

## **Special Union for the International Deposit of Industrial Designs (Hague Union)**

### **Assembly**

**Thirty-Second (19<sup>th</sup> Ordinary) Session  
Geneva, September 23 to October 2, 2013**

DRAFT REPORT

*prepared by the Secretariat*

1. The Assembly was concerned with the following items on the Consolidated Agenda (document A/51/1 Prov.3): 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 39, 47 and 48.
2. The reports on the said items, with the exception of item 39, is contained in the draft General Report (document A/51/20 Prov.).
3. The report on item 39 is contained in the present document.
4. Ms. Sarnai Ganbayar (Mongolia) was elected Chair of the Assembly; Ms. Candace Westby (Belize) was elected Vice-Chair.

ITEM 39 OF THE CONSOLIDATED AGENDA

HAGUE SYSTEM

5. Discussions were based on documents H/A/32/1 and H/A/32/2.

6. The Chair opened the meeting and welcomed all the delegations of the Hague Union. The Chair then gave an update on the latest developments of the Hague system, including the deposit of the instrument of ratification of the 1999 Act by Belgium and the instrument of accession to the 1999 Act by Luxembourg, which would come into force with respect to Belgium and Luxembourg at a later date, after the receipt of the instrument of ratification by the Netherlands. Furthermore, the Chair welcomed the most recent accession to the 1999 Act by Brunei Darussalam, which would come into force on December 24, 2013.

7. At the invitation of the Chair, the Secretariat further referred to the statements by a number of delegations during the Assemblies concerning their intentions to become members of the Hague Union. To foster the geographic expansion of the Hague system and sustain the growth in filings, it was essential that both the IT framework and the legal framework of the Hague system evolve in a coordinated and integrated fashion. The two documents submitted to the Assembly aimed at achieving this objective.

Information Technology Modernization Program (Hague International Registration System):  
Progress Report

8. Discussions were based on document H/A/32/1.

9. The purpose of the document is to outline progress in the Information Technology Modernization Program since the last Hague Union Assembly.

10. The document outlined that Phase I was complete, and that in respect of the Hague system, a revised e-filing tool had been deployed. The document also reported that Phase II development was progressing well and that the deployment of the new system was scheduled for the third quarter of 2014. The document also proposed that Phase III of the Project be undertaken to address any ergonomic or process reengineering issues that might arise post deployment next year. The details of Phase III activities would be presented to the next Hague Union Assembly and should be undertaken within the original project budget.

11. No Delegation took the floor.

12. The Assembly:

- (i) took note of the status of implementation of Phase I activities of the Program that were specific to the Hague Union, as described in document H/A/32/1;
- (ii) took note of the progress of Phase II of the Program;
- (iii) took note that a detailed description of Phase III activities would be presented with the next Progress Report.

Matters Concerning the Legal Development of the Hague System

13. Discussions were based on document H/A/32/2.

14. The document contained proposals for amendments to the Common Regulations under the 1999 Act and the 1960 Act of the Hague Agreement as well as proposals for amendments to the Administrative Instructions for the Application of the Hague Agreement. The Secretariat explained that since January 2008, it had been possible to file international applications through an electronic interface available on the WIPO web site. On June 3, 2013, a new electronic interface containing new features to facilitate the filing of international applications was launched on the WIPO web site. Furthermore, the International Bureau intended to introduce a further IT tool, the Hague Portfolio Manager, which would allow the filing of requests for modifications of an international registration. The Hague Portfolio Manager would cover the whole lifespan of an international registration, from filing to its expiry.

15. The second session of the *Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs*, convened from November 5 to 7, 2012, agreed that there was a need to align the legal framework of the Hague system with the developments in the field of IT. The Secretariat explained that Chapter II of the document contained proposals for amendments to the Common Regulations and the Administrative Instructions, which addressed this need. It further contained proposals concerning some miscellaneous amendments to the Common Regulations regarding deferment of publication and updates to the list of relevant data concerning international registrations, which were published in the *International Designs Bulletin*, which was available in electronic format on the WIPO web site. Furthermore, Chapter III of the document contained a proposal for amendments to Rule 8 of the Common Regulations and minor consequential amendments to Rule 7(4). Rule 8, as it currently stands, takes account of the requirement under certain national laws, whereby the application has to be made in the name of the creator. These Rules, as they currently stand, were simply carried over from the Basic Proposal for Regulations under the New Act of the Hague Agreement, which was agreed at the diplomatic conference in 1999. However, from the time of the diplomatic conference to the present, certain circumstances that were pivotal in the discussions had changed and Rule 8 should continue to serve its intended purpose; therefore, certain amendments to it were necessary, together with consequential amendments to Rule 7(4). Finally, the Secretariat corrected typographical errors in the punctuation of Rules 8(3) and 16(4) in their English version only, and in Rule 26(1)(ix) in its French version only, where the word *inscrites* should be in the masculine.

16. The Delegation of the Republic of Korea expressed its appreciation of the IT Modernization Project of the administration of the Hague system and stated its support for the revision of the Common Regulations. The Delegation explained that the Republic of Korea was in the process of preparing for its accession to the 1999 Act. In this regard, amendments to its national law had been made this year. The instrument of accession by the Republic of Korea could be deposited after the preparatory work has been completed.

17. Subject to the typographical corrections mentioned by the Secretariat, the Assembly:

- (i) adopted the proposed amendments to the Common Regulations with respect to Rule 1(1)(vi), as set out in Annex II to document H/A/32/2, with a date of entry into force of January 1, 2014;
- (ii) took note of the proposal to amend Section 202 of the Administrative Instructions and to add Section 205 in the Administrative Instructions, as set out in Annex IV to document H/A/32/2, with a date of entry into force of January 1, 2014;

(iii) adopted the proposed amendments to the Common Regulations with respect to Rule 16(3) to (5), as set out in Annex II to document H/A/32/2, with a date of entry into force of January 1, 2014;

(iv) adopted the proposed amendments to the Common Regulations with respect to Rule 26(1), as set out in Annex II to document H/A/32/2, with a date of entry into force of January 1, 2014;

(v) adopted the proposed amendments to Rule 8 and the consequential amendments to Rule 7(4)(c), as set out in Annex II to document H/A/32/2, with a date of entry into force of January 1, 2014.

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