

USER`S EXPERIENCES OF THE HAGUE SYSTEM

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EXPERIENCES – FIRST PART

1998 NOKIA CORPORATION

- Finnish company
- Global markets
- Designs played an important role in Nokia`s success
- Nokia invested on new designs, the number of designs and products started to grow quickly
- Large number of infringement issues – changeable covers, batteries, other accessories



EXPERIENCES – FIRST PART

- Actions needed against piracymakers and copycats – design protection was the most effective way to fight against them
- But how to get an enforceable design registration especially for the big markets in Europe fast and cost-effectively?
- At that time e.g. Italy was a problematic country, the applications were stack at the PTO of Italy and no actions could be made without registrations

EXPERIENCES – FIRST PART

-Hague System existed, however Finland was not a member of the Hague System

-Community Design Regulation was under preparation, however not in force yet

-Research:

Could we use the Hague System even Finland was not a member of it?

EXPERIENCES – FIRST PART

- Real and effective industrial/commercial establishment?
- Any other possibilities?
Nokia GmbH, German company

Final result:

-We started to file international design registration applications through WIPO by ourselves in the name of Nokia GmbH

EXPERIENCES – FIRST PART

- Very cost-effective registrations covering the most important market areas in Europe (e.g. Germany, France, Italy)
- Registration decisions were received fast
- International registrations were easy to use and enforce in practice
- No problems with the Hague system at all because the countries which we designated did not have substantial examinations and multiple registrations were accepted in those countries

Hague system – success for Nokia`s design protection!



EXPERIENCES – FIRST PART

NEW WAY TO GET PROTECTION FOR IMPORTANT MARKET AREAS IN EUROPE FROM 1 APRIL 2003:

- **A Registered Community design** (OHIM, nowadays EUIPO) became available – one application covering all the European Union member countries
- **Unitary character** – some doubts, if the registration is nullified in one EU-member country, there will be no registrations left in the other EU-countries



EXPERIENCES – FIRST PART

-We started to file community design registration applications, however continued to file international design registration applications through Hague System in the most important countries to be on the safe side

EXPERIENCES – SECOND PART

2007 PAPULA-NEVINPAT

- Patent, trademark and design agency, founded in Helsinki, Finland, in 1975 by Mr Antti Papula
- Head office located in Helsinki, other offices in Russia, Ukraine, Belarus, Uzbekistan, Kazakhstan
- More than 150 IP experts serving clients worldwide

EXPERIENCES – SECOND PART

- Hague System available for Finnish companies and applicants
 - European Union joined the Hague System 2008
 - Finland joined the Hague System 2011
- For clients seeking protection only in the EU: RCD or international registration designating EU
- RCD in a couple of days covering the whole European Union area consisting of 28 EU-member countries
- Hague System: e.g. if protection needed in Norway and Switzerland, outside Europe

EXPERIENCES – SECOND PART

- US, Japan and Korea became members of the Hague System 2015 and 2014
- Designating US not so easy in comparison with EU: US kept its own special requirements; oath by creator; claim; unity of design

EXPERIENCES – THIRD PART

RUSSIA BECAME MEMBER OF THE HAGUE SYSTEM 2018

- Some of our foreign clients started to file international design registration applications by themselves and designating Russia
- Also some big Chinese companies even China is not a member of the Hague System by using the backdoor - "real and effective industrial/commercial establishment"

EXPERIENCES:



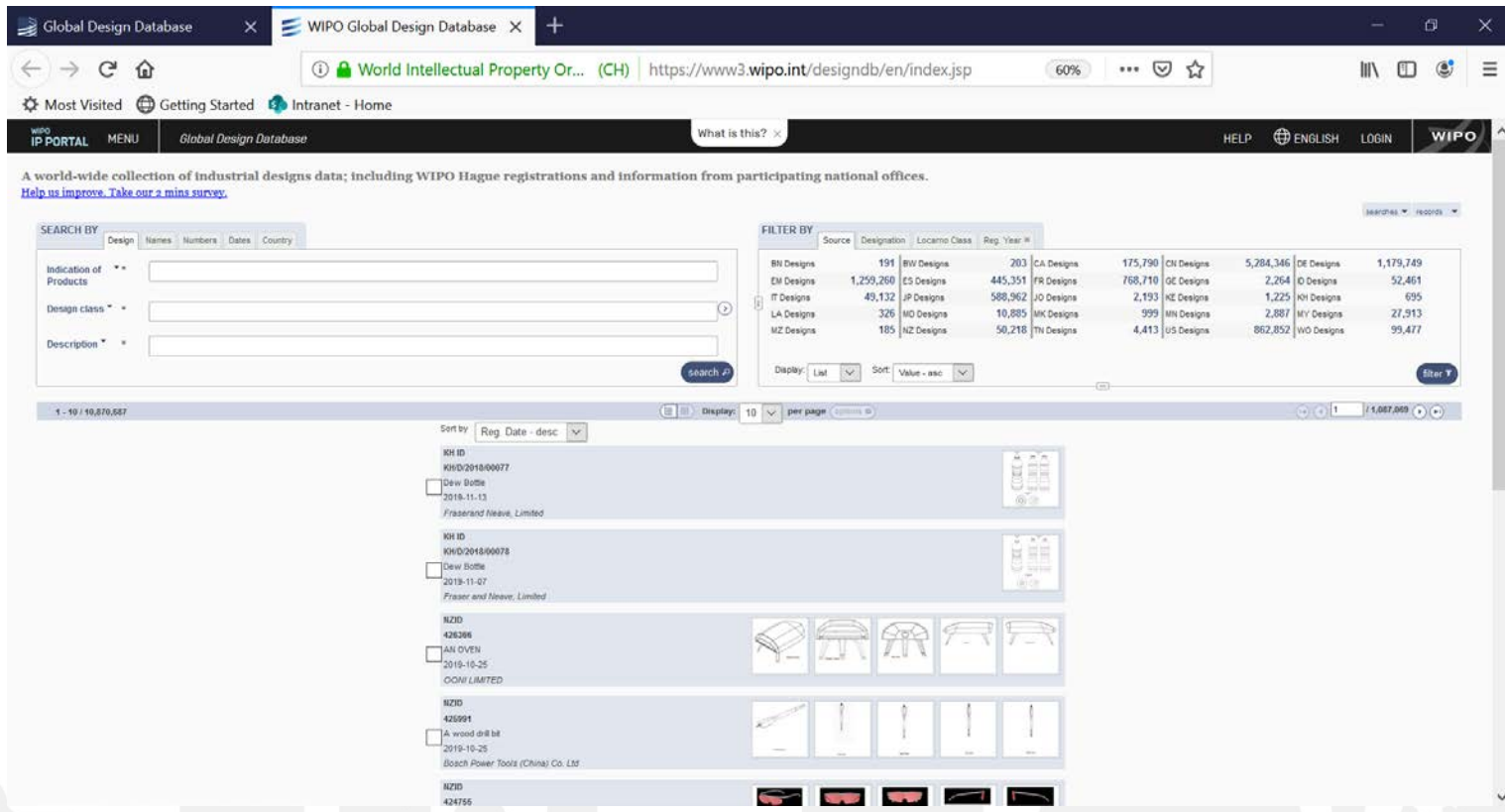
- Several orders from clients to file priority documents on behalf of them to ROSPATENT; no local attorney is required

EXPERIENCES – THIRD PART

-Clients have received notifications from RO SPATENT – the main ground for refusal - UNITARY CHARACTER, we have filed responses on behalf of them

EXPERIENCES – WIPO’S DATABASES

Global Design Database – will replace Hague Express?



The screenshot displays the WIPO Global Design Database interface. At the top, there is a navigation bar with 'WIPO IP PORTAL', 'MENU', and 'Global Design Database'. Below this is a search bar and a 'SEARCH BY' section with fields for 'Indication of Products', 'Design class', and 'Description'. To the right, a 'FILTER BY' section shows a table of design statistics by country.

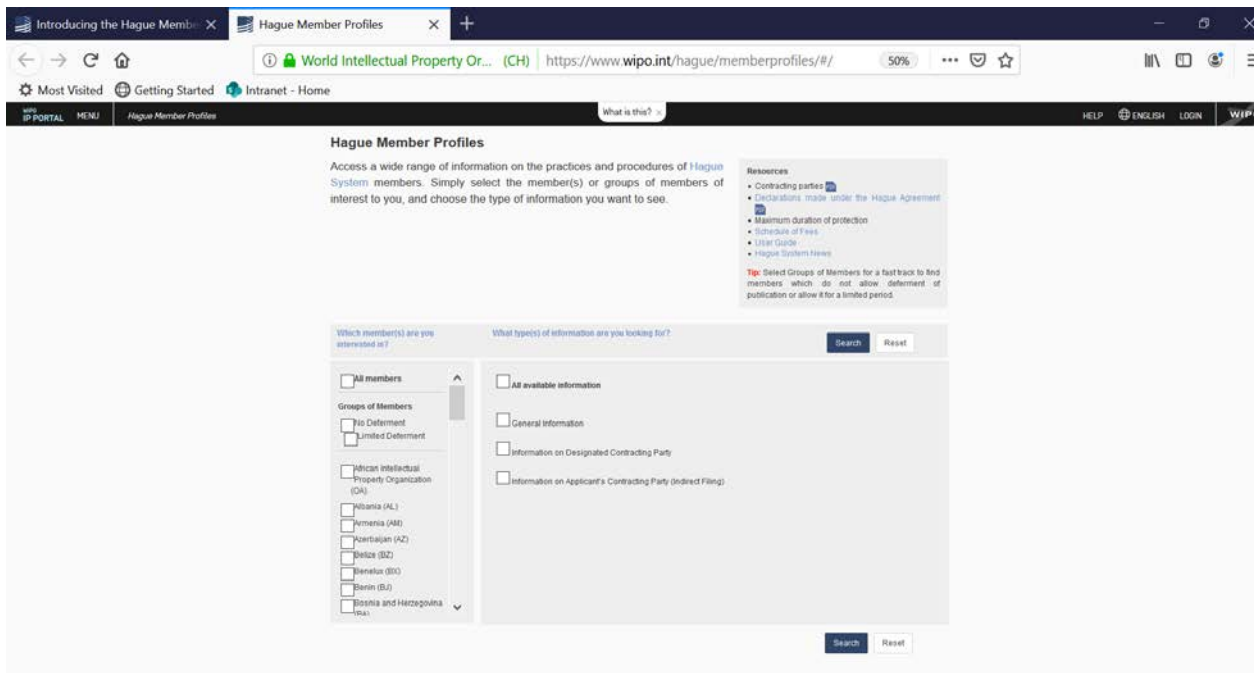
Source	Designation	Locarno Class	Reg. Year #
BN Designs	191	BW Designs	203
EM Designs	1,259,260	ES Designs	445,351
IT Designs	49,132	JP Designs	588,962
LA Designs	326	MD Designs	10,885
MZ Designs	185	NZ Designs	50,218
CA Designs	175,790	FR Designs	768,710
CH Designs	5,284,346	JO Designs	2,193
DE Designs	1,179,749	KE Designs	1,225
ID Designs	52,461	MN Designs	999
IO Designs	695	MY Designs	2,887
KH Designs	27,313	US Designs	862,852
LV Designs	99,477		

Below the statistics table, there is a 'Display: List' and 'Sort: Value - asc' option. The main content area shows a list of design entries, each with a checkbox, registration details, and a set of thumbnail images representing the design. The entries include:

- Reg ID: KH/D/2018/00077, Dew Bottle, 2018-11-13, Fraser and Neave, Limited
- Reg ID: KH/D/2018/00078, Dew Bottle, 2018-11-07, Fraser and Neave, Limited
- Reg ID: 426286, AN OVEN, 2019-10-25, OONI LIMITED
- Reg ID: 426991, A wood drill bit, 2019-10-25, Bosch Power Tools (China) Co. Ltd
- Reg ID: 424756, [Designs], 2019-10-25, [Company]

EXPERIENCES – WIPO`S DATABASES

Hague Member Profiles Database – more information



The screenshot shows a web browser window with the URL <https://www.wipo.int/hague/memberprofiles/#/>. The page title is "Hague Member Profiles".

Hague Member Profiles

Access a wide range of information on the practices and procedures of Hague System members. Simply select the member(s) or groups of members of interest to you, and choose the type of information you want to see.

Resources

- Contracting parties
- Declarations made under the Hague Agreement
- Maximum duration of protection
- Schedule of Fees
- User Guide
- Hague System fees

Tip: Select Groups of Members for a fast track to find members which do not allow deferment of publication or allow it for a limited period.

Which member(s) are you interested in?

All members

Groups of Members

No Deferment

Limited Deferment

African Intellectual Property Organization (OAPI)

Albania (AL)

Armenia (AM)

Azerbaijan (AZ)

Belarus (BY)

Benin (BJ)

Bosnia and Herzegovina (BA)

What type(s) of information are you looking for?

All available information

General Information

Information on Designated Contracting Party

Information on Applicant's Contracting Party (indirect filing)

Search Reset

FUTURE PART– MORE INTEREST ONCE AGAIN

BREXIT

-After Brexit RCD will not cover UK and national filings will be needed – it seems that UK filings can be easily made through Hague system



CHINA

-Very interesting designation for many clients in the near future



EURASIA

-Very interesting designation for many clients in the near future

FUTURE HOPES

- Publication fees per figure should be removed – compare EUIPO and many other IP Offices
- Multiple registrations should be accepted in all Members

FUTURE HOPES

- In addition to geographical enlargement, the Hague System shall be fast, easy to use, clear and reliable
- In EU we have Registered Community Design, what if we had a Global Hague design in the future?

PAPULA  NEVINPAT

Thank you!

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