

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

**Thirteenth Session**  
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### **TOPICAL ASPECTS RELATING TO THE DEVELOPMENT OF THE HAGUE SYSTEM**

*Document prepared by the International Bureau*

#### **BACKGROUND**

1. The Hague System will celebrate its 100<sup>th</sup> anniversary in November 2025. Its principal purpose remains the facilitation of central management of design applications and resulting registrations in multiple jurisdictions, by offering a single international procedure for applications, the recording of changes, and renewals.
2. In the past 10 years of the Hague System, its membership has expanded steadily and its use has grown rapidly. The total number of Contracting Parties to the Hague Agreement<sup>1</sup> increased from 62 in 2014 to 79 in 2023<sup>2</sup>, whereas in the same period the number of international applications per year grew from 2,933 to 8,566<sup>3</sup>. The fact that the Hague System accounted for 40.2 per cent of all non-resident design filings in 2022<sup>4</sup> underscores the increased role which it plays in international design protection.
3. The past 10 years also have presented challenges and opportunities for the Hague System to preserve and enhance its value, in at least two respects: evolving user needs and expectations for protecting designs in the digital age, and increased complexity of accommodating different design laws and practices of Contracting Parties. Concerning the latter point, which is addressed in Topics 2 and 3, below, the Annex to this document lists the

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<sup>1</sup> This currently comprises the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the “1999 Act”) and the Hague Act (1960) of the Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter referred to as the “1960 Act”).

<sup>2</sup> See Information Notices [No. 1/2014](#) and [No. 5/2023](#).

<sup>3</sup> See [Hague Yearly Review 2024](#), figure 1.

<sup>4</sup> See [Hague Yearly Review 2024](#), page 18.

Contracting Parties which have made declarations under Article 13(1) (concerning unity of design) and Article 16(2) (concerning documents evincing change in ownership).

4. The purpose of this document is to:

- present four topics that appear to be particularly pertinent to these challenges and opportunities, with varying levels of elaboration and priority; and
- elicit discussion 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”) with a view to identifying pragmatic options for consideration at and between future sessions<sup>5</sup>.

## TOPIC 1: MULTI-CLASS APPLICATIONS

### INTRODUCTION

5. Under Article 5(4) of the 1999 Act and Rule 7(3)(v) of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as the “Common Regulations”), a single international application may include two or more designs (such an application hereinafter referred to as a “multiple application”), up to a maximum of 100.

6. Under Rule 7(7) of the Common Regulations, however, all products for the designs included in the same international application shall belong to the same class of the International Classification used for the purposes of the registration of industrial designs (hereinafter referred to as the “Locarno Classification”). While Article 5(4) of the 1960 Act currently sets out the same requirement, the freeze of the application of the 1960 Act as of January 1, 2025<sup>6</sup> will then leave Rule 7(7) the sole legal basis of this mono-class requirement.

### ISSUES

7. The Locarno Classification consists of a list of classes and subclasses which provides a general indication as to the type of products belonging to each class and subclass. As such, the mono-class requirement does not prevent a multiple application from including designs for products of the same type (for example, chairs, sofas, tables, bookshelves, and cushions).

8. The designs included in a multiple application share the same date of international registration, from which date the international registration shall have at least the same effect in each designated Contracting Party as a regularly-filed application<sup>7</sup>. Thus, a multiple application is often filed to cover products of the same type that share a similar design lifecycle.

9. In this respect, the digital age appears to have added another dimension to Hague user needs: the expectation for a multiple application to include all aspects of a product which constitute a design or in relation to which the design is to be used. For example, designs of a microwave and its graphical user interfaces (hereinafter referred to as “GUIs”) share the same lifecycle as different aspects of the same product, but the current mono-class requirement does not permit their consolidation in a single international application.

10. More generally, it may be considered whether lifting the mono-class requirement could reinforce the Hague System as a filing route of choice for users. Among other factors, it may be noted that in March 2024 the European Parliament endorsed new legislation (the Designs

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<sup>5</sup> This may include, as appropriate, meetings to address challenges specific to Contracting Parties which have made certain declarations.

<sup>6</sup> See document [A/65/10](#), paragraph 38(i).

<sup>7</sup> See 1999 Act, Article 14(1).

Regulation and the Designs Directive) which, once their respective provisions enter into force<sup>8</sup>, would remove the mono-class requirement for design applications filed with the European Union Intellectual Property Office (EUIPO) and Offices of its member states (19 of which are Contracting Parties to the Hague System)<sup>9</sup>. Noting that the European Union (EU) has been the most designated Contracting Party since 2010<sup>10</sup>, and that the United Kingdom, the second most designated Contracting Party since 2021, already accepts a multi-class application, users may come to expect that the Hague System offers the same application option.

11. Against this background, the freeze of the application of the 1960 Act may present an occasion for the Working Group to review the mono-class requirement.

## CONSIDERATIONS

12. While a multiple application offers a more efficient and economical filing option for applicants compared to a single-design application, the laws of Contracting Parties appear to strike a balance between the interests of applicants and those of Offices, by imposing numerical (for example, up to 100 designs) and/or qualitative limitations on a multiple application. The latter currently include at least the following three modalities:

- No qualitative limitation (i.e., multi-class application available): while there are few Contracting Parties in this group at the moment, their number likely will well exceed 20 within a few years (see paragraph 10 of this document);
- Mono-class limitation: being in line with the Hague System, this appears to be the most common limitation adopted by Contracting Parties<sup>11</sup>; and
- Unity of design limitation: 11 Contracting Parties currently maintain the declarations under Article 13(1) of the 1999 Act (see the Annex to this document).

13. Article 13(1) allows Contracting Parties to make a declaration in order to maintain the unity of design requirement under their domestic law. Similarly, if the Hague System's mono-class requirement were to be abolished, concerned Contracting Parties' interest in maintaining this requirement would need to be protected<sup>12</sup>, through a declaration mechanism similar to that under Article 13(1)<sup>13</sup>.

14. Based on the experience around Article 13 of the 1999 Act, the Working Group could explore the following points with a view to optimizing in such a mechanism the balance of interests between Contracting Parties and users:

- Under the second sentence of Article 13(1), the unity of design requirement shall not affect the applicant's right to include up to 100 designs in the international application, even if a Contracting Party that has made the declaration under this Article is

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<sup>8</sup> At the time of writing of this document, it appears that Article 37(1) of the Designs Regulation (concerning a multiple application filed with the EUIPO) could enter into force as early as February 2025, whereas Article 27 of the Designs Directive (concerning a multiple application filed with the Office of an EU member state) is subject to a transposition period of 36 months after the date of entry into force of the Designs Directive.

<sup>9</sup> See the legislative schedule of the European Parliament at: <https://www.europarl.europa.eu/legislative-train/theme-legal-affairs-juri/file-revision-of-the-design-directive-and-of-the-community-design-regulation>.

<sup>10</sup> In 2023, the EU was designated in 5,843 out of 8,566 international applications (a designation rate of 68 per cent). See [Hague Yearly Review 2024](#), page 17.

<sup>11</sup> According to the 2008 survey (the most recent available on this point), 63 per cent of the surveyed jurisdictions adopted the mono-class requirement. See document [SCT/19/6](#), paragraph 22.

<sup>12</sup> Such an inclusive approach would be consistent with the spirit of Article 3 of the proposed Design Law Treaty. In general, a multiple application entails the need for some Offices to undertake searches for each design included in the application. Those Offices might need to retain the mono-class requirement in order to maintain search efficiency and recover examination costs. For more detailed reasons for accommodating different requirements concerning a multiple application, see document [DLT/DC/5](#), Notes 3.10 and 3.11.

<sup>13</sup> Consistent with the legislative history of the Hague System, such a declaration mechanism would be established through the Common Regulations. Examples include Rule 9(3) establishing the declaration mechanism for certain specified views, and Rule 12(1)(c)(i) that introduced in 2008 the declaration mechanism for the application of level two or three of a standard designation fee (see document [H/A/24/1](#)).

designated. However, as addressed in Topic 2 of this document, non-compliance of the unity of design requirement may entail a refusal of the effects of the international registration, pending the deletion of multiple designs from the international registration and their dividing out for domestic applications. As there are more Contracting Parties with the mono-class limitation than with the unity of design limitation<sup>14</sup>, even if multi-class applications were rare, each would likely concern more Contracting Parties. A possible approach to forestalling similar refusal issues for multi-class applications could be to allow an applicant to file a multi-class application only if all designated Contracting Parties accept this type of application.

- A declaration under Article 13(1) may be made by a Contracting Party the law of which, at the time it becomes party to the 1999 Act, requires that designs included in the same application conform to a unity of design requirement. However, given the current overall prevalence of the mono-class limitation among the Contracting Parties, some may find a similar approach that would allow a Contracting Party with the mono-class requirement to make a declaration somewhat involving. An alternative approach could be to require a Contracting Party, the law or practice of which allows it to accept a multi-class application, to make a declaration of that availability.
- In line with the approach to be taken, the conditions for making a declaration may need to be adjusted so as to maintain the overall balance of the Hague System.

## TOPIC 2: DIVIDING OUT OF MULTIPLE DESIGNS FOR DOMESTIC APPLICATIONS

### INTRODUCTION

15. As noted in paragraph 5 of this document, a single international application may comprise two or more designs, up to a maximum of 100.

16. However, over the past 10 years, the use of the multiple application mechanism has shown a downward trend. The average number of designs per international application declined from 4.9 in 2014 to 3 in 2023 (Figure 1), while in the same period the share of single-design applications increased from 38.2 per cent to 57.9 per cent (Figure 2)<sup>15</sup>.

Figure 1: Average number of designs per international application (2009 – 2023)<sup>16</sup>



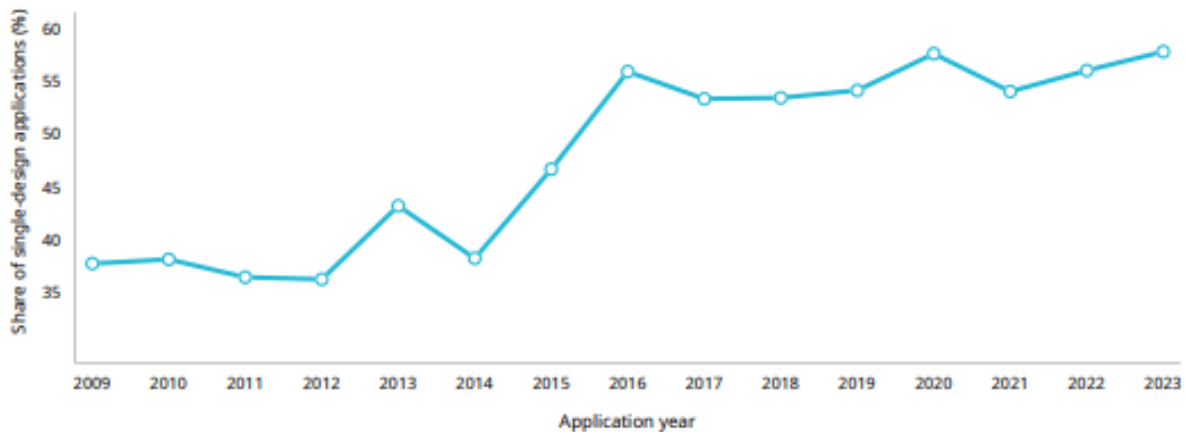
Source: WIPO Statistics Database, March 2024.

<sup>14</sup> This presumption is based on the overview in paragraph 12 of this document.

<sup>15</sup> See [Hague Yearly Review 2024](#), page 16, and figures 3 and 10.

<sup>16</sup> See [Hague Yearly Review 2024](#), figure 3.

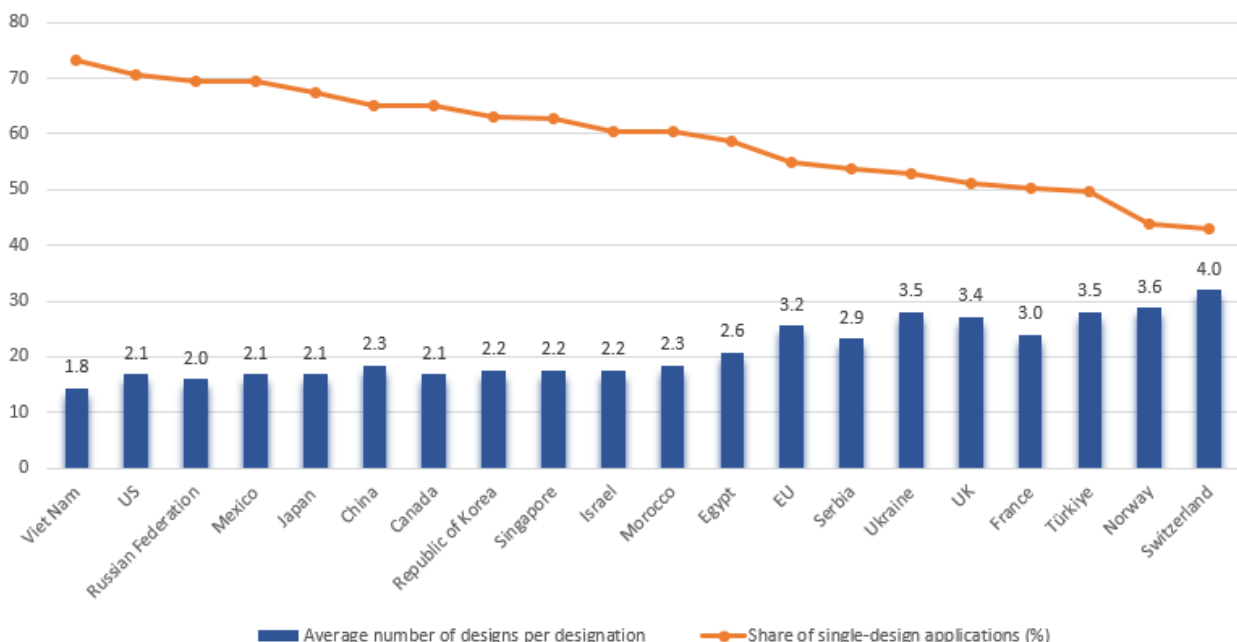
Figure 2: Share of single-design applications (2009 – 2023)<sup>17</sup>



Source: WIPO Statistics Database, March 2024.

17. Meanwhile, as the Annex to this document summarizes, since 2014 seven Contracting Parties<sup>18</sup> have made a declaration under Article 13(1) of the 1999 Act concerning the unity of design requirement. As shown in Figure 3, out of the top 20 most designated Contracting Parties, the six Contracting Parties with the highest share of single-design applications when designated (in order, Viet Nam, United States of America, Russian Federation, Mexico, Japan<sup>19</sup> and China) have made a declaration under Article 13(1). It appears, therefore, that users tend to avoid or limit filing a multiple application when designating a Contracting Party which has made a declaration under Article 13(1).

Figure 3: Average number of designs per designation and share of single-design applications in the 20 most designated Contracting Parties in 2023<sup>20</sup>



<sup>17</sup> See [Hague Yearly Review 2024](#), figure 10.

<sup>18</sup> In chronological order of declaration, Japan, United States of America, Russian Federation, Viet Nam, Mexico, China and Brazil.

<sup>19</sup> Japan in 2021 withdrew the declaration under Article 13(1). See Information Notice [No. 1/2021](#).

<sup>20</sup> Data compiled from [Hague Yearly Review 2024](#), figures 22 and 23.

18. Thus, in order to facilitate the use of a multiple application and thereby enhance the attractiveness of the Hague System, a number of issues for Offices and users arising from Article 13 would need to be explored. Such an exercise could also support efforts to extend the scope of a multiple application under Topic 1.

## BACKGROUND

19. Under Article 13(1) of the 1999 Act, “[a]ny Contracting Party whose law, at the time it becomes party to this Act, requires that designs that are the subject of the same application conform to a requirement of unity of design [...] may, in a declaration, notify the Director General accordingly. However, no such declaration shall affect the right of an applicant to include two or more industrial designs in an international application in accordance with Article 5(4), even if the application designates the Contracting Party that has made the declaration.”

20. Under Article 13(2), the Office of the Contracting Party which has made such declaration may “refuse the effects of the international registration pursuant to Article 12(1) pending compliance with the requirement notified by that Contracting Party”.

21. Article 13(3) and Rule 18(3) respectively set the rights and procedures of the Office where, following a notification of refusal in accordance with Article 13(2), an international registration is divided before the concerned Office in order to overcome a ground of refusal stated in the notification: the Office may charge a fee in respect of each additional international application that would have been necessary in order to avoid that ground of refusal, and shall notify the International Bureau of such data concerning the division as specified in the Administrative Instructions for the Application of the Hague Agreement (hereinafter referred to as the “Administrative Instructions”).

22. The status of the divisional applications envisaged under Article 13 has been somewhat ambiguous, especially with regard to whether such applications should be considered as domestic applications which are independent of the original international registration, or instead as divisional registrations which remain connected to the original international registration. In those circumstances, the Contracting Parties which have made and maintained<sup>21</sup> a declaration under Article 13(1) appear to have developed different practices with regard to an international registration with designs which fail to meet the unity of design requirement.

- (a) Four Contracting Parties (Brazil, China, Mexico and the Russian Federation) issue a notification of refusal on the ground of lack of unity of design, and the holder having received such notification may file divisional applications directly with the Office of the Contracting Party, whereby such divisional applications would be considered as domestic applications which are independent of the original international registration.
- (b) One Contracting Party (United States of America) issues a notification of refusal on the ground of lack of unity of design, and the holder having received such notification may file divisional applications either as domestic design applications or as new international applications designating the Contracting Party.
- (c) Two Contracting Parties (Estonia and Viet Nam) issue a notification of refusal on the ground of lack of unity of design, and if the holder having received such notification agrees with the Office of the Contracting Party on grouping of designs and fulfills other conditions set by the Office<sup>22</sup>, all such groups of designs would remain connected to the original international registration (for subsequent central management such as recording of changes and renewals). The Office of Estonia would issue a notification of withdrawal of refusal, while the Office of Viet Nam would

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<sup>21</sup> Japan made a declaration under Article 13(1) when it acceded to the Hague System in 2015. In 2021, it introduced a collective application system that permits a single application to include multiple designs, while the Office allocates an application number to each design and examines each design separately. As a result, Japan withdrew its declaration under Article 13(1).

<sup>22</sup> In the case of Estonia, the holder would have to pay an additional fee under Article 13(3). In the case of Viet Nam, the holder would have to file with the Office a declaration to separate the international registration.

issue a statement of grant of protection to each group of designs that meet the unity of design requirement<sup>23</sup>.

- (d) The International Bureau has not identified a notification of refusal on the ground of lack of unity of design issued by the Offices of Kyrgyzstan, Romania, Syrian Arab Republic, or Tajikistan.

## CONSIDERATIONS

23. Where Hague users hesitate to file a multiple application designating Contracting Parties which made a declaration under Article 13(1), this may take account of the following implications:

- Receipt of a notification of refusal: the holder would have to appoint a local representative to respond to the refusal, which would add cost;
- Filing of domestic applications in compliance with domestic formal requirements: unlike international registrations which the Office of the designated Contracting Party may proceed to examine on substance only, filing domestic applications may involve the implication that the sets of design representations and descriptions used for the original international registration are rejected for failure to comply with the domestic formal requirements; and
- Loss of central management ability: for recording of changes and renewals, the holder would have to manage separately and locally design registrations which result from domestic divisional applications no longer connected to the original international registration.

24. Figure 4 below summarizes which of the above implications appear to be involved in each type of practice explained in paragraph 22 of this document:

Figure 4: User implications associated with Article 13 per type of Office practice

	Receipt of a notification of refusal	Filing of domestic applications in compliance with domestic formal requirements	Loss of central management ability
Para 22 – (a)	Yes	Yes	Yes
Para 22 – (b)	Yes	Depends	Depends
Para 22 – (c)	Yes	No	No
Para 22 – (d)	No	No	No

25. Figure 4 suggests that further analysis of types (b) and (c) in paragraph 22 may assist the Working Group in envisaging pragmatic options for consideration at a future session.

26. As for type (b), users may avoid the implications of filing domestic divisional applications and losing central management of designs by filing instead an international divisional application designating that Contracting Party. However, such international divisional application would incur not only the designation fee but also the basic fee payable to the International Bureau. In addition, the benefit of maintaining central management of designs would be somewhat limited as the international registration resulting from such international divisional application, except for the international registration date, would be independent of the original international registration. For these reasons presumably, the International Bureau has not received any request for international divisional application.

<sup>23</sup> At the time of writing of this document, the information recently obtained by the International Bureau concerning Viet Nam was yet to be made public on the [Hague System Member Profiles](#).



27. Type (c) may offer a balanced starting point: it facilitates dialogue between the Office and the holder on the unity of design and, where applicable, on additional payment to the Office under Article 13(3)<sup>24</sup>, while keeping all designs included in the international registration within the Hague System for subsequent central management of the resulting registrations. Implementing such a procedure would require the concerned Contracting Parties to address a number of legal and operational challenges. For example, some Contracting Parties may desire a modular mechanism linking each of the design groups with the corresponding part of the original international registration. Such a link might also be expected to facilitate later transactions (for example, renewal) through a single international procedure.

### TOPIC 3: STANDARD DOCUMENT FOR THE PURPOSE OF ARTICLE 16(2) OF THE 1999 ACT

#### INTRODUCTION

28. As a vehicle for central management of international registrations, Article 16(2) of the 1999 Act provides that any recording of changes and other matters in the International Register referred to in the Article shall have the same effect as if it had been made in the Register of the Office of each of the concerned Contracting Parties.

29. This Article provides for one exception: a Contracting Party may make a declaration that a recording of a change in ownership shall not have such effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in the declaration (hereinafter referred to as “supporting documents”).

30. As detailed below, to avoid users having to submit supporting documents with different formalities in different languages to the Offices requiring them, the Working Group, at its fourth session in 2014, agreed on the format and content of the Certificate of Transfer by Contract of International Registration(s) of Industrial Design(s) in Respect of a Designated Contracting Party(ies) Having Made a Declaration Under Article 16(2) of the Geneva (1999) Act (hereinafter referred to as the “standard document”)<sup>25</sup>. The Assembly of the Hague Union, at its thirty-fourth session in 2014, adopted the recommendation to make the standard document an acceptable document in the Contracting Parties having made a declaration under Article 16(2)<sup>26</sup>. However, the standard document has not yet become available for users.

31. In addition to the two Contracting Parties<sup>27</sup> which had already made a declaration under Article 16(2), since 2014 seven Contracting Parties<sup>28</sup> have made this declaration (see the Annex to this document), five<sup>29</sup> of which meanwhile are among the most frequently designated Contracting Parties. This also means that during these 10 years, a recording of change in ownership has become much more likely to involve an international registration that includes the designation of any of these nine Contracting Parties<sup>30</sup>.

32. In terms of raising user awareness, official form [DM/2](#) for requesting a recording of a change in ownership and the [Guide to the Hague System](#) include relevant warnings. In

<sup>24</sup> Such dialogue could support the user benefit of grouping up variants or a set of designs as one design where these satisfy the unity of design requirement, which widens the scope of design protection in an economic manner. In some Contracting Parties (for example, China (up to 10 designs), Mexico and the United States of America), a flat fee applies regardless of the number of designs provided that they satisfy the unity of design requirement and are thus considered “one design”. In other Contracting Parties, a reduced fee applies for each additional design included in the same application provided the unity of design requirement is met.

<sup>25</sup> See document [H/A/34/3](#), paragraph 19.

<sup>26</sup> See document [H/A/34/3](#), paragraph 24(a).

<sup>27</sup> African Intellectual Property Organization (OAPI) and Denmark.

<sup>28</sup> In chronological order of declaration, Republic of Korea, United States of America, Russian Federation, Mexico, Jamaica, China and Brazil.

<sup>29</sup> Following the number of designations, United States of America, China, Republic of Korea, Russian Federation and Mexico. See [Hague Yearly Review 2024](#), figure 20.

<sup>30</sup> Out of 9,083 international applications filed between August 1, 2023, and July 31, 2024, 6,344 (69.8 per cent) designated at least one of the nine Contracting Parties having declared under Article 16(2).



addition, since 2021, when transmitting a case-specific declaration that a change in ownership has no effect<sup>31</sup>, the International Bureau has included a general reminder concerning the Contracting Parties having made a declaration under Article 16(2). Furthermore, the notification of recording of a change in ownership will shortly attach a similar warning.

## CONSIDERATIONS

33. Where users must submit supporting documents with different formalities in different languages to each concerned Office separately (often through local representatives), this could in the long run impair the value of the Hague System. It may be beneficial to pre-empt as much as possible the incidence of refusals based on Article 16(2) by discussing with the concerned Contracting Parties having made a declaration under Article 16(2) the possibility of withdrawal of the declaration or the acceptability of the standard document. The following summary of the relevant information may support any such discussion.

### Features of the standard document

34. The Assembly of the Hague Union in 2014 adopted the recommendation by the Working Group that the standard document<sup>32</sup> be accepted by each Contracting Party having made a declaration under Article 16(2), as a sufficient<sup>33</sup> supporting document of a change in ownership resulting from a transfer by contract.

35. The standard document accommodates requests from Contracting Parties<sup>34</sup> and essentially follows the form and content of the Model International Form under the Patent Law Treaty (PLT)<sup>35</sup>. In this respect, Rule 16(2)(a)(iii) of the Regulations under the PLT reads:

“(a) Where the change in applicant or owner results from a contract, a Contracting Party may require that the request include information relating to the registration of the contract, where registration is compulsory under the applicable law, and that it be accompanied, at the option of the requesting party, by one of the following:

[...]

(iii) an uncertified certificate of transfer of ownership by contract drawn up with the content as prescribed in the Model International Form in respect of a certificate of transfer and signed by both the applicant and the new applicant, or by both the owner and the new owner.”

36. Furthermore, it was envisaged that submission of the standard document would be made electronically through the International Bureau to the concerned Offices for a private repository, to which only these Offices would have access<sup>36</sup>.

37. Finally, it was envisaged that the International Bureau, after consultation with the Offices of the concerned Contracting Parties, would establish a list of those Offices that are able to follow the recommendation, and make this list available on the website of the Organization together with the standard document<sup>37</sup>.

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<sup>31</sup> Currently the Offices of two Contracting Parties (China and the Russian Federation) issue a case-specific declaration that a change in ownership has no effect due to non-submission of supporting documents, using the mechanism under Rule 21 *bis* of the Common Regulations.

<sup>32</sup> The final text of the standard document is available as Annex II to document [H/A/34/2](#).

<sup>33</sup> “Sufficient” means that the standard document would, alone without any cover sheets or attachments, qualify as a valid supporting document. See document [H/LD/WG/4/4](#), paragraph 9.

<sup>34</sup> See document [H/LD/WG/4/4](#), paragraphs 11 to 17.

<sup>35</sup> See document [H/LD/WG/4/4](#), paragraph 8.

<sup>36</sup> See document [H/LD/WG/4/4](#), paragraph 25. As to authentication, see paragraphs 26 to 28 of the same document.

<sup>37</sup> See document [H/A/34/2](#), paragraph 9.

### Official and unofficial reactions

38. At the Working Group session in 2014, not only the Delegations of the African Intellectual Property Organization (OAPI) and Denmark which had already made a declaration under Article 16(2), but also those of some other current Contracting Parties which later made such declaration expressed their opinion. Out of the nine concerned Contracting Parties:

- One Contracting Party (Denmark) expressed its intention to withdraw the declaration under Article 16(2)<sup>38</sup>;
- Three Contracting Parties (OAPI, Republic of Korea<sup>39</sup> and the Russian Federation) expressed their willingness to accept the standard document<sup>40</sup>; and
- One Contracting Party (United States of America) stated that it would not be able to rely on the standard document as a matter of validity, which was outside the purview of its Office<sup>41</sup>.

39. There appears to be no record of statements as to the acceptability of the standard document from the other four concerned Contracting Parties (Brazil, China, Jamaica and Mexico). The International Bureau has not received a negative reaction from any of these Contracting Parties concerning the possible establishment of the standard document practice<sup>42</sup>.

### NEXT STEPS

40. In order to provide, without further delay, users and the Offices of the concerned Contracting Parties with a mechanism to efficiently process the recording of a change in ownership, the International Bureau intends to take the following action:

- To consult the concerned Offices regarding the possibility of withdrawal of the declaration<sup>43</sup> or the acceptability of the standard document as recommended by the Assembly of the Hague Union;
- If the results of such consultation support the launching of the standard document practice, to establish a list of those Offices that are able to follow the recommendation, and to make the list and the standard document available for users;
- To develop the IT system required for electronic distribution of the standard document to the concerned Offices, as an annex to the request for a recording of a change in ownership (form DM/2); and
- To establish a more tailored and comprehensive warning mechanism<sup>44</sup> for users whose request for recording of a change in ownership concerns any Contracting Party having made a declaration under Article 16(2).

41. Such operational implementation would involve additional costs for the International Bureau, which would need to be compensated for through a fee under item 24 of the Schedule of Fees, as envisaged by the Working Group and the Assembly of the Hague Union in 2014<sup>45</sup>.

<sup>38</sup> See document [H/LD/WG/4/7](#), paragraph 72.

<sup>39</sup> The declaration under Article 16(2) made by the Republic of Korea only applies to a partial change in ownership of an international registration with joint holders. See Information Notice [No. 1/2014](#).

<sup>40</sup> See document [H/LD/WG/4/7](#), paragraphs 73 to 75.

<sup>41</sup> See document [H/LD/WG/4/7](#), paragraph 76.

<sup>42</sup> When assisting accessions, the International Bureau where appropriate has explained the possible establishment of the standard document practice.

<sup>43</sup> It is recalled that the Madrid System does not provide for the possibility for a Contracting Party to require supporting documents in order to give effect to a recording of a change in ownership. See [H/LD/WG/1/3](#), footnote 12.

<sup>44</sup> In this respect, as with observations on minor deficiencies issued before the international registration, the International Bureau could invite a user who failed to submit the standard document to send such document within one month, before the International Bureau would record the change in ownership in the International Register.

<sup>45</sup> See document [H/LD/WG/4/4](#), paragraphs 31 to 33, and document [H/A/34/2](#), paragraphs 35 and 36.

42. The International Bureau will inform the Working Group of developments concerning the issue under Article 16(2) of the 1999 Act, as appropriate<sup>46</sup>.

## TOPIC 4: FORMATS OF REPRESENTATION OF DESIGN

### INTRODUCTION

43. Under Article 12(1) of the 1999 Act, Offices of Contracting Parties may not refuse the effects of an international registration on the ground that the reproductions of the design do not satisfy their own formal requirements where they differ from those under the legal framework of the Hague System, since such requirements are to be considered by each designated Contracting Party as having already been satisfied following the examination carried out by the International Bureau. As such, the Hague System, in coordination with the Offices of Contracting Parties, sets the formal requirements for international applications, including concerning reproductions of designs required for international applications under Article 5(1)(iii) of the 1999 Act.

44. In this respect, Rule 9 of the Common Regulations prescribes that “[r]eproductions of the industrial design shall, at the option of the applicant, be in the form of photographs or other graphic representations of the industrial design itself or of the product or products which constitute the industrial design”.

45. Pursuant to Section 204(a)(i) of the Administrative Instructions, with respect to the filing of international applications by electronic means<sup>47</sup>, the International Bureau has established the particulars and published them on the website of the Organization: any reproduction shall be in the image formats JPEG or TIFF, its file size shall not exceed 2 megabytes, and each shall have a resolution of 300 by 300 dots per inch (dpi)<sup>48</sup>. Thus, the acceptable image formats currently include neither 3D modeling files (such as OBJ, STL, 3DS, X3D) nor video files (such as MP4).

### ISSUES

46. The Working Group, at its fourth session in 2014, discussed possible amendments of Section 401 of the Administrative Instructions to facilitate future inclusion of new or future forms of visual representation<sup>49</sup>. The Working Group concluded that it was premature to proceed with such amendments and decided to keep this discussion on the agenda<sup>50</sup>.

47. Meanwhile, as featured in the [Hague Yearly Review 2024](#), designs for GUIs have become a key factor for commercial success in the digital age, thus requiring realignment of the design law framework with evolving technologies. Such expected realignment may include accommodating reproductions that would optimally help to define the scope of design protection.

### CONSIDERATIONS

48. The growing importance of design protection of GUIs has given rise to discussion of acceptable image formats of reproductions on several occasions, including in the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT),

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<sup>46</sup> For example, through another document to the Working Group, an Information Circular, and/or an Information Notice.

<sup>47</sup> In 2023, 8,208 out of 8,215 applications directly filed with the International Bureau were through eHague, with the remaining seven filed in paper form.

<sup>48</sup> See Information Notice [No. 3/2013](#).

<sup>49</sup> See document [H/LD/WG/4/5](#), paragraphs 7 to 9.

<sup>50</sup> See document [H/LD/WG/4/7](#), paragraph 96.

the Committee on WIPO Standards (CWS), and ID5<sup>51</sup>. In addition, the aforementioned Designs Regulation and Designs Directive would introduce video files as acceptable reproductions at the EUIPO and the Offices of EU member states.

49. These various endeavors may help the international design community to achieve balanced and harmonized standards for design reproductions, as important for the increasingly interrelated practice of design protection, including the Hague System. For example, if design reproductions filed with the Office of first filing were video files, this may impact some Offices of second filing on how to handle and accept applications with such priority claim.

50. In view of the above, when it reviews the requirements for reproductions of the Hague System, the Working Group may take into account, *inter alia*, operational and technical interoperability, any experience of jurisdictions which accept 3D modeling files and/or video files as reproductions and developments in other jurisdictions, and any changes in application behavior of Hague users and others.

51. *The Working Group is invited to:*

*(i) consider and comment on each Topic addressed in this document; and*

*(ii) indicate whether it requests that the International Bureau further analyze any of Topics 1, 2 and 4 for discussion at future sessions of the Working Group, with an indication of the order of priority.*

[Annex follows]

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<sup>51</sup> For example, see document [SCT/43/2 REV.](#) and the [Collated Results \(2021\) of Survey on Use of 3D Models and 3D Images in IP Data and Documentation.](#)

**DECLARATIONS CONCERNING UNITY OF DESIGN AND  
CHANGE IN OWNERSHIP SUPPORTING DOCUMENTS**

<b>Year of declaration</b>	<b>Contracting Parties which made declarations concerning:</b>	
	<b>Unity of Design (Article 13(1))</b>	<b>Change in Ownership Supporting Documents (Article 16(2))</b>
before 2014	Estonia (2003) Kyrgyzstan (2003) Romania (2003) Syrian Arab Republic (2008) Tajikistan (2012)	African Intellectual Property Organization (OAPI) (2008) Denmark (2008)
2014	n/a	Republic of Korea
2015	(Japan*) United States of America	United States of America
2016	n/a	n/a
2017	n/a	n/a
2018	Russian Federation	Russian Federation
2019	Viet Nam	n/a
2020	Mexico	Mexico
2021	n/a	n/a
2022	China	Jamaica China
2023	Brazil	Brazil

[End of Annex and of document]

\* Japan in 2021 withdrew the declaration under Article 13(1). See Information Notice [No. 1/2021](#).