

PART A

INTRODUCTION

01. THE GUIDE

01.01 This is a Guide to the international registration of industrial designs. The system for international registration of industrial designs is based on the Hague Agreement Concerning the International Registration of Industrial Designs, which is constituted by three different Acts, namely:

- the Geneva (1999) Act, which was adopted on July 2, 1999, and entered into force on December 23, 2003,
- the Hague (1960) Act, which was adopted on November 28, 1960, and entered into force on August 1, 1984, and
- the London (1934) Act, which was adopted on June 2, 1934, and entered into force in June 1939.

01.02 However, the application of the 1934 Act has been frozen since January 1, 2010 (for more details concerning the freezing of the application of the 1934 Act and its implications, see Part B.III). This Guide will therefore mainly focus on the 1960 and 1999 Acts.

01.03 The application of the 1960 and 1999 Acts is supplemented by the Common Regulations and the Administrative Instructions.

01.04 The system for international registration of industrial designs is referred to as “the Hague system”.

01.05 This Guide is divided into three Parts. *Part A* gives a brief general introduction to the Hague system. It also includes explanations as to how a State or an intergovernmental organization may become a Contracting Party to the Hague Agreement and provides an outline of the various declarations and notifications that may be made under the Hague system. *Part B* deals with the international procedures, that is to say, the international registration procedure and other procedures required for the recording of events which may affect an international registration (such as changes in ownership, refusals of protection, etc.). *Part C* contains the full texts of the three Acts, the Common Regulations and the Administrative Instructions.

01.06 Wherever possible, the provisions of the 1999 and 1960 Acts, the Common Regulations and the Administrative Instructions that are relevant to a particular paragraph of the Guide are cited in the margin. Such provisions are cited in the following manner:

- “**99 Article xx**” refers to an Article of the 1999 Act;
- “**60 Article xx**” refers to an Article of the 1960 Act;
- “*Rule xx*” refers to a Rule of the Common Regulations;
- “*A.I. Section xx*” refers to a Section of the Administrative Instructions.

02. THE HAGUE SYSTEM: GENERAL OVERVIEW

02.01 In simple terms, the Hague Agreement offers the possibility of obtaining protection for industrial designs in several Contracting Parties by means of a single international application filed with the International Bureau of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. Thus, under the Hague system, one international application replaces a whole series of applications which would otherwise have to be filed with different national offices.

02.02 The Hague system of international registration of industrial designs is administered by the International Bureau of WIPO. The International Bureau maintains the International Register and publishes the *International Designs Bulletin*.

02.03 In order not to unduly complicate the general overview of the Hague system and taking into account the freezing of the application of the 1934 Act (see Part B.III), the paragraphs below (A.02.05 to 02.23) reflect only the international procedure under the 1999 Act and the 1960 Act.

02.04 Furthermore, the paragraphs below are intended only to represent a broad outline of the international procedure under the 1999 and the 1960 Acts. For more detail concerning each of the matters concerned, the reader is invited to consult the corresponding paragraphs contained in Part B.II.

Who May Use the System?

60 Article 3 02.05 The entitlement to file an international application under the Hague Agreement is limited to natural persons or legal entities having a real and effective industrial or commercial establishment, or a domicile, in at least one of the Contracting Parties to the Hague Agreement, or being a national of one of these Contracting Parties, or of a member State of an intergovernmental organization that is a Contracting Party.

99 Article 3

02.06 In addition, but only under the 1999 Act, an international application may be filed on the basis of habitual residence in a Contracting Party.

02.07 The Contracting Party with respect to which the applicant fulfills the above condition is referred to as the “State of origin” under the 1960 Act and the “applicant’s Contracting Party” under the 1999 Act.

No Prior National Application or Registration

02.08 The filing of an international application does not require any prior national application or registration. Protection for an industrial design can therefore be applied for at the international level through the Hague Agreement *for the first time*.

Contents of the Application

60 Article 5 02.09 A single international application may comprise several different
99 Article 5 designs (“multiple application”), up to a maximum of 100. All designs included in the same application must, however, belong to the same class of the international classification of Locarno¹. In other words, the international application is “monoclass”.

02.10 An international application must be filed on the official form or through the electronic filing (E-filing) interface made available by the International Bureau on the WIPO website and must contain, *inter alia*, a reproduction of the industrial design concerned, together with the designation of the Contracting Parties in which protection is sought. It must be filed in English, French, or Spanish, at the applicant’s option.

60 Articles 5(3)(a) 02.11 The applicant may request that publication be deferred for a period
and 6(4) which may not exceed 12 months (under the 1960 Act) or 30 months (under the
99 Article 5(5) 1999 Act) from the date of filing or, where priority is claimed, from the priority date.

60 Article 15 02.12 An international application is subject to the payment of three types of
99 Article 7 fees: a basic fee, a publication fee and, in respect of each Contracting Party where
Article 5(1)(vi) protection is sought, either a standard or an individual designation fee. As regards
Rule 12 standard fees, a three-level structure of standard fees applies, reflecting the level of examination carried out by the Office of a Contracting Party.

¹ The latest edition of the Locarno Classification, in English and in French, may be found on the WIPO website, at www.wipo.int/hague/en/classification.html.

Transmitting the International Application to the International Bureau

- 99 Article 4(1)** 02.13 An international application is normally sent directly to the International Bureau by the applicant, in which case either the E-filing interface (see paragraph A.06.01) or the paper application form may be used. Under the 1960 Act, however, a Contracting Party is entitled to require that, where it is considered to be the State of origin, the application be filed through its national Office. In that case, only the paper form may be used.
- 60 Article 4**

Formal Examination by the International Bureau

02.14 Upon receipt of the international application, the International Bureau checks that it complies with the prescribed formal requirements. The International Bureau does not appraise or concern itself in any way with the novelty of the design and it is therefore not entitled to reject an international application on this or any other substantive ground.

Publication

02.15 An international application that complies with the prescribed formal requirements is recorded in the International Register and (unless deferment of publication has been requested) published in the *International Designs Bulletin*. This publication takes place on the WIPO website and contains all the relevant data concerning the international registration, including a reproduction of the industrial designs. The date on which each issue of the Bulletin is made available on the WIPO website is communicated electronically by the International Bureau to the Office of each Contracting Party, if the latter wishes to receive the said communication.

Substantive Examination by the Office of Each Designated Contracting Party: Possibility of Notifying a Refusal of Protection

- 60 Article 8(1)** 02.16 Upon publication of the *International Designs Bulletin* on the WIPO website, each Office must identify the international registrations in which it has been designated, in order to proceed with the substantive examination, if any, provided for by its own legislation. As a result of that examination, the Office may notify to the International Bureau a refusal of protection for its territory. However, an international registration may not be refused on grounds of non-compliance with formal requirements, since such requirements must be considered satisfied following the examination carried out by the International Bureau.
- 99 Article 12(1)**

- 60 Article 8(2)** 02.17 A refusal of protection, if any, must be notified to the International Bureau within six months from the date of publication of the international registration on the WIPO website. Under the 1999 Act, however, any Contracting Party whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may declare that the refusal period of six months is replaced by a period of 12 months.
- 99 Article 12(2)**
Rule 18(1)

60 Article 8(3)
99 Article 12(3) 02.18 In the event of notification of a refusal, the holder has the same remedies as he would have if he had filed the application in question directly with the national Office concerned.

02.19 If the holder contests the refusal, the ensuing procedure devolves exclusively at the national level, according to the requirements and procedures provided for by the applicable domestic legislation. The International Bureau is not involved in this procedure. An appeal against a refusal of protection must be submitted to the competent authorities of the Contracting Party concerned within the time limit and in accordance with the conditions laid down in that Contracting Party's own legislation.

Statement of Grant of Protection

Rule 18bis(1) 02.20 The Office of a designated Contracting Party which has not communicated a notification of refusal may, within the applicable refusal period, send to the International Bureau a statement to the effect that protection is granted to the industrial designs that are the subject of the international registration in the Contracting Party concerned.

02.21 However, no legal consequences result from the fact that such a statement of grant of protection has not been sent by an Office. It remains the case that the industrial designs that are the subject of the international registration are protected if no notification of refusal has been sent within the applicable refusal period.

Protection Governed by Domestic Law

60 Article 7
99 Article 14 02.22 In each designated Contracting Party the Office of which has not communicated a refusal (or has subsequently withdrawn its refusal), the international registration produces the same effect as a grant of protection for an industrial design under the law of that Contracting Party.

Duration of Protection

60 Article 11
99 Article 17 02.23 International registrations are valid for an initial period of five years. They can be renewed for one or more additional periods of five years, in respect of each designated Contracting Party, up to the expiry of the total term of protection allowed by those Contracting Parties' respective laws. In other words, the maximum duration of protection in each designated Contracting Party corresponds to the maximum duration provided for by the law of that Contracting Party.

Changes in the International Register

02.24 The following changes may be recorded in the International Register:

- a change in the name or address of the holder or his representative;
- a change in the ownership of an international registration (in respect of all or only some of the designated Contracting Parties and in respect of all or some of the designs included in the registration);
- a renunciation of all the designs that are the subject of the international registration, in respect of any or all of the designated Contracting Parties;
- a limitation of some of the industrial designs that are the subject of the international registration, in respect of any or all of the designated Contracting Parties.

02.25 Requests for such recordings must be presented to the International Bureau on the relevant official forms and must be accompanied by the prescribed fees.

03. ADVANTAGES OF THE SYSTEM

03.01 The system of international registration of industrial designs arose from a need for simplicity and economy. In effect, it enables design owners originating from a Contracting Party to obtain protection for their designs with a minimum of formality and expense.

03.02 In particular, design owners are relieved from the need to make a separate national application in each of the Contracting Parties in which they require protection, thereby avoiding the complexities arising from procedures which may differ from State to State. Thus, they do not have to file documentation in various languages, nor keep a watch on the deadlines for renewal of a whole series of national registrations, varying from one State to the other. In addition, they avoid the need to pay fees in various currencies. Under the Hague Agreement, the same result can be obtained by means of a single international application, in one language, accompanied by the payment of a single set of fees, in one currency and with one Office (the International Bureau).

03.03 Moreover, by having a single international registration with effect in several Contracting Parties, the subsequent management of the protection obtained is also considerably facilitated. For instance, a change in ownership, or in the name or address of the holder, can be recorded in the International Register and have effect in all the designated Contracting Parties, by means of one simple procedural step.

04. BECOMING PARTY TO THE HAGUE AGREEMENT

04.01 The 1999 and the 1960 Acts of the Hague Agreement are autonomous and totally independent of each other. Each Act consists of a fully-fledged international treaty, so that (with the exception of intergovernmental organizations) a potential Contracting Party may decide to become party to either one of the Acts, or to both.

States

- 60 Article 1(2)* 04.02 To become a Contracting Party to the 1960 Act, a State must be bound by the Paris Convention for the Protection of Industrial Property.
- 99 Article 27(1)* 04.03 To become a Contracting Party to the 1999 Act, a State must be a member of the Convention Establishing WIPO. While it is not required that the State also be party to the Paris Convention, any State that is a Contracting Party to the 1999 Act is, however, required under Article 2(2) of that Act to comply with the provisions of the Paris Convention which concern industrial designs (even if that State is not bound by the Paris Convention).

Intergovernmental Organizations

- 60 Article 1(2)* 04.04 An intergovernmental organization cannot become party to the 1960 Act, the membership of this treaty being open to States only.
- 99 Article 27(1)(ii)* 04.05 On the other hand, such organization may become party to the 1999 Act, provided the following conditions are fulfilled:
- at least one of the member States of the intergovernmental organization is a member of WIPO, and
 - the organization maintains an Office through which protection of industrial designs may be obtained with effect in the territory in which the constituting treaty of the intergovernmental organization applies.
- 04.06 The expression “Contracting Party” includes any State or intergovernmental organization which is Party to the 1999 Act and/or the 1960 Act.
- 04.07 Instruments of ratification or accession must be deposited with the Director General of WIPO. The Director General notifies all Contracting Parties of any deposits of instruments of ratification of, or accession to, the Act to which they are a party, and of any declarations which are included in such instruments.

Entry into Force of the 1999 Act and the 1960 Act with Respect to a Given Contracting Party

- 60 Article 26(1)** 04.08 As regards the 1960 Act, the accession or ratification of a given Contracting Party enters into force one month after its instrument of ratification or accession has been notified by the Director General of WIPO to the other relevant Contracting Parties, unless a later date is indicated in the instrument.
- 99 Article 28(3)(b)** 04.09 As far as the 1999 Act is concerned, the accession or ratification of a given Contracting Party becomes effective three months after the date on which its instrument of ratification or accession has been deposited with the Director General of WIPO, or at any later date indicated in that instrument. However:
- 99 Article 27(3)(b)** – in respect of States for which protection of industrial designs can be obtained *solely* through the Office maintained by an intergovernmental organization², the deposit of an instrument of ratification or accession cannot become effective before the date of deposit of the instrument of the intergovernmental organization to which those States belong, and
- 99 Article 27(3)(c)** – with regard to States which have made a declaration to the effect that a common Office will act as national Office for all of them³, the 1999 Act and/or the 1960 Act enters into force three months or one month, as the case may be, from the date on which the last instrument of the Member States of that group of States has been deposited.
- 99 Article 27(3)(d)** 04.10 A prospective Contracting Party wishing to ensure that it will not be bound by the 1999 Act unless one or several other Contracting Parties are also bound by that Act, may conditionally ratify or accede to that Act. In such case, the ratification or accession takes effect only if, and when, one or several other Contracting Parties, expressly designated, also deposit their instruments of ratification or accession. The conditional instrument of ratification or accession is then deemed to have been deposited on the day on which that condition is satisfied (namely, the day on which the other Contracting Party(ies) concerned deposit(s) its (their) instrument(s) of ratification or accession).
- 04.11 A list of the members of the Hague Agreement, indicating the date on which each Contracting Party became bound by the 1999 Act and/or the 1960 Act, is available on the WIPO website, at: www.wipo.int/hague/en⁴.

² This applies, for instance, to the member States of the African Intellectual Property Organization (OAPI) but not to the member States of the European Union (where protection of industrial designs can also be obtained through their own national Offices).

³ This situation corresponds to the Benelux Office for Intellectual Property, which acts as a national Office for Belgium, Luxembourg and the Netherlands.

⁴ This list also concerns the members of the Hague Agreement bound by the 1934 Act.

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

04.12 To the extent that one and the same Contracting Party may be bound by either one or both Acts of the Hague Agreement (the 1960 Act and/or the 1999 Act), the question arises as to which of these Acts applies in respect of a given Contracting Party designated in an international application.

04.13 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 given *designated* Contracting Party. The applicable principles may be summarized as follows:

60 Article 31(2)
99 Article 31(2) – where there is only *one* common Act between the two Contracting Parties concerned, it is such Act which governs the designation of a given Contracting Party. For example, if an applicant originates from a Contracting Party bound by both the 1999 and the 1960 Acts and designates a Contracting Party bound exclusively by the 1960 Act, such designation is governed by the single common Act (the 1960 Act);

60 Article 31(1)
99 Article 31(1) – where both Contracting Parties concerned are bound by *more* than one common Act, it is the *most recent* Act which applies with respect to the designated Contracting Party. For example, if an applicant originates from a Contracting Party bound by both the 1960 and the 1999 Acts and designates a Contracting Party also bound by both the 1960 and the 1999 Acts, such designation is governed by the more recent Act (the 1999 Act).

04.14 It should be noted that, in line with the aforementioned principles, the designation of a Contracting Party bound by several Acts will also be governed by the most recent of these Acts where the applicant enjoyed cumulative but *independent* entitlement connections under each of the same Acts (see paragraphs B.II. 04.17 to 04.18). For example, if an applicant originates from Contracting Party A, bound by the 1960 Act, but Contracting Party A is also a State member of an intergovernmental organization bound by the 1999 Act (Contracting Party B), the designation of a Contracting Party C that is bound by both the 1960 and the 1999 Acts is governed by the most recent of these two Acts, that is, the 1999 Act.

04.15 The determination of the applicable Act is to be made on the date of filing of the international application concerned. It cannot be reviewed afterwards, should one of the Contracting Parties concerned accede to another Act of the Hague Agreement subsequently to the filing of the international application.

Determination of the Act or Acts Which Govern an International Application as a Whole

04.16 While the *designation of a Contracting Party* can only be governed by one Act, several Acts may, however, apply in respect of a single *international application*. This depends on whether, in respect of any given international application, Contracting Parties have been designated under the 1999 Act and/or the 1960 Act.

04.17 It is important for an applicant to know which Act or Acts govern(s) the international application, since this will determine such matters as the possibility of requesting deferment of publication, and the fees which are payable.

04.18 In all, three kinds of international application will be possible. An international application may be governed:

Rule 1(1)(xii) (a) exclusively by the 1999 Act, i.e., all the Contracting Parties designated in the international application have been designated under the 1999 Act;

Rule 1(1)(xiii) (b) exclusively by the 1960 Act, i.e., all the Contracting Parties designated in the international application have been designated under the 1960 Act;

Rule 1(1)(xiv) (c) by both the 1999 and the 1960 Acts, i.e., the Contracting Parties designated in the international application include

– at least one Contracting Party designated under the 1999 Act, and

– at least one Contracting Party designated under the 1960 Act.

04.19 These rules may be illustrated with the following example: an applicant originates from a Contracting Party bound by both the 1999 Act and the 1960 Act and it is assumed first of all that he designates in his international application Contracting Parties “A”, “B” and “C”, all of which are bound by the 1999 Act. To the extent that each of these designations is governed by the 1999 Act (the most recent Act), it follows that the international application as a whole is governed *exclusively* by the 1999 Act.

04.20 If, in respect of the same international application, the applicant also designates Contracting Party “D” which is bound only by the 1960 Act: the designation of that Contracting Party “D” is governed by the 1960 Act (the single common Act), and it follows that the international application concerned is governed by *both* the 1999 Act and the 1960 Act. In other words, with respect to that international application, the 1999 Act applies in respect of Contracting Parties “A”, “B” and “C” and the 1960 Act applies in respect of Contracting Party “D”.

05. DECLARATIONS BY CONTRACTING PARTIES

05.01 The Hague system provides for the possibility for Contracting Parties to make certain declarations concerning the operation of the international registration system.

60 Article 2
99 Article 1(xvii)
Rule 12(1)(c)

05.02 A number of such declarations may be made only by a Contracting Party whose Office is an “Examining Office”, that is, an Office that examines, *ex officio*, applications for industrial design protection, in order to determine at least whether the designs satisfy the condition of novelty. Between minimal formality examination (which the Office of a designated Contracting Party is spared in the international procedure under the Hague Agreement) and *ex officio* novelty examination, a range of levels of substantive examination exists amongst the various national and regional design right systems. Some declarations may be made by a Contracting Party whose Office is an “Examining Office”, or by a Contracting Party whose Office examines substantive grounds other than novelty (for example, on issues such as the definition of a “design”, public order and morality, or the protection of State emblems), or carries out an examination on substantive grounds, including a limited examination as to novelty (for example, an examination as to local novelty only when the criterion for the validity of the design right is worldwide novelty), or examination as to novelty following opposition by third parties.

99 Article 30(1)
Rule 36(3)

05.03 Declarations may be made either in the instrument of accession or ratification, or after the deposit of such instrument. In the first case, the declaration becomes effective on the date on which the Contracting Party becomes bound by the Act. In the second case, the declaration becomes effective three months (or, in the case of the 1960 Act, one month) after the date of its receipt by the Director General of WIPO, or at any later date indicated in the declaration. Furthermore, any declaration made after the deposit of the instrument of accession or ratification will apply only in respect of international registrations whose date of international registration is the same as, or later than, the effective date of the declaration.

Rule 26(2)

05.04 Additionally, the International Bureau will publish on the WIPO website any declaration made by a Contracting Party under the 1999 Act, the 1960 Act or the Common Regulations.

Duration of Protection

99 Article 17(3)(c)
Rule 36(2)

05.05 Any Contracting Party bound by the 1999 Act or by the 1960 Act must, in a declaration, notify the Director General of WIPO of the maximum duration of protection provided for by its law.

Prohibition on Filing Through Office

- 99 Article 4(1)(b)* 05.06 Any Contracting Party bound by the 1999 Act may, in a declaration, notify the Director General of WIPO that international applications may not be filed through its Office.

Deferred Publication for a Period Which Is Less than the Prescribed Period

- 99 Article 11(1)(a)* 05.07 Where the law of a Contracting Party bound by the 1999 Act provides for deferment of publication for a period which is less than the prescribed period (30 months), that Contracting Party must, in a declaration, notify the Director General of WIPO of the allowable period of deferment.

No Deferment of Publication

- 99 Article 11(1)(b)* 05.08 Where the law of a Contracting Party bound by the 1999 Act does not provide for the deferment of publication, that Contracting Party must, in a declaration, notify the Director General of WIPO of that fact.

Unity of Design

- 99 Article 13(1)* 05.09 Any Contracting Party bound by the 1999 Act and whose law, at the time it becomes party to that Act, requires that designs which are the subject of the same application conform to a requirement of unity of design, unity of production or unity of use, or belong to the same set or composition of items, or that only one independent and distinct design be claimed in a single application, may, in a declaration, notify the Director General of WIPO accordingly.

Certain Views of the Design Required

- Rule 9(3)(a)* 05.10 Any Contracting Party, bound by the 1999 Act, which requires certain specified views of the product or products which constitute the industrial design or in relation to which the industrial design is to be used must, in a declaration, so notify the Director General of WIPO, specifying the views that are required and the circumstances in which they are required.
- Rule 9(3)(b)* 05.11 However, no Contracting Party may require more than one view where the industrial design or product is two-dimensional, or more than six views where the product is three-dimensional.

Effect of Change in Ownership

- 99 Article 16(2)* 05.12 Any Contracting Party bound by the 1999 Act may, in a declaration, notify the Director General of WIPO that the recording in the International Register of a change in the ownership of an international registration shall not have effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in that declaration.

Special Requirements Concerning the Applicant

- Rule 8(1)* 05.13 Where the law of a Contracting Party bound by the 1999 Act requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of WIPO of that fact. That declaration shall specify the form and mandatory contents of any statement or document required.

Security Clearance

- Rule 13(4)* 05.14 Any Contracting Party whose law, at the time that it becomes party to the 1999 Act, requires security clearance, may, in a declaration, notify the Director General of WIPO that the period of one month allowed for its Office to transmit an international application to the International Bureau shall be replaced by a period of six months.

Standard Designation Fees

- Rule 12(1)(c)* 05.15 In accordance with Rule 12(1)(a)(ii) and (b), a three-level structure of standard fees applies, reflecting the level of examination carried out by the Office of a Contracting Party. Furthermore, pursuant to Rule 12(1)(c), the application of levels two or three will be dependent on the making of a declaration by a Contracting Party, indicating the level of examination carried out by its Office. In the absence of a declaration, level one will apply by default. This requirement of a declaration will ensure that users are aware of the precise level of standard designation fee applicable in respect of any given Contracting Party. It should be noted that a Contracting Party may opt for a standard fee instead of an individual fee, or may opt for a lower level of standard fee although entitled to receive a higher level of such fee.
- Rule 12(1)(c)* 05.16 Any Contracting Party bound by the 1999 Act or by the 1960 Act whose Office carries out examination on substantive grounds other than novelty (for example, on issues such as the definition of a “design”, public order and morality, or the protection of State emblems) may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated, the standard designation fee shall be level two instead of level one.

05.17 Any Contracting Party bound by the 1999 Act or by the 1960 Act whose Office carries out examination on substantive grounds, including a limited examination as to novelty (for example, an examination as to local novelty only when the criteria for the validity of the design right is worldwide novelty), or examination as to novelty following opposition by third parties, may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated, the standard designation fee shall be level two or three instead of level one.

05.18 Any Contracting Party bound by the 1999 Act or by the 1960 Act whose Office is an Examining Office may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated, the standard designation fee shall be level two or three instead of an individual designation fee.

Individual Designation Fees: International Applications and Renewals

99 Article 7(2) 05.19 Any Contracting Party bound by the 1999 Act whose Office is an Examining Office and any Contracting Party that is an intergovernmental organization may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such international application, the prescribed designation fee is to be replaced by an individual designation fee, whose amount should be indicated in the declaration and can be changed in further declarations.

05.20 The said amount may be fixed by the Contracting Party in question for the initial term of protection and for each term of renewal, or for the maximum period of protection allowed by the Contracting Party concerned. However, it may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period for the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

Individual Designation Fee: International Applications Only

*60 Article 15(1),
item 2(b)
Rules 12(1)(a)(iii)
and 36(1)* 05.21 Any Contracting Party bound by the 1960 Act whose Office is an Examining Office may, in a declaration, notify the Director General of WIPO that, in connection with any international application in which it is designated under the 1960 Act, the standard designation fee is to be replaced by an individual designation fee, whose amount should be indicated in the declaration and can be changed in further declarations. The said amount may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period for the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

Prohibition of Self-Designation

- 99 Article 14(3)* 05.22 Any Contracting Party bound by the 1999 Act and 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, the designation of that Contracting Party in an international registration has no effect.

Mandatory Contents of an International Application

- 99 Article 5(2)* 05.23 Any Contracting Party bound by the 1999 Act whose Office is an Examining Office and whose law, at the time it becomes party to that Act, requires that an application for the grant of protection for an industrial design should contain any of the following elements – (i) indications concerning the identity of the creator, (ii) a brief description and/or (iii) a claim – in order for that application to be accorded a filing date under that law may, in a declaration, notify the Director General of WIPO of those elements.
Rules 7(4) and 11

Extension of Time for Notifying Refusal and Date from Which Industrial Design Is Protected

- Rule 18(1)(b)* 05.24 Any Contracting Party bound by the 1999 Act and whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General of WIPO that, where it is designated under the 1999 Act, the refusal period of six months is to be replaced by a period of 12 months.
- Rule 18(1)(c)* 05.25 That declaration may also state that the international registration will produce its effects at the latest at a time specified in the declaration, which may be later than the date of expiry of the refusal period, but which should not be more than six months after that date.

Common Office of Several States

- 99 Article 19(1)* 05.26 If several States have effected the unification of their domestic
60 Article 30(1) legislation on industrial designs, they may notify the Director General of WIPO:
- (i) that a common Office is to be substituted for the national Office of each of them, and
 - (ii) that the whole of their respective territories to which the unified legislation applies is to be deemed to be a single Contracting Party for the purposes of the Hague Agreement.

06. FURTHER INFORMATION ABOUT THE HAGUE SYSTEM

06.01 Additional information concerning the system of international registration of industrial designs is available on the WIPO website (address: www.wipo.int) under the heading *Industrial Designs/Hague System*. As well as general information, this site includes:

- the full text of the 1999 Act, the 1960 Act, the Common Regulations and the Administrative Instructions⁵;
- the full text of the present Guide;
- a list of the Contracting Parties, together with an indication of the respective dates on which they became bound by the treaties;
- the E-filing interface, the electronic renewal (E-renewal) interface, as well as any official and unofficial forms issued by the International Bureau, in MS Word and Adobe PDF versions;
- the current fees, including individual fees;
- a fee calculator for calculating the fees (including individual fees) payable in connection with an international application and the renewal of an international registration;
- information notices issued by the International Bureau (for example, concerning new accessions or changes to the Common Regulations);
- annual statistics relating to international registrations;
- information concerning meetings and seminars;
- the *International Designs Bulletin*;
- the Hague Express database.

07. PUBLIC INFORMATION ABOUT INTERNATIONAL REGISTRATIONS

07.01 Anyone wishing to obtain information about the contents of the International Register, or about a particular published international registration, has access, against the payment of the prescribed fees, to the following sources of information:

- (i) extracts from the International Register;

⁵ The site also includes the full text of the 1934 Act.

(ii) certified copies of recordings made in the International Register or of items in the file of the international registration;

(iii) uncertified copies of recordings made in the International Register or of items in the file of the international registration;

(iv) written information on the contents of the International Register or of the file of the international registration;

(v) photographs of specimens.