

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

Assembly

**Thirty-Fourth (15th Extraordinary) Session
Geneva, September 22 to 30, 2014**

MATTERS CONCERNING THE LEGAL DEVELOPMENT OF THE HAGUE SYSTEM

Document prepared by the International Bureau

I. INTRODUCTION

1. The fourth session of the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as “the Working Group”) was convened from June 16 to 18, 2014¹.
2. In that meeting, the Working Group discussed the establishment of a standard document entitled “Certificate of Transfer by Contract of International Registration(s) of Industrial Design(s) in Respect of a Designated Contracting Party(ies) Having Made a Declaration Under Article 16(2) of the Geneva (1999) Act” (hereinafter referred to as “Certificate of Transfer”). In this regard, the Working Group considered it important to ensure that the holders of international registrations can effectively rely on the Certificate of Transfer as an acceptable document before the Offices of the Contracting Parties concerned. As recommended by the Working Group, a recommendation for its acceptance by the Offices is hereby submitted to the Assembly, for adoption.

¹ The Summary by the Chair is available in document H/LD/WG/4/6 on the WIPO web site at http://www.wipo.int/meetings/en/details.jsp?meeting_id=32042.

3. Moreover, the Working Group discussed possible amendments to the Common Regulations under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as “the Common Regulations”), including the inclusion of a new item to the Schedule of Fees. As recommended by the Working Group, the proposed amendments to the Common Regulations are hereby submitted to the Assembly, for adoption.

II. RECOMMENDATION ENCOURAGING ACCEPTANCE OF A STANDARD CERTIFICATE OF TRANSFER, AS RECOMMENDED BY THE WORKING GROUP

4. The Working Group discussed the format and contents of a revised proposal for a Certificate of Transfer, as contained in document H/LD/WG/4/4², and the possible means of submitting it to the Offices concerned through the International Bureau and ensuring its effect in the Contracting Parties having made a declaration under Article 16(2) of the 1999 Act. At the time of preparing this document, three Contracting Parties have made a declaration under Article 16(2), namely, the African Intellectual Property Organization (OAPI), Denmark³ and the Republic of Korea. However, it is expected that a number of prospective Contracting Parties will make that declaration.

5. It is recalled that pursuant to Article 16(2), a recording of a change in ownership in the International Register shall not have effect in a Contracting Party having made a declaration under that Article, until the Office of that Contracting Party has received the statements or documents specified in that declaration⁴.

6. The possible establishment of a standard document (Certificate of Transfer) was first mentioned during the Diplomatic Conference for the Adoption of a New Act of the Hague Agreement (hereinafter referred to as “the Diplomatic Conference”)⁵ as a means to alleviate the burden for holders of international registrations regarding the submission of documentation before the Offices of Contracting Parties that made a declaration under Article 16(2) of the 1999 Act.

7. The Working Group started discussing the establishment of the standard document (Certificate of Transfer) and its possible submission through the International Bureau to the Office concerned at its first session in 2011.

8. At its June 2014 meeting, the Working Group agreed on the format and contents of the Certificate of Transfer, as revised according to the comments made during the meeting. Furthermore, the Working Group favorably considered the submission of the standard document through the International Bureau and its electronic distribution to the Offices concerned.

² Document H/LD/WG/4/4, entitled “Revised Proposal for a Standard Document for the Purpose of Article 16(2) of the 1999 Act of the Hague Agreement and its Possible Submission through the intermediary of the International Bureau”, is available on the WIPO web site at http://www.wipo.int/meetings/en/details.jsp?meeting_id=32042.

³ In the fourth session of the Working Group, the Delegation of Denmark informed the Working Group that the withdrawal of the said declaration by Denmark was underway.

⁴ Article 16(2) of the 1999 Act reads as follows:

“(2) [Effect of Recording in International Register] Any recording referred to in items (i), (ii), (iv), (v), (vi) and (vii) of paragraph (1) shall have the same effect as if it had been made in the Register of the Office of each of the Contracting Parties concerned, except that a Contracting Party may, in a declaration, notify the Director General that a recording referred to in item (i) of paragraph (1) shall not have that effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in that declaration.”

⁵ See Records of the Diplomatic Conference, paragraphs 811 and 812, p. 482.

Recommendation Encouraging the Acceptance of the Certificate of Transfer

9. To help holders of international registrations to effectively rely on the Certificate of Transfer before the Offices of the present and future Contracting Parties concerned, the Working Group further recommended to the Assembly of the Hague Union to adopt a recommendation that the Certificate of Transfer be accepted by the Offices of Contracting Parties which have made a declaration under Article 16(2) of the 1999 Act. It is emphasized that the purpose of the recommendation is to merely encourage the Contracting Parties to accept the standard document as having the same effect as a statement or document which may be submitted for the same purpose under the law of the Contracting Party concerned. If the Assembly were to adopt this recommendation, the International Bureau, after consultation with the Offices of the Contracting Parties concerned, would establish a list of those Offices that are able to follow the recommendation and make that list available on the web site of the Organization alongside the Certificate of Transfer.

10. The proposed recommendation is attached to the present document (see Annex I). To facilitate the understanding of the Assembly, the revised Certificate of Transfer and the revised Instructions on the Completion of the Certificate of Transfer, as agreed upon by the Working Group, are reproduced in Annexes II and III.

11. *The Assembly of the Hague Union is invited to adopt the recommendation for making the Certificate of Transfer an acceptable document in the Contracting Parties having made a declaration under Article 16(2) of the 1999 Act, as set out in Annex I of document H/A/34/2.*

III. AMENDMENTS TO THE COMMON REGULATIONS RECOMMENDED BY THE WORKING GROUP

12. On the basis of document H/LD/WG/4/3⁶, the Working Group discussed the possible introduction into the Hague System of a mechanism to ensure the public availability of information on amendments to an industrial design that is the subject of an international registration following a procedure before the Office of a designated Contracting Party.

13. It is recalled that Article 14(2)(c) of the 1999 Act provides that the effect given to the international registration under Article 14(1), (2)(a) and (b) shall apply to the industrial design as received from the International Bureau by the Office of a designated Contracting Party or, where applicable, "as amended in a procedure before that Office".

⁶ Document H/LD/WG/4/3, entitled "Public Availability of Information Relating to Amendments to an Industrial Design that is the Subject of an International Registration Following a Procedure Before an Office", is available on the WIPO web site at http://www.wipo.int/meetings/en/details.jsp?meeting_id=32042.

14. The Working Group agreed on the need to establish a mechanism for such amendments to be communicated to the International Bureau by the Office of a designated Contracting Party and to be made publicly available in a centralized manner by the International Bureau (hereinafter referred to as the “Feedback Mechanism” for the purpose of the present document). In this regard, the Working Group considered that, within the legal framework of the Hague System, a proper way to convey the information concerning amendments would be through a statement of grant of protection as provided for in Rule 18*bis*(1) and (2) and a notification of withdrawal of refusal as provided for in Rule 18(4) of the Common Regulations⁷.

15. Any withdrawal of refusal issued pursuant to Rule 18(4) and any statement of grant of protection issued pursuant to Rule 18*bis*(1) or (2) shall be recorded in the International Register and published in the *International Designs Bulletin* (hereinafter referred to as “the Bulletin”)⁸. In this regard, noting the variety in types of amendments, the Working Group considered that the surest and most pragmatic solution to make the information concerning amendments publicly available would be for the International Bureau to upload a copy of the notification or statement as received from the Office and to make it available through the Bulletin. The Working Group further noted that, in line with the situation prevailing under Rule 18(2)(b)(iv) dealing with the information concerning earlier industrial designs in a notification or refusal, that information could be provided in the language in which that Office detained it, even if it were a language other than the working language used for the notification of withdrawal of refusal or of the statement of grant of protection concerned.

16. In order for a Feedback Mechanism to function properly, the Working Group also considered that it would be necessary for the International Bureau to receive a statement of grant of protection under Rule 18*bis*(1) if there was an amendment in a procedure before the Office and, regarding the designation of a Contracting Party that had opted for Rule 18(1)(c)(i) or (ii), also to extend the applicable period within which such a statement of grant of protection could be issued. It further considered that the Office of a designated Contracting Party having made a declaration under Rule 18(1)(c)(i) or (ii) should issue a statement of grant of protection under Rule 18*bis*(1) even where there was no amendment to the industrial design.

⁷ The issuance of a statement of grant of protection under Rule 18*bis*(1) is optional. The issuance of a statement of grant of protection under Rule 18*bis*(2) or a notification of withdrawal of refusal under Rule 18(4) is mandatory. The difference between the latter two Rules is only the “form” of communication. When adopting Article 12(4), Article 14(2)(b) and Rule 18(4), the Diplomatic Conference understood that a withdrawal of refusal by an Office that has communicated a notification of refusal could take the form of a statement to the effect that the Office concerned had decided to accept the effects of the international registration in respect of all or some of the industrial designs which were the subject of the notification of refusal. It was also understood that an Office could, within the period allowed for communicating a notification of refusal, send a statement to the effect that it has decided to accept the effects of the international registration even where it had not communicated such a notification of refusal.

⁸ See Rules 18(5), 18*bis*(3) and 26(1)(ii) of the Common Regulations.

17. Furthermore, in view of Article 14(2)(a) and (b) of the 1999 Act and Article 8(1), third sentence, of the 1960 Act⁹, the Working Group considered that “the date on which the international registration produced (or shall produce) the effect as a grant of protection under the applicable law” would also be an important element to be communicated to the International Bureau by the Office of a designated Contracting Party and to be made publicly available in a centralized manner by the International Bureau.

18. Accordingly, the Working Group considered favorably the submission of a proposal to amend the Common Regulations with respect to Rule 18(4) and Rule 18*bis*(1) and (2) to the Assembly of the Hague Union for adoption, as described below, with a date of entry into force of January 1, 2015.

19. For ease of reference, all the proposed amendments to the Common Regulations are first reproduced in Annex IV, 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 all provisions concerned, as it would result following the amendments, is reproduced in Annex V.

Proposal to Amend Rule 18(4)

20. Rule 18(4) provides for the notification of a withdrawal of refusal. Subparagraph (b) deals with its contents. Proposed new subparagraph (b)(iv) requires an indication of the date on which the international registration produced the effect as a grant of protection under the applicable law, which may be different from the date on which the refusal was withdrawn.

21. Proposed new subparagraph (c) requires that the notification of withdrawal of refusal shall contain or indicate either all the amended elements or the whole information concerning the industrial designs as amended, at the discretion of the Office, if the industrial designs concerned were amended in a procedure before the Office. This subparagraph (c) should serve as the main provision to implement the proposed Feedback Mechanism.

⁹ Article 14(2)(a) and (b) of the 1999 Act read as follows :

"(a) In each designated Contracting Party the Office of which has not communicated a refusal in accordance with Article 12, the international registration shall have the same effect as a grant of protection for the industrial design under the law of that Contracting Party at the latest from the date of expiration of the period allowed for it to communicate a refusal or, where a Contracting Party has made a corresponding declaration under the Regulations, at the latest at the time specified in that declaration.

"(b) Where the Office of a designated Contracting Party has communicated a refusal and has subsequently withdrawn, in part or in whole, that refusal, the international registration shall, to the extent that the refusal is withdrawn, have the same effect in that Contracting Party as a grant of protection for the industrial design under the law of the said Contracting Party at the latest from the date on which the refusal was withdrawn."

"Article 8(1) of the 1960 Act reads as follows :

(1) Notwithstanding the provisions of Article 7, the national Office of a contracting State whose domestic law provides that the national Office may, on the basis of an administrative ex officio examination or pursuant to an opposition by a third party, refuse protection shall, in case of refusal, notify the International Bureau within six months that the design does not meet the requirements of its domestic law other than the formalities and administrative acts referred to in Article 7(1). If no such refusal is notified within a period of six months the international deposit shall become effective in that State as from the date of that deposit. However, in a contracting State having a novelty examination, the international deposit, while retaining its priority, shall, if no refusal is notified within a period of six months, become effective from the expiration of the said period unless the domestic law provides for an earlier date for deposits made with its national Office."

Proposal to Amend Rule 18bis(2)

22. Rule 18bis(2) provides for a statement of grant of protection following a refusal. An Office which has communicated a notification of refusal may send a statement of grant of protection pursuant to this Rule, instead of notifying a withdrawal of refusal in accordance with Rule 18(4). Accordingly, subparagraph (b) of Rule 18bis(2) which provides for the contents of the statement echoes subparagraph (b) of Rule 18(4). Thus, the same amendments are proposed to be added in new item (iv) in subparagraph (b), in addition to the creation of new subparagraph (c) for the same new requirement.

Proposal to Amend Rule 18bis(1)

23. New subparagraphs (b)(iv) and (c) are proposed in line with the proposed amendments to Rules 18(4) and 18bis(2). The wording of proposed new item (iv) in subparagraph (b) of this Rule is, however, slightly different from the proposed corresponding items in Rule 18(4)(b) and 18bis(2)(b), respectively, as Rule 18bis(1) generally provides for the issuance of a statement of grant of protection where no notification of refusal has been communicated. In that context, when discussing proposed new subparagraph (1)(c) and (d), the Working Group noted that this provision concerned necessarily situations where the international registration was amended with the right holder's consent.

24. It is further recalled that Rule 18bis(1) is established under Article 14(2)(a), which provides that the international registration shall have the same effect as a grant of protection under the applicable law at the latest from the date of expiration of the refusal period. Thus under Rule 18bis(1), an Office is supposed to send a statement of grant of protection before the date of expiration of the refusal period, and preferably as soon as it has come to a positive conclusion. This flexibility in the proposed text is also required to be compatible with Article 8(1), third sentence, of the 1960 Act.

25. The Office should indicate the date on which the international registration produced or shall produce the effect as a grant of protection under the applicable law, pursuant to proposed new subparagraph (b)(iv). Such a date should be, at the latest, the date of expiration of the applicable refusal period, or within the time specified in the declaration under Rule 18(1)(c)(i), if the designation is governed by the 1999 Act, and subject to the declaration.

26. The inclusion of proposed new item (iii) in subparagraph (b), as well as the proposed amendment to subparagraph (a), is intended to clarify that the Office may send a statement of grant of protection which concerns only one or some of the industrial designs that are the subject of the international registration.

27. Besides, both paragraphs (1) and (2) of Rule 18bis actually refer to the same notification of refusal. Thus, the opportunity is seized to delete the term "provisional" from the chapeau of paragraph (1) in order to avoid any confusion.

28. Proposed new subparagraph (c) corresponds to new subparagraph (c) of Rule 18(4) and of Rule 18bis(2) respectively. The expression "in a procedure before the Office" is also used in proposed new subparagraph (d).

29. Proposed new subparagraph (d) makes it compulsory for the Office to send a statement of grant of protection if its Contracting Party has made a declaration either under Rule 18(1)(c)(i) or (ii). This new subparagraph also makes it compulsory for the Office to send the statement if protection is granted to the industrial design following amendments in a procedure before the Office. This is to ensure that the proposed Feedback Mechanism fulfills its purpose in all instances.

30. The inclusion of new subparagraph (e) is proposed to clarify that the applicable period within which the statement of grant of protection may be sent shall be extended, where either Rule 18(1)(c)(i) or (ii) applies, as the case may be. This amendment would be necessary in conjunction with the proposal to establish new subparagraph (d).

31. *The Assembly of the Hague Union is invited to adopt the amendments to the Common Regulations with respect to Rule 18(4), and Rule 18bis(1) and (2) as set out in Annex V of document H/A/34/2, with a date of entry into force of January 1, 2015.*

NEW ITEM IN THE SCHEDULE OF FEES

32. On the basis of document H/LD/WG/4/2¹⁰, the Working Group also discussed the types of documents and other material that could be submitted in support of a designation of a Contracting Party, in accordance with Rule 7(5)(f) and (g) of the Common Regulations, and their submission through the intermediary of the International Bureau.

33. In line with Rule 34(1)(a) of the Common Regulations, proposed new Section 408 in the Administrative Instructions for the Application of the Hague Agreement (hereinafter referred to as “the Administrative Instructions”), contained in document H/LD/WG/4/2, was submitted to the Working Group with a view to proceeding to the required consultation regarding modifications to the Administrative Instructions. The Working Group considered it desirable to add new Section 408 in the Administrative Instructions. New Section 408 complements optional contents of the international application as provided for by Rule 7(5)(f) and (g) and sets out types of documents in support of a designation of a Contracting Party that may accompany the international application (supporting documentation). Following the said consultation, the Director General of the World Intellectual Property Organization (WIPO) modified the Administrative Instructions accordingly¹¹.

34. Furthermore, the Working Group favorably considered the possibility of allowing, in the future, the submission of supporting documentation through the International Bureau to the Offices concerned, even after the filing of the international application. Providing for the “late submission” of supporting documentation through the International Bureau would reduce the burden in terms of costs and procedures for the applicants, since it would bypass the need for individual submissions and the possible requirement of going through a local representative in any territories concerned where the applicant does not have a residence.

35. Finally, it is recalled that, when the Working Group discussed the submission of a Certificate of Transfer to the Office concerned based on document H/LD/WG/4/4, it also favorably considered the possibility of its submission through the International Bureau (see paragraph 8 of the present document).

¹⁰ Document H/LD/WG/4/2, entitled “Types of Documents and Other Material Under Rule 7(5)(f) and (g) of the Common Regulations and Their Submission Through the Intermediary of the International Bureau”, is available on the WIPO web site at http://www.wipo.int/meetings/en/details.jsp?meeting_id=32042.

¹¹ The amended Administrative Instructions came into effect on July 1, 2014. See Information Notice No. 3/2014, available on the WIPO web site at <http://www.wipo.int/hague/en/notices/>.

36. If the “late submission” of documentation in support of a designation of a Contracting Party, as described above, or the submission of a Certificate of Transfer to the Office concerned through the International Bureau were to be made possible in the future, the International Bureau would in fact be offering an additional service to the users of the Hague System.

37. In view of the above, the Working Group considered favorably the submission of a proposal to amend the Common Regulations with respect to the Schedule of Fees to the Assembly of the Hague Union, for adoption, to authorize the International Bureau to collect a fee for such additional services. In considering this, the Working Group noted that item 9 of the Schedule of Fees under the Madrid System for the International Registration of Marks already provided the International Bureau with the authority to collect a fee, whose amount it shall itself fix, for special services¹².

38. The Assembly of the Hague Union is invited to adopt the amendments to the Common Regulations with respect to the Schedule of Fees as set out in Annex V of document H/A/34/2, with a date of entry into force of January 1, 2015.

[Annexes follow]

¹² Item 9, “Special Services” of the Schedule of Fees under the Madrid System reads as follows:
“*The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for operations to be performed urgently and for services not covered by this Schedule of Fees.*”

RECOMMENDATION

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

in terms of Article 16(2) of the Geneva (1999) Act of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the “Geneva Act”) which allows a Contracting Party to the Geneva Act to notify the Director General, in a declaration, that a recording of a change in ownership of the international registration shall not have the same effect as if it had been made in the Register of the Office of the Contracting Party concerned until the Office of that Contracting Party has received the statements or documents specified in that declaration,

recommends that where a change in ownership of an international registration in respect of a designated Contracting Party having made a declaration under Article 16(2) of the Geneva Act is recorded in the International Register, for the purpose of meeting a requirement specified in such a declaration, if

(a) a “Certificate of transfer by contract of international registration(s) of industrial design(s) in respect of a designated Contracting Party(ies) having made a declaration under Article 16(2) of the Geneva (1999) Act” (hereinafter referred to as a “certificate of transfer”) established by the International Bureau of the World Intellectual Property Organization (hereinafter referred to as the “International Bureau”) is submitted to the Office of the designated Contracting Party concerned through the International Bureau at a time and in a manner and format to be ascertained by the International Bureau according to Sections 204 and 205 of the Administrative Instructions for the Application of the Hague Agreement, or

(b) a certificate of transfer is submitted to the Office of the Contracting Party concerned directly,

that Office accepts the certificate of transfer as having the same effect as a statement or document which may be submitted for the same purpose under the law of the Contracting Party concerned.

[Annex II follows]

CERTIFICATE OF TRANSFER BY CONTRACT OF INTERNATIONAL REGISTRATION(S)
OF INDUSTRIAL DESIGN(S) IN RESPECT OF A DESIGNATED CONTRACTING
PARTY(IES) HAVING MADE A DECLARATION UNDER ARTICLE 16(2) OF THE
GENEVA (1999) ACT^{1 2}

*CERTIFICAT DE CESSION PAR CONTRAT D'UN OU PLUSIEURS ENREGISTREMENTS
INTERNATIONAUX DE DESSINS OU MODELES INDUSTRIELS A L'EGARD D'UNE OU
DE PLUSIEURS PARTIES CONTRACTANTES DESIGNEES AYANT FAIT UNE
DECLARATION EN VERTU DE L'ARTICLE 16.2) DE L'ACTE DE GENEVE (1999)^{1 2}*

**CERTIFICADO DE TRANSFERENCIA MEDIANTE CONTRATO DE REGISTRO(S)
INTERNACIONAL(ES) DE DIBUJOS O MODELOS INDUSTRIALES RESPECTO DE
PARTE(S) CONTRATANTE(S) DESIGNADA(S) QUE HAYA(N) EFECTUADO UNA
DECLARACIÓN EN VIRTUD DEL ARTÍCULO 16.2) DEL ACTA DE GINEBRA (1999)^{1 2}**

Submitted to the Office of³/

Présenté à l'Office de³/

Presentado en la Oficina de³:

This certificate contains the following number of continuation sheets/Le
présent certificat comprend le nombre suivant de feuilles supplémentaires/El
presente certificado contiene el siguiente número de hojas adicionales:

FOR USE BY THE OFFICE ONLY/RÉSERVÉ À L'OFFICE/PARA USO DE LA OFICINA ÚNICAMENTE

1. Certification/*Certification*/**Certificación**

The undersigned transferor(s) and transferee(s) hereby certify that the ownership of the international registration(s) and/or industrial design(s) identified below has been transferred by contract/Le (*les*) *cédant(s) et cessionnaire(s) soussigné(s) certifi(ent) que la titularité de l'enregistrement international/des enregistrements internationaux et/ou du (des) dessin(s) ou modèle(s) industriel(s) indiqué(s) ci-après a été cédée par contrat/El (los) cedente(s) y cesionario(s) abajo firmante(s) certifica(n) que la titularidad del (de los) registro(s) internacional(es) y/o del (de los) dibujo(s) o modelo(s) industrial(es) identificado(s) a continuación ha sido transferida por contrato.*

Effective date of the transfer⁴/

Date de prise d'effet de la cession⁴/

Fecha efectiva de la transferencia⁴/

____/____/____
DD/MM/YYYY
JJ/MM/AAAA
DD/MM/AAAA

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2. International Registration(s)/Industrial Design(s) Affected by the Transfer/
*Enregistrement(s) international (internationaux)/Dessin(s) ou modèle(s) industriel(s)
concerné(s) par la cession/Registro(s) internacional(es)/Dibujo(s) o modelo(s)
industrial(es) objeto de la transferencia*

(Indicate the number of the international registration(s) that have been transferred. If the transfer has been partial, indicate the number(s) of the industrial design(s) that have been transferred⁵/*Indiquer le numéro de l' (des) enregistrement(s) international (internationaux) qui a (ont) été cédé(s). Si le transfert est partiel, indiquer le(s) numéro(s) du (des) dessins(s) ou modèle(s) industriel(s) qui a (ont) été cédé(s)*⁵/**Indique el número del (de los) registro(s) internacionales transferido(s). Si se trata de una transferencia parcial, indique el (los) número(s) del (de los) dibujo(s) o modelo(s) industriales transferido(s)**⁵).

<p>(11) Number of the international registration/Numéro de l'enregistrement international/Número del registro internacional</p>	<p>(53) Number(s) of the industrial design(s) transferred, if the transfer has been partial/ Numéro(s) du (des) dessin(s) ou modèle(s) industriel(s) cédé(s), si le transfert est partiel/Número(s) del (de los) dibujo(s) o modelo(s) transferido(s), si se trata de una transferencia parcial</p>

- If the space under item 2 is not sufficient, check this box and provide the information on further international registrations and/or industrial designs on a continuation sheet/*Si la place prévue à la rubrique 2 est insuffisante, cocher cette case et fournir les éléments d'information concernant d'autres enregistrements internationaux et/ou dessins et modèles industriels sur une feuille supplémentaire/Si el espacio disponible en el punto 2 no es suficiente, márchese este recuadro y proporciónese la información sobre los demás registros internacionales y/o dibujos o modelos industriales en una hoja complementaria.*

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3. Transferor(s)⁶/Cédant(s)⁶/**Cedente(s)**⁶

(73) Name and address of transferor(s)/*Nom et adresse du (des) cédant(s)*/Nombre y dirección del (de los) cedente(s)

(a)(1) If the transferor(s) is (are) a natural person, the person's/*Si le(s) cédant(s) est (sont) une personne physique/Si el (los) cedente(s) es (son) una persona natural, indiquense:*

(i) family or principal name/*nom de famille ou nom principal/los apellidos:*

.....

(ii) given or secondary name(s)/*prénom(s) ou nom(s) secondaire(s)/los nombres:*

.....

(a)(2) If the transferor(s) is a legal entity, the entity's full official designation and its State of Incorporation/*Si le(s) cédant(s) est (sont) une personne morale, dénomination officielle complète et État dans lequel elle a été constituée/Si el (los) cedente(s) es (son) una persona jurídica, indique la designación oficial completa de la entidad y el Estado en el que fue constituida:*

.....
.....

(b) Address (including postal code and country)/*Adresse (y compris le code postal et le pays)/Dirección (incluidos el código postal y el país):*

.....
.....

(c) Telephone number(s) (with country and area code)/*Numéro(s) de téléphone (avec les indicatifs de pays et de zone/Número(s) de teléfono (con el indicativo de país y zona):*

.....

(d) Facsimile number(s) (with country and area code)/*Numéro(s) de télécopieur (avec les indicatifs de pays et de zone/Número(s) de facsímil (con el indicativo de país y zona):*

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(e) E-mail address/*Adresse électronique/Dirección de correo electrónico:*

.....

Check this box if there is more than one transferor; in that case, list them on a continuation sheet and indicate, in respect of each of them, the data referred to in items 3(a) to 3(e)/*Cocher cette case en cas de pluralité de cédants; si tel est le cas, en dresser la liste sur une feuille supplémentaire et indiquer, pour chacun d'eux, les éléments d'information demandés aux points 3.a) à 3.e)***Márquese este recuadro si hay más de un cedente, en cuyo caso, indíquense los cedentes adicionales en una hoja complementaria con los datos mencionados en los puntos 3.a) a 3.e) respecto de cada uno de ellos.**

4. Transferee(s)⁶/*Cessionnaire(s)*⁶/**Cesionario(s)**⁶

(78) Name and address of Transferee(s)/Nom et adresse du (des) cessionnaire(s)/Nombre y dirección del (de los) cesionario(s)

(a)(1) If the transferee(s) is a natural person, the person's/*Si le(s) cessionnaire(s) est (sont) une personne physique/Si el (los) cesionario(s) es (son) una persona natural:*

(i) family or principal name/*nom de famille ou nom principal/los apellidos:*

.....

(ii) given or secondary name(s)/*prénom(s) ou nom(s) secondaire(s)/los nombres:*

.....

(a)(2) If the transferee(s) is a legal entity, the entity's full official designation and its State of Incorporation/*Si le(s) cessionnaire(s) est (sont) une personne morale, dénomination officielle complète et État dans lequel elle a été constituée/Si el (los) cesionario(s) es (son) una persona jurídica, indíquese la designación oficial completa de la entidad y el Estado en el que fue constituida:*

.....

.....

(b) Address (including postal code and country)/*Adresse (y compris le code postal et le pays)/Dirección (incluidos el código postal y el país):*

.....

.....

(c) Telephone number(s) (with country and area code)/*Numéro(s) de téléphone (avec les indicatifs de pays et de zone/Número(s) de teléfono (con el indicativo de país y zona):*

.....

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página 5

(d) Facsimile number(s) (with country and area code)/*Numéro(s) de télécopieur
(avec les indicatifs de pays et de zone/Número(s) de facsímil (con el indicativo de
país y zona):*

.....

(e) E-mail address/*Adresse électronique/Dirección de correo electrónico:*

.....

Check this box if there is more than one transferee; in that case, list them on a continuation sheet and indicate, in respect of each of them, the data referred to in items 4(a) to 4(e)/*Cocher cette case en cas de pluralité de cessionnaires; si tel est le cas, en dresser la liste sur une feuille supplémentaire et indiquer, pour chacun d'eux, les éléments d'information demandés aux points 4.a) à 4.e)/Márquese este recuadro si hay más de un cesionario, en cuyo caso, indíquense los cesionarios adicionales en una hoja complementaria con los datos mencionados en los puntos 4.a) a 4.e) respecto de cada uno de ellos.*

5. Signature or seal^{7 8 9}/*Signature ou sceau*^{7 8 9}/**Firmao sello**^{7 8 9}

(a) Signature or seal of the transferor(s)/*Signature ou sceau du (des) cédant(s)/
Firma o sello del (de los) cedente(s):*

(i) **(73)** Name of the natural person(s) who signs or whose seal is used under item (iv), below/*Nom de la (des) personne(s) physique(s) qui signe(nt) ou dont le(s) sceau(x) est (sont) utilisé(s) en vertu du point iv) ci-dessous/Nombre y apellido de la(s) persona(s) natural(es) que firma(n) o cuyo sello se utiliza en el punto iv), infra:*

.....

(ii) If the transferor(s) is(are) a legal entity, the entity's full official designation and the capacity in which the person(s) signs or whose seal is used under item (iv), below (if such capacity is not obvious)/*Si le(s) cédant(s) est (sont) une personne morale, dénomination officielle complète et qualité en laquelle la (les) personne(s) mentionnée(s) au point i) signe(nt) ou dont le(s) sceau(x) est (sont) utilisé(s) en vertu du point iv) ci-dessous (si cette qualité n'est pas évidente)/Si el (los) cedente(s) es (son) una persona jurídica, indíquese la designación oficial completa de la entidad y la calidad en la que la(s) persona(s) firma(n) o cuyo sello se utiliza en el punto iv), infra (si dicha calidad no es evidente):*

.....

(iii) Date of signature or of sealing/...../...../.....
Date de signature ou d'apposition du sceau/ DD/MM/YYYY
Fecha de la firma o del estampado del sello: JJ/MM/AAAA
DD/MM/AAAA

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página 6

(iv) Signature(s) or seal(s)/*Signature(s) ou sceau(x)*/**Firma(s) o sello(s)**:
.....

- Check this box if there is more than one transferor and list them on a continuation sheet and indicate, in respect of each of them, the data referred to in items 5(a)(i) to (iii) together with the signature or seal of the transferor as required under item (iv)/*Cocher cette case en cas de pluralité de cédants et en dressant la liste sur une feuille supplémentaire en indiquant, pour chacun d'eux, les éléments d'information demandés aux points 5.a)i) à iii) et en apposant la signature ou le sceau du cédant comme prescrit au point iv)*/**Márquese este recuadro si hay más de un cedente, en cuyo caso, enumérense los cedentes adicionales en una hoja complementaria e indíquense los datos mencionados en los puntos 5.a)i) a iii) respecto de cada uno de ellos junto con la firma o sello del o de los cedentes, como se estipula en el punto iv).**

(b) Signature or seal of the transferee(s)/*Signature ou sceau du (des) cessionnaire(s)* / **Firma o sello del (de los) cesionario(s)**:

(i) **(78)** Name of the natural person(s) who signs or whose seal is used under item (iv), below/*Nom de la (des) personne(s) physique(s) qui signe(nt) ou dont le sceau est utilisé en vertu du point iv) ci-dessous*/**Nombre y apellido de la(s) persona(s) natural(es) que firma(n) o cuyo sello se utiliza en el punto iv), infra:**
.....
.....
.....
.....

(ii) If the transferee(s) is(are) a legal entity, the entity's full designation and the capacity in which the person signs or whose seal is used under item (iv), below (if such capacity is not obvious)/*Si le(s) cessionnaire(s) est (sont) une personne morale, dénomination officielle complète et qualité en laquelle la (les) personne(s) mentionnée(s) au point i) signe(nt) dont le sceau est utilisé en vertu du point iv) ci-dessous (si cette qualité n'est pas évidente)*/**Si el (los) cesionario(s) es (son) una persona jurídica, indíquese la designación oficial completa de la entidad y la calidad en la que la(s) persona(s) firman o cuyo sello se utiliza en el punto iv), infra (si dicha calidad no es evidente):**
.....

(iii) Date of signature or of sealing/
Date de signature ou d'apposition du sceau/
Fecha de la firma o del estampado del sello:

____/____/____
DD/MM/YYYY
JJ/MM/AAAA
DD/MM/AAAA

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página 7

(iv) Signature(s) or seal(s)/Signature(s) ou sceau(x)/Firma(s) o sello(s):

-
- Check this box if there is more than one transferee and list them on a continuation sheet and indicate, in respect of each of them, the data referred to in items 5(b)(i) to (iii) together with the signature or seal of the transferee as required under item (iv)/Cocher cette case en cas de pluralité de cessionnaires et en dresser la liste sur une feuille supplémentaire en indiquant, pour chacun d'eux, les éléments d'information demandés aux points 5.b)i) à iii) et en apposant la signature ou le sceau du cessionnaire comme prescrit au point iv)/**Márquese este recuadro si hay más de un cesionario, en cuyo caso, enumérense los cesionarios adicionales en una hoja complementaria e indíquense los datos mencionados en los puntos 5.b)i) a iii) respecto de cada uno de ellos junto con la firma o sello del o de los cesionarios, como se estipula en el punto iv).**

[Annex III follows]

¹ Some bibliographic data in respect of international designs are identified by the INID (Internationally agreed Numbers for the Identification of Data) codes, that is, the codes of Standard ST.80 ("Recommendation concerning bibliographic data relating to industrial designs"), available on the web site of the World Intellectual Property Organization (WIPO), at <http://www.wipo.int/standards/en/pdf/03-80-01.pdf>.

² The details of the transfer by contract shall be provided only in respect of the Contracting Party(ies) to whose Office(s) the present certificate is submitted (list of declarations made by Contracting Parties to the Hague Agreement available at <http://www.wipo.int/hague/en/declarations/declarations.html>.)

³ Name of the State(s) or intergovernmental organization(s).

⁴ Indication of the effective date of transfer is a mandatory element under the legislation of [China and the Russian Federation].

⁵ Only those industrial designs which have been transferred in respect of the Contracting Party(ies) to whose Office(s) the present certificate is submitted shall be indicated.

⁶ The names to be indicated under (a) are those which are recorded in the International Register in respect of the international registration(s) to which the present certificate relates.

⁷ The words "signature" and "seal" also include the plural form, as the case may be.

⁸ The following Contracting Parties require "signature(s)" and do not accept "seal(s)" unaccompanied by a signature: [Russian Federation].

⁹ The following Contracting Parties require that both the transferor(s) and the transferee(s) sign the present item.

¹ Quelques données bibliographiques concernant les dessins et modèles internationaux sont identifiées par des codes INID (INID signifie "Identification numérique internationale des données bibliographiques"), c'est-à-dire les codes définis dans la norme ST.80 ("Recommandation concernant les données bibliographiques relatives aux dessins et modèles industriels"), qui est disponible sur le site Internet de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI) à l'adresse <http://www.wipo.int/standards/fr/pdf/03-80-01.pdf>.

² Des renseignements sur la cession par contrat ne doivent être fournis qu'à l'égard de la ou des parties contractantes aux Offices desquelles le présent certificat est présenté (la liste des déclarations faites par les parties contractantes de l'Arrangement de La Haye figure à l'adresse <http://www.wipo.int/hague/fr/declarations/declarations.html>.)

³ Nom de l'État ou des États, ou de l'organisation ou des organisations intergouvernementale(s).

⁴ L'indication de la date de prise d'effet de la cession est un élément obligatoire selon la législation de [la Chine et la Fédération de Russie].

[Endnote continued from previous page]

⁵ *Indiquer uniquement les dessins ou modèles industriels qui ont été cédés à l'égard de la ou des parties contractantes aux Offices desquelles le présent certificat est présenté.*

⁶ *Les noms à indiquer sous a) sont ceux qui sont inscrits au registre international à l'égard de l'enregistrement international / des enregistrements internationaux au(x)quel(s) a trait le présent certificat.*

⁷ *Les termes "signature" et "sceau" s'entendent également au pluriel, selon le cas.*

⁸ *Les parties contractantes suivantes exigent des "signature(s)" et n'acceptent pas les sceaux non accompagnés d'une signature : [Fédération de Russie].*

⁹ *Les parties contractantes suivantes exigent que le(s) cédant(s) et le(s) cessionnaire(s) signent le présent point.*

¹ ***Algunos datos bibliográficos relativos a los dibujos y modelos internacionales se identifican con los códigos INID (Identificación Numérica Internacionalmente acordada en materia de Datos bibliográficos), es decir, los códigos de la Norma ST.80 ("Recomendación relativa a los datos bibliográficos sobre dibujos y modelos industriales"), disponible en el sitio Web de la Organización Mundial de la Propiedad Intelectual (OMPI), en <http://www.wipo.int/standards/es/pdf/03-80-01.pdf>.***

² ***Los detalles de la transferencia por contrato serán indicados exclusivamente respecto de la(s) Parte(s) Contratante(s) a cuya(s) Oficina(s) se remita el presente certificado (la lista de declaraciones efectuadas por las Partes Contratantes del Arreglo de La Haya puede consultarse en <http://www.wipo.int/hague/es/declarations/declarations.html>.)***

³ ***Nombre del Estado(s) u Organización(es) Intergubernamental(es).***

⁴ ***La indicación de la fecha efectiva de la transferencia es un elemento obligatorio con arreglo a la legislación de [China y la Federación de Rusia].***

⁵ ***Sólo se indicarán los dibujos o modelos industriales que hayan sido transferidos respecto de la(s) Parte(s) Contratante(s) a cuya(s) Oficina(s) se remita el presente certificado.***

⁶ ***Los nombres y apellidos que se han de indicar en a) son los que están inscritos en el Registro Internacional respecto de los registros internacionales a los que se refiere el presente certificado.***

⁷ ***Las palabras "firma" y "sello" se entienden también en su forma plural, según proceda.***

⁸ ***Las Partes Contratantes enumeradas a continuación exigen la firma y no aceptan estampado de sello alguno que no vaya acompañado de una firma: [Federación de Rusia].***

⁹ ***Las siguientes Partes Contratantes exigen que tanto el cedente como el cesionario rellene el presente apartado.***

INSTRUCTIONS ON THE COMPLETION OF THE CERTIFICATE OF TRANSFER

It is recalled that the details of the transfer by contract shall be given ONLY with respect to the Contracting Party(ies) to the Office of which the present document is submitted.

The list of Contracting Parties having made the declaration under Article 16(2) of the Geneva (1999) Act and that accept this certificate for the purpose of Article 16(2) is available on the WIPO web site at: [<http://www.wipo.int/hague/en/>].

PRELIMINARY INFORMATION

Indicate the full name of the State(s) or intergovernmental organization(s) to whose Office the present document is submitted: for example, Denmark or African Intellectual Property Organization (OAPI).

Item 1

Indicate the effective date of transfer in the form dd/mm/yyyy. For example, 20/09/2013.

Item 2

Indicate the number of the relevant international registration(s) having been transferred with respect to the concerned State(s) or intergovernmental organization(s) in the form DM/123456 or DM/123456A.

If the transfer has been partial, indicate the number(s) of the industrial design(s) that have been transferred in the form 1, 3, 4, etc.

Item 3

(a)(1)(i) and (ii): The names to be indicated are those recorded in the International Register.

(a)(2) The entity's full official designation to be indicated is the one recorded in the International Register.

(b) For example, 34, chemin des Colombettes, 1202 Geneva, Switzerland.

(c)(d) For example, +41-22 338 9111.

(e) For example, abcde@wipo.int.

Item 4

(a)(1)(i) and (ii) The names to be indicated are those recorded in the International Register.

(a)(2) The entity's full official designation to be indicated is the one recorded the International Register.

(b) For example, 34, chemin des Colombettes, 1202 Geneva, Switzerland.

(c)(d) For example, +41-22 338 9111.

(e) For example, abcde@wipo.int.

Item 5

(a) (i) For example, John JOHNSON.

(ii) The entity's full official designation to be indicated is the one recorded in the International Register.

(iii) Full date of signature in the form dd/mm/yyyy: for example, 20/09/2013.

(iv) Handwritten signature or seal.

(b) (i) For example Elizabeth SMITH.

(ii) The entity's full official designation to be indicated is the one recorded in the International Register.

(iii) Full date of signature in the form dd/mm/yyyy: for example, 20/09/2013.

(iv) Handwritten signature or seal.

If there are several transferors or transferees, all of them must sign the document or use their seals, in accordance with the applicable national/regional law of the concerned State(s) or intergovernmental organization(s).

[Annex IV follows]

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

(as in force on [January 1, 2015])

*Rule 18
Notification of Refusal*

[...]

(4) [*Notification of Withdrawal of Refusal*] (a) The notification of any withdrawal of refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

- (i) the Office making the notification,
- (ii) the number of the international registration,
- (iii) where the withdrawal does not relate to all the industrial designs to

which the refusal applied, those to which it relates or does not relate, ~~and~~

(iv) the date on which the international registration produced the effect as a grant of protection under the applicable law, and

(v) the date on which the refusal was withdrawn.

(c) Where the international registration was amended in a procedure before the Office, the notification shall also contain or indicate all amendments.

[...]

*Rule 18bis
Statement of Grant of Protection*

(1) [*Statement of Grant of Protection Where No Notification of ~~Provisional~~ Refusal Has Been Communicated*] (a) An Office which has not communicated a notification of refusal may, within the period applicable under Rule 18(1)(a) or (b), send to the International Bureau a statement to the effect that protection is granted to the industrial designs, or some of the industrial designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

(b) The statement shall indicate

- (i) the Office making the statement,
- (ii) the number of the international registration, ~~and~~
- (iii) where the statement does not relate to all the industrial designs that

are the subject of the international registration, those to which it relates,

(iv) the date on which the international registration produced or shall produce the effect as a grant of protection under the applicable law, and

(v) the date of the statement.

(c) Where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments.

(d) Notwithstanding subparagraph (a), where Rule 18(1)(c)(i) or (ii) applies, as the case may be, or where protection is granted to the industrial designs following amendments in a procedure before the Office, the said Office must send to the International Bureau the statement referred to in subparagraph (a).

(e) The applicable period referred to in subparagraph (a) shall be the period allowed pursuant to Rule 18(1)(c)(i) or (ii), as the case may be, to produce the effect as a grant of protection under the applicable law, with respect to a designation of Contracting Party having made a declaration under either of the aforementioned Rules.

(2) [Statement of Grant of Protection Following a Refusal] (a) An Office which has communicated a notification of refusal and which has decided to either partially or totally withdraw such refusal, may, instead of notifying a withdrawal of refusal in accordance with Rule 18(4)(a), send to the International Bureau a statement to the effect that protection is granted to the industrial designs, or some of the industrial designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

(b) The statement shall indicate

(i) the Office making the notification,

(ii) the number of the international registration,

(iii) where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate, ~~and~~

(iv) the date on which the international registration produced the effect as a grant of protection under the applicable law, and

(v) the date of the statement.

(c) Where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments.

[...]

[...]

SCHEDULE OF FEES

(as in force on [January 1, 2015])

[...]

VII. *Services Provided by the International Bureau*

24. The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for services not covered by this Schedule of Fees.

[Annex V follows]

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

(as in force on [January 1, 2015])

*Rule 18
Notification of Refusal*

[...]

(4) [*Notification of Withdrawal of Refusal*] (a) The notification of any withdrawal of refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

- (b) The notification shall contain or indicate
- (i) the Office making the notification,
 - (ii) the number of the international registration,
 - (iii) where the withdrawal does not relate to all the industrial designs to which the refusal applied, those to which it relates or does not relate,
 - (iv) the date on which the international registration produced the effect as a grant of protection under the applicable law, and
 - (v) the date on which the refusal was withdrawn.
- (c) Where the international registration was amended in a procedure before the Office, the notification shall also contain or indicate all amendments.

[...]

*Rule 18bis
Statement of Grant of Protection*

(1) [*Statement of Grant of Protection Where No Notification of Refusal Has Been Communicated*] (a) An Office which has not communicated a notification of refusal may, within the period applicable under Rule 18(1)(a) or (b), send to the International Bureau a statement to the effect that protection is granted to the industrial designs, or some of the industrial designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

- (b) The statement shall indicate
- (i) the Office making the statement,
 - (ii) the number of the international registration,
 - (iii) where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates,
 - (iv) the date on which the international registration produced or shall produce the effect as a grant of protection under the applicable law, and
 - (v) the date of the statement.
- (c) Where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments.

(d) Notwithstanding subparagraph (a), where Rule 18(1)(c)(i) or (ii) applies, as the case may be, or where protection is granted to the industrial designs following amendments in a procedure before the Office, the said Office must send to the International Bureau the statement referred to in subparagraph (a).

(e) The applicable period referred to in subparagraph (a) shall be the period allowed pursuant to Rule 18(1)(c)(i) or (ii), as the case may be, to produce the effect as a grant of protection under the applicable law, with respect to a designation of Contracting Party having made a declaration under either of the aforementioned Rules.

(2) [*Statement of Grant of Protection Following a Refusal*] (a) An Office which has communicated a notification of refusal and which has decided to either partially or totally withdraw such refusal, may, instead of notifying a withdrawal of refusal in accordance with Rule 18(4)(a), send to the International Bureau a statement to the effect that protection is granted to the industrial designs, or some of the industrial designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

(b) The statement shall indicate

- (i) the Office making the notification,
- (ii) the number of the international registration,
- (iii) where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,
- (iv) the date on which the international registration produced the effect as a grant of protection under the applicable law, and
- (v) the date of the statement.

(c) Where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments.

[...]

[...]

SCHEDULE OF FEES

(as in force on [January 1, 2015])

[...]

VII. *Services Provided by the International Bureau*

24. The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for services not covered by this Schedule of Fees.

[End of Annex V and of document]