

**GUIDE**

**TO THE INTERNATIONAL REGISTRATION OF**

**INDUSTRIAL DESIGNS**

**UNDER THE HAGUE AGREEMENT**

(updated January 2015)

**Complementary information can be obtained from**

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## CONTENTS

### PART A: INTRODUCTION

01.	THE GUIDE.....	A.1
02.	THE HAGUE SYSTEM: GENERAL OVERVIEW .....	A.2
	Who May Use the System? .....	A.2
	No Prior National Application or Registration.....	A.3
	Contents of the Application.....	A.3
	Transmitting the International Application to the International Bureau .....	A.3
	Formal Examination by the International Bureau .....	A.4
	Publication.....	A.4
	Substantive Examination by the Office of Each Designated Contracting Party: Possibility of Notifying a Refusal of Protection.....	A.4
	Statement of Grant of Protection.....	A.5
	Protection Governed by Domestic Law.....	A.5
	Duration of Protection .....	A.5
	Changes in the International Register.....	A.5
03.	ADVANTAGES OF THE SYSTEM.....	A.6
04.	BECOMING PARTY TO THE HAGUE AGREEMENT.....	A.6
	States .....	A.7
	Intergovernmental Organizations .....	A.7
	Entry into Force of the 1999 Act and the 1960 Act with Respect to a Given Contracting Party.....	A.7
	Determination of Which Act Is Applicable in Respect of the Designation of a Given Contracting Party .....	A.8
	Determination of the Act or Acts Which Govern an International Application as a Whole.....	A.9
05.	DECLARATIONS BY CONTRACTING PARTIES .....	A.10
	Duration of Protection .....	A.11
	Prohibition on Filing Through Office.....	A.11
	Deferred Publication for a Period Which Is Less than the Prescribed Period .....	A.11
	No Deferment of Publication .....	A.11
	Unity of Design .....	A.12
	Certain Views of the Design Required.....	A.12
	Effect of Change in Ownership .....	A.12
	Special Requirements Concerning the Applicant and the Creator .....	A.12
	Security Clearance.....	A.13
	Standard Designation Fees .....	A.13
	Individual Designation Fees: International Applications and Renewals.....	A.14
	Individual Designation Fee: International Applications Only.....	A.14
	Prohibition of Self-Designation.....	A.14

Mandatory Contents of an International Application .....	A.15
Extension of Time for Notifying Refusal and Date from Which Industrial Design Is Protected .....	A.15
Common Office of Several States .....	A.15
06. FURTHER INFORMATION ABOUT THE HAGUE SYSTEM .....	A.15
07. PUBLIC INFORMATION ABOUT INTERNATIONAL REGISTRATIONS .....	A.16

## PART B: INTERNATIONAL PROCEDURE

### CHAPTER I: GENERAL

INTRODUCTION .....	B.I.1
01. COMMUNICATIONS WITH THE INTERNATIONAL BUREAU .....	B.I.1
Modalities of Communications with the International Bureau .....	B.I.1
<i>Communications Sent by Mail</i> .....	B.I.2
<i>Communications Sent by Facsimile</i> .....	B.I.2
<i>Communications Sent by Electronic Means</i> .....	B.I.3
Official Forms .....	B.I.4
Continuation Sheets .....	B.I.4
Indication of Dates .....	B.I.5
Unofficial Forms .....	B.I.5
02. CALCULATION OF TIME LIMITS .....	B.I.5
03. IRREGULARITIES IN POSTAL AND DELIVERY SERVICES .....	B.I.6
04. LANGUAGES .....	B.I.7
International Applications .....	B.I.7
Translation .....	B.I.7
05. PAYMENT OF FEES TO THE INTERNATIONAL BUREAU .....	B.I.8
Currency of Payment .....	B.I.8
Individual Designation Fees .....	B.I.8
Mode of Payment .....	B.I.9
Date of Payment .....	B.I.10
Change in the Amount of Fee .....	B.I.10
Crediting of Fees .....	B.I.10
06. REPRESENTATION BEFORE THE INTERNATIONAL BUREAU .....	B.I.11
Method of Appointment of a Representative .....	B.I.11
<i>In the International Application</i> .....	B.I.11
<i>In a Request for the Recording of a Change</i> .....	B.I.11
<i>In a Separate Communication</i> .....	B.I.11

Only One Representative.....	B.I.12
Irregular Appointment.....	B.I.12
Recording and Notification of Appointment.....	B.I.12
Effect of the Appointment.....	B.I.12
Cancellation of Appointment.....	B.I.13
No Fees.....	B.I.14

## CHAPTER II: INTERNATIONAL PROCEDURE (1960 AND 1999 ACTS)

INTRODUCTION .....	B.II.1
01. HARMONIZATION OF TERMINOLOGY .....	B.II.1
02. ENTITLEMENT TO FILE AN INTERNATIONAL APPLICATION.....	B.II.2
Determination of the State of Origin (Under the 1960 Act) and Determination of the Applicant's Contracting Party (Under the 1999 Act).....	B.II.3
<i>Determination of the State of Origin Under the 1960 Act.....</i>	B.II.3
<i>Determination of the Applicant's Contracting Party Under the         1999 Act.....</i>	B.II.4
Plurality of Entitlements.....	B.II.4
Several Applicants.....	B.II.4
03. CONTENTS OF THE INTERNATIONAL APPLICATION.....	B.II.5
Mandatory Contents .....	B.II.5
Additional Mandatory Contents .....	B.II.5
Optional Contents.....	B.II.5
Special Requirements .....	B.II.7
<i>Special Requirements Concerning the Applicant and the Creator.....</i>	B.II.7
<i>Special Requirements Concerning the Unity of the Design.....</i>	B.II.8
Language of the International Application .....	B.II.9
04. INTERNATIONAL APPLICATION.....	B.II.9
Item 1: Applicant.....	B.II.11
Item 2: Address for Correspondence .....	B.II.11
Item 3: Entitlement to File.....	B.II.12
Item 4: Indication of Applicant's Contracting Party.....	B.II.13
Item 5: Appointment of a Representative .....	B.II.13
Item 6: Identity of the Creator of the Industrial Design .....	B.II.14
Item 7: Number of Industrial Designs, Reproductions and/or Specimens .....	B.II.15
Item 8: Products Which Constitute the Industrial Design or in Relation to Which It Is to Be Used .....	B.II.16
Item 9: Description .....	B.II.17
Item 10: Designated Contracting Parties .....	B.II.17
Item 11: Priority .....	B.II.19
Item 12: International Exhibition Priority.....	B.II.20
Item 13: Publication of the International Registration .....	B.II.20
Item 14: Signature by the Applicant or his Representative .....	B.II.21
Item 15: Office Presenting the Request (if applicable).....	B.II.22
Payment of Fees and Fee Calculator .....	B.II.22

Annex A: Relation with a Principal Design, Application or Registration (Optional) .....	B.II.24
Annex B: Declaration Concerning Exception to Lack of Novelty and its Supporting Documentation (Optional) .....	B.II.25
05. THE REPRODUCTIONS OF THE INDUSTRIAL DESIGNS .....	B.II.25
Mode of Reproduction .....	B.II.26
Representation of the Industrial Design .....	B.II.26
Disclaimers and Matter That Does Not Form Part of the Claimed Design .....	B.II.27
Number of Reproductions .....	B.II.27
Numbering of Reproductions and Legends .....	B.II.28
Dimensions of the Reproductions .....	B.II.28
Specific Views .....	B.II.28
Quality of the Reproductions .....	B.II.29
Filing of Specimens Under the 1999 Act .....	B.II.29
Filing of Specimens Under the 1960 Act .....	B.II.29
Requirements Concerning Specimens .....	B.II.30
<i>No Additional Matter</i> .....	B.II.30
06. PRESENTATION OF THE INTERNATIONAL APPLICATION TO THE INTERNATIONAL BUREAU .....	B.II.30
Channels of Communication .....	B.II.30
Filing Date of the International Application .....	B.II.31
Irregularities in the International Application .....	B.II.31
<i>Time Limit for Correcting Irregularities</i> .....	B.II.31
<i>Irregularities Entailing a Postponement of the Filing Date of the International Application</i> .....	B.II.32
<i>Irregularities Concerning the Prohibition on Self-Designation</i> .....	B.II.32
<i>Irregularities Concerning Special Requirement Notified by a Contracting Party or Regarding the Identity of the Creator, Description and Claim</i> .....	B.II.32
07. PUBLICATION OF THE INTERNATIONAL REGISTRATION .....	B.II.33
Publication Cycle .....	B.II.34
Timing of Publication .....	B.II.34
Deferment of Publication .....	B.II.35
<i>Consequences of Deferred Publication</i> .....	B.II.35
<i>Periods of Deferment</i> .....	B.II.36
<i>Unofficial Notice of Expiry of Deferment Period</i> .....	B.II.37
Events During Period of Deferment .....	B.II.37
<i>Request for Earlier Publication</i> .....	B.II.37
<i>Request to Provide Extract or Authorize Access</i> .....	B.II.37
<i>Renunciation or Limitation</i> .....	B.II.38
<i>Furnishing of Confidential Copies to Examining Offices; Confidentiality</i> .....	B.II.38
<i>Updating of Data Concerning the International Registration</i> .....	B.II.39

08.	THE INTERNATIONAL REGISTRATION .....	B.II.39
	Registration in the International Register .....	B.II.39
	Date of the International Registration .....	B.II.40
09.	REFUSAL OF PROTECTION .....	B.II.40
	Notion of Refusal .....	B.II.40
	Grounds for Refusal .....	B.II.41
	Time Limits for Refusal .....	B.II.42
	Procedure for Refusal of Protection .....	B.II.42
	<i>Contents of the Notification</i> .....	B.II.42
	<i>Recording and Publication of the Refusal; Transmittal to the</i>	
	<i>Holder</i> .....	B.II.43
	<i>Language of the Notification of Refusal</i> .....	B.II.44
	<i>Irregular Notifications of Refusal</i> .....	B.II.44
	<i>Procedure Following Notification of Refusal</i> .....	B.II.45
10.	NOTIFICATION OF WITHDRAWAL OF REFUSAL AND	
	STATEMENT OF GRANT OF PROTECTION .....	B.II.45
	Notification of Withdrawal of Refusal .....	B.II.45
	Statement of Grant of Protection Following a Refusal .....	B.II.46
	Statement of Grant of Protection in the Absence of a Prior Notification	
	of Refusal .....	B.II.46
11.	EFFECTS OF THE INTERNATIONAL REGISTRATION .....	B.II.47
	Effects of the International Registration in Respect of Contracting	
	Parties Designated Under the 1999 Act .....	B.II.47
	Effects of the International Registration in Respect of Contracting	
	Parties Designated Under the 1960 Act .....	B.II.49
	Term of Protection of International Registrations in Respect of	
	Contracting Parties Designated Under the 1999 Act .....	B.II.50
	Term of Protection of International Registrations in Respect of	
	Contracting Parties Designated Under the 1960 Act .....	B.II.50
12.	CHANGES IN THE INTERNATIONAL REGISTRATION .....	B.II.50
	Types of Changes .....	B.II.50
13.	CHANGE IN OWNERSHIP .....	B.II.51
	Entitlement to Be Recorded as New Holder .....	B.II.52
	<i>Refusal Period</i> .....	B.II.53
	<i>Deferment of Publication</i> .....	B.II.53
	<i>Individual Renewal Fees</i> .....	B.II.53
	<i>Entitlements of the New Owner in Several Contracting Parties</i>	
	<i>Bound by Different Acts (Plurality of Entitlements)</i> .....	B.II.53
	Who Can Present the Request .....	B.II.54
	Contents of the Request .....	B.II.54
	Appointment of a Representative .....	B.II.55
	Irregular or Inadmissible Requests .....	B.II.55
	<i>Request Not Admissible</i> .....	B.II.55
	<i>Irregular Request</i> .....	B.II.55
	Partial Change in Ownership – Numbering .....	B.II.56

Merger .....	B.II.56
Recording, Notification and Publication .....	B.II.56
Effect of the Recording of a Change in Ownership .....	B.II.56
Certificate of Transfer by Contract of International Registration(s) of Industrial Design(s) in Respect of a Designated Contracting Party(ies) Having Made a Declaration Under Article 16(2) of the Geneva (1999) Act .....	B.II.57
Refusal of the Effects of the Recording of a Change in Ownership Issued By the Office of a Designated Contracting Party .....	B.II.58
14. CHANGE IN THE NAME AND/OR ADDRESS OF THE HOLDER .....	B.II.60
<i>Item 1: International Registration Number</i> .....	B.II.60
<i>Item 2: Holder</i> .....	B.II.60
<i>Item 3: Change</i> .....	B.II.60
<i>Item 4: Address for Correspondence</i> .....	B.II.60
<i>Item 5: Appointment of a Representative</i> .....	B.II.61
<i>Item 6: Signature by the Holder or Representative</i> .....	B.II.61
<i>Fee Calculation Sheet</i> .....	B.II.61
Irregular Requests .....	B.II.61
Recording, Notification and Publication .....	B.II.61
15. RENUNCIATION .....	B.II.62
<i>Item 1: International Registration Number</i> .....	B.II.62
<i>Item 2: Holder</i> .....	B.II.62
<i>Item 3: Appointment of a Representative</i> .....	B.II.62
<i>Item 4: Contracting Parties</i> .....	B.II.63
<i>Item 5: Signature by the Holder or Representative</i> .....	B.II.63
<i>Fee Calculation Sheet</i> .....	B.II.63
Irregular Requests .....	B.II.63
Recording, Notification and Publication .....	B.II.63
16. LIMITATION .....	B.II.64
<i>Item 1: International Registration Number</i> .....	B.II.64
<i>Item 2: Holder</i> .....	B.II.64
<i>Item 3: Appointment of a Representative</i> .....	B.II.64
<i>Item 4: Industrial Designs</i> .....	B.II.64
<i>Item 5: Contracting Parties</i> .....	B.II.65
<i>Item 6: Signature by the Holder or Representative</i> .....	B.II.65
<i>Fee Calculation Sheet</i> .....	B.II.65
Irregular Requests .....	B.II.65
Recording, Notification and Publication .....	B.II.65
17. IT IS NOT POSSIBLE TO RECORD A LICENSE IN THE INTERNATIONAL REGISTER .....	B.II.65
18. CORRECTIONS IN THE INTERNATIONAL REGISTER .....	B.II.66
19. RENEWAL OF THE INTERNATIONAL REGISTRATION .....	B.II.66
Renewal Following Refusal or Invalidation .....	B.II.67
Procedure for Renewal .....	B.II.67
<i>Fees for Renewal</i> .....	B.II.69



<i>Insufficient Fees Paid</i> .....	B.II.70
Recording of the Renewal; Certificate and Publication .....	B.II.70
Non-Renewal .....	B.II.70
20. INVALIDATION IN A DESIGNATED CONTRACTING PARTY .....	B.II.71

### CHAPTER III: THE 1934 ACT AND THE FREEZING OF ITS APPLICATION

INTRODUCTION .....	B.III.1
01. IMPLICATIONS OF THE FREEZING OF THE APPLICATION OF THE 1934 ACT .....	B.III.1
02. INTERNATIONAL REGISTRATIONS RESULTING FROM INTERNATIONAL APPLICATIONS GOVERNED EXCLUSIVELY BY THE 1934 ACT .....	B.III.2
Language .....	B.III.2
No Refusal of Protection .....	B.III.2
Change in Ownership .....	B.III.3
Renewal .....	B.III.3
03. INTERNATIONAL REGISTRATIONS RESULTING FROM INTERNATIONAL APPLICATIONS GOVERNED PARTLY BY THE 1934 ACT .....	B.III.3
No Refusal of Protection .....	B.III.4
Change in Ownership .....	B.III.4
Renewal .....	B.III.5

### PART C: ANNEXES

## SUBJECT INDEX

- Address (change of): refer to “Changes”
- Administrative Instructions: refer to Part C
- Advantages of the Hague system ..... A.03.01-03
- Agents: refer to “Representation”
- Amendment of an international registration in a procedure  
before an Office ..... B.II.10.02-03, 05,08-09, 11.05
- Applicant:
- Address ..... B.II.04.07
- Address for correspondence ..... B.II.04.08
- Name ..... B.II.04.05
- Several applicants ..... B.II.02.16-17, 04.06, 04.10
- Special requirements ..... A.05.13-14; B.II.03.11-13, 04.30-31, 04.52
- Applicant’s Contracting Party (determination of) ..... B.II.02.08-09, 02.12, 04.49, 04.51
- Application (the international) ..... A.02.08-14; B.II.03.01-04.84
- Appointment of representative ..... B.II.04.22-27
- Contents ..... A.02.09-12; B.II.03.01-06
- Declaration concerning exception to lack of novelty (Annex B) ..... B.II.04.88-92
- Determination of Act(s) which govern  
an application ..... A.04.16-20
- Digital access service (DAS) for priority documents ..... B.II.03.07
- Electronic Filing ..... A.02.10, 06.01; B.I.01.01-03, 01.11-14, 05.07, 06.04;  
..... B.II.04.01-04, 04.06-07, 04.22, 04.24, 04.30, 04.33, 04.40, 04.43  
..... 04.68, 04.70, 04.75, 04.84, 05.04, 05.11, 05.14
- Entitlement to file ..... A.02.05-07; B.II.02.01-07, 04.12-19
- Exhibition priority ..... B.II.04.60-62
- Filing: refer to “Presentation of the international application”
- Form DM/1 and its annexes ..... B.I.01.14-19; B.II.04.01-02, 04.04, 04.30,  
..... 04.40, 04.43, 04.68, 04.85, 04.88, 04.90, 05.07, 05.14
- Irregularities ..... A.02.14; B.II.06.06-10
- Language ..... B.I.04.01-05; B.II.03.18-20; B.III.02.03
- Lack of novelty: refer to “Declaration concerning exception to lack of novelty  
(Annex B)”
- Number of designs ..... B.II.04.32
- Presentation of the international application ..... A.02.13; B.II.06.01-04
- Priority ..... B.II.03.07, 04.53-59
- Prior Art ..... B.II.03.10
- Relation with principal design, application or registration (Annex A) ..... B.II.04.85-87
- Special requirements concerning the applicant and the creator ..... A.05.13-14;  
..... B.II.03.11-13, 04.30-31, 04.52
- Treaty governing the international application ..... A.04.16-20
- Assignment of an international registration: refer to “Change in ownership”
- Becoming party to an Act ..... A.04.01-20
- Bulletin: refer to “Information”
- Calculation of time limits: refer to “Time limits”

Cancellation of an international registration.....	B.II.04.81, 07.30, 07.16
Change(s) in the international registration.....	A.02.24-25; B.II.07.33, 12.01-02
Change in name or address of the holder.....	B.II.14.01-13
Form DM/6.....	B.II.14.01, 14.07
Irregular requests .....	B.II.14.12
Recording, notification and publication .....	B.II.14.13
Change in ownership.....	B.II.13.01-40; B.III.02.05, 03.03
Appointment of a representative.....	B.II.13.20
Certificate of transfer by contract of international registration(s) of industrial design(s) in respect of a designated Contracting Party(ies) having made a declaration under Article 16(2) of the Geneva (1999) Act.....	B.II.13.30-32
Contents of the request .....	B.II.13.18-19
Effect of the recording of a change in ownership .....	B.II.13.29
Form DM/2.....	B.II.12.01, 13.17-19, 14.01
Entitlement of transferee to be recorded as new holder .....	B.II.13.08-16
Irregular or inadmissible requests.....	B.II.13.21-23
Merger .....	B.II.13.25-26
Partial change in ownership.....	B.II.13.24
Presentation of the request.....	B.II.13.17
Recording, notification and publication .....	B.II.07.03, 13.27-28, 13.39
Refusal of the effects of the recording of a change in ownership issued by the Office of a designated Contracting Party.....	B.II.13.33-40
Claim.....	B.II.03.03
Claiming of priority: refer to “Application”	
Classification.....	B.II.04.36-38, 08.02
Color reproductions: refer to “Reproductions”	
Common ownership: refer to “Application”	
Common Regulations: refer to Part C	
Communications with the International Bureau .....	B.I.01.01-19; B.II.04.11, 07.29, 07.33
Confidential copy: refer to “Confidentiality”	
Confidentiality .....	B.II.07.25, 07.28-33
Continuation sheets: refer to “Forms”	
Contracting Parties.....	A.04.01-07
Corrections in the International Register .....	B.II.07.03, 07.33, 18.01-02
Creator (identity of) .....	B.II.03.03, 03.12-13, 04.28-31
Date	
– indication of in international application: refer to “Forms”	
– filing: refer to “Filing date”	
– registration: refer to “International registration”	
Declarations by Contracting Parties.....	A.05.01-28
Additional mandatory contents of an international application.....	A.05.25
Certain views of products required.....	A.05.10-11
Common Office of several States.....	A.05.28
Duration of protection .....	A.05.05
Effect of change in ownership .....	A.05.12
Extension of time for notifying refusal and date from which industrial design is protected .....	A.05.26-27

Individual designation fees .....	A.05.20-23; B.I.05.04-06; B.II.04.76, 04.82-84
No deferment of publication.....	A.05.08
Period of deferment .....	A.05.07
Prohibition on filing through an Office .....	A.05.06
Prohibition on self-designation.....	A.05.24
Publication of notifications and declarations .....	A.05.04
Security clearance .....	A.05.15
Special requirements concerning the applicant and the creator.....	A.05.13-14
Standard designation fees .....	A.02.12, 05.02, 05.16-19; B.II.04.76, 04.82-84
Unity of design .....	A.05.09; B.II.03.14-17
Deferment of publication: refer to “Publication”	
Description.....	B.II.03.03, 04.39-41
Designations	
Determination of Act which governs	
a designation.....	A.04.12-15; B.II.13.09-10, 13.15
What Contracting Parties may be designated .....	B.II.04.43-48
Designs	
Number of.....	B.II.04.32
Disclaimers and matter that does not form part of the claimed design.....	B.II.04.41, 05.10-11
Division of the international registration .....	B.II.03.14-15
Domicile: refer to “Entitlement to file”	
Duration of protection: refer to “Term of protection”	
Effects of the international registration .....	B.II.11.01-11
Electronic communications: refer to “Communications with the International Bureau”	
Electronic interface: refer to “Application”	
Entitlement to file an international application.....	A.02.05-07; B.II.02.01-07, 04.11-18
Domicile .....	B.II.02.05
Establishment .....	B.II.02.07
Nationality .....	B.II.02.04
Plurality of entitlements (including through an	
intergovernmental organization).....	B.II.02.13-15, 04.16-19, 04.46-47, 13.16
Residence.....	B.II.02.06
Entry into force of an Act.....	A.04.08-11
Errors: refer to “Corrections”	
Establishment: refer to “Entitlement to File”	
Exhibition priority: refer to “Application”	
Expiry of the international registration: refer to “Renewal”	
Extracts from the International Register: refer to “Information about international registrations”	
Facsimile: refer to “Communications”	
Fees .....	A.05.16-23; B.I.05.01-16; B.II.04.73-84
Change in the amount of fee.....	B.I.05.12-15
Crediting of fees .....	B.I.05.16
Currency of payment .....	B.I.05.03
Date of payment.....	B.I.05.11; B.II.04.80, 07.13
Declarations concerning standard or individual designation fees: refer to “Declarations”	

Economic status of the applicant.....	B.II.03.08
Fee calculator.....	B.II.04.73, 04.83-84
Individual designation fee: refer to “Declarations by Contracting Parties”	
Mode of payment.....	B.I.05.07-10; B.II.04.73
Reduction of fees.....	B.II.04.77-79
Standard designation fee: refer to “Declarations by Contracting Parties”	
Types of fee.....	B.II.04.82
Filing date.....	B.II.04.30, 04.40, 04.58, 06.04, 06.05, 06.07
Filing of an international application: refer to “Application”	
Forms.....	B.I.01.14-19
Continuation sheets.....	B.I.01.17
Indication of dates.....	B.I.01.18
Self-generated forms.....	B.I.01.15-16
Freezing of the application of the 1934 Act.....	B.III.01.01-03
Habitual residence: refer to “Entitlement to File”	
Individual designation fees: refer to “Declarations by Contracting Parties”	
Industrial designs: refer to “Designs”	
Information about international registrations.....	A.07.01
Bulletin.....	B.II.07.01-07.12
Date of issuing of Bulletin.....	B.II.07.04
Information on the Contracting Parties.....	A.04.11
Information on the Hague System (further information).....	A.06.01
Intergovernmental organizations: refer to “Becoming party to an Act”	
International Designs Bulletin: refer to “Information”	
International exhibition priority: refer to “Application”	
International Register, contents of.....	B.II.08.01-02
International registration, date of.....	B.II.08.03
Invalidation.....	B.II.07.03, 20.01-05
Irregularities: refer to “Application”, “Changes”, and “Refusals”	
Irregularities in postal service: refer to “Postal service”	
Languages.....	B.I.04.01-05; B.II.03.18-20; B.III.02.03
Least Developed Countries (LDC): refer to “Fees (Reduction of fees)”	
Licensing.....	B.II.17.01
Limitation.....	B.II.16.01-12
Form DM/3.....	B.II.16.01, 16.05
Irregular requests.....	B.II.16.11
Recording, notification and publication.....	B.II.16.12
Locarno Classification.....	B.II.04.36-38, 08.02
Members of the Hague Agreement: refer to “Contracting States”	
Merger: refer to “Change in ownership”	
Mistakes: refer to “Corrections”	
Multiple application: refer to “Application”	
Name (change of): refer to “Changes”	
Nationality: refer to “Entitlement to file”	

Number of designs: refer to “Application”

Oath or declaration of the creator .....A.05.14; B.II.03.13, 04.30-31

Opposition (refusals based on): refer to “Refusal”

Ownership (change in): refer to “Changes”

Partial change in ownership: refer to “Change in ownership”

Payment of fees to the International Bureau: refer to “Fees”

Plurality of entitlements: refer to “Entitlements”

Postal service (irregularities in) .....B.I.03.01-02

Presentation of the application: refer to “Application”

Priority: refer to “Application”

Publication of the international registration..... A.02.15; B.II.04.63-68, 07.01-34

Contents of publication.....B.II.07.05

Date of publication .....B.II.07.04

Deferment..... B.II.04.67-68, 07.13-22

Immediate publication .....B.II.04.66

Publication cycle.....A.02.15; B.II.07.06-07

Publication fee .....B.II.04.76

Request for early publication.....B.II.07.24

Requests to provide extracts during deferment .....B.II.07.25

Renunciation or limitation during deferment .....B.II.07.26-27

Timing of publication .....B.II.04.64, 07.08-12

Refusal of protection .....A.02.16-19; B.II.09.01-24, 10.01-10; B.III.02.04, 03.02

Contents of notification .....B.II.09.12

Grounds .....B.II.09.02-06

Irregularities.....B.II.09.17-22

Procedure .....B.II.09.11

Procedure following notification of refusal.....B.II.09.23

Publication.....B.II.07.03

Refusal based on opposition.....B.II.09.01, 09.09, 09.24

Remedies .....B.II.09.12, 09.23-24

Statement of grant of protection following a refusal .....B.II.10.04-05

Time limits .....B.II.09.07-10

Withdrawal .....B.II.10.01-03

Registration (the international).....B.II.08.01-03

Content .....B.II.08.02

Date.....B.II.08.03

Language.....B.I.04.03-04; B.III.02.03

Period of validity .....B.II.19.01-24

Protection (type and scope) .....A.02.20-21

Publication.....A.02.15; B.II.04.63-68, 07.01-34

Renewal of international registration .....B.II.19.01-24; B.III.02.06-07, 03.04-05

Form DM/4.....B.II.19.08

E-Renewal .....A.06.01; B.I.01.11; B.II.19.09-10, 19.13

Fees.....B.I.05.13-15; B.II.19.11-16

Procedure.....B.II.19.06-19

Publication.....B.II.07.02

Recording, notification .....	B.II.19.20-21
Renunciation .....	B.II.15.01-14
Form DM/5 .....	B.II.15.02
Irregular requests .....	B.II.15.12
Recording, notification and publication .....	B.II.15.13-14
Representation before the International Bureau .....	B.I.06.01-21; B.II.04.22-27
Form DM/7 .....	B.II.14.07, 15.07, 16.05
Cancellation of appointment .....	B.I.06.16-20
Effect of appointment .....	B.I.06.12-15; B.II.04.26
Method of appointment .....	B.I.06.04-08; B.II.04.22-25, 13.20
Reproductions .....	B.II.05.01-18
Color .....	B.II.04.41, 04.63, 05.02, 05.10, 05.11, 05.12
Dimensions of .....	B.II.05.03, 05.15-16
Legends .....	B.II.04.39, 05.07, 05.14
Mode .....	B.II.05.02
Number of .....	B.II.04.32, 05.03, 05.12
Numbering of .....	B.II.05.13
Specific Views .....	B.II.05.17-18
Quality of .....	B.II.05.19
Representation of the industrial design .....	B.II.05.05-05.09
Requirements (of the application): refer to “Application”	
Residence: refer to “Entitlement to file”	
Signature .....	B.I.01.02; B.II.04.69-70, 14.07, 14.10, 15.10, 16.05, 16.09, 19.08
Specimens .....	B.II.05.20-25
Number of .....	B.II.04.32
Standard fees: refer to “Fees”	
Statement of grant of protection .....	A.02.20-21; B.II.10.04-10
State of origin (determination of) .....	B.II.02.08-11, 04.49-50
State of origin (protection in) .....	B.II.04.49-51
Telefacsimile: refer to “Communications”	
Term of protection .....	B.II.11.12-15
Terminology (harmonization of) .....	B.II.01.01
Time limits (calculation of) .....	B.I.02.01-03
Transfer of an international registration: refer to “Changes”	
Translation .....	B.I.04.05; B.II.04.05, 04.23
Treaty governing an international application/registration: refer to “Application”	
Types of international application: refer to “Application”	
Unity of design .....	A.05.09; B.II.03.14-17
User account .....	B.I.01.02, 01.11; B.II.04.03, 04.70
Who may apply: refer to “Entitlement” and “Application”	





## PART A

### INTRODUCTION

#### 01. THE GUIDE

01.01 This is a Guide to the international registration of industrial designs. The system for international registration of industrial designs is based on the Hague Agreement Concerning the International Registration of Industrial Designs, which is constituted by three different Acts, namely:

- the Geneva (1999) Act, which was adopted on July 2, 1999, and entered into force on December 23, 2003,
- the Hague (1960) Act, which was adopted on November 28, 1960, and entered into force on August 1, 1984, and
- the London (1934) Act, which was adopted on June 2, 1934, and entered into force in June 1939.

01.02 However, the application of the 1934 Act has been frozen since January 1, 2010 (for more details concerning the freezing of the application of the 1934 Act and its implications, refer to Part B.III). This Guide will therefore mainly focus on the 1960 and 1999 Acts.

01.03 The application of the 1960 and 1999 Acts is supplemented by the Common Regulations and the Administrative Instructions.

01.04 The system for international registration of industrial designs is referred to as “the Hague System”.

01.05 This Guide is divided into three Parts. *Part A* gives a brief general introduction to the Hague System. It also includes explanations as to how a State or an intergovernmental organization may become a Contracting Party to the Hague Agreement and provides an outline of the various declarations and notifications that may be made under the Hague System. *Part B* deals with the international procedures, that is to say, the international registration procedure and other procedures required for the recording of events which may affect an international registration (such as changes in ownership, refusals of protection, etc.). *Part C* contains the full texts of the three Acts, the Common Regulations and the Administrative Instructions.

01.06 Wherever possible, the provisions of the 1999 and 1960 Acts, the Common Regulations and the Administrative Instructions that are relevant to a particular paragraph of the Guide are cited in the margin. Such provisions are cited in the following manner:

- “**99** Article xx” refers to an Article of the 1999 Act;
- “**60** Article xx” refers to an Article of the 1960 Act;
- “Rule xx” refers to a Rule of the Common Regulations;
- “A.I. Section xx” refers to a Section of the Administrative Instructions.

## **02. THE HAGUE SYSTEM: GENERAL OVERVIEW**

02.01 In simple terms, the Hague Agreement offers the possibility of obtaining protection for industrial designs in several Contracting Parties by means of a single international application filed with the International Bureau of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. Thus, under the Hague System, one international application replaces a whole series of applications which would otherwise have to be filed with different national offices.

02.02 The Hague System of international registration of industrial designs is administered by the International Bureau of WIPO. The International Bureau maintains the International Register and publishes the *International Designs Bulletin*.

02.03 In order not to unduly complicate the general overview of the Hague System and taking into account the freezing of the application of the 1934 Act (refer to Part B.III), the paragraphs below (A.02.05 to 02.23) reflect only the international procedure under the 1999 Act and the 1960 Act.

02.04 Furthermore, the paragraphs below are intended only to represent a broad outline of the international procedure under the 1999 and the 1960 Acts. For more detail concerning each of the matters concerned, the reader is invited to consult the corresponding paragraphs contained in Part B.II.

### **Who May Use the System?**

**60 Article 3** 02.05 The entitlement to file an international application under the Hague Agreement is limited to natural persons or legal entities having a real and effective industrial or commercial establishment, or a domicile, in at least one of the Contracting Parties to the Hague Agreement, or being a national of one of these Contracting Parties, or of a member State of an intergovernmental organization that is a Contracting Party.

**99 Article 3**

02.06 In addition, but only under the 1999 Act, an international application may be filed on the basis of habitual residence in a Contracting Party.

02.07 The Contracting Party with respect to which the applicant fulfills the above condition is referred to as the “State of origin” under the 1960 Act and the “applicant’s Contracting Party” under the 1999 Act.

## No Prior National Application or Registration

02.08 The filing of an international application does not require any prior national application or registration. Protection for an industrial design can therefore be applied for at the international level through the Hague Agreement *for the first time*.

## Contents of the Application

**60 Article 5** 02.09 A single international application may comprise several different designs (“multiple application”), up to a maximum of 100. All designs included in  
**99 Article 5** the same application must, however, belong to the same class of the international  
**Rule 7** classification of Locarno<sup>1</sup>. In other words, the international application is “monoclass”.

**Rule 1(1)(vi)** 02.10 An international application must be filed on the official form, either in  
**Rule 7** paper or through an electronic filing (E-filing) interface, made available by the International Bureau on the WIPO web site or on the web site of the Office of a Contracting Party. An international application must contain, *inter alia*, a reproduction of the industrial design concerned, together with the designation of the Contracting Parties in which protection is sought. It must be filed in English, French, or Spanish.

**60 Articles 5(3)(a)** 02.11 The applicant may request that publication be deferred for a period  
**and 6(4)** which may not exceed 12 months (under the 1960 Act) or 30 months (under the  
**99 Article 5(5)** 1999 Act) from the date of filing or, where priority is claimed, from the priority date.

**60 Article 15** 02.12 An international application is subject to the payment of three types of  
**99 Article 7** fees: a basic fee, a publication fee and, in respect of each Contracting Party where  
**Article 5(1)(vi)** protection is sought, either a standard or an individual designation fee. As regards  
**Rule 12** standard fees, a three-level structure of standard fees applies, reflecting the level of examination carried out by the Office of a Contracting Party.

## Transmitting the International Application to the International Bureau

**99 Article 4(1)** 02.13 An international application is normally sent directly to the  
**60 Article 4** International Bureau by the applicant, in which case either the E-filing interface (refer to paragraph A.06.01) or the paper application form may be used. Under the 1960 Act, however, a Contracting Party is entitled to require that, where it is considered to be the State of origin, the application be filed through its national Office. In that case, only the paper form may be used.

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<sup>1</sup> The latest edition of the Locarno Classification, in English and in French, may be found on the WIPO web site, at [www.wipo.int/classifications/locarno/en](http://www.wipo.int/classifications/locarno/en).

### Formal Examination by the International Bureau

02.14 Upon receipt of the international application, the International Bureau checks that it complies with the prescribed formal requirements. The International Bureau does not appraise or concern itself in any way with the novelty of the design and it is therefore not entitled to reject an international application on this or any other substantive ground.

### Publication

02.15 An international application that complies with the prescribed formal requirements is recorded in the International Register and, in due course, published in the *International Designs Bulletin*. This weekly publication takes place electronically on the WIPO web site every Friday and contains all the relevant data concerning the international registration, including a reproduction of the industrial designs. The date on which each issue of the Bulletin is made available on the WIPO web site is communicated electronically by the International Bureau to the Office of a Contracting Party, if the latter wishes to receive the said communication.

### Substantive Examination by the Office of Each Designated Contracting Party: Possibility of Notifying a Refusal of Protection

**60 Article 8(1)** 02.16 Upon publication of the *International Designs Bulletin* on the WIPO  
**99 Article 12(1)** web site, each Office must identify the international registrations in which it has been designated, in order to proceed with the substantive examination, if any, provided for by its own legislation. As a result of that examination, the Office may notify to the International Bureau a refusal of protection for its territory. However, an international registration may not be refused on grounds of non-compliance with formal requirements, since such requirements must be considered satisfied following the examination carried out by the International Bureau.

**60 Article 8(2)** 02.17 A refusal of protection, if any, must be notified to the International  
**99 Article 12(2)** Bureau within six months from the date of publication of the international  
**Rule 18(1)** registration on the WIPO web site. Under the 1999 Act, however, any Contracting Party whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may declare that the refusal period of six months is replaced by a period of 12 months.

**60 Article 8(3)** 02.18 In the event of notification of a refusal, the holder has the same  
**99 Article 12(3)** remedies as he would have if he had filed the application in question directly with the national Office concerned.

02.19 If the holder contests the refusal, the ensuing procedure devolves exclusively at the national level, according to the requirements and procedures provided for by the applicable domestic legislation. The International Bureau is not involved in this procedure. An appeal against a refusal of protection must be

submitted to the competent authorities of the Contracting Party concerned within the time limit and in accordance with the conditions laid down in that Contracting Party's own legislation.

### Statement of Grant of Protection

*Rule 18bis(1)* 02.20 The Office of a designated Contracting Party which has not communicated a notification of refusal may, within the applicable refusal period, send to the International Bureau a statement to the effect that protection is granted to the industrial designs that are the subject of the international registration in the Contracting Party concerned.

02.21 However, no legal consequences result from the fact that such a statement of grant of protection has not been sent by an Office. It remains the case that the industrial designs that are the subject of the international registration are protected if no notification of refusal has been sent within the applicable refusal period.

### Protection Governed by Domestic Law

*60 Article 7* 02.22 In each designated Contracting Party the Office of which has not  
*99 Article 14* communicated a refusal (or has subsequently withdrawn its refusal), the international registration produces the same effect as a grant of protection for an industrial design under the law of that Contracting Party.

### Duration of Protection

*60 Article 11* 02.23 International registrations are valid for an initial period of five years.  
*99 Article 17* They can be renewed for one or more additional periods of five years, in respect of each designated Contracting Party, up to the expiry of the total term of protection allowed by those Contracting Parties' respective laws. In other words, the maximum duration of protection in each designated Contracting Party corresponds to the maximum duration provided for by the law of that Contracting Party.

### Changes in the International Register

*60 Article 12(1)* 02.24 The following changes may be recorded in the International Register:  
*99 Article 16(1)*  
*Rule 21*

- a change in the name or address of the holder or his representative;
- a change in the ownership of an international registration (in respect of all or only some of the designated Contracting Parties and in respect of all or some of the designs included in the registration);

- a renunciation of all the designs that are the subject of the international registration, in respect of any or all of the designated Contracting Parties;

- a limitation of some of the industrial designs that are the subject of the international registration, in respect of any or all of the designated Contracting Parties.

02.25 Requests for such recordings must be presented to the International Bureau on the relevant official forms and must be accompanied by the prescribed fees.

### **03. ADVANTAGES OF THE SYSTEM**

03.01 The system of international registration of industrial designs arose from a need for simplicity and economy. In effect, it enables design owners originating from a Contracting Party to obtain protection for their designs with a minimum of formality and expense.

03.02 In particular, design owners are relieved from the need to make a separate national application in each of the Contracting Parties in which they require protection, thereby avoiding the complexities arising from procedures which may differ from State to State. Thus, they do not have to file documentation in various languages, nor keep a watch on the deadlines for renewal of a whole series of national registrations, varying from one State to the other. In addition, they avoid the need to pay fees in various currencies. Under the Hague Agreement, the same result can be obtained by means of a single international application, in one language, accompanied by the payment of a single set of fees, in one currency and with one Office (the International Bureau).

03.03 Moreover, by having a single international registration with effect in several Contracting Parties, the subsequent management of the protection obtained is also considerably facilitated. For instance, a change in ownership, or in the name or address of the holder, can be recorded in the International Register and have effect in all the designated Contracting Parties, by means of one simple procedural step.

### **04. BECOMING PARTY TO THE HAGUE AGREEMENT**

04.01 The 1999 and the 1960 Acts of the Hague Agreement are autonomous and totally independent of each other. Each Act consists of a fully-fledged international treaty, so that (with the exception of intergovernmental organizations) a potential Contracting Party may decide to become party to either one of the Acts, or to both.

## States

- 60 Article 1(2)** 04.02 To become a Contracting Party to the 1960 Act, a State must be bound by the Paris Convention for the Protection of Industrial Property.
- 99 Article 27(1)** 04.03 To become a Contracting Party to the 1999 Act, a State must be a member of the Convention Establishing WIPO. While it is not required that the State also be party to the Paris Convention, any State that is a Contracting Party to the 1999 Act is, however, required under Article 2(2) of that Act to comply with the provisions of the Paris Convention which concern industrial designs (even if that State is not bound by the Paris Convention).

## Intergovernmental Organizations

- 60 Article 1(2)** 04.04 An intergovernmental organization cannot become party to the 1960 Act, the membership of this treaty being open to States only.
- 99 Article 27(1)(ii)** 04.05 On the other hand, such organization may become party to the 1999 Act, provided the following conditions are fulfilled:
- at least one of the member States of the intergovernmental organization is a member of WIPO, and
  - the organization maintains an Office through which protection of industrial designs may be obtained with effect in the territory in which the constituting treaty of the intergovernmental organization applies.
- 04.06 The expression “Contracting Party” includes any State or intergovernmental organization which is Party to the 1999 Act and/or the 1960 Act.
- 04.07 Instruments of ratification or accession must be deposited with the Director General of WIPO. The Director General notifies all Contracting Parties of any deposits of instruments of ratification of, or accession to, the Act to which they are a party, and of any declarations which are included in such instruments, or made at a later stage.

## Entry into Force of the 1999 Act and the 1960 Act with Respect to a Given Contracting Party

- 60 Article 26(1)** 04.08 As regards the 1960 Act, the accession or ratification of a given Contracting Party enters into force one month after its instrument of ratification or accession has been notified by the Director General of WIPO to the other relevant Contracting Parties, unless a later date is indicated in the instrument.

- 99 Article 28(3)(b)** 04.09 As far as the 1999 Act is concerned, the accession or ratification of a given Contracting Party becomes effective three months after the date on which its instrument of ratification or accession has been deposited with the Director General of WIPO, or at any later date indicated in that instrument. However:
- 99 Article 27(3)(b)** – in respect of States for which protection of industrial designs can be obtained *solely* through the Office maintained by an intergovernmental organization<sup>2</sup>, the deposit of an instrument of ratification or accession cannot become effective before the date of deposit of the instrument of the intergovernmental organization to which those States belong, and
- 99 Article 27(3)(c)** – with regard to States which have made a declaration to the effect that a common Office will act as national Office for all of them<sup>3</sup>, the 1999 Act and/or the 1960 Act enters into force three months or one month, as the case may be, from the date on which the last instrument of the Member States of that group of States has been deposited.
- 99 Article 27(3)(d)** 04.10 A prospective Contracting Party wishing to ensure that it will not be bound by the 1999 Act unless one or several other Contracting Parties are also bound by that Act, may conditionally ratify or accede to that Act. In such case, the ratification or accession takes effect only if, and when, one or several other Contracting Parties, expressly designated, also deposit their instruments of ratification or accession. The conditional instrument of ratification or accession is then deemed to have been deposited on the day on which that condition is satisfied (namely, the day on which the other Contracting Party(ies) concerned deposit(s) its (their) instrument(s) of ratification or accession).
- 04.11 A list of the members of the Hague Agreement, indicating the date on which each Contracting Party became bound by the 1999 Act and/or the 1960 Act, is available on the WIPO web site, at: [www.wipo.int/hague/en/members](http://www.wipo.int/hague/en/members)<sup>4</sup>.

### **Determination of Which Act Is Applicable in Respect of the Designation of a Given Contracting Party**

04.12 To the extent that one and the same Contracting Party may be bound by either one or both Acts of the Hague Agreement (the 1960 Act and/or the 1999 Act), the question arises as to which of these Acts applies in respect of a given Contracting Party designated in an international application.

04.13 The Act applicable to a designated Contracting Party depends on the Act(s) to which are bound, on the one hand, the Contracting Party *of the applicant* and, on the other, the given *designated* Contracting Party. The applicable principles may be summarized as follows:

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<sup>2</sup> This applies, for instance, to the member States of the African Intellectual Property Organization (OAPI) but not to the member States of the European Union (where protection of industrial designs can also be obtained through their own national Offices).

<sup>3</sup> This situation corresponds to the Benelux Office for Intellectual Property (BOIP), which is the common Office to Belgium, Luxembourg and the Netherlands (the Benelux countries).

<sup>4</sup> This list also concerns the members of the Hague Agreement bound by the 1934 Act.



**60 Article 31(2)** – where there is only *one* common Act between the two  
**99 Article 31(2)** Contracting Parties concerned, it is such Act which governs the designation of a given Contracting Party. For example, if an applicant originates from a Contracting Party bound by both the 1999 and the 1960 Acts and designates a Contracting Party bound exclusively by the 1960 Act, such designation is governed by the single common Act (the 1960 Act);

**60 Article 31(1)** – where both Contracting Parties concerned are bound by *more*  
**99 Article 31(1)** than one common Act, it is the *most recent* Act which applies with respect to the designated Contracting Party. For example, if an applicant originates from a Contracting Party bound by both the 1960 and the 1999 Acts and designates a Contracting Party also bound by both the 1960 and the 1999 Acts, such designation is governed by the more recent Act (the 1999 Act).

04.14 It should be noted that, in line with the aforementioned principles, the designation of a Contracting Party bound by several Acts will also be governed by the most recent of these Acts where the applicant enjoyed cumulative but *independent* entitlement connections under each of the same Acts (refer to paragraphs B.II. 04.17 and 04.18). For example, if an applicant originates from Contracting Party A, bound by the 1960 Act, but Contracting Party A is also a State member of an intergovernmental organization bound by the 1999 Act (Contracting Party B), the designation of a Contracting Party C that is bound by both the 1960 and the 1999 Acts is governed by the most recent of these two Acts, that is, the 1999 Act.

04.15 The determination of the applicable Act is to be made on the date of filing of the international application concerned. It cannot be reviewed afterwards, should one of the Contracting Parties concerned accede to another Act of the Hague Agreement subsequently to the filing of the international application.

### **Determination of the Act or Acts Which Govern an International Application as a Whole**

04.16 While the *designation of a Contracting Party* can only be governed by one Act, several Acts may, however, apply in respect of a single *international application*. This depends on whether, in respect of any given international application, Contracting Parties have been designated under the 1999 Act and/or the 1960 Act.

04.17 It is important for an applicant to know which Act or Acts govern(s) the international application, since this will determine such matters as the possibility of requesting deferment of publication, and the fees which are payable.

04.18 In all, three kinds of international application will be possible. An international application may be governed:

**Rule 1(1)(xii)** (a) exclusively by the 1999 Act, i.e., all the Contracting Parties designated in the international application have been designated under the 1999 Act;

*Rule 1(1)(xiii)* (b) exclusively by the 1960 Act, i.e., all the Contracting Parties designated in the international application have been designated under the 1960 Act;

*Rule 1(1)(xiv)* (c) by both the 1999 and the 1960 Acts, i.e., the Contracting Parties designated in the international application include

- at least one Contracting Party designated under the 1999 Act, and
- at least one Contracting Party designated under the 1960 Act.

04.19 These rules may be illustrated with the following example: an applicant originates from a Contracting Party bound by both the 1999 Act and the 1960 Act and it is assumed first of all that he designates in his international application Contracting Parties “A”, “B” and “C”, all of which are bound by the 1999 Act. To the extent that each of these designations is governed by the 1999 Act (the most recent Act), it follows that the international application as a whole is governed *exclusively* by the 1999 Act.

04.20 If, in respect of the same international application, the applicant also designates Contracting Party “D” which is bound only by the 1960 Act: the designation of that Contracting Party “D” is governed by the 1960 Act (the single common Act), and it follows that the international application concerned is governed by *both* the 1999 Act and the 1960 Act. In other words, with respect to that international application, the 1999 Act applies in respect of Contracting Parties “A”, “B” and “C” and the 1960 Act applies in respect of Contracting Party “D”.

## 05. DECLARATIONS BY CONTRACTING PARTIES

05.01 The Hague System provides for the possibility for Contracting Parties to make certain declarations concerning the operation of the international registration system.

**60** *Article 2*  
**99** *Article 1(xvii)*  
*Rule 12(1)(c)* 05.02 A number of such declarations may be made only by a Contracting Party whose Office is an “Examining Office”, that is, an Office that examines, *ex officio*, applications for industrial design protection, in order to determine at least whether the designs satisfy the condition of novelty. Between minimal formality examination (which the Office of a designated Contracting Party is spared in the international procedure under the Hague Agreement) and *ex officio* novelty examination, a range of levels of substantive examination exists amongst the various national and regional design right systems. Some declarations may be made by a Contracting Party whose Office is an “Examining Office”, or by a Contracting Party whose Office examines substantive grounds other than novelty (for example, on issues such as the definition of a “design”, public order and morality, or the protection of State emblems), or carries out an examination on

substantive grounds, including a limited examination as to novelty (for example, an examination as to local novelty only when the criterion for the validity of the design right is worldwide novelty), or examination as to novelty following opposition by third parties.

**99 Article 30(1)** 05.03 Declarations may be made either in the instrument of accession or  
*Rule 36(3)* ratification, or after the deposit of such instrument. In the first case, the declaration becomes effective on the date on which the Contracting Party becomes bound by the Act. In the second case, the declaration becomes effective three months (or, in the case of the 1960 Act, one month) after the date of its receipt by the Director General of WIPO, or at any later date indicated in the declaration. Furthermore, any declaration made after the deposit of the instrument of accession or ratification will apply only in respect of international registrations whose date of international registration is the same as, or later than, the effective date of the declaration.

*Rule 26(2)* 05.04 Additionally, the International Bureau will publish on the WIPO web site any declaration made by a Contracting Party under the 1999 Act, the 1960 Act or the Common Regulations.

### **Duration of Protection**

**99 Article 17(3)(c)** 05.05 Any Contracting Party bound by the 1999 Act or by the 1960 Act must,  
*Rule 36(2)* in a declaration, notify the Director General of WIPO of the maximum duration of protection provided for by its law.

### **Prohibition on Filing Through Office**

**99 Article 4(1)(b)** 05.06 Any Contracting Party bound by the 1999 Act may, in a declaration, notify the Director General of WIPO that international applications may not be filed through its Office.

### **Deferred Publication for a Period Which Is Less than the Prescribed Period**

**99 Article 11(1)(a)** 05.07 Where the law of a Contracting Party bound by the 1999 Act provides for deferment of publication for a period which is less than the prescribed period (30 months), that Contracting Party must, in a declaration, notify the Director General of WIPO of the allowable period of deferment.

### **No Deferment of Publication**

**99 Article 11(1)(b)** 05.08 Where the law of a Contracting Party bound by the 1999 Act does not provide for the deferment of publication, that Contracting Party must, in a declaration, notify the Director General of WIPO of that fact.

### **Unity of Design**

- 99 Article 13(1)** 05.09 Any Contracting Party bound by the 1999 Act and whose law, at the time it becomes party to that Act, requires that designs which are the subject of the same application conform to a requirement of unity of design, unity of production or unity of use, or belong to the same set or composition of items, or that only one independent and distinct design be claimed in a single application, may, in a declaration, notify the Director General of WIPO accordingly.

### **Certain Views of the Design Required**

- Rule 9(3)(a)* 05.10 Any Contracting Party, bound by the 1999 Act, which requires certain specified views of the product or products which constitute the industrial design or in relation to which the industrial design is to be used must, in a declaration, so notify the Director General of WIPO, specifying the views that are required and the circumstances in which they are required.
- Rule 9(3)(b)* 05.11 However, no Contracting Party may require more than one view where the industrial design or product is two-dimensional, or more than six views where the product is three-dimensional.

### **Effect of Change in Ownership**

- 99 Article 16(2)** 05.12 Any Contracting Party bound by the 1999 Act may, in a declaration, notify the Director General of WIPO that the recording in the International Register of a change in the ownership of an international registration shall not have effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in that declaration.

### **Special Requirements Concerning the Applicant and the Creator**

- Rule 8(1)(a)(i)* 05.13 Where the law of a Contracting Party bound by the 1999 Act requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of WIPO of that fact. That declaration shall specify the form and mandatory contents of any statement or document required.
- Rule 8(1)(a)(ii)* 05.14 Where the law of a Contracting Party bound by the 1999 Act requires the furnishing of an oath or declaration of the creator, that Contracting Party may, in a declaration, notify the Director General of that fact. That declaration shall specify the form and mandatory contents of any oath or declaration required.

### **Security Clearance**

- Rule 13(4)* 05.15 Any Contracting Party whose law, at the time that it becomes party to the 1999 Act, requires security clearance, may, in a declaration, notify the Director General of WIPO that the period of one month allowed for its Office to transmit an international application to the International Bureau shall be replaced by a period of six months.

### **Standard Designation Fees**

- Rule 12(1)(c)* 05.16 In accordance with Rule 12(1)(a)(ii) and (b), a three-level structure of standard fees applies, reflecting the level of examination carried out by the Office of a Contracting Party. Furthermore, pursuant to Rule 12(1)(c), the application of levels two or three will be dependent on the making of a declaration by a Contracting Party, indicating the level of examination carried out by its Office. In the absence of a declaration, level one will apply by default. This requirement of a declaration will ensure that users are aware of the precise level of standard designation fee applicable in respect of any given Contracting Party. It should be noted that a Contracting Party may opt for a standard fee instead of an individual fee, or may opt for a lower level of standard fee although entitled to receive a higher level of such fee.
- Rule 12(1)(c)* 05.17 Any Contracting Party bound by the 1999 Act or by the 1960 Act whose Office carries out examination on substantive grounds other than novelty (for example, on issues such as the definition of a “design”, public order and morality, or the protection of State emblems) may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated, the standard designation fee shall be level two instead of level one.
- 05.18 Any Contracting Party bound by the 1999 Act or by the 1960 Act whose Office carries out examination on substantive grounds, including a limited examination as to novelty (for example, an examination as to local novelty only when the criteria for the validity of the design right is worldwide novelty), or examination as to novelty following opposition by third parties, may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated, the standard designation fee shall be level two or three instead of level one.
- 05.19 Any Contracting Party bound by the 1999 Act or by the 1960 Act whose Office is an Examining Office may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated, the standard designation fee shall be level two or three instead of an individual designation fee.

**Individual Designation Fees: International Applications and Renewals**

**99** *Article 7(2)* 05.20 Any Contracting Party bound by the 1999 Act whose Office is an Examining Office and any Contracting Party that is an intergovernmental organization may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such international application, the prescribed designation fee is to be replaced by an individual designation fee, whose amount should be indicated in the declaration and can be changed in further declarations.

*Rule 12(3)*

05.21 That declaration may further specify that the individual designation fee to be paid in respect of that Contracting Party comprises two parts: the first part to be paid at the time of filing the international application and the second part to be paid at a later date which is determined in accordance with the law of the Contracting Party concerned.

05.22 The said amount may be fixed by the Contracting Party in question for the initial term of protection and for each term of renewal, or for the maximum period of protection allowed by the Contracting Party concerned. However, it may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period for the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

**Individual Designation Fee: International Applications Only**

**60** *Article 15(1),* 05.23 Any Contracting Party bound by the 1960 Act whose Office is an Examining Office may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated under the 1960 Act, the standard designation fee is to be replaced by an individual designation fee, whose amount should be indicated in the declaration and can be changed in further declarations. The declaration may also specify that the individual designation fee to be paid comprises two parts (refer to paragraph A.05.21). The said amount may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period for the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

*item 2(b)*

*Rules 12(1)(a)(iii)*

*and 36(1)*

*Rule 12(3)*

**Prohibition of Self-Designation**

**99** *Article 14(3)* 05.24 Any Contracting Party bound by the 1999 Act and whose Office is an Examining Office may, in a declaration, notify the Director General of WIPO that, where it is the applicant's Contracting Party, the designation of that Contracting Party in an international registration has no effect.

### **Mandatory Contents of an International Application**

**99** Article 5(2)  
Rules 7(4) and 11

05.25 Any Contracting Party bound by the 1999 Act whose Office is an Examining Office and whose law, at the time it becomes party to that Act, requires that an application for the grant of protection for an industrial design should contain any of the following elements – (i) indications concerning the identity of the creator, (ii) a brief description and/or (iii) a claim – in order for that application to be accorded a filing date under that law may, in a declaration, notify the Director General of WIPO of those elements.

### **Extension of Time for Notifying Refusal and Date from Which Industrial Design Is Protected**

Rule 18(1)(b)

05.26 Any Contracting Party bound by the 1999 Act and whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General of WIPO that, where it is designated under the 1999 Act, the refusal period of six months is to be replaced by a period of 12 months.

Rule 18(1)(c)(i)  
and (ii)

05.27 That declaration may also state that the international registration will produce its effects at the latest at a time specified in the declaration, which may be later than the date of expiry of the refusal period, but which should not be more than six months after that date, or at the latest at a time at which protection is granted according to the law where a decision regarding the grant of protection was unintentionally not communicated within the applicable refusal period.

### **Common Office of Several States**

**99** Article 19(1)  
**60** Article 30(1)

05.28 If several States have effected the unification of their domestic legislation on industrial designs, they may notify the Director General of WIPO:

(i) that a common Office is to be substituted for the national Office of each of them, and

(ii) that the whole of their respective territories to which the unified legislation applies is to be deemed to be a single Contracting Party for the purposes of the Hague Agreement.

## **06. FURTHER INFORMATION ABOUT THE HAGUE SYSTEM**

06.01 Additional information concerning the system of international registration of industrial designs is available on the WIPO web site (address: [www.wipo.int/hague/en](http://www.wipo.int/hague/en)) under the heading *Hague – The Industrial Design System*. As well as general information, this site includes:

- the full text of the 1999 Act, the 1960 Act, the Common Regulations and the Administrative Instructions<sup>5</sup>;
- the full text of the present Guide;
- a list of the Contracting Parties, together with an indication of the respective dates on which they became bound by the treaties;
- information concerning national or regional procedures before Offices;
- the E-filing interface, the electronic renewal (E-renewal) interface, as well as any official and unofficial forms issued by the International Bureau, in MS Word and Adobe PDF versions;
- the current fees, including individual fees;
- a fee calculator for calculating the fees (including individual fees) payable in connection with an international application and the renewal of an international registration;
- information notices issued by the International Bureau (for example, concerning new accessions or changes to the Common Regulations);
- statistics under the Hague System;
- information concerning meetings and seminars;
- the *International Designs Bulletin*;
- the Hague Express database.

## **07. PUBLIC INFORMATION ABOUT INTERNATIONAL REGISTRATIONS**

07.01 Anyone wishing to obtain information about the contents of the International Register, or about a particular published international registration, has access, against the payment of the prescribed fees, to the following sources of information:

- (i) extracts from the International Register;
- (ii) certified copies of recordings made in the International Register or of items in the file of the international registration;
- (iii) uncertified copies of recordings made in the International Register or of items in the file of the international registration;

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<sup>5</sup> The site also includes the full text of the 1934 Act.



(iv) written information on the contents of the International Register or of the file of the international registration;

(v) photographs of specimens.



## **PART B**

### **INTERNATIONAL PROCEDURE**

#### **CHAPTER I: GENERAL**

#### **INTRODUCTION**

This Chapter is concerned with procedural matters which are of interest both to applicants and holders and to Offices. It deals with communications with the International Bureau (including the modalities of communication, the calculation of time limits and the languages of communication), the payment of fees and representation before the International Bureau.

#### **01. COMMUNICATIONS WITH THE INTERNATIONAL BUREAU**

*Rule 1(1)(v) and Rule 2* 01.01 Three routes of communications are possible as part of the international procedure, namely:

– between the International Bureau and the Office of a Contracting Party;

– between the International Bureau and the applicant or holder, or his representative<sup>1</sup>;

– between the applicant or holder (or representative) and the Office of a Contracting Party. These latter communications, which do not involve the International Bureau, are outside the scope of the Hague Agreement. The modalities of such communications are exclusively a matter for the law and practice of the Contracting Party concerned. For example, the question as to whether an appeal against a refusal of protection may be filed by post, facsimile or by electronic means with a given Office is a matter for determination by the legislation and/or practice of that particular Contracting Party.

#### **Modalities of Communications with the International Bureau**

*A.I. Section 201(a)* 01.02 Communications addressed by an applicant, holder or an Office to the International Bureau must be in writing and be typed or otherwise printed. Handwritten communications are not acceptable. The communication must be signed. The signature may be handwritten, printed or stamped, or may be replaced

*A.I. Section 202*

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<sup>1</sup> Unless otherwise specified, where this Guide refers to a communication being sent to or by an applicant or holder, this is to be understood as meaning that, where a representative is recorded in the International Register for that applicant or holder, the communication will be sent to, or may validly be sent by, that representative (refer to paragraphs B.I.06.12 *et seq*).

*A.I. Section 205(a)* by a seal. As regards electronic communication and communications through user accounts available on the WIPO web site, the signature must be made in the manner determined by the International Bureau or agreed upon between the International Bureau and the Office concerned, as the case may be. Pursuant to Section 205(a) of the Administrative Instructions, communications through user accounts must be authenticated through the use of the account holder's user name and password.

01.03 Communications addressed to the International Bureau may be delivered by hand, sent by mail, by facsimile<sup>2</sup> or by electronic means.

*Communications Sent by Mail*

01.04 Any communication may be sent to the International Bureau by mail, through a postal or other delivery service, at the following address:

World Intellectual Property Organization  
34, chemin des Colombettes, P.O. Box 18,  
1211 Geneva 20, Switzerland

*A.I. Section 201(b)* 01.05 If several documents are mailed to the International Bureau in one envelope, they should be accompanied by a list identifying each one of them. The International Bureau informs the sender of any discrepancy between the list and what is actually received.

*Communications Sent by Facsimile*

*A.I. Section 203(a)* 01.06 Any communication may be sent to the International Bureau by facsimile (and be effective as from the date of its receipt by the International Bureau), *except international applications containing a reproduction to be published in color*. This exclusion is due to the fact that facsimile communications do not allow for the identification of colors, so that facsimiles of color reproductions cannot be effective as from the date of their receipt.

*A.I. Section 203(b)* 01.07 Where an international application containing reproductions to be published only in black and white is addressed to the International Bureau by facsimile, such application will only be effective as from the date of its receipt if *the original* of the international application form, along with *the original* of the reproductions, is received by the International Bureau prior to the expiration of 20 days from the date of receipt of the facsimile communication. If that time limit is not complied with, the international application bears the date on which the originals referred to above were in fact received by the International Bureau.

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<sup>2</sup> While the provisions of the Administrative Instructions refer to "telefacsimile", the present Guide uses the word "facsimile" instead, for the sake of simplicity (these two terms having the same meaning).

*A.I. Section 203(c)* 01.08 Where a communication is transmitted to the International Bureau by facsimile, the Bureau promptly informs the sender of its receipt, also by facsimile, provided the sender can be identified and reached. The Bureau also informs him of any deficiencies in the transmission (for example, if it is incomplete or illegible). Except for international applications, any other communications (such as responses to irregularity notices or requests for the recording of changes in ownership, limitations, renunciations, etc.) may be addressed to the International Bureau by facsimile without the need for applicants or holders to send subsequently the original of those communications to the International Bureau.

01.09 Whenever a communication is required to be presented on an official form, that form must be used for the purposes of any facsimile communication.

*A.I. Section 203(d)* 01.10 Where a communication is transmitted to the International Bureau by facsimile and, because of the time difference between the place from where the communication is transmitted and Geneva, the date on which the transmittal started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

#### *Communications Sent by Electronic Means*

*A.I. Section 204(a)* 01.11 Any communication between, on the one hand, an applicant or holder or Office of a Contracting Party and, on the other hand, the International Bureau, including the presentation of an international application, may be made by electronic means. An electronic filing (E-filing) interface with user accounts, as well as an interface for the renewal of international registrations (E-renewal), are available on the WIPO web site, at [www.wipo.int/hague/en](http://www.wipo.int/hague/en). Notwithstanding the above, electronic communications between an Office and the International Bureau may take place in a way agreed upon between the International Bureau and the Office concerned. Each Office wishing to receive communications sent by electronic means shall indicate to the International Bureau the email address to which the said communication shall be sent.

*A.I. Section 205*

*A.I. Section 204(c)* 01.12 Where a communication is transmitted to the International Bureau by electronic means and, because of the time difference between the place from where the communication is sent and Geneva, the date on which the sending started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

*A.I. Section 204(b)* 01.13 Provided the sender can be identified and can be reached, the International Bureau will promptly inform him, also by electronic transmission, of the receipt of the electronic communication, and of any deficiencies in the transmission (for example, if it is incomplete or illegible). Such an acknowledgement shall contain the date of receipt in the case of an international application.

## Official Forms

**99 Article 4(1)** 01.14 All official forms are established by the International Bureau. Official forms include both paper forms, as well as electronic interfaces. An electronic filing (E-filing) interface is available on the WIPO web site at [www.wipo.int/hague/en](http://www.wipo.int/hague/en). Further electronic interfaces may be made available on the WIPO web site or on the web site of the Office of a Contracting Party. It is recalled that a Contracting Party allowing, in line with Article 4(1) of the 1999 Act, the indirect filing, may make an E-filing interface available on the web site of its Office. Copies of paper forms are available for downloading from the same WIPO web site.

*Rule 1(1)(vi)*

*Rule 1(1)(vi)* 01.15 As an alternative to using a paper form produced by the International Bureau, Offices, applicants or holders may generate their own forms. Such self-generated forms are acceptable to the International Bureau provided that they have the same contents and format as the official forms.

01.16 The items in such self-generated forms need not have the same spacing and layout as in the forms established by the International Bureau. Indeed, one advantage of producing such forms is that as much space can be allocated to a given item as is needed; for example, where an international application is in the names of several applicants, or there is a particularly large number of industrial designs, use of such forms can avoid the need for continuation sheets. The following prescriptions must, however, be observed:

- the form must be on A4 paper, written on one side only;
- it must contain the same items, with their numbering and titles, in the same order, as the official form established by the International Bureau;
- where an item is not used or is not applicable, the item should not be omitted, but should be included with an appropriate indication, such as “not applicable”, “nil” or “not used”; for example, if an international application submitted on a self-generated form does not include a claim to priority, the form should still include the relevant entry, between items 10 and 12, with an appropriate indication, such as: “Priority Claim: *Not applicable*”.

## Continuation Sheets

01.17 Where the space available in any part of a form is insufficient (for example, in the case of an international application, because there is more than one applicant, or more than one priority claim) one or more continuation sheets should be used (unless a self-generated form has been used). On the continuation sheet, it is necessary to indicate “*Continuation of item number ....*”, the information then being presented in the same manner as required in the form itself. The number of continuation sheets used should be indicated in the box provided at the beginning of the form.

## Indication of Dates

01.18 Any indication of a date in an official form must consist of the day in two digits, followed by the number of the month in two digits, followed by the number of the year in four digits, all in Arabic numerals and day, month and year being separated by slashes (/). For example, the date April 1, 2014, is to be written as “01/04/2014”.

## Unofficial Forms

01.19 In addition to the official forms, several unofficial forms are available, for example for renewing an international registration. The use of these forms is not compulsory; they are provided by the International Bureau for the convenience of users and are also available on the WIPO web site, at [www.wipo.int/hague/en](http://www.wipo.int/hague/en).

## 02. CALCULATION OF TIME LIMITS

02.01 The Hague System lays down time limits within which certain communications must be made. Normally the date on which the time limit expires is the date on which the communication must be received by the International Bureau. An exception to this is the time limit within which the Office of a designated Contracting Party may notify refusal of protection; in this case, it is the date on which the Office sends the notification to the International Bureau which is decisive (refer also to A.I. section 501). Any communication from the International Bureau which refers to a time limit indicates the date of expiry of that time limit, calculated in accordance with the following rules:

*Rule 4(1)* – any period expressed in years expires, in the relevant subsequent year, on the same day and month as the event from which the period started to run, except that a period which started on February 29, and ends in a year in which there is no such date, will expire on February 28. For example, a period of 10 years from February 20, 2008, will expire on February 20, 2018; a period of 10 years from February 29, 2008, will expire on February 28, 2018;

*Rule 4(2)* – any period expressed in months expires, in the relevant subsequent month, on the day having the same number as the day of the event from which the period started to run, except that if there is no day with that number, the period expires on the last day of the month. For example, a period of two months which begins on January 31 ends on March 31, while a period of three months which begins on the same date ends on April 30;

*Rule 4(3)* – any period expressed in days starts on the day following the day on which the relevant event occurred. For example, a period of ten days which is to be reckoned from an event which occurred on the twelfth day of a month will expire on the twenty-second day of that month.

*Rule 4(4)* 02.02 If a period within which a communication must be received by the International Bureau would expire on a day on which the International Bureau is not open to the public, it will expire on the next subsequent day on which the Bureau is open. The following examples will illustrate the situation: Firstly, if a

*Rule 26(2)* period within which a communication must be received by the International Bureau ends on a Saturday or Sunday, the deadline will be met if the communication is received on the following Monday (assuming that the Monday is not a holiday). Secondly, a period of three months starting from October 1 will not expire on January 1 (which is an official holiday at the International Bureau), but on the next working day. A list of the days on which the International Bureau is not scheduled to be open to the public during the current and the following calendar year is published on the WIPO web site.

*Rule 4(4)* 02.03 Likewise, if the period within which a communication (such as a notification of refusal of protection) must be sent by an Office to the International Bureau would expire on a day on which the Office concerned is not open to the public, it will expire on the next subsequent day on which the Office is open. It should be noted that this applies only where the period in question is specified in terms of the communication being *sent* by an Office within that period. On the other hand, where the period is specified in terms of the communication being *received* by the International Bureau within that period, it is paragraph B.I.02.02 that applies; in such a case, late receipt of the communication by the International Bureau cannot be excused on the ground that its dispatch was delayed because the Office which sent it was closed.

### **03. IRREGULARITIES IN POSTAL AND DELIVERY SERVICES**

*Rule 5(1) and (2)* 03.01 Where a time limit is not met because a communication addressed to the International Bureau by an applicant or holder or by an Office is unduly delayed or is lost because of an irregularity in a postal or delivery service, this may be excused, provided due care has been exercised by the sender and the communication was dispatched in good time. The rule is that failure to meet a time limit will be excused if the party which sent the communication submits evidence showing, to the satisfaction of the International Bureau:

(i) that the communication was mailed or sent to the International Bureau at least five days prior to the expiry of the time limit, or, where the postal or delivery service was, on any of the 10 days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed or sent not later than five days after postal or delivery service was resumed;

(ii) that the mailing of the communication was registered, or details of the communication were recorded by the postal or delivery service at the time of mailing; and

(iii) in the case of a communication sent by a postal service from a location from which not all classes of mail normally reach the International Bureau within two days of mailing, that the communication was either mailed by a class of mail which normally reaches the International Bureau within two days of mailing, or was sent by airmail.



- Rule 5(3)* 03.02 Failure to meet a time limit will be excused only if the evidence referred to in paragraph B.I.03.01, and the communication, or a duplicate thereof, are received by the International Bureau not later than six months after the expiry of the time limit.

## 04. LANGUAGES

### International Applications

- Rule 6(1)* 04.01 An international application may be filed in English, French or Spanish at the applicant's option.

- Rule 6(3)* 04.02 Any communication concerning an international application or an international registration must be

(i) in English, French or Spanish, where such communication is addressed to the International Bureau by an applicant, holder, or Office<sup>3</sup>;

(ii) in the language of the international application, where the communication is addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that any such communications are to be in English, French, or Spanish;

(iii) in the language of the international application, where the communication is addressed by the International Bureau to the applicant or holder, unless that applicant or holder has expressed the wish that all such communications be in English, French, or Spanish.

- Rule 6(2)* 04.03 The recording in the International Register and the publication in the Bulletin of an international registration and of any data to be both recorded and published in respect of that international registration takes place in English, French and Spanish.

- Rule 37(2)* 04.04 In respect of international applications filed before April 1, 2010 and international registrations resulting from such applications, Rule 6 as in force before April 1, 2010, continues to apply. As a consequence, the recording in the International Register and the publication in the Bulletin of an international registration and of any data to be both recorded and published in respect of that international registration only take place in English and in French.

### Translation

- Rule 6(4)* 04.05 The necessary translation of the recordings to be made in the International Register and their publication in the Bulletin is performed by the International Bureau. The applicant may annex to the international application a

<sup>3</sup> Notwithstanding Rule 6(3)(i), where the international registration was amended in a procedure before the Office, the information on amendments referred to in Rule 18(4)(c), 18bis(1)(c) and (2)(c), could be provided in the language in which the Office detains it, even if it is a language other than the working language used for the statement or notification concerned.

proposed translation of any text contained in the international application. If the proposed translation is not considered by the International Bureau to be correct, it is corrected by the International Bureau after having invited the applicant to make, within one month from the invitation, observations on the proposed correction.

## **05. PAYMENT OF FEES TO THE INTERNATIONAL BUREAU**

*Rule 27(1)* 05.01 The amounts of the fees payable in connection with an international application or registration are either prescribed in the Schedule of Fees appended to the Common Regulations or, in the case of individual fees, fixed by the Contracting Party concerned. Information concerning individual fees is published on the WIPO web site.

*Rule 27(2)(a) and (b)* 05.02 Fees may be paid by the applicant or holder directly to the International Bureau. As regards, in particular, an international application, the fees may also be paid through the Office of the applicant's Contracting Party if the application is filed through that Office and the Office accepts to collect and forward such fees to the International Bureau.

### **Currency of Payment**

*Rule 28(1)* 05.03 All payments to the International Bureau must be made in Swiss currency. An Office which accepts to collect and forward fees may collect payments from the applicant in another currency, but the payment forwarded to the International Bureau by the Office must be in Swiss currency.

### **Individual Designation Fees**

**99** *Article 7(2)* 05.04 Declaration concerning individual designation fees (refer to paragraphs A.05.19 to 05.21) must indicate the amount of such fees, expressed in the currency used by the Office concerned and, where applicable, any change in the amount. Where this currency is other than Swiss currency, the Director General of WIPO, in consultation with the Office, establishes the amount of the fees in Swiss currency on the basis of the official exchange rate of the United Nations.

*Rule 28(2)(c)* 05.05 Where, for more than three consecutive months, the official exchange rate of the United Nations between a Contracting Party's currency and Swiss currency is higher or lower by at least 5% than the last exchange rate used to establish the amount of the individual fees in Swiss currency, the Office of that Contracting Party may ask the Director General of WIPO to establish new amounts in Swiss currency for the individual fees.

*Rule 28(2)(d)* 05.06 Where, for more than three consecutive months, this exchange rate is lower by at least 10% than the last rate applied, the Director General of WIPO, at his own initiative, establishes new amounts in Swiss currency for the individual

fees. The amounts so fixed are published on the WIPO web site and become applicable at a date to be fixed by the Director General of WIPO, which is between one and two months after such publication.

### Mode of Payment

*A.I. Section 801* 05.07 Fees may be paid to the International Bureau:

(i) by debit to a current account with the International Bureau (payment from a current account also is available through the electronic filing (E-filing) interface and the renewal (E-renewal) system, as well as through the electronic payment service (E-payment), available at [www.wipo.int/hague/en/](http://www.wipo.int/hague/en/);

(ii) by payment into the Swiss postal account or to any of the specified bank accounts of the International Bureau;

(iii) by credit card when using the E-filing or E-renewal, as well as through the E-payment service (E-payment service can only be used to pay fees as notified in irregularity letters or other WIPO communications with regard to international applications or registrations).

05.08 An applicant, holder, representative, or an Office having frequent dealings with the International Bureau, may find it useful to maintain a current account with the International Bureau. This greatly simplifies the payment of fees and reduces the risk of irregularities due to late or incorrect payment. This method of payment is of course dependent on there being a sufficient balance in the account; the International Bureau informs the holder of the account whenever the balance has diminished to an extent that there is a danger that it might be insufficient to cover the next fee.

*Rule 27(4)* 05.09 Whenever a fee is paid to the International Bureau, the purpose of the payment must be indicated, together with information identifying the application or registration concerned. This information should include:

– at the stage of the international application, the name of the applicant and the industrial design to which the payment relates;

– in connection with international registrations, the name of the holder and the international registration number.

05.10 Where payment is made other than by debit from a current account with the International Bureau, the amount being paid should be stated. Where payment is made from a current account with the International Bureau, it is sufficient to give a general instruction to the International Bureau to debit whatever is the correct amount for the transaction in question (by ticking the appropriate box on the fee payment sheet which is part of the official form). Nevertheless, if a specific amount is indicated, the International Bureau treats it as indicative only, debits the correct amount and notifies accordingly the party (applicant, holder, representative or Office) that gave the instruction.

**Date of Payment**

- Rule 27(5)(a)* 05.11 The fees are considered to have been paid on the date on which the International Bureau received the required amount. However, in the case of a renewal, if a payment is received by the International Bureau earlier than three months before the date on which the renewal of the international registration is due, it is considered as having been received three months before that date.
- Rule 24(1)(d)*

**Change in the Amount of Fee**

- Rule 27(6)(a)* 05.12 Where an international application is filed through the Office of the applicant's Contracting Party and the amount of the fee payable changes between the date on which the application was received by such Office and the date on which it was received by the International Bureau, it is the fee that was valid on the date of reception of the international application by the Office that is applicable.
- Rule 27(6)(b)* 05.13 Where the renewal of an international registration is requested and the amount of the fee payable changes between the date of payment and the date on which renewal is due, then
- where payment is made not more than three months before the date on which renewal is due, it is the fee that was valid on the date of payment that is applicable;
  - where the fee is paid more than three months before the date on which renewal is due, the payment is considered to have been received three months before the due date, and it is the fee that was valid three months before the due date that is applicable (refer to paragraph B.I.05.11).
- Rule 24(1)(d)*
- Rule 27(6)(b)* 05.14 Where the renewal fee is paid after the due date, it is the fee that was valid on the due date that is applicable.
- Rule 27(6)(c)* 05.15 In any other case, the applicable amount is that which was valid on the date on which the payment was received by the International Bureau.

**Crediting of Fees**

- Rule 29* 05.16 Any standard designation fee or individual designation fee collected by the International Bureau is credited to the account maintained with the International Bureau by the Contracting Party concerned. This is done within the month following the month during which was recorded the international registration or renewal in connection with which the fee was paid or, as regards the payment of the second part of an individual fee, upon its receipt by the International Bureau.

## **06. REPRESENTATION BEFORE THE INTERNATIONAL BUREAU**

*Rule 3(1)(a)* 06.01 An international application may be filed with the International Bureau directly by the applicant. If he so wishes, the applicant may appoint a representative to act on his behalf before the International Bureau.

06.02 The provisions of the Hague System relate only to the representation before *the International Bureau*. Requirements as to the appointment of a representative before the Office of a Contracting Party (in the event, for example, that an appeal is lodged against a refusal of protection) are outside the scope of the Hague System and are exclusively a matter for the law and practice of the Contracting Party concerned.

06.03 With respect to who may be appointed as a representative before the International Bureau, the Hague System does not provide for any requirement as to professional qualification, nationality or domicile.

### **Method of Appointment of a Representative**

#### *In the International Application*

*Rule 3(2)(a)* 06.04 A representative may be appointed in an international application by indicating the name and address of such representative in the corresponding item 5 of the international application form or in the corresponding section of the electronic filing (E-filing) interface. For the appointment of the representative to be effective, the international application must either be signed by the applicant or be accompanied by a power of attorney (and the appropriate box in item 5 ticked accordingly) (refer to paragraphs B.II.04.21 to 04.26). Regarding E-filing, if the application is signed by a representative, a power of attorney in PDF format should be uploaded.

#### *In a Request for the Recording of a Change*

06.05 A representative may be appointed in a request for the recording of a change (limitation, renunciation, change in ownership, change in the name and/or address of the holder) by indicating the name and address of such representative in the corresponding item of the form concerned. For the appointment of the representative to be effective, the request must be signed by the holder or be accompanied by a power of attorney or form DM/7 duly completed (and the appropriate box ticked accordingly) (refer to paragraphs B.II.13.19, 14.07, 15.07 and 16.05). At the time of printing this Guide, it is not possible to submit a request for the recording of a change through an electronic interface.

#### *In a Separate Communication*

*Rule 3(2)(b)* 06.06 The appointment of a representative may also be made at any time in a separate communication. Such separate communication must be signed by the holder.

06.07 The communication may be a simple letter. It suffices that it clearly identifies the person making the appointment, the name and address of the appointed representative and the international application or registration concerned. Although not compulsory, an unofficial form (DM/7) for appointing a representative is available from the International Bureau for the convenience of applicants and holders.

06.08 Such an appointment may relate to any number of international applications or registrations, provided they are all clearly and individually identified. The International Bureau cannot accept, as an appointment of a representative, a communication which simply refers to all international applications and registrations in the name of the same applicant or holder.

### **Only One Representative**

- Rule 3(1)(b)* 06.09 Only one representative may be appointed in respect of a given international application or registration. Therefore, if the appointment indicates more than one representative in respect of the same international application or registration, only the one indicated first is considered to have been appointed.
- Rule 3(1)(c)* Where a partnership or firm of attorneys or patent or trademark agents has been indicated, this is regarded as a single representative.

### **Irregular Appointment**

- Rule 3(2)(c)* 06.10 Where the appointment of a representative does not comply with the applicable requirements, the International Bureau considers the appointment as irregular. It notifies accordingly the applicant or holder and the purported representative and, failing the required correction, it sends all relevant communications to the applicant or holder or their previously appointed representative.

### **Recording and Notification of Appointment**

- Rule 3(3)(a) and (b)* 06.11 If the appointment of the representative complies with the applicable requirements, the International Bureau records that fact, along with the name and address of the representative in the International Register, and notifies both the applicant or holder and the representative concerned.

### **Effect of the Appointment**

- Rule 3(3)(a)* 06.12 The appointment of a representative has effect as of the date on which the International Bureau receives the communication (international application, request to record a change or separate communication) in which the appointment has been made.
- Rule 3(4)(a)* 06.13 Unless the Common Regulations expressly require otherwise, a duly recorded representative may always sign a communication, or carry out any other procedural step, in place of the applicant or holder. Any communication addressed
- Rule 3(4)(c)*

*Rule 3(4)(b)* by him to the International Bureau has the same effect as if it had been addressed to the International Bureau by the applicant or holder. Similarly, where a representative is recorded, the International Bureau sends to him any communication which, in the absence of a representative, would have been sent to the applicant or holder. Any such communication has the same effect as if it had been addressed to the applicant or holder.

06.14 Where a representative is appointed, the International Bureau does not normally send communications also to the applicant or holder. There are a number of exceptions to this rule:

*Rule 3(5)(c)* – where cancellation of the appointment is requested, the International Bureau so informs both the applicant or holder and the representative (refer to paragraph B.I.06.20);

*Rule 23* – six months before the expiry of a five-year term of protection, the International Bureau sends an unofficial notice to both the holder and his representative;

*Rule 24(3)* – where insufficient fees are paid for the purpose of renewal, the International Bureau notifies both the holder and his representative.

06.15 Apart from these exceptions, whenever this Guide refers to anything being sent to, or done by, an applicant or holder, this should be understood as a reference to it being sent to, or allowed to be done by, a duly-recorded representative.

### **Cancellation of Appointment**

*Rule 3(5)(a)* 06.16 The recording of a representative is canceled upon receipt of a corresponding request signed by the applicant, holder or representative. Cancellation may be requested by means of a simple letter or on the unofficial form DM/9. The cancellation of the recording may be effected for all the international applications or registrations of the same applicant or holder in respect of which the representative has been duly appointed, or for any specified international applications or registrations of that applicant or holder.

*Rule 3(5)(a)* 06.17 The recording of a representative is canceled *ex officio* by the International Bureau where a new representative has been duly appointed. As noted in paragraph B.I.06.09, only one representative may be recognized at any one time; the appointment of a new representative is therefore assumed to replace any representative previously appointed.

*Rule 3(5)(a)* 06.18 The recording of a representative is also canceled *ex officio* by the International Bureau where a change in ownership has been recorded and no representative has been appointed by the new holder.

*Rule 3(5)(b)* 06.19 The cancellation becomes effective from the date on which the International Bureau receives the communication leading to the cancellation.

*Rule 3(5)(c)* 06.20 Once the cancellation becomes effective, the International Bureau notifies the cancellation and its effective date to the applicant or holder and to the representative whose appointment has been canceled. It sends all future communications either to the new representative or, where no new representative has been recorded, to the applicant or holder.

### **No Fees**

06.21 The recording of the appointment of a representative, of any change concerning the representative, or of the cancellation of the recording of a representative, is exempted from the payment of fees.



## **CHAPTER II:**

### **INTERNATIONAL PROCEDURE (1960 AND 1999 ACTS)**

#### **INTRODUCTION**

This Chapter describes the procedures under the Hague System. It follows, as far as possible, the life of an international registration, starting with the international application and proceeding through to the recording of the international registration. It then deals with the various events which can occur following an international registration, such as refusal of protection, requests for the recording of certain changes (change in name or address, change in ownership, limitation, renunciation or cancellation) and renewal of the international registration.

For the reasons explained in paragraph A.02.03, the present Chapter deals only with the international procedure under the 1999 Act and/or the 1960 Act. The procedural specificities of the 1934 Act, as applicable since the freezing of its application on January 1, 2010, are described separately in Chapter B.III.

#### **01. HARMONIZATION OF TERMINOLOGY**

*Rule 1(2)* 01.01 The 1960 Act, on the one hand, and the 1999 Act, on the other hand, refer at times to identical concepts while using different terminology. Therefore, for the sake of simplicity and consistency and throughout the Common Regulations, the terminology of the 1960 Act has been brought into line with the more modern terminology used in the 1999 Act. For the purpose of the Common Regulations, five terms contained in the 1960 Act have been harmonized with those contained in the 1999 Act:

- reference to “international application” or “international registration” is deemed to include a reference to “international deposit”, as referred to in the 1960 Act;

- reference to “applicant” or “holder” is deemed to include a reference to, respectively, “depositor” or “owner” as referred to in the 1960 Act;

- reference to “Contracting Party” is deemed to include a reference to a State party to the 1960 Act;

- reference to “Contracting Party whose Office is an Examining Office” is deemed to include a reference to “State having a novelty examination” as defined in Article 2 of the 1960 Act;

– reference to “individual designation fee” is deemed to include a reference to the fee mentioned in Article 15(1)2(b) of the 1960 Act.

## **02. ENTITLEMENT TO FILE AN INTERNATIONAL APPLICATION**

**60 Article 3** 02.01 To be entitled to file an international application, an applicant must  
**99 Article 3** satisfy at least one of the following conditions:

(i) be a national of a State that is a Contracting Party or of a State member of an intergovernmental organization that is a Contracting Party, *or*

(ii) have a domicile in the territory of a State that is a Contracting Party or in the territory in which the treaty establishing an intergovernmental organization that is a Contracting Party applies, *or*

(iii) have a real and effective industrial or commercial establishment in the territory of a State that is a Contracting Party or in the territory in which the treaty establishing an intergovernmental organization that is a Contracting Party applies.

02.02 In addition, but only under the 1999 Act, an international application may be filed on the basis of a habitual residence in a Contracting Party.

02.03 The interpretation of “national”, “domicile”, “habitual residence” and “real and effective commercial or industrial establishment” is exclusively a matter for the laws of the Contracting Parties to determine. This Guide can therefore only give some guidance in that regard.

02.04 The term “national” is intended to have the same meaning as in Articles 2 and 3 of the Paris Convention. It is taken to be capable of including both natural and legal persons. The question as to whether a natural person is a national of a particular country, and the criteria for deciding whether a legal entity is regarded as a national of that country (for example, place of incorporation or headquarters), are matters for the law of such country.

02.05 The concept of “domicile” can have different meanings, depending on national legislation. It is for the law of a Contracting Party to determine the criteria for either a natural person or a legal entity to be regarded as domiciled in that Contracting Party. Under some legislations a natural person can obtain domicile only by virtue of an official authorization. Other legislations interpret “domicile” as more or less equivalent to “residence”. It is generally believed that the Paris Convention did not seek, by using the expression “domicile”, to indicate a legal situation, but rather a more or less permanent situation of fact, so that a foreign national residing in a Contracting Party would, in most cases, be eligible to claim entitlement through domicile. With respect to legal entities, their “domicile” can be considered to be the place of their actual headquarters.

02.06 The term “habitual residence” is taken from the Berne Convention for the Protection of Literary and Artistic Works. It has been used in the 1999 Act in order to compensate for any excessively narrow interpretation that might be given to the concept of “domicile” under domestic laws.

02.07 The expression “real and effective industrial or commercial establishment” is taken from Article 3 of the Paris Convention, to which it was added at the first conference for the revision of the Convention which took place in Brussels in 1897 - 1900. It was felt that the original provision, which referred simply to “an establishment”, was too broad and should be restricted. The intention was that, by using the French term “*sérieux*” (“real” in English), fraudulent or fictitious establishments would be excluded. The term “effective” makes it clear that, while the establishment must be one at which some industrial or commercial activity takes place (as distinct from a mere warehouse), it need not be the principal place of business (at the Brussels Conference, the proposal by one of the States party to the Madrid Agreement to narrow down the requirement of the establishment to the principal place of business was not adopted).

**Determination of the State of Origin (Under the 1960 Act) and  
Determination of the Applicant’s Contracting Party (Under the  
1999 Act)**

02.08 The “State of origin” under the 1960 Act and the “applicant’s Contracting Party” under the 1999 Act both correspond to the Contracting Party in respect of which the applicant derives his right to file an international application under the Hague Agreement, *i.e.*, the Contracting Party with which the applicant has the required entitlement (through establishment, domicile, nationality or, in respect of the 1999 Act, habitual residence).

02.09 However, where an applicant has an entitlement with *several* Contracting Parties (refer to paragraphs B.II.04.12 to 04.19), the “State of origin” and the “applicant’s Contracting Party” are determined according to different principles under, respectively, the 1960 Act and the 1999 Act.

*Determination of the State of Origin Under the 1960 Act*

**60 Article 2** 02.10 The State of origin is determined as:

(a) the Contracting State to the 1960 Act in which the applicant has a real and effective industrial or commercial establishment; or

(b) *if he has no such establishment in such a State*, the Contracting State to the 1960 Act in which he has his domicile; or

(c) *if he has neither an establishment nor a domicile in such a State*, the Contracting State to the 1960 Act of which he is a national.

02.11 Thus, where an applicant has multiple entitlements in different Contracting Parties, the State of origin cannot be freely chosen by that applicant; it is to be determined in accordance with the above described hierarchy.

*Determination of the Applicant's Contracting Party Under the  
1999 Act*

- 99 Article 1(xiv)** 02.12 The “applicant’s Contracting Party” is defined by the 1999 Act in such a way as to permit the applicant to freely choose his Contracting Party on the basis of establishment, domicile, habitual residence or nationality. For example, if an applicant indicates a domicile in Contracting Party A, bound by the 1999 Act, and the nationality of Contracting Party B, also bound by the 1999 Act, the applicant’s Contracting Party is, among Contracting Parties A and B, the one which is indicated as such by the applicant in the international application (refer to paragraph B.II.04.19).

**Plurality of Entitlements**

02.13 An applicant enjoying multiple and independent entitlements may cumulate these with a view to obtaining protection on a broader geographical scale. For example, an applicant having the nationality of Contracting Party A, bound *exclusively* by the 1960 Act and whose domicile is located in Contracting Party B, bound *exclusively* by the 1999 Act, could, as a result, designate all Contracting Parties bound by the 1960 and/or 1999 Acts.

02.14 A special case of plurality of entitlements arises in respect of States member of an intergovernmental organization that is a Contracting Party to the 1999 Act, where those States are themselves bound by the 1960 Act. For example, an applicant having the nationality of Contracting Party A, bound *exclusively* by the 1960 Act, that is a member State of the European Union, could, as a result, designate all Contracting Parties bound by the 1960 and/or 1999 Acts, as the European Union is a Contracting Party to the 1999 Act.

02.15 Where an applicant enjoying a plurality of independent entitlements under the 1960 and 1999 Acts designates a Contracting Party bound by the same Acts, the designation of that Contracting Party will be governed by the 1999 Act, which is the most recent Act (refer to paragraphs A.04.12 to 04.15).

**Several Applicants**

02.16 Two or more parties (whether natural persons or legal entities) may jointly file an international application, provided that each of them is in a position to establish an entitlement through a Contracting Party bound by the same Act or Acts. It is not necessary that the Contracting Party concerned be the same in respect of each applicant, nor is it necessary that the nature of the entitlement (nationality, domicile, habitual residence or establishment) be the same for each applicant.

02.17 For example, where Applicant 1 is a national of Contracting Party A, bound by the 1999 Act, and Applicant 2 has a domicile in Contracting Party B, also bound by the 1999 Act, these applicants may jointly file an international application.

### 03. CONTENTS OF THE INTERNATIONAL APPLICATION

03.01 The contents of an international application may be divided into three categories, namely, the mandatory contents, the additional mandatory contents where certain Contracting Parties are designated and the optional contents.

#### Mandatory Contents

*Rule 7(3)* 03.02 The mandatory contents consist of the information which must be contained in every international application or accompany it (such as the prescribed particulars concerning the applicant, a reproduction of the designs for which protection is sought or the indication of the designated Contracting Parties; refer to paragraphs B.II.04.01 *et seq*).

#### Additional Mandatory Contents

*99 Article 5(2)(a)* 03.03 The additional mandatory contents of an international application  
*and (b)* consist of elements that, under certain conditions, may be notified by a Contracting  
*Rule 7(4)* Party and which must be included in an international application where such  
*Rule 8(3)* Contracting Party has been designated. Furthermore, with respect to Contracting Parties designated under the 1999 Act, the international application shall contain the indication of the applicant's Contracting Party. The elements that may be notified by a Contracting Party whose Office is an Examining Office are the following: (i) information concerning the identity of the creator; (ii) a brief description of the reproduction or of the characteristic features of the industrial design in respect of which the application is filed; (iii) a claim. Those three additional elements correspond to the requirements that certain Contracting Parties require in order for a national application to be accorded a filing date under their domestic legislation (refer to paragraphs B.II.04.30 and A.05.25). Finally, in accordance with its national law, a Contracting Party may notify that the application must be made in the name of the creator and/or that an oath or declaration by the creator must be furnished (refer to paragraphs B.II.03.11-13, 04.30-31 and A.05.13-14).

#### Optional Contents

*Rule 7(5)(a)* 03.04 Even where information concerning the identity of the creator, or a brief description, is not required for a designation of a Contracting Party which has not made the declaration under Article 5(2)(a), such elements may nevertheless be included in the international application, at the applicant's choice. Since, in this case, they are not mandatory elements, their absence does not cause an irregularity in the international application. In contrast, a claim cannot be indicated by the applicant or an oath or declaration of the creator be furnished, if the international application has not designated a Contracting Party requiring them.

- Rule 7(5)(b) to (g)*  
*Rule 7(6)* 03.05 In addition to the elements mentioned in the previous paragraph, a number of prescribed optional elements may be provided by the applicant but their absence does not constitute an irregularity in the international application. The optional contents are: the appointment of a representative, priority claim, declaration of disclosure at an international exhibition, request for immediate publication or deferment of publication under Rule 17(1), a declaration, statement or other relevant indication as specified in the Administrative Instructions or a statement that identifies information known by the holder to be material to the eligibility for the protection of the industrial design concerned (refer to paragraphs B.II.04.51 to 04.60). Pursuant to Rule 7(6), the International Bureau shall delete *ex officio* any non-required and non-permitted matter in the international application. Furthermore, if the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of the said document.
- Rule 7(5)(f)*  
*A.I. Section 407* 03.06 As mentioned in the previous paragraph, the international application may contain any declaration, statement or other relevant indication as may be specified in the Administrative Instructions. Section 407 has been introduced into the Administrative Instructions to address the specific features in some jurisdictions concerning the relation with a principal industrial design or a principal application or registration. In these jurisdictions, the law provides for a “similar design” system or a “related design” system, so that, under certain circumstances, a reference to the “principal design” must be indicated in an application for the registration of a “similar design” or “related design”. The Offices of the concerned Contracting Parties need to identify the “principal design” since a “similar design” or a “related design” can only be registered if the latter is considered by the Office to be similar or related to the “principal design” and if both the “similar design” or “related design” and the “principal design” belong to the same applicant/holder. In principle, if the international application complies with this requirement, the “principal design” will not be considered as a prior design that would prevent its “similar design” or “related design” from being registered. This information may only be included in the international application if the law of a designated Contracting Party provides for a “similar design” or a “related design” system (refer to paragraphs B.II.04.85-87 in this Guide)<sup>1</sup>.
- Rule 7(5)(c) and (f)*  
*A.I. Section 408(a)* 03.07 The international application may contain a declaration claiming the priority of an earlier filing under Article 4 of the Paris Convention. Where the applicant has claimed priority of an earlier filing in the international application, the Office of a Contracting Party may require that a copy of the application on which the priority is based be submitted directly to it. Alternatively, pursuant to

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<sup>1</sup> Since July 1, 2014, Section 407 is applicable for the designation of the Republic of Korea only.

Section 408(a) of the Administrative Instructions the said claim in the international application may be accompanied by a Digital Access Service (DAS) code allowing to retrieve the earlier filing in a DAS library<sup>2</sup>.

*99 Article 7(2)*  
*Rule 7(5)(f)*  
*A.I. Section 408(b)* 03.08 As prescribed in Section 408(b), the international application may additionally contain an indication or a claim of the applicant's economic status which would allow the applicant to benefit from a reduction of an individual designation fee concerning the designation of certain Contracting Parties, as indicated in the declaration made by those Contracting Parties, respectively<sup>3</sup>.

*Rule 7(5)(f)*  
*A.I. Section 408(c)* 03.09 The international application may likewise contain a declaration concerning an exception to lack of novelty and its supporting documentation. This would allow the applicant to claim benefits from exceptional treatment for disclosure of an industrial design during the grace period provided for in the national law of certain Contracting Parties. This information may only be included in the international application if the law of a designated Contracting Party provides for a "declaration concerning an exception to lack of novelty"<sup>4</sup> (refer to paragraph B.II.04.88-92 in this Guide).

*Rule 7(5)(g)*  
*A.I. Section 408(d)* 03.10 The international application may similarly be accompanied by a statement that identifies information known by the applicant to be material to the eligibility for protection of the industrial design concerned. This information could, for example, concern the patentability of the design for which protection is claimed<sup>5</sup>.

### Special Requirements

03.11 The 1999 Act provides for two types of special requirements that may be notified by a Contracting Party and with which the applicant must comply if he designates such Contracting Party under the 1999 Act in the international application.

#### *Special Requirements Concerning the Applicant and the Creator*

*Rule 7(4)(c)*  
*Rule 8(1)(a)(i)*  
*and (b)*  
*Rule 8(2)* 03.12 Any Contracting Party whose legislation requires an application for the registration of an industrial design to be filed in the name of the creator of the design may notify that fact to the Director General of WIPO (refer to

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<sup>2</sup> As of January 1, 2015, the Digital Access Service (DAS) is operational for patent documents only. Documents relating to other IP rights, such as industrial designs and trademarks, will be exchanged through the system once the participating Offices have made the necessary operational and technical changes. Refer to WIPO web site:  
[http://www.wipo.int/das/en/participating\\_offices.html](http://www.wipo.int/das/en/participating_offices.html).

<sup>3</sup> This provision has been added in anticipation of the accession of Contracting Parties to the 1999 Act providing for different levels of fees depending on the economic status of the applicant.

<sup>4</sup> Since July 1, 2014, this provision is applicable for the designation of the Republic of Korea only.

<sup>5</sup> This provision has been added in anticipation of the accession of Contracting Parties to the 1999 Act providing for this feature under their national laws.

paragraph B.II.03.03). If that Contracting Party is designated in the international application, the identity of the creator of the industrial design must be furnished and that person is deemed to be the applicant for the purposes of the Contracting Party concerned, whether or not the international application was filed in his name. Furthermore, if the person mentioned in the international application as the creator is not the same as the person named as the applicant, the international application must be accompanied by a statement or document, depending on what the Contracting Party concerned may require, to the effect that the international application has been assigned by the person identified in the international application as the creator to the person named as the applicant (refer to paragraph B.II.04.52). A standard statement for that purpose is included in item 10 of international application form DM/1 and in the relevant section of the E-filing interface<sup>6</sup>.

- Rule 7(4)(c)* 03.13 Any Contracting Party whose legislation requires the furnishing of an oath or declaration of the creator may notify that fact to the Director General of WIPO. If that Contracting Party is designated in the international application, the international application shall be accompanied by an oath or declaration of the creator and contain indications concerning the identity of the creator of the industrial design.
- Rule 8(1)(a)(ii) and (b)*
- Rule 8(3)*

#### *Special Requirements Concerning the Unity of the Design*

- 99 Article 13** 03.14 Any Contracting Party whose law, at the time of its becoming party to the 1999 Act, contains a requirement of unity of design (according to which, generally speaking, two or more industrial designs included in the same application have to conform to the same creative concept) may notify that fact to the Director General of WIPO. The purpose of the notification is to enable the Office of the Contracting Party that has made it to refuse the effects of the international registration, pending compliance with the requirement in question. In that case, the international registration may be divided before the Office concerned in order to overcome the ground of refusal based on lack of unity of design. The Office is entitled to charge the holder of that registration as many additional fees as divisions prove necessary. The mode of payment of additional fees of this type is not governed by the Hague System; they will be specified by each Contracting Party concerned, which will collect them directly from the owner.

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<sup>6</sup> The national laws of Bulgaria, Norway, Republic of Korea, Serbia and Tajikistan impose the identity of the creator to be mentioned. Although this indication is not mandatory within the framework of the Hague System, applicants are advised to declare the identity of the creator as a matter of course, when those Contracting Parties are designated in the international application. Given that this is an optional indication under the international procedure, the International Bureau will not examine whether this requirement has been complied with or not.



**99 Article 13(2)** 03.15 Where an international registration has been so divided before the  
*Rule 18(3)* Office, that Office must notify the International Bureau of the division of the international registration. Moreover, if there was no other ground for refusal, the Office must send to the International Bureau a notification of withdrawal of refusal or statement of grant of protection.

*A.I. Section 502* 03.16 Where an international registration has been divided before the Office of a designated Contracting Party following a notification of refusal based upon lack of unity of design, that Office must notify the International Bureau of that fact, together with the following additional particulars:

- the Office making the notification;
- the number of the international registration concerned;
- the numbers of the industrial designs which have been the subject of the division with the Office concerned; and
- the resulting national or regional application numbers or registration numbers.

03.17 It is to be understood that the requirement of unity of design notified by a Contracting Party under the 1999 Act does not affect the applicant's right, even if he designates the Contracting Party that made the notification, to include two or more industrial designs in the international application.

### **Language of the International Application**

*Rule 6* 03.18 An international application may be in English, French, or Spanish, at the applicant's option. However, where an international application is presented to the International Bureau through the intermediary of an Office, that Office may restrict the choice of the applicant and require the application to be in any one or two of those three languages.

*Rule 14(3)* 03.19 If the international application is not in one of the prescribed languages, this constitutes an irregularity entailing a postponement of the filing date of the international application (refer to paragraph B.II.06.07).

03.20 With regard to the language of communications relating to an international application or to the resulting international registration, refer to paragraph B.I.04.02.

## **04. INTERNATIONAL APPLICATION**

*Rule 7(1)* 04.01 An international application may be presented to the International Bureau on the relevant official form (form DM/1) or through the electronic filing (E-filing) interface made available by the International Bureau. In principle, paper applications may be submitted either directly to the International Bureau or via the Office of a Contracting Party (refer to paragraphs B.II.06.01 to 06.04). The

official form, the E-filing interface as well as a help document DM/1.inf “How to file an international application” are available on the WIPO web site, at [www.wipo.int/hague/en](http://www.wipo.int/hague/en).

04.02 Annex A to the DM/1 form entitled “Relation with a Principle Design, Application or Registration (optional)”<sup>7</sup> and Annex B to the DM/1 form entitled “Declaration Concerning Exception to Lack of Novelty” are optional content of the international application which can be submitted with the DM/1 form<sup>8</sup>. The Annexes cannot be submitted alone to the International Bureau. Annex B-docs serves to submit documentation accompanying an international application in support of a declaration concerning exception to lack of novelty (DM/1 Annex B). It must be submitted with DM/1 and DM/1 Annex B forms. It cannot be submitted alone. Corresponding sections are also included in the E-filing interface.

04.03 The E-filing interface has the following advantages:

*Rule 9(1)*  
*A.I. Section 401(c)*

- user accounts;
- uploading of multiple reproductions simultaneously;
- real-time checking of certain formalities;
- saving of applications in progress;
- a fully integrated fee calculator;
- online payment by credit card;
- faster delivery of the application;
- lower fees when the application contains many reproductions of the industrial designs to be registered, since reproductions submitted on paper are subject to a fee for each page beyond the first (refer to paragraph B.II.04.72);
- instant acknowledgement of receipt with all the details of the submitted application.

04.04 The following explanations follow the structure of the official paper form for an international application (form DM/1) and refer to the successive items contained in the form. It is understood that these explanations apply *mutatis mutandis* to the E-filing interface.

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<sup>7</sup> Since July 1, 2014, this provision is applicable for the designation of the Republic of Korea only.

<sup>8</sup> Since July 1, 2014, this provision is applicable for the designation of the Republic of Korea only.

*Item 1: Applicant*

Name

- Rule 7(3)(i)* 04.05 Where the applicant is a natural person, the name to be indicated is the family (or principal) name and the given (or secondary) name(s) of the natural person, as customarily used by that person and in the order in which they are customarily used. Where the applicant is a legal entity, its full official designation must be given. Where the name of the applicant is in characters other than Latin characters, the name must be indicated as a transliteration into Latin characters, following the phonetics of the language of the international application. Where the applicant is a legal entity, the transliteration may be replaced by a translation into the language of the international application.
- A.I. Section 301*

Several Applicants

- 04.06 Where there is more than one applicant, the appropriate box should be ticked and the relevant information regarding each of the other applicants should be furnished on a continuation sheet. The E-filing interface also allows the indication of several applicants.

Address

- Rule 7(3)(ii)* 04.07 The address of the applicant must be given in such a way as to satisfy the customary requirements for prompt postal delivery and should consist, at least, of all the relevant administrative units up to, and including, the house number, if any. In addition, telephone or facsimile numbers and an email address may be given. For E-filing, an email address has to be indicated.
- A.I. Section 205(1)*
- A.I. Section 301(d)*

*Item 2: Address for Correspondence*

- 04.08 Where the name and address of a representative has been given in item 5 of the international application form, all communications which are required to be sent by the International Bureau to the applicant are sent to that address. Otherwise, all communications are sent to the address of the applicant, as indicated in item 1 of the application form.

- 04.09 Where, however, an applicant has not indicated the name and address of a representative and requires that correspondence be sent to an address other than that indicated in item 1 of the application form, an address for correspondence should then be indicated in item 2. In other words, when there is just one applicant, the field “*Address for Correspondence*” should be completed only (a), where no representative has been appointed and (b), the address to which communications should be sent differs from that indicated in item 1.

Several Applicants: Address for Correspondence

- A.I. Section 302* 04.10 Where there are several applicants with different addresses and the name and address of a representative has not been indicated in item 5 of the application form, a separate address for correspondence *must* be indicated. In default of such indication in the application form, the address of the first person named as the applicant in item 1 is treated as the address for correspondence.

Phone and Facsimile Number and Email Address

- 04.11 The numbers or email address given should be those of the person whom the International Bureau should contact if and when it needs to get in touch with the applicant.

*Item 3: Entitlement to File*

- Rule 7(3)(iii)* 04.12 Although only one entitlement with one Contracting Party is required in order to file an international application, more than one Contracting Party may be indicated for each criterion in item 3. The applicant is required to indicate in item 3 the Contracting Party(ies) in which he has a real and effective industrial or commercial establishment (if any), as well as the Contracting Party(ies) in which he has a domicile (if any), and also the Contracting Party(ies) of which he is a national (if applicable).

04.13 In addition, the applicant is required to indicate the Contracting Party(ies) in which he has habitual residence (if any), provided that such Contracting Party is bound by the 1999 Act. In fact, the possibility of claiming an entitlement through habitual residence is contemplated only by the 1999 Act, and not by the 1960 Act.

04.14 For a paper application, the full name of the Contracting Party should be indicated. For an electronic application, the official two-letter code<sup>9</sup> for the Contracting Party should be selected from the corresponding dropdown list.

04.15 The indications concerning each of the above criteria must all be completed, even if the Contracting Party concerned is the same in each case. If any criterion is not applicable, the applicant should simply write “None”.

04.16 Applicants having a real and effective industrial or commercial establishment, a domicile or a habitual residence, in a Contracting Party that is a member State of an intergovernmental organization that is a Contracting Party, or being a national of a Contracting Party that is a member State of an intergovernmental organization that is a Contracting Party, should indicate both that Contracting Party and that intergovernmental organization. However, where

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<sup>9</sup> The list of official two-letter codes for Contracting Parties is available on the WIPO web site, at [www.wipo.int/standards/en/part\\_03\\_standards.html](http://www.wipo.int/standards/en/part_03_standards.html).

entitlement is derived from a connection with a member State of an intergovernmental organization but which is not itself a Contracting Party, only the name of the intergovernmental organization should be indicated.

04.17 It is important for the applicant to indicate his *multiple* entitlements in different Contracting Parties, since that applicant would then be in a position to cumulate those multiple entitlements with a view to obtaining protection on a broader geographical scale.

04.18 For example, an applicant having the nationality of Contracting Party A, bound exclusively by the 1960 Act and whose domicile is located in Contracting Party B, bound exclusively by the 1999 Act, could, as a result, designate all Contracting Parties bound by the 1960 and/or 1999 Acts.

04.19 Where an applicant enjoying a plurality of independent entitlements under the 1960 and 1999 Acts designates a Contracting Party bound by the same Acts, the designation of that Contracting Party will be governed by the 1999 Act, which is the most recent Act (refer to paragraphs A.04.12 to 04.15).

#### *Item 4: Indication of Applicant's Contracting Party*

99 Article 1(xiv)  
Rule 7(4)(a)

04.20 Under the 1999 Act, the applicant's Contracting Party is the Contracting Party through which the applicant derives the right to file an international application. If only one Contracting Party bound by the 1999 Act is indicated under item 3, that Contracting Party must also be indicated under item 4. On the other hand, if several Contracting Parties bound by the 1999 Act are indicated under item 3, one of them must be selected as the applicant's Contracting Party. That Contracting Party must be specified by the applicant in any international application governed exclusively or partly by the 1999 Act (as regards the determination of the applicant's Contracting Party, refer to paragraphs B.II.02.08 *et seq.*).

04.21 The indication of the State of origin under the 1960 Act is not required in international applications since such indication does not have any effect on the examination carried out by the International Bureau. It may however be deduced through the indications of the entitlements claimed in the international application form (as regards the determination of the State of origin, refer to paragraphs B.II.02.08 *et seq.*).

#### *Item 5: Appointment of a Representative*

Rules 3 and 7(5)(b)  
A.I. Section 301

04.22 If the applicant wishes to be represented before the International Bureau, the name and address of the representative should be given in this part of the form. The information should be sufficient to enable correspondence to be sent to the representative, and should preferably include telephone and facsimile numbers and any email address. For E-filing, the email address has to be indicated as the International Bureau will confirm receipt of the international application at that email address.

*A.I. Section 301(c)* 04.23 Where the name of the representative is in characters other than Latin characters, the name must be indicated as a transliteration into Latin characters, following the phonetics of the language of the international application. Where the representative is a legal entity, the transliteration may be replaced by a translation into the language of the international application.

*Rule 3(2)(a)* 04.24 In order to give effect to the appointment of a representative, the international application form must either be signed by the applicant at item 14 or be accompanied by a power of attorney, and the appropriate box should be ticked in item 5. For E-filing, a power of attorney accompanying an international application filed through E-filing shall be in PDF format. If the application is not signed by the applicant and a power of attorney cannot be provided at the time of filing, the application may nonetheless be submitted, bearing in mind that a power of attorney must be received as soon as possible to avoid delaying treatment of the application.

04.25 The Hague System does not contain any restriction or requirement as to who may be appointed as representative before the International Bureau (concerning, for example, professional qualification, nationality or residence). It follows that an applicant may appoint a representative residing or carrying on business in a Contracting Party which is not the State of origin or the applicant's Contracting Party, and it is not even necessary that the representative be residing or carrying on business in a Contracting Party.

04.26 The appointment of a representative in the international application empowers the representative to act only before the International Bureau. It may subsequently become necessary to appoint one or more further representatives to act before the Offices of designated Contracting Parties, for example, in the event of a refusal of protection notified by such an Office. In such case, the appointment of a representative is governed by the requirements of the Contracting Party concerned.

04.27 The International Bureau records in the International Register the appointment of a representative and any other relevant fact concerning such representative.

#### *Item 6: Identity of the Creator of the Industrial Design*

04.28 As a matter of principle, the identity of the creator of the designs is an optional indication which may be included in any international application. However, such indication may be mandatory in some circumstances under the 1960 and/or the 1999 Act.

**60** *Article 8(4)(a)* 04.29 Under the 1960 Act, the law of a Contracting Party may require such information where it is designated under that Act (without the need to make a corresponding notification to the Director General of WIPO). Therefore, whenever such a Contracting Party is designated under the 1960 Act, the international application should contain the identity of the creator. Failure to provide this indication may lead to a refusal of protection being issued by the Office of the Contracting Party in question. However, given that the requirement to furnish the

identity of the creator does not have to be notified to the Director General of WIPO under the 1960 Act, the International Bureau does not carry out an examination in that respect.

- 99 Article 5(2)(b)(i)** 04.30 Under the 1999 Act, any Contracting Party whose Office is an Examining Office and whose law requires that an application for the grant of protection to an industrial design should contain the identity of the creator in order for that application to be accorded a filing date may, in a declaration, notify the Director General of WIPO accordingly. In addition, any Contracting Party to the 1999 Act whose legislation requires an application for the registration of an industrial design to be filed in the name of the creator of the design or requires the furnishing of an oath or declaration of the creator may notify that fact to the Director General of WIPO. In the first case, if the person identified as the creator is other than the applicant, when designating the Contracting Party having made a declaration under Rule 8(1)(a)(i), the applicant also states under item 10 of the form that the present international application has been assigned by the creator to him and that the creator declares that he believes himself to be the creator of the industrial design (refer to paragraphs A.05.13 and B.II.04.50). Where any such Contracting Party as mentioned above is designated under the 1999 Act, the international application should contain the identity of the creator. In default, the international application is considered as irregular (refer to paragraph B.II.06.06 *et seq*). Both the paper form (DM/1) and the E-filing interface clearly indicate in respect of which Contracting Parties this indication is required.
- 99 Article 10(2)(b)**
- Rule 7(4)(b)**
- Rule 8(1)**
- Rule 8(2)**
- Rule 8(3)**

04.31 In the case that a Contracting Party having made a declaration under Rule 8(1)(a)(ii) is designated in an international application, the international application shall be accompanied by an oath or declaration of the creator and contain indications of the identity of the creator.

*Item 7: Number of Industrial Designs, Reproductions and/or Specimens*

04.32 The following must be indicated in item 7 of the international application form:

- Rule 7(3)(v)**
- (a) the total number of industrial designs included in the international application – which may not exceed 100,
  - (b) the total number of reproductions, in black and white, and in color,
  - (c) the total number of A4 pages comprising reproductions (refer to paragraphs B.II.05.01 *et seq*), and
  - (d) the total number of specimens, if any (refer to paragraphs B.II.05.16 and 05.17).

04.33 For E-filing, paragraphs (a) and (b) under item 7 will be filled in automatically based on the information and reproductions provided. Information in respect of paragraph (c) is not relevant when filing electronically. Furthermore, E-filing is unavailable if the application includes specimens of the industrial design(s) instead of reproductions.

*Item 8: Products Which Constitute the Industrial Design or in  
Relation to Which It Is to Be Used*

**60** Article 5(2)  
**99** Article 5(1)(iv)

04.34 Item 8 provides for a table in which the applicant must indicate what the industrial designs consist of. Such indication must be considered differently, depending upon whether one is concerned with a two-dimensional or a three-dimensional design:

– if the industrial design consists of a product, the usual generic name of that product should be indicated, for example: “chair”;

– if the industrial design consists of a decorative motif in two-dimensions destined to be used in relation to a product, that product should be indicated, for example: “drawing to be used on dishes” or “motif for textiles”.

04.35 These indications must be given for each industrial design, in numerical order.

*Rule 7(7)*

04.36 The applicant may also indicate the (single) class of the Locarno Classification to which those industrial designs belong. In the case of several designs included in the same international application, all those designs must belong to the same class of the Locarno Classification (refer to paragraph A.02.09)<sup>10</sup>.

04.37 In addition, in the right-hand side of the table, the sub-class to which the product(s) concerned belong may also be indicated.

04.38 The indications relating to the class and sub-class(es) are not compulsory and therefore failure to provide them does not result in an irregularity being raised by the International Bureau. However, if the International Bureau finds that several designs included in the same international application belong to different classes of the Locarno classification, this constitutes an irregularity which will have to be remedied (refer to paragraph B.II.06.06).

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<sup>10</sup> It is to be noted that designs relating to products belonging to class 32 of the Locarno Classification cannot be protected under the national law of the Republic of Korea. Consequently, any designation of the Republic of Korea in an international registration for industrial designs in class 32, would be subject to refusal by the Office of the Republic of Korea (KIPO).



*Item 9: Description*

- Rule 7(5)(a)*  
*A.I Section 405(c)* 04.39 As a matter of principle, the description is an optional indication which may be included in any international application. If a description is provided, it should relate to the characteristic visual features of the industrial designs that appear in the reproductions, or describe the type of the reproduction(s) (legend). For example, a legend(s) may define a specific view of the product (e.g. “front view”, “top view”, etc.) (refer to paragraphs B.II.05.07 and 05.14). The description may disclose the operation or possible use of the industrial design as long as this description is not technical. If the description exceeds 100 words, an additional fee of 2 Swiss francs per word exceeding 100 is payable.
- 99 Article 5(2)(b)(ii)*  
*Rule 7(4)(b)* 04.40 However, under the 1999 Act, any Contracting Party whose Office is an Examining Office and whose law requires that an application for the grant of protection to an industrial design should contain a description in order for that application to be accorded a filing date may, in a declaration, notify the Director General of WIPO accordingly. Where such Contracting Party is designated under the 1999 Act, the international application should contain the required description. Failure to provide the necessary description results in the international application being considered as irregular and may entail the postponement of the date of the international registration (refer to paragraph B.II.06.07). Both the paper form (DM/1) and the E-filing interface clearly indicate in respect of which Contracting Parties the description is required.
- A.I. Section 403* 04.41 The description may also serve as a way of disclaiming protection in respect of some characteristics of the industrial designs. Furthermore, matter which is shown in a reproduction but for which protection is not sought may be indicated in the description (and/or by means of dotted or broken lines or coloring in the reproduction (refer to paragraph B.II.05.10-11)).

*Item 10: Designated Contracting Parties*

- 60 Article 5(2)*  
*99 Article 5(1)(v)*  
*Rule 7(3)(vi)* 04.42 The applicant must, by ticking the appropriate box, designate each Contracting Party where protection is sought.

What Contracting Parties May Be Designated?

04.43 Each designated Contracting Party must be bound by an Act – the 1999 Act and/or the 1960 Act – to which one of the Contracting Parties indicated in item 3 (*Entitlement to File*) is also bound. A table of Contracting Parties, with an indication of the Act or Acts to which each particular State is party, is annexed to official form DM/1. Furthermore, a table entitled “Which Act (1999 Act or 1960 Act) Governs the Designation of a Contracting Party in an International Application” is annexed to document DM/1.inf. In the E-filing interface, the selection of Contracting Parties that may be designated is determined automatically on the basis of the entitlement to file data provided under item 3.

04.44 For example, if an applicant has indicated that he has an establishment only in Country A, which is bound exclusively by the 1999 Act, and has not indicated any other entitlements, he may only designate Contracting Parties which are bound by the 1999 Act, whether or not such Contracting Parties are also bound by the 1960 Act. He may not, however, designate Contracting Parties bound exclusively by the 1960 Act.

04.45 If, instead, the applicant has indicated that he has an establishment in Country A, which is bound by the 1960 Act, and that he also has a domicile in Country B, which is bound by the 1999 Act, the application may cumulatively designate Contracting Parties which are party to either the 1960 Act exclusively, the 1999 Act exclusively, or to both the 1960 Act *and* the 1999 Act.

04.46 A special case of plurality of entitlements arises in respect of States members of an intergovernmental organization that is a Contracting Party, where those States are themselves bound by the 1960 Act. For example, an applicant having the nationality of Contracting Party A, bound *exclusively* by the 1960 Act, that is a member State of the European Union, could, as a result, designate all Contracting Parties bound by the 1960 or 1999 Acts, as the European Union is a Contracting Party to the 1999 Act.

04.47 Where an applicant enjoying a plurality of independent entitlements under the 1960 and 1999 Acts designates a Contracting Party bound by the same Acts, the designation of that Contracting Party will be governed by the 1999 Act (refer to paragraphs A.04.12 to 04.15).

04.48 It is essential that an applicant designates, at the time of filing of the international application, *all* those Contracting Parties where it is intended to seek protection for an industrial design. If it subsequently becomes necessary to extend protection to additional Contracting Parties, this can only be done by means of filing a new international application.

#### Protection in the State of Origin and in the Applicant's Contracting Party

04.49 As a matter of principle, it is possible for an applicant under the Hague System to request protection in the State of origin and in the applicant's Contracting Party (refer to paragraphs B.II.02.08 *et seq*).

**60 Article 7(2)** 04.50 The 1960 Act provides as a principle that an international registration has effect in the State of origin, unless otherwise specified in its national legislation. Given that information concerning such exclusion is not required to be communicated to the Director General of WIPO, the International Bureau does not carry out an examination in that respect.

**99 Article 14(3)** 04.51 The 1999 Act expressly provides that any Contracting Party whose Office is an Examining Office may, in a declaration, notify the Director General of WIPO that, where it is the applicant's Contracting Party, its designation in an international registration has no effect. Where a Contracting Party which has made

that declaration is indicated in an international application both as the applicant's Contracting Party and as a designated Contracting Party, the International Bureau disregards the designation of the Contracting Party in question.

Application filed in the Name of the Creator

*Rule 8(1)* 04.52 If the person identified as the creator in item 6 of the application form is other than the applicant, through designating the Contracting Party having made a declaration under Rule (8)(1)(a)(i) that its legislation requires an application for the registration of an industrial design to be filed in the name of the creator of the design, the applicant states that the present international application has been assigned by the creator to him and that the creator declares that he believes himself to be the creator of the industrial design (refer to paragraphs A.05.13 and B.II.04.29).

*Item 11: Priority*

*60 Article 5(2)* 04.53 Priority of an earlier filing may be claimed under Article 4 of the Paris  
*99 Article 6(1)(a)* Convention. Priority may be claimed on the basis of a first filing made in one of the States party to the Paris Convention or any member of the World Trade Organization.

04.54 Conversely, since an international application for registration of industrial designs may be a *first* application under the Hague System, it may itself also serve as a basis for claiming priority with regard to a subsequent national or regional application.

04.55 Where it is intended to claim priority, this should be indicated in item 11, by ticking the appropriate box, whether the priority relates to a single earlier filing or whether multiple priorities are claimed.

*Rule 7(5)(c)* 04.56 Where priority is claimed, there must be indicated the name of the Office with which the earlier filing was made, together with the number of the earlier filing (if available), and the date of the earlier filing (in the order of day, month and year). Where priority is claimed from more than one earlier filing and all the relevant indications cannot be accommodated in the space provided, then (unless a self-generated form is used) those with the earliest date should be indicated in item 11 and the remainder should be set out on a continuation sheet.

04.57 Where the earlier filing does not relate to all the designs included in the international application, the applicant has the option of indicating either those designs for which priority is claimed, or is not claimed, depending on which is more convenient. Such indication should be made by reference to the numbers of the designs in question. If no indication is made in this part of item 11, it will be assumed by the International Bureau that the priority relates to *all* the designs.

04.58 The International Bureau disregards any claimed priority which bears a date which is more than six months earlier than the filing date of the international application, and so informs the applicant (and, if the international application has been filed through an Office, that Office).

04.59 Where an applicant claims the priority of an earlier application, copies of the earlier application documentation upon which priority is based should not be included with the international application sent to the International Bureau. The International Bureau confines itself to establishing only that the required particulars have been included in the international application form. This does not preclude an Office from requesting that the holder, in any particular case, furnish a copy of the priority document to it directly. Such a request could, for example, be made in the context of a refusal where the Office takes the view that the priority document is necessary in order to establish novelty, because of disclosure during the period covered by the priority claim.

*Item 12: International Exhibition Priority*

*Rule 7(5)(d)* 04.60 Temporary protection of designs exhibited at certain exhibitions may be claimed under Article 11 of the Paris Convention. If it is intended to claim exhibition priority in the international application, the applicant should so indicate, by ticking the relevant box in item 12 of the international application form.

04.61 In addition, the application form must indicate where the exhibition took place, the date on which the product was first exhibited and the number of each industrial design shown at the exhibition.

04.62 Where the claim does not relate to all the designs included in the international application, then the applicant has the option of indicating either those designs for which exhibition priority is claimed, or is not claimed, depending on which is more convenient. If no design is indicated, it is assumed by the International Bureau that all the designs were shown at the exhibition in question.

*Item 13: Publication of the International Registration*

04.63 If the reproductions, or some of the reproductions, are submitted in color, they will be published in color. However, if the applicant requires the publication in black and white, this should be indicated by ticking the appropriate box in item 13 of the international application form.

*Rule 17(1)(iii)* 04.64 With regard to the timing of publication, the general rule is that publication takes place six months after the date of the international registration, unless the applicant requests otherwise (refer to paragraphs B.II.07.08 *et seq*). The period of six months takes account of the fact that, under some national and regional laws on the protection of industrial designs, deferment of publication is not allowed but a certain period of time elapses before the registration of an industrial design is published, since the examination (whether it be formal or substantive) and the technical preparations for publication require that period of time. Therefore, by providing for the period of six months, the Common Regulations, in effect, grant to the holder of an international registration the same benefit of *de facto* deferment that he would have enjoyed if he had filed national and regional applications.

04.65 There are two exceptions to the general rule that an international registration is published six months after the date of the international registration, namely, where an applicant requests immediate publication or requests deferment of publication.

#### Immediate Publication

*Rule 17(1)(i)* 04.66 An applicant may request immediate publication by ticking the appropriate box in item 13. There may be situations where early publication could be an advantage. For instance, under a national or regional law it may be the case that the right flowing from registration of an industrial design may only be enforced after it has been published. However, the notion of “immediate” publication should in any event also take account of the time required by the International Bureau to carry out the relevant technical preparations.

#### Deferred Publication

*Rule 17(1)(ii)* 04.67 An applicant may request that publication of the international registration be deferred, by ticking the appropriate box at item 13 on the international application form. In such case, the period of deferment which is required should be indicated in the appropriate part of this item, expressed in months.

04.68 With regard to the duration of deferment which may be requested, refer to paragraphs B.II.07.16 *et seq.* Both the paper form (DM/1) and the E-filing interface clearly indicate the periods of deferment which may be requested in respect of certain Contracting Parties.

#### *Item 14: Signature by the Applicant or his Representative*

*Rule 7(1)* 04.69 The international application form may be signed by the applicant or his representative (or by an Office when the international application has been presented to the International Bureau through that Office). The signature may be replaced by the affixing of a seal. In either case, the name of the signatory should be indicated separately.

*A.I. Section 205* 04.70 For E-filing, a signature is replaced by an electronic authentication through a user account which requires the user account holder’s user name and password.

#### Name of Contact Person

04.71 It is not obligatory, but may be useful, for the applicant to indicate the name of the person to contact, if necessary. This may be particularly of interest where the international application is filed in the name of a legal entity.

*Item 15: Office Presenting the Request (if applicable)*Date of Receipt

04.72 If an international application, governed exclusively by the 1999 Act, has been presented to the International Bureau through an Office, the Office should indicate the date on which it received the international application. This date is important since it will become in principle the date of the international registration (refer to paragraph B.II.08.03).

*Payment of Fees and Fee Calculator*

The following paragraphs should be read in conjunction with the general remarks in paragraphs B.I.05.01 *et seq* concerning fees.

04.73 There must be indicated, on the fee payment sheet which precedes the Fee Calculations Sheet and forms part of the international application form:

– an authorization to debit the required amount from an account opened with the International Bureau (indicating also the name of the holder of the account, the account number and the identity of the party giving the authorization), or

– the amount of fees being paid, the method by which payment is being made and the identification of the party making the payment.

04.74 Where the former method is adopted, it is not then necessary to specify the amount of the fees in question. This has the advantage of avoiding the risk of a fees irregularity.

04.75 Debiting from a current account opened with the International Bureau is available also in the E-filing interface. The E-filing interface further allows the online payment by credit card.

Fees Due

*Rule 12(1)* 04.76 The fees payable in connection with an international application consist of:

(i) a basic fee;

(ii) a standard designation fee (level one, two or three) or, where a designated Contracting Party is one in respect of which an individual designation fee is payable, that fee (refer to paragraph B.I.05.04)<sup>11</sup>;

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<sup>11</sup> In connection with an international application in which the Republic of Korea is designated, the Locarno Classification determines the designation fee in respect of that designation. For international applications for designs relating to products belonging to classes 2, 5, or 19 of the Locarno Classification, level 3 of the standard designation fee applies. For any other

[Footnote continued on next page]

(iii) a publication fee, consisting of an amount to be paid in respect of each reproduction to be published and, where these reproductions are shown on a page of A4 format (refer to paragraphs B.II.05.01 *et seq*), an amount to be paid in respect of each such page, in addition to the first.

04.77 For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act. If there are several applicants, each must fulfill the said criteria.

04.78 The reduction to 10% of the regular amount of the fee which is referred to in paragraph 04.73 also applies to the standard designation fees under the same conditions.

04.79 The Assembly of the Hague Union adopted, at its twenty-sixth (10<sup>th</sup> extraordinary) session, the following recommendation concerning individual fees:

“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”

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[Footnote continued from previous page]

class, an individual designation fee applies in respect of a designation of the Republic of Korea.

*Rule 12(2)* 04.80 These fees are payable at the time of filing the international application, except that, where the international application contains a request for deferment of publication, the publication fee may be paid later (refer to paragraph B.II.07.13). In such case the applicant should tick the appropriate box on the fee payment sheet.

*Rule 12(3)(c)* 04.81 In addition, if an individual designation fee is payable in two parts to  
*and (d)* the designated Contracting Party, the first part is to be paid at the time of filing the  
*Rule 26(1)(viii)* international application and the second part is to be paid at a later date which is determined in accordance with the law of the designated Contracting Party (refer to paragraph A.05.21). The second part may be paid either directly to the Office concerned or through the International Bureau, at the option of the holder. Where the second part is neither paid to the Office concerned nor to the International Bureau within the applicable period, the International Bureau shall cancel the international registration in the International Register with respect to the Contracting Party concerned following a request to that effect received from the Office.

04.82 The amounts of the basic fee, the standard designation fee and the publication fee are set out in the Schedule of Fees comprised in the Common Regulations. With regard to individual fees, users should refer to the WIPO web site ([www.wipo.int/hague/en](http://www.wipo.int/hague/en)) where details of individual fees are published and updated in the form of *Information Notices*.

04.83 In addition, there is also available on the WIPO web site a fee calculator which takes into account all the possible fee permutations, depending upon the particular Contracting Parties designated in any given international application, the number of industrial designs, etc.

04.84 As far as E-filing is concerned, the fee calculator automatically calculates and indicates the fees to be paid, based on the data entered by the applicant.

### **Annex A: Relation with a Principal Design, Application or Registration (Optional)**

*A.I. Section 407* 04.85 Annex A is optional content of the international application which can be submitted with the DM/1 form. The Annex cannot be submitted alone to the International Bureau. Since July 1, 2014, Annex A is applicable for the designation of the Republic of Korea only (refer to paragraph B.II.03.06).

04.86 An international application may contain several designs. Each of the related designs must be associated with a principal design that may be the subject of the same international application, or of a prior national or international application or registration.

04.87 Accordingly, in order to avoid a possible refusal, the applicant may indicate that some or all of the industrial designs contained in the international application are to be considered in relation to a principal design.



- that is contained in the present international application;
- that is contained in a prior application or registration (national or international);
- that is the subject of a prior (single-design) application or registration (national or international).

### **Annex B: Declaration Concerning Exception to Lack of Novelty and its Supporting Documentation (Optional)**

*A.I. Section 408(c)* 04.88 Annex B is optional content of the international application, which can be submitted with the DM/1 form. This Annex cannot be submitted alone to the International Bureau. Since July 1, 2014, Annex B is applicable for the designation of the Republic of Korea only (refer to paragraph B.II.03.09).

04.89 The applicant may make a declaration as provided for in Annex B concerning exception to lack of novelty. This declaration is to claim benefit from exceptional treatments provided for in the national law of the Republic of Korea which has notified this specific feature under its national law to the International Bureau.

04.90 The declaration made under Annex B may be accompanied by its supporting documentation, at the option of the applicant. To submit documentation in support of the declaration in Annex B, supporting document(s) slip DM/1 – Annex B-docs must be used. The supporting documentation must be attached to Annex B, its page numbers being properly referenced. Supporting documentation duly received by the International Bureau will be electronically distributed to the Office of a Contracting Party concerned.

04.91 The applicant is not obliged to submit supporting documentation at the time of filing the international application. However, the declaration must be followed by its supporting documentation. Thus, if the declaration is not accompanied by its supporting documentation, the latter must be submitted directly to the Office of the Contracting Party concerned, subject to the national requirements. It cannot be submitted later to the International Bureau.

04.92 It is to be noted that a declaration concerning exception to lack of novelty might affect the applicant's rights in other jurisdictions. It is the responsibility of the applicant to ensure that his rights are preserved.

## **05. THE REPRODUCTIONS OF THE INDUSTRIAL DESIGNS**

*Rule 9(4)* 05.01 The reproductions accompanying an international application must comply with the formal requirements described in this Chapter. When the reproductions do not comply with these requirements, the International Bureau may treat the international application as irregular (refer to paragraph B.II.06.06). However, it is important to note that even where these requirements have been complied with to the satisfaction of the International Bureau, the Office of a

Contracting Party may find that the reproductions contained in the ensuing international registration are not sufficient to disclose fully the industrial design and, on that basis, issue a refusal of protection (refer to Chapter B.II.09).

### **Mode of Reproduction**

- Rule 9(1)* 05.02 The reproductions of the designs for which registration is sought may be in the form of photographs or other graphic representations of the industrial designs, or of the products which constitute the industrial designs. A single international application may at the same time comprise both photographs and graphic representations, which may be in black and white or in color.
- 99 Article 5(1)(iii)*
- A.I. Section 401(a)*
- A.I. Section 401(c)* 05.03 The reproductions accompanying an international application filed on paper should be either pasted or printed directly onto a separate sheet of A4 paper which is white and opaque. The separate sheet of paper should be used upright and should not contain more than 25 reproductions. The reproductions should be arranged in the orientation in which the applicant wishes them to be published. Where the application is filed on paper a margin of at least five millimeters should be left around the representation of each industrial design.
- A.I. Section 401(d)*
- A.I. Section 401(e)* 05.04 Each reproduction should fall within a right-angled quadrilateral containing no other reproduction, or part of another reproduction, and no numbering. The term 'right angled quadrilateral' is intended to include both squares and rectangles. The reproductions should not be folded, stapled or marked in any way.

### **Representation of the Industrial Design**

- 05.05 For E-filing, any reproduction accompanying an international application shall be in the image formats JPEG or TIFF, its file size shall not exceed 2 megabytes. Any reproduction shall have a resolution of 300 x 300 dots per inch (dpi). A reproduction uploaded with a different resolution is automatically adjusted to have a resolution of 300 x 300 dpi. The interface asks for validation of the adjusted resolution by the applicant. Detailed instructions can be found on the WIPO web site and in the E-filing interface at <http://www.wipo.int/hague/en/forms/>.
- A.I. Section 402(a)* 05.06 In principle, the reproductions should represent the industrial design alone, or the product in relation to which the industrial design is to be used, to the exclusion of any other object, accessory, person or animal. Thus, for example, if protection is sought for a bowl, the bowl should be represented without fruit, or a frame for which protection is sought should be represented without a picture (refer to paragraph B.II.05.10).

- 99 Article 5(2)(b)(ii)*  
*A.I. Section 402(c)(ii)*  
*A.I. Section 405*  
*A.I. Section 404(a)*  
*A.I. Section 404(b)*
- 05.07 Technical drawings showing articles in section or in plan, particularly with axes and dimensions, are not acceptable. Explanatory text or legends are not acceptable in the representation itself. (Explanatory text or legends indicating the type of view (e.g., “front view”, “top view”, etc.), may be contained in item 9 of the DM/1 form and in the relevant section of the E-filing interface (refer to paragraphs B.II.03.09 and B.II.05.14)).
- 05.08 If the reproductions consist of photographs, such photographs must be of professional standard and have all their edges cut at right angles. In such case, the industrial design must be shown against a neutral plain background and photographs may not be retouched with ink or correcting fluid.
- 05.09 If the reproductions consist of other graphic representations, they must be of professional standard and produced with drawing instruments or by electronic means and, where the application is filed on paper, must be produced on good quality white, opaque paper, and have all their edges cut at right angles. The representation may comprise shading and hatching to provide relief. Graphic representations executed by electronic means may be shown against a background, provided that it is neutral and plain and has only edges cut at right angles.

### **Disclaimers and Matter That Does Not Form Part of the Claimed Design**

- A.I. Section 403(a)*  
*A.I. Section 403(b)*
- 05.10 Matter which is shown in a reproduction, but for which protection is not claimed, may be indicated in a reproduction by means of dotted or broken lines or coloring, and/or explained in the description (refer to paragraph B.II.04.39). Accordingly, protection of part of the industrial design may be disclaimed.
- 05.11 Notwithstanding the principle under Section 402(a) (refer to paragraph B.II.05.06), matter which does not form part of the claimed design and for which protection is not sought (“environmental matter”), may be shown in a reproduction if it is indicated by means of dotted or broken lines or coloring (and/or in the description).

### **Number of Reproductions**

- Rule 9(1)(b)*  
*A.I. Section 401(a)*  
*and (b)*
- 05.12 There is no limit on the number of reproductions which can be submitted for each design included in an international application. Only a single copy of each reproduction should be submitted (by default, reproductions are published in color). An applicant wishing to obtain the maximum protection for a design should ensure that the design is fully represented, as only aspects visible in the reproduction will be protected. It may be necessary, therefore, to represent a single article from many angles and submit several different views. However, several views shown from different angles may not be included in a single reproduction. Each view must be represented separately.

### Numbering of Reproductions and Legends

- 99 Article 5(2)(b)(ii)*  
*A.I. Section 401(b)*  
*A.I. Section 405*
- 05.13 Where there are several designs included in an international application, each design must be identified by an individual number appearing in the margin of each reproduction. The E-filing interface automatically proceeds to the numbering of the reproductions filed by the applicant. When the same design is represented from different angles, the numbering must consist of two separate figures, separated by a dot (for example, 1.1, 1.2, 1.3, etc., for the first design, and 2.1, 2.2, 2.3, etc., for the second design, and so on). In such case, the reproductions should be submitted in ascending numerical order.
- A.I. Section 401(c)*
- 05.14 An applicant may choose to submit different views of the same industrial design (e.g., “front view”, “top view”, etc.), in order either to illustrate all the characteristic features of a three-dimensional design or to comply with the requirement of the law of a designated Contracting Party which has made a declaration whereby it requires certain specified views of the product concerned (refer to paragraph A.05.10). Legends to indicate a specific view of the product may be indicated in association with the numbering of the reproduction in item 9 of form DM/1 or in the relevant section of the E-filing interface. The proposed legends are: 1. Perspective; 2. Front; 3. Back; 4. Top; 5. Bottom; 6. Left; 7. Right; 8. Reference; 9. Unfolded; 10. Exploded; 11. Cross-sectional; 12. Enlarged; 00. Other (limited to 50 characters).

### Dimensions of the Reproductions

- A.I. Section 402(b)*
- 05.15 The dimensions of the representation of each industrial design appearing in a photograph or other graphic representation may not exceed 16 x 16 centimeters, and in respect of at least one representation of each design one of those dimensions must be at least 3 centimeters, at a resolution of 300 x 300 dpi.
- 05.16 In respect of E-filing, any reproduction shall be in a combination of pixel number and resolution such that, when that reproduction is printed, the dimensions of the reproduction of each design appearing in a photograph or other graphic representation will not exceed 16 x 16 centimeters, and in respect of at least one representation of each design one of those dimensions must be at least 3 centimeters, at a resolution of 300 x 300 dpi.

### Specific Views

- Rule 9(3)*
- 05.17 Under the 1999 Act, any Contracting Party which requires certain specific views of the product in relation to which the industrial design is to be used may, in a declaration, notify the Director General of WIPO accordingly. If those requirements are not met in an international application, the International Bureau will not raise an irregularity but the ensuing international registration might be the subject of a refusal by the Office of that Contracting Party.

05.18 The Republic of Korea has made a declaration under Rule 9(3) specifying that the following specific views are required, respectively:

(i) for a design of a set of articles: one view of the coordinated whole and corresponding views of each of its components, and

(ii) for a design for typefaces: views of the given characters, a sample sentence and typical characters.

### **Quality of the Reproductions**

*Rule 9(2)(a)* 05.19 Reproductions must be of a quality permitting all the details of the industrial design to be clearly distinguished and permitting publication. The reproductions which accompany an international application should be of the highest possible quality, since, in the final analysis, it is upon the content and quality of the reproductions that the scope of protection will depend.

### **Filing of Specimens Under the 1999 Act**

*Rule 10(1)* 05.20 Where an international application is governed exclusively by the 1999 Act, it is permissible in certain limited circumstances to substitute reproductions by specimens. This is possible where the international application:

- is governed *exclusively* by the 1999 Act, and
- contains a request for deferment of publication, and
- concerns a two-dimensional industrial design.

05.21 Where specimens are submitted instead of reproductions, the applicant must furnish one specimen for the International Bureau and one further specimen for each designated national Office that has notified the International Bureau that it wishes to receive copies of international registrations. This requirement aims at enabling Examining Offices to take into account the industrial designs which are the subject of the international registration when carrying out the novelty examination provided for by their domestic legislation (refer to paragraph B.II.09.02 *et seq*).

### **Filing of Specimens Under the 1960 Act**

*60 Article 5(3)(b)* 05.22 In the case of an international application is governed exclusively or partly by the 1960 Act, the application *may* be accompanied *also* by specimens. This means that the filing of specimens is optional but does not exempt the applicant from the requirement to furnish a reproduction of the designs.

**Requirements Concerning Specimens**

- Rule 10(2)* 05.23 All the specimens should be contained in a single package. None of the dimensions of the package should exceed 30 centimeters and the overall weight of the package and its packing should not exceed four kilograms.
- A.I. Section 406(b)*
- A.I. Section 406(a)* 05.24 The individual specimens may be folded and may not exceed 26.2 centimeters x 17 centimeters in size (unfolded), 50 grams in weight, or 3 millimeters in thickness. The specimens should also be pasted on sheets of A4 paper and numbered in ascending numerical order. If, and when, in due course, the reproductions are submitted to the International Bureau, the number assigned to each reproduction should be the same as the number assigned to each corresponding specimen.
- A.I. Section 406(c)* 05.25 Perishable products or products which may be dangerous to store are not accepted by the International Bureau.

*No Additional Matter*

- Rule 7(6)* 05.26 If the international application contains any matter other than that required or permitted by the 1999 Act, the 1960 Act, the Common Regulations or the Administrative Instructions, the International Bureau deletes it *ex officio*. If the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of such document.

**06. PRESENTATION OF THE INTERNATIONAL APPLICATION TO  
THE INTERNATIONAL BUREAU****Channels of Communication**

- 06.01 An international application is normally sent directly by the applicant or his representative to the International Bureau. However, a number of exceptions to that principle are provided for by the 1960 and the 1999 Acts.
- 60 Article 4* 06.02 Under the 1960 Act, an international application may be filed through the Office of a Contracting State if such State so permits. In addition, a Contracting State may *require* that, where it is considered to be the State of origin, the deposit be filed through its national Office. To the extent that such requirement is not required to be notified to the Director General of WIPO under the 1960 Act, the International Bureau does not check whether an international application governed exclusively or partly by the 1960 Act has been presented through the Office of the State of origin pursuant, where applicable, to the law of that Contracting State. Non-compliance with this requirement shall not prejudice the effects of the international deposit in the other Contracting States.
- 99 Article 4* 06.03 Under the 1999 Act, it is possible for Contracting Parties to prohibit the indirect route, but they are not allowed to impose it. Where an international application is presented to the International Bureau through the intermediary of an Office, that Office may fix, and collect for its own benefit, a fee to cover the cost of the work involved in handling the international application. An Office that  
*Rule 13(2)*

requires a transmittal fee must notify the International Bureau of the amount of such fee, which should not exceed the administrative costs of receiving and transmitting the international application, and its due date.

*Rule 13(3) and (4)* 06.04 Where an international application governed exclusively or partly by the 1999 Act is addressed to the International Bureau through the Office of the applicant's Contracting Party, it must be received by the International Bureau within a period of one month from the date of receipt by that Office. However, that period may not be sufficient for a Contracting Party whose law requires a security clearance. The possibility has therefore been provided for such a Contracting Party to notify the replacement of the period of one month by a period of six months. If the applicable time limit is not complied with, the filing date of the international application is the date of its receipt by the International Bureau.

### **Filing Date of the International Application**

06.05 Provided that the international application does not contain any irregularities entailing a postponement of the filing date (refer to paragraph B.II.06.07), the International Bureau allocates to the international application a filing date in accordance with the following principles:

*Rule 13(3)(ii)* – in the case of direct filings, and in the case of indirect filings of international applications other than international applications governed exclusively by the 1999 Act, the filing date is the date of receipt by the International Bureau of the international application (refer to paragraphs B.I.01.04 *et seq*);

*Rule 13(3)(i) and (4)* – in the case of indirect filings of international applications governed exclusively by the 1999 Act, the filing date is the date on which the application was received by the Office of the applicant's Contracting Party concerned, *provided* that it is received by the International Bureau within one month of that date or within six months in case of security clearance (refer to paragraphs A.05.14 and B.II.06.04). If that time limit is not complied with, the filing date of the international application is the date of its receipt by the International Bureau.

### **Irregularities in the International Application**

#### *Time Limit for Correcting Irregularities*

*Rule 14(1)* 06.06 If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the applicable requirements, it invites the applicant to make the required corrections within three months from the date of the invitation sent by the International Bureau. Where an irregularity is not remedied within this three-month time limit, the international application is considered abandoned and the International Bureau refunds any fees paid in respect of that application, after deduction of an amount corresponding to the basic fee.

*Rule 14(3)*

*Irregularities Entailing a Postponement of the Filing Date of the International Application*

*Rule 14(2)* 06.07 Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date, the filing date is the date on which the correction of such irregularity is received by the International Bureau. The irregularities which are prescribed as entailing a postponement of the filing date of the international application are the following:

(a) the international application is not in one of the prescribed languages;

(b) any of the following elements is missing from the international application:

(i) an express or implicit indication that international registration under the 1999 Act or the 1960 Act is sought;

(ii) indications allowing the identity of the applicant to be established;

(iii) indications sufficient to enable the applicant or its representative, if any, to be contacted;

(iv) a reproduction, or, in accordance with Article 5(1)(iii) of the 1999 Act, a specimen, of each industrial design that is the subject of the international application;

(v) the designation of at least one Contracting Party.

*Irregularities Concerning the Prohibition on Self-Designation*

**99** *Article 14(3)* 06.08 Where a Contracting Party designated under the 1999 Act, whose Office is an Examining Office, has made the declaration prohibiting its self-designation (refer to paragraph A.05.22) and is indicated in an international application both as the applicant's Contracting Party and as a designated Contracting Party, the International Bureau disregards the designation of that Contracting Party.

*Irregularities Concerning Special Requirement Notified by a Contracting Party or Regarding the Identity of the Creator, Description and Claim*

06.09 In the case of an irregularity which relates either:

– to a special requirement notified by a Contracting Party concerning the applicant or the creator (refer to paragraph A.05.13 and 05.14), or



– to one of the additional elements which has been notified by a Contracting Party under Article 5(2) of the 1999 Act (namely, indications concerning the identity of the creator, a brief description and/or a claim; refer to paragraph B.II.03.03),

if the applicant does not remedy such irregularity within the prescribed time limit of three months, the international application is deemed not to contain the designation of the Contracting Party in question.

06.10 Furthermore, if the applicant does remedy an irregularity which relates to Article 5(2) of the 1999 Act, the date of the international registration is the date on which the correction of such irregularity is received by the International Bureau or the filing date of the international application, whichever is the later.

## 07. PUBLICATION OF THE INTERNATIONAL REGISTRATION

99 Article 10(3)(a) 07.01 Centralized publication of an international registration having effect in  
60 Article 6(3) all the designated Contracting Parties is one of the fundamental features of the  
Rule 17 international registration system. International registrations are published by the International Bureau in the *International Designs Bulletin* and such publication is deemed, in all Contracting Parties, to be sufficient publication and to take the place of any national or regional publication, so that no other publication may be required of the holder.

07.02 Nevertheless, a Contracting Party is not precluded from republishing the international registration, in whole or in part, if it so wishes (for example, in order to translate into its national language the particulars contained in the international registration). However, in such a case, the republication may not create for the holder an obligation to furnish further reproductions of the design or an obligation to pay an additional fee to the Office of that Contracting Party.

Rule 26(2) 07.03 Publication of the *International Designs Bulletin* takes place on the WIPO web site. In addition to the relevant data concerning international registrations, the Bulletin also contains data relating to refusals, invalidations, changes in ownership and mergers, other changes, corrections, renewals, cancellations, and declarations that a change in ownership has no effect and withdrawals of such declarations. Furthermore, the International Bureau publishes any declaration made by a Contracting Party under the Acts or the Common Regulations on the WIPO web site.

Rule 26(3) 07.04 If so requested by the Office of a Contracting Party, the International  
A.I. Section 204(d) Bureau communicates to the Office the date on which each issue of the Bulletin is made available on the WIPO web site. Such communication is made electronically – by email – on the same day as the Bulletin is to appear on the WIPO web site. The publication by the International Bureau of each issue of the Bulletin on the WIPO web site is deemed to replace the “sending” of the Bulletin referred to in the 1999 and the 1960 Acts and will constitute, at the same time, the date of receipt of the Bulletin by the Offices of the designated Contracting Parties.

*Rule 17(2)* 07.05 The publication of the international registration in the Bulletin contains the following:

- the relevant data recorded in the International Register;
- the reproduction or reproductions of the industrial design;
- where publication has been deferred, an indication of the date on which the period of deferment expired or is considered to have expired.

### **Publication Cycle**

07.06 The publication cycle of the Bulletin can be broken down into two components: the frequency of publication and the time lag needed for the preparation of the Bulletin. The frequency of publication is the number of times the Bulletin is issued in a given year. The time lag is linked to the preparation work for the Bulletin and refers to the number of days that elapse between the last recording day considered for the insertion of data in a given issue of the Bulletin and actual date of publication of that issue.

07.07 Since January 1, 2012, the Bulletin is published on a weekly basis. In addition, the time required to prepare each issue of the Bulletin has also been shortened to one week.

### **Timing of Publication**

*Rule 17(1)(iii)* 07.08 The general rule is that an international registration is published six months after the date of the international registration (refer to paragraph B.II.04.62 *et seq*).

07.09 There are two exceptions to the general rule that an international registration is published six months after the date of international registration.

*Rule 17(1)(i)* 07.10 Firstly, an applicant may request that an international registration be published immediately.

07.11 The reference to “immediately after the registration” should, however, be taken with some reservation. In effect, where immediate publication is requested, “immediately” should be read as meaning that the publication will take place as soon as the necessary technical preparations have been carried out after the registration of the industrial design, thus, in any event, involving the elapsing of a certain amount of time. For instance, taking into account the shortening of the publication cycle of the Bulletin and of the time lag (refer to paragraphs B.II.07.06 and 07.07), international registrations programmed for immediate publication and recorded in the International Register during the first week of May will be published in the issue of the Bulletin released at the end of the second week of May; those recorded in the International Register during the last week of May will be published in the issue of the Bulletin released at the end of the first week of June.

- Rule 17(1)(ii)* 07.12 The second exception to the general six-month period concerns those international registrations for which a deferment of publication has been requested. In such case, publication of the international registration takes place immediately after the date on which the period of deferment expired, or is considered to have expired.

### **Deferment of Publication**

#### *Consequences of Deferred Publication*

- Rule 16(3)* 07.13 In the case of deferment of publication, the payment of the publication fee is not required to be made at the time of filing. In addition, in the case of international applications governed exclusively by the 1999 Act, the submitting of reproductions may be provisionally replaced by specimens, provided that the industrial design is two-dimensional. The rationale for permitting the furnishing of specimens instead of reproductions is the relieving of applicants of the higher costs of producing quality reproductions where, having requested deferment of publication, they may eventually decide not to proceed with publication (and protection) of the design. The payment of the publication fee and the submission of reproductions are, however, preconditions to the publication of the international registration. The former must take place not later than three weeks before the period of deferment expires, and the latter must take place not later than three months before the expiry of the period for paying the publication fee.

07.14 The obligation to furnish the publication fee not later than three weeks prior to the expiry of the period of deferment applies also in the situation where the period of deferment is “considered to have expired”. This relates to the situation under Article 11(4)(a) of the 1999 Act and Article 6(4)(b) of the 1960 Act where an applicant requests earlier publication than that already indicated in the request for deferment.

- Rule 16(4)* 07.15 The reproductions submitted earlier than three months before the expiry of the period for paying the publication shall be recorded in the International Register, provided that those reproductions comply with the requirements under Rule 9(1) and (2).

- Rule 16(5)* 07.16 Failure to pay the publication fee earlier than three weeks before the expiry of the period of deferment or failure to submit the reproductions earlier than three months before the expiry of the period for paying the publication fee results in the cancellation of the international registration. Cancellation will be total in case of missing fees but only partial in case of missing reproductions. The cancelled international registration is not published.

*Periods of Deferment*

07.17 The conditions which regulate the applicable period of deferment in any given situation depend upon the laws of the various national or regional systems of the Contracting Parties designated in the international application, including the case of Contracting Parties which do not permit deferred publication at all.

**60 Article 6(4)(a)** 07.18 For Contracting Parties designated under the 1960 Act, the maximum period of deferment is 12 months.

**99 Article 11(1)  
Rule 16(1)(a)** 07.19 Under the 1999 Act, the general principle is that each Contracting Party is assumed to permit the prescribed period of deferment of 30 months, unless it has notified, in a declaration to the Director General of WIPO, that it authorizes only a shorter period – or that it does not authorize deferment at all (refer to paragraphs A.05.07 and 05.08).

07.20 It follows that where an international application governed *exclusively* by the 1999 Act (*i.e.*, in respect of which all the designated Contracting Parties have been designated under the 1999 Act) contains a request for deferment of publication, such deferment may in principle be requested for a period up to 30 months from the filing date, or where priority is claimed, from the priority date. However:

**99 Article 11(2)(ii)** – if such application includes the designation of one Contracting Party that has made a declaration in accordance with which the period of deferment under its legislation is less than the prescribed period of 30 months, then publication takes place on the expiry of the period stated in that declaration;

**99 Article 11(2)(ii)** – if such application includes the designations of more than one Contracting Party which have made a declaration in accordance with which the period of deferment is less than the prescribed period of 30 months, then publication takes place on the expiry of the shortest of the periods notified in those declarations;

– if such application includes the designation of a Contracting Party which has made a declaration in accordance with which deferment of publication is not possible at all under its law, it is subject to different treatment, depending upon whether the application is accompanied by reproductions or specimens of the filed design. The principles are as follows:

**99 Article 11(3)(i)** (i) if the international application is accompanied by reproductions of the design, the International Bureau notifies the applicant that the request for deferment of publication is incompatible with the designation of the Contracting Party concerned. If the holder does not withdraw the designation of that Contracting Party within one month from the date of the notification sent by the International Bureau, the request for deferment of publication is not taken into consideration;

**Rule 16(2)**

**99 Article 11(3)(ii)** (ii) if the international application is accompanied by specimens of the design, the International Bureau does not take into account the designation of the Contracting Party concerned and so notifies the applicant.

**Rule 16(1)(b)** 07.21 Where an international application is governed exclusively or partly by the 1960 Act (*i.e.*, in respect of which at least one Contracting Party has been designated under the 1960 Act), deferment of publication cannot exceed 12 months from the filing date, or where priority is claimed, from the priority date of the application concerned. In other words, the designation of a Contracting Party under the 1960 Act can be considered as equivalent to the designation of a Contracting Party which has made a declaration for a deferment period of a maximum of 12 months.

#### *Unofficial Notice of Expiry of Deferment Period*

**Rule 16(3)(b)** 07.22 Six months before the expiry of the period of deferment of publication, the International Bureau sends an unofficial reminder notice to the holder of the international registration as well as to the holder's representative (if any), indicating the date by which the publication fee and the reproductions must be submitted.

#### **Events During Period of Deferment**

07.23 The deferment period is computed from the filing date of the international application, or from the claimed priority date, if any. During the period of deferment of publication, the following actions may be initiated by the holder with regard to the international registration:

#### *Request for Earlier Publication*

**60 Article 6(4)(b)** 07.24 The holder may request earlier publication – *i.e.*, publication prior to the expiry of the deferment period already requested – in respect of any or all of the designs contained in the international registration. The deferment period is then considered to have expired on the date on which the request for earlier publication has been received by the International Bureau.

**99 Article 11(4)(a)**

#### *Request to Provide Extract or Authorize Access*

07.25 It is a general principle that international applications and international registrations are kept secret by the International Bureau until publication. This principle of confidentiality also applies to any document accompanying the international application. However, there may be situations where the holder may wish no longer to preserve such confidentiality, for example, in order to assert his rights before a jurisdiction or third parties. Therefore, the holder may request the International Bureau to provide an extract of the international registration to a third party he has designated, or to authorize access to the international registration by a third party.

**99 Article 11(4)(b)**

*Renunciation or Limitation*

- 60 Article 6(4)(b)** 07.26 The holder may renounce the international registration in respect of all the designated Contracting Parties. In such case, the industrial design or designs that are the subject of the international registration will not be published. The holder may also limit the international registration, for all the designated Contracting Parties, in respect of some only of the industrial designs that are the subject of the international registration. In such case, only the industrial designs that are not affected by the limitation will be published.
- 99 Article 11(5)**

- A.I. Section 601* 07.27 Where the publication of an international registration is deferred, a request for the recording of a limitation or renunciation concerning that registration, complying with the applicable requirements (refer to paragraphs B.II.15.01 *et seq* and 16.01 *et seq*), must be received by the International Bureau not later than three weeks prior to the expiry of the period of deferment. In default of this, the international registration is published at the expiration of the period of deferment without account being taken of the request for the recording of a limitation or renunciation. Provided that the request for limitation or renunciation complies with the applicable requirements, the limitation or renunciation is nevertheless recorded in the International Register.

*Furnishing of Confidential Copies to Examining Offices;  
Confidentiality*

- 60 Article 6(4)(d)** 07.28 As a general principle, the International Bureau keeps in confidence each international application and each international registration until publication in the Bulletin (refer to paragraphs B.II.07.01 to 07.05).
- 99 Article 10(4)**
- 99 Article 10(5)(a)** 07.29 However, when publication has been deferred, Examining Offices are faced with the situation in which they need to examine applications without knowing whether an international registration whose publication has been deferred is included in the prior art. In order to resolve this problem, immediately after registration has been completed, the International Bureau must send, by electronic means agreed upon between the International Bureau and the Office concerned, a copy of the international registration, along with any documentation accompanying the international application, to each Office that has notified the International Bureau that it wishes to receive such a copy and has been designated in an international application.
- A.I. Section 901*
- 99 Article 10(5)(b)** 07.30 In such a case, the Office is required to maintain the confidentiality of the international registration until publication, and may use the documentation sent to it only for the purpose of the examination of other applications. It may not divulge the contents of the international registration to any persons outside the Office, except for the purposes of administrative or legal proceedings involving a conflict over entitlement to file the international application on which the international registration is based.
- 07.31 If an Examining Office concludes that an application concerns a design that is similar to a design that is the subject of an unpublished international registration resulting from an earlier application, of which it has received a

confidential copy, it must suspend the prosecution of the later application until publication of the international registration, since it will not be able to divulge the content of the international registration to the holder of the later application.

07.32 The Office may notify the holder of the later application of the fact that prosecution of that application is suspended on account of possible conflict with an as yet unpublished registration resulting from an earlier application. If the later filing is also an international registration, the Examining Office will refuse the effect of that later international registration until the earlier unpublished international registration has been published and it has taken a decision regarding the conflict between the two registrations.

### *Updating of Data Concerning the International Registration*

*A.I. Section 902* 07.33 Updated data concerning an international registration shall be communicated to each Office that has received a confidential copy of the international registration in the same manner as established for confidential copies. The purpose of Section 902(a) is to inform the Offices of all the designated Contracting Parties that have received a confidential copy of the international registration of its cancellation under Rule 16(5), in the case where the publication fee is not paid or proper reproductions of the industrial design are not submitted. Furthermore, the purpose of Section 902(b) is to inform the Office of a designated Contracting Party that has received a confidential copy of the international registration of any change relevant to that Contracting Party upon its recording in the International Register. Finally, the purpose of Section 902(c) is to inform the Offices of designated Contracting Parties that have received a confidential copy of the international registration of any correction effected before the publication of the international registration, unless the correction only concerns the designations of other Contracting Parties.

*Rule 10(1)(ii)* 07.34 If the international application is accompanied by a specimen, instead of a reproduction, the designated Examining Office receives a specimen at the same time as a copy of the international registration. In effect, therefore, the number of copies of specimens accompanying an international application in cases where specimens can take the place of reproductions (refer to paragraphs B.II.05.16 to 05.18) corresponds to the number of Contracting Parties designated in the international application under the 1999 Act, having an Examining Offices, and having made a notification under Article 10(5) of the 1999 Act – plus one copy for the International Bureau.

## **08. THE INTERNATIONAL REGISTRATION**

### **Registration in the International Register**

*Rule 15(1)* 08.01 Where the International Bureau finds that the international application conforms to the applicable requirements, it registers the industrial design in the International Register and sends a certificate to the holder. This is so, whether or not deferment of publication of the international registration has been requested.

- Rule 15(2)*    08.02    The international registration contains:
- all the data contained in the international application, except any priority claim where the date of the earlier filing is more than six months before the filing date of the international application;
  - any reproduction of the industrial design;
  - the date of the international registration;
  - the number of the international registration;
  - the relevant class of the International Classification, as determined by the International Bureau.

### **Date of the International Registration**

08.03    As a matter of principle, the date of the international registration is the filing date of the international application (refer to paragraph B.II.06.05). However, where the international application has, on the date on which it is received by the International Bureau, an irregularity which relates to one of the additional elements which may be notified by a Contracting Party to the 1999 Act (namely the identity of the creator, a brief description and/or a claim; refer to paragraph B.II.06.09), the date of the international registration is the date on which the correction of such irregularity is received by the International Bureau or the filing date of the international application, whichever is the later.

## **09. REFUSAL OF PROTECTION**

### **Notion of Refusal**

09.01    Under the Hague Agreement, the word “refusal” does not mean a *final* decision of refusal, that is to say, a decision that is no longer subject to review or appeal. All that is required is that, within the applicable refusal period (refer to paragraphs B.II.09.07 *et seq*), a designated Office indicate the grounds which may be *liable* to lead to a refusal of protection. In other words, what must be notified within the applicable refusal period is simply a provisional objection. In practice, therefore, refusals may be based on:

- an objection (still provisional) resulting from the *ex officio* examination undertaken by an Office;
- an opposition lodged by a third party. It must be emphasized that, under the wording of the Hague Agreement, the simple fact of an opposition being lodged against an international registration must be notified to the International Bureau as a “refusal of protection based on an opposition”. This does not prejudice the eventual decision taken by the Office concerned on the opposition.



## Grounds for Refusal

- 60 Article 8(1)** 09.02 Each designated Contracting Party has the right to refuse, in its territory, the grant of protection to an international registration. Such refusal may be total or partial, in the sense that it may apply to all the designs which are the subject of the international registration or to some only of them.
- 99 Article 12(1)**
- 09.03 Protection may not be refused on the grounds that the international registration does not satisfy formal requirements, since such requirements are to be considered by each Contracting Party as having already been satisfied following the examination carried out by the International Bureau. For example, a designated Office may not refuse protection on the ground that the required fees have not been paid or that the quality of the reproductions is not sufficient, since such verification is the exclusive responsibility of the International Bureau.
- Rule 9(4)** 09.04 Likewise, a Contracting Party may not refuse the effects of the international registration on the ground that requirements relating to the form of the reproductions that are additional to, or different from, those which may have been notified by that Contracting Party (refer to paragraphs B.II.05.10 *et seq*) have not been met. A Contracting Party may however refuse protection on the ground that a reproduction does not sufficiently disclose the appearance of the industrial design. In such a case, the reason for the refusal would be the substantive ground that the industrial design is not sufficiently disclosed, *not* the formal ground that the reproduction, for example, does not contain surface shading.
- 99 Article 13(2)** 09.05 In the particular case where, following a notification of refusal based on lack of unity of design (refer to paragraph A.05.09), an international registration is divided before the Office of a designated Contracting Party in order to overcome such ground of refusal, the Office must notify the International Bureau of that fact, together with the following information:
- Rule 18(3)**
- A.I. Section 502**
- the Office making the notification;
  - the international registration number concerned;
  - the numbers of the industrial designs which are the subject of the division with the Office; and,
  - the resulting national or regional application or registration numbers.
- 09.06 It is not within the competence of the International Bureau to express an opinion as to the justification of a refusal of protection or to intervene in any way in the settlement of the substantive issues raised by such a refusal.

**Time Limits for Refusal**

- Rule 18* 09.07 A refusal of protection must be notified to the International Bureau  
*Rule 19(1)(a)(iii)* within a prescribed time limit. Any refusal sent after the expiry of that time limit will not be considered as such by the International Bureau (refer to paragraphs B.I.02.01 *et seq*).
- Rule 18(1)(a)* 09.08 As a matter of principle, the time limit for the notification of a refusal is six months from the date of publication of the international registration.
- Rule 18(1)(b)* 09.09 However, any Contracting Party to the 1999 Act whose Office is an examining Office or whose law provides for opposition proceedings may declare that, for international registrations in which it is designated under the 1999 Act, the time limit of six months is replaced by a time-limit of 12 months.
- A.I. Section 501* 09.10 In order to determine whether a notification of refusal of protection meets the applicable time limit, it is the date of *sending* of the notification of refusal, by the Office concerned, which is decisive. In the case of a notification of refusal sent by mail, the date of sending is determined by the postmark. If the postmark is illegible or missing, the International Bureau will treat the notification as having been sent 20 days before the date on which it was actually received by the International Bureau; if, however, this date would be earlier than the date of any refusal or date of sending mentioned in the notification, the notification will be treated as having been sent on the latter date. In the case of a notification sent through a delivery service, the date of sending will be determined on the basis of the information recorded by the delivery service.

**Procedure for Refusal of Protection**

- Rule 18(2)(a)* 09.11 A notification of refusal must relate to only one international registration. It must also be dated and signed by the Office making the notification.

*Contents of the Notification*

- Rule 18(2)(b)* 09.12 A notification of refusal must contain the following information and indications:
- the Office making the notification;
  - the number of the international registration;
  - all the grounds on which the refusal is based, together with a reference to the corresponding essential provisions of the law;
  - if the grounds refer to similarity with an industrial design that is the subject of an earlier national, regional or international application or registration, all relevant data concerning that industrial design, including the filing or registration date and number, the priority date (if any), a copy of a reproduction

of the earlier industrial design (if the reproduction is accessible to the public, refer to paragraphs B.II.07.13 *et seq*) and the name and address of the owner of the industrial design in question<sup>12</sup>;

- if the refusal does not concern all the industrial designs that are the subject of the international registration, those to which it does or does not relate;

- if the refusal may be subject to review or appeal, the time limit, reasonable under the circumstances, for filing a request for review of, or appeal against, the refusal, and the authority to which such request for review or appeal lies; if such request for review or appeal must be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal, this should also be indicated. In such a case, the requirements for appointment of a representative is governed by the law and practice of the Contracting Party concerned;

- the date on which the refusal was pronounced.

09.13 A refusal must state the grounds on which it is based in order to enable the holder to assess the appropriateness of challenging these grounds in a review or appeal procedure before the Office or other authority concerned.

09.14 The requirement to state in the notification of refusal all grounds on which the refusal is based does not prevent new grounds from being raised subsequently during the procedure before the Office, even after expiry of the time limit for refusal, as a result of the holder's reaction to the refusal, or during an appeal procedure lodged by the holder, since the latter is informed of those grounds under the procedure in question.

*Recording and Publication of the Refusal; Transmittal to the Holder*

*Rule 18(5) and (6)* 09.15 A refusal of protection is notified to the International Bureau by the Office of the Contracting Party concerned. The International Bureau records such refusal in the International Register (unless it is not considered as such; refer to paragraph B.II.09.18), publishes it in the Bulletin, and transmits a copy of the notification to the holder of the international registration concerned.

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<sup>12</sup> In the event of a refusal based on similarity with a design that is the subject of an earlier registration that has not been published (in particular because deferred publication has been requested), the Office will not be able to provide the data concerning the conflicting earlier design since it is required to keep the copy of that earlier registration secret. In such case it will have to indicate in its notification, as ground for refusal, similarity with an earlier unpublished registration. The holder of the later international registration should receive the detailed contents of the earlier registration once publication has taken place. The time limits applicable to a possible appeal against refusal would be set accordingly.

*Language of the Notification of Refusal*

09.16 The refusal may be notified to the International Bureau in English, French, or Spanish, at the option of the Office making the notification. The refusal is recorded and published. The holder receives from the International Bureau a copy of the notification of refusal, in the language in which it was sent by the Office of the designated Contracting Party.

*Irregular Notifications of Refusal*

09.17 There are two kinds of irregular refusals, those which can be remedied and those which entail that the notification of refusal is not considered as such by the International Bureau.

*Rule 19(1)(a)* 09.18 A notification of refusal is not regarded as such by the International Bureau (and is therefore not recorded in the International Register) if:

- it does not contain an international registration number (unless other indications contained in the notification permit the International Bureau to identify the international registration concerned);

- it does not indicate any grounds for refusal; or

- it was sent to the International Bureau after the expiry of the applicable refusal period (six months or 12 months, as the case may be; refer to paragraphs B.II.09.07 *et seq.*).

*Rule 19(1)(b)* 09.19 In all three cases, the International Bureau nevertheless transmits a copy of the notification to the holder and informs him (and at the same time the Office that issued it) that it does not regard the notification of refusal as such, and indicates the reasons therefor.

09.20 It is useful for the holder of the international registration to receive from the International Bureau copies of such notifications of refusal (even if they have not been regarded as such, and consequently have not been recorded in the International Register), because this holder should be aware of potential grounds of refusal in the Contracting Party concerned. For example, a third party might initiate an invalidation action against the designation, based on the same grounds as were cited by the Office in the defective notification of refusal.

*Rule 19(2)* 09.21 If the notification is irregular in other respects (for example, it is not signed by the Office or it does not indicate the date of refusal), the International Bureau nonetheless records the refusal in the International Register and transmits a copy of the (irregular) notification to the holder. If the holder so requests, the International Bureau invites the Office concerned to rectify its notification without delay.

09.22 Where an Office rectifies a notification of refusal that specified a period for requesting review or appeal, it should also, where appropriate, specify a new period (for example, starting from the date on which the rectified notification was sent to the International Bureau), preferably with an indication of the date on which the new time limit expires.

#### *Procedure Following Notification of Refusal*

**60 Article 8(3)** 09.23 Where the holder of an international registration receives, through the  
**99 Article 12(3)(b)** International Bureau, a notification of refusal, he has the same rights and remedies (such as review of, or appeal against, the refusal) as if the industrial design had been filed directly with the Office that issued the notification of refusal. The international registration is, therefore, with respect to the Contracting Party concerned, subject to the same procedures as would apply to an application for registration filed with the Office of that Contracting Party.

09.24 When lodging a request for review or an appeal against a decision of refusal or responding to an opposition, the holder may, even if this is not required by the law of the Contracting Party concerned, find it useful to appoint a local representative who is familiar with the law and practice (and the language) of the Office that pronounced the refusal. The appointment of such a representative is entirely outside the scope of the Hague Agreement and the Common Regulations, and is governed by the law and practice of the Contracting Party concerned.

### **10. NOTIFICATION OF WITHDRAWAL OF REFUSAL AND STATEMENT OF GRANT OF PROTECTION**

#### **Notification of Withdrawal of Refusal**

**99 Article 12(4)** 10.01 An Office which has issued a notification of refusal may withdraw the  
*Rule 18(4)(a)* said notification, following, in particular, the lodging of an appeal by the holder. The notification of withdrawal of refusal must relate to only one international registration, but may relate only to one or some of the industrial designs in the international registration to which the refusal applied. It must also be dated and signed by the Office concerned.

*Rule 18(4)(b)* 10.02 A notification of withdrawal of refusal must contain the following information and indications:

- the Office making the notification;
- the number of the international registration;
- if the withdrawal does not concern all the industrial designs that are the subject of the refusal, those to which it does, or does not, relate;
- the date on which the international registration produced the effect as a grant of protection under the applicable law;

- the date on which the refusal was withdrawn.

*Rule 18(4)(c)* 10.03 Where the international registration was amended in a procedure before the Office, the notification shall also contain or indicate either all the amended elements or the whole information concerning the industrial designs as amended, at the discretion of the Office. This information could be provided in the language in which the Office detained it, even if it were a language other than the working language used for the notification of withdrawal of refusal.

### **Statement of Grant of Protection Following a Refusal**

*Rule 18bis(2)* 10.04 A withdrawal of refusal by an Office that has communicated a notification of refusal may also take the form of a statement to the effect that the Office concerned has decided to grant protection to the industrial designs, or some of the industrial designs, as the case may be, that are the subject of the international registration.

*Rule 18bis(2)(b) and (c)* 10.05 A statement of grant of protection following a refusal must contain the following information and indications:

- the Office making the notification;
- the number of the international registration;
- where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate;
- the date on which the international registration produced the effect as a grant of protection under the applicable law;
- the date of the statement;
- where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments (refer to paragraph B.II.10.03).

### **Statement of Grant of Protection in the Absence of a Prior Notification of Refusal**

*Rule 18bis(1)(a)* 10.06 The Office of a designated Contracting Party which has not communicated a notification of refusal may, within the applicable refusal period, send to the International Bureau a statement to the effect that protection is granted to the industrial designs or some of the industrial designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned.

10.07 In general, no legal consequences result from the fact that such a statement of grant of protection has not been sent by an Office. It remains the case that the industrial designs that are the subject of the international registration are protected if no notification of refusal has been sent within the applicable refusal period.

*Rule 18bis(1)(d) and (e)* 10.08 However, where a Contracting Party has made a declaration under Rule 18(1)(b) covering situations under Rule 18(1)(c)(i) or (ii), and either of them applies, and where protection is granted following amendments in the procedure before an Office, the sending of a statement of grant of protection is mandatory (refer to Part A, paragraph 05.27).

*Rule 18bis(1)(b)* 10.09 A statement of grant of protection where no notification of refusal has been communicated must contain the following information and indications:

- the Office making the statement;
- the number of the international registration;
- where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates;
- the date on which the international registration produced or shall produce the effect as a grant of protection under the applicable law;
- the date of the statement;
- where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments (refer to paragraph B.II.10.03).

*Rule 18(5), (6) and Rule 18bis(3)* 10.10 The International Bureau records any withdrawal of refusal or statement of grant of protection in the International Register, informs the holder accordingly and, where the withdrawal or statement was communicated, or can be reproduced, in the form of a specific document, transmits a copy of that document to the holder. The recording of any withdrawal or statement is published in the Bulletin and a pdf copy of the document is made publicly available in the Bulletin alongside the publication.

## 11. EFFECTS OF THE INTERNATIONAL REGISTRATION

### Effects of the International Registration in Respect of Contracting Parties Designated Under the 1999 Act

11.01 The 1999 Act provides for the recognition of, successively, two sets of effects to an international registration.

*99 Article 14(1)* 11.02 To begin with, the international registration has at least the same effect in each designated Contracting Party as a regularly-filed application under the law of that Contracting Party. Such effects, whose recognition by each Contracting Party is a minimum (“at least”) condition, commence on the date of the

international registration. One of the consequences is that any Contracting Party that affords provisional protection to published *national or regional applications* must also afford that type of protection to published international registrations in which it is designated.

**99 Article 14(2)** 11.03 Subsequently, in each designated Contracting Party the Office of which has not notified a refusal of protection, the international registration has the same effect as a grant of protection under the law of that Contracting Party. The effects of a grant of protection start to run, at the latest, from the date of expiry of the applicable refusal period (six or 12 months, as the case may be).

**99 Article 14(2)** 11.04 Furthermore, a Contracting Party whose Office is an Examining  
*Rule 18(1)(c)* Office, or whose law provides for the possibility of opposition to the grant of protection, may, by making the corresponding declaration to the Director General of WIPO, further derogate from the principle whereby an international registration must have the effect of a grant of protection at the latest from the date of expiry of the refusal period. Such a Contracting Party may specify that the international registration will have such effect at the latest:

– at a time specified in the declaration which may be later than the date of expiry of the applicable refusal period but which may not be more than six months after that date (in such case, the effect as a grant of protection begins at the time stated in that declaration), or

– at a time at which protection is granted according to the law of the Contracting Party where a decision regarding the grant of protection was unintentionally not communicated; in the latter case, the Office of the Contracting Party concerned should notify the International Bureau accordingly and endeavor to communicate its decision to the holder of the international registration promptly thereafter.

**99 Article 14(2)(c)** 11.05 The effect as a grant of protection, as described above, applies to the industrial design or designs that are the subject of that registration as received from the International Bureau by the designated Office or, where applicable, as amended in the procedure before that Office.

11.06 The words “at the latest” mean that each Contracting Party has the possibility of recognizing that the international registration has the effect of a grant of protection under its laws at an earlier date, for example as from the date of the international registration. Moreover, it is to be understood that, where a multiple international registration has been refused with respect to some only of the industrial designs contained in the registration, protection of the international registration under the applicable law is limited to those industrial designs that are not subject to the notification of refusal.

**99 Article 14(2)(b)** 11.07 Where a refusal of protection has been notified and subsequently withdrawn (totally or partially), the effects as a grant of protection under the law of the Contracting Party concerned must be afforded to the international registration, to the extent that the refusal is withdrawn, at the latest on the date of its withdrawal. Again in this case, the words “at the latest” mean that each Contracting Party has the possibility of recognizing that the effect of protection



under its applicable law begins at an earlier date, for example retroactively as from the date of the international registration. The words “to the extent that the notification of refusal is withdrawn” indicate that, where a refusal is withdrawn with respect to some only of the industrial designs that were the subject of the notification, the protection under the applicable law does not extend to the designs with regard to which the refusal has not been withdrawn. Since a withdrawal of refusal may take the form of a statement of grant of protection, the foregoing applies where such a statement is issued in the context of a withdrawal of refusal (refer to paragraph B.II.09.27).

11.08 The Office of a designated Contracting Party may, within the applicable refusal period, send to the International Bureau a statement of grant of protection where it has not communicated a notification of refusal and has decided to accept the effects of an international registration (refer to paragraph B.II.10.01). In such a case, the international registration may have, in accordance with the law of the designated Contracting Party, the effect as a grant of protection, for example, as from the date on which the statement of grant of protection was issued, since each Contracting Party has the possibility of recognizing that the effect of protection begins at an earlier date. As regards the latest time at which protection must be granted, the principles explained in paragraphs B.II.11.03 and 11.04 remain applicable.

### **Effects of the International Registration in Respect of Contracting Parties Designated Under the 1960 Act**

*60 Articles 8(1)  
and 11(1)(b)*

11.09 If no refusal is notified within the prescribed time limit of six months by a Contracting Party designated under the 1960 Act, the international registration becomes effective in that Contracting Party as from the date of the international registration. However, in a Contracting Party having a novelty examination, the international registration becomes effective from the expiration of the refusal period unless the domestic law provides for an earlier date for registrations made with its national Office. Furthermore, if, under the provisions of the domestic law of a Contracting State having a novelty examination, protection commences at a date later than that of the international registration, the term of protection must be computed from the date at which protection commences in that State. The fact that the international registration is not renewed or is renewed only once shall in no way affect the terms of protection thus defined.

11.10 Where a refusal of protection has been notified and subsequently withdrawn (totally or partially), the effects under the law of the Contracting Party must be afforded to the international registration, in accordance with the principles mentioned in the previous paragraph (B.II.11.09).

11.11 Where a statement of grant of protection has been notified in the absence of a prior notification of refusal, the same considerations as outlined in paragraph B.II.11.08 apply (refer to paragraph B.II.10.01). As regards the latest time at which protection must be granted, the principles explained in paragraph B.II.11.09 remain applicable.

**Term of Protection of International Registrations in Respect of Contracting Parties Designated Under the 1999 Act**

**99 Article 17** 11.12 With respect to Contracting Parties designated under the 1999 Act, the international registration is effected for an initial period of five years and may be renewed for two additional five-year periods before each of those periods expires. Subject to renewal, the minimum duration of protection in each Contracting Party designated under the 1999 Act is therefore 15 years following the date of international registration.

11.13 Moreover, if the national legislation of a Contracting Party provides for a duration of protection in excess of 15 years for designs filed for registration by the national route, the international registration may be renewed with respect to that Contracting Party for additional periods of five years up to the expiry of the total duration of protection provided for in its national legislation.

**Term of Protection of International Registrations in Respect of Contracting Parties Designated Under the 1960 Act**

**60 Article 11(1)(a)** 11.14 With respect to Contracting Parties designated under the 1960 Act, the international registration is made for an initial period of five years and may be renewed for one additional period of five years. Subject to renewal, the minimum duration of protection in each Contracting Party designated under the 1960 Act is therefore 10 years following the date of international registration.

**60 Article 11(2)** 11.15 Moreover, if the national legislation of a Contracting Party provides for a duration of protection in excess of 10 years for designs filed for registration by the national route, the international registration may be renewed with respect to that Contracting Party for additional periods of five years up to the expiry of the total duration of protection provided for in its national legislation.

**12. CHANGES IN THE INTERNATIONAL REGISTRATION****Types of Changes**

12.01 A request for the recording of a change may relate to any of the following:

- Rule 21(1)(a)(i)* – change in ownership of an international registration (form DM/2);
- Rule 21(1)(a)(ii)* – change in the name and/or address of the holder (including address for correspondence) (form DM/6);
- Rule 21(1)(a)(iii)* – renunciation of the international registration in respect of any or all of the designated Contracting Parties (form DM/5);

*Rule 21(1)(a)(iv)* – limitation, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration (form DM/3).

*Rule 21(1)* 12.02 Where the request for the recording of a change concerns any of the above, such request must be presented to the International Bureau on the corresponding official form. The official forms are available for downloading from the Internet on the WIPO web site, at [www.wipo.int/hague](http://www.wipo.int/hague).

### 13. CHANGE IN OWNERSHIP

*99 Article 16(1)(i)* 13.01 The ownership of an industrial design may change for various reasons and in different ways. A change in ownership may result from a contract, such as an assignment. Other reasons might be a court decision, or operation of law, such as an inheritance or bankruptcy, or from the merger of two companies.

*Rule 21(2)(v)* 13.02 The change in ownership of an international registration may relate to all the industrial designs covered by the international registration, or to some only of them. Similarly, the change in ownership may be in respect of all the designated Contracting Parties or some only of them.

13.03 The Common Regulations do not distinguish between such different causes for, or different types of, change in ownership. The uniform terminology “change in ownership” is used for all cases. Until the change has been recorded in the International Register, the former owner of the international registration is referred to as the “holder”, since this term is defined as the person or legal entity in whose name the international registration is recorded. The new owner is referred to as the “transferee”. Once the change in ownership has been recorded, the transferee becomes the holder of the international registration.

13.04 Furthermore, the issue of the recording of a change in ownership in the International Register must be distinguished from that of the validity of such change in ownership. The Hague Agreement does not set out, for example, the conditions to be met regarding the validity of a deed of assignment relating to an international registration. These conditions are, and remain, governed exclusively by the relevant domestic legislation, and may therefore vary from one Contracting Party to another (e.g., the need for execution of a document in writing certifying the assignment, proof of the age of the parties in order to assess their legal entitlement, etc.).

13.05 The Hague Agreement provides only for the requirements to be complied with in order to validly record a change in ownership in the International Register. This issue is therefore a matter which comes into play only subsequently to the formal conclusion of the contractual arrangement or to the occurring of the non-contractual cause for the change in ownership.

13.06 The recording of a change in ownership in the International Register normally aims at ensuring that such change in ownership will be effective against third parties.

13.07 Moreover, it is to be noted that, in certain circumstances, a designated Contracting Party may refuse the effect of a recording of a change in ownership in the International Register with respect to its designation, pursuant to a declaration requiring certain statements or documents, under Article 16(2) of the Geneva (1999) Act, or to a declaration to refuse the effects of the recording of a given change in ownership issued pursuant to Rule 21*bis*(1) (refer to paragraphs B.II.13.29 *et seq*).

### **Entitlement to Be Recorded as New Holder**

**99 Article 3**  
**Rule 21(2)(iv)**

13.08 Where there has been a change in the ownership of an international registration, the new owner (transferee) may be recorded as the new holder in respect of a given designated Contracting Party provided he holds an entitlement (*i.e.*, by virtue of establishment, domicile, habitual residence or nationality) in a Contracting Party bound by an Act to which the designated Contracting Party concerned is also bound.

13.09 For example, if a designated Contracting Party is bound by both the 1960 Act and the 1999 Act, the transferee could be recorded as the new holder in respect of such Contracting Party to the extent that he holds an entitlement in a Contracting Party bound by either (but at least one) of these Acts. On the other hand, where the transferee is a company holding an entitlement only in a Contracting Party bound *exclusively* by the 1999 Act, such transferee cannot be recorded as new holder in respect of designated Contracting Parties bound *exclusively* by the 1960 Act (or *vice-versa*).

13.10 In certain situations, the application of this principle may entail a change in the Act governing the designation of the Contracting Party concerned *vis à vis* the Contracting Party of the new holder. The following example may illustrate the issue concerned.

13.11 An applicant originates from a Contracting Party bound exclusively by the 1960 Act and has designated a Contracting Party bound by both the 1960 and the 1999 Acts. Such designation is therefore governed by the 1960 Act (the single common Act). The corresponding registration is subsequently assigned to a company established in a Contracting Party bound exclusively by the 1999 Act. This transfer can be recorded in the International Register, since the 1999 Act is common to the Contracting Party of the new holder and the designated Contracting Party concerned. For the very same reason, however, it follows that the designation of that Contracting Party is no longer governed by the 1960 Act, but instead by the 1999 Act (the only common Act between the designated Contracting Party and the Contracting Party of the *new* holder).

13.12 Where this situation occurs, however, the following consequences must be inferred.

*Refusal Period*

13.13 If the recording of the change in ownership takes place during the course of the refusal period, and given that such period may differ according to whether a Contracting Party has been designated under the 1960 Act or under the 1999 Act (refer to paragraphs B.II.09.07 *et seq*), the recording of the change in ownership does not have the effect of prolonging – or reducing – the refusal period allowed for a designated Contracting Party to notify a refusal of protection. This solution was approved by the Assembly of the Hague Union at its twenty second session in September/October 2003, by means of an interpretative statement.

*Deferment of Publication*

13.14 If the recording of the change in ownership takes place during the period for deferment of publication, and given that such period under the 1999 Act (up to 30 months) may be longer than the maximum period of deferment provided for by the 1960 Act (12 months), the recording of the change in ownership does not have the effect of reducing the applicable deferment period where (i) deferment of publication had been requested for a period of more than 12 months under the 1999 Act and (ii) the international registration concerned is transferred, during this deferment period, to a person having an entitlement in a Contracting Party bound *exclusively* by the 1960 Act. This solution was approved by the Assembly of the Hague Union at its twenty second session in September/October 2003, by means of an interpretative statement.

*Individual Renewal Fees*

13.15 Given that an individual fee may be required at the stage of renewal for Contracting Parties designated under the 1999 Act, but that such a fee is not provided for in respect of Contracting Parties designated under the 1960 Act in the context of renewal, it follows that the *new holder* may have to pay individual renewal fees in a designated Contracting Party (while such possibility had been precluded with respect to the initial holder), or *vice versa*. This solution was approved by the Assembly of the Hague Union at its twenty second session in September/October 2003, by means of an interpretative statement.

*Entitlements of the New Owner in Several Contracting Parties Bound by Different Acts (Plurality of Entitlements)*

13.16 The transferee may indicate, in the request for the recording of change in ownership, an entitlement in *several* Contracting Parties which may be bound by different Act(s) (refer to paragraphs B.II.02.01 *et seq*). Therefore, assuming for example that the transferee:

- claims a domicile in a Contracting Party bound exclusively by the 1960 Act (Contracting Party A) and the nationality of a Contracting Party bound exclusively by the 1999 Act (Contracting Party B), and

– requests to be recorded as the new holder in respect of a Contracting Party bound by both Acts (Contracting Party C),

it is the more recent (1999) Act which is taken into account to determine which Act governs the designation of the Contracting Party concerned (Contracting Party C) *vis-à-vis* the new holder (the same result would ensue if, in the example above, Contracting Party B was not the State from which the assignee is a national but an intergovernmental organization of which Contracting Party A is a member State). This solution was approved by the Assembly of the Hague Union at its twenty second session in September/October 2003, by means of an interpretative statement. It results mainly from the fact that the 1999 Act is the more modern legal instrument and that such a solution is also in the spirit of Article 31(1) of the 1999 Act and Article 31(1) of the 1960 Act, which give preference to the more recent Act.

### **Who Can Present the Request**

*Rule 21(1)(b)* 13.17 As a matter of principle, requests for the recording of changes must be presented and signed by the holder. However, a request for the recording of a change in ownership (form DM/2) may also be presented by the *new* owner, provided that it is

- signed by the holder, or
- signed by the new owner and accompanied by an attestation from the competent authority of the holder's Contracting Party that the new owner appears to be the successor in title of the holder.

### **Contents of the Request**

*Rule 21(2)* 13.18 A request for the recording of a change in ownership (form DM/2) must contain or indicate the following:

– the number of the international registration concerned (a single request form may be used for several international registrations in the name of the same holder, provided that the request relates to a total change in ownership as provided for in item 6(a) of the form. On the other hand, if the request relates to a partial change in ownership, as provided for in item 6(b), the request form may be used only for a single international registration);

– the name of the holder;

*A.I. Section 301*  
*A.I. Section 302*

– the name and address, given in accordance with the Administrative Instructions, of the new owner of the international registration. Where there are several new owners with different addresses and no representative has been appointed, an address for correspondence should also be indicated. If no such address is indicated, the International Bureau will take as the address for correspondence the address of the person named first (in item 3 of the form). It should also be noted that where there is only one new owner and no representative

has been appointed, item 4 of the form (address for correspondence) should be completed only if the correspondence address is, in fact, different from the ordinary address of the applicant already given in item 3(b);

– the Contracting Party or Parties in respect of which the new owner fulfills the conditions to be the holder of an international registration;

– in the case of a change in the ownership of the international registration that does not relate to all the industrial designs and to all the Contracting Parties, the numbers of the industrial designs and the designated Contracting Parties to which the change in ownership relates;

**99 Article 16(3)** – the amount of the fees being paid and the method of payment, or  
*Rule 21(2)(vi)* instruction to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

*Rule 21(1)(b)* 13.19 The form should be signed or have a seal affixed and the identity of the  
*A.I. Section 202* signatory should be indicated as provided for in item 7. There is also provision for an indication of the name of the person to be contacted, if necessary. This may prove useful if, for example, the form is submitted in the name of a legal entity.

### **Appointment of a Representative**

*Rule 3(1)(b)* 13.20 The new owner or transferee may also, optionally, appoint a representative, simultaneously with the filing of the request for the recording of the change in ownership. This is provided for in item 8 of the form, which requires that such appointment be made either by means of the attachment of the appropriate power of attorney to form DM/2 (Change in Ownership) or the annexing to form DM/2 of duly completed form DM/7 (Appointment of Representative).

### **Irregular or Inadmissible Requests**

#### *Request Not Admissible*

*Rule 21(3)* 13.21 A change in the ownership of an international registration may not be recorded in respect of a designated Contracting Party if that Contracting Party is not bound by an Act to which the Contracting Party, or one of the Contracting Parties, in respect of which the new owner fulfills the conditions to be the holder of an international registration, is also bound (refer to paragraphs B.II.13.07 *et seq*).

#### *Irregular Request*

*Rule 21(4)* 13.22 If the request does not comply with any of the applicable requirements, the International Bureau notifies that fact to the holder and, if the request was presented by a person claiming to be the new owner, to that person.

- Rule 21(5)* 13.23 An irregularity in a request for recording of a change in ownership may be remedied within three months from the date of the notification of the irregularity by the International Bureau. If the irregularity is not remedied within that three months period, the request is considered abandoned and the International Bureau notifies accordingly and at the same time the holder and, if the request was presented by a person claiming to be the new owner, that person, and refunds any fees paid, after deduction of an amount corresponding to one half of the relevant fees.

### **Partial Change in Ownership – Numbering**

- Rule 21(7)* 13.24 An assignment or other transfer of the international registration in respect of some only of the industrial designs, or some only of the designated Contracting Parties, is recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred. In such case, any assigned or otherwise transferred part is cancelled under the original number of the international registration and is recorded as a separate international registration. The separate international registration bears the number of the international registration of which a part has been assigned or otherwise transferred, together with a capital letter.

### **Merger**

- Rule 21(8)* 13.25 Where the same person becomes the holder of two or more international registrations resulting from a partial change in ownership, the registrations may be merged at the request of such person. In that regard, the requirements concerning a request for the recording of a change in ownership (refer to paragraphs B.II.13.01 *et seq*) apply *mutatis mutandis* to the request for the recording of a merger.

13.26 The international registration resulting from the merger bears the number of the international registration of which a part had been assigned or otherwise transferred, together, where applicable, with a capital letter.

### **Recording, Notification and Publication**

- Rule 21(6)(a)* 13.27 Provided that the request is in order, the International Bureau promptly records the change in the International Register and informs both the new holder and the previous holder.

- Rule 26(1)(iv)* 13.28 The International Bureau publishes in the Bulletin the relevant data concerning the change in ownership and the mergers.

### **Effect of the Recording of a Change in Ownership**

- 60** *Article 7(1)(b)* 13.29 The recording of a change in ownership in the International Register has the same effect as if it had been made directly at the corresponding national or regional Register of the Office. However, Article 16(2) of the 1999 Act provides  
**99** *Article 16(2)*



for one possible exception, namely a Contracting Party may, in a declaration, notify the Director General of WIPO that a recording of a change in ownership in the International Register shall not have effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in that declaration.

**Certificate of Transfer by Contract of International Registration(s) of Industrial Design(s) in Respect of a Designated Contracting Party(ies) Having Made a Declaration Under Article 16(2) of the Geneva (1999) Act**

13.30 As indicated above, a Contracting Party may make a declaration under Article 16(2) of the 1999 Act to the effect that a recording of a change in ownership in the International Register does not have effect in that Contracting Party until the Office has received the statements or documents specified in that declaration. It follows that, if the recording of a change in ownership concerns a designation of a Contracting Party having made the above declaration, the statements or documents specified in the declaration should be prepared by the holder, and presented to the Office of the designated Contracting Party concerned.

13.31 In view of the above, as a means to alleviate the burden for holders of international registrations the standard document, entitled “Certificate of Transfer by Contract of International Registration(s) of Industrial Design(s) in Respect of a Designated Contracting Party(ies) Having Made a Declaration Under Article 16(2) of the Geneva (1999) Act”, has been established and the Assembly of the Hague Union adopted, at its thirty-fourth (15<sup>th</sup> extraordinary) session in 2014, the following recommendation:

“The Assembly of the Special Union for the International Deposit of Industrial Designs (Hague Union),

in terms of Article 16(2) of the Geneva (1999) Act of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the “Geneva Act”) which allows a Contracting Party to the Geneva Act to notify the Director General, in a declaration, that a recording of a change in ownership of the international registration shall not have the same effect as if it had been made in the Register of the Office of the Contracting Party concerned until the Office of that Contracting Party has received the statements or documents specified in that declaration,

recommends that where a change in ownership of an international registration in respect of a designated Contracting Party having made a declaration under Article 16(2) of the Geneva Act is recorded in the International Register, for the purpose of meeting a requirement specified in such a declaration, if

(a) a “Certificate of transfer by contract of international registration(s) of industrial design(s) in respect of a designated Contracting Party(ies) having made a declaration under Article 16(2)

of the Geneva (1999) Act” (hereinafter referred to as a “certificate of transfer”) established by the International Bureau of the World Intellectual Property Organization (hereinafter referred to as the “International Bureau”) is submitted to the Office of the designated Contracting Party concerned through the International Bureau at a time and in a manner and format to be ascertained by the International Bureau according to Sections 204 and 205 of the Administrative Instructions for the Application of the Hague Agreement, or

(b) a certificate of transfer is submitted to the Office of the Contracting Party concerned directly,

that Office accepts the certificate of transfer as having the same effect as a statement or document which may be submitted for the same purpose under the law of the Contracting Party concerned.”

13.32 It should also be noted that the Certificate of Transfer should be relied on only in case of a change in ownership of the international registration(s) by contract. A list of the Offices of the Contracting Parties that are able to follow the recommendation will be made available on the WIPO web site, alongside the Certificate of Transfer.

### **Refusal of the Effects of the Recording of a Change in Ownership Issued By the Office of a Designated Contracting Party**

*Rule 21bis* 13.33 As indicated above, a Contracting Party may make a declaration under Article 16(2) of the 1999 Act to the effect that the recording of a change in ownership in the International Register does not have effect in that Contracting Party until the Office has received the statements or documents specified in that declaration.

13.34 Furthermore, there are situations under some national/regional laws, where the recording of a partial change in ownership is not allowed. For example, this is the case under certain jurisdictions where a set of industrial designs is considered to constitute a single industrial design, which means that all the designs belonging to the same set acquire legal protection as a whole and do not acquire protection independently. As a consequence, all the designs forming the set can only be transferred to the same transferee at the same time. This is also the case under certain jurisdictions where the law provides for a “similar design” system or a “related design” system. Industrial designs registered under this particular condition can only be transferred all together at the same time.

*Rule 21bis(1)* 13.35 As described above, if a given change in ownership is not allowed under its national/regional laws, the Office of that Contracting Party may declare that the change in ownership recorded in the International Register has no effect in the said Contracting Party.

*Rule 21bis(2) and (3)* 13.36 That declaration must be sent by the Office to the International Bureau within six months from the date of publication of the change in ownership or within the applicable refusal period, whichever expires later. The declaration

should indicate (i) the reasons for which the change in ownership has no effect, (ii) the corresponding essential provisions of the law, (iii) the numbers of the industrial designs concerned by the declaration where it does not relate to all the industrial designs that are the subject of the change in ownership, and (iv) whether such a declaration may be subject to review or appeal.

*Rule 21bis(4)* 13.37 Upon its receipt, the International Bureau records the declaration in the International Register and notifies accordingly the previous holder (the transferor) and the new holder (transferee). The International Bureau also modifies the International Register, so that that part of the international registration which has been the subject of the said declaration be recorded as a separate international registration in the name of the previous holder (the transferor). The International Bureau notifies accordingly the previous holder (the transferor) and the new holder (the transferee).

*Rule 21bis(5)* 13.38 The withdrawal of a declaration of refusal issued under this Rule shall be notified to the International Bureau which shall then record it in the International Register, modify the International Register accordingly, and notify accordingly the previous holder (the transferor) and the new holder (the transferee).

*Rule 26(1)(ix)* 13.39 The International Bureau publishes the relevant data concerning declarations of refusal of the effects of the recording of a change in ownership and their withdrawals.

*Rule 21bis* 13.40 The following example may illustrate how this Rule works: a given  
*Rule 21(7)* international registration contains the designations of Contracting Parties A and B under the 1999 Act, Contracting Party A having made the declaration under Article 16(2) of the 1999 Act. A total change in ownership of the international registration has been recorded in the International Register from holder X to new holder Y. After three months from the date of publication of the recording of the said change in ownership, the International Bureau receives from the Office of Contracting Party A the declaration that the change in ownership has no effect in that Contracting Party. The International Bureau records the said declaration in the International Register and notifies accordingly the previous holder (the transferor) and the new holder (the transferee), in accordance with paragraph (4) of this Rule. Pursuant to the said paragraph, the International Bureau modifies the total change in ownership to a change in ownership in respect of Contracting Party B, this modification leading to the creation of a new international registration in the name of X for Contracting Party A. According to the general principle established under Rule 21(7) for the recording of a partial change in ownership, the new international registration would bear the number of the original international registration, together with a capital letter. In the event of a further decision to withdraw the aforementioned declaration of refusal in Contracting Party A, it shall be notified to the International Bureau pursuant to paragraph (5) of Rule 21bis. The International Bureau then modifies the name of the holder of the new international registration from X (the previous holder) to Y (the new holder) and notifies the previous and the new holder accordingly. The International Bureau then merges those two international registrations in the name of Y (the new holder) and informs the new holder (transferee) accordingly.

**14. CHANGE IN THE NAME AND/OR ADDRESS OF THE HOLDER**

- Rule 21(1)(a)(ii)* 14.01 A request for the recording of a change in the name and/or address (or address for correspondence) of the holder may be presented to the International Bureau on official form DM/6. This form must *not* be used where the change of name results from a change in ownership. In such a case, form DM/2 should be used (refer to paragraphs B.II.13.01 *et seq*).

*Item 1: International Registration Number*

- Rule 21(2)(i)* 14.02 A single request may relate to several international registrations recorded in the name of the same holder. If, in respect of a given international registration, the number is not known (because the international registration has not yet been effected or notified to the holder), no other number should be given. The holder should wait until he is notified of the international registration number concerned and then make a further request.

*Item 2: Holder*

- Rule 21(2)(ii)* 14.03 The name of the holder, as recorded in the International Register, must be indicated in the same way as that described in paragraph B.II.04.04.

*Item 3: Change*

- Rule 21(2)(iii)* 14.04 Spaces are provided to indicate the new name, new address, new phone and facsimile numbers and new email address. Only the information which has changed need be indicated. That is, for example, where only the name has changed, it is sufficient to indicate the new name, leaving the other spaces blank; similarly, where only the address has changed, there is no need to repeat the name.

14.05 Where only the telephone and/or facsimile number has changed, it is sufficient to indicate the new number(s) in a letter (the use of form DM/6 is not necessary). Where this is the only change to be recorded, no fee is payable for the request.

*Item 4: Address for Correspondence*

14.06 Space is provided to indicate an address for correspondence, if any, and if different from the address of the holder indicated in item 2. If this item is *not* completed, an address for correspondence which may already have been recorded in the International Register is automatically disregarded by the International Bureau.

*Item 5: Appointment of a Representative*

*Rule 3(2)* 14.07 The holder may also, optionally, appoint a representative, simultaneously with the filing of the request for the recording of the change in the name and/or address of the holder. Such appointment may be made by attaching form DM/6 to the appropriate power of attorney, or form DM/7, or by inserting the holder's signature where indicated in item 6.

14.08 Where there is no change in the representative already recorded, this item of the form should be left blank.

14.09 The observations made above in relation to change in ownership (concerning presentation of the request, irregularities, rectification and effect of the recording, notification and publication) apply in equal measure to requests for the recording of a change of name and/or address (refer to paragraphs B.II.13.01 *et seq*).

*Item 6: Signature by the Holder or Representative*

*Rule 21(1)(b)(i)* 14.10 The form should be signed or have a seal affixed and the identity of the signatory should be indicated. There is also provision for an indication of the name of the person to be contacted, if necessary. This may prove useful if, for example, the form is submitted in the name of a legal entity.

*Fee Calculation Sheet*

*99 Article 16(3)* 14.11 A request to record a change in the name or address of the holder is  
*Rule 21(2)(vi)* subject to the payment of the fee specified in the Schedule of Fees. Refer to the general remarks concerning payment of fees to the International Bureau (refer to paragraphs B.I.05.01 *et seq*).

**Irregular Requests**

*Rule 21(4) and (5)* 14.12 If a request to record a change in name or address of the holder or representative does not comply with any of the applicable requirements, the International Bureau notifies that fact to the holder. The irregularity may be remedied within three months from the date of the notification. If this is not done, the request will be considered abandoned and any fee paid will be reimbursed to the party that paid it, after deduction of an amount corresponding to one half of the relevant fee.

**Recording, Notification and Publication**

*99 Article 16(4)* 14.13 Provided that the request is in order, the International Bureau promptly  
*Rule 21(6)* records the change in the International Register and informs the holder. The change is recorded as of the date of receipt by the International Bureau of the

request complying with the applicable requirements. Where however the request indicates that the change should be recorded after another change, or after renewal of the international registration, the International Bureau proceeds accordingly.

## 15. RENUNCIATION

**99** *Article 16(1)(iv)* 15.01 Renunciation of an international registration always concerns *all* the  
*Rule 21(1)(a)(iii)* industrial designs that are the subject of the international registration, but may relate to some or all of the designated Contracting Parties.

*Rule 21(1)(a)* 15.02 A request for the recording of a renunciation should be presented to the International Bureau on official form DM/5.

### *Item 1: International Registration Number*

*Rule 21(2)(i)* 15.03 If, in respect of a given international registration, the number is not known (because the international registration has not yet been effected or notified to the holder), no other number should be given. The holder should wait until he is notified of the international registration number concerned and then make a further request.

15.04 One single form may be used to request the recording of a renunciation in respect of several international registrations of the same holder, provided that the designated Contracting Parties in respect of which the international registration is renounced are the same for each of the international registration concerned.

15.05 The request must necessarily relate to all the industrial designs covered by the international registration(s) in respect of some, or all, the designated Contracting Parties. If the request relates to some only of the industrial designs covered by the international registration(s), form DM/3 (limitation) must be used instead.

### *Item 2: Holder*

*Rule 21(2)(ii)* 15.06 The name of the holder, as recorded in the International Register, must be indicated in the same manner as that described in paragraph B.II.04.04.

### *Item 3: Appointment of a Representative*

*Rule 3(1)(b)* 15.07 The holder may also, optionally, appoint a representative, simultaneously with the filing of the request for the recording of the renunciation. For such appointment to be effective, the request for the recording of a renunciation must be signed by the holder, or be accompanied by a power of attorney or form DM/7 duly completed, and the appropriate box in item 3 should be ticked accordingly.

15.08 Where there is no change in the representative already recorded, this item of the form should be left blank.

*Item 4: Contracting Parties*

15.09 The holder must indicate whether the request for the recording of the renunciation relates to all designated Contracting Parties (in which case item 4(a) should be ticked) or to some only of the designated Contracting Parties (in which case item 4(b) should be ticked with the boxes corresponding to the Contracting Parties concerned).

*Item 5: Signature by the Holder or Representative*

*Rule 21(1)(b)* 15.10 The form should be signed or have a seal affixed and the identity of the signatory should be indicated. There is also provision for an indication of the name of the person to be contacted, if necessary. This may prove useful if, for example, the form is submitted in the name of a legal entity.

*Fee Calculation Sheet*

**99** *Article 16(3)* 15.11 A request to record a renunciation is subject to the payment of the fee  
*Rule 21(2)(vi)* specified in the Schedule of Fees. Refer to the general remarks concerning payment of fees to the International Bureau (paragraphs B.I.05.01 *et seq*).

**Irregular Requests**

*Rule 21(4) and (5)* 15.12 If a request to record a renunciation does not comply with any of the applicable requirements, the International Bureau notifies that fact to the holder. The irregularity may be remedied within three months from the date of the notification. If this is not done, the request will be considered abandoned and any fee paid will be reimbursed to the party that paid it, after deduction of an amount corresponding to one half of the relevant fee.

**Recording, Notification and Publication**

**99** *Article 16(4)* 15.13 Provided that the request is in order, the International Bureau promptly  
*Rule 21(6)* records the renunciation in the International Register and informs the holder. The change is recorded as of the date of receipt by the International Bureau of the request complying with the applicable requirements.

*Rule 21(6)(b)* 15.14 Normally, the renunciation is recorded as of the date of the receipt of the request by the International Bureau. It may happen, however, that a holder wishes that the date of the recording of a renunciation be linked with the recording of another change.

## 16. LIMITATION

**99** *Article 16(1)(v)* 16.01 A request for the recording of a limitation should be presented to the International Bureau on official form DM/3. It may be used only to request the recording of a limitation for a single international registration.  
*Rule 21(1)(a)(iv)*

16.02 A limitation differs from renunciation in that a renunciation concerns all the industrial designs that are the subject of an international registration, but not necessarily all the designated Contracting Parties. On the other hand, a limitation necessarily concerns some only of the industrial designs, but never all, in relation to any, or all, of the Contracting Parties.

### *Item 1: International Registration Number*

*Rule 21(2)(i)* 16.03 A request must relate to a single international registration. If the number is not known (because the international registration has not yet been effected or notified to the holder), no other number should be given. The holder should wait until he is notified of the international registration number concerned and then make a further request.

### *Item 2: Holder*

*Rule 21(2)(ii)* 16.04 The name of the holder, as recorded in the International Register, must be indicated in the same manner as that described in paragraph B.II.04.04.

### *Item 3: Appointment of a Representative*

*Rule 3(1)(b)* 16.05 The holder may also, optionally, appoint a representative, simultaneously with the filing of the request for the recording of the limitation. Such appointment may be made by attaching to form DM/3 the appropriate power of attorney, or form DM/7, or by inserting the holder's signature where indicated in item 6.

16.06 Where there is no change in the representative already recorded, this item of the form should be left blank.

### *Item 4: Industrial Designs*

16.07 Each industrial design affected by the limitation (that is, for which protection is no longer sought) must be specified by indicating its number.



*Item 5: Contracting Parties*

16.08 The holder must indicate whether the request for the recording of the limitation relates to all the designated Contracting Parties (in which case box (a) must be ticked) or to some only of the designated Contracting Parties (in which case box (b) must be ticked, along with the boxes corresponding to those Contracting Parties concerned).

*Item 6: Signature by the Holder or Representative*

*Rule 21(1)(b)* 16.09 The form should be signed or have a seal affixed and the identity of the signatory should be indicated. There is also provision for an indication of the name of the person to be contacted, if necessary. This may prove useful if, for example, the form is submitted in the name of a legal entity.

*Fee Calculation Sheet*

*99 Article 16(3)* 16.10 A request to record a limitation is subject to the payment of the fee  
*Rule 21(2)(vi)* specified in the Schedule of Fees. Refer to the general remarks concerning payment of fees to the International Bureau (paragraphs B.I.05.01 *et seq*).

**Irregular Requests**

*Rule 21(4) and (5)* 16.11 If a request to record a limitation does not comply with any of the applicable requirements, the International Bureau notifies that fact to the holder. The irregularity may be remedied within three months from the date of the notification. If this is not done, the request is considered abandoned and any fee paid is reimbursed to the party that paid it, after deduction of an amount corresponding to one half of the relevant fee.

**Recording, Notification and Publication**

*99 Article 16(4)* 16.12 Provided that the request is in order, the International Bureau promptly  
*Rule 21(6)* records the limitation in the International Register and informs the holder. The change is recorded as of the date of receipt by the International Bureau of the request complying with the applicable requirements.

**17. IT IS NOT POSSIBLE TO RECORD A LICENSE IN THE  
INTERNATIONAL REGISTER**

17.01 There is no provision in the Hague System allowing for the possibility of recording a license in the International Register. Therefore, formalities which may be necessary to secure the effectiveness of a licensing agreement in a designated Contracting Party must be carried out at the national or regional level directly before the Office of the Contracting Party concerned, provided that the domestic legislation in question so permits.

**18. CORRECTIONS IN THE INTERNATIONAL REGISTER**

*Rule 22(1)* 18.01 Where the International Bureau, acting *ex officio* or at the request of the holder, considers that there is an error in the International Register concerning an international registration, it will modify the International Register and inform the holder accordingly.

*Rule 22(2)* 18.02 The Office of any designated Contracting Party has however the right to declare in a notification to the International Bureau that it refuses to recognize the effects of such correction. Rules 18 and 19, concerning refusal of protection, apply *mutatis mutandis*.

**19. RENEWAL OF THE INTERNATIONAL REGISTRATION**

*99 Article 17* 19.01 With respect to Contracting Parties designated under the 1999 Act, the international registration is valid for an initial period of five years and may be renewed for two additional five-year periods. Subject to renewal, the duration of protection available in each Contracting Party designated under the 1999 Act is at least 15 years, counted from the date of international registration. Moreover, if the national legislation of a Contracting Party provides for a duration of protection in excess of 15 years for designs filed for registration by the national route, the international registration may be renewed with respect to that Contracting Party for additional periods of five years up to the expiry of the total duration of protection provided for in its national legislation.

*99 Article 17(3)(b)*

*60 Article 11(1)(a)* 19.02 With respect to Contracting Parties designated under the 1960 Act, the international registration is valid for an initial period of five years and may be renewed for an additional period of five years. Subject to renewal, the duration of protection available in each Contracting Party designated under the 1960 Act is at least 10 years counted from the date of international registration. Moreover, if the national legislation of a Contracting Party provides for a duration of protection in excess of 10 years for designs filed for registration by the national route, the international registration may be renewed with respect to that Contracting Party for additional periods of five years up to the expiry of the total duration of protection provided for in its national legislation.

*60 Article 11(1)(a)*  
*item 2*  
*60 Article 11(1)(a)*  
*item 1*  
*60 Article 11(2)*

*99 Article 17(3)(c)* 19.03 Contracting Parties are required to notify to the Director General of WIPO the maximum duration of protection provided for by their domestic law. This information is supplied to holders in the unofficial notices of expiry which are sent by the International Bureau six months before the expiration of each five-year term (refer to paragraph B.II.19.06). Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that the maximum period of protection in that Contracting Party has expired, payment of the required fees for that Contracting Party must be accompanied by a statement that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party. Allowing a renewal with respect to a designated Contracting Party notwithstanding the fact that the maximum period of protection in that Contracting Party, as notified to the Director General of WIPO, has expired is aimed at preserving the

*Rule 36(2)*  
*Rule 23*  
*Rule 24(2)(b)*

rights of the holder in the event, for example, of a change in the maximum duration of protection under the law of a Contracting Party which has not yet been notified to the Director General of WIPO.

### **Renewal Following Refusal or Invalidation**

*Rule 24(2)(c)* 19.04 If a refusal is recorded in the International Register with respect to a particular Contracting Party for all the industrial designs covered by the international registration, the holder may nevertheless request the renewal of the international registration with respect to that Contracting Party. The payment of the renewal fees must however be accompanied by a statement that the renewal is to be recorded in respect of that Contracting Party. The reason for allowing a renewal with respect to a Contracting Party that has pronounced a refusal is that, at the time of renewal, there may still be pending a judicial or administrative procedure in respect of such refusal. The rights of the holder may need to be preserved where the refusal was the subject of an appeal and no final decision had been taken by the date on which the renewal was due. A designated Contracting Party which has pronounced a refusal is, of course, free to determine the effects in its territory of such a renewal.

*Rule 20* 19.05 The situation is different with respect to an invalidation, since the  
*Rule 21* recording of an invalidation in the International Register means, by definition, that  
*Rule 24(2)(d)* the invalidation is no longer subject to appeal. The international registration may not, therefore, be renewed with respect to a Contracting Party for which an invalidation has been recorded for all the industrial designs. Nor may it be renewed with respect to a Contracting Party in respect of which a renunciation has been recorded. Furthermore, the international registration may not be renewed in respect of any Contracting Party for those industrial designs in respect of which an invalidation in that Contracting Party has been recorded. Nor may it be renewed for those industrial designs in respect of which a limitation has been recorded in that Contracting Party.

### **Procedure for Renewal**

*Rule 23* 19.06 Six months before the expiry of each five-year term, the International  
*A.I. Section 701* Bureau sends to the holder and the representative, if any, a notice indicating the date of expiry of the international registration, along with the maximum term of protection which has been notified to the Director General of WIPO by the Contracting Parties concerned (refer to paragraph A.05.05). If however the holder (or representative) does not receive such unofficial notice, this does not constitute an excuse for failure to comply with any time limit for payment of the renewal fees due.

*99 Article 17(4)* 19.07 The international registration may be renewed for some only of the  
*Rule 24(2)(a)* designated Contracting Parties and for some only of the industrial designs that are the subject of the international registration.

19.08 No official form is prescribed for the renewal of an international registration. Renewal may be effected by any communication giving the required indications (number(s) of the international registration(s) concerned and purpose of the payment). Holders may however find it convenient to use the unofficial form DM/4 which provides for the necessary information, namely:

- the number of the international registration to be renewed;
- the name and address of the holder (which must be the same as the name and address recorded in the International Register);
- either (in item 3(a)) that the international registration is to be renewed for all the designs and for all the designated Contracting Parties – including, where applicable, those Contracting Parties in respect of which a total refusal has been recorded in the International Register and those Contracting Parties designated under the 1999 Act or the 1960 Act in respect of which the maximum period of protection has expired – or (in item 3(b)) the indication of the designated Contracting Parties and/or industrial designs for which the international registration is *not* to be renewed. Where item 3(b) has been ticked, it is understood that the renewal is to be recorded in respect of all the Contracting Parties not indicated in item 3(b)(ii) – including, where applicable, those Contracting Parties in respect of which a total refusal has been recorded in the International Register and those Contracting Parties designated under the 1999 Act or the 1960 Act in respect of which the maximum period of protection has expired;
- the signature of the holder or his representative;
- the fees being paid and the method of payment, or instructions to debit the required fees from an account with the International Bureau.

19.09 An electronic renewal (E-renewal) interface is available on the WIPO web site for total or partial renewal of international registrations. In case of partial renewal (*i.e.* for only *some* of the industrial designs and/or only *some* of the designated Contracting Parties), the E-renewal interface allows the holders of international registrations to specify the scope of renewal in a more granular manner than which may be requested through the unofficial DM/4 form. In particular, the E-renewal interface permits the selection of *different sets* of designated Contracting Parties for which *different sets* of industrial designs are to be renewed.

19.10 In addition, the E-renewal interface automatically calculates the renewal fees to be paid based on the data entered by the holder of a given international registration and allows the latter to view the reproductions of the industrial designs contained in the international registration. The E-renewal interface allows the payment of the renewal fees either through a current account opened with the International Bureau or by credit card.

*Fees for Renewal*

- Rule 24(1)* 19.11 The fees due for the renewal of an international registration must be paid directly to the International Bureau by the holder. Those fees consist of:
- a basic fee;
  - an individual designation fee for each Contracting Party designated under the 1999 Act which has required such fee<sup>13</sup>;
  - a standard designation fee in respect of each other Contracting Party for which the international registration is to be renewed.
- 99** *Article 17(2)* 19.12 The payment of individual designation fees in the context of renewal  
*Rule 24(1)(iii)* may only apply to Contracting Parties designated under the 1999 Act (provided that they have requested such fees) and cannot concern those Contracting Parties designated under the 1960 Act. In fact, the 1960 Act envisages solely the payment of “individual designation fees” in the context of a designation in the international application and not at the stage of renewal.
- 19.13 The fee calculator on the WIPO web site may be used to calculate the fees payable for the renewal of an international registration. The E-renewal interface automatically calculates the renewal fees to be paid taking into account the scope of the renewal.
- Rule 24(1)(c)* 19.14 The fees should be paid to the International Bureau by, at the latest, the date of expiry of the registration. However, payment may still be made within six months from the date on which the renewal of the international registration is due, provided that the surcharge specified in the Schedule of Fees is paid at the same time.
- Rule 24(1)(d)* 19.15 If any payment made for the purposes of renewal is received by the International Bureau earlier than three months before the date on which the renewal of the international registration is due, it is considered as having been received three months before that date.
- Rule 27(6)(b)* 19.16 If the amount of a renewal fee changes between the date on which the fee was paid to the International Bureau and the date on which renewal is due,

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<sup>13</sup> It is recalled that in connection with an international application in which the Republic of Korea is designated and in connection with the renewal of any international registration resulting from such an international application, the Locarno Classification determines the designation fee, as well as the renewal fee. For international applications for designs belonging to classes 2, 5, or 19 of the Locarno Classification, level 3 of the standard designation fee applies and for the renewal of international registrations resulting therefrom, the standard designation fee applies. For any other class, an individual designation fee applies in respect of the designation of the Republic of Korea in an international application and also in respect of the renewal of the designation of the Republic of Korea in the ensuing international registration.

– where payment is made not more than three months before the date on which renewal is due, it is the fee that was valid on the date of payment that is applicable;

– where the fee is paid more than three months before the date on which renewal is due, the payment is considered to have been received three months before the due date, and it is the fee that was valid three months before the due date that is applicable;

– where the renewal fee is paid after the due date, it is the fee that was valid on the due date that is applicable.

### *Insufficient Fees Paid*

*Rule 24(3)* 19.17 If the amount received is less than the amount required for renewal, the International Bureau promptly notifies at the same time both the holder and the representative, if any, accordingly. The notification specifies the missing amount.

19.18 If the amount received, after the expiry of the period of six months following the date on which renewal was due, is less than the amount required (including the surcharge for late payment), the renewal is not recorded. The International Bureau refunds the amount received and notifies accordingly the holder and the representative, if any.

19.19 Where the amount paid is insufficient, the holder may, instead of paying the missing amount, ask for some of the designated Contracting Parties and/or industrial designs to be omitted, thereby reducing the amount due. This request must however be made within the time within which the missing payment would have had to be made.

### **Recording of the Renewal; Certificate and Publication**

*Rule 25(1)* 19.20 The International Bureau records the renewal in the International  
*99 Article 17(5)* Register, with the date on which it was due, even if the fees required were paid within the grace period of six months after the due date. The relevant data  
*Rule 26(1)(vi)* concerning the renewal is published in the Bulletin.

*Rule 25(2)* 19.21 Where the international registration has been renewed, the International Bureau sends a certificate of renewal to the holder.

### **Non-Renewal**

19.22 If an international registration is not renewed (because the holder did not pay the renewal fees or because the fees paid were not sufficient), it lapses with effect from the date of expiry of the previous period of protection.

*Rule 26(1)(vii)* 19.23 Where the international registration has not been renewed, that fact is published in the Bulletin. Such publication is not made until there is no longer any possibility that the international registration might be renewed, that is, after the expiry of the period of six months following the due date (within which period renewal was possible upon payment of a surcharge).

19.24 Where the required renewal fees have not been paid by the due date, no recordings concerning the international registration concerned may be recorded in the International Register during the period of six months after the due date within which renewal remains possible upon payment of a surcharge. It is only after renewal has been recorded in the International Register that changes may be recorded in the International Register.

## **20. INVALIDATION IN A DESIGNATED CONTRACTING PARTY**

*Rule 20* 20.01 The term “invalidation” must be understood as encompassing any decision by a competent authority (whether administrative or judicial) of a designated Contracting Party revoking or canceling the effects, in the territory of that Contracting Party, of an international registration with regard to all or some of the industrial designs covered by the designation of that Contracting Party.

20.02 Proceedings concerning such invalidation take place directly between the holder of the international registration, the party who has brought the action for invalidation and the competent authority concerned (Office or tribunal). It may be necessary for the holder to appoint a local representative. The proceedings are governed entirely by the law and practice of the Contracting Party concerned. However, the invalidation of an international registration may not be pronounced without the holder having, in good time, been afforded the opportunity to defend his rights.

20.03 The procedures governing such invalidation should be the same as for industrial designs registered directly with the Office of that Contracting Party. For example, the protection of an industrial design may be revoked in proceedings brought by a third party, or in a counterclaim in infringement proceedings.

*Rule 20(1)* 20.04 Where the effects of an international registration are invalidated (in whole or in part) in a Contracting Party, and the invalidation is no longer subject to any appeal, the Office of that Contracting Party, where it is aware of the invalidation, must notify the International Bureau of the relevant facts, namely:

- the authority (for example, the Office or tribunal) which pronounced the invalidation;

- the fact that the invalidation is no longer subject to appeal;

- the number of the international registration;

- if the invalidation does not concern all the industrial designs, those which are concerned (either by indicating those industrial designs which are no longer covered or those which are still covered);

– the date on which the invalidation was pronounced and its effective date.

*Rule 20(2)* 20.05 The International Bureau records the invalidation in the International Register, together with the data contained in the notification. It also publishes the invalidation in the Bulletin.



## **CHAPTER III:**

### **THE 1934 ACT**

### **AND THE FREEZING OF ITS APPLICATION**

#### **INTRODUCTION**

Chapter III deals with the 1934 Act, the application of which is frozen since January 1, 2010. The freezing of the application of the 1934 Act means that, as from January 1, 2010, it is no longer possible to file international deposits under the 1934 Act, or to make designations governed by that Act. However, the prolongation (the renewal) of designations made under the 1934 Act before January 1, 2010, and the recording of any changes affecting such designations continues to be possible in the International Register up to the maximum duration of protection under the 1934 Act, which is 15 years<sup>1</sup>. As a result of the freeze, all the activities under the 1934 Act will gradually diminish, and, finally, terminate at the latest on December 31, 2024, *i.e.*, 15 years after the last possible deposits or designations under the 1934 Act were made. Because no new international applications or designations under the 1934 Act may be filed, Chapter III will focus only on the procedures which are still applicable to registrations and designations under the 1934 Act.

#### **01. IMPLICATIONS OF THE FREEZING OF THE APPLICATION OF THE 1934 ACT**

01.01 The Common Regulations have been amended so as to reflect the freezing of the application of the 1934 Act. In particular, new Rule 37(1), containing a transitional provision relating to the 1934 Act, was added to the Common Regulations.

01.02 As from January 1, 2010, no new registrations or designations under the 1934 Act may be recorded in the International Register. However, those with a registration date prior to January 1, 2010, remain in force. This means, more precisely, that those registrations and designations could be the subject of a renewal or any other recording provided for in the version of the Common Regulations that was in force before January 1, 2010.

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<sup>1</sup> Refer to document H/A/28/3 entitled “Freezing of the Application of the London (1934) Act of the Hague Agreement” and document H/A/28/1. entitled “Proposed Amendments to the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement”, both published on WIPO’s web site, at [www.wipo.int/meetings/en/details.jsp?meeting\\_id=18648](http://www.wipo.int/meetings/en/details.jsp?meeting_id=18648).

*Rule 37(1)(b)* 01.03 As provided for in Rule 37(1)(b), the Common Regulations, as in force before January 1, 2010, that is the Common Regulations Under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement, as in force on January 1, 2009, remain applicable to an international application governed exclusively by the 1934 Act (refer to paragraph B.III.02.01) and filed before that date and that was still pending on that date, as well as in respect of any Contracting Party designated under the 1934 Act in an international registration resulting from an international application filed before that date. For users' convenience, the full text of that version of the Common Regulations is made available in Part C.

## **02. INTERNATIONAL REGISTRATIONS RESULTING FROM INTERNATIONAL APPLICATIONS GOVERNED EXCLUSIVELY BY THE 1934 ACT**

02.01 An international application was considered as governed exclusively by the 1934 Act where all the Contracting Parties designated in that international application were designated under the 1934 Act.

*Rule 30(1)<sup>2</sup>* 02.02 As a general principle, the international procedure described in Part B.II applies equally to international registrations resulting from international applications governed exclusively by the 1934 Act, subject however to the exceptions mentioned below.

### **Language**

*Rule 30(2)(a)<sup>2</sup>* 02.03 Any communication concerning an international registration resulting from an international application governed exclusively by the 1934 Act must be in French. This is in contrast with communications in respect of the other kinds of international registrations, which may be in English, French or Spanish. The recording and publication of any new data will also be made only in French. (The publication of an international registration in the Bulletin under the 1934 Act contains only bibliographical data relating to that registration.)

### **No Refusal of Protection**

*Rule 30(2)(j)<sup>2</sup>* 02.04 The 1934 Act does not provide for the possibility for the Offices of the designated Contracting Parties to notify a refusal of protection, therefore, international registrations resulting from international applications governed exclusively by the 1934 Act may not be the subject of such refusals.

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<sup>2</sup> As in the Common Regulations "in force before the effective date of the freeze", that is, the version that came into force on January 1, 2009.

### Change in Ownership

- Rule 30(2)(k)<sup>2</sup>* 02.05 A change in ownership cannot be recorded in respect of a Contracting Party designated under the 1934 Act if that Act would cease to be applicable following the recording of the change in ownership concerned. For example, assuming that Contracting Party A, bound by both the 1960 and the 1934 Acts, has been designated under the 1934 Act and that the international registration concerned is transferred to a new owner originating from Contracting Party B, bound exclusively by the 1960 Act, this change in ownership could not be recorded in the International Register because the 1934 Act would cease to be applicable in such a case. This derogation from the general principle concerning the possibility of recording a change in ownership in the International Register is due to the number and types of features which are exclusive to the 1934 Act.

### Renewal

- Rule 30(2)(l),  
(m) and (n)<sup>2</sup>* 02.06 *Only one* renewal may be requested under the 1934 Act (which provides for a *maximum* period of protection of 15 years divided into two periods: one period of five years and one of 10 years). Having regard to this specific feature of the 1934 Act, the renewal of an international registration resulting from an international application governed exclusively by the 1934 Act, for the second period of protection of 10 years, could have been requested at the time of filing the international application concerned.
- Rule 30(2)(l)<sup>2</sup>* 02.07 The renewal of an international registration resulting from an international application governed exclusively by the 1934 Act is subject only to the payment of the basic fee, irrespective of the number of designated Contracting Parties. The amount of that fee is prescribed under item IV of the Schedule of Fees, part of the Common Regulations in the version in force before January 1, 2010 (available in Part C).

## 03. INTERNATIONAL REGISTRATIONS RESULTING FROM INTERNATIONAL APPLICATIONS GOVERNED PARTLY BY THE 1934 ACT

03.01 The international registrations resulting from international applications governed partly by the 1934 Act comprise three categories, namely:

(a) international registrations resulting from international applications governed by both the 1960 and the 1934 Acts, which means that, at the time of filing the application, the designated Contracting Parties included:

- at least one Contracting Party designated under the 1960 Act, and
- at least one Contracting Party designated under the 1934 Act, while

– no Contracting Party had been designated under the 1999 Act.

(b) international registrations resulting from international applications governed by both the 1999 and the 1934 Acts, which means that, at the time of filing the application, the designated Contracting Parties included:

– at least one Contracting Party designated under the 1999 Act, and

– at least one Contracting Party designated under the 1934 Act, while

– no Contracting Party had been designated under the 1960 Act.

(c) international registrations resulting from international applications governed by the 1999, the 1960 and the 1934 Acts, which means that, at the time of filing the application, the designated Contracting Parties included:

– at least one Contracting Party designated under the 1999 Act, and

– at least one Contracting Party designated under the 1934 Act, and

– at least one Contracting Party designated under the 1960 Act.

### **No Refusal of Protection**

*Rule 31(2)(c)(ii)*<sup>2</sup> 03.02 In relation to an international registration resulting from an international application governed partly by the 1934 Act (as referred to in paragraph B.III.03.01), the Contracting Party or Parties designated under the 1934 Act may not notify a refusal of protection since such possibility is not envisaged under the 1934 Act.

### **Change in Ownership**

*Rule 31(2)(b)*<sup>2</sup> 03.03 A change in ownership cannot be recorded in respect of a designated Contracting Party if the 1934 Act would cease to be applicable, or would become applicable, in respect of that Contracting Party following the recording of the change in ownership. For example, assuming that Contracting Party A, bound by both the 1999 and the 1934 Acts, has been designated under the 1999 Act and that the international registration concerned is transferred to a new owner originating from Contracting Party B, bound exclusively by the 1934 Act, this change in ownership could not be recorded in the International Register given that the 1934 Act would become applicable in such a case (refer also to paragraph B.III.02.05).

### **Renewal**

- Rule 31(2)(c)(iv)*<sup>2</sup> 03.04 In relation to an international registration resulting from an international application governed partly by the 1934 Act (as referred to in paragraph B.III.03.01), a renewal cannot be recorded with respect to Contracting Parties designated under the 1934 Act where the maximum duration of international protection of 15 years has expired. This differs from the situation applicable to Contracting Parties designated under the 1999 Act or the 1960 Act (refer to paragraphs B.II.19.01 to 19.24).
- Rule 31(2)(c)(iii)*<sup>2</sup> 03.05 The renewal of a designation under the 1934 Act does not give rise to the payment of a designation fee.



## **PART C**

### **LIST OF ANNEXES**

- Hague Act of November 28, 1960
- Geneva Act of July 2, 1999
- Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement
- Administrative Instructions for the Application of the Hague Agreement
- London Act of June 2, 1934
- Common Regulations Under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement as in force on January 1, 2009 (the version of the Common Regulations in force before January 1, 2010)





# Hague Act of November 28, 1960

## TABLE OF CONTENTS

Article 1:	Establishment of a Union
Article 2:	Definitions
Article 3:	Right to Make International Deposits
Article 4:	Deposit with the International Bureau or Through National Offices
Article 5:	Form of Deposit; Contents of Application
Article 6:	International Design Register; Date of Registration; Publication; Deferral of Publication; Public Access to Archives
Article 7:	Legal Effect of Registered Deposits
Article 8:	Refusal of Legal Effect by National Offices; Remedies Against Refusal; Possible Additional Requirements to be Complied with in National Offices
Article 9:	Right of Priority
Article 10:	Renewal of Deposit
Article 11:	Duration of Protection
Article 12:	Changes in Ownership
Article 13:	Renunciation of Deposit
Article 14:	Marking; International Design Notice
Article 15:	Fees
Article 16:	Fees Belonging to Contracting States
Article 17:	Regulations
Article 18:	Applicability of Protection Accorded by National Laws and by Copyright Treaties
Article 19:	[Repealed]
Article 20:	[Repealed]
Article 21:	[Repealed]
Article 22:	[Repealed]
Article 23:	Signature; Ratification
Article 24:	Accession
Article 25:	Application of the Agreement Under National Law
Article 26:	Entry into Force
Article 27:	Territories
Article 28:	Denunciation
Article 29:	Revision
Article 30:	Regional Groups
Article 31:	Applicability of the 1925 or 1934 Acts
Article 32:	Annexed Protocol
Article 33:	Signature; Certified Copies

**Protocol:** Possible Application of the 1960 Act by a Contracting State to International Deposits Originating in That State

## Article 1

(1) The contracting States constitute a Special Union for the international deposit of industrial designs.

(2) Only States members of the International Union for the Protection of Industrial Property may become party to this Agreement.

## Article 2

For the purposes of this Agreement:

“1925 Agreement” shall mean the Hague Agreement concerning the International Deposit of Industrial Designs of November 6, 1925;

“1934 Agreement” shall mean the Hague Agreement concerning the International Deposit of Industrial Designs of November 6, 1925, as revised at London on June 2, 1934;

“this Agreement” or “the present Agreement” shall mean the Hague Agreement concerning the International Deposit of Industrial Designs as established by the present Act;

“Regulations” shall mean the Regulations for carrying out this Agreement;

“International Bureau” shall mean the International Bureau of Intellectual Property;

“international deposit” shall mean a deposit made at the International Bureau;

“national deposit” shall mean a deposit made at the national Office of a contracting State;

“multiple deposit” shall mean a deposit including several designs;

“State of origin of an international deposit” shall mean the contracting State in which the applicant has a real and effective industrial or commercial establishment or, if the applicant has such establishments in several contracting States, the contracting State which he has indicated in his application; if the applicant has no such establishment in any contracting State, the contracting State in which he has his domicile; if he has no domicile in a contracting State, the contracting State of which he is a national;

“State having a novelty examination” shall mean a contracting State the domestic law of which provides for a system which involves a preliminary *ex officio* search and examination by its national Office as to the novelty of each deposited design.

## Article 3

Nationals of contracting States and persons who, without being nationals of any contracting State, are domiciled or have a real and effective industrial or commercial establishment in the territory of a contracting State may deposit designs at the International Bureau.

#### Article 4

- (1) International deposit may be made at the International Bureau:
  1. direct, or
  2. through the intermediary of the national Office of a contracting State if the law of that State so permits.
- (2) The domestic law of any contracting State may require that international deposits of which it is deemed to be the State of origin shall be made through its national Office. Non-compliance with this requirement shall not prejudice the effects of the international deposit in the other contracting States.

#### Article 5

- (1) The international deposit shall consist of an application and one or more photographs or other graphic representations of the design, and shall involve payment of the fees prescribed by the Regulations.
- (2) The application shall contain:
  1. a list of the contracting States in which the applicant requests that the international deposit shall have effect;
  2. the designation of the article or articles in which it is intended to incorporate the design;
  3. if the applicant wishes to claim the priority provided for in Article 9, an indication of the date, the State, and the number of the deposit giving rise to the right of priority;
  4. such other particulars as the Regulations may prescribe.
- (3) (a) In addition, the application may contain:
  1. a short description of characteristic features of the design;
  2. a declaration as to who is the true creator of the design;
  3. a request for deferment of publication as provided in Article 6(4).
- (b) The application may be accompanied also by samples or models of the article or articles incorporating the design.
- (4) A multiple deposit may include several designs intended to be incorporated in articles included in the same class of the International Design Classification referred to in Article 21(2), item 4.

## Article 6

(1) The International Bureau shall maintain the International Design Register and shall register international deposits therein.

(2) The international deposit shall be deemed to have been made on the date on which the International Bureau received the application in due form, the fees payable with the application, and the photograph or photographs or other graphic representations of the design, or, if the International Bureau received them on different dates, on the last of these dates. The registration shall bear the same date.

(3) (a) For each international deposit, the International Bureau shall publish in a periodical bulletin:

1. reproductions in black and white or, at the request of the applicant, in color of the deposited photographs or other graphic representations;
2. the date of the international deposit;
3. the particulars prescribed by the Regulations.

(b) The International Bureau shall send the periodical bulletin to the national Offices as soon as possible.

(4) (a) The publication referred to in paragraph (3)(a) shall, at the request of the applicant, be deferred for such period as he may request. The said period may not exceed twelve months from the date of the international deposit. However, if priority is claimed, the starting date of such period shall be the priority date.

(b) At any time during the period referred to in subparagraph (a), the applicant may request immediate publication or may withdraw his deposit. Withdrawal of the deposit may be limited to one or a few only of the contracting States and, in the case of a multiple deposit, to some only of the designs included therein.

(c) If the applicant fails to pay within the proper time the fees payable before the expiration of the period referred to in subparagraph (a), the International Bureau shall cancel the deposit and shall not effect the publication referred to in paragraph (3)(a).

(d) Until the expiration of the period referred to in subparagraph (a), the International Bureau shall keep in confidence the registration of deposits made subject to deferred publication, and the public shall have no access to any documents or articles concerning such deposits. These provisions shall apply without limitation as to time if the applicant has withdrawn his deposit before the expiration of the said period.

(5) Except as provided in paragraph (4), the Register and all documents and articles filed with the International Bureau shall be open to inspection by the public.

## Article 7

(1) (a) A deposit registered at the International Bureau shall have the same effect in each of the contracting States designated by the applicant in his application as if all the formalities required by the domestic law for the grant of protection had been complied with by the applicant and as if all administrative acts required to that end had been accomplished by the Office of such State.

(b) Subject to the provisions of Article 11, the protection of designs the deposit of which has been registered at the International Bureau is governed in each contracting State by those provisions of the domestic law which are applicable in that State to designs for which protection has been claimed on the basis of a national deposit and in respect of which all formalities and administrative acts have been complied with and accomplished.

(2) An international deposit shall have no effect in the State of origin if the laws of that State so provide.

## Article 8

(1) Notwithstanding the provisions of Article 7, the national Office of a contracting State whose domestic law provides that the national Office may, on the basis of an administrative *ex officio* examination or pursuant to an opposition by a third party, refuse protection shall, in case of refusal, notify the International Bureau within six months that the design does not meet the requirements of its domestic law other than the formalities and administrative acts referred to in Article 7(1). If no such refusal is notified within a period of six months the international deposit shall become effective in that State as from the date of that deposit. However, in a contracting State having a novelty examination, the international deposit, while retaining its priority, shall, if no refusal is notified within a period of six months, become effective from the expiration of the said period unless the domestic law provides for an earlier date for deposits made with its national Office.

(2) The period of six months referred to in paragraph (1) shall be computed from the date on which the national Office receives the issue of the periodical bulletin in which the registration of the international deposit has been published. The national Office shall communicate that date to any person so requesting.

(3) The applicant shall have the same remedies against the refusal of the national Office referred to in paragraph (1) as if he had deposited his design in that Office; in any case, the refusal shall be subject to a request for re-examination or appeal. Notification of such refusal shall indicate:

1. the reasons for which it has been found that the design does not meet the requirements of the domestic law;
2. the date referred to in paragraph (2);
3. the time allowed for a request for re-examination or appeal;
4. the authority to which such request or appeal may be addressed.

(4) (a) The national Office of a contracting State whose domestic law contains provisions of the kind referred to in paragraph (1) requiring a declaration as to who is the true creator of the design or a description of the design may provide that, upon request and within a period of not less than sixty days from the dispatch of such a request by the said Office, the applicant shall file in the language of the application filed with the International Bureau:

1. a declaration as to who is the true creator of the design;
2. a short description emphasizing the essential characteristic features of the design as shown by the photographs or other graphic representations.

(b) No fees shall be charged by a national Office in connection with the filing of such declarations or descriptions, or for their possible publication by that national Office.

(5) (a) Any contracting State whose domestic law contains provisions of the kind referred to in paragraph (1) shall notify the International Bureau accordingly.

(b) If, under its legislation, a contracting State has several systems for the protection of designs one of which provides for novelty examination, the provisions of this Agreement concerning States having a novelty examination shall apply only to the said system.

## **Article 9**

If the international deposit of a design is made within six months of the first deposit of the same design in a State member of the International Union for the Protection of Industrial Property, and if priority is claimed for the international deposit, the priority date shall be that of the first deposit.

## **Article 10**

(1) An international deposit may be renewed every five years by payment only, during the last year of each period of five years, of the renewal fees prescribed by the Regulations.

(2) Subject to the payment of a surcharge fixed by the Regulations, a period of grace of six months shall be granted for renewal of the international deposit.

(3) At the time of paying the renewal fees, the international deposit number must be indicated and also, if renewal is not to be effected for all the contracting States for which the deposit is about to expire, those of the contracting States for which the renewal is to be effected.

(4) Renewal may be limited to some only of the designs included in a multiple deposit.

(5) The International Bureau shall record and publish renewals.

## Article 11

(1) (a) The term of protection granted by a contracting State to designs which have been the subject of an international deposit shall not be less than:

1. ten years from the date of the international deposit if the deposit has been renewed;
2. five years from the date of the international deposit in the absence of renewal.

(b) However, if, under the provisions of the domestic law of a contracting State having a novelty examination, protection commences at a date later than that of the international deposit, the minimum terms provided for in subparagraph (a) shall be computed from the date at which protection commences in that State. The fact that the international deposit is not renewed or is renewed only once shall in no way affect the minimum terms of protection thus defined.

(2) If the domestic law of a contracting State provides, in respect of designs which have been the subject of a national deposit, for protection whose duration, with or without renewal, is longer than ten years, protection of the same duration shall, on the basis of the international deposit and its renewals, be granted in that State to designs which have been the subject of an international deposit.

(3) A contracting State may, under its domestic law, limit the term of protection of designs which have been the subject of an international deposit to the terms provided for in paragraph (1).

(4) Subject to the provisions of paragraph (1)(b), protection in a contracting State shall terminate at the date of expiration of the international deposit, unless the domestic law of that State provides that protection shall continue after the date of expiration of the international deposit.

## Article 12

(1) The International Bureau shall record and publish changes affecting ownership of a design which is the subject of an international deposit in force. It is understood that transfer of ownership may be limited to the rights arising from the international deposit in one or a few only of the contracting States and, in the case of a multiple deposit, to some only of the designs included therein.

(2) The recording referred to in paragraph (1) shall have the same effect as if it had been made in the national Offices of the contracting States.

### Article 13

(1) The owner of an international deposit may, by means of a declaration addressed to the International Bureau, renounce his rights in respect of all or some only of the contracting States and, in the case of a multiple deposit, in respect of some only of the designs included therein.

(2) The International Bureau shall record and publish such declaration.

### Article 14

(1) No contracting State may, as a condition of recognition of the right to protection, require that the article incorporating the design bear a sign or notice concerning the deposit of the design.

(2) If the domestic law of a contracting State provides for a notice on the article for any other purpose, such State shall regard such requirement as satisfied if all the articles offered to the public with the authorization of the owner of the rights in the design, or the tags attached to such articles, bear the international design notice.

(3) The international design notice shall consist of the symbol  $\textcircled{D}$  (a capital D in a circle) accompanied by:

1. the year of the international deposit and the name, or the usual abbreviation of the name, of the depositor, or
2. the number of the international deposit.

(4) The mere appearance of the international design notice on the article or the tags shall in no case be interpreted as implying a waiver of protection by virtue of copyright or on any other grounds, whenever, in the absence of such notice, such protection may be claimed.

### Article 15

(1) The fees prescribed by the Regulations shall consist of:

1. fees for the International Bureau;
2. fees for the contracting States designated by the applicant, namely:

(a) a fee for each contracting State;

(b) a fee for each contracting State having a novelty examination and requiring the payment of a fee for such examination.

(2) Any fees paid in respect of one and the same deposit for a contracting State under paragraph (1), item 2(a), shall be deducted from the amount of the fee referred to in paragraph (1), item 2(b), if the latter fee becomes payable for the same State.



## Article 16

(1) The fees for contracting States referred to in Article 15(1), item 2, shall be collected by the International Bureau and paid over annually to the contracting States designated by the applicant.

(2) (a) Any contracting State may notify the International Bureau that it waives its right to the supplementary fees referred to in Article 15(1), item 2(a), in respect of international deposits of which any other contracting State making a similar waiver is deemed to be the State of origin.

(b) Such State may make a similar waiver in respect of international deposits of which it is itself deemed to be the State of origin.

## Article 17

The Regulations shall govern the details concerning the implementation of this Agreement and in particular:

1. the languages and the number of copies in which the application for deposit must be filed, and the data to be supplied in the application;
2. the amounts and the dates and method of payment of the fees for the International Bureau and for the States, including the limits imposed on the fee for contracting States having a novelty examination;
3. the number, size, and other characteristics, of the photographs or other graphic representations of each design deposited;
4. the length of the description of characteristic features of the design;
5. the limits within which and conditions under which samples or models of the articles incorporating the design may accompany the application;
6. the number of designs that may be included in a multiple deposit and other conditions governing multiple deposits;
7. all matters relating to the publication and distribution of the periodical bulletin referred to in Article 6(3)(a), including the number of copies of the bulletin which shall be given free of charge to the national Offices and the number of copies which may be sold at a reduced price to such Offices;
8. the procedure for notification by contracting States of any refusal provided for under Article 8(1), and the procedure for communication and publication of such refusals by the International Bureau;
9. the conditions for recording and publication by the International Bureau of the changes affecting the ownership of a design referred to in Article 12(1), and for the renunciations referred to in Article 13;
10. the disposal of documents and articles concerning deposits for which the possibility of renewal has ceased to exist.

### **Article 18**

The provisions of this Agreement shall not preclude the making of a claim to the benefit of any greater protection which may be granted by domestic legislation in a contracting State, nor shall they affect in any way the protection accorded to works of art and works of applied art by international copyright treaties and conventions.

### **Articles 19 to 22**

[Repealed by Article 7(2) of the Complementary Act of Stockholm (1967)]

### **Article 23**

(1) This Agreement shall remain open for signature until December 31, 1961.

(2) It shall be ratified and the instruments of ratification shall be deposited with the Government of the Netherlands.

### **Article 24**

(1) States members of the International Union for the Protection of Industrial Property which have not signed this Agreement may accede thereto.

(2) Such accessions shall be notified through diplomatic channels to the Director General\*, and by the latter to the Governments of all contracting States.

### **Article 25**

(1) Each contracting State undertakes to provide for the protection of industrial designs and to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Agreement.

(2) At the time a contracting State deposits its instrument of ratification or accession, it must be in a position under its domestic law to give effect to the provisions of this Agreement.

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\* “Director General” is defined by Article 1 of the Complementary Act of Stockholm (1967) as the Director General of the World Intellectual Property Organization

### **Article 26**

(1) This Agreement shall enter into force one month after the date on which the Director General has dispatched a notification to the contracting States of the deposit of ten instruments of ratification or accession, at least four of which are those of States which, at the date of the present Agreement, are not party either to the 1925 Agreement or to the 1934 Agreement.

(2) Thereafter, the deposit of instruments of ratification and accession shall be notified to the contracting States by the Director General. Such ratifications and accessions shall become effective one month after the date of the dispatch of such notification unless, in the case of accession, a later date is indicated in the instrument of accession.

### **Article 27**

Any contracting State may at any time notify the Director General that this Agreement shall also apply to all or part of those territories for the external relations of which it is responsible. Thereupon, the Director General shall communicate such notification to the contracting States and the Agreement shall apply also to the said territories one month after the dispatch of the communication by the Director General to the contracting States unless a later date is indicated in the notification.

### **Article 28**

(1) Any contracting State may, by notification addressed to the Director General, denounce this Agreement in its own name and on behalf of all or part of the territories designated in the notification under Article 27. Such notification shall take effect one year after its receipt by the Director General.

(2) Denunciation shall not relieve any contracting State of its obligations under this Agreement in respect of designs deposited at the International Bureau prior to the date on which the denunciation takes effect.

### **Article 29**

(1) This Agreement shall be submitted to revision with a view to the introduction of amendments designed to improve the protection resulting from the international deposit of designs.

(2) Revision conferences shall be called at the request of not less than one-half of the contracting States.

### **Article 30**

(1) Two or more contracting States may at any time notify the Director General that, subject to the conditions indicated in the notification:

1. a common Office shall be substituted for the national Office of each of them;
2. they shall be deemed to be a single State for the purposes of the application of Articles 2 to 17 of this Agreement.

(2) Such notification shall not take effect until six months after the date of dispatch of the communication thereof by the Director General to the other contracting States.

### **Article 31**

(1) This Agreement alone shall be applicable as regards the mutual relations of States party to both the present Agreement and the 1925 Agreement or the 1934 Agreement. However, such States shall, in their mutual relations, apply the 1925 Agreement or the 1934 Agreement, as the case may be, to designs deposited at the International Bureau prior to the date on which the present Agreement becomes applicable as regards their mutual relations.

(2) (a) Any State party to both the present Agreement and the 1925 Agreement shall continue to apply the 1925 Agreement in its relations with States party only to the 1925 Agreement, unless the said State has denounced the 1925 Agreement.

(b) Any State party to both the present Agreement and the 1934 Agreement shall continue to apply the 1934 Agreement in its relations with States party only to the 1934 Agreement, unless the said State has denounced the 1934 Agreement.

(3) States party to the present Agreement only shall not be bound to States which, without being party to the present Agreement, are party to the 1925 Agreement or the 1934 Agreement.

### **Article 32**

(1) Signature and ratification of, or accession to, the present Agreement by a State party, at the date of this Agreement, to the 1925 Agreement or the 1934 Agreement shall be deemed to include signature and ratification of, or accession to, the Protocol annexed to the present Agreement, unless such State makes an express declaration to the contrary at the time of signing or depositing its instrument of accession.

(2) Any contracting State having made the declaration referred to in paragraph (1), or any other contracting State not party to the 1925 Agreement or the 1934 Agreement, may sign or accede to the Protocol annexed to this Agreement. At the time of signing or depositing its instrument of accession, it may declare that it does not consider itself bound by the provisions of paragraphs (2)(a) or (2)(b) of the Protocol; in such case, the other States party to the Protocol shall be under no obligation to apply, in their relations with that State, the provisions mentioned in such declaration. The provisions of Articles 23 to 28 inclusive shall apply by analogy.

### **Article 33**

This Act shall be signed in a single copy which shall be deposited in the archives of the Government of the Netherlands. A certified copy shall be transmitted by the latter to the Government of each State which has signed or acceded to this Agreement.

**PROTOCOL\***

States party to this Protocol have agreed as follows:

(1) The provisions of this Protocol shall apply to designs which have been the subject of an international deposit and of which one of the States party to this Protocol is deemed to be the State of origin.

(2) In respect of designs referred to in paragraph (1), above:

(a) the term of protection granted by States party to this Protocol to the designs referred to in paragraph (1) shall not be less than fifteen years from the date provided for in paragraphs (1)(a) or (1)(b), as the case may be, of Article 11;

(b) the appearance of a notice on the articles incorporating the designs or on the tags attached thereto shall in no case be required by the States party to this Protocol, either for the exercise in their territories of rights arising from the international deposit, or for any other purpose.

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\* This Protocol is not yet in force

# Geneva Act of July 2, 1999

## TABLE OF CONTENTS

### *INTRODUCTORY PROVISIONS*

- Article 1: Abbreviated Expressions
- Article 2: Applicability of Other Protection Accorded by Laws of Contracting Parties and by Certain International Treaties

### *CHAPTER I: INTERNATIONAL APPLICATION AND INTERNATIONAL REGISTRATION*

- Article 3: Entitlement to File an International Application
- Article 4: Procedure for Filing the International Application
- Article 5: Contents of the International Application
- Article 6: Priority
- Article 7: Designation Fees
- Article 8: Correction of Irregularities
- Article 9: Filing Date of the International Application
- Article 10: International Registration, Date of the International Registration, Publication and Confidential Copies of the International Registration
- Article 11: Deferment of Publication
- Article 12: Refusal
- Article 13: Special Requirements Concerning Unity of Design
- Article 14: Effects of the International Registration
- Article 15: Invalidation
- Article 16: Recording of Changes and Other Matters Concerning International Registrations
- Article 17: Initial Term and Renewal of the International Registration and Duration of Protection
- Article 18: Information Concerning Published International Registrations

### *CHAPTER II: ADMINISTRATIVE PROVISIONS*

- Article 19: Common Office of Several States
- Article 20: Membership of the Hague Union
- Article 21: Assembly
- Article 22: International Bureau
- Article 23: Finances
- Article 24: Regulations

### *CHAPTER III: REVISION AND AMENDMENT*

- Article 25: Revision of This Act
- Article 26: Amendment of Certain Articles by the Assembly

### *CHAPTER IV: FINAL PROVISIONS*

- Article 27: Becoming Party to This Act
- Article 28: Effective Date of Ratifications and Accessions
- Article 29: Prohibition of Reservations
- Article 30: Declarations Made by Contracting Parties

- Article 31: Applicability of the 1934 and 1960 Acts
- Article 32: Denunciation of This Act
- Article 33: Languages of This Act; Signature
- Article 34: Depositary



*INTRODUCTORY PROVISIONS**Article I**Abbreviated Expressions*

For the purposes of this Act:

(i) “the Hague Agreement” means the Hague Agreement Concerning the International Deposit of Industrial Designs, henceforth renamed the Hague Agreement Concerning the International Registration of Industrial Designs;

(ii) “this Act” means the Hague Agreement as established by the present Act;

(iii) “Regulations” means the Regulations under this Act;

(iv) “prescribed” means prescribed in the Regulations;

(v) “Paris Convention” means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as revised and amended;

(vi) “international registration” means the international registration of an industrial design effected according to this Act;

(vii) “international application” means an application for international registration;

(viii) “International Register” means the official collection of data concerning international registrations maintained by the International Bureau, which data this Act or the Regulations require or permit to be recorded, regardless of the medium in which such data are stored;

(ix) “person” means a natural person or a legal entity;

(x) “applicant” means the person in whose name an international application is filed;

(xi) “holder” means the person in whose name an international registration is recorded in the International Register;

(xii) “intergovernmental organization” means an intergovernmental organization eligible to become party to this Act in accordance with Article 27(1)(ii);

(xiii) “Contracting Party” means any State or intergovernmental organization party to this Act;

(xiv) “applicant’s Contracting Party” means the Contracting Party or one of the Contracting Parties from which the applicant derives its entitlement to file an international application by virtue of satisfying, in relation to that Contracting Party, at least one of the conditions specified in Article 3; where there are two or more Contracting Parties from which the applicant may, under Article 3, derive its entitlement to file an international application, “applicant’s Contracting Party” means the one which, among those Contracting Parties, is indicated as such in the international application;

(xv) “territory of a Contracting Party” means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an intergovernmental organization, the territory in which the constituent treaty of that intergovernmental organization applies;

(xvi) “Office” means the agency entrusted by a Contracting Party with the grant of protection for industrial designs with effect in the territory of that Contracting Party;

(xvii) “Examining Office” means an Office which *ex officio* examines applications filed with it for the protection of industrial designs at least to determine whether the industrial designs satisfy the condition of novelty;

(xviii) “designation” means a request that an international registration have effect in a Contracting Party; it also means the recording, in the International Register, of that request;

(xix) “designated Contracting Party” and “designated Office” means the Contracting Party and the Office of the Contracting Party, respectively, to which a designation applies;

(xx) “1934 Act” means the Act signed at London on June 2, 1934, of the Hague Agreement;

(xxi) “1960 Act” means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;

(xxii) “1961 Additional Act” means the Act signed at Monaco on November 18, 1961, additional to the 1934 Act;

(xxiii) “Complementary Act of 1967” means the Complementary Act signed at Stockholm on July 14, 1967, as amended, of the Hague Agreement;

(xxiv) “Union” means the Hague Union established by the Hague Agreement of November 6, 1925, and maintained by the 1934 and 1960 Acts, the 1961 Additional Act, the Complementary Act of 1967 and this Act;

(xxv) “Assembly” means the Assembly referred to in Article 21(1)(a) or any body replacing that Assembly;

(xxvi) “Organization” means the World Intellectual Property Organization;

(xxvii) “Director General” means the Director General of the Organization;

(xxviii) “International Bureau” means the International Bureau of the Organization;

(xxix) “instrument of ratification” shall be construed as including instruments of acceptance or approval.

## *Article 2*

### *Applicability of Other Protection Accorded by Laws of Contracting Parties and by Certain International Treaties*

(1) [*Laws of Contracting Parties and Certain International Treaties*] The provisions of this Act shall not affect the application of any greater protection which may be accorded by the law of a Contracting Party, nor shall they affect in any way the protection accorded to works of art and works of applied art by international copyright treaties and conventions, or the protection accorded to industrial designs under the Agreement on Trade-Related Aspects of Intellectual Property Rights annexed to the Agreement Establishing the World Trade Organization.

(2) [*Obligation to Comply with the Paris Convention*] Each Contracting Party shall comply with the provisions of the Paris Convention which concern industrial designs.

## *CHAPTER I*

### *INTERNATIONAL APPLICATION AND INTERNATIONAL REGISTRATION*

## *Article 3*

### *Entitlement to File an International Application*

Any person that is a national of a State that is a Contracting Party or of a State member of an intergovernmental organization that is a Contracting Party, or that has a domicile, a habitual residence or a real and effective industrial or commercial establishment in the territory of a Contracting Party, shall be entitled to file an international application.

*Article 4*  
*Procedure for Filing the International Application*

(1) [*Direct or Indirect Filing*] (a) The international application may be filed, at the option of the applicant, either directly with the International Bureau or through the Office of the applicant's Contracting Party.

(b) Notwithstanding subparagraph (a), any Contracting Party may, in a declaration, notify the Director General that international applications may not be filed through its Office.

(2) [*Transmittal Fee in Case of Indirect Filing*] The Office of any Contracting Party may require that the applicant pay a transmittal fee to it, for its own benefit, in respect of any international application filed through it.

*Article 5*  
*Contents of the International Application*

(1) [*Mandatory Contents of the International Application*] The international application shall be in the prescribed language or one of the prescribed languages and shall contain or be accompanied by

- (i) a request for international registration under this Act;
- (ii) the prescribed data concerning the applicant;
- (iii) the prescribed number of copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international application, presented in the prescribed manner; however, where the industrial design is two-dimensional and a request for deferment of publication is made in accordance with paragraph (5), the international application may, instead of containing reproductions, be accompanied by the prescribed number of specimens of the industrial design;
- (iv) an indication of the product or products which constitute the industrial design or in relation to which the industrial design is to be used, as prescribed;
- (v) an indication of the designated Contracting Parties;
- (vi) the prescribed fees;
- (vii) any other prescribed particulars.

(2) [*Additional Mandatory Contents of the International Application*] (a) Any Contracting Party whose Office is an Examining Office and whose law, at the time it becomes party to this Act, requires that an application for the grant of protection to an industrial design contain any of the elements specified in subparagraph (b) in order for that application to be accorded a filing date under that law may, in a declaration, notify the Director General of those elements.

(b) The elements that may be notified pursuant to subparagraph (a) are the following:

(i) indications concerning the identity of the creator of the industrial design that is the subject of that application;

(ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of that application;

(iii) a claim.

(c) Where the international application contains the designation of a Contracting Party that has made a notification under subparagraph (a), it shall also contain, in the prescribed manner, any element that was the subject of that notification.

(3) [*Other Possible Contents of the International Application*] The international application may contain or be accompanied by such other elements as are specified in the Regulations.

(4) [*Several Industrial Designs in the Same International Application*] Subject to such conditions as may be prescribed, an international application may include two or more industrial designs.

(5) [*Request for Deferred Publication*] The international application may contain a request for deferment of publication.

#### *Article 6* *Priority*

(1) [*Claiming of Priority*] (a) The international application may contain a declaration claiming, under Article 4 of the Paris Convention, the priority of one or more earlier applications filed in or for any country party to that Convention or any Member of the World Trade Organization.

(b) The Regulations may provide that the declaration referred to in subparagraph (a) may be made after the filing of the international application. In such case, the Regulations shall prescribe the latest time by which such declaration may be made.

(2) [*International Application Serving as a Basis for Claiming Priority*] The international application shall, as from its filing date and whatever may be its subsequent fate, be equivalent to a regular filing within the meaning of Article 4 of the Paris Convention.

#### *Article 7* *Designation Fees*

(1) [*Prescribed Designation Fee*] The prescribed fees shall include, subject to paragraph (2), a designation fee for each designated Contracting Party.

(2)<sup>1</sup> [*Individual Designation Fee*] Any Contracting Party whose Office is an Examining Office and any Contracting Party that is an intergovernmental organization may, in a declaration, notify the Director General that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such an international application, the prescribed designation fee referred to in paragraph (1) shall be replaced by an individual designation fee, whose amount shall be indicated in the declaration and can be changed in further declarations. The said amount may be fixed by the said Contracting Party for the initial term of protection and for each term of renewal or for the maximum period of protection allowed by the Contracting Party concerned. However, it may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

(3) [*Transfer of Designation Fees*] The designation fees referred to in paragraphs (1) and (2) shall be transferred by the International Bureau to the Contracting Parties in respect of which those fees were paid.

## *Article 8*

### *Correction of Irregularities*

(1) [*Examination of the International Application*] If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the requirements of this Act and the Regulations, it shall invite the applicant to make the required corrections within the prescribed time limit.

(2) [*Irregularities Not Corrected*] (a) If the applicant does not comply with the invitation within the prescribed time limit, the international application shall, subject to subparagraph (b), be considered abandoned.

(b) In the case of an irregularity which relates to Article 5(2) or to a special requirement notified to the Director General by a Contracting Party in accordance with the Regulations, if the applicant does not comply with the invitation within the prescribed time limit, the international application shall be deemed not to contain the designation of that Contracting Party.

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<sup>1</sup> [WIPO Note]: Recommendation adopted by the Assembly of the Hague Union:

“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”

*Article 9*  
*Filing Date of the International Application*

(1) [*International Application Filed Directly*] Where the international application is filed directly with the International Bureau, the filing date shall, subject to paragraph (3), be the date on which the International Bureau receives the international application.

(2) [*International Application Filed Indirectly*] Where the international application is filed through the Office of the applicant's Contracting Party, the filing date shall be determined as prescribed.

(3) [*International Application with Certain Irregularities*] Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau.

*Article 10<sup>2</sup>*  
*International Registration, Date of the International Registration, Publication and Confidential Copies of the International Registration*

(1) [*International Registration*] The International Bureau shall register each industrial design that is the subject of an international application immediately upon receipt by it of the international application or, where corrections are invited under Article 8, immediately upon receipt of the required corrections. The registration shall be effected whether or not publication is deferred under Article 11.

(2) [*Date of the International Registration*] (a) Subject to subparagraph (b), the date of the international registration shall be the filing date of the international application.

(b) Where the international application has, on the date on which it is received by the International Bureau, an irregularity which relates to Article 5(2), the date of the international registration shall be the date on which the correction of such irregularity is received by the International Bureau or the filing date of the international application, whichever is the later.

(3) [*Publication*] (a) The international registration shall be published by the International Bureau. Such publication shall be deemed in all Contracting Parties to be sufficient publicity, and no other publicity may be required of the holder.

(b) The International Bureau shall send a copy of the publication of the international registration to each designated Office.

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<sup>2</sup> When adopting Article 10, the Diplomatic Conference understood that nothing in this Article precludes access to the international application or the international registration by the applicant or the holder or a person having the consent of the applicant or the holder.

(4) [*Maintenance of Confidentiality Before Publication*] Subject to paragraph (5) and Article 11(4)(b), the International Bureau shall keep in confidence each international application and each international registration until publication.

(5) [*Confidential Copies*] (a) The International Bureau shall, immediately after registration has been effected, send a copy of the international registration, along with any relevant statement, document or specimen accompanying the international application, to each Office that has notified the International Bureau that it wishes to receive such a copy and has been designated in the international application.

(b) The Office shall, until publication of the international registration by the International Bureau, keep in confidence each international registration of which a copy has been sent to it by the International Bureau and may use the said copy only for the purpose of the examination of the international registration and of applications for the protection of industrial designs filed in or for the Contracting Party for which the Office is competent. In particular, it may not divulge the contents of any such international registration to any person outside the Office other than the holder of that international registration, except for the purposes of an administrative or legal proceeding involving a conflict over entitlement to file the international application on which the international registration is based. In the case of such an administrative or legal proceeding, the contents of the international registration may only be disclosed in confidence to the parties involved in the proceeding who shall be bound to respect the confidentiality of the disclosure.

#### *Article 11* *Deferment of Publication*

(1) [*Provisions of Laws of Contracting Parties Concerning Deferment of Publication*] (a) Where the law of a Contracting Party provides for the deferment of the publication of an industrial design for a period which is less than the prescribed period, that Contracting Party shall, in a declaration, notify the Director General of the allowable period of deferment.

(b) Where the law of a Contracting Party does not provide for the deferment of the publication of an industrial design, the Contracting Party shall, in a declaration, notify the Director General of that fact.

(2) [*Deferment of Publication*] Where the international application contains a request for deferment of publication, the publication shall take place,

(i) where none of the Contracting Parties designated in the international application has made a declaration under paragraph (1), at the expiry of the prescribed period or,

(ii) where any of the Contracting Parties designated in the international application has made a declaration under paragraph (1)(a), at the expiry of the period notified in such declaration or, where there is more than one such designated Contracting Party, at the expiry of the shortest period notified in their declarations.

(3) [*Treatment of Requests for Deferment Where Deferment Is Not Possible Under Applicable Law*] Where deferment of publication has been requested and any of the Contracting Parties designated in the international application has made a declaration under paragraph (1)(b) that deferment of publication is not possible under its law,

(i) subject to item (ii), the International Bureau shall notify the applicant accordingly; if, within the prescribed period, the applicant does not, by notice in writing to the International Bureau, withdraw the designation of the said Contracting Party, the International Bureau shall disregard the request for deferment of publication;

(ii) where, instead of containing reproductions of the industrial design, the international application was accompanied by specimens of the industrial design, the International Bureau shall disregard the designation of the said Contracting Party and shall notify the applicant accordingly.

(4) [*Request for Earlier Publication or for Special Access to the International Registration*] (a) At any time during the period of deferment applicable under paragraph (2), the holder may request publication of any or all of the industrial designs that are the subject of the international registration, in which case the period of deferment in respect of such industrial design or designs shall be considered to have expired on the date of receipt of such request by the International Bureau.

(b) The holder may also, at any time during the period of deferment applicable under paragraph (2), request the International Bureau to provide a third party specified by the holder with an extract from, or to allow such a party access to, any or all of the industrial designs that are the subject of the international registration.

(5) [*Renunciation and Limitation*] (a) If, at any time during the period of deferment applicable under paragraph (2), the holder renounces the international registration in respect of all the designated Contracting Parties, the industrial design or designs that are the subject of the international registration shall not be published.

(b) If, at any time during the period of deferment applicable under paragraph (2), the holder limits the international registration, in respect of all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration, the other industrial design or designs that are the subject of the international registration shall not be published.

(6) [*Publication and Furnishing of Reproductions*] (a) At the expiration of any period of deferment applicable under the provisions of this Article, the International Bureau shall, subject to the payment of the prescribed fees, publish the international registration. If such fees are not paid as prescribed, the international registration shall be canceled and publication shall not take place.

(b) Where the international application was accompanied by one or more specimens of the industrial design in accordance with Article 5(1)(iii), the holder shall submit the prescribed number of copies of a reproduction of each industrial design that is the subject of that application to the International Bureau within the prescribed time limit. To the extent that the holder does not do so, the international registration shall be canceled and publication shall not take place.



*Article 12*  
*Refusal*

(1) [*Right to Refuse*] The Office of any designated Contracting Party may, where the conditions for the grant of protection under the law of that Contracting Party are not met in respect of any or all of the industrial designs that are the subject of an international registration, refuse the effects, in part or in whole, of the international registration in the territory of the said Contracting Party, provided that no Office may refuse the effects, in part or in whole, of any international registration on the ground that requirements relating to the form or contents of the international application that are provided for in this Act or the Regulations or are additional to, or different from, those requirements have not been satisfied under the law of the Contracting Party concerned.

(2) [*Notification of Refusal*] (a) The refusal of the effects of an international registration shall be communicated by the Office to the International Bureau in a notification of refusal within the prescribed period.

(b) Any notification of refusal shall state all the grounds on which the refusal is based.

(3) [*Transmission of Notification of Refusal; Remedies*] (a) The International Bureau shall, without delay, transmit a copy of the notification of refusal to the holder.

(b) The holder shall enjoy the same remedies as if any industrial design that is the subject of the international registration had been the subject of an application for the grant of protection under the law applicable to the Office that communicated the refusal. Such remedies shall at least consist of the possibility of a re-examination or a review of the refusal or an appeal against the refusal.

(4)<sup>3</sup> [*Withdrawal of Refusal*] Any refusal may be withdrawn, in part or in whole, at any time by the Office that communicated it.

*Article 13*  
*Special Requirements Concerning Unity of Design*

(1) [*Notification of Special Requirements*] Any Contracting Party whose law, at the time it becomes party to this Act, requires that designs that are the subject of the same application conform to a requirement of unity of design, unity of production or unity of use, or belong to the same set or composition of items, or that only one independent and distinct design may be claimed in a single application, may, in a declaration, notify the Director

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<sup>3</sup> When adopting Article 12(4), Article 14(2)(b) and Rule 18(4), the Diplomatic Conference understood that a withdrawal of refusal by an Office that has communicated a notification of refusal may take the form of a statement to the effect that the Office concerned has decided to accept the effects of the international registration in respect of the industrial designs, or some of the industrial designs, to which the notification of refusal related. It was also understood that an Office may, within the period allowed for communicating a notification of refusal, send a statement to the effect that it has decided to accept the effects of the international registration even where it has not communicated such a notification of refusal.

General accordingly. However, no such declaration shall affect the right of an applicant to include two or more industrial designs in an international application in accordance with Article 5(4), even if the application designates the Contracting Party that has made the declaration.

(2) [*Effect of Declaration*] Any such declaration shall enable the Office of the Contracting Party that has made it to refuse the effects of the international registration pursuant to Article 12(1) pending compliance with the requirement notified by that Contracting Party.

(3) [*Further Fees Payable on Division of Registration*] Where, following a notification of refusal in accordance with paragraph (2), an international registration is divided before the Office concerned in order to overcome a ground of refusal stated in the notification, that Office shall be entitled to charge a fee in respect of each additional international application that would have been necessary in order to avoid that ground of refusal.

#### *Article 14* *Effects of the International Registration*

(1) [*Effect as Application Under Applicable Law*] The international registration shall, from the date of the international registration, have at least the same effect in each designated Contracting Party as a regularly-filed application for the grant of protection of the industrial design under the law of that Contracting Party.

(2) [*Effect as Grant of Protection Under Applicable Law*] (a) In each designated Contracting Party the Office of which has not communicated a refusal in accordance with Article 12, the international registration shall have the same effect as a grant of protection for the industrial design under the law of that Contracting Party at the latest from the date of expiration of the period allowed for it to communicate a refusal or, where a Contracting Party has made a corresponding declaration under the Regulations, at the latest at the time specified in that declaration.

(b)<sup>4</sup> Where the Office of a designated Contracting Party has communicated a refusal and has subsequently withdrawn, in part or in whole, that refusal, the international registration shall, to the extent that the refusal is withdrawn, have the same effect in that Contracting Party as a grant of protection for the industrial design under the law of the said Contracting Party at the latest from the date on which the refusal was withdrawn.

(c) The effect given to the international registration under this paragraph shall apply to the industrial design or designs that are the subject of that registration as received from the International Bureau by the designated Office or, where applicable, as amended in the procedure before that Office.

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<sup>4</sup> See footnote relating to Article 12(4).

(3) [*Declaration Concerning Effect of Designation of Applicant's Contracting Party*] (a) Any Contracting Party whose Office is an Examining Office may, in a declaration, notify the Director General that, where it is the applicant's Contracting Party, the designation of that Contracting Party in an international registration shall have no effect.

(b) Where a Contracting Party having made the declaration referred to in subparagraph (a) is indicated in an international application both as the applicant's Contracting Party and as a designated Contracting Party, the International Bureau shall disregard the designation of that Contracting Party.

#### *Article 15* *Invalidation*

(1) [*Requirement of Opportunity of Defense*] Invalidation, by the competent authorities of a designated Contracting Party, of the effects, in part or in whole, in the territory of that Contracting Party, of the international registration may not be pronounced without the holder having, in good time, been afforded the opportunity of defending his rights.

(2) [*Notification of Invalidation*] The Office of the Contracting Party in whose territory the effects of the international registration have been invalidated shall, where it is aware of the invalidation, notify it to the International Bureau.

#### *Article 16* *Recording of Changes and Other Matters* *Concerning International Registrations*

(1) [*Recording of Changes and Other Matters*] The International Bureau shall, as prescribed, record in the International Register

(i) any change in ownership of the international registration, in respect of any or all of the designated Contracting Parties and in respect of any or all of the industrial designs that are the subject of the international registration, provided that the new owner is entitled to file an international application under Article 3,

(ii) any change in the name or address of the holder,

(iii) the appointment of a representative of the applicant or holder and any other relevant fact concerning such representative,

(iv) any renunciation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties,

(v) any limitation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration,

(vi) any invalidation, by the competent authorities of a designated Contracting Party, of the effects, in the territory of that Contracting Party, of the international registration in respect of any or all of the industrial designs that are the subject of the international registration,

(vii) any other relevant fact, identified in the Regulations, concerning the rights in any or all of the industrial designs that are the subject of the international registration.

(2) [*Effect of Recording in International Register*] Any recording referred to in items (i), (ii), (iv), (v), (vi) and (vii) of paragraph (1) shall have the same effect as if it had been made in the Register of the Office of each of the Contracting Parties concerned, except that a Contracting Party may, in a declaration, notify the Director General that a recording referred to in item (i) of paragraph (1) shall not have that effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in that declaration.

(3) [*Fees*] Any recording made under paragraph (1) may be subject to the payment of a fee.

(4) [*Publication*] The International Bureau shall publish a notice concerning any recording made under paragraph (1). It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned.

#### *Article 17*

##### *Initial Term and Renewal of the International Registration and Duration of Protection*

(1) [*Initial Term of the International Registration*] The international registration shall be effected for an initial term of five years counted from the date of the international registration.

(2) [*Renewal of the International Registration*] The international registration may be renewed for additional terms of five years, in accordance with the prescribed procedure and subject to the payment of the prescribed fees.

(3) [*Duration of Protection in Designated Contracting Parties*] (a) Provided that the international registration is renewed, and subject to subparagraph (b), the duration of protection shall, in each of the designated Contracting Parties, be 15 years counted from the date of the international registration.

(b) Where the law of a designated Contracting Party provides for a duration of protection of more than 15 years for an industrial design for which protection has been granted under that law, the duration of protection shall, provided that the international registration is renewed, be the same as that provided for by the law of that Contracting Party.

(c) Each Contracting Party shall, in a declaration, notify the Director General of the maximum duration of protection provided for by its law.

(4) [*Possibility of Limited Renewal*] The renewal of the international registration may be effected for any or all of the designated Contracting Parties and for any or all of the industrial designs that are the subject of the international registration.

(5) [*Recording and Publication of Renewal*] The International Bureau shall record renewals in the International Register and publish a notice to that effect. It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned.

#### *Article 18*

##### *Information Concerning Published International Registrations*

(1) [*Access to Information*] The International Bureau shall supply to any person applying therefor, upon the payment of the prescribed fee, extracts from the International Register, or information concerning the contents of the International Register, in respect of any published international registration.

(2) [*Exemption from Legalization*] Extracts from the International Register supplied by the International Bureau shall be exempt from any requirement of legalization in each Contracting Party.

### *CHAPTER II*

#### *ADMINISTRATIVE PROVISIONS*

#### *Article 19*

##### *Common Office of Several States*

(1) [*Notification of Common Office*] If several States intending to become party to this Act have effected, or if several States party to this Act agree to effect, the unification of their domestic legislation on industrial designs, they may notify the Director General

(i) that a common Office shall be substituted for the national Office of each of them, and

(ii) that the whole of their respective territories to which the unified legislation applies shall be deemed to be a single Contracting Party for the purposes of the application of Articles 1, 3 to 18 and 31 of this Act.

(2) [*Time at Which Notification Is to Be Made*] The notification referred to in paragraph (1) shall be made,

(i) in the case of States intending to become party to this Act, at the time of the deposit of the instruments referred to in Article 27(2);

(ii) in the case of States party to this Act, at any time after the unification of their domestic legislation has been effected.

(3) [*Date of Entry into Effect of the Notification*] The notification referred to in paragraphs (1) and (2) shall take effect,

(i) in the case of States intending to become party to this Act, at the time such States become bound by this Act;

(ii) in the case of States party to this Act, three months after the date of the communication thereof by the Director General to the other Contracting Parties or at any later date indicated in the notification.

*Article 20*  
*Membership of the Hague Union*

The Contracting Parties shall be members of the same Union as the States party to the 1934 Act or the 1960 Act.

*Article 21*  
*Assembly*

(1) [*Composition*] (a) The Contracting Parties shall be members of the same Assembly as the States bound by Article 2 of the Complementary Act of 1967.

(b) Each member of the Assembly shall be represented in the Assembly by one delegate, who may be assisted by alternate delegates, advisors and experts, and each delegate may represent only one Contracting Party.

(c) Members of the Union that are not members of the Assembly shall be admitted to the meetings of the Assembly as observers.

(2) [*Tasks*] (a) The Assembly shall

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Act;

(ii) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Act or the Complementary Act of 1967;

(iii) give directions to the Director General concerning the preparations for conferences of revision and decide the convocation of any such conference;

(iv) amend the Regulations;

(v) review and approve the reports and activities of the Director General concerning the Union, and give the Director General all necessary instructions concerning matters within the competence of the Union;

(vi) determine the program and adopt the biennial budget of the Union, and approve its final accounts;

(vii) adopt the financial regulations of the Union;

(viii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;

(ix) subject to paragraph (1)(c), determine which States, intergovernmental organizations and non-governmental organizations shall be admitted to its meetings as observers;

(x) take any other appropriate action to further the objectives of the Union and perform any other functions as are appropriate under this Act.

(b) With respect to matters which are also of interest to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) [*Quorum*] (a) One-half of the members of the Assembly which are States and have the right to vote on a given matter shall constitute a quorum for the purposes of the vote on that matter.

(b) Notwithstanding the provisions of subparagraph (a), if, in any session, the number of the members of the Assembly which are States, have the right to vote on a given matter and are represented is less than one-half but equal to or more than one-third of the members of the Assembly which are States and have the right to vote on that matter, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the members of the Assembly which are States, have the right to vote on the said matter and were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of such members having thus expressed their vote or abstention attains the number of the members which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(4) [*Taking Decisions in the Assembly*] (a) The Assembly shall endeavor to take its decisions by consensus.

(b) Where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting. In such a case,

(i) each Contracting Party that is a State shall have one vote and shall vote only in its own name, and

(ii) any Contracting Party that is an intergovernmental organization may vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Act, and no such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote, and *vice versa*.

(c) On matters concerning only States that are bound by Article 2 of the Complementary Act of 1967, Contracting Parties that are not bound by the said Article shall not have the right to vote, whereas, on matters concerning only Contracting Parties, only the latter shall have the right to vote.

(5) [*Majorities*] (a) Subject to Articles 24(2) and 26(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) Abstentions shall not be considered as votes.

(6) [*Sessions*] (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either at the request of one-fourth of the members of the Assembly or on the Director General's own initiative.

(c) The agenda of each session shall be prepared by the Director General.

(7) [*Rules of Procedure*] The Assembly shall adopt its own rules of procedure.

## *Article 22* *International Bureau*

(1) [*Administrative Tasks*] (a) International registration and related duties, as well as all other administrative tasks concerning the Union, shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly and of such committees of experts and working groups as may be established by the Assembly.

(2) [*Director General*] The Director General shall be the chief executive of the Union and shall represent the Union.

(3) [*Meetings Other than Sessions of the Assembly*] The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.

(4) [*Role of the International Bureau in the Assembly and Other Meetings*] (a) The Director General and persons designated by the Director General shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meetings convened by the Director General under the aegis of the Union.

(b) The Director General or a staff member designated by the Director General shall be *ex officio* secretary of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).



(5) [*Conferences*] (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for any revision conferences.

(b) The International Bureau may consult with intergovernmental organizations and international and national non-governmental organizations concerning the said preparations.

(c) The Director General and persons designated by the Director General shall take part, without the right to vote, in the discussions at revision conferences.

(6) [*Other Tasks*] The International Bureau shall carry out any other tasks assigned to it in relation to this Act.

### *Article 23* *Finances*

(1) [*Budget*] (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered to be expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) [*Coordination with Budgets of Other Unions*] The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) [*Sources of Financing of the Budget*] The budget of the Union shall be financed from the following sources:

- (i) fees relating to international registrations;
- (ii) charges due for other services rendered by the International Bureau in relation to the Union;
- (iii) sale of, or royalties on, the publications of the International Bureau concerning the Union;
- (iv) gifts, bequests and subventions;
- (v) rents, interests and other miscellaneous income.

(4) [*Fixing of Fees and Charges; Level of the Budget*] (a) The amounts of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General. Charges referred to in paragraph 3(ii) shall be established by the Director General and shall be provisionally applied subject to approval by the Assembly at its next session.

(b) The amounts of the fees referred to in paragraph (3)(i) shall be so fixed that the revenues of the Union from fees and other sources shall be at least sufficient to cover all the expenses of the International Bureau concerning the Union.

(c) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) [*Working Capital Fund*] The Union shall have a working capital fund which shall be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each member of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it. The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General.

(6) [*Advances by Host State*] (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(7) [*Auditing of Accounts*] The auditing of the accounts shall be effected by one or more of the States members of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

#### *Article 24* *Regulations*

(1) [*Subject Matter*] The Regulations shall govern the details of the implementation of this Act. They shall, in particular, include provisions concerning

- (i) matters which this Act expressly provides are to be prescribed;
- (ii) further details concerning, or any details useful in the implementation of, the provisions of this Act;
- (iii) any administrative requirements, matters or procedures.

(2) [*Amendment of Certain Provisions of the Regulations*] (a) The Regulations may specify that certain provisions of the Regulations may be amended only by unanimity or only by a four-fifths majority.

(b) In order for the requirement of unanimity or a four-fifths majority no longer to apply in the future to the amendment of a provision of the Regulations, unanimity shall be required.

(c) In order for the requirement of unanimity or a four-fifths majority to apply in the future to the amendment of a provision of the Regulations, a four-fifths majority shall be required.

(3) [*Conflict Between This Act and the Regulations*] In the case of conflict between the provisions of this Act and those of the Regulations, the former shall prevail.

### CHAPTER III

#### REVISION AND AMENDMENT

##### Article 25

##### *Revision of This Act*

(1) [*Revision Conferences*] This Act may be revised by a conference of the Contracting Parties.

(2) [*Revision or Amendment of Certain Articles*] Articles 21, 22, 23 and 26 may be amended either by a revision conference or by the Assembly according to the provisions of Article 26.

##### Article 26

##### *Amendment of Certain Articles by the Assembly*

(1) [*Proposals for Amendment*] (a) Proposals for the amendment by the Assembly of Articles 21, 22, 23 and this Article may be initiated by any Contracting Party or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.

(2) [*Majorities*] Adoption of any amendment to the Articles referred to in paragraph (1) shall require a three-fourths majority, except that adoption of any amendment to Article 21 or to the present paragraph shall require a four-fifths majority.

(3) [*Entry into Force*] (a) Except where subparagraph (b) applies, any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of those Contracting Parties which, at the time the amendment was adopted, were members of the Assembly and had the right to vote on that amendment.

(b) Any amendment to Article 21(3) or (4) or to this subparagraph shall not enter into force if, within six months of its adoption by the Assembly, any Contracting Party notifies the Director General that it does not accept such amendment.

(c) Any amendment which enters into force in accordance with the provisions of this paragraph shall bind all the States and intergovernmental organizations which are Contracting Parties at the time the amendment enters into force, or which become Contracting Parties at a subsequent date.

## *CHAPTER IV*

### *FINAL PROVISIONS*

#### *Article 27*

#### *Becoming Party to This Act*

(1) [*Eligibility*] Subject to paragraphs (2) and (3) and Article 28,

(i) any State member of the Organization may sign and become party to this Act;

(ii) any intergovernmental organization which maintains an Office in which protection of industrial designs may be obtained with effect in the territory in which the constituting treaty of the intergovernmental organization applies may sign and become party to this Act, provided that at least one of the member States of the intergovernmental organization is a member of the Organization and provided that such Office is not the subject of a notification under Article 19.

(2) [*Ratification or Accession*] Any State or intergovernmental organization referred to in paragraph (1) may deposit

(i) an instrument of ratification if it has signed this Act, or

(ii) an instrument of accession if it has not signed this Act.

(3) [*Effective Date of Deposit*] (a) Subject to subparagraphs (b) to (d), the effective date of the deposit of an instrument of ratification or accession shall be the date on which that instrument is deposited.

(b) The effective date of the deposit of the instrument of ratification or accession of any State in respect of which protection of industrial designs may be obtained only through the Office maintained by an intergovernmental organization of which that State is a member shall be the date on which the instrument of that intergovernmental organization is deposited if that date is later than the date on which the instrument of the said State has been deposited.

(c) The effective date of the deposit of any instrument of ratification or accession containing or accompanied by the notification referred to in Article 19 shall be the date on which the last of the instruments of the States members of the group of States having made the said notification is deposited.

(d) Any instrument of ratification or accession of a State may contain or be accompanied by a declaration making it a condition to its being considered as deposited that the instrument of one other State or one intergovernmental organization, or the instruments of two other States, or the instruments of one other State and one intergovernmental organization, specified by name and eligible to become party to this Act, is or are also deposited. The instrument containing or accompanied by such a declaration shall be considered to have been deposited on the day on which the condition indicated in the declaration is fulfilled. However, when an instrument specified in the declaration itself contains, or is itself accompanied by, a declaration of the said kind, that instrument shall be considered as deposited on the day on which the condition specified in the latter declaration is fulfilled.

(e) Any declaration made under subparagraph (d) may be withdrawn, in its entirety or in part, at any time. Any such withdrawal shall become effective on the date on which the notification of withdrawal is received by the Director General.

*Article 28*  
*Effective Date of Ratifications and Accessions*

(1) [*Instruments to Be Taken into Consideration*] For the purposes of this Article, only instruments of ratification or accession that are deposited by States or intergovernmental organizations referred to in Article 27(1) and that have an effective date according to Article 27(3) shall be taken into consideration.

(2) [*Entry into Force of This Act*] This Act shall enter into force three months after six States have deposited their instruments of ratification or accession, provided that, according to the most recent annual statistics collected by the International Bureau, at least three of those States fulfill at least one of the following conditions:

(i) at least 3,000 applications for the protection of industrial designs have been filed in or for the State concerned, or

(ii) at least 1,000 applications for the protection of industrial designs have been filed in or for the State concerned by residents of States other than that State.

(3) [*Entry into Force of Ratifications and Accessions*] (a) Any State or intergovernmental organization that has deposited its instrument of ratification or accession three months or more before the date of entry into force of this Act shall become bound by this Act on the date of entry into force of this Act.

(b) Any other State or intergovernmental organization shall become bound by this Act three months after the date on which it has deposited its instrument of ratification or accession or at any later date indicated in that instrument.

*Article 29*  
*Prohibition of Reservations*

No reservations to this Act are permitted.

*Article 30*  
*Declarations Made by Contracting Parties*

(1) [*Time at Which Declarations May Be Made*] Any declaration under Articles 4(1)(b), 5(2)(a), 7(2), 11(1), 13(1), 14(3), 16(2) or 17(3)(c) may be made

(i) at the time of the deposit of an instrument referred to in Article 27(2), in which case it shall become effective on the date on which the State or intergovernmental organization having made the declaration becomes bound by this Act, or

(ii) after the deposit of an instrument referred to in Article 27(2), in which case it shall become effective three months after the date of its receipt by the Director General or at any later date indicated in the declaration but shall apply only in respect of any international registration whose date of international registration is the same as, or is later than, the effective date of the declaration.

(2) [*Declarations by States Having a Common Office*] Notwithstanding paragraph (1), any declaration referred to in that paragraph that has been made by a State which has, with another State or other States, notified the Director General under Article 19(1) of the substitution of a common Office for their national Offices shall become effective only if that other State or those other States makes or make a corresponding declaration or corresponding declarations.

(3) [*Withdrawal of Declarations*] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the date on which the Director General has received the notification or at any later date indicated in the notification. In the case of a declaration made under Article 7(2), the withdrawal shall not affect international applications filed prior to the coming into effect of the said withdrawal.

*Article 31*  
*Applicability of the 1934 and 1960 Acts*

(1) [*Relations Between States Party to Both This Act and the 1934 or 1960 Acts*] This Act alone shall be applicable as regards the mutual relations of States party to both this Act and the 1934 Act or the 1960 Act. However, such States shall, in their mutual relations, apply the 1934 Act or the 1960 Act, as the case may be, to industrial designs deposited at the International Bureau prior to the date on which this Act becomes applicable as regards their mutual relations.

(2) [*Relations Between States Party to Both This Act and the 1934 or 1960 Acts and States Party to the 1934 or 1960 Acts Without Being Party to This Act*] (a) Any State that is party to both this Act and the 1934 Act shall continue to apply the 1934 Act in its relations with States that are party to the 1934 Act without being party to the 1960 Act or this Act.

(b) Any State that is party to both this Act and the 1960 Act shall continue to apply the 1960 Act in its relations with States that are party to the 1960 Act without being party to this Act.

*Article 32*  
*Denunciation of This Act*

(1) [*Notification*] Any Contracting Party may denounce this Act by notification addressed to the Director General.

(2) [*Effective Date*] Denunciation shall take effect one year after the date on which the Director General has received the notification or at any later date indicated in the notification. It shall not affect the application of this Act to any international application pending and any international registration in force in respect of the denouncing Contracting Party at the time of the coming into effect of the denunciation.

*Article 33*  
*Languages of This Act; Signature*

(1) [*Original Texts; Official Texts*] (a) This Act shall be signed in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) [*Time Limit for Signature*] This Act shall remain open for signature at the headquarters of the Organization for one year after its adoption.

*Article 34*  
*Depositary*

The Director General shall be the depositary of this Act.





**Common Regulations  
Under the 1999 Act and the 1960 Act  
of the Hague Agreement**

(as in force on January 1, 2015)

TABLE OF CONTENTS

<i>CHAPTER 1:</i>	<i>GENERAL PROVISIONS</i>
Rule 1:	Definitions
Rule 2:	Communication with the International Bureau
Rule 3:	Representation Before the International Bureau
Rule 4:	Calculation of Time Limits
Rule 5:	Irregularities in Postal and Delivery Services
Rule 6:	Languages
 <i>CHAPTER 2:</i>	 <i>INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS</i>
Rule 7:	Requirements Concerning the International Application
Rule 8:	Special Requirements Concerning the Applicant and the Creator
Rule 9:	Reproductions of the Industrial Design
Rule 10:	Specimens of the Industrial Design Where Deferment of Publication Is Requested
Rule 11:	Identity of Creator; Description; Claim
Rule 12:	Fees Concerning the International Application
Rule 13:	International Application Filed Through an Office
Rule 14:	Examination by the International Bureau
Rule 15:	Registration of the Industrial Design in the International Register
Rule 16:	Deferment of Publication
Rule 17:	Publication of the International Registration
 <i>CHAPTER 3:</i>	 <i>REFUSALS AND INVALIDATIONS</i>
Rule 18:	Notification of Refusal
Rule 18 <i>bis</i> :	Statement of Grant of Protection
Rule 19:	Irregular Refusals
Rule 20:	Invalidation in Designated Contracting Parties
 <i>CHAPTER 4:</i>	 <i>CHANGES AND CORRECTIONS</i>
Rule 21:	Recording of a Change
Rule 21 <i>bis</i> :	Declaration That a Change in Ownership Has No Effect
Rule 22:	Corrections in the International Register
 <i>CHAPTER 5:</i>	 <i>RENEWALS</i>
Rule 23:	Unofficial Notice of Expiry
Rule 24:	Details Concerning Renewal
Rule 25:	Recording of the Renewal; Certificate

*CHAPTER 6: PUBLICATION*

Rule 26: Publication

*CHAPTER 7: FEES*

Rule 27: Amounts and Payment of Fees

Rule 28: Currency of Payments

Rule 29: Crediting of Fees to the Accounts of the Contracting Parties Concerned

*CHAPTER 8: [Deleted]*

Rule 30: [Deleted]

Rule 31: [Deleted]

*CHAPTER 9: MISCELLANEOUS*

Rule 32: Extracts, Copies and Information Concerning Published International Registrations

Rule 33: Amendment of Certain Rules

Rule 34: Administrative Instructions

Rule 35: Declarations Made by Contracting Parties to the 1999 Act

Rule 36: Declarations Made by Contracting Parties to the 1960 Act

Rule 37: Transitional Provisions

*CHAPTER 1**GENERAL PROVISIONS**Rule 1**Definitions*

- (1) [*Abbreviated Expressions*] For the purposes of these Regulations,
- (i) “1999 Act” means the Act signed at Geneva on July 2, 1999, of the Hague Agreement;
  - (ii) “1960 Act” means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;
  - (iii) an expression which is used in these Regulations and is referred to in Article 1 of the 1999 Act has the same meaning as in that Act;
  - (iv) “Administrative Instructions” means the Administrative Instructions referred to in Rule 34;
  - (v) “communication” means any international application or any request, declaration, invitation, notification or information relating to or accompanying an international application or an international registration that is addressed to the Office of a Contracting Party, the International Bureau, the applicant or the holder by means permitted by these Regulations or the Administrative Instructions;
  - (vi) “official form” means a form established by the International Bureau or an electronic interface made available by the International Bureau on the web site of the Organization, or any form or electronic interface having the same contents and format;
  - (vii) “International Classification” means the Classification established under the Locarno Agreement Establishing an International Classification for Industrial Designs;
  - (viii) “prescribed fee” means the applicable fee set out in the Schedule of Fees;
  - (ix) “Bulletin” means the periodical bulletin in which the International Bureau effects the publications provided for in the 1999 Act, the 1960 Act, the 1934 Act or these Regulations, whatever the medium used;
  - (x) “Contracting Party designated under the 1999 Act” means a designated Contracting Party in respect of which the 1999 Act is applicable, either as the only common Act to which that designated Contracting Party and the applicant’s Contracting Party are bound, or by virtue of Article 31(1), first sentence, of the 1999 Act;
  - (xi) “Contracting Party designated under the 1960 Act” means a designated Contracting Party in respect of which the 1960 Act is applicable, either as the only common Act to which that designated Contracting Party and the State of origin referred to in Article 2 of the 1960 Act are bound, or by virtue of Article 31(1), second sentence, of the 1999 Act;
  - (xii) “international application governed exclusively by the 1999 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1999 Act;
  - (xiii) “international application governed exclusively by the 1960 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1960 Act;

(xiv) “international application governed by both the 1999 Act and the 1960 Act” means an international application in respect of which

- at least one Contracting Party has been designated under the 1999 Act,
- at least one Contracting Party has been designated under the 1960 Act.

(2) [*Correspondence Between Some Expressions Used in the 1999 Act and the 1960 Act*] For the purposes of these Regulations,

(i) reference to “international application” or “international registration” shall be deemed, where appropriate, to include a reference to “international deposit” as referred to in the 1960 Act;

(ii) reference to “applicant” or “holder” shall be deemed, where appropriate, to include a reference to, respectively, “depositor” or “owner” as referred to in the 1960 Act;

(iii) reference to “Contracting Party” shall be deemed, where appropriate, to include a reference to a State party to the 1960 Act;

(iv) reference to “Contracting Party whose Office is an examining Office” shall be deemed, where appropriate, to include a reference to “State having a novelty examination” as defined in Article 2 of the 1960 Act;

(v) reference to “individual designation fee” shall be deemed, where appropriate, to include a reference to the fee mentioned in Article 15(1)2(b) of the 1960 Act.

## *Rule 2*

### *Communication with the International Bureau*

Communications addressed to the International Bureau shall be effected as specified in the Administrative Instructions.

## *Rule 3*

### *Representation Before the International Bureau*

(1) [*Representative; Number Representatives*] (a) The applicant or the holder may have a representative before the International Bureau.

(b) Only one representative may be appointed in respect of a given international application or international registration. Where the appointment indicates several representatives, only the one indicated first shall be considered to be a representative and be recorded as such.

(c) Where a partnership or firm composed of attorneys or patent or trademark agents has been indicated as representative to the International Bureau, it shall be regarded as one representative.

(2) [*Appointment of the Representative*] (a) The appointment of a representative may be made in the international application, provided that the application is signed by the applicant.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder.

(c) Where the International Bureau considers that the appointment of a representative is irregular, it shall notify accordingly the applicant or holder and the purported representative.

(3) [*Recording and Notification of Appointment of a Representative; Effective Date of Appointment*] (a) Where the International Bureau finds that the appointment of a representative complies with the applicable requirements, it shall record the fact that the applicant or holder has a representative, as well as the name and address of the representative, in the International Register. In such a case, the effective date of the appointment shall be the date on which the International Bureau received the international application or separate communication in which the representative is appointed.

(b) The International Bureau shall notify the recording referred to in subparagraph (a) to both the applicant or holder and the representative.

(4) [*Effect of Appointment of a Representative*] (a) Except where these Regulations expressly provide otherwise, the signature of a representative recorded under paragraph (3)(a) shall replace the signature of the applicant or holder.

(b) Except where these Regulations expressly require that a communication be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (3)(a) any communication which, in the absence of a representative, would have to be sent to the applicant or holder; any communication so addressed to the said representative shall have the same effect as if it had been addressed to the applicant or holder.

(c) Any communication addressed to the International Bureau by the representative recorded under paragraph (3)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

(5) [*Cancellation of Recording; Effective Date of Cancellation*] (a) Any recording under paragraph (3)(a) shall be canceled where cancellation is requested in a communication signed by the applicant, holder or representative. The recording shall be canceled *ex officio* by the International Bureau where a new representative is appointed or where a change in ownership is recorded and no representative is appointed by the new holder of the international registration.

(b) The cancellation shall be effective from the date on which the International Bureau receives the corresponding communication.

(c) The International Bureau shall notify the cancellation and its effective date to the representative whose recording has been canceled and to the applicant or holder.

#### *Rule 4*

##### *Calculation of Time Limits*

(1) [*Periods Expressed in Years*] Any period expressed in years shall expire, in the relevant subsequent year, in the month having the same name and on the day having the same number as the month and the day of the event from which the period starts to run, except that, where the event occurred on February 29 and in the relevant subsequent year February ends on the 28th, the period shall expire on February 28.

(2) [*Periods Expressed in Months*] Any period expressed in months shall expire, in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(3) [*Periods Expressed in Days*] The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire accordingly.

(4) [*Expiry on a Day on Which the International Bureau or an Office Is Not Open to the Public*] If a period expires on a day on which the International Bureau or the Office concerned is not open to the public, the period shall, notwithstanding paragraphs (1) to (3), expire on the first subsequent day on which the International Bureau or the Office concerned is open to the public.

#### *Rule 5*

##### *Irregularities in Postal and Delivery Services*

(1) [*Communications Sent Through a Postal Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed,

(ii) that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and

(iii) in cases where not all classes of mail normally reach the International Bureau within two days of mailing, that the communication was mailed by a class of mail which normally reaches the International Bureau within two days of mailing or by airmail.

(2) [*Communications Sent Through a Delivery Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, natural calamity, or other like reason, that the communication was sent not later than five days after the delivery service was resumed, and

(ii) that details of the sending of the communication were recorded by the delivery service at the time of sending.

(3) [*Limitation on Excuse*] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1) or (2) and the communication or a duplicate thereof are received by the International Bureau not later than six months after the expiry of the time limit.

*Rule 6*  
*Languages*

(1) [*International Application*] The international application shall be in English, French or Spanish.

(2) [*Recording and Publication*] The recording in the International Register and the publication in the Bulletin of the international registration and of any data to be both recorded and published under these Regulations in respect of that international registration shall be in English, French and Spanish. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

(3) [*Communications*] Any communication concerning an international application or an international registration shall be

(i) in English, French or Spanish where such communication is addressed to the International Bureau by the applicant or holder, or by an Office;

(ii) in the language of the international application where the communication is addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that any such communications are to be in English, or in French or in Spanish;

(iii) in the language of the international application where the communication is addressed by the International Bureau to the applicant or holder unless that applicant or holder has expressed the wish that all such communications be in English, or be in French or be in Spanish.

(4) [*Translation*] The translations needed for the recordings and publications under paragraph (2) shall be made by the International Bureau. The applicant may annex to the international application a proposed translation of any text matter contained in the international application. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau after having invited the applicant to make, within one month from the invitation, observations on the proposed corrections.

*CHAPTER 2*

*INTERNATIONAL APPLICATIONS  
AND INTERNATIONAL REGISTRATIONS*

*Rule 7*  
*Requirements Concerning the International Application*

(1) [*Form and Signature*] The international application shall be presented on the official form. The international application shall be signed by the applicant.

(2) [*Fees*] The prescribed fees applicable to the international application shall be paid as provided for in Rules 27 and 28.

(3) [*Mandatory Contents of the International Application*] The international application shall contain or indicate

(i) the name of the applicant, given in accordance with the Administrative Instructions;

(ii) the address of the applicant, given in accordance with the Administrative Instructions;

(iii) the Contracting Party or Parties in respect of which the applicant fulfills the conditions to be the holder of an international registration;

(iv) the product or products which constitute the industrial design or in relation to which the industrial design is to be used, with an indication whether the product or products constitute the industrial design or are products in relation to which the industrial design is to be used; the product or products shall preferably be identified by using terms appearing in the list of goods of the International Classification;

(v) the number of industrial designs included in the international application, which may not exceed 100, and the number of reproductions or specimens of the industrial designs accompanying the international application in accordance with Rule 9 or 10;

(vi) the designated Contracting Parties;

(vii) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(4) [*Additional Mandatory Contents of an International Application*] (a) With respect to Contracting Parties designated under the 1999 Act in an international application, that application shall contain, in addition to the indications referred to in paragraph (3)(iii), the indication of the applicant's Contracting Party.

(b) Where a Contracting Party designated under the 1999 Act has notified the Director General, in accordance with Article 5(2)(a) of the 1999 Act, that its law requires one or more of the elements referred to in Article 5(2)(b) of the 1999 Act, the international application shall contain such element or elements, as prescribed in Rule 11.

(c) Where Rule 8 applies, the international application shall, as applicable, contain the indications referred to in paragraphs (2) or (3) thereof and be accompanied by any relevant statement, document, oath or declaration referred to in that Rule.

(5) [*Optional Contents of an International Application*] (a) An element referred to in item (i) or (ii) of Article 5(2)(b) of the 1999 Act or in Article 8(4)(a) of the 1960 Act may, at the option of the applicant, be included in the international application even where that element is not required in consequence of a notification in accordance with Article 5(2)(a) of the 1999 Act or in consequence of a requirement under Article 8(4)(a) of the 1960 Act.

(b) Where the applicant has a representative, the international application shall state the name and address of the representative, given in accordance with the Administrative Instructions.

(c) Where the applicant wishes, under Article 4 of the Paris Convention, to take advantage of the priority of an earlier filing, the international application shall contain a declaration claiming the priority of that earlier filing, together with an indication of the name of the Office where such filing was made and of the date and, where available, the number of that filing and, where the priority claim relates to less than all the industrial designs contained in the international application, the indication of those industrial designs to which the priority claim relates or does not relate.



(d) Where the applicant wishes to take advantage of Article 11 of the Paris Convention, the international application shall contain a declaration that the product or products which constitute the industrial design or in which the industrial design is incorporated have been shown at an official or officially recognized international exhibition, together with the place where the exhibition was held and the date on which the product or products were first exhibited there and, where less than all the industrial designs contained in the international application are concerned, the indication of those industrial designs to which the declaration relates or does not relate.

(e) Where the applicant wishes that publication of the industrial design be deferred, the international application shall contain a request for deferment of publication.

(f) The international application may also contain any declaration, statement or other relevant indication as may be specified in the Administrative Instructions.

(g) The international application may be accompanied by a statement that identifies information known by the applicant to be material to the eligibility for protection of the industrial design concerned.

(6) [*No Additional Matter*] If the international application contains any matter other than that required or permitted by the 1999 Act, the 1960 Act, these Regulations or the Administrative Instructions, the International Bureau shall delete it *ex officio*. If the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of the said document.

(7) [*All Products to Be in Same Class*] All the products which constitute the industrial designs to which an international application relates, or in relation to which the industrial designs are to be used, shall belong to the same class of the International Classification.

### Rule 8

#### *Special Requirements Concerning the Applicant and the Creator*

(1) [*Notification of Special Requirements Concerning the Applicant and the Creator*] (a)(i) Where the law of a Contracting Party bound by the 1999 Act requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of that fact.

(ii) Where the law of a Contracting Party bound by the 1999 Act requires the furnishing of an oath or declaration of the creator, that Contracting Party may, in a declaration, notify the Director General of that fact.

(b) The declaration referred to in subparagraph (a)(i) shall specify the form and mandatory contents of any statement or document required for the purposes of paragraph (2). The declaration referred to in subparagraph (a)(ii) shall specify the form and mandatory contents of the oath or declaration required.

(2) [*Identity of the Creator and Assignment of International Application*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1)(a)(i),

(i) it shall also contain indications concerning the identity of the creator of the industrial design, together with a statement, complying with the requirements specified in accordance with paragraph (1)(b), that the latter believes himself to be the creator of the

industrial design; the person so identified as the creator shall be deemed to be the applicant for the purposes of the designation of that Contracting Party, irrespective of the person named as the applicant in accordance with Rule 7(3)(i);

(ii) where the person identified as the creator is a person other than the person named as the applicant in accordance with Rule 7(3)(i), the international application shall be accompanied by a statement or document, complying with the requirements specified in accordance with paragraph (1)(b), to the effect that it has been assigned by the person identified as the creator to the person named as the applicant. The latter person shall be recorded as the holder of the international registration.

(3) [*Identity of the Creator and Oath or Declaration of the Creator*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1)(a)(ii), it shall also contain indications concerning the identity of the creator of the industrial design.

### *Rule 9*

#### *Reproductions of the Industrial Design*

(1) [*Form and Number of Reproductions of the Industrial Design*] (a) Reproductions of the industrial design shall, at the option of the applicant, be in the form of photographs or other graphic representations of the industrial design itself or of the product or products which constitute the industrial design. The same product may be shown from different angles; views from different angles shall be included in different photographs or other graphic representations.

(b) Any reproduction shall be submitted in the number of copies specified in the Administrative Instructions.

(2) [*Requirements Concerning Reproductions*] (a) Reproductions shall be of a quality permitting all the details of the industrial design to be clearly distinguished and permitting publication.

(b) Matter which is shown in a reproduction but for which protection is not sought may be indicated as provided for in the Administrative Instructions.

(3) [*Views Required*] (a) Subject to subparagraph (b), any Contracting Party bound by the 1999 Act which requires certain specified views of the product or products which constitute the industrial design or in relation to which the industrial design is to be used shall, in a declaration, so notify the Director General, specifying the views that are required and the circumstances in which they are required.

(b) No Contracting Party may require more than one view where the industrial design or product is two-dimensional, or more than six views where the product is three-dimensional.

(4) [*Refusal on Grounds Relating to the Reproductions of the Industrial Design*] A Contracting Party may not refuse the effects of the international registration on the ground that requirements relating to the form of the reproductions of the industrial design that are additional to, or different from, those notified by that Contracting Party in accordance with paragraph (3)(a) have not been satisfied under its law. A Contracting Party may however refuse the effects of the international registration on the ground that the reproductions contained in the international registration are not sufficient to disclose fully the industrial design.

*Rule 10*  
*Specimens of the Industrial Design Where*  
*Deferment of Publication Is Requested*

(1) [*Number of Specimens*] Where an international application governed exclusively by the 1999 Act contains a request for deferment of publication in respect of a two-dimensional industrial design and, instead of being accompanied by the reproductions referred to in Rule 9, is accompanied by specimens of the industrial design, the following number of specimens shall accompany the international application:

- (i) one specimen for the International Bureau, and
- (ii) one specimen for each designated Office that has notified the International Bureau under Article 10(5) of the 1999 Act that it wishes to receive copies of international registrations.

(2) [*Specimens*] All the specimens shall be contained in a single package. The specimens may be folded. The maximum dimensions and weight of the package shall be specified in the Administrative Instructions.

*Rule 11*  
*Identity of Creator; Description; Claim*

(1) [*Identity of Creator*] Where the international application contains indications concerning the identity of the creator of the industrial design, his name and address shall be given in accordance with the Administrative Instructions.

(2) [*Description*] Where the international application contains a description, the latter shall concern those features that appear in the reproductions of the industrial design and may not concern technical features of the operation of the industrial design or its possible utilization. If the description exceeds 100 words, an additional fee, as set out in the Schedule of Fees, shall be payable.

(3) [*Claim*] A declaration under Article 5(2)(a) of the 1999 Act that the law of a Contracting Party requires a claim in order for an application for the grant of protection to an industrial design to be accorded a filing date under that law shall specify the exact wording of the required claim. Where the international application contains a claim, the wording of that claim shall be as specified in the said declaration.

*Rule 12*  
*Fees Concerning the International Application*

(1) [*Prescribed Fees*] (a) The international application shall be subject to the payment of the following fees:

- (i) a basic fee;
- (ii) a standard designation fee in respect of each designated Contracting Party that has not made a declaration under Article 7(2) of the 1999 Act or under Rule 36(1), the level of which will depend on a declaration made under subparagraph (c);
- (iii) an individual designation fee in respect of each designated Contracting Party that has made a declaration under Article 7(2) of the 1999 Act or under Rule 36(1);

(iv) a publication fee.

(b) The level of the standard designation fee referred to in subparagraph (a)(ii) shall be as follows:

(i) for Contracting Parties whose office does not carry out any examination on substantive grounds:.....one

(ii) for Contracting Parties whose office carries out examination on substantive grounds, other than as to novelty:.....two

(iii) for Contracting Parties whose office carries out examination on substantive grounds, including examination as to novelty either *ex officio* or following opposition by third parties:.....three

(c) (i) Any Contracting Party whose legislation entitles it to the application of level two or three under subparagraph (b) may, in a declaration, notify the Director General accordingly. A Contracting Party may also, in its declaration, specify that it opts for the application of level two, even if its legislation entitles it to the application of level three.

(ii) Any declaration made under item (i) shall take effect three months after its receipt by the Director General or at any later date indicated in the declaration. It may also be withdrawn at any time by notification addressed to the Director General, in which case such withdrawal shall take effect one month after its receipt by the Director General or at any later date indicated in the notification. In the absence of such a declaration, or where a declaration has been withdrawn, level one will be deemed to be the level applicable to the standard designation fee in respect of that Contracting Party.

(2) [*When Fees to Be Paid*] The fees referred to in paragraph (1) are, subject to paragraph (3), payable at the time of filing the international application, except that, where the international application contains a request for deferment of publication, the publication fee may be paid later, in accordance with Rule 16(3)(a).

(3) [*Individual Designation Fee Payable in Two Parts*] (a) A declaration under Article 7(2) of the 1999 Act or under Rule 36(1) may also specify that the individual designation fee to be paid in respect of the Contracting Party concerned comprises two parts, the first part to be paid at the time of filing the international application and the second part to be paid at a later date which is determined in accordance with the law of the Contracting Party concerned.

(b) Where subparagraph (a) applies, the reference in paragraph (1)(iii) to an individual designation fee shall be construed as a reference to the first part of the individual designation fee.

(c) The second part of the individual designation fee may be paid either directly to the Office concerned or through the International Bureau, at the option of the holder. Where it is paid directly to the Office concerned, the Office shall notify the International Bureau accordingly and the International Bureau shall record any such notification in the International Register. Where it is paid through the International Bureau, the International Bureau shall record the payment in the International Register and notify the Office concerned accordingly.

(d) Where the second part of the individual designation fee is not paid within the applicable period, the Office concerned shall notify the International Bureau and request the International Bureau to cancel the international registration in the International Register with respect to the Contracting Party concerned. The International Bureau shall proceed accordingly and so notify the holder.

*Rule 13**International Application Filed Through an Office*

(1) [*Date of Receipt by Office and Transmittal to the International Bureau*] Where an international application governed exclusively by the 1999 Act is filed through the Office of the applicant's Contracting Party, that Office shall notify the applicant of the date on which it received the application. At the same time as it transmits the international application to the International Bureau, the Office shall notify the International Bureau of the date on which it received the application. The Office shall notify the applicant of the fact that it has transmitted the international application to the International Bureau.

(2) [*Transmittal Fee*] An Office that requires a transmittal fee, as provided for in Article 4(2) of the 1999 Act, shall notify the International Bureau of the amount of such fee, which should not exceed the administrative costs of receiving and transmitting the international application, and its due date.

(3) [*Filing Date of International Application Filed Indirectly*] Subject to Rule 14(2), the filing date of an international application filed through an Office shall be

(i) where the international application is governed exclusively by the 1999 Act, the date on which the international application was received by that Office, provided that it is received by the International Bureau within one month of that date;

(ii) in any other case, the date on which the International Bureau receives the international application.

(4) [*Filing Date Where Applicant's Contracting Party Requires a Security Clearance*] Notwithstanding paragraph (3), a Contracting Party whose law, at the time that it becomes party to the 1999 Act, requires security clearance may, in a declaration, notify the Director General that the period of one month referred to in that paragraph shall be replaced by a period of six months.

*Rule 14**Examination by the International Bureau*

(1) [*Time Limit for Correcting Irregularities*] If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the applicable requirements, it shall invite the applicant to make the required corrections within three months from the date of the invitation sent by the International Bureau.

(2) [*Irregularities Entailing a Postponement of the Filing Date of the International Application*] Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau. The irregularities which are prescribed as entailing a postponement of the filing date of the international application are the following:

(a) the international application is not in one of the prescribed languages;

(b) any of the following elements is missing from the international application:

(i) an express or implicit indication that international registration under the 1999 Act or the 1960 Act is sought;

- (ii) indications allowing the identity of the applicant to be established;
- (iii) indications sufficient to enable the applicant or its representative, if any, to be contacted;
- (iv) a reproduction, or, in accordance with Article 5(1)(iii) of the 1999 Act, a specimen, of each industrial design that is the subject of the international application;
- (v) the designation of at least one Contracting Party.

(3) [*International Application Considered Abandoned; Reimbursement of Fees*] Where an irregularity, other than an irregularity referred to in Article 8(2)(b) of the 1999 Act, is not remedied within the time limit referred to in paragraph (1), the international application shall be considered abandoned and the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to the basic fee.

### *Rule 15*

#### *Registration of the Industrial Design in the International Register*

(1) [*Registration of the Industrial Design in the International Register*] Where the International Bureau finds that the international application conforms to the applicable requirements, it shall register the industrial design in the International Register and send a certificate to the holder.

(2) [*Contents of the Registration*] The international registration shall contain

- (i) all the data contained in the international application, except any priority claim under Rule 7(5)(c) where the date of the earlier filing is more than six months before the filing date of the international application;
- (ii) any reproduction of the industrial design;
- (iii) the date of the international registration;
- (iv) the number of the international registration;
- (v) the relevant class of the International Classification, as determined by the International Bureau.

### *Rule 16*

#### *Deferment of Publication*

(1) [*Maximum Period of Deferment*] (a) The prescribed period for deferment of publication in respect of an international application governed exclusively by the 1999 Act shall be 30 months from the filing date or, where priority is claimed, from the priority date of the application concerned.

(b) The maximum period for deferment of publication in respect of an international application governed exclusively by the 1960 Act or by both the 1999 Act and the 1960 Act shall be 12 months from the filing date or, where priority is claimed, from the priority date of the application concerned.

(2) [*Period for Withdrawal of Designation Where Deferment Is Not Possible Under Applicable Law*] The period referred to in Article 11(3)(i) of the 1999 Act for the applicant to withdraw the designation of a Contracting Party whose law does not allow the deferment of publication shall be one month from the date of the notification sent by the International Bureau.

(3) [*Period for Paying Publication Fee*] (a) The publication fee referred to in Rule 12(1)(a)(iv) shall be paid not later than three weeks before the period of deferment applicable under Article 11(2) of the 1999 Act or under Article 6(4)(a) of the 1960 Act expires or not later than three weeks before the period of deferment is considered to have expired in accordance with Article 11(4)(a) of the 1999 Act or with Article 6(4)(b) of the 1960 Act.

(b) Three months before the expiry of the period of deferment of publication referred to in subparagraph (a), the International Bureau shall, by sending an unofficial notice, remind the holder of the international registration, where applicable, of the date by which the publication fee referred to in subparagraph (a) shall be paid.

(4) [*Period for Submitting Reproductions and Registration of Reproductions*] (a) Where specimens have been submitted instead of reproductions in accordance with Rule 10, those reproductions shall be submitted not later than three months before the expiry of the period for paying the publication fee set under paragraph (3)(a).

(b) The International Bureau shall record in the International Register any reproduction submitted under subparagraph (a), provided that the requirements under Rule 9(1) and (2) are complied with.

(5) [*Requirements Not Complied With*] If the requirements of paragraphs (3) and (4) are not complied with, the international registration shall be canceled and shall not be published.

### *Rule 17*

#### *Publication of the International Registration*

(1) [*Timing of Publication*] The international registration shall be published

- (i) where the applicant so requests, immediately after the registration,
- (ii) where deferment of publication has been requested and the request has not been disregarded, immediately after the date on which the period of deferment expired or is considered to have expired,
- (iii) in any other case, six months after the date of the international registration or as soon as possible thereafter.

(2) [*Contents of Publication*] The publication of the international registration in the Bulletin shall contain

- (i) the data recorded in the International Register;
- (ii) the reproduction or reproductions of the industrial design;
- (iii) where publication has been deferred, an indication of the date on which the period of deferment expired or is considered to have expired.

### CHAPTER 3

#### REFUSALS AND INVALIDATIONS

##### *Rule 18*

##### *Notification of Refusal*

(1) [*Period for Notification of Refusal*] (a) The prescribed period for the notification of refusal of the effects of an international registration in accordance with Article 12(2) of the 1999 Act or Article 8(1) of the 1960 Act shall be six months from the publication of the international registration as provided for by Rule 26(3).

(b) Notwithstanding subparagraph (a), any Contracting Party whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General that, where it is designated under the 1999 Act, the period of six months referred to in that subparagraph shall be replaced by a period of 12 months.

(c) The declaration referred to in subparagraph (b) may also state that the international registration shall produce the effect referred to in Article 14(2)(a) of the 1999 Act at the latest

(i) at a time specified in the declaration which may be later than the date referred to in that Article but which shall not be more than six months after the said date or

(ii) at a time at which protection is granted according to the law of the Contracting Party where a decision regarding the grant of protection was unintentionally not communicated within the period applicable under subparagraph (a) or (b); in such a case, the Office of the Contracting Party concerned shall notify the International Bureau accordingly and endeavor to communicate such decision to the holder of the international registration concerned promptly thereafter.

(2) [*Notification of Refusal*] (a) The notification of any refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

(i) the Office making the notification,

(ii) the number of the international registration,

(iii) all the grounds on which the refusal is based together with a reference to the corresponding essential provisions of the law,

(iv) where the grounds on which the refusal is based refer to similarity with an industrial design which has been the subject of an earlier national, regional or international application or registration, the filing date and number, the priority date (if any), the registration date and number (if available), a copy of a reproduction of the earlier industrial design (if that reproduction is accessible to the public) and the name and address of the owner of the said industrial design, as provided for in the Administrative Instructions,

(v) where the refusal does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,

(vi) whether the refusal may be subject to review or appeal and, if so, the time limit, reasonable under the circumstances, for any request for review of, or appeal against, the refusal and the authority to which such request for review or appeal shall lie, with the indication, where applicable, that the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal, and

(vii) the date on which the refusal was pronounced.



(3) [*Notification of Division of International Registration*] Where, following a notification of refusal in accordance with Article 13(2) of the 1999 Act, an international registration is divided before the Office of a designated Contracting Party in order to overcome a ground of refusal stated in that notification, that Office shall notify the International Bureau of such data concerning the division as shall be specified in the Administrative Instructions.

(4) [*Notification of Withdrawal of Refusal*] (a) The notification of any withdrawal of refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

- (i) the Office making the notification,
- (ii) the number of the international registration,
- (iii) where the withdrawal does not relate to all the industrial designs to which the refusal applied, those to which it relates or does not relate,
- (iv) the date on which the international registration produced the effect as a grant of protection under the applicable law, and
- (v) the date on which the refusal was withdrawn.

(c) Where the international registration was amended in a procedure before the Office, the notification shall also contain or indicate all amendments.

(5) [*Recording*] The International Bureau shall record any notification received under paragraph (1)(c)(ii), (2) or (4) in the International Register together with, in the case of a notification of refusal, an indication of the date on which the notification of refusal was sent to the International Bureau.

(6) [*Transmittal of Copies of Notifications*] The International Bureau shall transmit copies of notifications received under paragraph (1)(c)(ii), (2) or (4) to the holder.

#### *Rule 18bis* *Statement of Grant of Protection*

(1) [*Statement of Grant of Protection Where No Notification of Refusal Has Been Communicated*] (a) An Office which has not communicated a notification of refusal may, within the period applicable under Rule 18(1)(a) or (b), send to the International Bureau a statement to the effect that protection is granted to the industrial designs, or some of the industrial designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

(b) The statement shall indicate

- (i) the Office making the statement,
- (ii) the number of the international registration,
- (iii) where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates,
- (iv) the date on which the international registration produced or shall produce the effect as a grant of protection under the applicable law, and
- (v) the date of the statement.

(c) Where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments.

(d) Notwithstanding subparagraph (a), where Rule 18(1)(c)(i) or (ii) applies, as the case may be, or where protection is granted to the industrial designs following amendments in a procedure before the Office, the said Office must send to the International Bureau the statement referred to in subparagraph (a).

(e) The applicable period referred to in subparagraph (a) shall be the period allowed pursuant to Rule 18(1)(c)(i) or (ii), as the case may be, to produce the effect as a grant of protection under the applicable law, with respect to a designation of a Contracting Party having made a declaration under either of the aforementioned Rules.

(2) [*Statement of Grant of Protection Following a Refusal*] (a) An Office which has communicated a notification of refusal and which has decided to either partially or totally withdraw such refusal, may, instead of notifying a withdrawal of refusal in accordance with Rule 18(4)(a), send to the International Bureau a statement to the effect that protection is granted to the industrial designs, or some of the industrial designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

(b) The statement shall indicate

- (i) the Office making the notification,
- (ii) the number of the international registration,
- (iii) where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,
- (iv) the date on which the international registration produced the effect as a grant of protection under the applicable law, and
- (v) the date of the statement.

(c) Where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments.

(3) [*Recording, Information to the Holder and Transmittal of Copies*] The International Bureau shall record any statement received under this Rule in the International Register, inform the holder accordingly and, where the statement was communicated, or can be reproduced, in the form of a specific document, transmit a copy of that document to the holder.

### *Rule 19* *Irregular Refusals*

(1) [*Notification Not Regarded as Such*] (a) A notification of refusal shall not be regarded as such by the International Bureau and shall not be recorded in the International Register

(i) if it does not indicate the number of the international registration concerned, unless other indications contained in the notification permit the said registration to be identified,

(ii) if it does not indicate any grounds for refusal, or

(iii) if it is sent to the International Bureau after the expiry of the period applicable under Rule 18(1).

(b) Where subparagraph (a) applies, the International Bureau shall, unless it cannot identify the international registration concerned, transmit a copy of the notification to the holder, shall inform, at the same time, the holder and the Office that sent the notification that the notification of refusal is not regarded as such by the International Bureau and has not been recorded in the International Register, and shall indicate the reasons therefor.

- (2) [*Irregular Notification*] If the notification of refusal
- (i) is not signed on behalf of the Office which communicated the refusal, or does not comply with the requirements established under Rule 2,
  - (ii) does not comply, where applicable, with the requirements of Rule 18(2)(b)(iv),
  - (iii) does not indicate, where applicable, the authority to which a request for review or an appeal lies and the applicable time limit, reasonable under the circumstances, for lodging such a request or appeal (Rule 18(2)(b)(vi)),
  - (iv) does not indicate the date on which the refusal was pronounced (Rule 18(2)(b)(vii)),
- the International Bureau shall nevertheless record the refusal in the International Register and transmit a copy of the notification to the holder. If so requested by the holder, the International Bureau shall invite the Office which communicated the refusal to rectify its notification without delay.

#### *Rule 20*

##### *Invalidation in Designated Contracting Parties*

- (1) [*Contents of the Notification of Invalidation*] Where the effects of an international registration are invalidated in a designated Contracting Party and the invalidation is no longer subject to any review or appeal, the Office of the Contracting Party whose competent authority has pronounced the invalidation shall, where it is aware of the invalidation, notify the International Bureau accordingly. The notification shall indicate
- (i) the authority which pronounced the invalidation,
  - (ii) the fact that the invalidation is no longer subject to appeal,
  - (iii) the number of the international registration,
  - (iv) where the invalidation does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,
  - (v) the date on which the invalidation was pronounced and its effective date.

- (2) [*Recording of the Invalidation*] The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation.

### *CHAPTER 4*

#### *CHANGES AND CORRECTIONS*

#### *Rule 21*

##### *Recording of a Change*

- (1) [*Presentation of the Request*] (a) A request for the recording shall be presented to the International Bureau on the relevant official form where the request relates to any of the following:
- (i) a change in the ownership of the international registration in respect of all or some of the industrial designs that are the subject of the international registration;
  - (ii) a change in the name or address of the holder;

(iii) a renunciation of the international registration in respect of any or all of the designated Contracting Parties;

(iv) a limitation, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration.

(b) The request shall be presented by the holder and signed by the holder; however, a request for the recording of a change in ownership may be presented by the new owner, provided that it is

(i) signed by the holder, or

(ii) signed by the new owner and accompanied by an attestation from the competent authority of the holder's Contracting Party that the new owner appears to be the successor in title of the holder.

(2) [*Contents of the Request*] The request for the recording of a change shall, in addition to the requested change, contain or indicate

(i) the number of the international registration concerned,

(ii) the name of the holder, unless the change relates to the name or address of the representative,

(iii) in case of a change in the ownership of the international registration, the name and address, given in accordance with the Administrative Instructions, of the new owner of the international registration,

(iv) in case of a change in the ownership of the international registration, the Contracting Party or Parties in respect of which the new owner fulfills the conditions to be the holder of an international registration,

(v) in case of a change in the ownership of the international registration that does not relate to all the industrial designs and to all the Contracting Parties, the numbers of the industrial designs and the designated Contracting Parties to which the change in ownership relates, and

(vi) the amount of the fees being paid and the method of payment, or instruction to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(3) [*Request Not Admissible*] A change in the ownership of an international registration may not be recorded in respect of a designated Contracting Party if that Contracting Party is not bound by an Act to which the Contracting Party, or one of the Contracting Parties, indicated under paragraph (2)(iv) is bound.

(4) [*Irregular Request*] If the request does not comply with the applicable requirements, the International Bureau shall notify that fact to the holder and, if the request was made by a person claiming to be the new owner, to that person.

(5) [*Time Allowed to Remedy Irregularity*] The irregularity may be remedied within three months from the date of the notification of the irregularity by the International Bureau. If the irregularity is not remedied within the said three months, the request shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the holder and, if the request was presented by a person claiming to be the new owner, that person, and shall refund any fees paid, after deduction of an amount corresponding to one-half of the relevant fees.

(6) [*Recording and Notification of a Change*] (a) The International Bureau shall, provided that the request is in order, promptly record the change in the International Register and shall inform the holder. In the case of a recording of a change in ownership, the International Bureau will inform both the new holder and the previous holder.

(b) The change shall be recorded as of the date of receipt by the International Bureau of the request complying with the applicable requirements. Where however the request indicates that the change should be recorded after another change, or after renewal of the international registration, the International Bureau shall proceed accordingly.

(7) [*Recording of Partial Change in Ownership*] Assignment or other transfer of the international registration in respect of some only of the industrial designs, or some only of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred; any assigned or otherwise transferred part shall be canceled under the number of the said international registration and recorded as a separate international registration. The separate international registration shall bear the number of the international registration of which a part has been assigned or otherwise transferred, together with a capital letter.

(8) [*Recording of Merger of International Registrations*] Where the same person becomes the holder of two or more international registrations resulting from a partial change in ownership, the registrations shall be merged at the request of the said person and paragraphs (1) to (6) shall apply *mutatis mutandis*. The international registration resulting from the merger shall bear the number of the international registration of which a part had been assigned or otherwise transferred, together, where applicable, with a capital letter.

#### *Rule 21bis*

##### *Declaration That a Change in Ownership Has No Effect*

(1) [*Declaration and Its Effect*] The Office of a designated Contracting Party may declare that a change in ownership recorded in the International Register has no effect in the said Contracting Party. The effect of such a declaration shall be that, with respect to the said Contracting Party, the international registration concerned shall remain in the name of the transferor.

(2) [*Contents of the Declaration*] The declaration referred to in paragraph (1) shall indicate

(a) the reasons for which the change in ownership has no effect,  
(b) the corresponding essential provisions of the law,  
(c) where the declaration does not relate to all the industrial designs that are the subject of the change in ownership, those to which it relates, and

(d) whether such declaration may be subject to review or appeal and, if so, the time limit, reasonable under the circumstances, for any request for review of, or appeal against, the declaration and the authority to which such request for review or appeal shall lie, with the indication, where applicable, that the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the declaration.

(3) [*Period for Declaration*] The declaration referred to in paragraph (1) shall be sent to the International Bureau within six months from the date of the publication of the said change in ownership or within the applicable refusal period in accordance with Article 12(2) of the 1999 Act or Article 8(1) of the 1960 Act, whichever expires later.

(4) [*Recording and Notification of the Declaration; Consequential Modification of the International Register*] The International Bureau shall record in the International Register any declaration made in accordance with paragraph (3) and shall modify the International Register, whereby that part of the international registration which has been the subject of the said declaration shall be recorded as a separate international registration in the name of the previous holder (transferor). The International Bureau shall notify accordingly the previous holder (transferor) and the new holder (transferee).

(5) [*Withdrawal of Declaration*] Any declaration made in accordance with paragraph (3) may be withdrawn, in part or in whole. The withdrawal of declaration shall be notified to the International Bureau which shall record it in the International Register. The International Bureau shall modify the International Register accordingly, and shall notify accordingly the previous holder (transferor) and the new holder (transferee).

#### *Rule 22*

##### *Corrections in the International Register*

(1) [*Correction*] Where the International Bureau, acting *ex officio* or at the request of the holder, considers that there is an error concerning an international registration in the International Register, it shall modify the Register and inform the holder accordingly.

(2) [*Refusal of Effects of Correction*] The Office of any designated Contracting Party shall have the right to declare in a notification to the International Bureau that it refuses to recognize the effects of the correction. Rules 18 to 19 shall apply *mutatis mutandis*.

## *CHAPTER 5*

### *RENEWALS*

#### *Rule 23*

##### *Unofficial Notice of Expiry*

Six months before the expiry of a five-year term, the International Bureau shall send to the holder and the representative, if any, a notice indicating the date of expiry of the international registration. The fact that the said notice is not received shall not constitute an excuse for failure to comply with any time limit under Rule 24.

*Rule 24*  
*Details Concerning Renewal*

(1) [*Fees*] (a) The international registration shall be renewed upon payment of the following fees:

(i) a basic fee;

(ii) a standard designation fee in respect of each Contracting Party designated under the 1999 Act that has not made a declaration under Article 7(2) of the 1999 Act, and each Contracting Party designated under the 1960 Act, for which the international registration is to be renewed;

(iii) an individual designation fee for each Contracting Party designated under the 1999 Act that has made a declaration under Article 7(2) of the 1999 Act and for which the international registration is to be renewed.

(b) The amounts of the fees referred to in items (i) and (ii) of subparagraph (a) are set out in the Schedule of Fees.

(c) The payment of the fees referred to in subparagraph (a) shall be made at the latest on the date on which the renewal of the international registration is due. However, it may still be made within six months from the date on which the renewal of the international registration is due, provided that the surcharge specified in the Schedule of Fees is paid at the same time.

(d) If any payment made for the purposes of renewal is received by the International Bureau earlier than three months before the date on which the renewal of the international registration is due, it shall be considered as having been received three months before that date.

(2) [*Further Details*] (a) Where the holder does not wish to renew the international registration

(i) in respect of a designated Contracting Party, or

(ii) in respect of any of the industrial designs that are the subject of the international registration,

payment of the required fees shall be accompanied by a statement indicating the Contracting Party or the numbers of the industrial designs for which the international registration is not to be renewed.

(b) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that the maximum period of protection for industrial designs in that Contracting Party has expired, payment of the required fees, including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(c) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that a refusal is recorded in the International Register for that Contracting Party in respect of all the industrial designs concerned, payment of the required fees, including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement specifying that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(d) The international registration may not be renewed in respect of any designated Contracting Party in respect of which an invalidation has been recorded for all the industrial designs under Rule 20 or in respect of which a renunciation has been recorded under Rule 21. The international registration may not be renewed in respect of any

designated Contracting Party for those industrial designs in respect of which an invalidation in that Contracting Party has been recorded under Rule 20 or in respect of which a limitation has been recorded under Rule 21.

(3) [*Insufficient Fees*] (a) If the amount of the fees received is less than the amount required for renewal, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly. The notification shall specify the missing amount.

(b) If the amount of the fees received is, on the expiry of the period of six months referred to in paragraph (1)(c), less than the amount required for renewal, the International Bureau shall not record the renewal, shall refund the amount received and shall notify accordingly the holder and the representative, if any.

#### *Rule 25*

##### *Recording of the Renewal; Certificate*

(1) [*Recording and Effective Date of the Renewal*] Renewal shall be recorded in the International Register with the date on which renewal was due, even if the fees required for renewal are paid within the period of grace referred to in Rule 24(1)(c).

(2) [*Certificate*] The International Bureau shall send a certificate of renewal to the holder.

### *CHAPTER 6*

#### *PUBLICATION*

#### *Rule 26*

##### *Publication*

(1) [*Information Concerning International Registrations*] The International Bureau shall publish in the Bulletin relevant data concerning

- (i) international registrations, in accordance with Rule 17;
- (ii) refusals, with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal, and other communications recorded under Rules 18(5) and 18*bis*(3);
- (iii) invalidations recorded under Rule 20(2);
- (iv) changes in ownership and mergers, changes of name or address of the holder, renunciations and limitations recorded under Rule 21;
- (v) corrections effected under Rule 22;
- (vi) renewals recorded under Rule 25(1);
- (vii) international registrations which have not been renewed;
- (viii) cancellations recorded under Rule 12(3)(d);
- (ix) declarations that a change in ownership has no effect and withdrawals of such declarations recorded under Rule 21*bis*.



(2) [*Information Concerning Declarations; Other Information*] The International Bureau shall publish on the web site of the Organization any declaration made by a Contracting Party under the 1999 Act, the 1960 Act or these Regulations, as well as a list of the days on which the International Bureau is not scheduled to open to the public during the current and the following calendar year.

(3) [*Mode of Publishing the Bulletin*] The Bulletin shall be published on the web site of the Organization. The publication of each issue of the Bulletin shall be deemed to replace the sending of the Bulletin referred to in Article 10(3)(b) and 16(4) of the 1999 Act and Article 6(3)(b) of the 1960 Act, and, for the purposes of Article 8(2) of the 1960 Act, each issue of the Bulletin shall be deemed to have been received by each Office concerned on the date of its publication on the web site of the Organization.

## CHAPTER 7

### FEES

#### Rule 27

#### *Amounts and Payment of Fees*

(1) [*Amounts of Fees*] The amounts of fees due under the 1999 Act, the 1960 Act and these Regulations, other than individual designation fees referred to in Rule 12(1)(a)(iii), shall be specified in the Schedule of Fees which is annexed to these Regulations and forms an integral part thereof.

(2) [*Payment*] (a) Subject to subparagraph (b) and Rule 12(3)(c), the fees shall be paid directly to the International Bureau.

(b) Where the international application is filed through the Office of the applicant's Contracting Party, the fees payable in connection with that application may be paid through that Office if it accepts to collect and forward such fees and the applicant or the holder so wishes. Any Office which accepts to collect and forward such fees shall notify that fact to the Director General.

(3) [*Modes of Payment*] Fees shall be paid to the International Bureau in accordance with the Administrative Instructions.

(4) [*Indications Accompanying the Payment*] At the time of the payment of any fee to the International Bureau, an indication must be given,

(i) before international registration, of the name of the applicant, the industrial design concerned and the purpose of the payment;

(ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment.

(5) [*Date of Payment*] (a) Subject to Rule 24(1)(d) and subparagraph (b), any fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives the required amount.

(b) Where the required amount is available in an account opened with the International Bureau and that Bureau has received instructions from the holder of the account to debit it, the fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives an international application, a request for the recording of a change, or an instruction to renew an international registration.

(6) [*Change in the Amount of the Fees*] (a) Where an international application is filed through the Office of the applicant's Contracting Party and the amount of the fees payable in respect of the filing of the international application is changed between, on the one hand, the date on which the international application was received by that Office and, on the other hand, the date of the receipt of the international application by the International Bureau, the fee that was valid on the first date shall be applicable.

(b) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid on the date of payment, or on the date considered to be the date of payment under Rule 24(1)(d), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.

(c) Where the amount of any fee other than the fees referred to in subparagraphs (a) and (b) is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.

### *Rule 28* *Currency of Payments*

(1) [*Obligation to Use Swiss Currency*] All payments made under these Regulations to the International Bureau shall be in Swiss currency irrespective of the fact that, where the fees are paid through an Office, such Office may have collected those fees in another currency.

(2) [*Establishment of the Amount of Individual Designation Fees in Swiss Currency*] (a) Where a Contracting Party makes a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) that it wants to receive an individual designation fee, the amount of the fee indicated to the International Bureau shall be expressed in the currency used by its Office.

(b) Where the fee is indicated in the declaration referred to in subparagraph (a) in a currency other than Swiss currency, the Director General shall, after consultation with the Office of the Contracting Party concerned, establish the amount of the fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(c) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount on the web site of the Organization.

(d) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is lower by at least 10%

than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Director General shall establish a new amount of the fee in Swiss currency according to the current official exchange rate of the United Nations. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount on the web site of the Organization.

*Rule 29*

*Crediting of Fees to the Accounts of the Contracting Parties Concerned*

Any standard designation fee or individual designation fee paid to the International Bureau in respect of a Contracting Party shall be credited to the account of that Contracting Party with the International Bureau within the month following the month in the course of which the recording of the international registration or renewal for which that fee has been paid was effected or, as regards the second part of the individual designation fee, immediately upon its receipt by the International Bureau.

*CHAPTER 8 [Deleted]*

*Rule 30 [Deleted]*

*Rule 31 [Deleted]*

*CHAPTER 9*

*MISCELLANEOUS*

*Rule 32*

*Extracts, Copies and Information Concerning  
Published International Registrations*

(1) [*Modalities*] Against payment of a fee whose amount shall be fixed in the Schedule of Fees, any person may obtain from the International Bureau, in respect of any published international registration:

- (i) extracts from the International Register;
- (ii) certified copies of recordings made in the International Register or of items in the file of the international registration;
- (iii) uncertified copies of recordings made in the International Register or of items in the file of the international registration;
- (iv) written information on the contents of the International Register or of the file of the international registration;
- (v) a photograph of a specimen.

(2) [*Exemption from Authentication, Legalization or any Other Certification*] In respect of a document referred to in paragraph (1)(i) and (ii), bearing the seal of the International Bureau and the signature of the Director General or a person acting on his behalf, no authority of any Contracting Party shall require authentication, legalization or any other certification of such document, seal or signature, by any other person or authority. The present paragraph applies *mutatis mutandis* to the international registration certificate referred to in Rule 15(1).

### *Rule 33* *Amendment of Certain Rules*

(1) [*Requirement of Unanimity*] Amendment of the following provisions of these Regulations shall require unanimity of the Contracting Parties bound by the 1999 Act:

- (i) Rule 13(4);
- (ii) Rule 18(1).

(2) [*Requirement of Four-Fifths Majority*] Amendment of the following provisions of the Regulations and of paragraph (3) of the present Rule shall require a four-fifths majority of the Contracting Parties bound by the 1999 Act:

- (i) Rule 7(7);
- (ii) Rule 9(3)(b);
- (iii) Rule 16(1)(a);
- (iv) Rule 17(1)(iii).

(3) [*Procedure*] Any proposal for amending a provision referred to in paragraph (1) or (2) shall be sent to all Contracting Parties at least two months prior to the opening of the session of the Assembly which is called upon to make a decision on the proposal.

### *Rule 34* *Administrative Instructions*

(1) [*Establishment of Administrative Instructions; Matters Governed by Them*]  
(a) The Director General shall establish Administrative Instructions. The Director General may modify them. The Director General shall consult the Offices of the Contracting Parties with respect to the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(2) [*Control by the Assembly*] The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

(3) [*Publication and Effective Date*] (a) The Administrative Instructions and any modification thereof shall be published on the web site of the Organization.

(b) Each publication shall specify the date on which the published provisions become effective. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication on the web site of the Organization.

(4) [*Conflict with the 1999 Act, the 1960 Act or These Regulations*] In the case of conflict between, on the one hand, any provision of the Administrative Instructions and, on the other hand, any provision of the 1999 Act, the 1960 Act or of these Regulations, the latter shall prevail.

#### *Rule 35*

##### *Declarations Made by Contracting Parties to the 1999 Act*

(1) [*Making and Coming into Effect of Declarations*] Article 30(1) and (2) of the 1999 Act shall apply *mutatis mutandis* to the making of any declaration under Rules 8(1), 9(3)(a), 13(4) or 18(1)(b) and to its coming into effect.

(2) [*Withdrawal of Declarations*] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect upon receipt by the Director General of the notification of withdrawal or at any later date indicated in the notification. In the case of a declaration made under Rule 18(1)(b), the withdrawal shall not affect an international registration whose date is earlier than the coming into effect of the said withdrawal.

#### *Rule 36*

##### *Declarations Made by Contracting Parties to the 1960 Act*

(1)\* [*Individual Designation Fee*] For the purpose of Article 15(1)2(b) of the 1960 Act, any Contracting Party to the 1960 Act whose Office is an Examining Office may, in a declaration, notify the Director General that, in connection with any international application in which it is designated under the 1960 Act, the standard designation fee referred to in Rule 12(1)(a)(ii) shall be replaced by an individual designation fee, whose amount shall be indicated in the declaration and can be changed in further declarations. The said amount may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

(2) [*Maximum Duration of Protection*] Each Contracting Party to the 1960 Act shall, in a declaration, notify the Director General of the maximum duration of protection provided for by its law.

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\* [WIPO Note]: Recommendation adopted by the Assembly of the Hague Union:

“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”

(3) [*Time at Which Declarations May Be Made*] Any declaration under paragraphs (1) and (2) may be made

(i) at the time of the deposit of an instrument referred to in Article 26(2) of the 1960 Act, in which case it shall become effective on the date on which the State having made the declaration becomes bound by this Act, or

(ii) after the deposit of an instrument referred to in Article 26(2) of the 1960 Act, in which case it shall become effective one month after the date of its receipt by the Director General or at any later date indicated in the declaration but shall apply only in respect of any international registration whose date of international registration is the same as, or is later than, the effective date of the declaration.

### *Rule 37*

#### *Transitional Provisions*

(1) [*Transitional Provision Relating to the 1934 Act*] (a) For the purpose of this provision,

(i) “1934 Act” means the Act signed at London on June 2, 1934, of the Hague Agreement;

(ii) “Contracting Party designated under the 1934 Act” means a Contracting Party recorded as such in the International Register;

(iii) reference to “international application” or “international registration” shall be deemed, where appropriate, to include a reference to “international deposit” as referred to in the 1934 Act.

(b) The Common Regulations Under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement as in force before January 1, 2010, shall remain applicable to an international application filed before that date and that is still pending on that date, as well as in respect of any Contracting Party designated under the 1934 Act in an international registration resulting from an international application filed before that date.

(2) [*Transitional Provision Concerning Languages*] Rule 6 as in force before April 1, 2010, shall continue to apply to any international application filed before that date and to the international registration resulting therefrom.

## SCHEDULE OF FEES

(as in force on January 1, 2015)

*Swiss francs*

I. <i>International Applications</i>		
1.	Basic fee*	
1.1	For one design	397
1.2	For each additional design included in the same international application	19
2.	Publication fee*	
2.1	For each reproduction to be published	17
2.2	For each page, in addition to the first, on which one or more reproductions are shown (where the reproductions are submitted on paper)	150
3.	Additional fee where the description exceeds 100 words per word exceeding 100 words	2

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\*

For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act. If there are several applicants, each must fulfill the said criteria. Where such fee reduction applies, the basic fee is fixed at 40 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application), the publication fee is fixed at 2 Swiss francs for each reproduction and 15 Swiss francs for each page, in addition to the first, on which one or more reproductions are shown, and the additional fee where the description exceeds 100 words is fixed at 1 Swiss franc per group of five words exceeding 100 words.

*Swiss francs*

4.	Standard designation fee**	
4.1	Where level one applies:	
4.1.1	For one design	42
4.1.2	For each additional design included in the same international application	2
4.2	Where level two applies:	
4.2.1	For one design	60
4.2.2	For each additional design included in the same international application	20
4.3	Where level three applies:	
4.3.1	For one design	90
4.3.2	For each additional design included in the same international application	50
5.	Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)♦	

\*\*

For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the standard fees are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act. If there are several applicants, each must fulfill the said criteria.

Where such reduction applies, the standard designation fee is fixed at 4 Swiss francs (for one design) and 1 Swiss franc (for each additional design included in the same international application) under level one, 6 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application) under level two, and 9 Swiss francs (for one design) and 5 Swiss francs (for each additional design included in the same international application) under level three.

♦

[WIPO Note]: Recommendation adopted by the Assembly of the Hague Union:

“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”



*Swiss francs*

II. [Deleted]

6. [Deleted]

III. *Renewal of an International Registration Resulting From an International Application Governed Exclusively or Partly by the 1960 Act or by the 1999 Act*

7. Basic fee

7.1 For one design 200

7.2 For each additional design included in the same international registration 17

8. Standard designation fee

8.1 For one design 21

8.2 For each additional design included in the same international registration 1

9. Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)

10. Surcharge (period of grace)

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IV. [Deleted]

11. [Deleted]

12. [Deleted]

V. *Miscellaneous Recordings*

13. Change in ownership 144

14. Change of name and/or address of the holder

14.1 For one international registration 144

14.2 For each additional international registration of the same holder included in the same request 72

15. Renunciation 144

16. Limitation 144

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\*\*\* 50% of the renewal basic fee.

*Swiss francs*

# VI. *Information Concerning Published International Registrations*

17.	Supply of an extract from the International Register relating to a published international registration	144
18.	Supply of non-certified copies of the International Register or of items in the file of a published international registration	
18.1	For the first five pages	26
18.2	For each additional page after the fifth if the copies are requested at the same time and relate to the same international registration	2
19.	Supply of certified copies from the International Register or of items in the file of a published international registration	
19.1	For the first five pages	46
19.2	For each additional page after the fifth if the copies are requested at the same time and relate to the same international registration	2
20.	Supply of a photograph of a specimen	57
21.	Supply of written information on the contents of the International Register or of the file of a published international registration	
21.1	Concerning one international registration	82
21.2	Concerning any additional international registration of the same holder if the same information is requested at the same time	10
22.	Search in the list of owners of international registrations	
22.1	Per search by the name of a given person or entity	82
22.2	For each international registration found beyond the first one	10
23.	Surcharge for the communication of extracts, copies, information or search reports by telefacsimile (per page)	4

# VII. *Services Provided by the International Bureau*

24.	The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for services not covered by this Schedule of Fees.	
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# **Administrative Instructions for the Application of the Hague Agreement**

(as in force on July 1, 2014)

## **TABLE OF CONTENTS**

*Part One: Definitions*

Section 101: Abbreviated Expressions

*Part Two: Communications with the International Bureau*

Section 201: Communication in Writing; Several Documents in One Envelope

Section 202: Signature

Section 203: Communication by Telefacsimile

Section 204: Electronic Communications

Section 205: Communications Through User Accounts Available on the Web Site of the Organization

*Part Three: Requirements Concerning Names and Addresses*

Section 301: Names and Addresses

Section 302: Address for Correspondence

*Part Four: Requirements Concerning Reproductions and Other Elements of the International Application*

Section 401: Presentation of Reproductions

Section 402: Representation of the Industrial Design

Section 403: Disclaimers and Matter That Does Not Form Part of the Industrial Design or the Product in Relation to Which the Industrial Design Is to Be Used

Section 404: Requirements for Photographs and Other Graphic Representations

Section 405: Numbering of Reproductions and Legends

Section 406: Requirements for Specimens

Section 407: Relation with a Principal Industrial Design or a Principal Application or Registration

Section 408: Permitted Matters in the International Application and Permitted Documents Accompanying an International Application

*Part Five: Refusals*

Section 501: Date of Sending of Notification of Refusal

Section 502: Notification of Division of an International Registration

*Part Six: Request for the Recording of a Limitation or Renunciation when Publication Deferred*

Section 601: Latest Time to Request the Recording of a Limitation or Renunciation

*Part Seven: Renewal*

Section 701: Unofficial Notice of Expiry

*Part Eight: Fees*

Section 801: Modes of Payment

*Part Nine: Confidential Copies*

Section 901: Transmission of Confidential Copies

Section 902: Updating of Data Concerning the International Registration

## **Part One Definitions**

### *Section 101: Abbreviated Expressions*

- (a) For the purposes of these Administrative Instructions:
  - (i) “Regulations” means the Common Regulations under the Hague Agreement Concerning the International Registration of Industrial Designs;
  - (ii) “Rule” means a Rule of the Regulations;
- (b) An expression which is used in these Administrative Instructions and is referred to in Rule 1 has the same meaning as in the Regulations.

## **Part Two Communications with the International Bureau**

### *Section 201: Communication in Writing; Several Documents in One Envelope*

- (a) Communications addressed to the International Bureau shall be effected in writing by typewriter or other machine and shall be signed.
- (b) If several documents are mailed in one envelope, they should be accompanied by a list identifying each of them.

### *Section 202: Signature*

A signature shall be hand written, printed or stamped; it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 204(a)(i) or (ii) or communications through a user account referred to in Section 205, by a mode of identification to be determined by the International Bureau or agreed upon between the International Bureau and the Office concerned, as the case may be.

### *Section 203: Communication by Telefacsimile*

- (a) Any communication, other than an international application containing a reproduction to be published in color, may be addressed to the International Bureau by telefacsimile, provided that where the communication must be presented on an official form, the official form is used for the purposes of the telefacsimile communication.
- (b) An international application addressed to the International Bureau by telefacsimile shall not have effect unless, prior to the expiration of 20 days counted from the date of receipt of such communication, the original of the international application bearing the prescribed signature along with the reproductions and/or specimens concerned, have been received by the International Bureau. When so confirmed, the said international application shall have effect as of the date on which it was received by telefacsimile by the International Bureau.

(c) Where a communication is transmitted to the International Bureau by telefacsimile, the Bureau shall promptly and by telefacsimile inform the sender of the receipt of that communication, and where such telefacsimile communication received by the International Bureau is incomplete or illegible, of that fact also, provided that the sender can be identified and can be reached by telefacsimile.

(d) Where a communication is transmitted to the International Bureau by telefacsimile and, because of the time difference between the place from where the communication is transmitted and Geneva, the date on which the transmittal started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

#### *Section 204: Electronic Communications*

(a) (i) Communications with the International Bureau, including the presentation of the international application, may take place by electronic means at a time and in a manner and format to be ascertained by the International Bureau, the particulars of which shall be published on the web site of the Organization.

(ii) Notwithstanding subparagraph (i) above, and subject to paragraph (d) below, electronic communications between an Office and the International Bureau may take place in a way agreed upon between the International Bureau and the Office concerned.

(b) The International Bureau shall promptly and by electronic transmission inform the originator of an electronic transmission of the receipt of that transmission and, where the electronic transmission received is incomplete or otherwise unusable, also of that fact, provided that the originator can be identified and can be reached. Such an acknowledgement shall contain the date of receipt in the case of an international application.

(c) Where a communication is transmitted to the International Bureau by electronic means and, because of the time difference between the place from where the communication is sent and Geneva, the date on which the sending started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

(d) Where the Office of a Contracting Party wishes to receive a communication by the International Bureau of the date on which each issue of the Bulletin is published, that Office shall notify the International Bureau of that fact and indicate the email address to which the said communication shall be sent.

#### *Section 205: Communications Through User Accounts Available on the Web Site of the Organization*

(a) A user account may be established by an interested party who has agreed to the “Terms and Conditions of Use” issued by the International Bureau. Communications through the user account shall be authenticated through the use of the account holder’s user name and password.

(b) An international application or other request as specified in the “Terms and Conditions of Use”, may be submitted through an electronic interface made available by the International Bureau on the web site of the Organization and shall indicate an email address.

(c) The International Bureau may transmit communications to the holder of the account through the user account.

### **Part Three**

#### **Requirements Concerning Names and Addresses**

##### *Section 301: Names and Addresses*

(a) In the case of a natural person, the name to be indicated is the family or principal name and the given or secondary name(s) of the natural person.

(b) In the case of a legal entity, the name to be indicated is the full official designation of the legal entity.

(c) In the case of a name in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application. In the case of a legal entity whose name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application.

(d) An address shall be given in such a way as to satisfy the customary requirements for prompt postal delivery and shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any. In addition, telephone and telefacsimile numbers, an e-mail address as well as a different address for correspondence, may be indicated.

##### *Section 302: Address for Correspondence*

Where there are two or more applicants or new owners with different addresses and no representative is appointed, one address for correspondence shall be indicated. Where no such address has been indicated, the address of the person named first shall be treated as the address for correspondence.

### **Part Four**

#### **Requirements Concerning Reproductions and Other Elements of the International Application**

##### *Section 401: Presentation of Reproductions*

(a) One and the same international application may comprise both photographs and other graphic representations, in black and white or in color.

(b) Each reproduction accompanying an international application shall be submitted in a single copy.

(c) The photographs or other graphic representations accompanying an international application filed on paper shall be either pasted or printed directly onto a separate sheet of A4 paper which is white and opaque. The separate sheet of paper shall be used upright and shall not contain more than 25 reproductions.

(d) The reproductions accompanying an international application must be arranged in the orientation in which the applicant wishes them to be published. Where that application is filed on paper, a margin of at least 5 millimeters should be left around the representation of each industrial design.

(e) Each reproduction must fall within a right-angled quadrilateral containing no other reproduction or part of another reproduction and no numbering. The photographs or other graphic representations shall not be folded, stapled or marked in any way.

*Section 402: Representation of the Industrial Design*

(a) The photographs and other graphic representations shall represent the industrial design alone, or the product in relation to which the industrial design is to be used, to the exclusion of any other object, accessory, person or animal.

(b) The dimensions of the representation of each industrial design appearing in a photograph or other graphic representation may not exceed 16 x 16 centimeters, and in respect of at least one representation of each design, one of those dimensions must be at least 3 centimeters. With respect to the filing of international applications by electronic means, the International Bureau may establish a data format, the particulars of which shall be published on the web site of the Organization, to ensure compliance with these maximum and minimum dimensions.

(c) The following shall not be accepted:

- (i) technical drawings, particularly with axes and dimensions;
- (ii) explanatory text or legends in the representation.

*Section 403: Disclaimers and Matter That Does Not Form Part of the Industrial Design or the Product in Relation to Which the Industrial Design Is to Be Used*

(a) Matter which is shown in a reproduction but for which protection is not sought may be indicated

- (i) in the description referred to in Rule 7(5)(a) and/or
- (ii) by means of dotted or broken lines or coloring.

(b) Notwithstanding Section 402(a), matter that does not form part of the industrial design or the product in relation to which the industrial design is to be used may be shown in a reproduction if it is indicated in accordance with paragraph (a).



*Section 404: Requirements for Photographs and  
Other Graphic Representations*

(a) The photographs supplied must be of professional standard and have all the edges cut at right angles. The industrial design must be shown against a neutral plain background. Photographs retouched with ink or correcting fluid shall not be allowed.

(b) Graphic representations must be of professional standard produced with drawing instruments or by electronic means and, where the application is filed on paper, must further be produced on good quality white, opaque paper, all of whose edges are cut at right angles. The industrial design represented may comprise shading and hatching to provide relief. Graphic representations executed by electronic means may be shown against a background, provided that it is neutral and plain and has only edges cut at right angles.

*Section 405: Numbering of Reproductions and Legends*

(a) The numbering stipulated for multiple international applications shall appear in the margin of each photograph or other graphic representation. When the same industrial design is represented from different angles, the numbering shall consist of two separate figures separated by a dot (e.g., 1.1, 1.2, 1.3, etc. for the first design, 2.1, 2.2, 2.3, etc. for the second design, and so on).

(b) The reproductions shall be submitted in ascending numerical order.

(c) Legends to indicate a specific view of the product (e.g., “front view”, “top view”, etc.) may be indicated in association with the numbering of the reproduction.

*Section 406: Requirements for Specimens*

(a) A specimen in two dimensions which accompanies an international application shall not exceed 26.2 centimeters x 17 centimeters in size (unfolded), 50 grams in weight or 3 millimeters in thickness. Such specimens shall be pasted on sheets of A4 paper and numbered in accordance with Section 405(b). The same number shall be assigned to each reproduction corresponding to these specimens when submitted to the International Bureau.

(b) None of the dimensions of a package containing specimens shall exceed 30 centimeters and the weight of such package and its packing shall not exceed 4 kilograms.

(c) Perishable products or products which may be dangerous to store shall not be accepted.

*Section 407: Relation with a Principal Industrial Design  
or a Principal Application or Registration*

(a) Where the applicant wishes any or all of the industrial designs which are contained in the international application to be considered, under the law of a designated Contracting Party that so provides, in relation to any national or international application or registration (the principal application or registration), or to any certain industrial design contained in a national or international application or registration (the principal industrial

design), the international application shall contain a request to that effect, identifying the Contracting Party concerned and providing the reference to the principal application or registration, or to the principal industrial design.

(b) For the purpose of subparagraph (a), the reference to the principal application or registration or to the principal industrial design shall be indicated in either of the following manners:

(i) Where the principal industrial design is contained in the same international application, the number of that industrial design;

(ii) Where the principal industrial design is the subject of another national or international registration, the number of the national or international registration concerned, together with the number of the principal industrial design if such a registration contains more than one industrial design;

(iii) Where the principal industrial design is the subject of a national application which has not matured into registration, the number of the national application concerned or, if not available, the applicant's reference for that national application, together with the number of the principal industrial design if such an application contains more than one industrial design, or

(iv) Where the principal industrial design is the subject of an international application which has not matured into international registration, the reference given by the International Bureau to that international application, together with the number of the principal industrial design if such an application contains more than one industrial design.

(c) Where the request under subparagraph (a) concerns only one or some of the industrial designs which are contained in the international application, the request shall also indicate the numbers of the industrial designs concerned.

*Section 408: Permitted Matters in the International Application and  
Permitted Documents Accompanying an International Application*

(a) Where the applicant has made a declaration under Rule 7(5)(c) claiming priority of an earlier filing in the international application, that claim may be accompanied by a code allowing to retrieve that filing in a Digital Access Service for Priority Documents (DAS) digital library;

(b) Where the applicant wishes to benefit from a reduction of an individual designation fee as indicated in a declaration made under Article 7(2) of the 1999 Act by a designated Contracting Party, the international application may contain an indication or claim of the economic status entitling the applicant to the reduced fee as indicated in the declaration, as well as the certificate thereof, where applicable.

(c) (i) Where the applicant wishes to make a declaration concerning exception to lack of novelty in the international application, as may be prescribed under the law of a designated Contracting Party, the declaration shall be worded as follows, with the indication of those industrial designs to which the declaration relates:

“Declaration Concerning Exception to Lack of Novelty

“The applicant claims to benefit from exceptional treatments provided for in the applicable laws of the designated Contracting Parties concerned for disclosure of [all] the [following] industrial designs included in the present application.”

(ii) Where the applicant wishes to submit documentation on the type and date of disclosure, the international application may be accompanied by such documentation.

(d) Where the applicant wishes to submit a statement as referred to in Rule 7(5)(g), the statement shall be in the format established by the International Bureau in agreement with the designated Contracting Party concerned.

## **Part Five Refusals**

### *Section 501: Date of Sending of Notification of Refusal*

In the case of a notification of refusal sent through a postal service, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it had been sent 20 days before the date of its receipt by the International Bureau. However, if the date of dispatch thus determined is earlier than any date of refusal or date of sending mentioned in the notification, the International Bureau shall treat such notification as if it had been sent on the latter date. In the case of a notification of refusal sent through a delivery service, the date of dispatch shall be determined by the indication given by such delivery service on the basis of the details of the mailing as recorded by it.

### *Section 502: Notification of Division of an International Registration*

Where an international registration has been divided before the Office of a designated Contracting Party following a notification of refusal as provided for in Rule 18(3), that Office shall notify the International Bureau of that fact, together with the following additional particulars:

- (i) the Office making the notification;
- (ii) the number of the international registration concerned;
- (iii) the numbers of the industrial designs which have been the subject of the division with the Office concerned, and
- (iv) the resulting national or regional application numbers or registration numbers.

**Part Six**  
**Request for the Recording of a Limitation or Renunciation**  
**when Publication Deferred**

*Section 601: Latest Time to Request the Recording  
of a Limitation or Renunciation*

Where the publication of an international registration is deferred, a request for the recording of a limitation or renunciation concerning that registration, complying with the applicable requirements, must be received by the International Bureau not later than three weeks prior to the expiry of the period of deferment. In default of this, the international registration is published at the expiration of the period of deferment without account being taken of the request for the recording of a limitation or renunciation. Provided that the request for limitation or renunciation complies with the applicable requirements, the limitation or renunciation is however recorded in the International Register.

**Part Seven**  
**Renewal**

*Section 701: Unofficial Notice of Expiry*

When, pursuant to Rule 23, the International Bureau sends to the holder and the representative, if any, a notice indicating the date of expiration of an international registration, such notice shall contain also an indication of the Contracting Parties for which, at the date of the notice, and in accordance with the maximum duration of protection notified by each Contracting Party pursuant to Article 17(3)(c) of the 1999 Act and Rule 36(2), renewal of the international registration is possible.

**Part Eight**  
**Fees**

*Section 801: Modes of Payment*

Fees may be paid to the International Bureau

- (i) by debit to a current account with the International Bureau;
- (ii) by payment into the Swiss postal account or to any of the specified bank accounts of the International Bureau;
- (iii) by credit card, where, in the context of an electronic communication envisaged in Section 204(a), an electronic interface for online payment has been made available by the International Bureau.

## **Part Nine**

### **Confidential Copies**

#### *Section 901: Transmission of Confidential Copies*

(a) The confidential copy of an international registration provided for under Article 10(5) of the 1999 Act shall be transmitted to any Office concerned by electronic means in accordance with Section 204(a)(ii).

(b) Notwithstanding paragraph (a) above, a specimen submitted to the International Bureau pursuant to Rule 10(1)(ii) shall be transmitted in an appropriate manner.

#### *Section 902: Updating of Data Concerning the International Registration*

(a) Where the international registration referred to in Section 901(a) is cancelled pursuant to Rule 16(5), that cancellation shall be communicated to any Office that has received a confidential copy of the said international registration.

(b) Where, with respect to the international registration referred to in Section 901(a), a change is recorded in the International Register pursuant to Rule 21(1)(a) before the publication of the said international registration, that change shall be communicated to any Office that has received a confidential copy of the international registration, except where the change is specific to the designations of other Contracting Parties.

(c) Paragraph (b) shall apply to any correction effected under Rule 22(1) before the publication of the international registration.

(d) Any cancellation, change or correction referred to in this section shall be communicated in the same manner as provided for in Section 901(a).



# **London Act of June 2, 1934**

## **TABLE OF CONTENTS**

Article 1:	Right to Make International Deposits
Article 2:	Form of Deposit; Application
Article 3:	Procedure Applied by the International Bureau
Article 4:	Presumption of Ownership; Legal Effect of Deposit and Publication; Right of Priority
Article 5:	Marking; Exploitation; Importation
Article 6:	Single and Multiple Deposits; Open and Scaled Deposits; Dimensions of Envelopes and Packets Deposited
Article 7:	Duration of Protection
Article 8:	Time Limit for Sealed Deposits
Article 9:	Opening of Sealed Deposits
Article 10:	Notice of Expiration
Article 11:	Prolongation of Deposit
Article 12:	Expired Deposits
Article 13:	Renunciation of Deposit
Article 14:	Communication of Deposit to Courts and Other Competent Authorities
Article 15:	Fees
Article 16:	Net Proceeds from Fees
Article 17:	Changes in Ownership
Article 18:	Extracts from the International Register
Article 19:	Public Access to Archives
Article 20:	Regulations
Article 21:	Applicability of Protection Accorded by National Laws and by the Berne Copyright Convention
Article 22:	Accession; Denunciation
Article 23:	Ratification; Entry into Force; Applicability of the Agreement of 1925

### **Article 1**

Nationals of any of the contracting countries, as well as persons who, upon the territory of the restricted Union, have satisfied the conditions of Article 3 of the General Convention, may, in all the other contracting countries, secure protection for their industrial designs by means of an international deposit made at the International Bureau of Industrial Property at Berne.

### **Article 2**

(1) The international deposit shall include designs, either in the form of the industrial product for which they are intended, or in the form of a drawing, a photograph, or any other adequate graphic representation of the said design.

(2) The articles submitted shall be accompanied by an application for international deposit, in duplicate, containing, in French, the particulars specified in the Regulations.

### **Article 3**

(1) As soon as the International Bureau receives an application for international deposit it shall record the application in a special Register and shall publish it, sending free of charge to each Office the desired number of copies of the periodical journal in which it publishes such records.

(2) Deposits shall be kept in the archives of the International Bureau.

### **Article 4**

(1) Any person making an international deposit of an industrial design shall, in the absence of proof to the contrary, be deemed to be the owner of the work.

(2) International deposit is purely declaratory. The deposit, as such, shall have in the contracting countries the same effect as if the designs had been deposited there direct on the date of the international deposit, subject however to the special rules established by this Agreement.

(3) The publicity mentioned in the foregoing Article shall be deemed in all the contracting countries to be sufficient, and no other publicity may be required of the depositor, apart from any formalities to be complied with for the exercise of rights in accordance with the domestic law.

(4) The right of priority established by Article 4 of the General Convention shall be guaranteed to every design which has been the subject of an international deposit, without requiring compliance with any of the formalities prescribed in the said Article.



## **Article 5**

The contracting countries agree not to require designs which have been the subject of an international deposit to bear any compulsory marking. They shall not cause the designs to lapse either by reason of non-exploitation or as a result of the introduction of articles similar to those protected.

## **Article 6**

(1) The international deposit may consist of either a single design or several, the number thereof being stated in the application.

(2) Such deposit may be made under open cover or under sealed cover. In particular, there shall be accepted as a means of deposit under sealed cover double envelopes having a perforated control number (Soleau system) or any other system for ensuring identification.

(3) The maximum dimensions of covers or packets eligible for deposit shall be fixed by the Regulations.

## **Article 7**

The duration of international protection is fixed at fifteen years from the date of deposit at the International Bureau at Berne; this term is divided into two periods, namely, one period of five years and one period of ten years.

## **Article 8**

During the first period of protection, deposits shall be accepted either under open cover or under sealed cover; during the second period of protection, they shall be accepted only under open cover.

## **Article 9**

During the first period, deposits under sealed cover may be opened at the request of the depositor or of a competent court; upon expiration of the first period, they shall, with a view to transition to the second period, be opened upon application for prolongation.

## **Article 10**

In the course of the first six months of the fifth year of the first period, the International Bureau shall give unofficial notice of expiration to the depositor of the design.

### **Article 11**

(1) When the depositor desires to secure extension of the protection by transition to the second period he shall, before the expiration of the first period, file with the International Bureau an application for prolongation.

(2) The International Bureau shall open the package, if sealed, shall publish in its journal notice of the prolongation granted, and shall notify all Offices thereof by sending to each the desired number of copies of the said journal.

### **Article 12**

Designs forming the subject of deposits which have not been prolonged, as well as those in respect of which protection has expired, shall, upon the request of the proprietors and at their expense, be returned to them as they stand. If unclaimed, they shall be destroyed at the end of two years.

### **Article 13**

(1) Depositors may, at any time, renounce their deposit, either wholly or in part, by means of a declaration addressed to the International Bureau; the Bureau shall give such declaration the publicity referred to in Article 3.

(2) Renunciation shall entail the return of the deposit to the depositor, at his expense.

### **Article 14**

If a court or any other competent authority orders the communication to it of a secret design, the International Bureau, when duly required, shall open the deposited package, shall extract therefrom the requested design, and shall remit it to the authority so requiring. Similar communication shall take place on request in the case of an unsealed design. The article thus communicated shall be returned in the shortest possible time and reincorporated in the sealed package or in the envelope, as the case may be. Such transactions may be subject to a fee, which shall be fixed by the Regulations.

### **Article 15**

The fees for an international deposit and for the prolongation thereof, which shall be paid before registration of the deposit or of the prolongation can be proceeded with, shall be as follows:

1. for a single design, and in respect of the first period of five years: 5 francs;
2. for a single design, upon expiration of the first period and in respect of the duration of the second period of ten years: 10 francs;

3. for a multiple deposit, and in respect of the first period of five years: 10 francs;
4. for a multiple deposit, upon expiration of the first period and in respect of the duration of the second period of ten years: 50 francs.

### **Article 16**

The net annual proceeds from fees shall be divided, as provided in Article 8 of the Regulations, among the contracting countries by the International Bureau, after deduction of the common expenses necessitated by the implementation of this Agreement.

### **Article 17**

(1) The International Bureau shall record in its Registers all changes affecting the proprietorship of designs which are notified to it by the parties concerned; it shall publish them in its journal and shall announce them to all Offices by sending to each the desired number of copies of the said journal.

(2) These transactions may be subject to a fee, which shall be fixed by the Regulations.

(3) The proprietor of an international deposit may assign the rights in respect of part only of the designs included in a multiple deposit or in respect of one or several of the contracting countries only; but, in such cases, if the deposit has been made under sealed cover, the International Bureau shall open the package before recording the transfer in its Registers.

### **Article 18**

(1) The International Bureau shall deliver to any person, upon application, and on payment of a fee fixed by the Regulations, an abstract of the entries in the Register in connection with any given design.

(2) Such abstract may, if the design lends itself thereto, be accompanied by a copy or a reproduction of the design, which has been supplied to the International Bureau and which the latter shall certify as being in conformity with the article deposited under open cover. If the Bureau is not in possession of such copies or reproductions, it shall have them made, on the request of interested parties and at their expense.

### **Article 19**

The archives of the International Bureau, in so far as they contain unsealed deposits, shall be accessible to the public. Any person may inspect them, in the presence of an official, or may obtain from the Bureau written information on the contents of the Register, subject to payment of fees to be fixed by the Regulations.

## **Article 20**

The details of the application of this Agreement shall be determined by Regulations the provisions of which may, at any time, be amended with the common consent of the Offices of the contracting countries.

## **Article 21**

The provisions of this Agreement offer only a minimum of protection; they shall not preclude the claiming of the application of wider provisions that may be enacted by the domestic legislation of a contracting country, nor shall they prejudice the application of the provisions of the Berne Convention, as revised in 1928, relating to the protection of artistic works and works of art applied to industry.

## **Article 22**

(1) Countries members of the Union which are not party to this Agreement may accede thereto at their request and in the manner prescribed by Articles 16 and 16bis of the General Convention.

(2) Notification of accession shall, of itself, ensure, upon the territory of the acceding country, the benefits of the foregoing provisions to industrial designs which, at the time of accession, are the subject of international deposit.

(3) However, any country may, in acceding to this Agreement, declare that application of this Act shall be limited to designs deposited from the date on which its accession becomes effective.

(4) In the case of denunciation of this Agreement, Article 17bis of the General Convention shall apply. International designs deposited up to the date on which denunciation becomes effective shall continue, throughout the period of international protection, to enjoy in the denouncing country, as well as in all other countries of the restricted Union, the same protection as if they had been deposited direct in such Countries.

## **Article 23**

(1) This Agreement shall be ratified and ratifications shall be deposited at London not later than July 1, 1938.

(2) It shall enter into force, between the countries which have ratified it, one month after that date, and shall have the same force and duration as the General Convention.

(3) This Act shall, as regards the relations between the countries which have ratified it, replace the Hague Agreement of 1925. However, the latter shall remain in force as regards the relations with countries which have not ratified this Act.

**Common Regulations Under the 1999 Act,  
the 1960 Act and the 1934 Act  
of the Hague Agreement**

(as in force on January 1, 2009)

**TABLE OF CONTENTS**

<b>CHAPTER 1:</b>	<b><i>GENERAL PROVISIONS</i></b>
Rule 1:	Definitions
Rule 2:	Communication with the International Bureau
Rule 3:	Representation Before the International Bureau
Rule 4:	Calculation of Time Limits
Rule 5:	Irregularities in Postal and Delivery Services
Rule 6:	Languages
<b>CHAPTER 2:</b>	<b><i>INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS</i></b>
Rule 7:	Requirements Concerning the International Application
Rule 8:	Special Requirements Concerning the Applicant
Rule 9:	Reproductions of the Industrial Design
Rule 10:	Specimens of the Industrial Design Where Deferment of Publication Is Requested
Rule 11:	Identity of Creator; Description; Claim
Rule 12:	Fees Concerning the International Application
Rule 13:	International Application Filed Through an Office
Rule 14:	Examination by the International Bureau
Rule 15:	Registration of the Industrial Design in the International Register
Rule 16:	Deferment of Publication
Rule 17:	Publication of the International Registration
<b>CHAPTER 3:</b>	<b><i>REFUSALS AND INVALIDATIONS</i></b>
Rule 18:	Notification of Refusal
Rule 18 <i>bis</i> :	Statement of Grant of Protection
Rule 19:	Irregular Refusals
Rule 20:	Invalidation in Designated Contracting Parties
<b>CHAPTER 4:</b>	<b><i>CHANGES AND CORRECTIONS</i></b>
Rule 21:	Recording of a Change
Rule 22:	Corrections in the International Register
<b>CHAPTER 5:</b>	<b><i>RENEWALS</i></b>
Rule 23:	Unofficial Notice of Expiry
Rule 24:	Details Concerning Renewal
Rule 25:	Recording of the Renewal; Certificate

*CHAPTER 6: BULLETIN*

Rule 26: Bulletin

*CHAPTER 7: FEES*

Rule 27: Amounts and Payment of Fees

Rule 28: Currency of Payments

Rule 29: Crediting of Fees to the Accounts of the Contracting Parties Concerned

*CHAPTER 8: INTERNATIONAL APPLICATIONS GOVERNED EXCLUSIVELY OR PARTLY BY THE 1934 ACT AND INTERNATIONAL REGISTRATIONS RESULTING THEREFROM*

Rule 30: Applicability of These Regulations to International Applications Governed Exclusively by the 1934 Act and International Registrations Resulting Therefrom

Rule 31: Applicability of These Regulations to International Applications Governed Partly by the 1934 Act and International Registrations Resulting Therefrom

*CHAPTER 9: MISCELLANEOUS*

Rule 32: Extracts, Copies and Information Concerning Published International Registrations

Rule 33: Amendment of Certain Rules

Rule 34: Administrative Instructions

Rule 35: Declarations Made by Contracting Parties to the 1999 Act

Rule 36: Declarations Made by Contracting Parties to the 1960 Act

## CHAPTER 1

### GENERAL PROVISIONS

#### *Rule 1*

#### *Definitions*

- (1) [*Abbreviated Expressions*] For the purposes of these Regulations,
- (i) “1999 Act” means the Act signed at Geneva on July 2, 1999, of the Hague Agreement;
  - (ii) “1960 Act” means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;
  - (iii) “1934 Act” means the Act signed at London on June 2, 1934, of the Hague Agreement;
  - (iv) an expression which is used in these Regulations and is referred to in Article 1 of the 1999 Act has the same meaning as in that Act;
  - (v) “Administrative Instructions” means the Administrative Instructions referred to in Rule 34;
  - (vi) “communication” means any international application or any request, declaration, invitation, notification or information relating to or accompanying an international application or an international registration that is addressed to the Office of a Contracting Party, the International Bureau, the applicant or the holder by means permitted by these Regulations or the Administrative Instructions;
  - (vii) “official form” means a form established by the International Bureau or any form having the same contents and format;
  - (viii) “International Classification” means the Classification established under the Locarno Agreement Establishing an International Classification for Industrial Designs;
  - (ix) “prescribed fee” means the applicable fee set out in the Schedule of Fees;
  - (x) “Bulletin” means the periodical bulletin in which the International Bureau effects the publications provided for in the 1999 Act, the 1960 Act, the 1934 Act or these Regulations, whatever the medium used;
  - (xi) “Contracting Party designated under the 1999 Act” means a designated Contracting Party in respect of which the 1999 Act is applicable, either as the only common Act to which that designated Contracting Party and the applicant’s Contracting Party are bound, or by virtue of Article 31(1), first sentence, of the 1999 Act;
  - (xii) “Contracting Party designated under the 1960 Act” means a designated Contracting Party in respect of which the 1960 Act is applicable, either as the only common Act to which that designated Contracting Party and the State of origin referred to in Article 2 of the 1960 Act are bound, or by virtue of Article 31(1), first sentence, of the 1960 Act;
  - (xiii) “Contracting Party designated under the 1934 Act” means a designated Contracting Party in respect of which the 1934 Act is applicable, as the only common Act to which that designated Contracting Party and the contracting country referred to in Article 1 of the 1934 Act are bound;
  - (xiv) “international application governed exclusively by the 1999 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1999 Act;

(xv) “international application governed exclusively by the 1960 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1960 Act;

(xvi) “international application governed exclusively by the 1934 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1934 Act;

(xvii) “international application governed by both the 1999 Act and the 1960 Act” means an international application in respect of which

- at least one Contracting Party has been designated under the 1999 Act,
- at least one Contracting Party has been designated under the 1960 Act,

and

- no Contracting Party has been designated under the 1934 Act;

(xviii) “international application governed by both the 1999 Act and the 1934 Act” means an international application in respect of which

- at least one Contracting Party has been designated under the 1999 Act,
- at least one Contracting Party has been designated under the 1934 Act,

and

- no Contracting Party has been designated under the 1960 Act;

(xix) “international application governed by both the 1960 Act and the 1934 Act” means an international application in respect of which

- at least one Contracting Party has been designated under the 1960 Act,
- at least one Contracting Party has been designated under the 1934 Act,

and

- no Contracting Party has been designated under the 1999 Act;

(xx) “international application governed by the 1999 Act, the 1960 Act and the 1934 Act” means an international application in respect of which

- at least one Contracting Party has been designated under the 1999 Act,
- at least one Contracting Party has been designated under the 1960 Act,

and

- at least one Contracting Party has been designated under the 1934 Act.

(2) [*Correspondence Between Some Expressions Used in the 1999 Act, the 1960 Act and the 1934 Act*] For the purposes of these Regulations,

(i) reference to “international application” or “international registration” shall be deemed, where appropriate, to include a reference to “international deposit” as referred to in the 1960 Act and the 1934 Act;

(ii) reference to “applicant” or “holder” shall be deemed, where appropriate, to include a reference to, respectively, “depositor” or “owner” as referred to in the 1960 Act and the 1934 Act;

(iii) reference to “Contracting Party” shall be deemed, where appropriate, to include a reference to a State party to the 1960 Act or to a country party to the 1934 Act;

(iv) reference to “Contracting Party whose Office is an examining Office” shall be deemed, where appropriate, to include a reference to “State having a novelty examination” as defined in Article 2 of the 1960 Act;



(v) reference to “individual designation fee” shall be deemed, where appropriate, to include a reference to the fee mentioned in Article 15(1)2(b) of the 1960 Act;

(vi) reference to “renewal” shall be deemed, where appropriate, to include a reference to “prolongation” referred to in the 1934 Act.

## *Rule 2*

### *Communication with the International Bureau*

Communications addressed to the International Bureau shall be effected as specified in the Administrative Instructions.

## *Rule 3*

### *Representation Before the International Bureau*

(1) [*Representative; Number Representatives*] (a) The applicant or the holder may have a representative before the International Bureau.

(b) Only one representative may be appointed in respect of a given international application or international registration. Where the appointment indicates several representatives, only the one indicated first shall be considered to be a representative and be recorded as such.

(c) Where a partnership or firm composed of attorneys or patent or trademark agents has been indicated as representative to the International Bureau, it shall be regarded as one representative.

(2) [*Appointment of the Representative*] (a) The appointment of a representative may be made in the international application, provided that the application is signed by the applicant.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder.

(c) Where the International Bureau considers that the appointment of a representative is irregular, it shall notify accordingly the applicant or holder and the purported representative.

(3) [*Recording and Notification of Appointment of a Representative; Effective Date of Appointment*] (a) Where the International Bureau finds that the appointment of a representative complies with the applicable requirements, it shall record the fact that the applicant or holder has a representative, as well as the name and address of the representative, in the International Register. In such a case, the effective date of the appointment shall be the date on which the International Bureau received the international application or separate communication in which the representative is appointed.

(b) The International Bureau shall notify the recording referred to in subparagraph (a) to both the applicant or holder and the representative.

(4) [*Effect of Appointment of a Representative*] (a) Except where these Regulations expressly provide otherwise, the signature of a representative recorded under paragraph (3)(a) shall replace the signature of the applicant or holder.

(b) Except where these Regulations expressly require that a communication be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (3)(a) any communication which, in the absence of a representative, would have to be sent to the applicant or holder; any communication so addressed to the said representative shall have the same effect as if it had been addressed to the applicant or holder.

(c) Any communication addressed to the International Bureau by the representative recorded under paragraph (3)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

(5) [*Cancellation of Recording; Effective Date of Cancellation*] (a) Any recording under paragraph (3)(a) shall be canceled where cancellation is requested in a communication signed by the applicant, holder or representative. The recording shall be canceled *ex officio* by the International Bureau where a new representative is appointed or where a change in ownership is recorded and no representative is appointed by the new holder of the international registration.

(b) The cancellation shall be effective from the date on which the International Bureau receives the corresponding communication.

(c) The International Bureau shall notify the cancellation and its effective date to the representative whose recording has been canceled and to the applicant or holder.

#### *Rule 4* *Calculation of Time Limits*

(1) [*Periods Expressed in Years*] Any period expressed in years shall expire, in the relevant subsequent year, in the month having the same name and on the day having the same number as the month and the day of the event from which the period starts to run, except that, where the event occurred on February 29 and in the relevant subsequent year February ends on the 28th, the period shall expire on February 28.

(2) [*Periods Expressed in Months*] Any period expressed in months shall expire, in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(3) [*Periods Expressed in Days*] The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire accordingly.

(4) [*Expiry on a Day on Which the International Bureau or an Office Is Not Open to the Public*] If a period expires on a day on which the International Bureau or the Office concerned is not open to the public, the period shall, notwithstanding paragraphs (1) to (3), expire on the first subsequent day on which the International Bureau or the Office concerned is open to the public.

*Rule 5*  
*Irregularities in Postal and Delivery Services*

(1) [*Communications Sent Through a Postal Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed,

(ii) that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and

(iii) in cases where not all classes of mail normally reach the International Bureau within two days of mailing, that the communication was mailed by a class of mail which normally reaches the International Bureau within two days of mailing or by airmail.

(2) [*Communications Sent Through a Delivery Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, natural calamity, or other like reason, that the communication was sent not later than five days after the delivery service was resumed, and

(ii) that details of the sending of the communication were recorded by the delivery service at the time of sending.

(3) [*Limitation on Excuse*] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1) or (2) and the communication or a duplicate thereof are received by the International Bureau not later than six months after the expiry of the time limit.

*Rule 6*  
*Languages*

(1) [*International Application*] The international application shall be in English or French.

(2) [*Recording and Publication*] The recording in the International Register and the publication in the Bulletin of the international registration and of any data to be both recorded and published under these Regulations in respect of that international registration shall be in English and French. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

(3) [*Communications*] Any communication concerning an international application or the international registration resulting therefrom shall be

(i) in English or French where such communication is addressed to the International Bureau by the applicant or holder or by an Office;

(ii) in the language of the international application where the communication is addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that all such communications are to be in English or that all such communications are to be in French;

(iii) in the language of the international application where the communication is addressed by the International Bureau to the applicant or holder unless the applicant or holder expresses the wish to receive all such communications in English although the international application was in French, or *vice versa*.

(4) [*Translation*] The translations needed for the recordings and publications under paragraph (2) shall be made by the International Bureau. The applicant may annex to the international application a proposed translation of any text matter contained in the international application. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau after having invited the applicant to make, within one month from the invitation, observations on the proposed corrections.

## CHAPTER 2

### INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS

#### Rule 7

#### *Requirements Concerning the International Application*

(1) [*Form and Signature*] The international application shall be presented on the official form. The international application shall be signed by the applicant.

(2) [*Fees*] The prescribed fees applicable to the international application shall be paid as provided for in Rules 27 and 28.

(3) [*Mandatory Contents of the International Application*] The international application shall contain or indicate

(i) the name of the applicant, given in accordance with the Administrative Instructions;

(ii) the address of the applicant, given in accordance with the Administrative Instructions;

(iii) the Contracting Party or Parties in respect of which the applicant fulfills the conditions to be the holder of an international registration;

(iv) the product or products which constitute the industrial design or in relation to which the industrial design is to be used, with an indication whether the product or products constitute the industrial design or are products in relation to which the industrial design is to be used; the product or products shall preferably be identified by using terms appearing in the list of goods of the International Classification;

(v) the number of industrial designs included in the international application, which may not exceed 100, and the number of reproductions or specimens of the industrial designs accompanying the international application in accordance with Rule 9 or 10;

(vi) the designated Contracting Parties;

(vii) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(4) [*Additional Mandatory Contents of an International Application*] (a) With respect to Contracting Parties designated under the 1999 Act in an international application, that application shall contain, in addition to the indications referred to in paragraph (3)(iii), the indication of the applicant's Contracting Party.

(b) Where a Contracting Party designated under the 1999 Act has notified the Director General, in accordance with Article 5(2)(a) of the 1999 Act, that its law requires one or more of the elements referred to in Article 5(2)(b) of the 1999 Act, the international application shall contain such element or elements, as prescribed in Rule 11.

(c) Where Rule 8 applies, the international application shall contain the indications referred to in Rule 8(2) and, where applicable, be accompanied by the statement or document referred to in that Rule.

(5) [*Optional Contents of an International Application*] (a) An element referred to in item (i) or (ii) of Article 5(2)(b) of the 1999 Act or in Article 8(4)(a) of the 1960 Act may, at the option of the applicant, be included in the international application even where that element is not required in consequence of a notification in accordance with Article 5(2)(a) of the 1999 Act or in consequence of a requirement under Article 8(4)(a) of the 1960 Act.

(b) Where the applicant has a representative, the international application shall state the name and address of the representative, given in accordance with the Administrative Instructions.

(c) Where the applicant wishes, under Article 4 of the Paris Convention, to take advantage of the priority of an earlier filing, the international application shall contain a declaration claiming the priority of that earlier filing, together with an indication of the name of the Office where such filing was made and of the date and, where available, the number of that filing and, where the priority claim relates to less than all the industrial designs contained in the international application, the indication of those industrial designs to which the priority claim relates or does not relate.

(d) Where the applicant wishes to take advantage of Article 11 of the Paris Convention, the international application shall contain a declaration that the product or products which constitute the industrial design or in which the industrial design is incorporated have been shown at an official or officially recognized international exhibition, together with the place where the exhibition was held and the date on which the product or products were first exhibited there and, where less than all the industrial designs contained in the international application are concerned, the indication of those industrial designs to which the declaration relates or does not relate.

(e) Where the applicant wishes that publication of the industrial design be deferred, the international application shall contain a request for deferment of publication.

(f) The international application may also contain any declaration, statement or other relevant indication as may be specified in the Administrative Instructions.

(g) The international application may be accompanied by a statement that identifies information known by the applicant to be material to the eligibility for protection of the industrial design concerned.

(6) [*No Additional Matter*] If the international application contains any matter other than that required or permitted by the 1999 Act, the 1960 Act, the 1934 Act, these Regulations or the Administrative Instructions, the International Bureau shall delete it *ex officio*. If the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of the said document.

(7) [*All Products to Be in Same Class*] All the products which constitute the industrial designs to which an international application relates, or in relation to which the industrial designs are to be used, shall belong to the same class of the International Classification.

#### *Rule 8*

##### *Special Requirements Concerning the Applicant*

(1) [*Notification of Special Requirements*] (a) Where the law of a Contracting Party bound by the 1999 Act requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of that fact.

(b) The declaration referred to in subparagraph (a) shall specify the form and mandatory contents of any statement or document required for the purposes of paragraph (2).

(2) [*Identity of the Creator and Assignment of International Application*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1),

(i) it shall also contain indications concerning the identity of the creator of the industrial design, together with a statement, complying with the requirements specified in accordance with paragraph (1)(b), that the latter believes himself to be the creator of the industrial design; the person so identified as the creator shall be deemed to be the applicant for the purposes of the designation of that Contracting Party, irrespective of the person named as the applicant in accordance with Rule 7(3)(i);

(ii) where the person identified as the creator is a person other than the person named as the applicant in accordance with Rule 7(3)(i), the international application shall be accompanied by a statement or document, complying with the requirements specified in accordance with paragraph (1)(b), to the effect that it has been assigned by the person identified as the creator to the person named as the applicant. The latter person shall be recorded as the holder of the international registration.

#### *Rule 9*

##### *Reproductions of the Industrial Design*

(1) [*Form and Number of Reproductions of the Industrial Design*] (a) Reproductions of the industrial design shall, at the option of the applicant, be in the form of photographs or other graphic representations of the industrial design itself or of the product or products which constitute the industrial design. The same product may be shown from different angles; views from different angles shall be included in different photographs or other graphic representations.

(b) Any reproduction shall be submitted in the number of copies specified in the Administrative Instructions.

(2) [*Requirements Concerning Reproductions*] (a) Reproductions shall be of a quality permitting all the details of the industrial design to be clearly distinguished and permitting publication.

(b) Matter which is shown in a reproduction but for which protection is not sought may be indicated as provided for in the Administrative Instructions.

(3) [*Views Required*] (a) Subject to subparagraph (b), any Contracting Party bound by the 1999 Act which requires certain specified views of the product or products which constitute the industrial design or in relation to which the industrial design is to be used shall, in a declaration, so notify the Director General, specifying the views that are required and the circumstances in which they are required.

(b) No Contracting Party may require more than one view where the industrial design or product is two-dimensional, or more than six views where the product is three-dimensional.

(4) [*Refusal on Grounds Relating to the Reproductions of the Industrial Design*] A Contracting Party may not refuse the effects of the international registration on the ground that requirements relating to the form of the reproductions of the industrial design that are additional to, or different from, those notified by that Contracting Party in accordance with paragraph (3)(a) have not been satisfied under its law. A Contracting Party may however refuse the effects of the international registration on the ground that the reproductions contained in the international registration are not sufficient to disclose fully the industrial design.

#### *Rule 10*

##### *Specimens of the Industrial Design Where Deferment of Publication Is Requested*

(1) [*Number of Specimens*] Where an international application governed exclusively by the 1999 Act contains a request for deferment of publication in respect of a two-dimensional industrial design and, instead of being accompanied by the reproductions referred to in Rule 9, is accompanied by specimens of the industrial design, the following number of specimens shall accompany the international application:

- (i) one specimen for the International Bureau, and
- (ii) one specimen for each designated Office that has notified the International Bureau under Article 10(5) of the 1999 Act that it wishes to receive copies of international registrations.

(2) [*Specimens*] All the specimens shall be contained in a single package. The specimens may be folded. The maximum dimensions and weight of the package shall be specified in the Administrative Instructions.

#### *Rule 11*

##### *Identity of Creator; Description; Claim*

(1) [*Identity of Creator*] Where the international application contains indications concerning the identity of the creator of the industrial design, his name and address shall be given in accordance with the Administrative Instructions.

(2) [*Description*] Where the international application contains a description, the latter shall concern those features that appear in the reproductions of the industrial design and may not concern technical features of the operation of the industrial design or its possible utilization. If the description exceeds 100 words, an additional fee, as set out in the Schedule of Fees, shall be payable.

(3) [*Claim*] A declaration under Article 5(2)(a) of the 1999 Act that the law of a Contracting Party requires a claim in order for an application for the grant of protection to an industrial design to be accorded a filing date under that law shall specify the exact wording of the required claim. Where the international application contains a claim, the wording of that claim shall be as specified in the said declaration.

### Rule 12

#### *Fees Concerning the International Application*

(1) [*Prescribed Fees*] (a) The international application shall be subject to the payment of the following fees:

- (i) a basic fee;
- (ii) a standard designation fee in respect of each designated Contracting Party that has not made a declaration under Article 7(2) of the 1999 Act or under Rule 36(1), the level of which will depend on a declaration made under subparagraph (c);
- (iii) an individual designation fee in respect of each designated Contracting Party that has made a declaration under Article 7(2) of the 1999 Act or under Rule 36(1);
- (iv) a publication fee.

(b) The level of the standard designation fee referred to in subparagraph (a)(ii) shall be as follows:

- (i) for Contracting Parties whose office does not carry out any examination on substantive grounds: .....one
- (ii) for Contracting Parties whose office carries out examination on substantive grounds, other than as to novelty: .....two
- (iii) for Contracting Parties whose office carries out examination on substantive grounds, including examination as to novelty either *ex officio* or following opposition by third parties: .....three

(c) (i) Any Contracting Party whose legislation entitles it to the application of level two or three under subparagraph (b) may, in a declaration, notify the Director General accordingly. A Contracting Party may also, in its declaration, specify that it opts for the application of level two, even if its legislation entitles it to the application of level three.

(ii) Any declaration made under item (i) shall take effect three months after its receipt by the Director General or at any later date indicated in the declaration. It may also be withdrawn at any time by notification addressed to the Director General, in which case such withdrawal shall take effect one month after its receipt by the Director General or at any later date indicated in the notification. In the absence of such a declaration, or where a declaration has been withdrawn, level one will be deemed to be the level applicable to the standard designation fee in respect of that Contracting Party.

(2) [*When Fees to Be Paid*] The fees referred to in paragraph (1) are, subject to paragraph (3), payable at the time of filing the international application, except that, where the international application contains a request for deferment of publication, the publication fee may be paid later, in accordance with Rule 16(3)(a).



(3) [*Individual Designation Fee Payable in Two Parts*] (a) A declaration under Article 7(2) of the 1999 Act or under Rule 36(1) may also specify that the individual designation fee to be paid in respect of the Contracting Party concerned comprises two parts, the first part to be paid at the time of filing the international application and the second part to be paid at a later date which is determined in accordance with the law of the Contracting Party concerned.

(b) Where subparagraph (a) applies, the reference in paragraph (1)(iii) to an individual designation fee shall be construed as a reference to the first part of the individual designation fee.

(c) The second part of the individual designation fee may be paid either directly to the Office concerned or through the International Bureau, at the option of the holder. Where it is paid directly to the Office concerned, the Office shall notify the International Bureau accordingly and the International Bureau shall record any such notification in the International Register. Where it is paid through the International Bureau, the International Bureau shall record the payment in the International Register and notify the Office concerned accordingly.

(d) Where the second part of the individual designation fee is not paid within the applicable period, the Office concerned shall notify the International Bureau and request the International Bureau to cancel the international registration in the International Register with respect to the Contracting Party concerned. The International Bureau shall proceed accordingly and so notify the holder.

### *Rule 13*

#### *International Application Filed Through an Office*

(1) [*Date of Receipt by Office and Transmittal to the International Bureau*] Where an international application governed exclusively by the 1999 Act is filed through the Office of the applicant's Contracting Party, that Office shall notify the applicant of the date on which it received the application. At the same time as it transmits the international application to the International Bureau, the Office shall notify the International Bureau of the date on which it received the application. The Office shall notify the applicant of the fact that it has transmitted the international application to the International Bureau.

(2) [*Transmittal Fee*] An Office that requires a transmittal fee, as provided for in Article 4(2) of the 1999 Act, shall notify the International Bureau of the amount of such fee, which should not exceed the administrative costs of receiving and transmitting the international application, and its due date.

(3) [*Filing Date of International Application Filed Indirectly*] Subject to Rule 14(2), the filing date of an international application filed through an Office shall be

(i) where the international application is governed exclusively by the 1999 Act, the date on which the international application was received by that Office, provided that it is received by the International Bureau within one month of that date;

(ii) in any other case, the date on which the International Bureau receives the international application.

(4) [*Filing Date Where Applicant's Contracting Party Requires a Security Clearance*] Notwithstanding paragraph (3), a Contracting Party whose law, at the time that it becomes party to the 1999 Act, requires security clearance may, in a declaration, notify the Director General that the period of one month referred to in that paragraph shall be replaced by a period of six months.

*Rule 14**Examination by the International Bureau*

(1) [*Time Limit for Correcting Irregularities*] If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the applicable requirements, it shall invite the applicant to make the required corrections within three months from the date of the invitation sent by the International Bureau.

(2) [*Irregularities Entailing a Postponement of the Filing Date of the International Application*] Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau. The irregularities which are prescribed as entailing a postponement of the filing date of the international application are the following:

- (a) the international application is not in the prescribed language or one of the prescribed languages;
- (b) any of the following elements is missing from the international application:
  - (i) an express or implicit indication that international registration under the 1999 Act, the 1960 Act or the 1934 Act is sought;
  - (ii) indications allowing the identity of the applicant to be established;
  - (iii) indications sufficient to enable the applicant or its representative, if any, to be contacted;
  - (iv) a reproduction, or, in accordance with Article 5(1)(iii) of the 1999 Act, a specimen, of each industrial design that is the subject of the international application;
  - (v) the designation of at least one Contracting Party.

(3) [*International Application Considered Abandoned; Reimbursement of Fees*] Where an irregularity, other than an irregularity referred to in Article 8(2)(b) of the 1999 Act, is not remedied within the time limit referred to in paragraph (1), the international application shall be considered abandoned and the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to the basic fee.

*Rule 15**Registration of the Industrial Design in the International Register*

(1) [*Registration of the Industrial Design in the International Register*] Where the International Bureau finds that the international application conforms to the applicable requirements, it shall register the industrial design in the International Register and send a certificate to the holder.

- (2) [*Contents of the Registration*] The international registration shall contain
- (i) all the data contained in the international application, except any priority claim under Rule 7(5)(c) where the date of the earlier filing is more than six months before the filing date of the international application;
  - (ii) any reproduction of the industrial design;
  - (iii) the date of the international registration;

- (iv) the number of the international registration;
- (v) the relevant class of the International Classification, as determined by the International Bureau.

*Rule 16*  
*Deferment of Publication*

(1) [*Maximum Period of Deferment*] (a) The prescribed period for deferment of publication in respect of an international application governed exclusively by the 1999 Act shall be 30 months from the filing date or, where priority is claimed, from the priority date of the application concerned.

(b) The maximum period for deferment of publication in respect of an international application governed exclusively by the 1960 Act or by both the 1999 Act and the 1960 Act shall be 12 months from the filing date or, where priority is claimed, from the priority date of the application concerned.

(2) [*Period for Withdrawal of Designation Where Deferment Is Not Possible Under Applicable Law*] The period referred to in Article 11(3)(i) of the 1999 Act for the applicant to withdraw the designation of a Contracting Party whose law does not allow the deferment of publication shall be one month from the date of the notification sent by the International Bureau.

(3) [*Period for Paying Publication Fee and Submitting Reproductions*] (a) The publication fee referred to in Rule 12(1)(a)(iv) shall be paid, and, where specimens have been submitted instead of reproductions in accordance with Rule 10, those reproductions shall be submitted, not later than three months before the period of deferment applicable under Article 11(2) of the 1999 Act or under Article 6(4)(a) of the 1960 Act expires or not later than three months before the period of deferment is considered to have expired in accordance with Article 11(4)(a) of the 1999 Act or with Article 6(4)(b) of the 1960 Act.

(b) Six months before the expiry of the period of deferment of publication referred to in subparagraph (a), the International Bureau shall, by sending an unofficial notice, remind the holder of the international registration, where applicable, of the date by which the publication fee referred to in paragraph (3) shall be paid and the reproductions referred to in paragraph (3) shall be submitted.

(4) [*Registration of Reproductions*] The International Bureau shall record in the International Register any reproduction submitted under paragraph (3).

(5) [*Requirements Not Complied With*] If the requirements of paragraph (3) are not complied with, the international registration shall be canceled and shall not be published.

*Rule 17*  
*Publication of the International Registration*

- (1) [*Timing of Publication*] The international registration shall be published
- (i) where the applicant so requests, immediately after the registration,
  - (ii) where deferment of publication has been requested and the request has not been disregarded, immediately after the date on which the period of deferment expired or is considered to have expired,

(iii) in any other case, six months after the date of the international registration or as soon as possible thereafter.

(2) [*Contents of Publication*] The publication of the international registration in the Bulletin shall contain

- (i) the data recorded in the International Register;
- (ii) the reproduction or reproductions of the industrial design;
- (iii) where publication has been deferred, an indication of the date on which the period of deferment expired or is considered to have expired.

### CHAPTER 3

#### REFUSALS AND INVALIDATIONS

##### *Rule 18*

##### *Notification of Refusal*

(1) [*Period for Notification of Refusal*] (a) The prescribed period for the notification of refusal of the effects of an international registration in accordance with Article 12(2) of the 1999 Act or Article 8(1) of the 1960 Act shall be six months from the publication of the international registration as provided for by Rule 26(3).

(b) Notwithstanding subparagraph (a), any Contracting Party whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General that, where it is designated under the 1999 Act, the period of six months referred to in that subparagraph shall be replaced by a period of 12 months.

(c) The declaration referred to in subparagraph (b) may also state that the international registration shall produce the effect referred to in Article 14(2)(a) of the 1999 Act at the latest

(i) at a time specified in the declaration which may be later than the date referred to in that Article but which shall not be more than six months after the said date or

(ii) at a time at which protection is granted according to the law of the Contracting Party where a decision regarding the grant of protection was unintentionally not communicated within the period applicable under subparagraph (a) or (b); in such a case, the Office of the Contracting Party concerned shall notify the International Bureau accordingly and endeavor to communicate such decision to the holder of the international registration concerned promptly thereafter.

(2) [*Notification of Refusal*] (a) The notification of any refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

- (i) the Office making the notification,
- (ii) the number of the international registration,
- (iii) all the grounds on which the refusal is based together with a reference to the corresponding essential provisions of the law,

(iv) where the grounds on which the refusal is based refer to similarity with an industrial design which has been the subject of an earlier national, regional or international application or registration, the filing date and number, the priority date (if any), the registration date and number (if available), a copy of a reproduction of the earlier industrial design (if that reproduction is accessible to the public) and the name and address of the owner of the said industrial design, as provided for in the Administrative Instructions,

(v) where the refusal does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,

(vi) whether the refusal may be subject to review or appeal and, if so, the time limit, reasonable under the circumstances, for any request for review of, or appeal against, the refusal and the authority to which such request for review or appeal shall lie, with the indication, where applicable, that the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal, and

(vii) the date on which the refusal was pronounced.

(3) [*Notification of Division of International Registration*] Where, following a notification of refusal in accordance with Article 13(2) of the 1999 Act, an international registration is divided before the Office of a designated Contracting Party in order to overcome a ground of refusal stated in that notification, that Office shall notify the International Bureau of such data concerning the division as shall be specified in the Administrative Instructions.

(4) [*Notification of Withdrawal of Refusal*] (a) The notification of any withdrawal of refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

(i) the Office making the notification,

(ii) the number of the international registration,

(iii) where the withdrawal does not relate to all the industrial designs to which the refusal applied, those to which it relates or does not relate, and

(iv) the date on which the refusal was withdrawn.

(5) [*Recording*] The International Bureau shall record any notification received under paragraph (1)(c)(ii), (2) or (4) in the International Register together with, in the case of a notification of refusal, an indication of the date on which the notification of refusal was sent to the International Bureau.

(6) [*Transmittal of Copies of Notifications*] The International Bureau shall transmit copies of notifications received under paragraph (1)(c)(ii), (2) or (4) to the holder.

#### *Rule 18bis*

##### *Statement of Grant of Protection*

(1) [*Statement of Grant of Protection Where No Notification of Provisional Refusal Has Been Communicated*] (a) An Office which has not communicated a notification of refusal may, within the period applicable under Rule 18(1)(a) or (b), send to the International Bureau a statement to the effect that protection is granted to the industrial designs that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

- (b) The statement shall indicate
  - (i) the Office making the statement,
  - (ii) the number of the international registration, and
  - (iii) the date of the statement.

(2) [*Statement of Grant of Protection Following a Refusal*] (a) An Office which has communicated a notification of refusal and which has decided to either partially or totally withdraw such refusal, may, instead of notifying a withdrawal of refusal in accordance with Rule 18(4)(a), send to the International Bureau a statement to the effect that protection is granted to the industrial designs, or some of the industrial designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

- (b) The statement shall indicate
  - (i) the Office making the notification,
  - (ii) the number of the international registration,
  - (iii) where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate, and
  - (iv) the date of the statement.

(3) [*Recording, Information to the Holder and Transmittal of Copies*] The International Bureau shall record any statement received under this Rule in the International Register, inform the holder accordingly and, where the statement was communicated, or can be reproduced, in the form of a specific document, transmit a copy of that document to the holder.

### *Rule 19* *Irregular Refusals*

(1) [*Notification Not Regarded as Such*] (a) A notification of refusal shall not be regarded as such by the International Bureau and shall not be recorded in the International Register

- (i) if it does not indicate the number of the international registration concerned, unless other indications contained in the notification permit the said registration to be identified,
- (ii) if it does not indicate any grounds for refusal, or
- (iii) if it is sent to the International Bureau after the expiry of the period applicable under Rule 18(1).

(b) Where subparagraph (a) applies, the International Bureau shall, unless it cannot identify the international registration concerned, transmit a copy of the notification to the holder, shall inform, at the same time, the holder and the Office that sent the notification that the notification of refusal is not regarded as such by the International Bureau and has not been recorded in the International Register, and shall indicate the reasons therefor.

- (2) [*Irregular Notification*] If the notification of refusal
- (i) is not signed on behalf of the Office which communicated the refusal, or does not comply with the requirements established under Rule 2,
  - (ii) does not comply, where applicable, with the requirements of Rule 18(2)(b)(iv),

(iii) does not indicate, where applicable, the authority to which a request for review or an appeal lies and the applicable time limit, reasonable under the circumstances, for lodging such a request or appeal (Rule 18(2)(b)(vi)),

(iv) does not indicate the date on which the refusal was pronounced (Rule 18(2)(b)(vii)),

(v) the International Bureau shall nevertheless record the refusal in the International Register and transmit a copy of the notification to the holder. If so requested by the holder, the International Bureau shall invite the Office which communicated the refusal to rectify its notification without delay.

#### *Rule 20*

##### *Invalidation in Designated Contracting Parties*

(1) [*Contents of the Notification of Invalidation*] Where the effects of an international registration are invalidated in a designated Contracting Party and the invalidation is no longer subject to any review or appeal, the Office of the Contracting Party whose competent authority has pronounced the invalidation shall, where it is aware of the invalidation, notify the International Bureau accordingly. The notification shall indicate

- (i) the authority which pronounced the invalidation,
- (ii) the fact that the invalidation is no longer subject to appeal,
- (iii) the number of the international registration,
- (iv) where the invalidation does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,
- (v) the date on which the invalidation was pronounced and its effective date.

(2) [*Recording of the Invalidation*] The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation.

### *CHAPTER 4*

#### *CHANGES AND CORRECTIONS*

#### *Rule 21*

##### *Recording of a Change*

(1) [*Presentation of the Request*] (a) A request for the recording shall be presented to the International Bureau on the relevant official form where the request relates to any of the following:

- (i) a change in the ownership of the international registration in respect of all or some of the industrial designs that are the subject of the international registration;
- (ii) a change in the name or address of the holder;
- (iii) a renunciation of the international registration in respect of any or all of the designated Contracting Parties;
- (iv) a limitation, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration.

(b) The request shall be presented by the holder and signed by the holder; however, a request for the recording of a change in ownership may be presented by the new owner, provided that it is

- (i) signed by the holder, or
- (ii) signed by the new owner and accompanied by an attestation from the competent authority of the holder's Contracting Party that the new owner appears to be the successor in title of the holder.

(2) [*Contents of the Request*] The request for the recording of a change shall, in addition to the requested change, contain or indicate

- (i) the number of the international registration concerned,
- (ii) the name of the holder, unless the change relates to the name or address of the representative,
- (iii) in case of a change in the ownership of the international registration, the name and address, given in accordance with the Administrative Instructions, of the new owner of the international registration,
- (iv) in case of a change in the ownership of the international registration, the Contracting Party or Parties in respect of which the new owner fulfills the conditions to be the holder of an international registration,
- (v) in case of a change in the ownership of the international registration that does not relate to all the industrial designs and to all the Contracting Parties, the numbers of the industrial designs and the designated Contracting Parties to which the change in ownership relates, and
- (vi) the amount of the fees being paid and the method of payment, or instruction to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(3) [*Request Not Admissible*] A change in the ownership of an international registration may not be recorded in respect of a designated Contracting Party if that Contracting Party is not bound by an Act to which the Contracting Party, or one of the Contracting Parties, indicated under paragraph (2)(iv) is bound.

(4) [*Irregular Request*] If the request does not comply with the applicable requirements, the International Bureau shall notify that fact to the holder and, if the request was made by a person claiming to be the new owner, to that person.

(5) [*Time Allowed to Remedy Irregularity*] The irregularity may be remedied within three months from the date of the notification of the irregularity by the International Bureau. If the irregularity is not remedied within the said three months, the request shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the holder and, if the request was presented by a person claiming to be the new owner, that person, and shall refund any fees paid, after deduction of an amount corresponding to one-half of the relevant fees.

(6) [*Recording and Notification of a Change*] (a) The International Bureau shall, provided that the request is in order, promptly record the change in the International Register and shall inform the holder. In the case of a recording of a change in ownership, the International Bureau will inform both the new holder and the previous holder.

(b) The change shall be recorded as of the date of receipt by the International Bureau of the request complying with the applicable requirements. Where however the request indicates that the change should be recorded after another change, or after renewal of the international registration, the International Bureau shall proceed accordingly.



(7) [*Recording of Partial Change in Ownership*] Assignment or other transfer of the international registration in respect of some only of the industrial designs, or some only of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred; any assigned or otherwise transferred part shall be canceled under the number of the said international registration and recorded as a separate international registration. The separate international registration shall bear the number of the international registration of which a part has been assigned or otherwise transferred, together with a capital letter.

(8) [*Recording of Merger of International Registrations*] Where the same person becomes the holder of two or more international registrations resulting from a partial change in ownership, the registrations shall be merged at the request of the said person and paragraphs (1) to (6) shall apply *mutatis mutandis*. The international registration resulting from the merger shall bear the number of the international registration of which a part had been assigned or otherwise transferred, together, where applicable, with a capital letter.

#### *Rule 22*

##### *Corrections in the International Register*

(1) [*Correction*] Where the International Bureau, acting *ex officio* or at the request of the holder, considers that there is an error concerning an international registration in the International Register, it shall modify the Register and inform the holder accordingly.

(2) [*Refusal of Effects of Correction*] The Office of any designated Contracting Party shall have the right to declare in a notification to the International Bureau that it refuses to recognize the effects of the correction. Rules 18 to 19 shall apply *mutatis mutandis*.

## *CHAPTER 5*

### *RENEWALS*

#### *Rule 23*

##### *Unofficial Notice of Expiry*

Six months before the expiry of a five-year term, the International Bureau shall send to the holder and the representative, if any, a notice indicating the date of expiry of the international registration. The fact that the said notice is not received shall not constitute an excuse for failure to comply with any time limit under Rule 24.

*Rule 24*  
*Details Concerning Renewal*

(1) [*Fees*] (a) The international registration shall be renewed upon payment of the following fees:

(i) a basic fee;

(ii) a standard designation fee in respect of each Contracting Party designated under the 1999 Act that has not made a declaration under Article 7(2) of the 1999 Act, and each Contracting Party designated under the 1960 Act, for which the international registration is to be renewed;

(iii) an individual designation fee for each Contracting Party designated under the 1999 Act that has made a declaration under Article 7(2) of the 1999 Act and for which the international registration is to be renewed.

(b) The amounts of the fees referred to in items (i) and (ii) of subparagraph (a) are set out in the Schedule of Fees.

(c) The payment of the fees referred to in subparagraph (a) shall be made at the latest on the date on which the renewal of the international registration is due. However, it may still be made within six months from the date on which the renewal of the international registration is due, provided that the surcharge specified in the Schedule of Fees is paid at the same time.

(d) If any payment made for the purposes of renewal is received by the International Bureau earlier than three months before the date on which the renewal of the international registration is due, it shall be considered as having been received three months before that date.

(2) [*Further Details*] (a) Where the holder does not wish to renew the international registration

(i) in respect of a designated Contracting Party, or

(ii) in respect of any of the industrial designs that are the subject of the international registration,

payment of the required fees shall be accompanied by a statement indicating the Contracting Party or the numbers of the industrial designs for which the international registration is not to be renewed.

(b) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that the maximum period of protection for industrial designs in that Contracting Party has expired, payment of the required fees, including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(c) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that a refusal is recorded in the International Register for that Contracting Party in respect of all the industrial designs concerned, payment of the required fees, including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement specifying that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(d) The international registration may not be renewed in respect of any designated Contracting Party in respect of which an invalidation has been recorded for all the industrial designs under Rule 20 or in respect of which a renunciation has been recorded under Rule 21. The international registration may not be renewed in respect of any designated Contracting Party for those industrial designs in respect of which an invalidation in that Contracting Party has been recorded under Rule 20 or in respect of which a limitation has been recorded under Rule 21.

(3) [*Insufficient Fees*] (a) If the amount of the fees received is less than the amount required for renewal, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly. The notification shall specify the missing amount.

(b) If the amount of the fees received is, on the expiry of the period of six months referred to in paragraph (1)(c), less than the amount required for renewal, the International Bureau shall not record the renewal, shall refund the amount received and shall notify accordingly the holder and the representative, if any.

#### *Rule 25*

##### *Recording of the Renewal; Certificate*

(1) [*Recording and Effective Date of the Renewal*] Renewal shall be recorded in the International Register with the date on which renewal was due, even if the fees required for renewal are paid within the period of grace referred to in Rule 24(1)(c).

(2) [*Certificate*] The International Bureau shall send a certificate of renewal to the holder.

## *CHAPTER 6*

### *BULLETIN*

#### *Rule 26*

##### *Bulletin*

(1) [*Information Concerning International Registrations*] The International Bureau shall publish in the Bulletin relevant data concerning

- (i) international registrations, in accordance with Rule 17;
- (ii) refusals, with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal, and other communications recorded under Rules 18(5) and 18bis(3);
- (iii) invalidations recorded under Rule 20(2);
- (iv) changes in ownership, changes of name or address of the holder, renunciations and limitations recorded under Rule 21;
- (v) corrections effected under Rule 22;
- (vi) renewals recorded under Rule 25(1);
- (vii) international registrations which have not been renewed.

(2) [*Information Concerning Declarations; Other Information*] The International Bureau shall publish in the Bulletin any declaration made by a Contracting Party under the 1999 Act, the 1960 Act or these Regulations, as well as a list of the days on which the International Bureau is not scheduled to open to the public during the current and the following calendar year.

(3) [*Mode of Publishing the Bulletin*] The Bulletin referred to in Rule 1(1)(x) shall be published on the website of the Organization. The date on which each issue of the Bulletin is published on that website shall be electronically communicated by the International Bureau to the Office of each Contracting Party. Such communication shall be deemed to replace the sending of the Bulletin referred to in Article 10(3)(b) of the 1999 Act and Article 6(3)(b) of the 1960 Act, and, for the purposes of Article 8(2) of the 1960 Act, the Bulletin shall be deemed to have been received by each Office concerned also on the date of the said communication.

## CHAPTER 7

### FEES

#### Rule 27

##### *Amounts and Payment of Fees*

(1) [*Amounts of Fees*] The amounts of fees due under the 1999 Act, the 1960 Act, the 1934 Act and these Regulations, other than individual designation fees referred to in Rule 12(1)(a)(iii), shall be specified in the Schedule of Fees which is annexed to these Regulations and forms an integral part thereof.

(2) [*Payment*] (a) Subject to subparagraph (b) and Rule 12(3)(c), the fees shall be paid directly to the International Bureau.

(b) Where the international application is filed through the Office of the applicant's Contracting Party, the fees payable in connection with that application may be paid through that Office if it accepts to collect and forward such fees and the applicant or the holder so wishes. Any Office which accepts to collect and forward such fees shall notify that fact to the Director General.

(3) [*Modes of Payment*] Fees shall be paid to the International Bureau in accordance with the Administrative Instructions.

(4) [*Indications Accompanying the Payment*] At the time of the payment of any fee to the International Bureau, an indication must be given,

(i) before international registration, of the name of the applicant, the industrial design concerned and the purpose of the payment;

(ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment.

(5) [*Date of Payment*] (a) Subject to Rule 24(1)(d) and subparagraph (b), any fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives the required amount.

(b) Where the required amount is available in an account opened with the International Bureau and that Bureau has received instructions from the holder of the account to debit it, the fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives an international application, a request for the recording of a change, or an instruction to renew an international registration.

(6) [*Change in the Amount of the Fees*] (a) Where an international application is filed through the Office of the applicant's Contracting Party and the amount of the fees payable in respect of the filing of the international application is changed between, on the one hand, the date on which the international application was received by that Office and, on the other hand, the date of the receipt of the international application by the International Bureau, the fee that was valid on the first date shall be applicable.

(b) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid on the date of payment, or on the date considered to be the date of payment under Rule 24(1)(d), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.

(c) Where the amount of any fee other than the fees referred to in subparagraphs (a) and (b) is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.

## *Rule 28*

### *Currency of Payments*

(1) [*Obligation to Use Swiss Currency*] All payments made under these Regulations to the International Bureau shall be in Swiss currency irrespective of the fact that, where the fees are paid through an Office, such Office may have collected those fees in another currency.

(2) [*Establishment of the Amount of Individual Designation Fees in Swiss Currency*] (a) Where a Contracting Party makes a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) that it wants to receive an individual designation fee, the amount of the fee indicated to the International Bureau shall be expressed in the currency used by its Office.

(b) Where the fee is indicated in the declaration referred to in subparagraph (a) in a currency other than Swiss currency, the Director General shall, after consultation with the Office of the Contracting Party concerned, establish the amount of the fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(c) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin.

(d) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is lower by at least 10% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the

Director General shall establish a new amount of the fee in Swiss currency according to the current official exchange rate of the United Nations. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin.

*Rule 29*

*Crediting of Fees to the Accounts of the Contracting Parties Concerned*

Any standard designation fee or individual designation fee paid to the International Bureau in respect of a Contracting Party shall be credited to the account of that Contracting Party with the International Bureau within the month following the month in the course of which the recording of the international registration or renewal for which that fee has been paid was effected or, as regards the second part of the individual designation fee, immediately upon its receipt by the International Bureau.

*CHAPTER 8*

*INTERNATIONAL APPLICATIONS GOVERNED EXCLUSIVELY OR PARTLY BY THE  
1934 ACT AND INTERNATIONAL REGISTRATIONS RESULTING THEREFROM*

*Rule 30*

*Applicability of These Regulations to International Applications Governed Exclusively by the  
1934 Act and International Registrations Resulting Therefrom*

(1) [*General Principle*] Unless otherwise specified and subject to paragraph (2), these Regulations shall be applicable to international applications governed exclusively by the 1934 Act and to international registrations resulting therefrom.

(2) [*Exceptions*] (a) Notwithstanding Rule 6, any international application governed exclusively by the 1934 Act shall be in French. Any communication concerning that international application or the international registration resulting therefrom shall be in French.

(b) Notwithstanding Rule 7(5)(a), a description of the reproduction or of the characteristic features of the industrial designs and the identity of the creator of the industrial designs may not be included in an application governed exclusively by the 1934 Act.

(c) Notwithstanding Rule 7(5)(e), deferment of publication may not be requested with respect to an international application governed exclusively by the 1934 Act.

(d) Notwithstanding Rule 7(7), the industrial designs contained in an international application governed exclusively by the 1934 Act may belong to different classes of the International Classification.

(e) Notwithstanding Rule 9(1), an international application governed exclusively by the 1934 Act may, instead of containing reproductions, be accompanied by specimens.

(f) Notwithstanding Rule 12(1)(a), an international application governed exclusively by the 1934 Act shall be subject only to the payment of the basic fee referred to in Rule 12(1)(a)(i).

(g) Notwithstanding Rule 15(1), the reproductions of the industrial designs contained in an international application governed exclusively by the 1934 Act shall not be registered in the International Register.

(h) Notwithstanding Rule 17(1), an international registration resulting from an international application governed exclusively by the 1934 Act shall be published immediately after registration.

(i) Notwithstanding Rule 17(2)(ii), the reproductions of industrial designs contained in an international registration resulting from an international application governed exclusively by the 1934 Act shall not be published in the Bulletin.

(j) Notwithstanding Rules 18 and 18*bis*, the effects of an international registration resulting from an international application governed exclusively by the 1934 Act may not be the subject of a notification of refusal of protection or of a statement of grant of protection.

(k) Notwithstanding Rule 21(3), a change in ownership may not be recorded in respect of a Contracting Party designated under the 1934 Act if, on the basis of the indications referred to in Rule 21(2)(iv), the 1934 Act would cease to be applicable in respect of that Contracting Party.

(l) Notwithstanding Rule 24(1)(a), an international registration resulting from an international application governed exclusively by the 1934 Act shall be renewed upon payment only of the basic fee referred to in Rule 24(1)(a)(i).

(m) Notwithstanding Rule 24(2)(b), an international registration resulting from an international application governed exclusively by the 1934 Act shall not be renewed where the duration of international protection of fifteen years referred to in Article 7 of the 1934 Act has expired.

(n) The renewal of an international registration resulting from an international application governed exclusively by the 1934 Act, for the second period of protection of ten years referred to in Article 7 of the 1934 Act, may be requested at the time of filing the international application concerned. In such case, the fee referred to in Rule 24(1)(a)(i) shall be payable at the time of filing of the said international application, failing which the request for renewal shall be disregarded by the International Bureau.

(3) [*International Applications Under Sealed Cover*] (a) An international application governed exclusively by the 1934 Act shall contain, in addition to the indications referred to in Rule 7(3), an indication as to whether such application is made under open or sealed cover.

(b) Upon expiry of the first period of five years of international protection referred to in Article 7 of the 1934 Act, any international registration which is under sealed cover shall be opened by the International Bureau upon renewal of the said registration.

### *Rule 31*

#### *Applicability of These Regulations to International Applications Governed Partly by the 1934 Act and International Registrations Resulting Therefrom*

(1) [*General Principle*] These Regulations shall be applicable to international applications referred to in Rule 1(1)(xviii) to (xx), and to international registrations resulting therefrom, subject to paragraph (2).

(2) [*Exceptions*] (a) Notwithstanding Rule 7(5)(e), deferment of publication may not be requested with respect to an international application referred to in paragraph (1). Where deferment of publication has been requested and one of the designated Contracting Parties in the international application has been designated under the 1934 Act, the International Bureau shall notify the applicant accordingly; if, within the period of one month from the date of the notification sent by the International Bureau, the applicant does not, by notice in writing to the International Bureau, withdraw the designation of the said Contracting Party, the International Bureau shall disregard the request for deferment of publication.

(b) Notwithstanding Rule 21(3), a change in ownership may not be recorded in respect of a designated Contracting Party if, on the basis of the indications referred to in Rule 21(2)(iv), the 1934 Act would cease to be applicable, or would become applicable, in respect of that Contracting Party.

(c) With respect to Contracting Parties designated under the 1934 Act in an international application referred to in paragraph (1), or in an international registration resulting therefrom,

- (i) the fees referred to in Rule 12(1)(a)(ii) to (iv) shall not be payable;
- (ii) the effects of the international registration concerned may not be the subject of a notification of refusal of protection referred to in Rule 18 or of a statement of grant of protection referred to under Rule 18*bis*;
- (iii) the renewal fees referred to in Rule 24(1)(a)(ii) and (iii) shall not be payable;
- (iv) the international registration concerned shall not be renewed where the duration of international protection of fifteen years referred to in Article 7 of the 1934 Act has expired, notwithstanding Rule 24(2)(b).

## CHAPTER 9

### MISCELLANEOUS

#### Rule 32

#### *Extracts, Copies and Information Concerning Published International Registrations*

(1) [*Modalities*] Against payment of a fee whose amount shall be fixed in the Schedule of Fees, any person may obtain from the International Bureau, in respect of any published international registration:

- (i) extracts from the International Register;
- (ii) certified copies of recordings made in the International Register or of items in the file of the international registration;
- (iii) uncertified copies of recordings made in the International Register or of items in the file of the international registration;
- (iv) written information on the contents of the International Register or of the file of the international registration;
- (v) a photograph of a specimen.

(2) [*Exemption from Authentication, Legalization or any Other Certification*] In respect of a document referred to in paragraph (1)(i) and (ii), bearing the seal of the International Bureau and the signature of the Director General or a person acting on his behalf, no authority of any Contracting Party shall require authentication, legalization or any other certification of such document, seal or signature, by any other person or authority. The present paragraph applies *mutatis mutandis* to the international registration certificate referred to in Rule 15(1).



*Rule 33*  
*Amendment of Certain Rules*

(1) [*Requirement of Unanimity*] Amendment of the following provisions of these Regulations shall require unanimity of the Contracting Parties bound by the 1999 Act:

- (i) Rule 13(4);
- (ii) Rule 18(1).

(2) [*Requirement of Four-Fifths Majority*] Amendment of the following provisions of the Regulations and of paragraph (3) of the present Rule shall require a four-fifths majority of the Contracting Parties bound by the 1999 Act:

- (i) Rule 7(7);
- (ii) Rule 9(3)(b);
- (iii) Rule 16(1)(a);
- (iv) Rule 17(1)(iii).

(3) [*Procedure*] Any proposal for amending a provision referred to in paragraph (1) or (2) shall be sent to all Contracting Parties at least two months prior to the opening of the session of the Assembly which is called upon to make a decision on the proposal.

*Rule 34*  
*Administrative Instructions*

(1) [*Establishment of Administrative Instructions; Matters Governed by Them*]  
(a) The Director General shall establish Administrative Instructions. The Director General may modify them. The Director General shall consult the Offices of the Contracting Parties with respect to the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(2) [*Control by the Assembly*] The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

(3) [*Publication and Effective Date*] (a) The Administrative Instructions and any modification thereof shall be published in the Bulletin.

(b) Each publication shall specify the date on which the published provisions become effective. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Bulletin.

(4) [*Conflict with the 1999 Act, the 1960 Act, the 1934 Act or These Regulations*] In the case of conflict between, on the one hand, any provision of the Administrative Instructions and, on the other hand, any provision of the 1999 Act, the 1960 Act, the 1934 Act or of these Regulations, the latter shall prevail.

*Rule 35**Declarations Made by Contracting Parties to the 1999 Act*

(1) [*Making and Coming into Effect of Declarations*] Article 30(1) and (2) of the 1999 Act shall apply *mutatis mutandis* to the making of any declaration under Rules 8(1), 9(3)(a), 13(4) or 18(1)(b) and to its coming into effect.

(2) [*Withdrawal of Declarations*] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect upon receipt by the Director General of the notification of withdrawal or at any later date indicated in the notification. In the case of a declaration made under Rule 18(1)(b), the withdrawal shall not affect an international registration whose date is earlier than the coming into effect of the said withdrawal.

*Rule 36**Declarations Made by Contracting Parties to the 1960 Act*

(1)\* [*Individual Designation Fee*] For the purpose of Article 15(1)2(b) of the 1960 Act, any Contracting Party to the 1960 Act whose Office is an Examining Office may, in a declaration, notify the Director General that, in connection with any international application in which it is designated under the 1960 Act, the standard designation fee referred to in Rule 12(1)(a)(ii) shall be replaced by an individual designation fee, whose amount shall be indicated in the declaration and can be changed in further declarations. The said amount may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

(2) [*Maximum Duration of Protection*] Each Contracting Party to the 1960 Act shall, in a declaration, notify the Director General of the maximum duration of protection provided for by its law.

(3) [*Time at Which Declarations May Be Made*] Any declaration under paragraphs (1) and (2) may be made

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\* [WIPO Note]: Recommendation adopted by the Assembly of the Hague Union:

“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”

(i) at the time of the deposit of an instrument referred to in Article 26(2) of the 1960 Act, in which case it shall become effective on the date on which the State having made the declaration becomes bound by this Act, or

(ii) after the deposit of an instrument referred to in Article 26(2) of the 1960 Act, in which case it shall become effective one month after the date of its receipt by the Director General or at any later date indicated in the declaration but shall apply only in respect of any international registration whose date of international registration is the same as, or is later than, the effective date of the declaration.

## SCHEDULE OF FEES

(as in force on January 1, 2009)

*Swiss francs*

I. <i>International Applications Governed Exclusively or Partly by the 1960 Act or by the 1999 Act</i>	
1. Basic fee*	
1.1 For one design	397
1.2 For each additional design included in the same international application	19
2. Publication fee*	
2.1 For each reproduction to be published	17
2.2 For each page, in addition to the first, on which one or more reproductions are shown (where the reproductions are submitted on paper)	150
3. Additional fee where the description exceeds 100 words per word exceeding 100 words	2

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\* For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act. If there are several applicants, each must fulfill the said criteria.

Where such fee reduction applies, the basic fee is fixed at 40 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application), the publication fee is fixed at 2 Swiss francs for each reproduction and 15 Swiss francs for each page, in addition to the first, on which one or more reproductions are shown, and the additional fee where the description exceeds 100 words is fixed at 1 Swiss franc per group of five words exceeding 100 words.

*Swiss francs*

- |       |   |    |
|-------|---|----|
| 4.    | Standard designation fee <sup>**</sup>  |    |
| 4.1   | Where level one applies:  |    |
| 4.1.1 | For one design  | 42 |
| 4.1.2 | For each additional design included in the same international application   | 2  |
| 4.2   | Where level two applies:  |    |
| 4.2.1 | For one design  | 60 |
| 4.2.2 | For each additional design included in the same international application   | 20 |
| 4.3   | Where level three applies:  |    |
| 4.3.1 | For one design  | 90 |
| 4.3.2 | For each additional design included in the same international application   | 50 |
| 5.    | Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned) <sup>♦</sup> |    |

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For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the standard fees are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act. If there are several applicants, each must fulfill the said criteria.

Where such reduction applies, the standard designation fee is fixed at 4 Swiss francs (for one design) and 1 Swiss franc (for each additional design included in the same international application) under level one, 6 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application) under level two, and 9 Swiss francs (for one design) and 5 Swiss francs (for each additional design included in the same international application) under level three.

♦

[WIPO Note]: Recommendation adopted by the Assembly of the Hague Union:

“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”

Swiss francs

II. *International Applications Governed Exclusively by the 1934 Act*

6.	Basic fee <sup>***</sup>	
6.1	For one design	216
6.2	For two to 50 designs included in the same international application	432
6.3	For 51 to 100 designs included in the same international application	638

III. *Renewal of an International Registration Resulting From an International Application Governed Exclusively or Partly by the 1960 Act or by the 1999 Act*

7.	Basic fee	
7.1	For one design	200
7.2	For each additional design included in the same international registration	17
8.	Standard designation fee	
8.1	For one design	21
8.2	For each additional design included in the same international registration	1
9.	Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)	
10.	Surcharge (period of grace)	****

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\*\*\* For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). If there are several applicants, each must fulfill the said criterion. Where such fee reduction applies, the basic fee is fixed at 22 Swiss francs (for one design), 43 Swiss francs (for two to 50 designs included in the same international application) and 64 Swiss francs (for 51 to 100 designs included in the same international application).

\*\*\*\* 50% of the renewal basic fee.

Swiss francs

IV. *Renewal of an International Registration Resulting From an International Application Governed Exclusively by the 1934 Act*

11.	Basic fee	
11.1	For one design	422
11.2	For two to 50 designs included in the same international registration	844
11.3	For 51 to 100 designs included in the same international registration	1236
12.	Surcharge (period of grace)	****

V. *Miscellaneous Recordings*

13.	Change in ownership	144
14.	Change of name and/or address of the holder	
14.1	For one international registration	144
14.2	For each additional international registration of the same holder included in the same request	72
15.	Renunciation	144
16.	Limitation	144

VI. *Information Concerning Published International Registrations*

17.	Supply of an extract from the International Register relating to a published international registration	144
18.	Supply of non-certified copies of the International Register or of items in the file of a published international registration	
18.1	For the first five pages	26
18.2	For each additional page after the fifth if the copies are requested at the same time and relate to the same international registration	2
19.	Supply of certified copies from the International Register or of items in the file of a published international registration	
19.1	For the first five pages	46
19.2	For each additional page after the fifth if the copies are requested at the same time and relate to the same international registration	2

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\*\*\*\* 50% of the renewal basic fee.

*Swiss francs*

20.	Supply of a photograph of a specimen	57
21.	Supply of written information on the contents of the International Register or of the file of a published international registration	
21.1	Concerning one international registration	82
21.2	Concerning any additional international registration of the same holder if the same information is requested at the same time	10
22.	Search in the list of owners of international registrations	
22.1	Per search by the name of a given person or entity	82
22.2	For each international registration found beyond the first one	10
23.	Surcharge for the communication of extracts, copies, information or search reports by telefacsimile (per page)	4