

Hague Agreement Concerning the International Registration of Industrial Designs

Amendments to the Administrative Instructions

1. At its twelfth session which took place in Geneva from December 4 to 6, 2023, and at its thirteenth session which took place in Geneva from October 21 to 23, 2024, the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (“Working Group”) was invited to comment on the proposed amendments to the Administrative Instructions for the Application of the Hague Agreement (“Administrative Instructions”), pursuant to Rule 34(1)(a) of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (“Common Regulations”)¹.
2. As a result of these consultations, Sections 101, 403, 408, 701 and 901 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 January 1, 2025.
3. The amended texts of the aforementioned Sections are reproduced in the Annex to this Information Notice.

FREEZE OF THE 1960 ACT (SECTIONS 101, 408, 701 AND 901)

4. At its forty-fourth (20th extraordinary) session which took place in Geneva from July 9 to 17, 2024, the Assembly of the Hague Union decided to freeze the application of the Hague Act (1960) and adopted consequential amendments to the Common Regulations with effect from January 1, 2025². The resulting amendments to the Administrative Instructions with respect to the above-referenced sections are of no substantive nature and only concern references to titles and provisions.

DISCLAIMER (SECTION 403)

5. Section 403 of the Administrative Instructions sets out the requirements for the indication of disclaimers and matter that does not form part of the industrial design or the product in relation to which the industrial design is to be used. Currently, such indications may be made at the applicant’s option either in the description (e.g. by text) or in the reproduction by means of dotted or broken lines or coloring (“graphical disclaimer”).

¹ Refer to documents [H/LD/WG/12/5](#), [H/LD/WG/12/9](#), [H/LD/WG/13/4](#) and [H/LD/WG/13/6](#).

² See Information Notice [No. 12/2024](#).

6. The International Bureau and several Offices of designated Contracting Parties have observed that it is often not clear whether an indication used in a reproduction represents a graphical disclaimer when it is not explained in the description. This ambiguity often leads to notifications of refusal by Offices of designated Contracting Parties. In order to improve the clarity of graphical disclaimers and thus avoid those office actions, Section 403 is amended so as to require that a graphical disclaimer be accompanied by a supporting statement in the description.

November 18, 2024

Administrative Instructions for the Application of the Hague Agreement

(as in force on January 1, 2025)

Part One Definitions

Section 101: Abbreviated Expressions

- (a) For the purposes of these Administrative Instructions:
- (i) "Regulations" means the ~~Common~~ Regulations under the [Geneva Act \(1999\) of the](#) Hague Agreement Concerning the International Registration of Industrial Designs;
 - (ii) "Rule" means a Rule of the Regulations.
- (b) An expression which is used in these Administrative Instructions and is referred to in Rule 1 has the same meaning as in the Regulations.

[...]

Part Four Requirements Concerning Reproductions and Other Elements of the International Application

Section 403: Disclaimers and Matter That Does Not Form Part of the Industrial Design or the Product in Relation to Which the Industrial Design Is to Be Used

- (a) Matter which is shown in a reproduction but for which protection is not sought may be indicated
- (i) in the description referred to in Rule 7(5)(a) ~~and/or~~
 - (ii) by means of dotted or broken lines or coloring, [accompanied by a supporting statement in the description referred to in Rule 7\(5\)\(a\)](#).
- (b) Notwithstanding Section 402(a), matter that does not form part of the industrial design or the product in relation to which the industrial design is to be used may be shown in a reproduction if it is indicated in accordance with paragraph (a).

[...]

Section 408: Permitted Matters in the International Application and Permitted Documents Accompanying an International Application

- (a) Where the applicant has made a declaration under Rule 7(5)(c) claiming priority of an earlier filing in the international application, that claim may be accompanied by a code allowing to retrieve that filing in a Digital Access Service for Priority Documents (DAS) digital library;
- (b) Where the applicant wishes to benefit from a reduction of an individual designation fee as indicated in a declaration made under Article 7(2) ~~of the 1999 Act~~ by a designated

Contracting Party, the international application may contain an indication or claim of the economic status entitling the applicant to the reduced fee as indicated in the declaration, as well as the certificate thereof, where applicable.

[...]

Part Seven Renewal

Section 701: Unofficial Notice of Expiry

When, pursuant to Rule 23, the International Bureau sends to the holder and the representative, if any, a notice indicating the date of expiration of an international registration, such notice shall contain also an indication of the Contracting Parties for which, at the date of the notice, and in accordance with the maximum duration of protection notified by each Contracting Party pursuant to Article 17(3)(c) ~~of the 1999 Act~~ and Rule ~~36(2)~~37(2)(c), renewal of the international registration is possible.

[...]

Part Nine Confidential Copies

Section 901: Transmission of Confidential Copies

(a) The confidential copy of an international registration provided for under Article 10(5) ~~of the 1999 Act~~ shall be transmitted to any Office concerned by electronic means in accordance with Section 204(a)(ii).

[End of Annex]