

## **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**

### SUMMARY BY THE CHAIR

*approved by the Working Group*

1. 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”) met in Geneva from November 5 to 7, 2012.
2. The following members of the Hague Union were represented at the session: African Intellectual Property Organization (OAPI), Bosnia and Herzegovina, Denmark, Estonia, European Union (EU), Finland, France, Germany, Kyrgyzstan, Lithuania, Monaco, Morocco, Norway, Oman, Republic of Moldova, Romania, Serbia, Singapore, Spain, Suriname, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia and Ukraine (24).
3. The following States were represented as observers: Barbados, China, Colombia, Czech Republic, Haiti, Japan, Mexico, Nigeria, Philippines, Russian Federation, Saudi Arabia, Thailand, United States of America and Viet Nam (14).
4. Representatives of the following non-governmental organizations (NGOs) took part in the session in an observer capacity: *Association des praticiens du droit des marques et des modèles* (APRAM), Association of European Trademark Owners (MARQUES), Centre for International Intellectual Property Studies (CEIPI), European Communities Trade Mark Association (ECTA) and IP Federation (5).

**AGENDA ITEM 1: OPENING OF THE SESSION**

5. Mr. Francis Gurry, Director General of the World Intellectual Property Organization (WIPO), opened the session of the Working Group and welcomed the participants.

**AGENDA ITEM 2: ELECTION OF THE CHAIR AND TWO VICE-CHAIRS**

6. Mr. Mikael Francke Ravn (Denmark) was unanimously elected as Chair of the Working Group, and Mrs. Jacqueline Taylord Heliang (African Intellectual Property Organization (OAPI)) and Mr. Nafaa Boutiti (Tunisia) were elected as Vice-Chairs.

7. Ms. Päivi Lähdesmäki (WIPO) acted as Secretary to the Working Group.

**AGENDA ITEM 3: ADOPTION OF THE AGENDA**

8. The Working Group adopted the draft agenda (document H/LD/WG/2/1 Prov.) without modification.

**AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE *AD HOC* WORKING GROUP ON THE LEGAL DEVELOPMENT OF THE HAGUE SYSTEM FOR THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

9. Discussion was based on document H/LD/WG/1/6 Prov.

10. The Working Group adopted the draft report (document H/LD/WG/1/6 Prov.) without modification.

**AGENDA ITEM 5: PROPOSAL FOR ESTABLISHMENT OF MODEL INTERNATIONAL FORMS UNDER THE 1999 ACT OF THE HAGUE AGREEMENT**

11. Discussion was based on document H/LD/WG/2/2.

12. The Chair concluded that the Working Group agreed on the feasibility of a standard form. The Chair noted that the Working Group invited the International Bureau to review the contents of the proposed standard form taking into account comments made at the present session of the Working Group, notably on the issues of languages and required signature. The Chair encouraged delegations to assist the International Bureau in this task by sending further comments in due course.

13. The Chair concluded that the International Bureau will submit for comments a new proposal for a standard form at the next session of the Working Group.

**AGENDA ITEM 6: ISSUES RELATING TO THE LEGISLATIVE IMPLICATIONS OF THE INTRODUCTION OF SOME INFORMATION TECHNOLOGY-BASED INNOVATIONS IN THE ADMINISTRATION OF THE HAGUE SYSTEM**

14. Discussion was based on document H/LD/WG/2/3.

15. The Chair concluded that the Working Group considered it desirable to amend Rule 1(1)(vi), as provided in the draft contained in Annex I to document H/LD/WG/2/3.

16. The Chair concluded that the Working Group considered it desirable to amend Section 202, as provided in the draft contained in Annex II to document H/LD/WG/2/3.

17. The Chair concluded that the International Bureau will review the proposal concerning Rule 5, as provided in the draft contained in Annex I to document H/LD/WG/2/3, taking into account comments made at the present session of the Working Group. The Chair asked the delegations to assist the International Bureau in this task by sharing their experience and submitting their observations to the International Bureau in due course.

18. The Chair concluded that the Working Group considered it desirable to add a new Section 205 to the Administrative Instructions, as provided in the draft contained in Annex II to document H/LD/WG/2/3.

19. The Chair concluded that the issue of moving image files should be included in the future work of the Working Group.

20. The Chair noted that the Working Group was not ready to discuss, at the present session, means of transmission of certain types of documents or statements, as prescribed by Rule 7(5)(f) and (g) of the Common Regulations.

#### **AGENDA ITEM 7: MISCELLANEOUS AMENDMENTS TO THE COMMON REGULATIONS UNDER THE 1999 ACT AND THE 1960 ACT OF THE HAGUE AGREEMENT**

21. Discussion was based on document H/LD/WG/2/4.

22. The Chair concluded that the Working Group considered favorably the submission, in due course, of a proposal to amend the Common Regulations with respect to Rule 16(3) to (5) and Rule 26(1), as provided in the Annex to document H/LD/WG/2/4, to the Assembly of the Hague Union for adoption.

#### **AGENDA ITEM 8: SITUATION OF THE 1934 ACT AND THE 1960 ACT OF THE HAGUE AGREEMENT**

23. Discussion was based on document H/LD/WG/2/5.

24. The Working Group took note of the information provided in the document.

25. The Chair noted that in Morocco the proceedings for an accession to the Geneva (1999) Act of the Hague Agreement and for the communication of the consent to the termination of the London (1934) Act were under way. The Chair also noted the state of play regarding a possible accession to the Geneva (1999) Act of the Hague Agreement in the United States of America.

#### **AGENDA ITEM 9: OTHER MATTERS**

26. Discussion was based on document H/LD/WG/2/6.

27. The Chair noted that the Working Group wanted the International Bureau to further explore the possible introduction in the Hague system of a mechanism to make publicly available information on the amendments to an international registration having taken place in a procedure by the Office of a designated Contracting Party. In that respect,

comments made at the present session of the Working Group will be taken into account. The Chair concluded that this topic will be discussed at the next session of the Working Group and encouraged delegations to assist the International Bureau in this respect by sending further comments in due course.

28. Discussion was based on document H/LD/WG/2/7.

29. The Chair concluded that the Working Group requested the International Bureau to prepare a document analyzing possible ways of informing the designated Offices of events having taken place during the deferment period in respect of an international registration. In this regard, the comments made at the present session of the Working Group will be taken into account.

#### **AGENDA ITEM 10: SUMMARY BY THE CHAIR**

30. The Working Group approved the Summary by the Chair, as contained in the present document.

#### **AGENDA ITEM 11: CLOSING OF THE SESSION**

31. The Chair closed the session on November 7, 2012.

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