

Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs

Twelfth Session
Geneva, December 4 to 6, 2023

PROPOSED SPECIAL RULES OF PROCEDURE

Document prepared by the International Bureau

BACKGROUND

1. At their Sixty-Third Series of Meetings, held from July 14 to 22, 2022, the Assemblies of the Member States of the World Intellectual Property Organization (WIPO) adopted amendments to the General Rules of Procedure of WIPO (hereinafter referred to as the “General Rules”)¹. The main aim of the amendments was to align the electoral cycle of officers for all WIPO Assemblies and other bodies of WIPO Member States.
2. Rule 9 of the General Rules governs the election of officers and their terms of office. It applies to all WIPO bodies that do not have any Special Rules of Procedure (hereinafter referred to as the “Special Rules”)², including the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as the “Working Group”), as the Working Group does not have any Special Rules in place. However, the current practice of the Working Group regarding the officers’ terms of office is not aligned with Rule 9 of the General Rules, adopted in 2022.

¹ See document [A/63/5 Rev.](#) “New Electoral Cycle of Officers of WIPO Assemblies and Other Bodies of the Member States of WIPO”, and document [A/63/10](#) “General Report”, paragraph 127. A further revision was adopted during the Sixty-Fourth Series of Meetings, held from July 6 to 14, 2023; see documents [A/64/5](#) “Revision of the General Rules of Procedure of WIPO and the Special Rules of Procedure of the Governing Bodies of WIPO and the Unions Administered by WIPO”, and [A/64/13](#) “General Report”, paragraph 68. The General Rules are available at: https://www.wipo.int/policy/en/rules_of_procedure.html.

² See Rule 1 of the General Rules.

3. This document proposes the adoption of Special Rules for the Working Group in order to be aligned with the General Rules, with some flexibility regarding the election of officers in that it would provide for the possibility of their immediate re-election. A transitional measure is also being proposed for adoption.

CURRENT SITUATION

WIPO GENERAL RULES OF PROCEDURE GOVERNING OFFICERS

4. Under Rule 9 of the General Rules³, officers of all WIPO bodies, including those of the Working Group, are elected at the opening of each session. The terms of the elected officers begin at the end of the session in which they are elected, continuing until the end of the following session, when the terms of newly elected officers begin. The outgoing officers cannot be immediately re-elected.

SPECIAL RULES OF PROCEDURE OF WIPO STANDING COMMITTEES

5. WIPO Standing Committees have their respective special rules dealing, among others, with membership and observers⁴. These committees have adopted or will debate transitional measures to align their election cycle with Rule 9 of the General Rules but have Special Rules in place regarding the election of officers such as, for example, rules providing for the possibility of their immediate re-election.

PRACTICE OF THE WORKING GROUP REGARDING OFFICERS

6. The practice of the Working Group has been to elect its officers at the opening of each session. Officers preside over the session in which they are elected and remain in office until the opening of the following session, when new officers are elected. Furthermore, there has been no restriction on the possible re-election of the outgoing officers.

ADOPTION OF SPECIAL RULES OF PROCEDURE FOR THE WORKING GROUP

7. Under Rule 45 of the General Rules, each WIPO body, including the Working Group, may adopt and amend its own special rules, which complement or supersede the application of the General Rules⁵.

8. As a housekeeping measure, therefore, the adoption of Special Rules for this Working Group is proposed, as set out in the Annex to this document.

9. The objective of the proposed Special Rules is to codify, for the benefit of legal certainty, that the General Rules apply to the Working Group, and to set out specific provisions for the Working Group concerning the participation of members and observers and the re-election of Officers.

³ Rule 9 of the General Rules reads as follows:

“Rule 9: Officers

(1) In the first meeting of each ordinary session, each body shall elect a Chair and two Vice-Chairs.

(2) Officers’ terms of office shall begin following the final meeting of the session during which they were elected. Officers shall remain in office until terms of office of newly elected officers begin.

(3) The outgoing Chair and Vice-Chairs shall not be immediately eligible for re-election to the office which they have held.”

⁴ See the Special Rules of Procedure of WIPO Standing Committees, available at:

<https://www.wipo.int/policy/en/special-rules-of-procedure-wipo-standing-committees.html>.

⁵ A similar proposal for the adoption of Special Rules was also submitted to the twenty-first session of the Working Group on the Development of the Madrid System for the International Registration of Marks (hereinafter referred to as the “Madrid Working Group”, held from November 13 to 17, 2023. See document MM/LD/WG/21/2.

10. Rule 1 of the proposed Special Rules would stipulate that, while the General Rules continue to apply to the Working Group, these are supplemented or amended by the provisions in the Special Rules.

11. Rule 2(1) of the proposed Special Rules would confirm that all members of the Hague Union are members of the Working Group. Paragraph (2) would also confirm that all observers to the Assembly of the Hague Union must be invited as observers to the Working Group. Finally, paragraph (3) would acknowledge that the Working Group could invite other States and organizations as observers.

12. Rule 3 of the proposed Special Rules would provide the Working Group with flexibility regarding the election of its officers by allowing for their immediate re-election.

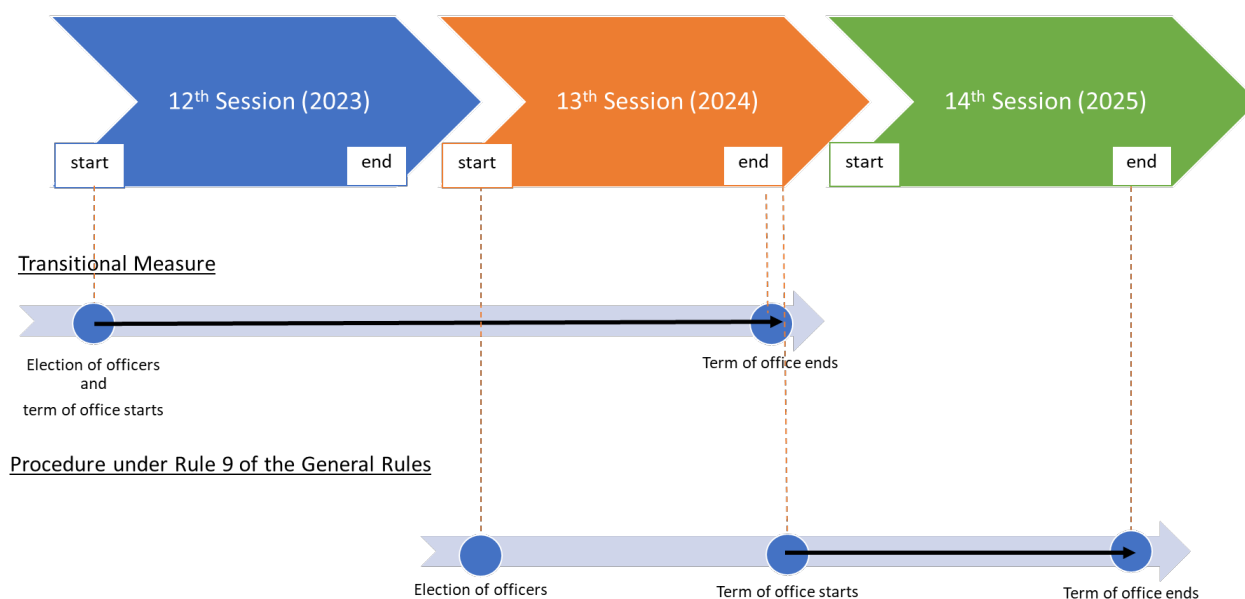
13. If these Special Rules are adopted by the Working Group, it is proposed that they enter into force upon their adoption.

TRANSITIONAL MEASURE

14. In light of the fact that all WIPO bodies are aligning the election cycle of their officers with Rule 9 of the General Rules, it is also proposed to adopt a transitional measure regarding the officers presiding over this session of the Working Group. Under such measure, the terms of office of the officers elected at the start of the current session would start upon election and would end at the closing of the thirteenth session of the Working Group, which is scheduled to take place in 2024.

15. At the opening of its thirteenth session, the Working Group would elect new officers in accordance with Rule 9 of the General Rules. Accordingly, their terms of office would start following the closing of the thirteenth session and it would end at the closing of the fourteenth session, when the terms of newly elected officers would begin.

16. The following figure illustrates the election of officers and their terms of office under the proposed transitional measure and Rule 9 of the General Rules.



17. The Working Group is invited to:

(i) consider the proposals made in this document; and,

(ii) adopt the proposed:

– Special Rules of Procedure, as presented in the Annex to this document or in amended form, for their entry into force upon their adoption; and,

– transitional measure, as described from paragraphs 14 to 16 of this document.

[Annex follows]

**WORKING GROUP ON THE LEGAL DEVELOPMENT OF THE HAGUE SYSTEM FOR
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

SPECIAL RULES OF PROCEDURE

[adopted on December 4, 2023]

Rule 1: Application of the General Rules of Procedure of WIPO

The Special Rules of Procedure of the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as the “Working Group”) shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Members and observers

- (1) Membership in the Working Group is extended to members of the Hague Union.
- (2) All States and organizations invited as observers to the Assembly of the Hague Union shall be invited to all sessions of the Working Group as observers.
- (3) The Working Group shall decide which other States and organizations not referred to in paragraph (2) shall be invited as observers, whether to the Working Group or to any particular session or meeting thereof.

Rule 3: Officers

The outgoing Chair and Vice-Chairs shall be eligible for re-election.

[End of Annex and of document]