

Special Union for the International Deposit of Industrial Designs (Hague Union)

Assembly

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MATTERS CONCERNING THE LEGAL DEVELOPMENT OF THE HAGUE SYSTEM

Document prepared by the International Bureau

I. INTRODUCTION

1. The second session of 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”) was convened from November 5 to 7, 2012. In the meeting, the Working Group discussed, among others, possible amendments to the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as “the Common Regulations”) as well as to the Administrative Instructions for the Application of the Hague Agreement (hereinafter referred to as “the Administrative Instructions”)¹. As recommended by the Working Group, the proposed amendments to the Common Regulations are hereby submitted to the Assembly, for adoption. Moreover, as further recommended by the Working Group, the proposed amendments to the Administrative Instructions are also hereby submitted

¹ The draft report of the meeting of the Working Group is available in document H/LD/WG/2/9 Prov. and the Summary by the Chair is available in document H/LD/WG/2/8 on the WIPO web site at www.wipo.int/meetings/en/details.jsp?meeting_id=25018.

to the Assembly, this with a view to proceeding to the consultation with the Offices of Contracting Parties foreseen under Rule 34(1)(a) of the Common Regulations before any modification to the Administrative Instructions by the Director General. The said amendments to the Common Regulations and the Administrative Instructions are presented in Chapter II of the present document.

2. Furthermore, in Chapter III of the present document amendments updating Rule 8 of the Common Regulations are proposed. The proposed amendments take into account that certain circumstances that were pivotal in the discussions in the Diplomatic Conference for the Adoption of the New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter referred to as “the Diplomatic Conference”) in 1999, have changed since then.

3. For ease of reference, all the proposed amendments are first reproduced in Annexes I and III, in “track changes” mode, i.e., with the text that is proposed to be deleted, struck through, and the text that is proposed to be added, appearing underlined. For additional clarity, the final text of all provisions concerned, as it would result following the amendments, is reproduced in Annexes II and IV.

II. AMENDMENTS TO THE COMMON REGULATIONS AND THE ADMINISTRATIVE INSTRUCTIONS RECOMMENDED BY THE WORKING GROUP

ISSUES RELATING TO THE LEGISLATIVE IMPLICATIONS OF THE INTRODUCTION OF SOME INFORMATION TECHNOLOGY-BASED INNOVATIONS IN THE ADMINISTRATION OF THE HAGUE SYSTEM

New Interface for the Electronic Filing of International Applications and Creation of a Portfolio Manager

4. Since January 2008, it has been possible to file applications for the international registration of industrial designs through an electronic filing (hereinafter referred to as “E-Filing”) interface on the WIPO web site. An improved E-Filing interface, including new features, designed to facilitate the filing of international applications, was made available as of June 3, 2013, on the WIPO web site at: <http://www.wipo.int/hague/en>. One of those features is the creation of user accounts.

5. Users filing international applications through the new E-Filing interface now have access through their user accounts to a personalized environment referred to as the “E-Filing Portfolio Manager”, where an application may be saved, edited and from which data from a stored application may be used as a template.

6. However, the International Bureau also intends to introduce a further tool, the Hague Portfolio Manager (hereinafter referred to as “HPM”), that will expand the features of the current E-Filing Portfolio Manager and allow, in particular, the submission of requests for the recording of modifications. Once introduced, the HPM will thus cover the complete lifespan of international registrations, from filing of the application to expiry.

7. Basing its discussions with regard to the issues relating to the HPM on document H/LD/WG/2/3, the Working Group agreed that there was a need to review the legal framework of the Hague system and, where necessary, to align it with the above-mentioned technological developments in order to prepare the ground for the introduction of this tool.

Proposal to Amend Rule 1(1)(vi)

8. Pursuant to Rule 7(1) of the Common Regulations, the international application shall be presented on the official form. In that respect, it is recalled that according to Section 204(a)(i) of the Administrative Instructions, “communications with the International Bureau, including the presentation of the international application, may take place by electronic means at a time and in a manner and format to be ascertained by the International Bureau, the particulars of which shall be published on the web site of the Organization.”

9. In respect of modifications, Rule 21(1)(a) and (b), provides that requests for their recording shall be presented on the relevant official form. Given that according to Rule 1(1)(vi) of the Common Regulations, “official form” means a form established by the International Bureau or any form having the same contents and format, the Working Group deemed it desirable, in view of the planned introduction of the HPM, to amend that Rule by including a reference to an electronic interface made available by the International Bureau on the WIPO web site.

10. The proposed amendment contained in Annex I to document H/LD/WG/2/3 reads as follows:

Rule 1
Definitions

(1) [*Abbreviated Expressions*] For the purposes of these Regulations,

[...]

(vi) “official form” means a form established by the International Bureau or any form having the same contents and format [or an electronic interface made available by the International Bureau on the web site of the Organization](#);

11. However, so as not to discard the possibility that a Contracting Party, in line with Article 4(1) of the 1999 Act, would allow the indirect filing of international applications through an electronic interface made available on the web site of its Office, it is proposed that the Assembly of the Hague Union adopt the amendments to Rule 1(1)(vi) with a slightly different wording, as follows:

Rule 1
Definitions

(1) [*Abbreviated Expressions*] For the purposes of these Regulations,

[...]

(vi) “official form” means a form established by the International Bureau [or an electronic interface made available by the International Bureau on the web site of the Organization](#), or any form [or electronic interface](#) having the same contents and format;

12. The Assembly of the Hague Union is invited to adopt the amendments to the Common Regulations with respect to Rule 1(1)(vi), as set out in Annex II hereto, with a date of entry into force of January 1, 2014.

Proposal to Add a New Section 205 to the Administrative Instructions and to Amend Section 202 of the Administrative Instructions

13. To log into his user account and accede to the E-filing Portfolio Manager, the applicant uses his user name and password. Following the introduction of the HPM, electronic authentication of any communication through the user account will be carried out by using the said user name and password. In this context, it is recalled that pursuant to Section 202 of the Administrative Instructions, a signature may be replaced as regards the electronic communication by a mode of identification to be determined by the International Bureau.

14. The Working Group deemed it desirable to add a new Section 205 to the Administrative Instructions to address the issue of communications between the International Bureau and the applicant/holder/representative through a user account. Proposed new Section 205 refers to electronic authentication through the use of the account holder's user name and password. Furthermore, proposed new Section 205 makes the indication of an email address mandatory when filing an international application through the E-Filing interface. Although, once the HPM is launched, all communications between the International Bureau and the account holder will take place through the user account, an email alert to the effect that a new communication is available in the account may be programmed.

15. As a consequence of the addition of proposed new Section 205 in the Administrative Instructions, the Working Group deemed it desirable to further amend Section 202 concerning signature and mode of identification, to also refer to communications through the user account referred to in Section 205.

16. The Assembly of the Hague Union is invited to comment on the proposal to amend Section 202 of the Administrative Instructions and to add Section 205 in the Administrative Instructions, as set out in Annex IV hereto, with a date of entry into force of January 1, 2014.

MISCELLANEOUS AMENDMENTS TO THE COMMON REGULATIONS UNDER THE 1999 ACT AND THE 1960 ACT OF THE HAGUE AGREEMENT

17. The Working Group held discussions with regard to the issues relating to the publication of information concerning international registrations and the payment of the publication fee during the deferment period on the basis of document H/LD/WG/2/4. The Working Group considered favorably the submission of a proposal to amend the Common Regulations with respect to Rule 16(3) to (5) and Rule 26(1) to the Assembly of the Hague Union for adoption, as described below.

Proposal to Amend Rule 16(3) to (5)

18. The proposed amendment to Rule 16(3)(a) of the Common Regulations aligns the period for the belated payment of the publication fee in case of a deferment of publication with the three-week time limit under revised Section 601 of the Administrative Instructions, which came into force on January 1, 2012. It appears to be reasonable to allow the holder to make the payment of the publication fee within the same time limits as the filing of a request for the recording of a limitation or renunciation under Section 601. Consequently, the time for sending the unofficial reminder by the International Bureau of the payment of the publication fee, as provided for by Rule 16(3)(b), could be moved to three months before the expiry of the deferment period since this would give enough time for the holder to make the required payment.

19. Furthermore, Rule 16(3)(a) also refers to the rare case where specimens have been submitted instead of reproductions. Given that this possibility never happens in practice, it is proposed that this be dealt with separately under paragraph (4), which already refers to the recording of reproductions submitted during the deferment period. It is further proposed that the said reproductions shall be submitted not later than three months before the expiry of the period for paying the publication fee.

20. As it is a precondition for the recording and publication of reproductions of industrial designs that they conform to requirements concerning quality and format as prescribed, it is proposed that a reference to Rule 9(1) and (2) be added to Rule 16(4).

21. Finally, Rule 16(5) stipulates that if the requirements concerning the payment of the publication fee and submission of the reproductions are not complied with, the international registration will be cancelled. As a consequence of the proposed amendments to paragraphs (3) and (4) of the present rule, in addition to paragraph (3), a reference to paragraph (4) should be added to paragraph (5).

22. The Assembly of the Hague Union is invited to adopt the amendments to the Common Regulations with respect to Rule 16(3) to (5), as set out in Annex II hereto, with a date of entry into force of January 1, 2014.

Proposal to Amend Rule 26(1)

23. Rule 26(1) of the Common Regulations lists recordings of relevant data concerning international registrations, which the International Bureau of WIPO publishes in the *International Designs Bulletin*. When taking an overall view of the legal framework of the Hague system, it appears that the said list is not exhaustive. Since it is in the interest of third parties to be aware of the exact status of the international registrations that they are interested in, the said list should be as complete as possible.

Mergers

24. Where the same person becomes the holder of two or more international registrations resulting from a partial change in ownership, the registrations may be merged at the request of such person. Pursuant to Rule 21(8), the international registration resulting from the merger bears the number of the international registration of which part has been transferred, together, where applicable, with a capital letter.

25. Although as a result of a merger, there is no change with regard to the identity of the owner of the rights deriving from the international registrations in question, it would be in the interest of third parties to have clearer information on the ownership of those rights. Therefore, it is proposed to add mergers to subparagraph (iv) of Rule 26(1).

Declaration that a Change in Ownership Has no Effect and its Withdrawal

26. Rule 21*bis* of the Common Regulations on the refusal of the effects of the recording of a change in ownership in the International Register came into force on January 1, 2012. The said rule established a mechanism to allow the Offices of designated Contracting Parties to refuse the effects of the recording of a change in ownership, where such recording under their national/regional laws is not allowed.

27. Pursuant to Rule 21*bis*(4), the International Bureau records in the International Register a declaration by the Office of a designated Contracting Party that a change in ownership has no effect in the said Contracting Party and modifies the International Register accordingly. The International Bureau notifies both the previous holder (transferor) and the new holder (transferee) of the recording. Furthermore, in accordance with Rule 21*bis*(5), the declaration may be withdrawn, in part or whole. In such a case, the International Bureau records the withdrawal of declaration in the International Register, modifies the International Register and notifies both the previous holder (transferor) and the new holder (transferee) of the recording.

28. It is in the interest of third parties that declarations and their withdrawals under Rule 21*bis* be published. To this end, it is proposed that a new subparagraph (ix) be added to Rule 26(1) referring to declarations under Rule 21*bis* and their withdrawals.

Cancellations Recorder Under Rule 12(3)(d)

29. Rule 12(3) provides that where a Contracting Party has made a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations, that declaration may further specify that the individual designation fee to be paid in respect of the Contracting Party comprises two parts, the first part to be paid at the time of filing the international application and the second part to be paid at a later date, which is determined in accordance with the law of the Contracting Party concerned.

30. In the situation where a declaration under Rule 12(3) has been made, Rule 12(3)(d) further provides that where the second part of the individual designation fee is neither paid to the Office of the designated Contracting Party concerned nor to the International Bureau within the applicable period, the International Bureau shall cancel the international registration with respect to the designated Contracting Party concerned following a request to that effect received from the Office.

31. In accordance with Rule 12(3)(d), such a cancellation shall be notified to the holder of the international registration. However, this cancellation will happen unbeknownst to third parties as it is not published. It is, thus, proposed that, in the interest of third parties' information, cancellations recorded under Rule 12(3)(d) be added to Rule 26(1), as a result of which this particular type of cancellation will also be published².

32. It is proposed to add a new subparagraph (viii) to Rule 26(1) referring to cancellations recorded under Rule 12(3)(d).

33. *The Assembly of the Hague Union is invited to adopt the amendments to the Common Regulations with respect to Rule 26(1), as set out in Annex II hereto, with a date of entry into force of January 1, 2014.*

III. PROPOSAL FOR AMENDMENTS TO RULE 8 OF THE COMMON REGULATIONS

CURRENT LEGAL FRAMEWORK

34. The mandatory contents of an international application made under the 1999 Act, i.e. those elements or information which must be contained in every such international application or accompany it, is stipulated under Article 5(1) of the Act and Rule 7(3) of the Common Regulations.

35. Furthermore, Article 5(2) of the 1999 Act provides for additional mandatory contents which consist of certain elements that may be notified by a Contracting Party and must be included in an international application where that Contracting Party has been designated. Such a declaration under Article 5(2) may only be made by a Contracting Party with an "Examining Office"³ whose law, at the time it becomes party to the 1999 Act, requires the element concerned (identity of the creator; a description; a claim) as a condition for according a filing date. Further additional mandatory contents which may be required under certain circumstances are indicated in Rule 7(4). In particular, subparagraph (c) thereof makes it mandatory for an international application to contain the elements provided under Rule 8 where that Rule applies. Rule 8 takes account of the requirement under certain national laws, whereby the application for registration of an industrial design has to be made in the name of the creator, and its operation is further described below in paragraphs 37 and 38 of the present document.

36. These Rules, as they currently stand in the Common Regulations were simply carried over from the Basic Proposal for Regulations under the New Act of the Hague Agreement Concerning the International Registration of Industrial Designs agreed to at the Diplomatic Conference of 1999. However, since the Diplomatic Conference took place, certain circumstances that were pivotal in the discussions that led to their adoption have changed so that, for Rule 8 to continue to serve its intended purpose, certain amendments to it are necessary, together with consequential amendments to Rule 7(4)(c).

² It is to be noted that, although they are of a different nature, any other type of recorded events negatively affecting partially or totally an international registration is published in accordance with Rule 26(1), namely, "refusals", "invalidations", "renunciations", "limitations", and "international registrations which have not been renewed".

³ Pursuant to Article 1(xvii) "Examining Office" means an Office which *ex officio* examines applications filed with it for the protection of industrial designs at least to determine whether the industrial designs satisfy the condition of novelty.

SPECIAL REQUIREMENTS CONCERNING THE APPLICANT AND THE CREATOR

37. In accordance with Rule 8(1)(a), where the law of a Contracting Party bound by the 1999 Act requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of that fact. Pursuant to Rule 8(1)(b), the declaration shall specify the form and mandatory contents of any statement or document required for purposes of paragraph (2) of that Rule. Furthermore, as prescribed by Rule 7(4)(c), where Rule 8 applies, i.e., where a Contracting Party has made such a declaration and an international application contains the designation of that Contracting Party, the international application shall contain the indications referred to in Rule 8(2), namely the indication of the creator and, where applicable, be accompanied by the statement or document referred to in that Rule.

38. With regard to a declaration under Rule 8(1)(a), the Notes on the Basic Proposal for the Regulations under the New Act of the Hague Agreement Concerning the International Registration of Industrial Designs state that “Such notification must specify the form and mandatory content of the statement (required by paragraph (2)(i)) that the person so identified is in fact the creator of the industrial design; for example, it may specify that it must take the form of an oath or declaration and also what other information it must contain and whether it must be signed. The notification must also indicate the mandatory content of an document or statement that may be required in accordance with paragraph (2)(ii)”⁴.

39. At the time of the Diplomatic Conference, the wording of Rule 8 allowing a Contracting Party to require an oath or declaration according to its domestic law and that this be further supported by the indication of the creator, corresponded, notably, to the situation under the law of the United States of America. The Notes on the Basic Proposal for the Regulations under the New Act of the Hague Agreement Concerning the International Registration of Industrial Designs indicate that “Rule 8 of the Common Regulations takes account of the requirement under certain national laws, notably the law of the United States of America, whereby the application for registration of an industrial design has to be made in the name of the creator”⁵.

40. However, since then, the new law of the United States of America, the Leahy-Smith America Invents Act (hereinafter referred to as “the AIA”), signed on September 16, 2011, moved the United States of America from a “first to invent” system to a “first inventor to file” system, bringing its patent law closer to that of much of the rest of the world. Among other changes to the patent system of the United States of America that took place as a result of the introduction of the new law was a less restrictive approach to who may be an applicant in a patent application in the United States of America. Specifically, prior to the AIA, the inventor was generally required to be the applicant in applications for patents (including design patents). However, as a result of the AIA, assignees or other persons to whom the inventor is under obligation to assign the invention or who have a proprietary interest in the matter, may now be applicants in patent applications.

⁴ Records of the Diplomatic Conference for the Adoption of the New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs, p. 273-274.

⁵ Records of the Diplomatic Conference for the Adoption of the New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs, p. 273.

41. While the United States of America has relaxed its requirement regarding who may be an applicant in a patent application, it has retained its longstanding statutory requirement that the patent application include the name of the inventor of the invention and that the inventor execute an oath or declaration in connection with the application attesting that he or she is in fact the inventor of the claimed invention⁶.

42. From a practical perspective, identification of the inventor is needed to properly perform a substantive examination of the invention including proper evaluation of what may or may not be prior art. The oath or declaration provides validation of the inventorship and also may prevent inventors from being left out or bypassed in the procurement of patent rights.

43. An unintended consequence of the liberalization of the system of the United States of America with respect to filing requirements under the AIA removed the United States of America from being able to properly make a declaration under current Rule 8 as its law no longer requires the application to be "filed in the name of the creator". However, again, the AIA still requires receipt of the oath/declaration, together with the necessary identification of the inventor, before a patent (including a design patent) will be issued and must continue to do so as inventorship is at the core of the examination system of the United States of America.

44. A main goal achieved in the Diplomatic Conference was to permit Contracting Parties with examination systems as well as those with deposit systems to take advantage of the centralized filing and management of the international registrations under the Hague Agreement. Rule 8 is an important mechanism for doing so. Thus, in order to maintain that balance, it is proposed that a new subparagraph (ii) be added to Rule 8(1)(a) to allow a Contracting Party bound by the 1999 Act to make a declaration whereby its national law requires the furnishing of an oath or declaration of the creator, and that this continue to be completed by a provision, in this instance a new paragraph (3), to the effect that in such circumstances the international application would contain the indication of the creator.

45. Furthermore, Rule 8(1)(b) as it currently stands provides that a declaration under Rule 8(1)(a) must specify the contents of the statement or document required. A minor addition is proposed to this provision so as to create an equivalent requirement in respect of a declaration under proposed Rule 8(1)(a)(ii). Finally, following the addition of proposed subparagraph (ii) to Rule 8(1)(a), current Rule 8(1)(a) would become Rule 8(1)(a)(i) and, to the extent that Rule 7(4)(c) reflects the special requirements under Rule 8, consequential changes to Rule 7(4)(c) are also proposed.

46. In the course of the preparatory work for the future accession of the United States of America to the 1999 Act, it has indicated to the International Bureau of WIPO that the United States of America intends to make a declaration under proposed new Rule 8(1)(a)(ii), if adopted by the Hague Union Assembly. As such, proposed new Rules 8(1)(a)(ii), 8(3) and 7(4)(c) will allow the United States of America to rapidly become a member of the Hague Agreement.

⁶ See Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, § 4, 125 Stat. 284, 293-94 (Sep. 16, 2011); 35 U.S.C. § 115(a) (as amended on Sep. 15, 2012), "NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION. – An application for patent shall include, or be amended to include, the name of the inventor for any invention claimed in the application. Except as otherwise provided in this section, each individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application".

47. The Assembly of the Hague Union is invited to adopt the proposed amendments to Rule 8 and the consequential amendments to Rule 7(4)(c), as set out in the Annex II hereto, with a date of entry into force of January 1, 2014.

[Annexes follow]

Rule 1
Definitions

(1) [*Abbreviated Expressions*] For the purposes of these Regulations,

[...]

(vi) “official form” means a form established by the International Bureau or an electronic interface made available by the International Bureau on the web site of the Organization, or any form or electronic interface having the same contents and format;

[...]

Rule 7
Requirements Concerning the International Application

[...]

(4) [*Additional Mandatory Contents of an International Application*] (a) With respect to Contracting Parties designated under the 1999 Act in an international application, that application shall contain, in addition to the indications referred to in paragraph (3)(iii), the indication of the applicant’s Contracting Party.

(b) Where a Contracting Party designated under the 1999 Act has notified the Director General, in accordance with Article 5(2)(a) of the 1999 Act, that its law requires one or more of the elements referred to in Article 5(2)(b) of the 1999 Act, the international application shall contain such element or elements, as prescribed in Rule 11.

(c) Where Rule 8 applies, the international application shall, as applicable, contain the indications referred to in paragraphs -Rule 8(2) or (3) thereof and, ~~where applicable,~~ be accompanied by ~~the~~ any relevant statement, ~~or~~ document, oath or declaration referred to in that Rule.

[...]

Rule 8
Special Requirements Concerning the Applicant and the Creator

(1) [*Notification of Special Requirements Concerning the Applicant and the Creator*] (a)(i) Where the law of a Contracting Party bound by the 1999 Act requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of that fact;

(ii) Where the law of a Contracting Party bound by the 1999 Act requires the furnishing of an oath or declaration of the creator, that Contracting Party may, in a declaration, notify the Director General of that fact.

(b) The declaration referred to in subparagraph (a)(i) shall specify the form and mandatory contents of any statement or document required for the purposes of paragraph (2). The declaration referred to in subparagraph (a)(ii) shall specify the form and mandatory contents of the oath or declaration required.

(2) [*Identity of the Creator and Assignment of International Application*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1)(a)(i),

(i) it shall also contain indications concerning the identity of the creator of the industrial design, together with a statement, complying with the requirements specified in accordance with paragraph (1)(b), that the latter believes himself to be the creator of the industrial design; the person so identified as the creator shall be deemed to be the applicant for the purposes of the designation of that Contracting Party, irrespective of the person named as the applicant in accordance with Rule 7(3)(i);

(ii) where the person identified as the creator is a person other than the person named as the applicant in accordance with Rule 7(3)(i), the international application shall be accompanied by a statement or document, complying with the requirements specified in accordance with paragraph (1)(b), to the effect that it has been assigned by the person identified as the creator to the person named as the applicant. The latter person shall be recorded as the holder of the international registration.

(3) [*Identity of the Creator and Oath or Declaration of the Creator*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1)(a)(ii) it shall also contain indications concerning the identity of the creator of the industrial design.

[...]

Rule 16
Deferment of Publication

[...]

(3) [~~*Period for Paying Publication Fee and Submitting Reproductions*~~] (a) The publication fee referred to in Rule 12(1)(a)(iv) shall be paid, ~~and, where specimens have been submitted instead of reproductions in accordance with Rule 10, those reproductions shall be submitted,~~ not later than three ~~weeks~~ months before the period of deferment applicable under Article 11(2) of the 1999 Act or under Article 6(4)(a) of the 1960 Act expires or not later than three ~~weeks~~ months before the period of deferment is considered to have expired in accordance with Article 11(4)(a) of the 1999 Act or with Article 6(4)(b) of the 1960 Act.

(b) ~~Three~~ Six months before the expiry of the period of deferment of publication referred to in subparagraph (a), the International Bureau shall, by sending an unofficial notice, remind the holder of the international registration, where applicable, of the date by which the publication fee referred to in subparagraph (a) shall be paid ~~and the reproductions referred to in paragraph (3) shall be submitted.~~

(4) [*Period for Submitting Reproductions and Registration of Reproductions*] (a) Where specimens have been submitted instead of reproductions in accordance with Rule 10, those reproductions shall be submitted, not later than three months before the expiry of the period for paying the publication fee set under paragraph (3)(a).

(b) The International Bureau shall record in the International Register any reproduction submitted under subparagraph (a), provided that the requirements under Rule 9(1) and (2) are complied with.

(5) [*Requirements Not Complied With*] If the requirements of paragraphs (3) and (4) are not complied with, the international registration shall be canceled and shall not be published.

[...]

Rule 26
Publication

- (1) [*Information Concerning International Registrations*] The International Bureau shall publish in the Bulletin relevant data concerning
- (i) international registrations, in accordance with Rule 17;
 - (ii) refusals, with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal, and other communications recorded under Rules 18(5) and 18*bis*(3);
 - (iii) invalidations recorded under Rule 20(2);
 - (iv) changes in ownership and mergers, changes of name or address of the holder, renunciations and limitations recorded under Rule 21;
 - (v) corrections effected under Rule 22;
 - (vi) renewals recorded under Rule 25(1);
 - (vii) international registrations which have not been renewed;-
 - (viii) cancellations recorded under Rule 12(3)(d);
 - (ix) declarations that a change in ownership has no effect and withdrawals of such declarations recorded under Rule 21*bis*.

[...]

[Annex II follows]

Rule 1
Definitions

(1) [*Abbreviated Expressions*] For the purposes of these Regulations,

[...]

(vi) “official form” means a form established by the International Bureau or an electronic interface made available by the International Bureau on the web site of the Organization, or any form or electronic interface having the same contents and format;

[...]

Rule 7
Requirements Concerning the International Application

[...]

(4) [*Additional Mandatory Contents of an International Application*] (a) With respect to Contracting Parties designated under the 1999 Act in an international application, that application shall contain, in addition to the indications referred to in paragraph (3)(iii), the indication of the applicant’s Contracting Party.

(b) Where a Contracting Party designated under the 1999 Act has notified the Director General, in accordance with Article 5(2)(a) of the 1999 Act, that its law requires one or more of the elements referred to in Article 5(2)(b) of the 1999 Act, the international application shall contain such element or elements, as prescribed in Rule 11.

(c) Where Rule 8 applies, the international application shall, as applicable, contain the indications referred to in paragraphs (2) or (3) thereof and be accompanied by any relevant statement, document, oath or declaration referred to in that Rule.

[...]

Rule 8
Special Requirements Concerning the Applicant and the Creator

(1) [*Notification of Special Requirements Concerning the Applicant and the Creator*] (a)(i) Where the law of a Contracting Party bound by the 1999 Act requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of that fact;

(ii) Where the law of a Contracting Party bound by the 1999 Act requires the furnishing of an oath or declaration of the creator, that Contracting Party may, in a declaration, notify the Director General of that fact.

(b) The declaration referred to in subparagraph (a)(i) shall specify the form and mandatory contents of any statement or document required for the purposes of paragraph (2). The declaration referred to in subparagraph (a)(ii) shall specify the form and mandatory contents of the oath or declaration required.

(2) [*Identity of the Creator and Assignment of International Application*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1)(a)(i),

(i) it shall also contain indications concerning the identity of the creator of the industrial design, together with a statement, complying with the requirements specified in accordance with paragraph (1)(b), that the latter believes himself to be the creator of the industrial design; the person so identified as the creator shall be deemed to be the applicant for the purposes of the designation of that Contracting Party, irrespective of the person named as the applicant in accordance with Rule 7(3)(i);

(ii) where the person identified as the creator is a person other than the person named as the applicant in accordance with Rule 7(3)(i), the international application shall be accompanied by a statement or document, complying with the requirements specified in accordance with paragraph (1)(b), to the effect that it has been assigned by the person identified as the creator to the person named as the applicant. The latter person shall be recorded as the holder of the international registration.

(3) [*Identity of the Creator and Oath or Declaration of the Creator*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1)(a)(ii) it shall also contain indications concerning the identity of the creator of the industrial design.

[...]

Rule 16
Deferment of Publication

[...]

(3) [*Period for Paying Publication Fee*] (a) The publication fee referred to in Rule 12(1)(a)(iv) shall be paid not later than three weeks before the period of deferment applicable under Article 11(2) of the 1999 Act or under Article 6(4)(a) of the 1960 Act expires or not later than three weeks before the period of deferment is considered to have expired in accordance with Article 11(4)(a) of the 1999 Act or with Article 6(4)(b) of the 1960 Act.

(b) Three months before the expiry of the period of deferment of publication referred to in subparagraph (a), the International Bureau shall, by sending an unofficial notice, remind the holder of the international registration, where applicable, of the date by which the publication fee referred to in subparagraph (a) shall be paid.

(4) [*Period for Submitting Reproductions and Registration of Reproductions*] (a) Where specimens have been submitted instead of reproductions in accordance with Rule 10, those reproductions shall be submitted, not later than three months before the expiry of the period for paying the publication fee set under paragraph (3)(a).

(b) The International Bureau shall record in the International Register any reproduction submitted under subparagraph (a), provided that the requirements under Rule 9(1) and (2) are complied with.

(5) [*Requirements Not Complied With*] If the requirements of paragraphs (3) and (4) are not complied with, the international registration shall be canceled and shall not be published.

[...]

Rule 26
Publication

- (1) [*Information Concerning International Registrations*] The International Bureau shall publish in the Bulletin relevant data concerning
- (i) international registrations, in accordance with Rule 17;
 - (ii) refusals, with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal, and other communications recorded under Rules 18(5) and 18*bis*(3);
 - (iii) invalidations recorded under Rule 20(2);
 - (iv) changes in ownership and mergers, changes of name or address of the holder, renunciations and limitations recorded under Rule 21;
 - (v) corrections effected under Rule 22;
 - (vi) renewals recorded under Rule 25(1);
 - (vii) international registrations which have not been renewed;
 - (viii) cancellations recorded under Rule 12(3)(d);
 - (ix) declarations that a change in ownership has no effect and withdrawals of such declarations recorded under Rule 21*bis*.

[...]

[Annex III follows]

Section 202: Signature

A signature shall be hand written, printed or stamped; it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 204(a)(i) or (ii) [or communications through a user account referred to in Section 205](#), by a mode of identification to be determined by the International Bureau or agreed upon between the International Bureau and the Office concerned, as the case may be.

[...]

[Section 205: Communications Through User Accounts](#) [Available on the Web Site of the Organization](#)

[\(a\) A user account may be established by an interested party, who has agreed to the "Terms and Conditions of Use", issued by the International Bureau. Communications through the user account shall be authenticated through the use of the account holder's user name and password.](#)

[\(b\) An international application or other request as specified in the "Terms and Conditions of Use", may be submitted through an electronic interface made available by the International Bureau on the web site of the Organization and shall indicate an email address.](#)

[\(c\) The International Bureau may transmit communications to the holder of the account through the user account.](#)

[...]

[Annex IV follows]

Section 202: Signature

A signature shall be hand written, printed or stamped; it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 204(a)(i) or (ii) or communications through a user account referred to in Section 205, by a mode of identification to be determined by the International Bureau or agreed upon between the International Bureau and the Office concerned, as the case may be.

[...]

Section 205: Communications Through User Accounts Available on the Web Site of the Organization

(a) A user account may be established by an interested party, who has agreed to the "Terms and Conditions of Use", issued by the International Bureau. Communications through the user account shall be authenticated through the use of the account holder's user name and password.

(b) An international application or other request as specified in the "Terms and Conditions of Use", may be submitted through an electronic interface made available by the International Bureau on the web site of the Organization and shall indicate an email address.

(c) The International Bureau may transmit communications to the holder of the account through the user account.

[...]

[End of Annex IV and of document]