

Hague Agreement Concerning the International Registration of Industrial Designs

Amendments to the Administrative Instructions

1. At its tenth session which took place in Geneva on December 13 and 14, 2021, the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs was invited to comment on proposed amendments to the Administrative Instructions for the Application of the Hague Agreement (hereinafter referred to as the “Administrative Instructions”), pursuant to Rule 34(1)(a) of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as the “Common Regulations”)¹.

2. As a result of this consultation, Sections 202, 301, 302 and 601 of the Administrative Instructions have been amended by the Director General of the World Intellectual Property Organization (WIPO), and these amendments will come into force on April 1, 2022. The amended texts of the aforementioned Sections are reproduced in the Annex to this Information Notice.

SIGNATURE (SECTION 202)

3. Section 202 of the Administrative Instructions provides for the forms of signature acceptable for communications with the International Bureau: as currently provided, a signature shall be hand written, printed or may be replaced by the affixing of a seal; for electronic communications pursuant to Sections 204(a) and 205, a signature may be replaced by a mode of identification to be determined by the International Bureau, or if applicable, to be agreed upon between the International Bureau and the Office concerned.

4. Recently, the International Bureau has observed a growing number of documents with a typed signature which, unlike a handwritten signature, does not require printing and scanning for electronic transmission via *Contact Hague*. Meanwhile, seals have fallen into disuse as a replacement of a signature.

5. Taking into account the recent user preference, Section 202 has been amended to add “typed” as an acceptable form of signature, and to delete the reference to “affixing of a seal” as a replacement of a signature².

¹ Refer to documents H/LD/WG/10/3 and H/LD/WG/10/6.

² These amendments are in line with the amendments of Section 7 of the Administrative Instructions for the Application of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. It is furthermore to be noted that the deletion of “affixing of a seal” is for mere simplification of the provision; a seal remains acceptable.

6. Furthermore, to enhance clarity, the latter part of Section 202 concerning the signature requirements for electronic communication has been moved to a new paragraph (b) of the same Section.

NAMES AND ADDRESSES, AND EMAIL ADDRESS FOR CORRESPONDENCE (SECTIONS 301 AND 302)

7. Sections 301 and 302 provide requirements concerning names and addresses. The current wording of Section 301(d) provides for a telefacsimile number, an email address and a different address for correspondence as optional elements of contact details. In addition, Section 302 provides that, where there are multiple applicants or new owners with different addresses and no representative is appointed, one address for correspondence shall be indicated.

8. However, the recent legal and operational developments towards digitalization have left these provisions rather obsolete: since January 1, 2019, communication with the International Bureau via facsimile has been discontinued; since February 1, 2021, the provision of email addresses of applicants, new owners and representatives has become mandatory under Rules 3, 7 and 21 of the Common Regulations; and in response to the COVID-19 pandemic, the International Bureau no longer sends communications to any postal address, including those provided or considered as the address for correspondence.

9. As a consequence, Section 301(d) has been amended to delete the reference to telefacsimile number, email address³ and postal address for correspondence. In addition, Section 302 has been amended to require the indication of an email address for correspondence, where there are multiple applicants or new owners and no representative is appointed. Where no such email address is indicated, the email address of the person named first shall be treated as the email address for correspondence.

REQUEST FOR THE RECORDING OF A LIMITATION OR RENUNCIATION (SECTION 601)

10. Section 601 of the Administrative Instructions prescribes that, where the publication of an international registration is deferred, a request for the recording of a limitation or renunciation concerning that registration must be received by the International Bureau not later than three weeks prior to the expiry of the period of deferment, so as to prevent publication of the full international registration without such limitation or renunciation being taken into account.

11. Although Section 601 thus does not currently refer to so-called standard publication under Rule 17(1)(iii) of the Common Regulations, the International Bureau has in practice applied the same three-week time limit *mutatis mutandis* to requests for the recording of a limitation or renunciation received during that period. In addition, since January 1, 2022, the standard publication period has been extended from six to 12 months. It is noted that the demand for the recording of a limitation or renunciation during the extended standard publication period might increase.

12. Accordingly, Section 601 has been amended so as to explicitly include requests for the recording of a limitation or renunciation for international registrations which are subject to standard publication under Rule 17(1)(iii) of the Common Regulations.

February 10, 2022

³ Rules 3, 7 and 21 of the Common Regulations themselves prescribe the provision of an email address of the representative, applicant or new owner, respectively, as a mandatory content.

Administrative Instructions for the Application of the Hague Agreement

(as in force on April 1, 2022)

[...]

Part Two Communications with the International Bureau

[...]

Section 202: Signature

(a) A signature shall be hand written, printed, typed or stamped; ~~it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 204(a)(i) or (ii) or communications through a user account referred to in Section 205, by a mode of identification to be determined by the International Bureau or agreed upon between the International Bureau and the Office concerned, as the case may be.~~

(b) With respect to electronic communications referred to in Section 204(a)(i) or communications through a user account referred to in Section 205, a signature may be replaced by a mode of identification to be determined by the International Bureau. With respect to electronic communications referred to in Section 204(a)(ii), a signature may be replaced by a mode of identification agreed upon between the International Bureau and the Office concerned.

[...]

Part Three Requirements Concerning Names and Addresses

Section 301: Names and Addresses

[...]

(d) An address shall be given in such a way as to satisfy the customary requirements for prompt postal delivery and shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any. In addition, a telephone number ~~and telefacsimile numbers, an e-mail address as well as a different address for correspondence~~ may be indicated.

Section 302: Email Address for Correspondence

Where there are two or more applicants or new owners ~~with different addresses~~ and no representative is appointed, one email address for correspondence shall be indicated. Where no such address ~~has been~~ is indicated, the email address of the person named first shall be treated as the email address for correspondence.

[...]

Part Six
Request for the Recording of a Limitation or Renunciation
when Before Publication ~~Deferred~~

Section 601: Latest Time to Request the Recording of a Limitation or Renunciation

Where ~~the publication of an international registration is deferred~~ Rule 17(1)(ii) or (iii) applies, a request for the recording of a limitation or renunciation concerning that registration, complying with the applicable requirements, must be received by the International Bureau not later than three weeks prior to the expiry of the period ~~of deferment~~ for publication referred to in Rule 17(1)(ii) or (iii), respectively. In default of this, the international registration is published as provided in Rule 17(1)(ii) or (iii), as the case may be, ~~at the expiration of the period of deferment~~ without account being taken of the request for the recording of a limitation or renunciation. Provided that the request for limitation or renunciation complies with the applicable requirements, the limitation or renunciation is however recorded in the International Register.

[End of Annex]