

Hague Agreement Concerning the International Registration of Industrial Designs

APPLICATION OF THE 1934 ACT TO THE TERRITORIES FORMERLY KNOWN AS THE “NETHERLANDS ANTILLES”

1. On September 30, 2010, the Permanent Mission of the Kingdom of the Netherlands to the United Nations Office at Geneva submitted to the Director General of the World Intellectual Property Organization (WIPO) a Note with regard to the international agreements that the Kingdom of the Netherlands is a party to.
2. It is recalled that the Kingdom of the Netherlands had denounced, in respect of the territories of the Kingdom in Europe and with effect from January 1, 1975, the Hague Agreement (1925) and the subsequent Acts to which the Kingdom had adhered, specifying that the London (1934) Act and the Additional Act of Monaco (1961) of the Hague Agreement remained in force in respect of the Netherlands Antilles.
3. With effect from October 10, 2010, the Netherlands Antilles ceased to exist as part of the Kingdom of the Netherlands. The part formerly known as the Netherlands Antilles consisted of the islands Curaçao, Sint Maarten (Dutch part), Bonaire, Saint Eustatius and Saba. From that date onwards, the Kingdom consists of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten (Dutch part). The other three islands are henceforth named “the Caribbean part of the Netherlands” hereinafter referred to as “the BES Islands”.
4. These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. In the above-mentioned Note from the Permanent Mission, it is stated that the modification of the structure of the Kingdom does not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten (Dutch part). The BES Islands became part of the Netherlands. However, the agreements that applied to the Netherlands Antilles continue to apply to the BES Islands.
5. As a result of the above communication, the International Bureau of WIPO conceived that international registrations containing a designation of the Netherlands Antilles will continue to have effect in Curaçao, Sint Maarten (Dutch part) and the BES Islands, as from October 10, 2010.

6. It is recalled that, as a result of the freeze of the application of the London (1934) Act which took effect on January 1, 2010, it is no longer possible to file international deposits under the 1934 Act nor to make new designations governed by that Act. Nevertheless, the prolongation (renewal) of designations made under the 1934 Act before January 1, 2010, and the recording of any change affecting such designations remain possible in the International Register up to the maximum duration of protection under the 1934 Act (15 years). For more detailed information about the freeze of the application of the 1934 Act, please refer to Information Notice No. 9/2009.

7. The International Bureau of WIPO will undertake the necessary steps to substitute the designations of Curaçao, Sint Maarten (Dutch part) and the BES Islands for the designation of the Netherlands Antilles in the International Register.

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