

## **Accession Kit: The Hague System for the International Registration of Industrial Designs**

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## **PART I: SUMMARY OF THE HAGUE SYSTEM**

### **A. INTRODUCTION**

The World Intellectual Property Organization (WIPO) - administered Hague System is based on the Hague Agreement Concerning the International Registration of Industrial Designs that allows users to seek protection for their industrial designs in the various Contracting Parties by means of a single application filed with the International Bureau of WIPO, and to subsequently manage those rights under a single title.

If the Hague System had not been established, the procedure for protecting designs in multiple jurisdictions would involve filing separate applications with each national or regional industrial property (IP) Office. The Hague System simplifies this process by creating a single international procedure for the protection of a design in multiple jurisdictions. The system makes it possible for an applicant to obtain protection for up to 100 industrial designs for products belonging to one and the same class of the Locarno Classification in multiple jurisdictions by filing a single application with the International Bureau of WIPO. It also simplifies the subsequent management of the industrial design, since it is possible to record changes or to renew the registration through a single procedural step. The Geneva Act (1999) modernized the Hague System by allowing, among others, the accession of international intergovernmental organizations, as well as countries with examination systems, to it. All accessions in the last 15 years were to that Act.

### **B. ADVANTAGES OF THE HAGUE SYSTEM**

The Hague System lowers transaction costs for design registrations through the creation of a single application in one language, with one set of fees in a single currency denomination. Applicants are thus not burdened by having to apply at multiple Offices, which would subject them to different formalities in different languages, and would involve purchasing several currency denominations and paying varying fees.

The System also simplifies the subsequent management of international registrations. International registrations are handled through a single institution, which allows future amendments and renewals to be carried out by a single Office (the International Bureau) rather than requiring the designer/holder of the registration to request such amendments at multiple IP Offices.

Under the Hague System, the IP Office is relieved from the burden of formal examination, as well as from other chores such as data entry, publication and the issuance of a registration certificate, which are all the responsibility of the International Bureau. As the Hague System makes it easier for foreign enterprises/designers to protect their industrial designs in various local markets, it thus generates additional income in terms of filing/renewal fees for the Office, in addition to benefiting the local economy and community in general.

## C. INTERNATIONAL APPLICATION AND REGISTRATION PROCEDURE

An international application<sup>1</sup> is normally filed directly with the International Bureau<sup>2</sup>, which is responsible for carrying out an examination to verify that the application meets all formal requirements. In case of non-compliance, applicants are invited to correct the application within a three-month time limit. If corrections are not made in time, the application is considered abandoned.

The International Bureau does not undertake substantive examination (e.g., for novelty of design) and, therefore, cannot reject an application based on substantive grounds. The decision of whether or not to grant protection remains the prerogative of national or regional Offices, and the rights are limited to the jurisdiction of the granting authority.

International applications are recorded in the International Register if they fulfill all the requirements of the formal examination conducted by the International Bureau. The general rule is that international registrations are published in the *International Designs Bulletin* 12 months after the date of international registration, unless applicants request an immediate publication or choose a different time<sup>3</sup>. Once the registrations are published in the Bulletin, national and regional Offices identify those international registrations that have designated their country or international intergovernmental organization, and they then carry out a substantive examination according to their respective national or regional legislation, if any<sup>4</sup>. If an Office refuses to issue protection, it must notify the International Bureau of the refusal within six months from the date of publication of the international registration in the Bulletin<sup>5</sup>. In the case of refusal, applicants have the same right of appeal as those that file directly with the national or regional Office<sup>6</sup>. However, if the International Bureau does not receive a notification of refusal from a national or regional Office within the prescribed time limit, the international registration is considered valid within that jurisdiction and has effect as a grant of protection in the jurisdiction concerned<sup>7</sup>.

International registrations are valid for a period of five years and may be renewed for at least two additional five-year periods. The maximum duration of protection by each designated Hague member depends on the locally applicable legislation. The International Bureau administers the renewal process.

For more information on the Hague System, visit [www.wipo.int/hague/en/](http://www.wipo.int/hague/en/).

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<sup>1</sup> An international application does not require a prior national application or registration. It must be filed in one of the working languages – English, French or Spanish – and list the designated members (i.e., States or international intergovernmental organizations such as the European Union (EU) or the African Intellectual Property Organization (OAPI)) in which protection is sought.

<sup>2</sup> An international application may be filed directly with the International Bureau or indirectly through the Office of the Contracting Party in respect of which the applicant is entitled to file an international application through domicile, nationality, habitual residence or real and effective industrial or commercial establishment.

<sup>3</sup> An applicant can request publication at a time earlier than the standard publication period of 12 months. An applicant may also request to defer publication beyond the standard publication period for up to 30 months under the 1999 Act, whereby the possible maximum deferment period depends on the Contracting Parties designated in the international application.

<sup>4</sup> Some Offices carry out substantive examination for every design, whereas others automatically issue protection for designs barring opposition by third parties.

<sup>5</sup> Under certain circumstances, the time period for notifying the International Bureau of a refusal is 12 instead of six months.

<sup>6</sup> The applicant can appeal against a refusal according to the rules and regulations outlined in domestic/regional legislation of the Office refusing protection. The International Bureau is not involved in this procedure.

<sup>7</sup> In some cases, national or regional Offices notify the International Bureau that protection is granted for an international registration by sending a statement. However, where an Office does not provide the International Bureau with a Statement of Grant of Protection, the international registration is nevertheless valid unless the Office refuses the registration and communicates the refusal to the International Bureau within the prescribed time limit (i.e., within six months or 12 months, as the case may be).

## D. STATISTICS AND RECENT DEVELOPMENTS OF THE HAGUE SYSTEM

For detailed statistics of the Hague System, please refer to the *Hague Yearly Review 2022 – International Registrations of Industrial Designs*, available only in English, on the WIPO website at <https://www.wipo.int/publications/en/details.jsp?id=4601><sup>8</sup>. Monthly statistics are also searchable at [www.wipo.int/ipstats/en/statistics/designs](http://www.wipo.int/ipstats/en/statistics/designs). Information on the recent developments of the Hague System is published through Information Notices, available on the WIPO website at [www.wipo.int/hague/en/notices/](http://www.wipo.int/hague/en/notices/).

## E. DEVELOPMENT OF NEW IT TOOLS

Information technology plays an important part in the administration of the Hague System. The Hague System website at <https://www.wipo.int/hague/en/> is a rich source of information and online solution to support various stakeholders, including design owners, Hague Members and those wishing to become Hague Members.

International registrations recorded in the International Register are published weekly in the *International Designs Bulletin* at [www.wipo.int/haguebulletin/?locale=en](http://www.wipo.int/haguebulletin/?locale=en), which is the official publication for international designs. International registrations may also be accessed through the “Hague Express” at [www.wipo.int/hague/en/design\\_search/](http://www.wipo.int/hague/en/design_search/). Furthermore, the *Global Design Database* at [www.wipo.int/designdb/en/index.jsp](http://www.wipo.int/designdb/en/index.jsp) is a tool to search for designs registered under the Hague System or those in participating national/regional collections.

*WIPO IP Portal* at <https://ipportal.wipo.int/> is the central platform for users of WIPO’s IP services on [patents](#), [trademarks](#) and [designs](#). Users may access the Filing interface (*eHague*), which is an intuitive, digital tool for filing international applications, providing ease to applicants since requirements and automatically alerts of relevant information have been integration. Applicants may pay fees, communicate with WIPO, or manage their application portfolios using *eHague*.

Under the *WIPO IP Portal*, a *Hague Fee Distribution widget* enables IP Offices to access the Hague fee distribution report by using a unique Office Customer ID and Access Code granted by the Finance Division, Department of Program Planning and Finance of WIPO.

Filing of international applications and renewal of international registrations can be made electronically through *eHague* at <https://hague.wipo.int/#/landing/home>.

*Contact Hague* at <https://www3.wipo.int/contact/en/hague/> is a communication channel for users to request a priority document, submit a request for recording of a change or ask a question.

IP Offices of new Contracting Parties to the Hague Agreement will be requested to reply to an online questionnaire through which information on their practices and procedures is provided for publication on the *Hague System Member Profiles* at [www.wipo.int/hague/memberprofiles/#/](http://www.wipo.int/hague/memberprofiles/#/).

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<sup>8</sup> Please also refer to document “*Hague Yearly Review 2022 – Executive Summary: International Registration of Industrial Designs*”, available on the WIPO website at <https://www.wipo.int/publications/en/details.jsp?id=4606&plang=EN>.

## **PART II: ACCESSION TO THE 1999 ACT**

### **A. ACCESSION PROCEDURES**

#### Who Can Be Party to the 1999 Act?

The flexibility of the 1999 Act allows both countries/intergovernmental organizations with deposit systems and examination systems to become parties to 1999 Act.

Contracting States and contracting intergovernmental organizations are collectively known as “Contracting Parties”.

In order to become party to the 1999 Act:

- a State has to be a member of WIPO;
- an intergovernmental organization has to maintain an Office authorized to grant protection to industrial designs with effect in the territory in which its constituting treaty is applicable, provided that at least one of the member States of the intergovernmental organization is a member of WIPO.

The Contracting Parties to the 1999 Act are members of the Hague Union.

For a complete list of Contracting Parties, please refer to [www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty\\_id=9](http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=9).

#### *Instrument of Ratification of the 1999 Act or Accession to the 1999 Act*

The Instrument of ratification or accession must be signed by the Head of State, the Head of Government, or the Minister of Foreign Affairs, in accordance with the jurisdiction of the State concerned or in accordance with the statutes of the organization. As a reference, Annex I to this document contains a model instrument of accession.

#### *Deposit of the Instrument of Ratification/Accession with the Director General*

Instruments of ratification or accession must be deposited with the Director General of WIPO through the appropriate diplomatic channels. The Director General will then notify all Contracting Parties of the deposit. The notifications are made available on the WIPO website, under “Notifications” at [www.wipo.int/treaties/en/ShowResults.jsp?lang=en&search\\_what=N&treaty\\_id=9](http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&search_what=N&treaty_id=9).

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

The accession/ratification takes effect three months after the date on which the instrument was deposited with the Director General of WIPO, or at any later date as indicated in that instrument.

#### *Entry into Force Under Certain Circumstances:*

- (a) States Which Do Not Have an IP Office

In respect of States for which protection of industrial designs can be obtained *solely* through the Office maintained by an intergovernmental organization, 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.

## (b) States with a Common Office

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, the 1999 Act enters into force three months from the date on which the last instrument of the member States of that group of States has been deposited.

### Declarations

The Hague System provides for the possibility of Contracting Parties to make certain declarations concerning the operation of the international registration system in order to comply with their national/regional laws concerning industrial design protection. For a complete list of possible declarations, a Contracting Party may make under the 1999 Act or the Common Regulations, please refer to Annex II: Information Concerning Declarations.

It is also to be noted that a prerequisite for making certain declarations is that the Office of the Contracting Party is an “Examining Office” (for a definition of “Examining Office”, see below).

To maintain the simplicity, cost-effectiveness and user-friendliness of the Hague System, the acceding Contracting Parties are discouraged from making any declarations which are not absolutely necessary.

For a complete list of declarations made by Contracting Parties under the 1999 Act and the Common Regulations, please refer to <https://www.wipo.int/hague/en/declarations/declarations.html>.

### *Examining Office*

The term “Examining Office” is defined in the 1999 Act (Article 1(xvii)) and 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.

In light of the above definition, in order to be considered as an “Examining Office”, the Office must carry out, *ex officio*, a prior art search that matches up the condition of novelty required under the applicable law. This means that, if the criterion for the validity of the design right is worldwide novelty, the prior art search should consider not only pending and/or registered designs in a database but also extend to designs known anywhere in the world.

### *Submission of Declarations*

With a few exceptions, declarations may be made either simultaneously with the deposit of the instrument of accession or ratification, or after the deposit. Before submission of the declarations to the Director General of WIPO, it is advised that The Hague Registry be consulted to make sure that the requirements under the 1999 Act, the Common Regulations or the national law for making any declarations, respectively, are satisfied.

### *Effective Date of Declarations*

If the declaration is submitted together with the instrument of ratification/accession, it becomes effective on the date on which the Contracting Party becomes bound by the 1999 Act. If the declaration is submitted afterwards, it becomes effective three months after the date of receipt of the declaration by the Director General of WIPO, or at any later date indicated in the declaration. The minimum period of 3-months for the effective date of any declaration should be kept in mind by Contracting Parties planning to make changes to their domestic laws (for example, changes to the maximum duration of protection).

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 registration is the same as, or later than, the effective date of the declaration.

The declarations will be published by the International Bureau in an Information Notice on the WIPO website at [www.wipo.int/hague/en/notices/](http://www.wipo.int/hague/en/notices/). In principle, the information notice also specifies the effective date of the declarations.

## B. PREPARATION FOR ACCESSION BY A PROSPECTIVE CONTRACTING PARTY

### Interoperability of the National/Regional Law with the Legal Framework of the Hague System

Before the deposit of its instrument of ratification/accession to the Director General of WIPO, a prospective Contracting Party must make sure that its national or regional intellectual property system is inter-operational with the Hague System.

For this purpose, it is highly recommended that the prospective Contracting Party make a request to the International Bureau for possible comments on its legislation and applicable procedures before its accession to/ratification of the 1999 Act.

The legislation shall implement the international registration procedures. Thus, stricter formal requirements may continue to apply to domestic filings but they should be set aside in respect of international registrations. Similarly, where duration of protection of less than 15 years is provided for under the national legislation this may continue to apply, but 15-year duration of protection should be granted to international registrations. In essence, international registrations enjoy the same rights that accrue to national or regional titles and for a minimum of 15 years.

Moreover, if the prospective Contracting Party intends to allow the indirect filing of international applications through its Office, the procedures for transmission of an international application to the International Bureau must be in place.

### Information on the Hague System

Furthermore, the prospective Contracting Party should, as it deems appropriate, make available the information on the Hague System to different stakeholders, as well as to the general public, for example, through the national Office website.

## C. PREPARATION FOR ACCESSION BY AN OFFICE

### Standard Designation Fee or Individual Designation Fee

In respect of each international registration in which a Contracting Party is designated, the Office will receive either a standard designation fee or an individual designation fee. Level 1 of the standard designation fee applies for Contracting Parties whose Office does not carry out examination on substantive grounds. Level 1 also applies automatically if no declaration is made. Depending on the level of the examination of the Office of a Contracting Party, a declaration for the application of level 2 or 3 of the standard designation fee or the application of an individual designation fee may be made. Both the standard designation fees and the individual designation fees are collected and distributed to the Offices concerned by the International Bureau.

It should be noted that the amount of the individual designation fee may not be higher than the equivalent of the amount for a national application, that amount being diminished by the savings resulting from the international procedure (i.e., the Offices are relieved from the burden to examine as to formalities and deal with defective applications, and is further spared from having to record and publish the ensuing registrations). Thus, it may be that the applicable level of the standard designation fee represents an amount that is actually higher than the allowable amount of the individual designation fee. It should also be noted that a declaration of an individual designation fee may only be made by a Contracting Party which has an "Examining Office", unless the Contracting Party is an intergovernmental organization.

The Schedule of Fees is available on the WIPO website at [www.wipo.int/hague/en/fees/sched.htm](http://www.wipo.int/hague/en/fees/sched.htm). Furthermore, a fee calculator is available on the WIPO website at <https://www.wipo.int/finance/en/hague.html>.

#### Internal Procedures and Communication with the International Bureau

The Office shall be technically ready to support the international registration procedures at the national/regional level. A table indicating possible Office actions is attached to serve as a checklist (please refer to Annex VI: Checklist). It should be noted that the table is intended to be exhaustive, and therefore some of the items may not be relevant.

Most Offices download the information concerning international registrations published in the *International Designs Bulletin* in their own databases. Furthermore, many Offices submit communications to the International Bureau in electronic format. In preparation for accession, the IT personnel of the Office concerned should be in contact with the International Bureau to agree on the form of communication.

#### D. ENFORCEMENT OF IP RIGHTS

Unless the Office of a designated Contracting Party has refused the protection of the international registration, the international registration shall provide the same effects as a design registration under the law of that Contracting Party. The rights deriving from the international registration shall therefore be enforceable as if the industrial design had been registered by the Office of the Contracting Party.

Accordingly, all the procedures to exercise and enforce the rights deriving from the international registration, before courts or custom authorities as well as invalidation procedures, are governed by the applicable national/regional laws.

In view of the above, the International Bureau shall supply to any person, 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. Such extracts supplied by the International Bureau should be exempt from any requirement of legalization in each Contracting Party.



## **PART III: ACTIONS BY THE OFFICE OF A DESIGNATED CONTRACTING PARTY**

### **A. MAIN ACTIONS TO BE UNDERTAKEN BY THE OFFICE OF A DESIGNATED CONTRACTING PARTY**

#### Introduction

##### *International Designs Bulletin*

The *International Designs Bulletin* is the official publication of the Hague System. It is published every Friday on the WIPO website. It is through the Bulletin that Contracting Parties are notified of new international registrations, and of renewals and modifications affecting existing international registrations.

Offices of Contracting Parties, particularly those that conduct substantive examination, are responsible for checking in each issue of the Bulletin whether there are international registrations or other recordings that concern them<sup>9</sup>.

##### *Tasks of the Office of a Designated Contracting Party*

It is recalled that the Office of a designated Contracting Party needs to take action in respect of international registrations only to the extent that its applicable legislation requires it to conduct substantive examination.

#### Notification of Refusal

##### *Examination by the Office of a Designated Contracting Party*

The international registration has from the date of the international registration at least the same effect in each designated Contracting Party as a regularly filed national/regional application under the law of that Contracting Party. Upon publication of the international registration in the Bulletin, the applicable refusal period starts running in respect of all the designated Contracting Parties.

The Office of each designated Contracting Party may refuse the effect of the international registration, either totally or partially, in its territory when some or all the industrial designs included in the international registration do not fulfill the substantive conditions of protection provided for by its domestic legislation. Such refusal, however, may not be issued on the grounds of non-compliance with formal requirements, as they would have already been satisfied following the examination carried out by the International Bureau.

In practice, depending on the national/regional legislation, refusals may be based on an objection resulting from the *ex officio* examination by the Office or an opposition lodged by a third party with that Office.

In principle, the period for notifying a refusal of the effects of an international registration is six months from the date of the publication of the international registration. However, under certain conditions, a Contracting Party may extend the refusal period to 12 months. Please refer to Annex II: Information Concerning Declarations.

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<sup>9</sup> The Offices can incorporate international registrations designating their Contracting Parties and the relevant data concerning such international registrations published in the *International Designs Bulletin* in computer-readable format in their IT systems. Offices can download the information from a public repository available on the WIPO website at <http://www.wipo.int/haguebulletin/?locale=en>.

### *Mandatory Contents of the Notification of Refusal*

It is essential that a refusal states 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, in accordance with the national/regional law concerned. Furthermore, the holder of the international registration shall enjoy the same remedies as if the industrial design(s) concerned had been filed directly with the Office. The international registration is, therefore, subject to the same procedures as would apply to an application for registration filed with the Office of the designated Contracting Party.

For all mandatory contents of the notification of refusal, please refer to Annex III: Model form "Notification of Refusal".

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

The Office shall submit the notification of the refusal to the International Bureau within the applicable refusal period. The refusal may be notified in English, French or Spanish, at the option of the Office making the notification.

The International Bureau records such refusal in the International Register, publishes it in the Bulletin, and transmits a copy of the notification to the holder of the international registration concerned.

The ensuing procedure takes place solely at the national or regional level. Any appeal against the refusal or a request for review must be submitted by the holder of the international registration directly to the Office or other relevant authority, as indicated in the notification of refusal, in accordance with the domestic legislation of the Contracting Party concerned.

### *Irregular Notification of Refusal*

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.

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).

In all three cases, the International Bureau nevertheless transmits a copy of the notification to the holder and informs both the holder and, at the same time, the Office that issued it, that it does not regard the notification of refusal as such, indicating the reasons therefor.

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.

Where the 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.

#### *Statement of Grant of Protection (as Withdrawal of Refusal)*

Following a successful appeal or request for review, the Office shall withdraw its refusal. A withdrawal of refusal by an Office that has communicated a notification of refusal usually takes 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.

The International Bureau records any such statement in the International Register, transmits a copy to the holder and also publishes it in the Bulletin. Please refer to Annex V: Model form "Statement of Grant of Protection Following a Refusal".

#### Statement of Grant of Protection

The Office of a designated Contracting Party which has not communicated a notification of refusal may, within the applicable refusal period, also 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 is in the interest of the holder to know the status of their international registration in a designated Contracting Party as soon as possible. Therefore, the Offices are encouraged to send a statement of grant of protection as soon as they have finished their examination and found no objection for protection.

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 international registration produces its effects, as described below, if no notification of refusal has been sent within the applicable refusal period<sup>10</sup>.

The International Bureau records any statement of grant of protection received in the International Register and transmits a copy to the holder. Such a statement is also published in the Bulletin. Please refer to Annex IV: Model form "Statement of Grant of Protection".

#### Effect of the International Registration

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. In general, the effects of a grant of protection start to run, at the latest, from the date of expiry of the applicable refusal period. 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.

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<sup>10</sup> However, if the Contracting Party has made a declaration under Rule 18(1)(c)(i) or (ii) or where protection is granted following amendments made in a procedure before the Office of the Contracting Party, the Office must send this statement of grant of protection.

Furthermore, where a refusal of protection has been notified and subsequently withdrawn, the effects as a grant of protection under the law of the Contracting Party concerned must be afforded to the international registration, 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. Since a withdrawal may take the form of a statement of grant of protection, the foregoing applies where such a statement is issued following a notification of refusal.

#### Notification of Invalidation

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 made aware of the invalidation, must notify the International Bureau of the invalidation (together with information on the authority which pronounced the invalidation, the number of the international registration, the designs concerned, and the date on which the invalidation was pronounced). Invalidations are recorded in the International Register and published in the Bulletin.

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.

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). 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 been afforded the opportunity to defend her or his rights in good time.

### B. FURTHER POSSIBLE PROCEDURES UNDER THE HAGUE SYSTEM

#### Confidential Copy of an International Registration

As a general principle, the International Bureau keeps in confidence each international application and each international registration until publication in the Bulletin. However, an Office may notify the International Bureau that it wishes to receive a confidential copy of the international registration. The sending of the confidential copy of the international registration is intended, in particular, to allow the Examining Offices concerned to make novelty searches and determine the state of the art, where necessary. 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 the international registration and competing applications filed with that Office.

The confidential copy should not be confused with the notification of the international registration, which is made through its publication in the Bulletin, which marks the beginning of the refusal period.

#### Unity of Design

A Contracting Party whose law, at the time of its becoming party to the 1999 Act, contains a requirement of unity of design may notify that fact to the Director General of WIPO. Please refer to Annex II: Information Concerning Declarations.

The purpose of the declaration is to enable the Office of the Contracting Party to refuse the effects of the international registration, pending compliance with the requirement of unity of design, as specified in the declaration by that Contracting Party. In such a case, the holder of the international registration may divide the international registration before the Office concerned in order to overcome the ground of refusal. The Office is entitled to charge the holder of that registration as many additional fees as divisions prove necessary.

Where an international registration has been so divided before the Office, and 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 (refer to “*Statement of Grant of Protection Following Refusal*”, above).

#### Refusal of the Effects of the Recording of a Change in Ownership

The recording of a change in ownership in the International Register has the same effect as if it had been made directly at the national or regional Register of the Office of a designated Contracting Party. However, a Contracting Party may make a declaration that a recording of a change in ownership in the International Register shall not have effect in that Contracting Party until the Office has received the statements or documents specified in that declaration. Please refer to Annex II: Information Concerning Declarations.

Besides, 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. Consequently, all the designs forming the set can only be transferred to the same transferee at the same time.

In the situations described above, the Office of the Contracting Party concerned may declare that a change in ownership recorded in the International Register has no effect in the said Contracting Party. Such declaration must be sent by the Office to the International Bureau within the time limit applicable to the international registration concerned and indicate the reasons and other relevant facts of the refusal. Upon its receipt, the International Bureau records the declaration in the International Register and notifies accordingly the previous holder and the new holder. The International Bureau also modifies the International Register in relation to the Contracting Party concerned and publishes the relevant data in the Bulletin.

Where the reasons for the refusal have been remedied before the Office concerned, it shall notify the withdrawal of the said declaration to the International Bureau, which shall record it, modify the International Register accordingly, notify accordingly the previous holder (the transferor) and the new holder (the transferee) and publish the relevant data in the Bulletin.

#### Correction

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. 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. The procedures concerning notification of refusal as explained above in the present document apply *mutatis mutandis*.

## **PART IV: OPTIONAL ACTIONS BY THE OFFICE OF THE CONTRACTING PARTY OF THE APPLICANT**

### **INDIRECT FILING**

An international application is normally sent directly by the applicant or her or his representative to the International Bureau. However, the international application may also be presented to the International Bureau through the intermediary of the Office of a Contracting Party. It is possible for Contracting Parties to prohibit the indirect route through the Office (please refer to Annex II: Information Concerning Declarations), but they are not allowed to impose it.

For the applicant to be entitled to present the international application through the intermediary of an Office to the International Bureau, that Office must be the Office of the applicant's Contracting Party.

Accordingly, the applicant must satisfy at least one of the following conditions with respect to the Contracting Party in question:

- (a) be a national of, *or*
- (b) have a domicile or habitual residence in, *or*
- (c) have a real and effective industrial or commercial establishment in any Contracting Party or member State of an intergovernmental organization which is a Contracting Party.

### **LANGUAGE OF THE INTERNATIONAL APPLICATION**

In general, the international application may be filed in English, French or Spanish. However, the Office of the indirect filing may restrict the languages to one or two of those languages.

The Office may provide, against payment, services to the applicants, such as translation services into one of the working languages of the Hague System. However, the Office is not required to provide any such services.

### **TRANSMITTAL FEE**

The Office, upon receiving an international application for indirect filing, may collect a fee to cover the costs of the work involved in handling the international application. An Office that 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.

### **FORWARDING THE INTERNATIONAL APPLICATION TO THE INTERNATIONAL BUREAU**

Where an international application is filed through the Office of the applicant's Contracting Party, it must be received by the International Bureau within one month from the date of receipt by that Office. At the time 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 also notify the applicant of the date of receipt and of the transmission of the international application to the International Bureau.

## FILING DATE

In the case of indirect filing of international applications, the filing date is the date on which the application was received by the Office of the applicant's Contracting Party, provided that it is received by the International Bureau within one month from that date. 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.

## SECURITY CLEARANCE

If the international application is filed through the intermediary of the Office of a Contracting Party whose law requires a security clearance, the period of one month may not be sufficient. 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. Please refer to Annex II: Information Concerning Declarations.

If the applicable time limit is not complied with, the filing date of the international application shall be the date of its receipt by the International Bureau.

[Annexes follow]

Model

INSTRUMENT OF ACCESSION TO THE GENEVA ACT (1999)  
OF THE HAGUE AGREEMENT  
CONCERNING THE INTERNATIONAL REGISTRATION  
OF INDUSTRIAL DESIGNS

(To be deposited with the Director General of WIPO in Geneva)

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The Government of [name of State] hereby declares that [name of State] accedes to the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs.

Done at ....., on ....., 20...

(Signed)\*  
(Title)

[Annex II follows]

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\* This instrument has to bear the signature of the Head of State, the Head of Government or the Minister for Foreign Affairs.



## INFORMATION CONCERNING DECLARATIONS

A detailed explanation of all possible declarations provided for in the Hague System may be found in the *Guide to the International Registration of Industrial Designs under the Hague Agreement*, which is available on the WIPO website at [www.wipo.int/hague/en/guide](http://www.wipo.int/hague/en/guide).

In addition, countries acceding to the Geneva Act may find particulars of all the declarations that have been made, to date, by Contracting Parties to the Hague System on the WIPO website at [www.wipo.int/hague/en/declarations/declarations.html](http://www.wipo.int/hague/en/declarations/declarations.html).

The time at which a declaration may or must be made is specified in Article 30 of the Geneva Act.

## MANDATORY DECLARATION

### Duration of Protection – Maximum Duration of Protection (Article 17(3)(c))

Under the Geneva Act, an international registration is initially effected for a period of five years, and may be renewed for two additional terms of five years (Articles 17(1) and (2)). Thus, under the Geneva Act, the *minimum* term of protection that a Contracting Party must provide is 15 years. If the national legislation of a Contracting Party provides for a duration of protection that is longer than 15 years, then the international registration may be renewed with respect to such Contracting Party for additional periods of five years, up to the expiry of the total duration of protection at the national level.

On acceding to the Geneva Act, a Contracting Party must notify the Director General of WIPO of the maximum duration of protection provided for by its law.

## OTHER DECLARATIONS

All other declarations are listed below, some of which are open only to a Contracting Party whose Office is an “Examining Office”, namely:

- declaration under Article 5(2),
- declaration under Article 7(2),
- declaration under Article 14(3), and
- declaration under Rule 18(1)(b)<sup>1</sup>.

The term “Examining Office” is defined in the Geneva Act (Article 1(xvii)) and 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*.

It is understood that, in light of the above definition, in order to be considered as an “Examining Office”, the Office must carry out, *ex officio*, a prior art search that matches up the condition of novelty required under the applicable law. This means that, if the criterion for the validity of the design right is worldwide novelty, the prior art search should consider not only pending and/or registered designs in a database but also extend to designs known anywhere in the world.

If the above requirement is not satisfied, then the Office is not an Examining Office and it will not be appropriate to make any of the aforementioned declarations.

### 1. Prohibition on Filing through National Office (Article 4(1)(b))

In general, an 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. However, under the Geneva Act, any Contracting Party may, by declaration, notify the Director General of WIPO that international applications may not be filed through its Office. When such a declaration is made, all international design applications from applicants attached to that Contracting Party must be filed directly with the International Bureau.

### 2. Prohibition on Self-Designation (Article 14(3)(a))

Under the Geneva Act, a Contracting Party whose Office is an Examining Office (see above, regarding what is meant by “Examining Office”) has the possibility to notify the Director General of WIPO by declaration that, where it is the applicant’s Contracting Party, the designation of that Contracting Party in an international application has no effect – in other words, it is prohibited to self-designate. However, it is strongly recommended not to make this declaration as it would restrict the use of the Hague System by applicants from a Contracting Party that is acceding to the Geneva Act. For that reason, it is to be noted that none of the present Contracting Parties has made this declaration.

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<sup>1</sup> This declaration may also be declared by a Contracting Party whose law provides for the possibility of opposition to the grant of protection.

### 3. Deferment of Publication (Article 11(1))

#### (a) *Deferment of Publication for a Period that is Less than the Prescribed Period (Article 11(1)(a))*

Under the Geneva Act, the general principle is that each Contracting Party is assumed to permit the prescribed period of deferment of 30 months from the filing date, or where priority is claimed, from the priority date of the application in question (Rule 16(1)(a)).

Where the law of a Contracting Party that is acceding to the Geneva Act provides for deferment of publication for a period shorter than the prescribed period of 30 months, that Contracting Party must, in a declaration, notify the Director General of WIPO of the allowable period of deferment.

#### (b) *Deferment of Publication – No Deferment of Publication (Article 11(1)(b))*

Where the law of a Contracting Party that is acceding to the Geneva Act does not provide at all for the deferment of publication, that Contracting Party must, in a declaration, notify the Director General of WIPO of that fact.

### 4. Designation Fees

#### (a) *Individual Designation Fees (Article 7(2))*

Any country that is acceding to the Geneva Act *and* whose Office is an Examining Office (see above, regarding what is meant by “Examining Office”) and any intergovernmental organization acceding to the Geneva Act, may notify the Director General of WIPO that, in connection with each international registration in respect of which it is designated, and in connection with the renewal of such international registration, it wishes to receive an “individual designation fee”, instead of a share of the standard fees (with regard to standard designation fees, see below).

If this declaration is made, then it is required that the amount of the individual designation fees be expressed in the national currency. Subsequently, the Director General will, in consultation with the Registrar, establish the amount of the fees in Swiss currency on the basis of the official exchange rate of the United Nations.

As an option, pursuant to Rule 12(3), a declaration under Article 7(2) may specify that the individual designation fee to be paid in respect of the Contracting Party concerned comprises two parts, the first 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. 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.

#### *Reduction of Individual Fees for Least Developed Countries*

A Contracting Party making a notification requiring individual designation fees might wish to implement the recommendation made by the Assembly of the Hague Union, which reads as follows:

“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the Geneva Act 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 per cent 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.”

(b) *Standard Designation Fees (Rule 12(1))*

A Contracting Party that has not made an individual designation fees declaration under Article 7(2) will be entitled to a standard fee under Rule 12(1)(a)(ii).

There are three different levels of standard designation fee, reflecting the scope of examination carried out by an Office. For level two or three to apply it is necessary to make a declaration to that effect.

The levels are as follows:

- level one, for Contracting Parties whose Office does not carry out examination on substantive grounds – this level will apply *automatically* in the absence of any declaration.
- level two, for Contracting Parties 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);
- level three, for Contracting Parties whose Office carries out examination on substantive grounds, including a limited examination as to novelty (for example, an examination as to local novelty only even if the criterion for the validity of the design right is worldwide novelty), or examination as to novelty following opposition by third parties.

It should be noted that an Office that is an Examining Office, and thus is entitled to make the notification requiring an individual designation fee, may instead, for example, make the declaration requiring the level two or three standard designation fee.

Further information concerning the fee structure under the Hague Agreement is available in Information Notices Nos. 10/2007 and 18/2008, available on the WIPO website, at [www.wipo.int/hague/en/notices/](http://www.wipo.int/hague/en/notices/).

5. Additional Mandatory Contents of International Application (Article 5(2))

(a) *Identity of the Creator (Article 5(2)(b)(i))*

In order that a Contracting Party acceding to the Geneva Act can make a declaration requiring that an international application shall contain indications concerning the identity of the creator of the industrial design that is the subject of that application, two conditions must be fulfilled:

- the Office must be an “Examining Office” (see above, regarding what is meant by “Examining Office”), and
- the applicable law must provide that, *in order that a national industrial design application be granted a filing date* such application must contain indications concerning the identity of the creator of the industrial design that is the subject of the application.

Otherwise, this declaration cannot be made. This declaration is to be distinguished from the declaration referred to in item 6 below.

(b) *Brief Description (Article 5(2)(b)(ii))*

In order that a Contracting Party acceding to the Geneva Act can make a declaration requiring that an international application shall contain a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of that application, two conditions must be fulfilled:

- the Office must be an “Examining Office” (see above, regarding what is meant by “Examining Office”), and
- the applicable law must provide that, *in order that a national industrial design application be granted a filing date* such application must contain a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of that application.

Otherwise, this declaration cannot be made.

The requirement to furnish a brief description is to be distinguished from the requirement to furnish reproductions or representations of a design. It is already an established requirement of the Hague System that the latter be furnished (see Article 5(1)(iii) and Rule 9(1)). Similarly, it is required by Article 5(1)(iv) that an indication of the product or products that constitute the industrial design or in relation to which the industrial design is to be used be indicated in an international application (item 9 of the international application form).

(c) *Claim (Article 5(2)(b)(iii))*

In order that a Contracting Party acceding to the Geneva Act can make a declaration requiring that an international application shall contain a claim, two conditions must be fulfilled:

- the Office must be an “Examining Office” (see above, regarding what is meant by “Examining Office”), and
- the applicable law must provide that, *in order that a national industrial design application be granted a filing date*, such application must contain a claim.

Otherwise, this declaration cannot be made. In accordance with Rule 11(3), the declaration under Article 5(2)(b)(iii) must specify the *exact wording* of the required claim.

6. Special Requirements Concerning the Applicant and the Creator (Rule 8)

(a) *Filing in Name of the Creator (Rule 8(1)(a)(i))*

If the national law of a Contracting Party that is acceding to the Geneva Act contains a requirement that a national application for the protection of an industrial design must be filed in the name of the creator, that country may make a declaration notifying the Director General of WIPO of that fact.

This declaration should be distinguished from that referred to in item 5(a), above.

In such case, where the person identified as the creator is a person other than the person named as the applicant, Rule 8(2)(ii) requires that the international application shall be accompanied by a statement or document to the effect that the international application has been assigned by the creator to the applicant, and it is the applicant who will be recorded as holder.

This declaration has been made by five Contracting Parties, namely Finland, Ghana, Hungary, Iceland and Mexico. However, rather than requiring the furnishing of such a statement or document, these Contracting Parties have availed of the facility provided in item 11 of the international application form, which states as follows:

*“If **Finland, Ghana, Hungary, Iceland** and/or **Mexico** is/are designated, it is compulsory to indicate in item 11 the identity of the creator. The latter declares to be the creator of the design. Where the person identified as the creator is a person other than the applicant, it is hereby stated that the present international application has been assigned by the creator to the applicant.”*

Therefore, it is strongly recommended for any Contracting Party that is making this declaration to consider to accept the aforementioned standard statement.

*(b) Oath or Declaration of the Creator (Rule 8(1)(a)(ii))*

If the applicable law of a Contracting Party that is acceding to the Geneva Act contains a requirement that an oath or declaration of the creator must be furnished, that Contracting Party may make a declaration notifying the Director General of WIPO of that fact. The declaration must specify the form and content of any statement or document required.

This declaration should be distinguished from that referred to in items 5(a) and 6(a), above.

The international application containing the designation of the Contracting Party which has made the declaration must also contain indications concerning the identity of the creator of the industrial design.

7. Unity of Design (Article 13(1))

If the applicable law of a Contracting Party that is acceding to the Geneva Act contains a requirement that designs which are the subject of the same application should conform to a requirement of unity of design, unity of production or unity of use, or that the designs should belong to the same set or composition of items, or that only one independent and distinct design be claimed in a single application, that Contracting Party may make a declaration notifying the Director General of WIPO of that fact. The declaration should be comprehensive, detailed and specific as to the requirements in question.

The effect of this declaration is that the Office of the Contracting Party that made the declaration can refuse the effects of the international registration pending compliance with the specified requirement of unity of design. Following a notification of such refusal, the international registration may be divided before the Office of the Contracting Party having issued the refusal in order to overcome the refusal ground.

If the applicable law contains a requirement that a design must fulfill *either* the requirement of unity of design, *or* that the design must belong to a single class, it should be recalled that the Hague System operates on a single-class basis for each registration. That being the case, the second alternative above (*i.e.* that the design belong to a single class) is automatically complied with in the event of an international filing. This, in turn, results in it not being necessary for the Contracting Party to make this declaration.

## 8. Requirements Concerning Views (Rule 9(3)(a))

If the Office of a Contracting Party that is acceding to the Geneva Act 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, that Contracting Party may make a declaration notifying the Director General of WIPO, specifying the views that are required and the circumstances in which they are required. However, the declaration may not 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.

The effect of the declaration is that the Office of the Contracting Party that made the declaration can refuse the effects of the international registration pending compliance with the specified requirement of views.

## 9. Refusal of Protection

### (a) *Extension of Period for Notification of Refusal (Rule 18(1)(b))*

In principle, the period within which an Office must notify a refusal is six months. However, for a Contracting Party acceding to the Geneva Act, this period may be extended to 12 months in the following cases:

- the Office is an “Examining Office” (see above, regarding what is meant by “Examining Office”), or
- the applicable law provides for a procedure for opposition to the registration of an industrial design.

A procedure of opposition referred to in the second condition above is to be distinguished from a so-called “invalidation” procedure which should normally take place after granting protection, in which case, the refusal period would not need to be extended. For the same reason, a so-called “post-opposition” system does not fall under the second condition either.

### (b) *Date of Effect of International Registration (Rule 18(1)(c)(i))*

The declaration referred to in item 9(a), above, may also state that the international registration shall produce the effect referred to in Article 14(2)(a) at the latest 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.

The effect of this declaration is to establish the regime under which the international registration may produce the effect as a grant of protection under the applicable law after the expiry date of the refusal period, but which must be within six months from that expiry date. For instance, if the applicable law requires the republication of international registrations in the Contracting Party and the international registration shall produce the effect referred to in Article 14(2)(a) after such republication, this might cause a systematical delay in producing the effect referred to in Article 14(2)(a) with respect to an international registration designating that Contracting Party. Unless such a systematical delay is foreseen, this declaration should not be made.

It is to be noted that, where the Office of the Contracting Party that made the declaration has not found any grounds for refusal, it is obliged to issue a statement of grant of protection provided for in Rule 18*bis*(1) with respect to an international registration designating that Contracting Party.

(c) *Date of Effect of International Registration (Rule 18(1)(c)(ii))*

The declaration referred to in item 9(a), above, may also state that the international registration shall produce the effect referred to in Article 14(2)(a) at the latest 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 applicable refusal period.

The effect of this declaration is to safeguard certain exceptional circumstances under which the Office cannot complete substantive examination as required by the applicable law within the applicable refusal period, for instance, due to an inevitable incidence, such as natural disaster. The application of this declaration should therefore be limited to exceptional cases, and on an individual case basis, as opposed to a declaration referred to in item 9(b), above.

It is to be noted that, where the Office of the Contracting Party that made the declaration has not found any grounds for refusal, it is obliged to issue a statement of grant of protection provided for in Rule 18*bis*(1) with respect to an international registration designating that Contracting Party.

10. Effect of Change in Ownership (Article 16(2))

Any Contracting Party may, in a declaration, notify the Director General of WIPO that the recording in the International Register of a change in ownership of an international registration shall not have effect in that country until its Office has received the statements or documents specified in that declaration.

Unless it is absolutely necessary, this declaration should not be made, as it would undermine one of the fundamental merits of the Hague System, which is the central management of an international registration.

If this declaration is made, the Contracting Party is requested to provide the International Bureau with details on the procedure to follow to submit the statements or documents to the Office concerned, and whether the Contracting Party requires the appointment of a local representative for submission, which should be communicated separately.

[Annex III follows]



Model form

**HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

**– NOTIFICATION OF REFUSAL –**

**Rule 18(2) of the Common Regulations**

**INSTRUCTIONS**

This form is to be used where the Office considers that protection cannot be granted in the Contracting Party concerned. If the ground for refusal is remedied subsequently, the Office shall send to the International Bureau a notification of withdrawal of refusal in accordance with Rule 18(4), or a statement of grant of protection in accordance with Rule 18*bis*(2).

It is to be noted that the main purpose of this model form is to explain mandatory elements that must be included in the present communication. **In this regard, Offices are encouraged to send communications to the International Bureau in electronic format, and their IT personnel are welcome to contact the International Bureau to agree on the form of communication.**

Item IV: Where the Office has found a ground for refusal with respect to only one/some of the industrial designs contained in the international registration, the second box should be checked, followed by the numbers of the industrial designs concerned.

Item V: In practice, a refusal may be based on an objection (still provisional) resulting from the ex officio examination undertaken by the Office, or an opposition lodged by a third party. If an opposition has been lodged against an international registration, the ground of refusal must be notified as a “refusal of protection based on an opposition”. This does not prejudice the eventual decision taken by the Office concerned on the opposition.

Item VI: This item is applicable, where the ground for refusal relates to an earlier national, regional or international application or registration. The indications required under this item may also be given by annexing a printout from the register or database.

Item VII: The indication required under this item may also be given by annexing a printout of the relevant provisions.

Item VIII(iii): If 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 concerned, it should be so indicated.

Item XI: This optional element is not required under Rule 18(2), but may be provided at the Office's discretion.

Model form

**HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS****– NOTIFICATION OF REFUSAL –****Rule 18(2) of the Common Regulations**

I.	Office sending the notification:
II.	Office reference (optional):
III.	Number of the international registration:
IV.	<input type="checkbox"/> Refusal for all the industrial designs <input type="checkbox"/> Refusal for the following industrial designs: [followed by design numbers]
V.	Grounds for refusal (where applicable, see item VI):
VI.	Information relating to an earlier industrial design:  (i) Filing date and number, and priority date (if any):  (ii) Registration date and number (if available):  (iii) Name and address of the owner:  (iv) Reproduction of the earlier industrial design (if that reproduction is accessible to the public):
VII.	Corresponding essential provisions of the applicable law:

VIII. Information relating to subsequent procedures:

- (i) Time limit for requesting review or appeal:
- (ii) Authority to which such request for review or appeal should be made:
- (iii) Indications concerning the appointment of a representative:

IX. Date on which the refusal was pronounced:

X. Signature or official seal of the Office making the notification:

(OPTIONAL ELEMENTS)

XI. Contact details of the examiner:

- (i) Name
- (ii) Telephone number
- (iii) Email address

[Annex IV follows]

Model form

**HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

**– STATEMENT OF GRANT OF PROTECTION –**

**Rule 18bis(1) of the Common Regulations**

**INSTRUCTIONS**

This form is to be used where there is no ground for the Office to refuse protection, and no notification of refusal has been communicated.

If the Office has communicated a notification of refusal in accordance with Rule 18(2), and has decided to either partially or totally withdraw the refusal, the Office must send to the International Bureau a statement of grant of protection in accordance with Rule 18bis(2) (see Annex V).

Item IV: The first box should be checked where the Office has decided to grant protection for all the industrial designs contained in the international registration. The second box should be checked where the Office has sent, or will send, a separate notification of refusal or a statement of grant of protection in respect of the industrial designs other than those that are the subject of the present statement of grant of protection.

Item V: When providing this date, attention is drawn to Article 14(2)(a) of the 1999 Act (and to Article 8(1), second or third sentence, of the 1960 Act, as the case may be). Article 14(2)(a) of the 1999 Act provides that “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” (see Rule 18(1)(c)(i) or (ii)).

Information concerning amendments (where applicable): Where the international registration was amended in a procedure before the Office initiated by the holder of the international registration, the statement of grant of protection should also contain information on the amendment concerned. For instance, if one of the reproductions was replaced by a new reproduction, the notification should indicate the number of the reproduction replaced and include the new reproduction. Alternatively, the Office may include all the information concerning the industrial design as amended and accepted. For instance, if the whole industrial design as amended and accepted has been published together with all relevant information in the national gazette, an indication to that effect should be provided and a printout from the national gazette should be annexed.

It is to be noted that the main purpose of this model form is to explain mandatory elements that must be included in the present communication. **In this regard, Offices are encouraged to send communications to the International Bureau in electronic format, and their IT personnel are welcome to contact the International Bureau to agree on the form of communication.**

Model form

**HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

**– STATEMENT OF GRANT OF PROTECTION –**

**Rule 18bis(1) of the Common Regulations**

I.	Office sending the statement:
II.	Office reference (optional):
III.	Number of the international registration:
IV.	<input type="checkbox"/> Protection is (to be) granted for all the industrial designs <input type="checkbox"/> Protection is (to be) granted for the following industrial designs: [followed by design numbers]
V.	Date on which the international registration produced or shall produce the effect as a grant of protection under the applicable law (in respect of the industrial designs indicated under item IV):
VI.	Date of the statement:
VII.	Signature or official seal of the Office sending the statement:

[Annex V follows]

Model form

**HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

**– STATEMENT OF GRANT OF PROTECTION FOLLOWING A REFUSAL –**

**Rule 18bis(2) of the Common Regulations**

## INSTRUCTIONS

This form is to be used where the Office has communicated a notification of refusal in accordance with Rule 18(2) and has decided to either partially or totally withdraw the refusal. The Office may send a statement of grant of protection in accordance with Rule 18bis(2), by using this form (note that such withdrawal may be notified under Rule 18(4), but sending a statement of grant of protection under Rule 18bis(2) has been the practice of most Contracting Parties).

Item IV: The first box should be checked only where the Office has refused protection for all the industrial designs contained in the international registration (total refusal) and has decided to withdraw the refusal totally. Consequently, all the industrial designs are protected. The second box should be used for all other cases.

Item V: Where the international registration was amended in a procedure before the Office, the statement of grant of protection should indicate all amendments. For instance, if one of the reproductions was replaced with a new reproduction, the notification should indicate the number of the reproduction replaced and include the new reproduction. Alternatively, the Office may include all the information concerning the industrial design as amended and accepted. For instance, if the whole industrial design as amended and accepted has been published together with all relevant information in the national gazette, an indication to that effect should be provided and a printout from the national gazette should be annexed.

Item VI: The date provided in this item should be the same as, or earlier than, the date provided in item VII.

Items VI and VII: When sending a statement of grant of protection under Rule 18bis(2), attention is drawn to Article 14(2)(b) of the 1999 Act (and to Article 8(1), second or third sentence, of the 1960 Act, as the case may be). Article 14(2)(b) of the 1999 Act provides that “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”.

It is to be noted that the main purpose of this model form is to explain mandatory elements that must be included in the present communication. **In this regard, Offices are encouraged to send communications to the International Bureau in electronic format, and their IT personnel are welcome to contact the International Bureau to agree on the form of communication.**

Model form

**HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

**– STATEMENT OF GRANT OF PROTECTION FOLLOWING A REFUSAL –**

**Rule 18bis(2) of the Common Regulations**

I.	Office sending the statement:
II.	Office reference (optional):
III.	Number of the international registration:
IV.	<input type="checkbox"/> Protection is granted for all the industrial designs (all the industrial designs contained in the international registration were the subject of the refusal and the refusal is totally withdrawn by this notification).  <input type="checkbox"/> Protection is granted for the following industrial designs: [followed by design numbers]
V.	Information concerning amendments (where applicable):
VI.	Date on which the international registration produced the effect as a grant of protection under the applicable law (in respect of the industrial designs indicated under item IV):
VII.	Date of the statement:
VIII.	Signature or official seal of the Office sending the statement:

[Annex VI follows]

**HAGUE SYSTEM – CHECKLIST**

*The present checklist is to assist the Office of a Contracting Party to properly implement the Hague System. The list is intended to be exhaustive, as such, it covers items that are linked to certain declarations or specific elements required only under certain legislations. In practice, each Office would be concerned but by a few only of these items.*

<b>Declarations</b>	<b>Provisions under the 1999 Act or the Common Regulations</b>	<b>Comments</b>
All possible declarations under the 1999 Act and the Common Regulations listed	Article 4(1)(b) – No indirect filing	
	Article 5(2)(a) – Filing date requirement: identity of the creator (Article 5(2)(b)(i))	
	Article 5(2)(a) – Filing date requirement: brief description (Article 5(2)(b)(ii))	
	Article 5(2)(a) – Filing date requirement: claim (Article 5(2)(b)(iii))	
	Article 7(2) – Individual designation fee	
	Article 11(1)(a) – Shorter deferment period for publication (between six and 30 months)	
	Article 11(1)(b) – No deferment of publication	
	Article 13(1) – Special requirements concerning unity of design, production or use	
	Article 14(3)(a) – No self-designation	
	Article 16(2) – No effect of change in ownership	
	Article 17(3)(c) – Maximum duration of protection	
	Rule 8(1)(a)(i) – Application to be filed in the name of the creator	
	Rule 8(1)(a)(ii) – Oath or declaration of the creator	
	Rule 9(3)(a) – Specific views required	
	Rule 12(1)(c)(i) – Standard designation fee (level two or level three)	
	Rule 12(3)(a) – Individual designation fee payable in two parts	Tied with Article 7(2) declaration
	Rule 13(4) – Security clearance	
	Rule 18(1)(b) – 12-month refusal period	
Rule 18(1)(c)(i) – Delaying date of effect of the international registration up to six months		
Rule 18(1)(c)(ii) – Delaying date of effect of the international registration in exceptional circumstances		



Other conditions/ elements	Provisions under the 1999 Act, the Common Regulations or the Administrative Instructions	Comments
Other types of general conditions/applicable elements listed	Article 10(5) – Confidential copy	
	Rule 6(3)(ii) – Communication language	
	Section 407 – Principal and related designs	
	Section 408(a) – Priority document: DAS code	
	Section 408(b) – Reduced individual designation fee: indication of economic status	
	Section 408(b) – Reduced individual designation fee: certificate	
	Section 408(c)(i) – Exception to lack of novelty: declaration	
	Section 408(c)(ii) – Exception to lack of novelty: documentation	
	Section 408(d) – Prior art reference	Memorandum of Understanding (“MOU”) for electronic communications

Office: Organization	Role	Segregated*	Integrated*	Comments
	Office of a designated Contracting Party			
	Office handling indirect filings			Exempt through declaration under Article 4(1)(b)

\* “**Integrated**” indicates that the operations are managed through one IT system, at the Office level.

“**Segregated**” indicates the use of multiple IT Systems, notably the reliance on WIPO’s IT system (i.e. the Bulletin web interface).

Office of Designated CP	Inbound Function	Demonstrated	Not Demonstrated	Comments
	Fees – Monthly notice (XML/Excel/PDF reconciliation)			Fee transferred before publication
	Fees – Access to WIPO current account			in Swiss francs (CHF)
	<b>Notifications through the Bulletin to the Office</b>			
	International registration			
	Renewal			
	Partial renewal – some designs (for some or all of designated CPs)			
	Partial renewal – all designs (for some of designated CPs)			
	Complementary renewal (Rule 24(1)(c), second sentence)			
	Non-renewed registrations			
	Renunciation (Rule 21(1)(a)(iii)) – all designs (for some or all of designated CPs)			
	Limitation (Rule 21(1)(a)(iv)) – some designs (for some or all of designated CPs)			
	Change in ownership			May concern more than one IR
	Partial change in ownership – some designs (for some or all of designated CPs)			New IRN assigned
	Partial change in ownership – all designs (for some of designated CPs)			New IRN assigned
	Merger of international registrations (Rule 21(8))			Parent + Child or Child + Child
	Change in name/address of the holder			May concern more than one IR
	Corrections (rectification)			May concern any item in IR
	Corrections (null and void)			To make a transaction null and void
	<b>Individual notifications from the IB to the Office</b>			
	Notification of payment of the second part of individual designation fee (Rule 12(3)(c))			Subject to declaration under Rule 12(3)(a)
	Notification of irregular communication			From the IB against an irregular notification (refusal, etc.)

<b>Notifications through Office private repository (Secure server)</b>			
Confidential copy: international registration			Subject to a request in accordance with Article 10(5): Section 901(a)/902(a)
Confidential copy: cancellation pursuant to Rule 16(5)			
Documents accompanying the international application			If a certain supporting documentation is required (Section 408)
Acknowledgement of receipt of electronic communication			Section 204(b) – Office must monitor

<b>Office of Designated CP</b>	<b>Outbound Function</b>	<b>Demonstrated</b>	<b>Not Demonstrated</b>	<b>Comments</b>
	Track refusal period six/12 months			General condition setting
	Refusal (Rule 18(2))			
	Partial refusal (Rule 18(2)) – some designs			
	Statement of grant of protection (as withdrawal of refusal) (Rule 18 <i>bis</i> (2))			
	Partial statement of grant of protection (as partial withdrawal of refusal) (Rule 18 <i>bis</i> (2)) – some designs			
	Statement of grant of protection (Rule 18 <i>bis</i> (1))			
	Partial statement of grant of protection (Rule 18 <i>bis</i> (1)) – some designs			
	Invalidation (Rule 20(1))			
	Partial invalidation (Rule 20(1)) – some designs			
	Refusal of change in ownership (Rule 21 <i>bis</i> (1))			
	Partial refusal of change in ownership (Rule 21 <i>bis</i> (1)) – some designs			
	Withdrawal of refusal of change in ownership (Rule 21 <i>bis</i> (5))			

	Partial withdrawal of refusal of change in ownership (Rule 21 <i>bis</i> (5)) – some designs			
	Refusal of effects of correction (Rule 22(2))			
	Notification of payment of the second part of individual designation fee (Rule 12(3)(c))			Subject to declaration under Article 7(2) of an individual designation fee payable in two parts
	Notification of cancellation due to non-payment of the second part (Rule 12(3)(d))			Subject to declaration under Article 7(2)

<b>Office Handling Indirect Filings</b>	<b>Function</b>	<b>Demonstrated</b>	<b>Not Demonstrated</b>	<b>Comments</b>
	IA reception date			Rule 13(1)
	Transmittal fee			Rule 13(2)
	IA transmission (content and format)			To the IB
	Irregularity letter – receipt			From the IB
	International application fee: handling, transfer, reconciliation			Only if the Office accepts to transmit such a fee
	Exchange rate management (CHF)			Only if the Office accepts to transmit such a fee
	Security clearance			Rule 13(4) – procedure: according to the applicable law

[Annex VII follows]

**HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

**– REQUEST FOR ELECTRONIC COMMUNICATIONS –**

**Section 204(a)(ii) of the Administrative Instructions**

In order to facilitate the creation of an electronic communication channel between the Office and the International Bureau, the Office is invited to indicate, by ticking the appropriate box, which communications it wishes to send and receive electronically.

**OFFICE-TO-INTERNATIONAL BUREAU COMMUNICATIONS**

**Indirect filing**

- International applications filed indirectly through the Office (Article 4(1) of the 1999 Act and Rule 13(1) of the Common Regulations)

*Note: It is recalled that under Article 4(1)(b) of the 1999 Act, a Contracting Party may notify the Director General that international applications may not be filed through its Office*

**Decisions**

- Notifications of refusal (Rule 18(2))
- Statements of grant of protection (as withdrawal of refusal) (Rule 18bis(2))
- Statements of grant of protection (Rule 18bis(1) and 18bis(2))
- Notifications of invalidation (Rule 20(1))
- Declarations that a change in ownership has no effect (Rule 21bis(1))
- Withdrawals of a declaration that a change in ownership has no effect (Rule 21bis(5))
- Refusals of a correction (Rule 22(2))
- Notifications that the second part of the designation fee is ready to be paid (Rule 12(3)(a))
- Requests for cancellation for non-payment with respect to a Contracting Party (Rule 12(3)(d))

**INTERNATIONAL BUREAU-TO-OFFICE COMMUNICATIONS**

**International Designs Bulletin**

Please note that the International Designs Bulletin is publicly available in a machine-readable format at the following address: <https://www.wipo.int/haguebulletin/?locale=en>. The folder is updated weekly each Friday at noon (12:00) Geneva time.

**Confidential copy and/or additional accompanying documents**

- Confidential copy of unpublished international registrations (Article 10(5) of the Geneva Act and Section 901 of the Administrative Instructions)
- Documents accompanying an international registration dedicated to the Office (Section 408 of the Administrative Instructions and Annexes to the DM/1 form)

Date:

Contact person/unit within the Office:

[End of Annex VII and of document]