

Hague Agreement Concerning the International Registration of Industrial Designs

Guidance on including multiple designs in an international application in order to forestall possible refusals

1. An applicant may include multiple designs in a single international application (up to a maximum of 100), provided they belong to the same class of the Locarno Classification (Rule 7(3)(v) and (7) of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement).
2. However, Contracting Parties whose domestic laws require that designs that 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 may be claimed in a single application (“unity of design”), may make a declaration to that effect, in accordance with Article 13(1) of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (“1999 Act”). The requirements which may vary from one Contracting Party to another are specified in the declaration. Failure to comply with the specified requirements in an international application may lead to a refusal from the Office concerned.
3. Besides, where the domestic law of a Contracting Party provides a “related design system”, a design may be registered as a design related to another design to which it is similar and identified as a principal design, under the condition that both designs belong to the same applicant/holder (Section 407 of the Administrative Instructions for the Application of the Hague Agreement). Where the related design concept applies, failure to indicate a principal design and its related designs in an international application may lead to a refusal from the Office concerned. Conversely, indicating a principal design and related designs in an international application when they are not considered to be similar may also lead to a refusal.

4. In view of the above, the *Guidance on Including Multiple Designs in an International Application in Order to Forestall Possible Refusal* has been established in consultation with the Offices of Contracting Parties that have made a declaration under Article 13(1) of the 1999 Act, and with the Offices of Contracting Parties which have a “related design system”. This Guidance aims to assist applicants in avoiding a possible refusal on the ground that the designs in the international registration do not comply with the requirements of the nature mentioned in paragraphs 2 and 3, above. It should however be noted that the Guidance cannot be considered to be an all-inclusive or stand-alone guide.

5. The Guidance is available at
https://www.wipo.int/export/sites/www/hague/en/docs/hague_system_guidance_multiple_designs.pdf

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