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

ASSEMBLY

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FEE STRUCTURE UNDER THE HAGUE AGREEMENT

Document prepared by the International Bureau

I. INTRODUCTION

1. An Informal Consultative Meeting on Certain Issues Relating to Fees Payable Under the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as “the Consultative Meeting”) was convened by the Director General and held in Geneva on May 4, 2007.

2. The following Member States of the Hague Union were represented at the Consultative Meeting: Croatia, Estonia, France, Germany, Iceland, Latvia, Romania, Spain, Switzerland and The former Yugoslav Republic of Macedonia. The following other States were represented as observers: China, Czech Republic, Denmark, Finland, Iran (Islamic Republic of), Japan, Lesotho, Norway, Portugal, Sweden, Thailand and the United States of America. Two non-governmental organizations, namely the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) and the Centre for International Industrial Property Studies (CEIPI) were also represented. The list of participants is attached in Annex III.

3. The discussions at the Consultative Meeting were based on a document prepared by the International Bureau and entitled “Proposals for Discussion”. The proposals in question concerned:

- (a) the simplification of the publication fee structure;
- (b) the introduction of different levels of the standard designation fee concerning the international application;
- (c) the reduction of fees intended for the International Bureau for applicants from Least Developed Countries (LDCs).

4. The participants to the Consultative Meeting expressed broad support for the proposals prepared by the International Bureau, suggesting only some adjustments to the second proposal and an expansion of the third proposal to cover other fees. In addition, the International Bureau had also received a letter from the Government of Turkey, expressing support for all of the three proposals.

5. Based on the outcome of those consultations, the International Bureau has prepared proposals concerning the amendment of the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement (hereinafter referred to as “the Common Regulations”), and, in particular, of the Schedule of Fees that forms an integral part thereof, as well as the text of a recommendation, for consideration by the Assembly of the Hague Union, as contained in the present document. For easier reference to the proposed amendments and recommendation, these are first reproduced in Annex I in “track changes” mode, i.e., with the text proposed to be deleted, struck through and the text proposed to be added, appearing underlined. For clarity, the final text of the Common Regulations, as it would result following the adoption of the proposed amendments and recommendation, is also reproduced in Annex II to the present document.

6. It is proposed that, if adopted, the amendments enter into force, and the recommendation become effective, on January 1, 2008.

II. SIMPLIFICATION OF THE PUBLICATION FEE STRUCTURE

Background

7. Rule 12(1)(a)(iv) of the Common Regulations specifies that the international registration shall be subject to the payment of “a publication fee”¹. As set out under item 2 of the Schedule of Fees, this fee consists of three non-mutually exclusive fees:

- 12 Swiss francs for each reproduction to be published in black and white;
- 75 Swiss francs for each reproduction to be published in color; and,

¹ This fee does not apply to an application governed exclusively by the 1934 Act. See Rule 30(2)(f) of the Common Regulations.

- 150 Swiss francs for each page, in addition to the first, on which one or more reproductions are shown.

8. This publication fee structure was introduced in 2002 in order to take into account the International Bureau's recent experience with the electronic publication of the *International Designs Bulletin*. On the same occasion, the ratio between fees for publication in black and white and for publication in color, though brought down from 1:8 to about 1:6, remained high, so as to continue to take into account the "considerably greater number of bytes" used in relation to the latter².

9. As the International Bureau is currently working on the development of an e-filing facility for applications under the Hague Agreement, it appears that the publication fee structure warrants further revision. It may already be noted that, as foreseen in the Schedule of Fees, the fee per additional page would not apply to applications filed through the envisaged e-filing facility. However, it further appears that the fact that publication is requested in black and white or in color will also assume less importance, in terms of costs.

10. In the context of an e-filing facility, there could be a reduction of the fee for publication in color, and thus a further diminution of the ratio between the fees associated with each of the two types of publication. However, in its proposal to the Consultative Meeting, the International Bureau suggested that it might be preferable to suppress entirely the distinction between publication in black and white and publication in color, and to adopt a single fee per reproduction. It was further proposed that this single fee be fixed at 17 Swiss francs per reproduction.

11. The arguments put in favor of this concrete proposal were that it would bring simplification to the system and that it would ensure that users who, for fundamental strategic reasons, needed to file in color, would not be prevented from doing so because of mere financial considerations.

12. According to its accounts for the year 2006, the International Bureau collected a total of 265,356 Swiss francs for the publication of design reproductions (consisting of 171,456 Swiss francs for reproductions to be published in black and white and 93,900 Swiss francs for reproductions to be published in color). If a single fee of 17 Swiss francs per reproduction had applied in 2006, the International Bureau would have collected, instead, a total of 264,280 Swiss francs for the publication of design reproductions. In other words, based on these statistics, the fixing of a single fee at 17 Swiss francs per reproduction would have had virtually no financial impact on the budget of the Hague Union, if it had been applied in 2006³.

² See Assembly document H/A/20/1, paragraphs 8 and 9.

³ Admittedly, the introduction of a single fee lower than the current fee for publication in color is likely to trigger a greater number of requests for publication in color than at present, but the rationale for the introduction of the single fee is precisely that the fact that publication is requested in black and white or in color assumes less and less importance, in terms of costs.

Consultations

13. The participants to the Consultative Meeting expressed broad support for the proposal relating to a simplification of the publication fee, and recommended that the proposal be submitted to the Assembly of the Hague Union in September 2007, for adoption.

Proposal

14. Based on the consultations held, it is proposed to the Assembly to proceed with a simplification of the publication fee by the adoption of the amendment of item 2 of the Schedule of Fees, as set out in Annex I of the present document.

15. The Assembly of the Hague Union is invited to adopt the amendment with regard to item 2 of the Schedule of Fees annexed to the Common Regulations, as set out in Annex I, effective January 1, 2008.

III. INTRODUCTION OF DIFFERENT LEVELS OF THE STANDARD DESIGNATION FEE CONCERNING THE INTERNATIONAL APPLICATION

Background

16. Under Rule 12 of the Common Regulations, an international application shall be subject to the payment of a standard designation fee in respect of each designated Contracting Party that has not made an individual fee declaration⁴, or of an individual fee in respect of each designated Contracting Party that has made such a declaration. Pursuant to Rule 29, any standard designation fee or individual fee paid to the International Bureau in respect of a Contracting Party shall be credited to the account of that Contracting Party.

17. Some concerns have been expressed regarding the low amount and the rigidity of the standard designation fee, and it has been suggested, in particular, that these factors constitute a deterrent to accession for potential Contracting Parties⁵.

⁴ This fee, however, does not apply with respect to Contracting Parties designated under the 1934 Act.

⁵ See, in particular, the intervention made by the Delegation of Iceland during the last series of meetings of the Assemblies of the Member States of WIPO, held in Geneva from September 25 to October 3, 2006, as contained in the Report thereof, document A/42/14, paragraph 35. See also the reply provided by Norway to WIPO's *Questionnaire on the Draft Program and Budget for the 2008/09 Biennium*, issued on October 4, 2006. Similar concerns were expressed during official bilateral discussions held between WIPO and the governments of potential Contracting Parties.

18. Leaving aside the case of an intergovernmental organization, the possibility of making an individual fee declaration is open only to States whose “Office is an Examining Office”. According to Article 1 of the 1999 Act and Article 2 of the 1960 Act, this expression refers to the carrying out of an *ex officio* novelty examination⁶. Yet, between minimal formality examination (which the Office of a designated Contracting Party is spared in the international procedure under the Agreement) and *ex officio* novelty examination, a whole range of levels of substantive examination exists amongst the various national and regional design right systems.

19. It was therefore proposed in the Consultative Meeting to better reflect these nuances by introducing, through an amendment to Rule 12(1) of the Common Regulations, three different levels of the standard designation fee, as follows:

- level one, for Contracting Parties whose Office does not carry out examination on substantive grounds;

- level two, for Contracting Parties whose Office carries out examination on substantive grounds other than novelty (for example, on issues such as the definition of a “design”, public order and morality, or the protection of State emblems);

- level three, for Contracting Parties whose Office carries out examination on substantive grounds, including a limited examination as to novelty (for example, an examination as to local novelty only, when the criterion for the validity of the design right is worldwide novelty), or examination as to novelty following opposition by third parties.

20. It was further proposed that, pursuant to a proposed new Rule 12(1)(c), the application of levels two or three would be dependent on the making of a declaration by Contracting Parties, indicating the level of examination carried out by their Office, and that in the absence of a declaration, level one would apply by default. As indicated by the International Bureau in relation to its proposal, the requirement of a declaration appeared necessary in order to ensure that users be aware of the precise level of standard designation fee applicable in respect of a specific Contracting Party.

Consultations

21. Before giving consideration to the issue of the amounts of the standard fee that might be determined for each of the three levels, the participants to the Consultative Meeting discussed the principle of the introduction of such proposal. In the light of the arguments put forth, the participants to the Consultative Meeting expressed support, in principle, for the adoption of the proposal. It was further suggested that the system should also provide flexibility for a Member State to be able to opt for a standard fee instead of an individual fee, or for a lower level of standard fee whenever entitled to receive a higher level of such fee.

⁶ Of the 44 Contracting Parties bound by the 1960 or the 1999 Act at the time of issuing the present document, only five had made the relevant declarations, namely: Bulgaria, Hungary, Kyrgyzstan, Moldova and Romania.

22. Following upon the approval, in principle, for the introduction of the three-level structure of standard fees, and focusing on the need for simplicity, economy and efficiency, while at the same time responding to the requirement that the standard fees should cover, as far as possible, the costs incurred by Offices, the participants to the Consultative Meeting then agreed on the following amounts for the three levels:

		<i>Swiss francs</i>
– level one	– for one design	42
	– for each additional design included in the same application ⁷	2
– level two	– for one design	60
	– for each additional design included in the same application	20
– level three	– for one design	90
	– for each additional design included in the same application	50

23. In conclusion, the participants to the Consultative Meeting therefore agreed that a proposal to that effect, taking the form of an amendment of Rule 12(1), should be submitted to the Assembly of the Hague Union in September 2007, for adoption.

Proposal

24. Based on the above-mentioned consultations, it is proposed to the Assembly of the Hague Union to introduce a three-level structure for the standard designation fee, by the adoption of an amendment of Rule 12 of the Common Regulations and of a consequential amendment of item 4 of the Schedule of Fees, as set out in Annex I, respectively.

25. Rule 12(1)(a), as proposed to be amended, would introduce the concept of levels of the standard designation fee, whilst a further proposed amendment of Rule 12(1)(b) would establish and define three such levels. To this end, it is proposed to delete the current wording of Rule 12(1)(b) as its effect is falling under the broader wording of Rule 27(1) [*Amounts and Payment of Fees*] and thus appears to serve no purpose.

26. As further provided by Rule 12(1)(a), as proposed to be amended, the application of levels two or three would be dependent on the making of a declaration by Contracting Parties, indicating the level of examination carried out by their Office, under a proposed new Rule 12(1)(c). In that regard, it should be noted that the wording of proposed Rule 12(1)(b)(iii) is broad enough to enable a Contracting Party which would be entitled to make a declaration for individual fees to opt instead for level-three standard fees. Similarly, item (i) of proposed new Rule 12(1)(c) would enable a Contracting Party which would be entitled to make a declaration for level three of the standard fees to opt instead for the application of level two.

⁷ It should be noted that the amounts of fees provided for at level one are the same as those of the current standard designation fee.

27. As stated in the proposed item (ii), *in fine*, of proposed new Rule 12(1)(c), in the absence of a declaration, level one would apply by default. Finally, and naturally, a Contracting Party could amend or withdraw its declaration to reflect, for example, a change in its legislation⁸.

28. The Assembly of the Hague Union is invited to adopt the amendment to Rule 12 of the Common Regulations and the consequential amendment of item 4 of the Schedule of Fees, as set out in Annex I, effective January 1, 2008.

IV. REDUCTION OF FEES FOR APPLICANTS FROM LEAST DEVELOPED COUNTRIES

A) *Fees Intended for the International Bureau (Basic Fee, Publication Fee and Description Fee)*

Background

29. The Hague System for the International Registration of Industrial Designs makes it easier and less costly for design creators from member countries to obtain and maintain industrial design protection in multiple countries, thereby enhancing their capacity to compete more effectively in world markets. However, it appears that design creators from LDCs are not taking full advantage of the benefits offered by the Hague system, possibly because of the broad developmental problems that they face.

⁸ It will be noted that the coming into force of a declaration under proposed Rule 12(1)(c) is regulated by the provision itself, and thus falls outside the scope of Rules 35 and 36 (which consequently require no consequential amendments). This is necessary to ensure consistency, as the principles established under Rule 35 (with respect to the 1999 Act) and Rule 36 (with respect to the 1960 Act) are somewhat different.

30. The recognition of the developmental problems of LDCs and the establishment of a list of LDCs by the United Nations date back to 1971⁹. That list is maintained and updated on a regular basis by the United Nations¹⁰. It may be consulted on the United Nations website and on the WIPO website, at the following URLs, respectively:

www.un.org/special-rep/ohrls/lcd/list.htm and *www.wipo.int/lcds/en/country*.

31. At present, the list of LDCs comprises 50 States, of which four are party to the Hague system, namely: Benin, Mali, Niger and Senegal.

32. The fact that design creators from LDCs are, however, not taking advantage of the Hague system is confirmed by the official statistics up to the year 2006, which reveal that no international registration has originated from the aforementioned four countries.

33. Several programs of WIPO currently focus, through various means, on strengthening the capacity of LDCs to take advantage of intellectual property as a tool for development. In this context, it appeared that an additional measure could be taken to improve the ability of design creators from LDCs to benefit from the Hague system, by reducing the costs for applicants from LDCs of filing applications under the Agreement.

34. It was therefore proposed in the Consultative Meeting that the amount of the fees to be paid to the International Bureau in connection with the international registration of an industrial design under the Hague system be reduced for the benefit of applicants originating from LDC members of the Hague system. Similar fee reduction schemes have been adopted under the PCT and the Madrid system.

35. In the case of international applications governed exclusively or partly by the 1999 Act and/or the 1960 Act, the fees intended for the International Bureau currently consist of:

⁹ Three criteria underlie the establishment of the list of LDCs: (1) a low income, based on a three-year average estimate of the gross domestic product per capita; (2) a human resource weakness, involving a composite Augmented Physical Quality of Life Index based on indicators of (a) nutrition; (b) health; (c) education; and (d) adult literacy; and (3) an economic vulnerability, involving a composite Economic Vulnerability Index based on indicators of: (a) the instability of agricultural production; (b) the instability of exports of goods and services; (c) the economic importance of non-traditional activities; (d) merchandise export concentration; (e) the handicap of economic smallness; and (f) the percentage of population displaced by natural disasters. To be added to the list of LDCs, a country must satisfy all three criteria.

¹⁰ The listing of countries as “least developed” is established by the General Assembly of the United Nations on the recommendation of the Economic and Social Council (ECOSOC) and on the advice of the Committee for Development Policy (CDP). The list is reviewed every three years. Listing as an LDC is done in consultation with the government of the country concerned and takes place only with the government’s consent.

Swiss francs

–	Basic fee	
–	– for one design	397
–	– for each additional design	19
–	Publication fee	
–	– each reproduction to be published in black and white	12
–	– for each reproduction to be published in color	75
–	– for each page, in addition to the first	150
–	Description	
–	– where the description exceeds 100 words, 2 Swiss francs per word exceeding 100 words.	

36. In the case of international applications governed exclusively by the 1934 Act, the fees intended for the International Bureau currently consist of:

Swiss francs

–	Basic fee	
–	– for one design	216
–	– for two to 50 designs	432
–	– for 51 to 100 designs	638

37. In order to be of real significance, it was proposed in the Consultative Meeting that the fees be reduced to 10% of their regular amounts (rounded to the nearest full figure for ease of administration).

38. As evidenced by the current statistics concerning international registrations, the implementation of the proposed fee reduction would have virtually no financial impact on the budget of the Hague Union.

39. It was proposed that the fee reduction would be offered to all applicants – whether natural persons or legal entities – whose sole entitlement to file an international application for industrial design protection under the Agreement is a connection with an LDC, in accordance with the list established by the United Nations. If there were several applicants, each would be required to fulfill such criterion.

40. It would follow that, for applicants from LDCs, the amounts of the said fees payable to the International Bureau in the case of international applications governed exclusively or partly by the 1999 Act and/or the 1960 Act would become:

Swiss francs

- Basic fee
 - for one design 40
 - for each additional design 2

- Publication fee (taking into account the amendment proposed in paragraph 15, above)
 - each reproduction 2
 - for each page, in addition to the first 15

- Description
 - where the description exceeds 100 words, 1 Swiss franc per group of five words exceeding 100.

41. For applicants from LDCs, the amounts of the said fees payable to the International Bureau in the case of international applications governed exclusively by the 1934 Act would become:

Swiss francs

- Basic fee
 - for one design 22
 - for two to 50 designs 43
 - for 51 to 100 designs 64

42. As indicated in the proposal by the International Bureau, in order to proceed with such fee reduction, the Assembly of the Hague Union would need to amend the Schedule of Fees, through the inclusion of a note under items 1, 2, 3 and 6 thereof¹¹.

Consultations

43. It emerged from the discussion of the proposal that there was broad support for its submission to the Hague Union Assembly in September 2007, for adoption.

Proposal

44. Based on the above-mentioned consultations, it is proposed to the Assembly of the Hague Union to introduce a reduction of the fees intended for the International Bureau for applicants from LDC Member States, by the adoption of an amendment of the Schedule of Fees. This amendment would consist of the inclusion of notes under items 1, 2, 3 and 6 of the Schedule of Fees, as set out in Annex I of the present document.

¹¹ The introduction of reduced fees for applicants from LDCs in the Madrid system in 2005 was implemented by the adoption of a similar note in the Schedule of Fees established under the Common Regulations under the Madrid Agreement and Protocol.

45. *The Assembly of the Hague Union is invited, to adopt the amendments to items 1, 2, 3 and 6 of the Schedule of Fees, as set out in Annex I, effective January 1, 2008.*

B) *Standard Fees*

Consultations

46. With a view to maximizing the ability of design creators from Least Developed Countries to benefit from the Hague system, and considering the limited financial implications for Contracting Parties that are not LDCs (see paragraph 32, above), the participants to the Consultative Meeting further suggested that in the context of the Hague Agreement, the proposed fee reduction scheme should also concern the standard fees with respect to Contracting Parties designated under the 1960 Act or the 1999 Act.

47. As such, this further fee reduction would be offered to all applicants – whether natural persons or legal entities – whose sole entitlement to file an international application for industrial design protection under the Agreement is a connection with an LDC, in accordance with the list established by the United Nations. In order for the reduction to be of real significance, the standard fees would be reduced to 10% of their regular amounts (rounded to the nearest full figure for ease of administration). As evidenced by the current statistics concerning international registrations, the implementation of the proposed fee reduction would have virtually no financial impact on the fees recovered by Contracting Parties.

48. It would also follow that, for applicants from LDCs, the amounts of the standard fees – if the revision of such fees is adopted by the Assembly (see paragraph 22, above) – would become:

		<i>Swiss francs</i>
– level one	– for one design	4
	– for each additional design included in the same application	1
– level two	– for one design	6
	– for each additional design included in the same application	2
– level three	– for one design	9
	– for each additional design included in the same application	5

49. In conclusion, the participants to the Consultative Meeting suggested that a proposal to that effect should be submitted to the Assembly of the Hague Union in September 2007, for adoption.

Proposal

50. As suggested by the participants to the Consultative Meeting, it is proposed to the Assembly of the Hague Union to introduce a reduction of the standard fees with respect to Contracting Parties designated under the 1960 Act or the 1999 Act, in favor of applicants from LDC member States, by the adoption of an amendment of the Schedule of Fees. This amendment would consist of the inclusion of a note under item 4 of the Schedule of Fees, as set out in Annex I of the present document.

51. The Assembly of the Hague Union is invited to adopt the amendment to item 4 of the Schedule of Fees, as set out in Annex I, effective January 1, 2008.

C) Individual Fees

Consultations

52. In line with their suggestion concerning the expansion of the fee reduction scheme to cover standard fees, the participants to the Consultative Meeting further suggested that the proposed fee reduction scheme also concern the individual fees. As recalled in paragraph 16, above, with respect to Contracting Parties designated under the 1960 Act or the 1999 Act that have made the relevant declarations under Article 7(2) of the 1999 Act or Rule 36(1) of the Common Regulations, such individual fees are payable instead of the standard fee.

53. According to this suggestion, for applicants – whether natural persons or legal entities – whose sole entitlement to file an international application for industrial design protection under the Agreement is a connection with an LDC, in accordance with the list established by the United Nations, the amount of the individual fees would be reduced to 10% of their regular amounts (rounded to the nearest full figure for ease of administration). As evidenced by the current statistics concerning international registrations, the implementation of the proposed fee reduction would have virtually no financial impact on the fees recovered by Contracting Parties.

54. Foreseeing certain constraints as to the legal mechanism through which such a measure could be implemented, the participants envisaged that its implementation could be pursued by means of a recommendation by the Assembly of the Hague Union, and suggested that the text of such a recommendation be submitted to the Assembly in September 2007, for adoption.

Proposal

55. As suggested by the participants to the Consultative Meeting, the following text of a recommendation is proposed for adoption by the Assembly of the Hague Union:

“Contracting Parties that make, or have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure).”

56. If the Assembly of the Hague Union were to adopt such a recommendation, the text of that recommendation could be recalled by means of an editorial footnote in association with the texts of Article 7(2) of the 1999 Act and Rule 36(1) of the Common Regulations, as well as with item 5 of the Schedule of Fees, as set out in Annex I of the present document, for information purposes. The insertion of the footnote would not, however, constitute an amendment of either provision nor of the Schedule of Fees.

57. The Assembly of the Hague Union is invited to adopt the recommendation set out in paragraph 55, above, effective January 1, 2008.

[Annexes follow]

ANNEX I

**Common Regulations Under
the 1999 Act, the 1960 Act and the 1934 Act
of the Hague Agreement**

(as in force on ~~April~~ January 1, ~~2004~~ 2008)

[...]

*Rule 12
Fees Concerning the International Application*

(1) [*Prescribed Fees*] (a) The international application shall be subject to the payment of the following fees:

[...]

(ii) a standard designation fee in respect of each designated Contracting Party that has not made a declaration under Article 7(2) of the 1999 Act or under Rule 36(1), the level of which will depend on a declaration made under subparagraph (c);

[...]

(b) The ~~level amounts~~ of the standard designation fees referred to in ~~items (i), subparagraph (1)(a)(ii) and (iv) are set out in the Schedule of Fees.~~ shall be as follows:

(i) for Contracting Parties whose office does not carry out any examination on substantive grounds:one

(ii) for Contracting Parties whose office carries out examination on substantive grounds, other than as to novelty: two

(iii) for Contracting Parties whose office carries out examination on substantive grounds, including examination as to novelty either *ex officio* or following opposition by third parties: three

(c) (i) Any Contracting Party whose legislation entitles it to the application of level two or three under subparagraph (b) may, in a declaration, notify the Director General accordingly. A Contracting Party may also, in its declaration, specify that it opts for the application of level two, even if its legislation entitles it to the application of level three.

(ii) Any declaration made under item (i) shall take effect three months after its receipt by the Director General or at any later date indicated in the declaration. It may also be withdrawn at any time by notification addressed to the Director General, in which case such withdrawal shall take effect one month after its receipt by the Director General or at any later date indicated in the notification. In the absence of such a declaration, or where a declaration has been withdrawn, level one will be deemed to be the level applicable to the standard designation fee in respect of that Contracting Party.

[...]

SCHEDULE OF FEES
(as in force on January 1, ~~2006~~2008)

		<i>Swiss francs</i>
I.	<i>International Applications Governed Exclusively or Partly by the 1960 Act or by the 1999 Act</i>	
1.	Basic fee*	
1.1	For one design	397
1.2	For each additional design included in the same international application	19
2.	Publication fee*	
2.1	For each reproduction to be published in black and white	<u>17</u> 12
2.2	For each reproduction to be published in color	75
2. <u>3</u> 2	For each page, in addition to the first, on which one or more reproductions are shown (where the reproductions are submitted on paper)	150
3.	Additional fee where the description exceeds 100 words per word exceeding 100 words*	2

* [For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts \(rounded to the nearest full figure\). If there are several applicants, each must fulfill the said criterion.](#)

[Where such fee reduction applies, the basic fee is fixed at 40 Swiss francs \(for one design\) and 2 Swiss francs \(for each additional design included in the same international application\), the publication fee is fixed at 2 Swiss francs for each reproduction and 15 Swiss francs for each page, in addition to the first, on which one or more reproductions are shown, and the additional fee where the description exceeds 100 words is fixed at 1 Swiss franc per group of five words exceeding 100 words.](#)

4.	Standard designation fee**	
	<u>4.1 Where level one applies:</u>	
	4.1.1 For one design	42
	4.1.2 For each additional design included in the same international application	2
	<u>4.2 Where level two applies:</u>	
	4.2.1 For one design	60
	4.2.2 For each additional design included in the same international application	20
	<u>4.3 Where level three applies:</u>	
	4.3.1 For one design	90
	4.3.2 For each additional design included in the same international application	50
5.	Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned) [♦]	

** For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the standard fees are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). If there are several applicants, each must fulfill the said criterion.

Where such reduction applies, the standard designation fee is fixed at 4 Swiss francs (for one design) and 1 Swiss franc (for each additional design included in the same international application) under level one, 6 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application) under level two, and 9 Swiss francs (for one design) and 5 Swiss francs (for each additional design included in the same international application) under level three.

[♦] [WIPO Note]: Recommendation adopted by the Assembly of the Hague Union: "Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure)."

II. *International Applications Governed Exclusively by the 1934 Act*

6.	Basic fee ^{***}	
6.1	For one design	216
6.2	For two to 50 designs included in the same international application	432
6.3	For 51 to 100 designs included in the same international application	638

[...]

[Annex II follows]

^{***} For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). If there are several applicants, each must fulfill the said criterion.

Where such fee reduction applies, the basic fee is fixed at 22 Swiss francs (for one design), 43 Swiss francs (for two to 50 designs included in the same international application) and 64 Swiss francs (for 51 to 100 designs included in the same international application).

ANNEX II

**Common Regulations Under
the 1999 Act, the 1960 Act and the 1934 Act
of the Hague Agreement**

(as in force on January 1, 2008)

[...]

Rule 12

Fees Concerning the International Application

(1) [*Prescribed Fees*] (a) The international application shall be subject to the payment of the following fees:

[...]

(ii) a standard designation fee in respect of each designated Contracting Party that has not made a declaration under Article 7(2) of the 1999 Act or under Rule 36(1), the level of which will depend on a declaration made under subparagraph (c);

[...]

(b) The level of the standard designation fee referred to in subparagraph (a)(ii) shall be as follows:

(i) for Contracting Parties whose office does not carry out any examination on substantive grounds:one

(ii) for Contracting Parties whose office carries out examination on substantive grounds, other than as to novelty: two

(iii) for Contracting Parties whose office carries out examination on substantive grounds, including examination as to novelty either *ex officio* or following opposition by third parties: three

(c) (i) Any Contracting Party whose legislation entitles it to the application of level two or three under subparagraph (b) may, in a declaration, notify the Director General accordingly. A Contracting Party may also, in its declaration, specify that it opts for the application of level two, even if its legislation entitles it to the application of level three.

(ii) Any declaration made under item (i) shall take effect three months after its receipt by the Director General or at any later date indicated in the declaration. It may also be withdrawn at any time by notification addressed to the Director General, in which case such withdrawal shall take effect one month after its receipt by the Director General or at any later date indicated in the notification. In the absence of such a declaration, or where a declaration has been withdrawn, level one will be deemed to be the level applicable to the standard designation fee in respect of that Contracting Party.

[...]

SCHEDULE OF FEES
(as in force on January 1, 2008)

		<i>Swiss francs</i>
I.	<i>International Applications Governed Exclusively or Partly by the 1960 Act or by the 1999 Act</i>	
1.	Basic fee*	
1.1	For one design	397
1.2	For each additional design included in the same international application	19
2.	Publication fee*	
2.1	For each reproduction to be published	17
2.2	For each page, in addition to the first, on which one or more reproductions are shown (where the reproductions are submitted on paper)	150
3.	Additional fee where the description exceeds 100 words per word exceeding 100 words*	2

* For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). If there are several applicants, each must fulfill the said criterion.

Where such fee reduction applies, the basic fee is fixed at 40 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application), the publication fee is fixed at 2 Swiss francs for each reproduction and 15 Swiss francs for each page, in addition to the first, on which one or more reproductions are shown, and the additional fee where the description exceeds 100 words is fixed at 1 Swiss franc per group of five words exceeding 100 words.

4.	Standard designation fee**	
4.1	Where level one applies:	
4.1.1	For one design	42
4.1.2	For each additional design included in the same international application	2
4.2	Where level two applies:	
4.2.1	For one design	60
4.2.2	For each additional design included in the same international application	20
4.3	Where level three applies:	
4.3.1	For one design	90
4.3.2	For each additional design included in the same international application	50
5.	Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)♦	

** For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the standard fees are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). If there are several applicants, each must fulfill the said criterion.

Where such reduction applies, the standard designation fee is fixed at 4 Swiss francs (for one design) and 1 Swiss franc (for each additional design included in the same international application) under level one, 6 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application) under level two, and 9 Swiss francs (for one design) and 5 Swiss francs (for each additional design included in the same international application) under level three.

♦ [WIPO Note]: Recommendation adopted by the Assembly of the Hague Union: “Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure).”

II. *International Applications Governed Exclusively by the 1934 Act*

6.	Basic fee ^{***}	
6.1	For one design	216
6.2	For two to 50 designs included in the same international application	432
6.3	For 51 to 100 designs included in the same international application	638

[...]

[Annex III follows]

^{***} For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). If there are several applicants, each must fulfill the said criterion.

Where such fee reduction applies, the basic fee is fixed at 22 Swiss francs (for one design), 43 Swiss francs (for two to 50 designs included in the same international application) and 64 Swiss francs (for 51 to 100 designs included in the same international application).

OMPI
WIPO



**ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
WORLD INTELLECTUAL PROPERTY ORGANIZATION**

GENÈVE / GENEVA

**REUNION CONSULTATIVE INFORMELLE
SUR CERTAINES QUESTIONS RELATIVES AUX TAXES
DUES AU TITRE DE L'ARRANGEMENT DE LA HAYE
CONCERNANT L'ENREGISTREMENT INTERNATIONAL
DES DESSINS ET MODÈLES INDUSTRIELS**

Genève, 4 mai 2007

**INFORMAL CONSULTATIVE MEETING
ON CERTAIN ISSUES RELATING TO FEES PAYABLE UNDER
THE HAGUE AGREEMENT CONCERNING THE
INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

Geneva, May 4, 2007

**LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS**

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

ALLEMAGNE/GERMANY

Li-Feng SCHROCK, Senior Ministerial Counsellor, Federal Ministry of Justice, Berlin

CROATIE/CROATIA

Josip PERVAN, First Secretary, Permanent Mission, Geneva

ESPAGNE/SPAIN

José-Daniel VILA ROBERT, Jefe de Área de Examen de Modelos – Semiconductores, Departamento de Patentes e Información Tecnológica, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Turismo y Comercio, Madrid

ESTONIE/ESTONIA

Katrin SIBUL (Ms.), Third Secretary, Permanent Mission, Geneva

EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE/THE FORMER YUGOSLAV
REPUBLIC OF MACEDONIA

Slobodanka TRAJKOVSKA (Mrs.), Head, Section for Industrial Design, Appellation of Origin and Geographical Indication, State Office of Industrial Property (SOIP), Skopje

FRANCE

Gilles BARRIER, premier secrétaire, Mission permanente, Genève

ISLANDE/ICELAND

Oluf Vigois RAGNARUDÓTTIR, Head, Trademark and Design Division, Icelandic Patent Office, Reykjavik

LETONIE/LATVIA

Asja DIŠLĒRE (Mrs.), Head, Industrial Design Division, Department of Trademarks and Industrial Designs, Patent Office of the Republic of Latvia, Riga

ROUMANIE/ROMANIA

Alice Mihaela POSTĂVARU (Mme), chef de la Section des dessins et modèles industriels, Office d'État pour les inventions et les marques, Bucarest

Livia PUSCARAGIU (Mlle), deuxième secrétaire, Mission permanente, Genève

SUISSE/SWITZERLAND

Marie KRAUS-WOLLHEIM (Mrs.), Legal Advisor, Legal Services, Patent and Design Law, Swiss Federal Institute of Intellectual Property (IFPI), Berne

II. ÉTATS OBSERVATEURS/OBSERVER STATES

CHINE/CHINA

LIU Zhi (Ms.), Deputy Director, Design Examination Department, State Intellectual Property Office (SIPO), Beijing

DANEMARK/DENMARK

Lene Juhl KJERRUMGAARD (Mrs.), Special Legal Expert, Danish Patent and Trademark Office, Ministry of Economic and Business Affairs, Taastrup

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

David MORFESI, Intellectual Property Attaché, Permanent Mission, Geneva

FINLANDE/FINLAND

Tapio PRIIA, Head of Division, Trademarks and Designs, National Board of Patents and Registration, Helsinki

IRAN (RÉPUBLIQUE ISLAMIQUE D')/IRAN (ISLAMIC REPUBLIC OF)

Yazdan NADALI ZADEH, Second Counsellor, Permanent Mission, Geneva

JAPON/JAPAN

Kenichiro NATSUME, First Secretary, Permanent Mission, Geneva

LESOTHO

Lebamang KOPELI, Minister Counsellor, Permanent Mission, Geneva

NORVÈGE/NORWAY

Thale ANDRESEN (Mrs.), Legal Advisor, Design Section, Design and Trademark Department, Norwegian Patent Office, Oslo

PORTUGAL

Maria Helena SILVA (Mrs.), Jurist, National Institute of Industrial Property (INPI), Ministry of Economy, Lisbon

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Tereza TOPIČOVÁ (Ms.), International Department, Industrial Property Office, Prague

SUÈDE/SWEDEN

Asko ANNALA, Senior Legal Officer, Designs and Trademarks Department, Swedish Patent and Registration Office, Söderhamn

THAÏLANDE/THAILAND

Supavadee CHOTIKAJAN (Miss), Second Secretary, Permanent Mission, Geneva

III. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Association internationale pour la promotion de l'enseignement et de la recherche en propriété intellectuelle (ATRIP)/International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)

François CURCHOD (représentant permanent auprès de l'OMPI, Genolier)

Centre d'études internationales de la propriété industrielle (CEIPI)/Centre for International Industrial Property Studies (CEIPI)

François CURCHOD (représentant permanent auprès de l'OMPI, Genolier)

IV. **SECRETARIAT DE L'ORGANISATION MONDIALE DE LA
PROPRIÉTÉ INTELLECTUELLE (OMPI)/
SECRETARIAT OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)**

Ernesto RUBIO, sous-directeur général/Assistant Director General

Secteur des marques, des dessins et modèles industriels et des indications géographiques/
Sector of Trademarks, Industrial Designs and Geographical Indications:

Jean-Luc PERRIN, directeur-conseiller principal au Bureau du sous-directeur général/Senior Director-Advisor, Office of the Assistant Director General

Grégoire BISSON, chef du Service juridique des systèmes d'enregistrement international/Head, International Registration Systems Legal Service

Alan DATRI, conseiller principal au Bureau du sous-directeur général/Senior Counsellor, Office of the Assistant Director General

Matthijs GEUZE, conseiller principal au Bureau du sous-directeur général/Senior Counsellor, Office of the Assistant Director General

Marie-Paule RIZO (Mme/Mrs.), chef du Groupe de l'appui juridique et de la liaison inter-offices, Service juridique des systèmes d'enregistrement international/Head, Legal and Inter-Office Support Unit, International Registration Systems Legal Service

William O'REILLY, juriste au Service juridique des systèmes d'enregistrement international/Legal Officer, International Registration Systems Legal Service

Silvia VINCENTI (Mme/Mrs.), juriste au Groupe de l'appui juridique et de la liaison inter-offices, Service juridique des systèmes d'enregistrement international/Legal Officer, Legal and Inter-Office Support Unit, International Registration Systems Legal Service

Hiroshi OKUTOMI, juriste au Groupe de l'appui juridique et de la liaison inter-offices, Service juridique des systèmes d'enregistrement international/Legal Officer, Legal and Inter-Office Support Unit, International Registration Systems Legal Service

Valeriya PLAKHOTNA (Mlle/Miss), stagiaire au Service juridique des systèmes d'enregistrement international/Intern, International Registration Systems Legal Service

[End of Annex III and of document]