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

Fifteenth Session
Geneva, October 26 to 28, 2026

REVISED PROPOSAL BY THE DELEGATION OF BRAZIL

Document prepared by the Secretariat

1. In a communication dated August 21, 2026, the International Bureau received a proposal from the Delegation of Brazil concerning the possibility of introducing a new rule in the Regulations Under the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs, for consideration by the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs, at its fifteenth session to be held in Geneva from October 26 to 28, 2026.
2. This proposal is an updated version of the one contained in document [H/LD/WG/14/9](#).
3. The said proposal is annexed to this document.

[Annex follows]

PROPOSAL BY THE DELEGATION OF BRAZIL

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

INTRODUCTION

This document contains a proposal by the Delegation of Brazil to amend the Regulations Under the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to, respectively, as "Regulations" and "the Agreement").

More specifically, the proposal concerns the introduction of a new rule, provisionally referred to as Rule 20*bis*, into the Regulations.

The proposal supports the ongoing process of making the Hague System for the International Registration of Industrial Designs (hereinafter referred to as "the Hague System") more user-friendly and accessible to holders, Offices of Contracting Parties, and interested third parties. The full text of the proposal is set out below.

Relationship with document H/LD/WG/14/9

This document reproduces, with amendments, the proposal submitted by the Delegation of Brazil at the fourteenth session of the Working Group¹. In order to facilitate the analysis of the proposal by the members of the Working Group, the amendments made to the text of the proposed rule, as compared with that document, are the following:

- (i) a new paragraph (4) has been added, concerning the effects of communications transmitted under the rule;
- (ii) an amendment to the title of Chapter 3 of the Regulations is now proposed, that title having been reproduced unchanged in document H/LD/WG/14/9; and
- (iii) in paragraph (2), the word "sent" has been replaced by the word "submitted", no change of substance being intended.

The remaining differences between the two documents consist of background information and explanatory material, which do not affect the substance of the proposal.

¹ See document H/LD/WG/14/9. The Working Group took note of the content of that document and agreed to continue discussions at its next session (document [H/LD/WG/14/10 Rev.](#), paragraph 17).

COMMUNICATIONS BY DESIGNATED OFFICES SENT THROUGH THE INTERNATIONAL BUREAU

BACKGROUND

The Communication Gap in the Hague System

A recurring practical challenge in the operation of the Hague System concerns the ability of certain Offices of designated Contracting Parties to communicate effectively with non-resident holders of international registrations, particularly where such holders have neither designated an address for service within the relevant territory nor appointed a local representative. In some Contracting Parties, as is the case in Brazil, this difficulty is further compounded by the applicable domestic legislation that does not provide for the Office to officially communicate directly with the holder.

Situations of this kind arise, for example, when an Office needs to notify holders of proceedings initiated before the Office or of impending deadlines to fulfill obligations under domestic law. This gap creates a real risk of prejudice to holders, who may be unaware of pending actions before an Office of a Designated Contracting Party.

The Madrid System Precedent: Origin and Evolution of Rule 23*bis*

The Working Group on the Legal Development of the Madrid System for the International Registration of Marks encountered the same challenge and developed a solution that has since proven highly effective. In 2016, at its fourteenth session, the Working Group on the Legal Development of the Madrid System recommended the introduction of a new Rule 23*bis* into the Common Regulations under the Madrid Agreement and the Protocol Relating to that Agreement. This recommendation was subsequently endorsed by the Assembly of the Madrid Union at its fiftieth session (October 2016), and Rule 23*bis* entered into force on November 1, 2017².

In its original formulation, Rule 23*bis* enabled Contracting Parties whose legislation did not permit direct communication with the holder to request the International Bureau to transmit certain communications not covered by the Regulations on their behalf. The rule thus addressed, in a practical and proportionate manner, the specific legislative constraints faced by a number of Offices. The International Bureau, acting solely as a transmission intermediary, would forward the communication to the holder without examining its content or recording it in the International Register.

The success of this mechanism was such that the Working Group on the Legal Development of the Madrid System, at its twentieth session (November 2022), recommended a further expansion of its scope. Following such recommendation, the Assembly of the Madrid Union, at its fifty-seventh session (July 2023), approved an amendment to Rule 23*bis*(1) extending the right to use this channel to all designated Contracting Parties, not merely those facing a domestic legislative barrier, thereby enabling all Offices to notify holders in a timely and efficient manner. This amendment entered into force on November 1, 2024³.

² See documents [MM/A/50/4](#) and [MM/A/50/5](#).

³ See documents [MM/A/57/1](#) and [MM/A/57/2](#), and [Information Notice No. 26/2023](#) of the Madrid System.

The amended Rule 23bis(1) now reads, in relevant part: *"The Office of a designated Contracting Party may request the International Bureau to transmit communications concerning an international registration to the holder on its behalf."*

Demonstrated Use of Madrid Rule 23bis: Empirical Evidence

The practical utility and increasing reliance on this mechanism is reflected in operational data on the number of communications transmitted under Madrid Rule 23bis since its entry into force.

Between 2017 and 2025, more than 37,000 communications were transmitted under Rule 23bis, distributed as follows:

Year	Communications Sent	Offices Using the Mechanism
2017	2	1
2018	105	11
2019	2,465	15
2020	6,512	15
2021	2,180	18
2022	4,831	19
2023	5,775	27
2024	7,529	35
2025	7,949	31

Source: WIPO International Bureau internal data ⁴

Two features of these data may be noted. First, the number of Offices making use of the mechanism rose from one in 2017 to 31 in 2025, having reached 35 in 2024. Annual volumes have varied from one year to another, while the overall level of use has increased substantially over the period.

In order to ensure comparability, a single year is taken as the reference point. In 2025, 7,949 communications were transmitted by 31 Offices. The Offices that made the most extensive

⁴ Detailed data, broken down by Contracting Party and year, is set out in the table at the end of this document.

use of the mechanism in that year were those of the Philippines (3,299), Thailand (1,686), Turkey (1,391), Brazil (680), Viet Nam (287), Ireland (120), the United Kingdom (96), Japan (84), Switzerland (70) and Israel (60). Communications were also transmitted in that year by, among others, the Offices of Colombia (43), Spain (20), Kazakhstan (17) and the Benelux Organisation for Intellectual Property (16). Both developed and developing Contracting Parties, spanning common law, civil law and mixed legal systems, have relied on this channel as a practical and user-friendly tool for communicating with holders.

Following the entry into force, on November 1, 2024, of the amendment extending the mechanism to all designated Contracting Parties, a number of Offices increased their recourse to this channel markedly: communications transmitted at the request of the Office of Thailand rose from 2 in 2024 to 1,686 in 2025, and those transmitted at the request of the Office of Viet Nam rose from 42 to 287 over the same years.

PROPOSED AMENDMENTS

The Delegation of Brazil proposes the introduction of a new Rule *20bis* into the Regulations to enable Offices of designated Contracting Parties to request that the International Bureau transmit communications not covered by the Regulations on their behalf.

In addition to the introduction of the new Rule *20bis*, the title of Chapter 3 of the Regulations is proposed to be amended from "Refusals and Invalidations" to "Facts in Contracting Parties Affecting International Registrations", in order to better reflect the broader scope of procedures and official actions, including refusals, invalidations, and administrative notifications, that may affect international registrations in Contracting Parties.

Under the proposed rule, the International Bureau would transmit the communication to the holder or to the recorded representative. The International Bureau would not examine the contents of the communication, nor would it inscribe the communication in the International Register.

The International Bureau would transmit communications without undue delay, using the most expeditious means available. It is anticipated that, given that these communications are subject to neither examination nor recording, their handling and transmission would be highly automated. The effects of a communication transmitted under the proposed new rule, including any implications relating to applicable time limits for specific actions required of the holder, would remain exclusively a matter for the applicable law of the relevant Contracting Party.

To reduce the administrative burden on Offices, the International Bureau may provide standards enabling Offices to transmit data concerning these communications by electronic means, using the eXtensible Markup Language (XML) format.

It is therefore proposed to revise the Regulations as follows:

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

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

Chapter 3
**~~REFUSALS AND INVALIDATIONS~~FACTS IN CONTRACTING PARTIES AFFECTING
INTERNATIONAL REGISTRATIONS**

[...]

Rule 20bis

Communications from the Offices of the Designated Contracting Parties Sent Through the International Bureau

- (1) [Communications Not Covered by These Regulations] The Office of a designated Contracting Party may request the International Bureau to transmit communications concerning an international registration to the holder on its behalf.
- (2) [Format of the Communication] The International Bureau shall establish the format in which the communication referred to in paragraph (1) shall be submitted by the Office concerned.
- (3) [Transmission to the Holder] The International Bureau shall transmit the communication referred to in paragraph (1) to the holder, in the format established by the International Bureau, without examining its contents or recording it in the International Register.
- (4) [Effects of the Communication] The effects of a communication transmitted under paragraph (3) shall be governed exclusively by the applicable law of the Contracting Party whose Office requested the transmission.

DATE OF ENTRY INTO FORCE

It is suggested that the proposed amendment to the Regulations enter into force on a date to be determined by the International Bureau, taking into account the planning and implementation of the necessary information technology system modifications required for the effective operation of the proposed rule.

In view of the above, the Delegation of Brazil trusts the Working Group to consider this proposal favorably and to recommend to the Assembly of the Hague Union the adoption of the proposed amendments to the Regulations.

REMARKS

The Delegation of Brazil notes that, while the proposed new rule has been provisionally placed in Chapter 3 of the Regulations, amending its title, and referred to as Rule 20bis, the Working Group may determine that an alternative placement, for example, within Chapter 2 of the Regulations, would be more appropriate from a systematic or structural standpoint.

The Delegation of Brazil is fully open to such an adjustment, with corresponding renumbering of the provision and consequential adjustments to the chapter title.

In this connection, the Delegation of Brazil observes that the title proposed for Chapter 3 corresponds to the title of the chapter of the Regulations Under the Protocol Relating to the Madrid Agreement in which Rule 23*bis* is located, and that Chapter 3 of the Regulations currently comprises Rules 18, 18*bis*, 19 and 20. The placement and the numbering provisionally adopted in this document accordingly follow the systematic approach taken in the Madrid System. The Delegation of Brazil remains, however, entirely flexible on these points, which it regards as matters of drafting rather than of substance.

The Delegation of Brazil wishes to express its gratitude to the International Bureau for its ongoing efforts to ensure the success and continuous improvement of the Hague System. Brazil looks forward to engaging in constructive discussions with the International Bureau, Contracting Parties, other WIPO Member States, and users of the System regarding this proposal, as well as other initiatives aimed at enhancing the Hague System's accessibility, user-friendliness, and operational effectiveness.

**Madrid System Rule 23bis Communications Data, by Contracting Party and Year
(2017–2025)**

Madrid System Rule 23bis Communications Data									
Contracting Party	Y2017	Y2018	Y2019	Y2020	Y2021	Y2022	Y2023	Y2024	Y2025
AL	0	0	0	0	0	0	0	4	5
AM	0	0	0	0	0	0	1	0	0
AU	0	0	0	0	1	0	4	0	0
BN	0	2	0	1	0	2	0	0	0
BR	0	0	0	0	0	1	3	656	680
BW	0	0	0	0	0	0	1	0	0
BX	0	12	22	17	14	11	13	20	16
CH	0	58	58	93	91	98	64	73	70
CL	0	0	0	0	0	0	0	0	6
CN	0	5	43	57	28	21	3	0	0
CO	0	20	36	48	53	70	33	56	43
CU	0	0	0	0	17	11	1	0	11
DE	0	0	0	0	1	0	1	7	0
DK	0	1	0	0	0	0	0	0	0
EE	0	0	1	0	0	0	0	1	0
EM	0	0	2	0	0	3	0	1	1
ES	0	0	0	0	0	0	25	19	20
FI	0	0	0	2	0	4	23	0	0
FR	0	0	0	0	0	0	0	1	0
GB	0	0	0	0	1	0	91	110	96
GH	0	0	0	0	0	0	0	2	0
GR	0	0	0	0	0	0	0	1	0
HR	0	1	21	0	0	0	0	0	0
IE	0	0	0	0	1	0	0	61	120
IL	0	0	20	45	72	31	45	98	60
JP	0	0	0	0	1	0	0	232	84
KH	0	0	0	1	0	0	0	0	0
KZ	0	0	0	0	0	2	17	22	17
LI	0	0	0	0	0	0	0	1	0
LT	0	0	3	6	4	3	13	3	5
LV	0	0	0	0	0	0	0	2	7
MG	0	0	0	0	0	0	0	2	10
MW	0	0	0	0	0	0	0	2	0
MY	0	0	0	0	0	0	0	0	3
NA	0	0	0	0	0	0	1	2	0
NL	0	0	0	0	0	2	0	3	0
NO	0	0	0	0	0	0	6	0	0
NZ	0	3	8	2	12	3	12	12	9
OA	0	0	1	4	0	0	0	0	0
PH	0	0	2.146	5.093	1.133	2.948	4.039	4.621	3.299
PK	0	0	0	0	0	0	1	58	1
PT	0	1	0	0	0	0	1	0	0

RO	0	0	0	0	0	0	0	1	1
RS	0	0	0	0	0	0	0	1	0
RW	0	0	0	0	0	0	3	3	0
SG	0	1	1	1	6	8	0	7	2
SI	0	0	0	0	0	0	0	0	3
SM	0	0	0	0	0	0	0	0	3
TH	0	0	0	0	0	0	0	2	1.686
TR	0	0	101	1.141	741	1.603	1.365	1.396	1.391
US	0	1	0	0	0	0	0	0	0
VN	0	0	0	0	0	0	0	42	287
WS	0	0	0	0	0	0	1	0	1
ZM	0	0	0	0	2	5	3	0	4
Not Available	2	0	2	1	2	5	5	7	8
TOTAL	2	105	2.465	6.512	2.180	4.831	5.775	7.529	7.949
Number of Offices	1	11	15	15	18	19	27	35	31

Source: WIPO International Bureau internal data

[End of Annex and of document]