

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

**Second Session**  
**Geneva, November 5 to 7, 2012**

ISSUES RELATING TO THE LEGISLATIVE IMPLICATIONS OF THE INTRODUCTION OF SOME INFORMATION TECHNOLOGY-BASED INNOVATIONS IN THE ADMINISTRATION OF THE HAGUE SYSTEM

*Document prepared by the International Bureau*

### **I. INTRODUCTION**

1. Reliance on electronic tools for the administration of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as “the Hague system”) has increased in recent years. Each year, the Assembly of the Hague Union takes note of the progress made regarding the program to modernize the information technology-based administration of the Hague system (see document H/A/31/1, entitled “Information Technology Modernization Program (Hague International Registration System): Progress Report”, available on the World Intellectual Property Organization (WIPO) web site at: <http://www.wipo.int/meetings/en/>). The next step in the modernization program consists in implementing the technical migration from the current information technology (hereinafter referred to as “IT”) legacy system, which supports the international registration procedures, to modern technology that provides a service-oriented, open and integrated platform. This move will ensure that, in the years to come, Hague system stakeholders benefit from an industry standard technical platform that will allow for the development of further electronic tools for use in the administration of the system.

2. The purpose of this document is to review the applicability of the current legal framework of the Hague system to the new electronic tools to be introduced into the system in the light of developments in terms of IT and to assess the need to expand that framework to cover those new tools.

## II. IT DEVELOPMENTS WITHIN THE MADRID SYSTEM

### RECENT DEVELOPMENTS

3. This year has seen major achievements regarding new web-based communication services for the Madrid System for the International Registration of Marks (hereinafter referred to as “the Madrid system”), namely Madrid Portfolio Manager (hereinafter referred to as “MPM”), Madrid Real-time Status (hereinafter referred to as “MRS”) and Madrid Electronic Alert (hereinafter referred to as “MEA”), which were launched on May 7, 2012.

4. Other IT tools already available to users of the Madrid system on the WIPO web site include: an electronic renewal interface (hereinafter referred to as “E-Renewal”), available since April 2006; an electronic payment interface (hereinafter referred to as “E-Payment”), which allows for the payment of fees notified in WIPO irregularity letters or other WIPO communications concerning the Madrid system, introduced in November 2008. Electronic communication has been made available to holders of international registrations of marks and their representatives since August 2007 (see Madrid Information Notices Nos. 15/2007 and 36/2011, available on the WIPO web site at: <http://www.wipo.int/madrid/en/notices>).

### MADRID PORTFOLIO MANAGER, MADRID REAL-TIME STATUS AND MADRID ELECTRONIC ALERT

#### Madrid Portfolio Manager (“MPM”)

5. MPM is a Web service designed for holders of international registrations and their representatives who wish to access their international trademark portfolios with a view to submitting new requests for recording in the International Trademark Registry.

6. To access this tool, holders or their representatives must have a WIPO User account linked to an email address. A portfolio of international trademark registrations for that account is established by compiling all the international registrations linked to the same email address. Account holders wishing to log into this service must enter a user name and password.

#### Madrid Real-Time Status (“MRS”) and the Madrid Electronic Alert (“MEA”)

7. MRS is a stand-alone tool that provides the real-time status of documents being processed by the International Bureau of WIPO (hereinafter referred to as “the International Bureau”). Queries launched through MRS result in a list of all related events recorded or in the process of being recorded in the International Trademark Registry.

8. MEA is a free “watch service”, designed to provide information to users interested in monitoring the status of certain international registrations. MEA subscribers receive email alerts when changes are recorded in the International Trademark Registry.

### III. IT DEVELOPMENTS WITHIN THE HAGUE SYSTEM

#### RECENT DEVELOPMENTS

9. Since January 2008, it has been possible to file applications for the international registration of industrial designs governed exclusively or partly by the 1999 Act or the 1960 Act of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to respectively as “the 1999 Act”, “the 1960 Act” and “the Hague Agreement”) through an electronic filing interface (hereinafter referred to as “E-filing”), available on the WIPO web site at: <http://www.wipo.int/hague/en/forms/>. A new E-filing platform introducing, among other things, user accounts, will be launched on the WIPO web site by the end of 2012.

10. It is recalled that, since December 2010, it has been possible to renew international registrations through an electronic renewal interface, available on the WIPO web site at: <http://www.wipo.int/hague/en/forms/> (hereinafter referred to as “E-Renewal”). Moreover, E-payment has been available to users of the Hague system since November 2008.

11. Furthermore, as of January 2012, the *WIPO International Designs Bulletin* (hereinafter referred to as “the Bulletin”), changed from a monthly to a weekly publication. Modern publishing techniques have cut preparation time, making it possible to bring the Bulletin out on a more frequent basis. Following a transitional period at the beginning of 2012, the Bulletin is now published every Friday on the WIPO web site at: <http://www.wipo.int/hague/en/bulletin/>.

#### E-FILING

12. A new e-filing platform, to be made available on the WIPO web site by the end of 2012, will include the following additions and improvements, designed to facilitate the filing of international applications:

##### User Account

13. Applicants or representatives can create a WIPO User account linked to the E-filing platform under the Hague system. Account holders are free to view, edit and remove the data uploaded onto the account, as well as having the option of interrupting sessions and uploading additional data later on. Account holders will use their user names and passwords to log in.

14. When filing international applications, applicants and representatives may choose to draft an international application from the beginning or they may choose to pre-populate an international application with bibliographic information retrieved from an earlier international application filed through the same user account. Following validation, the applicant/representative can no longer edit the application but is able to view it and re-use the bibliographic data in any future international applications.

##### Facilitated Uploading of Reproductions

15. Using the new E-filing platform, it is possible to upload all reproductions belonging to the same industrial design simultaneously, instead of uploading image by image, as at present. Furthermore, reproductions can be numbered and re-numbered with a simple click.

### Automatic Check and Transformation of Images

16. The new E-filing platform automatically verifies technical constraints, such as image format and the maximum and minimum sizes of reproductions, as prescribed in the Administrative Instructions for the Application of the Hague Agreement (hereinafter referred to as “the Administrative Instructions”) and the Hague Information Notices published on the WIPO web site. The platform is also equipped with a tool capable of transforming reproductions in order to bring them into line with said technical constraints. The applicant may either accept or reject the transformed reproduction. In cases where transformation is not possible, an indication to that effect appears on the platform.

### Integrated Fee Calculator and Payment of Fees

17. The new E-filing platform contains an integrated fee calculator and allows for the payment of fees by credit card or WIPO current account.

## INTRODUCTION OF THE HAGUE PORTFOLIO MANAGER

18. There are also plans to introduce the Hague Portfolio Manager (hereinafter referred to as “the HPM”). The HPM will enable access to data uploaded to the user account, such as the bibliographic data of the holder and a portfolio of international applications (*i.e.*, those already validated or still under preparation) and registrations, as well as allowing for interaction between the holder and the International Bureau. The HPM will also make it possible to manage portfolios by allowing for the submission to the International Bureau of requests for the recording of modifications through an electronic interface related to a user account. Under the Madrid system, the MPM only applies to international trademark registrations, whereas, under the Hague system, the HPM is intended to cover the complete lifespan of international registrations, from filing to expiry.

19. There is a need to review the legal framework of the Hague system and, where necessary, to align it with the above-mentioned technological developments in order to prepare the ground for the introduction of the HPM. The Working Group is invited to comment on the desirability of the amendments to the Common Regulations under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as “the Common Regulations”) and to the Administrative Instructions, as proposed in part IV of the present document. If the Working Group considers favorably the proposed amendments, they could be submitted for adoption or consultation to the Assembly of the Hague Union, in due course.

## **IV. LEGAL ASPECTS RELATING TO E-FILING AND THE INTRODUCTION OF THE HAGUE PORTFOLIO MANAGER**

### E-FILING, USER ACCOUNTS AND HAGUE PORTFOLIO MANAGER

20. Pursuant to Rule 7(1) of the Common Regulations, the international application shall be presented on the official form and shall be signed by the applicant. Furthermore, in accordance with Rule 21(1)(a) and (b), a request for the recording of a modification in the international registration shall be presented on the relevant form, signed by the holder. However, a request

for the recording of a change in ownership may be presented by the new owner, provided that it is either signed by the holder or signed by the new owner and accompanied by an attestation from the competent authority of the holder's Contracting Party that the new owner appears to be the successor in title of the holder.

21. According to Section 204(a)(i) of the Administrative Instructions, "communications with the International Bureau, including the presentation of the international application, may take place by electronic means at a time and in a manner and format to be ascertained by the International Bureau, the particulars of which shall be published on the web site of the Organization."

22. The said particulars, as revised, were published by the International Bureau through Hague Information Notice No. 4/2010, available on the WIPO web site at: <http://www.wipo.int/hague/en/notices>. Pursuant to the said Information Notice, an international application filed through the electronic filing interface made available by the International Bureau on its web site is deemed to be an international application presented on the official form under Rule 7(1) of the Common Regulations.

23. At present, there is no way of presenting a request for recording of a modification of an international application or registration electronically. As explained above, the introduction of the HPM will allow for the presentation of requests through an electronic interface related to a user account.

24. It appears that the wording of Section 204(a)(i) is broad enough to support the introduction of the planned innovations into the IT-based administration of the Hague system, including an electronic interface for requests for the recording of a modification in respect of an international application/registration. With regard to the launch of the HPM, in accordance with Section 204(a)(i), the International Bureau will publish the particulars of the time, manner and format of requests for the recording of modifications presented by electronic means to the International Bureau on the WIPO web site<sup>1</sup>.

25. It should be noted that Rule 1(1)(vi) of the Common Regulations states that the term "official form" means a form established by the International Bureau or any form having the same contents and format. Given that, in the future, in addition to E-filing, most requests for modification will be submitted through an electronic interface, a reference to an electronic interface made available by the International Bureau on the WIPO web site could be included in subparagraph (vi).

26. *The Working Group is invited to comment on the desirability of amending Rule 1(1)(vi), as provided in the draft contained in Annex I, hereto.*

#### SIGNATURE BY THE APPLICANT OR THE HOLDER

27. With regard to the requirement of signature as prescribed by Rules 7(1) and 21(1)(b) of the Common Regulations, Section 202 of the Administrative Instructions stipulates that a signature shall be hand written, printed or stamped; it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 204(a)(i) or (ii), by a mode of

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<sup>1</sup> It is recalled that, in accordance with Section 801(iii) of the Administrative Instructions, an electronic interface for online payment will be made available by the International Bureau.

identification to be determined by the International Bureau or agreed upon between the International Bureau and the Office concerned, as the case may be<sup>2</sup>. In respect of E-filing, the International Bureau deems the identification of the applicant through the indication of the applicant's name as signatory on the electronic form to be sufficient.

28. The above-mentioned practice regarding the requirement of signatures for E-filing has been adopted by the International Bureau because it is very unlikely that somebody would file an application in the name of another person. It should be noted that, currently, after the receipt of the international applications by the International Bureau, the registration resulting therefrom cannot be amended electronically. At present, a request for the recording of a modification may be presented on the official form only, by mail or facsimile, and signed by the applicant/holder/representative, as the case may be. Due to a requirement of signature, there is no risk that a third person would request a recording of a modification of an international registration by simply indicating the name of the applicant/holder/representative.

29. There is, however, a flaw in the system, since the signature on the request for modification of an international registration may not be verified against a signature in the international application filed electronically, unless a representative has been appointed and a power of attorney signed by the holder in PDF format has been attached to E-filing (see paragraphs 34 to 36 of the present document). In that case, verification against the signature of the holder in the power of attorney may only be carried out if the request for modification has been signed by the holder. It should be pointed out, however, that no abuse of the practice adopted in respect of a requirement of signature has been brought to the attention of the International Bureau.

30. As explained above, the account holder uses his user name and password to log into his user account. Logically, following the introduction of the HPM, electronic authentication of any communication through the user account will be carried out by using the said user name and password.

31. In order to align the legal framework of the Hague system with recent technological developments, a new Section 205 could be inserted into the Administrative Instructions to address the issue of communications between the International Bureau and the applicant/holder/representative through a user account. Proposed new Section 205 would, as a mode of identification, refer to electronic authentication through the use of the account holder's user name and password. The other elements contained in proposed new Section 205 will be dealt with in detail under the heading "Electronic Communications" (see paragraphs 37 to 58 of the present document). Moreover, a minor amendment to Section 202 concerning signature could also be used to refer to communications through a user account.

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<sup>2</sup> The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications is currently discussing the draft Industrial Design Law Treaty (hereinafter "the DLT"), which would deal with the formal aspects regarding the procedures concerning national/regional applications for registrations of industrial designs and their subsequent management before national/regional offices. Draft Rule 7(8) of the DLT Regulations reads as follows: "[Authentication of Communications in Electronic Form] A Party that permits the filing of communications in electronic form may require that any such communication be authenticated through a system of electronic authentication, as prescribed by that Party."

32. It is recalled that, pursuant to Rule 3(4)(a) of the Common Regulations, except where these Regulations expressly provide otherwise, the signature of a representative shall replace the signature of the applicant or holder.

33. *The Working Group is invited to comment on the desirability of amending Section 202, as provided in the draft contained in Annex II, hereto.*

## REPRESENTATION BEFORE THE INTERNATIONAL BUREAU

34. Pursuant to Rule 3(2)(a) and (b) of the Common Regulations, the appointment of a representative may be made in the international application or in a request for the recording of a modification (limitation, renunciation, change in ownership or change in the name and/or address of the holder), provided that the application/request is signed by the applicant/holder or is signed by the representative and accompanied by a power of attorney. In addition, the appointment of a representative may be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder.

35. In order to give effect to the appointment of a representative through E-filing, the indication of the name of the applicant as signatory on the electronic form is considered sufficient by the International Bureau (see paragraph 27 of the present document). Should the name of the representative be indicated as signatory, a power of attorney shall be submitted to the International Bureau. As prescribed by Information Notice No. 4/2010, any power of attorney accompanying the international application filed through E-filing shall be in PDF format.

36. It is suggested that the same requirements should apply to the appointment of a representative through the HPM in respect of existing international registrations.

## ELECTRONIC COMMUNICATIONS

37. As explained previously in the present document, in connection with the launch of the HPM, the International Bureau will publish the particulars of the time, manner and format of the communication by electronic means with the International Bureau on the WIPO web site. In particular, when establishing a user account, the holder of the account will have to accept the "Terms and Conditions of Use". The contents of the "Terms and Conditions of Use" will relate to communications between the holder of the account and the International Bureau through the user account.

### Communications Addressed to the International Bureau Through the User Account

#### *Specific Issues Concerning E-filing*

38. In accordance with Article 9(1) of the 1999 Act, where the international application is filed directly with the International Bureau, the filing date is the date on which the International Bureau receives the international application. It is to be noted that, despite the fact that all the required contents of the international application may have been uploaded to the user account,

it is only after the validation of the international application (*i.e.*, clicking the item “Validation of the international application”) that the international application is considered received by the International Bureau. As a consequence, a filing date may not be accorded to the application until it is considered received by the International Bureau following validation through E-filing.

39. Having validated the international application, the holder of the user account may view it in the account and follow its status until its registration. However, after validation, the holder of the account may no longer amend the international application since that would have an effect on its filing date.

#### *Email Address in E-filing*

40. It should be pointed out that, pursuant to Section 301(d), in terms of mandatory content of the application, only an address “given in such a way as to satisfy the customary requirements for prompt postal delivery” is mentioned. That provision is lacking, since the indication of an email address is mentioned only as optional content of the international application. In proposed new Section 205 of the Administrative Instructions, the indication of an email address is mandatory when filing an international application through E-filing (see paragraph 58 of the present document)<sup>3</sup>.

#### *Terms and Conditions of Use*

41. Proposed new Section 205 would prescribe that the holder of the user account may submit communications to the International Bureau through an electronic interface linked to the user account (see paragraph 23 of the present document). Furthermore, the “Terms and Conditions of Use” would address the issue of the transmission of communications through the user account to the International Bureau.

42. After the launch of the HPM, in addition to an international application or a request for modification of an international application/registration, the holder of the account may also submit to the International Bureau a reply to an invitation to correct an irregularity through the account.

43. With regard to failure by an interested party to meet a time limit for a communication addressed to the International Bureau, Rule 5(1) and (2) of the Common Regulations provides the applicant/holder with a safeguard. Under these provisions, failure to meet a time limit shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau, that an incident as prescribed in Rule 5(1)(i) to (iii) or Rule 5(2)(i) or (ii) caused that failure. However, the principle expressed in Rule 5 refers only to communications sent through a postal service or a delivery service. The Working Group is invited to comment on whether a similar principle should also apply to electronic communications.

44. Given that the HPM will be available on the WIPO web site, the International Bureau would normally be aware of any malfunctioning of its own service provider, in which case any burden on the interested party to submit evidence concerning the malfunctioning of the service provider may be alleviated. Furthermore, an extraordinary event causing the unavailability of the HPM on the WIPO web site would be tantamount to a situation where a time limit expires on a day on which the International Bureau is not open to the public, as prescribed by Rule 4(4) of

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<sup>3</sup> Once the HPM has been launched, it will be possible to collect all future and existing applications/registrations related to the same email address in the same account.



the Common Regulations. Pursuant to that Rule, if a period expires on a day on which the International Bureau is not open to the public, the period shall expire on the first subsequent day on which the International Bureau is open to the public. Once the HPM is again available, a statement concerning the restoration of the HPM will be published on the WIPO web site.

45. In the case of an extraordinary event, for example, a general interruption in the distribution of electricity in the country of the applicant/holder, it may be that the failure to comply with the time limit concerned occurred in spite of the due care required by the circumstances having been taken by the interested party. Taking into account the fact that several national and regional Offices already receive electronic communications, the Working Group may wish to exchange views on their experiences at the national/regional level concerning extraordinary events where the failure to meet a time limit may be excused and, in such a case, what kind of evidence showing that such an event caused the failure could be required.

46. It is proposed to add a new paragraph to Rule 5 dealing with electronic communications. Proposed Rule 5(4) would provide a safeguard for the applicant/holder in the event that the failure to meet a time limit was caused by an extraordinary event.

47. Finally, it is proposed that the title of Rule 5 be amended to read "Irregularities in Postal and Delivery Services and Electronic Communications" and the title of Rule 5(3) be amended to read "Limitation on Excuse Concerning Communications Sent Through a Postal or Delivery Service".

48. *The Working Group is invited to comment on the desirability of amending Rule 5, as provided in the draft contained in Annex I, hereto.*

#### Electronic Communications by the International Bureau

49. In 2011, 80 per cent of all international applications were filed electronically. Once the HPM has been launched, it is expected that communications between the International Bureau and account holders will mainly take place through user accounts. However, it is recalled that filing on paper and by facsimile of an international application and any request for the recording of a modification shall continue to be possible. In addition, communication by the International Bureau to the originator of a communication shall continue to take place by the same means through which the application/request was received by the International Bureau.

50. The introduction of the HPM allows the uploading, by the International Bureau to the user account, of new events in respect of an international application or registration. For example, an invitation to correct an irregularity in an international application or in a request for the modification of an international application/registration, a notification of refusal or a statement of grant of protection issued by the Office of a designated Contracting Party or a notification of any recordings made in the International Register may be transmitted through the user account.

#### *Acknowledgement of Receipt Through the User Account*

51. In accordance with Section 204(b) of the Administrative Instructions, the International Bureau shall promptly and by electronic transmission inform the originator of an electronic transmission of the receipt of that transmission. At present, the International Bureau sends the acknowledgement of receipt of the international application filed electronically to the email

address indicated in E-filing<sup>4</sup>. It is to be noted that E-filing does not accept the validation of an international application without the indication of an email address, which will be the email address of the applicant and, where a representative has been appointed in E-filing, the email address of the representative. However, the new E-filing will offer the email address of the user account as a default email address.

52. Following the launch of the HPM, the acknowledgement of receipt will only be transmitted through the user account. Under the “Terms and Conditions of Use” it will be stipulated that the holder of the user account should verify the status of the application in the account.

#### *Invitation to Correct an Irregularity*

53. Pursuant to Article 8 of the 1999 Act and Rule 14 of the Common Regulations, if the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the applicable requirements, it shall invite the applicant to make the required corrections within three months from the date of the invitation sent by the International Bureau. Furthermore, in accordance with Rule 21(4) and (5), an irregular request for modification of the international registration may be remedied within three months from the date of notification of the irregularity by the International Bureau. Currently, invitations to correct irregularities are sent only by ordinary mail.

54. The introduction of the HPM will allow the uploading to the user account by the International Bureau of any irregularity letter recorded in respect of an international application or in respect of a request for modification of an international registration. Furthermore, in the “Terms and Conditions of Use”, the account holder’s responsibility to follow up the status of the international applications or other requests uploaded to the account shall be stipulated. The holder should log into the account to read the irregularity letter and reply to it within the prescribed time limits. Once the international application has resulted in a registration or any request for a modification has been recorded, the account holder will be able to view the recording in the user account.

55. In accordance with Rules 14(1) and 21(5), irregularities shall be remedied within three months from the date of the invitation/notification sent by the International Bureau. Under the HPM, the date of sending will be the date on which the irregularity letter was uploaded to the account, which will also be indicated in the letter itself.

#### *Transmittal of Notifications of Refusal or Statements of Grant of Protection*

56. Finally, it is recalled that the user account may be used only for communications between the International Bureau and the holder of the account. Accordingly, although a notification of refusal may have been transmitted by the International Bureau through the user account to the holder/representative, a reply to the notification of refusal may not be transmitted through the user account. The reply shall be addressed to the Office of a designated Contracting Party, which has issued the notification of refusal as instructed in the said notification.

57. The Working Group is invited to consider the feasibility of adding new Section 205 to the Administrative Instructions to address specifically communications through user accounts between the International Bureau and the holder of the account.

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<sup>4</sup> A reference number, which allows the application to be identified in possible future correspondence between the applicant/representative and the International Bureau, is indicated in the acknowledgment of receipt.

58. *The Working Group is invited to comment on the desirability of adding a new Section 205 to the Administrative Instructions, as provided in the draft contained in Annex II, hereto.*

## V. FUTURE DEVELOPMENTS OF THE HAGUE SYSTEM

### MOVING IMAGE FILES

59. In accordance with the program to modernize the IT-based administration of the Hague system, in future, the new service-oriented platform will allow for the development of new possibilities. For example, to the knowledge of the International Bureau, it is already the case that moving image files may be filed with the Offices of a number of current and prospective Contracting Parties to the Hague Agreement, in support of an application for a three-dimensional design or of a moving design (for example, an animated computer icon).

60. Under the Hague system, the current requirements as provided for in Sections 401 and 402 of the Administrative Instructions, envisage the submission of still reproductions. In the event that the Working Group considers allowing the submission of moving image files to be desirable, this issue may be placed on the agenda of a future Working Group meeting.

### DIGITAL ACCESS SERVICE

61. Finally, pursuant to Rule 7(5)(f) and (g) of the Common Regulations, an international application may contain certain types of documents or statements for the purposes of examination before a certain designated Office. The means of transmission of such documents to the designated Office concerned may be examined within the Working Group. In this respect, the Working Group may wish to consider a possible extension of the Digital Access Service (hereinafter referred to as "DAS") to other types of documents such as those referred to under Rule 7(5)(f) and (g) of the Common Regulations<sup>5</sup>.

[Annexes follow]

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<sup>5</sup> See document WIPO/DAS/PD/WG/3/2, entitled "Enhancement of the Digital Access Service for Priority Documents (DAS) and Enlargement of its Scope", available on the WIPO web site at: [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=23144](http://www.wipo.int/meetings/en/details.jsp?meeting_id=23144).

**Common Regulations  
Under the 1999 Act and the 1960 Act  
of the Hague Agreement**

(as in force on XX XX XX)

*Rule 1  
Definitions*

(1) [*Abbreviated Expressions*] For the purposes of these Regulations,

[...]

(vi) “official form” means a form established by the International Bureau or any form having the same contents and format or an electronic interface made available by the International Bureau on the web site of the Organization;

[...]

*Rule 5  
Irregularities in Postal and Delivery Services or Electronic Communications*

[...]

(3) [*Limitation on Excuse Concerning Communications by Postal and Delivery Services*] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1) or (2) and the communication or a duplicate thereof are received by the International Bureau not later than six months after the expiry of the time limit.

(4) [*Electronic Communications*] Failure by an interested party to meet a time limit for an electronic communication addressed to the International Bureau shall be excused if the failure to meet a time limit was caused by an extraordinary event, as specified in the Administrative Instructions, and in spite of due care required by the circumstances having been taken by the interested party.

[...]

[Annex II follows]

**Administrative Instructions for the Application  
of the Hague Agreement**

(as in force on XX XX XX)

[...]

**Part Two  
Communications with the International Bureau**

[...]

Section 202: Signature

A signature shall be hand written, printed or stamped; it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 204(a)(i) or (ii) or communications through a user account referred to in Section 205, by a mode of identification to be determined by the International Bureau or agreed upon between the International Bureau and the Office concerned, as the case may be.

[...]

Section 205: Communications through User Accounts  
available on the web site of the Organization

(a) A user account may be established by an interested party, who has agreed to the "Terms and Conditions of Use", issued by the International Bureau. Communications through the user account shall be authenticated through the use of the account holder's user name and password.

(b) An international application or other request as specified in the "Terms and Conditions of Use", may be submitted through an electronic interface made available by the International Bureau on the web site of the Organization and shall indicate an email address.

(c) The International Bureau may transmit communications to the holder of the account through the user account.

[...]

[End of Annex II and of document]