



THE HAGUE SYSTEM FOR THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

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Head

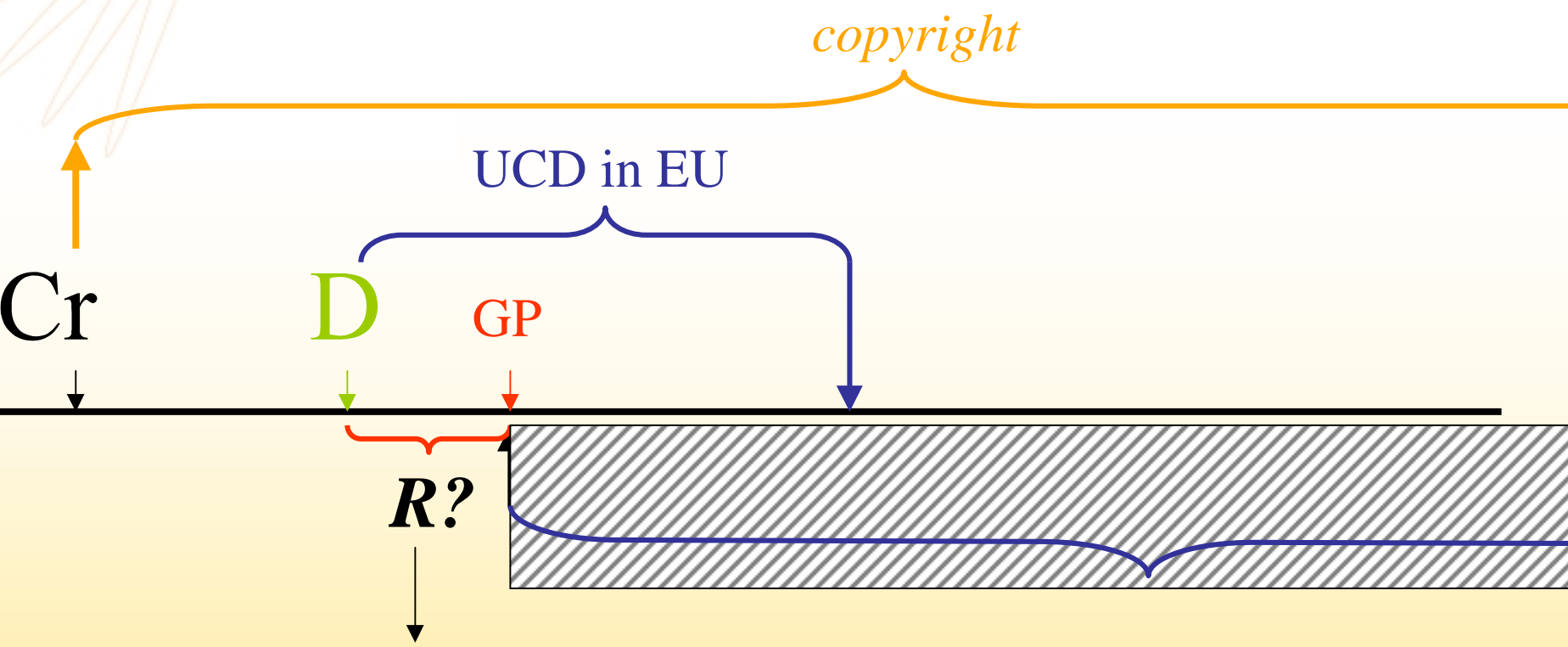
International Industrial Design Registrations Section

World Intellectual Property Organization





Registered v. Unregistered Rights



To register or not to register :

- *pros and cons of registration*
- *options for an international strategy*





To Register or Not to Register

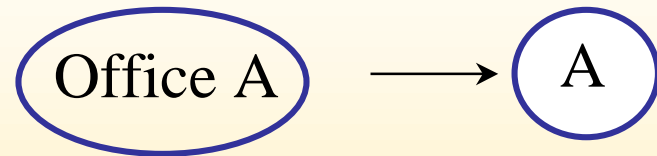
- Advantages of Registration
 - Broader, Stronger, Easier to enforce protection
- Disadvantages
 - Costs
 - Formalities
 - Effect of the “Territoriality of Rights”



Usual Applicable Formalities for National Filings of Industrial Designs



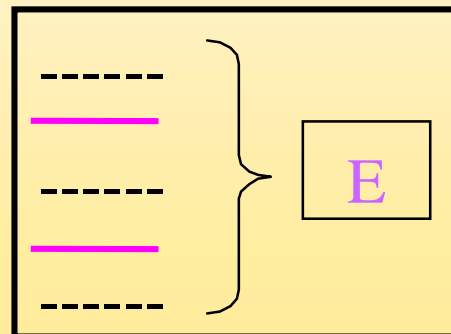
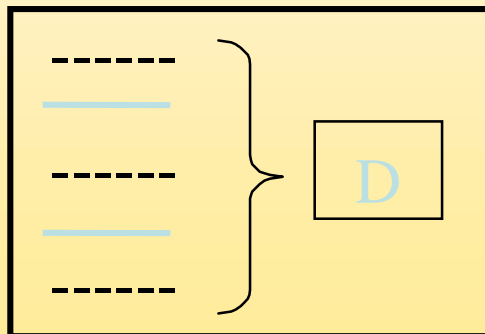
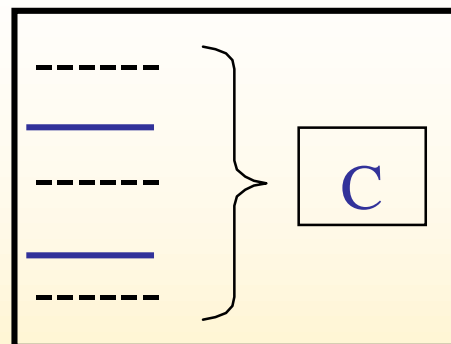
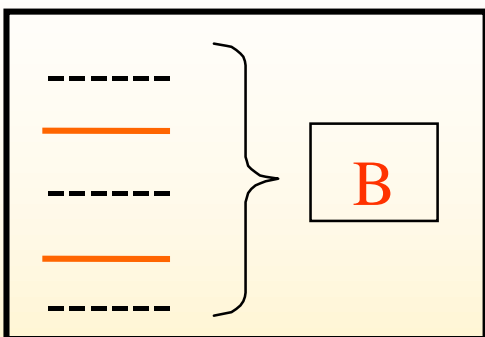
- Specific application form
- could be « single » filing
- drawings or photographs
- address for service
- priority document
- statement of utility
- identity of creator
- assignment deed
- translation
- legalization of documents
- payment in local currency





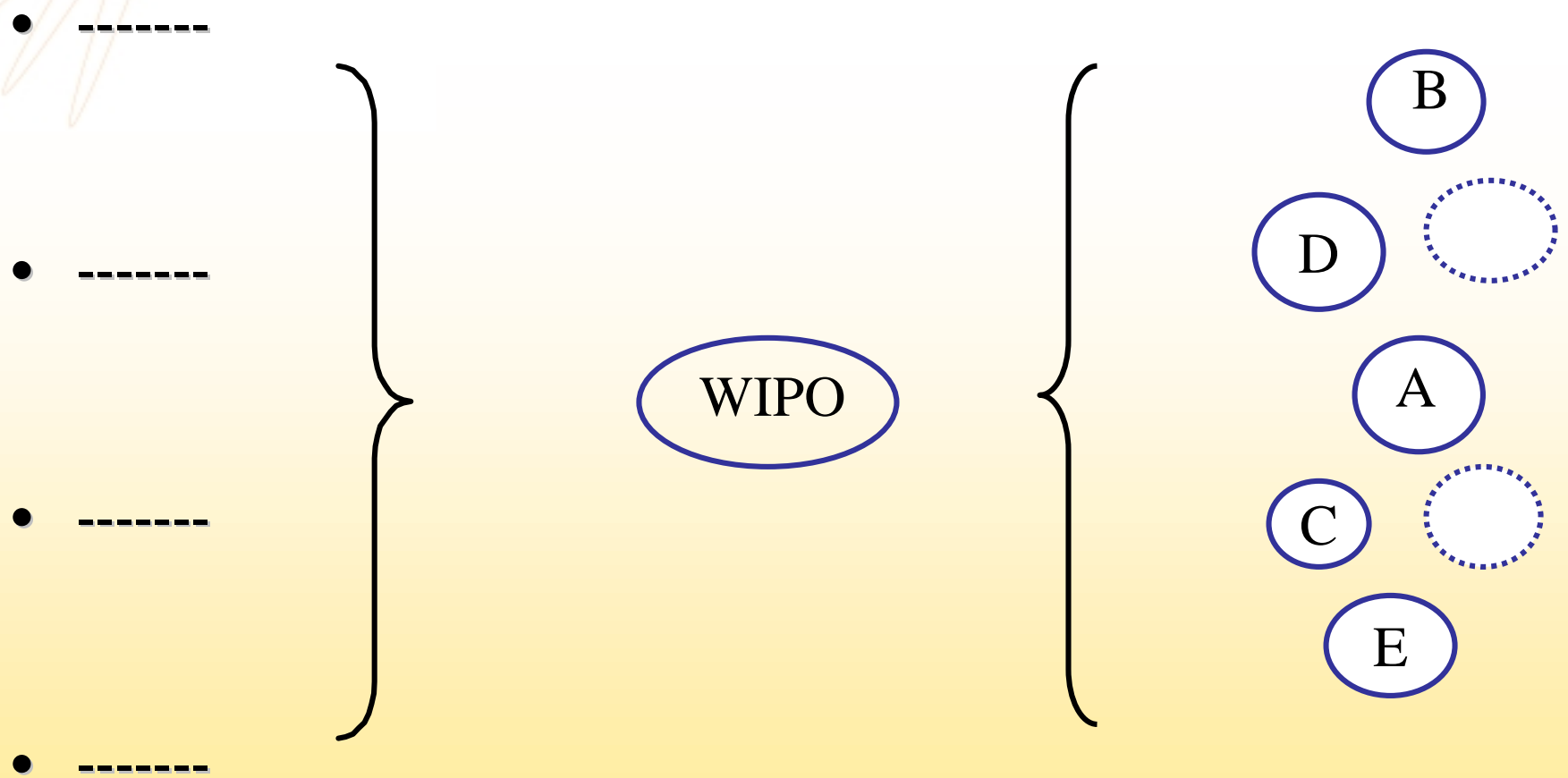
International Protection Strategy (I)

- Concepts of *Filing* + *Territoriality* =
Multiplication of formalities





International Protection Strategy (II) Using the **Hague Agreement**



Single application having effect in several countries



Options for an international strategy

The Hague System in a Nutshell

Allows for the Registration of Industrial Designs

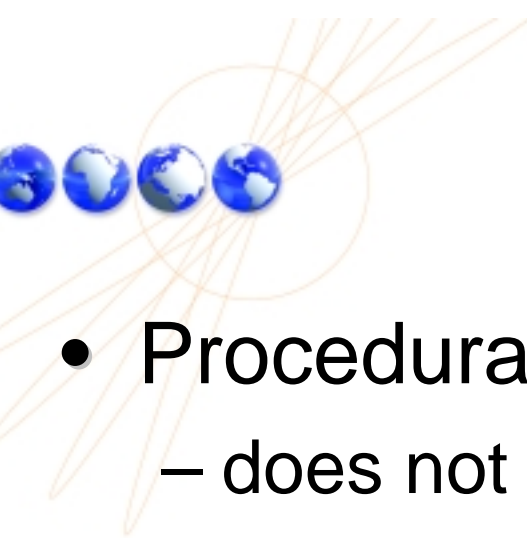
- in up to 36 Contracting Parties***
- through a single procedure***
- in a single language (E or F)***
- by paying a single set of fees***

... still, as an applicant

- you select the countries that you want***
- you get independent assignable national rights***

but have only one central title that you need to manage





Overview

- Procedural Agreement under Art. 19 PC
 - does not define conditions for protection
 - protection is afforded under national law

- Three Acts of the Hague Agreement :
 - the *London Act (1934 Act)*;
 - the *Hague Act (1960 Act)* [99% of new filings]
 - the *Geneva Act (1999 Act)*
 - will enter into force on December 23, 2003
 - operations will start on April 1st, 2004

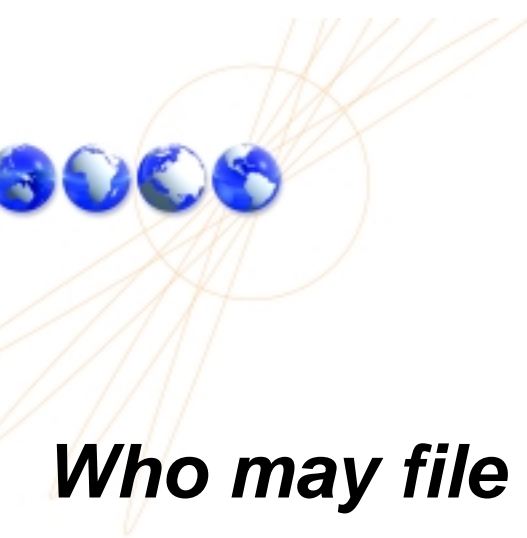




The 1999 Geneva Act : 2 Aims

- Enlargement of the Hague Union
 - Respond to the needs of examining offices
 - International organizations
- Modernizing the System
 - in particular for the textile and clothing sectors by
 - allowing deferment of publication up to 30 months (with the possibility of decreasing the publication fee)
 - allowing 2-D samples instead of reproductions





Basic Principles

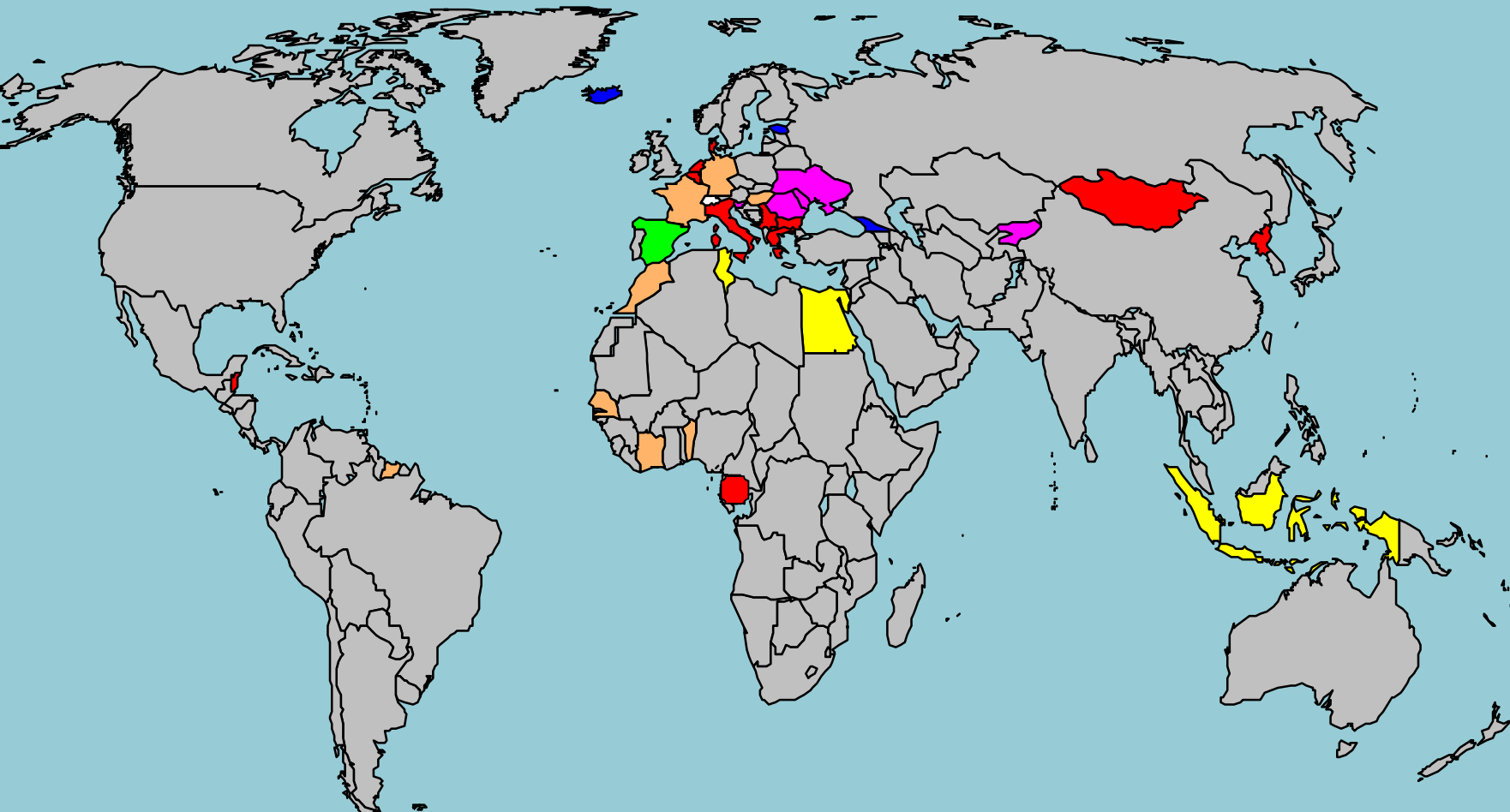
Who may file under the Hague Agreement ?

- “Closed” system, opened only to “nationals” of Member States

- “Nationals” : natural persons or legal entities having the *nationality* of, or a *domicile* or a real and effective commercial or industrial *establishment* on the territory of a Member State (see Art. 3 PC). Under the 1999 Act, an *habitual residence* will suffice.



Hague Membership





Member States

Belgium
Belize
Benin
Bulgaria
Côte d'Ivoire
**Democratic People's
Republic of Korea**
Egypt
Estonia
France
Gabon
Georgia
Germany

Greece
Holy see
Hungary
Iceland
Indonesia
Italy
Kyrgyzstan
Liechtenstein
Luxembourg
Monaco
Mongolia
Morocco

Netherlands
Republic of Moldova
Romania
Senegal
Serbia and Montenegro
Slovenia
Spain
Suriname
Switzerland
The F.Y.R. of Macedonia
Tunisia
Ukraine

(Total: 36)

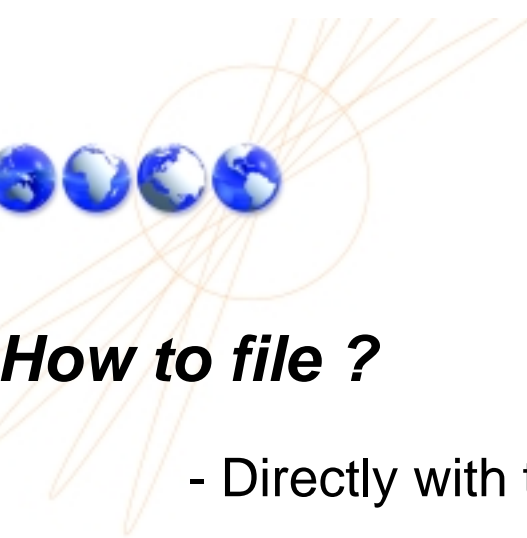
○ = 1934 Act only

● = 1960 Act only

● = party to 1999

● = party to All 3 Acts





Basic Principles (II)

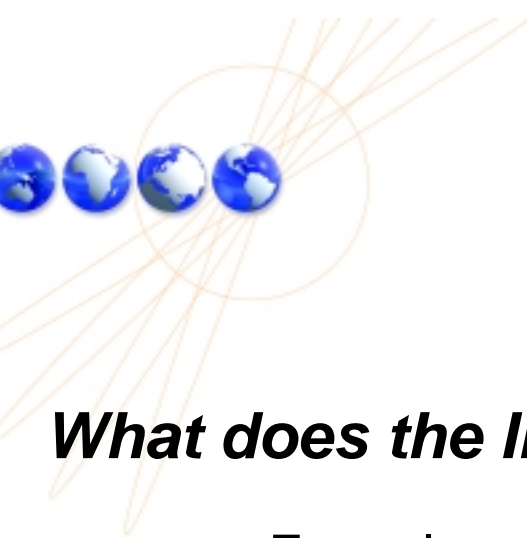
How to file ?

- Directly with the International Bureau (*Quid* e-filing?)
- First national filing ***not*** required
- Official application form in English or French
- No need to appoint a representative with the Int'l Bureau

Contents of an application

- up to 100 designs for articles from the same class of Locarno
- selection of States
- may claim priority from a first filing or cite exhibition
- deferment can be requested for up to 30 months
- samples of 2-D designs may be filed instead of reproductions





Basic Principles (III)

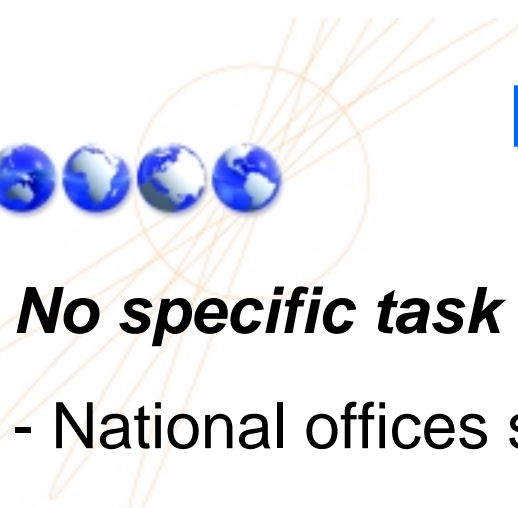
What does the International Bureau do?

- Formal examination
- Recording in the International Register
- Publication in the ***International Designs Bulletin***
- Notification to the Member States through the ***Bulletin***

What are the effects of an international deposit?

- Same effect as a regularly filed national application
- in all Member States expressly chosen by the applicant





Basic Principles (IV)

No specific task for the office of a designated State

- National offices spared from formality examination
- National offices spared from publication/registration
- Member States receive their share of the fees

Office of designated State may refuse protection

- only on same substantive grounds as for national filings
- effect of that refusal is limited to the territory of that State
- refusal must be communicated within time limit

If not refused, same effect as a registration in that State

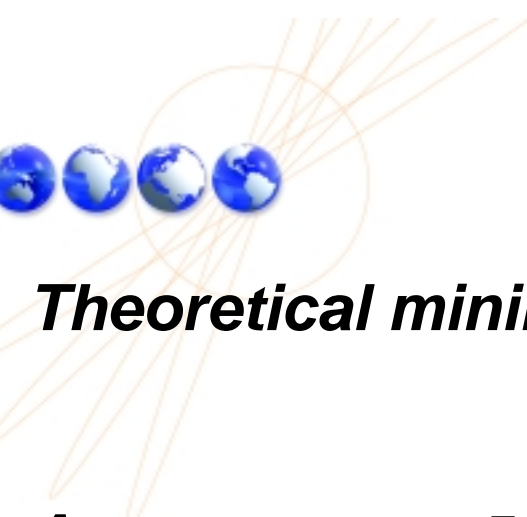


Basic Principles (V)

- ***Duration is 5 years renewable***
 - at least once (1960 Act) or twice (1999 Act)
 - may be renewed for longer if law of designated State allows

- ***Do the advantages stop at the stage of filing ?***
 - “Advanced procedural treaty”, i.e. an *International Register* is created and maintained
 - *renewals and modifications* : centralized procedure
 - single central request
 - single set of requirements
 - one language to communicate in
 - single payment in a single currency
 - single renewal date and cycle to monitor





How much ?

Theoretical minimum :

285 €

Average cost : 5 designs in 12 countries, each country receiving 32 € under the 1960 or the 1999 Act :

580 €

Example : Moroccan textile company, filing a deferred application for **10 designs** designating **MA, IT, EG, ES, TN :**

- if all 10 designs are retained for publication :

510 €

- or, if only only 1 design is retained :

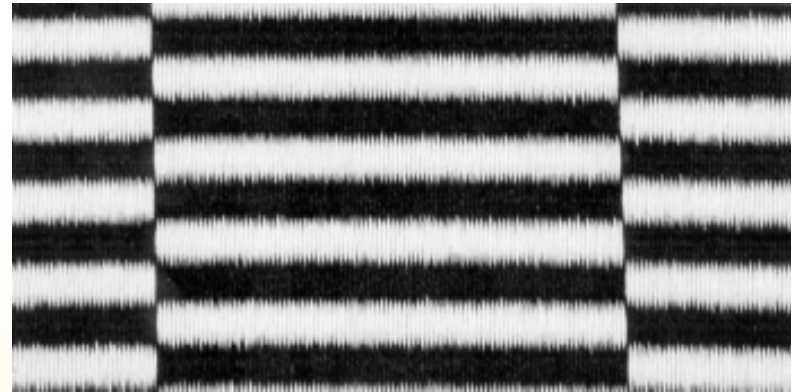
440 €



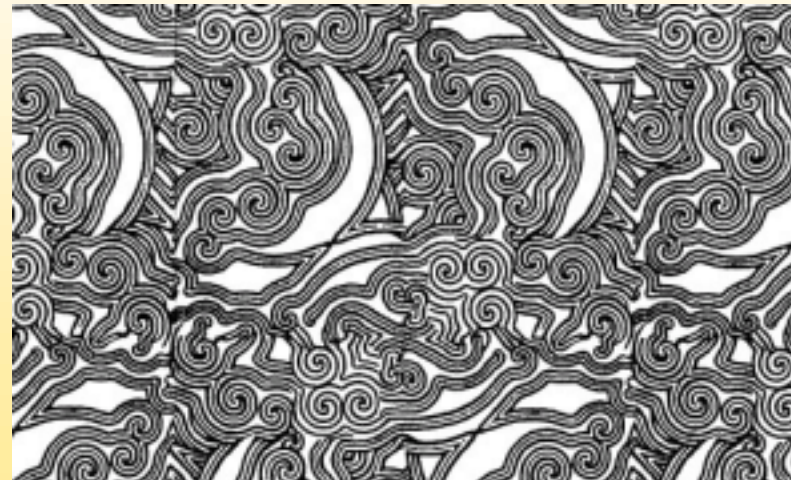


Hague users from the Textile Sector

- WESTFÄLISCHE TEXTIL
- MIROGLIO FRANCE S.A
- ELEGANTE BED-LINEN FASHION
- POTUS ANSTALT
- VIASTAEL SA
- FANTECHI S.P.A
- RUBELLI S.P.A
- LANIFICIO BATAACCHI & GORI
- POINTEX S.P.A
- CASATEX S.R.L
- PAOLA LENTI S.R.L
- TISSAGES DE GRAVIGNY
- MANIFATTURA TESSILE BALDINI



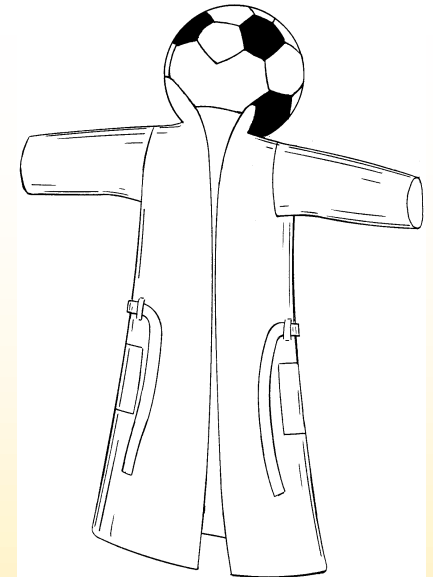
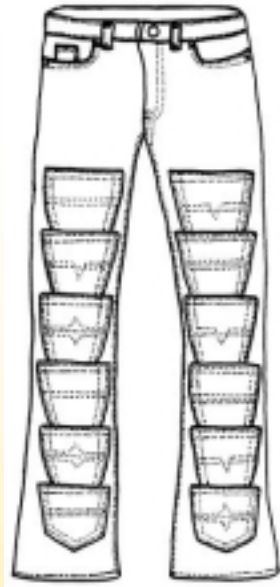
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Hague users from the Clothing Sector

- **STREET ONE GMBH**
- **HERMES SELLIER**
- **ESCADA AG**
- **NATURANA DÖLKER**
- **GIORGIO ARMANI S.P.A**
- **TOD'S S.P.A**
- **SALOMON**
- **FRAGOS GARMENTS**
- **PEDRO ORTUÑO SANTA**
- *and quite many individuals*

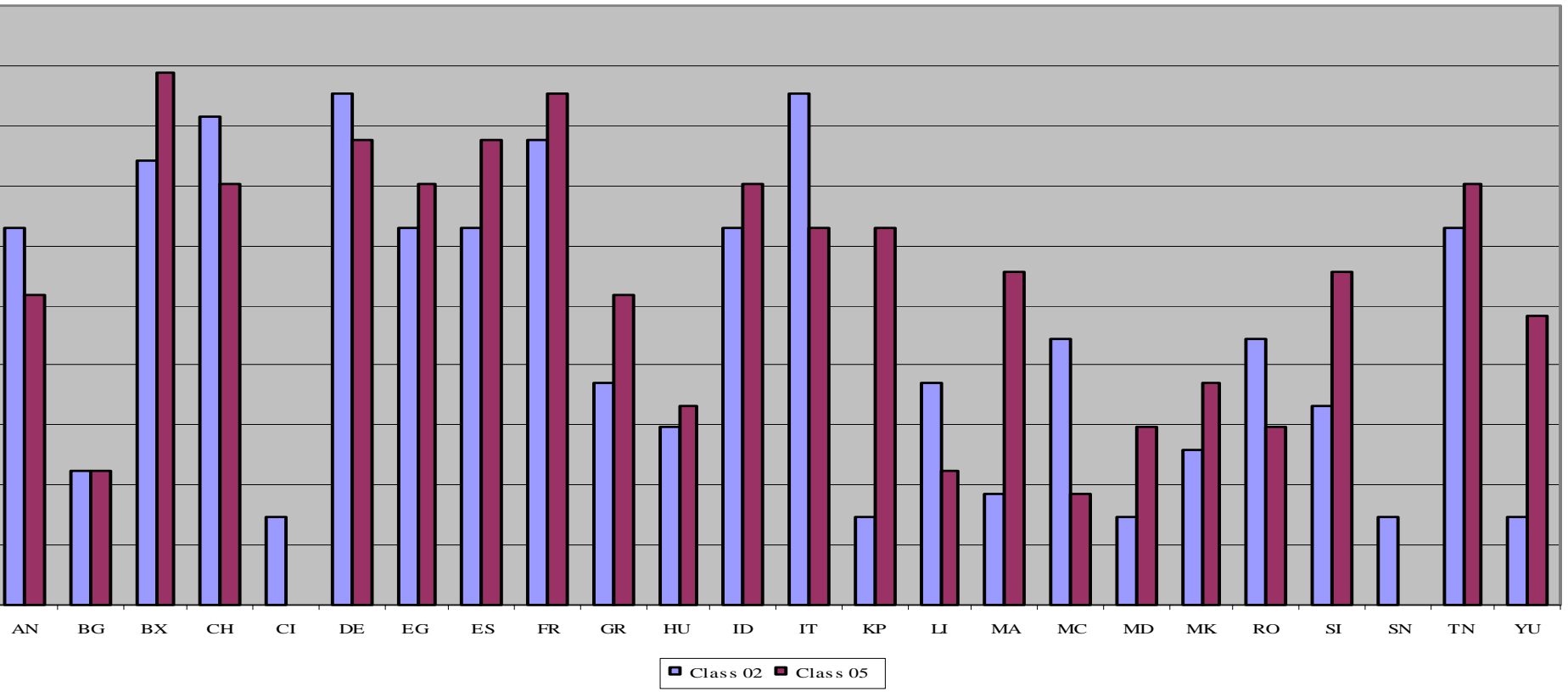


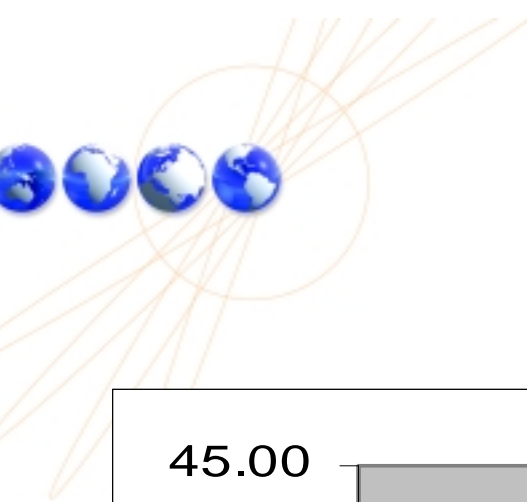
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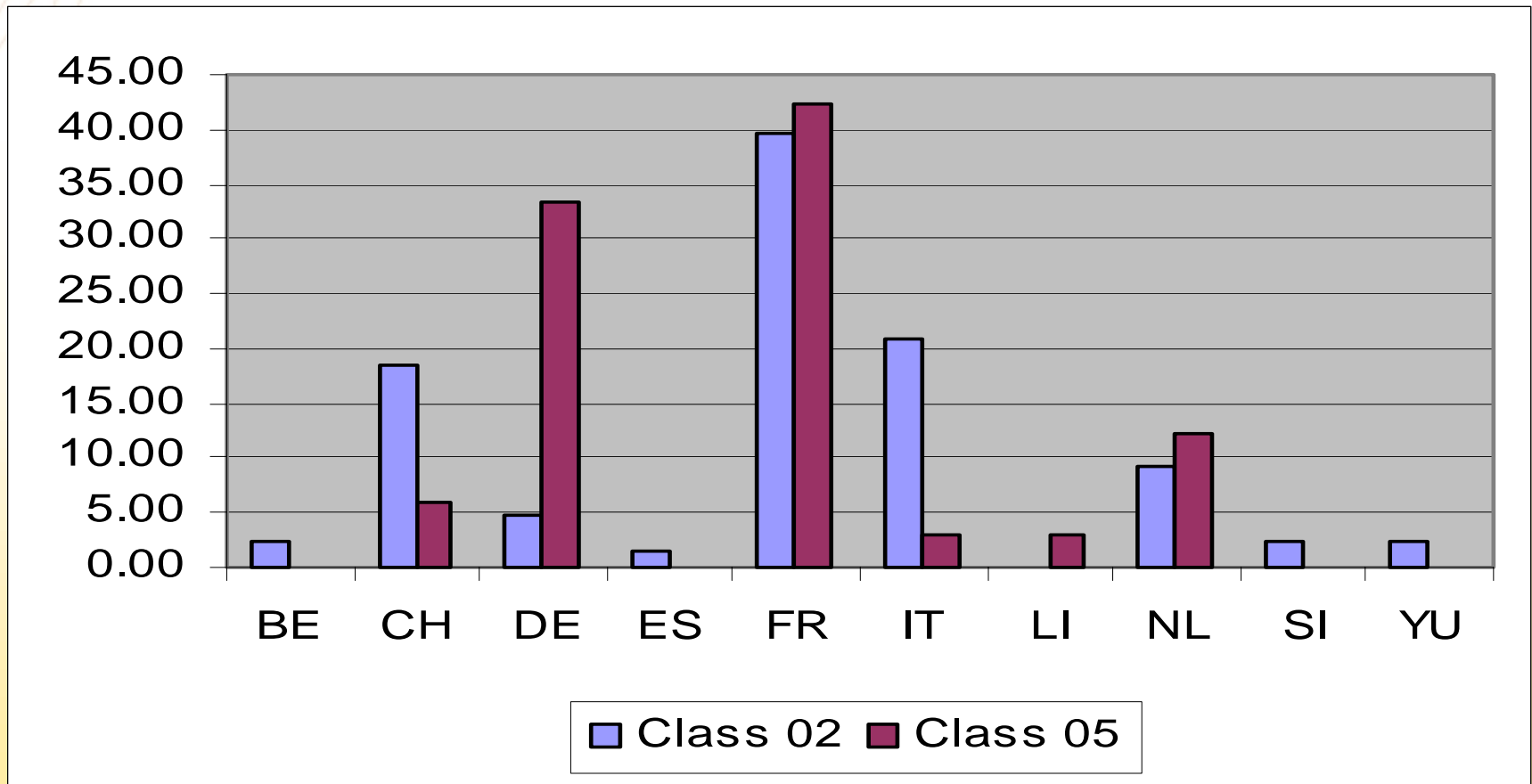


Countries Chosen by Users from the Textile and Clothing Sectors

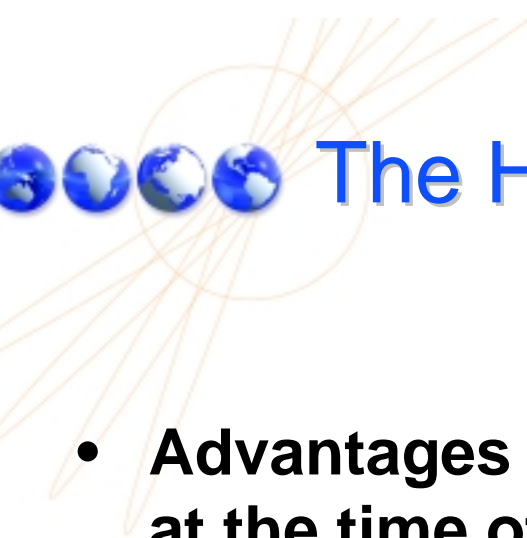




Origin of Hague Users from the Textile and Clothing Sectors



N.B. : Classes 02 and 05 still represent only 5% of new filings



The Hague Agreement in a nutshell

- **Advantages for the users : *economy and simplicity* at the time of filing but also throughout the life of the registration :**
 - one application or request
 - one set of requirements
 - one language
 - one set of fees in a single currency
- **Advantages for the national Office :**
 - relieved from formalities, publication and registration
 - receives share of the fees





A word to 1934 Members:

- ***Advantages in joining the 1999 Act :***
 - **Will bring revenues**
 - **More adapted to the needs of an “examining” office**
 - **Will be the Act binding countries like USA or Japan**
 - **Will be the Act binding the EU**
 - **Will in the long run replace the 1934 and 1960 Acts**
 - **Expands deferment to 30 months**
 - **Allows textile industry to file samples**





Conclusion

- A new framework favorable to textile and clothing industries
 - UCD
 - RCD
 - 1999 Act of the Hague system
- Need to join the Hague system (1999)





More Information at

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

Grazie !

