



WORLD INTELLECTUAL PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20 (Switzerland)

☎ (41-22) 338 91 11 – Facsimile (International Industrial Design Registrations Section): (41-22) 338 97 38

e-mail: intreg.mail@wipo.int – Internet: <http://www.wipo.int>

HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

Amendment of the Administrative Instructions

1. In accordance with Rule 34(1)(a) of the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement, the Director General of the World Intellectual Property Organization (WIPO) has, after consulting the Offices of the Contracting Parties, amended Sections 202 to 204, 401, 402, 404, 405 and 801 of the Administrative Instructions for the application of the Hague Agreement.
2. Sections 202 (“Signature”), 203 (“Communications by Telefacsimile”) and 204 (“Electronic Communications”) have been revised in order to accommodate the expansion of the electronic communication platform put in place by the International Bureau. In that respect, users are invited to note the imminent launching of an electronic interface for the electronic filing of international applications and to refer to the related Information Notice No. 13/2007.
3. Sections 401 (“Presentation of Reproductions”), 402 (“Representation of the Industrial Design”), 404 (“Requirements for Photographs and Other Graphic Representations”), and 405 (“Numbering of Reproductions”) have also been amended to take into account the possibility of filing international applications through the electronic filing interface.
4. Finally, Section 801 (“Modes of Payments”) has also been revised so as to allow that, in the context of electronic communications, fees due to the International Bureau may be paid by credit card. However, it is to be noted that revised Section 801 no longer provides for payment by banker’s cheques nor payment by cash.
5. Sections 202, 203, 204, 401, 402, 404, 405, and 801 of the Administrative Instructions, as amended, are attached. They will become effective on January 1, 2008.

December 18, 2007

ADMINISTRATIVE INSTRUCTIONS FOR THE APPLICATION
OF THE HAGUE AGREEMENT

(as in force on January 1, 2008)

[...]

Part Two
Communications with the International Bureau

[...]

Section 202: Signature

A signature shall be hand written, printed or stamped; it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 204(a)(i) or (ii), by a mode of identification to be determined by the International Bureau or agreed upon between the International Bureau and the Office concerned, as the case may be.

Section 203: Communication by Telefacsimile

(a) Any communication, other than an international application containing a reproduction to be published in color, may be addressed to the International Bureau by telefacsimile, provided that where the communication must be presented on an official form, the official form is used for the purposes of the telefacsimile communication.

(b) An international application addressed to the International Bureau by telefacsimile shall not have effect unless, prior to the expiration of 20 days counted from the date of receipt of such communication, the original of the international application bearing the prescribed signature along with the reproductions and/or specimens concerned, have been received by the International Bureau. When so confirmed, the said international application shall have effect as of the date on which it was received by telefacsimile by the International Bureau.

(c) Where a communication is transmitted to the International Bureau by telefacsimile, the Bureau shall promptly and by telefacsimile inform the sender of the receipt of that communication, and where such telefacsimile communication received by the International Bureau is incomplete or illegible, of that fact also, provided that the sender can be identified and can be reached by telefacsimile.

(d) Where a communication is transmitted to the International Bureau by telefacsimile and, because of the time difference between the place from where the communication is transmitted and Geneva, the date on which the transmittal started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

Section 204: Electronic Communications

(a) (i) Communications with the International Bureau, including the presentation of the international application, may take place by electronic means at a time and in a manner and format to be ascertained by the International Bureau, the particulars of which shall be published in the Bulletin.

(ii) Notwithstanding subparagraph (i) above, and subject to paragraph (d) below, electronic communications between an Office and the International Bureau may take place in a way agreed upon between the International Bureau and the Office concerned.

(b) The International Bureau shall promptly and by electronic transmission inform the originator of an electronic transmission of the receipt of that transmission and, where the electronic transmission received is incomplete or otherwise unusable, also of that fact, provided that the originator can be identified and can be reached. Such an acknowledgement shall contain the date of receipt in the case of an international application.

(c) Where a communication is transmitted to the International Bureau by electronic means and, because of the time difference between the place from where the communication is sent and Geneva, the date on which the sending started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

(d) For the purpose of the communication by the International Bureau to Offices of Contracting Parties of the date on which each issue of the Bulletin is published, as provided for in Rule 26(3), each such Office shall indicate to the International Bureau the email address to which the said communication shall be sent.

[...]

Part Four
Reproduction of the Industrial Design; Disclaimer; Numbering

Section 401: Presentation of Reproductions

(a) One and the same international application may comprise both photographs and other graphic representations, in black and white or in color.

(b) Each reproduction accompanying an international application shall be submitted in a single copy.

(c) The photographs or other graphic representations accompanying an international application filed on paper shall be either pasted or printed directly onto a separate sheet of A4 paper which is white and opaque. The separate sheet of paper shall be used upright and shall not contain more than 25 reproductions.

(d) The reproductions accompanying an international application must be arranged in the orientation in which the applicant wishes them to be published. Where that application is filed on paper, a margin of at least 5 millimeters should be left around the representation of each industrial design.

(e) Each reproduction must fall within a right-angled quadrilateral containing no other reproduction or part of another reproduction and no numbering. The photographs or other graphic representations shall not be folded, stapled or marked in any way.

Section 402: Representation of the Industrial Design

(a) The photographs and other graphic representations shall represent the industrial design alone, or the product in relation to which the industrial design is to be used, to the exclusion of any other object, accessory, person or animal.

(b) The dimensions of the representation of each industrial design appearing in a photograph or other graphic representation may not exceed 16 x 16 centimeters, and one of those dimensions must be at least 3 centimeters. With respect to the filing of international applications by electronic means, the International Bureau may establish a data format, the particulars of which shall be published in the Bulletin, to ensure compliance with these maximum and minimum dimensions.

(c) The following shall not be accepted:

- (i) technical drawings, particularly with axes and dimensions;
- (ii) explanatory text or legends.

[...]

*Section 404: Requirements for Photographs and
Other Graphic Representations*

(a) The photographs supplied must be of professional standard and have all the edges cut at right angles. The industrial design must be shown against a neutral plain background. Photographs retouched with ink or correcting fluid shall not be allowed.

(b) Graphic representations must be of professional standard produced with drawing instruments or by electronic means and, where the application is filed on paper, must further be produced on good quality white, opaque paper, all of whose edges are cut at right angles. The industrial design represented may comprise shading and hatching to provide relief. Graphic representations executed by electronic means may be shown against a background, provided that it is neutral and plain and has only edges cut at right angles.

Section 405: Numbering of Reproductions

(a) The numbering stipulated for multiple international applications shall appear in the margin of each photograph or other graphic representation. When the same industrial design is represented from different angles, the numbering shall consist of two separate figures separated by a dot (e.g., 1.1, 1.2, 1.3, etc. for the first design, 2.1, 2.2, 2.3, etc. for the second design, and so on).

(b) The reproductions shall be submitted in ascending numerical order.

[...]

Part Eight
Fees

Section 801: Modes of Payment

Fees may be paid to the International Bureau

- (i) by debit to a current account with the International Bureau;
- (ii) by payment into the Swiss postal account or to any of the specified bank accounts of the International Bureau;
- (iii) by credit card, where, in the context of an electronic communication envisaged in Section 204(a), an electronic interface for online payment has been made available by the International Bureau.