

## **Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs**

**Thirteenth Session**  
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### **PRIORITY DOCUMENTS IN THE CONTEXT OF THE HAGUE SYSTEM**

*Document prepared by the International Bureau*

#### **BACKGROUND**

1. Pursuant to Article 6(1) of the Geneva Act (1999) of the Hague Agreement (hereinafter referred to as the “1999 Act”), an international application may contain a declaration claiming, under Article 4 of the Paris Convention for the Protection of Industrial Property (hereinafter referred to as the “Paris Convention”), the priority of one or more applications filed in or for any country party to the Paris Convention or any member of the World Trade Organization (a “priority claim”). Rule 7(5)(c) of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as the “Common Regulations”) only requires applicants wishing to take advantage of such priority to include in the international application a claim to that effect, together with the indications necessary to identify the earlier filing.

2. This being said, a growing number of Contracting Parties have informed the International Bureau that they require the submission of a certified copy of the earlier filing (a “priority document”) and the compliance with further domestic requirements if they are designated in an international application which contains a priority claim<sup>1</sup>. Therefore, the International Bureau has carried out a survey to collect information from the Offices of Contracting Parties concerning the submission of priority documents and related requirements as well as the participation in the WIPO Digital Access Service (hereinafter referred to as “WIPO DAS”) for priority documents in order to assess the current situation and identify potential impediments to the efficiency of the Hague System.

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<sup>1</sup> For more information, see the [Guide to the Hague System](#), Item 13: Priority claim (if applicable), Chapter “Priority document”, in which the International Bureau provides relevant requirements in this regard, to the extent it has been so informed by an Office. The International Bureau was occasionally informed by users of instances where a given Office required the submission of a priority document whilst such information was not available in any of the Hague System resources, as it had not been officially confirmed or notified by the Office concerned.

3. This document summarizes the situation in respect of priority documents and further related requirements, presents an analysis of the responses received to the survey, and outlines possible measures that could be taken to improve the situation for the users of the Hague System, for consideration by the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as the “Working Group”).

## LEGAL PROVISIONS

### PARIS CONVENTION

4. Article 4 of the Paris Convention sets out the details regarding the right of priority. Article 4D(3) of the Paris Convention specifies that countries may require that a priority document be filed within three months from the filing of the subsequent application, which may be accompanied by a translation, but they may not require any authentication or a fee.

### MADRID SYSTEM

5. According to Article 4(2) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter referred to as the “Madrid Protocol”), applicants may claim priority in an international application, without having to comply with the formalities prescribed in Article 4D of the Paris Convention. The indication of the relevant information regarding a priority claim in the international application is sufficient<sup>2</sup>. Therefore, the submission of a priority document is not required for international applications under the Madrid System claiming priority of an earlier filing.

### PCT SYSTEM

6. According to Article 8(1) of the Patent Cooperation Treaty (PCT), an international application may contain a priority claim in which case a priority document must be submitted to the International Bureau, pursuant to Rule 17.1 of the Regulations under the PCT<sup>3</sup>. The International Bureau makes copies of priority documents available on PATENTSCOPE and provides them in electronic form to designated Offices upon request, pursuant to Rule 17.2(a) of the Regulations under the PCT. This mechanism allows any designated Office to access priority documents pertinent to international applications. A designated Office may only request the applicant to submit a priority document directly to it if the priority document was not received by the International Bureau<sup>4</sup>.

7. Moreover, designated Offices are only allowed to require a translation of a priority document from the applicant during the national phase, “where the validity of the priority claim is relevant to the determination of whether the invention is patentable”, pursuant to Rule 51*bis*.1(e)(i) of the Regulations under the PCT<sup>5</sup>.

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<sup>2</sup> See Rule 9(4)(iv) of the Regulations Under the Madrid Protocol.

<sup>3</sup> The priority document may be submitted:

- directly to the International Bureau;
- to the receiving Office which submits it to the International Bureau;
- by requesting the receiving Office to prepare the priority document and transmit it to the International Bureau, if the earlier application was filed with that Office; or
- by requesting the International Bureau to obtain the priority document from WIPO DAS, if the Office of earlier filing participates in WIPO DAS as a “Depositing Office”.

<sup>4</sup> See Rule 17.2(a) of the Regulations under the PCT.

<sup>5</sup> Designated Offices may also require a translation in cases of incorporation by reference (see Rule 51*bis*.1(e)(ii) of the Regulations under the PCT).

## HAGUE SYSTEM

8. The Hague legal framework does not provide for the submission of priority documents to the International Bureau. A priority document submitted to the International Bureau will be disposed of<sup>6</sup>, with the exception of the submission of priority documents for the designation of China, Japan or the Republic of Korea<sup>7</sup>. The Hague legal framework does not regulate the submission of priority documents directly to the Offices of designated Contracting Parties.

### *General Principles; Spirit of the Hague System*

9. Article 12(1) of the 1999 Act provides that no Office of a designated Contracting Party may refuse the effects of an international registration on the ground that its domestic requirements relating to the form or contents of the international application which are additional to or different from the requirements set out in the 1999 Act or in the Common Regulations have not been met.

10. In this context, the Hague legal framework regulates the mandatory contents and formal requirements of an international application<sup>8</sup>, and only allows for the inclusion of a limited number of additional elements which Contracting Parties may require according to their domestic laws. Moreover, such additional elements must be notified by Contracting Parties by way of a declaration or other official communication of similar nature, and be published by the International Bureau<sup>9</sup> so as to inform users accordingly. Therefore, the Hague System is set up to enable applicants to satisfy such additional domestic requirements at the application stage<sup>10</sup>.

11. Similarly, the International Bureau is responsible for the centralized management of resulting international registrations. The Hague System has been designed in a way that only a limited number of actions have to be performed directly before the Office of a designated Contracting Party during the life cycle of an international registration<sup>11</sup>.

12. The centralized filing and management of an international registration is one of the basic principles of the Hague System and constitutes an important advantage for users. Therefore, the direct submission of additional documents to Offices appears to be contrary to the spirit of the Hague System as this poses extra burden and costs on users. If the architects of the 1999 Act had intended that a priority claim must be supported by a priority document, such requirement would have been provided for, as has been done under the PCT System<sup>12</sup> or for certain other elements described in paragraph 10. The same applies to further requirements, such as the provision of a translation of a priority document.

13. In view of the above, it bears recalling that the participants of the Diplomatic Conference for the Adoption of a New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs (Geneva Act) (hereinafter referred to as the “Diplomatic Conference”) held

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<sup>6</sup> See Rule 7(6) of the Common Regulations.

<sup>7</sup> For further information, please see paragraphs 14 to 18, below.

<sup>8</sup> See, in particular, Rules 7(3), 9(1) and (2) of the Common Regulations, and Parts Two to Four of the Administrative Instructions for the Application of the Hague Agreement (hereinafter referred to as the “Administrative Instructions”).

<sup>9</sup> See Rule 26(2) of the Common Regulations.

<sup>10</sup> See document [H/DC/5](#), paragraph 11.03.

<sup>11</sup> Those actions are:

- (a) the payment of the second part of the individual designation fee (Rule 12(3)(c) of the Common Regulations), as an alternative to paying via the International Bureau;
- (b) the procedure before the Office following a notification of refusal (Article 12(3)(b) of the 1999 Act);
- (c) the procedure before the competent authority with which an invalidation is filed (Article 15(1) of the 1999 Act); and
- (d) the submission of relevant documents to the Office where the Contracting Party made a declaration that the recording of a change in ownership has no effect until its Office received such documents (Article 16(2) of the 1999 Act).

<sup>12</sup> See paragraph 6, above. In addition, Article 12(1) of the 1999 Act was modeled on Article 27(1) of the PCT (see document [H/DC/5](#), paragraph 11.01).

in 1999 noted that Rule 7(5)(c) of the Common Regulations<sup>13</sup> "...does not require the submission of a copy of the application on which priority is based. Such priority document is not required under either of the current Acts of the Hague Agreement. This does not however preclude an Office from requesting the holder, in a particular case, to furnish a copy of the priority document to it direct. Such request could be made in the context of a refusal where the Office considers that the priority document is necessary in order to determine novelty, because of a disclosure intervening during the priority period"<sup>14</sup>.

#### *Special Arrangement in Place for China, Japan and the Republic of Korea*

14. Notwithstanding the general principles above, the Offices of these three Contracting Parties have indicated that, under their domestic laws, a priority document must, without exception, be furnished to their Offices in order to support a priority claim. More critically, if the priority document is not submitted within the applicable time limit, the consequences are fatal as not only is the right of priority lost, but these Offices may refuse protection for the design on the ground of lack of novelty if the first filing on which the priority is based was published during the priority period.

15. All these three Offices participate in WIPO DAS as an "Accessing Office" with respect to priority documents for design applications, enabling them to retrieve priority documents through WIPO DAS if they are available.

16. However, so as to safeguard the interests of applicants whose Office of first filing is not a WIPO DAS "Depositing Office", the International Bureau has implemented an exception to the general principle that a priority document cannot be submitted to it. Hence, if any of these three Contracting Parties is designated in an international application which contains a priority claim, applicants have the option to submit a copy of a priority document with the international application<sup>15</sup>. The copy is then electronically distributed to these Offices by the International Bureau.

17. This exception has been put in place based on the following arrangement:

- these Offices receive confidential copies of international registrations in accordance with Article 10(5)(a) of the 1999 Act, which allows for systematic and secured electronic transmission of documents from the International Bureau to these Offices, including priority documents;
- these Offices accept a copy of a priority document in "PDF form", which allows for transmission from applicants to the Offices via the International Bureau through the available electronic means; and
- these Offices have foregone any further domestic requirements (e.g. translation, fee)<sup>16</sup>.

18. The aforementioned arrangement was first put in place in November 2015 with respect to the Republic of Korea<sup>17</sup>, followed by Japan and China, upon their accessions to the 1999 Act. This arrangement was introduced as an *interim* measure, thus without a legal provision to that effect, but with the anticipation that participation in WIPO DAS would rapidly expand to cover all Hague members' Offices. It was also expected that only very few other jurisdictions would have domestic provisions similar to those three Contracting Parties whereby the failure to timely provide the priority document could be fatal to a subsequent application.

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<sup>13</sup> Reference was made to Rule 7(4)(e) which became Rule 7(5)(c) of the Common Regulations.

<sup>14</sup> See document [H/DC/6](#), note R7.12.

<sup>15</sup> By using Annex V of form DM/1 or the corresponding section in the eHague interface.

<sup>16</sup> Otherwise, applicants would have to submit additional documents or fees directly to the Office concerned, sometimes through a local representative if they reside outside the country.

<sup>17</sup> See Information Notice [No. 8/2015](#).

## SURVEY

### PRIORITY DOCUMENTS FOR INTERNATIONAL REGISTRATIONS

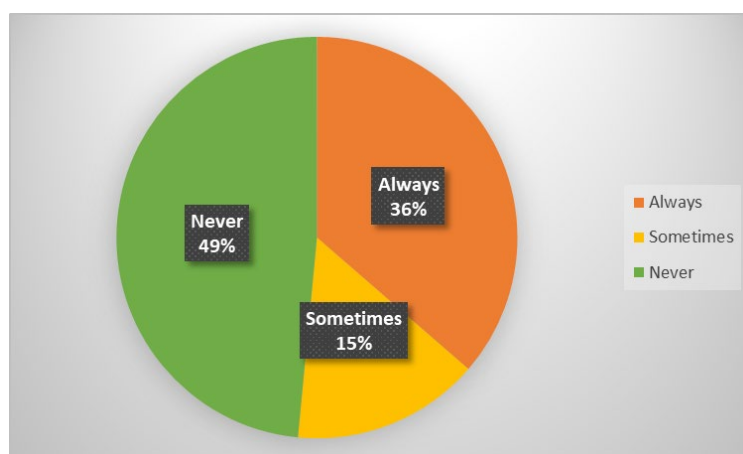
19. As mentioned above, the International Bureau has sent a survey to all Offices of Contracting Parties earlier this year, to which 33 Offices responded<sup>18</sup>.

20. Of the 33 Offices that participated in the survey, 16 Offices do not require the submission of a priority document for Hague registrations<sup>19</sup>, although 11 of these Offices require them for domestic applications.

21. Five Offices<sup>20</sup> responded that they do not require a priority document per se, but may invite the holder to submit a priority document if deemed necessary in specific cases<sup>21</sup>.

22. Twelve Offices responded that they always require a priority document also for Hague registrations<sup>22</sup>. Most of them additionally responded that if the priority document is not submitted within the applicable time limit, the right of priority is lost with no possibility of restoration<sup>23</sup>. Moreover, five Offices responded that protection would, in addition, be refused on the ground of lack of novelty if the first filing on which the priority is based was published during the priority period<sup>24</sup>.

Figure 1: Share of Offices Requiring a Priority Document for Hague Registrations<sup>25</sup>



<sup>18</sup> See Annex I, table 1.

<sup>19</sup> Those are the Offices of Azerbaijan, Belize, Croatia, Denmark, European Union, Germany, Greece, Hungary, Lithuania, Montenegro, Norway, Poland, Republic of Moldova, Slovenia, Switzerland, and the United Kingdom (16).

<sup>20</sup> Those are the Offices of Canada, Estonia, Finland, Israel, and Oman (5).

<sup>21</sup> Two Offices responded that they request a priority document only if the priority date is relevant in order to assess novelty, where, for instance, the examiner found relevant prior art published during the priority period. One Office responded that it requests a priority document if there is any doubt of the priority claim. Another Office noted that it accepts a reference to a public database where all the data underlying a priority claim are reliably accessible to the Office, instead of requiring a priority document.

<sup>22</sup> Those Offices are the Offices of Brazil, China, Japan, Kyrgyzstan, Mexico, the Republic of Korea, the Russian Federation, Samoa, Serbia, Türkiye, the United States of America and Viet Nam. Of these Offices, the Offices of Brazil, Samoa and Serbia are not examining Offices as defined in Article 1(xvii) of the 1999 Act. Most Offices indicated that the time limit to submit a priority document was 3 months from the publication of the international registration. See Annex II for further information.

<sup>23</sup> A few Offices responded that their domestic laws contained some kind of relief mechanism in their domestic laws if the priority document is not submitted within the applicable time limit, including the extension of the time limit or the possibility to file a petition.

<sup>24</sup> See Annex II.

<sup>25</sup> The share is based on the responses received by the 33 Offices that participated in the survey.

### *Further Information Regarding Offices Always Requiring a Priority Document for Hague Registrations*

23. Ten of the 12 Offices that always require a priority document responded that the priority document must be submitted to the Office through a local representative if the holder resides outside the country<sup>26</sup>.

24. Nine Offices responded that they may require a translation of the priority document, if the priority document is not in a language accepted by the Office<sup>26</sup>.

25. Two Offices responded that they require a fee in relation to priority documents<sup>27</sup>.

26. All except four Offices responded that they accept priority documents in PDF form in all instances<sup>28</sup>.

### PARTICIPATION IN WIPO DAS

27. WIPO DAS is an electronic system allowing priority documents to be securely exchanged between participating IP Offices. In the context of the Hague System, if the Office of the earlier filing participates in WIPO DAS as a “Depositing Office” with respect to priority documents for design applications, the applicant may request that Office to make the priority document available via WIPO DAS. If the Office of a designated Contracting Party also participates in WIPO DAS as an “Accessing Office” with respect to priority documents for design applications, the Office is able to retrieve the priority document via WIPO DAS<sup>29</sup>.

28. However, only 20 Offices<sup>30</sup> of the 80 Hague Contracting Parties currently participate in WIPO DAS with respect to priority documents for design applications, while three Offices are a “Depositing Office”<sup>31</sup> only and one Office is an “Accessing Office” only.

29. Of the 12 Offices that responded in the survey that they always require a priority document for Hague registrations, six Offices<sup>32</sup> participate in WIPO DAS as an “Accessing Office” with respect to priority documents for design applications. However, one of these Offices requires nevertheless that a translation be submitted directly to it through a local representative, as well as the payment of a fee<sup>33</sup>. This Contracting Party was in the top 20 most designated Contracting Parties in international applications filed in 2023. In addition, three of the Offices<sup>34</sup> that do not participate in WIPO DAS as an “Accessing Office” with respect to priority documents for design applications, but always require a priority document for Hague registrations, were also in the top 20 most designated Contracting Parties in 2023. That means that applicants cannot (fully) benefit from WIPO DAS for at least four out of the 20 most designated Contracting Parties (see Figure 2)<sup>35</sup>.

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<sup>26</sup> For some Offices, this applies only in certain cases. See Annex II for detailed information.

<sup>27</sup> The Office of Brazil indicated an amount which equals to around 20 Swiss francs, while the Office of Mexico indicated an amount which equals to around 50 Swiss francs. For Brazil, this applies only in cases where the applicant did not indicate a WIPO DAS code in the international application.

<sup>28</sup> The Offices of Serbia and Viet Nam responded that they do not accept priority documents in PDF form. The Office of the Russian Federation noted that priority documents are accepted in PDF form if the document was issued in that form by the Office of first filing. The Office of the United States of America responded that it only accepts priority documents in PDF form if they are submitted via WIPO DAS.

<sup>29</sup> A total of 78,738 priority documents for design applications were exchanged between WIPO DAS participating Offices in 2023. The Offices of China, European Union Intellectual Property Office (EUIPO), Japan, the Republic of Korea and India were the most active “Accessing Offices”, with more than 1,000 priority documents each.

<sup>30</sup> See Annex I, table 2.

<sup>31</sup> One of these Offices, the Office of Türkiye, always requires priority documents for Hague registrations.

<sup>32</sup> Those are the Offices of Brazil, China, Japan, Mexico, the Republic of Korea and the United States of America.

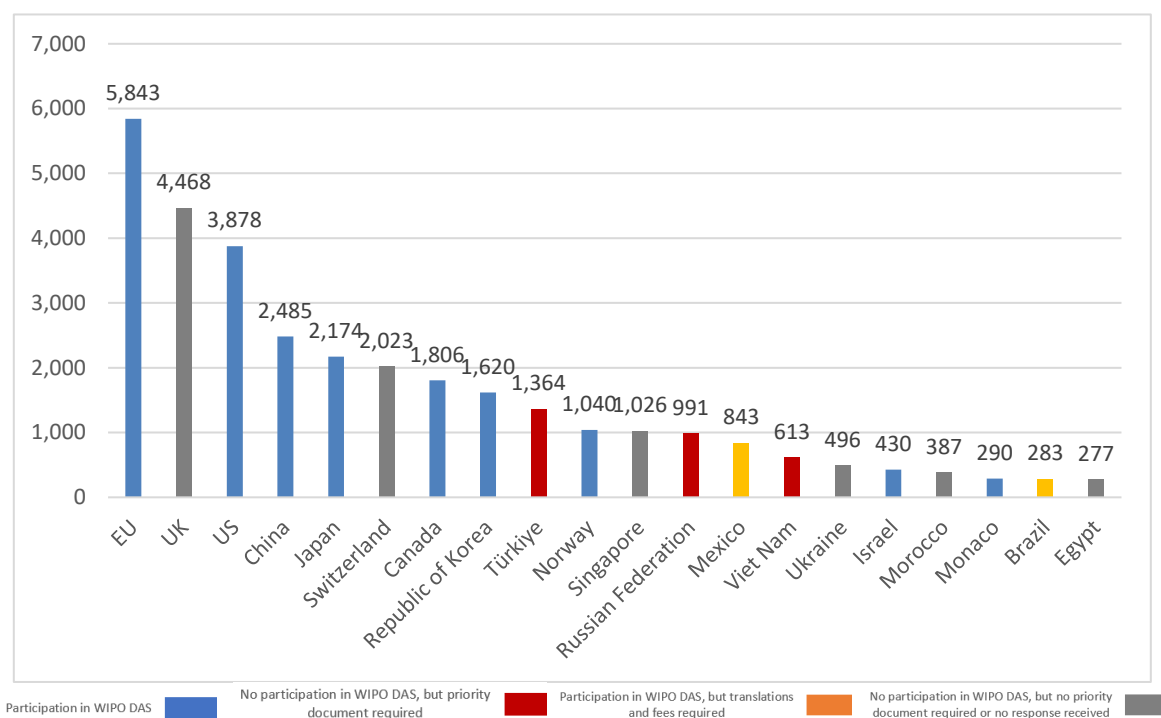
<sup>33</sup> This is the Office of Mexico. A Spanish translation is required if the priority document is not in that language.

<sup>34</sup> Those are the Offices of Türkiye, the Russian Federation and Viet Nam. The latter two Offices indicated in the survey that they were interested in joining WIPO DAS in the future.

<sup>35</sup> Based on the statistics contained in the [Hague Yearly Review 2024](#).



Figure 2: WIPO DAS “Accessing Office” Status Amongst the Top 20 Most Designated Hague Members in 2023<sup>36</sup>



30. On the other hand, the Offices of 13 Contracting Parties which were in the top 20 origins of Hague applications filed in 2023 participate in WIPO DAS as a “Depositing Office” with respect to priority documents for design applications<sup>37</sup>. Conversely, the Offices of six of the top 20 origins do not participate in WIPO DAS as a “Depositing Office” with respect to priority documents for design applications (see Figure 3), hence the applicants of these origins cannot make use of WIPO DAS if the earlier application has been filed with their “home Office”. The share of international applications containing a priority claim from these origins was between 43 and 93 per cent in 2023 (see Figure 4). It is noted that five of these six Offices do participate in WIPO DAS as a “Depositing Office” with respect to priority documents for “patent applications”<sup>38</sup>.

<sup>36</sup> Extracted from the [Hague Yearly Review 2024](#). The Contracting Parties whose Offices participate in WIPO DAS as an “Accessing Office” with respect to priority documents for design applications are highlighted in blue. The Contracting Parties whose Offices always require a priority document, but do not participate in WIPO DAS as an “Accessing Office” with respect to priority documents for design applications, are highlighted in red. The Contracting Parties whose Offices participate in WIPO DAS as an “Accessing Office” with respect to priority documents for design applications, but require the submission of a translation and a fee, are highlighted in orange. The Contracting Parties whose Offices do not participate in WIPO DAS as an “Accessing Office” with respect to priority documents for design applications, and either responded that they do not require a priority document or did not respond to the survey are highlighted in grey.

<sup>37</sup> The 13 Contracting Parties do not include Austria, which was also in the top 20 origins in 2023, but is not a Hague Contracting Party.

<sup>38</sup> The remaining one was also in the process of joining WIPO DAS with respect to priority documents for “patent applications” at the date of this document.

Figure 3: WIPO DAS “Depositing Office” Status Amongst the Top 20 Origins in 2023<sup>39</sup>

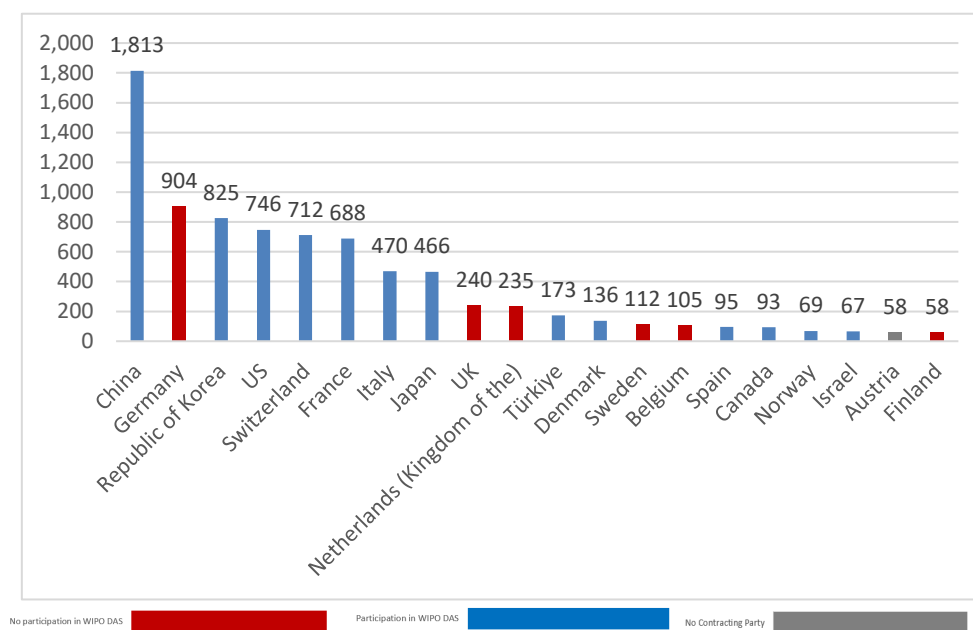
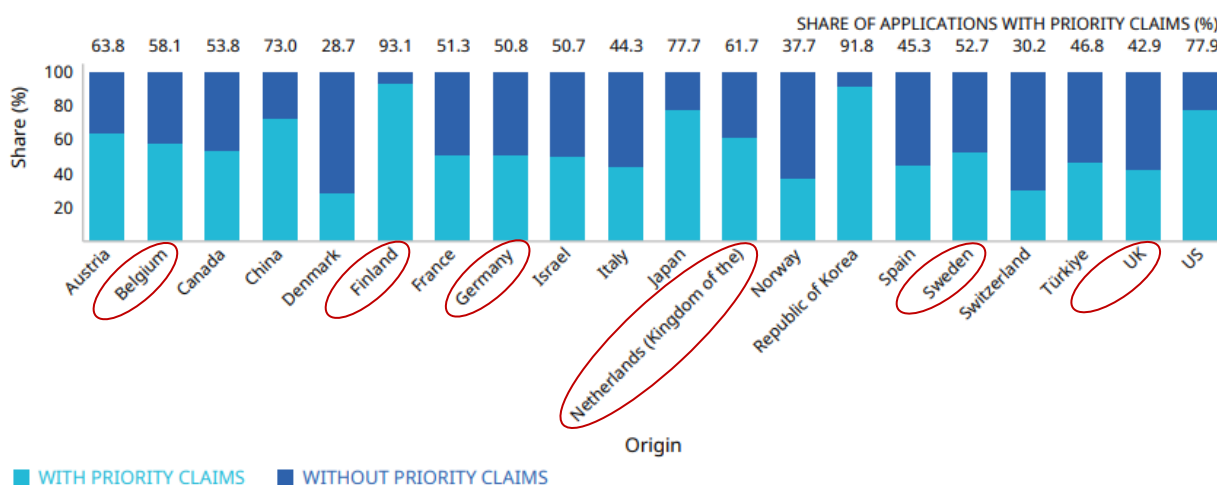


Figure 4: Share of International Applications with Priority Claims for the Top 20 Origins, 2023<sup>40</sup>



## CONSIDERATIONS

### CHANGE OF OFFICE PRACTICE

31. Several Offices have foregone the requirement of a submission of priority documents for Hague registrations although they require them for domestic applications<sup>41</sup>. The Offices of Contracting Parties that still require priority documents by default are encouraged to consider changing their practice and applying a similar more user-friendly approach to Hague registrations. This approach would not prevent Offices from requiring a priority document in

<sup>39</sup> Extracted from the [Hague Yearly Review 2024](#). The Contracting Parties whose Offices participate in WIPO DAS as a “Depositing Office” with respect to priority documents for design applications are highlighted in blue. The Contracting Parties whose Offices do not participate in WIPO DAS in that respect are highlighted in red. Austria, which is not a Contracting Party, is highlighted in grey.

<sup>40</sup> Extracted from the [Hague Yearly Review 2024](#). The Contracting Parties whose Offices do not participate in WIPO DAS as a “Depositing Office” with respect to priority documents for design applications are circled in red.

<sup>41</sup> See paragraph 20, above.



individual cases where the Office considers it necessary in the context of substantive examination, in particular in cases where the validation of the priority date is essential to determine the novelty of the design. This would also be in compliance with the spirit of the Hague System, as endorsed during the Diplomatic Conference<sup>42</sup>.

32. For example, in most instances, the registration for which priority is claimed is published by the Office of first filing by the time the Office of a designated Contracting Party carries out the substantive examination of the international registration. On this basis, Offices could check public databases where all the information is accessible, in order to *ex-officio* validate the priority claim *vis-à-vis* the published contents of the first filing, instead of requiring the submission of a priority document.

#### PARTICIPATION IN WIPO DAS

33. Another measure to address the growing complexity regarding the submission of priority documents could be that the Offices of Contracting Parties commit to participate in WIPO DAS<sup>43</sup>. In particular, Offices that always require a priority document if the international registration contains a priority claim are strongly encouraged to participate in WIPO DAS as an “Accessing Office”.

34. Similarly, Offices of first filing, in particular those whose applicants show a high share of priority claims in their international applications, would be encouraged to participate in WIPO DAS as a “Depositing Office” in respect of priority documents for design applications, in order to enable “their” applicants to benefit from WIPO DAS.

35. WIPO DAS is the most efficient tool to exchange priority documents between Offices and can reduce the burden on Offices and on users to furnish and exchange documents. Depending on the volume of documents to be exchanged, Offices may implement the system relatively easily by making use of the “DAS Office Portal” which enables them to upload and download documents through a web interface without any need for modifications to domestic IT systems. Offices can join WIPO DAS by simply sending a notification to the International Bureau, and by putting in place the necessary operational procedures to allow applicants to utilize the service.

#### SUBMISSION OF PRIORITY DOCUMENTS THROUGH THE INTERNATIONAL BUREAU

36. As mentioned in paragraphs 14 to 18, above, currently, applicants have the option to submit a copy of a priority document together with the international application to the International Bureau, in order to support a priority claim for a designation of China, Japan or the Republic of Korea.

37. This arrangement could be extended to other Offices. However, if Offices continue to pose additional requirements, such as a translation or a fee, for which applicants would have to appoint a local representative, the burden on applicants would not be alleviated by providing such possibility. It could even complicate the situation, as applicants who would send a copy of the priority document to the International Bureau may not understand that further related requirements would have to be complied with directly before the Office. Therefore, Offices that endeavor to receive a copy of a priority document from the International Bureau should consider ways to forego any further domestic requirements regarding the submission of priority documents.

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<sup>42</sup> See paragraph 13, above.

<sup>43</sup> It is noted that draft Article 14*bis* of the proposed Design Law Treaty (DLT) sets out that a Contracting Party shall provide for electronic exchange of priority documents for applications, although this article is still under discussion. See document [DLT/DC/3](#).

38. In this regard, reference is made again to Article 4D(3) of the Paris Convention which already excludes the payment of a fee for the submission of a priority document<sup>44</sup>. Furthermore, Offices could require a translation upon invitation to the holder, if considered relevant in particular instances. In this context, it is recalled again that also under the PCT System, designated Offices are only allowed to require a translation of a priority document from the applicant during the national phase, where the validity of the priority claim is relevant to the determination of patentability<sup>45</sup>. There appears to be no reason or justification to place Hague users in a more disadvantaged situation than PCT users in that respect.

*39. The Working Group is invited to consider the information and considerations presented in this document and provide guidance to the International Bureau on a possible way forward.*

[Annexes follow]

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<sup>44</sup> See paragraph 4, above.

<sup>45</sup> See paragraph 7, above.

**TABLE 1**

**CONTRACTING PARTIES WHOSE OFFICES PARTICIPATED IN THE SURVEY**

Azerbaijan, Belize, Brazil, Canada, China, Croatia, Denmark, Estonia, European Union, Finland, Germany, Greece, Hungary, Israel, Japan, Kyrgyzstan, Lithuania, Mexico, Montenegro, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Russian Federation, Samoa, Serbia, Slovenia, Switzerland, Türkiye, United Kingdom, United States of America, Viet Nam (33)

**TABLE 2**

**CONTRACTING PARTIES WHOSE OFFICES PARTICIPATE IN WIPO DAS IN RESPECT OF PRIORITY DOCUMENTS FOR DESIGN APPLICATIONS**

Brazil, Canada, China, Denmark, European Union, France<sup>46</sup>, Georgia, Israel, Italy, Japan, Lithuania, Mexico, Monaco, Norway, Poland<sup>47</sup>, Republic of Korea, Spain, Switzerland<sup>46</sup>, Türkiye<sup>46</sup>, United States of America (20)

**TABLE 3**

**CONTRACTING PARTIES WHOSE OFFICES ARE INTERESTED IN PARTICIPATING IN WIPO DAS IN RESPECT OF PRIORITY DOCUMENTS FOR DESIGN APPLICATIONS**

Azerbaijan, Belize, Croatia, Greece, Montenegro, Oman, Republic of Moldova, Russian Federation, Serbia, United Kingdom, Viet Nam (11)

[Annex II follows]

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<sup>46</sup> Depositing Office only.

<sup>47</sup> Accessing Office only.

**INFORMATION REGARDING OFFICES THAT ALWAYS REQUIRE A PRIORITY DOCUMENT FOR HAGUE REGISTRATIONS<sup>48</sup>**

	BR	CN	JP	KG	MX	KR	RU	WS	RS	TR	US	VN
<b>Requirements</b>												
Examining Office		X	X	X	X	X	X			X	X	X
Participation in WIPO DAS <sup>49</sup>	X	X	X		X	X	0		0	X <sup>50</sup>	X	0
PDF form accepted	X	X	X	X	X	X	X <sup>51</sup>	X		X	X <sup>52</sup>	
Translation required (including only in certain cases)	X <sup>53</sup>	X <sup>54</sup>	X <sup>54</sup>	X	X			X	X	X	X <sup>55</sup>	
Fee required (including only in certain cases)	X <sup>53</sup>				X							
Local representative required (including only in certain cases)	X <sup>53</sup>		X <sup>54</sup>	X	X	X <sup>54</sup>		X	X	X	X <sup>56</sup>	X
Time limit for submission <sup>57</sup>	90d	3m <sup>54</sup>	3m <sup>54</sup>	3m <sup>58</sup>	3m	3m <sup>54</sup>	3m	12m <sup>59</sup>	3m	3m	during pendency	3m
<b>Consequences</b>												
Priority lost	X	X	X	X	X	X	X	X	X	X	X	X
Publication of first filing destroys novelty		X	X		X	X		X				

[End of Annex II and of document]

<sup>48</sup> This table summarizes the information provided by the 12 Offices that indicated in the survey that they always require the submission of a priority document for Hague registrations. The Contracting Parties of those 12 Offices are the following: Brazil, China, Japan, Kyrgyzstan, Mexico, the Republic of Korea, the Russian Federation, Samoa, Serbia, Türkiye, the United States of America and Viet Nam.

<sup>49</sup> "0" indicates the Office which responded in the survey that they are interested in joining WIPO DAS in the future.

<sup>50</sup> Depositing Office only.

<sup>51</sup> Only if the document was issued in that form by the Office of first filing.

<sup>52</sup> Only if the priority document is submitted via WIPO DAS.

<sup>53</sup> This only applies if the priority document is sent directly to the Office (not through WIPO DAS).

<sup>54</sup> This only applies if the priority document is sent directly to the Office (not through WIPO DAS or to the International Bureau).

<sup>55</sup> An English translation may be required during interference or derivation proceedings, or to overcome the date of a reference relied upon by the examiner, or upon request by the examiner.

<sup>56</sup> This only applies in certain cases. For more information, see the Hague System Member Profiles.

<sup>57</sup> In months (m) or days (d) from international publication, unless otherwise indicated.

<sup>58</sup> From the date of sending the notification.

<sup>59</sup> From the filing date.