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PROPOSED AMENDMENTS TO THE COMMON REGULATIONS UNDER THE 1999 ACT AND THE 1960 ACT OF THE HAGUE AGREEMENT

Document prepared by the Secretariat

I. INTRODUCTION

1. The eighth 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 held from October 30 to November 1, 2019.
2. In that meeting, the Working Group discussed proposals to amend the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as “the Common Regulations”). As a result, the Working Group favorably considered the submission of proposals to amend Rules 15, 21, 22*bis* and the Schedule of Fees for adoption, to the Hague Union Assembly¹.
3. Due to the COVID-19 pandemic, however, the fortieth session of the Hague Union Assembly, which took place in September 2020, was held with a reduced agenda, and therefore, these proposals were not submitted to that session for adoption.

¹ Refer to document H/LD/WG/8/8, “Summary by the Chair”.

4. Furthermore, at its ninth session held on December 14 and 15, 2020, the Working Group favorably considered the submission of proposals to amend the Common Regulations, for adoption, to the Hague Union Assembly, with respect to Rules 5, 17 and 37².

5. The present document submits for adoption, the bulk of the proposed amendments, as recommended by the Working Group at its eighth and ninth sessions³. Background information on the proposed amendments is given in the following paragraphs. The proposed amendments are reproduced in the Annexes to the present document. Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned in Annexes I and II. The final text of the provisions and the Schedule of Fees as they would result from the proposed amendments are reproduced in Annexes III and IV.

II. PROPOSED AMENDMENTS TO THE COMMON REGULATIONS FOLLOWING THE RECOMMENDATIONS OF THE EIGHTH SESSION OF THE WORKING GROUP

AMENDMENTS TO RULE 21

6. The discussion in the Working Group was based on document H/LD/WG/8/7. The proposed amendments to Rule 21 aim to relax the requirements for the recording of a change in ownership where the request is presented by the new owner of an international registration.

7. The current legal provision requires that in such instances the request be signed by the holder of the international registration or be accompanied by an attestation from the competent authority of the holder's Contracting Party that the new owner appears to be the successor in title of the holder. This poses a significant burden on new owners in the situations where the signature of the holder cannot be obtained.

8. The proposed amendments to Rule 21(1)(b)(ii) and (6) will enable the International Bureau to record the new owner as the holder of an international registration where the request is presented and signed by the new owner if it is accompanied by an assignment document or other document sufficient to provide evidence for the recording of the change.

9. The Working Group recommended that the proposed amendments enter into force on January 1, 2021. However, as mentioned in paragraph 3, above, this proposal was not submitted to the fortieth session of the Hague Union Assembly.

PROPOSED NEW RULE TO PROVIDE FOR THE ADDITION OF A PRIORITY CLAIM AFTER FILING

10. The discussion in the Working Group was based on document H/LD/WG/8/2. The proposed addition of Rule 22*bis* will allow applicants or holders to submit a request to the International Bureau for the addition of a priority claim prior to the completion of technical preparations for publication and within two months from the filing date of the international application.

11. It is recalled that the possible introduction of the proposed new provision is already foreseen under Article 6(1)(b) of the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as "the 1999 Act"). It is also in line with the legal framework of the Patent Cooperation Treaty (PCT), the Patent Law

² Refer to document H/LD/WG/9/7, "Summary by the Chair".

³ As of the date of this document, however, the negative impacts of the COVID-19 pandemic on the economy continue to be felt by users. Hence, not included in the present submission is the proposed increase of the amount of the basic fee for each additional design set out in item 1.2 of the Schedule of Fees from 19 Swiss francs to 50 Swiss francs.

Treaty (PLT) and the draft Design Law Treaty (DLT), as well as with the national and regional laws of several Contracting Parties to the Hague System.

12. Additionally, a consequential amendment to Rule 15 is proposed to add a new subparagraph (vi) to refer to any priority claim added under the proposed Rule 22*bis*, as a new element in the contents of the international registration. A new fee item (Item 6) is also proposed to be included in the Schedule of Fees, in order for the International Bureau to handle the proposed new type of service.

13. Finally, the Working Group noted that the implementation of the proposed new Rule 22*bis* would require certain modifications to the information technology system and the examination procedures of the International Bureau. Hence, it recommended the proposed amendments for adoption by the Hague Union Assembly with a date of entry into force to be left at the discretion of the International Bureau.

III. PROPOSED AMENDMENTS TO THE COMMON REGULATIONS FOLLOWING THE RECOMMENDATIONS OF THE NINTH SESSION OF THE WORKING GROUP

AMENDMENTS TO RULE 5

14. The discussion in the Working Group was based on documents H/LD/WG/9/3 Rev. and H/LD/WG/9/6. The proposed amendments to Rule 5 aim to provide users of the Hague System with adequate relief if they failed to meet a time limit due to a *force majeure* event, such as the COVID-19 pandemic.

15. Current Rule 5 applies in very limited circumstances. In relation to *force majeure* events, it only excuses delays in meeting a time limit for a communication addressed to the International Bureau due to irregularities in postal and delivery services resulting from such events, and requires that the interested party meet certain conditions and provide evidence thereof (Rule 5(1) and (2)). Similarly, in respect of communications sent electronically, it only excuses delays where there is a failure in the electronic communication services of the International Bureau or in the locality of the interested party (Rule 5(3)). Other actions, such as the payment of fees through bank services, are not clearly covered.

16. The proposed amendments to Rule 5 will give users of the Hague System relief equivalent to that provided for in the Regulations under the PCT. The proposed new paragraph (1) will introduce the general principle that failure to meet a time limit specified in the Common Regulations for performing an action before the International Bureau may be excused where the interested party provides evidence, to the satisfaction of the International Bureau, that such failure was due to a *force majeure* event.

17. Proposed new paragraph (2) will clarify that the International Bureau may waive the requirement under paragraph (1) concerning the submission of evidence, in which case a statement that the failure to meet the time limit was due to the reason for which the International Bureau waived the requirement concerning the submission of evidence must be submitted.

18. Finally, as it is the case in Rule 82*quater* of the Regulations under the PCT, proposed new paragraph (3) will require that the party submit the evidence or statement and perform the action as soon as reasonably possible and not later than six months from the expiry of the time limit concerned.

19. In view of the COVID-19 pandemic and the need to safeguard the interests of the users of the Hague System, the Working Group recommended that the proposed amendments to Rule 5 enter into force two months following their adoption.

AMENDMENTS TO RULES 17 AND 37

20. The discussion in the Working Group was based on documents H/LD/WG/9/2 and H/LD/WG/9/2 Corr. The proposed amendments to Rule 17 aim to respond to the needs of the users of the Hague System by extending the standard publication period from six to 12 months and introducing the possibility to request an earlier publication at any time before the publication of the international registration.

21. For this proposal, the International Bureau consulted non-governmental organizations (NGOs) representing users of the Hague System. The NGOs that participated in the survey were almost unanimously in favor of both extending the standard publication period from six to 12 months and introducing the possibility to request earlier publication at any time before the expiry of the 12-month standard publication period.

22. The current six-month period for standard publication was agreed on and adopted at the Diplomatic Conference for the Adoption of a New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs (Geneva Act) in 1999. Given that, under some national and regional systems, a certain period of time lapses before the publication of an industrial design due to its examination (whether it is formal or substantive) and the technical preparations for publication, the six-month period intended to grant holders of international registrations the same benefit of *de facto* deferment which they would have enjoyed if they had filed direct applications⁴. However, as the membership of the 1999 Act expands to include a variety of national and regional systems, it has been noted that, under some domestic systems, the publication of designs often takes place much later than six months from the filing date, typically at least 12 months after.

23. The proposal to extend the current standard publication period to 12 months will therefore ensure that the aforementioned seminal purpose of the standard publication scheme is achieved by approximating the standard publication period to the *de facto* deferment period, which users enjoy under those domestic systems.

24. Additionally, the inclusion of the new paragraph (3) in Rule 37, is proposed to clarify that the current six-month period would continue to apply to international registrations resulting from international applications filed before the date of entry into force of the proposed amendments to Rule 17(1)(iii).

25. The Working Group recommended that the proposed amendments to Rules 17 and 37 enter into force on January 1, 2022.

Procedure for making the amendments to Rule 17(1)(iii)

26. Finally, Rule 33 of the Common Regulations provides that:

[...]

(2) [*Requirement of Four-Fifths Majority*] Amendment of the following provisions of the Regulations and of paragraph (3) of the present Rule shall require a four-fifths majority of the Contracting Parties bound by the 1999 Act:

[...]

(iv) Rule 17(1)(iii).

⁴ Refer to document H/CE/VII/3, Notes on Article 7 (paragraph 7.06), document H/DC/6, Notes on Rule 17 (paragraph R17.01) and document H/LD/WG/8/6.

(3) [*Procedure*] Any proposal for amending a provision referred to in paragraph (1) or (2) shall be sent to all Contracting Parties at least two months prior to the opening of the session of the Assembly which is called upon to make a decision on the proposal.

27. The procedure outlined in paragraph (3) of Rule 33 is deemed to have been complied with by way of Circular Note C. H 150 sent on July 2, 2021, to all Contracting Parties.

28. Moreover, paragraph (2) of Rule 33 requires a four-fifths majority of the votes cast of the Contracting Parties bound by the 1999 Act⁵. Given that Rule 17(1)(iii) applies to all Contracting Parties (whether bound by the 1960 or 1999 Act), it is understood that the general principle of a two-third majority of the votes cast usually required for the amendment of a provision of the Common Regulations only applies to Contracting Parties bound by the 1960 Act⁶. In the case of a Contracting Party bound by both the 1999 Act and the 1960 Act, its vote should be taken into account to determine whether both the four-fifth majority and the two-third majority are met in their respective contexts⁷.

IV. ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

29. As mentioned in paragraph 25, the Working Group recommended at its ninth session that the proposed amendments to Rules 17 and 37 enter into force on January 1, 2022.

30. As described in paragraphs 2, 3 and 9, the Working Group recommended at its eighth session that the proposed amendments to Rule 21(1)(b)(ii) and (6) enter into force on January 1, 2021, but this proposal was not submitted to the fortieth session of the Hague Union Assembly. The Secretariat thus recommends that the said proposed amendments enter into force on January 1, 2022.

31. As mentioned in paragraph 19, the Working Group recommended at its ninth session that the proposed amendments to Rule 5 enter into force two months following their adoption. This recommendation was made in light of the possibility that an extraordinary session of the Hague Union Assembly be held in the first part of 2021. However, that extraordinary session did not take place and, given the timing of the present session, the Secretariat now recommends that the said proposed amendments enter into force at the same as the proposed amendments to Rules 17, 21 and 37, *i.e.*, on January 1, 2022.

⁵ The legal framework for decision-making in the Hague Union Assembly by the Contracting Parties bound by the 1999 Act is provided by the following provisions: Pursuant to Article 21(4)(a) of the 1999 Act, the "Assembly shall endeavor to take its decisions by consensus", and Article 21(4)(b) stipulates further that "where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting." Pursuant to Article 21(5)(a) of the 1999 Act, the decisions of the Assembly shall require two-thirds of the votes cast, subject to Articles 24(2) and 26(2). Article 24(2)(a) of the 1999 Act provides that the Regulations may specify that certain provisions of the Regulations may be amended only by unanimity or only by a four-fifth majority.

⁶ Article 2(3)(d) of the Complementary Act of Stockholm of 1967 stipulates that decisions shall require two-thirds of the votes cast.

⁷ Refer to document H/WG/3, paragraph 32.04.

32. Finally, as described in paragraph 13, the Working Group recommended at its eighth session that the date of entry into force of the proposed new Rule 22*bis*, consequential amendment to Rule 15 and new fee Item 6 be determined and announced by the International Bureau.

33. *The Assembly of the Hague Union is invited to adopt the amendments:*

(i) to Rules 5, 17, 21 and 37 of the Common Regulations, as set out in Annexes I and III to 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 to document H/A/41/1, with a date of entry into force to be decided by the International Bureau.*

[Annexes follow]

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

(as in force on [January 1, 2022])

[...]

CHAPTER 1

GENERAL PROVISIONS

[...]

Rule 5

Excuse of Delay in Meeting Time Limits

(1) [\[Excuse of Delay in Meeting Time Limits due to Force Majeure Reasons\]](#) Failure by an interested party to meet a time limit specified in the Regulations to perform an action before the International Bureau shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau, that such failure was due to war, revolution, civil disorder, strike, natural calamity, epidemic, irregularities in postal, delivery or electronic communication services owing to circumstances beyond the control of the interested party or other force majeure reason.

~~[Communications Sent Through a Postal Service]~~ Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed,

(ii) that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and (iii) in cases where not all classes of mail normally reach the International Bureau within two days of mailing, that the communication was mailed by a class of mail which normally reaches the International Bureau within two days of mailing or by airmail.

(2) ~~[Communications Sent Through a Delivery Service]~~ Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, natural calamity, or other like reason, that the communication was sent not later than five days after the delivery service was resumed, and

~~(i) that details of the sending of the communication were recorded by the delivery service at the time of send~~~~[Communication Sent Electronically]~~ Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and submitted by electronic means shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau, that the time limit was not met because of failure in the electronic communication with the International Bureau, or which affects the locality of the interested party owing to extraordinary circumstances beyond the control of the interested party, and that the communication was effected not later than five days after the electronic communication service was resumed. (2) [Waiver of Evidence: Statement in Lieu of Evidence] The International Bureau may waive the requirement under paragraph (1) concerning the submission of evidence. In such a case, the interested party must submit a statement that the failure to meet the time limit was due to the reason for which the International Bureau waived the requirement concerning the submission of evidence.

~~(43) [Limitation on Excuse] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1), or the statement referred to in paragraph (2) or (3) and the communication or, where applicable, a duplicate thereof are~~ is received by, and the corresponding action is performed before the International Bureau as soon as reasonably possible and not later than six months after the expiry of the time limit concerned.

~~(5) — [Exception] This rule shall not apply to the payment of the second part of the individual designation fee through the International Bureau as referred to in Rule 12(3)(c).~~

[...]

CHAPTER 2

INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS

[...]

Rule 17

Publication of the International Registration

- (1) *[Timing of Publication]* The international registration shall be published
- (i) where the applicant so requests, immediately after the registration,
 - (ii) subject to subparagraph (iibis), where deferment of publication has been requested and the request has not been disregarded, immediately after the date on which the period of deferment expired or is considered to have expired,
(iibis) where the holder so requests, immediately after the receipt of such request by the International Bureau,
 - (iii) in any other case, ~~six~~12 months after the date of the international registration or as soon as possible thereafter.

[...]

CHAPTER 4
CHANGES AND CORRECTIONS

Rule 21
Recording of a Change

(1) *[Presentation of the Request]*

[...]

(b) The request shall be presented by the holder and signed by the holder; however, a request for the recording of a change in ownership may be presented by the new owner, provided that it is

(i) signed by the holder, or

(ii) signed by the new owner and accompanied by an attestation from the competent authority of the holder's Contracting Party document providing evidence that the new owner appears to be the successor in title of the holder.

[...]

(6) *[Recording and Notification of a Change]*

[...]

(c) Where a change in ownership is recorded following a request presented by the new owner pursuant to subparagraph (1)(b)(ii) and the previous holder objects to the change in writing to the International Bureau, the change shall be considered as if it had not been recorded. The International Bureau shall inform both parties accordingly.

[...]

CHAPTER 9
MISCELLANEOUS

[...]

Rule 37
Transitional Provisions

[...]

(3) [Transitional Provision Concerning Timing of Publication] Rule 17(1)(iii) as in force before [January 1, 2022], shall continue to apply to any international registration resulting from an international application filed before that date.

[...]

[Annex II follows]

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

(as in force on [...])

[...]

CHAPTER 2

*INTERNATIONAL APPLICATIONS
AND INTERNATIONAL REGISTRATIONS*

[...]

Rule 15

Registration of the Industrial Design in the International Register

[...]

- (2) [*Contents of the Registration*] The international registration shall contain
- (i) all the data contained in the international application, except any priority claim under Rule 7(5)(c) where the date of the earlier filing is more than six months before the filing date of the international application;
 - (ii) any reproduction of the industrial design;
 - (iii) the date of the international registration;
 - (iv) the number of the international registration;
 - (v) the relevant class of the International Classification, as determined by the International Bureau;
 - (vi) any priority claim added under Rule 22bis(2).

[...]

CHAPTER 4

CHANGES AND CORRECTIONS

[...]

Rule 22bis

Addition of Priority Claim

(1) [*Request and Time Limit*] (a) Prior to completion of technical preparations for publication, the applicant or holder may add a priority claim to the contents of an international application or international registration by submitting a request to the International Bureau within two months from the filing date.

(b) Any request made under subparagraph (a) shall specify the international application or international registration concerned and provide the priority claim in accordance with Rule 7(5)(c). It shall be accompanied by the payment of a fee.

(c) Notwithstanding subparagraph (a), where the international application is filed through an Office, the two-month period referred to in the said subparagraph shall be counted from the date on which the International Bureau receives the international application.

(2) [Addition and Notification] If the request made under subparagraph (1)(a) is in order, the International Bureau shall promptly add the priority claim to the contents of the international application or international registration and notify that fact to the applicant or holder.

(3) [Irregular Request] (a) If the request made under subparagraph (1)(a) is not submitted within the prescribed time limit, the request shall be considered not to have been made. The International Bureau shall notify the applicant or holder accordingly and refund any fee paid pursuant to subparagraph (1)(b).

(b) If the request referred to in subparagraph (1)(a) does not comply with the applicable requirements, the International Bureau shall notify that fact to the applicant or holder. The irregularity may be remedied within one month from the date of the notification of the irregularity by the International Bureau. If the irregularity is not remedied within the said one month, the request shall be considered abandoned and the International Bureau shall notify the applicant or holder accordingly and refund any fee paid pursuant to subparagraph (1)(b).

(4) [Calculation of Period] Where the addition of a priority claim causes a change in the priority date, any period which is computed from the previously applicable priority date and which has not already expired shall be computed from the priority date as so changed.

[...]

SCHEDULE OF FEES
(as in force on [...])

Swiss Francs

[...]

II. ~~{Deleted}~~ Miscellaneous Procedures Subsequent to International Application

6. ~~{Deleted}~~ Addition of a priority claim 100

[...]

[Annex III follows]

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

(as in force on [January 1, 2022])

[...]

CHAPTER 1

GENERAL PROVISIONS

[...]

Rule 5

Excuse of Delay in Meeting Time Limits

(1) [*Excuse of Delay in Meeting Time Limits due to Force Majeure Reasons*] Failure by an interested party to meet a time limit specified in the Regulations to perform an action before the International Bureau shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau, that such failure was due to war, revolution, civil disorder, strike, natural calamity, epidemic, irregularities in postal, delivery or electronic communication services owing to circumstances beyond the control of the interested party or other *force majeure* reason.

(2) [*Waiver of Evidence; Statement in Lieu of Evidence*] The International Bureau may waive the requirement under paragraph (1) concerning the submission of evidence. In such a case, the interested party must submit a statement that the failure to meet the time limit was due to the reason for which the International Bureau waived the requirement concerning the submission of evidence.

(3) [*Limitation on Excuse*] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1) or the statement referred to in paragraph (2) is received by, and the corresponding action is performed before the International Bureau as soon as reasonably possible and not later than six months after the expiry of the time limit concerned.

[...]

CHAPTER 2

INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS

Rule 17

Publication of the International Registration

- (1) [*Timing of Publication*] The international registration shall be published
- (i) where the applicant so requests, immediately after the registration,

- (ii) subject to subparagraph (iibis), where deferment of publication has been requested and the request has not been disregarded, immediately after the date on which the period of deferment expired,
- (iibis) where the holder so requests, immediately after the receipt of such request by the International Bureau,
- (iii) in any other case, 12 months after the date of the international registration or as soon as possible thereafter.

[...]

CHAPTER 4

CHANGES AND CORRECTIONS

Rule 21 Recording of a Change

(1) [*Presentation of the Request*]

[...]

(b) The request shall be presented by the holder and signed by the holder; however, a request for the recording of a change in ownership may be presented by the new owner, provided that it is

- (i) signed by the holder, or
- (ii) signed by the new owner and accompanied by a document providing evidence that the new owner appears to be the successor in title of the holder.

[...]

(6) [*Recording and Notification of a Change*]

[...]

(c) Where a change in ownership is recorded following a request presented by the new owner pursuant to subparagraph (1)(b)(ii) and the previous holder objects to the change in writing to the International Bureau, the change shall be considered as if it had not been recorded. The International Bureau shall inform both parties accordingly.

[...]

CHAPTER 9

MISCELLANEOUS

[...]

Rule 37
Transitional Provisions

[...]

(3) [*Transitional Provision Concerning Timing of Publication*] Rule 17(1)(iii) as in force before [January 1, 2022], shall continue to apply to any international registration resulting from an international application filed before that date.

[...]

[Annex IV follows]

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

(as in force on [...])

[...]

CHAPTER 2

INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS

[...]

Rule 15

Registration of the Industrial Design in the International Register

[...]

- (2) [*Contents of the Registration*] The international registration shall contain
- (i) all the data contained in the international application, except any priority claim under Rule 7(5)(c) where the date of the earlier filing is more than six months before the filing date of the international application;
 - (ii) any reproduction of the industrial design;
 - (iii) the date of the international registration;
 - (iv) the number of the international registration;
 - (v) the relevant class of the International Classification, as determined by the International Bureau;
 - (vi) any priority claim added under Rule 22bis(2).

[...]

CHAPTER 4

CHANGES AND CORRECTIONS

[...]

Rule 22bis

Addition of Priority Claim

(1) [*Request and Time Limit*] (a) Prior to completion of technical preparations for publication, the applicant or holder may add a priority claim to the contents of an international application or international registration by submitting a request to the International Bureau within two months from the filing date.

(b) Any request made under subparagraph (a) shall specify the international application or international registration concerned and provide the priority claim in accordance with Rule 7(5)(c). It shall be accompanied by the payment of a fee.

(c) Notwithstanding subparagraph (a), where the international application is filed through an Office, the two-month period referred to in the said subparagraph shall be counted from the date on which the International Bureau receives the international application.

(2) [*Addition and Notification*] If the request made under subparagraph (1)(a) is in order, the International Bureau shall promptly add the priority claim to the contents of the international application or international registration and notify that fact to the applicant or holder.

(3) [*Irregular Request*] (a) If the request made under subparagraph (1)(a) is not submitted within the prescribed time limit, the request shall be considered not to have been made. The International Bureau shall notify the applicant or holder accordingly and refund any fee paid pursuant to subparagraph (1)(b).

(b) If the request referred to in subparagraph (1)(a) does not comply with the applicable requirements, the International Bureau shall notify that fact to the applicant or holder. The irregularity may be remedied within one month from the date of the notification of the irregularity by the International Bureau. If the irregularity is not remedied within the said one month, the request shall be considered abandoned and the International Bureau shall notify the applicant or holder accordingly and refund any fee paid pursuant to subparagraph (1)(b).

(4) [*Calculation of Period*] Where the addition of a priority claim causes a change in the priority date, any period which is computed from the previously applicable priority date and which has not already expired shall be computed from the priority date as so changed.

[...]

SCHEDULE OF FEES
(as in force on [...])

Swiss Francs

[...]

II. *Miscellaneous Procedures Subsequent to International Application*

6. Addition of a priority claim 100

[...]

[End of Annex IV and of document]