



WIPO | HAGUE

The International
Design System

The Hague System for the International Registration of Industrial Designs

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Associate Research Officer

November 2016

Industrial Designs



DM/074502

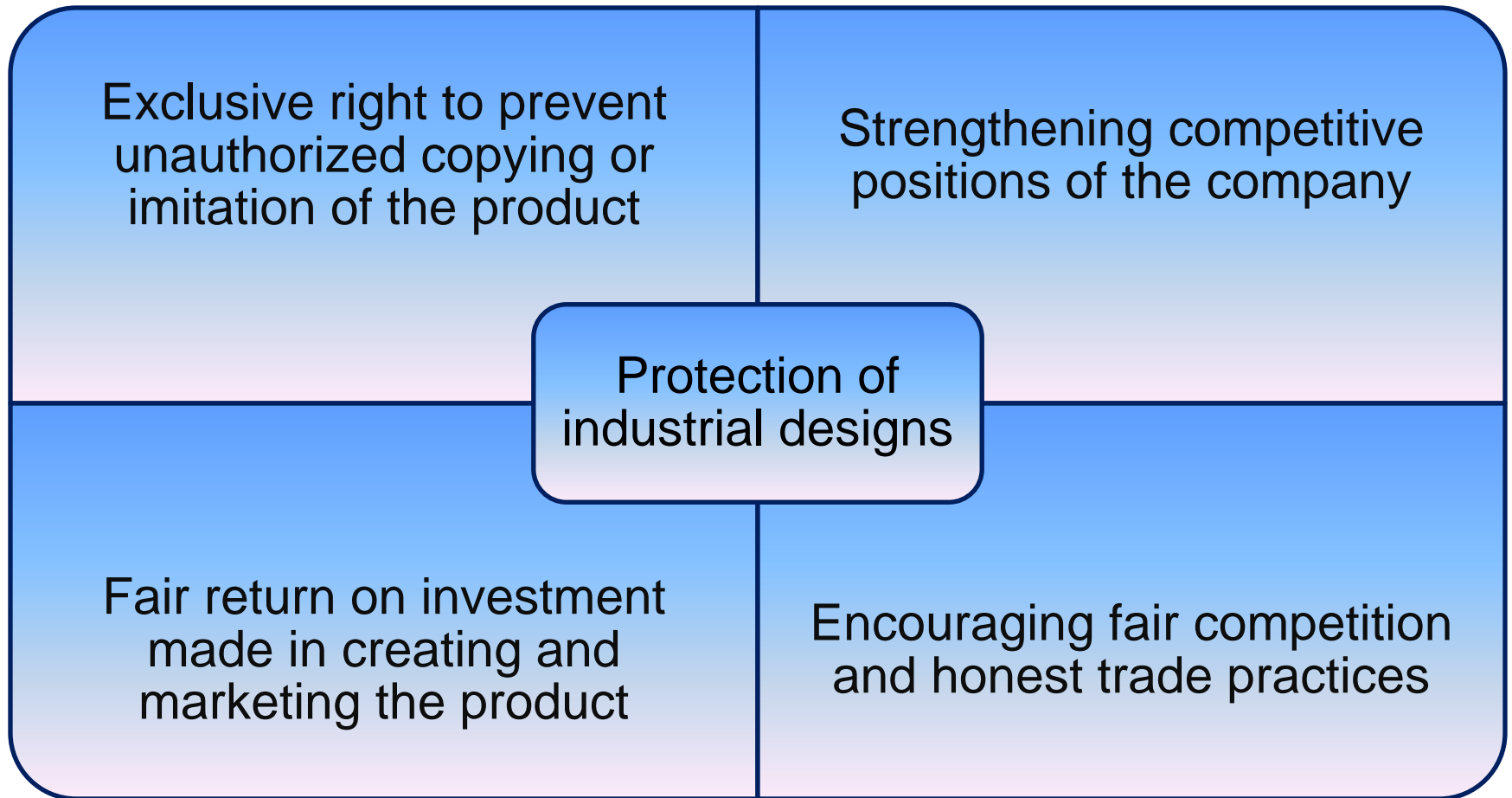


DM/083330



DM/081900

Why Protect Industrial Designs?



General Overview of the Hague System



Basic features and advantages



Legal framework



Going global – geographical scope



Some statistics



Latest developments and
upcoming features



Basic Features and Advantages of the Hague System

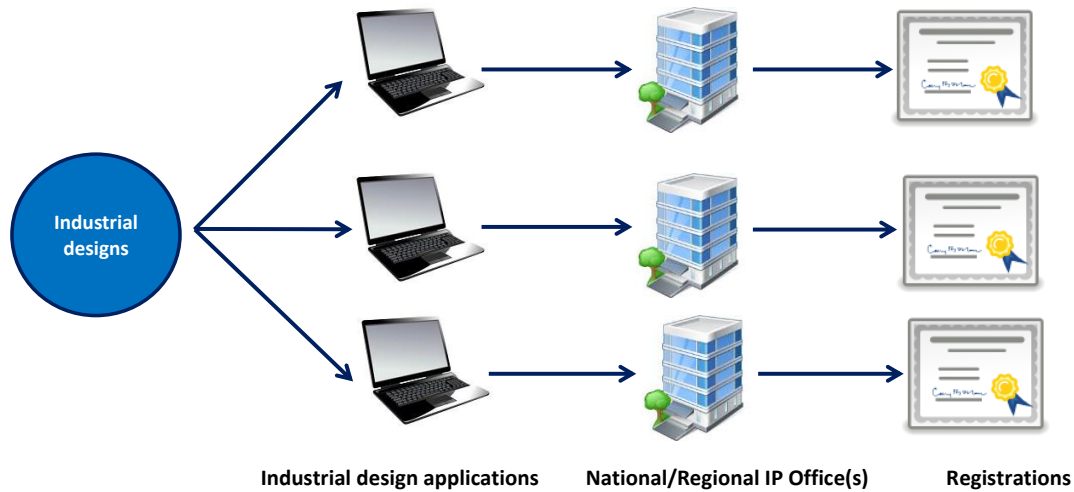
Hague System: a simple but timeless concept

The centralized acquisition and maintenance of industrial design rights by filing a single international application for a single international registration with effect in one or more designated Contracting Parties



Independent filings vs. Hague Route

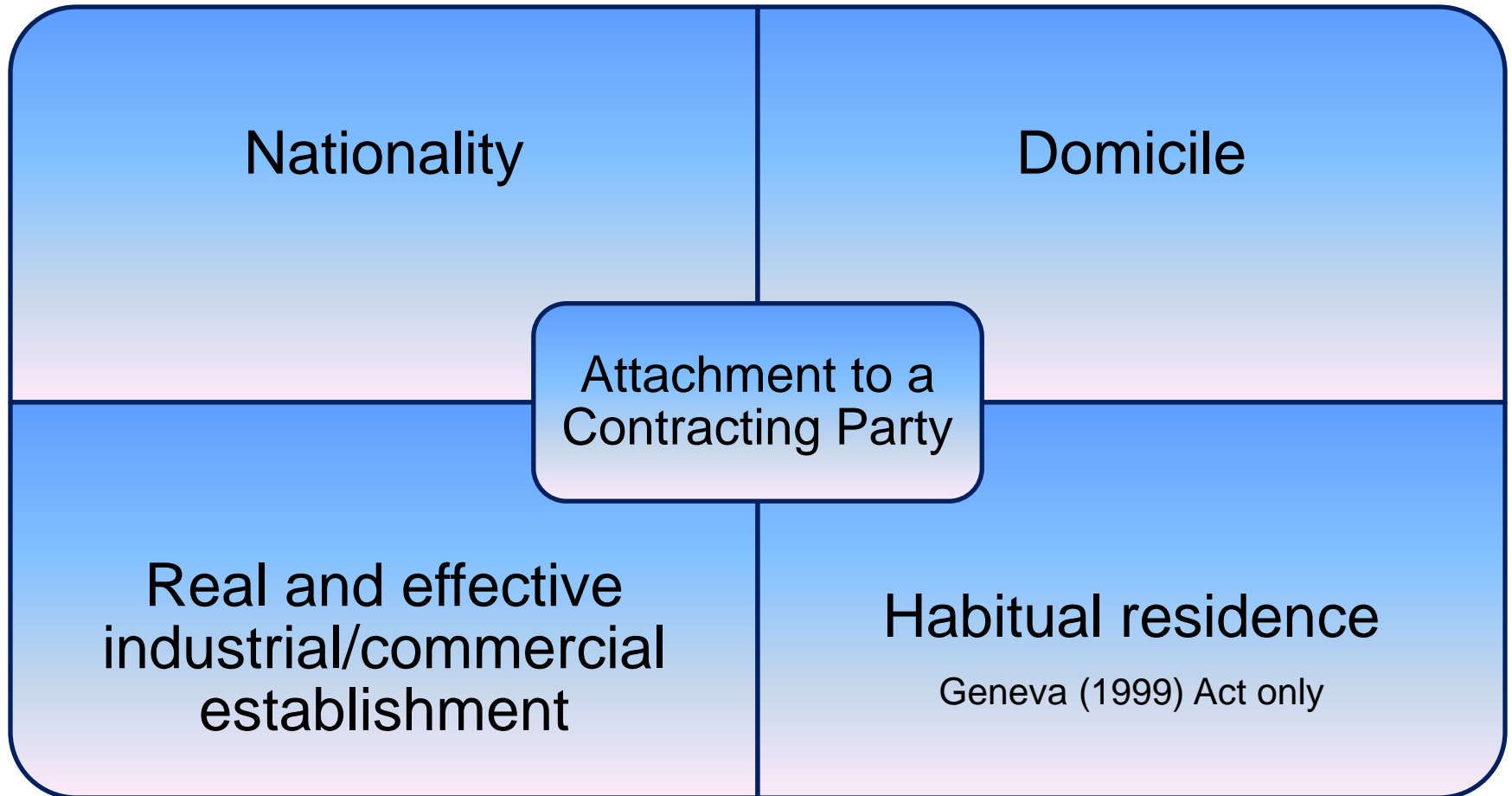
Direct/Paris Route



The Hague System



Who Can Use the System?



Main Features of the Hague System



Simplicity

The Hague System enables holders to obtain protection for their designs with a minimum of formality



Cost-effectiveness

Payment of a single set of fees in one currency



Efficiency

Considerable facilitation of the subsequent management of the registration



Flexibility

Right holders have more opportunities in targeting national, regional or global markets

What is the Hague System?

One to many relationships

- File a single international application for a single international registration (IR) in which one or more Contracting Parties (CP) are designated

“Bundle of Rights”

- If no refusal, the resulting international registration has the effect of a grant of protection in each designated Contracting Party

Hague System is a Procedural Arrangement

Issues such as:



the conditions for protection



the refusal procedure to be applied when deciding whether a design may be protected



the rights which result from protection

are governed by the law of each Contracting Party designated in an international registration

The International Application

In English, French or Spanish

May be filed directly with the International Bureau through the E-filing interface but also on paper

May comprise several different designs up to a maximum of 100 if they belong to the same class of the International Classification (Locarno)

One set of fees (in CHF) is to be paid

The Hague System Procedure: Role of the International Bureau

Formal examination

Recording in the International Register

Sending the certificate to the holder

Publication in the International Designs Bulletin

Notification to members through the publication in the Bulletin

If the International Bureau finds that the international application does not fulfill the applicable requirements, it invites the applicant to make the required corrections within three months from the date of invitation sent by the International Bureau

International registration has the same effect as a regularly-filed application in all designated Contracting Parties

The Hague System Procedure (II)

Refusal by a designated Contracting Party

on same substantive grounds as for national/regional filings

must be communicated within time limit

effect limited to territory of the member that has refused

International registration (where not refused)

no refusal = same rights as a local design registration

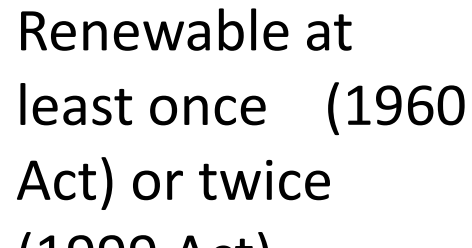

a bundle of independent national/regional rights

advantages of central management

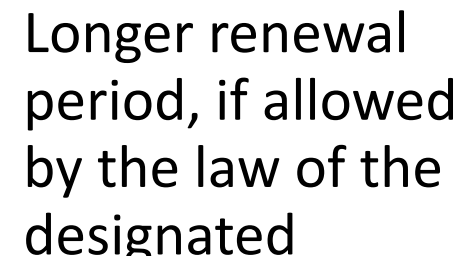

The Hague System Procedure (III)



Duration of protection: five years



Renewable at least once (1960 Act) or twice (1999 Act)



Longer renewal period, if allowed by the law of the designated Contracting Party

General Advantages of the Hague System



Hague System (international route)

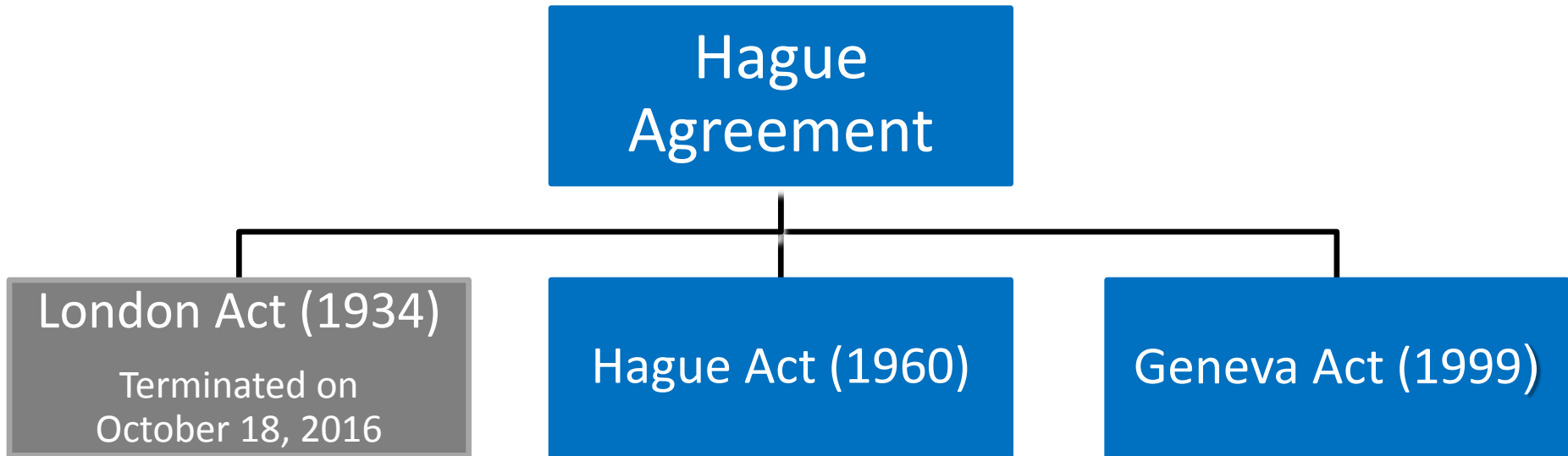
one Office for filing
one language
one currency
one international registration
one renewal
one modification
foreign attorney or agent
(first needed if refused)

National/regional route

many Offices for filing
many languages
many currencies
many registrations
many renewals
many modifications
foreign attorney or agent
(first needed at filing)



Legal Framework

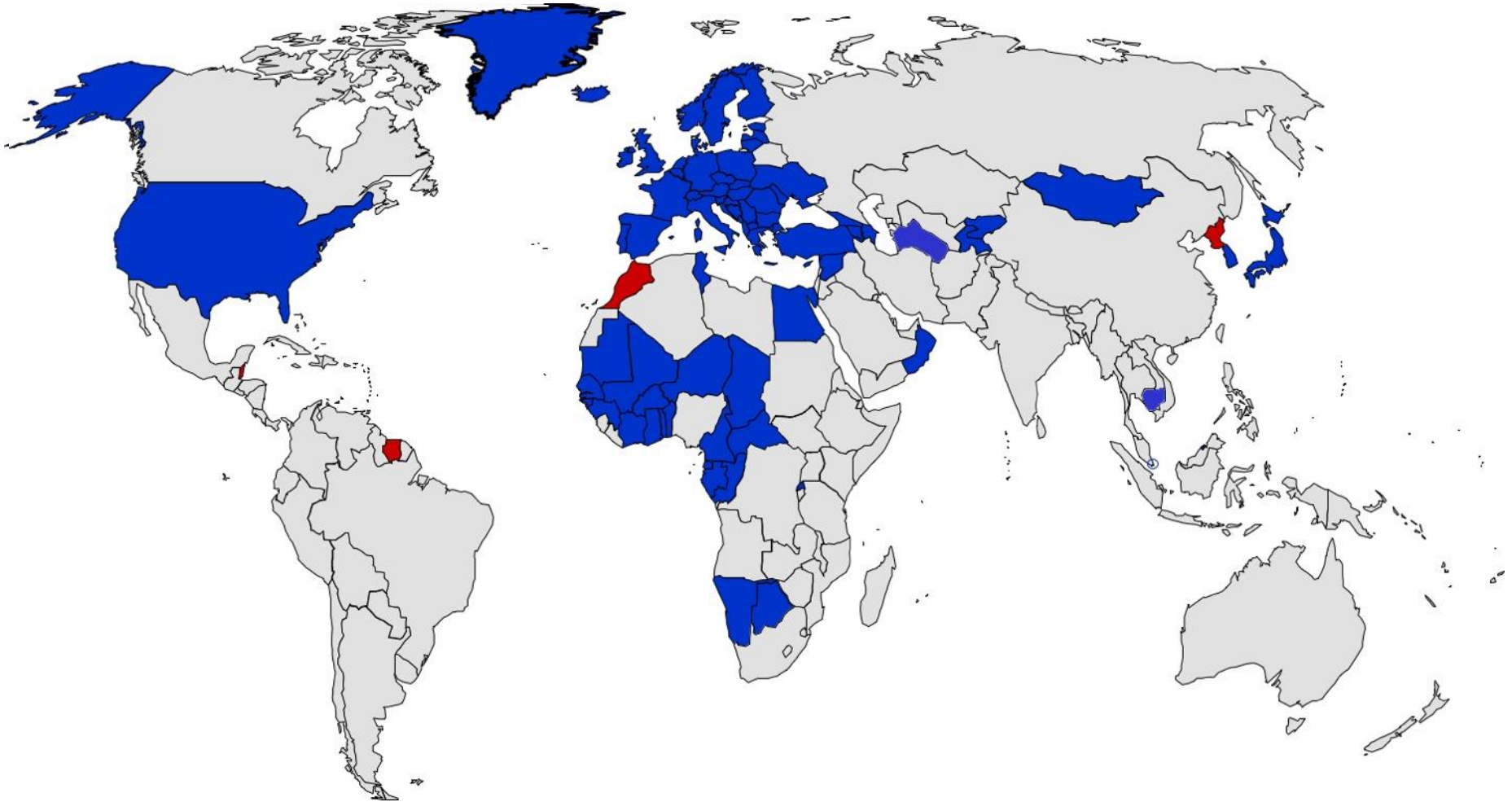


- **Common Regulations (1996), last revised: January 1, 2015**
- **Administrative Instructions (2002), last revised: July 1, 2014**
- **National Laws and Regulations**



Going Global – Geographical Scope of the Hague System

Hague Union



52 Geneva Act (1999) (including EU and OAPI)

14 Hague Act (1960)

66 Contracting Parties

WIPO | HAGUE
The International
Design System

Hague Union Members according to the most recent applicable Act

Geneva Act (1999)

- African Intellectual Property Organization, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Cambodia, Croatia, Denmark, Egypt, Estonia, European Union, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Monaco, Mongolia, Montenegro, Namibia, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Rwanda, Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Syrian Arab Republic, Switzerland, Tajikistan, Turkmenistan, the former Y.R. of Macedonia, Tunisia, Turkey, Ukraine and the United States of America

Hague Act (1960)

- Belgium, Belize, Benin, Côte d'Ivoire, D.P.R. of Korea, Gabon, Greece, Italy, Luxembourg, Mali, Morocco, Netherlands, Niger, Senegal and Suriname

Geneva Act (1999)

Recent Accessions



United States of America
(May 13, 2015)



Japan
(May 13, 2015)



Republic of Korea
(July 1, 2014)



Turkmenistan
(March 16, 2016)



Cambodia
(November 25, 2016)

Potential accessions



China



Russian Federation



Morocco



ASEAN countries



Israel



Canada



Mexico

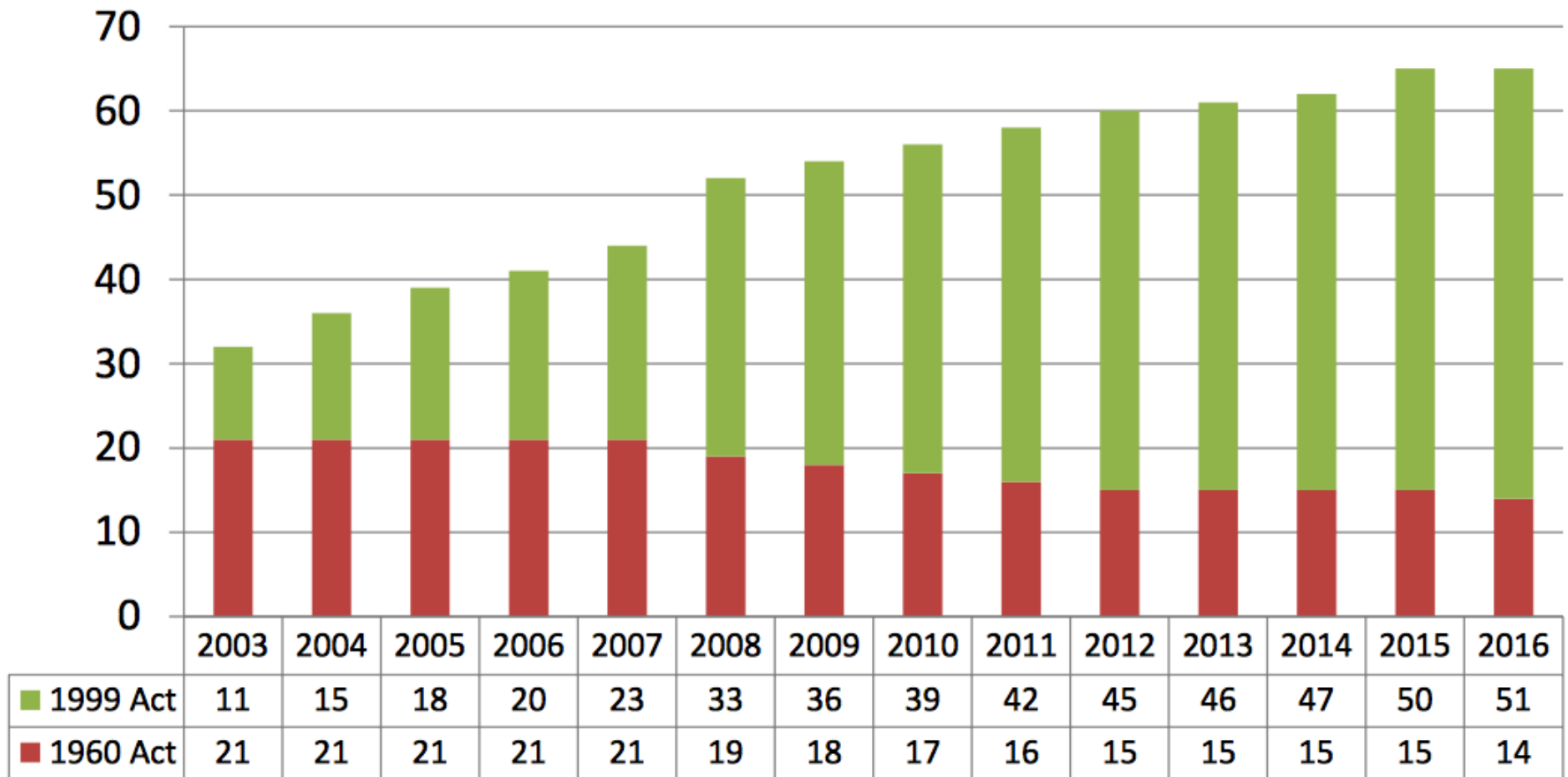


Madagascar



Some Statistics

Hague Membership Status as of November 2016



International Registrations in Force in the International Register (On December 31, 2015)

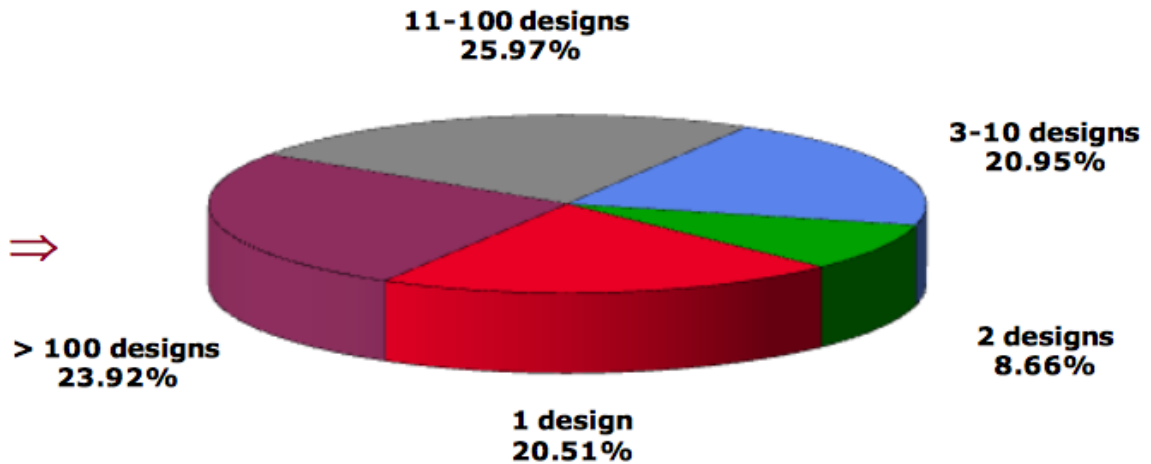
Industrial Designs

Right-holders
(8,949)

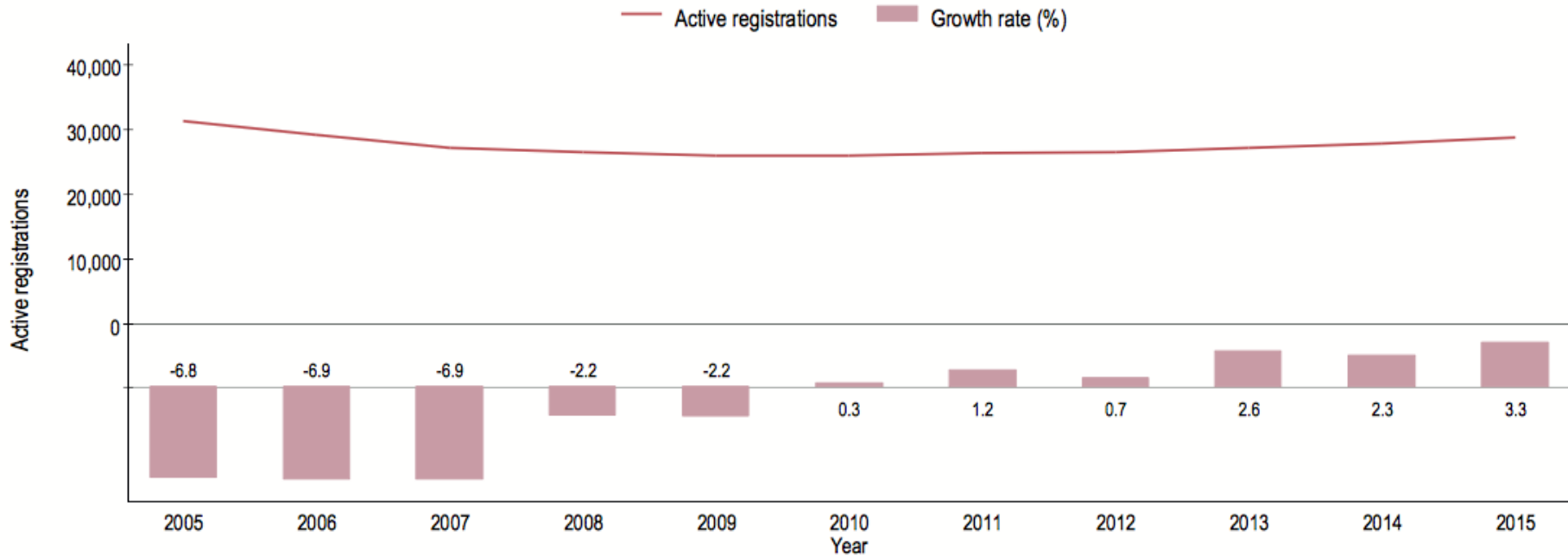


Industrial designs by right-holder	Number of right-holders	
1 design	6024	67.31%
2 designs	1272	14.21%
3-10 designs	1319	14.74%
11-100 designs	310	3.46%
> 100 designs	24	0.27%
All	8949	100.00%

Registrations in force
(29,372)



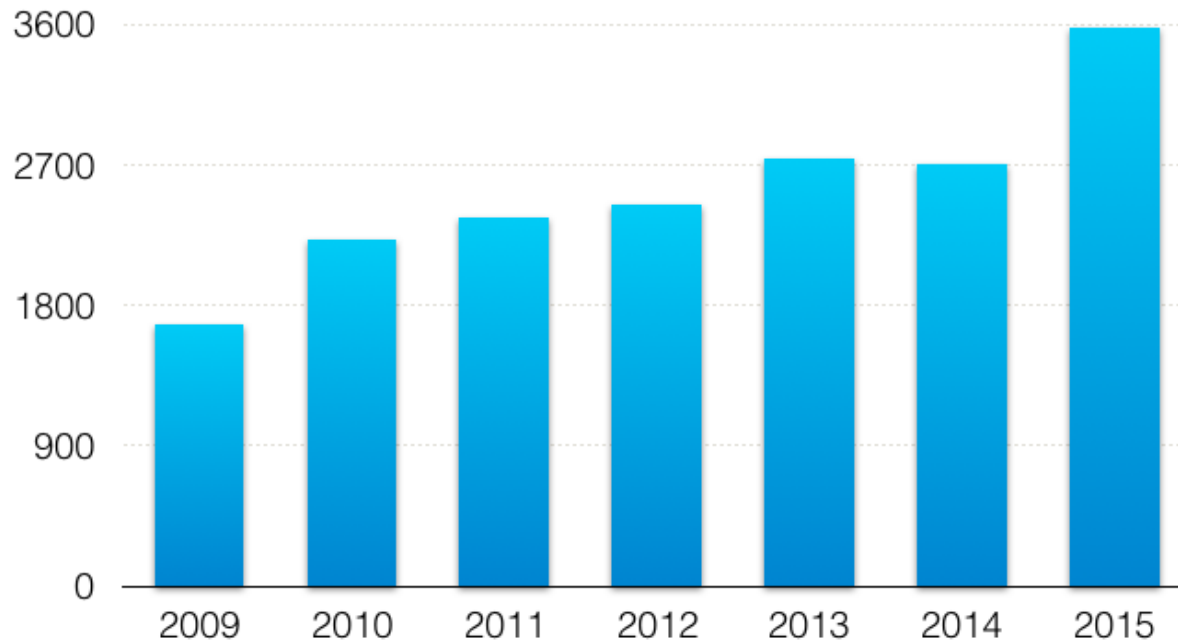
Active International Registrations Trend



Source: WIPO Statistics Database, May 2016.

International Registrations Recorded 2009-2015

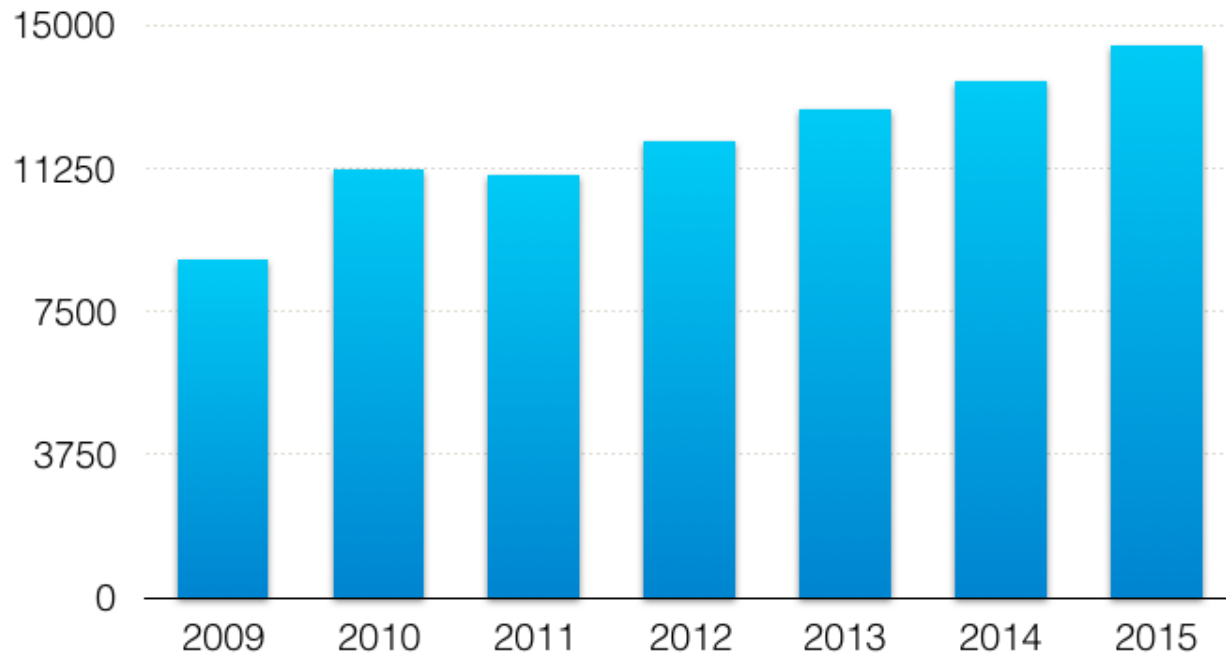
■ International Registrations



Int. Registrations Recorded	1681	2216	2363	2440	2734	2703	3581
Growth	10.3%	31.8%	6.6%	3.3%	12.0%	-1.1%	32.5%

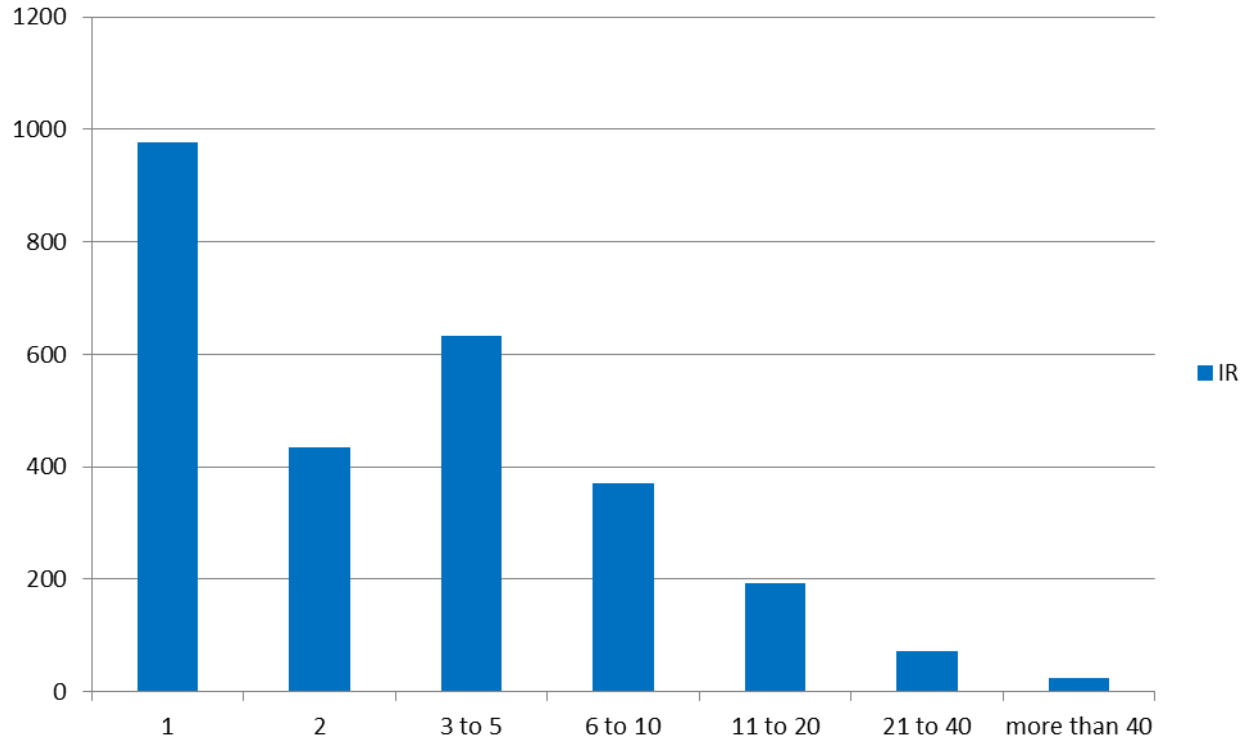
Designs in International Registrations (2009-2015)

■ Designs in International Registrations



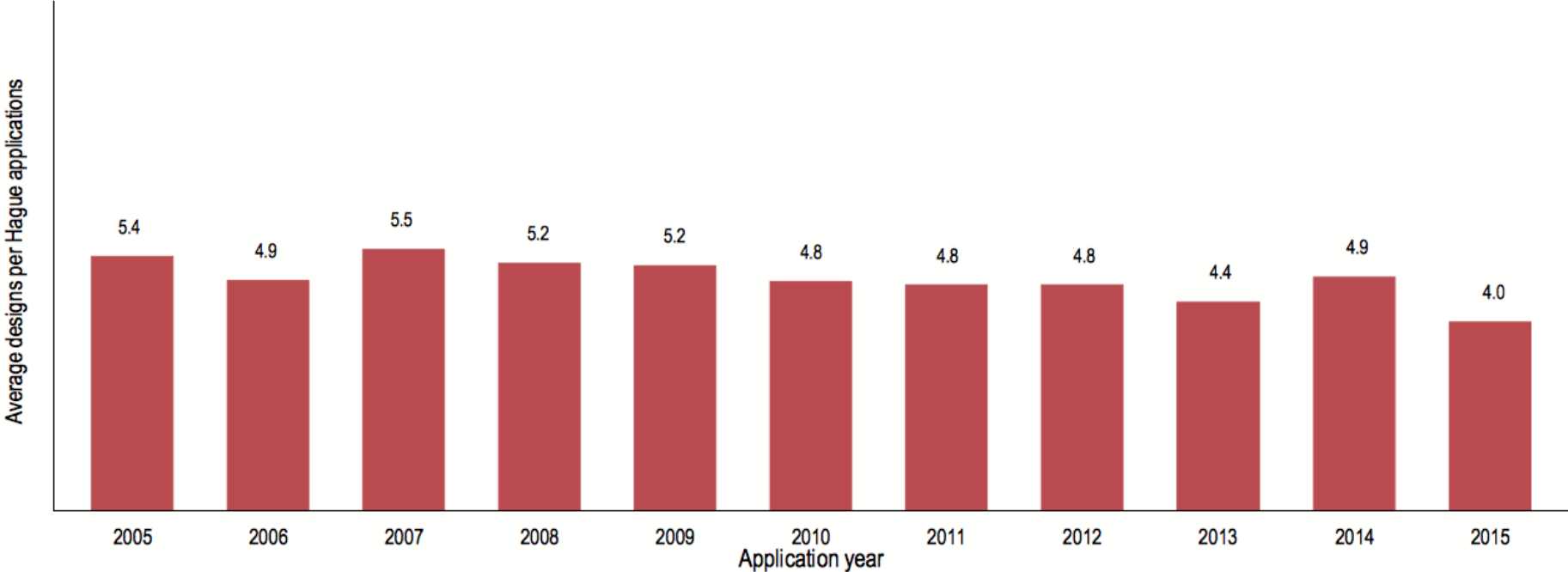
Designs in Int. Registrations	8867	11238	11077	11971	12806	13504	14484
Growth	11.7%	26.7%	-1.4%	8.1%	7.0%	5.5%	7.3%

Designs per International Registration (2014)



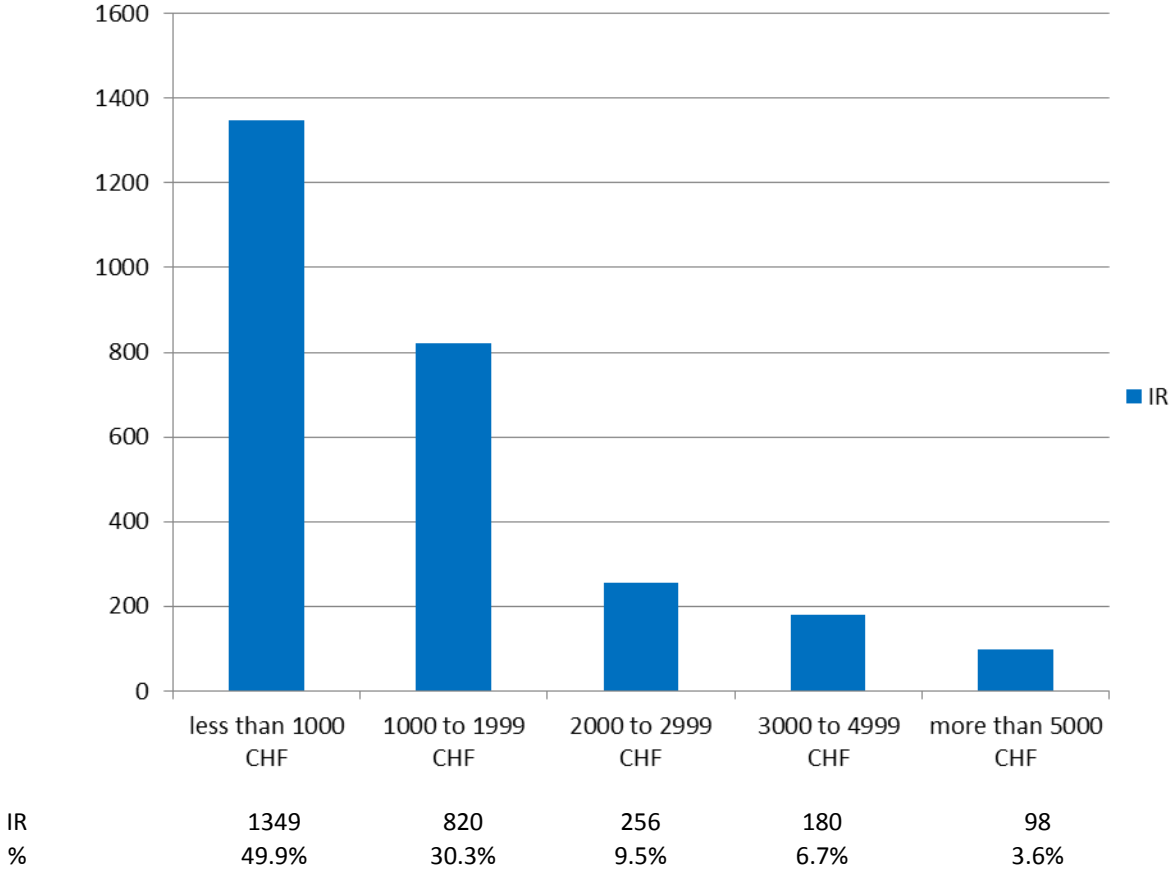
International Registrations	978	434	632	370	192	72	25
%	37%	16.5%	24%	14%	7%	1%	0.5%

Average Number of Designs Per International Application

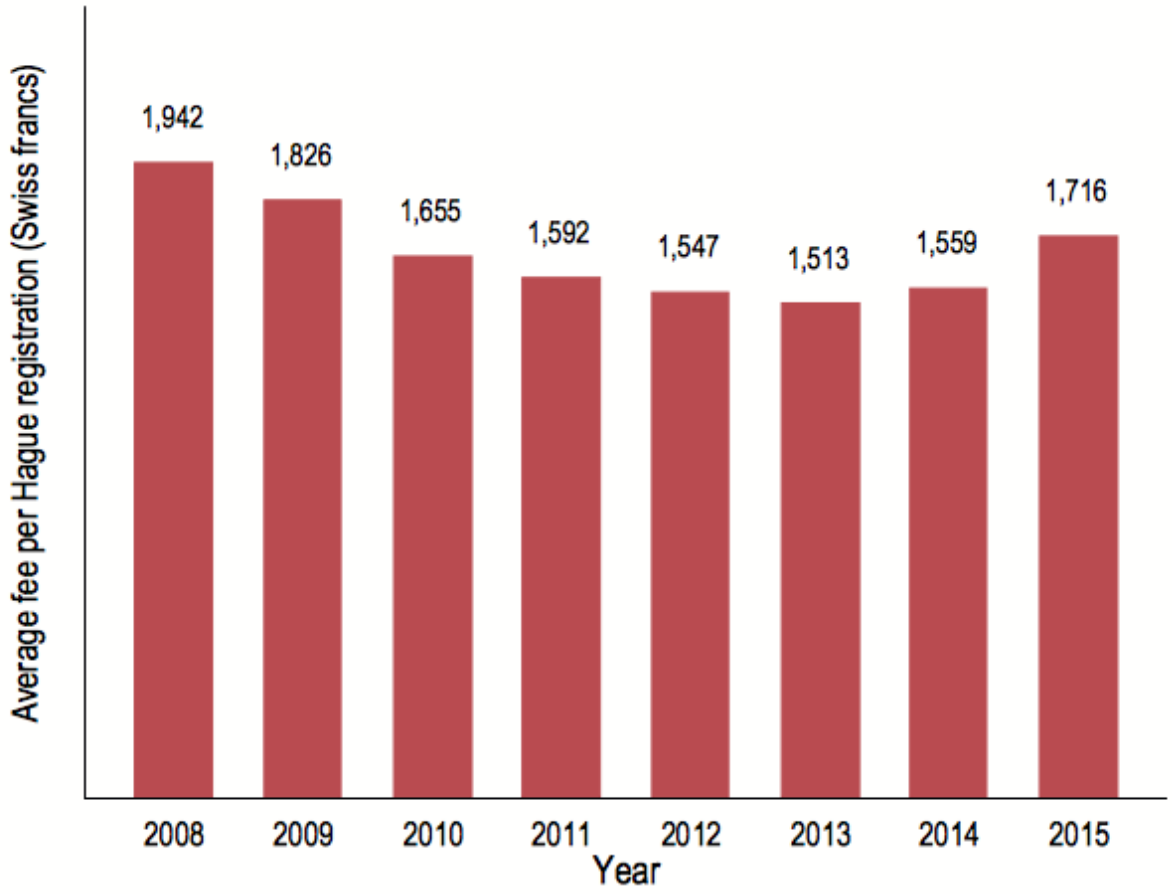


Source: WIPO Statistics Database, May 2016.

Fees Paid per International Registration (2014)

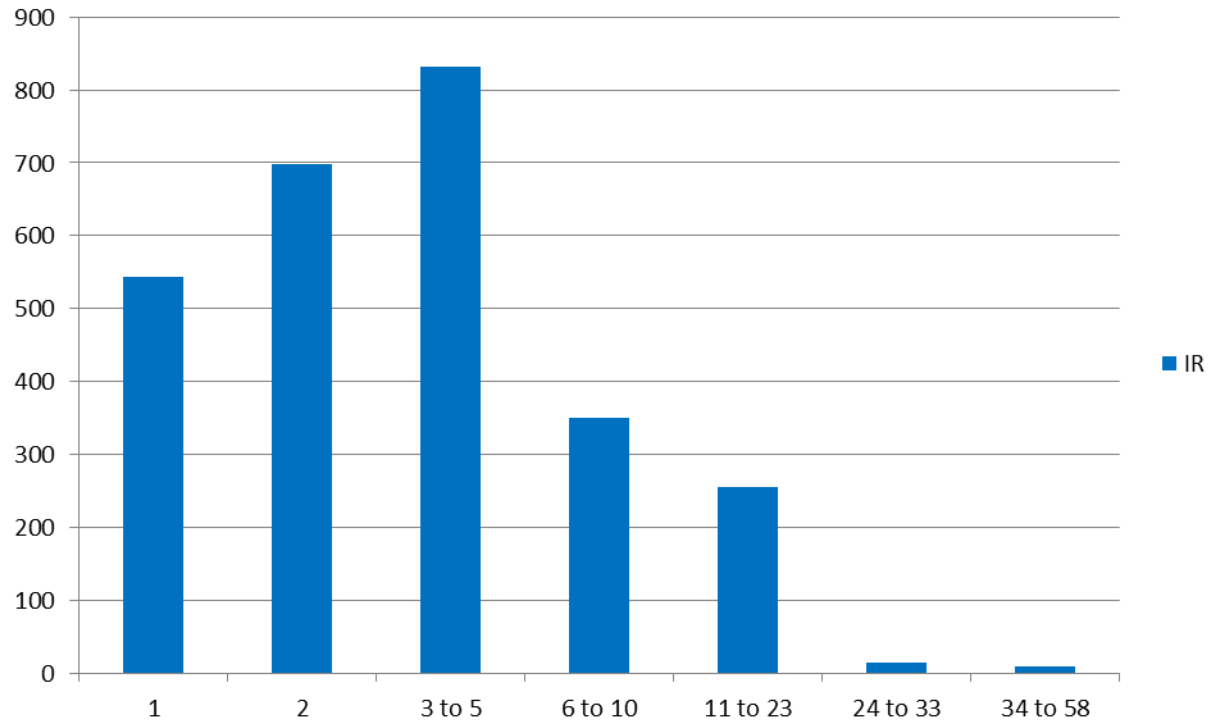


Average Fees



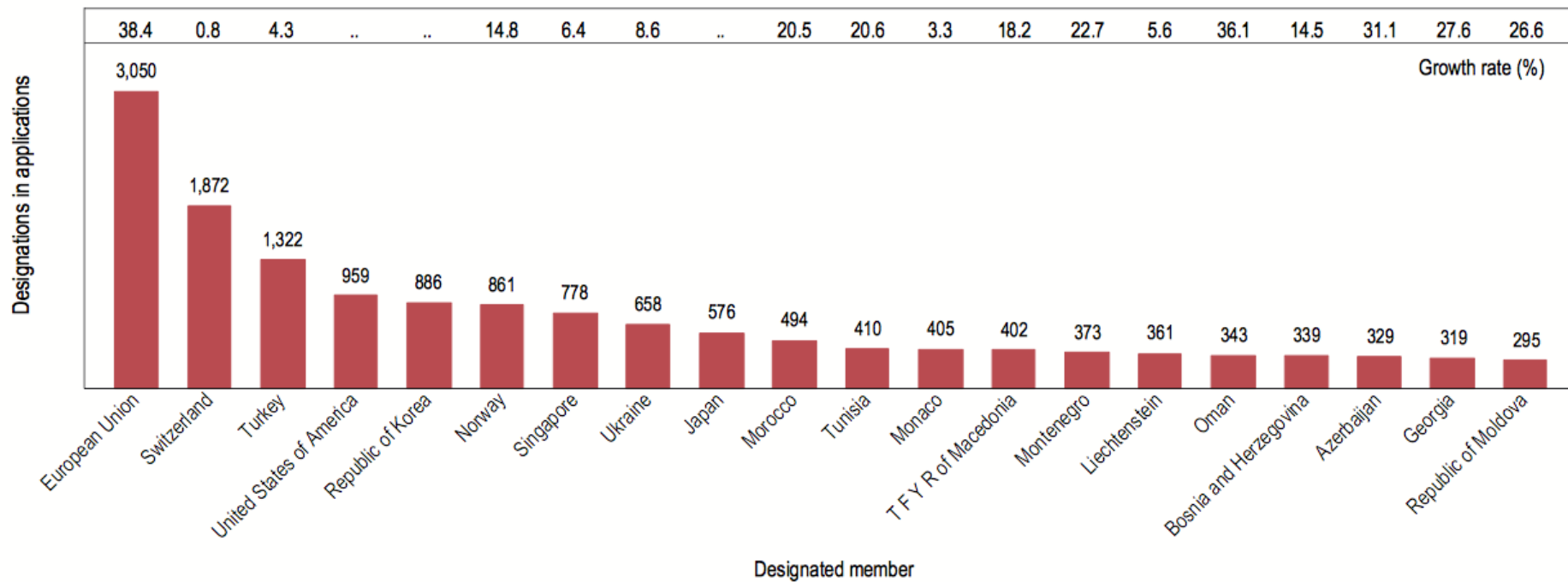
Source: WIPO Statistics Database, May 2016.

Designations in International Registrations (2014)



IR	543	699	831	351	256	14	9
%	20.1%	25.9%	30.7%	13%	9.5%	0.5%	0.3%

Top 20 Designations in 2015 (international registrations)

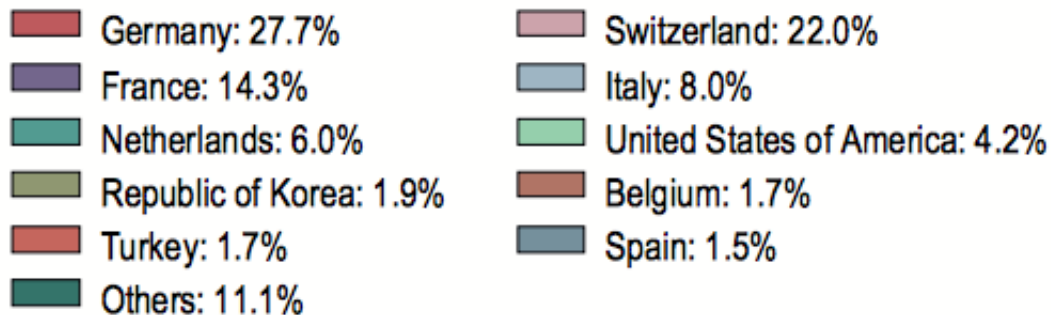
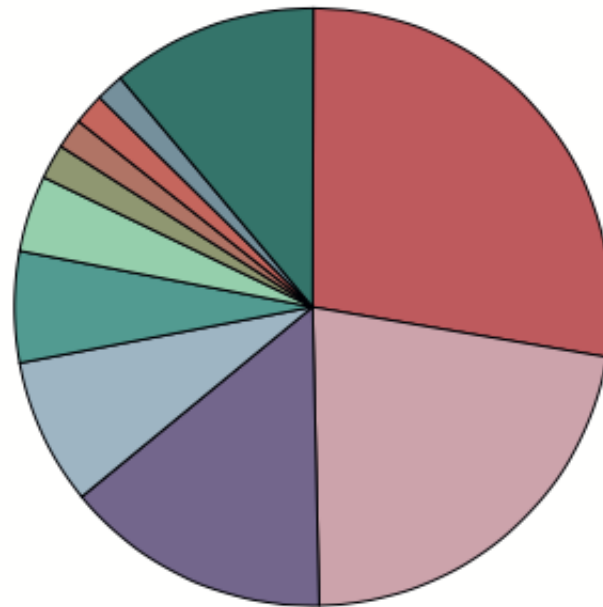


Note: “..” indicates not applicable. No growth rate is given for Japan, the Republic of Korea or the U.S., since they are new Hague members and do not have historical data for comparison purposes.

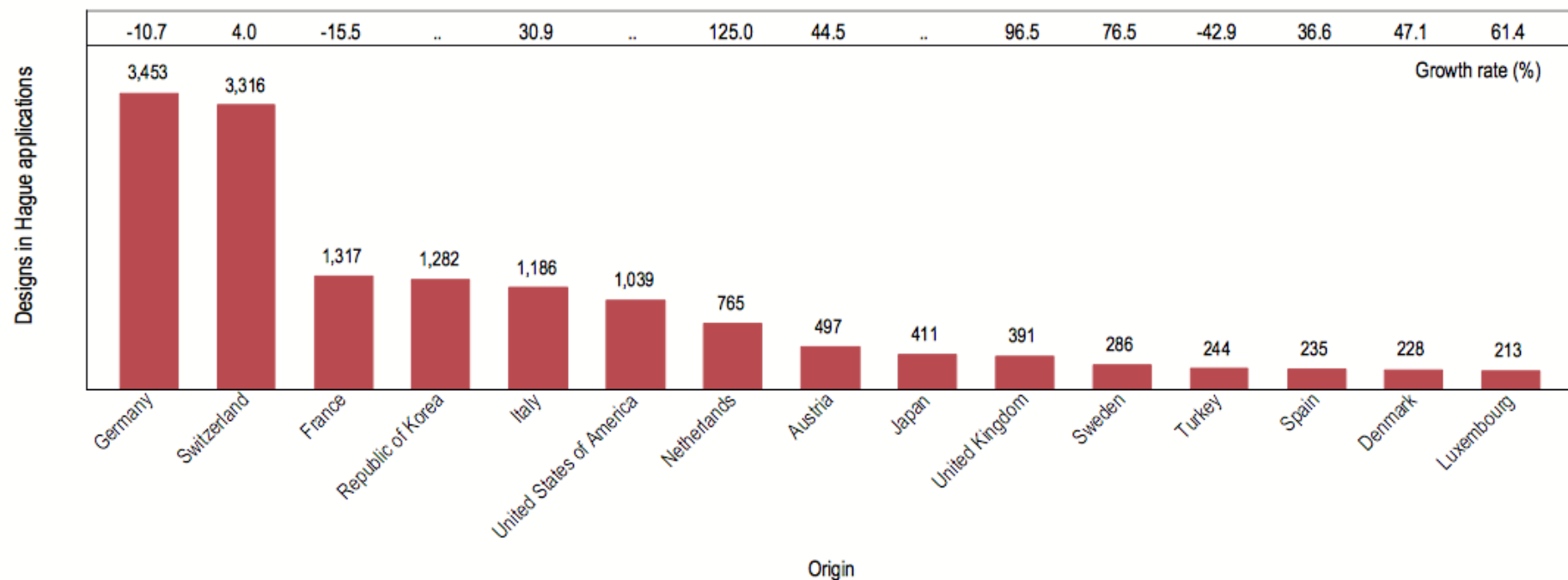
Source: WIPO Statistics Database, May 2016.

Active International Registrations for Top 10 Origins

2015



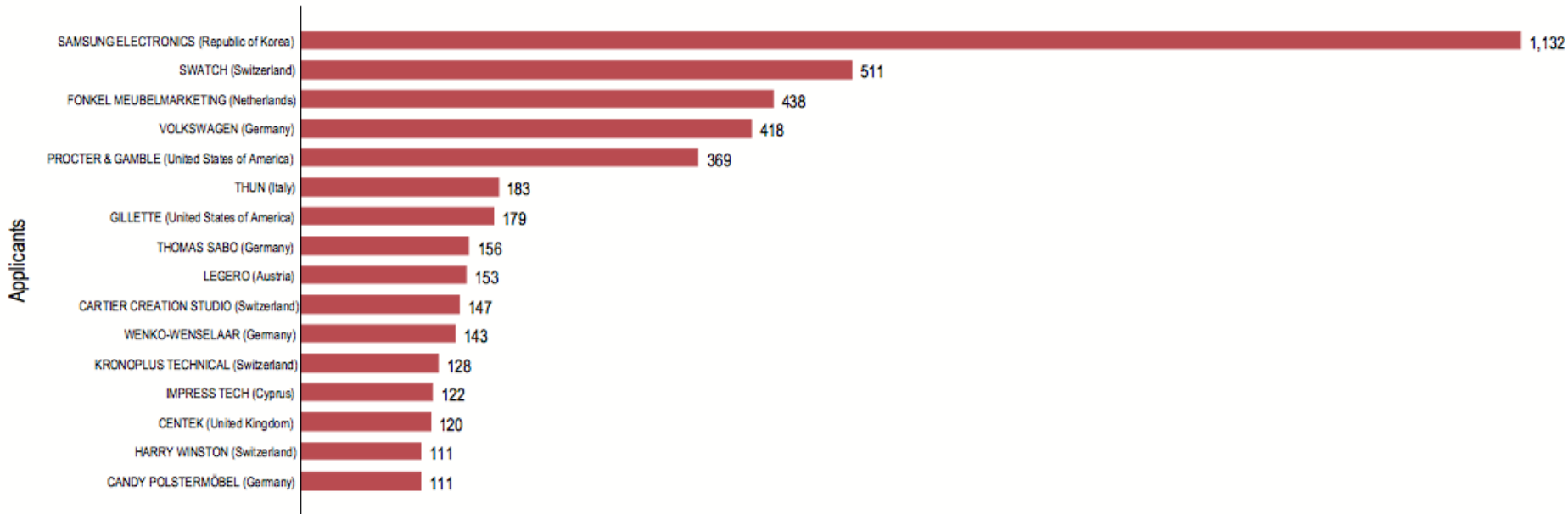
Designs in International Applications: Top 15 Origins in 2015



Note: “..” indicates not applicable. No growth rate is given for Japan, the Republic of Korea or the U.S., since they are new Hague members and do not have historical data for comparison purposes. The top 15 origins are selected based on the number of designs contained in applications in 2015.

Source: WIPO Statistics Database, May 2016.

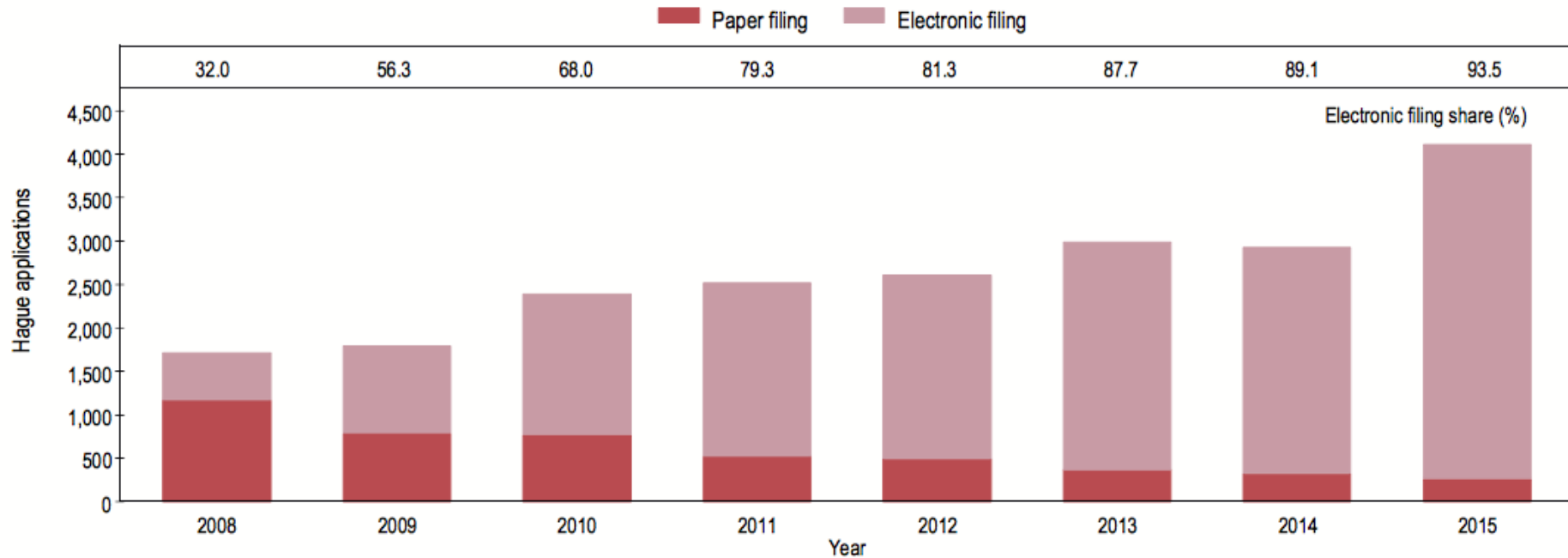
2014: Top Filers of International Applications (based on number of designs)



Designs in Hague applications

Source: WIPO Statistics Database, May 2016.

International Applications by Medium of Filing



Source: WIPO Statistics Database, May 2016.

Top Holders 2015 (Applications)

DMI12M — Meilleurs déposants (Titulaires) par demandes —

Service Locarno Total

PC désignées : ALL Du 01/01/2015 Total demandes : 3580

PC d'origine : ALL Au 31/12/2015 Total modèles : 14479

CP	N	Pos	Titulaire	Pays (Titulaire)	Nb de Demandes	Nb de Modèles
??		1	SAMSUNG ELECTRONICS CO., LTD.	KR	387	935
AL	2	2	SWATCH AG (SWATCH SA) (SWATCH LTD.)	CH	138	414
AM	2	3	Koninklijke Philips N.V.	NL	72	100
AZ	3	4	Volkswagen Aktiengesellschaft	DE	53	443
BA	3	5	The Procter & Gamble Company	US	47	361
BG		6	Harry Winston SA	CH	38	111
BJ		7	FLOS S.P.A.	IT	34	89
BN		8	Daimler AG	DE	30	66
BW		9	RENAULT s.a.s.	FR	26	46
BX		10	Alfred Kärcher GmbH & Co. KG	DE	24	92
BZ	2	11	AUDI AG	DE	23	52
CH	17	12	THE GILLETTE COMPANY	US	23	154
CI		13	VALENTINO S.P.A.	IT	23	37
DE	1	14	Hyundai Motor Company	KR	21	26
DK			Tri (Nb demandes: X / Nb modèles: _)			
EE						

Affichage des Mandataires: _

1 / 120 ENCORE

Pos: 1 (001,020)

Top Holders 2015 (Designs)

UNDPKPRODWINDOWSSEVEN - EXTRA! X-treme

File Edit View Tools Session Options Help

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DMI12M      Meilleurs déposants (Titulaires) par modèles
Service     PC désignées      : ALL      Du 01/01/2015      Total demandes : 3580
Locarno     PC d'origine      : ALL      Au 31/12/2015      Total modèles  : 14479
Total

```

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AZ	3	4	Fonkel Meubelmarketing	NL	15	405
BA	3	5	The Procter & Gamble Company	US	47	361
BG		6	THUN SPA	IT	9	185
BJ		7	Kronoplus Technical AG	CH	9	170
BN		8	THE GILLETTE COMPANY	US	23	154
BW		9	Wenko-Wenselaar GmbH & Co. KG	DE	9	143
BX		10	Impress Tech Ltd.	CY	3	122
BZ	2	11	Centek Limited	GB	3	120
CH	17	12	Harry Winston SA	CH	38	111
CI		13	HERMES SELLIER	FR	19	111
DE	1	14	T.R.B. International SA	CH	3	111
DK			Tri (Nb demandes: _ / Nb modèles: X)			
EE						

Affichage des Mandataires: _
1 / 120 ENCORE

Pos:
1 (006,048)

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International Applications (Jan – Sep 2016)



4,166 international applications were received containing 14,151 designs (max. 100 designs / application)



42.4% growth compared to the respective period in 2015 in the number of applications



21% growth compared to the respective period in 2015 in the number of designs

International Registrations (Jan – Sep 2016)



3,982 international registrations were inscribed containing 13,456 designs



62.9% growth compared to the respective period in 2015 in the number of registrations



32% growth compared to the respective period in 2015 in the number of designs

Decisions, Renewals and Modifications in 2015



3549 Statements of Grant of protection(+ 18%)

199 Refusals of protection (+ 31%)



3194 Renewals (+ 18.2%)



3271 Modifications (+ 34 %)

2015: Five Most Popular classes in International Registrations



Class 14

Recording, communication or
information retrieval equipment
551 registrations (14.1%)



Class 12

Means of transport or hoisting
339 registrations (8.7%)



Class 15

Machines, not elsewhere specified
324 registrations (8.3%)



Class 10

Clocks and watches and other
measuring instruments, checking
and signaling instruments
266 registrations (6.8%)



Class 6

Furnishing
249 registrations (6.3%)

Highlights

- After 3 consecutive years, Swatch is not the most active user ... Samsung becomes the first user of the Hague system
- Decrease of number of designs (4) and designations (4.70) per registration
- Switzerland overtook Germany as the largest user of the Hague System (applicant's address)
- Designs relating to « Recording, communication or information retrieval equipment”(class 14) accounted for the largest share of total registrations
- More documents to check and to send to designated contracting parties
- Deferment: 10%; standard publication: 40%; immediate publication: 50%
- E-filing: 93.5 % (including KIPO, EFS US)
- Mid september, **3589** (12511 designs) international registrations for 2016. This represents more registrations than for the entire 2015 (3581 reg. 14484 designs, - 13.6%)
- Languages: 81.5 % EN, 17 % FR, 1.5 % SP
- Major role of our business analyst to coordinate all changes (legal to operations following new requirements linked with new adhesions)

Grounds of refusals by USPTO

(from January 1st, 2016 to July 31st, 2016)

Source: Internal (unofficial) statistics

Number of refusals by USPTO

320 designs (100.0%)

(112 international registrations)

Main grounds of refusals

1. Unity of design issue

261 designs (81.6%)

2. Other Grounds

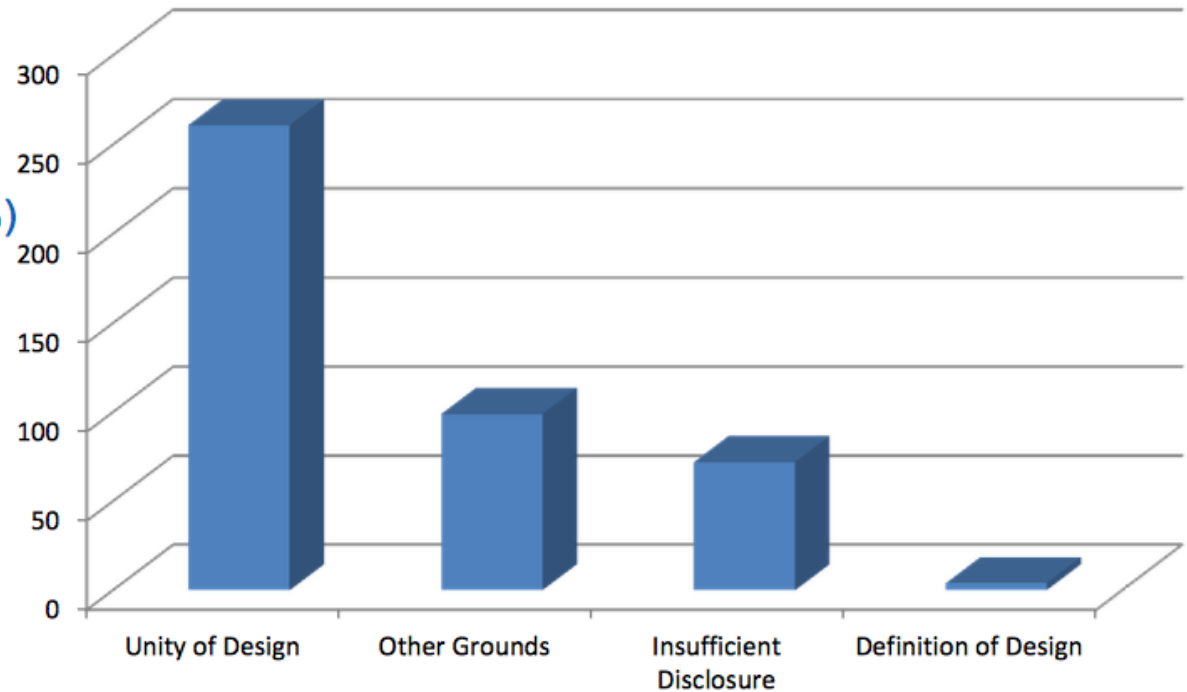
99 designs (30.9%)

3. Insufficient disclosure

72 designs (22.5%)

4. Definition of design

4 designs (1.3%)



Grounds of refusals by JPO

(from January 1st, 2016 to July 31st, 2016)

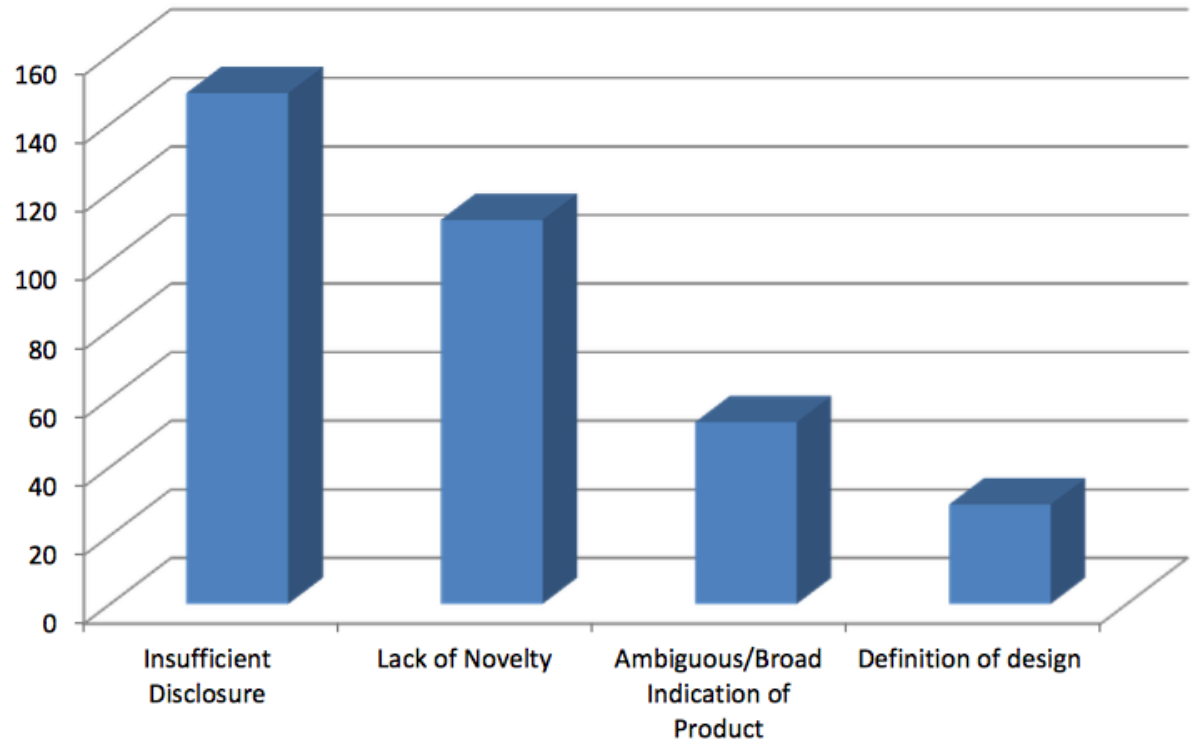
Source: Internal (unofficial) statistics

Number of refusals by JPO

303 designs (100.0%)
(134 international registrations)

Main grounds of refusals

1. Insufficient Disclosure
149 designs (49.2%)
2. Lack of Novelty
112 designs (37.0%)
3. Ambiguous/broad indication of product
53 designs (17.5%)
4. Definition of Design
29 design (9.6%)



Grounds of refusals by KIPO

(from January 1st, 2016 to July 31st, 2016)

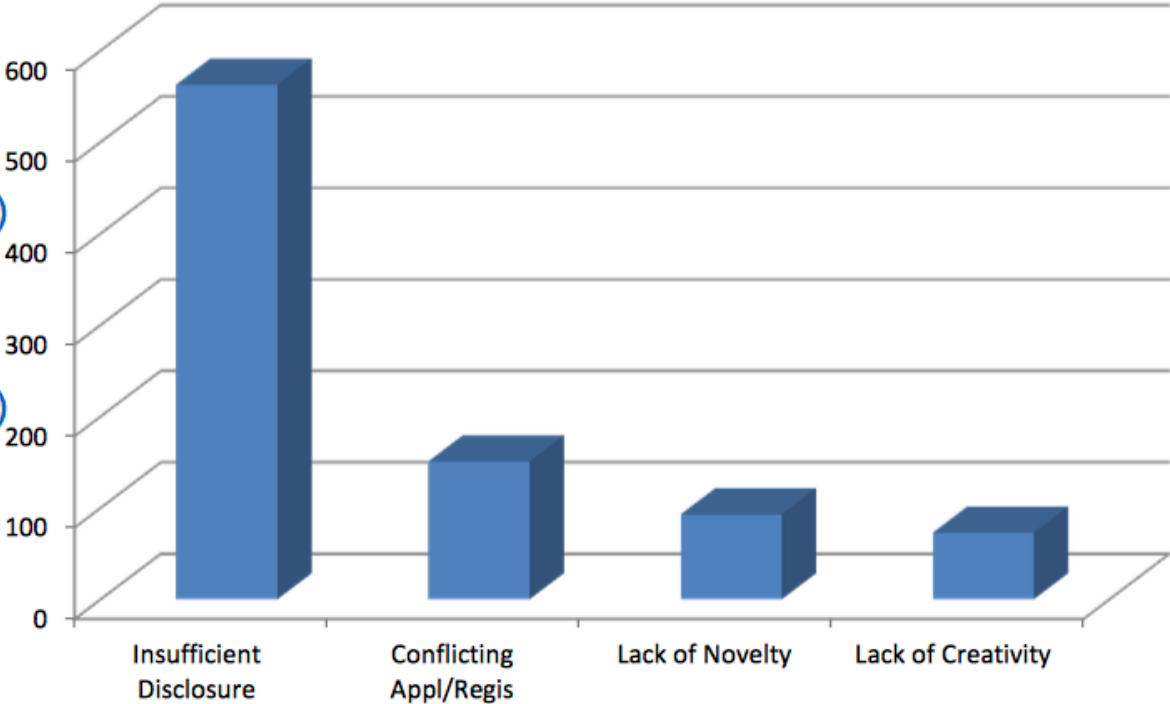
Source: Internal (unofficial) statistics

Number of refusals by KIPO

832 designs (100.0%)
(252 international registrations)

Main grounds of refusals

- 1. Insufficient disclosure
563 designs (67.7%)
- 2. Conflicting Application/
Registration
151 designs (18.1%)
- 3. Lack of Novelty
93 designs (11.2%)
- 4. Lack of creativity
73 designs (8.8%)



What causes the disclosure of the design to be insufficient and the representation of the design to be unclear?

- Lack of a sufficient number of views
- Lack of /or inadequate surface shading
- Lack of consistency among the views
- Lack of a description to clarify the scope of protection



Latest Developments and Upcoming Features

Latest Developments



Regularization of international applications online
(since March 2016)



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*



New Hague Express Database since January 2015



Improvement of E-filing interface



Developments in the legal framework

* http://www.wipo.int/edocs/hagdocs/en/2016/hague_2016_9.pdf

Hague Express Database

Hague Express

The Hague Express Database, updated weekly, includes bibliographical data and, as far as international registrations governed exclusively or partly by the 1999 and/or by the 1960 Act(s) of the Hague Agreement are concerned, reproductions of industrial designs relating to international registrations that have been recorded in the International Register and published in the International Designs Bulletin as of issue No. 1/1999. International registrations that have lapsed are not removed from the database.

SEARCH BY

Design Names Numbers Dates Country

Indication of Products =

Locarno =

Description =

CURRENT SEARCH

PROD:watch

FILTER BY









Designation Locarno Class Reg. Date * Contracting Party *

CH	1,535	MC	1,131	TN	991	MA	963	LI	960
FR	894	DE	890	IT	889	EG	887	BX	851
BE	851	NL	851	LU	851	ES	813	ME	684
MK	683	GR	666	MD	642	MN	634	SG	611
TR	594	UA	591	ID	586	EM	583	KP	556
RS	523	VA	489	SI	462	CW	409	BQ	408
SX	406	GE	380	RO	378	KG	376	BZ	364

Display: Sort:

1 - 10 / 1,627

10 per page 1 / 163

Reg. No	Holder	Reg. Date	Locarno Cl	Ind. Prod.	Des.	Designs	Image
DM/046674	HYSEK JÖRG	1999-02-03	03-01	Etui pour montre	AN,EG,ES,ID,MA,TN,V	1	
DM/082429	CARTIER CREATION STUDIO SA	2013-12-13	10-02	1. Watch; 2. Watch case; 3. Watch dial; 4. Watch; 5. Watch bracelet; 6. Watch dial; 7. Watch dial	CH,EM,SG,TR	8	
DM/083367	FRANCK MULLER WATCHLAND SA	2014-04-09	10-02	1. Montre-bracelet	EM,MC,SG	1	
DM/065362	SWATCH AG (SWATCH SA) (SWATCH LTD.)	2004-05-12	10-02	1. Montre-bracelet	BQ,CW,EG,ID,SX,TN,I	1	
DM/073485	BÉDAT & CO SA	2010-03-26	10-02	Watch	BX,KP,CH,EM,LI,OA,S	1	
DM/073351	HUBLOT SA, GENÈVE	2010-03-18	10-02	Watch	CH,EM,SG	1	
DM/073317	OMEGA SA (OMEGA AG) (OMEGA LTD.)	2010-02-12	10-02	Watch	BZ,MA,MC,ME,AL,AM,I	1	
DM/072570	ALEXIS BARTHELAY (SOCIÉTÉ ANONYME)	2009-10-20	10-02	Watch	MA,CH,EG,EM,OM,SG	1	

Global Design Database

Global Design Database

A world-wide collection of industrial designs data; including WIPO Hague registrations and information from participating national offices.

SEARCH BY

Design | Names | Numbers | Dates | Country

Indication of Products =

Design class =

Description =

search ↗

CURRENT SEARCH

PROD:(perfume) ✕

FILTER BY

Source | Designation | Locarno Class | Reg. Date * | Contracting Party *

CH	106	CA	94	MC	67	DE	65	BX	57
BE	57	NL	57	LU	57	FR	53	IT	47
LI	46	EG	44	MA	43	ES	41	TN	39
GR	38	TR	36	RS	36	RO	35	UA	35
ME	32	EM	32	BG	31	SG	31	HU	31
SI	29	MK	27	KP	24	MD	22	ID	20
VA	18	AN	14	BQ	11	SX	11	SN	11








Display: List ▾ Sort: Count - desc ▾

filter ▾

1 - 10 / 225

edit columns <>

10 per page 1 / 23

Reg. No	Source	Holder	Reg. Date	Class	Ind. Prod.	Des.	Designs	Image
DM/084555	Hague	BULGARI SPA	2014-10-02	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,LI,MC,SG	1	
DM/084494	Hague	BULGARI SPA	2014-09-26	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,LI,MC,SG	1	
DM/083330	Hague	BULGARI SPA	2014-04-04	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,LI,MC,SG	1	
DM/083058	Hague	COMPTOIR NOUVEAU DE LA PARFUMERIE	2014-02-20	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,MC,SG,T	1	
DM/082126	Hague	PACIFIC CREATION	2013-10-09	LC.09-03	1. <i>Perfume</i> packaging	CH,EG	1	
DM/081534	Hague	BOURJOIS SARL	2013-07-11	LC.09-01	1. Fragrance bottle	CH,TR	1	
DM/080039	Hague	FENDI ADELE S.R.L.	2013-01-30	LC.09-01	1. <i>Perfume</i> bottle	CH,EM,OM,SG,TR	1	

New Features of the E-Filing Portfolio Manager



Send corrections to irregularities or defects



Receive and download notifications from the IB relating to international applications



Retrieve in real-time current status of IA

E-Filing: Main features

- File an international design application
 - Real-time checking of certain formalities;
 - Fully integrated fee calculator;
 - Instant acknowledgement of receipt;
 - Auto-save;
- Portfolio of applications already sent or in preparation (workbench)
 - Templates
 - Current status of application
- Reply to irregularities online (**New**)
 - Send corrections to irregularities or defects
 - Receive and download notifications

E-Filing form

WIPO reference
1 4011

Information regarding data entry
The international application must indicate at least one applicant

- Representative
- Correspondence

- ~~Designation(s)~~
- ~~Design(s)~~
- Description
- Creator(s)
- Priority(ies)
- Exhibition(s)
- ~~Publication~~
- ~~Signature~~
- ~~Payment/Validat.~~
- Summary
- Return to Portfolio Manager

Information concerning the applicant

Name and address

Name* Telephone

Address* Fax

Zip/Post code E-mail address

Town* Address of website

Country*

(* Compulsory)

Entitlements **

Nationality

Domicile

Real and effective industrial or commercial establishment

Habitual residence

(**) Indicate at least one entitlement




Applicant's Contracting Party (ACP)

Applicant's Contracting Party

Real-time checking of certain formalities;
Fully integrated fee calculator;
Instant acknowledgement of receipt;
Auto-save;

Save Cancel

Reply to irregularities online

Action required (11) No Action Required (1) Archived						
1 2 3 (1 of 2) 1 2						
Reference	Type	Letter	Date	Status	Applicant(s)	Action(s)
1 WIPO4025 / 960043301	Invitation to correct irregularities or minor defects	9601022 	08/03/2016	Replied on 09/03/2016	Andrii Staniev	Reply History
2 WIPO4025 / 960043301	Invitation to correct irregularities or minor defects	9600733 	04/03/2016	Waiting for reply	Andrii Staniev	Reply
3 WIPO4025 / 960043301	Invitation to correct irregularities or	9600592 	02/03/2016	Replied on 02/03/2016	Andrii Staniev	Reply History
				Waiting for reply	Olivier Jacob	Reply Pay Online

- 1. Action Required** – reply to invitations to correct irregularities
- 2. No Action Required** – to retrieve observations and abandonment letters
- 3. Archived** – to retrieve previous notifications

Reply to irregularities online

Reply for WIPO3998 / Request 952833601 - Letter 9529006

Subject: Reply for notification concerning application WIPO3998 / 952833601

1

Clear

Document(s) attached (PDF only)

Select a type of document:

Power of attorney

+ Upload PDF

Power of attorney

Oath / Declaration of the inventor

Micro-entity certification

Other

2

Reproduction(s) (jpg or tif only)

Design No.

Repro. No.

Type of view

Not specified

+ Upload reproductions

3

1. Response the text field
2. Documents in PDF format: define **type**
3. Reproductions: indicate the number of the design and reproduction (i.e. 23 = design number 2, reproduction number 3)

Submit your reply

Thank You!

www.wipo.int/hague/en