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**COMMITTEE OF EXPERTS  
ON THE DEVELOPMENT OF THE HAGUE AGREEMENT  
CONCERNING THE INTERNATIONAL DEPOSIT  
OF INDUSTRIAL DESIGNS**

**Seventh Session  
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DRAFT NEW ACT OF THE HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

*prepared by the International Bureau*

## INTRODUCTION

1. The Program of WIPO for the 1996-97 biennium (document AB/XXVI/2, page 23, item 03(3)), provides that “the International Bureau will prepare, convene and service in 1996 a session of a committee of experts on the preparation of a new treaty on the international registration, with WIPO, of industrial designs. The new treaty may take the form of a revision of the Hague Agreement Concerning the International Deposit of Industrial Designs. The diplomatic conference for the adoption of such a treaty will take place in 1997.”
2. As can be seen from the draft administrative provisions and final clauses that are contained in the present document (Articles 21 to 36), it is now proposed that the new treaty take the form of a revision of the Hague Agreement.
3. Six sessions of the Committee of Experts have been held: the first in April 1991, the second in April 1992, the third in April 1993, the fourth in January and February 1994, the fifth in June 1995 and the sixth in November 1996. This seventh session of the Committee of Experts was already foreseen in the introduction of the working documents for its sixth session; whether or not a diplomatic conference can be held in 1998 will depend on the outcome of the present session of the Committee of Experts.
4. The Committee of Experts considered drafts of the substantive clauses of a draft new Act of the Hague Agreement at its third, fourth, fifth and sixth sessions. A first draft of the administrative and final clauses of the draft new Act was presented to, and considered by, the Committee at its fourth session. The present document contains a revised version of the substantive clauses and, as indicated in paragraph 2, above, of the administrative provisions and final clauses of the draft new Act (however, the question of the voting rights of intergovernmental organizations is reserved for the time being, in view of its political nature). A complete set of Rules that would form the Regulations under the new Act is contained in document H/CE/VII/4. Document H/CE/VII/5 contains Notes corresponding to those Rules.
5. In accordance with the discussions that took place during the fifth session of the Committee of Experts (see document H/CE/V/4, paragraphs 119 to 121), the present draft consists, apart from two introductory provisions and the administrative provisions and final clauses, of two Chapters. Chapter I provides for the simple and quick system of protection of industrial designs desired by future Contracting Parties which do not have, or do not intend to maintain, a substantive examination system. Chapter II contains additional requirements, some or all of which would have to be complied with by applicants designating Contracting Parties which have, and intend to maintain, a substantive examination system.
6. As regards the relationship between the Contracting Parties with a substantive examination system and the Contracting Parties without a substantive examination system, the draft Act which was presented to the sixth session of the Committee of Experts provided for restrictions in respect of designations depending on whether or not the applicant's Contracting Party required compliance with the additional conditions provided for under Chapter II of the new Act. In accordance with the conclusion reached at the sixth session of the Committee of Experts, that possibility is not retained in the present draft (see Note 5.10 in document H/CE/VII/3).

7. Differences between the draft submitted to the sixth session (document H/CE/VI/2 and the draft contained in the present document have been highlighted as follows: (i) words which did not appear in document H/CE/VI/2 but appear in the present document are underlined, and (ii) the omission from the present document of words which appeared in document H/CE/VI/2 is indicated by the sign \_.

8. Notes on the provisions of the draft new Act appear in document H/CE/VII/3.

[Draft new Act follows]



DRAFT NEW ACT OF THE HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

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*INTRODUCTORY PROVISIONS*

*Article 1*

*Abbreviated Expressions*

For the purposes of this Act:

- (i) “the Hague Agreement” means the Hague Agreement Concerning the International Deposit of Industrial Designs, henceforth renamed as the Hague Agreement Concerning the International Registration of Industrial Designs;
- (ii) “this Act” means the Hague Agreement as established by the present Act;
- (iii) “international registration” means the international registration of an industrial design effected according to this Act;
- (iv) “international application” means an application for international registration;
- (v) “filing date of the international application” means the date established in accordance with Article 4(2) or (3);

[Article 1, continued]

(vi) “International Register” means the official collection of data concerning international registrations maintained by the International Bureau, which data this Act or the Regulations referred to in item (xxxi) require or permit to be recorded, regardless of the medium in which such data are stored;

(vii) “Gazette” means the periodical publication of data concerning international registrations effected by the International Bureau, which data this Act or the Regulations referred to in item (xxxi) require or permit to be published by the International Bureau, regardless of the medium in which such data are published;

(viii) “person” means a natural person or a legal entity;

(ix) “applicant” means the person in whose name an international application is filed;

(x) “holder” means the person in whose name an international registration is recorded in the International Register;

(xi) “intergovernmental organization” means an intergovernmental organization eligible to become party to this Act in accordance with Article 29(1)(ii);

(xii) “Contracting Party” means any State or intergovernmental organization party to this Act;

[Article 1, continued]

(xiii) “applicant’s Contracting Party” means the Contracting Party from which the applicant derives its entitlement to file an international application by virtue of satisfying, in



relation to that Contracting Party, at least one of the conditions specified in Article 3; where there are two or more Contracting Parties from which the applicant may, under Article 3, derive its entitlement to file an international application, “applicant’s Contracting Party” means the Contracting Party among those Contracting Parties that is indicated as such in the international application;

(xiv) “territory of a Contracting Party” means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an intergovernmental organization, the territory in which the constituent treaty of that intergovernmental organization applies;

(xv) “Office” means the agency entrusted by a Contracting Party with the grant of protection for industrial designs with effect in the territory of that Contracting Party;

(xvi) “Examining Office” means an Office which *ex officio* examines applications filed with it for the protection of industrial designs at least to determine whether the industrial designs satisfy the condition of novelty;

[Article 1, continued]

(xvii) “designation” means a request that an international registration have effect in a Contracting Party; it also means the recording, in the International Register, of that request;

(xviii) “designated Contracting Party” and “designated Office” means the Contracting Party and the Office of the Contracting Party, respectively, to which a designation applies;

(xix) “notification of refusal” means the communication by a designated Office to the International Bureau pursuant to Article 10(2) of the refusal by it of the effect, in part or in whole, of an international registration in the Contracting Party to which that Office belongs;

(xx) “1934 Act” means the Act signed at London on June 2, 1934, of the Hague Agreement;

(xxi) “1960 Act” means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;

(xxii) “1961 Additional Act” means the Act signed at Monaco on November 18, 1961, additional to the 1934 Act;

[Article 1, continued]

(xxiii) “Complementary Act of 1967” means the Complementary Act signed at Stockholm on July 14, 1967, as amended on September 28, 1979, of the Hague Agreement;

(xxiv) “Union” means the Hague Union constituted by the Hague Agreement of November 6, 1925, and maintained by the 1934 and 1960 Acts, the 1961 Additional Act, the Complementary Act of 1967 and this Act;

(xxv) “Assembly” means the Assembly of the Union established by the Complementary Act of 1967;

(xxvi) “member of the Union” means a State party to the 1934 Act or the 1960 Act, or a Contracting Party;

(xxvii) “member of the Assembly” means a Contracting Party or a State party to the Complementary Act of 1967;

(xxviii) “Organization” means the World Intellectual Property Organization;

(xxix) “Director General” means the Director General of the Organization;

(xxx) “International Bureau” means the International Bureau of the Organization;

[Article 1, continued]

(xxxi) “Regulations” means the Regulations under this Act;

(xxxii) “prescribed” means prescribed in the Regulations;

(xxxiii) “instrument of ratification” shall be construed as including instruments of acceptance or approval;

(xxxiv) “Paris Convention” means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as revised and amended;

(xxxv) “International Classification” means the Classification established by the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968, as amended.

*Article 2*

*Applicability of Other Protection  
Accorded by Laws of Contracting Parties and of Certain International Treaties*

(1) [*Laws of Contracting Parties*] The provisions of this Act shall not affect the application of any other protection that may be accorded by the law of a Contracting Party, except insofar as such other protection diminishes or interferes with the enjoyment of the rights afforded to applicants and holders under this Act, in which case the provisions of this Act shall prevail.

(2) [*Certain International Treaties*] The provisions of this Act shall not affect in any way

(i) the protection accorded to works of art and works of applied art by international copyright treaties and conventions, or

(ii) the protection accorded to industrial designs under the Agreement on Trade-Related Aspects of Intellectual Property Rights.

(3) [*Obligation to Comply with the Paris Convention*] Any Contracting Party shall comply with the provisions of the Paris Convention which concern industrial designs.

*CHAPTER I*

*INTERNATIONAL APPLICATION AND INTERNATIONAL REGISTRATION*

*Article 3*

*Entitlement to File an International Application*

Any person that is a national of a State that is a Contracting Party or of a State member of an intergovernmental organization that is a Contracting Party, or that has a domicile, a habitual residence or a real and effective industrial or commercial establishment in the territory of a Contracting Party, shall be entitled to file an international application.

*Article 4*

*Procedure for Filing of the International Application*

(1) [*Direct or Indirect Filing*] (a) The international application may be filed, at the option of the applicant, either direct with the International Bureau, or through the intermediary of the Office of the applicant's Contracting Party.

(b) Notwithstanding subparagraph (a), any Contracting Party may, in a declaration, notify the Director General that international applications may not be filed through the intermediary of its Office.

(2) [*Filing Date of the International Application*] (a) The international application shall be accorded a filing date.

(b) Where the international application is filed direct with the International Bureau, the filing date shall be the date on which the International Bureau receives the international application.

(c) Where the international application is filed through the intermediary of the Office of the applicant's Contracting Party, the filing date shall, subject to paragraph (3), be the date on which that Office receives the international application.

[Article 4, continued]

(3) [*Transmittal to the International Bureau of International Applications Filed Indirectly*] (a) Where the international application is filed through the intermediary of the Office of the applicant's Contracting Party, it shall be transmitted by that Office to the International Bureau promptly and, in any case, within one month from the date on which the said Office received it, failing which the filing date shall be the date on which the International Bureau receives the international application.

(b) Notwithstanding subparagraph (a), a Contracting Party whose law, at the time that it becomes party to this Act, requires security clearance may, in a declaration, notify the Director General that the period of one month in the preceding subparagraph shall, for reasons of security clearance, be replaced by a period of three months.



[Article 4(3), continued]

(c) Where the international application is filed through the intermediary of the Office of a Contracting Party having made a declaration under subparagraph (b), that Office may, within three months from the date on which it received the international application, notify the International Bureau and the applicant that, for reasons of security clearance, the international application cannot be transmitted to the International Bureau within the said three months. In the event of such a notification, the filing date of the international application shall, notwithstanding subparagraphs (a) and (b), be the date on which the said Office received the international application if the Office transmits the international application to the International Bureau within six months from the date on which it received the international application, failing which the filing date shall be the date on which the International Bureau receives the international application.

(4) [*Transmittal Fee in Case of Indirect Filing*] The Office of any Contracting Party may require that the applicant pay a transmittal fee to it, for its own benefit, in respect of any international application filed through it as intermediary.

*Article 5*

*Contents of the International Application*

(1) [*Mandatory Contents for All International Applications; Fees*] (a) The international application shall be in the prescribed language or one of the prescribed languages and shall contain or be accompanied by

(i) a request for international registration under this Act;

(ii) the applicant's name and address and the name of the applicant's Contracting Party, as prescribed;

(iii) the prescribed number of copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international application, presented in the prescribed manner; however, where the industrial design is two-dimensional and a request for deferment of publication is made in accordance with paragraph (4), the international application may, instead of copies of a reproduction, be accompanied by the prescribed number of specimens of the industrial design;

(iv) an indication of the product or products which constitute the industrial design or in relation to which the industrial design is to be used, as prescribed;

(v) an indication of the designated Contracting Parties;

(vi) the prescribed fees and any other prescribed particulars.

[Article 5(1), continued]

(b) [*Modality of Payment of Prescribed Fees*] The prescribed fees referred to in subparagraph (a)(vi) shall be paid in accordance with the prescribed modalities.

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(2) [*Other Possible Contents of International Applications*] The international application may contain or be accompanied by such other elements as are specified in the Regulations.

(3) [*Several Industrial Designs in the Same International Application*] (a) Two or more industrial designs may be the subject of the same international application, provided that they relate to the same class of the International Classification.

[Article 5(3), continued]

(b) Any Contracting Party whose law, at the time that it becomes party to this Act, requires that designs that are the subject of the same application conform to a requirement of unity of invention, unity of design, unity of production, or unity of use, or belong to the same set or composition of items or that only one independent and distinct invention may be claimed in a single application, may, in a declaration, notify the Director General accordingly. Any such declaration shall enable the Contracting Party that has made the notification to refuse the effect of the international registration pursuant to Article 10(1) pending compliance with the requirement notified by that Contracting Party, but shall not affect the right of an applicant of an international application designating the said Contracting Party to include two or more industrial designs in the said application in accordance with subparagraph (a) in order to obtain a date of international registration under Article 8(1).

(4) [*Request for Deferred Publication*] The international application may contain a request for deferment of publication.

*Article 6*

*Priority*

(1) [*Claiming of Priority*] The international application may contain a declaration claiming, under Article 4 of the Paris Convention, the priority of one or more earlier applications filed in or for any country party to that Convention.

(2) [*International Registration Serving as a Basis for Claiming Priority*] The international registration shall, as from its registration date, be equivalent to a regular filing within the meaning of Article 4 of the Paris Convention.

*Article 7*

*International Registration, Correction of Irregularities  
and Publication*

(1) [*International Registration*] The International Bureau shall register each industrial design that is the subject of an international application, whether or not publication is deferred under Article 9. The registration will be effected immediately upon receipt by the International Bureau of the international application or, where corrections are made under paragraph (2) or under Article 18, immediately upon receipt of the required corrections.

(2) [*Irregularities in the International Application*] If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the requirements listed in Article 5(1) and (3)(a), it shall invite the applicant to make the required corrections within the prescribed time limit. If the applicant does not comply with the invitation within the prescribed time limit, the international application shall be considered abandoned.

(3) [*Publication*] (a) \_ The international registration shall be published by the International Bureau in \_ the Gazette. Such publication shall be deemed in all Contracting Parties to be sufficient publicity, and no other publicity may be required of the holder, unless the reproduction of the industrial design for which protection is granted in a Contracting Party differs from the reproduction published by the International Bureau in the Gazette.

[Article 7(3), continued]

(b) Subject to Article 9, the publication shall be made six months after the date of the international registration, unless the applicant requests that the publication be made immediately after the registration.

(c) The International Bureau shall send a copy of the publication of the international registration to each designated Office.

*Article 8*

*Date of International Registration*

(1) [*Date of International Registration of Regularly Filed International Applications*]

Where the international application is in conformity with this Act and the Regulations at the date on which it is received by the International Bureau, the date of the international registration shall be the filing date of the international application.

(2) [*Date of International Registration Where the International Application Has an Irregularity*] Where the international application has, at the date on which it is received by the International Bureau, an irregularity, the date of the international registration shall be,

(i) if the irregularity is not one of those mentioned in paragraph (3), the filing date of the international application, provided that such irregularity is corrected within the time limit referred to in Article 7(2);

(ii) if the irregularity is one of those mentioned in paragraph (3), the date on which the correction of such irregularity is received by the International Bureau, provided that the correction is made within the time limit referred to in Article 7(2).

(3) [*Irregularities Entailing a Postponement of the Date of International Registration*]

The irregularities referred to in paragraph (2)(ii) are the following,



[Article 8(3), continued]

(a) the international application is not in the prescribed language or one of the prescribed languages;

(b) any of the following elements is missing from the international application:

(i) an express or implicit indication that international registration under this Act is sought;

(ii) indications allowing the identity of the applicant to be established;

(iii) indications sufficient to enable the applicant or its representative, if any, to be contacted;

—

(iv) a reproduction, or, in accordance with Article 5(1)(a)(iii), a specimen, of each industrial design that is the subject of the international application;

(v) the designation of at least one Contracting Party \_ .

*Article 9*

*Deferment of Publication*

(1) [*Provisions of the Contracting Parties Concerning Deferment of Publication*]

(a) Where the law of a Contracting Party provides that applicants may request the deferment of the publication of industrial designs for a period of less than 30 months from the filing date or, where priority is claimed, priority date of an application filed under that law, that Contracting Party shall, in a declaration, notify the Director General of the allowable period of deferment    .

(b) Where the law of a Contracting Party does not provide that applicants may request the deferment of the publication of industrial designs, the Contracting Party shall, in a declaration, notify the Director General of that fact.

(2) [*Deferment of Publication*] Without prejudice to Article 7(3)(b), where the international application contains a request for deferment of publication under Article 5(4), the publication shall take place,   

(i) where none of the Contracting Parties designated in the international application has made a declaration under paragraph (1), at the expiry of 30 months from the date of the international registration or, where priority is claimed and the priority date is not more than six months before the date of the international registration, the priority date;

[Article 9(2), continued]

(ii) where any of the Contracting Parties designated in the international application has made a declaration under paragraph (1)(a) in which a period of deferment of less than 30 months is notified, at the expiry of the period notified in such declaration or, where there is more than one such designated Contracting Parties, at the expiry of the shortest period notified in their declarations.

(3) [*Treatment of Requests for Deferment Where Deferment Is Not Possible Under Applicable Law*] Where deferment of publication has been requested and any of the Contracting Parties designated in the international application has made a declaration under paragraph (1)(b) that deferment of publication is not possible under its law, the International Bureau shall notify the applicant accordingly. If, within the prescribed period, the applicant does not, by notice in writing to the International Bureau, withdraw the designation of the said Contracting Party, the International Bureau shall disregard the request for deferment of publication.

[Article 9, continued]

(4) [*Request for Earlier Publication or for Special Access to the International Registration*] (a) At any time during the period of deferment applicable under paragraph (2), the holder may request publication of any or all of the industrial designs that are the subject of the international registration, in which case the period of deferment in respect of such industrial design or designs shall be considered to have expired on the date of receipt of such request by the International Bureau.

(b) The holder may also, at any time during the period of deferment applicable under paragraph (2), request the International Bureau to provide a third party specified by the holder with an extract from, or to allow such a party access to, any or all of the industrial designs that are the subject of the international registration.

(5) [*Renunciation and Limitation*] (a) If, at any time during the period of deferment applicable under paragraph (2), the holder renounces the international registration in respect of all the designated Contracting Parties, the industrial design or designs that are the subject of the international registration shall not be published.

(b) If, at any time during the period of deferment applicable under paragraph (2), the holder limits the international registration, in respect of all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration, the other industrial design or designs that are the subject of the international registration shall not be published.

[Article 9, continued]

(6) [*Publication and Furnishing of Reproductions*] (a) At the expiration of any period of deferment applicable under the provisions of this Article, the International Bureau shall, subject to the payment of the prescribed fees, publish the international registration. If such fees are not paid as prescribed, the international registration shall be canceled and publication shall not take place.

(b) Where the international application was accompanied by one or more specimens of the industrial design in accordance with Article 5(1)(a)(iii), the holder shall submit the prescribed number of copies of a reproduction of each industrial design that is the subject of that application to the International Bureau within the prescribed time limit, failing which the international registration shall be canceled and publication shall not take place.

(7) [*Maintenance of Confidentiality Before Publication*] Subject to paragraph (4)(b), the International Bureau shall keep in confidence each international application and each international registration until publication in the Gazette.

*Article 10*

*Refusal of Effect; Remedies Against Refusals*

(1) [*Refusal of Effect*] The Office of any designated Contracting Party may, where the conditions for the grant of protection under its law are not met in respect of any or all of the industrial designs that are the subject of that international registration, refuse the effect, in part or in whole, of the international registration, provided that no Office may refuse the effect, in part or in whole, of any international registration on the ground that \_ requirements \_ relating to the form or contents of the international application that are additional to, or different from, those \_ which are provided for in this Act and the Regulations have not been satisfied under the law of the Contracting Party concerned.

(2) [*Notification of Refusal*] (a) The refusal of the effect of an international registration shall be communicated by the Office to the International Bureau in a notification of refusal within the period of six months from the date on which the International Bureau sends to that Office a copy of the publication of the international registration.

(b) Each notification of refusal shall state all the grounds on which the refusal that is the subject of the notification is based.

(c) Any notification of refusal may be withdrawn at any time by the Office that has made it.

(3) [*Modification of Time Limit for Refusal*] The period referred to in paragraph (2) may be modified by a unanimous decision of those Contracting Parties represented in the Assembly which have not made a notification under Article 20 \_ .

[Article 10, continued]

(4) [*Transmission of Notification of Refusal; Remedies*] (a) The International Bureau shall, without delay, transmit a copy of the notification of refusal to the holder.

(b) The holder shall have the same remedies as if any industrial design that is the subject of the international registration had been the subject of an application for the grant of protection under the law applicable to the Office that has notified the refusal. Such remedies shall at least consist of the possibility of requesting a re-examination of the refusal or filing an appeal against the refusal.

*Article 11*

*Effects of International Registration*

(1) [*Effect as Application Under Applicable Law*] The international registration shall, from the date of the international registration, have at least the same effect in each Contracting Party designated in that registration as a regularly filed application for the grant of protection of the industrial design under the law of that Contracting Party.

(2) [*Effect as Grant of Protection Under Applicable Law*] (a) In each designated Contracting Party which has not communicated a notification of refusal under Article 10, the international registration shall have the same effect as a grant of protection for the industrial design under the law of that Contracting Party at the latest from the date of expiration of the period allowed for it to communicate a notification of refusal or, where the law of a Contracting Party that has made a notification under Article 20 does not allow the said effect to take place at the latest from the said date, at the latest six months after that date.

(b) Where a designated Contracting Party has communicated a notification of refusal and has subsequently withdrawn, in part or in whole, that notification, the international registration shall, to the extent that the notification of refusal is withdrawn, have the same effect in that Contracting Party as a grant of protection for the industrial design under the law of the said Contracting Party at the latest from the date on which the notification was withdrawn or, where the law of a Contracting Party that has made a notification under Article 20 does not allow the said effect to take place at the latest from the said date, at the latest six months after that date.



[Article 11(2), continued]

(c) The effect given to the international registration under this paragraph shall apply to the industrial design or designs that are the subject of that registration as received from the International Bureau by the designated Office and, where applicable, as amended in the procedure before that Office.

*Article 12*

*Invalidation*

(1) [*Requirement of Opportunity of Defense*] Invalidation, by the competent authorities of a designated Contracting Party, of the effect, in part or in whole, in the territory of that Contracting Party, of the international registration may not be pronounced without the holder having, in good time, been afforded the opportunity of defending his rights.

(2) [*Notification of Invalidation*] Invalidation shall be notified to the International Bureau by the Office of the Contracting Party in whose territory the effect of the international registration has been invalidated.

*Article 13*

*Fees for International Application*

(1) [*Fees for International Application*] Subject to paragraph (4), the international application shall be subject to the payment of the following fees:

(i) an international registration fee, consisting of

- a basic registration fee and,

- where the international registration is made for more than one industrial design, an additional registration fee for each additional industrial design, the amount of which shall correspond to a prescribed percentage of the basic registration fee;

(ii) a publication fee;

(iii) subject to paragraph (2), a designation fee to be paid for each designated Contracting Party, which shall be supplemented, where the international registration is made for more than one industrial design, by an additional designation fee for each additional industrial design, the amount of which shall correspond to a prescribed percentage of the designation fee.

[Article 13, continued]

(2) [*Individual Designation Fee*] Any Contracting Party may, in a declaration, notify the Director General that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such an international application, the designation fee and the additional designation fee referred to in paragraph (1)(iii) shall be replaced by fees (hereinafter referred to as “the individual designation fees”) whose amounts shall be indicated in the declaration and can be changed in further declarations. The said amounts may be fixed for the initial period of protection and for each period of renewal or for the maximum period of protection allowed by the Contracting Party concerned. However, they may not be higher than the equivalent of the amounts which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, those amounts being diminished by the savings resulting from the international procedure.

(3) [*Transfer of Designation Fees*] The designation fees referred to in paragraphs (1)(iii) and (2) shall be transferred by the International Bureau to the Contracting Parties in respect of which those fees were paid.

[Article 13, continued]

(4) [*Further Fees Payable on Division of Registration*] Where, following a notification of refusal by a designated Office, an international registration is divided before that Office in order to overcome a ground of refusal specified in the notification, the designated Office shall be entitled to charge a further fee in respect of each additional international application that would have been necessary in order to avoid that ground of refusal.

(5) [*Payment of Fees in Case of Deferment of Publication*] (a) Notwithstanding paragraph (1), where the international application contains a request for deferment of publication under Article 5(4), only a prescribed portion of the international registration fee shall be paid at the time of filing the international application.

(b) Two months before the expiration of the period of deferment of publication in accordance with Article 9(2), the holder shall pay the balance of the international registration fee, as well as the publication fee and the designation or individual designation fees. If the holder has not paid the said balance and the said fees in due time, the international registration shall be considered to have been renounced.

(c) If earlier publication is requested under Article 9(4), the balance and the fees referred to in subparagraph (b) shall be paid to the International Bureau at the same time as the request for earlier publication, failing which the International Bureau shall disregard the request for earlier publication.

*Article 14*

*Term and Renewal of International Registration*

(1) [*Term of International Registration*] The international registration shall be effected for five years counted from the date of international registration.

(2) [*Renewal of International Registration*] The international registration may be renewed for additional terms of five years.

(3) [*Minimum and Maximum Period of Protection in Designated Contracting Parties*]  
(a) Subject to subparagraph (b) and provided that the international registration is renewed, the period of protection shall not terminate, in each of the designated Contracting Parties, before the expiration of 15 years counted from the date of international registration.

(b) Where the law of a designated Contracting Party provides for a period of protection of more than 15 years for an industrial design for which protection has been granted under that law, the period of protection shall, provided that the international registration is renewed, be the same as the one provided for by the law of that Contracting Party.

(c) Any Contracting Party shall notify, in a declaration, the Director General of the maximum period of protection provided for by its law.

[Article 14, continued]

(4) [*Possibility of a Limited Renewal*] The renewal of the international registration may be effected for any or all of the designated Contracting Parties and for any or all of the industrial designs covered by the international registration.

(5) [*Procedure of Renewal*] (a) Six months before the expiration of a five-year term, the International Bureau shall send an unofficial notice reminding the holder of the date of expiration.

(b) The renewal of the international registration shall require the payment of the same kind of fees as those which are to be paid for an international application in accordance with Article 13, with the exception of the publication fee referred to in Article 13(1)(ii).

(c) Subject to the payment of the prescribed surcharge, a period of grace of six months shall be allowed for the payment of the fees referred to in subparagraph (b).

(6) [*Recording and Publication of Renewal*] The International Bureau shall record renewals in the International Register and publish a notice to that effect. It shall send a copy of the publication of the notice to each designated Office.

*Article 15*

*Recording of Change in Ownership and Certain Other Matters  
Concerning International Registrations*

(1) [*Recording of Change in Ownership of International Registration*] (a) The International Bureau shall, as prescribed, record in the International Register any change in ownership of the international registration, in respect of any or all of the designated Contracting Parties and in respect of any or all of the industrial designs covered by the international registration, provided that the new owner is entitled to file an international application under Article 3.

(b) The recording referred to in subparagraph (a) shall have the same effect as if it had been recorded in the Register of the Office of each of the Contracting Parties concerned.

(2) [*Recording of Other Matters*] The International Bureau shall, as prescribed, record in the International Register

(i) any change in the name or address of the holder,

(ii) the appointment of a representative of the applicant or holder and any other relevant fact concerning such representative,

(iii) any renunciation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties,

[Article 15(2), continued]



(iv) any limitation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration,

(v) any invalidation, by the competent authorities of a designated Contracting Party, of the effect, in the territory of that Contracting Party, of the international registration in respect of any or all of the industrial designs that are the subject of the international registration,

(vi) any other relevant fact, identified in the Regulations, concerning the rights in any or all of the industrial designs that are the subject of the international registration.

(3) [*Fees*] Any recording made under paragraphs (1) or (2) may be subject to the payment of a fee.

(4) [*Publication*] The International Bureau shall publish a notice concerning any recording made in accordance with paragraphs (1) or (2). It shall send a copy of the publication of the notice to each designated Office.

*Article 16*

*Information Concerning Published International Registrations*

(1) [*Information Concerning International Registrations*] The International Bureau shall supply to any person applying therefor, upon the payment of the prescribed fee, information on or copies of entries in the International Register in respect of any international registration published in its Gazette.

(2) [*Legalization*] Copies of entries in the International Register supplied by the International Bureau shall be exempt from any requirement of legalization in each Contracting Party.

*CHAPTER II*

*SPECIAL PROVISIONS RELATING TO  
CONTRACTING PARTIES WITH EXAMINING OFFICES*

*Article 17*

*Additional Mandatory Contents of the International Application*

(1) [*Notification of Additional Conditions*] Any Contracting Party whose Office is an Examining Office and whose law, at the time that the Contracting Party becomes party to this Act, requires the fulfillment of conditions additional to those set out in Article 5(1) in order for an application for the grant of protection to an industrial design to be accorded a filing date may, subject to paragraph (2), notify, in a declaration, the Director General of those additional conditions.

(2) [*Permitted Additional Conditions*] The additional conditions that may be notified pursuant to paragraph (1) may not concern any matters other than requirements that the application referred to in paragraph (1) contain the following:

(i) indications concerning the identity of the creator of the industrial design that is the subject of that application, as prescribed;

(ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of that application, as prescribed;

[Article 17(2), continued]

(iii) a claim, as prescribed.

(3) [*Obligation to Satisfy Additional Conditions*] Where the international application contains the designation of a Contracting Party that has made a notification under paragraph (1), it shall contain the elements needed to satisfy the additional conditions that have been notified by that Contracting Party.

*Article 18*

*Correction of Irregularities Relating to Additional Mandatory Contents  
of the International Application*

If the international application designates a Contracting Party to which one or more of the conditions referred to in Article 17(2) apply and the International Bureau finds that, at the time of its receipt by the International Bureau,

(i) the international application does not fulfill one or more of the relevant conditions referred to in Article 17(2) and does not contain any of the irregularities listed in Article 8(3), the international application shall be considered not to contain the designation of that Contracting Party;

(ii) the international application does not fulfill one or more of the relevant conditions referred to in Article 17(2) and contains one or more of the irregularities listed in Article 8(3), it shall invite the applicant to make the required corrections within the prescribed time limit; if the applicant does not comply with the invitation with respect to the relevant conditions referred to in Article 17(2) within the prescribed time limit at the same time as or before any irregularities listed in Article 8(3) are corrected, the international application shall be considered not to contain the designation of that Contracting Party.

*Article 19*

*Confidential Copies of International Applications  
Containing Requests for Deferment;  
Publication of Such International Applications*

(1) [*Transmittal of Confidential Copies*] The International Bureau shall, immediately after registration has been effected, send a copy of each international registration whose publication is deferred pursuant to the provisions of Article 9 to each designated Examining Office of a Contracting Party that has notified the International Bureau that it wishes to receive such a copy.

(2) [*Obligation of Examining Office to Maintain Confidentiality*] The Examining Office shall, until publication of the international registration in the Gazette of the International Bureau, keep in confidence each international registration of which a copy has been transmitted to it by the International Bureau and may use the said copy only for the purpose of the examination of other applications for the protection of industrial designs filed in or for the Contracting Party for which the Examining Office is competent. In particular, it may not divulge the contents of any such international registration to any person outside the Examining Office, including the persons in whose names such other applications are filed, except for the purposes of an administrative or legal proceeding involving a conflict over entitlement to file the international application on which the international registration is based. In the case of such a proceeding, the contents of the international registration may only be disclosed in confidence to the parties involved in the proceeding who shall be bound to respect the confidentiality of the disclosure.

*Article 20**Refusal of Effect*

\_ Notwithstanding Article 10(2)(a), any Contracting Party whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General that the period of six months referred to in that Article for the notification of refusal of the effect of an international registration shall be replaced by a longer period which shall be specified in the declaration, and expressed in months, provided that such period shall not be longer than \_ 12 months from the date on which the International Bureau sends a copy of the publication of the international registration to the designated Offices.

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*CHAPTER III*

*ADMINISTRATIVE PROVISIONS*

*Article 21*

*Common Office of Several States*

(1) [*Notification of Common Office*] If several States intending to become party to this Act have effected, or if several States party to this Act agree to effect, the unification of their domestic legislation on industrial designs, they may notify the Director General

(i) that a common Office shall be substituted for the national Office of each of them, and

(ii) that the whole of their respective territories shall be deemed to be a single Contracting Party for the purposes of the application of Articles 1, 3 to 16 and 33 of this Act.

(2) [*Time at Which Notification Is to Be Made*] The notification referred to in paragraph (1) shall be made,

(i) in the case of States intending to become party to this Act, at the time of the deposit of the instruments referred to in Article 29(2);

(ii) in the case of States party to this Act, at any time after the unification of their domestic legislation has been effected.



[Article 21, continued]

(3) [*Date of Entry into Effect of the Notification*] Such notification shall take effect,

(i) in the case of States intending to become party to this Act, at the time \_ that  
such States become bound by this Act;

(ii) in the case of States party to this Act, three months after the date of the  
communication thereof by the Director General to the other Contracting Parties.

*Article 22*

*Membership of the Hague Union*

The Contracting Parties shall be members of the Union.

*Article 23*

*Assembly*

(1) [*Composition*] (a) The Contracting Parties shall be members of the Assembly.

(b) Each member of the Assembly shall be represented in the Assembly by one delegate, who may be assisted by alternate delegates, advisors and experts.

(c) The expenses of each delegation shall be borne by the member of the Assembly that has appointed it, provided that the Assembly may decide that the travel expenses and the subsistence allowance of one delegate from each Contracting Party shall be paid from the funds of the Union.

(d) Members of the Union that are neither Contracting Parties nor party to the Complementary Act of 1967 shall be admitted to the meetings of the Assembly as observers.

(2) [*Tasks*] (a) The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Act;

(ii) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Act or the Complementary Act of 1967;

[Article 23(2)(a), continued]

(iii) give directions to the Director General concerning the preparations for conferences of revision and decide the convocation of any such conference;

(iv) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(v) determine the program and adopt the biennial budget of the Union, and approve its final accounts;

(vi) adopt the financial regulations of the Union;

(vii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;

(viii) subject to paragraph (1)(d), determine which States and intergovernmental organizations, other than Contracting Parties, and which non-governmental organizations shall be admitted to its meetings as observers;

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[Article 23(2)(a), continued]

(ix) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Act.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) [*Representation*] A delegate may represent, and vote in the name of, one Contracting Party only.

(4) [*Voting*] Reserved

(5) [*Quorum*] (a) One-half of the members of the Assembly [which have the right to vote] shall constitute a quorum.

[Article 23(5), continued]

(b) Notwithstanding the provisions of subparagraph (a), if, in any session, the number of the members of the Assembly [having the right to vote] \_ which are represented is less than one-half but equal to or more than one-third of the members of the Assembly [having the right to vote] \_, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the members of the Assembly [having the right to vote] \_ which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of such members having thus expressed their vote or abstention attains the number of the members which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(6) [*Majorities*] (a) Subject to Articles 10(3), 26(2)(b) and (3) and 28(2)(b), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) [*Sessions*] (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

[Article 23(7), continued]

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either at the request of one-fourth of the members of the Assembly or on the Director General's own initiative.

(8) [*Rules of Procedure*] The Assembly shall adopt its own rules of procedure.

*Article 24*

*International Bureau*

(1) [*Administrative Tasks*] (a) International registration and related duties, as well as all other administrative tasks concerning the Union, shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly and of such committees of experts and working groups as may be established by the Assembly.

(2) [*Director General*] The Director General shall be the chief executive of the Union and shall represent the Union.

(3) [*Meetings Other than Sessions of the Assembly*] The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.

(4) [*Role of the International Bureau in the Assembly and Other Meetings*] (a) The Director General and persons designated by him shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meetings convened by the Director General under the aegis of the Union.



[Article 24(4), continued]

(b) The Director General or a staff member designated by him shall be ex officio secretary of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).

(5) [*Conferences*] (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for any revision conferences.

(b) The International Bureau may consult with intergovernmental \_ organizations and international and national non-governmental organizations concerning the said preparations.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(6) [*Other Tasks*] The International Bureau shall carry out any other tasks assigned to it in relation to this Act.

*Article 25*

*Finances*

(1) [*Budget*] (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered to be expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) [*Coordination with the Budgets of Other Unions*] The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) [*Sources of Financing of the Budget*] The budget of the Union shall be financed from the following sources:

(i) fees relating to international registrations and charges due for other services rendered by the International Bureau in relation to the Union;

[Article 25(3), continued]

(ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

(4) [*Fixing of \_ Fees and Charges; Level of the Budget*] (a) The amounts of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General. Charges due for other services rendered by the International Bureau in relation to the Union shall be established by the Director General and shall be provisionally applied subject to approval by the Assembly at its next session.

(b) The amounts of the fees referred to in paragraph (3)(i) shall be so fixed that the revenues of the Union from fees and other sources shall be at least sufficient to cover all the expenses of the International Bureau concerning the Union.

(c) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

[Article 25, continued]

(5) [*Working Capital Fund*] The Union shall have a working capital fund which shall be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each member of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it. The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General.

(6) [*Advances by Host State*] (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(7) [*Auditing of Accounts*] The auditing of the accounts shall be effected by one or more of the States members of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

*Article 26*

*Regulations*

(1) [*Content*] The Regulations \_ annexed to this Act govern the details of the implementation of this Act. They provide, in particular, \_ rules concerning

(i) matters which this Act expressly provides are to be “prescribed”;

(ii) further or supplementary details concerning, or any details useful in the implementation of, the provisions of this Act;

(iii) any administrative requirements, matters or procedures.

(2) [*Amending the Regulations*] (a) The Assembly may amend the Regulations.

(b) Subject to the provisions of paragraph (3), amendments shall require three-fourths of the votes cast.

(3) [*Requirement of Unanimity*] (a) The Regulations \_ specify the Rules which may be amended only by unanimous consent.

(b) Exclusion, for the future, of any Rules designated as requiring unanimous consent for amendment from such requirement shall require unanimous consent.

[Article 26(3), continued]

(c) Inclusion, for the future, of the requirement of unanimous consent for the amendment of any Rule shall require unanimous consent.

(4) [*Conflict Between the Present Act and the Regulations*] In the case of conflict between the provisions of this Act and those of the Regulations, the former shall prevail.

*CHAPTER IV*

*REVISION AND AMENDMENT*

*Article 27*

*Revision of This Act*

(1) [*Revision Conferences*] This Act may be revised by a conference of the Contracting Parties.

(2) [*Revision or Amendment of Certain Articles*] Articles 23, 24, 25 and 28 may be amended either by a revision conference or according to the provisions of Article 28.

*Article 28*

*Amendment of Certain Articles by the Assembly*

(1) [*Proposals for Amendment*] (a) Proposals for the amendment of Articles 23, 24, 25 and this Article may be initiated by any Contracting Party or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.

(2) [*Competence and Majorities of Assembly*] (a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast, except that any amendment to Article 23 or to the present paragraph shall require four-fifths of the votes cast.

(3) [*Entry into Force*] (a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of those Contracting Parties which, at the time the amendment was adopted, were members of the Assembly [and had the right to vote]\_.

(b) Any amendment to the said Articles thus accepted shall bind all the States and intergovernmental organizations which are Contracting Parties at the time the amendment enters into force, or which become Contracting Parties at a subsequent date.



*CHAPTER V*

*FINAL PROVISIONS*

*Article 29*

*Becoming Party to This Act*

(1) [*Eligibility*] The following entities may sign and, subject to paragraphs (2) and (3) and Article 27, become party to this Act:

(i) any State member of the Organization in respect of which protection of industrial designs may be obtained through its own Office;

(ii) any intergovernmental organization which maintains an Office in which protection of industrial designs may be obtained with effect in the territory in which the constituting treaty of the intergovernmental organization applies, provided that at least one of the member States of the intergovernmental organization is a member of the Organization and provided that such Office is not the subject of a notification under Article 21;

(iii) any State member of the Organization in respect of which protection of industrial designs may be obtained only through the Office of another, specified State that is a party to this Act;

[Article 29(1), continued]

(iv) any State member of the Organization in respect of which protection of industrial designs may be obtained only through the Office maintained by an intergovernmental organization of which that State is a member;

(v) any State member of the Organization in respect of which protection of industrial designs may be obtained only through a common Office of a group of States party to this Act.

(2) [*Ratification or Accession*] Any entity referred to in paragraph (1) may deposit

(i) an instrument of ratification, if it has signed this Act,

(ii) an instrument of accession, if it has not signed this Act.

(3) [*Effective Date of Deposit*] (a) Subject to paragraph (b), the effective date of the deposit of an instrument of ratification or accession shall be,

(i) in the case of a State referred to in paragraph (1)(i), the date on which the instrument of that State is deposited;

(ii) in the case of an intergovernmental organization, the date on which \_ the instrument of the intergovernmental organization has been deposited\_;

[Article 29(3)(a), continued]

(iii) in the case of a State referred to in paragraph (1)(iii), the date on which the following condition is fulfilled: the instrument of that State has been deposited and the instrument of the other, specified State has been deposited;

(iv) in the case of a State referred to in paragraph (1)(iv), the date applicable under (ii), above;

(v) in the case of a State member of a group of States referred to in paragraph (1)(v), the date on which the instruments of all the States members of the group have been deposited.

(b) Any instrument of ratification or accession (hereinafter referred to as “instrument”) of a State may be accompanied by a declaration making it a condition to its being considered as deposited that the instrument of one other State or one intergovernmental organization, or the instruments of two other States, or the instruments of one other State and one intergovernmental organization, specified by name and eligible to become party to this Act, is or are also deposited. The instrument containing such a declaration shall be considered to have been deposited on the day on which the condition indicated in the declaration is fulfilled. However, when the deposit of any instrument specified in the declaration is, itself, accompanied by a declaration of the said kind, that instrument shall be considered as deposited on the day on which the condition specified in the latter declaration is fulfilled.

[Article 29(3), continued]

(c) Any declaration made under paragraph (b) may be withdrawn, in its entirety or in part, at any time. Any such withdrawal shall become effective on the date on which the notification of withdrawal is received by the Director General.



*Article 30*

*Effective Date of Ratifications and Accessions*

(1) [*Instruments to Be Taken into Consideration*] For the purposes of this Article, only instruments of ratification or accession that are deposited by entities referred to in Article 29(1) and that have an effective date according to Article 29(3) shall be taken into consideration.

(2) [*Entry into Force of This Act*] This Act shall enter into force three months after six entities have deposited their instruments of ratification or accession (hereinafter referred to as “instrument”), provided that at least three of those entities each fulfill any of the following conditions:

(i) the number of applications for the protection of industrial designs in the entity has exceeded 3,000 according to the most recent annual statistics collected by the International Bureau,

(ii) where the entity is a State, its nationals or residents, or, where the entity is an intergovernmental organization, nationals or residents of States members of the intergovernmental organization, have filed at least 200 such applications in one other entity according to the most recent annual statistics collected by the International Bureau,

[Article 30(2), continued]

(iii) the Office of the entity has received at least 1,000 such applications from nationals or residents of States other than, where the entity is a State, the said entity, or, where the entity is an intergovernmental organization, any State member of the said entity, according to the most recent annual statistics collected by the International Bureau.

(3) [*Entry into Force of Ratifications and Accessions Subsequent to the Entry into Force of This Act*] Any entity not covered by paragraph (2) shall become bound by this Act three months after the date on which it has deposited its instrument of ratification or accession.

Article 31

Prohibition of Reservations

No reservations to this Act are permitted.

*Article 32*

*Declarations Made by Contracting Parties*

(1) [*Time at Which Declarations May Be Made*] Any declaration under Articles 4(1)(b), 9(1), 13(2), 14(3)(c), 17(1), 19(1) or 20 may be made

(i) at the time of the deposit of the instruments referred to in Article 29(2), in which case it shall become effective on the date on which the entity having made the declaration becomes bound by this Act, or

(ii) after the deposit of the instruments referred to in Article 29(2), in which case it shall become effective either three months after the date of its receipt by the Director General or on any later date indicated in the declaration, but shall apply only in respect of any international registration whose date of international registration is the same as, or is later than, the effective date of the declaration.

(2) [*Declarations by States Having a Common Office*] Notwithstanding paragraph (1), any declaration referred to in that paragraph that has been made by a State which has, with another State or other States, notified the Director General under Article 21(1) of the substitution of a common Office for their national Offices shall become effective only if that other State or those other States makes or make a corresponding declaration or corresponding declarations.



[Article 32, continued]

(3) [Withdrawal of Declarations] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the date on which the Director General has received the notification and, in the case of declarations made under Articles 13(2) and 20, shall not affect international applications filed prior to the expiration of the said three-month period.

*Article 33*

*Applicability of the 1934 and 1960 Acts*

(1) [*Relations Between States Party to Both This Act and the 1934 or 1960 Acts*] This Act alone shall be applicable as regards the mutual relations of States party to both this Act and the 1934 Act or the 1960 Act. However, such States shall, in their mutual relations, apply the 1934 Act or the 1960 Act, as the case may be, to industrial designs deposited at the International Bureau prior to the date on which this Act becomes applicable as regards their mutual relations.

(2) [*Relations Between States Party to Both This Act and the 1934 or 1960 Acts and States Party to the 1934 or 1960 Acts Without Being Party to This Act*] (a) Any State that is party to both this Act and the 1934 Act shall continue to apply the 1934 Act in its relations with States that are party to the 1934 Act without being party to the 1960 Act or this Act.

(b) Any State that is party to both this Act and the 1960 Act shall continue to apply the 1960 Act in its relations with States that are party to the 1960 Act without being party to this Act.

*Article 34*

*Denunciation of This Act*

(1) [*Notification*] Any Contracting Party may denounce this Act by notification addressed to the Director General.

(2) [*Effective Date*] Denunciation shall take effect one year from the date on which the Director General has received the notification. It shall not affect the application of this Act to any international application pending or any international registration in force in respect of the denouncing Contracting Party at the time of the expiration of the said one-year period.

*Article 35*

*Languages of This Act; Signature*

(1) [*Original Texts; Official Texts*] (a) This Act shall be signed in a single original in the English, French and Spanish languages, all texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) [*Time Limit for Signature*] This Act shall remain open for signature at the headquarters of the Organization for one year after its adoption.

*Article 36*

*Depositary*

The Director General shall be the depositary of this Act.

[End of document]