority is claimed;
- (f) the exhibition certificate where exhibition priority is claimed;
- (g) the consent of the competent organ that the design, of which the sign specified in Article 8(1) of the Design Act is only a part, may obtain protection, if in the absence thereof the ground for refusal under Article 8(1) of the Design Act would apply;
- h)<sup>1</sup>

(2) Design applications may also contain the following:

- (a) a partial disclaimer of the applicant [Article 48(2) of the Design Act] stating that a specified part of the representation does not belong to the design and that no protection is sought therefor;
- (b)<sup>2</sup>

---

<sup>1</sup> Repealed by Article 4 of Decree No. 30/2012. (VI. 25.) KIM of the Minister of Public Administration and Justice. Ceased to have effect as of 15 July 2012.

<sup>2</sup> Repealed by Article 4 of Decree No. 30/2012. (VI. 25.) KIM of the Minister of Public Administration and Justice. Ceased to have effect as of 15 July 2012.

(c) the number of the class to which the product embodying the design belongs according to the Locarno Agreement establishing an international classification for industrial designs (hereinafter referred to as "international classification")

(3) In one and the same design application the applicant may seek protection for a maximum of fifty designs.

(4) The request, the representation of the design and the partial disclaimer shall be prepared so that each begins on a separate page, with each page numbered sequentially, respectively; their contents shall be in accordance with each other.

## ***Requests***

### ***Article 2***

(1) Requests shall be filed in one copy and they shall contain the following:

(a) the name and address of the applicant, and, if there are several applicants, the percentage of their respective entitlement if their shares are not equal;

(b) the designation of the product embodying the design;

(c) an indication of the number of designs for which protection is sought;

(d) a declaration stating that the applicant is the designer of the design or his successor in title;

(e) the name and address of the designer, and if there are several designers, the shares of authorship if they are not equal; if the designer requests in writing that his name not be included in the design documents to be disclosed, this has to be stated in the request and the name of the designer shall be given on a separate sheet;

(f) the name and business address of the representative, if any;

(g) when claiming convention, exhibition or internal priority, a declaration to this effect, indicating the filing date, country and number of the foreign application for convention priority, the designation and date of the exhibition for exhibition priority, and the date and reference number of the pending application for internal priority, respectively;

(h) in the case of division, a declaration to this effect, indicating the reference number, as well as the filing and priority date(s) of the original application;

(i) a request for the granting of design protection;

(j) a list of the annexes attached to the request;

(k) the signature of the applicant, or of all applicants, or of the representative.

(2)<sup>3</sup> Requests may also be prepared by filling in a form that can be obtained, free of charge, at the Hungarian Intellectual Property Office.

### ***Designation of the product embodying the design***

---

<sup>3</sup> Amended by Article 5(1) of Decree 27/2010. (XII. 28.) KIM of the Minister of Public Administration and Justice.

### ***Article 3***

(1) The designation of the product embodying the design shall, whenever possible, be given by using the name appearing in the international classification. Even where the designation of the product embodying the design differs from the name appearing in the international classification or cannot be found therein, the designation shall express the intended function of the product, or it may consist of another well-known name for the product. If the designation of the product might refer to several fields of use, it shall be specified by enumerating the fields of use or by providing the class number according to the international classification.

(2) The designation of the product embodying the design may not contain made-up words, fancy names, make or type marking.

(3) If the design refers to a set of products, the designation shall contain a reference thereto.

(4) If in a design application protection is sought for a group of several designs as specified by Article 38(1) of the Design Act, then a concise generic name shall be given for the products embodying the design.

### ***Representation of the design***

### ***Article 4***

(1)<sup>4</sup> In the design application the representation of the design shall be filed in one copy.

(2) A representation of the design shall be given as a photograph, as a drawing or by way of some other graphical representation in accordance with the following:

*a)* the representation shall present the design clearly, i.e. it shall show all external features which have an impact on the outward appearance of the whole or a part of the product embodying the design;

*b)* objects, persons or animals which could impair the clear identification of the design may not be included in the representation;

*c)* where appropriate, the design shall be presented from several views or in various situations of use or other situations;

*d)* at least one representation shall present the design in its entirety; cross-sections, cut-offs and enlarged details may be used as far as necessary to adequately present the design;

*e)* in the case of objects which do not have a specified length or which are two-dimensional (e.g. profile forms, textiles) it is sufficient to present a part that otherwise meets the other requirements;

---

<sup>4</sup> Amended by Article 3 of Decree No. 30/2012. (VI. 25.) KIM of the Minister of Public Administration and Justice.

- f)* in one representation only one view of one design may be presented;
- g)* from the individual representations themselves it shall appear, even without additional explanation, how they relate to the other representations;
- h)* each element of a design relating to a set of products shall be presented together in at least one representation;
- i)*<sup>5</sup> an at least 2.5 cm wide blank space shall be left at the top margin of the sheet(s).

(3) Representations may be filed in colour or in black and white. However, the representation shall be made in colour if the colours belong to the external features making up the design.

(4) If the design is represented as a photograph, the representation shall – in addition to those laid down in paragraphs (2) and (3) – comply with the following requirements:

- a)* the photograph shall represent the design against a neutral background with contrasts and sharp contours; when taking the photograph, light conditions shall be chosen so as to avoid gleaming, reflections or shadow effects which could impair the recognition of the external features making up the design;

- b)* the photograph may not contain any element that has been graphically added, nor may elements be graphically deleted therefrom;

- c)* the size of the photographs may not be smaller than 3 cm by 4 cm and larger than 12 cm by 15 cm;

- d)* if an application is accompanied by several photographs, they shall be pasted or printed on A/4 size sheets, leaving an at least 2 cm wide blank space between the photographs for inserting the figure numbers.

(5) If the design is represented as a drawing or by way of some other graphical representation, the representation shall – in addition to those laid down in paragraphs (2) and (3) – comply with the following requirements:

- a)* the graphical representation shall be made on a white, non-transparent sheet of a maximum size of A/4, with dark, clearly visible, permanent lines of an equal thickness, without folding or breaking;

- b)* if there are several figures on a sheet, they shall be clearly arranged and separated by empty spaces;

- c)* the representations may not contain any lines, dotted lines, shade lines or – with the exception of figure numbers – any explanations or inscriptions that might impair clarity;

- d)* the design shall be represented as it is visually perceived in reality and, where possible, in perspective;

---

<sup>5</sup> Inserted by Article 2 of Decree No. 30/2012. (VI. 25.) KIM of the Minister of Public Administration and Justice.  
Effective as of 15 July 2012.

e) technical drawings and their symbols may not be used;  
f) if there are cross-sections and cut-offs in the representations, they shall also be represented true to reality.

(6) The representations attached to an application shall be given figure numbers. The figure numbers shall consist of two Arabic numerals separated by a dot, the first being the number of the designs attached to the application, and the second being the number of the figures belonging to the given design, (e.g.: 1.1, 1.2, 1.3 are the figure numbers of the representations of the first design, while 2.1, 2.2, 2.3 are the figure numbers of the representations of the second design). The figure numbers shall be placed next to the representations they refer to, in the space between the representations, in such a manner that the relationship of the figure numbers and the figures be clear. It is not necessary to use a figure number if the design application contains just one representation of the design.

(7) If there is a change in the representation of the design [Article 48(1) of the Design Act], a new representation shall be filed in accordance with the relevant rules.

### ***Partial disclaimer***

#### ***Article 5***

(1) Partial disclaimers shall be filed in three identical copies.

(2) The partial disclaimer shall declare very clearly which part of the representation does not belong to the design. Instead of, or in addition to, a written description, the declaration may also contain an explanatory figure.

(3)<sup>6</sup> In justified cases the Hungarian Intellectual Property Office may invite the applicant to make a partial disclaimer – for the publication of the granting of the design protection and for entering it into the design registries – also by way of appropriately modifying the representation.

### ***Final provisions***

#### ***Article 6***

(1) This decree shall enter into force on 1 January 2002; its provisions shall apply to design applications filed after its entry into force.

---

<sup>6</sup> Amended by Article 5(2) of Decree No. 27/2010. (XII. 28.) KIM and by Article 3 of Decree No. 30/2012. (VI. 25.) KIM of the Minister of Public Administration and Justice.

(2)-(3)<sup>7</sup>

---

<sup>7</sup> Repealed by Article 18(115) of Government Decree No. 118/2008. (V. 8.) Korm. of the Government. Ceased to have effect as of 16 May 2008.