

# WIPO



H/A/26/1 Add.  
ORIGINAL: English  
DATE: September 19, 2008

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

SPECIAL UNION FOR THE INTERNATIONAL DEPOSIT OF INDUSTRIAL DESIGNS  
(HAGUE UNION)

ASSEMBLY

Twenty-Sixth (10<sup>th</sup> Extraordinary) Session  
Geneva, September 22 to 30, 2008

REVISED WORDING RELATING TO THE  
PROPOSAL FOR THE EXTENSION OF THE FEE REDUCTION SCHEME  
TO CERTAIN INTERGOVERNMENTAL ORGANIZATIONS

*prepared by the International Bureau*

## I. SUMMARY

1. This document is an addendum to document H/A/26/1. It is recalled that the latter contains a proposal for the extension of the fee reduction scheme already established under the Hague system with respect to applicants from Least Developed Countries (LDCs). More precisely, document H/A/26/1 proposes to

(a) amend the footnotes under items 1, 2, 3 and 4 of Section I of the Schedule of Fees annexed to the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement (“the Common Regulations”), and

(b) revise the recommendation adopted by the Assembly concerning item 5 of Section I of the Schedule of Fees.

2. The purpose of this addendum is to submit for adoption by the Assembly an improved wording for both the proposed amendment and the proposed revision of the recommendation, without incurring any change of substance to the proposal contained in document H/A/26/1.

## II. REVISED WORDING

### Amendment of Footnotes Under Items 1, 2, 3 and 4 of Section I of the Schedule of Fees

3. Following comments received, it is proposed to revise the wording of the proposed amendment set out in document H/A/26/1, in so far as the second sentence of the footnotes is concerned. As revised, the second sentence now reads:

*“The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”*

4. The full text of the proposed amendment to the Schedule of Fees, as revised, is set out in Annex I hereto and supersedes that set out in document H/A/26/1, Annex III. For easier reference, this text is reproduced in “track changes” mode, i.e., with the text that is proposed to be added appearing underlined. For additional clarity, the final text of the Schedule of Fees, as it would result following the adoption of the proposed revised amendment, is reproduced in Annex II to the present document.

### Revision of the Recommendation Adopted by the Assembly Concerning Item 5 of Section I of the Schedule of Fees

5. In line with paragraph 3, above, it is further proposed that the second sentence of the proposed revised recommendation be also reworded, so that the whole text of the proposed revised recommendation would read:

*“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”*

6. This text supersedes that contained in paragraph 55 of document H/A/26/1. As indicated in that document, if the Assembly of the Hague Union were to adopt such extended recommendation, the text of that recommendation could be recalled by means of an editorial footnote in association with the texts of Article 7(2) of the 1999 Act and Rule 36(1) of the Common Regulations, as well as with item 5 of Section I of the Schedule of Fees, as set out, in “track changes” mode, in Annex I of the present document. The insertion of the footnote would not, however, constitute an amendment of either provision, or of the Schedule of Fees.

*7. The Assembly of the Hague Union is invited to adopt the amendment to the Schedule of Fees, as set out in Annex I, along with the recommendation set out in paragraph 5, above, with a date of entry into force of January 1, 2009.*

[Annexes follow]

ANNEX I

SCHEDULE OF FEES  
(as in force on January 1, ~~2008~~2009)

Swiss francs

|     |  |     |
|-----|--|-----|
| I.  | <i>International Applications Governed Exclusively or Partly by the 1960 Act or by the 1999 Act</i>                                    |     |
| 1.  | Basic fee*   |     |
| 1.1 | For one design   | 397 |
| 1.2 | For each additional design included in the same international application  | 19  |
| 2.  | Publication fee*   |     |
| 2.1 | For each reproduction to be published  | 17  |
| 2.2 | For each page, in addition to the first, on which one or more reproductions are shown (where the reproductions are submitted on paper) | 150 |
| 3.  | Additional fee where the description exceeds 100 words per word exceeding 100 words*   | 2   |

---

\* For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act. If there are several applicants, each must fulfill the said ~~criterion~~ criteria.

Where such fee reduction applies, the basic fee is fixed at 40 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application), the publication fee is fixed at 2 Swiss francs for each reproduction and 15 Swiss francs for each page, in addition to the first, on which one or more reproductions are shown, and the additional fee where the description exceeds 100 words is fixed at 1 Swiss franc per group of five words exceeding 100 words.

|   | <i>Swiss francs</i> |
|---|---------------------|
| 4. Standard designation fee**   |                     |
| 4.1 Where level one applies   |                     |
| 4.1.1 For one design  | 42                  |
| 4.1.2 For each additional design included in the same international application | 2                   |
| 4.2 Where level two applies:  |                     |
| 4.2.1 For one design  | 60                  |
| 4.2.2 For each additional design included in the same international application | 20                  |
| 4.3 Where level three applies:  |                     |
| 4.3.1 For one design  | 90                  |
| 4.3.2 For each additional design included in the same international application | 50                  |

---

\*\* For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country ([LDC](#)), in accordance with the list established by the United Nations, [or with an intergovernmental organization the majority of whose member States are LDCs](#), the standard fees are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). [The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.](#) If there are several applicants, each must fulfill the said ~~eriterion~~ [criteria](#).

Where such reduction applies, the standard designation fee is fixed at 4 Swiss francs (for one design) and 1 Swiss franc (for each additional design included in the same international application) under level one, 6 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application) under level two, and 9 Swiss francs (for one design) and 5 Swiss francs (for each additional design included in the same international application) under level three.

5. Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)♦

[...]

[Annex II follows]

- 
- ♦ [WIPO Note]: Recommendation adopted by the Assembly of the Hague Union:  
“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”

ANNEX II

SCHEDULE OF FEES  
(as in force on January 1, 2009)

*Swiss francs*

|  |     |
|--|-----|
| I. <i>International Applications Governed Exclusively or Partly by the 1960 Act or by the 1999 Act</i>                                     |     |
| 1. Basic fee*  |     |
| 1.1 For one design   | 397 |
| 1.2 For each additional design included in the same international application  | 19  |
| 2. Publication fee*  |     |
| 2.1 For each reproduction to be published  | 17  |
| 2.2 For each page, in addition to the first, on which one or more reproductions are shown (where the reproductions are submitted on paper) | 150 |
| 3. Additional fee where the description exceeds 100 words per word exceeding 100 words*  | 2   |

---

\* For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act. If there are several applicants, each must fulfill the said criteria.

Where such fee reduction applies, the basic fee is fixed at 40 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application), the publication fee is fixed at 2 Swiss francs for each reproduction and 15 Swiss francs for each page, in addition to the first, on which one or more reproductions are shown, and the additional fee where the description exceeds 100 words is fixed at 1 Swiss franc per group of five words exceeding 100 words.

|   | <i>Swiss francs</i> |
|---|---------------------|
| 4. Standard designation fee**   |                     |
| 4.1 Where level one applies   |                     |
| 4.1.1 For one design  | 42                  |
| 4.1.2 For each additional design included in the same international application | 2                   |
| 4.2 Where level two applies:  |                     |
| 4.2.1 For one design  | 60                  |
| 4.2.2 For each additional design included in the same international application | 20                  |
| 4.3 Where level three applies:  |                     |
| 4.3.1 For one design  | 90                  |
| 4.3.2 For each additional design included in the same international application | 50                  |

---

\*\* For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the standard fees are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act. If there are several applicants, each must fulfill the said criteria.

Where such reduction applies, the standard designation fee is fixed at 4 Swiss francs (for one design) and 1 Swiss franc (for each additional design included in the same international application) under level one, 6 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application) under level two, and 9 Swiss francs (for one design) and 5 Swiss francs (for each additional design included in the same international application) under level three.



5. Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)<sup>♦</sup>

[...]

[End of Annex II and of document]

---

<sup>♦</sup> [WIPO Note]: Recommendation adopted by the Assembly of the Hague Union:  
“Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”