

Editorial Notes

AMENDMENTS

2002—Pub. L. 107–273 made technical correction to directory language of Pub. L. 106–113. See 1999 Amendment note below.

1999—Pub. L. 106–113, as amended by Pub. L. 107–273, substituted “Director” for “Commissioner” in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106–113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, §4731] of Pub. L. 106–113, set out as a note under section 1 of this title.

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of Agriculture, with certain exceptions, to Secretary of Agriculture, with power to delegate, see Reorg. Plan No. 2 of 1953, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 16—DESIGNS

Sec.	
171.	Patents for designs.
172.	Right of priority.
173.	Term of design patent.

§ 171. Patents for designs

(a) IN GENERAL.—Whoever invents any new, original and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title.

(b) APPLICABILITY OF THIS TITLE.—The provisions of this title relating to patents for inventions shall apply to patents for designs, except as otherwise provided.

(c) FILING DATE.—The filing date of an application for patent for design shall be the date on which the specification as prescribed by section 112 and any required drawings are filed.

(July 19, 1952, ch. 950, 66 Stat. 805; Pub. L. 112–211, title II, §202(a), Dec. 18, 2012, 126 Stat. 1535.)

HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., §73 (R.S. 4929, amended (1) May 9, 1902, ch. 783, 32 Stat. 193, (2) Aug. 5, 1939, ch. 450, §1, 53 Stat. 1212; R.S. 4933).

The list of conditions specified in the corresponding section of existing statute is omitted as unnecessary in view of the general inclusion of all conditions applying to other patents. Language is changed.

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2012—Pub. L. 112–211 designated first and second pars. as subsecs. (a) and (b), respectively, inserted headings, and added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–211 effective on the date that is 1 year after Dec. 18, 2012, applicable to patents

issued before, on, or after that effective date and patent applications pending on or filed after that effective date, and not effective with respect to patents in litigation commenced before that effective date, see section 203 of Pub. L. 112–211, set out as an Effective Date note under section 27 of this title.

§ 172. Right of priority

The right of priority provided for by subsections (a) through (d) of section 119 shall be six months in the case of designs. The right of priority provided for by section 119(e) shall not apply to designs.

(July 19, 1952, ch. 950, 66 Stat. 805; Pub. L. 103–465, title V, §532(c)(2), Dec. 8, 1994, 108 Stat. 4987; Pub. L. 112–29, §§3(g)(1), 20(j), Sept. 16, 2011, 125 Stat. 288, 335.)

HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., §32, part (R.S. 4887, amended (1) Mar. 3, 1903, ch. 1019, §1, 32 Stat. 1225, 1226, (2) June 19, 1936, ch. 594, 49 Stat. 1529, (3) Aug. 5, 1939, ch. 450, §1, 53 Stat. 1212).

This provision is taken from R.S. 4887 (see section 119) and made a separate section.

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2011—Pub. L. 112–29, §20(j), struck out “of this title” after “119” and after “119(e)”.

Pub. L. 112–29, §3(g)(1), struck out “and the time specified in section 102(d)” before “shall be six months”.

1994—Pub. L. 103–465 substituted “subsections (a) through (d) of section 119” for “section 119” and inserted at end “The right of priority provided for by section 119(e) of this title shall not apply to designs.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by section 3(g)(1) of Pub. L. 112–29 effective upon the expiration of the 18-month period beginning on Sept. 16, 2011, and applicable to certain applications for patent and any patents issuing thereon, see section 3(n) of Pub. L. 112–29, set out as an Effective Date of 2011 Amendment; Savings Provisions note under section 100 of this title.

Amendment by section 20(j) of Pub. L. 112–29 effective upon the expiration of the 1-year period beginning on Sept. 16, 2011, and applicable to proceedings commenced on or after that effective date, see section 20(l) of Pub. L. 112–29, set out as a note under section 2 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–465 effective 6 months after Dec. 8, 1994, and applicable to all patent applications filed in the United States on or after that effective date, with provisions relating to earliest filed patent application, see section 534(b)(1), (3) of Pub. L. 103–465, set out as a note under section 154 of this title.

§ 173. Term of design patent

Patents for designs shall be granted for the term of 15 years from the date of grant.

(July 19, 1952, ch. 950, 66 Stat. 805; Pub. L. 97–247, §16, Aug. 27, 1982, 96 Stat. 321; Pub. L. 103–465, title V, §532(c)(3), Dec. 8, 1994, 108 Stat. 4987; Pub. L. 112–211, title I, §102(7), Dec. 18, 2012, 126 Stat. 1532.)

HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., §77 (R.S. 4931). Language is changed slightly.