



## International Application and Examination

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

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**Geneva  
November 10, 2016**



[DM/090 275](#)



[DM/082 924](#)

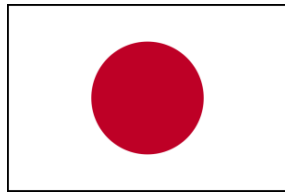


[DM/085 377](#)

# Who are we?



# Where to ask for protection?



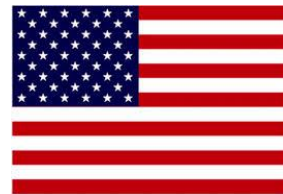
1999 Act



1960/1999 Act



1960 Act



1999 Act



1999 Act

# 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



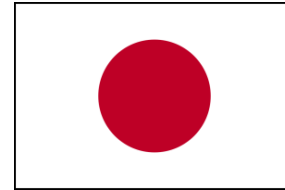
1999 Act



1960 Act



1960/1999 Act



1999 Act

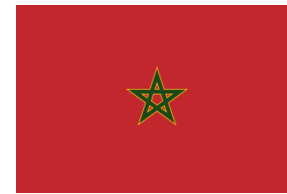


1999 Act



1999 Act

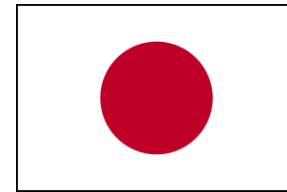
# Entitlement



1960 Act



1960/1999 Act



1999 Act



1999 Act



1999 Act

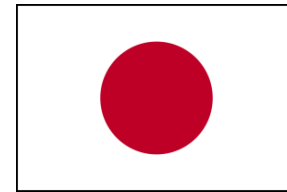
# Entitlement



1960 Act



1960/1999 Act



1999 Act



1999 Act



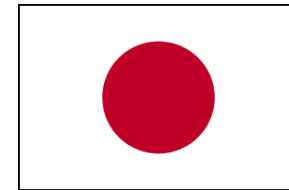
1999 Act



# Entitlement



1960/1999 Act



1999 Act



1999 Act



1999 Act

# 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

# 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

# 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

# Appointment of the representative





# Requirements concerning the reproductions

- ❑ Legal framework

- ❑ Article 5 (1999Act/1960Act)

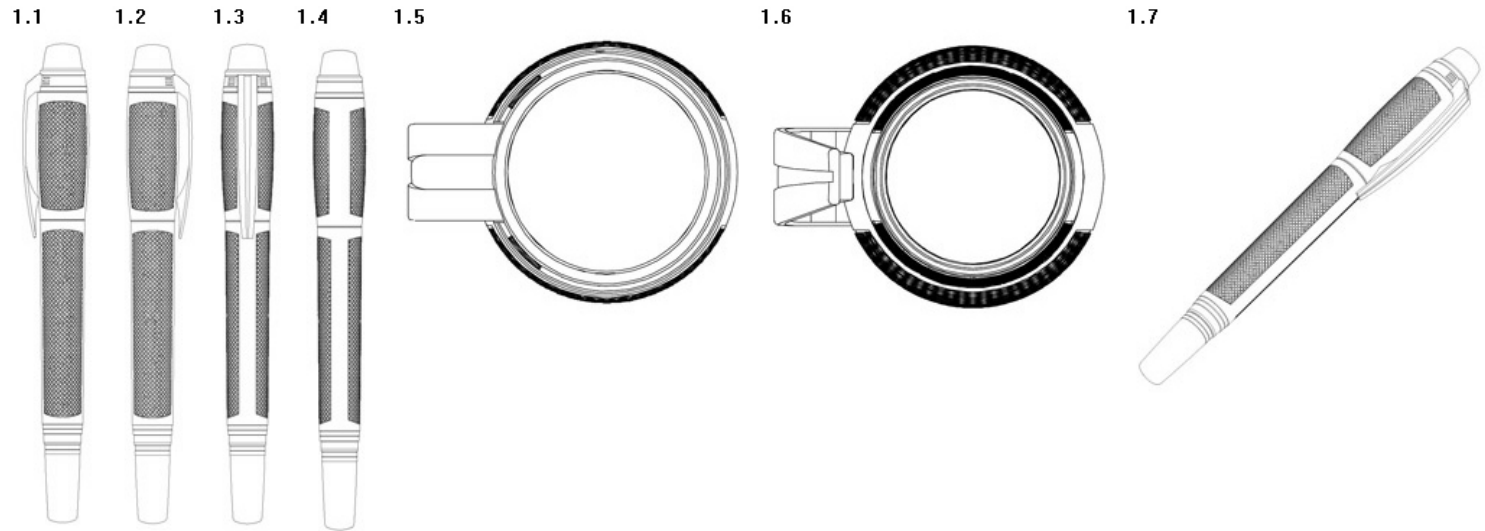
- ❑ Rule 9 of the Common Regulations

- ❑ Administrative Instructions – Section 401-405

# Requirements concerning the reproductions

- 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

# Three centimeters



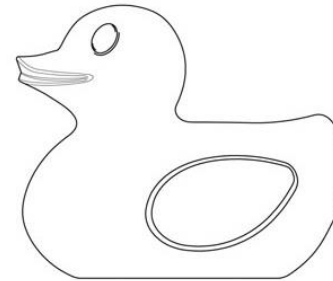
DM/082652

# Black & White and color

1.1



1.3



DM/084694 “Outdoor and indoor  
furniture with integrated lights”

# Requirements concerning the reproductions

Different **colors**



different **designs**

1.1

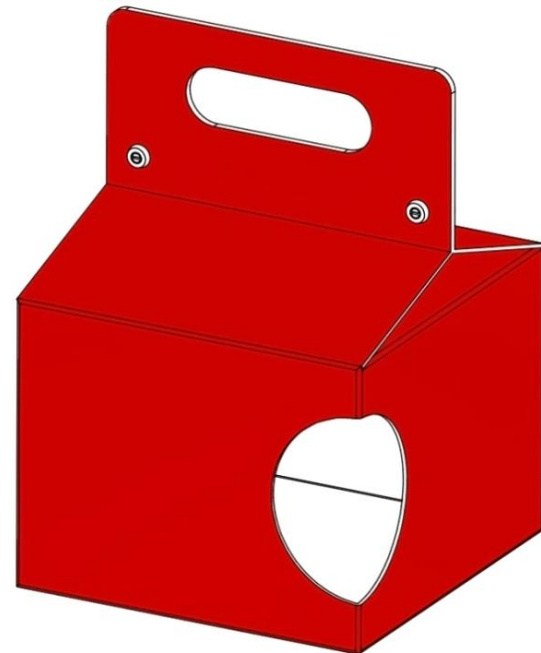
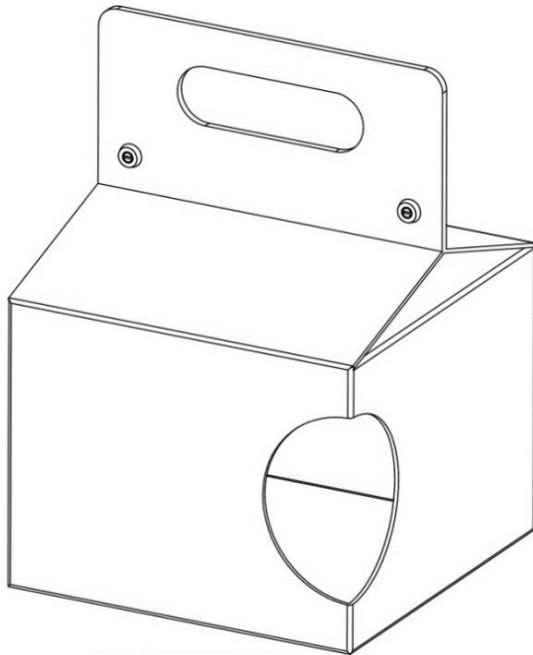
2.1



DM/078588 “Lavatory cleansing blocks”

# Requirements concerning the reproductions

Photographs and/or other graphic representations



DM/093003 “Packaging for flexible pipes ”

# Requirements concerning the reproductions

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



# Other object

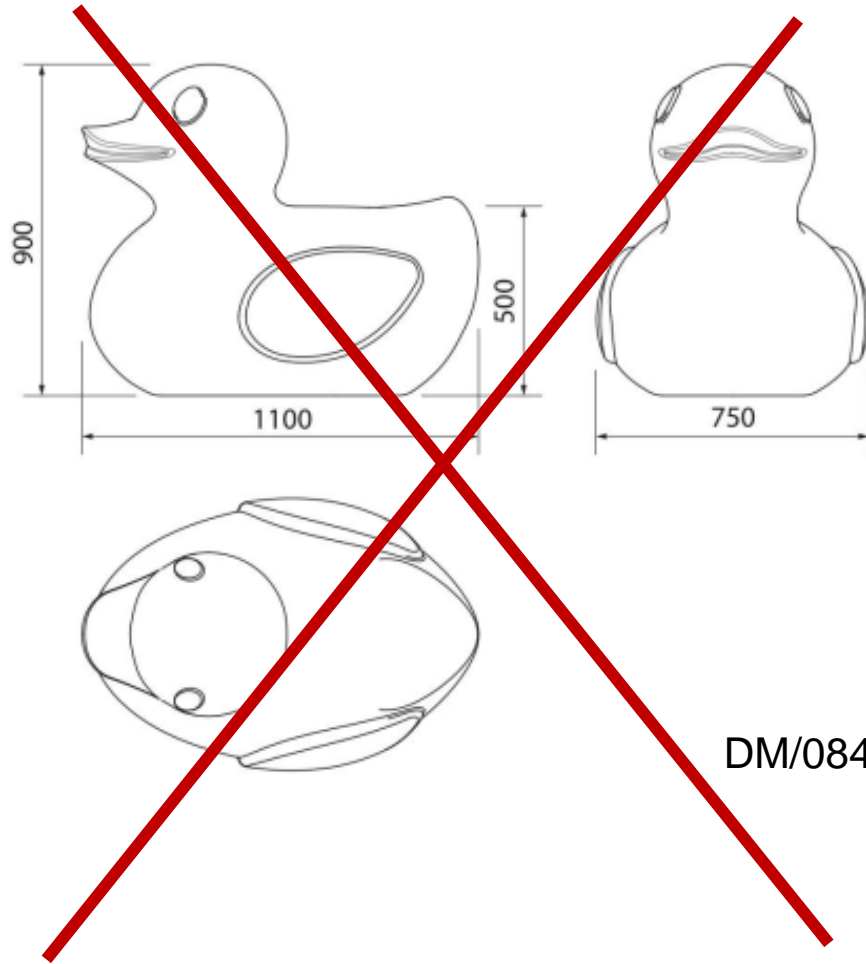


DM/082846



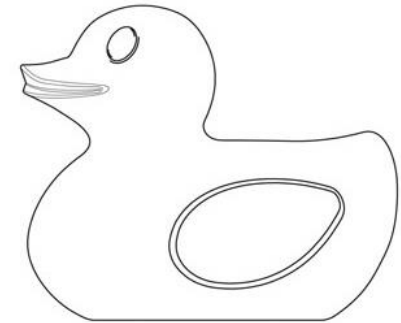


# Technical drawing

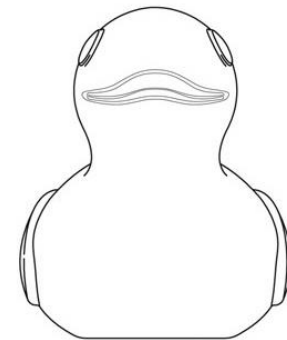


DM/084694

1.3



1.4



# 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

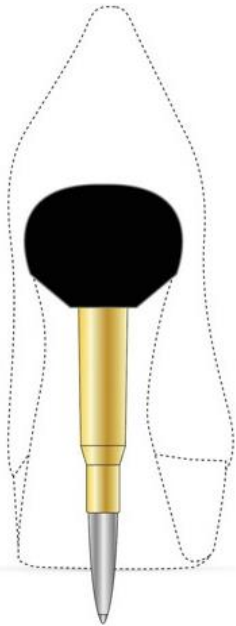


“The blue marked parts of designs 2 to 4 are not coming into the scope of the industrial design (disclaimer)”

DM/080861 “Vehicle bodywork”

# Disclaimer by broken lines and description

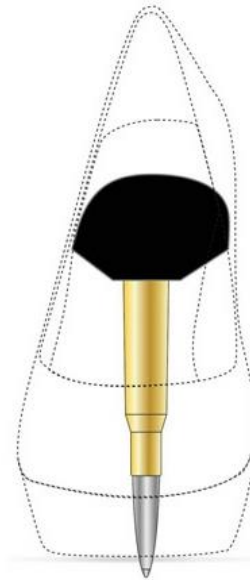
2.1



2.2



2.3

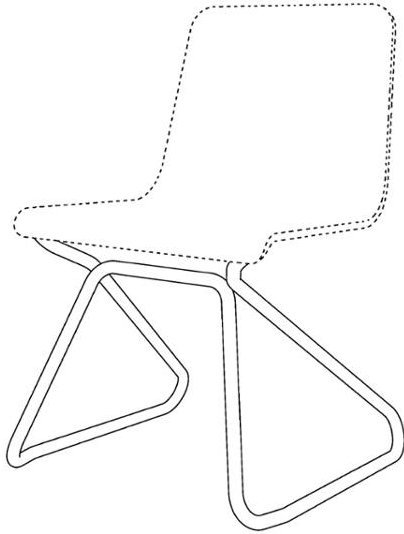


DM/082544 “Shoe”

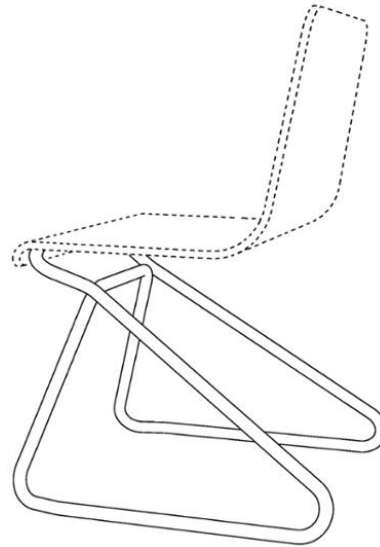
“No protection is sought for the matter shown in dotted lines (disclaimer)”

# Disclaimer by broken lines

1.1



1.2



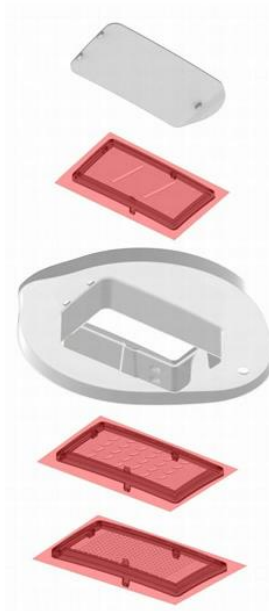
DM/090308 “Furniture leg”

# Disclaimer by coloring

1.1



1.3

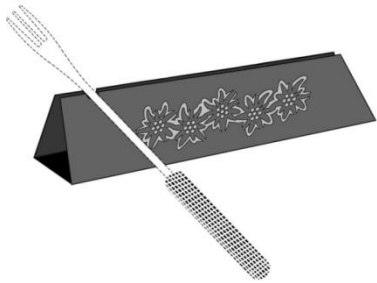


1.2



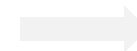
DM/080877 “Lid [household]”

# 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

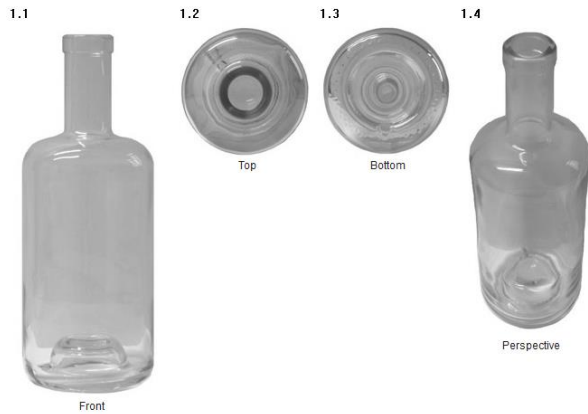
- Appearance of design
- Possible utilization
- View omitted
- Disclaimer
- Legends



# Description - Legends

## Description

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



DM/085709; “Bottle”

# Legends

1.1



~~1.1) Perspective~~

1.2



~~1.2) Front~~

1.3



~~1.3) Back~~

1.4



~~1.4) Right~~

1.5



~~1.5) Left~~

1.6



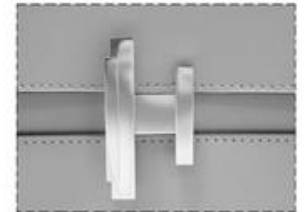
~~1.6) Top~~

1.7



~~1.7) Bottom~~

1.8



~~1.8) Enlarged~~

DM/092839; "Bag"

# Description - Views omitted

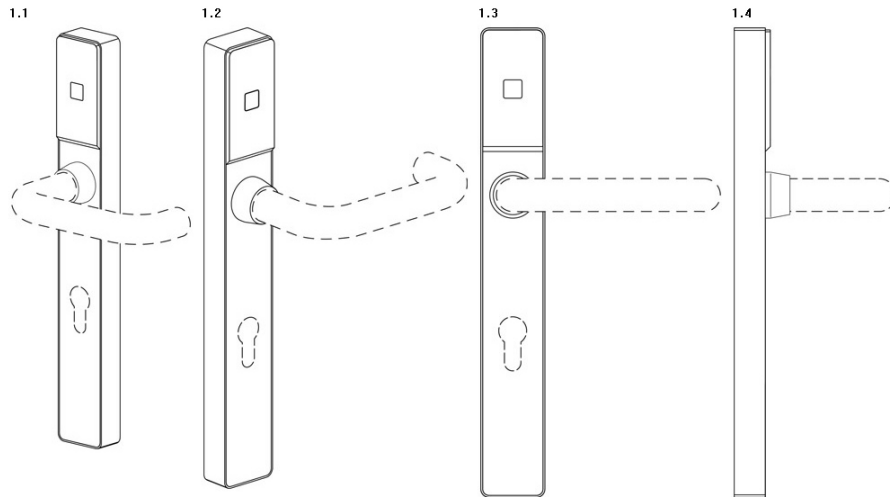


DM/084264; “Watch dial”

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

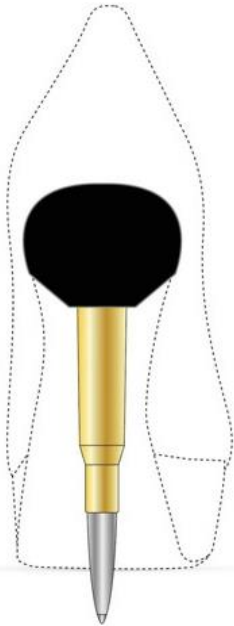


Logo

# Product indication

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

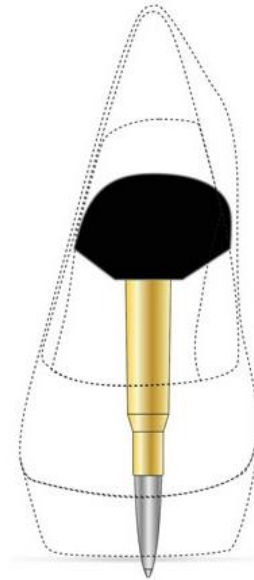
2.1



2.2



2.3



DM/082544 “Shoe”



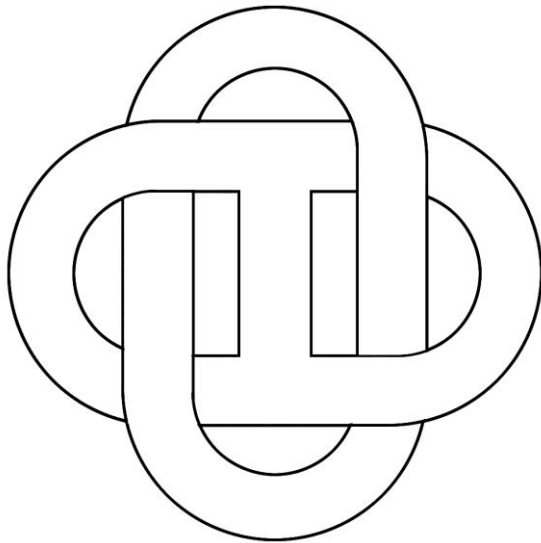
“Shoe heel”



# 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



1.1



1.2



1.3



1.4



1.5



1.6



1.7



*Class 3*

2.1



2.2



2.3



2.4



2.5



2.6



2.7



3.1



*Class 3*



*Class 2*

# 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 applicant details

NO reproductions

NO CP designated



# Irregularities affecting REGISTRATION date

- Creator details
- Description
- Claim



