

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

REPORT

adopted 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 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 (EU), Finland, France, Georgia, Germany, Greece, Hungary, Italy, Japan, Lithuania, Morocco, North Macedonia (then The former Yugoslav Republic of Macedonia), Norway, Poland, Republic of Korea, Romania, Russian Federation, Serbia, Singapore, Spain, Switzerland, Syrian Arab Republic, Tajikistan, United Kingdom, United States of America (30).
3. The following States were represented as observers: Algeria, Belarus, Canada, China, Czech Republic, Djibouti, Honduras, Indonesia, Israel, Jordan, Kazakhstan, Madagascar, Mexico, South Africa, Sudan, Thailand, Viet Nam (17).
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).
6. The list of participants is contained in Annex II to this document.

AGENDA ITEM 1: OPENING OF THE SESSION

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

8. The Director General recalled that since the last session of the Working Group, three countries, namely, Cambodia, the Russian Federation and the United Kingdom, became members of the Hague Union. Cambodia acceded to the Geneva (1999) Act of the Hague Agreement on February 25, 2017, the Russian Federation ratified the 1999 Act on February 28, 2018, and the United Kingdom ratified the 1999 Act on June 13, 2018, bringing the number of Contracting Parties to the Geneva Act to 54. The total number of Contracting Parties to the Hague Agreement reached 68.

9. The Director General announced the forthcoming accession of Canada to the 1999 Act. He further noted that several governments were actively considering their ratifications or accessions to the 1999 Act in the near future.

10. The Director General recalled the massive increase of international applications following the accessions of the Republic of Korea and Japan and the ratification of the United States of America, 40.6 and 35.5 per cent in 2015 and 2016, respectively. In 2017 that number was rather stable, with a slight decrease of 6.3 per cent in the number of international applications; the number of designs covered by those international applications increased slightly by 3.8 per cent.

11. The Director General noted that during the first five months of 2018, there was a 2.8 per cent increase in the number of applications, and a slight decrease of 2.6 per cent in the number of designs, compared with the same period in 2017. The Director General added that with the new and forthcoming accessions, the increase should continue.

12. In 2017, the Republic of Korea was the top origin of filings, followed by Germany, Switzerland, France, the United States of America and Japan. Those remained the same in the first half of 2018 with the exception of Japan, which became the fifth largest filer before the United States of America. In 2017, the European Union was the most designated Contracting Party, followed by the United States of America, Switzerland, Turkey and Japan. Those remained the same in the first half of 2018.

13. The Director General indicated that a lot of progress was made in the development of the new IT platform for the Hague System, throughout the year. The new IT platform aimed to support the administration of the Hague International Register and to benefit users, and would be deployed before the end of the year. The new IT system would feature a new processing system, which would be more efficient and productive. As a result, the system would increase its attractiveness and user-friendliness.

14. The Director General further stated that one important instrument for the expansion of the system was the language regime, which would be under consideration in the present session. The same issue was discussed in the last session of the Madrid Working Group. He added that the Organization supported with success the policy of multilingualism as applied in the Patent Cooperation Treaty (PCT), Madrid and Hague Systems. Different models were applied throughout the Organization, as each system had been developed independently. Under the PCT System, an application could be filed in any of the 10 publication languages, which included the six UN working languages, namely, Arabic, Chinese, English, French, Russian and Spanish, as well as German, Japanese, Korean and Portuguese. Under the PCT System, the International Bureau published the application in the language of filing only, while it would provide a translation of the abstract (the summary of the invention) in English and French, where the application was filed in another language. The International Bureau would also

provide an English translation of the International Search Report, if it was not prepared in English. The Hague System was operating in three languages, namely, English, French and Spanish, and all the bibliographical elements in an international application filed in one language were translated systematically into the other two languages, similar to the Madrid System.

15. The Director General noted that the Working Group received a proposal from the Delegation of the Russian Federation concerning the possible inclusion of Russian as an official language of the Hague System. He further stated that the decision would depend on the model that the Working Group would decide to follow. The decision would have financial consequences for the operation of the Hague System, as well as important implications across the WIPO systems. He stated that the language regime chosen should accommodate the needs of users, and that some similarity in the language regimes would be reasonably desirable.

16. The Director General finally recalled that, while considering a similar proposal within the Madrid Working Group, the Working Group concluded to request the Secretariat to conduct an in-depth analysis of the possible introduction of the Chinese and the Russian languages into the Madrid System, to be submitted to the next session of the Working Group.

17. The Director General thanked the Working Group, in particular for its excellent work in relation to the recent ratifications and accessions by examining jurisdictions. He referred to the “Guidance on Preparing and Providing Reproductions in Order to Forestall Possible Refusals on the Ground of Insufficient Disclosure of an Industrial Design by Examining Offices” released in August 2016, as an example.

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

18. 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.

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

20. The Chair welcomed the accession of Cambodia, and the ratifications of the Russian Federation and the United Kingdom to the 1999 Act.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

21. The Delegation of the United States of America observed that one previous version of the draft agenda included “a possible revision of the Schedule of Fees”. The Delegation referred to paragraphs 88(ii) and (iii) of document A/57/12, concluding that in accordance with the treaties of the fee-financed Unions, each Union should have sufficient revenue to cover its own expenses; and that fee-financed Unions with a projected biennial deficit should examine measures in accordance with its own treaty to address that deficit. The Delegation indicated that it had provided to the Secretariat a document entitled “Contributing to the Financial Well-being of the Organization”. The Delegation asked the Working Group to include that item in the agenda of the current session.

22. Taking into consideration the views expressed by the delegations which had not been aware of such proposal before the meeting, and which could not have exchanges with their administrations on that issue, the Chair proposed that the Delegation of the United States of America introduce its proposal in Item 9: “Other Matters”.

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

GENERAL STATEMENTS

24. The Delegation of the United Kingdom observed that it was participating for the first time in the Working Group as a member of the Hague Union, and thanked the International Bureau of WIPO for helping it become the 68th member. The Delegation indicated that its ratification would offer a greater choice for registering industrial designs. The Delegation further informed that design businesses generate over 11 per cent of the national GDP in the United Kingdom, and a total investment in intangible assets estimated at more than 14 billion pounds sterling. The ratification would enable national designers, in particular those of SMEs, to register their designs internationally. The Delegation informed that, since the entering into force of the 1999 Act with respect to the United Kingdom on June 13, 2018, the United Kingdom had already been designated in 30 international registrations containing over 100 designs. These data demonstrated the clear demand from users for international protection and reflected the current globalized world. The Delegation stated that further growth in the Hague System would only add to the growth.

25. The Delegation of Canada announced the deposit of its instrument of accession to the 1999 Act, that same day, on July 16, 2018. Consequently, the 1999 Act would enter into force with respect to Canada on November 5, 2018. The Delegation indicated that innovation and intellectual property were a key priority of the government. Thus, the government launched in 2017 the Innovation and Skills Plan to make Canada a world-leading center for innovation in which intellectual property would be a foundational element. Early 2018, a new Intellectual Property Strategy was unveiled to help Canadian businesses, creators, entrepreneurs and innovators to better understand the protection of and access to intellectual property. The Delegation also introduced the Canadian Intellectual Property Office (CIPO)'s strategic plan outlined in that context. Canada was in the process of joining the Madrid Protocol, the Singapore Treaty, the Nice Agreement and the Patent Law Treaty, to provide Canadians a faster, simpler and more cost-effective way to acquire intellectual property protection in multiple countries. Finally, the Delegation pointed out that, along with its instrument of accession, Canada made the following declarations:

- an international application should not be filed through CIPO;
- the individual designation fee for an international application would be 400 Canadian Dollars (CAD) per design, and 350 CAD per design for renewal;
- the maximum term of protection would be 15 years;
- the six-month refusal period would be replaced by a period of 12 months.

26. The Delegation of Belize observed that it was the first time that Belize participated in the Working Group and recalled that Belize was the only Caribbean member. The Delegation expressed the wish that the country would be a stepping-stone for other Caribbean countries to join the Hague System. The Delegation stated its plan to deposit its instrument of accession to the 1999 Act before the General Assembly in autumn. The Delegation wished that its accession would strengthen the legal development of the international IP strategy of the country and region, in particular, in terms of industrial designs.

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

27. Discussions were based on document H/LD/WG/6/7 Prov.
28. 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

29. Discussions were based on document H/LD/WG/7/2.
30. The Secretariat explained that, in 2017, some 5,200 international applications were filed, of which around 85 per cent were filed by representatives, of which around 10 per cent was missing a power of attorney at the time of filing. After invitation, all those cases were eventually resolved, which could suggest that the submission of a power of attorney was merely to satisfy formality. The proposed amendments to Rule 3 of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as the “Common Regulations”) aimed to relax the requirement to submit a power of attorney for appointing a representative at the time of filing, to the same extent as the International Bureau had done under the PCT System since 2004.
31. The Delegation of Spain expressed its support for the proposed amendment to Rule 3(2). The proposal was in line with its general policy in the national system, which was to alleviate, as much as possible, the administrative burden on applicants.
32. The Delegation of the United States of America expressed its support for the proposed amendment to Rule 3(2), with a few technical comments on the draft. The term “deemed” in subparagraph (a) suggested that it was a legal fiction instead of actually appointing the representative. Moreover, while the title of Rule 3 clearly stated “Representation Before the International Bureau”, introducing the phrase “for all purposes” in that subparagraph could cause some confusion or ambiguity in extending that to the national practice with respect to representatives. The Delegation also questioned the reference to Rule 7(1) in subparagraph (a). Accordingly, the Delegation proposed the following alternative wording for the second sentence of Rule 3(2)(a): “The naming of the representative in the international application upon filing shall constitute an appointment by the applicant of such representative”.
33. The Delegation of Japan expressed its support for the proposal to amend Rule 3. However, since the International Bureau would not require the applicant’s signature, the representative appointed in such a manner should be able to submit a request for the recording of a renunciation or limitation, which could eventually be recorded in the International Register without the holder’s consent. Therefore, the Delegation suggested that a power of attorney should be required in the case of a renunciation or limitation. Thus, the wording of proposed Rule 3(2)(a) should be amended, taking into account the wording appearing in PCT Rules 90.4(e) and 90.5(d).
34. The Delegation of the United Kingdom expressed its support for the proposed amendment, which would streamline the application process and reduce burdens on applications. The Delegation explained that its national system did not require a power of attorney for appointing a representative. However, if the validity of the application was questioned, it could go through an opposition procedure.

35. The Delegation of Morocco expressed its support for the proposed amendment. The Delegation explained that its national legislation did not require a power of attorney. It could however be submitted within three months without the payment of any fee, extendable for an additional two-month period upon payment of a fee. The Delegation further suggested that the wording could be made clearer to the effect that a power of attorney would not be required at the time of filing but could be submitted subsequently.
36. The Delegation of the Russian Federation indicated that the proposed amendment to Rule 3 would be inconsistent with its national legislation, which required the submission of a power of attorney.
37. The Delegation of the European Union pointed out that the term “power of attorney” used in the working document and in the *Hague Guide for Users* be confusing as it could be interpreted by non-native English speakers as a “power of attorney at law”. The Delegation noted that the term “power of attorney” did not appear in the Geneva Act nor the Common Regulations, which do not actually require any legal qualifications for representing the applicant before the International Bureau. The Delegation further asked for clarification on the rationale for maintaining the requirement of a signature by the applicant or holder in subparagraph (b) of Rule 3(2), whereas the said requirement was removed from subparagraph (a).
38. In response to the intervention made by the Delegation of Japan, the Secretariat acknowledged that, under the PCT system, a power of attorney would be required for the withdrawal of the international application, if not yet submitted. The Secretariat noted that, under the Hague System, more than 90 per cent of applications were filed through the e-Filing interface, where the signature was provided simply by typing the full name of the applicant or representative. Furthermore, even when the application was submitted on a paper form, the International Bureau did not verify the authenticity of a given signature. Thus, a pragmatic approach would be favored by the users in that instance as well.
39. Furthermore, the Secretariat considered the intervention made by the Delegation of the United States of America as valid and agreed with the proposed wording. However, it wondered if the reference to Rule 7(1) remained useful and suggested to move it to the end of Rule 3(4)(a) to add some clarity.
40. In response to the question raised by the Delegation of the European Union, the Chair clarified that the provision of Rule 3(2)(a) dealt with the appointment of a representative at the time of filing the international application, whereas the provision of Rule 3(2)(b) dealt with the appointment of a representative at a later stage.
41. In response to the intervention made by the Delegation of Morocco, the Secretariat stressed that the spirit of the proposal was to fully waive the requirement of the submission of a power of attorney for appointing a representative at the time of filing, so that, contrary to the practice in force in Morocco, the submission of a power of attorney would not be required at a later stage, if the representative was named in the application.
42. In response to the Delegation of the Russian Federation, the Secretariat clarified that, while being a variance with its national law, the proposal dealt with the appointment of a representative before the International Bureau only.
43. As to the additional concern raised by the Delegation of the European Union regarding the possible misunderstanding of the term “power of attorney”, the Delegation of the United States of America indicated that, for native English speakers, that term was understood as a “power to represent” and not a “legal power of attorney of law” as, before the International Bureau, it is not required that the representative be an attorney. As regards the possible risk of fraud or

misrepresentation raised by the Delegation of Japan, the Delegation of the United States of America asked the Secretariat if some remedy currently existed if the International Bureau found out that there was a fraud in the instance of withdrawal or renunciation.

44. In response to the Delegation of the United States of America, the Secretariat explained that no attempted fraud had been reported by examiners, but if that were to occur over the course of examination, the International Bureau would question it and bring the issue to the holder's attention.

45. The Delegation of Belarus expressed its support for the proposed amendment. The Delegation stated that under its national legislation, the submission of a power of attorney was compulsory at the time of filing. However, Belarus was considering alleviating this requirement under its national legislation to be in line with other legislations.

46. The Delegation of France expressed its support for the proposed amendment. For further simplification, the Delegation suggested removing the second sentence "the said communication shall be signed by the applicant or the holder" from subparagraph (2)(b).

47. The Secretariat clarified that the term "communication" referred to in subparagraph (2)(b) was the power of attorney itself, in which case the signature of the applicant or holder should be provided.

48. Following the suggestion by the Delegation of the United States of America, the Secretariat introduced a modified proposal for Rule 3(2)(a), second sentence, that should read: "the naming of the representative in the international application at the time of filing the international application shall constitute an appointment by the applicant of such representative". In addition, the Secretariat suggested that the addition of a new sentence "where subparagraph 2(a) applies, the signature of a representative named in the international application shall replace the signature of the applicant" in subparagraph (4)(a), after the existing sentence, could help to clarify that the signature would not be required despite Rule 7(1).

49. The Delegation of the United States of America expressed its support for the new proposed wording for subparagraph (2)(a) while suggesting the removal of the repetition of the term "the international application". However, as to subparagraph (4)(a), the Delegation wondered if the suggested sentence could sit well where the application was signed by the applicant but not by the representative named therein.

50. The Secretariat agreed with the deletion of the term "the international application" suggested by the Delegation of the United States of America. The Secretariat clarified that subparagraph 4(a) should apply only where subparagraph 2(a) applied, namely when the application was signed by the representative. Thus, if the applicant signed, Rule 7(1) should apply.

51. The Delegation of Switzerland expressed its support for the new proposal. Under its national legislation, a power of attorney was never required at the time of filing an application. Moreover, no fraud had been reported in the past 16 years of the current legislation.

52. The Secretariat clarified that the proposal would be submitted for adoption by the Assembly of the Hague Union at the next session, since there was no need of technical preparation for the implementation of the revised provision, in which case January 1, 2019, would be proposed as its date of entry into force.

53. The Delegation of Morocco raised concerns regarding the proposed wording of Rule 3, paragraph (4), and requested clarification as to whether the new proposal would not be in contradiction with Rule 7(1) providing that "the international application shall be signed by the applicant".

54. In response to the intervention made by the Delegation of Morocco, the Secretariat stated that, in accordance with Rule 7(1), the principle is that “the international application shall be signed by the applicant”. Nonetheless, under the current legal framework, there were already cases where the representative could sign the application, namely, where the application was accompanied by a power of attorney. This was supported by Rule 3(3) which provided that “the effective date of the appointment shall be the date on which the International Bureau received the international application or separate communication in which the representative is appointed”.

55. The Delegation of the United States of America wondered whether the proposed sentence in subparagraph (4)(a) was needed, considering the change in subparagraph (2)(a).

56. The Secretariat indicated that the reference to the added proposed sentence in subparagraph (4)(a) seemed to be required due to the principle provided for under Rule 7(1). Thus, the added proposed sentence would clarify that only where Rule 3(2)(a) applied, could the application be signed by the representative.

57. The Delegation of Italy expressed its concern regarding the proposal to amend Rule 3 and to waive the requirement of submission of a power of attorney for the filling of an international application, considering that it could lead to certain confusion.

58. The Chair clarified that the proposal aimed to alleviate the filing procedure by lightening the burden on applicants. The Chair observed that this practice was already in place in many legislations. The Chair added that, as discussed, it was highly unlikely that a fraud would be committed. Furthermore, the Chair recalled that the appointment of a representative at a later stage, especially for the purpose of recording changes, would still require the submission of a power of attorney.

59. In order to address the concern expressed by the Delegation of Italy, the Secretariat added that the proposed amendment was in line with the practice under the PCT system, in place since January 2004, where no abuse or negative feedback had been reported and where it had been well received by users.

60. The Delegation of the United States of America requested the clarification as to what would be gained by the added sentence in subparagraph (4)(a), as it appeared to say the same as the preamble provision “except where these Regulations expressly provide otherwise”.

61. The Delegation of Germany expressed its support for the proposed modifications. In line with the intervention made by the Delegation of the United States of America, the Delegation expressed its concern regarding a possible confusion between the first and second sentences proposed in subparagraph (4)(a) and suggested to transfer the second sentence to Rule 7(1).

62. The Representative of INTA expressed its support to the proposed amendment, noting that it would be a great help for users and their representatives. In order to counter the conflict between the proposed second sentence in Rule 3(4)(a) and Rule 7(1), the Representative suggested adding the following language: “However, where subparagraph (2)(a) applies, the signature of the representative, named in the international application may replace the signature of the applicant.” The verb “may”, in place of “shall” might address one of the concerns raised by the Delegation of the United States of America.

63. The Delegation of Norway expressed its support for the proposed amendment, that consisted in a positive change to the Hague system. The Delegation indicated that under its national legislation, applications could be submitted by a representative without a power of attorney. However, if the Office did not receive a power of attorney by the time of registration, the name of the representative would be removed from the registry. The Delegation noted that

the Office had never experienced any cases of fraud. A power of attorney signed by the applicant or holder was required if the representative was submitting a request of limitation or cancellation.

64. The Delegation of Spain raised some concerns regarding the suggestion made by the Representative of INTA, as in Spanish, “may” means “podría”. It might or might not replace the signature of the applicant, and could go either way.

65. In response to the different interventions, the Secretariat pointed out that Rule 3(4) applied where a representative was recorded in the International Register. Thus, the proposed new added sentence in subparagraph (4)(a) aimed to handle the situation foreseen under subparagraph (2)(a).

66. The Delegation of OAPI noted that the purpose of the amendment was to alleviate the burden on the applicants. The Delegation proposed alternative language to take into account the concerns expressed by other delegations. Firstly, the Delegation suggested modifying Rule 7(1) by adding “or his representative” to the end of the sentence “The international application shall be signed by the applicant”. Concerning Rule 3(2)(a), the Delegation agreed to delete the phrase: “provided that the application is signed by the applicant”, without any additional wording. Regarding Rule 3(4)(a), the Delegation suggested deleting the terms “except where these Regulations expressly provide otherwise”, as the only exception appeared to be the one provided for under the current Rule 7(1).

67. In reply to comments made by a number of delegations, the Secretariat revised the text and proposed to simplify Rule 3(2)(a) to focus only on how to appoint a representative in an international application. Moreover, following the intervention made by the Delegations of Germany and OAPI, the Secretariat proposed an amendment to Rule 7(1) to clarify that the application may be signed by the representative if not by the applicant. The Secretariat added that, as suggested by the Delegation of OAPI, the conditional clause should be removed from Rule 3(4)(a), as there was no instance where that condition applied, at the moment, in the Common Regulations.

68. The Delegations of OAPI and Germany expressed their support for the modified proposals.

69. The Delegation of Italy expressed its concern that relaxing the power of attorney requirements for filing the international application under the Hague System would lead to similar changes under the Madrid System. The Delegation noted that, when acting as an Office of origin under the Madrid System, its IP Office could not accept an international application signed by a representative without a power of attorney.

70. In response to the concern raised by the Delegation of Italy, the Secretariat clarified that, under the Madrid System, the applicant must submit an international application through the Office of origin. Thus, representation before an Office of origin was an issue governed by the national law.

71. The Delegation of the United States of America expressed its support for the new proposal to amend Rule 3, but expressed its concern regarding the proposal to amend Rule 7(1). The Delegation noted that the proposed modification to Rule 3(4)(a) accomplished what was intended to be added in Rule 7(1). That would create some confusion as to when the representative could sign on behalf of the applicant or the holder. Referring to Rule 21(1)(b), the Delegation suggested simplicity and clarity in focusing only on the amendment of Rule 3.

72. The Delegation of France expressed its support for the simplified wording proposed for Rule 3(2)(a) and (4)(a), and agreed to add “*the representative*” as additional wording in Rule 7(1), which concerned the requirement of the international application at the time of the filing.

73. The Delegations of the European Union and Spain echoed the concern raised by the Delegation of the United States of America. The Delegations observed that additional wording in Rule 7(1) might create confusion with other provisions referring to the signature of the applicant and stated that Rule 3(4)(a) appeared sufficient.
74. As to the additional amendment to Rule 7(1), the Secretariat called for a cautious discussion, referring to Rule 3(3)(a), second sentence, which provided that “the effective date of the appointment shall be the date on which the International Bureau received the international application or separate communication in which the representative is appointed”.
75. The Delegation of the United States of America indicated that the removal of the words “the representative” from Rule 7(1) should not conflict with any other rules.
76. The Delegation of Lithuania expressed its support to modify Rule 7(1), as proposed by the Secretariat.
77. The Delegation of the European Union stated that the purpose of the proposed amendment was not only to facilitate the application process for users, but also to align the Hague System with other WIPO systems. The Delegation suggested taking into account corresponding Rule 9 of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement, which referred only to the applicant.
78. The Delegation of Italy reiterated the importance of a power of attorney that would give the representative the responsibility to represent the applicant or holder before the International Bureau.
79. The Secretariat stated that Rule 7(1) did not need to be amended for the reason that was mentioned by the Delegation of the United States of America in view of Rule 3(3) and (4).
80. The Delegation of Belize wondered whether, in Rule 3(2)(a), the wording “of such representative” was too repetitive and if it needed to be further emphasized.
81. The Secretariat indicated that the term “of such representative” did not really disturb the phrase and would add clarity.
82. The Delegation of Belize agreed with the wording of the proposed amendment to Rule 3(2)(a).
83. Taking into consideration the different views expressed by the delegations and representatives, the Secretariat made a revised proposal to amend Rule 3.
84. 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

85. Discussions were based on document H/LD/WG/7/3.
86. The Secretariat recalled that Rule 34(1) of the Common Regulations provides that the Director General of WIPO may modify the Administrative Instructions for the Application of the Hague Agreement (hereinafter referred to as the “Administrative Instructions”), after having

consulted the Offices of the Contracting Parties. The International Bureau took the opportunity of that session to engage in such consultation for the proposed amendments at hand. The Secretariat stressed that fax transmissions to the International Bureau were no longer reliable due to the incompatibility between the old and new communication technology. The proposal to delete Section 203 of the Administrative Instructions was in line with the Madrid System. Moreover, the Secretariat introduced a plan to launch a document upload function, which would be available on the Hague website and would allow users to easily and securely upload documents in PDF format for different purposes. This new function could be used as a possible safeguard for filing, although only as a last resort, since the Secretariat believed that the E-filing interface was the best option.

87. The Delegation of the Republic of Korea expressed its support for the proposed amendment since electronic communications were more common than fax communications. The Delegation stressed that the proposed amendment would improve the work efficiency of the International Bureau and would streamline the Hague System by integrating the communication interfaces. The Delegation requested the Secretariat to clarify whether the amendment would apply to all communications between WIPO and designated Offices. Finally, the Delegation pointed out that the amendment should be followed by the deletion of the related fee in the Schedule of Fees and the deletion of the references to fax in the DM forms.

88. The Delegation of the United Kingdom supported the proposed amendment to Section 203 of the Administrative Instructions, which followed the decision taken by the Madrid members. The Delegation indicated that its national Office still provided applicants the option to use a fax but that this was becoming rare since most applicants registered their designs electronically. As part of its broader national design modernization portfolio, the national Office had introduced reduced the fees for electronic applications. As a result, 99.2 per cent of applications were filed electronically, 0.76 per cent by post and only 0.04 per cent by fax. The Delegation also recalled that applicants could rely on Rule 5 of the Common Regulations if there were any justifying circumstances which prevented them from sending the application by post or electronically.

89. The Delegation of France expressed its support for the proposed modifications to the Administrative Instructions, as the proposal seemed reasonable following the changes made in the Madrid System. The Delegation raised concerns as to whether any backup options had been foreseen should the new communication tool malfunction, such as the option to send documents using the old fax system or regular mail.

90. In reply to the intervention made by the Delegation of France, the Secretariat clarified that, even if the E-filing interface was down, an applicant could still use the new function to file an application. The E-filing platform was different from the platform to be used to upload a document, which could be an international application form in PDF format. The two functions would operate independently of each other, the latter being a good safeguard measure.

91. The Delegation of the United States of America expressed its support for the proposed changes to the Administrative Instructions, recalling that the Administrative Instructions provided a flexible mechanism for the International Bureau to update the system in terms of developments and technology. The Delegation asked the Secretariat whether the new tool, allowing applicants to upload documents, would be available to all applicants, including those that did not file through the E-filing interface. The Delegation raised that concern because an international application had to be filed through its Office in the United States of America.

92. In response to the intervention made by the Delegation of the United States of America, the Secretariat clarified that anyone would be able to use the document upload function. Filing an application through the E-filing interface was not a precondition to use the document upload function. The applicant would only need to create a WIPO account for security reasons.

93. The Secretariat further replied to the questions raised by the Delegation of the Republic of Korea and clarified that the International Bureau intended to cease the use of fax for all communications to and from the International Bureau. The Secretariat added that all references to fax numbers would be deleted from the application form and other relevant forms.

94. The Chair concluded that there was agreement on the proposal to delete Section 203 of the Administrative Instructions.

95. The Secretariat introduced the proposal to amend Section 801(iii) of the Administrative Instructions. The proposed amendment aimed to better reflect the current situation and to make the wording more flexible so that the International Bureau would be able to consider accepting payments by debit card or other new forms in the future.

96. The Delegation of Japan requested clarification as to whether the current means of payment would be changed, and requested that the words "credit card" remained in the text. In addition, the Delegation asked the Secretariat to provide an advance notice of such a change in the case of adoption of the amendment.

97. The Delegation of the United States of America expressed its support to the proposal, which would provide users with more flexibility and alternatives for electronic payment.

98. The Chair clarified that the proposal aimed to provide more payment options, including credit cards, and took into consideration different new payment possibilities and future innovations.

99. The Representative of JPAA expressed its support to the proposal, which would reflect the current situation and would be beneficial for the users of the Hague System.

100. The Delegation of Japan expressed its agreement to the proposal.

101. 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.

102. The Delegation of the United States of America suggested considering a possible revision of Section 405(a) of the Administrative Instructions concerning the numbering of reproductions in the future. The Delegation explained that on a number of occasions, where designs were canceled during the administrative process before a designated Contracting Party, some applicants preferred to preserve their original reproduction numbers while others preferred to renumber them. The Delegation further explained that renumbered reproductions that appeared in the statement of grant of protection might cause confusion for third parties as to the design being protected.

103. The Secretariat welcomed the proposal expressed by the Delegation of the United States of America, but suggested to follow up the issue at the working level first.

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

104. Discussions were based on document H/LD/WG/7/4.

105. The Secretariat explained that following a decision of the Hague Union Assembly at its thirty-fourth session, PDF copies of notifications of withdrawal of refusal and statements of grant of protection received by the International Bureau had been made available on the WIPO website since January 2015, in order to make publicly available information concerning any amendment made to the industrial design in a procedure before the Office of a designated

Contracting Party. Aiming to provide background information concerning such amendments and following a precedence set under the Madrid System, copies of notifications of refusal were also made available on the WIPO website. While the majority of users and Offices appeared content with such a practice, such open access to refusal grounds was perceived by some potential users as a deterrent to use the Hague System. The International Bureau wished to take the present opportunity to hear the opinions of the Working Group concerning the current practice.

106. The Delegation of Japan expressed its strong support for changing the current practice, which was considered to be a serious obstacle for some applicants to use the Hague System. The Delegation further stated that the International Bureau should refrain from disclosing notifications of refusal unless and until the refusal had been withdrawn or, alternatively, a statement of grant of protection had been issued, when providing certified or uncertified copies of recordings made in the International Register pursuant to Rule 32(1)(ii) or (iii) of the Common Regulations. As mentioned in paragraph 16 of the document, Rule 26(1) defines the relevant data concerning refusals to be published in the *International Designs Bulletin* (hereinafter referred to as the "Bulletin"), which should not include grounds for refusal. The current practice of uploading PDF files of notifications of refusal was incompatible with the wording of that provision, which was adopted at the Diplomatic Conference for the adoption of the Geneva Act. Secondly, the Delegation added that notifications of refusal were, by their nature, merely provisional. Where protection was finally granted, the users could benefit from the availability of the refusal to better understand judgements made through substantive examination by Offices. However, if the design was ultimately refused, the information disclosed might encourage some people to copy the design.

107. The Delegation of Spain indicated that transparency was a very sensitive issue in Spain, where all administrative procedures required the disclosure of all decisions taken by the administration. The Delegation explained that, through the portal of the Spanish Patent and Trademark Office (OEPM), all documents related to a specific registration were publicly available. Every practice had pros and cons, but transparency was a very important principle. The Delegation recalled the recent modifications to the Regulations under the PCT, according to which all designated Offices were required to send certain national phase entry information to the International Bureau to be published on Patentscope. The Delegation believed that the Hague System should follow the same direction to disclose and share the information to the maximum possible extent.

108. The Delegation of the Russian Federation expressed its support to maintain the current practice to make the grounds for refusal available. The practice allowed applicants to better understand requirements of designated Offices and to better respond to notifications of refusal.

109. The Delegation of the European Union shared with the Working Group the practice of the European Union Intellectual Property Office (EUIPO) to disclose applications only after their registration.

110. The Delegation of the United States of America endorsed the statements made by the Delegations of the Russian Federation and Spain. The Delegation expressed its support to maintain the current practice, and emphasized the importance of transparency, by referring to a prior art reference to be provided in an application under the national system.

111. The Delegation of the Republic of Korea expressed its support to maintain the current practice. The Delegation shared its national procedure, and explained that the examination history of an application became publicly available, as soon as the latter was published. Even if the examination of the application was not completed, if the applicant so requested, the application would be available on the Korean Intellectual Property Office (KIPO) website. International design applications should be treated similarly. If the International Bureau were to cease providing grounds for refusal, it would undermine accessibility to the information

concerning published applications or registrations. In addition, the Delegation observed two benefits of open access to the refusal grounds. First, the practice helped applicants to identify issues and to form a filing strategy based on such information and consider the development of an intellectual property ecosystem. Second, the practice allowed national Offices to obtain users' feedback and review and develop its national legislation or examination standard. After consulting with domestic users, the Delegation noted that the current practice was not considered as a deterrent to use the Hague System. Finally, the Delegation noted that the industrial design should be published before the substantive examination by a designated Office under the Hague System, and therefore an alternative option to entering into the substantive examination before the international publication could be worth considering.

112. The Delegation of Norway expressed its support to maintain the current practice.

113. The Delegation of Morocco stressed the usefulness of the information concerning notifications of refusal. However, taking into account the issue described in paragraph 7 of the document, the Delegation suggested that the Working Group should examine the question in depth, which appeared to be bad practice.

114. In reply to the intervention made by the Delegation of Morocco, the Secretariat clarified that the issue described in paragraph 7 of the document should not necessarily be considered as bad practice. Considering the interventions made by various delegations, in particular, by the Delegation of the United States of America, the Secretariat believed that, if a refusal ground given in one jurisdiction could be invoked in another jurisdiction, it should rather be considered as a positive or healthy practice. That would avoid someone else being able to obtain a right on the same design in another jurisdiction, where it had been proved that the design could not be intrinsically protected.

115. The Delegation of Japan recalled that, as described in paragraph 7 of the document, such open access to grounds for refusal was considered by some potential users as a deterrent to use the Hague System. Rule 26(1) provides that the grounds of refusal were outside the scope of publication. There appeared to be a contradiction between the current view and practice. The Delegation suggested the Secretariat carry out an analysis on that issue.

116. In reply to the concerns expressed by the Delegation of Japan relating to the possible incompatibility of the current practice of the International Bureau with Rule 26(1)(ii), the Secretariat explained that a notification of refusal was accessible to anyone upon request. From the outset of the 1960 Act up to the present time, refusal grounds were not considered as confidential in nature under the Hague System. On that basis, the Secretariat understood that the words "without the grounds for refusal" provided in Rule 26(1)(ii) was inserted to justify that the International Bureau was not required to publish, for practical or technical reasons, all details of refusal. In fact, Rule 26(1)(ii) provides "refusals, with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal". As set out in the note of the Bulletin, "Indication regarding any possibility of review or appeal" was published under INID code (83) while "refusal ground" was not included therein. The Secretariat further clarified that not every detail of refusal was recorded in the International Register, otherwise every detail should be translated into the other two languages pursuant to Rule 6. The Secretariat finally indicated that it considered that the International Bureau publishes "refusals" but not "notifications of a refusal", in light of Rule 26.

117. The Chair requested the delegations who suggested the Secretariat to undertake a study to provide more details and guidance.

118. The Delegation of the Republic of Korea stated that it did not have a specific proposal, but the purpose of the survey should be to analyze the impact of the publication of grounds of refusal for the users of the Hague System. The Delegation emphasized its view that the Working Group should understand and respond to the user's needs.

119. The Delegation of Morocco reverted to its previous intervention concerning paragraph 7 of the document and indicated that another possible instance could be that a competitor could use the disclosed information by adding some details to the design, which would be accepted by the Office having notified the refusal. In reply to the question raised by the Chair, the Delegation noted that a questionnaire might help to understand the present issue on a deeper level.

120. The Chair invited delegations and representatives to submit useful information or position papers on the matter to the International Bureau, in order to advance on the issue in future sessions.

121. The Chair concluded that the majority of delegations were in favor of maintaining the current practice regarding the public availability of notifications of refusal.

122. 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

123. Discussions were based on document H/LD/WG/7/5.

124. The Delegation of the Russian Federation proposed to include Russian as an official language of the Hague System. The Delegation emphasized that Russian was one of the official languages of the United Nations and its specialized institutions. Furthermore, the Delegation noted that Russian was spoken by more than 250 million people, making Russian one of the 10 most spoken languages in the world. It was a state language in a number of countries. Russian was widely used for communication in certain regions and other parts of the world and there was a large Russian diaspora around the world. Russian was increasingly used on the Internet and was the language of education in 18 countries, which allowed young creative minds to use their intellectual and creative potential and contribute significantly to promoting innovation.

125. The Delegation recalled that the Geneva Act entered into force with respect to the Russian Federation on February 28, 2018. Within that short period, the International Bureau had received more than 140 international registrations designating the Russian Federation. The Delegation emphasized that this indicated a significant interest of users in the registration of industrial designs in the Russian Federation since its accession to the Hague Agreement. The Delegation also highlighted that in 2017, there was an increase of 18.7 per cent in national applications for industrial designs compared with 2016. This demonstrated a demand for design registrations and potential for further increase in international registrations under the Hague System.

126. The Delegation further stated that the same proposal had been made in the last session of the Madrid Working Group. The Delegation believed that the use of technology for automated translation could reduce the translation workload. Furthermore, the inclusion of the Russian language would improve access to the system for Russian speakers and increase the number of applications for registration not just from the Russian Federation but also from other members in the region. Finally, the potential growth of the Hague System was directly linked to the broadening of the official languages. Broadening the number of languages of the Hague System would stimulate the growth of international applications and have financial benefits. The Delegation therefore requested the Working Group to recommend to the Assembly of the Hague Union to consider the inclusion of the Russian language as an official language of the Hague System.

127. The Delegations of Armenia, Serbia, Syria and Tajikistan supported the proposal made by the Russian Federation. The Delegations of Armenia and Tajikistan stated that the inclusion of Russian as an official language of the Hague System would facilitate access to the Hague System for Russian speaking users and promote the Hague System in the region. The Delegation of Armenia added that the inclusion of the Russian language to the Hague System would reduce the time required for examining international registrations. The Delegation of Serbia noted that there was a significant number of Russian speakers in Serbia and that the inclusion of Russian would stimulate the number of international applications filed under the Hague System. The Delegation of Syria stated that this would lead to an increase of international registrations from the Russian Federation, central Asian countries, the Caucasus and Eastern European countries, as well as the efficiencies of Russian speaking examiners.

128. The Delegation of Hungary expressed its concern about the proposal made by the Delegation of the Russian Federation. While there were benefits to adding new languages to the Hague System, this would increase the basic application fee of an international application, which would have a negative impact on the number of Hungarian applications and would not serve the interests of the country.

129. The Delegation of the United States of America echoed the concerns made by the Delegation of Hungary. The Delegation expressed its view that the topic should be handled at a macro level. The effect on the overall system, as well as the question of which languages should be added, would need to be analyzed. The Delegation voiced concerns regarding the costs associated with the addition of languages. It recalled that the Hague Union Assembly mandated the Hague Working Group with the examination of ways to address the Hague Union deficit. In that context, the deficit projected for the 2018-2019 biennium would be close to 14 million Swiss francs. The Delegation referred to document H/LD/WG/7/INF/2, specifically to paragraphs 13 to 17, which provided some statistics and information on the expected significant work and associated costs resulting from adding any languages. Finally, the Delegation, referring to the Director General's introductory statement, agreed that, while it would be wonderful to have every language be a part of the system, the practical and financial implications would have to be taken into consideration.

130. The Delegations of Denmark, France, Germany, the Republic of Korea, Spain, and the United Kingdom expressed concerns in relation to the financial consequences. The Delegation of Spain recalled that Spanish was the third language that was included in the language regime of the Hague System. While the Delegation of Spain expressed its sympathy with the proposal made by the Delegation of the Russian Federation, it stated that the International Bureau should study which language regime would be the best one for the Hague System noting that the PCT and Madrid Systems were different. The Delegation of Denmark emphasized that the addition of new official languages would have a negative effect on the system, such as higher translation costs and making it less simple. Therefore, an in-depth cost benefit analysis was proposed before advancing with the proposal. The analysis should take into account the financial, administrative, procedural and legal implications, and verify with users whether the inclusion of new languages really corresponds to their needs. That decision would be in line with the approach taken by the Madrid Working Group.

131. The Delegation of Japan noted the importance to continue to improve the Hague System in order to enhance its user friendliness. However, it stressed that including new languages may have a significant impact on all parties involved, such as users, national Offices and the International Bureau. The Delegation of Japan requested to analyze carefully the advantages and disadvantages of adding languages whereby three points should be taken into consideration: first, whether this would enhance the user friendliness; second, whether this would create excessive work for the International Bureau and Offices; and third, whether this would achieve a balance between the financial costs and the resulting benefits.

132. The Delegations of Belarus and Kazakhstan supported the proposal made by the Russian Federation. The Delegation of Belarus noted that it currently considered acceding to the Hague Agreement and that the inclusion of the Russian language as an official language would be an additional advantage to the system. The addition of Russian would also contribute to the increase of international applications and registrations.

133. The Delegation from Kazakhstan, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC) recalled that Russian was a state language in Belarus and the Russian Federation, and an official language in Kazakhstan and Tajikistan. It added that in all countries in the Eurasian region, applications for the protection of intellectual property could be filed with national Offices in the state languages, as well as in Russian. The addition of Russian as an official language of the Hague System would contribute to the growth of the number of international applications under the Hague System in member states of its regional group. Furthermore, it would increase the effectiveness of the work of Russian speaking examiners and reduce the time necessary for the processing of applications by national Offices in the region. The CACEEC Group supported the proposal to include the item on the agenda of the Hague Assembly.

134. The Delegation of China welcomed the proposal made by the Russian Federation, and expressed the request to add Chinese as a working language of the Hague System because Chinese was also one of the six official languages of the United Nations and used at WIPO conferences. The Delegation stated that the introduction of Chinese as a working language was in line with the language regime of WIPO. The Delegation added that China was preparing to join the Hague System by amending the national legislation accordingly, and expressed the hope that the language regime issue would be resolved before China joined the Hague System. The Delegation indicated that the number of industrial design applications in China was the highest in the world, and therefore the introduction of Chinese as a working language of the Hague System would undoubtedly increase the number of applications of the Hague System. Introducing Chinese as a working language would, once China joined the Hague System, increase the efficiency of Chinese examiners, reduce the time for application and examination procedures and would provide efficient services for Hague users.

135. The Delegation of the Czech Republic requested the members of the Hague Union to face and cope with that complex issue on a pragmatic and evidence basis. The Delegation noted that most users of the Hague System were from Germany; however, German was not an official language of the UN system, nor of the Hague System. The Delegation called upon the member states that supported the proposal to spread the working languages of the Hague System and to analyze in more detail in their countries whether the national language was indeed a real barrier for potential users of the Hague System. The Delegation recalled that all these issues had financial implications and were all interlinked.

136. The Representative of JPAA raised three concerns: first, if notifications of refusal were in Russian, they would need to be translated; second, this would cause an increase of additional fees which would be prejudicial to the Hague System; and third, the increase in processing time due to accumulation of delays in translating each document, which would create delays in registration.

137. The Secretariat noted that there was general support for the notion of expanding the language regime of the Hague System. At the same time, the Secretariat observed from half of the interventions, at least, an appeal for caution, a demand for more information, and a reluctance to include the proposal on the agenda of the Hague Union Assembly at its next session in autumn. The Secretariat noted that the last Madrid Working Group, which was held two weeks earlier, came to the same outcome.

138. Furthermore, the Secretariat took note that a number of delegations requested the International Bureau to prepare a document for the next session of the Working Group analyzing the financial, legal and practical implications of an expansion of the language regime. The Secretariat added that it would be the opportunity to reexamine the whole language regime by considering existing models, such as the PCT model, or by inventing another model. The document would explore different models, their financial, practical and legal implications, to provide the widest range of possible options. The Secretariat also believed that it would need to look into the nature of the languages, as not all languages have the same costs from an administrative point of view.

139. Referring to the intervention made by the Delegation of the Czech Republic, the Secretariat observed that it would be the national Offices which support the expansion of the language regime that would be best placed to assess the potential benefits of an expansion of the language regime. While the Secretariat could look at the cost implications of such a proposal, it was the member states that would be better positioned to assess the potential benefits for users. Therefore, the Secretariat stated that the International Bureau would welcome from those Offices concerned any paper in this regard.

140. The Working Group requested the Secretariat to prepare a detailed analysis describing several 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

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

142. The Secretariat explained the International Bureau's plan to proceed to the publication of the Bulletin through the Global Design Database, with a view to streamlining the data dissemination concerning international registrations under the Hague System. The Global Design Database covered a large number of national and international design registrations or design patents, and would continue to expand rapidly. PCT international applications were currently published on PATENTSCOPE, and the current plan was to follow that direction. The Secretariat recalled the two basic functions of the Bulletin: the publicity of international registrations and other recordings in designated Contracting Parties, and the notification of those transactions to each Office. The International Bureau would ensure that there would be no negative impact on the current implementation of the Hague System by each Office, when they were designated.

143. The Delegation of the United States of America supported the proposal to consolidate the databases, but raised a few questions. Firstly, the Delegation wondered if the consolidation of the databases would not affect the electronic transmission of international design registrations to designated Contracting Parties. Secondly, the Delegation questioned whether the existing hyperlinks pointing to specific entries in the Bulletin or in the Hague Express database would continue to function. Thirdly, the Delegation asked for further information concerning the transition period as it was indicated in paragraph 23 of the document that the switch over would take place in 2018/2019.

144. In response to the intervention made by the Delegation of the United States of America, the Secretariat clarified that there would be no impact on the data exchange mechanisms in place and the proposal concerned only the user interfaces. The Secretariat took note of the reliance on existing hyperlinks and the need for them to be re-directed to the appropriate place in the Global Design Database with a technical solution. Finally, the Secretariat indicated that the new project was still under technical evaluation, and that it was premature to give the detailed timeline.

145. The Delegation of the European Union requested clarification as to whether the two publication tools would function in parallel during a transitional period or whether the traditional Bulletin would be switched off immediately once the Global Design Database was enhanced to function as the Bulletin.

146. In response to the intervention made by the Delegation of the European Union, the Secretariat clarified that the transition would aim to make available the entire Bulletin search features in the Global Design Database, allowing both of them to run in parallel for some time. Later, the International Bureau would direct the user community, including the Intellectual Property Offices, to the authoritative Bulletin with the necessary redirections of previous links to the new system.

147. The Chair concluded that the Working Group took note of the content of the document.

148. Discussions were based on document H/LD/WG/7/7.

149. The Secretariat thanked all Offices for their replies to the Questionnaire concerning priority documents circulated to the members in November 2017. The Secretariat noted that the survey results did not suggest the need for any immediate change to the International Bureau's practice concerning the issuance of priority documents. The survey was nevertheless useful to better understand the practices of members. The Secretariat also noted quite a few positive replies as to their intention to participate in WIPO Digital Access Service (DAS) in the future. The Secretariat informed the Working Group that a compilation of the replies to the Questionnaire would be published on the WIPO website shortly.

150. The Delegation of the Republic of Korea thanked the Secretariat for the analysis of the replies to the Questionnaire. The Delegation requested more detailed information in order to understand each Office's reply and to benefit the users of the Hague System.

151. The Delegation of the United States of America echoed the intervention of the Delegation of the Republic of Korea, and suggested that the International Bureau should use the information obtained through the analysis to enhance the contents of the dedicated pages on the Hague website. The Delegation further indicated that the United States Patent and Trademark Office (USPTO) frequently received questions from applicants concerning priority issues, among others, the possibility to correct and/or add a priority claim after filing, the possibility to claim priority between utility and design applications, and information relating to a certified priority document. The Delegation encouraged the Working Group to consider, at its next session, the possibility of amending the Common Regulations to provide applicants with the possibility to correct and/or add a priority claim after filing, as authorized by Article 6. The Working Group should also consider providing for the restoration of the right of priority. The Delegation also wished to encourage Hague members to implement WIPO DAS in the context of design applications. Being already an accessing Office, the Delegation further announced that the USPTO would become a depositing Office in November or December 2018. Finally, the Delegation expressed its hopes that all members would use WIPO DAS in the near future.

152. The Delegation of Japan thanked the Secretariat for conducting the survey and expressed its wish that the replies to the Questionnaire be uploaded on the WIPO website country by country. The Delegation observed that different practices existed among the Contacting Parties of which it wished to expect, in particular, certain harmonization as to the issue described in paragraph 25 of the document. The Delegation announced that the Japan Patent Office (JPO) had taken the necessary steps to extend its implementation of WIPO DAS to design applications. A bill for amending its Design Act to that end was already approved by the National Diet, and an IT system was under preparation to respond to it.

153. The Delegation of Spain stated that its Office participated in WIPO DAS for both patent and design applications. The Delegation urged other members to join it.

154. The Secretariat apologized for the delay in posting a compilation of the replies to the Questionnaire, acknowledging that many delegations were interested in the full outcome of the replies. The Secretariat reassured the Working Group that the document would be available on the website very shortly. Regarding the participation in WIPO DAS, the Secretariat suggested that any Office interested in it should contact the International Bureau for technical assistance. According to their official notifications, the status of each participating Office was featured on the dedicated website as to a depositing and/or accessing Office, as well as patent and/or design applications.

155. The Chair concluded that the Working Group took note of the content of the document.

156. Discussions were based on document H/LD/WG/7/8.

157. The Secretariat indicated that the present document was a progress report on the new information structure of the International Register, whose blueprint was presented at the sixth session of the Working Group that met in June 2016. The Secretariat recalled that two significant progresses had been accomplished on the current project since then. First, the Committee on WIPO Standards (CWS) had hosted a task force, called "XML4IP Task Force", which realized, with the contribution of experts from 11 IP Offices, significant progress on the data modeling of the International Register. Version 3.0 of Standard ST96, released on February 26, 2018, included all the granular Hague-specific components. The second progress was a new core IT system, which would be released in the course of that year and would give the opportunity to refresh entirely the data structure based on the project.

158. The Delegation of the United States of America expressed its support to modernizing the Hague System in a general sense to continue to make it efficient and serve the needs of applicants and users. Noting potential changes in the future, such as, several descriptions by design, design-specific designation, use of legacy records and publication by design, the Delegation considered that all those would require consideration by the Working Group in terms of their legal ramifications or practical implications.

159. The Secretariat added that a high-level roadmap for Hague System electronic data exchange with Offices was provided in the annex of the document. The Secretariat pointed out that a sunset period allowing for a smooth transition for Offices that relied on the current XML data sent by the International Bureau to Offices was planned. The new XML data that IP Offices would receive would be dealt in the same manner, which should therefore not trigger any legal or procedural changes in the IT system or in the examiners' practice. Nonetheless, it was not foreseen to indefinitely support the legacy XML. Thus, if any legal or procedural constraints were identified using the new ST96, it would be advisable to raise them earlier than later, since the old XML would be discontinued eventually.

160. The Chair concluded that the Working Group took note of the content of the document.

161. Discussions were based on document H/LD/WG/7/9, introduced by the Delegation of the United States of America.

162. The Delegation of the United States of America expressed its gratitude to the Secretariat for the translation of its submission concerning the financial well-being of the Organization and of the Hague System. The Delegation expressed its wish that the Working Group addressed the mandate of the Hague Union. The Delegation referred to Table 11 of the document, which showed that the Hague System was projected to operate an approximate deficit of 14 million Swiss francs. The Delegation noted that the Working Group would be the best place to

consider ways to address the deficit and to consider the long-term health of the Hague Union, so as to follow the mandate of the Hague Union. The Delegation proposed that the Working Group initiate a comprehensive review of the fee structure and current fees of the Hague System, and examine measures to address the deficit currently projected. The modification of the Schedule of Fees would be an option, but also other ways could be explored to tweak or modify the system, or address some inefficiency of the system. The Delegation requested the Secretariat to provide its expertise on that issue.

163. The Delegations of France, Germany, Italy, Switzerland and the United Kingdom expressed their gratitude to the Delegation of the United States of America for raising that important issue, and for providing information and explanations on that matter. The delegations expressed their regret that they did not have enough time to analyze it properly within their national Offices before the Working Group. The delegations suggested that the item be addressed at a next or future session of the Working Group.

164. While supporting the postponement of the discussion, the Delegation of the Czech Republic expressed its interest in receiving some analysis on the structure or situation of the current deficit: whether it was increasing or decreasing, and the situation before and after the large number of ratifications/accessions of new members that took place some years ago.

165. The Delegation of the United States of America observed that a number of delegations agreed to discuss the issue at the next session of the Working Group. The Delegation recalled that a possible revision of the Schedule of Fees had been included in a previous draft agenda. The submission of the document was delayed since it was in response to the withdrawal of that agenda item. The Delegation also echoed the intervention made by the Delegation of the Czech Republic in particular, wishing to receive more information on the trends in the deficit. The Delegation wished to receive from the Secretariat such information, with different possible options to address the deficit to be discussed at the next session.

166. The Secretariat explained that the finances of the Hague Union depended not only on the income or revenue, which was based on the collection of fees, but also on the expenditures for the program. The fee was merely one of the parameters set by the legal framework. The Secretariat recalled that the Working Group on the Legal Development of the Hague System was created in 2011 to address the legal development of the Hague System. It is aimed at maintaining the system relevant and user friendly, particularly in view of the system's expansion to examining jurisdictions. The Secretariat added that the financial issues should be addressed at the appropriate body, which was the Program and Budget Committee. In 2015, the Working Group recognized a profound impact of the expansion to new jurisdictions on the workload and other costs of the International Bureau and decided to observe the situation before looking into the Schedule of Fees, noting that the Schedule of Fees could not be revised too often.

167. The Secretariat added that while preparing the agenda, it appeared that the situation faced by the Hague System indicated that there were still too many moving and unknown parameters which prevented the provision of a concrete proposal. The expansion of the system would require adapting international applications to allow the designation of these new members. The expansion would bring more filings and decisions coming from new members, and would imply that any new element would need to be examined by the International Bureau. The Secretariat noted that the upcoming launch of the new IT platform would provide some efficiency gains. However, the magnitude of those gains could not be determined yet. In regards to the expansion of the Hague language regime, the Secretariat noted that the Working Group recognized that it would have financial implications. A possible revision of the Schedule of Fees was therefore premature. The system should become more stable before considering the issue, which would not happen for the next session, but probably for the midterm.

168. The Delegation of the United States of America recognized the costs resulting from many aspects of the development of the Hague System, especially the expansion of the language regime. The Delegation highlighted the impact on the costs that would be potentially felt by applicants. Thus, an analysis of the language expansion could not be done without a complete understanding of both fees and costs issues. Therefore, the fees issue should be explored at the next session of the Working Group, as the Hague System could be in a bad position if the Working Group waited too long to consider it. The Delegation stated that they would continue to encourage the Working Group to give high priority to that item, which should be analyzed from a macro level and discussed at the next Session.

169. The Delegation of France noted that it would be necessary to determine which competent committee would have the mandate to cover these matters.

170. The Delegation of Spain shared the point raised by the Delegation of France. However, the Delegation indicated that the Working Group should not depart from that issue and should be aware of the development or analysis that would take place on that matter in other working groups or committees.

171. The Chair noted that the topic had implications on the proposal made by the Delegation of the Russian Federation, for which the Secretariat would analyze the different language regime options, financial implications and consequences. The Chair questioned whether the analysis of the language regime and the fees issue could be done simultaneously.

172. The Delegation of the United States of America suggested that an analysis of the fees should be provided by the Secretariat on the model of what had been done with respect to the language regime. The Delegation observed that it was in the Working Group's mandate to increase or reduce the fees. That analysis document should provide some background information and potential options for consideration by the Working Group.

173. The Delegation of the United Kingdom recalled that a similar document was proposed to the Madrid Working Group, covering WIPO financial issues, which would need to be discussed in the Program and Budget Committee.

174. The Delegation of the United States of America thanked the participants to the Working Group for their constructive and productive comments on the issue that they would raise for consideration of the Working Group at the next opportunity.

175. The Chair noted that it was too early to have an in-depth discussion.

AGENDA ITEM 10: SUMMARY BY THE CHAIR

176. The Working Group approved the Summary by the Chair as contained in Annex I to the present document.

AGENDA ITEM 11: CLOSING OF THE SESSION

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

[Annexes follow]



H/LD/WG/7/10
ORIGINAL: ENGLISH
DATE: JULY 18, 2018

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.

**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, t~~he 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.

[...]

[Annex II follows]



H/LD/WG/7/INF/1
ORIGINAL: FRANÇAIS / ANGLAIS
DATE: 18 JUILLET 2018 / JULY 18, 2018

**Groupe de travail sur le développement juridique du système
de La Haye concernant l'enregistrement international des dessins
et modèles industriels**

Septième session
Genève, 16 – 18 juillet 2018

**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

**LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS**

*établie par le Secrétariat/
prepared by the Secretariat*

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique des noms français des parties contractantes)
(in the alphabetical order of the names in French of the Contracting Parties)

ALLEMAGNE/GERMANY

Kristin EBERSBACH (Ms.), Head, Design Unit, German Patent and Trade Mark Office (DPMA), Jena

Caroline SCHMIDT (Ms.), Legal Advisor, Design Unit, German Patent and Trade Mark Office (DPMA), Jena

ARMÉNIE/ARMENIA

Tigran DAVTYAN (Mr.), Permanent Representative, Permanent Mission, Geneva

BELIZE

Olabimpe Atinuke AKINKUOLIE (Ms.), Deputy Registrar, Belize Intellectual Property Office (BELIPO), Belmopan

CROATIE/CROATIA

Alida MATKOVIČ (Ms.), Minister Counsellor, Permanent Mission, Geneva

DANEMARK/DENMARK

Ida JOHANNESSEN (Ms.), Legal Advisor, Danish Patent and Trademark Office (DKPTO), Ministry of Industry, Business and Financial Affairs, Taastrup
ijo@dkpto.dk

ESPAGNE/SPAIN

Raquel SAMPEDRO-CALLE (Sra.), Jefa, Área Jurídica, Patente Europea y PCT, Oficina Española de Patentes y Marcas (OEPM), Madrid
raquel.sampedro@oepm.es

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

David GERK (Mr.), Attorney-Advisor, Office of Policy and International Affairs, United States Patent and Trademark Office (USPTO), Alexandria
david.gerk@uspto.gov

Boris MILEF (Mr.), Senior Legal Examiner, International Patent Legal Administration, United States Patent and Trademark Office (USPTO), Alexandria
boris.milef@uspto.gov

EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE/THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Slobodanka TRAJKOVSKA (Ms.), Head of Section, Trademark, Industrial Design and Geographical Indications Department, State Office of Industrial Property (SOIP), Skopje

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Yulia DUTIKOVA (Ms.), Principle State Examiner, Division of International Registration Systems, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property (ROSPATENT), Moscow
yulia.dutikova@rupto.ru

Nikita ZHUKOV (Mr.), Deputy Permanent Representative, Permanent Mission, Geneva

Maria RYAZANOVA (Ms.), Second Secretary, Permanent Mission, Geneva

FINLANDE/FINLAND

Olli TEERIKANGAS (Mr.), Head of Unit, Trademarks and Designs, Finnish Patent and Registration Office, Helsinki
olli.teerikangas@prh.fi

FRANCE

Julie GOUTARD (Mme), chargée de mission, Institut national de la propriété industrielle (INPI), Courbevoie

Florence BREGE (Mme), responsable du Service des dessins et modèles, Institut national de la propriété industrielle (INPI), Courbevoie
fbrege@inpi.fr

GÉORGIE/GEORGIA

Temuri PIPIA (Mr.), First Secretary, Permanent Mission, Geneva

GRÈCE/GREECE

Christina VALASSOPOULOU (Ms.), First Counsellor, Permanent Mission, Geneva

HONGRIE/HUNGARY

Eszter JAMBOR (Ms.), Head, Model and Design Section, Hungarian Intellectual Property Office (HIPO), Budapest
eszter.jambor@hipo.gov.hu

ITALIE/ITALY

Alfonso PIANTEDOSI (Mr.), Head of delegation, Italian Patent and Trademark Office (UIBM), General Directorate for the Fight Against Counterfeiting, Ministry of Economic Development, Rome
alfonso.piantedosi@mise.gov.it

Marco BERTINI (Mr.), Expert, Marks, Designs and Models Division, Italian Patent and Trademark Office (UIBM), General Directorate for the Fight Against Counterfeiting, Ministry of Economic Development, Rome
marco.bertini@mise.gov.it

Silvia COMPAGNUCCI (Ms.), Examiner, Designs and Models Division, Italian Patent and Trademark Office (UIBM), General Directorate for the Fight Against Counterfeiting, Ministry of Economic Development, Rome

Matteo EVANGELISTA (Mr.), First Secretary, Permanent Mission, Geneva
matteo.evangelista@esteri.it

Luigi BOGGIAN (Mr.), Intern, Permanent Mission, Geneva
luigi.boggian@studenti.univr.it

JAPON/JAPAN

Mayako OE (Ms.), Senior Specialist for Formality Examination, Office for International Design Applications under the Geneva Act of the Hague Agreement and International Trademark Applications under the Madrid Protocol, Japan Patent Office (JPO), Tokyo
pa1b40@jpo.go.jp

Megumi TSURUTA (Ms.), Assistant Director, International Cooperation Division, Japan Patent Office (JPO), Tokyo
pa1b40@jpo.go.jp

LITUANIE/LITHUANIA

Digna ZINKEVIČIENĖ (Ms.), Head, Trademark and Designs Division, State Patent Bureau of the Republic of Lithuania, Vilnius
digna.zinkeviciene@vpb.gov.lt

MAROC/MOROCCO

Soumia ISMAILI ALAOUI (Mme), examinatrice, Département des signes distinctifs, Office marocain de la propriété industrielle et commerciale (OMPIC), Casablanca
soumia.alaoui@ompic.ma

NORVÈGE/NORWAY

Sissel BØE-SOLLUND (Ms.), Senior Legal Advisor, Design and Trademark Department, Norwegian Industrial Property Office (NIPO), Oslo
sbs@patentstyret.no

ORGANISATION AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (OAPI)/AFRICAN
INTELLECTUAL PROPERTY ORGANIZATION (OAPI)

Maurice BATANGA (M.), directeur des affaires juridiques, Direction des affaires juridiques,
Yaoundé
maurice.batanga@yahoo.fr

POLOGNE/POLAND

Daria WAWRZYŃSKA (Ms.), Examiner, Trademarks Department, Patent Office of the Republic
of Poland, Warsaw
dwawrzynska@uprp.pl

RÉPUBLIQUE ARABE SYRIENNE/SYRIAN ARAB REPUBLIC

Mohamadia ALNASAN (Ms.), Counsellor, Permanent Mission, Geneva
mohamadia.alnasan.7@gmail.com

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

SOHN Eunmi (Ms.), Deputy Director, International Application Division, Korean Intellectual
Property Office (KIPO), Daejeon

KIM Eunji (Ms.), Assistant Deputy Director, International Application Division, Korean Intellectual
Property Office (KIPO), Daejeon

ROUMANIE/ROMANIA

Alice Mihaela POSTĂVARU (Ms.), Head, Industrial Designs Division, State Office for Inventions
and Trademarks (OSIM), Bucharest
postavaru.alice@osim.ro

ROYAUME-UNI/UNITED KINGDOM

Andrew SADLER (Mr.), Head of International Brands and Trade, Trade Marks and Designs
Policy Department, Intellectual Property Office (UK IPO), Newport
andrew.sadler@ipo.gov.uk

Louise HAMILTON-JONES (Ms.), Trade Marks and Designs Policy Advisor, Trade Marks and
Designs Policy Department, Intellectual Property Office (UK IPO), Newport
louise.hamilton-jones@ipo.gov.uk

Andrew LOCKYER (Mr.), Designs Operation Manager, Trade Marks and Designs Policy
Department, Intellectual Property Office (UK IPO), Newport
andrew.lockyer@ipo.gov.uk

SERBIE/SERBIA

Milos DURDEVIC (Mr.), Third Secretary, Permanent Mission, Geneva

SINGAPOUR/SINGAPORE

Fuad JOHARI (Mr.), Second Secretary, Permanent Mission, Geneva
muhammad_fuad_johari@mfa.gov.sg

SUISSE/SWITZERLAND

Beat SCHIESSER (M.), chef, Service des dessins et modèles, Division des brevets, Institut fédéral de la propriété intellectuelle (IPI), Berne

Marie KRAUS (Mme), conseillère juridique, Division du droit et des affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

Irene SCHATZMANN (Mme), conseillère juridique, Division du droit et des affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

TADJIKISTAN/TAJIKISTAN

Parviz MIRALIEV (Mr.), Head, International Cooperation Department, National Center for Patents and Information (NCPI), Ministry of Economic Development and Trade, Dushanbe
parviz.info@gmail.com

UNION EUROPÉENNE (UE)/EUROPEAN UNION (EU)

Stefan HANNE (Mr.), Legal Specialist, Legal Practice Service, European Union Intellectual Property Office (EUIPO), Alicante

II. OBSERVATEURS/OBSERVERS

AFRIQUE DU SUD/SOUTH AFRICA

Tshenolo Elizabeth KEKANA (Ms.), Industrial Design Team Leader, Companies and Intellectual Property Commission (CIPC), Pretoria

ALGÉRIE/ALGERIA

Mustapha CHAKAR (M.), examinateur-contrôleur, Direction des brevets, Institut national algérien de la propriété intellectuelle (INAPI), Alger
m.chakar@inapi.org

BÉLARUS/BELARUS

Tatsiana KAVALEUSKAYA (Ms.), Head, Department of Law and International Treaties, National Center of Intellectual Property (NCIP), Minsk
icd@belgospatent.by

CANADA

Sandra NEWSOME (Ms.), Policy Manager, Canadian Intellectual Property Office (CIPO),
Gatineau
sandra.newsome@canada.ca

Maxime VILLEMAIRE (Mr.), Policy Advisor, Canadian Intellectual Property Office (CIPO),
Gatineau
maxime.villemaire@canada.ca

CHINE/CHINA

LIU, Yue (Ms.), Director, State Intellectual Property Office (SIPO), Beijing

LIU, Heming (Mr.), Deputy Section Chief, State Intellectual Property Office (SIPO), Beijing

DJIBOUTI

Ouloufa ISMAIL ABDO (Mme), directrice, Office de la propriété industrielle et
commerciale (ODPIC), Ministère du commerce et de l'industrie, Djibouti
conseil.legal@gmail.com

HONDURAS

Carlos ROJAS SANTOS (Sr.), Representante Permanente Adjunto, Misión Permanente,
Ginebra
crojasantos@msn.com

Mariel LEZAMA PAVON (Ms.), Consejera, Misión Permanente, Ginebra
mariel.lezama@hondurasginebra.ch

INDONÉSIE/INDONESIA

Erni WIDHYASTARI (Ms.), Director, Copyright and Industrial Design, Directorate General of
Intellectual Property (DGIP), Ministry of Law and Human Rights, Jakarta

Hariyadi Punto HANDOYO (Mr.), Deputy Director, Classification and Examination Division,
Directorate General of Intellectual Property (DGIP), Ministry of Law and Human Rights, Jakarta

Suratno SURATNO (Mr.), Deputy Director, Application and Publication Division, Directorate
General of Intellectual Property (DGIP), Ministry of Law and Human Rights, Jakarta

ISRAËL/ISRAEL

Alice MAHLIS ABRAMOVICH (Ms.), Head, Designs Department, Israel Patent Office, Ministry of
Justice, Jerusalem

Ayelet FELDMAN (Ms.), Advisor, Legal Council and Legislation, Israel Patent Office, Ministry of
Justice, Jerusalem

JORDANIE/JORDAN

Abdel-Haleem EL-JAMRAH (Mr.), Head, Industrial Designs and Models Section, Industrial Property Protection Directorate (IPPD), Ministry of Industry, Trade and Supply, Amman
abelhaleem.j@mit.gov.jo

KAZAKHSTAN

Lyazzat SALKEN (Ms.), Chief Specialist, Division on Legal Affairs and Monitoring of Public Services, National Institute of Intellectual Property, Ministry of Justice, Astana
l.salken@kazpatent.kz

MADAGASCAR

Mathilde Manitra Soa RAHARINONY (Mme), chef, Service de l'enregistrement international des marques et dessins et modèles, Office malgache de la propriété industrielle (OMAPI), Ministère de l'industrie, Antananarivo
marques.int.omapi@moov.mg

MEXIQUE/MEXICO

Viridiana Estefania LÓPEZ ISLAS (Sra.), Especialista en Propiedad Industrial, Dirección Divisional de Patentes, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México
estefania.lopez@impi.gob.mx

Ruben MARTÍNEZ CORTE (Sr.), Especialista en Propiedad Industrial, Dirección Divisional de Relaciones Internacionales, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México
ruben.martinez@impi.gob.mx

María del Pilar ESCOBAR BAUTISTA (Sra.), Consejera, Misión Permanente, Ginebra

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Evžen MARTÍNEK (Mr.), Lawyer, International Department, Industrial Property Office, Prague
emartinek@upv.cz

SOUDAN/SUDAN

Osman Hassan Mohamed HASSAN (Mr.), Counsellor, Permanent Mission, Geneva
sudan.secretariat@bluewin.ch

THAÏLANDE/THAILAND

Jutamon ROOPNGAM (Ms.), Legal Officer, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi

VIET NAM

Nguyet Minh TRAN (Ms.), Official, Legislation and Policy Division, National Office of Intellectual Property (NOIP), Hanoi

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

ORGANISATION EURASIENNE DES BREVETS (OEAB)/EURASIAN PATENT
ORGANIZATION (EAPO)

Julie FIODOROVA (Ms.), Deputy Head, Legal Division, Legal Support, Quality Supervision and Document Workflow Department, Moscow

IV. ORGANISATIONS NON GOUVERNEMENTALES/NON-GOVERNMENTAL
ORGANIZATIONS

American Intellectual Property Law Association (AIPLA)
Margaret POLSON (Ms.), Member, Westminster

Association communautaire du droit des marques (ECTA)/European Communities Trade Mark
Association (ECTA)
Beatrix BREITINGER (Ms.), Member of Design Committee, Munich
breitinger@wuesthoff.de

International Trademark Association (INTA)
Bruno MACHADO, Geneva Representative, Rolle
bruno.machado@bluewin.ch

Japan Patent Attorneys Association (JPAA)
Kotaro ITO (Mr.), Member, Tokyo
gyoumukokusai@jpaa.or.jp
Kenji TAGUCHI (Mr.), Member, Tokyo
gyoumukokusai@jpaa.or.jp

MARQUES – Association des propriétaires européens de marques de commerce/
MARQUES – Association of European Trademark Owners
Inga GEORGE (Ms.), Member, Designs Team, Hamburg

V. BUREAU/OFFICERS

Président/Chair:	Marie KRAUS (Mme/Ms.) (Suisse/Switzerland)
Vice-présidents/Vice-Chairs:	SOHN Eunmi (Mme/Ms.) (République de Corée/ Republic of Korea) David R. GERK (M./Mr.) (États-Unis d'Amérique/ United States of America)
Secrétaire/Secretary:	Hiroshi OKUTOMI (M./Mr.) (OMPI/WIPO)

VI. SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ
INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)

Francis GURRY (M./Mr.), directeur général/Director General

WANG Binying (Mme/Ms.), vice-directrice générale/Deputy Director General

Grégoire BISSON (M./Mr.), directeur, Service d'enregistrement de La Haye, Secteur des marques et des dessins et modèles/Director, The Hague Registry, Brands and Designs Sector

Kim MILES-REIMSCHÜSSEL (Mme/Ms.), directrice, Systèmes informatiques de La Haye, Service d'enregistrement international de La Haye, Secteur des marques et des dessins et modèles/Director, IT System Hague, The Hague Registry, Brands and Designs Sector

Päivi LÄHDESMÄKI (Mme/Ms.), chef, Section du développement et de la promotion du système de La Haye, Service d'enregistrement international de La Haye, Secteur des marques et des dessins et modèles/Head, Hague Development and Promotion Section, The Hague Registry, Brands and Designs Sector

Hiroshi OKUTOMI (M./Mr.), chef, Section des affaires juridiques du système de La Haye, Service d'enregistrement de La Haye, Secteur des marques et des dessins et modèles/Head, Hague Legal Affairs Section, The Hague Registry, Brands and Designs Sector

Quan-Ling SIM (M./Mr.), chef, Service des opérations, Service d'enregistrement de La Haye, Secteur des marques et des dessins et modèles/Head, Operations Service, The Hague Registry, Brands and Designs Sector

Geneviève STEIMLE (Mme/Ms.), juriste, Section des affaires juridiques du système de La Haye, Service d'enregistrement de La Haye, Secteur des marques et des dessins et modèles/Legal Officer, Hague Legal Affairs Section, The Hague Registry, Brands and Designs Sector

Jean-François OUELLETTE (M./Mr.), analyste fonctionnel adjoint, Service des opérations, Service d'enregistrement de La Haye, Secteur des marques et des dessins et modèles/Associate Functional Analyst, Operations Service, Brands and Designs Sector

Dinara KAMALOVA (Mlle/Ms.), stagiaire, Section des affaires juridiques du système de La Haye, Service d'enregistrement de La Haye, Secteur des marques et des dessins et modèles/Intern, Hague Legal Affairs Section, The Hague Registry, Brands and Designs Sector

Sarah MELKA (Mme/Ms.), Section des affaires juridiques du système de La Haye, Service d'enregistrement de La Haye, Secteur des marques et des dessins et modèles/Hague Legal Affairs Section, The Hague Registry, Brands and Designs Sector

[End of Annex II and of document]