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

### **Assembly**

**Forty-First (23<sup>rd</sup> Ordinary) Session**  
**Geneva, October 4 to 8, 2021**

#### **DRAFT REPORT**

*prepared by the Secretariat*

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/62/1): 1, 2, 3, 4, 5, 6, 10(ii), 11, 12, 23, 32 and 33.
2. The reports on the said items, with the exception of item 23, are contained in the draft General Report (document A/62/13 Prov.).
3. The report on item 23 is contained in the present document.
4. Mr. David R. Gerk (United States of America) was elected Chair of the Assembly; and Ms. Grace Issahaque (Ghana) was elected Vice-Chair.

## ITEM 23 OF THE CONSOLIDATED AGENDA

### HAGUE SYSTEM

5. The Chair welcomed one new Contracting Party to the Hague Union Assembly since the last session in September 2020, namely Belarus.

6. Discussions were based on document H/A/41/1.

7. The Secretariat explained that last year's meeting of the Hague Union Assembly was held with a reduced agenda, not allowing substantive changes recommended by 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") to be considered. As a result, document H/A/41/1 contained recommendations from both 2019 and 2020 sessions of the Working Group. The Secretariat underscored that each of the amendments proposed in that document aimed at enhancing the user-friendliness of the Hague System by streamlining its procedures, offering users more flexibility in their strategies or better safeguarding their interests. Hence, the first proposal to amend Rule 21 of the Common Regulations aimed to facilitate the recording of a change in ownership where the request was signed by the new owner of an international registration. Secondly, a new Rule 22*bis*, allowing users to add a priority claim after filing, was proposed with some related amendments to Rule 15 and the Schedule of Fees. Thirdly, it was proposed to amend Rule 5. Rule 5 provided users with a safeguard where they failed to meet a time limit, but as the COVID-19 pandemic revealed, it was considered too narrowly drafted. The proposed amendment would, thus, provide users with adequate safeguard measures in case of a *force majeure* event, such as a pandemic. The Secretariat added that other WIPO services had proposed similar amendments to their legal frameworks. Finally, the last proposal was to amend Rule 17 and introduce a related transitional provision. The aim of this proposed amendment was to respond to users' expectations by extending the standard publication period from six to 12 months while introducing the possibility to request an earlier publication at any time during that period. The Secretariat noted that, apart from proposed new Rule 22*bis* and its associated amendments for which it was proposed to leave the date of entry into force at the discretion of the International Bureau, the proposed entry into force date of all these amendments was January 1, 2022. The Secretariat recalled that in respect of the proposed amendments to Rules 5 and 21, the Working Group had recommended earlier dates but these became moot, as the Assembly had not had an opportunity to adopt the said proposed amendments until today.

8. The Delegation of Belarus, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC) supported the proposed amendments. The Group also hoped to seek confirmation on the proposals regarding the linguistic development of the Hague System within the Working Group, noting that priority should be given to the official languages of the United Nations (UN) System. In its national capacity, the Delegation of Belarus thanked the Chair for presenting the fact that Belarus joined the Hague System, a key convention, bringing its ratifications to 19.

9. The Delegation of China expressed its support with the proposed amendments. The Delegation also expressed its appreciation for the completed work and constructive attitude by the members of the Hague Union and the Secretariat in promoting the above-mentioned amendments. The Delegation believed that multilingualism was one of the core values of the UN System, including WIPO, and that the Hague System and other global IP service systems administered by WIPO should also implement this value. In particular, the system should be optimized and improved to meet the needs of a wider range of users in accordance with the expansion of its geographical coverage. In order to adapt to the rapid expansion of the Hague System in recent years, the introduction of official UN languages such as Arabic, Chinese and Russian should be accelerated to ensure that the system can better serve its global users. The

Delegation added that it was accelerating the process for its accession to the Hague Agreement and looked forward to continuing to participate in the work related to the Hague System in a new capacity in the near future.

10. The Delegation of the Russian Federation joined the statement made by the Delegation of Belarus on behalf of CACEEC. The Delegation welcomed the accession of Belarus to the Hague System and expressed its support with the proposed amendments to the Common Regulations, agreeing with the assessment of the Secretariat that these amendments were guided by the needs of the users of the system. The Delegation deemed it important to continue the work on the expansion of the language regime of the Hague System. The Delegation also considered it vital to have a comprehensive assessment of the prospects and to develop a more effective system that would use automated translation technology. The system would be in line with the needs of users of different regions across the world. The Delegation therefore noted that the addition of the languages of the UN System should take place as a matter of priority. The diversification of the language regime would help to enhance the attractiveness of the Hague System. The Delegation looked forward to the continuation of dialogue on this matter and hoped to see the continuation of joint work to streamline the current language regime, taking into account the needs of different users across the different corners of the globe.

11. The Delegation of Morocco expressed its support with the proposed amendments. The Delegation added that industrial designs were an important aspect for the socio-economic development in Morocco, and represented a major tool for the enhancement of the creativity of Moroccan artisans and creators. The Delegation noted that it recorded a good level of utilization of the system at the national level. This was reflected in the fact that Morocco occupied the 10<sup>th</sup> place in the global ranking when it came to designs by origin and GDP, which was also reflected in the *2021 Global Innovation Index (GII)*. For this reason, Morocco very much welcomed the proposed amendments, which would be beneficial to all users and contribute to the promotion of the system to designers and creators.

12. The Assembly of the Hague Union adopted the amendments:

(i) to Rules 5, 17, 21 and 37 of the Common Regulations, as set out in Annexes I and III of document H/A/41/1, with a date of entry into force of January 1, 2022; and

(ii) to Rule 15, Rule 22*bis* of the Common Regulations and the Schedule of Fees, as set out in Annexes II and IV of document H/A/41/1, with a date of entry into force to be decided by the International Bureau.

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