

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

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PROJECT ON INCREASED GRANULARITY CONCERNING THE DATA IN THE INTERNATIONAL REGISTER: PROPOSAL FOR AN ENHANCED INFORMATION STRUCTURE OF INTERNATIONAL REGISTRATIONS

Document prepared by the International Bureau

I. BACKGROUND

1. In accordance with Article 5(4) of the 1999 Act of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as 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”), an international application may contain up to 100 designs, provided that they relate to products that all belong to the same class of the International Classification for Industrial Designs (hereinafter referred to as the “Locarno Classification”). The possibility of including several designs in one international application is widely used by applicants, and in 2015, 55 per cent of international registrations contained several designs, whereas 45 per cent of international registrations consisted of only one design.

2. At present, the information recorded in the International Register is structured and stored in such a way that it describes the international registration as a whole. This way of storing the information implies that, in the case of a multiple design application, designs are not described on their own. This is historically explained by the fact that, until March 2016¹, the Hague System shared an information technology (IT) infrastructure in common with the

¹ The Madrid System ceased to be supported by that common infrastructure as of March 21, 2016, following the deployment of a specific new core IT system, namely the Madrid International Registration Information System (MIRIS).

Madrid System for the International Registration of Marks. It is recalled that the fundamental difference between the Hague System and the Madrid System is that an international registration under the Madrid System may contain only one mark. The current information structure of the Hague System is illustrated in Annex I to this document.

3. During the course of 2016, a new core IT system, the Design International Registration Information System (DIRIS), is scheduled to be deployed². This new IT system is built on modern and actively supported technologies and will enable the reshaping of the information structure of the International Register maintained under the Hague System.

4. The planned new information structure, as described in Chapter III and illustrated in Annex II of the present document, addresses a number of limitations of the current structure under the Hague System. The new information structure would allow the storage of design specific information in the International Register, and open new opportunities in terms of the legal development of the Hague System, as well as improve the interaction between the International Bureau and the Offices of Contracting Parties, and between the International Bureau and users of the system.

5. Against this background, in the fifth session of the Working Group, the Secretariat proposed that the International Bureau could circulate a survey regarding the level of granularity of the information in the International Register. However, after consolidating the comments already received from Offices in previous meetings and discussions at the operational level, the International Bureau thought that it had enough material to formulate this proposal for a possible new information structure.

II. IDENTIFIED LIMITATIONS IN THE CURRENT INFORMATION STRUCTURE

6. Offices of certain Contracting Parties to the Hague System have reported to the International Bureau that they faced limitations attributable to the current information structure whilst importing international registrations into their domestic systems and have further suggested improvements that are not supported by the current information structure. Thus:

(a) in respect of multi-design international registrations in general, a number of Offices have indicated that an indication of the product and of the Locarno Classification sub-class should be associated with each design;

(b) in respect of multi-design international registrations that contain descriptions, the Delegation of Japan, during the fifth session of the Working Group, suggested, essentially, that each description be specifically associated with the design concerned;

(c) certain Offices have pointed out that certain fields lack in granularity, such as the creator's name and address. This adds a burden for an Office to automate the importation and the processing of international design registrations.

7. The inherent limitations to the current information structure also have implications for users. For instance, in respect of a multiple design international registration whose publication is deferred, a request pursuant to Article 11(4) of the 1999 Act for the early publication of only some of the designs contained therein necessarily entails a renunciation

² Refer to document H/A/35/1, "Final Report on the Information Technology Modernization Program (Hague International Registration System)", at www.wipo.int/edocs/mdocs/govbody/en/h_a_35/h_a_35_1.pdf.

to the other designs in the said registration, since the current structure does not allow design-specific publication dates but only one publication date for the whole international registration.

III. POSSIBLE NEW INFORMATION STRUCTURE OF THE INTERNATIONAL REGISTER

8. To address the limitations noted by certain Offices and users, it is proposed to consider modifying the information structure in the following manner:

- (a) add a design identifier;
- (b) move the following elements to a design-specific level: description, product indication, Locarno Classification sub-class, claim, priority claim(s), international exhibition, relation to a principal design, statement concerning exception to lack of novelty;
- (c) move the legends to a reproduction-specific level;
- (d) introduce a design-specific publication date;
- (e) introduce design-specific designations.

IV. ADVANTAGES OF THE POSSIBLE NEW INFORMATION STRUCTURE

9. For users, the association of the publication date with each design would allow for a more accommodating management of early publication, as provided by Article 11(4) of the 1999 Act. Users would not have to forego, as it is the case today, the remaining designs but, on the contrary, could leave them to be published at a later date, either through further requests for early publication or more simply at the end of the deferment period. This would allow for more sophisticated publication strategies.

10. For Offices that import the International Register data, the main advantage would be a generally easier importation. More specifically, those Offices that need to split multi-design registrations (i.e., for assigning to different examiners depending on the product indication), would no longer need to proceed to manual reconciliations.

11. For Offices that do not import the International Register data, this proposal would not induce any changes.

12. For the International Bureau, a design identifier would allow to uniquely refer to a specific design contained in a given international registration. This would enhance the way partial transactions are handled, for example limitations or partial renewals. The new information structure could more naturally support such transactions. In that respect, a reference is made to the discussions in the fifth session of the Working Group concerning the concept of simultaneous limitations in international applications³. Should that concept be introduced in the Hague System, the current proposal would ease the implementation of such development.

13. As additional benefits, research and statistics tools could allow for more granular and accurate reports.

³ Refer to document H/LD/WG/5/5, "Considerations Relating to the Possible Introduction of Simultaneous Limitations in International Applications and Other Amendments to the Common Regulations".

V. IMPLEMENTATION

14. As regards the International Bureau, such fundamental changes to the information structure would impact all other systems that are connected to the core IT system. From the filing (electronic filing interface) to the publication (*International Designs Bulletin* (hereinafter referred to as the "Bulletin")), all the interfaces will have to be redesigned to properly display the new information structure.

15. Such a project could only be accomplished after a stabilization period of the new core IT system, referred to in paragraph 3 above, and a complete design for the new information structure. Deployment could not be envisaged before early 2018. In parallel, Offices that import the Bulletin data directly into their systems and that would like to benefit from improvements in the Bulletin⁴ information structure would also need to proceed to their own IT adaptations. It is thus important that the completion of the design of the information structure shall be made well in advance.

16. *The Working Group is invited to:*

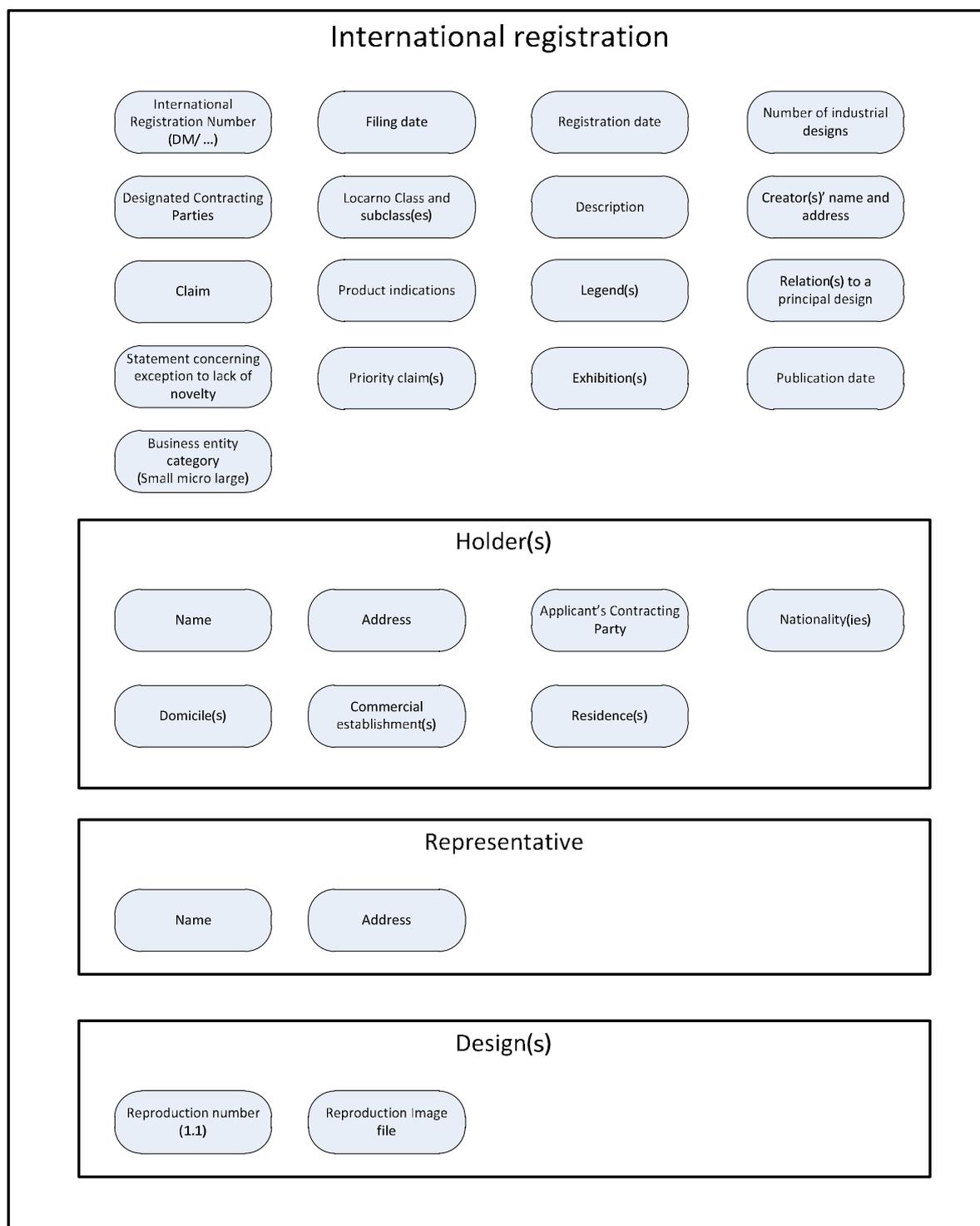
(i) discuss the proposed information structure regarding international registrations; and

(ii) indicate if a further survey or other form of consultation take place to gather more information about an improved information structure.

[Annexes follows]

⁴ Or the Offices which have notified the International Bureau that they wish to receive confidential copies.

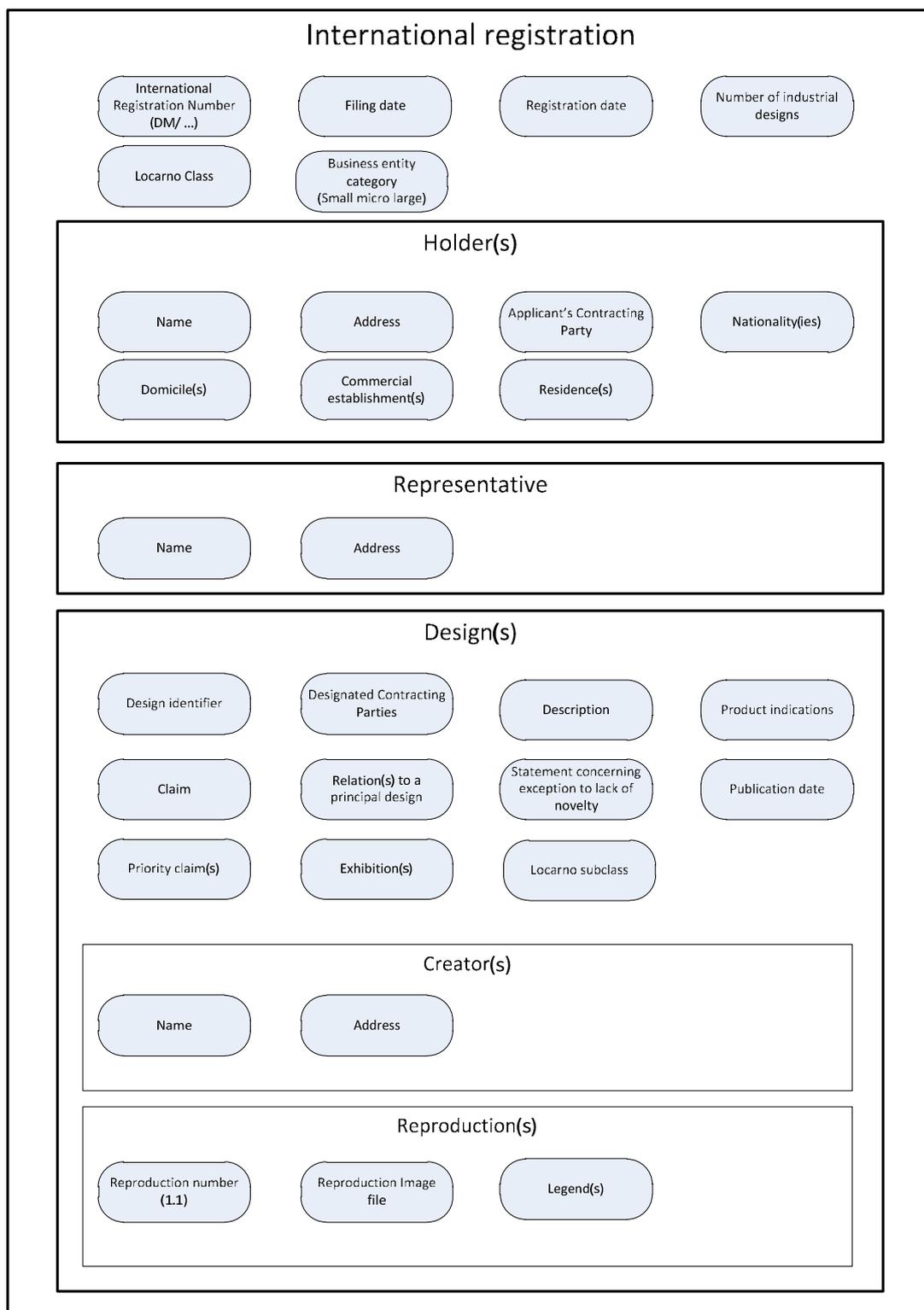
**CURRENT INFORMATION STRUCTURE OF AN INTERNATIONAL REGISTRATION
(SIMPLIFIED ILLUSTRATION)**



Note: This graphic is a simplification of the information structure. The purpose is to illustrate how each element relates to the international registration. In all its complexity, the structure is made of several layers of granularity. For example, an address can be further broken down to street name, city, country, etc.

[Annex II follows]

POSSIBLE IMPROVED INFORMATION STRUCTURE (SIMPLIFIED ILLUSTRATION)



Note: This graphic is a simplification of the information structure. The purpose is to illustrate how each element relates to the international registration. In all its complexity, the structure is made of several layers of granularity. For example, an address can be further broken down to street name, city, country, etc.