

HAGUE AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

HOW TO FILE AN INTERNATIONAL APPLICATION

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HOW TO FILE AN INTERNATIONAL APPLICATION

1. This document explains how to complete an application for the international registration of industrial designs under the Hague system.

Filing Method: Paper or Electronic

2. An international application may be presented to the International Bureau in one of two ways:

- on paper, via the official form (DM/1), or
- electronically, via the electronic filing interface (E-filing) on the WIPO web site¹.

3. The electronic filing system has a number of advantages over filing a paper application:

- faster delivery of the application;
- lower fees when the application contains many reproductions of the industrial designs to be registered (since reproductions submitted on paper are subject to a fee for each page beyond the first);
- automatic checking of much of the information provided, reducing the likelihood of irregularities.

4. However, note that E-filing is currently unavailable if the application includes specimens of the industrial design(s) instead of reproductions.

Filing Route: Where to File a Paper Application

5. Paper applications may be submitted either directly to the International Bureau or indirectly via the Office of a Contracting Party. Note however that indirect filing is not possible via the Office of some Contracting Parties; check with the Office in question before submitting an international application to that Office.

Language of the International Application

6. The International Bureau accepts applications written in English, French, or Spanish, so you are free to choose between these languages when filing directly. However, if you file your international application indirectly via the Office of a Contracting Party, that Office may require that the application be in a specific language (English, French, or Spanish).

7. These language requirements are important: failure to comply with them constitutes an irregularity which entails postponement of the filing date of the international application.

¹ <https://webaccess.wipo.int/hagueform/>

HOW TO COMPLETE THE APPLICATION FORM

1 APPLICANT

Name

8. For a natural person, indicate the family (or principal) name and the given (or secondary) name(s) in the order in which they are customarily used. For a legal entity, indicate its full official designation.

9. If the name of the applicant is in characters other than Latin characters, transliterate the name into Latin characters following the phonetics of the language of the international application. If the applicant is a legal entity, the transliteration may be replaced by a translation into the language of the international application.

Address, Telephone, Fax, and Email

10. Indicate the address of the applicant, with all the details necessary for postal delivery up to and including the house number, if any. A telephone number, fax number and/or email address may also be given.

Several Applicants

11. If there is more than one applicant, tick the appropriate box, provide the relevant information regarding each of the other applicants on a separate sheet (continuation sheet), and attach that sheet to the application form.

2 ADDRESS FOR CORRESPONDENCE

12. If no representative is appointed under item 5, all communications will be sent to the address of the applicant indicated in item 1 of the application form (or if there is more than one applicant, the address of the first applicant named in item 1) unless an optional address for correspondence is specified under item 2. Leave item 2 blank if the address for correspondence is the same as the address indicated in item 1.

13. If a representative is appointed in item 5 of the international application form, all required communications from the International Bureau to the applicant will be sent to that representative².

Phone, Fax Number and Email Address

14. Please indicate the phone number, fax number and/or email address of the person or entity whom the International Bureau should contact if and when it needs to get in touch with the applicant.

3 ENTITLEMENT TO FILE

15. In order to file an international application under the Hague system, each applicant must be entitled to file. Entitlement is derived from a connection of a specified nature (nationality, domicile, real and effective industrial or commercial establishment, or, under the 1999 Act only, habitual residence) to a Contracting Party to the Hague Agreement.

² This follows from Rule 3(4)(b) of the Common Regulations under the Hague Agreement.

Indicating Entitlement(s)

16. Indicate the Contracting Party or Contracting Parties of which the applicant is a national (if any), those in which he has domicile (if any), those in which the applicant has a real and effective industrial or commercial establishment (if any), as well as those in which the applicant has his habitual residence (if any) may also be indicated. (Note that entitlement through habitual residence does not apply in respect of Contracting Parties bound exclusively by the 1960 Act.)

17. Indicate each applicable entitlement, even if the Contracting Party concerned is the same in many cases.

How to Indicate a Contracting Party

18. For a paper application, write the full name of the Contracting Party (i.e. “France”, “Singapore”, etc), or if the applicant has no connection of the nature specified to any Contracting Party, simply write “None” in the corresponding field of the paper form.

19. For an electronic application, select the official two-letter code³ for the Contracting Party from the corresponding dropdown list (i.e. “FR”, “SG”, etc). If applicable, multiple Contracting Parties may be selected by clicking on the two-letter code for each one, one after the other, or if the applicant has no connection of the nature specified to any Contracting Party, simply leave the corresponding field of the online form blank.

Cumulative Entitlement

20. Note that although only one entitlement (through nationality, domicile, establishment, or habitual residence) with one Contracting Party is required in order to file an international application, more than one Contracting Party may be indicated for each criterion. In fact, it is important to indicate all of the applicant’s entitlements in different Contracting Parties, since those multiple entitlements may then be cumulated with a view to obtaining protection on a broader geographical scale. For example, an applicant having the nationality of Contracting Party A, bound *exclusively* by the 1960 Act (and therefore, on the basis of nationality alone, entitled to designate only Contracting Parties bound by that Act), might also have a domicile in Contracting Party B, bound *exclusively* by the 1999 Act. By indicating both of these entitlements, the applicant could then designate any Contracting Party, whether bound by the 1960 Act or the 1999 Act.

21. There are several such situations in which entitlements may be cumulated:

- if the applicant has connections to different Contracting Parties, *each of a different nature* (i.e. nationality of Contracting Party A, domicile in Contracting Party B, habitual residence in Contracting Party C, etc), or

- if the applicant has connections to different Contracting Parties, *each of the same nature* (i.e. a real and effective commercial or industrial establishment in Contracting Party A, and another establishment in Contracting Party B), or

- if the applicant has one or more connections to a Contracting Party that is a *member State of an intergovernmental organization*, and that intergovernmental organization is itself a Contracting Party (i.e. Greece, which is party only to the 1960 Act, is a member of the European Union, which is party to the 1999 Act), allowing entitlements from both the State and the intergovernmental organization to be cumulated. (The following section discusses this situation in more detail.)

³ The list of official two-letter codes for Contracting Parties is available on the WIPO web site at <http://www.wipo.int/export/sites/www/standards/en/pdf/03-03-01.pdf>

Entitlement Via an Intergovernmental Organization

22. Under the 1999 Act, intergovernmental organizations may become party to the Hague Agreement. There are currently two such Contracting Parties: the European Union (EU) and the African Intellectual Property Organization (OAPI)

23. The following member States of the EU are themselves Contracting Parties to the 1999 Act and/or the 1960 Act: Belgium, Bulgaria, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Romania, Slovenia, Spain.

24. The following member States of OAPI are Contracting Parties to the 1960 Act: Benin, Côte d'Ivoire, Gabon, Mali, Niger and Senegal.

25. Where entitlement is derived from a connection with a Contracting Party that is a member State of either of these intergovernmental organizations, both the State and the intergovernmental organization should be indicated under the corresponding criteria of item 3. For example, an applicant having a domicile in Italy, which is a member State of the European Union, should write "Italy, European Union" under item (b). This may enable the applicant to designate a wider range of Contracting Parties.

26. However, where entitlement is derived from a connection with a State which is a member of an intergovernmental organization but which is **not** itself a Contracting Party, indicate only the name of the intergovernmental organization, omitting the name of the State.

Several Applicants

27. If there are several applicants, provide the information concerning the entitlement to file for each applicant. Note that for a joint application, each applicant must establish that he is entitled to file under the Act or Acts under which designations are made, though neither the Contracting Party nor the nature of the connection (nationality, domicile, habitual residence or establishment) through which each applicant derives his entitlement needs to be the same. For example, where Applicant 1 is a national of Contracting Party A, bound by the 1999 Act, and Applicant 2 has a domicile in Contracting Party B, also bound by the 1999 Act, Applicants 1 and 2 may jointly file an international application which designates Contracting Parties under the 1999 Act.

4 APPLICANT'S CONTRACTING PARTY

28. Under the 1999 Act, the applicant must specify the Contracting Party through which he derives the right to file an international application. Consequently, item 4 must be filled in if any Contracting Party is designated under the 1999 Act⁴.

29. If only one Contracting Party bound by the 1999 Act is indicated under item 3, that Contracting Party must also be indicated under item 4; if several Contracting Parties bound by the 1999 Act are indicated under item 3, one of them must be selected as the applicant's Contracting Party.

⁴ See "Determination of Which Act Is Applicable in Respect of the Designation of a Given Contracting Party" under the discussion of item 10 (Designated Contracting Parties) for details.

5 APPOINTMENT OF A REPRESENTATIVE

30. If the applicant wishes to be represented before the International Bureau, indicate the name and address of the representative being appointed. Provide sufficient contact information to enable the International Bureau to correspond with the representative, preferably including a telephone number, a fax number, and an email address.

31. If the name of the representative is in characters other than Latin characters, transliterate the name into Latin characters following the phonetics of the language of the international application. If the representative is a legal entity, the transliteration may be replaced by a translation into the language of the international application.

32. In order to give effect to the appointment of a representative, the international application form must either be signed by the applicant under item 14 or be accompanied by a power of attorney; please make your selection by ticking the appropriate box under item 5. If filing the application through the electronic filing interface, scan the power of attorney and attach it to the electronic application form.

33. The Hague system does not contain any restriction or requirement as to who may be appointed as representative before the International Bureau (concerning, for example, professional qualification, nationality or residence). It follows that an applicant may appoint a representative residing or carrying on business in a Contracting Party which is neither the applicant's State of origin nor the applicant's Contracting Party, nor even a Contracting Party to the Hague Agreement.

34. The appointment of a representative in the international application only empowers the representative to act before the International Bureau. It may subsequently become necessary to appoint one or more further representatives to act before the Offices of designated Contracting Parties, for example, in the event of a refusal of protection notified by such an Office. In such case, the appointment of a representative is governed by the legal and administrative requirements of the Contracting Party concerned.

6 IDENTITY OF THE CREATOR OF THE INDUSTRIAL DESIGN

35. This indication is optional unless one of the conditions mentioned in paragraphs 36 and 37 applies. It is recalled, if the identity of the creator is indicated, that some jurisdictions may require that the creator be a natural person. Applicants are thus advised to indicate the first name and the surname of the creator(s).

36. First, under the 1999 Act, any Contracting Party whose Office is an Examining Office and whose law requires that an application for the grant of protection for an industrial design contain indications concerning the identity of the creator in order for that application to be accorded a filing date may, in a declaration, notify the Director General of WIPO accordingly. **Romania** has made this declaration. Therefore, if Romania is designated under the 1999 Act, the international application should contain indications concerning the identity of the creator. If these indications are not provided, the international application will be considered irregular and this may entail the postponement of the date of the international registration.

37. Secondly, any Contracting Party to the 1999 Act whose legislation requires an application for the registration of an industrial design to be filed in the name of the creator of the design may notify that fact to the Director General of WIPO (Rule 8(1)). **Finland, Ghana, Hungary and Iceland** have made such a declaration, therefore applicants who designate Finland, Ghana, Hungary and/or Iceland in their international applications should indicate the identity of the creator as a matter of course under item 6. If the person

indicated as the creator is not the same as the person named as the applicant, it is considered that the international application has been assigned by the person identified as the creator to the person named as the applicant, for the purpose of the designation of Finland, Ghana, Hungary and Iceland (see the corresponding footnote under item 6 of the form).

38. Finally, the law of a Contracting Party may require that the identity of the creator be indicated. **Bulgaria, Norway and Serbia** have informed the International Bureau that their respective national laws require that element. Applicants who designate Bulgaria, Norway or Serbia are thus advised to declare the identity of the creator as a matter of course. However, given that this is an optional indication under the international procedure as such, the International Bureau will not examine whether this requirement has been complied with or not.

7 NUMBER OF INDUSTRIAL DESIGNS, REPRODUCTIONS AND/OR SPECIMENS

39. The following must be indicated under item 7 of the international application form:

- (i) the total number of industrial designs included in the international application; that number may be up to 100, provided that all of these industrial designs relate to the same class of the Locarno Classification and subject to the requirement of unity of design applicable in some Contracting Parties (see item 8),
- (ii) the total number of reproductions, in black and white, and in color,
- (iii) the total number of A4 pages comprising reproductions, and
- (iv) the total number of specimens, if any.

8 PRODUCTS WHICH CONSTITUTE THE INDUSTRIAL DESIGN OR IN RELATION TO WHICH IT IS TO BE USED

40. In the provided table and in numerical order, give the required indications for each industrial design.

Locarno Classification

41. Bearing in mind that all industrial designs filed in a single application must relate to the same class of the Locarno Classification (though not necessarily the same sub-class), the class and subclass of each design may be indicated. The list of classes and subclasses of the Locarno Classification is available on the WIPO web site at: <http://www.wipo.int/classifications/nivilo/>.

42. Whilst it is optional whether or not to indicate the class and subclass on the form, the requirement that the designs fall within the same class is not: if the International Bureau finds that several designs included in the same international application belong to different classes of the Locarno classification, this will constitute an irregularity which must be remedied.

Unity of Design

43. **Estonia, Kyrgyzstan, Romania, Singapore** and the **Syrian Arab Republic** have made a declaration under Article 13 of the 1999 Act to notify that they require that all industrial designs contained in a single international application are subject to a requirement of unity of design. For specific information concerning the requirement of unity of design applicable in each of these Contracting Parties, please consult the Office(s) in question. If one or more of these countries is

designated under the 1999 Act and the requirement of unity of design is not satisfied, the designs may nonetheless be filed in the same international application, but an Office concerned may refuse protection pending compliance through a procedure of division of the international registration before that Office.

9 DESCRIPTION

44. In general, a textual description of the industrial designs is optional. However, a brief description is required if either **Romania** or the **Syrian Arab Republic** is designated under the 1999 Act.

45. If you provide a description, it should relate only to the characteristic visual features that appear in the reproductions; it should disclose neither technical features of the operation of an industrial design nor the design's possible uses.

46. The description may also serve as a way of disclaiming protection in respect of some characteristics of the industrial designs.

47. Note that if the description exceeds 100 words, an additional fee of 2 Swiss francs per word exceeding 100 is payable.

10 DESIGNATED CONTRACTING PARTIES

48. Tick the box next to each Contracting Party where protection of the industrial design(s) is sought. If filing electronically, only those Contracting Parties which may be designated appear on the online form. The rules that determine which Contracting Parties may be designated are explained below.

What Contracting Parties May be Designated?

49. In order to designate a Contracting Party, it must be bound by an Act – the 1999 Act and/or the 1960 Act – to which one of the Contracting Parties indicated under item 3 (*Entitlement to File*) is also bound. A table of Contracting Parties, with an indication of the Act or Acts by which each particular Contracting Party is bound, is annexed to form DM/1. It is also available on the WIPO web site.

50. For example, if you indicate an establishment only in Country A, which is bound exclusively by the 1999 Act, and no other entitlements, you may only designate Contracting Parties which are bound by the 1999 Act, whether or not those Contracting Parties are also bound by the 1960 Act. You may not, however, designate Contracting Parties bound exclusively by the 1960 Act.

51. If, instead, you indicate an establishment in Country A, which is bound by the 1960 Act, and you additionally indicate a domicile in Country B, which is bound by the 1999 Act, you may designate Contracting Parties which are party to either the 1960 Act exclusively, the 1999 Act exclusively, or both the 1960 Act and the 1999 Act.

52. A special case of plurality of entitlements arises in respect of Contracting Parties that are bound by the 1960 Act where those Contracting Parties happen to be member States of an intergovernmental organization that is a Contracting Party to the 1999 Act. For example, an applicant having the nationality of Contracting Party A, bound *exclusively* by the 1960 Act, that is a member State of the European Union, could, as a result, designate all Contracting Parties bound by either the 1960 Act or the 1999 Act, since the European Union is a Contracting Party to the 1999 Act.

Protection in the State of Origin and in the Applicant's Contracting Party

53. As a matter of principle, it is possible for an applicant to request protection in the State of origin and in the applicant's Contracting Party.

54. The 1960 Act provides as a principle that an international registration has effect in the State of origin, unless otherwise specified in its national legislation. Given that information concerning such exclusion is not required to be communicated to the Director General of WIPO, the International Bureau does not carry out an examination in this respect.

55. The 1999 Act expressly provides that any Contracting Party whose Office is an Examining Office may, in a declaration, notify the Director General of WIPO that, where it is the applicant's Contracting Party, its designation in an international registration has no effect. Where a Contracting Party which has made such a declaration is indicated both as the applicant's Contracting Party and as a designated Contracting Party, the International Bureau will disregard the designation of the Contracting Party in question.

Determination of Which Act Is Applicable in Respect of the Designation of a Given Contracting Party

56. To the extent that one and the same Contracting Party may be bound by either the 1960 Act exclusively, the 1999 Act exclusively, or by both the 1960 Act and the 1999 Act, the question arises as to which Act applies in respect of a given Contracting Party designated in an international application.

57. The Act applicable to a designated Contracting Party depends on the Act(s) to which are bound, on the one hand, the Contracting Party *of the applicant* and, on the other, the *designated* Contracting Party. The applicable principles may be summarized as follows:

- if there is only *one* common Act between the two Contracting Parties concerned, that Act shall govern the designation. For example, if an applicant whose Contracting Party is bound by both the 1999 Act and the 1960 Act designates a Contracting Party bound exclusively by the 1960 Act, that designation will be governed by the only common Act, that is the 1960 Act;

- if both Contracting Parties concerned are bound by both the 1960 Act and the 1999 Act, the 1999 Act (the *most recent* Act) shall govern the designation.

58. The above principle applies where an applicant claims a plurality of independent entitlements under different Acts. For example, if an applicant who has indicated that he has an establishment in Contracting Party A, bound by the 1960 Act, and another establishment in Contracting Party B, bound by the 1999 Act, designates a Contracting Party C bound by both the 1960 Act and the 1999 Act, the designation shall be governed by the 1999 Act. Similarly, if an applicant has indicated that he has a connection with a Contracting Party bound by the 1960 Act which is also a member State of an intergovernmental organization bound by the 1999 Act, then the designation of Contracting Party C (bound by both the 1960 Act and the 1999 Act) is governed by the 1999 Act.

59. The determination of the applicable Act is made on the date of filing. It cannot be reviewed afterwards, not even if one of the Contracting Parties concerned accedes to another Act of the Hague Agreement subsequent to the filing of the international application.

11 PRIORITY CLAIM

60. Priority of an earlier filing may be claimed under Article 4 of the Paris Convention on the basis of a first national or regional filing made in one of the States party to the Paris Convention or in a member of the World Trade Organization.

61. To claim priority, tick the appropriate box under item 11 and indicate the name of the Office with which the earlier filing was made, together with the number of the filing (if available) and the date of filing (in the format day / month / year). Where priority is claimed based on more than one earlier filing and all the relevant indications cannot be accommodated in the space provided, then (unless a self-generated form is used) those with the earliest date should be indicated under item 11 and the remainder should be set out on a continuation sheet.

62. If the earlier filing does not relate to all of the designs included in the international application, you may indicate either those designs for which priority is claimed or those for which it is not claimed, whichever is more convenient, by reference to the numbers of the designs in question. If no such indication is made, the International Bureau will assume that the priority claim relates to *all* of the industrial designs.

63. The International Bureau will disregard any claimed priority which bears a date more than six months earlier than the filing date of the international application.

64. Do not include copies of the earlier application documentation upon which priority is claimed with your international application. The International Bureau confines itself to establishing that the required information is included in the international application form. Nevertheless, the Office of a designated Contracting Party may request a copy of priority documents directly from the holder. Such a request could, for example, be made in the context of a refusal where the Office takes the view that the priority documents are necessary in order to establish novelty because of a disclosure of a design since the date of the first filing.

12 INTERNATIONAL EXHIBITION

65. To claim temporary protection for industrial designs exhibited at an international exhibition, tick the relevant box in item 12 of the international application form, and indicate where the exhibition took place, the name of the exhibition, the date on which the industrial design was first exhibited, and the number of each industrial design shown at the exhibition. Such temporary protection may, for example, be provided via a right of priority under the legislation of a Contracting Party.

66. If the claim does not relate to all of the designs included in the international application, indicate either those designs for which temporary protection is claimed or those for which it is not claimed, whichever is more convenient. If no industrial design is indicated, the International Bureau will assume that all of the industrial designs were shown at the exhibition in question.

13 PUBLICATION OF THE INTERNATIONAL REGISTRATION

67. Reproductions submitted in color will be published in color unless black and white publication is requested. To make this request, tick the corresponding box in item 13 of the international application form.

68. Publication generally takes place six months after the date of the international registration. However, you may optionally request either immediate publication or deferment of publication.

Immediate Publication

69. Early publication is sometimes advantageous. For instance, if under a national or regional law the right flowing from registration of an industrial design is only enforceable after publication. Please note, however, that even “immediate” publication can only take place after the International Bureau has carried out the relevant technical preparations. To request publication at the earliest possible date, tick the corresponding box in item 13.

Deferment of Publication

70. To request that publication of the international registration be deferred, tick the corresponding box in item 13 and indicate the requested period of deferment, expressed in months.

Determining the Applicable Period of Deferment

71. The applicable period of deferment depends on the laws of the Contracting Parties designated in the international application (including some which do not permit deferred publication at all).

(a) Under the 1999 Act

72. Under the 1999 Act, each Contracting Party is generally assumed to permit the prescribed period of deferment of 30 months unless it has notified, in a declaration to the Director General of WIPO, either that it authorizes only a shorter period or that it does not authorize deferment at all. An international application in which all designations of Contracting Parties are under the 1999 Act (see paragraphs 57-58, above) may therefore contain a request for deferment of publication for a period of up to 30 months, counted either from the filing date or, where priority is claimed, from the priority date.

73. However, the maximum period of deferment is less than 30 months in the following cases:

- if the application includes the designation of one or more Contracting Parties which has made a declaration such that the period of deferment is less than 30 months, in which case publication shall take place on the expiry of the shortest period stated so notified;

- if the application includes the designation of one or more Contracting Parties which has made a declaration such that deferment of publication is not possible under its law, in which case the outcome of the request to defer publication depends on whether the application is accompanied by reproductions or specimens as follows:

- (i) if the international application is accompanied by *reproductions* of the design, the International Bureau will notify the applicant that the request for deferment of publication is incompatible with the designation of the Contracting Party concerned. If the applicant does not withdraw the designation of that Contracting Party within one month from the date of the notification, *the request for deferment of publication* will be disregarded;

- (ii) if the international application is accompanied by *specimens* of the design, the International Bureau will disregard the *designation of the Contracting Party concerned* and so notify the applicant.

74. **Croatia, Estonia, OAPI, Slovenia** and the **Syrian Arab Republic** have each made a declaration to notify the International Bureau that under their respective legislation the period of deferment cannot exceed 12 months from the filing date or, where priority is claimed, from the priority date. **Denmark, Finland** and **Norway** have made a declaration to notify that the maximum period of deferment under its legislation is six months from the filing date or, where priority is claimed, from the priority date. Thus when one or more of these Contracting Parties is designated in an international application, the publication of the resulting registration may be deferred no longer than the shortest of the periods allowed by the Contracting Parties designated.

75. **Hungary, Iceland, Monaco, Poland, Singapore** and **Ukraine** have made a declaration to notify that deferment of publication is not possible under their law. Therefore when Hungary, Iceland, Monaco, Poland, Singapore and/or Ukraine are designated in an international application under the 1999 Act (see paragraphs 57-58, above), the applicant may not request deferment of publication.

(b) Under the 1960 Act

76. For Contracting Parties designated under the 1960 Act, the maximum period of deferment is 12 months.

77. If the international application is governed exclusively or partly by the 1960 Act (i.e., in respect of which at least one Contracting Party has been designated under the 1960 Act), deferment of publication cannot exceed 12 months, and may be shorter or even disallowed if any Contracting Party that has made the corresponding declaration under the 1999 Act is designated.

14 SIGNATURE

78. The international application form may be signed by the applicant or by his representative (or by an Office when the international application has been presented to the International Bureau through that Office). The signature may be replaced by the affixing of a seal. In either case, the name of the signatory should be indicated separately. For international applications filed through the electronic filing interface, the signature consists of an indication of the applicant's name or the representative's name (depending who signs the application).

Name of Contact Person

79. It may be useful to indicate the name of the person whom the International Bureau should contact if necessary. This may be of particular interest if the international application is filed in the name of a legal entity.

E-mail address

80. If the application is filed through the electronic filing interface, we strongly recommend that the applicant indicate an email address. If it is provided, the International Bureau will confirm receipt of the application via email.

Date of Receipt in the case of a filing through an Office

81. Under the 1999 Act, when filing an international application through an Office, that Office should indicate the date on which it received the application. This date is important because it serves, in principle, as the date of the international registration, provided that the international application is received by the International Bureau within one month from the date on which it was received by the Office in question.

Fees PAYMENT OF FEES

82. The fee payment sheet which precedes the Fee Calculation Sheet forms part of the international application form. On it, you must either:

(i) provide an authorization to debit the required amount from an account opened with the International Bureau (with an indication of the name of the account holder, the account number and the identity of the party giving the authorization), or

(ii) indicate the amount of fees being paid, the method of payment and the identity of the party making the payment.

83. If you use the first method, it is not necessary to specify the amount of the fees. This avoids the risk of an irregularity concerning fees.

Types of Fees

84. The fees payable in connection with an international application consist of:

- (i) a basic fee;
- (ii) for each Contracting Party designated in the application, either a standard designation fee (level one, two or three) or an individual designation fee fixed by that Contracting Party;
- (iii) a publication fee, consisting of a fee for each reproduction to be published and, if the application is filed on paper, a fee for each page of reproductions (in A4 format) beyond the first. Note that the fee per page of reproductions does not apply if the application is filed electronically, which can result in significant cost savings when submitting many reproductions.

When Fees Must Be Paid

85. Fees are due at the time of filing unless the international application contains a request for deferment of publication, in which case the publication fee may be paid later. To request deferred payment of publication fees, tick the appropriate box on the fee payment sheet.

Amounts of the Fees

86. The amounts of the basic fee, the standard designation fee and the publication fee are set out in the Schedule of Fees included in the Common Regulations. Details regarding individual fees are available in the relevant *Information Notices* on the WIPO web site (www.wipo.int/hague).

87. Also available on the WIPO web site is a **fee calculator** which takes into account all the possible fee permutations, allowing one to determine the fees applicable to a given international application, depending on the particular Contracting Parties designated, the number of industrial designs, etc.

Reduction of Fees for Applicants from LDCs

88. For whose sole entitlement derives from a connection with a country listed by the United Nations as a Least Developed Country (LDC), or with an intergovernmental organization the majority of whose member States are LDCs, the basic fee, standard designation fees, and publication fee are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). This reduction also applies in respect of applicants whose entitlement does not solely derive from a connection with such an intergovernmental organization, provided that (1) the international application contains only designations under the 1999 Act (see paragraphs 57-58, above) and (2) any other entitlement of the applicant derives from a connection with a Contracting Party which is either an LDC or not an LDC but a member State of that intergovernmental organization. If there is more than one applicant, each must fulfill these criteria.

THE REPRODUCTIONS OF THE INDUSTRIAL DESIGNS

Mode of Reproduction

89. The reproductions of the designs for which registration is sought may be in the form of either *photographs* or other *graphic representations* of the industrial designs or the products in relation to which the industrial designs are to be used. A single international application may include both photographs and graphic representations, either in black and white or in color.

90. If filing a paper application, either paste or print the accompanying reproductions directly onto a separate sheet of A4 paper which is white and opaque. Each sheet of paper should be used upright (in “portrait” mode) and should not contain more than 25 reproductions. Arrange the reproductions in the orientation in which the applicant would like them to be published. Leave a margin of at least five millimeters around each reproduction. Do not fold, staple or mark the reproductions in any way, and make sure each reproduction falls within a right-angled quadrilateral (e.g. square or rectangle) which contains no other reproduction (or part thereof) and no numbering. These requirements facilitate scanning of reproductions intended for online publication.

91. If filing through the electronic filing interface, upload the reproductions and submit them via the electronic application form. Please follow the instructions on the electronic filing interface, including acceptable image formats and maximum file sizes.

Requirements Concerning Reproductions

92. The reproductions should 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. Thus, for example, if protection is sought for a bowl, the bowl should be represented without fruit, or if protection is sought for a frame, the frame should be represented without a picture.

93. Technical drawings, particularly those showing axes, dimensions, explanatory text or legends, are not acceptable.

94. If the reproductions consist of photographs, they must be of professional standard and have all their edges cut at right angles. The industrial design must be shown against a neutral plain background and photographs must not be retouched with ink or correcting fluid.

95. If the reproductions consist of other graphic representations, they must be of professional standard and produced with drawing instruments or by electronic means and, if filed on paper, must be on high quality white, opaque paper, and have all their edges cut at right angles. Representations may include 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 only edges cut at right angles.

Disclaimer

96. Matter which is shown in a reproduction, but for which protection is not claimed, may be indicated by means of dotted or broken lines and/or in the text of the description.

Number of Reproductions

97. There is no limit on the number of reproductions which can be included in an international application. However only a single copy (or image file in the case of electronic filing) of each reproduction should be submitted (in color, if the applicant wishes that the reproduction be published in color). An applicant wishing to obtain the maximum protection for a design should ensure that the

design is fully represented, as only aspects visible in the reproduction will be protected. It may be necessary, therefore, to represent a single article from many angles and submit several different views. However, note that each view represented constitutes a separate reproduction; any one reproduction may not show several views.

Numbering of Reproductions

98. Where there are several designs included in an international application, each design must be identified by an individual number appearing in the margin of each reproduction. When the same design is represented from different angles, the numbering consists of the design number and the view number separated by a dot (for example, 1.1, 1.2, 1.3, etc., for the first three views of the first design, and 2.1, 2.2, 2.3, etc., for the second design, and so on). The reproductions should be submitted in ascending numerical order. When filing through the electronic filing interface, the reproductions are automatically numbered in the aforementioned manner, based on the order in which they are uploaded.

Dimensions of the Representations

99. If filing the application on paper, the dimensions of photographs or other graphic representation may not exceed 16 x 16 centimeters, and one of those dimensions must be at least 3 centimeters.

100. If filing the application electronically, images uploaded must be of such a resolution and number of pixels such that, when printed, the dimensions of the representations will not exceed 16 x 16 centimeters, and one of those dimensions must be at least 3 centimeters.

Quality of the Reproductions

101. Reproductions must be of a quality permitting all the details of the industrial design to be clearly distinguished and permitting publication. The reproductions which accompany an international application should be of the highest possible quality, since the scope of protection will ultimately depend on the content and quality of the reproductions.

Filing of Specimens (available only when filing on paper)

Under the 1999 Act

102. Where an international application contains only designations under the 1999 Act (see paragraphs 57-58, above), reproductions may be substituted by specimens in certain limited circumstances, namely where:

- (i) an international application contains a request for deferment of publication, and
- (ii) the application is in respect of a two-dimensional industrial design.

Under the 1960 Act

103. If the international application contains any designations under the 1960 Act (see paragraphs 57-58, above), the application *may* be accompanied by specimens *in addition to* reproductions. This means that the filing of specimens is optional but does not exempt the applicant from the requirement of providing a reproduction of the designs.

Requirements Concerning Specimens

104. All of the specimens should be contained in a single package. None of the dimensions of the package should exceed 30 centimeters and the total weight of the package and its packaging should not exceed 4 kilograms.

105. The individual specimens may be folded, but may not exceed 26.2 centimeters x 17 centimeters in size (unfolded), 50 grams in weight, or 3 millimeters in thickness. They should be pasted on sheets of A4 paper and numbered in ascending numerical order. If and when, in due course, the reproductions are submitted to the International Bureau, the number assigned to each reproduction should be the same as the number assigned to the corresponding specimen.

106. Perishable products or products which may be dangerous to store are not accepted.

No Additional Matter

107. If the international application contains any matter other than that required or permitted by the 1999 Act, the 1960 Act, the Common Regulations or the Administrative Instructions, the International Bureau shall delete it *ex officio*. If the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of that document.