

Hague Agreement Concerning the International Registration of Industrial Designs

Amendments to the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement

1. At its fortieth (18th extraordinary) session, which took place in Geneva from September 21 to 25, 2020, the Assembly of the Hague Union adopted amendments to Rules 3, 7 and 21 of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as the “Common Regulations”) that will enter into force on February 1, 2021.

2. The amended texts of Rules 3(2)(c), 3(3)(a), 7(3)(ii), 7(5)(b) and 21(2)(iii) of the Common Regulations are reproduced in the Annex to this Information Notice. Background information concerning these amendments are found in the Hague Union Assembly document H/A/40/1, which is available on the WIPO website at the following address:
https://www.wipo.int/edocs/mdocs/govbody/en/h_a_40/h_a_40_1.pdf.

“E-MAIL ADDRESS” AS A REQUIRED INDICATION

3. The amendments to Rules 3, 7 and 21 will require the indication of an e-mail address by applicants in an international application, by new owners in a request for the recording of a change in ownership, and by representatives appointed as such in an international application, in a request for recording or in a separate communication.

4. The amendments aim to ensure that all users of the Hague System benefit from receiving electronic communications from the International Bureau. Electronic communication is traceable and allows the International Bureau to determine whether a communication has reached its intended recipient.

5. The International Bureau will send all communications to applicants, holders or representatives by electronic means to the e-mail address on record. The International Bureau will continue to send communications by postal services to applicants, holders or representatives when an electronic communication fails to reach its intended recipient.

EXAMINATION AT THE INTERNATIONAL BUREAU

E-mail Address of the Applicant

6. Failure to indicate the e-mail address of the applicant in an international application will result in an irregularity that, in accordance with Rule 14(1) of the Common Regulations, the applicant may remedy within three months from the date of the notification of the irregularity by the International Bureau. The international application will be considered abandoned if the applicant does not remedy the irregularity within that period pursuant to Rule 14(3). If remedied, this irregularity will not affect the filing date or the date of the international registration.

7. The new requirement will apply to international applications that have a filing date on or after February 1, 2021.

E-mail Address of the New Owner

8. Failure to indicate the e-mail address of the new owner in a request for the recording of a change in ownership will result in an irregularity that, in accordance with Rule 21(4) and (5) of the Common Regulations, the new owner may remedy within three months from the date of the notification of the irregularity by the International Bureau. The request will be considered abandoned if the new owner does not remedy the irregularity within that period pursuant to Rule 21(5).

9. The new requirement will apply to requests for recording received by the International Bureau on or after February 1, 2021.

E-mail Address of the Representative

10. Failure to indicate the e-mail address of the representative, appointed as such in the international application, in a request for recording or in a separate communication, will result in an irregular appointment. In accordance with Rule 3(2)(c) of the Common Regulations, the International Bureau will inform the applicant or holder, and the purported representative of this fact and will send all relevant communications only to the applicant or holder until a representative is appointed. The applicant or holder may appoint a representative in a new communication meeting the requirements prescribed in Rule 3(2) of the Common Regulations.

11. The new requirement will apply to appointments made on or after February 1, 2021, in an international application, request for recording or as in a separate communication. An irregular appointment made in an international application or in a request for recording, while preventing the recording of the appointment, will not prevent the registration of the industrial design or the requested recording, as the case may be, from being effected in the International Register.

RECORDING OF AN E-MAIL ADDRESS

12. E-mail addresses are recorded in the International Register as part of the information of applicants, holders and their representatives. However, to address privacy concerns, these e-mail addresses are not made available in the *International Designs Bulletin*, the Hague Express database or the Global Design Database).

**Common Regulations
Under the 1999 Act and the 1960 Act
of the Hague Agreement**

(as in force on February 1, 2021)

[...]

**CHAPTER 1
GENERAL PROVISIONS**

[...]

Rule 3

Representation Before the International Bureau

[...]

(2) *[Appointment of the Representative]* (a) The appointment of a representative may be made in the international application. The naming of the representative in the international application at the time of filing shall constitute an appointment by the applicant of such representative.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder.

(c) The communication to appoint a representative shall contain the name and address, given in accordance with the Administrative Instructions, and email address of the representative. Where the International Bureau considers that the appointment of a representative is irregular, it shall notify accordingly the applicant or holder and the purported representative.

(3) *[Recording and Notification of Appointment of a Representative; Effective Date of Appointment]* (a) Where the International Bureau finds that the appointment of a representative complies with the applicable requirements, it shall record the fact that the applicant or holder has a representative, as well as the name, address and email address of the representative, in the International Register. In such a case, the effective date of the appointment shall be the date on which the International Bureau received the international application or separate communication in which the representative is appointed.

[...]

[...]

CHAPTER 2 INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS

Rule 7

Requirements Concerning the International Application

[...]

(3) *[Mandatory Contents of the International Application]* The international application shall contain or indicate

- (i) the name of the applicant, given in accordance with the Administrative Instructions;
- (ii) the address ~~of the applicant~~, given in accordance with the Administrative Instructions, and email address of the applicant;

[...]

(5) *[Optional Contents of an International Application]*

[...]

(b) Where the applicant has a representative, the international application shall state the name and address ~~of the representative~~, given in accordance with the Administrative Instructions, and email address of the representative.

[...]

CHAPTER 4 CHANGES AND CORRECTIONS

Rule 21

Recording of a Change

[...]

(2) *[Contents of the Request]* The request for the recording of a change shall, in addition to the requested change, contain or indicate

- (i) the number of the international registration concerned,
- (ii) the name of the holder, unless the change relates to the name or address of the representative
- (iii) in case of a change in the ownership of the international registration, the name and address, given in accordance with the Administrative Instructions, and email address of the new owner of the international registration,

[...]