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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**SPECIAL UNION FOR THE INTERNATIONAL DEPOSIT OF INDUSTRIAL DESIGNS
(HAGUE UNION)**

ASSEMBLY

**Twenty-Eighth (17th Ordinary) Session
Geneva, September 22 to October 1, 2009**

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items on the Consolidated Agenda (document A/47/1): 1, 2, 3, 4, 5, 10, 12, 13, 14, 15, 16, 17, 18, 19, 32, 39 and 40.
2. The report on the said items, with the exception of item 32, is contained in the General Report (document A/47/16).
3. The report on item 32 is contained in the present document.
4. Mr. Li Feng Schrock (Germany) was elected Chair of the Assembly; Mr. Rimvydas Naujokas (Lithuania) and Mr. Liviu Bulgar (Romania) were elected Vice-Chairs.

ITEM 32 OF THE CONSOLIDATED AGENDA:

HAGUE SYSTEM

5. Discussions were based on documents H/A/28/1., 2 and 3.
6. The Chair opened the meeting and welcomed, in particular, the three States, namely Bosnia and Herzegovina, Oman and Poland that had joined the Hague Union since the session of the Assembly held in September 2008.

Freezing of the Application of the London (1934) Act of the Hague Agreement

7. The Secretariat informed the Assembly that, as indicated in document H/A/28/3, the Contracting States to the 1934 Act of the Hague Agreement, at an Extraordinary Meeting (hereinafter referred to as “the Extraordinary Meeting”), held in Geneva on September 24, 2009, had decided to freeze the application of that Act as from January 1, 2010. The decision by the Extraordinary Meeting had opened the way for the Assembly to consider the amendments to the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement (hereinafter referred to as the “Common Regulations”) proposed in document H/A/28/1..

8. The Chair invited the Chairperson of the Extraordinary Meeting to report to the Assembly on the decision taken on the occasion of that meeting.

9. In her capacity as Chair of the Extraordinary Meeting, Ms. Alexandra Grazioli (Switzerland) read the text of the decision which had been unanimously adopted by the Contracting States to the 1934 Act and which reads as follows:

“The Contracting States to the London (1934) Act 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.”

10. Ms. Grazioli further indicated that the freeze decision had been taken to reduce the complexity of the Hague system as soon as possible, yet without losing sight of the goal of terminating the 1934 Act. In this regard, she stressed that the meeting participants had also decided that the International Bureau should distribute a document informing the Contracting States about the formalities required to terminate the 1934 Act.

11. The Assembly took note of the unanimous decision of the Contracting States to the 1934 Act to freeze the application of the 1934 Act, with effect from January 1, 2010.

Proposed Amendments to the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement

12. The Chair indicated that in the Annex to document H/A/28/1., the title of proposed Rule 37 should be corrected to read “Transitional Provisions”, in the plural, whereas the *chapeau* of proposed paragraph (1) of Rule 37 should read “Transitional Provision Relating to the 1934 Act”, in the singular.

Freeze of the Application of the London (1934) Act of the Hague Agreement

13. The Delegation of Spain expressed its appreciation for the effective work by the Secretariat in preparing document H/A/28/1., containing the proposed amendments to the Common Regulations reflecting the freeze of the application of the 1934 Act.

14. The Assembly adopted 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, all as set out in the Annexes to document H/A/28/1., and adopted new Rule 37, paragraph (1), with the corrections indicated by the Chair in paragraph 12, above, and with effect from January 1, 2010.

Inclusion of Spanish in the Language Regime of the Hague System

15. The Delegation of Spain expressed its appreciation for the effective work by the Secretariat in preparing document H/A/28/1., containing the proposed amendments allowing the inclusion of Spanish into the language regime of the Hague system, as requested by the Assembly at its session held in September 2008. The Delegation stressed that the inclusion of Spanish as a working language of the Hague system would attract new members and would bring undeniable benefits for Spanish-speaking users.

16. The Assembly adopted the amendments to the Common Regulations in respect of Rule 6 and adopted paragraph (2) of new Rule 37, as set out in the Annexes to document H/A/28/1., with effect from April 1, 2010.

Information Technology Modernization Program (Madrid and Hague International Registration Systems): Status Report and Proposed Next Steps

17. The Secretariat informed the Assembly that the PCT Union Assembly had agreed to authorize a loan from the PCT Union Reserve Fund to the Hague Union for the purposes of contributing to the financing of the subsequent phases of the program referred to in document H/A/28/2, on the understanding that the amount of the loan would be reimbursed as soon as the level of reserves of the Hague Union Reserve Fund so allows.

18. The Assembly

(i) took note of the status of implementation of Phase I of the IT modernization program, as described in paragraphs 5 to 22 and Annex II to document H/A/28/2;

(ii) approved the implementation of the remainder of Phase I and of Phases II and III of the IT modernization program within the 2010/11 biennium, as proposed in paragraphs 23, 30 and 34 to 43 of the same document; and

(iii) approved the Hague Union's share in the financing of Phases II and III of the IT modernization program as proposed in paragraphs 46 to 48 of the same document.

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