




WIPO | HAGUE

The International
Design System



Roundtable on refusals

Seminar on the Hague System: Insights into Refusals and New Developments, Opportunities

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High-level overview of the Hague System

- Filing
- Examination
- Registration
- Publication
- Communication to Designated Contracting Parties
- Transmission of refusal (where applicable)
- Recordal of statement of grant of protection (where applicable)
- Centralized management (renewals, changes, corrections)

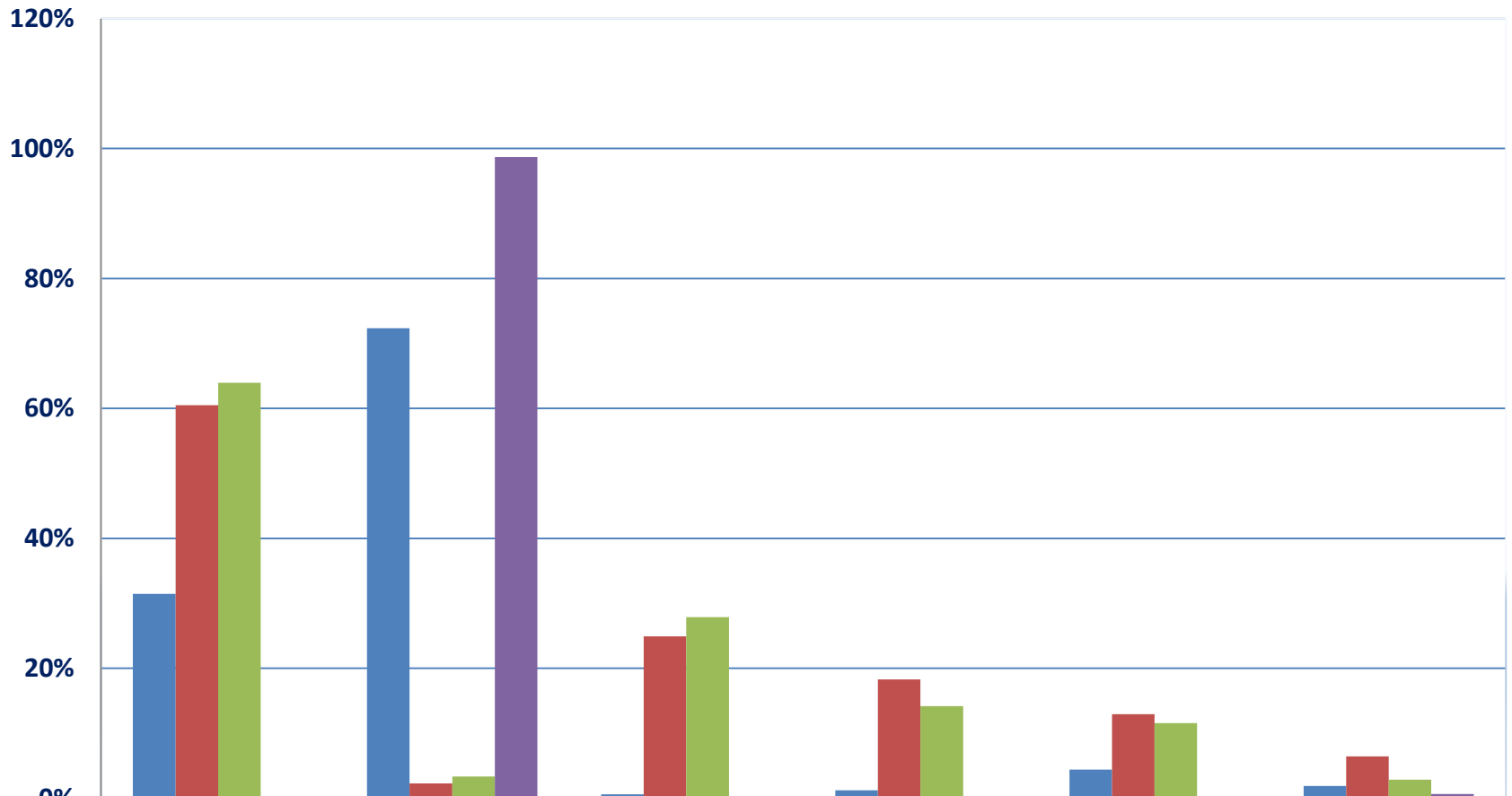
The refusal procedure (1)

- Designated Contracting Parties have 6 months from the international publication date to issue a refusal
- Contracting Parties which have made a Rule 18(1)(b) declaration can extend this period to 12 months
 - Applies to contracting parties which have an opposition procedure or substantive examination
- Communication of the first refusal is made by the International Bureau
 - Formality check by the International Bureau (international registration number, grounds, time limit)

The refusal procedure (2)

- Refusal is recorded in the file of the international registration
- If refusal is overcome, the Designated Contracting Party is to issue a Statement of Grant of Protection

USPTO, JPO, KIPO & ROSPATENT Refusal Grounds per Designs, up to December 31, 2018



	Insufficient disclosure	Unity of Design	Conflict Appl/Reg	Lack of Novelty	Ambiguous Product Designation	Definition of Design
■ USPTO	31.44%	72.33%	0.58%	1.24%	4.38%	1.90%
■ JPO	60.48%	2.29%	24.91%	18.29%	12.93%	6.42%
■ KIPO	63.95%	3.33%	27.87%	14.18%	11.59%	2.85%
■ ROSPATENT	0.00%	98.70%	0.00%	0.13%	0.00%	0.65%

Source: Internal WIPO statistics

Unity of design

- Assessment by concerned designated Contracting Parties
- Criteria
 - Degree of visual correspondence
 - Color?

Sufficiency of disclosure

- Number of views
- Text in the description
- Surface shading, contour lines in reproductions
- Textual and graphical disclaimers (color, dotted lines)
- Legends

Presentations by the USPTO, ROSPATENT, JPO, KIPO

- Typical refusal grounds
- Percentage of cases where refusal is issued
- Examples of cases
- Mixing of reproduction styles
- Special disclosure views (enlarged view, cross-sectional view, exploded view, reference views)
- Tips for users
- Questions for offices