

Hague Agreement Concerning the International Registration of Industrial Designs

Excuse from Failure to Meet a Time Limit Due to the COVID-19 Pandemic as a Natural Calamity: Waiver of the Submission of Evidence Required under Rule 5(4) of the Common Regulations

1. The International Bureau of the World Intellectual Property Organization (WIPO) informs users of the Hague System of measures it has taken under Rule 5 of the Common Regulations under the 1999 Act and the 1960 Act of the Hague Agreement (“Common Regulations”), with a view to providing further relief in cases of failure to meet a time limit due to the COVID-19 pandemic.
2. As recalled in Information Notice 5/2020, applicants, holders and Offices may be excused from failure to meet a time limit for a communication addressed to the International Bureau of WIPO. It is widely known that the COVID-19 pandemic has interrupted communications worldwide, to various degrees. Accordingly, the International Bureau of WIPO will treat favorably any request made under Rule 5 of the Common Regulations citing COVID-19 related issues and not require that applicants, holders or Offices submit evidence in respect thereof.
3. Rule 5 of the Common Regulations applies to any communication addressed to the International Bureau of WIPO for which there is a time limit under the Hague Agreement or the Common Regulations. For example, it applies to a communication in which an Office transmits an international application in the case of an indirect filing or notifies a refusal, or in which an applicant or a holder remedies an irregularity in an international application or in a request for recording.
4. Rule 5 of the Common Regulations applies to the time limit to pay fees to the International Bureau of WIPO, including the period of grace to pay the fees for the renewal of an international registration. The only exception is, however, the payment of the second part of the individual designation fee through the International Bureau of WIPO (Rule 5(5) of the Common Regulations). Holders finding themselves in this particular situation are therefore encouraged to make the payment directly to, or otherwise consult, the Office concerned.
5. Applicants, holders and Offices are also reminded that there is a six-month limitation to the relief available under this provision (Rule 5(4) of the Common Regulations). Consequently, they are encouraged to take prompt action so that the International Bureau of WIPO receives the communication or payment no later than six months from the expiry of the time limit concerned.

6. Finally, the International Bureau of WIPO reminds applicants, holders and Offices that it remains open and continues to process international applications and requests for recording and encourages them to address communications to the International Bureau of WIPO by electronic means. In particular, as recalled in Information Notice No. 6/2020, applicants and holders are urged to continue to use the dedicated electronic tools, which may be accessed via the Hague System's webpage, namely:

- eHague (<https://www3.wipo.int/HagueEFilingWeb/protected/portfolioManager.xhtml>);
- eRenewal (https://webaccess.wipo.int/erenewal_dm/LanguageSetter?language=en);
- ePay (<https://www3.wipo.int/epayweb/v2/summary.xhtml>); and
- Contact Hague (<https://www3.wipo.int/contact/en/hague/>).

April 23, 2020