

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

ABILITY TO FILE DESIGNS PER DESIGNATION IN AN INTERNATIONAL APPLICATION

Document prepared by the International Bureau

INTRODUCTION

1. An international application may include multiple designs and designate as many Contracting Parties as desired; however, all designs included in the application apply equally to all designated Contracting Parties.
2. Introducing the ability to file designs per designation could offer applicants greater flexibility when seeking design protection in the international landscape. This document discusses the benefits of introducing this ability in an international application and invites 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”) to consider the question.

BACKGROUND

3. The possibility of allowing applicants to file designs per designation in international applications was first discussed when certain examining jurisdictions, notably the Republic of Korea, Japan and the United States of America, joined the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the “Geneva Act”)¹.

¹ The Geneva Act entered into force in the Republic of Korea on July 1, 2014, and in Japan and the United States of America on May 13, 2015.

4. The accession of these examining jurisdictions created the potential for an increased number of refusals in the Hague System for two main reasons. First, these jurisdictions required higher design disclosure levels than found in other Contracting Parties at that time². Second, some of those jurisdictions made a declaration under Article 13(1) to maintain their domestic unity of design requirement. Article 13(2) permits them to issue refusals for non-compliance with their respective requirement.

5. Accordingly, in response to these concerns, at its fifth session in 2015, the Working Group considered a proposal to introduce this ability in the Regulations Under the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs³ (hereinafter referred to as the “Regulations”) through a concept of “simultaneous limitations in international applications”⁴. This mechanism would allow applicants to tailor their filings to the specific disclosure and unity of design requirements of different jurisdictions, thereby reducing the likelihood of refusals.

6. The Working Group was generally supportive of providing applicants with greater flexibility in that manner. However, there was also an expectation at the time that a single and same set of design reproductions would work for all Contracting Parties. To that end, the Working Group supported a proposal establishing guidance on the disclosure of industrial designs, made at the same session⁵. Moreover, while the Working Group acknowledged the potential for increased refusals for non-compliance with the unity of design requirements, it remained uncertain whether such an increase would materialize in practice⁶.

7. The Chair therefore concluded that, while some delegations supported the concept of simultaneous limitations in international applications, the discussion was premature because there was not yet sufficient experience with refusals issued by Examining Offices. The Chair indicated that the need for such a concept could be better assessed at future sessions⁷.

DEVELOPMENTS SINCE THE FIFTH SESSION OF THE WORKING GROUP

8. Since the fifth session of the Working Group in 2015, developments in the Hague System and in design filing practices have renewed users’ attention to this question. The expected harmonization of requirements for multiple design applications has not materialized and the number of declarations under Article 13(1) has increased. At the same time, technological developments have given rise to new types of designs and user needs have evolved. Domestic legal frameworks are addressing those developments in different ways and at different paces.

INCREASING NUMBER OF DECLARATIONS UNDER ARTICLE 13(1)

9. Since 2015, eight additional Contracting Parties have made a declaration under Article 13(1), bringing the total to 12 at the time of writing this document⁸. Moreover, most of those

² Rule 9(3) of the Regulations allows any Contracting Party to require certain specified views of the product by making a declaration. Moreover, Rule 9(4) allows any Contracting Party to refuse the effects of an international registration on the ground that the reproductions contained in the international registration are not sufficient to disclose fully the design.

³ At that time, the applicable regulations were entitled “Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement”.

⁴ See document [H/LD/WG/5/5](#)

⁵ See document [H/LD/WG/5/4](#), as well as document [H/LD/WG/5/7](#), “Summary by the Chair”, paragraphs 18 to 20. The “Guidance on Preparing and Providing Reproductions in Order to Forestall Possible Refusals on the Ground of Insufficient Disclosure of an Industrial Design by Examining Offices” was made available in August 2016. See [Information Notice No. 9/2016](#).

⁶ Most Contracting Parties that had made a declaration under Article 13(1) were, at that time, not issuing refusals. See document H/LD/WG/5/5, footnote 2

⁷ See document H/LD/WG/5/7, “Summary by the Chair”, paragraphs 21 and 22.

⁸ Estonia (2003), Kyrgyzstan (2003), Romania (2003), Tajikistan (2012), the United States of America (2015), the Russian Federation (2018), Viet Nam (2019), Mexico (2020), China (2022), Brazil (2023), Uzbekistan (2025) and Saudi Arabia (2025) have made such a declaration. Singapore, Japan and the Syrian Arab Republic, which have withdrawn their declarations, are excluded.

Contracting Parties issue a refusal in accordance with Article 13(2) whenever the unity of design requirements are not met, following which any additional design that is incompatible with the applicable requirements must be eliminated from the international registration through a procedure before the Office concerned⁹.

10. As mentioned earlier, this development was not anticipated when the Working Group considered the ability for applicants to file designs per designation at its fifth session¹⁰. The number of refusals issued pursuant to Article 13(2) may be expected to increase as more prospective Contracting Parties consider making a declaration under Article 13(1).

11. Against this background, at its thirteenth session in 2024, the Working Group discussed document [H/LD/WG/13/3](#), entitled “Topical Aspects Relating to the Development of the Hague System”, which presented several challenges and opportunities for the Hague System. Topic 2 of that document addressed the limited advantage of filing multiple design applications when designating Contracting Parties that have made a declaration under Article 13(1), noting in particular the burden of appointing a local representative to respond to the refusal, complying with domestic divisional application requirements, and the resulting loss of centralized management¹¹.

12. However, the Working Group could not identify a universal solution, mainly due to divergent domestic systems among Contracting Parties, but “*agreed to continue discussions at a future session*”¹².

INCREASING NUMBER OF CONTRACTING PARTIES ACCEPTING MULTI-CLASS FILINGS

13. The digital environment has expanded the notion of a product beyond its physical form to include digital elements, such as graphical user interfaces (GUIs). However, digital design elements typically fall into a different Locarno class than the physical design embodiment. That means that, in many cases, protection for different design elements of the same product cannot be filed in a single application under a mono-class filing system. As a result, a growing number of Contracting Parties have recently adopted multi-class filings or are considering doing so¹³.

14. Against this background, the Working Group will consider documents [H/LD/WG/14/3](#) and [H/LD/WG/15/2](#) at the present session, which propose amendments to the Regulations to remove the mono-class requirement¹⁴.

15. While removing the mono-class requirement would enhance the advantages of the Hague System by introducing additional flexibility for users, applicants would still risk receiving a refusal from designated Contracting Parties that maintain a mono-class requirement¹⁵. These refusals could be avoided by allowing applicants to accommodate Contracting Parties’ different requirements at the time of filing.

DIVERGENCE IN DESIGN REPRESENTATION FORMATS

16. In addition, technological developments and new types of designs have introduced new design representation formats. A survey conducted in 2025 by the International Bureau

⁹ See the table contained on the last page of the “Guidance on Including Multiple Designs in an International Application in Order to Forestall Possible Refusals”, as well as the “Guide to the Hague System”.

¹⁰ See paragraph 6, above. In fact, the International Bureau received and recorded only a small number of refusals issued pursuant to Article 13(2) in 2015.

¹¹ See document [H/LD/WG/13/3](#), paragraph 23.

¹² See document [H/LD/WG/13/6](#), “Summary by the Acting Chair”, paragraph 11(ii).

¹³ See document [H/LD/WG/14/3](#), paragraphs 6 to 11.

¹⁴ This topic was first included in document [H/LD/WG/13/3](#) as Topic 1.

¹⁵ Proposed new Rule 8*bis* would establish a framework under which a Contracting Party may continue to impose a mono-class requirement in accordance with its domestic legislation.

revealed significant variation among Offices of Contracting Parties regarding the acceptance and consideration of 3D and video file formats¹⁶.

17. Although relatively few Offices currently accept or are prepared to implement 3D and video file formats, Offices' feedback indicates growing recognition of their importance, especially in light of the increasing complexity of modern designs and evolving filing practices. Accordingly, at its thirteenth session in 2024, the Working Group *"agreed to continue discussions at a future session regarding the possible introduction of 3D and video files as new formats of design representation"*¹⁷.

18. In this context, while the findings of the survey underscore a shared willingness to modernize the Hague System and enhance its capabilities, they also highlight the need for a phased and collaborative approach¹⁸.

19. Enabling applicants to file designs per designation would provide a practical solution to support a differentiated and phased introduction of new design representation formats, allowing different Contracting Parties to support these formats at their own pace according to their legislations and capabilities¹⁹.

CONSIDERATIONS

20. Since the Working Group considered this topic in 2015, the situation has evolved significantly, as described in the previous chapter. The Working Group may therefore wish to revisit the question.

POTENTIAL BENEFITS FOR USERS

21. Enabling applicants to file designs per designation would provide several benefits for users and enhance the Hague System's flexibility and overall attractiveness.

22. First of all, applicants would be able to limit the designs filed for specific designated Contracting Parties, in particular those that have made a declaration under Article 13(1), while maintaining the benefit of multiple design applications for up to 100 designs for other designated Contracting Parties²⁰.

23. Such a mechanism would also allow applicants to tailor design reproductions per designation, taking into account disclosure requirements in designated Contracting Parties²¹.

24. In both situations, applicants would be able to optimize total application costs by paying only the fees required for the designs included in each designation.

POTENTIAL IMPLICATIONS

Legal implications

25. Introducing the ability to file designs per designation in an international application would require amendments to the Regulations, including Rule 7 and possibly Rule 12.

¹⁶ See documents H/LD/WG/14/4 and H/LD/WG/14/4 Corr. 48 Offices participated in the survey.

¹⁷ See document H/LD/WG/14/10 Rev., "Summary by the Chair", paragraph 13(ii).

¹⁸ See document H/LD/WG/14/4, paragraph 87.

¹⁹ For example, as from July 1, 2026, the European Union Intellectual Property Office (EUIPO) accepts 3D file formats (OBJ and STL) and video file format (MP4) for the representation of designs. The EUIPO does not accept a combination of a 3D file, a video file and static 2D images. See the EUIPO Executive Director's [Decision No. EX-26-03 of June 8, 2026, on communication by electronic means](#).

²⁰ Should the proposed new Rule 8*bis* be adopted, applicants would also be able to limit the designs filed for designated Contracting Parties having made a declaration under that rule to comply with a mono class requirement.

²¹ See document H/LD/WG/5/5, paragraph 14. See also paragraphs 18 and 19, above.

26. There are precedents for this type of flexibility in both the Hague and Madrid Systems. Under the Hague System, holders already have discretion to determine the scope of renewal by selecting designs per designation under Rule 24(2)(a) of the Regulations.

27. Under the Madrid System applicants are allowed to customize the list of goods and services per designation under Rule 9(4)(a)(xiii) of the Regulations under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

Revenue implications

28. No immediate impact on the International Bureau's revenue would be expected, since the basic application fee would continue to be charged per design (i.e., based on the total number of designs and reproductions).

29. Similarly, no immediate impact on the revenue of Contracting Parties would be expected, since the designation fee would continue to be charged per design (i.e., based on the number of designs covered by that designation)²².

Operational implications

30. The introduction of this capability would require changes to the International Bureau's examination process as well as adjustments to relevant materials and tools, such as the electronic filing interface, the back-office system used by the International Bureau, the Hague System Fee Calculator and the *International Designs Bulletin*.

31. Consequently, further consideration on this matter would require an assessment of both the scope of those modifications and the IT developments needed to support them.

32. *The Working Group is invited to:*

(i) consider and comment on the contents of this document; and

(ii) indicate whether it requests the International Bureau to make the assessment referred to in paragraph 31 and propose amendments to the Regulations for allowing applicants to file designs per designation, for further discussion at the next session.

[End of document]

²² A slight decrease in the number of designs covered by a given designation could occur where applicants limit the designs filed for designated Contracting Parties that have made a declaration under Article 13(1). However, this would merely avoid the payment of designation fees for designs that are likely to be refused on the basis of the applicable unity of design requirement and that would therefore not be examined by the Office concerned.