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(HAGUE UNION)

ASSEMBLY

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PROPOSED AMENDMENTS TO THE COMMON REGULATIONS
UNDER THE 1999 ACT, THE 1960 ACT AND THE 1934 ACT
OF THE HAGUE AGREEMENT

Document prepared by the International Bureau

I. INTRODUCTION

1. The purpose of the present document is to submit for adoption by the Assembly of the Hague Union two sets of amendments to the Common Regulations Under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement¹: the first set of amendments relates to the freeze of the application of the London (1934) Act² of the Hague Agreement, and is commented under Chapter II, below; the second set relates to the inclusion of Spanish in the language regime of the Hague system and is commented under Chapter III, below.

2. One set does not have any bearing on the other and, for ease of reference, all the proposed amendments are first reproduced in Annex I to the present document in “track changes” mode, i.e., with the text that is proposed to be deleted, struck through, and the text that is proposed to be added, appearing underlined. For additional clarity, the final text of the Common Regulations, as it would result following the adoption of the proposed amendments, is reproduced in Annex II.

¹ Hereinafter referred to as “the Common Regulations” and “the Hague Agreement”, respectively.

² Hereinafter referred to as “the 1934 Act”.

II. FREEZE OF THE APPLICATION OF THE LONDON (1934) ACT OF THE HAGUE AGREEMENT

Background

3. The Assembly is informed that following the holding in Geneva of two informal consultative meetings to discuss the relevance of the 1934 Act, on February 24 and May 12, 2009, respectively, the 15 Contracting States to the 1934 Act will hold an extraordinary meeting to decide on the freeze of the application of that Act, with a date of effect of January 1, 2010. This meeting will take place during the forty-seventh series of meetings of the Assemblies of the Member States of WIPO in September 2009, and a report will be presented to the Assembly. For convenience, however, a draft text for a decision by the 15 Contracting States concerned to freeze the application of the 1934 Act is reproduced in Annex III of the present document.

4. Should a decision to freeze the application of the 1934 Act effectively be taken by the 15 Contracting States to the 1934 Act on this occasion, there will no longer be any possibility to file international deposits under that Act, nor to make new designations to be governed by that Act. The various provisions of the Common Regulations that concern directly or indirectly these procedures would thus become superfluous.

5. A freeze of the application of the 1934 Act would not affect, however, the designations under that Act that were made before the effective date of the freeze. More precisely, these designations could continue to be the subject of a prolongation or of any other recording provided for under the Common Regulations. However, so as to clearly reflect the decision to freeze the application of the 1934 Act as well as the effect of that decision, it is proposed that all the provisions relating to the 1934 Act be removed from the Common Regulations – so that the latter would, clearly, become Common Regulations under the 1999 and the 1960 Acts only – and that, with respect to existing designations, which will gradually disappear, a transitional provision be adopted.

6. Finally, given that the date of effect of the freeze of the 1934 Act, if adopted, will be January 1, 2010, it will be necessary that, if adopted, the relevant amendments to the Common Regulations come into effect on the same day.

Notes on the Proposed Amendments

7. Apart from paragraph (1) of proposed new Rule 37, dealing with transitional provisions, the amendments that would be required to the Common Regulations in order to reflect the freeze of the application of the 1934 Act consist primarily in the deletion of references to that Act, where they appear in the current text of the Common Regulations, and a number of incidental textual revisions to take account of such deletions. The following is a brief outline of the proposed amendments that are concerned.

Name of the Common Regulations

8. It is proposed that instead of reading as “Common Regulations Under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement”, the name of the Common Regulations will read as “Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement”.

Deletion of Certain Provisions

9. To the extent that the effect of the freeze would be that neither new deposits nor designations could be made under the 1934 Act, and to the extent that, as indicated in paragraph 5, above, a transitional provision is proposed in respect of existing designations under the 1934 Act, the following provisions become superfluous and their deletion is proposed:

- Rule 1(1)(iii) which defines the abbreviated expression “1934 Act”;
- Rule 1(1)(xiii) which defines the abbreviated expression “Contracting Party designated under the 1934 Act”;
- Rule 1(1)(xvi) which defines the abbreviated expression “international application governed exclusively by the 1934 Act”;
- Rule 1(1)(xviii) which defines the abbreviated expression “international application governed by both the 1999 Act and the 1934 Act”;
- Rule 1(1)(xix) which defines the abbreviated expression “international application governed by both the 1960 Act and the 1934 Act”;
- Rule 1(1)(xx) which defines the abbreviated expression “international application governed by the 1999 Act, the 1960 Act and the 1934 Act”;
- Rule 1(2)(vi) which establishes a correspondence between the term “renewal”, as used in the Common Regulations, and the term “prolongation”, as referred to in the 1934 Act, and
- Chapter 8 as a whole, which comprises Rule 30, “Applicability of These Regulations to International Applications Governed Exclusively by the 1934 Act and International Registrations Resulting Therefrom” and Rule 31, “Applicability of These Regulations to International Applications Governed Partly by the 1934 Act and International Registrations Resulting Therefrom”.

10. Finally, it is proposed to renumber the subparagraphs of paragraph (1) of Rule 1 in order to take account of deleted items³. On the other hand, it is not proposed to renumber the rules that follow Rules 30 and 31. As has been done on previous occasions when there has been a deletion of a rule (for example, in the case of the Common Regulations under the Madrid Agreement and the Madrid Protocol), the amended text will retain the numbers of the rules in question, accompanied by the word “deleted”. This will avoid the necessity of further amending the Common Regulations in order to ensure consistency with rules that might have been otherwise renumbered, in addition to obviating the need to revise other documentation or publications that refer to the Common Regulations as they are currently numbered. It should be borne in mind, in particular, that a number of Contracting Parties bound by the 1960 Act have made declarations under Rule 36, and that reference to the latter may be cited at the national level.

Deletion of Reference to the 1934 Act in Certain Provisions

11. To the extent that the effect of the freeze would be that neither new deposits nor designations could be made under the 1934 Act, and to the extent that, as indicated in paragraph 5, above, a transitional provision is proposed in respect of existing designations under the 1934 Act, reference to that Act in the following provisions becomes superfluous and its deletion is proposed:

- in Rule 1(1)(x) which defines the abbreviated expression “Bulletin”;
- in Rule 1 (1)(xvii) which defines the abbreviated expression “international application governed by both the 1999 Act and the 1960 Act”;
- in the *chapeau* of Rule 1(2), which reads “Correspondence Between Some Expressions Used in the 1999 Act, the 1960 Act and the 1934 Act” as well as in subparagraphs (i) to (iv) thereof;
- in paragraph (6) of Rule 7, “Requirements Concerning the International Application”;
- in paragraph (2)(b)(i) of Rule 14, “Examination by the International Bureau”;
- in paragraph (1) of Rule 27, “Amounts and Payment of Fees”; and
- in paragraph (4) of Rule 34 “Administrative Instructions”.

Consequential Amendments

12. To the extent that the effect of the freeze would be that neither new deposits nor new designations could be made under the 1934 Act, and to the extent that, as indicated in paragraph 5, above, a transitional provision is proposed in respect of existing designations under the 1934 Act, paragraph (1)(xii) of Rule 1, which defines “Contracting Party designated

³ This would have entailed a consequential amendment to Rule 26(3), which makes a reference to subparagraph (x) of Rule 1(1). However, as this reference appears superfluous, it is proposed in Annexes I and II, to simply delete this reference.

under the 1960 Act”, no longer needs to refer to Article 31(1), first sentence, of the 1960 Act, inasmuch as that sentence regulates the relations between States party to the both the 1934 and 1960 Acts. However, that subparagraph also needed to refer to Article 31(1), second sentence, of the 1999 Act, which preserves the applicability of the 1960 Act in certain relations between States party to the both the 1999 and 1960 Acts, and the opportunity is seized to correct that omission.

13. Finally, there is one further minor amendment proposed in subparagraph (a) of paragraph (2) of Rule 14. Under the current text of that provision, the fact that an international application is “not in the prescribed language or one of the prescribed languages” is an irregularity which entails a postponement of the filing date. However, the sole applications which have to be in *the* prescribed language – namely, French, as opposed to *one of the* prescribed languages, are those governed exclusively by the 1934 Act. Thus, as applications governed exclusively by the 1934 Act could no longer be filed as a result of the freeze, it is now proposed that the text of Rule 14(2)(a) simply read which are “not in one of the prescribed languages”.

Schedule of Fees

14. It is recalled that, pursuant to Rule 27(1), the Schedule of Fees forms an integral part of the Common Regulations.

15. It is proposed to delete entirely item II of the Schedule of Fees (and its attendant footnote), which is concerned with international applications governed exclusively by the 1934 Act. As a complement to this, it is further proposed in item I of the Schedule of Fees to revise the title of that item, so that instead of reading “International Applications Governed Exclusively or Partly by the 1960 Act or by the 1999 Act”, it will simply read “International Applications”. It is proposed also to delete item IV of the Schedule of Fees, which is concerned with the renewal of an international registration resulting from an international application governed exclusively by the 1934 Act.

Transitional Provisions

16. Paragraph (1) of proposed new Rule 37 contains transitional provisions which are submitted to the Assembly for adoption in the context of the freeze of the application of the 1934 Act.

17. Subparagraph (1)(a) of proposed new Rule 37 contains a number of definition provisions in relation to the 1934 Act, which are for the sole purpose of paragraph (1).

18. Subparagraph (1)(b) provides that the Common Regulations as in force before the coming into effect of the amendments shall remain applicable to an international application filed before that date and that is still pending on that date, as well as in respect of any Contracting Party designated under the 1934 Act in an international registration resulting from an international application filed before that date.

19. Thus, as from the effective date of the freeze of the application of the 1934 Act, while no new designations under that Act will be possible, the prolongation (renewal) of designations made under the 1934 Act will continue to be allowed in the International Register up to the maximum duration of protection under the 1934 Act, which is 15 years. Furthermore, the recording in the International Register of any change affecting international designs deposited up to the effective date of the freeze of the application of the 1934 Act will be permitted. In other words, operations under the 1934 Act will, at the latest, cease at the expiry of the period of 15 years from the effective date of the freeze of the application of the 1934 Act, depending upon the last designation under the Act attaining the end of its term.

20. The Assembly of the Hague Union is invited to adopt the amendments to the Common Regulations, including the name of the Common Regulations, along with the amendment of Rules 1, 7, 14, 26, 27, 30, 31 and 34, and the Schedule of Fees, and to adopt paragraph (1) of new Rule 37, all as set out in the Annexes hereto, with effect from January 1, 2010.

III. INCLUSION OF SPANISH IN THE LANGUAGE REGIME OF THE HAGUE SYSTEM

Background

21. It is recalled that, at its twenty-sixth (10th extraordinary) session (September 22 to 30, 2008), the Assembly requested the Secretariat to prepare proposals for amendment of the Common Regulations with a view to including Spanish in the language regime of the Hague system. This request followed the Assembly's consideration of a document prepared by the International Bureau entitled "Study on the Implications of the Possible Inclusion of Spanish in the Language Regime of the Hague System" (document H/A/26/2).

22. The purpose of this part of the present document is to submit the amendments referred to above for adoption by the Assembly. In order to afford to the International Bureau a sufficient period of time to enable it to take the steps necessary for the inclusion of Spanish in the language regime of the Hague system, it is proposed that the relevant amendments be adopted with a date of effect of April 1, 2010.

Notes on the Proposed Amendments

23. Paragraph (1) of Rule 6, as proposed to be amended, merely includes a reference to Spanish, in addition to the present references to English and French, as languages in which an international application shall be filed.

24. Paragraph (2) of the same Rule deals with the language of recording and publication. It is proposed to amend this paragraph in the same way as paragraph (1) is proposed to be amended, by simply including a reference to Spanish, in addition to English and French, as at present.

25. Paragraph (3) of Rule 6 deals with communications concerning international applications and international registrations, and the different routes of communication between the International Bureau, Offices of Contracting Parties and applicants and holders.

26. In subparagraph (i) of paragraph (3) of Rule 6, which deals with communications to the International Bureau by applicants, holders or Offices, it is proposed to provide for Spanish, alongside English and French, as at present.

27. In subparagraph (ii) of paragraph (3) of Rule 6, which deals with communications addressed by the International Bureau to an Office, it is proposed to retain the fundamental principle that all such communications shall be in the language of the international application. However, the proviso to the effect that an Office may notify the International Bureau that it requires all such communications to be in English or in French is proposed to be widened in scope to make reference also to Spanish.

28. Finally, in subparagraph (iii) of paragraph (3) of Rule 6, dealing with communications addressed by the International Bureau to applicants or holders, the same principle as above has been retained, allowing, however, for an applicant to express the wish that all such communications shall be in English, or in French, or in Spanish, regardless of the language of the international application.

29. It is recalled that, pursuant to paragraphs 35 and 36 of the study, it was not proposed that Spanish be introduced in respect of international registrations effectuated prior to the entry into force of the amendment of Rule 6. Thus, in accordance with paragraph (2) of new proposed Rule 37, containing transitional provisions, it is provided that Rule 6 as in force before the date of entry into force of the amendments, if adopted, shall continue to apply to any international application filed before that date, and to any international registration resulting therefrom. As a consequence, any communication between an applicant and the International Bureau relating to an international application filed before the date of effect of the amendment, or relating to its resulting international registration, shall, in the ordinary course of events, take place in either English or French. In addition, the recording in the International Register and the ensuing publication in the Bulletin shall be in English and French.

30. The Assembly of the Hague Union is invited to adopt the amendments to the Common Regulations in respect of Rule 6 and to adopt paragraph (2) of new Rule 37, as set out in the Annexes hereto, with effect from April 1, 2010.

[Annexes follow]

ANNEX I

**Common Regulations Under the 1999 Act, and the 1960 Act
~~and the 1934 Act~~
of the Hague Agreement**

[...]

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CHAPTER 1

GENERAL PROVISIONS

Rule 1
Definitions

- (1) [*Abbreviated Expressions*] For the purposes of these Regulations,
- (i) “1999 Act” means the Act signed at Geneva on July 2, 1999, of the Hague Agreement;
 - (ii) “1960 Act” means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;
 - ~~(iii) “1934 Act” means the Act signed at London on June 2, 1934, of the Hague Agreement;~~
 - (~~iv~~iii) an expression which is used in these Regulations and is referred to in Article 1 of the 1999 Act has the same meaning as in that Act;
 - (~~v~~iv) “Administrative Instructions” means the Administrative Instructions referred to in Rule 34;
 - (~~vi~~v) “communication” means any international application or any request, declaration, invitation, notification or information relating to or accompanying an international application or an international registration that is addressed to the Office of a Contracting Party, the International Bureau, the applicant or the holder by means permitted by these Regulations or the Administrative Instructions;
 - (~~vii~~vi) “official form” means a form established by the International Bureau or any form having the same contents and format;
 - (~~viii~~vii) “International Classification” means the Classification established under the Locarno Agreement Establishing an International Classification for Industrial Designs;
 - (~~ix~~viii) “prescribed fee” means the applicable fee set out in the Schedule of Fees;
 - (~~x~~ix) “Bulletin” means the periodical bulletin in which the International Bureau effects the publications provided for in the 1999 Act, the 1960 Act, ~~the 1934 Act~~ or these Regulations, whatever the medium used;
 - (~~xi~~x) “Contracting Party designated under the 1999 Act” means a designated Contracting Party in respect of which the 1999 Act is applicable, either as the only common Act to which that designated Contracting Party and the applicant’s Contracting Party are bound, or by virtue of Article 31(1), first sentence, of the 1999 Act;
 - (~~xii~~xi) “Contracting Party designated under the 1960 Act” means a designated Contracting Party in respect of which the 1960 Act is applicable, either as the only common Act to which that designated Contracting Party and the State of origin referred to in Article 2 of the 1960 Act are bound, or by virtue of Article 31(1), ~~first~~second sentence, of the 196099 Act;
 - ~~(xiii) “Contracting Party designated under the 1934 Act” means a designated Contracting Party in respect of which the 1934 Act is applicable, as the only common Act to which that designated Contracting Party and the contracting country referred to in Article 1 of the 1934 Act are bound;~~
 - (~~xiv~~xii) “international application governed exclusively by the 1999 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1999 Act;

(~~xv~~xiii) “international application governed exclusively by the 1960 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1960 Act;

~~(xvi) “international application governed exclusively by the 1934 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1934 Act;~~

(xvii)xiv) “international application governed by both the 1999 Act and the 1960 Act” means an international application in respect of which

- at least one Contracting Party has been designated under the 1999 Act,

and

- at least one Contracting Party has been designated under the 1960 Act;

~~and~~

~~no Contracting Party has been designated under the 1934 Act;~~

~~(xviii) “international application governed by both the 1999 Act and the 1934 Act” means an international application in respect of which~~

- ~~– at least one Contracting Party has been designated under the 1999 Act,~~
- ~~– at least one Contracting Party has been designated under the 1934 Act,~~

and

~~no Contracting Party has been designated under the 1960 Act;~~

~~(xix) “international application governed by both the 1960 Act and the 1934 Act” means an international application in respect of which~~

- ~~– at least one Contracting Party has been designated under the 1960 Act,~~
- ~~– at least one Contracting Party has been designated under the 1934 Act,~~

and

~~no Contracting Party has been designated under the 1999 Act;~~

~~(xx) “international application governed by the 1999 Act, the 1960 Act and the 1934 Act” means an international application in respect of which~~

- ~~– at least one Contracting Party has been designated under the 1999 Act,~~
- ~~– at least one Contracting Party has been designated under the 1960 Act,~~

and

- ~~– at least one Contracting Party has been designated under the 1934 Act.~~

(2) [*Correspondence Between Some Expressions Used in the 1999 Act, and the 1960 Act and the 1934 Act*] For the purposes of these Regulations,

(i) reference to “international application” or “international registration” shall be deemed, where appropriate, to include a reference to “international deposit” as referred to in the 1960 Act ~~and the 1934 Act~~;

(ii) reference to “applicant” or “holder” shall be deemed, where appropriate, to include a reference to, respectively, “depositor” or “owner” as referred to in the 1960 Act ~~and the 1934 Act~~;

(iii) reference to “Contracting Party” shall be deemed, where appropriate, to include a reference to a State party to the 1960 Act ~~or to a country party to the 1934 Act~~;

(iv) reference to “Contracting Party whose Office is an examining Office” shall be deemed, where appropriate, to include a reference to “State having a novelty examination” as defined in Article 2 of the 1960 Act;

(v) reference to “individual designation fee” shall be deemed, where appropriate, to include a reference to the fee mentioned in Article 15(1)2(b) of the 1960 Act.

~~(vi) reference to “renewal” shall be deemed, where appropriate, to include a reference to “prolongation” referred to in the 1934 Act.~~

[...]

Rule 6
Languages

(1) [*International Application*] The international application shall be in English, ~~or~~ French or Spanish.

(2) [*Recording and Publication*] The recording in the International Register and the publication in the Bulletin of the international registration and of any data to be both recorded and published under these Regulations in respect of that international registration shall be in English, ~~and~~ French and Spanish. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

(3) [*Communications*] Any communication concerning an international application or ~~the~~ an international registration ~~resulting therefrom~~ shall be

- (i) in English, ~~or~~ French or Spanish where such communication is addressed to the International Bureau by the applicant or holder, or by an Office;
- (ii) in the language of the international application where the communication is addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that any ~~all~~ such communications are to be in English, ~~or that all such communications are to be~~ in French or in Spanish;
- (iii) in the language of the international application where the communication is addressed by the International Bureau to the applicant or holder unless ~~the~~ that applicant or holder has expressed ~~expresses~~ the wish that to receive all such communications be in English, ~~or be although the international application was~~ in French, ~~or vice versa~~ be in Spanish.

(4) [*Translation*] The translations needed for the recordings and publications under paragraph (2) shall be made by the International Bureau. The applicant may annex to the international application a proposed translation of any text matter contained in the international application. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau after having invited the applicant to make, within one month from the invitation, observations on the proposed corrections.

CHAPTER 2

INTERNATIONAL APPLICATIONS
AND INTERNATIONAL REGISTRATIONS

Rule 7

Requirements Concerning the International Application

[...]

(6) [No Additional Matter] If the international application contains any matter other than that required or permitted by the 1999 Act, the 1960 Act, ~~the 1934 Act,~~ these Regulations or the Administrative Instructions, the International Bureau shall delete it *ex officio*. If the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of the said document.

[...]

[...]

Rule 14

Examination by the International Bureau

[...]

(2) [Irregularities Entailing a Postponement of the Filing Date of the International Application] Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau. The irregularities which are prescribed as entailing a postponement of the filing date of the international application are the following:

(a) the international application is not in ~~the prescribed language or~~ one of the prescribed languages;

(b) any of the following elements is missing from the international application:

(i) an express or implicit indication that international registration under the 1999 Act, or the 1960 Act ~~or the 1934 Act~~ is sought;

(ii) indications allowing the identity of the applicant to be established;

(iii) indications sufficient to enable the applicant or its representative, if any, to be contacted;

(iv) a reproduction, or, in accordance with Article 5(1)(iii) of the 1999 Act, a specimen, of each industrial design that is the subject of the international application;

(v) the designation of at least one Contracting Party.

[...]

CHAPTER 6

BULLETIN

Rule 26
Bulletin

[...]

(3) [*Mode of Publishing the Bulletin*] The Bulletin ~~referred to in Rule 1(1)(x)~~ shall be published on the website of the Organization. The date on which each issue of the Bulletin is published on that website shall be electronically communicated by the International Bureau to the Office of each Contracting Party. Such communication shall be deemed to replace the sending of the Bulletin referred to in Article 10(3)(b) of the 1999 Act and Article 6(3)(b) of the 1960 Act, and, for the purposes of Article 8(2) of the 1960 Act, the Bulletin shall be deemed to have been received by each Office concerned also on the date of the said communication.

CHAPTER 7

FEES

Rule 27
Amounts and Payment of Fees

(1) [*Amounts of Fees*] The amounts of fees due under the 1999 Act, the 1960 Act, ~~the 1934 Act~~ and these Regulations, other than individual designation fees referred to in Rule 12(1)(a)(iii), shall be specified in the Schedule of Fees which is annexed to these Regulations and forms an integral part thereof.

[...]

CHAPTER 8 [\[Deleted\]](#)

~~INTERNATIONAL APPLICATIONS GOVERNED EXCLUSIVELY OR PARTLY BY THE
1934 ACT AND INTERNATIONAL REGISTRATIONS RESULTING THEREFROM~~

Rule 30 [\[Deleted\]](#)

~~Applicability of These Regulations to International Applications Governed Exclusively by
the 1934 Act and International Registrations Resulting Therefrom~~

~~(1) — [General Principle] Unless otherwise specified and subject to paragraph (2), these Regulations shall be applicable to international applications governed exclusively by the 1934 Act and to international registrations resulting therefrom.~~

~~(2)—[Exceptions] (a) Notwithstanding Rule 6, any international application governed exclusively by the 1934 Act shall be in French. Any communication concerning that international application or the international registration resulting therefrom shall be in French.~~

~~(b) Notwithstanding Rule 7(5)(a), a description of the reproduction or of the characteristic features of the industrial designs and the identity of the creator of the industrial designs may not be included in an application governed exclusively by the 1934 Act.~~

~~(c) Notwithstanding Rule 7(5)(e), deferment of publication may not be requested with respect to an international application governed exclusively by the 1934 Act.~~

~~(d) Notwithstanding Rule 7(7), the industrial designs contained in an international application governed exclusively by the 1934 Act may belong to different classes of the International Classification.~~

~~(e) Notwithstanding Rule 9(1), an international application governed exclusively by the 1934 Act may, instead of containing reproductions, be accompanied by specimens.~~

~~(f) Notwithstanding Rule 12(1)(a), an international application governed exclusively by the 1934 Act shall be subject only to the payment of the basic fee referred to in Rule 12(1)(a)(i).~~

~~(g) Notwithstanding Rule 15(1), the reproductions of the industrial designs contained in an international application governed exclusively by the 1934 Act shall not be registered in the International Register.~~

~~(h) Notwithstanding Rule 17(1), an international registration resulting from an international application governed exclusively by the 1934 Act shall be published immediately after registration.~~

~~(i) Notwithstanding Rule 17(2)(ii), the reproductions of industrial designs contained in an international registration resulting from an international application governed exclusively by the 1934 Act shall not be published in the Bulletin.~~

~~(j) Notwithstanding Rules 18 and 18bis, the effects of an international registration resulting from an international application governed exclusively by the 1934 Act may not be the subject of a notification of refusal of protection or of a statement of grant of protection.~~

~~(k) Notwithstanding Rule 21(3), a change in ownership may not be recorded in respect of a Contracting Party designated under the 1934 Act if, on the basis of the indications referred to in Rule 21(2)(iv), the 1934 Act would cease to be applicable in respect of that Contracting Party.~~

~~(l) Notwithstanding Rule 24(1)(a), an international registration resulting from an international application governed exclusively by the 1934 Act shall be renewed upon payment only of the basic fee referred to in Rule 24(1)(a)(i).~~

~~(m) Notwithstanding Rule 24(2)(b), an international registration resulting from an international application governed exclusively by the 1934 Act shall not be renewed where the duration of international protection of fifteen years referred to in Article 7 of the 1934 Act has expired.~~

~~(n) The renewal of an international registration resulting from an international application governed exclusively by the 1934 Act, for the second period of protection of ten years referred to in Article 7 of the 1934 Act, may be requested at the time of filing the international application concerned. In such case, the fee referred to in Rule 24(1)(a)(i) shall be payable at the time of filing of the said international application, failing which the request for renewal shall be disregarded by the International Bureau.~~

~~(3)—[International Applications Under Sealed Cover] (a) An international application governed exclusively by the 1934 Act shall contain, in addition to the indications referred to in Rule 7(3), an indication as to whether such application is made under open or sealed cover.~~

~~(b) — Upon expiry of the first period of five years of international protection referred to in Article 7 of the 1934 Act, any international registration which is under sealed cover shall be opened by the International Bureau upon renewal of the said registration.~~

Rule 31 [\[Deleted\]](#)

~~Applicability of These Regulations to International Applications Governed Partly by the 1934 Act and International Registrations Resulting Therefrom~~

~~(1) — *[General Principle]* These Regulations shall be applicable to international applications referred to in Rule 1(1)(xviii) to (xx), and to international registrations resulting therefrom, subject to paragraph (2).~~

~~(2) — *[Exceptions]* (a) Notwithstanding Rule 7(5)(e), deferment of publication may not be requested with respect to an international application referred to in paragraph (1). Where deferment of publication has been requested and one of the designated Contracting Parties in the international application has been designated under the 1934 Act, the International Bureau shall notify the applicant accordingly; if, within the period of one month from the date of the notification sent by the International Bureau, the applicant does not, by notice in writing to the International Bureau, withdraw the designation of the said Contracting Party, the International Bureau shall disregard the request for deferment of publication.~~

~~(b) — Notwithstanding Rule 21(3), a change in ownership may not be recorded in respect of a designated Contracting Party if, on the basis of the indications referred to in Rule 21(2)(iv), the 1934 Act would cease to be applicable, or would become applicable, in respect of that Contracting Party.~~

~~(c) — With respect to Contracting Parties designated under the 1934 Act in an international application referred to in paragraph (1), or in an international registration resulting therefrom,~~

~~———— (i) — the fees referred to in Rule 12(1)(a)(ii) to (iv) shall not be payable;~~

~~———— (ii) — the effects of the international registration concerned may not be the subject of a notification of refusal of protection referred to in Rule 18 or of a statement of grant of protection referred to under Rule 18bis;~~

~~———— (iii) — the renewal fees referred to in Rule 24(1)(a)(ii) and (iii) shall not be payable;~~

~~———— (iv) — the international registration concerned shall not be renewed where the duration of international protection of fifteen years referred to in Article 7 of the 1934 Act has expired, notwithstanding Rule 24(2)(b).~~

[...]

Rule 34
Administrative Instructions

[...]

(4) [*Conflict with the 1999 Act, the 1960 Act, ~~the 1934 Act~~ or These Regulations*] In the case of conflict between, on the one hand, any provision of the Administrative Instructions and, on the other hand, any provision of the 1999 Act, the 1960 Act, ~~the 1934 Act~~ or of these Regulations, the latter shall prevail.

[...]

Rule 37
Transitional Provision

(1) [*Transitional Provisions Relating to the 1934 Act*] (a) For the purpose of this provision,

(i) “1934 Act” means the Act signed at London on June 2, 1934, of the Hague Agreement;

(ii) “Contracting Party designated under the 1934 Act” means a Contracting Party recorded as such in the International Register;

(iii) reference to “international application” or “international registration” shall be deemed, where appropriate, to include a reference to “international deposit” as referred to in the 1934 Act.

(b) The Common Regulations Under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement as in force before [January 1, 2010,] shall remain applicable to an international application filed before that date and that is still pending on that date, as well as in respect of any Contracting Party designated under the 1934 Act in an international registration resulting from an international application filed before that date.

(2) [*Transitional Provision Concerning Languages*] Rule 6 as in force before [April 1, 2010] shall continue to apply to any international application filed before that date and to the international registration resulting therefrom.

SCHEDULE OF FEES

(as in force on January 1, ~~2009~~2010)

Swiss francs

I. ~~International Applications Governed Exclusively or Partly by the 1960 Act or by the 1999 Act~~

[...]

II. ~~International Applications Governed Exclusively by the 1934 Act~~

6.	Basic fee^{***}	
6.1	For one design	216
6.2	For two to 50 designs included in the same international application	432
6.3	For 51 to 100 designs included in the same international application	638

[...]

10. Surcharge (period of grace) ***~~*~~

[...]

IV. ~~Renewal of an International Registration Resulting From an International Application Governed Exclusively by the 1934 Act~~

~~***~~ — For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). If there are several applicants, each must fulfill the said criterion. Where such fee reduction applies, the basic fee is fixed at 22 Swiss francs (for one design), 43 Swiss francs (for two to 50 designs included in the same international application) and 64 Swiss francs (for 51 to 100 designs included in the same international application).

~~***~~*~~~~ 50% of the renewal basic fee.

11.	[Deleted] Basic fee	
	11.1 For one design	422
	11.2 For two to 50 designs included in the same international registration	844
	11.3 For 51 to 100 designs included in the same international registration	1236

[...]

12. Surcharge (period of grace)

***²

[...]

[Annex II follows]

***² 50% of the renewal basic fee.

ANNEX II

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

[...]

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CHAPTER 1

GENERAL PROVISIONS

Rule 1
Definitions

- (1) [*Abbreviated Expressions*] For the purposes of these Regulations,
- (i) **“1999 Act” means the Act signed at Geneva on July 2, 1999, of the Hague Agreement;**
 - (ii) **“1960 Act” means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;**
 - (iii) **an expression which is used in these Regulations and is referred to in Article 1 of the 1999 Act has the same meaning as in that Act;**
 - (iv) **“Administrative Instructions” means the Administrative Instructions referred to in Rule 34;**
 - (v) **“communication” means any international application or any request, declaration, invitation, notification or information relating to or accompanying an international application or an international registration that is addressed to the Office of a Contracting Party, the International Bureau, the applicant or the holder by means permitted by these Regulations or the Administrative Instructions;**
 - (vi) **“official form” means a form established by the International Bureau or any form having the same contents and format;**
 - (vii) **“International Classification” means the Classification established under the Locarno Agreement Establishing an International Classification for Industrial Designs;**
 - (viii) **“prescribed fee” means the applicable fee set out in the Schedule of Fees;**
 - (ix) **“Bulletin” means the periodical bulletin in which the International Bureau effects the publications provided for in the 1999 Act, the 1960 Act or these Regulations, whatever the medium used;**
 - (x) **“Contracting Party designated under the 1999 Act” means a designated Contracting Party in respect of which the 1999 Act is applicable, either as the only common Act to which that designated Contracting Party and the applicant’s Contracting Party are bound, or by virtue of Article 31(1), first sentence, of the 1999 Act;**
 - (xi) **“Contracting Party designated under the 1960 Act” means a designated Contracting Party in respect of which the 1960 Act is applicable, either as the only common Act to which that designated Contracting Party and the State of origin referred to in Article 2 of the 1960 Act are bound, or by virtue of Article 31(1), second sentence, of the 1999 Act;**
 - (xii) **“international application governed exclusively by the 1999 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1999 Act;**
 - (xiii) **“international application governed exclusively by the 1960 Act” means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1960 Act;**
 - (xiv) **“international application governed by both the 1999 Act and the 1960 Act” means an international application in respect of which**
 - **at least one Contracting Party has been designated under the 1999 Act,****and**
 - **at least one Contracting Party has been designated under the 1960 Act;**

- (2) [*Correspondence Between Some Expressions Used in the 1999 Act and the 1960 Act*] For the purposes of these Regulations,
- (i) reference to “international application” or “international registration” shall be deemed, where appropriate, to include a reference to “international deposit” as referred to in the 1960 Act;
 - (ii) reference to “applicant” or “holder” shall be deemed, where appropriate, to include a reference to, respectively, “depositor” or “owner” as referred to in the 1960 Act;
 - (iii) reference to “Contracting Party” shall be deemed, where appropriate, to include a reference to a State party to the 1960 Act;
 - (iv) reference to “Contracting Party whose Office is an examining Office” shall be deemed, where appropriate, to include a reference to “State having a novelty examination” as defined in Article 2 of the 1960 Act;
 - (v) reference to “individual designation fee” shall be deemed, where appropriate, to include a reference to the fee mentioned in Article 15(1)2(b) of the 1960 Act.

[...]

Rule 6 *Languages*

- (1) [*International Application*] The international application shall be in English, French or Spanish.
- (2) [*Recording and Publication*] The recording in the International Register and the publication in the Bulletin of the international registration and of any data to be both recorded and published under these Regulations in respect of that international registration shall be in English, French and Spanish. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.
- (3) [*Communications*] Any communication concerning an international application or an international registration shall be
- (i) in English, French or Spanish where such communication is addressed to the International Bureau by the applicant or holder, or by an Office;
 - (ii) in the language of the international application where the communication is addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that any such communications are to be in English, or in French or in Spanish;
 - (iii) in the language of the international application where the communication is addressed by the International Bureau to the applicant or holder unless that applicant or holder has expressed the wish that all such communications be in English, or be in French or be in Spanish.
- (4) [*Translation*] The translations needed for the recordings and publications under paragraph (2) shall be made by the International Bureau. The applicant may annex to the international application a proposed translation of any text matter contained in the international application. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau after having invited the applicant to make, within one month from the invitation, observations on the proposed corrections.

CHAPTER 2

INTERNATIONAL APPLICATIONS
AND INTERNATIONAL REGISTRATIONS

Rule 7

Requirements Concerning the International Application

[...]

(6) [No Additional Matter] If the international application contains any matter other than that required or permitted by the 1999 Act, the 1960 Act, these Regulations or the Administrative Instructions, the International Bureau shall delete it *ex officio*. If the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of the said document.

[...]

Rule 14

Examination by the International Bureau

[...]

(2) [Irregularities Entailing a Postponement of the Filing Date of the International Application] Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau. The irregularities which are prescribed as entailing a postponement of the filing date of the international application are the following:

- (a) the international application is not in one of the prescribed languages;
- (b) any of the following elements is missing from the international application:
 - (i) an express or implicit indication that international registration under the 1999 Act or the 1960 Act is sought;
 - (ii) indications allowing the identity of the applicant to be established;
 - (iii) indications sufficient to enable the applicant or its representative, if any, to be contacted;
 - (iv) a reproduction, or, in accordance with Article 5(1)(iii) of the 1999 Act, a specimen, of each industrial design that is the subject of the international application;
 - (v) the designation of at least one Contracting Party.

[...]

CHAPTER 6

BULLETIN

Rule 26
Bulletin

[...]

(3) [*Mode of Publishing the Bulletin*] The Bulletin shall be published on the website of the Organization. The date on which each issue of the Bulletin is published on that website shall be electronically communicated by the International Bureau to the Office of each Contracting Party. Such communication shall be deemed to replace the sending of the Bulletin referred to in Article 10(3)(b) of the 1999 Act and Article 6(3)(b) of the 1960 Act, and, for the purposes of Article 8(2) of the 1960 Act, the Bulletin shall be deemed to have been received by each Office concerned also on the date of the said communication.

CHAPTER 7

FEES

Rule 27
Amounts and Payment of Fees

(1) [*Amounts of Fees*] The amounts of fees due under the 1999 Act, the 1960 Act and these Regulations, other than individual designation fees referred to in Rule 12(1)(a)(iii), shall be specified in the Schedule of Fees which is annexed to these Regulations and forms an integral part thereof.

[...]

CHAPTER 8 [Deleted]

Rule 30 [Deleted]

Rule 31 [Deleted]

[...]

Rule 34
Administrative Instructions

[...]

(4) [*Conflict with the 1999 Act, the 1960 Act or These Regulations*] In the case of conflict between, on the one hand, any provision of the Administrative Instructions and, on the other hand, any provision of the 1999 Act, the 1960 Act or of these Regulations, the latter shall prevail.

[...]

Rule 37
Transitional Provision

(1) [*Transitional Provisions Relating to the 1934 Act*] (a) For the purpose of this provision,

(i) “1934 Act” means the Act signed at London on June 2, 1934, of the Hague Agreement;

(ii) “Contracting Party designated under the 1934 Act” means a Contracting Party recorded as such in the International Register;

(iii) reference to “international application” or “international registration” shall be deemed, where appropriate, to include a reference to “international deposit” as referred to in the 1934 Act.

(b) The Common Regulations Under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement as in force before [January 1, 2010,] shall remain applicable to an international application filed before that date and that is still pending on that date, as well as in respect of any Contracting Party designated under the 1934 Act in an international registration resulting from an international application filed before that date.

(2) [*Transitional Provision Concerning Languages*] Rule 6 as in force before [April 1, 2010] shall continue to apply to any international application filed before that date and to the international registration resulting therefrom.

SCHEDULE OF FEES

(as in force on January 1, 2010)

Swiss francs

I. *International Applications*

[...]

II. [Deleted]

6. [Deleted]

[...]

10. Surcharge (period of grace)

[...]

IV. [Deleted]

11. [Deleted]

[...]

12. Surcharge (period of grace)

[...]

[Annex III follows]

*** 50% of the renewal basic fee.

ANNEX III

Draft Text for a Decision to Freeze the Application of the 1934 Act

“The Contracting States to the London Act (1934) of the Hague Agreement Concerning the International Deposit of Industrial Designs (“1934 Act”), decide to freeze the application of this Act with effect from January 1, 2010. In taking this decision, the Contracting States intend that no new designation under the 1934 Act may be recorded in the International Register, but that this freeze shall be without prejudice to the continuation in force of designations recorded in the International Register before the effective date of the freeze. More precisely, the Contracting States to the 1934 Act recognize that it shall continue to be possible for these designations to be the subject of a prolongation or any other recording provided for in the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement, in the version in force before the effective date of the freeze.”

[End of Annex III and of document]