

WIPO



H/EXTR/09/2

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

EXTRAORDINARY MEETING OF THE CONTRACTING STATES TO THE LONDON (1934) ACT OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL DEPOSIT OF INDUSTRIAL DESIGNS

Geneva, September 24, 2009

REPORT

adopted by the Extraordinary Meeting

I. INTRODUCTION

1. The Extraordinary Meeting of the Contracting States to the London (1934) Act of the Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter referred to as “the 1934 Act”) was held in Geneva on September 24, 2009.

2. Through Note C.H 71 dated August 11, 2009, the Director General of the World Intellectual Property Organization (WIPO) invited the 15 States party to the 1934 Act* to participate in the meeting or, alternatively, to communicate by means of a *note verbale* their position on document H/EXTR/09/1 enclosed therewith, entitled “Proposal to Freeze the Application of the 1934 Act” (hereinafter referred to as “the document”). The following States communicated their position by means of a *note verbale*: Benin, Côte d’Ivoire, Egypt, France, Germany, Indonesia, Liechtenstein, Monaco, Morocco, Netherlands (in respect of the Netherlands Antilles), Senegal, Spain, Suriname and Tunisia (14). The following States were represented at the meeting: France, Germany, Monaco, Netherlands, Spain, Switzerland, Tunisia (7).

*

The following 15 States are party to the 1934 Act: Benin, Côte d’Ivoire, Egypt, France, Germany, Indonesia, Liechtenstein, Monaco, Morocco, Netherlands (in respect of the Netherlands Antilles), Senegal, Spain, Suriname, Switzerland and Tunisia.

3. The list of participants is contained in the Annex to this Report.
4. Mr. Ernesto Rubio, Assistant Director General of the World Intellectual Property Organization (WIPO), opened the meeting and welcomed the participants.
5. Mrs. Alexandra Grazioli (Switzerland) was unanimously elected as Chair to the meeting.
6. Mr. Grégoire Bisson (WIPO) acted as Secretary to the meeting.

II. FREEZING OF THE APPLICATION OF THE 1934 ACT

7. Discussions were based on the document.
8. The Chair recalled that the present Extraordinary Meeting would address the issue of the freezing of the application of the 1934 Act, aiming to reduce the complexity of the Hague system as early as possible, while keeping in mind the goal of terminating the 1934 Act, and that a freeze decision required the consent of all the 15 Contracting States. She recalled that Annex I of the document contained a proposed text for that decision, and that this proposed text was the final version of a draft circulated by the International Bureau to the Contracting States in July 2009.
9. The Chair also indicated that should the freeze decision be taken, it would be reported to the Hague Union Assembly at its twenty-eighth (17th Extraordinary) session. This would allow the latter to discuss and adopt at that very session a set of amendments to the Common Regulations Under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement to reflect the decision, as submitted in document H/A/28/1., which should come into effect at the same time as the date of effect of the freezing of the application of the 1934 Act.
10. The Secretariat reported that *note verbales* expressing the consent to the freezing of the application of the 1934 Act, as proposed in the document, had been received by the Director General of WIPO from the following Contracting States: Benin, Côte d'Ivoire, Egypt, France, Germany, Indonesia, Liechtenstein, Monaco, Morocco, Netherlands (in respect of the Netherlands Antilles), Senegal, Spain, Suriname and Tunisia (14).
11. The Chair further stressed that, as indicated in the document, such *note verbales* made it unnecessary for the Contracting States at hand to participate in the Extraordinary Meeting. Therefore, as far as getting a unanimous decision was concerned, the *note verbales* received from those Contracting States should be duly taken into consideration.
12. Opening the floor for discussion, the Chair, speaking in the name of the Delegation of Switzerland, announced that the Swiss Confederation consented to the freezing of the application of the 1934 Act, as contained in Annex I of the document. There was no other intervention.

13. The Chair noted that all the Contracting States having expressed their consent to the freezing of the application of the 1934 Act as proposed in the document, they had as a matter of fact adopted the following decision text contained in Annex I of the document, namely:

“The Contracting States to the London Act (1934) of the Hague Agreement Concerning the International Deposit of Industrial Designs (“1934 Act”), decide to freeze the application of this Act with effect from January 1, 2010. In taking this decision, the Contracting States intend that no new designation under the 1934 Act may be recorded in the International Register, but that this freeze shall be without prejudice to the continuation in force of designations recorded in the International Register before the effective date of the freeze. More precisely, the Contracting States to the 1934 Act recognize that it shall continue to be possible for these designations to be the subject of a prolongation or any other recording provided for in the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement, in the version in force before the effective date of the freeze.”

14. The Chair concluded that the decision to freeze the application of the 1934 Act was hereby taken by its 15 Contracting States and that it would be reported to the Hague Union Assembly at its twenty-eighth (17th Extraordinary) session.

15. The Delegation of Tunisia thanked the Secretariat for having initiated the process that had conducted to the decision on freezing the application of the 1934 Act. The Delegation, however, pointed out that that decision was only an intermediary step and that, from the informal consultations held so far, it was clear that the Contracting States to the 1934 Act had the intention to pursue their efforts towards the termination of the 1934 Act. In that respect, additional work was required.

16. The Delegations of Germany and Spain expressed their support for the intervention by the Delegation of Tunisia and suggested that the Secretariat again inform the Contracting States to the 1934 Act about the formalities required to terminate that Act.

17. The Chair concluded that the meeting had agreed that the next course of action would be to move towards termination of the 1934 Act. To that end, the Secretariat would circulate a document informing Contracting States about the formalities required.

18. The Chair closed the meeting.

III. ADOPTION OF THE REPORT

19. The present report was adopted unanimously on September 25, 2009.

[Annex follows]

ANNEX

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

ALLEMAGNE/GERMANY

Li-Feng SCHROCK, Senior Ministerial Counsellor, Federal Ministry of Justice, Berlin

ESPAGNE/SPAIN

Javier A. MORENO RAMOS, Director, Departamento de Coordinación Jurídica y Relaciones Internacionales, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Turismo y Comercio, Madrid

FRANCE

Brune MESGUICH (Mlle), chargée de mission, Direction de l'économie globale et des stratégies de développement, Sous-direction des affaires économiques internationales, Ministère des affaires étrangères et européennes, Paris

MONACO

Jean-Pierre SANTOS, chef de section, Division de la propriété intellectuelle, Direction de l'expansion économique, Département des finances et de l'économie, Monaco

Gilles REALINI, troisième secrétaire, Mission permanente, Genève

PAYS-BAS/NETHERLANDS

Gedeona MADURO (Mrs.), Jurist, Bureau for Intellectual Property of the Netherlands Antilles, Curaçao

SUISSE/SWITZERLAND

Alexandra GRAZIOLI (Mrs.), Senior Legal Advisor, International Trade Relations, Swiss Federal Institute of Intellectual Property (IPI), Bern

Lena PAPAGEORGIOU (Ms.), Legal Advisor, International Trade Relations, Swiss Federal Institute of Intellectual Property (IPI), Bern

TUNISIE/TUNISIA

Aymen MEKKI, directeur général, Institut national de la normalisation et de la propriété industrielle (INNORPI), Tunis

Ezzeddine ETTISS, chef, Direction des affaires juridiques, Ministère des affaires étrangères, Tunis

Mohamed Abderraouf BDIOUI, conseiller, Mission permanente, Genève

II. SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA
PROPRIÉTÉ INTELLECTUELLE (OMPI)/
SECRETARIAT OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)

Ernesto RUBIO, sous-directeur général/Assistant Director General

Edward KWAKWA, conseiller juridique/Legal Counsel

Grégoire BISSON, chef du Service d'enregistrement international des dessins et modèles/
Head, International Designs Registry

Christine CASTRO HUBLIN (Mme/Mrs.), chef de la Section des affaires juridiques et
statutaires, Bureau du conseiller juridique/Head, Legal and Constitutional Affairs Section,
Office of the Legal Counsel

Alan DATRI, conseiller principal au Bureau du sous-directeur général/Senior Counsellor,
Office of the Assistant Director General

Päivi LÄHDESMÄKI (Mme/Ms.), chef de la Section juridique, Service d'enregistrement
international des dessins et modèles/Head, Legal Section, International Designs Registry

Marina FOSCHI (Mlle/Miss), juriste à la Section juridique, Service d'enregistrement
international des dessins et modèles/Legal Officer, Legal Section, International Designs
Registry

Hiroshi OKUTOMI, juriste à la Section juridique, Service d'enregistrement international des
dessins et modèles/Legal Officer, Legal Section, International Designs Registry

Jeffrey SPIERS, stagiaire au Service d'enregistrement international des dessins et
modèles/Intern, International Designs Registry

[End of Annex and of document]