

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

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 October 28 to 30, 2013.
2. The following members of the Hague Union were represented at the session: African Intellectual Property Organization (OAPI), Benin, Bosnia and Herzegovina, Brunei Darussalam, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Latvia, Lithuania, Luxembourg, Morocco, Norway, Oman, Romania, Spain, Switzerland, Turkey and Ukraine (24).
3. The following States were represented as observers: China, Czech Republic, Indonesia, Iraq, Israel, Japan, Jordan, Malaysia, Mexico, Philippines, Republic of Korea, Russian Federation, Saudi Arabia, Thailand, United States of America and Viet Nam (16).
4. Representatives of the following international intergovernmental organizations (IGOs) took part in the session in an observer capacity: African Regional Intellectual Property Organization (ARIPO) and Benelux Office for Intellectual Property (BOIP) (2).
5. Representatives of the following non-governmental organizations (NGOs) took part in the session in an observer capacity: American Intellectual Property Law Association (AIPLA), *Association française des praticiens du droit des marques et des modèles* (APRAM), Association of European Trademark Owners (MARQUES), Centre for International Intellectual Property Studies (CEIPI) and Japan Patent Attorneys Association (JPAA) (5).

AGENDA ITEM 1: OPENING OF THE SESSION

6. The Chair, Mr. Mikael Francke Ravn (Denmark), opened the session of the Working Group and welcomed the participants. Mr. Francis Gurry, Director General of the World Intellectual Property Organization (WIPO) made an opening address.
7. Ms. Päivi Lähdesmäki (WIPO) acted as Secretary to the Working Group.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

8. The Working Group adopted the draft agenda (document H/LD/WG/3/1 Prov.) without modification.

AGENDA ITEM 3: ADOPTION OF THE DRAFT REPORT OF THE SECOND SESSION OF THE 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/2/9 Prov.2
10. The Working Group adopted the revised draft report (document H/LD/WG/2/9 Prov.2) without modification.

AGENDA ITEM 4: REVISED PROPOSAL FOR THE ESTABLISHMENT OF A STANDARD FORM FOR THE PURPOSE OF ARTICLE 16(2) OF THE 1999 ACT OF THE HAGUE AGREEMENT

11. Discussion was based on document H/LD/WG/3/2.
12. 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. In revising the document, the International Bureau would further consult the Offices of current and prospective Contracting Parties, which had made a declaration under Article 16(2) or which intended to do so.
13. The Chair concluded that the International Bureau was requested to make a proposal on an agreed statement or a resolution that would make the said document 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), which would be submitted to the Assembly of the Hague Union, for approval.
14. The Chair noted that the Working Group favorably considered the possible submission of the document through the intermediary of the International Bureau to the Offices requiring such a document, and requested the International Bureau to explore this possibility further.

AGENDA ITEM 5: POSSIBLE AMENDMENT OF RULE 5 OF THE COMMON REGULATIONS UNDER THE 1999 ACT AND THE 1960 ACT OF THE HAGUE AGREEMENT

15. Discussion was based on document H/LD/WG/3/3.

16. The Chair noted that the International Bureau was requested to revise the wording and scope of proposed Rule 5(4) taking into account comments made at the present session of the Working Group, notably in respect of the situation where the server of the International Bureau would be down.

AGENDA ITEM 6: DIGITAL ACCESS SERVICE FOR PRIORITY DOCUMENTS (DAS) AND OTHER MEANS OF TRANSMISSION OF CERTAIN TYPES OF DOCUMENTS UNDER RULE 7(5)(F) AND (G) OF THE COMMON REGULATIONS

17. Discussion was based on document H/LD/WG/3/4.

18. The Chair noted that the Working Group favorably considered the incorporation of a new section into the Administrative Instructions concerning the types of documents and other material that could be required in support of a designation of a Contracting Party, in accordance with Rule 7(5)(f) and (g) of the Common Regulations.

19. The Chair concluded that the Working Group requested the International Bureau to prepare a document containing a proposal for such a new section of the Administrative Instructions and exploring further the possibility of allowing the submission of the said documents and material also at a later stage, after the filing of an international application. In this regard, the comments made at the present session of the Working Group would be taken into account.

20. The Chair further noted that at this stage it was premature for the Offices of the Contracting Parties to consider committing themselves to the uploading and retrieval of priority documents via the Digital Access Service for Priority Documents (DAS).

AGENDA ITEM 7: PUBLIC AVAILABILITY OF INFORMATION RELATING TO AMENDMENTS TO AN INDUSTRIAL DESIGN THAT IS THE SUBJECT OF AN INTERNATIONAL REGISTRATION FOLLOWING A PROCEDURE BEFORE AN OFFICE

21. Discussion was based on document H/LD/WG/3/5.

22. The Chair concluded that the Working Group agreed that amendments to an industrial design following a procedure before an Office should be made publicly available in a centralized manner. The Chair further concluded that the Working Group requested the International Bureau to prepare a document analyzing a possible introduction of a mechanism into the Hague system to this effect. In this respect, the comments made at the present session of the Working Group, as well as the mechanism under the Madrid system and the information made available in the ROMARIN database, would be taken into account.

AGENDA ITEM 8: INFORMING OFFICES OF DESIGNATED CONTRACTING PARTIES OF EVENTS RECORDED IN RESPECT OF AN INTERNATIONAL REGISTRATION BEFORE ITS PUBLICATION

23. Discussion was based on document H/LD/WG/3/6.

24. The Chair concluded that the Working Group favorably considered the addition of a new Part Nine, consisting of Sections 901 and 902, to the Administrative Instructions, as set out in the Annex to document H/LD/WG/3/6., with a date of entry into force of January 1, 2014.

AGENDA ITEM 9: OTHER MATTERS

25. No comments were made by the Working Group under this item.

AGENDA ITEM 10: SUMMARY BY THE CHAIR

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

AGENDA ITEM 11: CLOSING OF THE SESSION

27. The Chair closed the session on October 30, 2013.

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