

General Overview of the Hague System: Basic Features and Latest Developments

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

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General Overview of the Hague System

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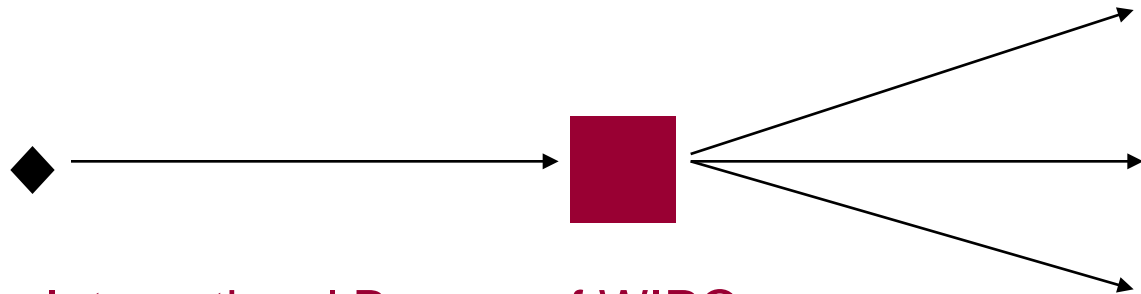
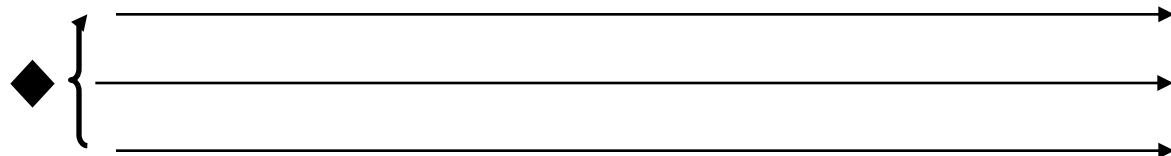
- Objectives
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Objectives of the Hague System

Hague System: A Simple, but Timeless Concept

- The centralized acquisition and maintenance of industrial design rights by filing a single international application for a single international registration with effect in one or more designated Contracting Parties.

Independent Filings v. Hague Route



International Bureau of WIPO

Hague System is...

- Cost-effective and efficient, thereby creating opportunities that would not otherwise exist for any enterprise with a limited legal budget
- Affords right holders greater flexibility in targeting national, regional or global markets

Going Global Geographical Scope of the Hague System

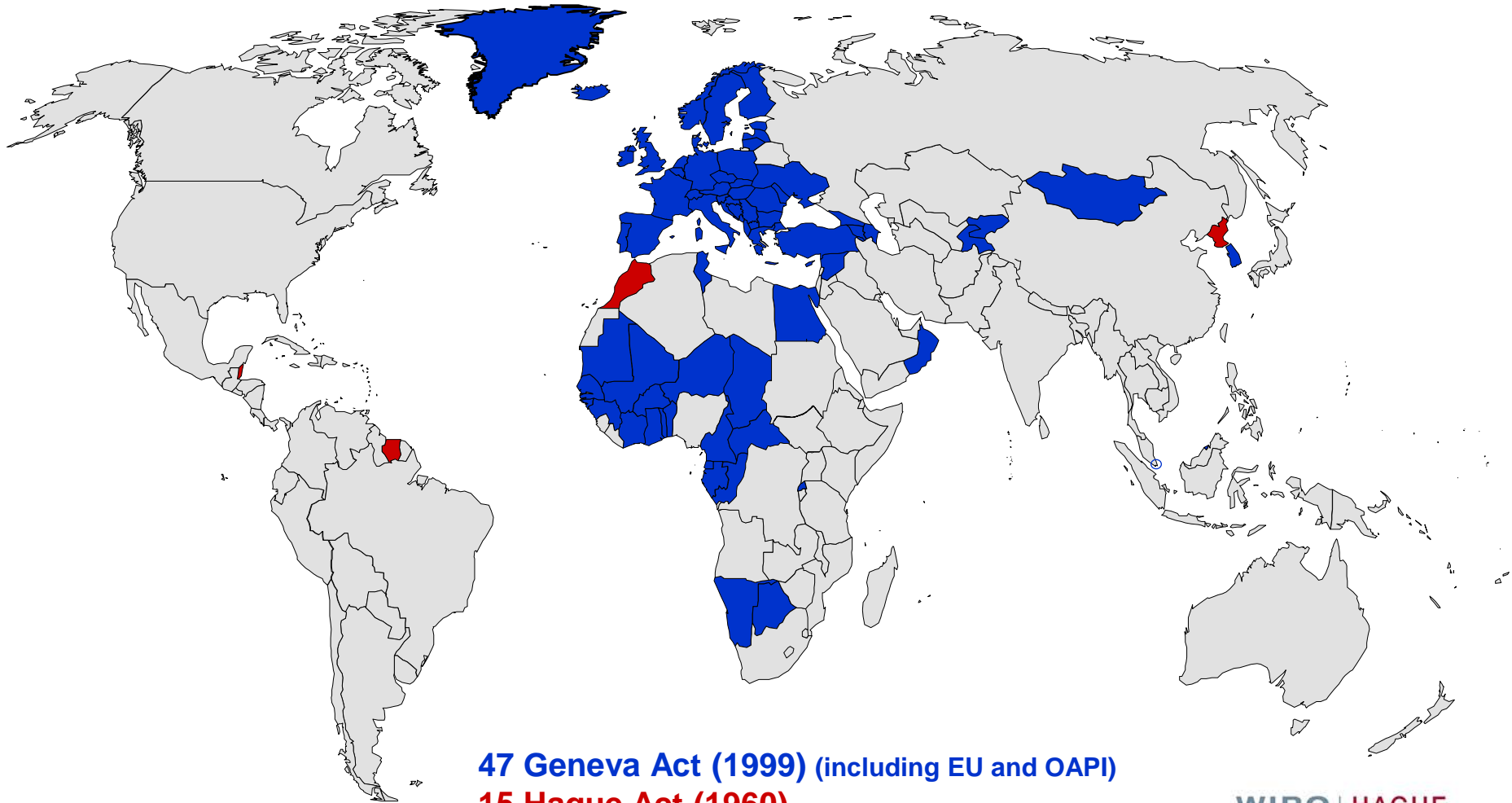
Hague Union Members

62 Members

Grouped according to the most recent applicable Act:

- Geneva Act (1999): African Intellectual Property Organization, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Croatia, Denmark, Egypt, Estonia, European Union, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Monaco, Mongolia, Montenegro, Namibia, Norway, Oman, Poland, Republic of Moldova, Republic of Korea, Romania, Rwanda, Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Syrian Arab Republic, Switzerland, Tajikistan, the former Y.R. of Macedonia, Tunisia, Turkey and Ukraine (47)
- Hague Act (1960): Belgium, Belize, Benin, Côte d'Ivoire, D.P.R. of Korea, Gabon, Greece, Italy, Luxembourg, Mali, Morocco, Netherlands, Niger, Senegal and Suriname (15)

Hague Union



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

15 Hague Act (1960)

62 Contracting Parties

WIPO | HAGUE
The International
Design System

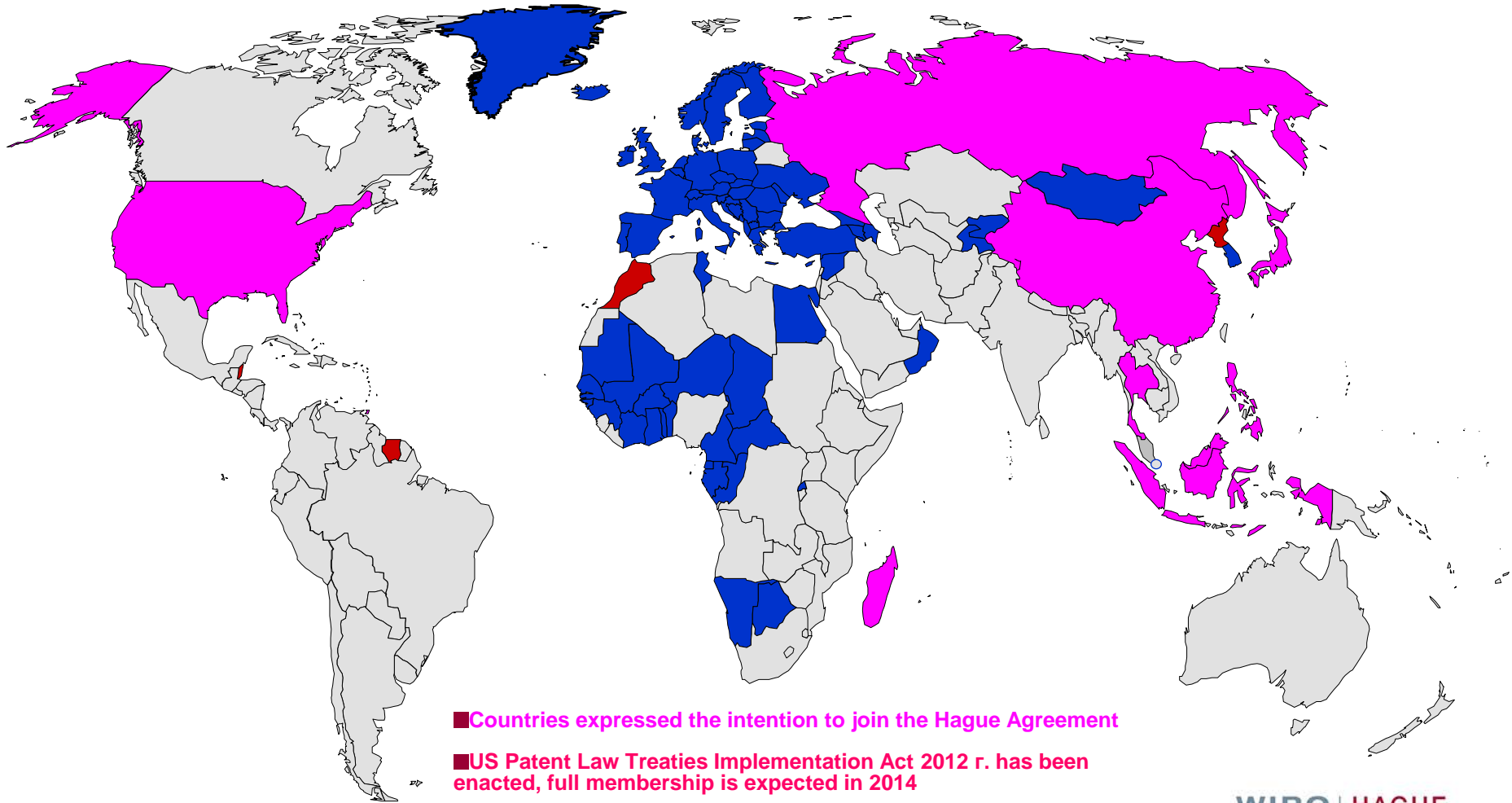
Geneva "1999" Act: Recent Accessions

- Republic of Korea (July 2014)
- Brunei Darussalam (December 2013)
- Montenegro (March 2012)
- Tajikistan (March 2012)
- Tunisia (June 2012)

Potential Accessions to the Geneva Act

- USA
- China
- Japan
- Russian Federation
- Morocco
- ASEAN Countries
- Trinidad and Tobago
- Barbados
- Madagascar
- Mexico
- Colombia
- Zimbabwe

Development of the Hague Union



- Countries expressed the intention to join the Hague Agreement
- US Patent Law Treaties Implementation Act 2012 r. has been enacted, full membership is expected in 2014

Basic Features of the Hague System

What is the Hague System?

■ One to Many Relationships

File a single international application for a single international registration (IR) in which one or more Contracting Parties (CP) are designated

■ “Bundle of Rights”

If no refusal, the resulting international registration has the effect of a grant of protection in each designated Contracting Party

Who Can Use the System?

You need

An attachment to a Contracting Party

- Nationality
- Domicile
- Real and effective industrial or commercial establishment
- Habitual residence

The International Application

- In English, French or Spanish
- May be filed directly with the International Bureau through the E-filing interface (or paper format)
- May comprise several different designs up to a maximum of 100 if they belong to the same class of the international classification (Locarno)
- One set of fees (in CHF) is to be paid

The Hague System Procedure (I)

Role of the International Bureau

- formal examination
- recording in the International Register
- publication in the *International Designs Bulletin* (can be deferred)
- notification to members through the publication in the Bulletin

Effects of the international registration

- same effect as a regularly filed national application in all designated members

The Hague System Procedure (II)

Refusal by a designated member

- on same substantive grounds as for national/regional filings
- must be communicated within time limit
- effect limited to territory of member that has refused

International registration (where not refused)

- no refusal = same rights as a local design registration
- a bundle of independent national/regional rights
- advantages of central management

The Hague System Procedure (III)

Duration: five years and renewable

- at least once (1960 Act) or twice (1999 Act)
- longer renewal period if allowed by the law of a designated member

Central management for renewals and modifications

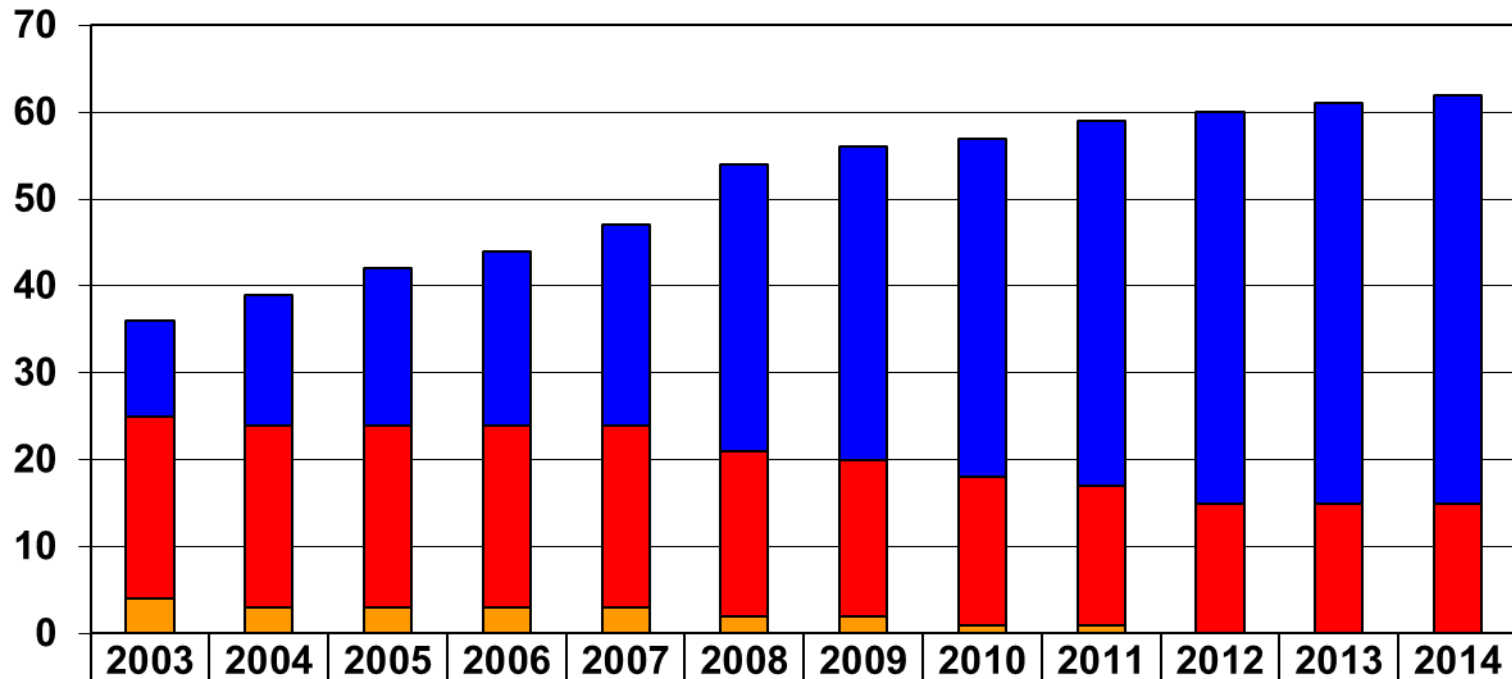
- single request
- single set of requirements
- one language
- single payment in a single currency
- single renewal date and cycle to monitor

Some Statistics

Hague Membership

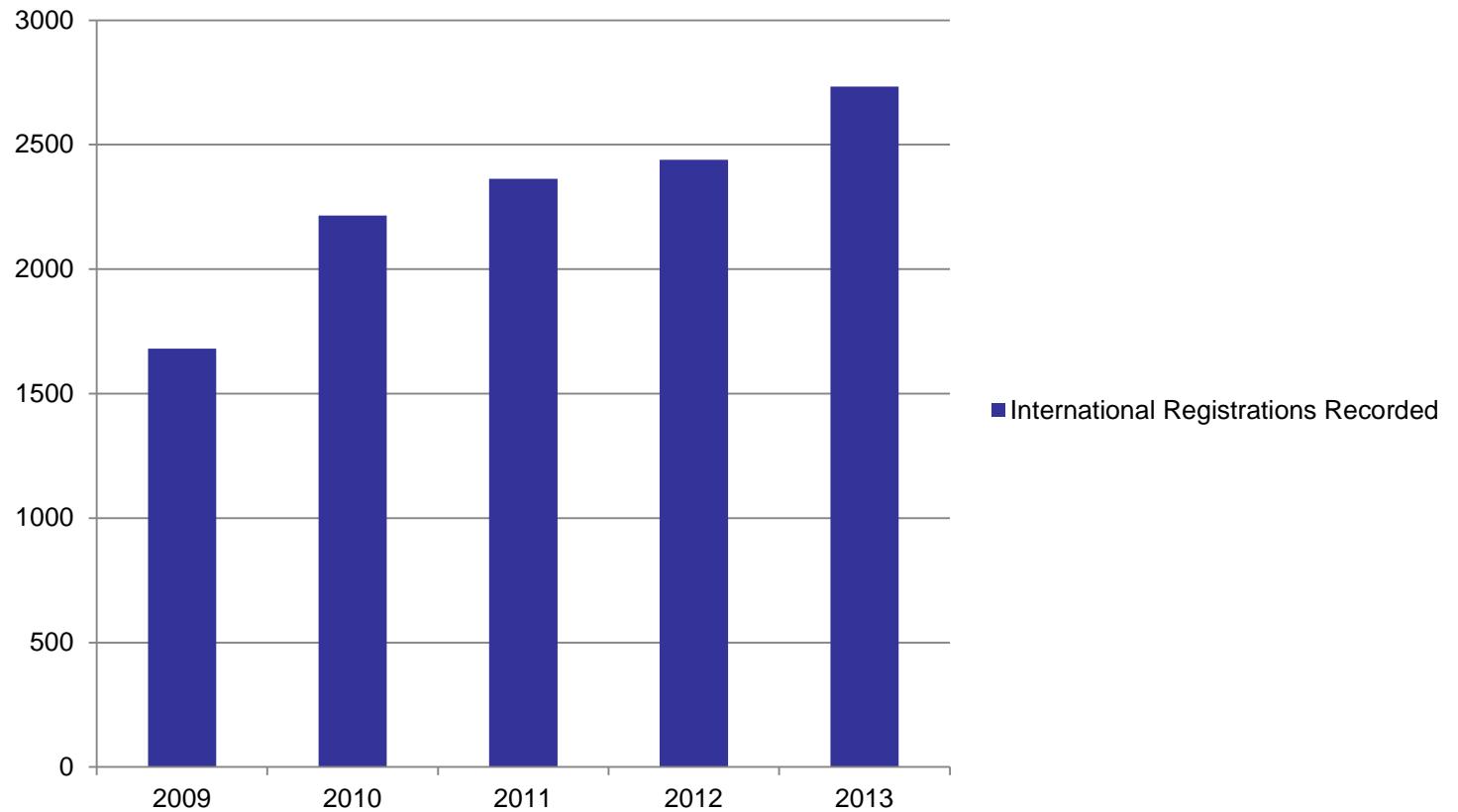
Status on October 31, 2014

(by most recent Act)



| | | | | | | | | | | | | |
|------------|----|----|----|----|----|----|----|----|----|----|----|----|
| ■ 1999 Act | 11 | 15 | 18 | 20 | 23 | 33 | 36 | 39 | 42 | 45 | 46 | 47 |
| ■ 1960 Act | 21 | 21 | 21 | 21 | 21 | 19 | 18 | 17 | 16 | 15 | 15 | 15 |
| ■ 1934 Act | 4 | 3 | 3 | 3 | 3 | 2 | 2 | 1 | 1 | 0 | 0 | 0 |

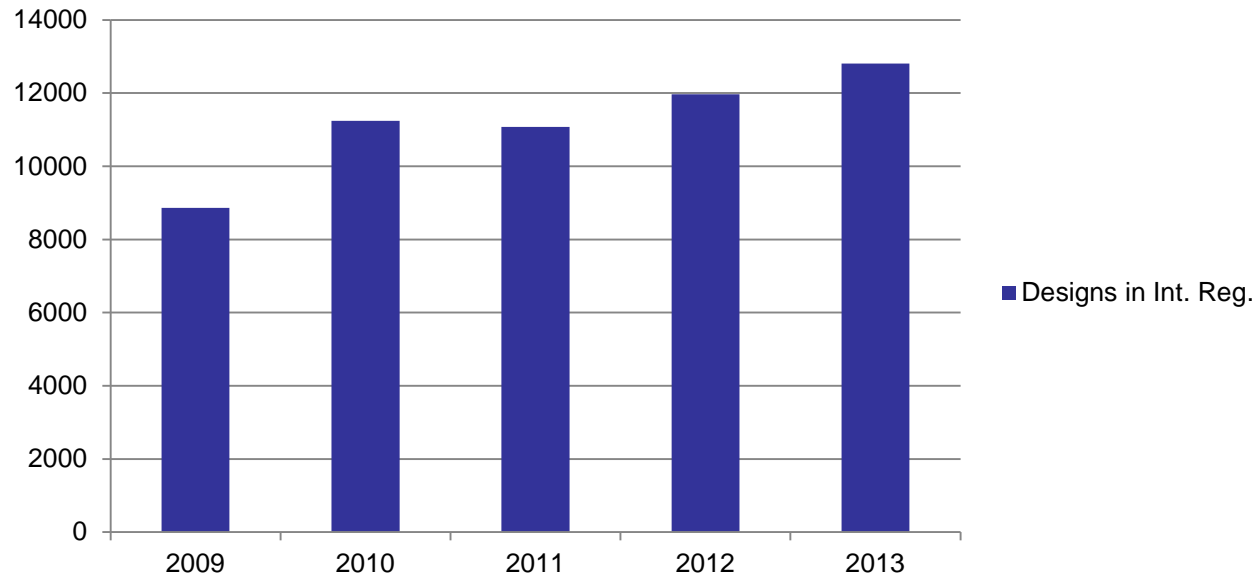
International Registrations Recorded 2009-2013



| | | | | | |
|-----------------------------|-------|-------|------|------|-------|
| Int. Registrations Recorded | 1681 | 2216 | 2363 | 2440 | 2734 |
| Growth | 10.3% | 31.8% | 6.6% | 3.3% | 12.0% |

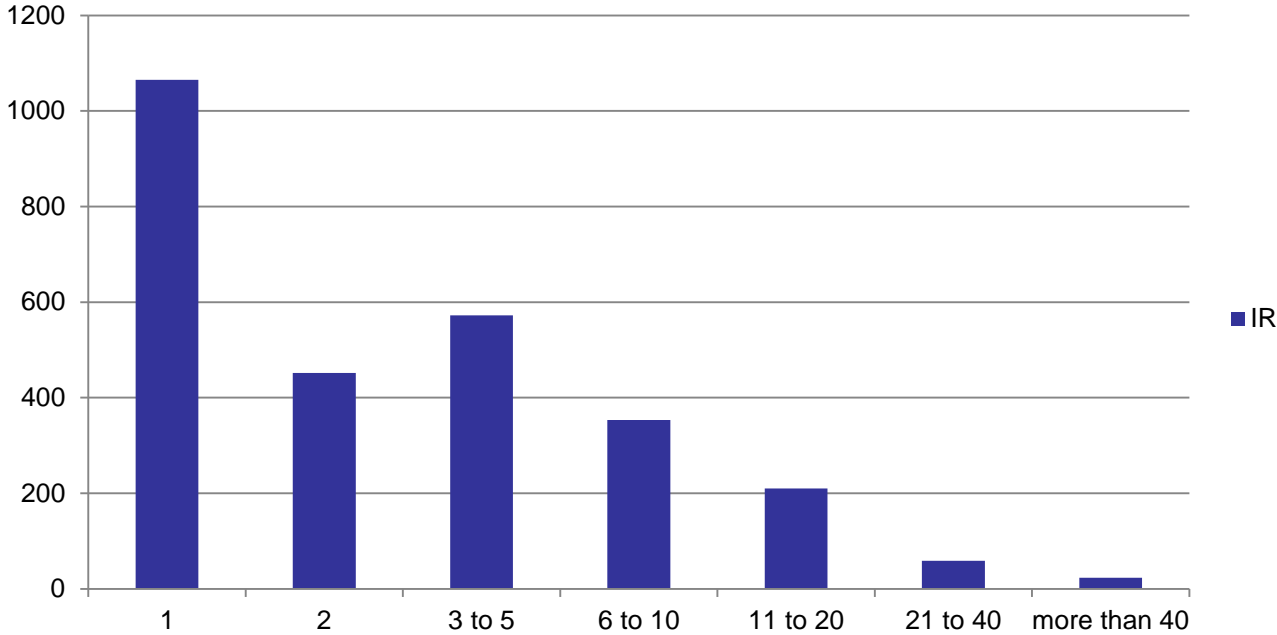
Designs in International Registrations

2009-2013



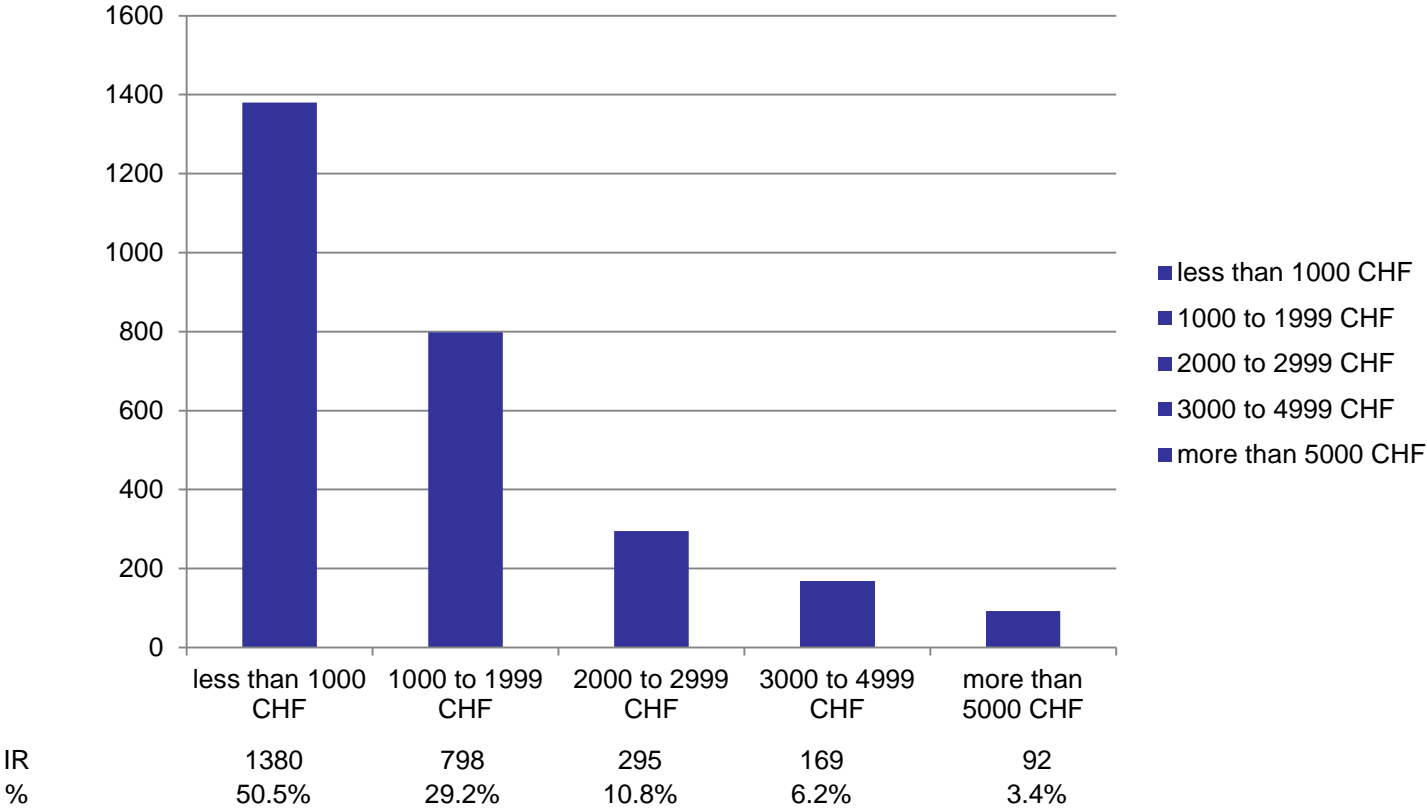
| | | | | | |
|-------------------------------|-------|-------|-------|-------|-------|
| Designs in Int. Registrations | 8867 | 11238 | 11077 | 11971 | 12806 |
| Growth | 11.7% | 26.7% | -1.4% | 8.1% | 7.0% |

Designs per International Registration 2013

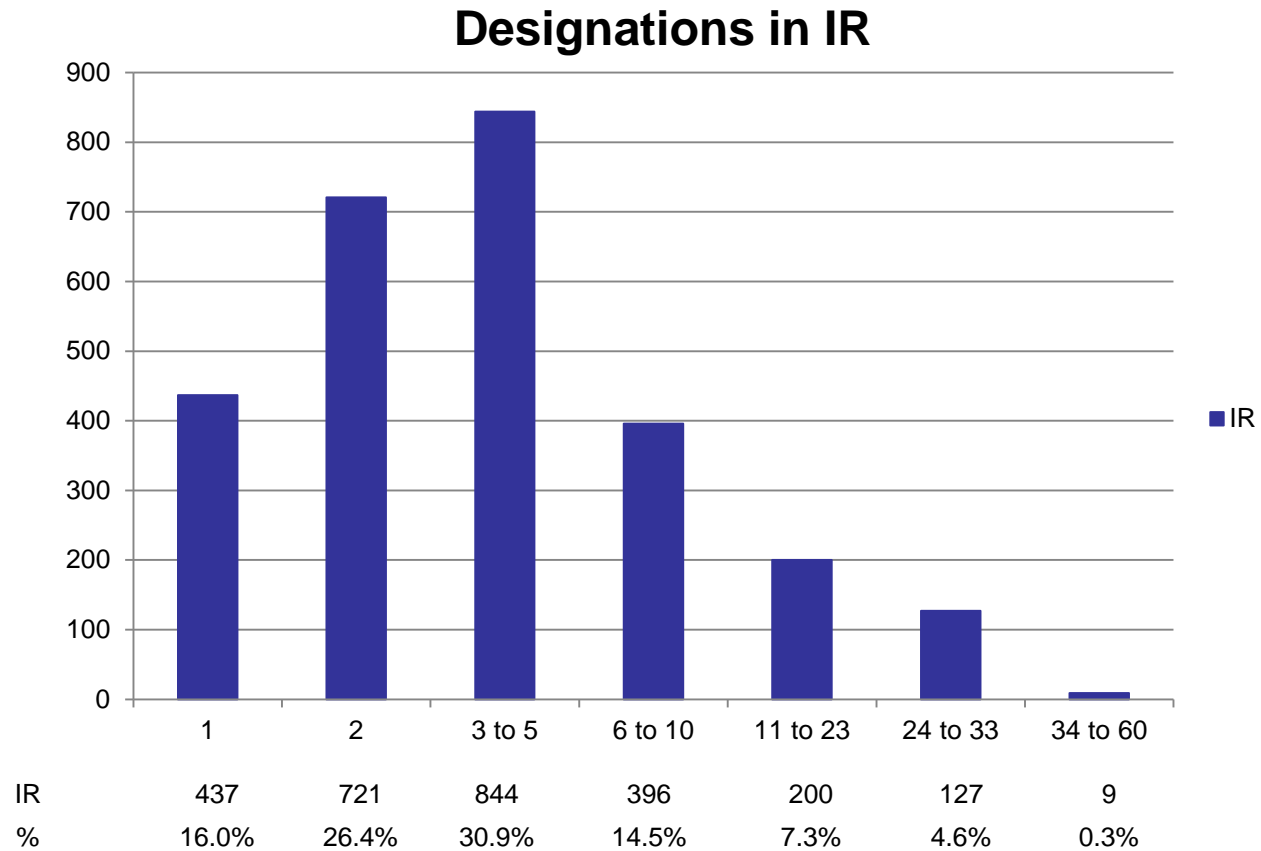


| | | | | | | | |
|-----------------------------|-------|-------|-------|-------|------|------|------|
| International Registrations | 1065 | 452 | 572 | 353 | 210 | 59 | 23 |
| % | 39.0% | 16.5% | 20.9% | 12.9% | 7.7% | 2.2% | 0.8% |

Amount of Fees Paid per International Registration 2013



Designations in International Registration 2013



International Registrations in Force in the International Register (on December 31, 2013)

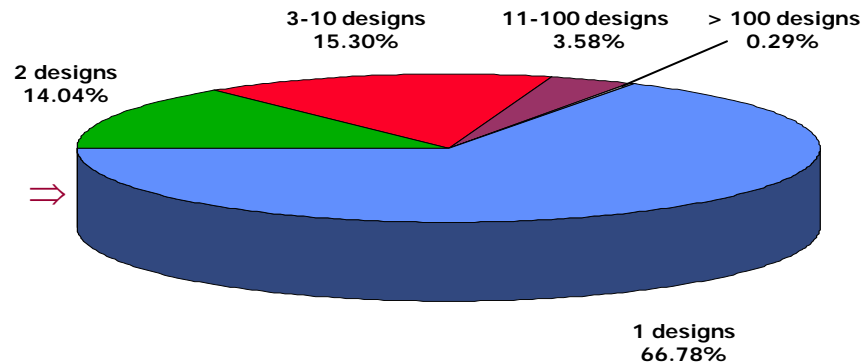
Industrial Designs

Right-holders
(8,204)

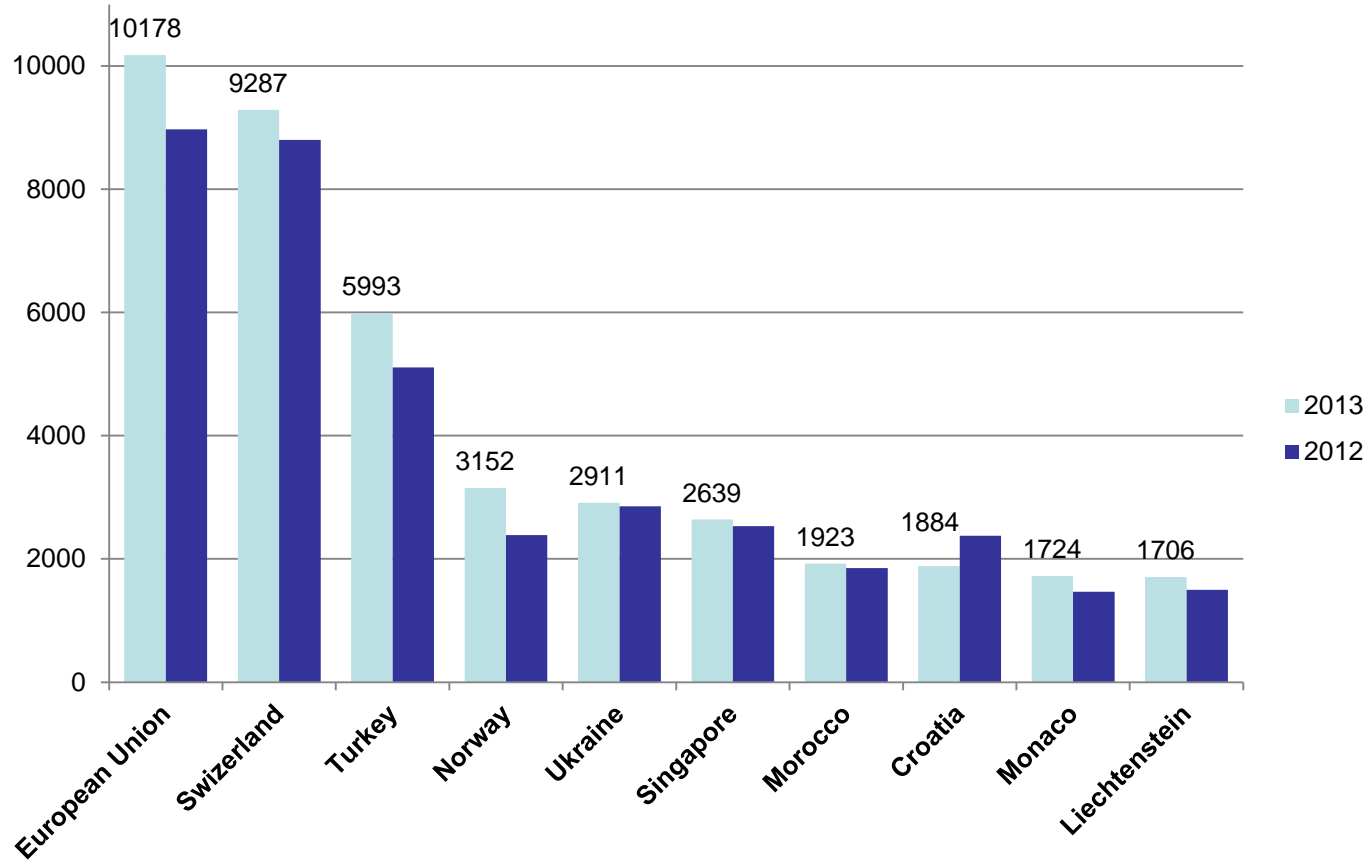


| Industrial designs by right-holder | Number of right-holders | |
|------------------------------------|-------------------------|---------|
| 1 design | 5479 | 66.78% |
| 2 designs | 1152 | 14.04% |
| 3-10 designs | 1255 | 15.30% |
| 11-100 designs | 294 | 3.58% |
| > 100 designs | 24 | 0.29% |
| All | 8204 | 100.00% |

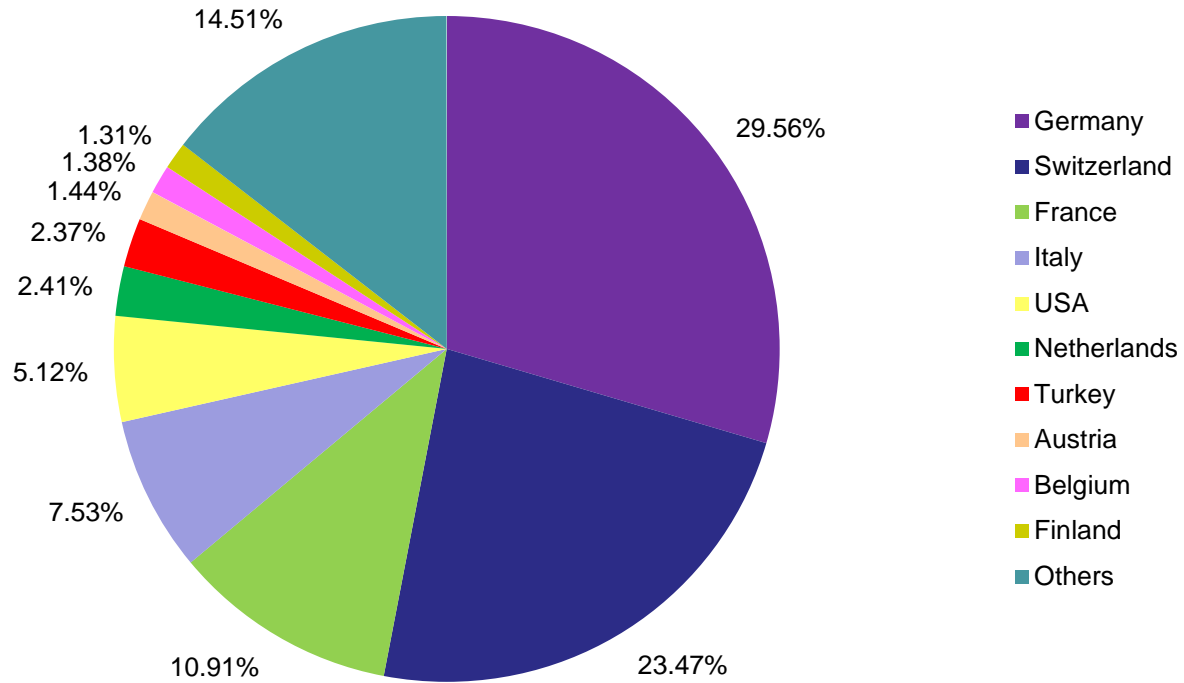
Registrations in force
(26,877)



Most Designated Contracting Parties



Designs in International Registrations: Top Origins 2013



2013: Top Filing Contracting Parties

Contracting Party of entitlement (through establishment, domicile, nationality or habitual residence):

| | | | |
|---|-----|----------------|-----------------------|
| ■ | 1. | European Union | (5084 designs, 39.7%) |
| ■ | 2. | Switzerland | (3529 designs, 27.6%) |
| ■ | 3. | Germany | (1681 designs, 13.1%) |
| ■ | 4. | France | (1284 designs, 10.0%) |
| ■ | 5. | Turkey | (303 designs, 2.4%) |
| ■ | 6. | Liechtenstein | (166 designs, 1.3%) |
| ■ | 7. | Norway | (149 designs, 1.2%) |
| ■ | 8. | Spain | (103 designs, 0.8%) |
| ■ | 9. | Singapore | (76 designs, 0.6%) |
| ■ | 10. | Bulgaria | (76 designs, 0.6%) |

2013: Top Filers of International Applications

Country of address of the applicant:

| | | | |
|---|-----|--------------------------|-----------------------|
| ■ | 1. | Germany | (3785 designs, 29.6%) |
| ■ | 2. | Switzerland | (3006 designs, 23.5%) |
| ■ | 3. | France | (1397 designs, 10.9%) |
| ■ | 4. | Italy | (964 designs, 7.5%) |
| ■ | 5. | United States of America | (656 designs, 5.1%) |
| ■ | 6. | Netherlands | (380 designs, 3.0%) |
| ■ | 7. | Turkey | (303 designs, 2.4%) |
| ■ | 8. | Austria | (184 designs, 1.4%) |
| ■ | 9. | Belgium | (177 designs, 1.4%) |
| ■ | 10. | Finland | (168 designs, 1.3%) |

2013: Most Designated Contracting Parties

Number of designs recorded:

| | |
|---------------------|------------------------|
| ■ 1. European Union | (10178 designs, 79.5%) |
| ■ 2. Switzerland | (9287 designs, 72.5%) |
| ■ 3. Turkey | (5993 designs, 46.8%) |
| ■ 4. Norway | (3152 designs, 24.6%) |
| ■ 5. Ukraine | (2911 designs, 22.7%) |
| ■ 6. Singapore | (2639 designs, 20.6%) |
| ■ 7. Morocco | (1932 designs, 15.0%) |
| ■ 8. Croatia | (1884 designs, 14.7%) |
| ■ 9. Monaco | (1724 designs, 13.5%) |
| ■ 10. Liechtenstein | (1706 designs, 13.3%) |

2013: International Applications

- 2,990 international applications received
 - containing 13,172 designs (max. 100 designs / application)
- 14.8% growth compared to 2012 in the number of applications
- 5.8% growth compared to 2012 in the number of designs

2013: International Registrations

- 2,734 international registrations were inscribed
- containing 12,806 designs
- 12% growth compared to 2012 in the number of registrations
- 7% growth compared to 2012 in the number of designs

2013: Five Most Popular Classes in International Registrations

| CLASSES | PRODUCTS | 2013 | SHARE |
|----------------|--|-------------|--------------|
| Class 9 | Packages and containers for the transport or handling of goods | 297 | 10.8% |
| Class 10 | Clocks and watches and other measuring instruments, checking and signaling instruments | 297 | 10.8% |
| Class 6 | Furnishing | 230 | 8.4% |
| Class 12 | Means of Transport | 210 | 7.6% |
| Class 7 | Household goods | 170 | 6.2% |

Latest Developments of the Hague System

Latest Developments of the Hague System

- Weekly publication cycle since January 2012
- New E-filing interface since June, 2013
- New developments to the legal framework

New E-filing

The **new** e-filing includes following improvements:

- a WIPO User account
- facilitated downloading of reproductions
- real time checking of certain formalities
- saving of applications in progress
- fully integrated fee calculator
- payment of fees by credit card
- and much more...

Hague Portfolio Manager (HPM)

- The HPM will enable access to data uploaded to the user account, such as the bibliographic data of the holder and a portfolio of international applications and registrations,
- It will allow as well for interaction between the holder and the International Bureau.
- The HPM will also make it possible to manage portfolios by allowing for the submission to the International Bureau of requests for the recording of modifications through an electronic interface related to a user account.

Hague Office Portal (HOP)

- It is foreseen the communications between the International Bureau and the Office of a Contracting Party will mainly take place electronically through the Hague Office Portal (HOP)
- HOP is intended to serve as a main communication tool between the IB and an Office throughout the life of an international registration, both before and after its publication in the International Designs Bulletin

General Advantages of the Hague System

National/Regional Route

- many Offices for filing
- many languages
- many currencies
- many registrations
- many renewals
- many modifications
- foreign attorney or agent
(first needed at filing)

International Route (Hague System)

- one Office for filing
- one language
- one currency
- one international registration
- one renewal
- one modification
- foreign attorney or agent
(first needed if refused)

Thank you !

www.wipo.int/hague/en

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