

## **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 forty-first (23<sup>rd</sup> ordinary) session, which took place in Geneva from October 4 to 8, 2021, the Assembly of the Hague Union adopted amendments to Rules 5, 17, 21, 37 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 January 1, 2022.

2. The amended texts of the aforementioned rules are reproduced in the Annex to this Information Notice. Background information concerning these amendments are found in the Hague Union Assembly document H/A/41/1, which is available on the WIPO website at the following address: [https://www.wipo.int/edocs/mdocs/govbody/en/h\\_a\\_41/h\\_a\\_41\\_1.pdf](https://www.wipo.int/edocs/mdocs/govbody/en/h_a_41/h_a_41_1.pdf).

#### **EXCUSE OF DELAY IN MEETING TIME LIMITS (RULE 5)**

3. The amendments to Rule 5 will provide an interested party (*i.e.*, applicants, holders, their representatives and Offices) with adequate relief if they failed to meet a time limit specified in the Common Regulations to perform an action before the International Bureau due to a *force majeure* event, such as the COVID-19 pandemic.

4. Such excuse will be subject to the interested party submitting evidence, to the satisfaction of the International Bureau, and performing the relevant action as soon as reasonably possible and not later than six months from the time limit concerned.

#### **PUBLICATION OF AN INTERNATIONAL REGISTRATION (RULES 17 AND 37)**

5. Pursuant to Rule 17(1)(iii) as in force at present, an international registration is published six months after the date of the international registration or as soon as possible thereafter, unless the applicant requested immediate publication or deferred publication.

6. The amendments to Rule 17 will extend this standard publication period from six to 12 months and introduce the possibility to request an earlier publication at any time before the publication of the international registration.

7. The new standard publication period of 12 months will apply to international applications that have a filing date on or after January 1, 2022. A separate information notice will be issued to explain the implementation of the amended Rule 17.

#### RECORDING OF A CHANGE IN OWNERSHIP (RULE 21)

8. The amendments to Rule 21 will enable the International Bureau to record the new owner as the holder of an international registration where the request is presented and signed by the new owner, if that request is accompanied by an assignment document or other document sufficient to provide evidence for the recording of the change.

9. The amendments will alleviate a significant burden on new owners in the situation where the signature of the holder could not be obtained.

November 29, 2021

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

(as in force on January 1, 2022)

[...]

CHAPTER 1

GENERAL PROVISIONS

[...]

Rule 5

*Excuse of Delay in Meeting Time Limits*

(1) [\[Excuse of Delay in Meeting Time Limits due to Force Majeure Reasons\]](#) Failure by an interested party to meet a time limit specified in the Regulations to perform an action before the International Bureau shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau, that such failure was due to war, revolution, civil disorder, strike, natural calamity, epidemic, irregularities in postal, delivery or electronic communication services owing to circumstances beyond the control of the interested party or other *force majeure* reason. ~~[Communications Sent Through a Postal Service]~~ Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

- (i) — that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed,
- (ii) — that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and
- (iii) — in cases where not all classes of mail normally reach the International Bureau within two days of mailing, that the communication was mailed by a class of mail which normally reaches the International Bureau within two days of mailing or by airmail.

(2) [\[Waiver of Evidence; Statement in Lieu of Evidence\]](#) The International Bureau may waive the requirement under paragraph (1) concerning the submission of evidence. In such a case, the interested party must submit a statement that the failure to meet the time limit was due to the reason for which the International Bureau waived the requirement concerning the submission of evidence. ~~[Communications Sent Through a Delivery Service]~~ Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

- (i) — that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, natural calamity, or other like reason, that the communication was sent not later than five days after the delivery service was resumed, and

~~(ii) that details of the sending of the communication were recorded by the delivery service at the time of sending.~~

~~(3) [*Communication Sent Electronically*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and submitted by electronic means shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau, that the time limit was not met because of failure in the electronic communication with the International Bureau, or which affects the locality of the interested party owing to extraordinary circumstances beyond the control of the interested party, and that the communication was effected not later than five days after the electronic communication service was resumed.~~

(43) [*Limitation on Excuse*] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1), or the statement referred to in paragraph (2) or (3) and the communication or, where applicable, a duplicate thereof are is received by, and the corresponding action is performed before the International Bureau as soon as reasonably possible and not later than six months after the expiry of the time limit concerned.

~~(5) [*Exception*] This rule shall not apply to the payment of the second part of the individual designation fee through the International Bureau as referred to in Rule 12(3)(c).~~

[...]

## CHAPTER 2

### INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS

[...]

#### Rule 17

##### *Publication of the International Registration*

- (1) [*Timing of Publication*] The international registration shall be published
- (i) where the applicant so requests, immediately after the registration,
  - (ii) subject to subparagraph (iibis), where deferment of publication has been requested and the request has not been disregarded, immediately after the date on which the period of deferment expired ~~or is considered to have expired,~~  
(iibis) where the holder so requests, immediately after the receipt of such request by the International Bureau,
  - (iii) in any other case, ~~six~~12 months after the date of the international registration or as soon as possible thereafter.

[...]

CHAPTER 4  
CHANGES AND CORRECTIONS

Rule 21  
Recording of a Change

(1) [*Presentation of the Request*]

[...]

(b) The request shall be presented by the holder and signed by the holder; however, a request for the recording of a change in ownership may be presented by the new owner, provided that it is

(i) signed by the holder, or

(ii) signed by the new owner and accompanied by ~~an attestation from the competent authority of the holder's Contracting Party~~ document providing evidence that the new owner appears to be the successor in title of the holder.

[...]

(6) [*Recording and Notification of a Change*]

[...]

(c) Where a change in ownership is recorded following a request presented by the new owner pursuant to subparagraph (1)(b)(ii) and the previous holder objects to the change in writing to the International Bureau, the change shall be considered as if it had not been recorded. The International Bureau shall inform both parties accordingly.

[...]

CHAPTER 9  
MISCELLANEOUS

[...]

Rule 37  
Transitional Provisions

[...]

(3) [*Transitional Provision Concerning Timing of Publication*] Rule 17(1)(iii) as in force before [January 1, 2022], shall continue to apply to any international registration resulting from an international application filed before that date.

[...]

[End of Annex]