



**WIPO | HAGUE**

The International  
Design System

# Protecting Industrial Designs and Overview of the Hague System for the International Registration of Industrial Designs

Study visit: Intellectual Property Focal Persons of the  
African Regional Economic Communities and Executives  
Bodies of the African Union

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The Hague Registry

**Geneva**  
**May 18, 2016**

# What is an Industrial Design?

- In a legal sense, an industrial design constitutes the ornamental or aesthetic aspect of an article.
- An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or color.

# Industrial Designs



DM/074502



DM/083330

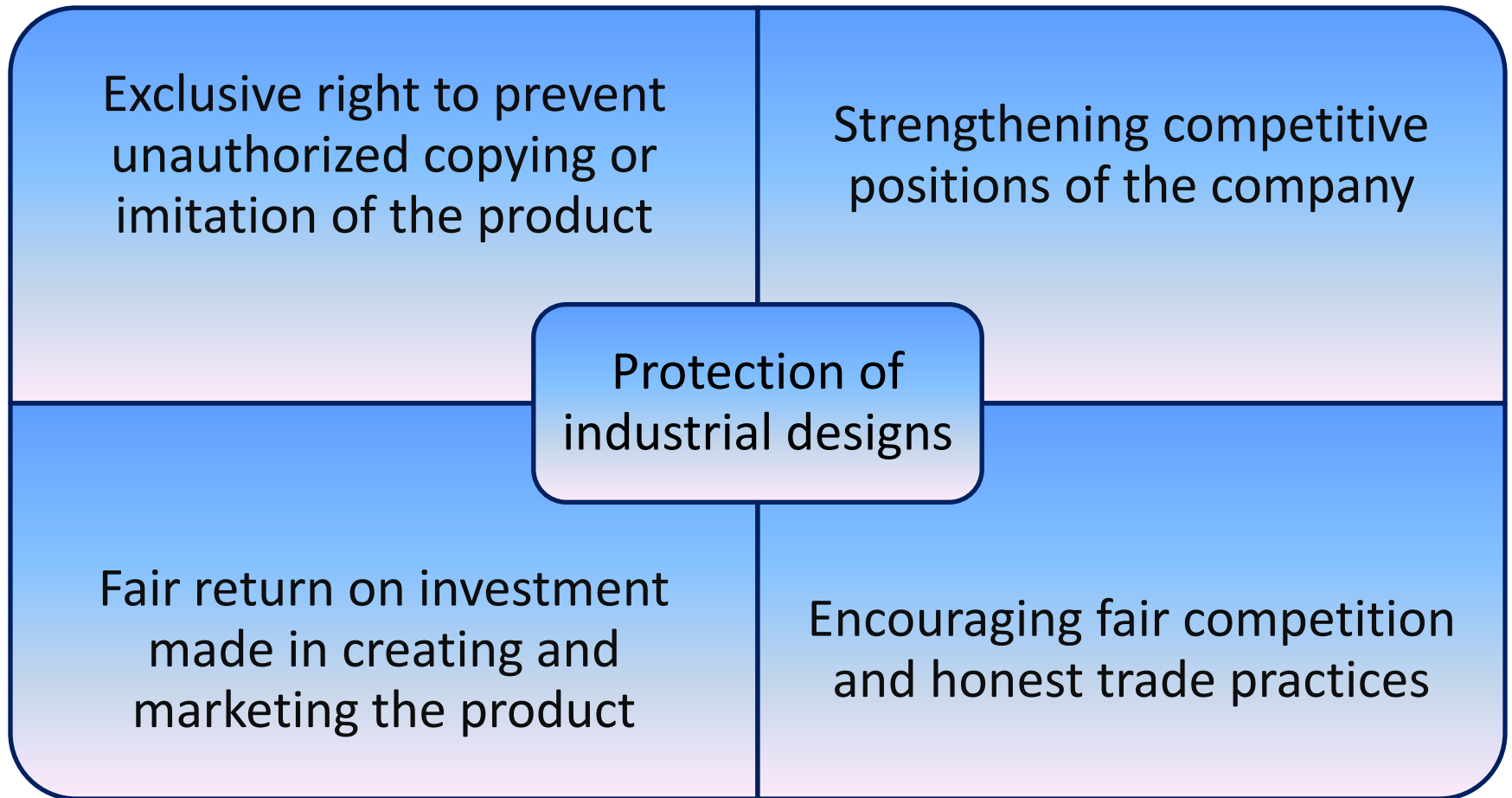


DM/081900

# What Kind of Products can Benefit from Industrial Design Protection?

- Industrial designs are applied to a wide variety of products of industry and handicraft items:
  - Among others, packages and containers, furnishing and household goods, lighting equipments, jewelry, electronic devices, textiles, etc.
- Industrial designs may also be relevant to graphic symbols, graphical user interfaces (GUI), and logos.

# Why Protect Industrial Designs?



# Protection of Industrial Designs at the National/Regional/International Level

- National Level:
  - In most countries, an industrial design needs to be registered in order to be protected under industrial design law as a “registered design”.
  - In some countries, industrial designs are protected under patent law as “design patents”.
- Regional Level:
  - African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), European Union Intellectual Property Office (EUIPO)
- International Level:
  - The Hague System for the International Registration of Industrial Designs
  - OAPI and the European Union are Contracting Parties to the Geneva (1999) Act of the Hague Agreement

# WIPO Committees and Working Groups: Current Issues Relating to Industrial Designs

- **Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT):**
  - Thirty-Fifth Session, April 2016: Discussion on draft Design Law Treaty (formal aspects of national design applications)
- **Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs**
  - Sixth Session, June 2016: Updating the legal framework to keep pace with the geographical expansion of the Hague System

# What is the Hague System?

## One to many relationships

- File a single international application for a single international registration (IR) in which one or more Contracting Parties (CP) are designated

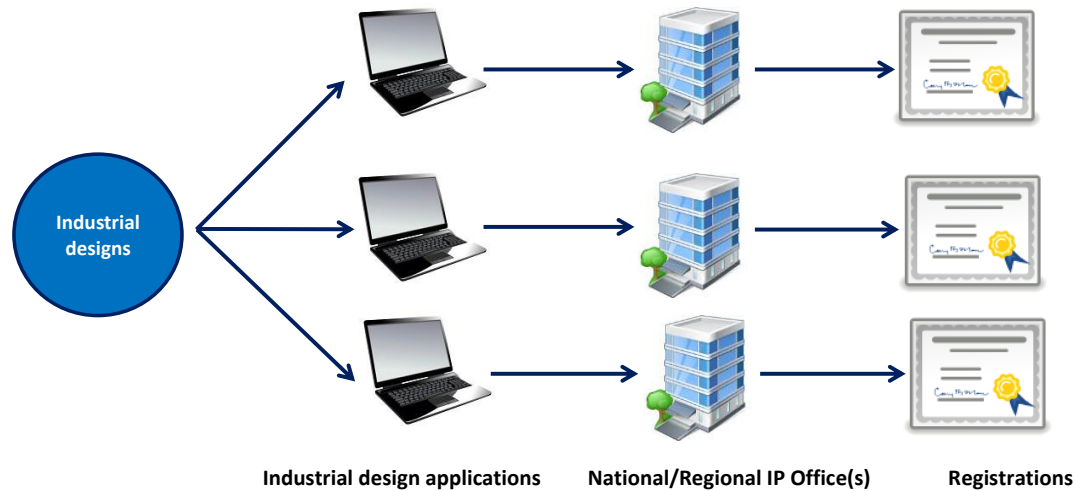
## “Bundle of Rights”

- If no refusal, the resulting international registration has the effect of a grant of protection in each designated Contracting Party



# Independent filings vs. Hague Route

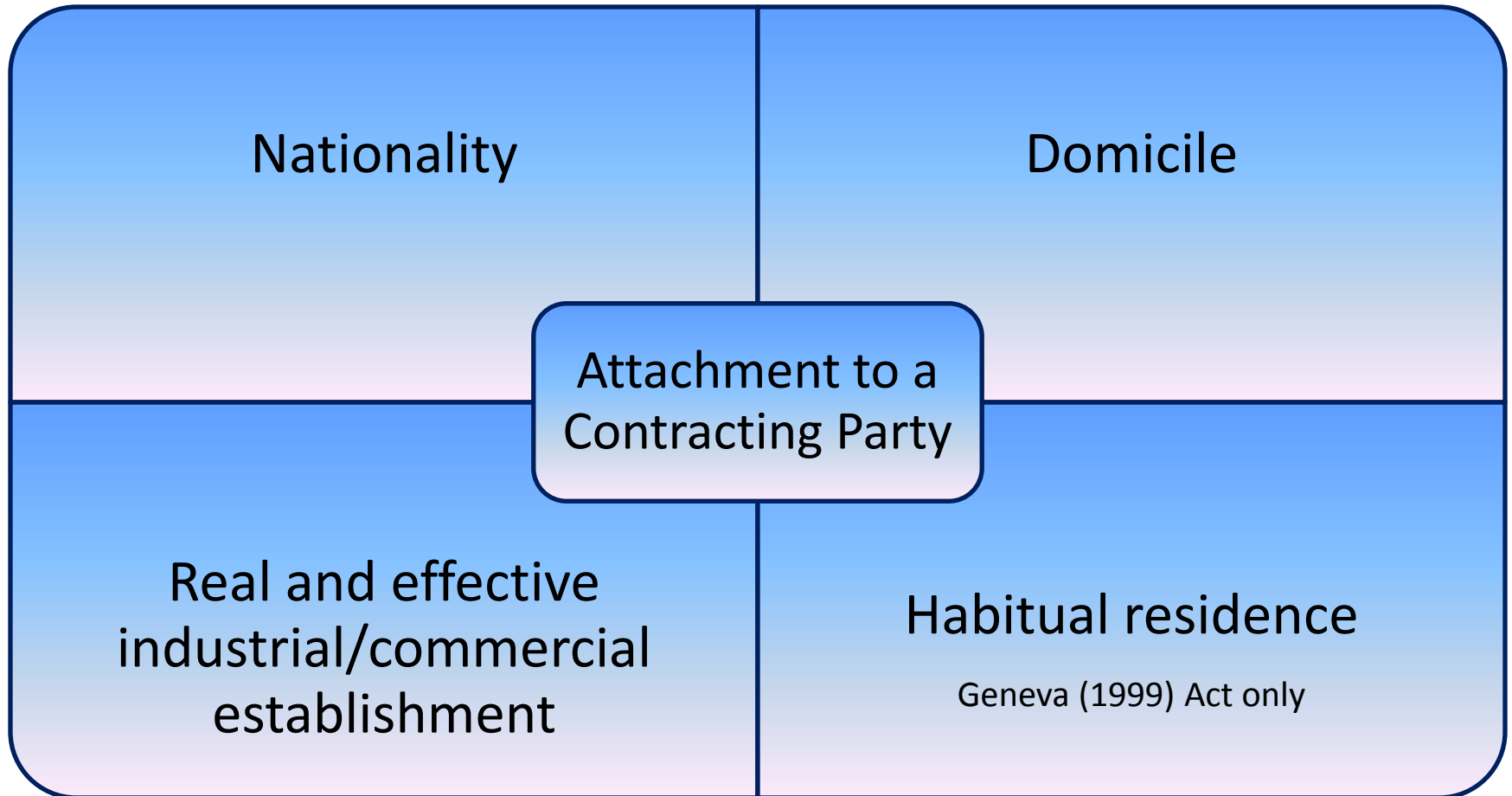
## Direct/Paris Route



## The Hague System



# Who Can Use the System?



# The International Application

In English, French or Spanish

May be filed directly with the International Bureau through the E-filing interface but also on paper

May comprise several different designs up to a maximum of 100 if they belong to the same class of the International Classification (Locarno)

One set of fees (in CHF) is to be paid

# Hague System is a Procedural Arrangement

Issues such as:



the conditions for protection



the refusal procedure to be applied when deciding whether a design may be protected



the rights which result from protection

are governed by the law of each Contracting Party designated in an international registration

# The Hague System Procedure: Role of the International Bureau

Formal examination

Recording in the International Register

Sending the certificate to the holder

Publication in the International Designs Bulletin

Notification to members through the publication in the Bulletin

If the International Bureau finds that the international application does not fulfill the applicable requirements, it invites the applicant to make the required corrections within three months from the date of invitation sent by the International Bureau

International registration has the same effect as a regularly-filed application in all designated Contracting Parties

# The Hague System Procedure (II)

## Refusal by a designated Contracting Party

on same substantive grounds as for national/regional filings

must be communicated within time limit

effect limited to territory of the member that has refused

## International registration (where not refused)

no refusal = same rights as a local design registration

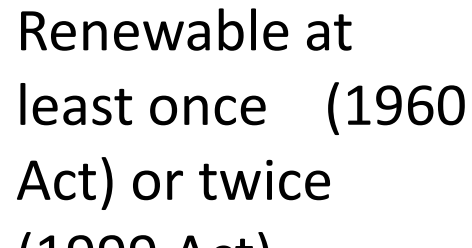

a bundle of independent national/regional rights

advantages of central management

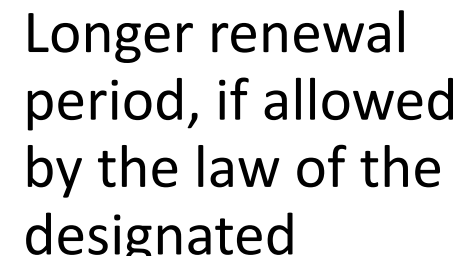

# The Hague System Procedure (III)



Duration of protection: five years



Renewable at least once (1960 Act) or twice (1999 Act)



Longer renewal period, if allowed by the law of the designated Contracting Party

# General Advantages of the Hague System



## Hague System (international route)

one Office for filing  
one language  
one currency  
one international registration  
one renewal  
one modification  
foreign attorney or agent  
(first needed if refused)

## National/regional route

many Offices for filing  
many languages  
many currencies  
many registrations  
many renewals  
many modifications  
foreign attorney or agent  
(first needed at filing)





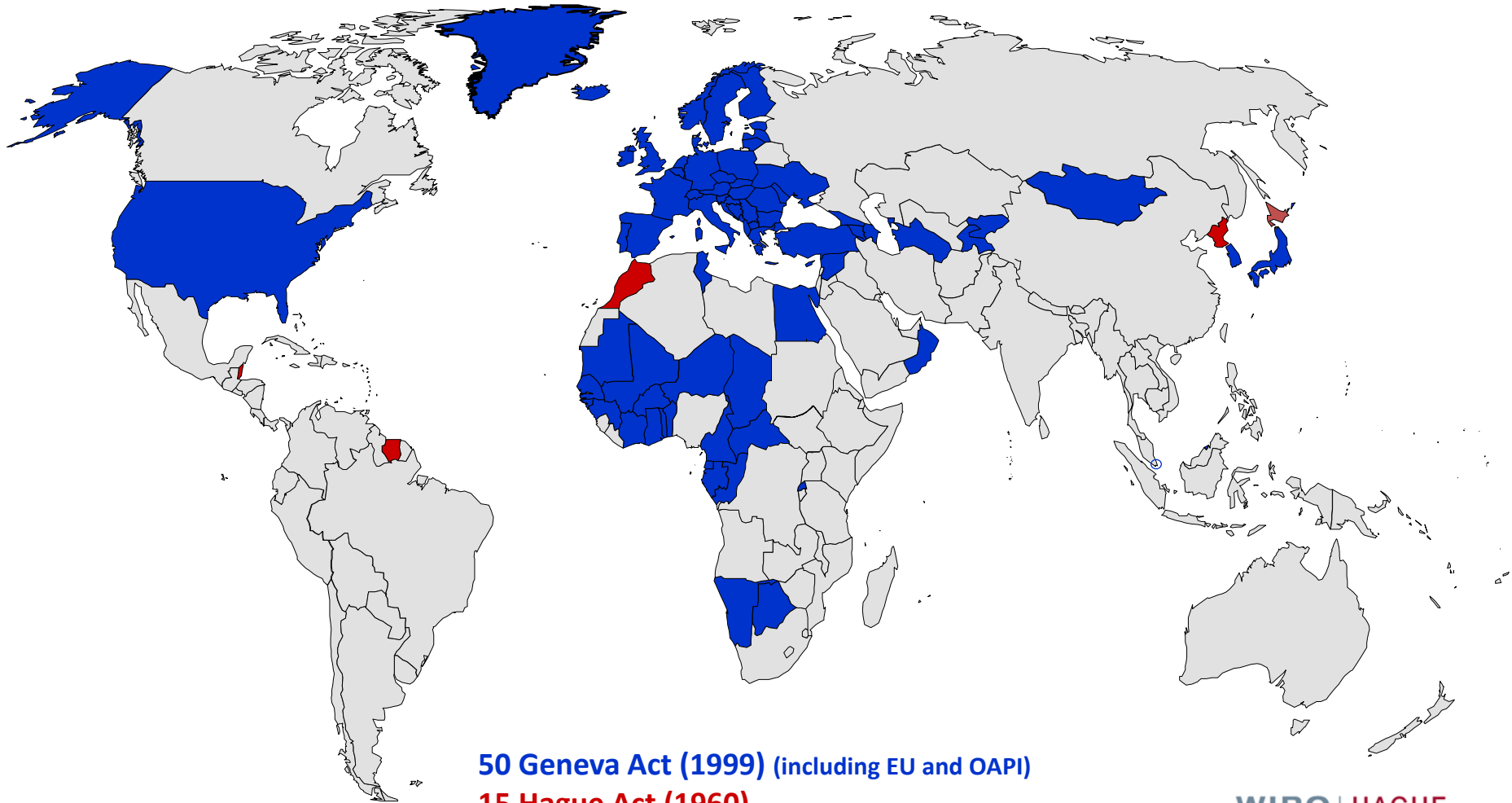
# Going Global – Geographical Scope of the Hague System

# Going Global

## ■ Accession to the Hague System:

- Does not require a huge technological investment;
- Affordable engine for economic development;
  - Empower local industry, in particular SMEs
  - Facilitate access to export markets
  - Promote trade and further development of export
- Both examining (i.e., Contracting Parties with an Examining Office, which carries out novelty examination) and non-examining jurisdictions may join the Hague System

# Hague Union



**50 Geneva Act (1999) (including EU and OAPI)**

**15 Hague Act (1960)**

**65 Contracting Parties**

**WIPO | HAGUE**  
The International  
Design System

# Hague Union Members

## according to the most recent applicable Act

### Geneva Act (1999)

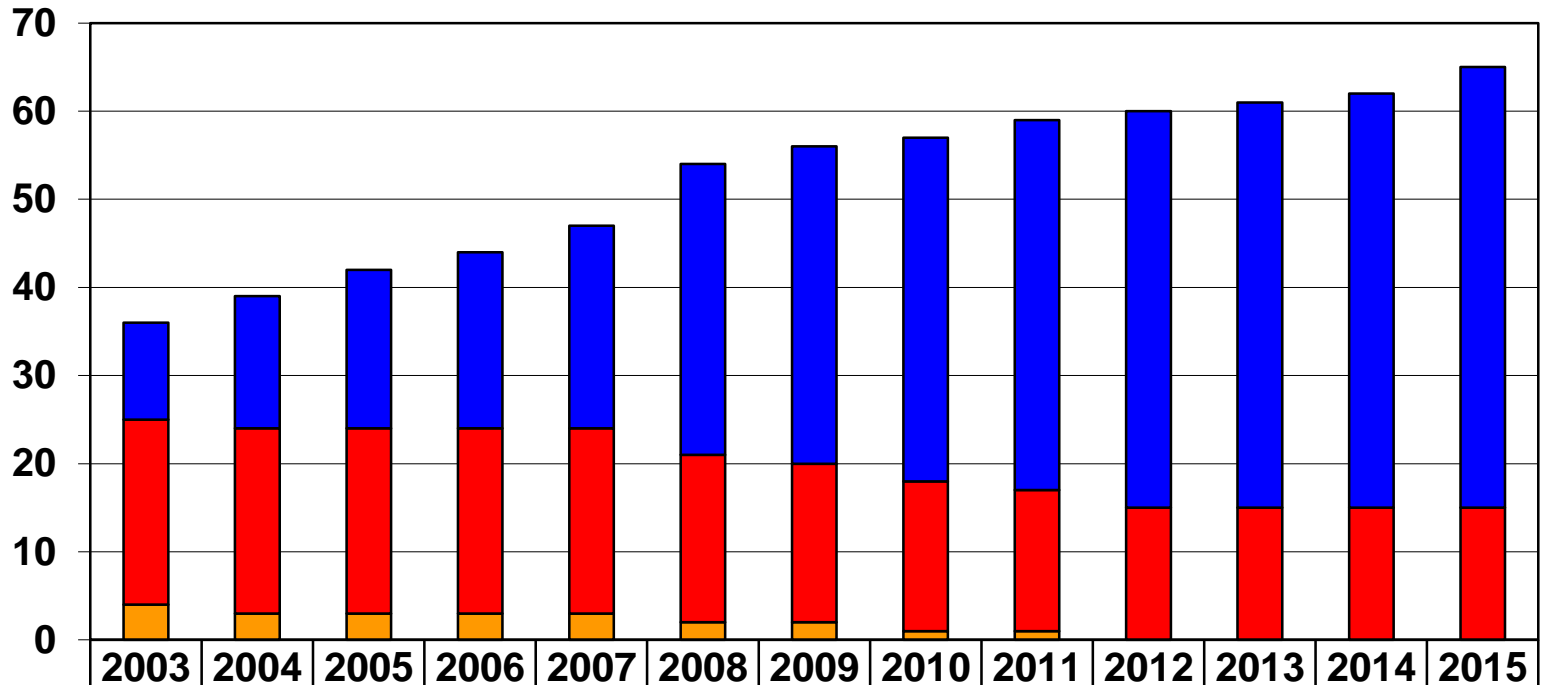
- African Intellectual Property Organization, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Croatia, Denmark, Egypt, Estonia, European Union, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Monaco, Mongolia, Montenegro, Namibia, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Rwanda, Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Syrian Arab Republic, Switzerland, Tajikistan, the former Y.R. of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine and the United States of America

### Hague Act (1960)

- Belgium, Belize, Benin, Côte d'Ivoire, D.P.R. of Korea, Gabon, Greece, Italy, Luxembourg, Mali, Morocco, Netherlands, Niger, Senegal and Suriname

# Hague Membership





## Status as of December 2015 (by most recent Act)



■ 1999 Act	11	15	18	20	23	33	36	39	42	45	46	47	50
■ 1960 Act	21	21	21	21	21	19	18	17	16	15	15	15	15
■ 1934 Act	4	3	3	3	3	2	2	1	1	0	0	0	0

# Geneva Act (1999)

## Recent Accessions

-  Turkmenistan  
(as from March 16, 2016)
-  United States of America  
(May, 2015)
-  Japan  
(May, 2015)
-  Republic of Korea  
(July 2014)

## Potential accessions

-  China
-  Russian Federation
-  Morocco
-  ASEAN countries
-  Israel
-  Belize
-  Mexico
-  Madagascar



# Some Statistics

## 2015: International Applications



4,111 international applications were received containing 16,435 designs (max. 100 designs / application)



40.59% growth compared to 2014 in the number of applications



13.80% growth compared to 2014 in the number of designs



## 2015: International Registrations



3,581 international registrations were inscribed containing 14,484 designs



32.48% growth compared to 2014 in the number of registrations



7.25% growth compared to 2014 in the number of designs

# 2015: Five Most Popular classes in International Registrations



**Class 14**

**Recording, communication or information retrieval equipment**

**387 registrations (10.8%)**



**Class 10**

**Clocks and watches and other measuring instruments, checking and signaling instruments**

**324 registrations (9.1%)**



**Class 12**

**Means of transport or hoisting**

**264 registrations (7.4%)**



**Class 6**

**Furnishing**

**249 registrations (7%)**

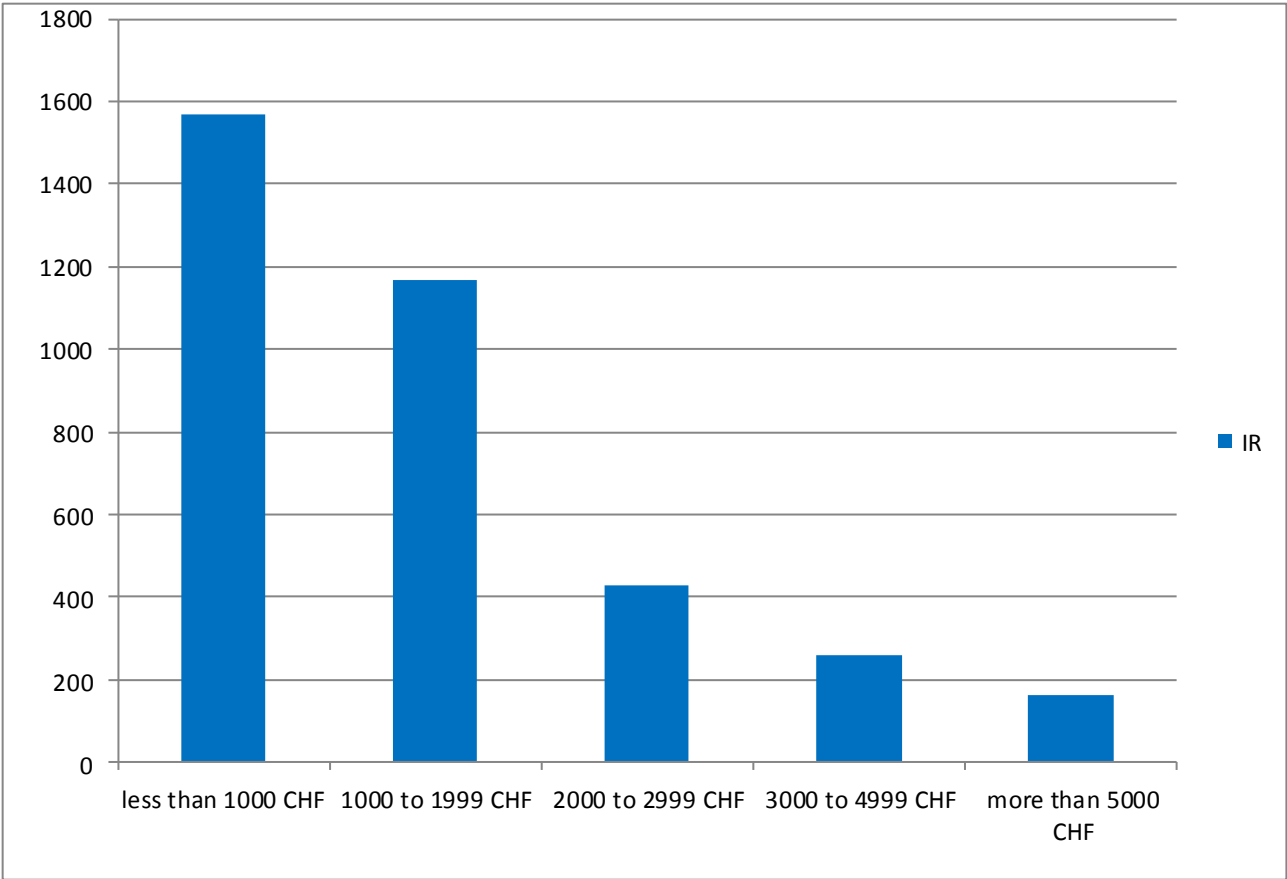


**Class 9**

**Packages and containers for the transport or handling of goods**

**249 registrations (7%)**

# Amount of Fees Paid per International Registration (2015)



IR	1570	1165	426	259	161
%	43.8%	32.5%	11.9%	7.2%	4.5%

# Hague System is...

- Cost-effective and efficient, thereby creating opportunities that would not otherwise exist for any enterprise with a limited IP budget
- Flexible affording right holders great flexibility in targeting national, regional or global markets for particular goods

# Schedule of Fees

- **Basic fee**
  - 397 CHF for one design
  - 19 CHF for each additional design
- **Publication fee**
  - 17 CHF for each reproduction to be published
  - 150 CHF for each page, in addition to the first, on which one or more reproductions are shown (only for paper filings)
- **Designation fee**
  - Standard designation fee:
    - level 1 (42 CHF for one design, 2 CHF for each additional design);
    - level 2 (60 CHF for one design, 20 CHF for each additional design);
    - level 3 (90 CHF for one design, 50 CHF for each additional design)
  - Individual designation fee (the amount fixed by each Contracting Party)
- **Fee reduction for Applicants in Least Developed Countries (LCDs)**
  - Standard designation fee:
    - 4 CHF for one design, 1 CHF for each additional design
    - level 1 (4 CHF for one design, 1 CHF for each additional design);
    - level 2 (6 CHF for one design, 2 CHF for each additional design);
    - level 3 (9 CHF for one design, 5 CHF for each additional design)

# Main Features of the Hague System



## Simplicity

The Hague System enables holders to obtain protection for their designs with a minimum of formality



## Cost-effectiveness

Payment of a single set of fees in one currency



## Efficiency

Considerable facilitation of the subsequent management of the registration



## Flexibility

Right holders have more opportunities in targeting national, regional or global markets

# Latest Developments



New Hague Express Database since January 2015



Global Design Database launched in January 2015



Improvement of E-filing interface

# Hague Express Database

## Hague Express

The Hague Express Database, updated weekly, includes bibliographical data and, as far as international registrations governed exclusively or partly by the 1999 and/or by the 1960 Act(s) of the Hague Agreement are concerned, reproductions of industrial designs relating to international registrations that have been recorded in the International Register and published in the International Designs Bulletin as of issue No. 1/1999. International registrations that have lapsed are not removed from the database.

**SEARCH BY**

Design Names Numbers Dates Country

Indication of Products =

Locarno =

Description =

CURRENT SEARCH

PROD:watch

**FILTER BY**

Designation Locarno Class Reg. Date \* Contracting Party \*

CH	1,535	MC	1,131	TN	991	MA	963	LI	960
FR	894	DE	890	IT	889	EG	887	BX	851
BE	851	NL	851	LU	851	ES	813	ME	684
MK	683	GR	666	MD	642	MN	634	SG	611
TR	594	UA	591	ID	586	EM	583	KP	556
RS	523	VA	489	SI	462	CW	409	BQ	408
SX	406	GE	380	RO	378	KG	376	BZ	364

Display:  Sort:

1 - 10 / 1,627

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Reg. No	Holder	Reg. Date	Locarno Cl	Ind. Prod.	Des.	Designs	Image
DM/046674	HYSEK JÖRG	1999-02-03	03-01	Etui pour montre	AN,EG,ES,ID,MA,TN,V	1	
DM/082429	CARTIER CREATION STUDIO SA	2013-12-13	10-02	1. Watch; 2. Watch case; 3. Watch dial; 4. Watch; 5. Watch bracelet; 6. Watch dial; 7. Watch dial	CH,EM,SG,TR	8	
DM/083367	FRANCK MULLER WATCHLAND SA	2014-04-09	10-02	1. Montre-bracelet	EM,MC,SG	1	
DM/065362	SWATCH AG (SWATCH SA) (SWATCH LTD.)	2004-05-12	10-02	1. Montre-bracelet	BQ,CW,EG,ID,SX,TN,I	1	
DM/073485	BÉDAT & CO SA	2010-03-26	10-02	Watch	BX,KP,CH,EM,LI,OA,S	1	
DM/073351	HUBLOT SA, GENÈVE	2010-03-18	10-02	Watch	CH,EM,SG	1	
DM/073317	OMEGA SA (OMEGA AG) (OMEGA LTD.)	2010-02-12	10-02	Watch	BZ,MA,MC,ME,AL,AM,I	1	
DM/072570	ALEXIS BARTHELAY (SOCIÉTÉ ANONYME)	2009-10-20	10-02	Watch	MA,CH,EG,EM,OM,SG	1	



# Global Design Database

## Global Design Database

A world-wide collection of industrial designs data; including WIPO Hague registrations and information from participating national offices.

### SEARCH BY

Design | Names | Numbers | Dates | Country

Indication of Products =

Design class =

Description =

search 🔍

### CURRENT SEARCH

PROD:(perfume) ✕

### FILTER BY

Source | Designation | Locarno Class | Reg. Date \* | Contracting Party \*

CH	106	CA	94	MC	67	DE	65	BX	57
BE	57	NL	57	LU	57	FR	53	IT	47
LI	46	EG	44	MA	43	ES	41	TN	39
GR	38	TR	36	RS	36	RO	35	UA	35
ME	32	EM	32	BG	31	SG	31	HU	31
SI	29	MK	27	KP	24	MD	22	ID	20
VA	18	AN	14	BQ	11	SX	11	SN	11








Display: List ▾ Sort: Count - desc ▾

filter 🔍

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edit columns ⇄

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Reg. No	Source	Holder	Reg. Date	Class	Ind. Prod.	Des.	Designs	Image
DM/084555	Hague	BULGARI SPA	2014-10-02	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,LI,MC,SG	1	
DM/084494	Hague	BULGARI SPA	2014-09-26	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,LI,MC,SG	1	
DM/083330	Hague	BULGARI SPA	2014-04-04	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,LI,MC,SG	1	
DM/083058	Hague	COMPTOIR NOUVEAU DE LA PARFUMERIE	2014-02-20	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,MC,SG,T	1	
DM/082126	Hague	PACIFIC CREATION	2013-10-09	LC.09-03	1. <i>Perfume</i> packaging	CH,EG	1	
DM/081534	Hague	BOURJOIS SARL	2013-07-11	LC.09-01	1. Fragrance bottle	CH,TR	1	
DM/080039	Hague	FENDI ADELE S.R.L.	2013-01-30	LC.09-01	1. <i>Perfume</i> bottle	CH,EM,OM,SG,TR	1	

# Improvements to the E-Filing Portfolio Manager



Send corrections to irregularities or defects



Receive and download notifications from the IB relating to international applications



Retrieve in real-time current status of IA

Welcome BETTINA

**Portfolio Status**

Number of application(s) sent: 3  
 Number of application(s) unsent: 12

**E-Filing Manager Menu**

E-Filing Application  
 E-Filing Communications (0 unread)  
 E-Filing Tutorial

File an international application Sent application(s) Unsent application(s)

Your application WIPO4062 has been sent to the International Bureau of WIPO. To download your acknowledgement of receipt, including all the details of your application, click on the PDF icon on the column A.R..

Application(s) sent to the International Bureau

(1 of 1) < 1 >

	WIPO reference	Filing date	Applicant(s)	Locarno Class	Designation(s)	Status	A.R.
1	WIPO4062	31/03/2016	Betty Berendson	26	JP, KR, US		
2	WIPO3785	05/05/2015	Betty	26	EM, JP, KR, US	Abandonned	
3	WIPO3778	30/04/2015	Betty	1	CH, EM, JP, KR, US	Examination	

(1 of 1) < 1 >

**Thank You!**

[www.wipo.int/hague/en](http://www.wipo.int/hague/en)

