



WIPO | HAGUE

The International
Design System



Filing of an International Application

Hague Seminar

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Outline

- Filing
- Mandatory and optional contents
- Indication of specific features for certain Offices
- Reproduction guidance
- Examination by the International Bureau

Filing Entitlements

- Hague is a closed system governed by the 1960 and 1999 Acts
- Entitlements
 - Nationality
 - Domicile
 - Real and effective commercial or industrial establishment
 - Habitual residence (1999 Act)

1960 and 1999 Acts (1)

- 1960 Act only: Morocco, and Suriname
- 1999 Act: all other countries either individually or by virtue of membership in the European Union (EU) or OAPI
 - EU (1960): Italy, Greece
 - OAPI (1960): Benin, Côte d'Ivoire, Gabon, Mali, Niger, Senegal
- Some countries are members of both 1960/1999

Designations

- 1960 Act: 1960 Contracting Parties only (Morocco or Suriname)
- 1960/1999 Acts: 1960, 1960/1999, 1999 Contracting Parties
- 1999 Act: 1960/1999 and 1999 Contracting Parties (no Morocco or Suriname)

How to file?

- With the International Bureau or indirect filing (e.g. Japan, Republic of Korea, Russian Federation, United States)
- File electronically!
- English, French, or Spanish
- No need for an earlier national application
- Designation of Contracting Parties at time of filing (no subsequent designation possible)
- Be aware of declarations made by Contracting Parties (e.g., creator, deferment of publication, oath/declaration, special reproductions, claim, description, etc.)

Mandatory contents of an application

- Applicant details
- Reproductions (can include up to 100 designs)
- Product indication
- Designation of Contracting Parties
- Fees

Additional mandatory contents

- Contracting Parties may have additional requirements
 - Creator
 - Romania
 - National requirement: (see Box 11 of DM1)
 - Description (Romania, Syria)
 - Oath/declaration of the creator (United States only)
 - Claim (United States only)
 - Individual designation fee payable in two parts (United States only)

Optional contents (1)

- Creator (if not required by a designated Contracting Party)
- Description (if not required by a designated Contracting Party)
- Legends
- Priority claim
- Publication (immediate/deferred instead of standard)
- International exhibition
- Exceptions to lack of novelty (JP and KR)
- Relation with the principle design (JP and KR)

Optional contents (2)

- Appointment of a representative
- Information on eligibility for protection (Information Disclosure Statement in the United States)
- Economic status and certificate where applicable
- Locarno classification

Requirements concerning the reproductions (1)

■ Size

- Max: 16cm x 16 cm

- Min: One side at least 3cm

- 5mm left around the reproduction

■ Numbering

- 1.1, 1.2, 1.3, 2.1, 2.2, 2.3 (first number refers to the design, second number to the reproduction)

- Can submit photographs or graphic representations in black/white and/or color

Requirements concerning the reproductions (2)

- Don't include other objects, accessories, person or animal
- No technical drawings (axes & dimension)
- No explanatory text or legends in the representations

Photograph and/or graphic representation



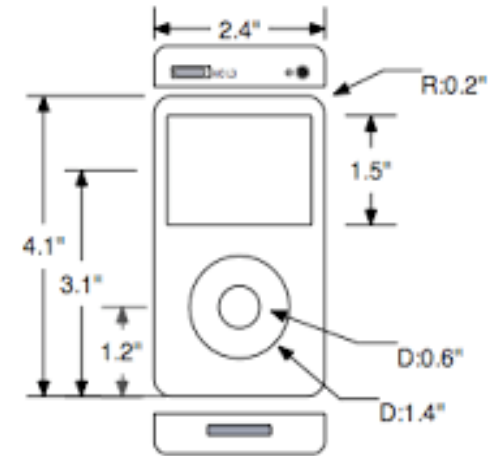
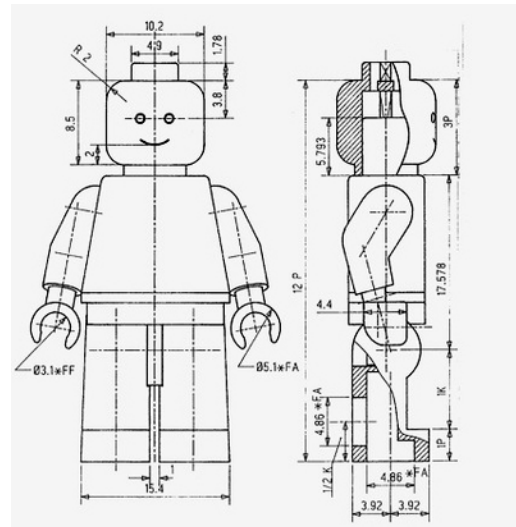
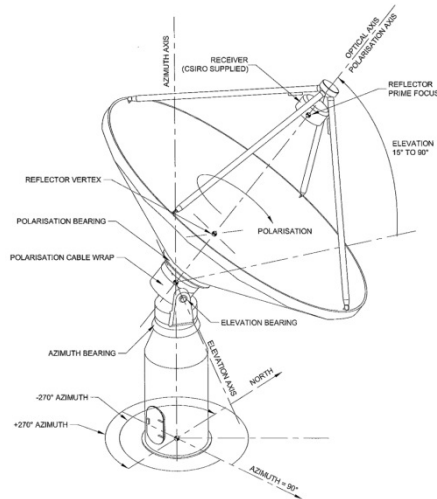
“DM/093893” “Tables”

- Photograph and graphic representation can be included as one design (note: examining offices may issue objection)

Other objects



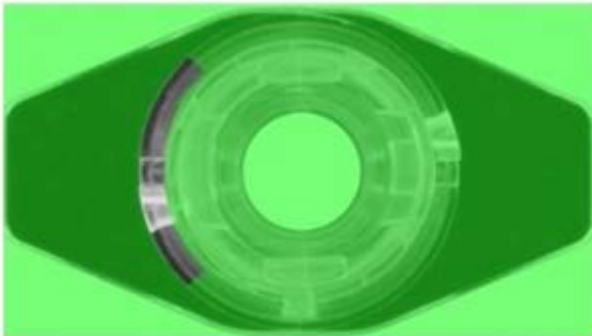
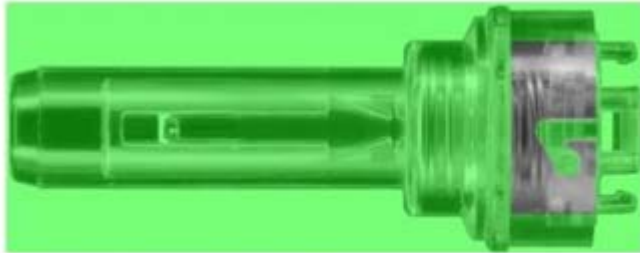
Technical drawing not permitted



Disclaimer

- Matter which is shown in a reproduction but for which protection is not sought
 - Text in the description
 - Dotted or broken lines or coloring

Disclaimer by coloring and description



“The green colored parts form no part of the claimed design (disclaimer)”

Disclaimer by broken lines and description



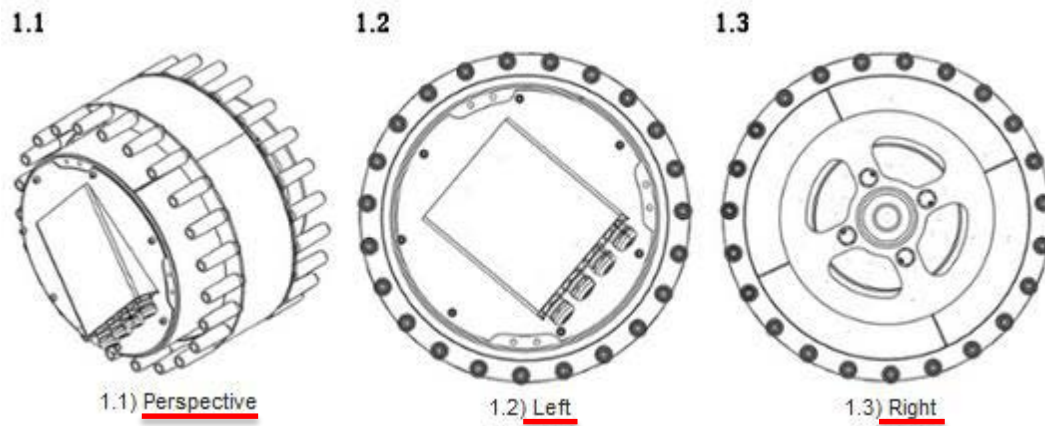
DM/082544

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

Description

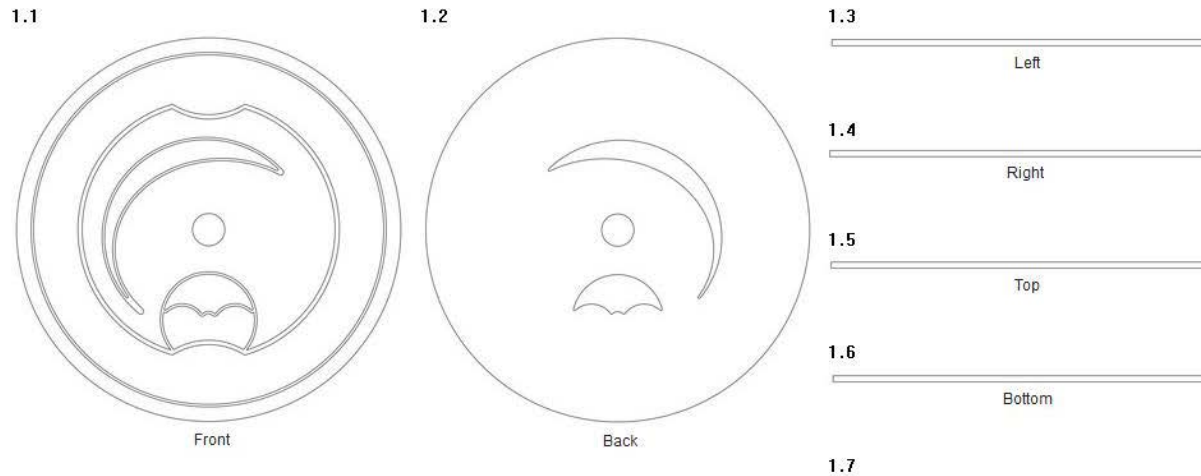
- Optional in most instances
 - Appearance of the design
 - Possible utilization
 - Omitted views
 - Disclaimer
 - Legends
- Brief description is compulsory for Romania and Syria

Legends



DM/095106, “Drive module assembly for vehicles”

Omitted views



DM/084264, “Watch dial”

(Right side, top and bottom views can be omitted because they are identical or mirror image of the left side view)

Possible utilization



DM/084820, “Heel protector”

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
 - Be as precise as possible
- Check the Global Designs Database for examples
 - Lighting device -> Table lamp
 - Communication equipment -> Mobile phone
 - Footwear article -> Boot
- Can be the product itself or part thereof
 - Chair, Chair seat

Locarno classification (LOC)

- Mono class system
- Multiple designs can be included as long as they belong to the same class
- If there are multiple Locarno classes, divisional applications are to be filed
- Use the LOC list of goods for determining the product indication

LOC - Mono class



Chair

7.1



Dining table

3.1



Cabinet

13.1



Sofa

21.1



Corner table

Class 6 (Furnishing)

LOC - Multiple classes

1.1



1.3



1.1



Reproduction guidance

- https://www.wipo.int/export/sites/www/hague/en/how_to_pdf/guidance.pdf
- Guidelines prepared in consultation with Examining Offices
 - Sufficiency of disclosure (number of views, explanation)
 - Use of color and patterns
 - Mixing of reproduction types
- Reflects input from CA, HU, JP, KG, KR, MD, RO, RU, SY, US

Reproduction guidance (2)

GUIDANCE	GUIDANCE to be taken into account/not taken into account when designating a given Contracting Party									
	CA	HU	JP	KG	KR	MD	RO	RU	SY	US
GUIDANCE NO. 1										
(a)(i) Submit six views of a three-dimensional product or two views of a two-dimensional product.	*		⊙		○	○	⊙	*	⊙	*
(a)(ii) Submit perspective views instead of six views.	*	○			○	○	○	*	○	*
(a)(iii) Make views to be in the same scale	○		⊙		○	⊙	⊙	⊙	⊙	○
(a)(iv) Indicate the direction (angle) of each view.	○	X	⊙		○	○	⊙	⊙	⊙	⊙
(a)(v) Submit a sufficient number of views for each of the multiple designs	⊙	⊙	⊙		⊙	○		⊙	○	⊙
<i>In a situation where an applicant wishes to omit a certain view(s):</i>										
(b) Explain which view(s) are omitted and why they were omitted.	*	X	⊙		⊙	○	○	X	⊙	*
<i>In a situation where an applicant seeks protection of a certain part of the product:</i>										
(c)(i) Submit view(s) of a part(s) of the product for which protection is not sought, showing it by means of a disclaimer.	⊙	⊙	⊙		⊙	⊙	⊙	⊙	⊙	*
(c)(ii) Explain the means to indicate the disclaimed part.	⊙	○	⊙		○	○	⊙	⊙	⊙	⊙
GUIDANCE NO. 2										
(a) Submit another specific view at the time of filing for a clearer disclosure of the configuration of a certain part of the product where necessary to adequately disclose the design.	⊙	⊙	⊙		○	○	○	○	⊙	⊙

Examination by the International Bureau

- Formal examination by the International Bureau (formalities+ examination)
- Issuance of irregularity letter in case of defect
- Time limit of 3 months to file response

Questions

- Contact Hague

- <http://www.wipo.int/hague/en/contact>

- Hague Customer Service

- Tel: +41 22 338 7575