

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

**Third Session  
Geneva, October 28 to 30, 2013**

### **REVISED PROPOSAL FOR THE ESTABLISHMENT OF A STANDARD FORM FOR THE PURPOSE OF ARTICLE 16(2) OF THE 1999 ACT OF THE HAGUE AGREEMENT**

*Document prepared by the International Bureau*

#### **I. INTRODUCTION**

1. The second session of 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” and “the Hague system”), which met from November 5 to 7, 2012, discussed the possible establishment of a form for the purpose of Article 16(2) of the Geneva (1999) Act of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as “the 1999 Act” and “the Hague Agreement”)<sup>1</sup>. As elaborated in document H/LD/WG/2/2, entitled “Proposal for the Establishment of Model International Forms under the Geneva (1999) Act of the Hague Agreement Concerning the International Registration of Industrial Designs”, the establishment of such forms would alleviate the

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<sup>1</sup> See document H/LD/WG/2/9 Prov., entitled “Draft Report”, paragraphs 17 to 32.

burden for holders of international registrations with respect to the submission of documentation in respect of a transfer by contract of an international registration, to the Office of a Contracting Party having made a declaration under Article 16(2) of the 1999 Act<sup>2</sup>.

2. At the end of the discussion, it was concluded that the Working Group agreed on the feasibility of the establishment of a standard form. The Working Group further invited the International Bureau to review the contents of the proposed standard form, taking into account comments made by the Working Group, in particular concerning the issues of languages and required signatures.

3. On the basis of the comments made by the Working Group, the International Bureau has reviewed the standard form. The revised standard form is contained in Annex I to the present document. Furthermore, accordingly revised "Instructions on the Completion of the Standard Form" are contained in Annex II to the present document.

## II. REVISED STANDARD FORM

4. At the second session of the Working Group, no comments were made concerning items 1 to 5 and item 7 of the form. However, in the revised standard form, items 2 and 3 of the form discussed in the second session have been merged and simplified (see item 2 of the revised standard form).

5. The form has been prepared in the three working languages of the Hague system. The revised form is in trilingual format, following the pattern in the *International Designs Bulletin* (English/French/Spanish) and, where available, INID codes<sup>3</sup> have been used.

6. The comments made by some delegations concerning item 6 (i.e. item 5 in the revised standard form), "Signature(s) or seal(s)", are reflected in the notes at the end of the revised standard form. Those countries that have made a declaration under Article 16(2) and having informed the International Bureau that they do not accept seals or that they require the signature by both the transferor and the transferee will be listed in endnotes 6 and 7, respectively.

## III. NEXT STEPS

7. Should the Working Group in general and the Offices concerned in particular agree at this session on the format and contents of the draft standard form, then the Working Group is invited to explore further issues regarding its usage.

8. A first issue would be how the form would be made available to users. In respect of this, it would be the intention of the International Bureau to make the standard form available on the web site of the Organization. However, the Working Group might want to invite the Offices concerned to consider doing the same.

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<sup>2</sup> At the time of preparing the present document, only two Contracting Parties to the 1999 Act, namely, the African Intellectual Property Organization (OAPI) and Denmark, have made a declaration under Article 16(2). The declaration made by OAPI specifies that a copy of a legally valid document which constitutes the change in ownership shall be submitted to its Office. The declaration by Denmark specifies that a document establishing the change in ownership or other documentation showing to the satisfaction of the Office that a change in ownership has taken place shall be submitted.

<sup>3</sup> INID (Internationally agreed Numbers for the Identification of Data) codes are the codes of Standard ST.80 ("Recommendation concerning bibliographic data relating to industrial designs"), available on the web site of WIPO, at <http://www.wipo.int/standards/en/pdf/03-80-01.pdf>.

9. A second issue would be how a filled-out standard form could be submitted to the Offices concerned. Whilst direct, independent submissions from the holder to such Offices should remain an option, the Working Group might want to explore the possibility of allowing the submission through the International Bureau, at the time the request for the recording of the change in ownership is filed or at a later stage even.

10. Perhaps the most important issue however would be how to ensure that holders could effectively rely on the standard form in the procedures before the Offices of present or future Contracting Parties concerned. As a declaration under Article 16(2) must specify the statements or documents that are required in order for the change in ownership to produce its effects, it could certainly mention the standard form. Notwithstanding this, the Working Group might want to consider recommending the Assembly of the Hague Union to adopt an agreed statement or resolution that would make the standard form an acceptable document in support of a change in ownership resulting from a transfer by contract for the sake of any declaration made under Article 16(2)<sup>4</sup>. Surely, this would not limit the ability for Offices to satisfy themselves with other types of documents as specified in the respective declarations, nor would it force Offices to accept reliance on the standard form in a case where the change in ownership resulted from a situation that it does not intend to cover, for example a merger or a court decision.

*11. The Working Group is invited to consider and comment on the format and contents of the proposed standard form, as reproduced in Annex I to the present document, and on the instructions on the completion of the standard form, as contained in Annex II to the present document, and to suggest a way forward.*

[Annexes follow]

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<sup>4</sup> See Article 21(2)(i) and (x) of the 1999 Act.

STANDARD FORM<sup>1</sup>/FORMULAIRE TYPE<sup>1</sup>/FORMULARIO TIPO<sup>1</sup>

CERTIFICATE OF TRANSFER OF INTERNATIONAL REGISTRATION(S) OF INDUSTRIAL DESIGN(S) IN RESPECT OF A DESIGNATED CONTRACTING PARTY(IES) HAVING MADE A DECLARATION UNDER ARTICLE 16(2) OF THE GENEVA (1999) ACT<sup>2</sup>

*CERTIFICAT DE CESSION D'UN OU PLUSIEURS ENREGISTREMENTS INTERNATIONAUX DE DESSINS OU MODÈLES INDUSTRIELS À L'ÉGARD D'UNE OU DE PLUSIEURS PARTIES CONTRACTANTES DÉSIGNÉES AYANT FAIT UNE DÉCLARATION EN VERTU DE L'ARTICLE 16.2) DE L'ACTE DE GENÈVE (1999)<sup>2</sup>*

**CERTIFICADO DE TRANSFERENCIA DE REGISTRO(S) INTERNACIONAL(ES) DE DIBUJOS O MODELOS INDUSTRIALES RESPECTO DE PARTE(S) CONTRATANTE(S) DESIGNADA(S) QUE HAYA(N) EFECTUADO UNA DECLARACIÓN EN VIRTUD DEL ARTÍCULO 16.2) DEL ACTA DE GINEBRA (1999)<sup>2</sup>**

Submitted to the Office of<sup>3</sup>/

Présenté à l'Office de<sup>3</sup>/

**Presentado en la Oficina de<sup>3</sup>:** .....

FOR USE BY THE OFFICE ONLY/RÉSERVÉ À L'OFFICE/PARA USO DE LA OFICINA ÚNICAMENTE

1. Certification/*Certification*/**Certificación**

The undersigned transferor(s) and transferee(s) hereby certify that the ownership of the international registration(s) identified below has been transferred by contract/*Le (les) cédant(s) et cessionnaire(s) soussignés certifient que la titularité de l'enregistrement international/des enregistrements internationaux indiqué(s) ci-après a été cédée par contrat*/**El (los) cedente(s) y cesionario(s) abajo firmante(s) certifica(n) que la titularidad del (de los) registro(s) internacional(es) identificado(s) a continuación ha sido transferida por contrato.**

Effective date of the transfer (this information is not mandatory)/

*Date de prise d'effet de la cession (cette information n'est pas obligatoire)/*

**Fecha efectiva de la transferencia (información no obligatoria):**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
DD/MM/YYYY  
JJ/MM/AAAA  
DD/MM/AAAA

Standard Form, page 2/Formulaire type, page 2/Formulario tipo, página 2

2. International Registration(s)/Industrial Design(s) Affected by the Transfer/  
*Enregistrement(s) international (internationaux)/Dessin(s) ou modèle(s) industriel(s) concerné(s)  
par la cession/Registro(s) internacional(es)/Dibujo(s) o modelo(s) industrial(es) objeto de  
la transferencia*

(Indicate the number of the international registration(s) that have been transferred. If the transfer has been partial, indicate the number(s) of the industrial design(s) that have been transferred<sup>4</sup>)/*Indiquer le numéro de l' (des) enregistrement(s) international (internationaux) qui a (ont) été cédé(s). Si le transfer est partiel, indiquer le(s) numéro(s) du (des) dessins(s) ou modèle(s) industriel(s) qui a (ont) été cédé(s)*/**Indique el número del (de los) registro(s) internacionales transferido(s). Si se trata de una transferencia parcial, indique el (los) número(s) del (de los) dibujo(s) o modelo(s) industrial(es) transferido(s).**

<p><b>(11)</b> Number of the international registration/<i>Numéro de l'enregistrement international/Número del registro internacional</i></p>	<p><b>(53)</b> Number of the industrial design(s) transferred, if the transfer has been partial/<i>Numéro du (des) dessin(s) ou modèle(s) industriel(s) cédé(s), si le transfer est partiel/Número del (de los) dibujo(s) o modelo(s) transferido(s), si se trata de una transferencia parcial</i></p>

If the space under item 2 is not sufficient, check this box and provide the information on an additional sheet/*Si la place prévue à la rubrique 2 est insuffisante, cocher cette case et fournir les éléments d'information sur une feuille supplémentaire/Si el espacio disponible en el punto 2 no es suficiente, márchese este recuadro y proporciónese la información en una hoja adicional.*

Standard Form, page 3/Formulaire type, page 3/Formulario tipo, página 3

3. Transferor(s)<sup>5</sup>/Cédant(s)<sup>5</sup>/**Cedente(s)<sup>5</sup>**

**(73)** Name and address of transferor(s)/*Nom et adresse du (des) cédant(s)*/Nombre y dirección del (de los) cedente(s)

(a) If the transferor(s) is (are) a natural person, the person's/*Si le(s) cédant(s) est (sont) une personne physique, /Si el (los) cedente(s) es (son) una persona natural, indíquense:*

(i) family or principal name/*nom de famille ou nom principal/los apellidos:*

.....

(ii) given or secondary name(s)/*prénom(s) ou nom(s) secondaire(s)/los nombres:*

.....

(b) If the transferor(s) is a legal entity, the entity's full official designation/*Si le(s) cédant(s) est (sont) une personne morale, dénomination officielle complète/Si el (los) cedente(s) es (son) una persona jurídica, indíquese la designación oficial completa de la entidad:*

.....  
.....

(c) Address (including postal code and country)/*Adresse (y compris le code postal et le pays)/Dirección (incluidos el código postal y el país):*

.....  
.....

(d) Telephone number(s) (with country and area code)/*Numéro(s) de téléphone (avec les indicatifs de pays et de zone/Número(s) de teléfono (con el indicativo de país y zona):*

.....

(e) Facsimile number(s) (with country and area code)/*Numéro(s) de télécopieur (avec les indicatifs de pays et de zone/Número(s) de facsímil (con el indicativo de país y zona):*

.....

(f) E-mail address/*Adresse électronique/Dirección de correo electrónico:*

.....

Check this box if there is more than one transferor; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 3(a) to 3(f)/*Cocher cette case en cas de pluralité de cédants; si tel est le cas, en dresser la liste sur une feuille supplémentaire et indiquer, pour chacun d'eux, les éléments d'information demandés aux points 3.a) à 3.f)/Márquese este recuadro si hay más de un cedente, en cuyo caso, indíquense los cedentes adicionales en una hoja aparte junto con los datos mencionados en los puntos 3.a) a 3.f) respecto de cada uno de ellos.*



Standard Form, page 4/Formulaire type, page 4/Formulario tipo, página 4

4. Transferee(s)<sup>5</sup>/Cessionnaire(s)<sup>5</sup>/**Cesionario(s)**<sup>5</sup>

**(78) Name and address of Transferee(s)/Nom et adresse du (des) cessionnaire(s)/Nombre y dirección del (de los) cesionario(s)**

(a) If the transferee(s) is a natural person, the person's/Si le(s) cessionnaire(s) est (sont) une personne physique./**Si el (los) cesionario(s) es (son) una persona natural:**

(i) family or principal name/nom de famille ou nom principal/**los apellidos:**

.....

(ii) given or secondary name(s)/prénom(s) ou nom(s) secondaire(s)/**los nombres:**

.....

(b) If the transferee(s) is a legal entity, the entity's full official designation/Si le(s) cessionnaire(s) est (sont) une personne morale, dénomination officielle complète/**Si el (los) cesionario(s) es (son) una persona jurídica, indique la designación oficial completa de la entidad:**

.....  
.....

(c) Address (including postal code and country)/Adresse (y compris le code postal et le pays)/**Dirección (incluidos el código postal y el país):**

.....  
.....

(d) Telephone number(s) (with country and area code)/Numéro(s) de téléphone (avec les indicatifs de pays et de zone/**Número(s) de teléfono (con el indicativo de país y zona):**

.....

(e) Facsimile number(s) (with country and area code)/Numéro(s) de télécopieur (avec les indicatifs de pays et de zone/**Número(s) de facsímil (con el indicativo de país y zona):**

.....

(f) E-mail address/Adresse électronique/**Dirección de correo electrónico:**

.....

Check this box if there is more than one transferee; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 4(a) to 4(f)/**Cocher cette case en cas de pluralité de cessionnaires; si tel est le cas, en dresser la liste sur une feuille supplémentaire et indiquer, pour chacun d'eux, les éléments d'information demandés aux points 4.a) à 4.f)/**Márquese este recuadro si hay más de un cesionario, en cuyo caso, indíquense los cesionarios adicionales en una hoja aparte junto con los datos mencionados en los puntos 4.a) a 4.f) respecto de cada uno de ellos.****

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Standard Form, page 5/Formulaire type, page 5/Formulario tipo, página 5

5. Signature(s) or seal(s)<sup>6 7</sup>/Signature(s) ou sceau(x)<sup>6 7</sup>/Firma(s) o sello(s)<sup>6 7</sup>

(a) Signature(s) or seal(s) of the transferor(s)/Signature(s) ou sceau(x) du (des) cédant(s) / **Firma(s) o sello(s) del (de los) cedente(s)**:

(i) **(73)** Name(s) of the natural person(s) who signs or whose seal(s) is used/  
*Nom de la (des) personne(s) physique(s) qui signe(nt) ou dont le(s) sceau(x) est (sont) utilisé(s)/Nombre(s) y apellido(s) de la(s) persona(s) natural(es) que firma(n) o cuyo sello se utiliza:*

.....

(ii) Date of signature(s) or of sealing(s) \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Date de signature ou d'apposition du (des) sceau(x) DD/MM/YYYY*  
**Fecha de la(s) firma(s) o del estampado del (de los) sello(s):** JJ/MM/AAAA  
**DD/MM/AAAA**

(iii) Signature(s) or seal(s)/Signature(s) ou sceau(x)/Firma(s) o sello(s):

.....

(b) Signature(s) or seal(s) of the transferee(s)/Signature(s) ou sceau(x) du (des) cessionnaire(s) / **Firma(s) o sello(s) del (de los) cesionario(s)**:

(i) **(78)** Name(s) of the natural person(s) who signs or whose seal(s) is used/  
*Nom de la (des) personne(s) physique(s) qui signe(nt) ou dont les sceaux sont utilisés/Nombre(s) y apellido(s) de la(s) persona(s) natural(es) que firma(n) o cuyo sello se utiliza:*

(ii) Date of signature(s) or of sealing(s) \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Date de signature ou d'apposition du (des) sceaux/ DD/MM/YYYY*  
**Fecha de la(s) firma(s) o del estampado del (de los) sello(s):** JJ/MM/AAAA  
**DD/MM/AAAA**

(iii) Signature(s) or seal(s)/Signature(s) ou sceau(x)/Firma(s) o sello(s):

.....

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6. Additional Sheets and Attachments/Feuilles supplémentaires et pièces jointes/**Hojas Adicionales y Anexos**

Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments/*Cocher cette case si des feuilles supplémentaires et/ou des pièces sont jointes et indiquer le nombre total de ces feuilles et/ou de ces pièces/Márquese este recuadro si se adjuntan hojas adicionales o anexos, e indíquese el número total de esas hojas o anexos:*

.....

.....



Standard Form, page 6/Formulaire type, page 6/Formulario tipo, página 6

<sup>1</sup> Some bibliographic data in respect of international designs are identified by the INID (Internationally agreed Numbers for the Identification of Data) codes, that is, the codes of Standard ST.80 ("Recommendation concerning bibliographic data relating to industrial designs"), available on the web site of the World Intellectual Property Organization (WIPO), at <http://www.wipo.int/standards/en/pdf/03-80-01.pdf>.

<sup>2</sup> The details of the transfer by contract shall be given only in respect of the Contracting Party(ies) to the Office of which the present certificate is submitted (list of declarations made by Contracting Parties to the Hague Agreement available at <http://www.wipo.int/hague/en/declarations/declarations.html>.)

<sup>3</sup> Name of the State(s) or intergovernmental organization(s).

<sup>4</sup> Only those industrial designs which have been transferred in respect of the Contracting Party(ies) to the Office of which the present certificate is submitted shall be indicated.

<sup>5</sup> The names to be indicated under (a) and (b) are those which are recorded in the International Register in respect of the international registration(s) to which the present certificate relates.

<sup>6</sup> The following Contracting Parties require "signature(s)" and do not accept "seal(s)".

<sup>7</sup> The following Contracting Parties require that both the transferor(s) and the transferee(s) fill in the present item.

<sup>1</sup> *Quelques données bibliographiques concernant les dessins et modèles internationaux sont identifiées par des codes INID (INID signifie "Identification numérique internationale des données bibliographiques"), c'est-à-dire les codes définis dans la norme ST.80 ("Recommandation concernant les données bibliographiques relatives aux dessins et modèles industriels"), qui est disponible sur le site Internet de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI) à l'adresse <http://www.wipo.int/standards/fr/pdf/03-80-01.pdf>.*

<sup>2</sup> *Des renseignements sur la cession par contrat ne doivent être donnés qu'à l'égard de la ou des parties contractantes aux Offices desquelles le présent certificat est présenté (la liste des déclarations faites par les parties contractantes de l'Arrangement de La Haye figure à l'adresse <http://www.wipo.int/hague/fr/declarations/declarations.html>.)*

<sup>3</sup> *Nom de l'État ou des États, ou de l'organisation ou des organisations intergouvernementale(s).*

<sup>4</sup> *Indiquer uniquement les dessins ou modèles industriels qui ont été cédés à l'égard de la ou des parties contractantes aux Offices desquelles le présent certificat est présenté.*

<sup>5</sup> *Les noms à indiquer sous a) et b) sont ceux qui sont inscrits au registre international à l'égard de l'enregistrement international / des enregistrements internationaux au(x)quel(s) a trait le présent certificat.*

<sup>6</sup> *Les parties contractantes suivantes exigent des "signature(s)" et n'acceptent pas les sceaux.*

<sup>7</sup> *Les parties contractantes suivantes exigent que le(s) cédant(s) et le(s) cessionnaire(s) remplissent le présent point.*

<sup>1</sup> **Algunos datos bibliográficos relativos a los dibujos y modelos internacionales se identifican con los códigos INID (Identificación Numérica Internacionalmente acordada en materia de Datos bibliográficos), es decir, los códigos de la Norma ST.80 ("Recomendación relativa a los datos bibliográficos sobre dibujos y modelos industriales"), disponible en el sitio web de la Organización Mundial de la Propiedad Intelectual (OMPI), en <http://www.wipo.int/standards/es/pdf/03-80-01.pdf>.**

<sup>2</sup> **Los detalles de la transferencia por contrato serán indicados exclusivamente respecto de las Partes Contratantes a cuya Oficina se remita el presente certificado (la lista de declaraciones efectuadas por las Partes Contratantes del Arreglo de La Haya puede consultarse en <http://www.wipo.int/hague/es/declarations/declarations.html>.)**

<sup>3</sup> **Nombre del Estado(s) u Organización(es) Intergubernamental(es).**

<sup>4</sup> **Sólo se indicarán los dibujos o modelos industriales que hayan sido transferidos respecto de la(s) Parte(s) Contratante(s) a cuya Oficina se remita el presente certificado.**

<sup>5</sup> **Los nombres y apellidos que se han de indicar en a) y b) son los que están inscritos en el Registro Internacional respecto de los registros internacionales a los que se refiere el presente certificado.**

<sup>6</sup> **Las siguientes Partes Contratantes exigen "firma(s)" y no aceptan "sello(s)".**

<sup>7</sup> **Las siguientes Partes Contratantes exigen que tanto el cedente como el cesionario rellene el presente apartado.**

[Annex II follows]

## INSTRUCTIONS ON THE COMPLETION OF THE STANDARD FORM

It is recalled that the details of the transfer by contract shall be given ONLY with respect to the Contracting Party(ies) to the Office of which the present document is submitted.

The list of Contracting Parties having made the declaration under Article 16(2) of the Geneva (1999) Act is available on the WIPO web site at:  
<http://www.wipo.int/hague/en/declarations/declarations.html>

### PRELIMINARY INFORMATION

Indicate the full name of the State(s) or intergovernmental organization(s) to the Office of which the present document is submitted. For example, Denmark or African Intellectual Property Organization (OAPI).

#### Item 1

Indicate the effective date of transfer in the form dd/mm/yyyy. For example, 20/09/2013.  
*This information is not mandatory.*

#### Item 2

Indicate the number of the concerned international registration(s) having been transferred with respect to the concerned State(s) or intergovernmental organization(s) in the form: DM/123456 or DM/123456A.

If the transfer has been partial, indicate the number(s) of the industrial design(s) that have been transferred in the form: 1, 3, 4, ...

Should the space on the form not be sufficient, an additional sheet should be used.

#### Item 3

(a)(i) and (ii): It is recalled that the names to be indicated are those recorded in the International Register.

(b) It is recalled that the entity's full official designation to be indicated is the one recorded in the International Register.

(c) For example, 34, chemin des Colombettes, 1202 Geneva, Switzerland.

(d)(e) For example, +41-22 338 9111.

(f) For example, [abcde@wipo.int](mailto:abcde@wipo.int).

Should the space on the form not be sufficient, an additional sheet should be used.

Item 4

(a)(i) and (ii) It is recalled that the names to be indicated are those recorded in the International Register.

(b) It is recalled that the entity's full official designation to be indicated is the one recorded the International Register.

(c) For example, 34, chemin des Colombettes, 1202 Geneva, Switzerland.

(d)(e) For example, +41-22 338 9111.

(f) For example abcde@wipo.int.

Should the space on the form not be sufficient, an additional sheet should be used.

Item 5

(a) (i) For example, John JOHNSON.

(ii) Full date of signature in the form dd/mm/yyyy, for example 20/09/2013.

(iii) Handwritten signature or seal.

(b) (i) For example Elizabeth SMITH.

(ii) Full date of signature in the form dd/mm/yyyy, for example 20/09/2013.

(iii) Handwritten signature or seal.

If there are several transferors or transferees, all of them must sign the form or use their seals, in accordance with the applicable national/regional law of the concerned State(s) or intergovernmental organization(s).

Item 6

Check this box if there are additional sheets and/or attachments and indicate the total number thereof, for example, 2.

[End of Annex II and of document]