

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

PUBLICATION OF THE INTERNATIONAL DESIGNS BULLETIN THROUGH THE GLOBAL DESIGN DATABASE

Document prepared by the International Bureau

I. SUMMARY

1. Under the Hague System, the International Bureau “publishes” international registrations and other relevant data in the *International Designs Bulletin* (hereinafter referred to as the “Bulletin”), pursuant to Rule 26 of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as the “Common Regulations”)¹.
2. This document presents plans to proceed to the publication of the Bulletin through the Global Design Database with a view to streamlining the dissemination of data concerning international registrations under the Hague System².

II. CURRENT INTERFACES

3. There are three types of interfaces currently available on the website of the World Intellectual Property Organization (WIPO) that provide data containing international registrations under the Hague System: the Bulletin, Hague Express and the Global Design Database.

¹ The Bulletin is available at: <http://www.wipo.int/haguebulletin/?locale=en>

² The Global Design Database is available at: <http://www.wipo.int/designdb/en/index.jsp>.

BULLETIN

4. Article 10(3)(a) of the 1999 Act provides that “the international registration shall be published by the International Bureau. Such publication shall be deemed in all Contracting Parties to be sufficient publicity, and no other publicity may be required of the holder”. Article 6(3)(a) of the 1960 Act provides that “for each international deposit, the International Bureau shall publish in a periodical bulletin....”.

5. Furthermore, Rule 26(3) provides that “the publication of each issue of the Bulletin shall be deemed to replace the sending of the Bulletin referred to in Article 10(3)(b) and 16(4) of the 1999 Act and Article 6(3)(b) of the 1960 Act, and, for the purposes of Article 8(2) of the 1960 Act, each issue of the Bulletin shall be deemed to have been received by each Office concerned on the date of its publication on the website of the Organization”.

6. Thus, the Bulletin fulfills two crucial functions which are both legal and practical; the former is for *publicity* of international registrations and other relevant recordings in designated Contracting Parties, while the latter is the *notification* of international registrations and other relevant recordings to their Offices. The Bulletin is currently published on the WIPO website on a weekly basis. Its raw data (XML) is also available for use by Offices in their own IT system.

HAGUE EXPRESS

7. Hague Express has been available on the WIPO website since February 2001³ and is updated weekly. It is a search tool that allows a retrieval of both the current status of an international registration and all its historical entries. Its interface has technically been supported by the Global Design Database since the launch of the latter.

GLOBAL DESIGN DATABASE

8. The Global Design Database has been available on the WIPO website since January 2015. Its interface allows simultaneous search across international registrations recorded under the Hague System and industrial designs registrations or patents issued under national or regional systems.

9. At the time of writing this document, such national design data includes that from Canada, France, Indonesia, Japan, Jordan, Mongolia, New Zealand, Spain and the United States of America. It covers over 2.9 million national and international design registrations or design patents, and continues to expand⁴.

III. PLAN

OBJECTIVE AND OUTLINE

10. The Bulletin is the official publication of international registrations and other relevant data recorded under the Hague System. However, each individual issue of the Bulletin is in fact a stand-alone product, meaning that each transaction (*i.e.*, international registration, refusal, renewal) published in a given issue does not appear in, and cannot be searched from any other issue.

³ Hague Express is available at: <http://www.wipo.int/designdb/hague/en/>.

⁴ The national design data will soon be extended to Georgia, Germany, the European Union Intellectual Property Office (EUIPO) and Tunisia.

11. On the other hand, both Hague Express and the Global Design Database are powerful search tools, containing “current status” that presents an up-to-date summary of the international registration, and “history” that lists and shows in detail all the transactions published in the Bulletin. Hague Express and the Global Design Database actually share the same platform and data set. Thus, the latter incorporates entirely the former. Hague Express is simply a dedicated interface to exclusively access data concerning international registrations under the Hague System.

12. In a bid to enhance utility of the information published in the Bulletin, and streamline the database available on the WIPO website concerning industrial designs, it is planned to combine these three data dissemination products into one – the Global Design Database. Accordingly, international registrations and other relevant recordings will be “published” through the Global Design Database⁵.

13. Concretely, according to the current plan, searching by Bulletin number will be made available through a dedicated “Search By” tab within the Global Design Database interface⁶. Equally, browsing a Bulletin by Transaction Type will be made available through a dedicated “Filter By” tab within the same interface.

PRACTICAL IMPACT AND BENEFIT

14. For those Offices which consult the Bulletin via the interface available on the WIPO website, in particular, for the purpose of substantive examination, the search functionalities criteria and features that currently exist will be carried over. In addition, the search functionalities that exist for the Global Design Database will enrich the capabilities of the Bulletin.

15. For example, at present, the Bulletin only allows to search for an international registration issue by issue and chapter by chapter. It does not allow a search for an international registration across multiple issues of the Bulletin or through the multiple chapters of a given issue. This will become possible on the Global Design Database.

16. Offices that incorporate data published in the Bulletin by downloading from the International Bureau’s SFTP (secured file transfer protocol) server – data dissemination via XML – will not be impacted. The schedule of update, currently every Friday at noon Geneva time, will not be impacted either.

IV. CONSIDERATIONS

17. The term “Bulletin” does not appear in the 1999 Act, while Articles 6(3), 8(2) and 17 of the 1960 Act refer simply to the publication of a “periodical bulletin”. However, Rule 1(1)(ix) of the Common Regulations provides that ““Bulletin” means the periodical bulletin in which the International Bureau effects the publications provided for in the 1999 Act, the 1960 Act or these Regulations, whatever the medium used”. The term “Bulletin” appears in Rules 1(1), 6(2), 17(2) and 26(1) and (3) of the Common Regulations.

⁵ The background and objective are similar to the precedence under the PCT System. The legal publication of international applications has been on the PATENTSCOPE database since April 2006. Refer to the PCT Newsletter Nos. 03/2006 and 01/2008. The PATENTSCOPE database is available at: <http://www.wipo.int/patentscope/en/>.

⁶ As in the PATENTSCOPE database where published international applications under the PCT are accessible through the “Browse by Week (PCT)” tab.

18. The same wording as that of Rule 1(1)(ix) – minus the reference to the 1960 Act – appeared in Rule 1(2)(vi) of the Draft Regulations Under the New Act of the Hague Agreement Concerning the International Registration of Industrial Designs, submitted to the Diplomatic Conference for the Adoption of a New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs (Geneva Act) held from June 16 to July 6, 1999⁷.

19. The notes to proposed Rule 1 explain that the wording is based on that of Section 101(xii) of the Administrative Instructions, as in force on January 1, 1999. It covers the possibility of an electronic publication of the Bulletin as well as of any other form of publication that may result from the development of new technologies⁸. Accordingly, international registrations have been published on the WIPO website since April 2004, at the same time the 1999 Act and the Common Regulations came into operation⁹.

20. The planned electronic publication of the Bulletin through the Global Design Database would remain in accordance with the definition provided in Rule 1(1)(ix).

21. Furthermore, the publication of international registrations and other relevant recordings by the International Bureau have legal implications in each designated Contracting Party in terms of Articles 10(3), 12(2), 14(1) and (2), 16(4) and 17(5) of the 1999 Act and Articles 6(3), 8(1) and (2), 10(5), 12(1) and 13(2) of the 1960 Act relating to the effects of an international registration, its refusal, and the effects of the recording of a change and renewal in the International Register.

22. Against this background, it is likely that the legislation of some Contracting Parties for the implementation of the 1999 Act and/or 1960 Act refer specifically to the term “Bulletin”. Thus, keeping the term “Bulletin” would be desirable, and therefore it is not proposed to delete or amend this term in the Common Regulations.

IV. NEXT STEPS

23. At the time of writing this document, these plans are under technical review to estimate the effort. The switch over is expected to take place during the course of 2018/2019. A public notice on the WIPO website will inform the users and Offices when the Bulletin will exclusively be available through the Global Design Database.

24. *The Working Group is invited to note the content of the present document.*

[End of document]

⁷ Refer to document H/DC/4.

⁸ Refer to document H/DC/6, R1.02.

⁹ Prior to that, in March 1999, the paper publication of the Bulletin was replaced by CD-ROM, with respect to industrial designs registered under the 1960 Act. The CD-ROM edition also covered industrial designs registered under the 1934 Act from issue No. 1/2001, as a result of which the paper publication was ended in February 2002.