



# **The Hague System of International Registration of Industrial Designs**

## **What is the Hague Agreement?**

- **A procedural filing system for the international registration of industrial designs, administered by the International Bureau of WIPO in Geneva (Switzerland).**

# **Objectives of the Hague Agreement**

**Registration and Administration of Industrial Designs in up to 37 States / Contracting Parties by means of -**

- **a single procedure**
- **with a single administration**
- **in one language**
- **on payment of a fee in a single currency**

# **Components of the Hague Agreement**

**The Hague Agreement was adopted in 1925 and entered into force in June 1928, and now comprises 3 Acts:**

- the 1934 Act**
- the 1960 Act**
- the 1999 Act**

**The Common Regulations and Administrative Instructions**

**National laws**

## **Brief Overview**

- International filing through WIPO
- Formal examination by International Bureau
- Recording / Registration of the designs
- Possible deferment of publication
- Publication in the International Designs Bulletin
- Substantive examination by designated Contracting Parties
- Possible refusal (6 or 12 months)

# **The Geneva Act 1999**

## **Main Objectives:**

- **expansion of the geographical scope of the Hague system**
  - **more responsive to needs of users**
  
- **introduction of link between Hague system and regional systems - intergovernmental organisations may become party to the 1999 Act**
  
- **provision of efficiency and streamlining**

## **Geneva Act - Main Innovations**

- Period for refusal may be up to 12 months
- Individual fees
- Deferment of publication up to 30 months
- Possibility for intergovernmental organisations to accede to the Hague Agreement

## **States party to the Hague Agreement as of March 2004 (Total 37)**

<b>Germany</b>	<b>Belgium</b>	<b>Belize</b>	<b>Benin</b>
<b>Bulgaria</b>	<b>Ivory Coast</b>	<b>Croatia</b>	<b>Egypt</b>
<b>Spain</b>	<b>Estonia</b>	<b>Macedonia</b>	<b>France</b>
<b>Gabon</b>	<b>Georgia</b>	<b>Greece</b>	<b>Hungary</b>
<b>Indonesia</b>	<b>Iceland</b>	<b>Italy</b>	<b>Kyrgyzstan</b>
<b>Liechtenstein</b>	<b>Luxembourg</b>	<b>Morocco</b>	<b>Monaco</b>
<b>Mongolia</b>	<b>Netherlands</b>	<b>Moldova</b>	<b>Romania</b>
<b>Holy See</b>	<b>Senegal</b>	<b>Slovenia</b>	<b>Switzerland</b>
<b>Suriname</b>	<b>Tunisia</b>	<b>Ukraine</b>	
<b>Democratic People's Republic of Korea</b>			
<b>Serbia and Montenegro</b>			



## **Entitlement to Apply**

- establishment
- domicile
- nationality
- (habitual residence)

**in at least one of the States party to  
the Hague Agreement.**

## **Filing**

- **No prior filing needed**
- **May be filed directly with WIPO**
- **... in English or French**

## **Formal Examination**

When the International Bureau receives the international application, it checks that it complies with the prescribed **formal** requirements.

WIPO does not appraise in any way the novelty of the designs and therefore it is not entitled to reject an international application on this ground.

## **Effect of International Registration**

- same effect as a national application and then ...
- if no refusal, effect as a national registration --  
from the “filing date”

## **Publication**

An application complying with the prescribed formal requirements is registered and published by the International Bureau in the *International Designs Bulletin*.

Publication of in the Bulletin *takes the place of national publication*.

## **Examination as to the Substance (1)**

- **Each Office must identify in the Gazette the registrations in which it is designated in order to proceed with a substantive examination.**
- **The scope of this examination must be exactly the same as that which applies for designs filed directly with the national Office.**
- **An Office may refuse protection, in its territory, to an industrial design which is the subject of an international registration, if it does not fulfil the conditions of protection at the national level.**

## Examination as to the Substance (2)

### Possibility of Refusal

- Refusal period - '60 Act **six months** / '99 Act - possible extension to **twelve months**
- Remedies same as at **national** level
- Ensuing procedure devolves solely at national level, according to requirements and procedures of **domestic legislation** (e.g., requirement to appoint a local representative)
- If no refusal notified within the six month time limit, the international registration will have effect in that Contracting State **as from the date of filing**

## **Duration 5-year cycles**

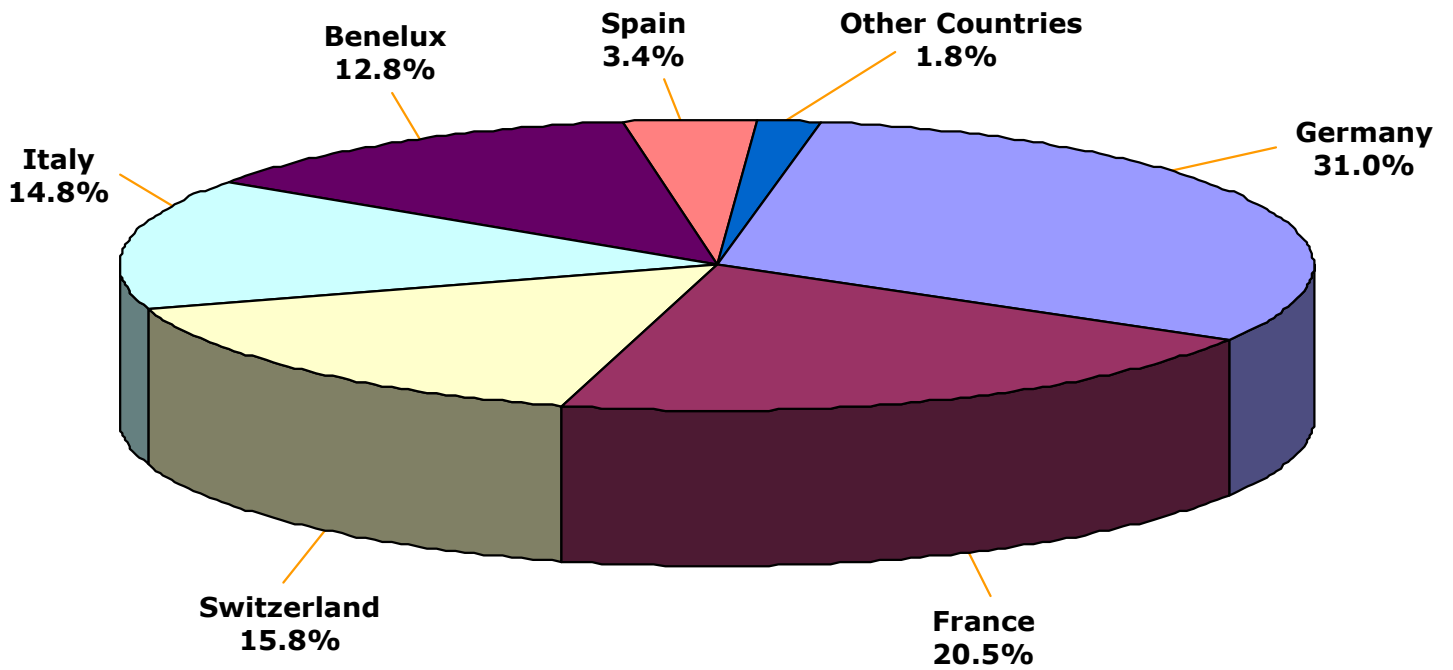
- **'60 Act - valid for an initial period of **five years** and renewable for an additional period of five years - i.e., a minimum overall period of protection of **ten years**.**
  - **'99 Act - initial period of **five years** and renewable for two addition five year periods - minimum overall **fifteen years**.**
- Furthermore, if the domestic legislation of a Contracting State allows a term of protection of more than ten years for national registrations, then the international registration may be renewed in respect of that State for additional periods of five years, up to the expiry of the total term of protection allowed for such national registrations.



# **Management of International Registration**

- **Renewal**
- **Change in Ownership**
- **Change of Name or Address**
- **Renunciation, Limitation and Cancellation**
  - ... **centralised and streamlined  
procedures**

# Major User Countries



# Advantages of the Hague System

## For Industrial Design Owners

- Simple, efficient and cost-effective procedure for obtaining protection for industrial designs in the (37) countries bound by the Hague Agreement.
- Effective and economical means of maintaining protection and subsequently managing the registration

## For Offices

- Simplification of procedures - - examination as to form, classification of the industrial designs and publication is handled by the International Bureau.



**THANK YOU!**