

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

**Fourth Session
Geneva, June 16 to 18, 2014**

TYPES OF DOCUMENTS AND OTHER MATERIAL UNDER RULE 7(5)(F) AND (G) OF THE COMMON REGULATIONS AND THEIR SUBMISSION THROUGH THE INTERMEDIARY OF THE INTERNATIONAL BUREAU

Document prepared by the International Bureau

I. INTRODUCTION

1. At its third session, held in Geneva from October 28 to 30, 2013, 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”) favorably considered the incorporation of a new section into the Administrative Instructions for the Application of the Hague Agreement (hereinafter referred to as “the Administrative Instructions”) concerning the types of documents and other material that could be submitted in support of a designation of a Contracting Party, in accordance with Rule 7(5)(f) and (g) of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as “the Common Regulations”). 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 at a later stage, after the filing of an international application¹. In this regard, the comments made at the third session of the Working Group, as well as comments made in further consultations between the International Bureau and some Offices, have been taken into account.

¹ See documents H/LD/WG/3/7, entitled “Summary by the Chair”, paragraphs 18 and 19 and H/LD/WG/3/8 Prov., entitled “Draft Report”, paragraphs 82 and 83.

2. Chapter II of the present document focuses on optional contents of the international application, as well as on the supporting documents that may accompany an international application, as indicated by delegations in the third session of the Working Group and which were further discussed with the Offices concerned. Chapter III of the document deals with the submission of supporting documents to the Offices requiring them for examination purposes. Chapter IV of the present document contains a proposal for a new Section 408 in the Administrative Instructions, along with a proposal for adding a new chapter in the Schedule of Fees.

3. Finally, it is recalled that, pursuant to Rule 34(1)(a) of the Common Regulations, the Director General shall consult the Offices of the Contracting Parties with respect to the proposed Administrative Instructions. The attention of the Working Group is drawn to the fact that, as further addressed in Chapter IV, the present document has been prepared with a view to proceeding to that consultation concerning proposed new Section 408 in the Administrative Instructions.

II. CONTENTS OF THE INTERNATIONAL APPLICATION

4. It is recalled that the mandatory contents of an international application, as prescribed by Article 5(1) of the 1999 Act of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the “1999 Act” and the “Hague Agreement”) and Rule 7(3) of the Common Regulations, consist of the information which must be contained in, or accompany, every international application. The additional mandatory contents, as prescribed by Article 5(2) and Rule 7(4), consist of certain elements that may be notified by a Contracting Party and which must be included in an international application where such a Contracting Party has been designated.

5. Moreover, in accordance with Article 5(3) of the 1999 Act and Rule 7(5) of the Common Regulations, a number of optional elements may also be provided by the applicant. The International Bureau does not raise any irregularity if an optional element is not included in the international application. This is the case even if advice on how to indicate that element in the international application is given, for example, in the Guide to the International Registration of Industrial Designs under the Hague Agreement or in any document on drafting and filing available on the WIPO web site, such as document DM/1.inf relating to form DM/1, entitled “Application for International Registration”, or in the relevant section of the E-filing interface².

6. It is further pointed out that, pursuant to Rule 7(6) of the Common Regulations, if the international application contains any matter other than that required or permitted by the 1999 Act, the 1960 Act, the Common Regulations or the Administrative Instructions, the International Bureau shall delete it *ex officio*. Moreover, if the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of the said document. To avoid the above-mentioned situations arising, it is essential to establish a complete list of permitted matters and documents, which may be included in the international application at the applicant's option.

² For example, see Item 9, “Description” of document DM/1.inf, “How to File an International Application?”, which reads as follows: “In general, a textual description of the industrial designs is optional. However, a brief description is required if either **Romania** or the **Syrian Arab Republic** is designated under the 1999 Act. [...]”

OPTIONAL CONTENTS UNDER RULE 7(5)(F) AND (G)

7. As explained above, the optional contents of an international application are mainly prescribed in Rule 7(5) of the Common Regulations. In particular, pursuant to Rule 7(5)(f), an international application may contain any declaration, statement or other relevant indication as may be specified in the Administrative Instructions. Moreover, Rule 7(5)(g) states that an international application may be accompanied by a statement that identifies information known by the applicant to be material to the eligibility for protection of the industrial design concerned.

8. It is recalled that Rule 7(5)(f) is not open-ended but should be interpreted in line with the comments made during the discussion that took place during the Diplomatic Conference for the Adoption of a New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter referred to as “the Diplomatic Conference”). The discussion concerned elements that would be important for substantive examination, such as a statement of novelty or partial design (“Statement of design for a portion of an article”). During the discussion, it was emphasized that the Administrative Instructions would specify the contents of any declaration, statement or indication referred to in Rule 7(5)(f)³. At present, only Section 407 of the Administrative Instructions, entitled “Relation With a Principal Industrial Design or a Principal Application or Registration”, complements Rule 7(5)(f) by prescribing the required elements for a special type of design registration, namely for a “related design” as prescribed by the national laws of Japan and the Republic of Korea⁴.

9. Finally, Rule 7(5)(g) was discussed during the Diplomatic Conference and takes into account the requirement under the law of the United States of America to file a statement which describes any relevant prior art known by the applicant. The purpose of this requirement is to avoid the non-enforceability of the right on the industrial design on the ground of non-compliance with the duty of candor⁵ (see paragraph 22 of the present document).

10. It is recalled that, for the purpose of Rule 7(5)(f) and (g), a Contracting Party does not need to make a declaration but the permitted indications and/or accompanying statements will be specified in the Administrative Instructions. On the contrary, for example, a declaration under Rule 8(1)(ii) concerning the furnishing of an oath or declaration by the creator of the industrial design is outside the scope of Rule 7(5)(f) and, consequently, of that of the proposed new Section in the Administrative Instructions⁶.

³ See “Summary Minutes” of the Diplomatic Conference, paragraphs 830 to 842.

⁴ The accession by the Republic of Korea to the 1999 Act will take effect as from July 1, 2014. In the course of its preparatory work for accession, the Korean Intellectual Property Office (KIPO) indicated to the International Bureau that an applicant filing an international application should be allowed to seek a special type of design registration which is stipulated as a “similar design” in its industrial design law as in force at the time of preparation of the present document. However, in the revised industrial design law, which will come into force on July 1, 2014, the said “similar design” system will be replaced by a system to be called “related design” system. It is recalled that the “related design” system already exists in the industrial design law of Japan. See Information Notice 14/2011, entitled “Amendments to the Common Regulations and to the Administrative Instructions”, available on the WIPO web site at <http://www.wipo.int/hague/en/notices/index.jsp?items=30>.

⁵ See document H/DC/6, entitled “Notes on the Basic Proposal for the Regulations under the New Act of the Hague Agreement Concerning the International Registration of Industrial Designs”, paragraph R7.17.

⁶ The official form DM/1 and the E-filing interface will be revised to allow the oath or declaration to accompany the international application. The form and mandatory contents of the oath or declaration will be specified in the declaration made under Rule 8(1)(ii).

PERMITTED INDICATIONS/DOCUMENTS IN THE INTERNATIONAL APPLICATION

11. During the discussions that took place at its third session, the Working Group exchanged views on what kind of indications/documents may be required by the Offices for the purpose of examination and how those required indications/documents could be integrated into the procedure for filing an international application. During the discussion, several delegations of countries which have an “Examining Office”, as defined in Article 1(xvii) of the 1999 Act, and which were in the process of preparing for accession to the 1999 Act, indicated types of documents and other material that might be required in support of the substantive examination carried out by their Offices.

Elements in Support of a Priority Claim

12. It is recalled that Rule 7(5)(c) already provides for a declaration claiming the priority of an earlier filing in an international application. However, that Rule does not require that a copy of the application on which the priority is based be submitted. This does not preclude an Office from requesting the holder, in a particular case, directly to provide it with a copy of the priority document. Such a request could be made in the context of a refusal where the Office considers that the priority document is necessary in order to determine novelty, because of a disclosure intervening during the priority period⁷.

13. During the third session of the Working Group, the Delegations of China, Japan and the Republic of Korea stated that, to support a priority claim, their Offices required a copy of the application on which the priority was based (see paragraphs 68, 69 and 73 of document H/LD/WG/3/8 Prov., “Draft Report”). The Delegation of China further stated that the national law of China required the submission of priority documents within three months from the filing date of the subsequent application. Furthermore, the Delegations of China and Japan explained that their Offices already participated in the Digital Access Service for Priority Documents (hereinafter referred to as “DAS”)⁸ and, once their countries had acceded to the 1999 Act and the Offices were technically ready, the application of DAS would be extended to international applications under the Hague system. Several other Delegations also expressed interest in using DAS for the exchange of priority documents under the Hague system (see paragraphs 64 to 84 of document H/LD/WG/3/8 Prov., “Draft Report”).

14. It is recalled that, in addition to electronic tools envisaged for the administration of the Hague system, DAS has been operational since 2008⁹. In order to retrieve a priority document from a DAS digital library, the Office uses an access code. This code could be considered as an indication within the scope of Rule 7(5)(f) (see paragraph 77 of document H/LD/WG/3/8 Prov., “Draft Report”).

⁷ See document H/DC/6, entitled “Notes on the Basic Proposal for the Regulations under the New Act of the Hague Agreement Concerning the International Registration of Industrial Designs”, R7.12.

⁸ At present, the service is operational for patent documents only. Documents relating to other IP rights, such as industrial designs and trademarks, will be exchanged through the system once the participating Offices have made the necessary operational and technical changes. At present, 11 Offices participate in DAS. See WIPO web site: http://www.wipo.int/das/en/participating_offices.html

⁹ See document H/LD/WG/3/4, entitled “Digital Access Service for Priority Documents and Other Means of Transmission of Certain Types of Documents Under Rule 7(5)(f) and (g) of the Common Regulations”.

15. It is therefore proposed that a new Section of the Administrative Instructions be established pursuant to Rule 7(5)(f), specifying that an access code to a DAS digital library may be indicated in an international application (see Chapter IV of the present document). This approach would allow users to bypass extra costs and delays associated with the procedures before Offices which require documentation in support of a priority claim.

Declaration Concerning Exception to Lack of Novelty and Supporting Documentation

16. The Delegations of Japan and the Republic of Korea stated during the third session of the Working Group that their Offices required a statement claiming the benefit of a grace period and supporting documents for disclosure during the grace period (see paragraphs 68 and 69 of document H/LD/WG/3/8 Prov., "Draft Report").

17. In further consultations with the International Bureau, the Office of the Republic of Korea explained that its new industrial design law, which would enter into force on July 1, 2014, provided the applicant with several opportunities to claim exception to lack of novelty. In accordance with the new law, the applicant can submit the supporting documentation even after the publication date of the international registration, if the claim was made in the international application. In addition, the claim and the supporting documentation may be submitted in a request for review of a refusal issued by the Office, or during opposition or invalidation procedures.

18. It is proposed that a new Section of the Administrative Instructions be established pursuant to Rule 7(5)(f), making it possible to include a declaration concerning an exception to lack of novelty and its supporting documentation in the international application. The proposed new Section would introduce wording for such a declaration, with the applicant claiming to benefit from exceptional treatments for disclosure of an industrial design during the grace period, as may be provided for in the national law of a designated Contracting Party.

Information Entitling the Applicant to a Reduced Individual Designation Fee

19. It is expected that, when acceding to the 1999 Act, the United States of America will make a declaration under Article 7(2) concerning an individual designation fee. During the discussion in the third session of the Working Group, the Delegation of the United States of America explained that, once its country had acceded to the 1999 Act, its Office anticipated receiving a number of different types of supporting documents electronically from the International Bureau, including, inter alia, a certificate of status of a "micro-entity" (see paragraph 66 of document H/LD/WG/3/8 Prov., "Draft Report").

20. In further consultations, the Office of the United States of America explained that, under its law, depending on the economic status of the applicant, the applicant would pay the standard application fee or a (reduced) fee for "small entities" or "micro-entities". To benefit from the fee reduction, the applicant should indicate "small entity" status in the application and pay the "small entity" fee, or claim "micro-entity" status and pay the "micro-entity" fee. The claim of "micro-entity" status must be accompanied by a certificate of "micro-entity" status. Therefore, it is envisaged that the declaration under Article 7(2) by the United States of America will indicate three different amounts of individual designation fees, depending on the economic status of the applicant.

21. In anticipation of the accession of the United States of America to the 1999 Act, said indication and claim, together with the certificate of “micro-entity” status, may be included in the international application¹⁰. It is proposed that the above indications and document be considered as permitted indications/documents under Rule 7(5)(f) and be included in the proposed new Section of the Administrative Instructions (see Chapter IV of the present document).

Prior Art Reference

22. As referred to in paragraph 9 of the present document, in line with Rule 7(5)(g), under the law of the United States of America the applicant has a duty of disclosure to submit to the Office information that is material to the patentability of the design for which protection is claimed. For this purpose, the applicant has to submit the form entitled “Information Disclosure Statement”, along with relevant prior art references to the patents in the United States of America, e.g., bibliographic information, such as titles, articles, patent numbers, web sites. The applicant does not need to list his own prior design patents or his own disclosure during the grace period. During consultations with the Office of the United States of America, it was indicated that the submission of the complete statement would be allowed up to three months after the publication of the international registration (once the United States of America is a Contracting Party to the 1999 Act)¹¹.

23. It is recalled that, since the statement referred to in Rule 7(5)(g) is an optional content of an international application, the International Bureau does not raise any irregularities in the case of a missing statement.

24. The DM/1 form and E-filing interface will be revised by the International Bureau and the format of the statement will be established by the International Bureau in agreement with the Contracting Party concerned. It is proposed that the above statement be specified in the proposed new Section of the Administrative Instructions (see Chapter IV of the present document).

III. SUBMISSION OF DOCUMENTS THROUGH THE INTERNATIONAL BUREAU

25. Submission of supporting documentation to the Office concerned may be carried out through the International Bureau, as an attachment to an international application, or the applicant/holder may submit the documentation directly to an Office. As to a direct submission to an Office, it is recalled that the national/regional legislation may require submission through a local representative if the applicant does not have a residence in the country of the Office.

¹⁰ Further information on the definitions under the law of the United States of America of a “small entity”, a “micro-entity”, and the certificate of “micro-entity” status, will be made available on the WIPO web site in due course.

¹¹ The International Bureau will make available the form entitled “Information Disclosure Statement” for the users of the Hague system and will instruct the users to attach the statement to an international application designating the United States of America. Further information will be made available on the WIPO web site in due course.

INTERNATIONAL APPLICATION

26. Pursuant to Rule 7(1), the international application shall be presented on the official form, i.e., either official form DM/1 established by the International Bureau or the E-filing interface made available by the International Bureau on the WIPO web site, or any form or electronic interface having the same contents and format, as prescribed by Rule (1)(vi).

27. Therefore, the E-filing interface and form DM/1 will both be revised by the International Bureau, in order to allow for the indication of new matters and the submission of supporting documentation, as defined under Chapter II of the present document, to be included in the international application¹². It is recalled that, during the discussion in the third session of the Working Group, the Secretariat clarified that Offices of Contracting Parties which would require additional documentation pursuant to Rule 7(5)(f) and/or (g) could not impose the use of a language other than the language of the international application on an applicant.

28. Furthermore, it is envisaged that the planned Hague Portfolio Manager (hereinafter referred to as the "HPM") will allow, among other things, for the electronic submission of supporting documentation through the International Bureau, including after the filing of an international application. It should, however, be noted that even if the future HPM were to allow for electronic submission even after the filing of the international application, there are restrictions under national laws concerning the timing of submission of supporting documentation. Furthermore, such an approach would considerably increase the work load of the International Bureau. A preferred option might be for any future "late submissions" of supporting documents to be made directly to the Offices requiring such documentation.

29. However, if "the late submission" of supporting documentation through the International Bureau were to be allowed in the future, the International Bureau would offer an additional service in the form of the creation and administration of services for the electronic distribution of supporting documents. Therefore, it is proposed that the Schedule of Fees, which is a part of the Common Regulations, be revised to authorize the International Bureau to collect a fee for such additional services. It is recalled that item 9 of the Schedule of Fees under the Madrid system for the international registration of marks provides for a fee for special services¹³.

ELECTRONIC DISTRIBUTION OF DOCUMENTS TO THE OFFICE CONCERNED

30. At present, the Offices can incorporate international registrations designating their Contracting Parties and the relevant data concerning such international registrations published in the *International Designs Bulletin* (hereinafter referred to as "the Bulletin") in computer-readable format in their IT systems. Offices can download the information from a public repository available on the WIPO web site at: <ftp://ftpird.wipo.int/wipo/hague/>.

31. Similarly, the International Bureau will make the supporting documents available for downloading by the Offices. The documents will be made available in pdf format and linked to the international registration concerned using the same computer-readable format as used in

¹² With regard to applications filed in paper format, form DM/1 will be revised to allow for the indication of new matters. In addition, supporting documents may be attached to the revised form. The International Bureau will scan the documents and a digital copy will be attached to the data relating to the international registration concerned. As to E-filing, in line with Section 204(a)(i), once the new features have been incorporated into the E-filing interface, the particulars concerning the presentation of the documents in the international application will be published on the WIPO web site.

¹³ Item 9, "Special Services" of the Schedule of Fees under the Madrid system reads as follows: "The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for operations to be performed urgently and for services not covered by this Schedule of Fees."

the Bulletin. This will allow the Offices concerned to incorporate the supporting documents into their IT systems. The computer-readable format makes it easy for Offices to set up automatic checks and procedures. Contrary to the Bulletin, which is available in a public repository, the supporting documents will be made available through a private repository, to which only the Office concerned will have access.

32. Finally, it is envisaged that the planned introduction of the Hague Office Portal will allow interaction between the International Bureau and the Offices, as well as direct consultation of the supporting documents.

IV. UPDATING THE LEGAL FRAMEWORK

33. Under Part Four of the Administrative Instructions, entitled “Requirements Concerning Reproductions and Other Elements of the International Application”, Sections 401 to 406 focus on requirements concerning reproductions and specimens. A number of amendments are proposed to those Sections in document H/LD/WG/4/5, entitled “Proposal for Amendments to Part Four of the Administrative Instructions”.

34. As stated in paragraph 8 of the present document, Section 407, entitled “Relation With a Principal Industrial Design or a Principal Application or Registration”, was introduced into the Administrative Instructions to complement Rule 7(5)(f), as this type of designation is prescribed by the laws of some current and prospective Contracting Parties to the 1999 Act.

35. In order further to complement Rule 7(5)(f), it is proposed to add a new Section 408 to the Administrative Instructions specifying the indications that may be contained in the international application and listing the permitted documents that may accompany an international application.

PROPOSED NEW SECTION 408, “PERMITTED MATTERS IN THE INTERNATIONAL APPLICATION AND PERMITTED DOCUMENTS ACCOMPANYING AN INTERNATIONAL APPLICATION”

36. As explained in paragraph 12 of the present document, Rule 7(5)(c) already provides for a declaration claiming priority of an earlier filing in an international application. In addition, the Offices may request the holder to submit a copy of the application on which the priority is based directly to them. As indicated in the third session of the Working Group, in the future, more Offices will be participating in DAS and may request an access code to retrieve the priority document concerned from a DAS digital library¹⁴. Therefore, an indication of the said code in the international application would free the holder from the burden of having to transmit sets of priority documents in paper format to Offices requiring them.

37. Furthermore, as referred to in paragraph 20 of the present document, for the purpose of the foreseen declaration concerning the individual designation fee under Article 7(2), by the United States of America, it is proposed that indication of the applicant’s economic status or a claim thereof, as well as a certificate of the economic status be included in new Section 408 of the Administrative Instructions¹⁵.

¹⁴ See document H/LD/WG/3/4, entitled “Digital Access Service for Priority Documents and Other Means of Transmission of Certain Types of Documents under Rule 7(5)(f) and (g) of the Common Regulations”.

¹⁵ Further information on the definition of a “small entity” and “micro-entity” under the law of the United States of America will be made available on the WIPO web site in due course.

38. The laws of a large number of current and prospective Contracting Parties make provision for a declaration concerning exception to lack of novelty. Therefore, the possibility of including the claim in the international application, as well as allowing the supporting documentation to accompany the application, would result in savings for users in terms of time and money.

39. Finally, the statement that identifies information known by the applicant to be material to the eligibility for protection of the industrial design concerned, as referred to in Rule 7(5)g), is specified in the proposed new Section.

40. It is proposed that new Section 408 should read as follows:

“(a) Where the applicant has made a declaration under Rule 7(5)(c) claiming priority of an earlier filing in the international application, that claim may be accompanied by a code allowing to retrieve that filing in a Digital Access Service for Priority Documents (DAS) digital library;

(b) Where the applicant wishes to benefit from a reduction of an individual designation fee as indicated in a declaration made under Article 7(2) of the 1999 Act by a designated Contracting Party, the international application may contain an indication or claim of the economic status entitling the applicant to the reduced fee as indicated in the declaration, as well as the certificate thereof, where applicable.

(c) (i) Where the applicant wishes to make a declaration concerning exception to lack of novelty in the international application, as may be prescribed under the law of a designated Contracting Party, the declaration shall be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed in items (1) to (3) as is necessary:

“Declaration Concerning Exception to Lack of Novelty

“The applicant claims to benefit from exceptional treatments provided for in the applicable laws of the designated Contracting Parties concerned, for disclosure of all the industrial designs, or the industrial designs indicated below, included in the present application: (1) [Number(s) of industrial design(s) or all the industrial designs], (2) [Type of disclosure], (3) [Date of disclosure].”

(ii) Where the applicant wishes to submit documentation on the type and date of disclosure, the international application may be accompanied by such documentation.

(d) Where the applicant wishes to submit a statement as referred to in Rule 7(5)(g), the statement shall be in the format established by the International Bureau in agreement with the designated Contracting Party concerned.”

41. Pursuant to Rule 34(3)(a), any amendments to the Administrative Instructions are to be published on the web site of the Organization. Publication is carried out through an Information Notice published by the International Bureau. Furthermore, in accordance with Rule 34(3)(b), each publication shall specify the date on which the published provisions become effective. In that regard, it is recalled that document H/LD/WG/4/5, also to be discussed in the fourth session of the Working Group, already contains proposals for amendments to Part Four of the Administrative Instructions, the proposed date of entry into force being July 1, 2014. Should the Working Group agree on the current proposal to add a new Section 408 to the Administrative Instructions, the Working Group may further recommend that its date of entry into force be aligned with the proposed date of entry into force of the said amendments to Part Four of the Administrative Instructions, i.e. July 1, 2014.

42. *The Working Group is invited to comment on the proposal to add a Section 408 to the Administrative Instructions, as set out in Annex I hereto, with a date of entry into force of July 1, 2014.*

PROPOSED NEW ITEM IN THE SCHEDULE OF FEES

43. As previously pointed out, the Schedule of Fees under the Hague system does not allow for the charging of a fee for additional services by the International Bureau. In addition to the services for “the late submission” of supporting documents through the International Bureau to Offices, as may be envisaged to be the case in the future, further services may also be provided to the users of the Hague system. In order to cover the possible increased administration costs (depending on the volume of users of those services), instead of increasing the international application fees (basic fee, publication fee or additional fee) for the administration of the Hague system by the International Bureau, those who use the additional services could pay for them.

44. It is therefore proposed that a new Chapter VII, entitled “Services Provided by the International Bureau”, be inserted into the Schedule of Fees, which would read as follows:

“The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for services not covered by this Schedule of Fees.”

45. *The Working Group is invited to indicate whether it considers favorably the submission, for adoption, of a proposal to amend the Common Regulations with respect to the Schedule of Fees as provided in the draft contained in Annex II hereto, to the Assembly of the Hague Union.*

[Annexes follow]

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

(as in force on [July 1, 2014])

[...]

**Part Four
Requirements Concerning Reproductions and Other Elements
of the International Application**

[...]

*Section 408: Permitted Matters in the International Application and
Permitted Documents Accompanying an International Application*

(a) Where the applicant has made a declaration under Rule 7(5)(c) claiming priority of an earlier filing in the international application, that claim may be accompanied by a code allowing to retrieve that filing in a Digital Access Service for Priority Documents (DAS) digital library;

(b) Where the applicant wishes to benefit from a reduction of an individual designation fee as indicated in a declaration made under Article 7(2) of the 1999 Act by a designated Contracting Party, the international application may contain an indication or claim of the economic status entitling the applicant to the reduced fee as indicated in the declaration, as well as the certificate thereof, where applicable.

(c) (i) Where the applicant wishes to make a declaration concerning exception to lack of novelty in the international application, as may be prescribed under the law of a designated Contracting Party, the declaration shall be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed in items (1) to (3) as is necessary:

“Declaration Concerning Exception to Lack of Novelty

“The applicant claims to benefit from exceptional treatments provided for in the applicable laws of the designated Contracting Parties concerned, for disclosure of all the industrial designs, or the industrial designs indicated below, included in the present application: (1) [Number(s) of industrial design(s) or all the industrial designs], (2) [Type of disclosure], (3) [Date of disclosure].”

(ii) Where the applicant wishes to submit documentation on the type and date of disclosure, the international application may be accompanied by such documentation.

(d) Where the applicant wishes to submit a statement as referred to in Rule 7(5)(g), the statement shall be in the format established by the International Bureau in agreement with the designated Contracting Party concerned.

[...]

[Annex II follows]

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

(as in force on [January 1, 2015])

[...]

SCHEDULE OF FEES

(as in force on [January 1, 2015])

[...]

VII. *Services Provided by the International Bureau*

24. The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for services not covered by this Schedule of Fees.

[End of Annex II and of document]