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

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PROPOSED AMENDMENTS TO THE REGULATIONS FOR REMOVING THE MONO CLASS REQUIREMENT

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/13/3, entitled "Topical Aspects Relating to the Development of the Hague System". Topic 1 of the document addressed the possibility of removing the mono-class requirement set out in Rule 7(7) of the Regulations Under the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the "Regulations").

FREEZE OF THE APPLICATION OF THE 1960 ACT

2. The mono-class requirement was first introduced into the Hague System through Article 5(4) of the Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter referred to as the "1960 Act"). Under that provision, a single international application could include multiple designs, provided that the products to which those designs related belonged to the same class of the International Classification used for the purposes of the registration of industrial designs (hereinafter referred to as the "Locarno Classification")[1].

[1] The Locarno Agreement Establishing an International Classification for Industrial Designs was adopted on October 8, 1968, and entered into force on April 27, 1971. However, efforts to develop a common classification system for industrial designs had already been initiated prior to the adoption of the 1960 Act. The inclusion of the mono-class requirement in Article 5(4) of the 1960 Act anticipated the establishment of such an international classification system and was intended to facilitate the administration of international registrations by ensuring that all designs contained in a multiple application belonged to the same Locarno Class. See footnote on page 37 of the *Records of the Locarno Conference for the Purpose of Setting Up an International Classification for Industrial Designs.*

3. By contrast, the subsequent Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the "Geneva Act") does not expressly mention such a requirement. Rather, Article 5(4) states that "subject to such conditions as may be prescribed, an international application may include two or more industrial designs".

4. The absence of an explicit reference to the mono-class requirement in Article 5(4) of the Geneva Act reflects the intention to address such procedural conditions through the implementing regulations rather than in the treaty text itself. The phrase "subject to such conditions as may be prescribed" was formulated to enable the establishment of detailed requirements at the regulatory level. Accordingly, at the time of the adoption of the Geneva Act, Rule 7(6) of the then Regulations, current Rule 7(7) of the Regulations[2], was introduced to give effect to the mono-class requirement[3], thereby ensuring continuity with the earlier framework established under the 1960 Act, while preserving regulatory flexibility.

5. Consequently, following the successful freeze of the application of the 1960 Act as of January 1, 2025[4], the only remaining legal basis for the mono-class requirement resides in Rule 7(7) of the Regulations.

RECENT DEVELOPMENTS AND FUTURE TRENDS

6. In addition, as highlighted in paragraphs 9 and 10 of document H/LD/WG/13/3, recent developments underscore a growing expectation among users for greater flexibility in filing international applications under the Hague System.

7. In particular, the digital environment has expanded the notion of a product to encompass not only its physical form but also digital elements such as graphical user interfaces (GUIs)[5]. These various aspects of a product often share a common lifecycle and are developed as part of an integrated design strategy. However, the current mono-class requirement prevents applicants from including such elements within a single international application when they fall under different classes of the Locarno Classification.

8. Furthermore, recent legislative changes in certain Contracting Parties in relation to the mono-class requirement reflect a possible trend towards the elimination of this qualitative limitation for multiple design applications, the most recent example being the European Union (EU).

9. On November 18, 2024, the EU published Regulation (EU) 2024/2822 and Directive (EU) 2024/2823 in its Official Journal. Applicable from May 1, 2025, the aforementioned Regulation abolishes the mono-class requirement under the Registered EU Design (formerly Registered Community Design), allowing applicants to include up to 50 designs in a single application for the unitary title, regardless of their classification under the Locarno System.

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[2] With the adoption of the Common Regulations in 2003, this provision was renumbered as Rule 7(7). See pages 10 to 12 of Annex II of document H/A/22/1 "Proposal for the Establishment of Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement".

[3] See paragraph 5.10 of document H/DC/5 "Notes on the Basic Proposal for the New Act of the Hague Agreement Concerning the International Registration of Industrial Designs" and paragraph R7.19 of document H/DC/6 "Notes on the Basic Proposal for the Regulations under the New Act of the Hague Agreement Concerning the International Registration of Industrial Designs".

[4] See document H/A/44/1 "Freeze of the Application of the 1960 Act and Proposed Consequential Amendments to the Common Regulations" and paragraph 17 of document H/A/44/3 "Report".

[5] According to data from the *WIPO Statistics Database*, the top 10 users of the Hague System in respect of GUI designs during the period 2019 to 2023 also submitted a significant volume of international applications for non GUI designs, covering a broad range of Locarno classes. See *Hague Yearly Review 2024*, figures 3 and 9.

10. Furthermore, all EU Member States (19 of which are Contracting Parties of the Hague System) are required to transpose the provisions of the Directive by December 9, 2027, as a result of which their domestic design registration systems could no longer impose a mono-class requirement.

11. Finally, to the knowledge of the International Bureau, amongst the legislations of the current Contracting Parties, that of Japan and the United Kingdom already permits multi-class design applications, allowing applicants to include designs belonging to different Locarno classes in a single filing.

PURPOSE OF THIS DOCUMENT

12. In light of the foregoing, the present context provides a favorable and timely opportunity to consider the removal of the mono-class requirement within the framework of the Hague System. Therefore, as mentioned in paragraph 1 of this document, this topic was first discussed by the Working Group at its thirteenth session.

13. The Working Group generally supported the removal of the mono-class requirement and requested that the International Bureau prepare, for discussion at its next session, a document further analyzing the possible removal of the mono-class requirement for international applications, taking into account the comments made by delegations[6].

14. Accordingly, this document considers the comments made by delegations at the thirteenth session[7], analyzes the possible removal of the mono-class requirement for international applications, and sets out proposed amendments to the Regulations.

CONSIDERATIONS

BENEFITS OF REMOVING THE MONO-CLASS REQUIREMENT

15. Under the current legal framework set out in Article 5(4) of the Geneva Act in conjunction with Rule 7(7) of the Regulations, applicants are required to file separate international applications for designs falling into different Locarno classes, even where those designs form part of a single, integrated product. This creates administrative complexity and increases the financial burden, particularly for businesses developing products that integrate or are to be used with multiple elements belonging to different Locarno classes.

16. By way of illustration, an applicant seeking to register a design of a floor cleaning robot may wish to protect not only the design of the device itself, but also the GUIs incorporated in the product and the charging station. Similarly, an applicant who wants to register the design of a car may also want to protect the design of the car's seats and head and tail lights. At present, such protections would require each applicant to file three design applications due to differing Locarno class allocations (see Annex I).

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[6] See paragraphs 10 and 11(i) of document H/LD/WG/13/6 “Summary by the Acting Chair”.

[7] In this context, the Delegation of the Republic of Korea highlighted the need to adjust the Hague System Fee Calculator to reflect class-dependent variations within a single international application should the removal of the mono-class requirement be adopted. In that event, these modifications would be implemented to accurately maintain the fee structure's integrity and facilitate compliance with domestic requirements (see Information Notices No. 1/2014 and No. 35/2020). In addition, the Delegation of Japan as well as the Japan Intellectual Property Association (JIPA) expressed concern regarding the current limitations of the Hague Express Database, particularly the difficulty of searching individually the designs included in a single international registration. The International Bureau informs that improvements are currently developed in the Global Design Database that will allow users to search the individual designs part of an international registration, addressing precisely these limitations with a planned deployment date in the course of 2026.

17. Within a multi-class application framework, applicants would be allowed to include the various design elements in a single international application despite belonging to different Locarno classes, facilitating a more coherent and cost-effective means of securing comprehensive design protection.

18. In addition to reducing administrative complexity and financial burden for applicants, the removal of the mono-class requirement would also streamline the formality examination process carried out by the International Bureau. Under the current legal framework, where an international application is found to include designs falling under different Locarno classes, the International Bureau issues an irregularity notice pursuant to Rule 7(7) of the Regulations, inviting the applicant to correct the application by limiting the designs to those that belong to a mono-class and, if protection is still sought for the excluded designs, submit one or more additional applications[8]. According to Article 8(1) and (2)(a) of the Geneva Act in conjunction with Rule 14(1)(a) and (3) of the Regulations, should the application not be corrected within the prescribed three-month period, it shall be considered abandoned.

19. This process imposes additional procedural burden on both the applicant and the International Bureau. Applicants must respond to irregularity notices within a limited timeframe, often requiring the preparation of additional applications and incurring extra costs. For the International Bureau, each irregularity entails further administrative steps, including issuing notices, processing amendments or new filings, and ensuring formal compliance. The removal of the mono-class requirement would therefore streamline the international registration procedure.

CONTINUED EXAMINATION OF THE LOCARNO CLASSIFICATION BY THE INTERNATIONAL BUREAU

20. Even in the event that the mono-class requirement is removed, however, the International Bureau would continue to examine and record the relevant Locarno class or classes in international registrations, pursuant to Rule 15(2)(v) of the Regulations. This approach reflects the current operational structure of the Hague System and supports consistency across procedures involving designated Contracting Parties.

21. The inclusion of class indications remains relevant for Offices whose domestic systems do not allow multi-class design applications, or which depend on classification for determining the applicable designation fee and/or refusal period[9]. Sudden discontinuation of this examination by the International Bureau could result in increased administrative burden for those Offices.

22. Furthermore, Locarno class indications play an important role in facilitating the search and retrieval of design information, both for Offices conducting substantive examination of design applications and for users navigating design databases. Therefore, preserving the International Bureau’s role in examining and recording Locarno classifications ensures not only legal clarity and procedural efficiency, but also transparency and accessibility for users and Offices.

RESERVATION BY DECLARATION

23. In order to assess the removal of the mono-class requirement under the Hague System, it is necessary to identify the current qualitative limitations in the legislations of the Contracting Parties. As mentioned in paragraph 12 of document H/LD/WG/13/3, there are three modalities to be considered: the absence of qualitative limitation, the mono-class limitation, and the unity of design limitation.

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[8] Internal WIPO statistics indicate that, on average, 30 irregularity notices were issued annually on this ground between 2019 and 2024.

[9] It is noted that, with respect to designations of the Republic of Korea, applicable designation fees (standard or individual) and refusal periods (6 or 12 months) depend on the Locarno class of the design(s) concerned (see Information Notices No. 1/2014 and No. 35/2020).

24. Bearing in mind that certain legislations contain the mono-class qualitative limitation at their domestic level, the removal of the mono-class requirement under the Hague System should not entail an obligation for current Contracting Parties to amend their domestic legislation accordingly. Rather, a declaration mechanism similar to the one contained in Article 13(1) of the Geneva Act is to be considered[10].

25. In this regard, two possible approaches are envisaged in connection with such a declaration mechanism: either the declaration is to be made by Contracting Parties whose domestic legislation imposes a mono-class requirement, or it is to be made by those whose legal frameworks do not impose such a qualitative limitation.

26. At present, the number of Contracting Parties that implement the mono-class limitation appears exceeding those permitting multi-class applications[11]. Accordingly, it would appear at first blush that requiring declarations from the latter group, namely, those that allow for multi class applications, would entail fewer declarations and therefore less administrative burden. However, considering the emerging legislative trend toward permitting multi-class applications and the prospect of future accessions by new Contracting Parties likely to follow this approach[12]. Hence, it would be more appropriate to require declarations from those Contracting Parties whose domestic legislation imposes the mono-class limitation.

General Principles of the Hague System

27. Article 12(1) of the Geneva Act provides that no Office of a designated Contracting Party may refuse the effects of an international registration on the ground that its domestic requirements relating to the form or contents of the international application which are additional to or different from the requirements set out in the Geneva Act or in the Regulations have not been met.

28. In this context, the Hague legal framework regulates the mandatory contents and formal requirements of an international application and only allows Contracting Parties to impose deviations from these, in accordance with their domestic laws, in limited cases.

29. For these purposes, under the Geneva Act and Regulations, declarations serve as the instruments for Contracting Parties to accommodate such deviations from default procedural rules[13]. Therefore, in order to maintain the consistency throughout the Hague System, the preferred option would be that the declaration is made by Contracting Parties whose legislation contains the mono-class requirement.

30. It should also be noted that Contracting Parties are not obliged to make such a declaration solely to replicate their domestic legal requirements. On the contrary, in line with the philosophy underpinning the Hague System, Contracting Parties are encouraged to adhere to the default procedural framework established under the Regulations and to rely on the International Bureau for the formality examination, thereby fostering harmonization and administrative efficiency.

Compatibility and Relation with Article 13(1) Declarations

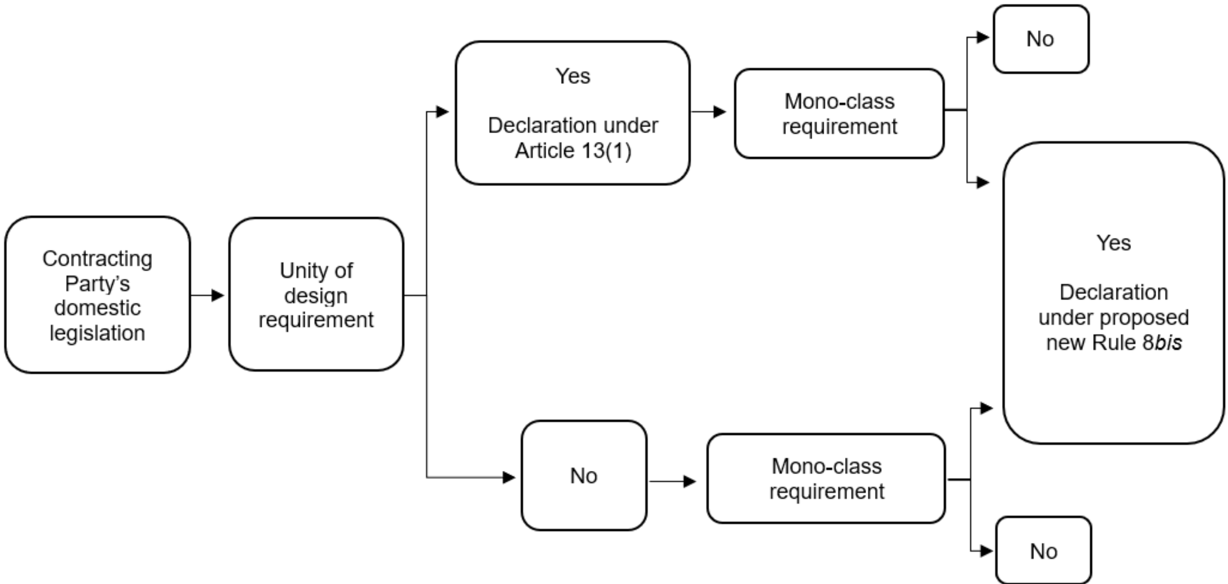
31. It is highlighted that the potential removal of the mono-class requirement is compatible with the unity of design requirement. In this sense, removing the mono-class requirement would have no impact on the validity or effect of any declaration made under Article 13(1) of the Geneva Act. Contracting Parties that have made that declaration to apply the unity of design

[10] See paragraph 13 of document H/LD/WG/13/3.
[11] See paragraph 12 of document H/LD/WG/13/3 and related footnote 11.
[12] Also see paragraphs 31 and 32. It is envisaged that some of Contracting Parties that have made a declaration under Article 13(1) would not need to make this new declaration by relying on the effect of that declaration.
[13] See paragraph 13 of document H/LD/WG/13/3 and related footnote 13 containing references to declarations allowed under Article 13(1), Rule 9(3) and Rule 12(1)(c)(i).

requirement in accordance with their domestic legislation may continue to rely on that declaration independently of any new provision concerning class requirements[14].

32. Similarly, a declaration made by a Contracting Party to impose its mono-class requirement will be without prejudice to any declaration made pursuant to Article 13(1) of the Geneva Act. Accordingly, where the domestic legislation of a Contracting Party imposes requirements concerning both the unity of design and the unity of class, that Contracting Party could consider making the new declaration requiring the unity of class while maintaining the declaration already made under Article 13(1) of the Geneva Act. For instance, in the case of a "set of articles" (e.g. a tea set), a Contracting Party may wish to ensure that all items in the set not only form a coherent design unit under its unity of design requirement, but also fall within the same Locarno class in compliance with the domestic legislation. The practical application of such a scenario would depend on the precise content and wording of the relevant declarations.

33. The following diagram illustrates the compatibility and mutual relations of the declarations concerning the requirements of the unity of design and the unity of class:



Effect of Declaration; Refusal by Offices

34. As outlined in paragraphs 27 to 29, Article 12(1) of the Geneva Act establishes that the Office of a designated Contracting Party may not refuse the effects of an international registration on the grounds that it fails to meet form or content requirements under its domestic legislation, where such requirements are additional to or different from those set out in the Geneva Act and Regulations. However, this general principle is subject to specific exceptions such as the declarations made pursuant to Article 13(1)[15].

[14] At the thirteenth session of the Working Group, the Delegation of China raised concerns regarding the compatibility of the unity of design requirement with the potential removal of the mono-class requirement. The Secretariat clarified that removing the mono-class requirement would not interfere with existing declarations under Article 13(1) of the Geneva Act.

[15] The declaration made pursuant to Rule 9(3) is another such example under the Regulations.

35. Similarly, a declaration made by a Contracting Party to impose its mono-class requirement would constitute an exception to Article 12(1). Such a declaration would allow the Office of that Contracting Party to refuse the effects of an international registration where designs included in a multiple design application do not belong to the same Locarno class, even after the removal of such a requirement at the international level[16].

36. In terms of Article 12(1) of the Geneva Act, however, it is also to be noted that, in accordance with Article 14(1) of the Geneva Act, a Contracting Party is obliged to accord equal treatment to international registrations and regularly-filed domestic applications. Therefore, the Office of a Contracting Party having made a declaration to apply the mono-class requirement in accordance with its domestic legislation should only be allowed to issue refusals on that basis as long as such a requirement remains applicable at the domestic level.

Subsequent Procedures Required at the Domestic Level and Withdrawal of Refusal

37. Where the Office of a designated Contracting Party issues a refusal on the basis of a declaration to apply the mono-class requirement in accordance with its domestic legislation, it may first invite the holder to exclude from the international registration as many designs as necessary to comply with the mono-class requirement, and offer to file divisional applications for these excluded designs.

38. In this context, the Office should be entitled to charge a fee if the amount of the designation fee collected by the International Bureau is not sufficient to cover the fee for filing such divisional applications. On the other hand, the Office should withdraw the refusal with respect to those designs that have been selected to remain in the international registration in compliance with the mono-class requirement.

Withdrawal of Declaration

39. To ensure flexibility in adapting to future legislative or policy developments, Contracting Parties can reverse their position regarding the mono-class requirement. In this sense, a declaration made by a Contracting Party to apply the mono-class requirement in accordance with its domestic legislation may be withdrawn where the underlying legal basis for such requirement is removed at a domestic level, whether through legislative amendment, regulatory reform, or a change in administrative practice. In such cases, the withdrawal serves as a formal notification to the International Bureau and as public information for users of the Hague System.

40. As described in paragraph 36 however, in accordance with Article 14(1) of the Geneva Act, the date on which the domestic change takes effect marks the point from which the requirement ceases to apply to international registrations. The withdrawal of the declaration, while not legally required for the change to take effect, is nonetheless an important procedural step to ensure clarity, legal certainty, and consistent application of the revised domestic framework.

PROPOSAL

41. To implement the removal of the mono-class requirement under the Hague System along with the considerations presented in the previous chapter, a revision of the Regulations is proposed. This includes amendments to Rule 7, the introduction of a new Rule 8*bis,* as well as amendments to Rule 33 (see Annex II).

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[16] At the thirteenth session of the Working Group, the Delegation of the Russian Federation expressed the view that multi-class applications should be permitted only where the industrial designs included are used together and share a common lifecycle, and further suggested that multi-class applications should only be allowed to designate Contracting Parties that accept such applications. However, the examination of compliance with the mono-class requirement and such additional substantive requirements lies with the Offices of the designated Contracting Parties.

AMENDMENTS TO RULE 7

42. As explained in paragraphs 2 to 5 of this document, Rule 7(7) of the Regulations currently provides the sole legal basis for the mono-class requirement under the Hague System, prescribing that all designs included in a single international application shall belong to the same class of the Locarno Classification.

43. It is therefore proposed to delete paragraph (7) from Rule 7 of the Regulations. As a result, applicants would be allowed to include up to 100 designs belonging to multiple Locarno classes in a single international application.

44. As explained in paragraphs 20 to 22 of this document, however, the deletion of Rule 7(7) would not result in the discontinuation of the International Bureau's examination and recording of the Locarno class or classes in international registrations. International registrations shall continue to contain the relevant Locarno class or classes pursuant to Rule 15(2)(v) of the Regulations.

NEW RULE 8*BIS*

45. A new Rule 8*bis* is proposed to establish the framework under which a Contracting Party may impose a mono-class requirement in accordance with its domestic legislation. The text of this proposed new rule is based largely on that of Article 13 of the Geneva Act in their conformity as considered under the previous chapter. The term "legislation" encompasses not only statutory laws but also any other binding legal texts applicable within the territory of the Contracting Party, such as domestic regulations, administrative orders, or other normative acts having legal effect.

Notification of Declaration

46. As a main provision, the proposed new Rule 8*bis*(1) would allow any Contracting Party that needs to apply the mono-class requirement in accordance with its domestic legislation to submit a declaration to the Director General of the World Intellectual Property Organization (WIPO). Nonetheless, such declaration shall not affect the rights of an applicant under Article 5(4) of the Geneva Act to include multiple designs in a single international application, which may however not exceed 100 in compliance with Rule 7(3)(v) of the Regulations.

47. It is also to be noted that, unlike declarations under Article 13(1) of the Geneva Act, which may vary in content depending on the requirements in each Contracting Party, the subject matter of a declaration under new Rule 8*bis*(1) would be limited and uniform in nature. It serves solely to impose the mono-class requirement based on the Locarno Classification, without further qualifications or conditions[17].

48. The aforementioned declaration would need to be submitted no later than two months prior to the date of entry into force of the proposed amendments to the Regulations or at the time of ratification or accession to the Geneva Act[18]. The setting of a time limit for submission by current Contracting Parties aims to prevent a Contracting Party accepting multi-class applications from requiring a mono-class restriction at a later stage[19]. Moreover, requiring a

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[17] Should the Working Group support the removal of the mono-class requirement for submission to the Assembly of the Hague Union, a model declaration will be included in the document to be submitted to the Assembly.

[18] In principle, declarations are signed, in the case of a Member State, by the Head of State, the Head of Government or the Minister for Foreign Affairs of the State concerned, which is typically the case where they are made at the time of the deposit of an instrument of ratification or accession. However, under current practice, technical declarations, such as the one under the proposed new Rule 8*bis,* may be signed by the Head of the Intellectual Property Office of the Contracting Party concerned, in order to simplify procedures and alleviate the administrative burden on a Contracting Party concerned, aiming at a timely implementation.

[19] A similar provision is found in the Regulations Under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Rule 20*bis*(6)).

submission at least two months prior to the date of entry into force aims to ensure a smooth implementation of the proposed amendments, particularly in light of the potentially high volume of declarations anticipated.

49. Failure to make such a declaration within this time frame would result in the default application of the revised provisions. In other words, in the absence of a timely declaration, the effects of an international registration could not be refused on the grounds that it fails to meet a mono-class requirement applicable under the domestic legislation, pursuant to Article 12(1) of the Geneva Act.

Effect of Declaration

50. The proposed Rule 8*bis*(2) provides for the effect of the declaration made under Rule 8*bis*(1), whereby the Office of the Contracting Party concerned could refuse the effects of the international registration pursuant to Article 12(1) of the Geneva Act. Similarly to what is provided under Article 13(2) of the Geneva Act, the expression "pending compliance with the requirement notified under paragraph (1)" serves to clarify that the refusal would need to be withdrawn pursuant to Rules 18(4) or 18*bis*(2), typically once the holder has amended the international registration before the Office concerned by limiting the designs to those that belong to a mono-class.

51. The proposed text of paragraph (2) also envisages that the Office of a Contracting Party having made a declaration under Rule 8*bis*(1) should only be allowed to issue refusals on that basis, as long as the requirement underlying the declaration remains applicable at the domestic level, as explained in paragraph 36, above.

Further Fees Payable

52. The proposed Rule 8*bis*(3) would entitle the Office of a Contracting Party having made a declaration under Rule 8*bis*(1) to charge additional fees where an international registration is subject to division before that Office as part of a procedure subsequent to a refusal issued pursuant to Rule 8*bis*(2), as explained in paragraphs 37 and 38, above.

Withdrawal of Declaration

53. The proposed Rule 8*bis*(4) would provide that any declaration made under Rule 8*bis*(1) may be withdrawn at any time by means of a formal notification to the Director General[20], taking effect upon receipt or on a later date indicated in the notification.

54. Notwithstanding this formal procedure, as described in paragraphs 36 and 51, above, where a Contracting Party removes the mono-class requirement at the domestic level, either through legislation, regulations or practice, its Office must cease applying that requirement to international registrations at the exact same time.

55. The withdrawal of a declaration under Rule 8*bis*(1) is therefore not a precondition for such cessation but serves to formally notify the International Bureau and inform users of the change in law or practice, so as to ensure legal certainty, transparency, and proper communication within the framework of the Hague System.

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[20] See footnote 18, noting in particular that the withdrawal of a declaration under the proposed new Rule 8*bis* would be notified by an existing Contracting Party only, which should be encouraged for the sake of the users of the Hague System.

No Amendments to Rule 18

56. Rule 18(3) of the Regulations requires the Office of a designated Contracting Party to notify the International Bureau of data concerning divisions, if an international registration is divided at the domestic procedure in order to overcome a refusal ground notified in accordance with Article 13(2) of the Geneva Act.

57. The International Bureau acknowledges that, in the context of removing the mono-class requirement through the introduction of the proposed new Rule 8*bis*, it would appear coherent to revise Rule 18(3) to include a reference to refusals issued pursuant to Rule 8*bis*(2), thereby requiring Offices to notify the International Bureau of any resulting division of the international registration.

58. However, such a revision would introduce an additional administrative burden for Offices of designated Contracting Parties whose domestic legislation does not allow multi-class applications. Furthermore, it is noted that Rule 18(3), in its current form, has not been fully implemented, as notifications of division are neither recorded nor published by the International Bureau[21]. This means that data concerning divisions are not made available through the Hague System, but in reality, all such relevant information is generally made available through domestic databases, many of which are covered by the Global Design Database these days. In view of these considerations, no revision of Rule 18(3) is proposed.

AMENDMENTS TO RULE 33

59. Rule 33(2) of the Regulations sets out specific provisions that require a four-fifths majority of the Contracting Parties bound by the Geneva Act for their amendment. This heightened voting requirement reflects the need for broader consensus when modifying rules that could significantly affect the rights of users or the functioning of the Hague System.

60. The proposed deletion of Rule 7(7) would result in the deletion of subparagraph (i) of Rule 33(2), as reproduced in Annex II[22].

Editorial Amendment

61. Additionally, this document takes the opportunity to propose an editorial amendment. Following the adoption of amendments to the Common Regulations at the forty-fourth (20th extraordinary) session of the Assembly of the Hague Union[23], subparagraph (b) of Rule 16(1) was deleted. As a result, the revised content of former subparagraph (a) now constitutes the entirety of paragraph (1)[24]. In light of this structural revision, it is proposed that Rule 33(2)(iii) be amended to refer to "Rule 16(1)" so as to reflect the correct provision.

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[21] See the wording of Rule 18(5) which does not include a reference to paragraph (3). For this reason, only few Offices currently send the International Bureau notifications of division pursuant to Rule 18(3).

[22] Furthermore, Rule 33(3) provides that "any proposal for amending a provision referred to in paragraph (1) or (2) shall be sent to all Contracting Parties at least two months prior to the opening of the session of the Assembly which is called upon to make a decision on the proposal". Rule 33 concerns adoption by the Assembly of the Hague Union. The most recent example was the amendments to Rule 17(1)(iii) of the Regulations. See documents H/A/41/1 and H/A/41/2.

[23] See paragraph 17(ii) of document H/A/44/3.

[24] See Annex II to document H/A/44/1.

DATE OF ENTRY INTO FORCE

62. The implementation of the proposed amendments to the Regulations would require certain modifications to the information technology (IT) system and the examination procedures of the International Bureau. If the proposal were considered favorably by the Working Group at the present session, it would be submitted to the Assembly of the Hague Union in 2026 for adoption. It is therefore suggested that the proposed amendments to the Regulations with respect to Rules 7 and 33, and new Rule 8*bis* enter into force on April 1, 2027.

63. *The Working Group is invited to:*

(i) consider and comment on the proposal made in this document; and

(ii) indicate whether it recommends to the Assembly of the Hague Union for adoption, the proposed amendments to the Regulations with respect to Rules 7 and 33, as well as the introduction of a new Rule 8*bis, as set out in Annex II to this document, with a date of entry into force of April 1, 2027.*

[Annexes follow]

EXAMPLES OF INTERNATIONAL APPLICATIONS THAT WOULD BENEFIT FROM THE REMOVAL OF THE MONO-CLASS REQUIREMENT

Example 1. Floor cleaning robot			
Indication of product	Floor cleaning robot	Display screen with user interface	Charging base for floor cleaning robot
Locarno Class	15-05	14-04	13-02
Representation			
International Registration Number	DM/232 089	DM/222 333	DM/240 836

Example 2. Car			
Indication of product	Automobile	Vehicle seat	Front light for vehicles
Locarno Class	12-08	06-01	26-06
Representation			
International Registration Number	DM/237 350	DM/237 357	DM/237 071

[Annex II follows]

**Regulations
Under the Geneva Act (1999)
of the Hague Agreement Concerning the
International Registration of Industrial Designs**

(as in force on [......])

Rule 7

Requirements Concerning the International Application

[…]

~~(7) [*All Products to Be in Same Class*] All the products which constitute the industrial designs to which an international application relates, or in relation to which the industrial designs are to be used, shall belong to the same class of the International Classification.~~

[…]

Rule 8bis

Special Requirement Concerning Unity of Class

(1) [*Notification of Declaration*] Any Contracting Party whose legislation requires that all the products which constitute the industrial designs to which an international application relates, or in relation to which the industrial designs are to be used, belong to the same class of the International Classification may notify the Director General accordingly, by way of a declaration, at least two months before the date on which this rule comes into force or at the time it becomes party to the Act. However, no such declaration shall affect the right of an applicant to include two or more industrial designs in an international application in accordance with Article 5(4), even if the application designates the Contracting Party that has made the declaration.

(2) [*Effect of Declaration*] Any such declaration, as long as the requirement underlying the declaration remains applicable in the Contracting Party, shall enable the Office of the Contracting Party that has made it to refuse the effects of the international registration pursuant to Article 12(1) pending compliance with the requirement notified under paragraph (1).

(3) [*Further Fees Payable on Division of Registration*] Where, following a notification of refusal in accordance with paragraph (2), an international registration is divided before the Office concerned in order to overcome a ground of refusal stated in the notification, that Office shall be entitled to charge the fee applicable under its domestic legislation for the processing of such a divisional application.

(4) [*Withdrawal of Declaration*] Any declaration made in accordance with paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect upon receipt by the Director General of the notification or at any later date indicated in the notification.

[…]

Rule 33

Amendment of Certain Rules

[…]

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

(i) [Deleted] ~~Rule 7(7);~~

(ii) Rule 9(3)(b);

(iii) Rule 16(1)~~(a)~~;

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

[…]

[End of Annex II and of document]