

Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs

Fourteenth Session
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REPORT ON CONSULTATIONS HELD CONCERNING THE TOPIC OF PRIORITY DOCUMENTS IN THE CONTEXT OF THE HAGUE SYSTEM

Document prepared by the International Bureau

BACKGROUND

1. At its thirteenth session, held from October 21 to 23, 2024, the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as the “Working Group”) discussed document [H/LD/WG/13/2](#) entitled “Priority Documents in the Context of the Hague System”. The Working Group:

- (i) considered favorably the submission to the Assembly of the Hague Union (hereinafter referred to as the “Assembly”), for adoption, of a recommendation that encourages Offices of Contracting Parties to participate in the WIPO Digital Access Service (hereinafter referred to as “WIPO DAS”) with respect to priority documents for design applications,
- (ii) noted that the International Bureau would support Offices with the operational and technical implementation of WIPO DAS, and
- (iii) requested the International Bureau to consult with the Offices of Contracting Parties concerned with a view to identifying possible alternative solutions for the exchange of priority documents, and to report back to the Working Group, at a future session, on the outcomes of the consultations¹.

2. This document reports on the consultations undertaken by the International Bureau in response to the above request, as well as an update regarding WIPO DAS.

¹ See document [H/LD/WG/13/6](#) “Summary by the Acting Chair”, paragraph 9.

CONSULTATIONS

3. From January to June 2025, the International Bureau held individual consultation meetings with 10 Offices of Contracting Parties². The consultations concentrated on Offices which had indicated in the survey carried out in 2024 that they always require the submission of a priority document for Hague registrations but either do not participate in WIPO DAS as an “Accessing Office” in respect of priority documents for design applications or have additional domestic requirements, such as the submission of a translation or the payment of a fee, for the perfection of the priority claim³. In addition, consultations were also carried out with an Office that indicated in the survey that it requires priority documents in specific cases and was interested in using WIPO DAS for those cases, and with an Office whose Contracting Party has been in the top 20 origins of Hague applications for the last 10 years and which indicated in the survey that it was interested in participating in WIPO DAS as a “Depositing Office” in respect of priority documents for design applications.

4. Despite their respective indications in the survey of 2024, the Offices of Kyrgyzstan, Samoa and Serbia clarified during the consultation meetings that they do not always require the submission of priority documents for Hague registrations, but may require priority documents in certain cases, for instance, when the priority document is essential to determine novelty⁴. In addition, the Office of Oman confirmed a similar practice. These four Offices also indicated their interest in joining WIPO DAS⁵.

5. The Offices of the Russian Federation and Viet Nam informed the International Bureau that they were currently reviewing their domestic legal instruments regarding their possible participation in WIPO DAS⁶. Similarly, the Office of Türkiye explained that it would review its domestic legal instruments regarding its possible participation in WIPO DAS as an “Accessing Office”⁷.

6. The Offices of Brazil and Mexico participate in WIPO DAS in respect of priority documents for design applications. While the Office of Mexico requires the submission of a translation into Spanish and the payment of a fee in all cases, the Office of Brazil requires the submission of a translation into Portuguese and the payment of a fee only if no DAS code is provided in the international application. Both Offices informed the International Bureau during the consultations that they were currently reviewing their domestic requirements in order to facilitate the submission of priority documents for Hague registrations.

7. The Office of the United Kingdom informed the International Bureau that it was currently transforming its IT system which would enable its participation in WIPO DAS. The Office was encouraged to consider using the manual upload system in WIPO DAS as an *interim* solution.

UPDATE ON WIPO DAS

8. The Working Group on the Digital Access Service for Priority Documents (hereinafter referred to as the “DAS Working Group”) met from March 10 to 12, 2025. The DAS Working Group discussed, among others, document [WIPO/DAS/PD/WG/4/3](#), entitled “Proposed Technical Changes to DAS”, and agreed to start the process to implement a new service to enable supporting documents to be exchanged through WIPO DAS⁸. Once implemented, this

² Consultations were carried out with the Offices of Brazil, Kyrgyzstan, Mexico, Oman, the Russian Federation, Samoa, Serbia, Türkiye, the United Kingdom and Viet Nam.

³ See Annex II of document [H/LD/WG/13/2](#).

⁴ These updates are reflected in Table II contained in the Annex to this document.

⁵ In addition, the Office of Samoa confirmed that priority documents can be submitted to it directly via email in PDF form.

⁶ The Office of the Russian Federation confirmed that a priority document can be submitted to it on paper, together with a cover letter indicating the relevant international registration without using a local representative.

⁷ Türkiye is currently participating in WIPO DAS as a “Depositing Office” only. See Annex, table I.

⁸ See documents [WIPO/DAS/PD/WG/4/3](#) and [WIPO/DAS/PD/WG/4/7](#), paragraph 18.

new service would enable applicants to submit translations of priority documents to Offices of designated Contracting Parties through WIPO DAS, if the Office chooses to make this service available.

9. While the implementation of this service will take time, this service would be useful in the future in instances where the Office of a designated Contracting Party requires a translation in a particular case to determine the validity of a priority claim. At the same time, careful consideration should be given to make use of such service in the context of the Hague System, since the preparation of multiple translations into different languages would be an additional burden on users, even if WIPO DAS facilitates their submission.

WAY FORWARD

10. With respect to the mandate referred to in subparagraph 1(i), above, the proposed recommendation was adopted with immediate effect by the Assembly at its forty-fifth session held in July 2025⁹. In line with this recommendation, Offices of Contracting Parties are encouraged to participate in WIPO DAS with respect to priority documents for design applications¹⁰. The adopted recommendation will be recalled by means of an editorial footnote in association with the text of Section 408(a) of the Administrative Instructions for the Application of the Hague Agreement. Furthermore, the International Bureau will make reference to that recommendation in both pre-accession and post-accession discussions with Offices of Contracting Parties which do not yet participate in WIPO DAS.

11. Offices are further encouraged to review their domestic requirements regarding the submission of priority documents for Hague registrations and amend their practices, so that priority documents are only required in individual cases where the Office considers it necessary in the context of substantive examination, in particular in cases where the content of the prior application is essential to determine the novelty of the design.

12. Furthermore, consultations with some of the Offices concerned are still ongoing¹¹. The International Bureau will inform the users of the Hague System of any relevant developments¹².

13. The Working Group is invited to consider the contents of this document.

[Annex follows]

⁹ See documents [H/A/45/1](#) and H/A/45/2.

¹⁰ See Annex, table I. Since the last session of the Working Group, Cambodia joined WIPO DAS with respect to priority documents for design applications.

¹¹ See paragraphs 5 and 6, above.

¹² Any updates will be communicated in the [Guide to the Hague System](#) and/or the [Hague System Member Profiles](#).

Table I

CONTRACTING PARTIES WHOSE OFFICES PARTICIPATE IN WIPO DAS IN RESPECT OF PRIORITY DOCUMENTS FOR DESIGN APPLICATIONS

Brazil, Cambodia, Canada, China, Denmark, European Union, France¹³, Georgia, Israel, Italy, Japan, Lithuania, Mexico, Monaco, Norway, Poland¹⁴, Republic of Korea, Spain, Switzerland¹³, Türkiye¹³, United States of America (21)

Table II

INFORMATION REGARDING OFFICES THAT ALWAYS REQUIRE A PRIORITY DOCUMENT FOR HAGUE REGISTRATIONS¹⁵

	BR	CN	JP	MX	KR	RU	TR	US	VN
Requirements									
Examining Office		X	X	X	X	X	X	X	X
Participation in WIPO DAS ¹⁶	X	X	X	X	X	0	X ¹³	X	0
PDF form accepted	X	X	X	X	X	X ¹⁷	X	X ¹⁸	
Translation required (including only in certain cases)	X ¹⁹	X ²⁰	X ²⁰	X			X	X ²¹	
Fee required (including only in certain cases)	X ¹⁹			X					
Local representative required (including only in certain cases)	X ¹⁹		X ²⁰	X	X ²⁰		X	X ²²	X
Time limit for submission ²³	90d	3m ²⁰	3m ²⁰	3m	3m ²⁰	3m	3m	during pendency	3m
Consequences									
Priority lost	X	X	X	X	X	X	X	X	X
Publication of first filing destroys novelty		X	X	X	X				

[End of Annex and of document]

¹³ Depositing Office only.

¹⁴ Accessing Office only.

¹⁵ This table is an updated version of the one contained in document [H/LD/WG/13/2](#), Annex II. That table summarized the information provided by the Offices that indicated in the survey carried out in 2024 that they always require the submission of a priority document for Hague registrations. The Offices of Kyrgyzstan, Samoa and Serbia are no longer in this updated table (see paragraph 4, above). The Contracting Parties of the Offices in this table are the following: Brazil, China, Japan, Mexico, the Republic of Korea, the Russian Federation, Türkiye, the United States of America and Viet Nam.

¹⁶ "0" indicates the Office which responded in the survey that they are interested in joining WIPO DAS in the future.

¹⁷ Only if the document was issued in that form by the Office of first filing.

¹⁸ Only if the priority document is submitted via WIPO DAS.

¹⁹ This only applies if the priority document is sent directly to the Office (not through WIPO DAS).

²⁰ This only applies if the priority document is sent directly to the Office (not through WIPO DAS or to the International Bureau).

²¹ An English translation may be required during interference or derivation proceedings, or to overcome the date of a reference relied upon by the examiner, or upon request by the examiner.

²² This only applies in certain cases. For more information, see the [Hague System Member Profiles](#).

²³ In months (m) or days (d) from international publication, unless otherwise indicated.