

# The Hague System for the International Registration of Industrial Designs

#### Roving Seminar on WIPO Services and Initiatives

organized by the World Intellectual Property Organization in cooperation with the Finnish Patent and Registration Office

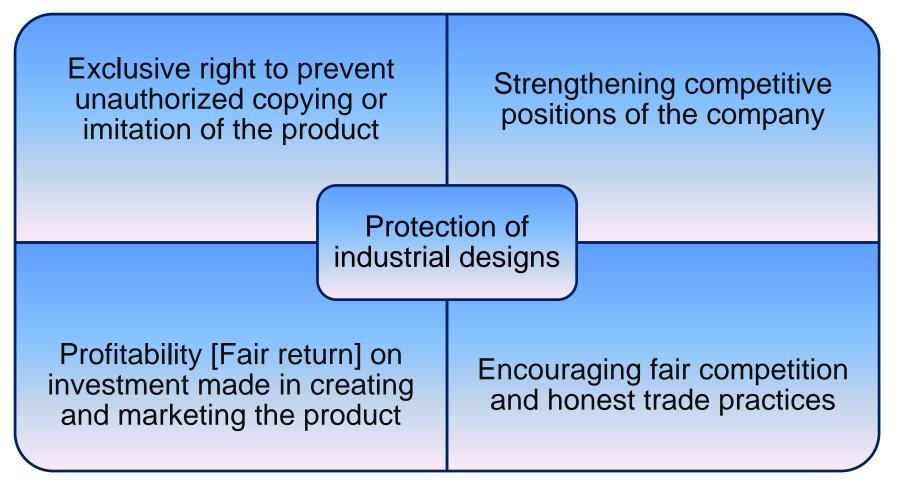
Päivi Lähdesmäki Senior Advisor The Hague Registry Brands and Designs Sector World Intellectual Property Organization Helsinki May 27, 2019

# The more successful the design is, the higher is its commercial value to the company...



Sinituote: "Ice scraper with snow brush"

### **Why Protect Industrial Designs?**



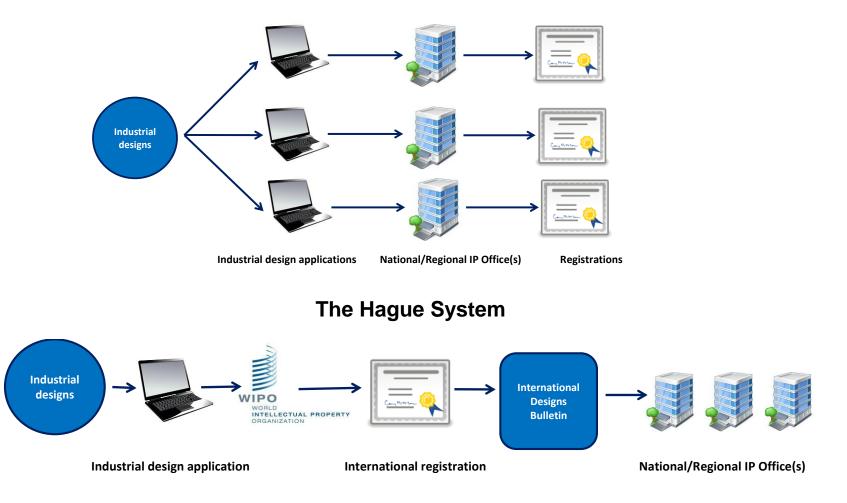


# Basic Features and Advantages of the Hague System

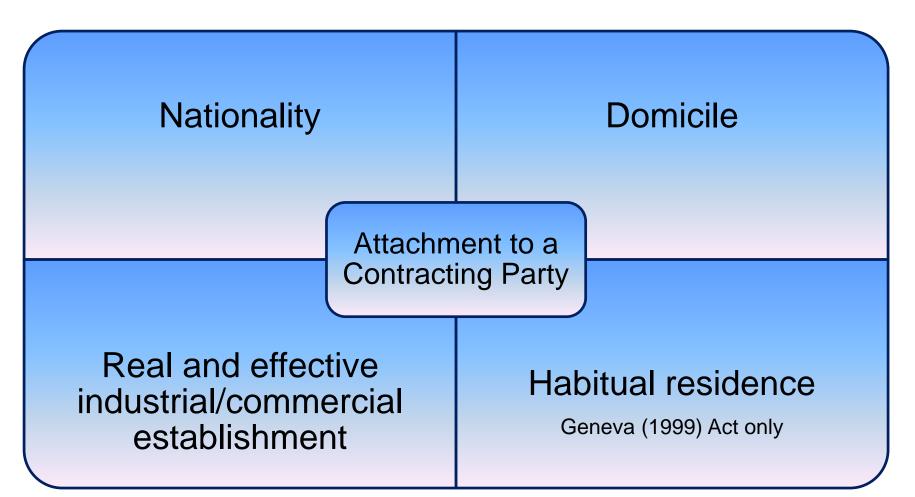


#### Independent filings vs. Hague Route

#### **Direct/Paris Route**



#### Who Can Use the System?



## Main Features of the Hague System



#### Simplicity

The Hague System enables holders to obtain protection for their designs with a minimum of formality



#### **Cost-effectiveness**

Payment of a single set of fees in one currency



#### Efficiency

Considerable facilitation of the subsequent management of the registration



**Flexibility** Right holders have more opportunities in targeting national, regional or global markets

## What is the Hague System?

## One to many relationships

• File a single international application for a single international registration in which one or more Contracting Parties are designated

## "Bundle of rights"

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

# The Hague System is a Procedural Arrangement

Issues such as:

the conditions for protection



the refusal procedure to be applied when deciding whether a design may be protected



the rights which result from protection

are governed by the law of each Contracting Party designated in an international registration

#### **The International Application**

In English, French or Spanish

May be filed directly with the International Bureau through the E-filing interface but also on paper

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: Role of the International Bureau



If the International Bureau finds that the international application does not fulfill the applicable requirements, it invites the applicant to make the required corrections within three months from the date of invitation sent by the International Bureau.

International registration has the same effect as a regularly-filed application in all designated Contracting Parties.

### The Hague System Procedure (II)

#### Refusal by a designated Contracting Party

on same substantive grounds as for national/regional filings

must be communicated within time limit effect limited to territory of the 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 of protection: five years

Renewable at least once (1960 Act) or twice (1999 Act)

Longer renewal period, if allowed by the law of the designated Contracting Party

#### **General Advantages of the Hague System**

#### Hague System (international route)

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

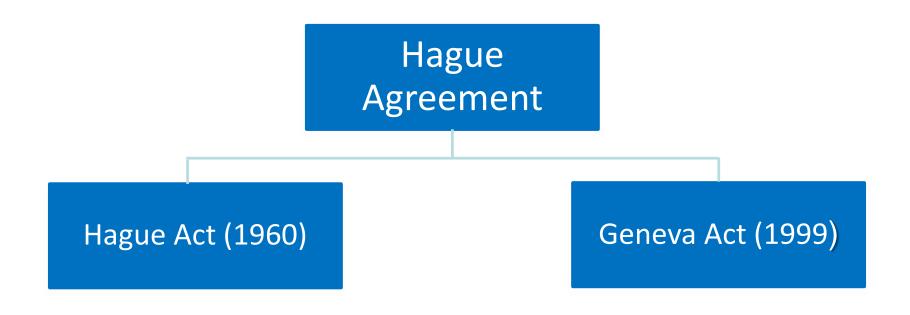
#### National/regional route

many Offices for filingmany languagesmany currenciesmany currenciesmany registrationsmany renewalsmany modificationsforeign attorney or agent(first needed at filing)



### Legal Framework





- Common Regulations, last revised: January 1, 2019
- Administrative Instructions, last revised: January 1, 2019
- National Laws and Regulations

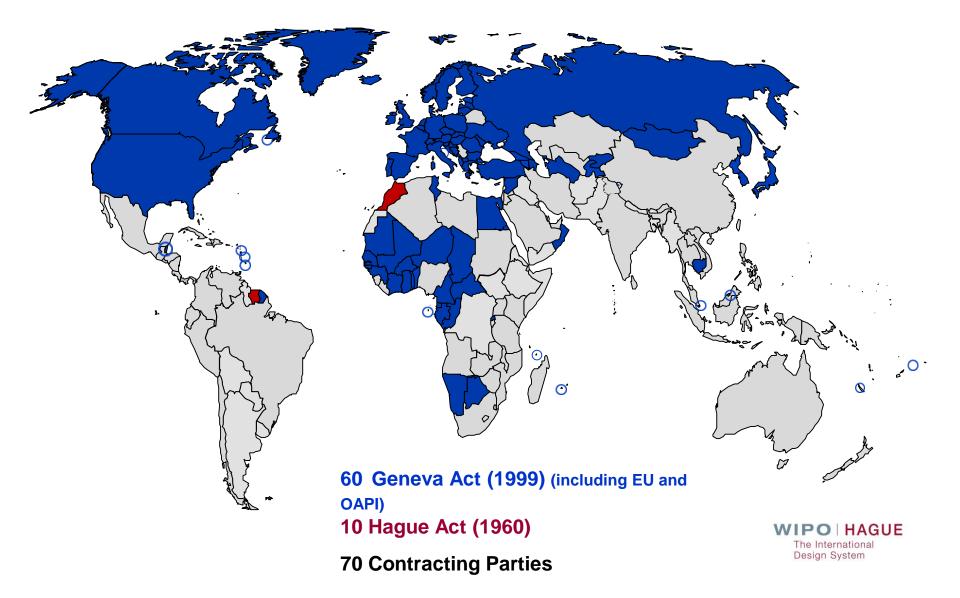




## Going Global – Geographical Scope of the Hague System



## Hague Union



# Hague Union Members According to the Most Recent Applicable Act

#### Geneva Act (1999) 60 members

•African Intellectual Property Organization, Albania, Armenia, Azerbaijan, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Cambodia, Canada, Croatia, D.P.R. of Korea, Denmark, Egypt, Estonia, European Union, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Mongolia, Montenegro, Namibia, Netherlands, North Macedonia, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Syrian Arab Republic, Switzerland, Tajikistan, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom and the United States of America (60)

Hague Act (1960) 10 members

•Benin, Côte d'Ivoire, Gabon, Greece, Italy, Mali, Morocco, Niger, Senegal and Suriname (10)

#### Geneva Act (1999)

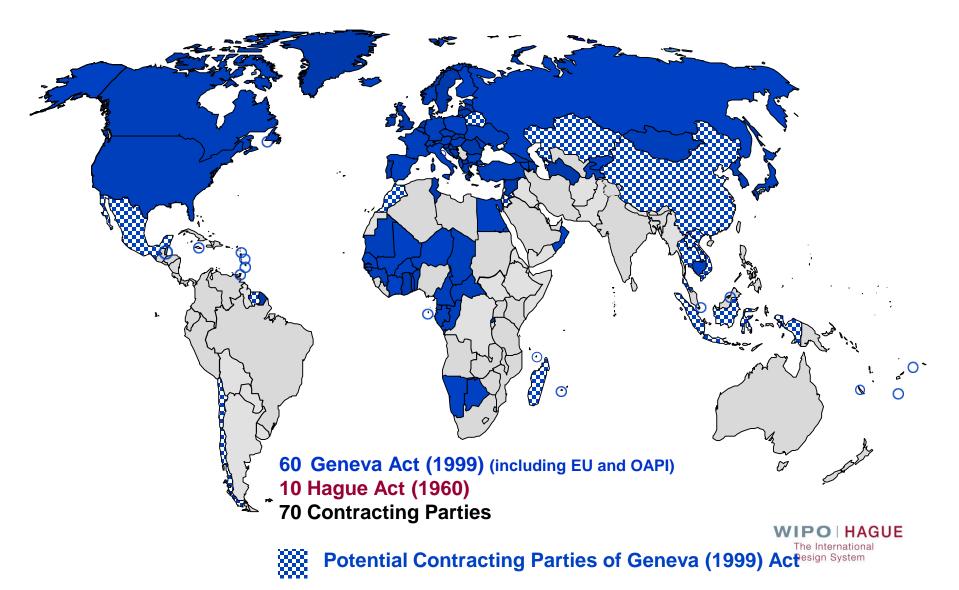
#### **Recent Accessions**



#### **Potential Accessions in 2019**



#### Hague Union





#### **Some Statistics**



### **International Applications - 2018**



5,404 international applications were received containing 19,296 designs (max. 100 designs / application)



3.7 % increase compared to the respective period in 2017 in the number of applications



-0.7% decline compared to the respective period in 2017 in the number of designs

## Designations under the Hague System

The EU is the most designated Hague Member

- (2018: 3,265 international registrations designated EU, containing 13,268 designs).
- The designation of the EU in an international registration covers all its Member States, including Finland.
- In <u>2017</u> Finland was individually designated in 63 international registrations, containing 299 designs (2018 statistics not yet finalized)

## Who filed most in 2018?

- Germany: 3,964 designs
- Switzerland: 2,510 designs
- Republic of Korea:1,547 designs
- France: 1,454 designs
- Netherlands: 1,382 designs
- Italy: 1,261 designs
- United States of America: 1,293

HAGUE

The International Design System

- Japan: 1,268
- Turkey: 478
- Greece: 410

# International Applications Originating from Finland 2018

#### Finland (25<sup>th</sup> in top filers list in 2018, design count)

2018: 26 IAs, which contained 71 designs
 (2017: 37 IAs, which contained 81 designs)

#### Sweden

- 107 IAs (321 designs)
- Denmark
  - 87 IAs (276 designs)

#### Norway

• 51 IAs (112 designs)



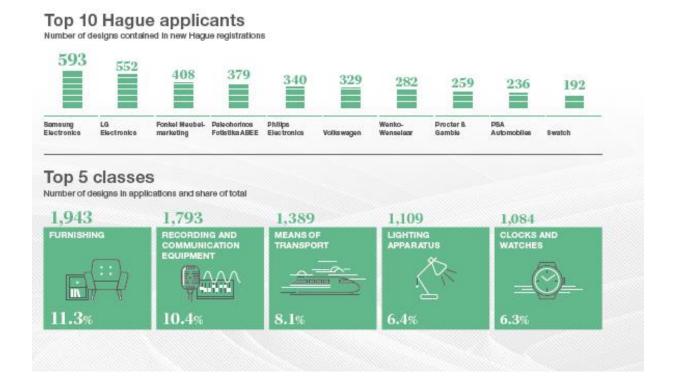
## Top Growth in Design Filings in 2018

#### Top 10 growth in design filings

Based on designs filed, compared to 2017

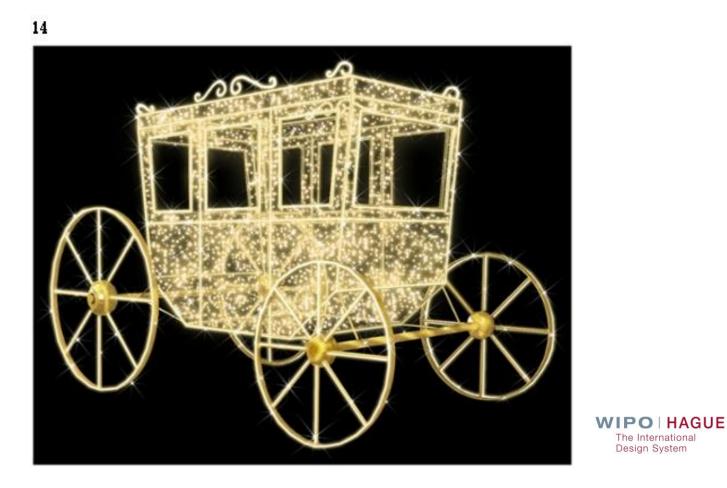
1800%	1400%	533%	275%	175%	87.5%	67%	47%	35%	33%
Latvia	Honaco	Armenia	Canada	Singapore	China	Netherlands	Japan	Poland	Czech Republic

## Who accounted for most of the designs in 2018?



#### I. PALEOHORINOS FOTISTIKA A.B.E.E. GEFIRA ANCHIALOS-THESSALONIKI (GR)

**INTERNATIONAL REGISTRATION NO. 103775** Class 24 "Luminous decorations"



The International Design System



#### **Latest Developments**



#### **Latest Developments**



Guidance on reproductions (last updated November 2018)



#### Improvement of the E-filing interface



#### New Hague Information tools



Developments in the legal framework

#### **Guidance on Reproductions**

Disclosure criteria may differ depending on jurisdiction. This new Guidance is a useful tool to help applicants forestall possible refusals on the ground of insufficient disclosure of an industrial design by Examining Offices.

Prepared in consultation with Examining Offices under the Hague System and several user organizations

Detailed guidance on how to prepare and provide reproductions to overcome the most common refusal issues

- Not enough views
- Unclear representations of the claimed design
- Unclear relief or contours of surfaces of a three-dimensional product
- Difference in form/color between the representations of the claimed design

Information on which guidance should be taken into account when designating specific Contracting Parties

Not self-sufficient or all inclusive

Guidance on Preparing and Providing Reproductions in Order to Forestall Possible Refusals on the Ground of Insufficient Disclosure of an Industrial Design by Examining Offices available at: <a href="http://www.wipo.int/edocs/hagdocs/en/2016/hague\_2016\_9.pdf">http://www.wipo.int/edocs/hagdocs/en/2016/hague\_2016\_9.pdf</a>

## **Industrial Designs**



SOCIÉTÉ NOUVELLE ROSSIGNOL



DM/100835 HERIS SERAMIK VE TURIZM SANAYI A.S. DM/101755 HERMES SELLIER



DM/101844 LENTO OBJEKT GMBH



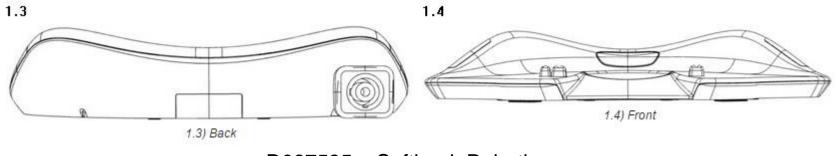
#### DM/101165

SAMSUNG ELECTRONICS CO., LTD.

## Reproduction Examples That Have Passed the Disclosure Test Before All Concerned Offices (1)









The International Design System

## Reproduction Examples That Have Passed the Disclosure Test Before All Concerned Offices (2)



D089858 – Ninebot (Beijing) Tech

11) Perspective

D086974 – Babybjörn AB

## DM/088980, Sinituote Oy «Sand sifter (household)»



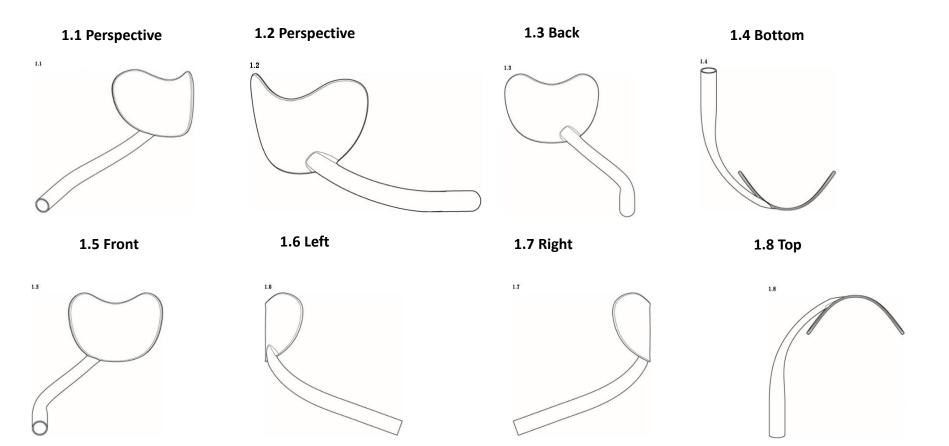


Statement of grant of protection: US, KR, JP, NO

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Eteläesplanadi 14, P.O. Box 233, FI-00131 Helsinki (FI) US 17.05.201	7		
Statement of Grant of Pre	otection: US: Bulletin No. 30/2017		
(11) International registration nu DM/088 980	imber		
	ty which made the notification, followed by the date on which protection was granted where that date was communicated to the International Bureau		
	onal registration produced the effect as a grant of protection under the applicable law		
(58) Date of recording in the Inte 12.07.2017	rnational Register		
Statement of Grant of Pro	otection: KR: Bulletin No. 15/2017 PDF		
(11) International registration nu DM/088 980	imber		
(81) Designated Contracting Par (81) KR; 03.04.2017	ty which made the notification, followed by the date on which protection was granted where that date was communicated to the International Bureau		
(24) Date on which the internation 03.04.2017	onal registration produced the effect as a grant of protection under the applicable law		
(58) Date of recording in the Inte 03.04.2017	rnational Register		
Statement of Grant of Pre	otection: JP: Bulletin No. 44/2016		
(11) International registration nu DM/088 980	imber		
(81) Designated Contracting Par	ty which made the notification, followed by the date on which protection was granted where that date was communicated to the International Bureau		
(24) Date on which the internation 14.10.2016	onal registration produced the effect as a grant of protection under the applicable law		
(58) Date of recording in the Inte 21.10.2016	rnational Register		
Statement of Grant of Pr	otection: NO: Bulletin No. 30/2016PDF		
(11) International registration nu DM/088 980	imber		
-	ty which made the notification, followed by the date on which protection was granted where that date was communicated to the International Bureau		
	onal registration produced the effect as a grant of protection under the applicable law		
(58) Date of recording in the Inte	rnational Register		
12.07.2016		Design System	

### DM/097918, PLANMECA OY "Patient support for an X-Ray imaging apparatus"

Statement of grant of protection: EM, JP, KR Notice of allowance: (invitation to pay the 2nd part fee) US



## **Improvement of the E-Filing Interface**



Receive and download notifications from the IB relating to international applications



Send corrections to irregularities or defects



Retrieve in real-time current status of international application



New payment options in the E-filing interface



Indication of access code obtained from the IP office of first filing, so that the IP office of the designated Contracting Party is able to access the priority document via the WIPO Digital Access Service (DAS)

### **EHague**

WIPO

HELP - ENGLISH -

### WELCOME TO WIPO

Username \*

Password \*

Login

Create WIPO account Forgot your username? Forgot your password?

### Login at: <a href="https://www3.wipo.int/HagueEFilingWeb/">https://www3.wipo.int/HagueEFilingWeb/</a>

WIPO account required

## Workbench

WIPO   HAGUE E-HAGUE	SUPPORT	ENGLISH 🔻	JONAH 🔻	LOGOUT
E-HAGUE 1 2 3 4 5 Filed application[s] [21] Draft[s] [12] E-filing communication [3 unread] E-filing tutorial				
<ul> <li>New application</li> <li>New application using data from a filed application</li> <li>New application from a draft</li> </ul>				
Warning				
It is a requirement under the law of the United States of America that, for designs created in the United States of America, the applicant first obtains a license from the United States of America. States of America.	ates Patent and Trade	mark Office (USP10)	before filing outside	) of the United
It is a requirement under the law of the Russian Federation that designs created in the Russian Federation by Russian legal entities or nationals are subject to a security clearan ensure that the designs do not contain state secrets.	ce procedure by the Fe	ederal Service for Int	tellectual Property (F	ROSPATENT) to
				Confirm

- 1 Create a new application
- 2 List of applications filed with the IB
- 3 Draft applications not yet filed with the IB
- 4 Communications from the IB
- 5 An online tutorial



## Workbench

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									Confirm

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- **7** Support
- 8 Language settings
- 9 Your account settings
- 10 Logout



### **Acknowledgement of Receipt**

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E-HAGUE											
New Filed application(s) (45)	Draft(s) (27) E-filing o	communication	E-filing tutorial								
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WIP04530	25/02/2019					MN, RU, US	Examinat	tion			
WIP04533	25/02/2019			The International Design System			Examinat	tion			
WIP04349	08/02/2019		OWLEDGEMENT OF RECE		Page 1 of 43		Examinat	tion			
WIP04404	08/02/2019	The det data ap	pearing below, contact us imme	rm. ation are listed below. If there is any proble ediately by using our "Contact Hague" servi indicating the date and reference of your E-	rice available at		EXdmina				
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WIP04634	16/01/2019		Applicant Name	<u>t1</u>		KR, RU, SY, US	Examinat	tion			
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**WIPO** | HAGUE The International Design System

## Communication

WIPO | HAGUE E-HAGUE SUPPORT ENGLISH T JONAH -LOGOUT COMMUNICATION Action required [3] No Action Required Archived E-filing workbench E-filing tutorial Reference ≎ Type \$ Letter \$ Date \$ Status \$ Applicant(s) \$ WIP03969/967333301 Invitation to correct irregulari... 9673345 23/06/2016 A - Replied on 23/06/2016 Reply A - Waiting for payment 🕕 WIP03960 / 967333701 Invitation to pay 9673344 06/06/2016 WIP03968/967334101 Invitation to correct irregulari... 9673343 28/07/2016 A - Replied on 28/07/2016 Reply HISTORY FOR REPLY FOR WIP03968 / REQUEST 967334101 - LETTER 9673343 Reply sent on 28/07/2016 ResponseID: 275 Please see the attached Power of Attorney.

Also please replace the reproductions as below.

- Selecting History displays all communication between the applicant(s) and the IB.
- Selecting Letter downloads the letter from the IB.

### Communication

Subject: Reply for notification concerning application WIP03968 / 967334101	
Reply	Clear
Document(s) attached (PDF only)	
Select a type of document: Power of attorney	•
Upload PDF	Add document [.pdf]
Reproduction(s) (jpg or tif only)	
Design No.	
Repro. No.	
Type of view	•
Upload reproductions	Upload

Selecting Reply allows you to write a free text reply (1), submit additional documents (2), or send replacement reproductions (3).

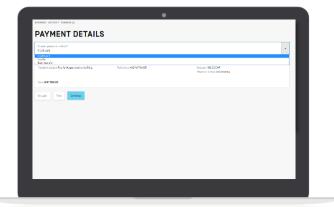
Cancel

### **A Modern Interface and New Payment Options**

WIPO IMAGE WIP MARKER 4553 APPLICANT DEUBANTION DESIGN RELATED DEUBIN DESCRIPTION CRAATOR CLAIM DUE PRIORITY EXHIBITION OPTIONAL CONTENT FUBLICATION BIONATURE WIPO REFERENCE 4593	SUPPORT	ENGLISH -	JONAH *	Ciesa t/Validat.
APPLICANT				
DESIGNATION				
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· RELATED DESIGN				
DESCRIPTION				
CREATOR				

# One page design for easy navigation and use

Credit card, debit card, Paypal, current account, or bank transfer





# New E-service and E-instrument available at <u>www.wipo.int/hague</u>

Contact Hague Form

 Single point of contact for users, while making enquiries, submitting documents or to request a priority document

- Hague Member Profiles Database
  - o Compilation of data;
  - $\circ$  Search tool



### **Contact Hague Form**

Home > Inside WIPO > Contact Us > Hague System

### **Contact Hague**

Use this form to make an enquiry, submit documents or to request a priority document.

Please note: Before selecting "Submit", you must provide an answer for all fields (except for "optional" fields).

The International Bureau will **only** provide information concerning a pending application or unpublished international registration to the applicant, holder, or representative.

#### I'm contacting you to:

- Ask a question
- Request a priority document
- Submit documents



### **Hague System Document Upload**

#### **Contact Hague**

Use this form to make an enquiry, submit documents or to request a priority document.

Please note: Before selecting "Submit", you must provide an answer for all fields (except for "optional" fields).

The International Bureau will **only** provide information concerning a pending application or unpublished international registration to the applicant, holder, or representative.

#### I'm contacting you to:

- Ask a question
- Request a priority document
- Submit documents

#### To submit documents with this form:

- · Check the confirmation box below.
- Click the "Upload Documents" button.
- Login to the upload interface with your WIPO account.
- After you login, use the interface to attach and send documents.
- Make sure your reproductions are less than 2MB in size, 300dpi, and in jpg or tiff format.

#### After you log in:

- · All fields are required unless stated they are optional.
- · Click the "Upload a form" button.
- · Select a document type. If your type is not listed, choose "Reply to an Irregularity".
- · Enter your IRN. If you do not have an IRN, enter "000000".
- Enter an optional internal reference.
- · If you would like to attach any optional instructions or documents, you may do so.
- Select your user type.
- Enter and confirm your email address.
- If you would like a separate confirmation email for each document you send, check the box.
- Click on the "Submit" button.

Tip:If you do not have a WIPO account, you can easily create one.

Important: Documents will only be accepted in one of the Hague Registry's official languages (English, French, or Spanish).

To correct an irregularity please use the E-Filing Workbench, this form, or the mailing address indicated in the irregularity letter.

I confirm I have read and understand the directions above.

Upload Documents

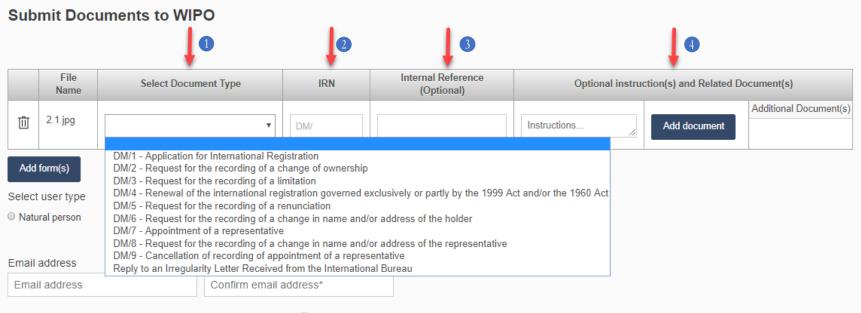
### Access via Contact Hague at:

https://www3.wipo.int/contact/en/hague

### WIPO account required

WIPO	
Home > IP Services > Hague System > Con	tact Hague Upload
Submit Documents to WIF	°0
Upload a form	
Select user type	
<ul> <li>Natural person</li> <li>Legal entity</li> </ul>	
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Send separate email confirmations for e	each form submitted.
Submit	

### Hague System Document Upload



The International Design System

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Send separate email confirmations for each form submitted. \hfill\blacksquare
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1 – Select document type (if type not listed, select "Reply to an Irregularity Letter Received from the International Bureau")

- 2 Enter IRN (if no IRN, enter 00000).
- 3 Enter optional internal reference
- 4 Add optional instructions or related documents

### Hague member Profiles Database

Home > IP services > Hague System > Members > Hague Member Profiles

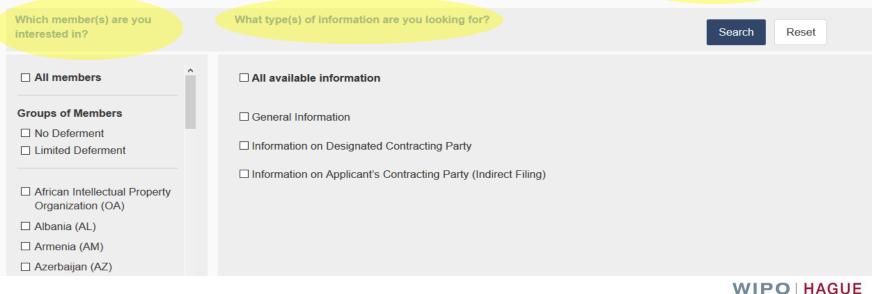
#### **Hague Member Profiles**

Access a wide range of information on the practices and procedures of Hague System members. Simply select the member(s) or groups of members of interest to you, and choose the type of information you want to see.

#### Resources

- Contracting parties PDF
- Declarations made under the Hague Agreement PDF
- User Guide
- Hague System News

**Tip:** Select Groups of Members for a fast track to find members which do not allow deferment of publication or allow it for a limited period.



### **Global Design Database**

WIPO World Intellectual property organization		Contact Us   My account   English -
Home Knowledge Global Design Database		searches 🗸 records 🖌 help 🕠
Global Design Database       A world-wide collection of industrial designs data; including WIPO Hague r         Join us for free webinars in 2019         SEARCH BY       Design Names Numbers Dates Country         Indication of * =	FILTER BY         Source         Designation         Locarno Class         Reg. Year ×           CA Designs         171,379         CN Designs         4,944,447         DE Designs         1,152,269         ES D           FR Designs         759,185         GE Designs         2,384         JP Designs         571,482         JO D           II         MD Designs         10,390         MK Designs         974         MN Designs         2,768         NZ D           US Designs         836,784         ID Designs         48,853         EM Designs         1,194,272         WO I	esigns 2,193 Jesigns 49,130 Designs 99,304
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## Hague Express Database

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EARCH		of industrial designs relating to published bearing a regis	tration date as from Janu	ary 3, 1985. Inte	FILTER BY	the database.		
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DN	M/097918	PLANMECA OY	2017-08-31	24-01	1. Patient support for an X-ray imaging apparatus	EM,JP,KR,US		
							0	
DN	M/097289	PLANMECA OY	2017-03-17	26-05	1. Dental operating light handle	EM,JP,KR,TR,US		
DN	M/095728	PLANMECA OY	2017-03-17	26-05	1. Lamp for medical purposes [lighting]	EM,JP,KR,TR,US		
DN	M/095143	PLANMECA OY	2017-03-01	06-01	12. Seats	EM,JP,KR,TR,US		
							8420	
DI	M/095088	PLANMECA OY	2017-02-22	24-01	1. Medical X-ray imaging apparatus	EM,JP,KR,US	P	
Un				24.01				
DN	M/088254	PLANMECA OY	2015-11-11	24-01	1. Dental milling machine	JP,KR		
							WIPOHAC	
							The International	

# **Developments in the Legal Framework**



Amendments to the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement concerning a safeguard against non-delivery of an electronic communication entered into force on 1.1.2017



The appointment of a representative may be made in the international application. The naming of the representative in the international application at the time of filing shall constitute an appointment by the applicant of such representative. The power of attorney is no longer required at the time of filing since 01.01.2019



Filing the international application via fax is not possible since 01.01.2019



Modes of payment are more flexible for the IB in accepting payments by debit cards or other new forms of payment (online payment system) since 01.01.2019



Entry into force of the twelfth edition of the Locarno Classification on 01.01.2019

# Practical Advantages of the Hague System

- All steps of the procedure facilitated by effective online services (fee calculator, eHague, ePay, eRenewal, upload document function in Contact Hague)
- No need to appoint a foreign local representative at the time of filing (only if refused by the designated Office)
- Legal presumption of validity in non-examining jurisdictions is an advantage in case of conflicts
  - For sending cease and desist letters
  - In case of preliminary injunctions
  - Negociating licences

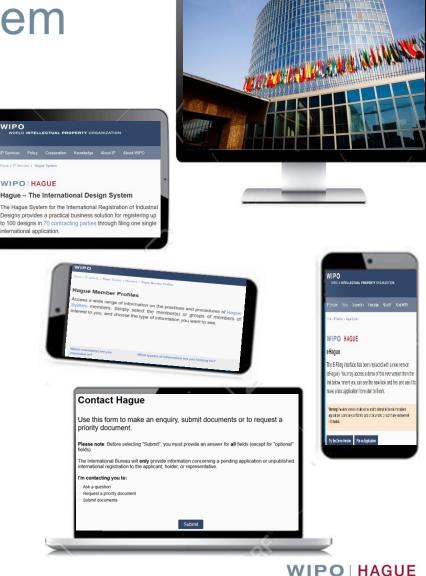


# Stay up to date with the Hague System

Visit the Hague System website:

https://www.wipo.int/hague/en/

- Enjoy the new E-<u>Services</u>:
  - eHague (new E-filing opportunities);
  - e-Renewal (sophisticated features for renewals);
  - ePay (extended opportunities to pay the fees online);
  - Contact Hague (unique portal to communicate with the Hague Registry):
  - Hague Member Profiles Database (wide range of information on the practices and procedures of <u>Hague</u> <u>System</u> members)
- Subscribe to <u>Hague Notices</u> to be aware about Hague information notices and updates on developments in the Hague System



# Kiitos!

