

WIPO



H/A/22/2

ORIGINAL: English

DATE: October 1, 2003

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

ASSEMBLY

**Twenty-Second (14th Ordinary) Session
Geneva, September 22 to October 1, 2003**

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items on the consolidated agenda (document A/39/1): 1, 2, 3, 4, 5, 7, 9, 15, 18, 23, 25 and 26.
2. The report on these items, with the exception of item 15, is contained in the general report (document A/39/15).
3. The report on item 15 is contained in this document.
4. Mr. Malem Tidzani (Gabon) was elected Chair of the Assembly; Mr. Roman O. Omorov (Kyrgyzstan) and Mr. Doudou Sagna (Senegal) were elected Vice-Chairs.

ITEM 15 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE HAGUE UNION

Proposal for Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement

5. Discussions were based on document H/A/22/1.
6. The Chair welcomed those countries which had joined the Hague system since the last session of the Assembly in 2001, namely (in chronological order): Ukraine, Kyrgyzstan, Belize, Georgia and Gabon. He further noted that the Hague system now comprised 34 Contracting Parties.
7. The Secretariat informed the Assembly with great pleasure that, on September 23, 2003, Spain had deposited with the Director General of WIPO its instrument of ratification of the Geneva (1999) Act of the Hague Agreement. Given that Spain was the eleventh Contracting Party having ratified or acceded to the 1999 Act, and the third Contracting Party to the 1999 Act (along with Slovenia and Switzerland) having the volume of activity in the field of industrial designs required by Article 28(2) of the 1999 Act for such Act to enter into force, and following the deposit by Spain of its instrument of ratification mentioned above, the 1999 Act of the Hague Agreement would therefore, enter into force three months later, namely on December 23, 2003.
8. Since the date of entry into force of the 1999 Act was now known to the Assembly, the Secretariat stated that the option concerning the date of entry into force of the Common Regulations themselves, as set out in paragraph 16(iii) of document H/A/22/1, was no longer relevant and the Secretariat therefore proposed that the Assembly decide that the Common Regulations should enter into force on April 1, 2004.
9. The Secretariat also wished to draw attention to a translation error concerning the French version of Rule 21(1)(a)(iv) of the Common Regulations. As indicated in the corrigendum distributed to the Assembly (document H/A/22/1 Corr.), the text of that provision should read as follows: *“iv) une limitation, à l’égard d’une, de plusieurs ou de la totalité des parties contractantes désignées, portant sur une partie des dessins ou modèles industriels qui font l’objet de l’enregistrement international”*.
10. The Delegation of Switzerland stated that it supported the adoption of the Common Regulations and the entry into force of those Regulations on April 1, 2004.
11. The Delegation of Spain said that it was pleased to announce that the Spanish Parliament had ratified the 1999 Act. It underlined the importance of Spain’s accession to the 1999 Act insofar as it would permit the Act to enter into force. The Delegation of Spain also pointed out the advantages of the 1999 Act in terms of the reduction of the obstacles which heretofore might have been preventing States from acceding to the Hague system and said that the entry into force of the 1999 Act would facilitate the enlargement of the geographical scope of the Hague Agreement and would encourage the use of the system by industry. Finally, the Delegation of Spain mentioned the great efforts which had been made by the Spanish Patent and Trademark Office towards the adoption of a new and modern Spanish design law (Law 20/2003 of July 7, 2003). The accession by Spain to the 1999 Act and the

recent adoption of a new design law demonstrated a clear commitment to contributing to the consolidation of a modern and effective industrial property system.

12. The Assembly:

(i) adopted the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement, as proposed in Annex II of document H/A/22/1 (in respect of the English version), and as proposed in Annex II of document H/A/22/1, supplemented by the corrigendum contained in document H/A/22/1 Corr. (in respect of the French version);

(ii) decided that the Common Regulations would enter into force on April 1, 2004;

(iii) decided that, as from April 1, 2004, the Common Regulations would replace both the Regulations under the 1999 Act and the Regulations under the 1960 Act and the 1934 Act;

(iv) approved the interpretative statements and transitional arrangements accompanying the proposal for Common Regulations, as contained in paragraphs 10(a) to (d) and 11(a) and (b) of document H/A/22/1.

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