

Hague Agreement Concerning the International Registration of Industrial Designs

Accession to the 1999 Act: China

1. On February 5, 2022, the Government of China deposited with the Director General of the World Intellectual Property Organization (WIPO) its instrument of accession to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (“1999 Act”).

2. The instrument of accession was accompanied by the following declarations under the 1999 Act and the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (“Common Regulations”):

- the declaration referred to in Article 5(2)(a) of the 1999 Act, whereby an international application designating China shall contain a brief description of the characteristic features of the design, pursuant to Article 5(2)(b)(ii);
- the declaration referred to in Article 7(2) of the 1999 Act, whereby, in connection with an international application in which China is designated, and in connection with the renewal of such international registration resulting from such an international application, the prescribed designation fee shall be replaced by an individual designation fee. The details of the declaration and the amount of the individual designation fee will be the subject of a further Information Notice;
- the declaration referred to in Article 13(1) of the 1999 Act, whereby in accordance with the law of China, “an application for design patent shall be limited to one design. Two or more similar designs for the same product or two or more designs which are incorporated in products belonging to the same class and sold or used in sets may be included in one application. Where two or more similar designs of the same product are filed in one application, the other designs shall be similar to the one indicated as the main design and the total number of designs shall not exceed 10. In the case of above-mentioned two or more designs incorporated to products belonging to the same class and sold or used in sets, all products must belong to the same class of the International Classification for Industrial Designs and be customarily sold or used at the same time, and the designs incorporated in each product must have the same concept of design.”;
- the declaration referred to in Article 16(2) of the 1999 Act, whereby the recording of a change in ownership of an international registration in the International Register shall not have that effect in China until the China National Intellectual Property Administration (CNIPA) has received the eligible certifying documents for that change;

- the declaration as required under Article 17(3)(c) of the 1999 Act, specifying that the maximum duration of protection provided for by the law of China in respect of designs is 15 years;
 - the declaration referred to in Rule 9(3)(a) of the Common Regulations, whereby “for each international application designating China, so far as a product with a three-dimensional design is concerned, or the essential features of the design of the product concern a Graphical User Interface (GUI) only, the applicant shall submit the compliant view(s) of the product”^{*};
 - the declaration referred to in Rule 18(1)(b) of the Common Regulations, whereby the prescribed period of six months for notifying a refusal of the effects of an international registration is replaced by a period of 12 months;
 - the declaration referred to in Rule 18(1)(c)(i) of the Common Regulations, whereby the international registration shall produce the effects referred to in Article 14(2)(a) of the 1999 Act from the date on which protection is granted according to the law of China, but within six months from the date of expiration of the 12-month refusal period; and
 - the declaration referred to in Rule 18(1)(c)(ii) of the Common Regulations, whereby the international registration shall produce the effect referred to in Article 14(2)(a) of the 1999 Act in China from the date on which protection is granted according to the law of China, where a decision regarding the grant of protection was unintentionally not communicated within the 12-month refusal period.
3. Furthermore, the Government of China declared that, in accordance with the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and the Basic Law of the Macao Special Administrative Region of the People’s Republic of China, the 1999 Act shall not apply to the Hong Kong Special Administrative Region of China and the Macao Special Administrative Region of China, unless otherwise notified by the Government of China.
4. In accordance with Article 28(3)(b) of the 1999 Act, the 1999 Act and the declarations made will enter into force with respect to China on May 5, 2022.
5. The accession of China to the 1999 Act brings the number of Contracting Parties to this Act to 68 and the total number of Contracting Parties to the Hague Agreement to 77. A list of the Contracting Parties to the Hague Agreement is available on the WIPO website at <https://www.wipo.int/export/sites/www/treaties/en/documents/pdf/hague.pdf>.

April 4, 2022

* Specific information on “compliant view(s)” referred to in this declaration will be made available in due course.