



## WORLD INTELLECTUAL PROPERTY ORGANIZATION

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### THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL DEPOSIT OF INDUSTRIAL DESIGNS

#### Amendment of the Regulations and Administrative Instructions

##### New method of calculating publication fees; amount of publication fees; new requirements concerning the presentation of reproductions

1. On January 1, 2002, a new method of calculating the publication fees will come into force. This change is intended to simplify the requirements relating to the presentation of reproductions and the calculation of the publication fees. It will in addition result in a substantial reduction in those fees. The new method of calculation is based on the number of reproductions to be published and the number of A4 pages on which these reproductions are submitted. The concept of “groups of standard spaces” has been deleted.
2. The new method of calculation and of the corresponding new scale of fees should result in an average reduction of the order of 27% in the publication fees payable for a deposit governed by the 1960 Act, provided that the users take care to present their reproductions on the number of pages strictly necessary, having regard to the applicable requirements. It is therefore important to become familiar with this new method of calculation and the new requirements concerning the presentation of reproductions.
3. These new requirements, which will also come into force on January 1, 2002, result from the amendment of Rule 12 and Sections 401 à 405 of the Administrative Instructions. Section 604 (concerning the international deposit certificate) has also been amended; see paragraph 12.
4. The amendments to the Schedule of Fees and to Rule 12 of the Regulations under the Hague Agreement were adopted by the Assembly of the Hague Union during its meeting in September 2001. The Administrative Instructions have been amended by the Director General after consultation with the Offices directly concerned, pursuant to Rule 31.1(a) of the Regulations, and will also enter into force on January 1, 2002, following their publication in the *International Designs Bulletin*.
5. The present note provides a brief explanation of the above-mentioned changes. The amended text of the Schedule of Fees, of Rule 12 and of the Administrative Instructions concerned appears in an annex.

## **Amendment of the Regulations**

### Amendment of the Schedule of Fees

6. The amendments to the Schedule of Fees relate to the method of calculating the publication fees and to the amounts of these fees. At present, the calculation of the publication fees depends on the number of four “standard spaces” fully or partly occupied by the reproductions. This calculation proved to be complex and led to many irregularities.

7. With the new method of calculating the publication fees, the concept of group of standard spaces is deleted. From January 1, 2002, the calculation of the publication fees will depend, on the one hand, on the number of reproductions deposited and, on the other hand, on the number of A4 pages on which those reproductions are set out. The distinction is maintained between reproductions whose publication is requested in color and those whose publication is requested in black and white. The new scale of publication fees should therefore greatly simplify the calculation of the publication fees for depositors.

8. The new amounts of the publication fees adopted by the Assembly of the Hague Union are the following:

(i) Fee per reproduction:

12 Swiss francs per reproduction to be published in black and white  
75 Swiss francs per reproduction to be published in color

(ii) Fee per page on which reproductions are filed:

150 Swiss francs per page in addition to the first

### Amendment of Rule 12

*Dimension of the representation of a design or object deposited* (Rule 12.1(b))

9. Rule 12.1(b) has been modified in order

– firstly, to remove the requirement that the representation of each design or article be in the dimensions in which the depositor wishes to have it published (the International Bureau will nevertheless continue to scan the reproductions in the format in which they are submitted) and,

– secondly, to transfer to the Administrative Instructions the requirements concerning the maximum and minimum dimensions of the representation of each design or article (these requirements remain however unchanged; see Section 403(b)).

*Representation of an object from different angles (Rule 12.1(d))*

10. As worded at present, Rule 12.1(d) provides that different views of the same article may be shown on the same reproduction or on separate reproductions. The modification of Rule 12.1(d) consists in allowing the representation of one article from different angles only on separate reproductions. This is necessary having regard to the new method of calculating the publication fee (which is determined mainly by the number of reproductions) and in order to avoid difficulties with the numbering of reproductions that represent a single article seen from different angles.

**Amendment of the Administrative Instructions**

*Reproduction of the Design or Article Deposited* (Sections 401 à 405)

11. The amendments to Sections 401 to 405 of the Administrative Instructions are a consequence of the new method of calculating the publication fee, and of the implications that it has both for the presentation of the reproductions and for their digitization. They consist in particular:

- in removing all references to the grids of standard spaces (Sections 401(b) and (c), 402(b) and (c) and 404(c)); in practice, it means that the grids of standard spaces will no longer be included in the application form and that any reproduction will necessarily have to be submitted (either pasted or printed directly) onto a separate sheet of A4 paper which is white and opaque, as referred to in Section 401(b);
- in providing that a margin of at least 5 mm be left around each reproduction in order to facilitate digitization of the reproductions (Section 401(c));
- in providing that each page containing reproductions be used upright and be allowed to contain no more than 25 reproductions (Section 401(b)); this limit has been set on the basis of the minimum dimensions prescribed for the representation of a design (referred to in Section 403(b)) and in the light of the new requirement to leave a margin of at least 5 mm around each reproduction (Section 401(c));
- in requiring that reproductions be arranged in the orientation in which the applicant wishes them to be published (Section 401(c)) and in ascending numerical order (Section 402(b)).

*International Deposit Certificate* (Section 604)

12. Section 604 has been reorganized and completed in order to make it clear that, where an international deposit has been amended in the course of the period of deferment, the International Bureau issues to the owner, after the period of deferment has ended, a new deposit certificate which contains the elements that will be published (and not those initially appearing in the deposit).

[Annex follows]

ANNEX

AMENDMENT OF THE REGULATIONS  
UNDER THE HAGUE AGREEMENT AND ITS  
ADMINISTRATIVE INSTRUCTIONS

*Rule 12*

*Reproduction, Samples and Models of the Designs or Articles*

12.1 Reproduction, Samples and Models

[...]

(b) In the case of international deposits which are governed exclusively or partly by the 1960 Act, the applications shall be accompanied, for each design or for each article in which it is intended to incorporate the designs, by one photograph or other graphic representation, in color if the depositor requests publication in color or, failing that, in black and white, presented in accordance with the provisions of the Administrative Instructions. Additionally, the application may be accompanied by samples or models of the article or articles. The maximum and minimum dimensions of the representation of each design or article shown in the photographs or other graphic representations accompanying the applications shall be laid down in the Administrative Instructions.

[...]

(d) The same article may be represented from different angles, provided that each representation of the article viewed from a different angle is shown on a separate photograph or graphic representation.

[...]

Schedule of Fees  
(in force since January 1, 2002)

	Amounts (Swiss francs)
<i>I. Fees payable if the deposit is governed exclusively or partly by the 1960 Act (deposits published under the 1960 Act)</i>	
1. International deposit fee (Rule 13.2(a)(i))	
1.1 For 1 design	397
1.2 For each additional design included in the same deposit	19
2. International publication fee (Rule 13.2(a)(ii))	
2.1 For each reproduction to be published in black and white	12
2.2 For each reproduction to be published in color	75
2.3 For each page, in addition to the first, on which one or more reproductions are shown	150
[...]	

*Section 401*  
*Presentation of Reproductions*

(a) One and the same deposit may comprise both photographs and graphic representations.

(b) Where the international deposit is governed exclusively or partly by the 1960 Act, the photographs or other graphic representations accompanying the application shall be either pasted or printed directly onto a separate sheet of A4 paper which is white and opaque. These separate sheets of paper shall be used upright and shall not contain more than 25 reproductions.

(c) The photographs or other graphic representations must be arranged on the separate sheet referred to in paragraph (b) in the orientation in which the applicant wishes them to be published. A margin of at least 5 millimeters should be left around each reproduction.

(d) Each reproduction must fall within a right-angled quadrilateral containing no other reproduction or part of another reproduction and no numbering. The photographs or other graphic representations shall not be folded or stapled or marked in any way.

(e) Where a design (in two dimensions) is intended to be applied to two or more articles that form a whole (e.g., a dinner service), the deposit may comprise only one of the articles forming the whole (e.g., a plate) that will be shown in the photographs or other graphic representations accompanying the application.

*Section 402*  
*Numbering of Reproductions*

(a) The numbering stipulated for multiple deposits shall appear in the margin of each photograph or other graphic representation. When the same article is represented from different angles, the numberings shall consist of two separate figures separated by a dot (e.g. 1.1, 1.2, 1.3, etc. for the first article, 2.1, 2.2, 2.3, etc. for the second article and so on).

(b) The reproductions shall be pasted or printed in ascending numerical order on the separate sheet referred to in Section 401 (b).

*Section 403*  
*Representation of the Designer Article Deposited*

(a) The photographs and other graphic representations shall represent the deposited designer article alone, to the exclusion of any other object, accessory, person or animal.

(b) The dimensions of the representation of each designer object appearing in a photograph or other graphic representation may not exceed 16x16 centimeters, and one of those dimensions must be at least 3 centimeters.

(c) The following shall not be accepted:

- (i) technical drawings or representations showing articles in section or in plan, particularly with axes and dimensions;
- (ii) explanatory text or legends.

*Section 404*  
*Requirements for Photographs*

(a) The photograph supplied must be of professional standard. The articles must be shown against a neutral plain background. Photographs retouched with ink or correcting fluid are not allowed.

(b) Reproductions of photographs that meet the conditions set forth in paragraph (a) and have been produced by means of electronic processes shall be allowed if they are themselves of professional standard and not retouched.

(c) Photographs or reproductions of photographs shall have all the edges cut at right angles.

*Section 405*  
*Requirements for Graphic Representations*

Graphic representations must be either original or professional standard produced with drawing instruments or by electronic means on good quality white, opaque paper, all of whose edges are cut at right angles, or prints or photocopies made from such originals and having the same quality. The lines must be even and boldly drawn. The article represented should preferably be in perspective; it may comprise shading and hatching to provide relief. Graphic representations executed by electronic means may be shown against a background, provided that it is neutral and plain and has only edges cut at right angles.

*Section 604*  
*International Deposit Certificate*

(a) After having entered the international deposit in the International Register, the International Bureau shall issue to the owner an international deposit certificate containing the data and copies of the photographs or other graphic representations entered in the International Register. However,

(i) where publication of the international deposit is deferred, the certificate shall consist of a copy of the application, bearing the provisional number assigned to the deposit, and,

(ii) where the international deposit is accompanied by a request for deferment of publication, the period of deferment has ended and the conditions are fulfilled for publication to proceed, the International Bureau shall issue to the owner a new international deposit certificate containing the data and copies of the photographs or other graphic representations that are to be published.

(b) The copy of the application, the data and the copies of the photographs or other graphic representations contained in an international deposit certificate shall be certified by the Director General or by an officer authorized to sign in his name by virtue of Section 111.

November 27, 2001