

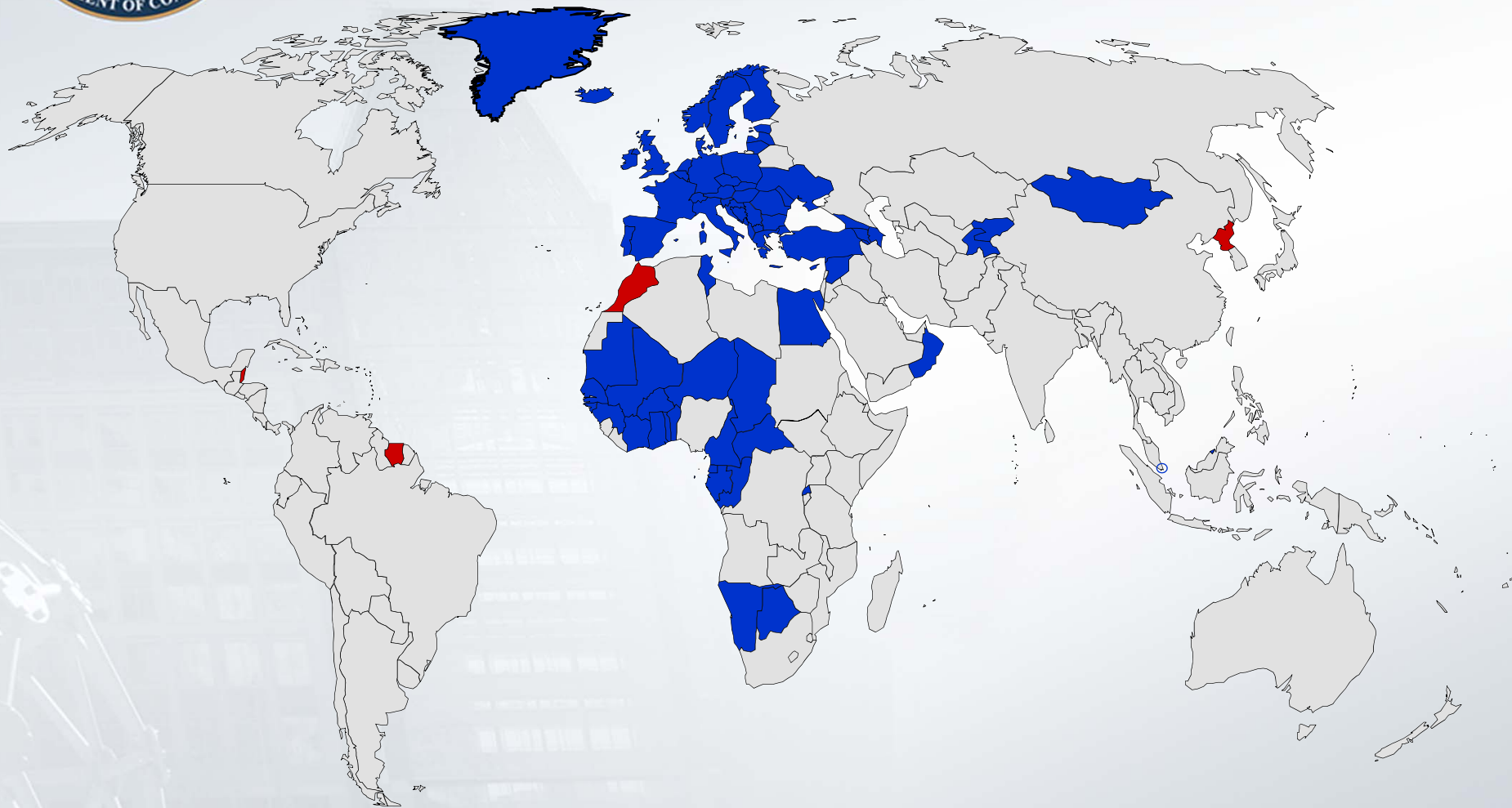
# Expansion of the Hague System - Update on the United States



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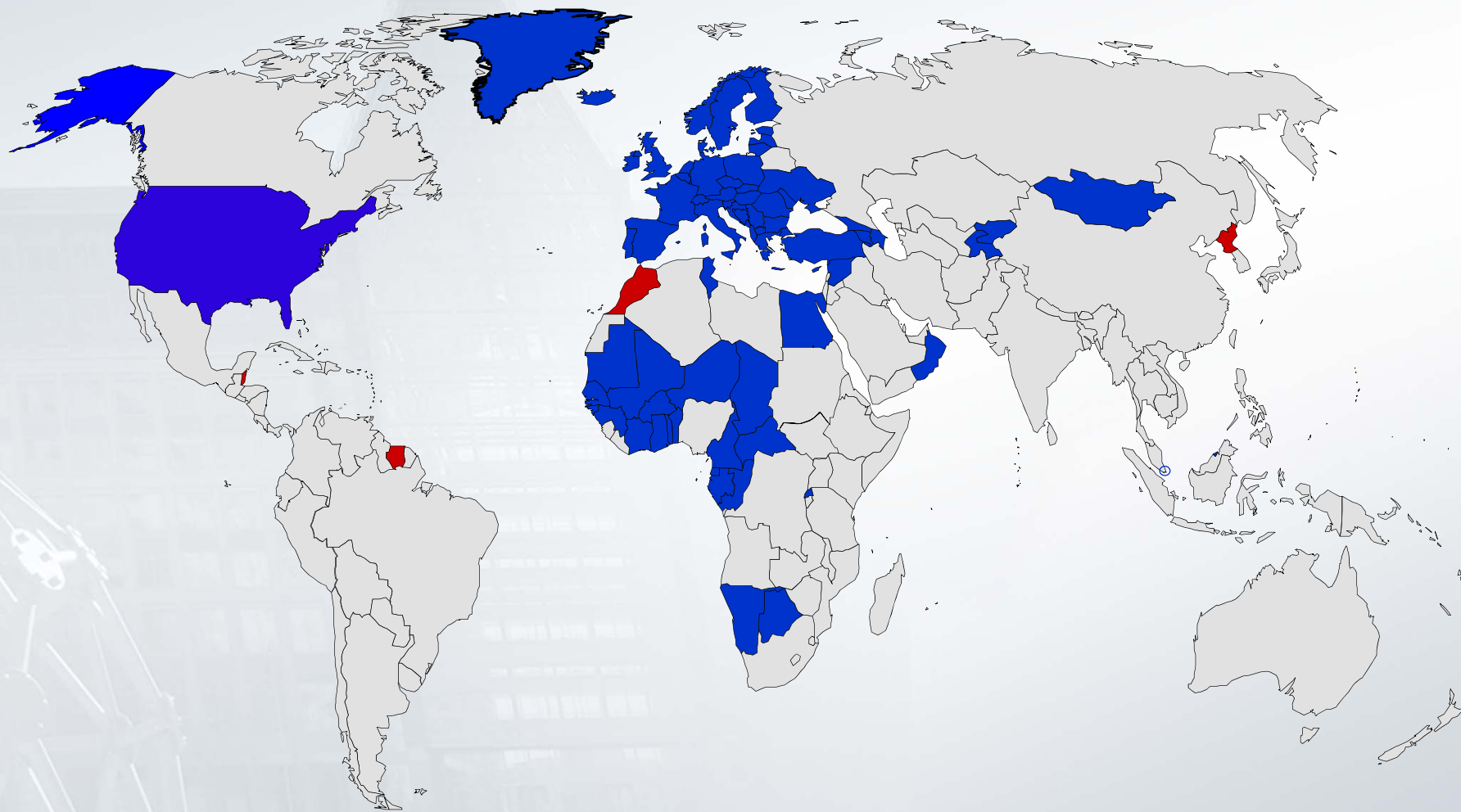


# Hague Union





# Hague Union – Near Future?



# Hague System: The Road to U.S. Membership





# Road to U.S. Membership

- **July 6, 1999** – United States signed Agreement
- **December 7, 2007** – The Senate considered; Advice and consent to ratification agreed to in Senate
- **December 18, 2012** – President Obama signed into law the Patent Law Treaties Implementation Act of 2012, implementing legislation for the Hague Agreement (and the Patent Law Treaty (PLT))
- **November 29, 2013** – Notice of Proposed Rulemaking Published in Federal Register



# Notice of Proposed Rulemaking

- Notice of Proposed Rulemaking can be found in the Federal Register at:
- <https://www.federalregister.gov/articles/2013/11/29/2013-28262/changes-to-implement-the-hague-agreement-concerning-international-registration-of-industrial-designs>
- Comment Period Is Now Closed



# Current Work on the Road to U.S. Membership?

- Review and consideration of public comments
- Preparation and review of final rules
- Information technology and processing preparation for membership
- Continued collaboration with WIPO to integrate systems, processing and operation



# Looking Ahead on the Road to U.S. Membership?

- US Government Inter-agency review of the final rules
- Deposit of instrument of ratification with the IB
- Publish final rules in the Federal Register
- Bring IT system modifications and updated application processing into operation



# Changes to U.S. Law: Patent Law Treaties Implementation Act of 2012 (PLTIA)





# Changes to Title 35 of the U.S.C.

- Title 35 of the United States Code (U.S.C.) is amended to provide for “**international design applications**” (**IDAs**) and treatment / examination of these IDAs.
- Chapter 38 entitled, *International Design Applications*, is added to the Title 35 of the United States Code.
  - Adds new sections 381-390 to the U.S.C.
  - Effective date: “the date of entry into force of the treaty with respect to the United States.”



# 35 U.S.C. §§ 381-390 (PLTIA)

- **35 U.S.C. §§ 381- 390:**

§ 381: *Definitions*

§ 382: *Filing international design applications (IDAs)*

§ 383: *International design application*

§ 384: *Filing date*

§ 385: *Effect of international design application*

§ 386: *Right of priority*

§ 387: *Relief from prescribed time limits*

§ 388: *Withdrawn or abandoned international design applications*

§ 389: *Examination of international design applications*

§ 390: *Publication of international design applications*



# Proposed Changes to Regulations (37 CFR)

- Notice of Proposed Rulemaking published
  - 78 Fed. Reg. 71870 (November 29, 2013)
- Implements Title I of the Patent Law Treaties Implementation Act of 2012 (PLTIA), Public Law 112-211, 126 Stat. 1527 (2012)
  - Enacted December 18, 2012



# Proposed Changes to Regulations (37 CFR)

- New subpart I specific to international design applications (IDA)
  - USPTO as an office of indirect filing
  - Form and content requirements
  - National processing provisions
- Changes to various existing rules to accommodate IDAs

# Declarations?





# Expected U.S. Declarations?

- *Report of the Senate Foreign Relations Committee (SFRC), Treaty Doc. 109-21, November 27, 2007:*
- *Nine declarations included in SFRC Report:*
  - (1) Additional Mandatory Contents
    - [Art. 5(2)(a) & Rule 11(3)]
  - (2) First and Second Part Designation Fee
    - [Art. 7(2) & Rule 12(3)]
  - (3) No deferment of publication
    - [Art. 11(1)(b)]
  - (4) Only 1 independent and distinct design
    - [Art. 13(1)]



# Expected U.S. Declarations?

- *Report of the Senate Foreign Relations Committee, Treaty Doc. 109-21, November 27, 2007:*
- *Nine declarations (cont'd):*
  - (5) Recording has no effect until receipt
    - [Art. 16(2)]
  - (6) Maximum duration of protection is 15 years from grant
    - [Art. 17(3)(c)]
  - (7) Identity of creator & oath/declaration
    - [Rule 8]
  - (8) Security clearance: 1 mo. to transmit increased to 6 mos.
    - Rule 13(4)
  - (9) Extended refusal period
    - [Rule 18(1)(b)]



# Thank You!



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