

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

Assembly

**Thirtieth (18th Ordinary) Session
Geneva, September 26 to October 5, 2011**

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items on the Consolidated Agenda (document A/49/1): 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 36, 44 and 45.
2. The reports on the said items, with the exception of item 36, is contained in the General Report (document A/49/18).
3. The report on item 36 is contained in the present document.
4. Mr. Miklós Bendzsel (Hungary) was elected Chair of the Assembly; Ms. Alexandra Grazioli (Switzerland) and Mr. Grega Kumer (Slovenia) were elected Vice-Chairs.

ITEM 36 OF THE CONSOLIDATED AGENDA

HAGUE SYSTEM

5. Discussions were based on documents H/A/30/1 and H/A/30/2.
6. The Chair opened the meeting and welcomed all the delegations of the Hague Union.
7. At the invitation of the Chair, the Secretariat gave an update on the latest development of the Hague system, including the new accessions by Finland, Monaco and Rwanda.
8. The Secretariat further informed the Assembly that Liechtenstein, the Netherlands with regard to Aruba, Curaçao, Saint Maarten and the Caribbean part of the Netherlands, Monaco and Tunisia had communicated their consent to the termination of the London (1934) Act of the Hague Agreement since the last session of the Assembly of the Hague Union held in September 2010. The other Contracting States to the London (1934) Act, which had not yet communicated their consent to the termination, were urged to do so.

Matters Concerning the Legal Development of the Hague System

9. In introducing document H/A/30/1, the Secretariat recalled that the document summarized the main conclusions and recommendations of the *ad hoc* Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs, convened from May 30 to June 1, 2011. In particular, the document submitted to the Assembly, for adoption, the recommendation of the *ad hoc* Working Group that the Assembly establish a Working Group to address the legal development of the Hague system. The document further submitted, for adoption, a proposal to insert a new Rule 21 *bis* to the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement, which introduced the possibility for a Contracting Party to make a declaration that a change in ownership had no effect in its territory. Furthermore, the document submitted, for comments by the Assembly, a proposed new Section 407 to the Administrative Instructions for the Application of the Hague Agreement to address the specific features in some jurisdictions concerning the relation with a principal design. The other proposed amendments to the Common Regulations and the Administrative Instructions related to the publication of information on the WIPO web site.
10. In that regard, the Secretariat recalled that the submission of any amendment to the Administrative Instructions, for comments by the Assembly, was deemed to constitute the consultation envisaged under Rule 34(1) of the Common Regulations for the establishment of Administrative Instructions by the Director General of WIPO.
11. Finally, the Secretariat recalled that the *ad hoc* Working Group favorably considered a tighter publication cycle of the *International Designs Bulletin*. The industrial property offices of the members of the Hague Union were invited, by Note C. H 85, dated July 25, 2011, to comment by September 15, 2011, on the target date of January 1, 2012, for the implementation of a weekly publication of the *International Designs Bulletin*. All the replies received by the International Bureau had expressed support for that proposal, and the International Bureau would proceed to a weekly publication of the Bulletin, as of January 1, 2012.
12. The Delegation of China stated that although its country was not yet a member of the Hague Union, it paid great attention to the development of the Hague system. The Delegation appreciated the active promotion of the Hague system by the Secretariat and expressed its support for the further development of the system to make it more attractive and flexible, in particular, in terms of taking into account the variations in the national procedures.

13. The Assembly:

- (i) adopted the amendments to the Common Regulations with respect to the titles of Chapter 6 and Rule 26, and with respect to Rules 26(2) and (3), 28(2)(c) and (d), and 34(3)(a) and (b), as set out in Annex III to document H/A/30/1, with a date of entry into force of January 1, 2012;
- (ii) took note of the proposal to amend Sections 204(a)(i) and (d), 402(b) and 601 of the Administrative Instructions, as set out in Annex V to document H/A/30/1;
- (iii) adopted proposed new Rule 21 *bis*, as set out in Annex III to document H/A/30/1, with a date of entry into force of January 1, 2012;
- (iv) agreed to establish a Working Group to address the legal development of the Hague system; and
- (v) took note of the proposal to add Section 407 in the Administrative Instructions and the consequential amendment of the title of Part Four thereof, as set out in Annex V to document H/A/30/1.

Information Technology Modernization Program (Madrid and Hague International Registration Systems): Progress Report

14. Document H/A/30/2 outlined progress on the IT Modernization Program since the last Hague Union Assembly. The document also served to update Hague Union members on any change to the overall approach to the completion of the Program, as well as to notify any change to the Program schedule.

15. In presenting the document, the Secretariat indicated that substantial progress had been achieved in Phase I sub-projects, mainly in the launch of an electronic interface for renewals, which complemented the electronic filing facility for international applications; in 2011, so far, around 57 per cent of the total number of renewals had been received through the electronic interface. With regard to Phase II, an international procurement procedure had been completed with the identification of a suitable implementation partner. The case would be presented to the Contract Review Committee (CRC) for approval in the following days. It was expected that the implementation partner would start work on project activities in early January 2012. As result of this, Phase II of the IT Modernization Program was now scheduled for completion by end of June 2013.

16. The Assembly:

- (i) took note of the status of implementation of Phase I of the Program; and
- (ii) took note of the revised schedule for the implementation of Phase II of the Program, with an expected completion date of mid 2013.

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