

## **Hague Agreement Concerning the International Registration of Industrial Designs**

### **Amendments to the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement**

1. At its thirty-eighth (17<sup>th</sup> extraordinary) session, which took place in Geneva from September 24 to October 2, 2018, the Assembly of the Hague Union adopted amendments to Rule 3 of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as the “Common Regulations”).
2. The purpose of the amendments to Rule 3 is to relax the requirement to submit a power of attorney at the time of filing the international application, for appointing a representative before the International Bureau.

#### **“POWER OF ATTORNEY” NO LONGER REQUIRED AT THE TIME OF FILING**

3. Rule 3 of the Common Regulations provides for representation before the International Bureau. Subparagraph (2)(a), as it currently stands, provides that “the appointment of a representative may be made in the international application, provided that the application is signed by the applicant”. If the international application is not signed by the applicant, a separate communication (“power of attorney”) which shall be signed by the applicant must be submitted to the International Bureau, pursuant to subparagraph (2)(b).
4. The requirement to submit a power of attorney duly signed by the applicant at the time of filing of the international application is often challenging for both representatives and applicants, especially when they have to meet strict deadlines to safeguard the applicant’s rights and interests.
5. Rule 3(2)(a) was therefore amended so as to alleviate the burden for the users of the Hague System. The amended text of subparagraph (2)(a) reads that “the appointment of a representative may be made in the international application. The naming of the representative in the international application at the time of filing shall constitute an appointment by the applicant of such representative”<sup>1</sup>.

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<sup>1</sup> A minor consequential amendment was also made to subparagraph (4)(a).

6. Consequently, if the name and address of a purported representative are duly provided in the international application in accordance with Section 301 of the Administrative Instructions for the Application of the Hague Agreement, the International Bureau will consider that that person has been authorized by the applicant to file the international application and to be recorded as the representative for subsequent procedures and the resulting international registration.

7. The term “at the time of filing” in the amended text is intended to clarify that the appointment of a representative not initially indicated as such in the international application at the time of filing would remain necessary to be made in a separate communication (“power of attorney”), pursuant to subparagraph (2)(b).

8. The appointment of a representative may also be made in the relevant official form to request the recording of a change (such as a change in ownership, a change in the name and/or address of the holder, or a limitation) or to request a renewal. In such cases, however, the form must be signed by the holder, or accompanied by a power of attorney (or form DM/7), as is the case at present.

9. The amended texts of Rule 3(2) and (4) of the Common Regulations are reproduced in the Annex to this Information Notice.

10. A more detailed presentation of the amendments referred to above can be found in the Hague Union Assembly document H/A/38/1, which is available on the WIPO website at the following address: [http://www.wipo.int/edocs/mdocs/govbody/en/h\\_a\\_38/h\\_a\\_38\\_1.pdf](http://www.wipo.int/edocs/mdocs/govbody/en/h_a_38/h_a_38_1.pdf), and in the Working Group document H/LD/WG/7/2, available on the WIPO website at the following address: [http://www.wipo.int/edocs/mdocs/hague/en/h\\_ld\\_wg\\_7/h\\_ld\\_wg\\_7\\_2.pdf](http://www.wipo.int/edocs/mdocs/hague/en/h_ld_wg_7/h_ld_wg_7_2.pdf).

11. The aforementioned amendments to Rule 3 of the Common Regulations will come into effect on January 1, 2019. Accordingly, the International Bureau of WIPO will apply the amendments to all international applications that have a filing date on or after January 1, 2019.

November 9, 2018

**Common Regulations  
Under the 1999 Act and the 1960 Act  
of the Hague Agreement**

(as in force on January 1, 2019)

*Rule 3*

*Representation Before the International Bureau*

[...]

(2) [*Appointment of the Representative*] (a) The appointment of a representative may be made in the international application. The naming of the representative in the international application at the time of filing shall constitute an appointment by the applicant of such representative.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder.

(c) Where the International Bureau considers that the appointment of a representative is irregular, it shall notify accordingly the applicant or holder and the purported representative.

[...]

(4) [*Effect of Appointment of a Representative*] (a) The signature of a representative recorded under paragraph (3)(a) shall replace the signature of the applicant or holder.

(b) Except where these Regulations expressly require that a communication be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (3)(a) any communication which, in the absence of a representative, would have to be sent to the applicant or holder; any communication so addressed to the said representative shall have the same effect as if it had been addressed to the applicant or holder.

(c) Any communication addressed to the International Bureau by the representative recorded under paragraph (3)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

[...]

[End of Annex]