

## Hague Agreement Concerning the International Registration of Industrial Designs

### Guidance on preparing and providing reproductions in order to forestall possible refusals on the ground of insufficient disclosure of an industrial design by Examining Offices

1. The Hague System is expanding with more jurisdictions with an “*Examining Office*”. Pursuant to Article 1(xvii) of the Geneva (1999) Act of the Hague Agreement Concerning the International Registration of Industrial Designs, an “Examining Office” is defined as 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”.
2. In that context, Rule 9(4) of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement is becoming increasingly relevant. The said rule provides that “A Contracting Party may however refuse the effects of the international registration on the ground that the reproductions contained in the international registration are not sufficient to disclose fully the industrial design”.
3. However, the criteria for sufficient disclosure of an industrial design may be different from one jurisdiction to another. As a result, applicants may face a situation where the reproductions contained in the international application satisfy the requirements of the Office of one of the designated Contracting Parties but are not deemed to be sufficient to disclose fully the industrial design before the Office of another designated Contracting Party.
4. In view of the above, users of the Hague System are hereby informed that the Guidance on Preparing and Providing Reproductions in Order to Forestall Possible Refusals on the Ground of Insufficient Disclosure of an Industrial Design by Examining Offices is made available at [http://www.wipo.int/export/sites/www/hague/en/how\\_to/pdf/guidance.pdf](http://www.wipo.int/export/sites/www/hague/en/how_to/pdf/guidance.pdf).
5. The Guidance was established in consultation with Contracting Parties, in particular all those that currently have an Examining Office, and several user organizations, and intended to mitigate the risk of refusals pursuant to Rule 9(4). It should however be noted that the Guidance cannot be considered self-sufficient or exhaustive.

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