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**SPECIAL UNION FOR THE INTERNATIONAL DEPOSIT OF INDUSTRIAL DESIGNS  
(HAGUE UNION)**

**ASSEMBLY**

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MATTERS CONCERNING THE HAGUE UNION: BULLETIN

*Document presented by the International Bureau*

## The International Designs Bulletin Today

1. Under Articles 3(1), 11(2), 13(1) and 17(1) of the London Act (1934) of the Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter referred to as “the Agreement”) and Articles 6(3), 10(5), 12(1) and 13(2) of the Hague Act (1960) of the Agreement, and pursuant to the relevant provisions of the Regulations under the Agreement and its Administrative Instructions, the International Bureau publishes in the International Designs Bulletin, every month, the bibliographic data of deposits registered under the 1960 Act, together with reproductions of the designs contained in those deposits, the bibliographic data of deposits registered under the 1934 Act (without reproductions), information concerning the renewal of deposits registered under the 1960 Act and prolonged under the 1934 Act, changes of ownership, amendments to the name or address of the owner, the appointment of a representative and renunciation of that appointment, renunciation of the international deposit and refusals, and corrections made to published data. The Bulletin also contains a variety of notes for the benefit of readers, and an index of the deposits contained in each issue by class and subclass of the International Classification for Industrial Designs (Locarno Classification), and a table showing the owners of the deposits mentioned in the issue concerned.

2. It is important to mention that the International Designs Bulletin is the medium for the notification of deposits registered at the International Bureau for the benefit of the member States of the Union in which those deposits have effect. It will be noted in particular that, under Article 8(2) of the 1960 Act of the Agreement, the six-month period during which a State designated under the 1960 Act may refuse to grant protection to an international deposit is calculated as from the date on which the national Office of that State received the issue of the Bulletin in which the deposit in question was published. It is therefore necessary, both for publicizing designs deposited with the International Bureau and for the examination of such deposits by the Offices of the designated States (all the more so if those Offices undertake a novelty examination), that the reproductions published in the Bulletin be good enough for every detail of the deposited designs to be distinguished, including their original colors where applicable (for instance in the case of textiles and ready-made clothing).

3. The publication of the International Designs Bulletin is an important item of Hague Union expenditure. In 1996 the total cost of publishing and mailing the Bulletin (excluding the cost of preparing the bibliographic data and reproductions for publication and the cost of proofreading the manuscript and the camera-ready copy) amounted to 1,007,000 Swiss francs for 12 issues totalling 7,515 pages, plus an annual table of owners (100 pages), printed in 460 copies. Of those 460 copies, 90 are distributed free of charge to member States of the Hague Union and 320 sold on subscription (at 460 Swiss francs a year), with the balance set aside for internal distribution, single-issue sales and archives. What emerges from the foregoing is that the financial burden of publication rests essentially on the publication fee paid by depositors (the publication fee represents more than 40% of the international fees (that is, not including the national fees paid back to designated States under the 1960 Act) payable in accordance with the Agreement).

4. What is more, while the quality and presentation of the International Designs Bulletin is not at issue, it has the drawbacks of any periodical paper publication, namely bulk and, in spite of the indexes incorporated in it (monthly index by class of the Locarno Classification and monthly and annual tables of owners), a lack of practicality in searching.

#### Towards an Electronic Publication of the Bulletin

5. For the above reasons, the International Bureau has since 1995 been considering the possibility of replacing the paper edition of the International Designs Bulletin, at least as far as the reproduction of deposited designs is concerned, with an electronic publication on CD-ROM.

6. In the course of 1996 a prototype CD-ROM publication of the bibliographic data and reproductions of the designs registered by 11 national Offices and one regional Office (Australia, the Czech Republic, France, Germany, Hungary, Romania, Slovenia, Sweden, Switzerland, the United Kingdom, the United States of America and the Benelux Design Office) and by the International Bureau of WIPO was made for WIPO by a computer company (ARCANUM Development, Budapest). The purpose of the prototype, called SARINDI, was not only to show the feasibility of electronic publication of the data on international designs, but also to identify the elements of a specialized software that would lend itself to searching a consolidated database containing, in standardized form, the data supplied by a number of industrial property offices.

7. The SARINDI prototype was presented to, among others, a meeting of users of the Hague system held at the headquarters of WIPO on November 8, 1996, and it was distributed, together with a technical report, to the Offices that had provided data for its making and to other interested Offices.

8. However, the SARINDI prototype both goes beyond and falls short of the operational needs of the International Bureau with regard to the publication of industrial designs.

9. It goes beyond them because it was devised as a search tool for use in documentation that far exceeds the area occupied by international deposits. Valuable though such a search tool may be, the implementation of a project such as SARINDI, which would require the regular and continuous collection of data produced by, potentially, all the Offices that register design deposits or issue titles of protection for designs, and also the regular and continuous production and updating of a database capable of allowing significant searches to be made, does not seem to be a task that should be incumbent upon the Hague Union.

10. It falls short of those needs because, with the SARINDI prototype being intended primarily as a search tool, an effort was naturally made to standardize the reproductions and compress them to achieve a resolution which, while producing images of a perfectly acceptable quality for search purposes, would on the other hand be inadequate for the very specific purposes of notification to Member States of the Hague Union (see paragraph 2, above).

11. The International Bureau therefore commissioned a company of publication consultants (IWARE S.A., Morges, Switzerland) to produce another study that took due account of the present state of computerization of the International Designs Registry and of the scope for future development.

### The Proposed Solution

#### *Main Characteristics and Advantages*

12. The report by the publication consultants concludes that, for an initial outlay of some 180,000 Swiss francs, the International Bureau could save about 700,000 Swiss francs a year by replacing its present (paper) publication of the International Designs Bulletin with

(i) a monthly publication on CD-ROM which would include all the bibliographic data and reproductions of the designs contained in new deposits registered under the 1960 Act, on a cumulative basis (see below); and

(ii) a monthly publication on paper which would contain all the data contained in the present publication with the exception of the reproductions of the designs registered under the 1960 Act, that is: the bibliographic data of deposits registered under the 1960 and 1934 Acts, and the information on renewals, prolongations, changes of ownership, changes of owner's name or address, appointments of representatives, renunciations of such appointments, renunciations of deposits and refusals, and also corrections made to the International Register.

13. The great advantage for users of the publication on CD-ROM (apart from the compactness of the publication) would be the ease with which they could search for deposits that interested them according to various criteria or combinations of criteria such as deposit number, deposit date, designated countries, Locarno Classification and name of depositor. Apart from that, because a compact disc could, according to the consultant's estimates, contain about nine months' worth of registrations, it is planned that each disc will accumulate data from the preceding months until it is "full." As a result, a search through a year of international registrations could be done using just two discs. That would make it unnecessary to have a table of owners for new deposits governed by the 1960 Act, and one could consider loading on the CD-ROM, together with the deposits of the last month of each year, an index referring to the paper publication for data not published on the CD-ROM (deposits governed by the 1934 Act, etc.).

14. Since the *total* cost of the publication on paper (*without* the reproductions) and of the production of the CD-ROM (which, alone, will include the reproductions) will be lower than the current cost of the Bulletin, the International Bureau will propose a significant reduction of publication fees.

#### *Certificates of Deposit and Extracts from the International Register*

15. At present the reproductions used for making certificates of deposit and extracts from the International Register are by-products of the publication of the Bulletin (reprints of Bulletin pages). With the proposed solution, a system of paper printing of reproductions will therefore continue to be necessary for certificates and extracts from the Register. However, in view of the fact that a very limited amount of printing would be involved (one copy of each reproduction for certificates and one copy on request for extracts), it should be possible to do that printing satisfactorily, as the report recommends, by means of a digital printing process such as the one used for international marks.

#### *Notification of Designated States*

16. As mentioned in paragraph 2, above, the International Designs Bulletin serves for the notification of new deposits to designated States. It is therefore necessary, for the present proposal to be successfully implemented and the resulting savings achieved, that the States party to the 1960 Act of the Agreement agree, for the purposes of the notification of new deposits, to the substitution of a CD-ROM publication for the current paper publication of reproductions of deposited designs.

#### *Amendments to the Regulations and Administrative Instructions*

17. The Regulations under the Agreement and the Administrative Instructions were drawn up with a periodical publication on paper in mind. The substitution of electronic publication for this paper publication will in particular call for amendment of Rules 12 and 29 of the Regulations and Sections 302, 306, 601, 602 and 603 of the Administrative Instructions. Moreover, as mentioned above, the new publication system should make it possible to bring down publication fees and will also, probably, entail a modification of the method of calculating those fees (which is determined at present by the area occupied in the Bulletin by reproductions of the deposited designs).

*Financing the Initial Investment*

18. It is to be noted that the cost of the initial investment for the necessary software development and the acquisition of the required hardware, estimated at 180,000 Swiss francs (see paragraph 12, above), would be covered by the budget appropriations for the 1996-1997 biennium.

*Implementation Schedule*

19. If the Assembly gives its agreement to the substitution of a publication on CD-ROM for the current paper publication of the reproductions of deposited industrial designs, a call for tenders for the design of the necessary software and for subcontracting the production of the CD-ROMs could take place already in October 1997, with a view to a decision towards the end of 1997. The development and testing stage could be spread over the first six months of 1998, and the new publication system could come into operation in the second half of that year.

20. As for the budgetary implications of the new method of publishing the International Designs Bulletin for the 1998-1999 biennium, they would be written into the draft program and budget submitted to the Assembly of the Union by the new Director General at a later extraordinary session. The amendments to the Regulations under the Agreement necessitated by the new system (see paragraph 17, above) would also be submitted to the Assembly at the said extraordinary session.

Decision Requested

*21. The Assembly is invited to authorize the Director General to proceed with the introduction of an electronic publication of international designs in accordance with the proposal contained in this document.*

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