

Design Patents

Design patents may be granted to any person who has invented any new and non-obvious ornamental shape or design for an article of manufacture. Unlike utility patents, design patents do not protect functional features. Design patents protect only the appearance of an article to the extent that it is decorative and not essential to the function of the article. The figures in a design patent are intended to illustrate the essence of what is claimed; so there is very little descriptive text provided.

The process of obtaining design patents is similar to that of utility patents with a few differences. For instance, the patent office fees associated with design patents are lower than those associated with utility patents. In addition, no fees are necessary to maintain a design patent in force, as is true of utility patents. The term of a design patent is 14 years from its issue date.

A design patent has a short specification, a number of drawings, and only one claim, which generally refers to the ornamental design depicted in the drawings. Published applications and issued patents may be viewed, and more information obtained, on the patent office website at www.uspto.gov.

For an Invention Disclosure Form for a Design, or other patent information, consult our Document Library.

This general information is provided as a courtesy to the public by the law firm of Maine Cernota & Rardin, is not intended to be relied on as a statement of law or fact, is subject to change at any time, does not constitute legal advice, is not a solicitation for legal services, and is not intended to interfere with any existing business or legal relationship. Please communicate any errors or omissions in the information to Administrator, info@mcr-ip.com or call (603) 886-6100.

Copyright © 2012 by Vernon C. Maine, PLLC
www.mcr-ip.com

Maine Cernota & Rardin, Registered Patent Attorneys

547 Amherst St., 3rd Floor, Nashua, NH 03063
603-886-6100 – info@mcr-ip.com