

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

**Seventh Session**  
**Geneva, July 16 to 18, 2018**

### **SUMMARY BY THE CHAIR**

*approved by the Working Group*

1. 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”) met in Geneva from July 16 to July 18, 2018.
2. The following members of the Hague Union were represented at the session: African Intellectual Property Organization (OAPI), Armenia, Belize, Croatia, Denmark, European Union, Finland, France, Germany, Georgia, Greece, Hungary, Italy, Japan, Lithuania, Morocco, Norway, Poland, Republic of Korea, Romania, Russian Federation, Serbia, Singapore, Spain, Switzerland, Syrian Arab Republic, Tajikistan, The former Yugoslav Republic of Macedonia, United Kingdom, United States of America (30).
3. The following States were represented as observers: Algeria, Belarus, Burundi, Canada, China, Comoros, Czech Republic, Djibouti, Honduras, Indonesia, Israel, Jordan, Kazakhstan, Liberia, Madagascar, Mexico, Nigeria, South Africa, Sudan, Thailand, Viet Nam, Zambia (22).
4. Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: Eurasian Patent Organization (EAPO) (1).
5. Representatives of the following non-governmental organizations (NGOs) took part in the session in an observer capacity: American Intellectual Property Law Association (AIPLA), European Communities Trade Mark Association (ECTA), International Trademark Association (INTA), Japan Patent Attorneys Association (JPAA), MARQUES – Association of European Trademark Owners (5).

**AGENDA ITEM 1: OPENING OF THE SESSION**

6. Mr. Francis Gurry, Director General of the World Intellectual Property Organization (WIPO), opened the seventh session of the Working Group and welcomed the participants.

**AGENDA ITEM 2: ELECTION OF THE CHAIR AND TWO VICE-CHAIRS**

7. Ms. Marie Kraus (Switzerland) was unanimously elected as Chair of the Working Group, Ms. Sohn Eunmi (Republic of Korea) and Mr. David R. Gerk (United States of America) were unanimously elected as Vice-Chairs.

8. Mr. Hiroshi Okutomi (WIPO) acted as Secretary to the Working Group.

**AGENDA ITEM 3: ADOPTION OF THE AGENDA**

9. The Working Group adopted the draft agenda (document H/LD/WG/7/1 Prov.3) without modification.

**AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE SIXTH SESSION OF THE WORKING GROUP ON THE LEGAL DEVELOPMENT OF THE HAGUE SYSTEM FOR THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

10. Discussions were based on document H/LD/WG/6/7 Prov.

11. The Working Group adopted the draft report (document H/LD/WG/6/7 Prov.) without modification.

**AGENDA ITEM 5: PROPOSAL FOR AMENDMENTS TO RULE 3 OF THE COMMON REGULATIONS**

12. Discussions were based on document H/LD/WG/7/2.

13. Taking into consideration different views expressed by the delegations and representatives, the Secretariat made a revised proposal to amend Rule 3.

14. The Chair concluded that the Working Group considered favorably the submission of a proposal to amend the Common Regulations with respect to Rule 3(2)(a) and (4)(a), with minor amendments, as set out in the Annex to the Summary by the Chair, for adoption, to the Assembly of the Hague Union, with the proposed date of entry into force of January 1, 2019.

**AGENDA ITEM 6: PROPOSAL FOR AMENDMENTS TO THE ADMINISTRATIVE INSTRUCTIONS**

15. Discussions were based on document H/LD/WG/7/3.

16. The Chair concluded that the Working Group considered it desirable to amend Sections 203 and 801 of the Administrative Instructions, as set out in the Annex to document H/LD/WG/7/3, with a date of entry into force of January 1, 2019.

#### **AGENDA ITEM 7: ISSUES SURROUNDING THE PUBLIC AVAILABILITY OF NOTIFICATIONS OF REFUSAL**

17. Discussions were based on document H/LD/WG/7/4.
18. The Chair concluded that the majority of delegations were in favor of maintaining the current practice regarding the public availability of notifications of refusal.
19. The Chair invited delegations and representatives to submit to the International Bureau any useful information on this matter.

#### **AGENDA ITEM 8: CONSIDERATIONS RELATING TO A POSSIBLE EXPANSION OF THE LANGUAGE REGIME**

20. The Delegation of the Russian Federation introduced document H/LD/WG/7/5.
21. The Working Group requested the Secretariat to prepare a detailed analysis describing models and their implications for a possible expansion of the language regime of the Hague System, to be discussed at the next session of the Working Group.

#### **AGENDA ITEM 9: OTHER MATTERS**

22. Discussions were based on document H/LD/WG/7/6.
23. The Chair concluded that the Working Group took note of the content of the document.
24. Discussions were based on document H/LD/WG/7/7.
25. The Chair concluded that the Working Group took note of the content of the document.
26. Discussions were based on document H/LD/WG/7/8.
27. The Chair concluded that the Working Group took note of the content of the document.
28. Discussions were based on document H/LD/WG/7/9, introduced by the Delegation of the United States of America.
29. The Chair noted that it was too early to have an in-depth discussion.

#### **AGENDA ITEM 10: SUMMARY BY THE CHAIR**

30. The Working Group approved the Summary by the Chair, as amended to take into account the interventions made in respect of item 8.

**AGENDA ITEM 11: CLOSING OF THE SESSION**

31. The Chair closed the seventh session on July 18, 2018.

[Annex follows]

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

(as in force on January 1, 2019)

[...]

*Rule 3*

*Representation Before the International Bureau*

[...]

(2) [*Appointment of the Representative*] (a) The appointment of a representative may be made in the international application, ~~provided that the application is signed by the applicant.~~ The naming of the representative in the international application at the time of filing shall constitute an appointment by the applicant of such representative.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder.

(c) Where the International Bureau considers that the appointment of a representative is irregular, it shall notify accordingly the applicant or holder and the purported representative.

[...]

(4) [*Effect of Appointment of a Representative*] (a) ~~Except where these Regulations expressly provide otherwise,~~ the signature of a representative recorded under paragraph (3)(a) shall replace the signature of the applicant or holder.

(b) Except where these Regulations expressly require that a communication be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (3)(a) any communication which, in the absence of a representative, would have to be sent to the applicant or holder; any communication so addressed to the said representative shall have the same effect as if it had been addressed to the applicant or holder.

(c) Any communication addressed to the International Bureau by the representative recorded under paragraph (3)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

[...]

[End of Annex and of document]