

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

### **Assembly**

**Fortieth (18<sup>th</sup> Extraordinary) Session  
Geneva, September 21 to 25, 2020**

#### **REPORT**

*adopted by the Assembly*

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/61/1): 1, 2, 4, 5, 6, 8, 10(ii), 11, 14, 21 and 22.
2. The reports on the said items, with the exception of item 14, are contained in the General Report (document A/61/10).
3. The report on item 14 is contained in the present document.
4. In the absence of the Chair of the Assembly, Mr. Jan Walter (United Kingdom), Vice-Chair of the Assembly, presided over the meeting.

## ITEM 14 OF THE CONSOLIDATED AGENDA

### HAGUE SYSTEM

5. The Vice-Chair welcomed five new members to the Hague Union Assembly since the last session in September 2018, namely Israel, Mexico, Samoa, San Marino and Viet Nam.
6. Discussions were based on document H/A/40/1.
7. The Secretariat explained that the ongoing COVID-19 pandemic required the International Bureau to start communicating with users of the Hague System exclusively through e-mail. This change of practice came with clear advantages for users over the defunct postal mail practice but there remained instances where there was no e-mail address on the file for the International Bureau to rely on. This required the International Bureau to undertake a search for an e-mail address, which it did, painstakingly, but not always with success. The Secretariat further explained that document H/A/40/1, submitted to the Hague Union Assembly for adoption, contained a proposal to amend Rules 3, 7 and 21 of the Common Regulations to make the indication of an e-mail address for the applicant, the new holder of an international registration or the appointed representative a mandatory indication in the relevant forms to be used. The purpose of these amendments was to ensure that the International Bureau would always be able to communicate with the applicant of a new application. This would also ensure that over time an e-mail address would be collected for the several thousands of older but still active international registrations for which there currently were no e-mail addresses in the file. The Secretariat proposed that the proposed amendments enter into force on February 1, 2021. In the meantime, the Hague Registry would embark in an awareness campaign to ensure efficient buy-in from users, as the objective here was not to add yet another requirement for them to comply with, but really to ensure that the International Bureau was in a position to serve them optimally in those difficult times and beyond.
8. The Delegation of the United Kingdom speaking on behalf of Group B thanked the Secretariat for preparing document H/A/40/1 making e-mail address a required indication. The Delegation stated that it was undeniably useful to be able to adapt working practices to take full advantage of technology. This could support intellectual property (IP) offices to manage their workloads and provide users of the IP system with clarity in challenging circumstances presented by emergencies, such as the COVID-19 pandemic. The Delegation added that the requirement for applicants to supply an e-mail address under the Hague System helped the International Bureau and IP offices to communicate with users of the Hague System in a timely, resilient and efficient manner. By acquiring e-mail addresses, IP offices would be able to communicate more effectively to provide service continuity during difficult times. The Delegation also noted that these measures would enable more efficient and effective communication also outside times of crisis. The Delegation was grateful that privacy concerns had been taken into consideration in the preparation of the proposed amendments and supported the proposed amendments to Rules 3, 7 and 21 of the Common Regulations.
9. The Delegation of the Republic of Korea supported the proposal to require that applicants, holders and their representatives indicate an e-mail address in the Hague System, considering the difficult situation for physical communication between the International Bureau and users of global IP services due to COVID-19. The Delegation noted that, as it had already mentioned during the discussion at the Madrid Union Assembly, this proposal would improve the efficiency of the delivery services and create a better environment for the International Bureau to communicate with applicants, holders and their representatives. In that regard, the Delegation believed that the proposal would be of more practical help with a possible improvement of computers systems and coordination between the International Bureau and the designated Offices in order to achieve seamless transmission of information.

10. The Delegation of the European Union supported the proposal, as it did for the Madrid Union Assembly.

11. The Delegation of the Russian Federation, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), expressed its support for the proposal submitted to the Hague Union Assembly to require the indication of an e-mail address, just like for the Madrid System. The Group believed that this would improve communication with users of the Hague System and help overcome the risks linked to the disruption of postal and delivery services. The Group added that it also hoped that the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as “the Hague Working Group”) would look at the languages policy, where a document would be drawn up on that particular issue and was looking forward to reading that document.

12. The Delegation of the Russian Federation, speaking in its national capacity, supported the statement made on behalf of the CACEEC Group and the Secretariat's proposal on COVID-19 measures on the proposed amendments to Rules 3, 7 and 21 of the Common Regulations. The Delegation noted that making the indication of e-mail addresses a required indication would facilitate the work of the International Bureau and ensure smooth communication to applicants, holders and their representatives. The Delegation also hoped that the meeting of the Hague Working Group would take place because the work on the languages policy had to be interrupted due to the pandemic and was looking forward to seeing the results of the consideration of those languages policy.

13. The Delegation of Japan supported the statement made by the United Kingdom on behalf of Group B and basically supported the proposed policy to require users to indicate an e-mail address. The Delegation, however, noted that to avoid excessive influences, the lack of indication of an e-mail address should not fall within the scope of irregularities that would entail the postponement of the filing date of the international application under Rule 14(2) of the Common Regulations.

14. The Delegation of Canada also supported the statement made by the Delegation of the United Kingdom on behalf of Group B. The Delegation stated that the Hague System, like the Madrid System, was very important for Canada and that Canadian users had been affected by the disruption of communications. The Delegation believed that communication was essential as outlined in document H/A/40/1 and that this proposal would help in the current situation.

15. The Secretariat added in response to the statement made by the Delegation of Japan that it was not the intention of the International Bureau to consider the omission of an e-mail address as a fault in an application that would affect the filing date. Although the Secretariat believed that this had already been implied in the document, it stated explicitly that it was the position of the International Bureau in this regard. Otherwise, the International Bureau would have proposed an amendment to Rule 14(2).

16. The Delegation of China believed that the proposal was consistent with the characteristic of the Hague System of being user friendly and that this would be beneficial as a whole to users. At the same time, the Delegation requested that the International Bureau further improved the electronic filing and communication systems to provide a service of quality, efficiency and reliability.

17. The Assembly of the Hague Union adopted the amendments to Rules 3, 7 and 21 of the Common Regulations, as set out in the Annex to document H/A/40/1, with a date of entry into force of February 1, 2021.

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