

# WIPO



H/A/17/2

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

GENEVA

**SPECIAL UNION FOR THE INTERNATIONAL DEPOSIT OF INDUSTRIAL DESIGNS  
(HAGUE UNION)**

## **ASSEMBLY**

**Seventeenth (6th Extraordinary) Session  
Geneva, September 7 to 15, 1998**

### **REPORT**

*adopted by the Assembly*

1. The Assembly was concerned with the following items on the consolidated agenda (document A/33/1 Prov.2): 1, 2, 4, 6, 7, 9, 14, 16, 20 and 21.
2. The report on these items, with the exception of item 16, is contained in the General Report (document A/33/8).
3. The report on item 16 is contained in the present document.
4. Mr. Jan Nicaise (Netherlands), Chair of the Assembly, presided over the session of the Assembly.

ITEM 16 ON THE CONSOLIDATED AGENDA:

AMENDMENT OF THE REGULATIONS UNDER THE HAGUE AGREEMENT

5. Discussions were based on document H/A/17/1.
6. Introducing document H/A/17/1, the Secretariat drew attention to a transcription error affecting the English version of the proposed text of Rule 9.2(b) in the Annex of the said document. An *erratum* was distributed.
7. The Assembly approved the new amounts for the publication fees referred to in paragraph 12 of document H/A/17/1, namely, 33 Swiss francs for each set of four standard spaces for publication in black and white and 264 Swiss francs for each set of four standard spaces for publication in color, and the corresponding amendment of the schedule of fees annexed to the Regulations under the Hague Agreement, with effect from January 1, 1999.
8. The Assembly also adopted, with effect from January 1, 1999, the amendments to the Regulations proposed in the Annex of document H/A/17/1, as corrected by the *erratum* referred to in paragraph 2, above, as regards the English version of the said Annex. The amended provisions are reproduced in the Annex to this report.

[Annex follows]

ANNEX

**Rule 1**

**Abbreviated Expressions**

1.1 *Abbreviated Expressions*

For the purposes of these Regulations:

[...]

(xxi) “Bulletin” means the periodical publication containing the data relating to international deposits whatever the medium used for that publication.

**Rule 3**

**The International Register**

3.1 *Contents of the International Register; Keeping of the International Register*

[...]

(c) In the case of international deposits which are governed exclusively or partly by the 1960 Act, the International Register shall contain, in addition to the indications referred to in paragraph (a), the reproduction of photographs or other graphic representations filed.

[...]

**Rule 5**

**Mandatory Contents of the Application**

5.1 *Mandatory Contents of the Application*

[...]

(c) In the case of international deposits governed exclusively or partly by the 1960 Act, the application shall contain, in addition to the indications referred to in paragraph (a):

[...]

(ii) an indication of the documents, photographs or other graphic representations accompanying the application;

[...]

## **Rule 9**

### **Multiple deposit**

[...]

#### **9.2 *Other Rules Applicable to Multiple Deposits***

[...]

(b) Each design included in a multiple deposit and each sample or model which may accompany the application shall be identified by a different number. Numbering shall be applied to the photographs or other graphic representations in accordance with the Administrative Instructions.

[...]

## **Rule 12**

### **Reproduction, Samples and Models of the Designs or Articles**

#### **12.1 *Reproduction, Samples and Models***

(a) In the case of international deposits governed exclusively by the 1934 Act, the application shall be accompanied by one photograph or other graphic representation or one sample of each design or of each article in which it is intended to incorporate the designs.

(b) In the case of international deposits which are governed exclusively or partly by the 1960 Act, the application shall be accompanied, for each design or for each article in which it is intended to incorporate the designs, by one photograph or other graphic representation, in color if the depositor requests publication in color or, failing that, in black and white, presented in accordance with the provisions of the Administrative Instructions. Additionally, the application may be accompanied by samples or models of the article or articles. The dimensions of the representation of each design or article shown in the photographs or other graphic representations accompanying the application shall be those in which the depositor wishes the design to be published, provided that one of those dimensions shall be not less than 3cm. The dimensions of the representations of the articles shall not be more than 16cm x 16cm.

(c) Photographs or graphic representations shall be of a quality permitting all the details of the articles shown in them to be clearly distinguished and admitting of reproduction in accordance with the provisions of the Administrative Instructions.

(d) The same article may be represented from different angles; reproductions of the article viewed from different angles may be shown on the same photograph or graphic representation or on separate photographs or graphic representations.

(f) The photographs or other graphic representations or the samples or models relating to one and the same deposit shall be contained in a single envelope or packet. None of the dimensions of any envelope or packet, including packing, shall exceed 30cm and the weight of any such envelope or packet and its packing shall not exceed 4kg. Perishable articles or articles which are dangerous to store shall not be accepted for deposit.

## **Rule 14**

### **Recording or Declining of the International Deposit**

[...]

#### **14.2 Defective International Deposits**

[...]

(c) The international deposit shall bear the date on which the correction of the defect was received by the International Bureau where the defect was one of the following:

[...]

(viii) the provisions of Rule 12.1(a) or of Rule 12.1(b), first sentence, were not complied with;

[...]

## **Rule 16**

### **Publication of the International Deposit**

#### **16.1 Contents of the Publication of the International Deposit**

The publication of any international deposit shall contain:

[...]

(ix) where the international deposit is governed exclusively or partly by the 1960 Act, the reproduction of the photographs or other graphic representations filed;

[...]

## **Rule 17**

### **Refusals**

#### *17.1 Forms and Contents of Notifications of Refusal and of Withdrawal of Refusal*

[...]

(b) The notification of refusal of protection shall indicate:

[...]

(ix) the date on which the national or regional Office which pronounced the refusal received the issue of the Bulletin in which the international deposit was published for the first time;

[...]

#### *17.2 Recording, Transmittal and Publication of Refusal and Withdrawal of Refusal*

(a) The refusal shall not be recorded in the International Register:

[...]

(ii) if the date referred to in Rule 17.1(b)(ix) has not been indicated, unless the notification of refusal was received by the International Bureau within six months after the publication date of the issue of the Bulletin in which the international deposit was published for the first time;

[...]

## **Rule 22**

### **Corrections**

#### *22.1 Corrections*

[...]

(c) Where a refusal pronounced by a national or regional Office relates to a corrected element, Rule 17 shall apply *mutatis mutandis*. The date referred to in Rule 17.1(b)(ix) shall be considered by the International Bureau to be the date of receipt by the national or regional Office of the issue of the Bulletin in which the correction was published for the first time.

[End of Annex and of document]