



WIPO | HAGUE

The International
Design System

International Application and Examination

Seminar on the Hague System for the International Registration of Industrial Designs

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Geneva
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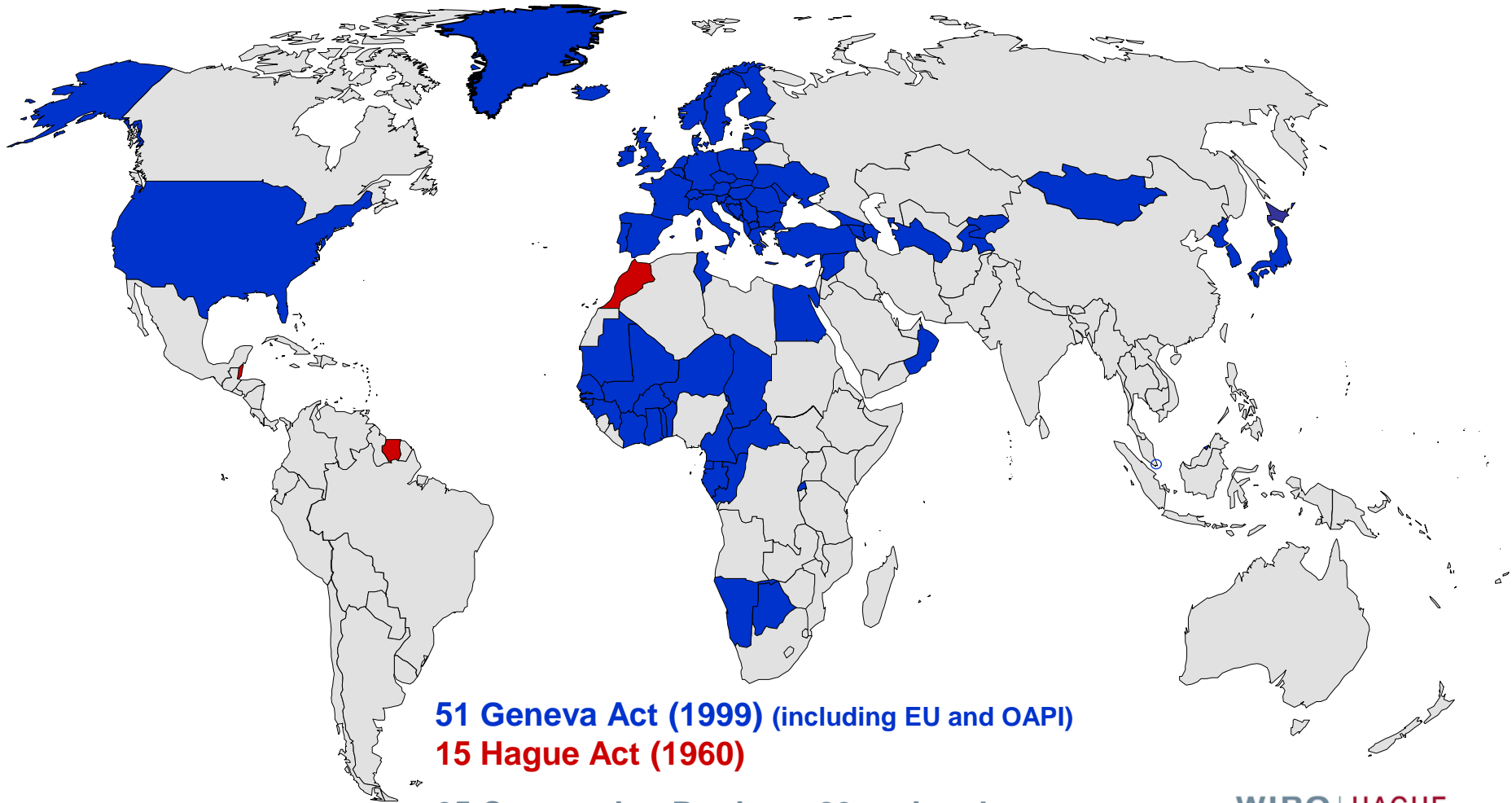
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Who can file an application

- Geneva Act (1999)
- The Hague Act (1960)
- ~~London Act (1934)~~

The Hague Union



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

15 Hague Act (1960)

65 Contracting Parties = 83 national jurisdictions

Who can file an application

- The Hague System is a closed system

- Link with the Contracting Parties
 - Nationality
 - Real and effective industrial or commercial establishment
 - Domicile
 - Habitual residence (1999 Act)

Entitlement

1999 Act



1960 Act



1999 Act



1999/1960 Act



Entitlement

1960 Act



1999/1960 Act



1960 Act

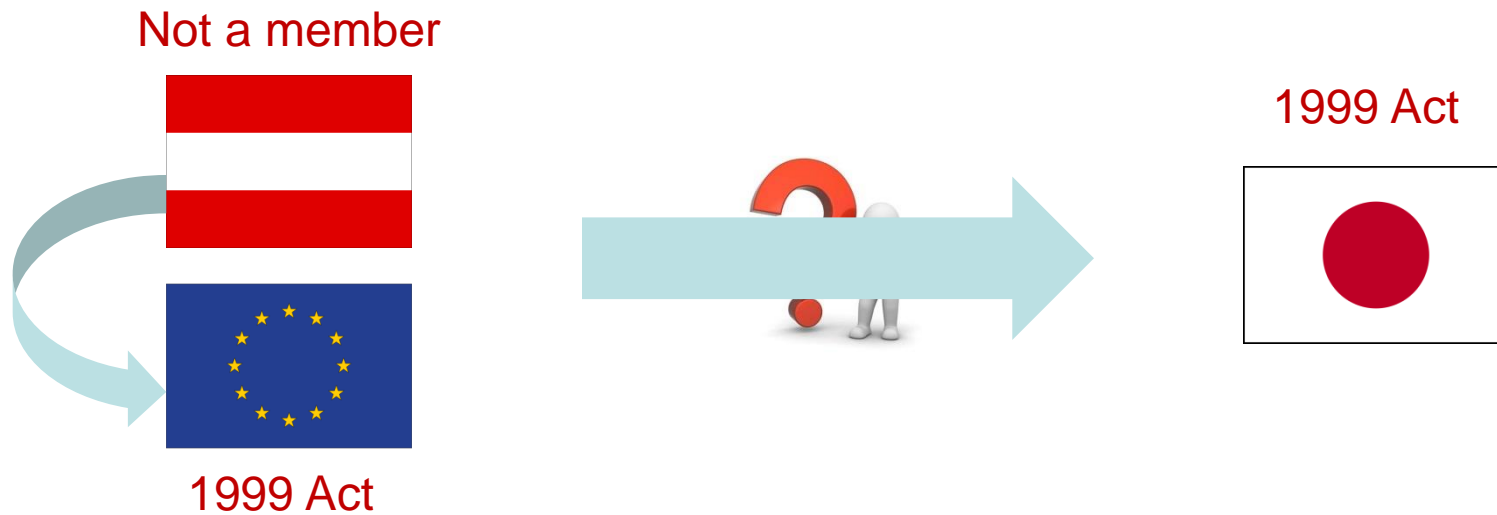


1999 Act



1999 Act

Entitlement



How to file an application

Directly with IB of WIPO

e-filing <https://www3.wipo.int/login/en/hague/index.jsp>

Paper (DM/1 form)

<http://www.wipo.int/hague/en/forms>



Indirectly through the Office of the Contracting Party

How to file an application - Good to know

- NO national application is required
- It is possible to designate the applicant's Contracting Party
- NO subsequent designation
- Declarations made by the CP to be taken into consideration

Mandatory contents of an application

- Request for international registration
- Applicant's details
- Reproductions
- Product indication
- Indication of the designated CP
- Fees



Additional mandatory contents of an application

- Creator details and/or Oath of the creator
- Description
- Claim



Optional contents

- Creator
- Description
- Legend
- Priority claim
- International exhibition
- Publication

Optional contents

- Exception to the lack of novelty
- Relation with the principle design
- Appointment of the representative
- Information on eligibility for protection
- Economic status and certificate where applicable
- Locarno classification

Requirements concerning the reproductions

- ❑ Legal framework

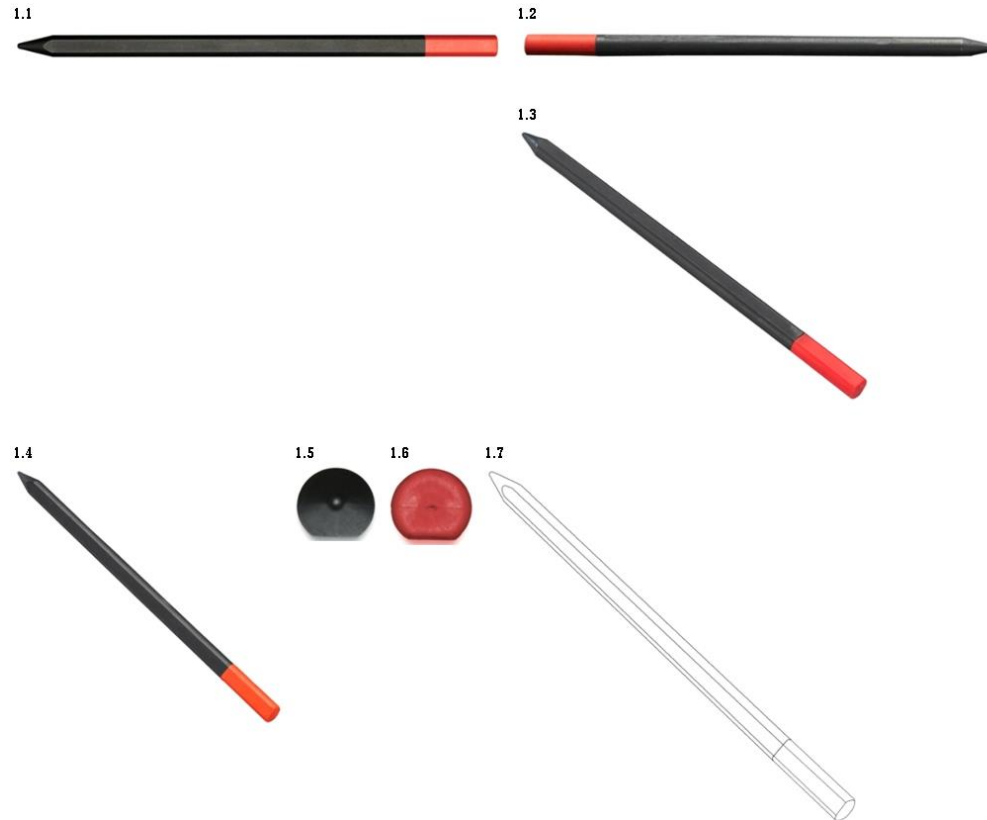
- ❑ Article 5 (1999Act/1960Act)

- ❑ Rule 9 of the Common Regulations

- ❑ Administrative Instructions – Section 401-405

Requirements concerning the reproductions

- ❑ Photographs and/or other graphic representations
- ❑ In black and white and/or color



DM/090577 “Pencil”

Requirements concerning the reproductions

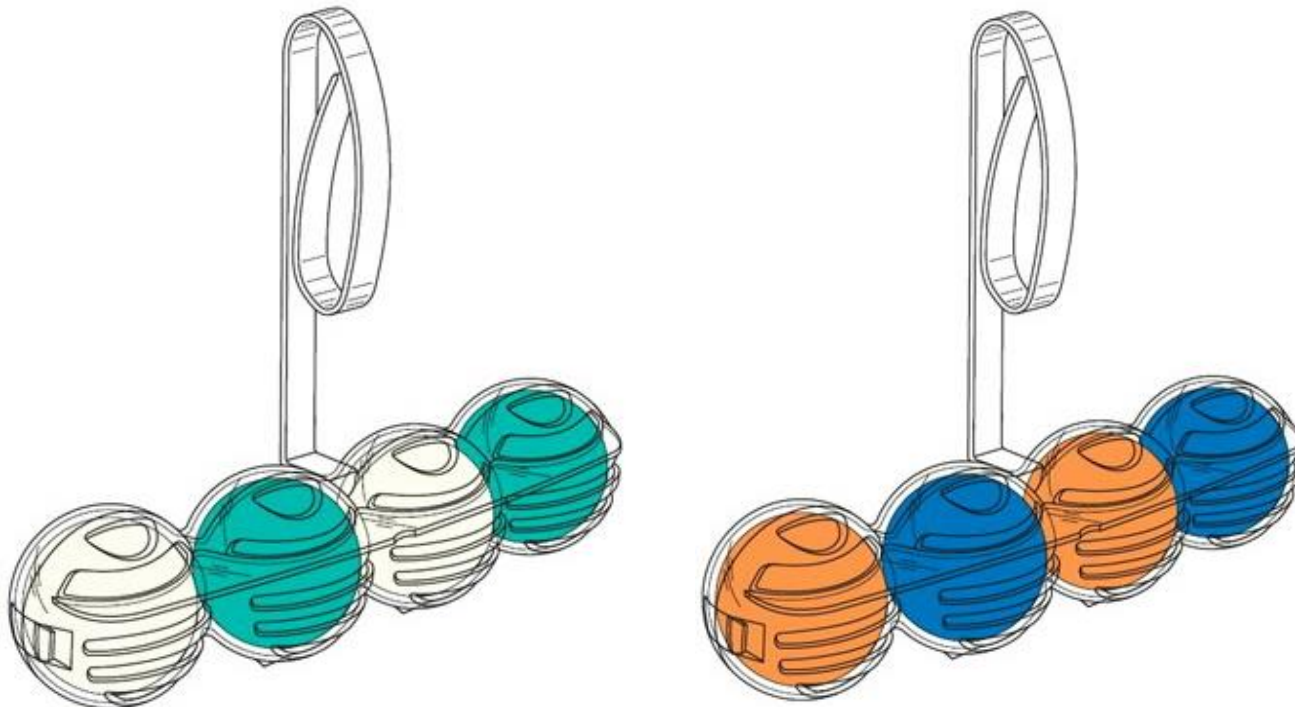
Different **colors**



different **designs**

1.1

2.1



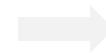
DM/078588 “Lavatory cleansing blocks”

Requirements concerning the reproductions

- 16x16cm (max)
- 3cm (min) at least one of the reproductions
- 5mm left around the reproduction
- Reproductions numbered 1.1, 1.2, 1.3, 2.1, 2.2.....
- Industrial design against a neutral background
- Upright and right-angled

Requirements concerning the reproductions

- NO other objects, accessories, person or animal
- NO technical drawings (axes & dimension)
- NO explanatory text or legends



Disclaimer

Parts of the design itself and/or matters for which protection is not sought or

- Description
and/or
- Broken lines
and/or
- Coloring

Disclaimer by coloring and description

2.1



2.2



2.3

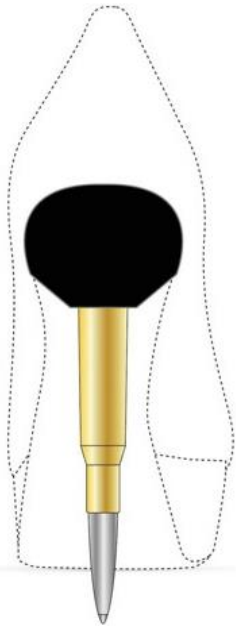


“The blue marked parts of designs 2 to 4 are not coming into the scope of the industrial design (disclaimer)”

DM/080861 “Vehicle bodywork”

Disclaimer by broken lines and description

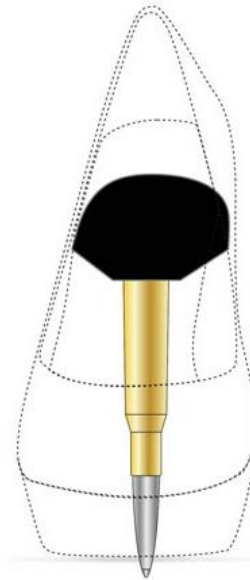
2.1



2.2



2.3

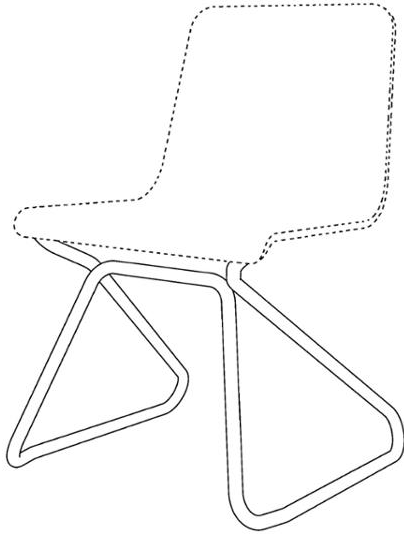


DM/082544 “Shoe”

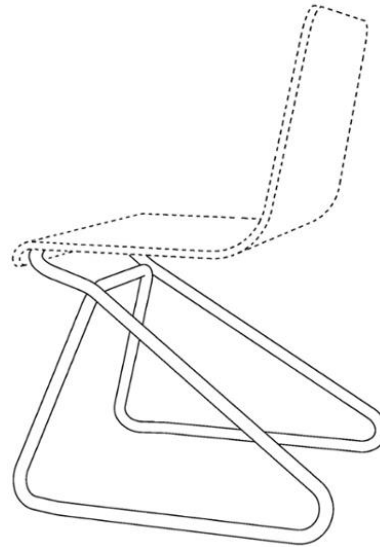
“No protection is sought for the matter shown in dotted lines (disclaimer)”

Disclaimer by broken lines

1.1



1.2



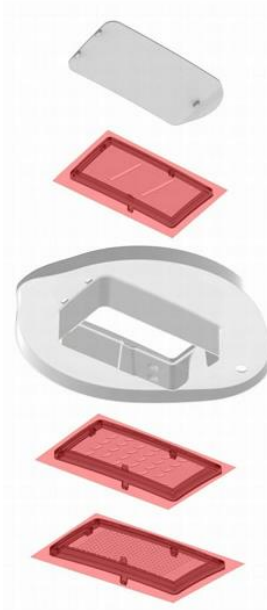
DM/090308 “Furniture leg”

Disclaimer by coloring

1.1



1.3

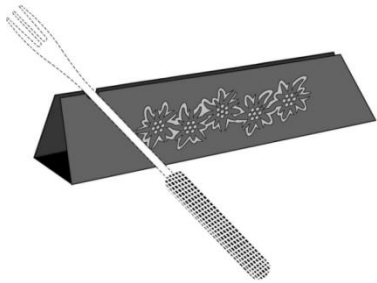


1.2



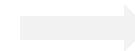
DM/080877 “Lid [household]”

Disclaimer of the accessories



b) Notwithstanding Section 402(a), matter that does not form part of the industrial design or the product in relation to which the industrial design is to be used may be shown in a reproduction if it is indicated in accordance with paragraph (1)
(in force on July 1, 2014)

DM/080221 “Cutlery holder”



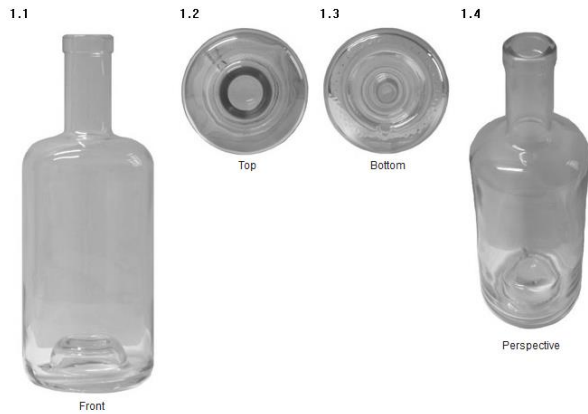
Description

- Appearance of design
- Possible utilization
- View omitted
- Disclaimer
- Legends

Description - Legends

Description

Design 1: 1.1 front view; 1.2 top view;
1.3 bottom view; 1.4 perspective view



DM/085709; “Bottle”

Description - Views omitted

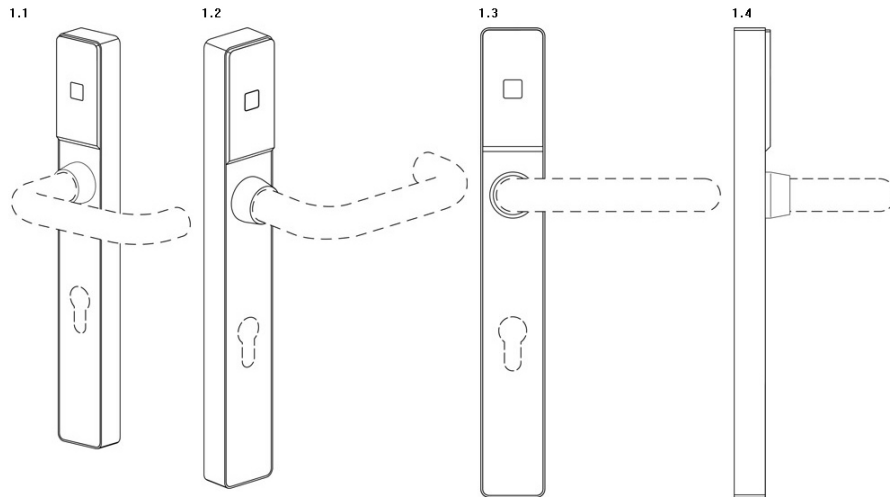


DM/084264; “Watch dial”

POSSIBLE description:

“Right side, top and bottom views are omitted because they are identical or mirror image of the left side view”

Description - Disclaimer



Description:

Design 1: the handle and the key hole, shown in broken lines, are not part of the claimed design;

DM/084412; “Door fittings”

Description - Visible features only



Description:

Bell characterized by a vertically-oriented rectangular front panel; the panel comprises an inscription in its upper part; underneath it there is a vertically elongated recess, whose edges are straight and rounded at the top and bottom

DM/085822; "Signal bell"

Description - Possible utilization



DM/084820; “Heel protector”

Description:

Heel protection designed to protect the back of shoes or sandals against rubbing or damage while driving or traveling and to improve safe driving

Product indication

- ❑ Specific and usually generic name

Lightening device



Table lamp

Communication equipment



Mobile phone

- ❑ One per design

Carpets, mats or rug



Bathroom mat

Ornamentation, graphic symbol or logo

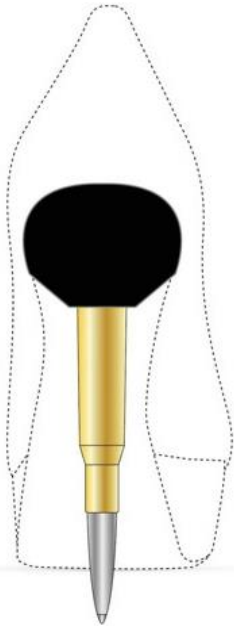


Logo

Product indication

- ❑ Can be a part of the product or product itself

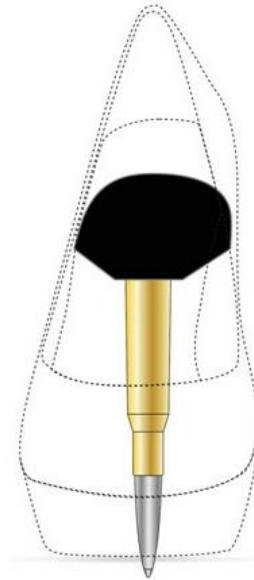
2.1



2.2



2.3



DM/082544 “Shoe”

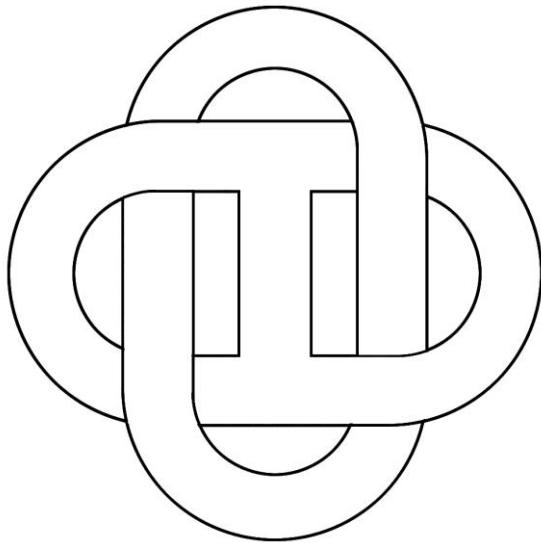


“Shoe heel”

Product indication and Locarno classification

- ❑ Industrial designs are classified in accordance with the product indication

Class 32-00



DM/081718; “Ornamentation”

Class 09-05



DM/084887; “Ornamentation for packaging bags”

Locarno classification - Mono class

Class 6

2.2



Chair

7.1



Dining table

3.1



Cabinet

13.1



Sofa

21.1



Corner table

DM/083137

Locarno classification: Multiple classes

Class 12



DM/081329

Class 6



DM/073710

Class 26



DM/084440

Irregularities

- 3 months - filing date is affected
- 3 months - registration date is affected
- 3 months - date is not affected
- 1 month observation with possibility to response
- Observation for information

Irregularities affecting FILING date

- NOT in the language prescribed
 - English
 - French
 - Spanish

- NO entitlement
- NO applicant details
- NO reproductions
- NO CP designated



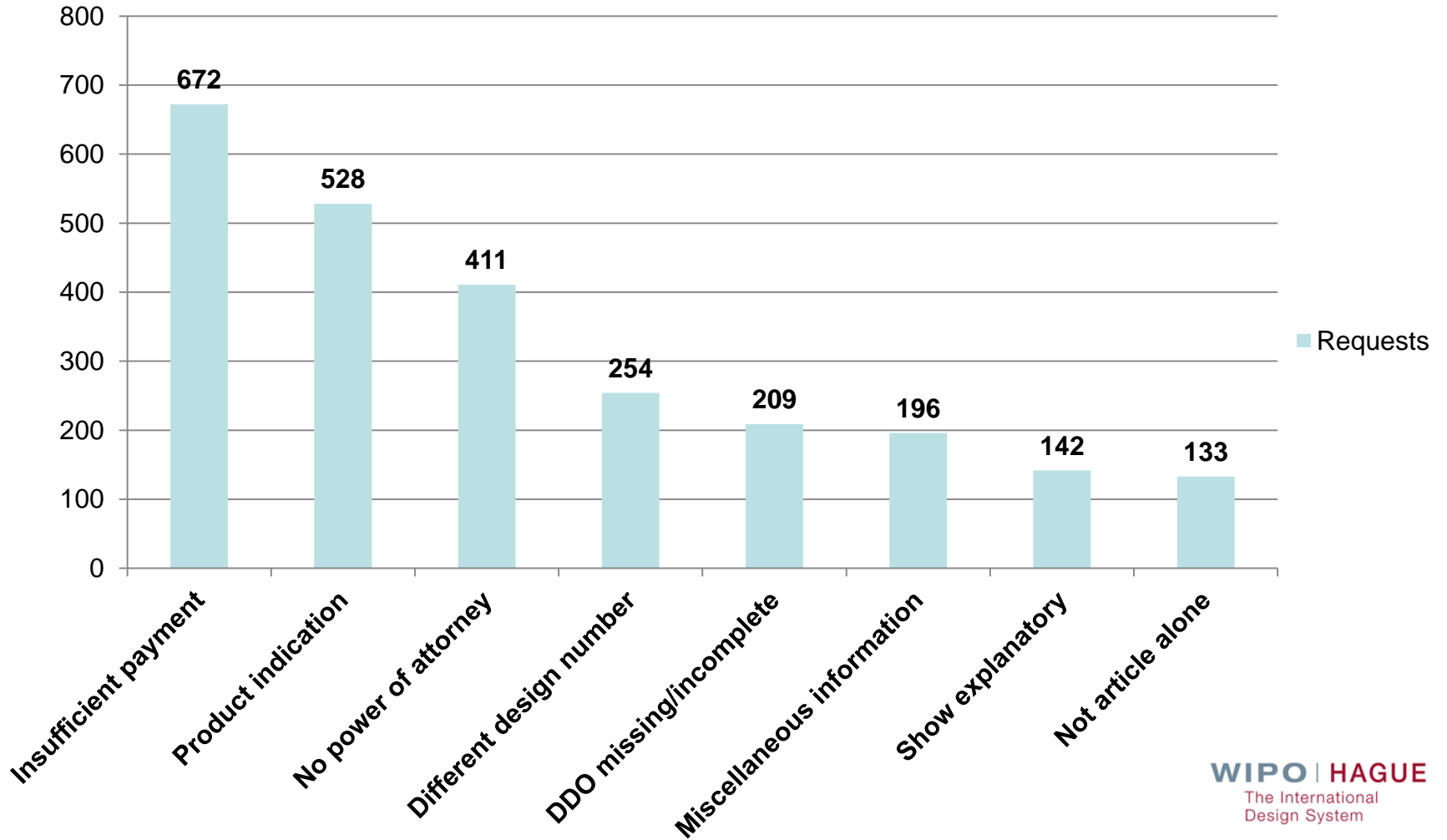
Irregularities affecting REGISTRATION date

- Creator details
- Description
- Claim



Most common irregularities

June 2015 – June 2016

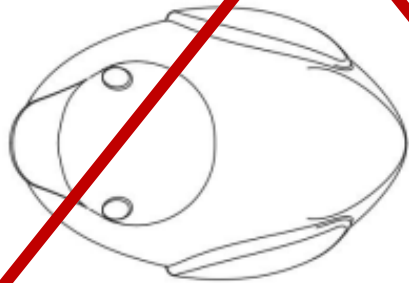
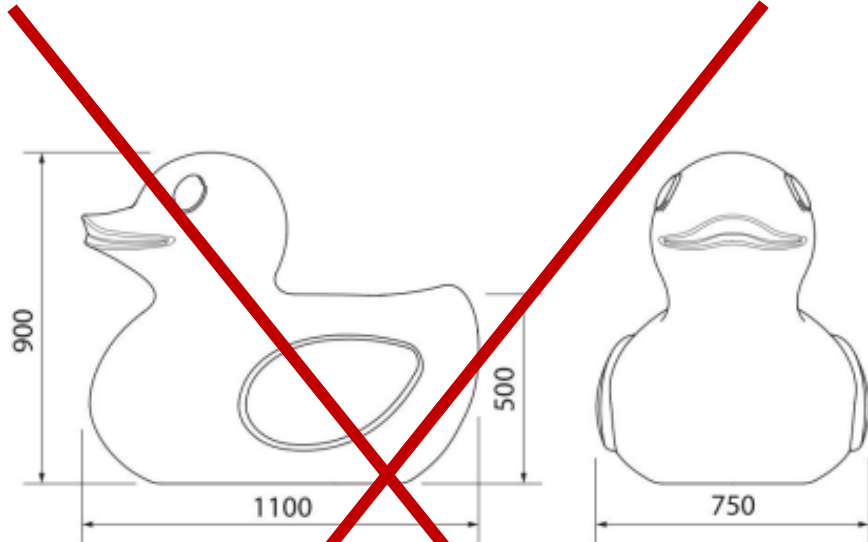






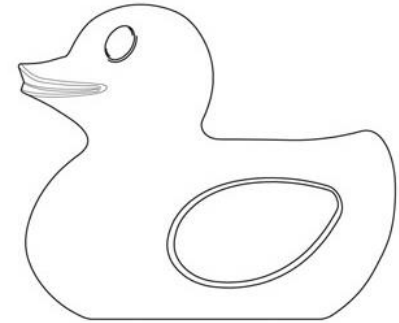
DM/082846



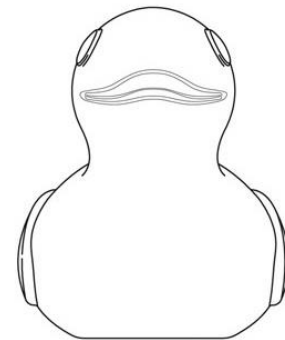


DM/084694

1.3



1.4



1.1



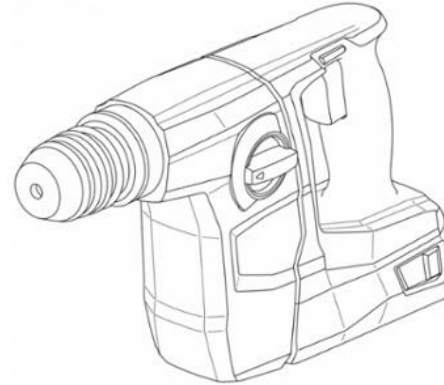
1.2



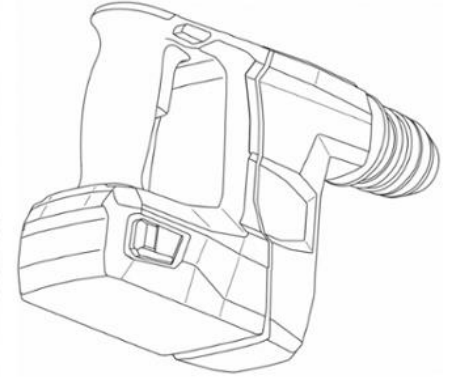
1.3



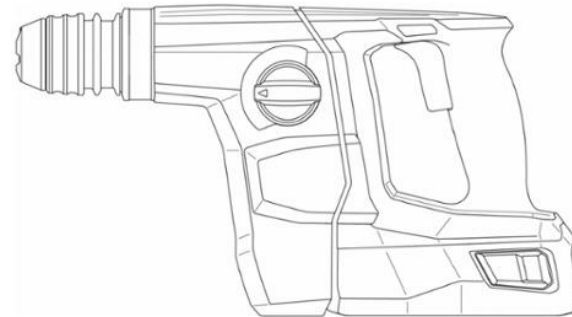
2.1



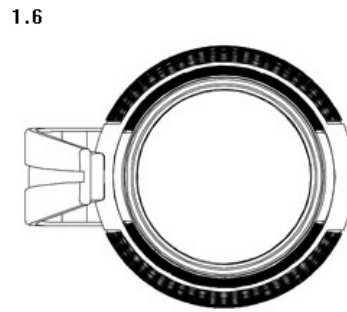
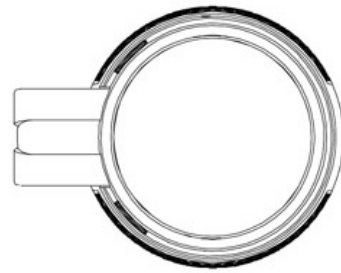
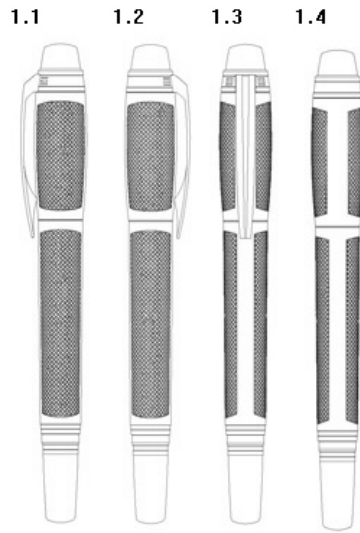
2.2



2.3



DM/089713



DM/082652



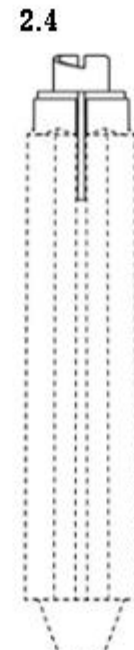
~~2.1) Perspective~~



~~2.2) Perspective~~



~~2.3) Front~~



~~2.4) Right~~



~~2.5) Top~~



~~2.6) Bottom~~

DM/087805