

Issuance and submission of priority documents and restoration of the right of priority within the membership of the Hague System for the International Registration of Industrial Designs

Questionnaire

BACKGROUND

Pursuant to Article 6(2) of the 1999 Act of the Hague Agreement Concerning the International Registration of Industrial Designs, the international application shall, as from its filing date and whatever may be its subsequent fate, be equivalent to a regular filing within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property.

Furthermore, pursuant to Article 6(1) of the 1999 Act and Article 9 of the 1960 Act of the Hague Agreement Concerning the International Registration of Industrial Designs, the international application may contain a declaration claiming, under Article 4 of the Paris Convention, the priority of one or more applications filed in or for any country party to the Paris Convention or any member of the World Trade Organization.

The purpose of this questionnaire is two-fold: with a view to helping the Hague Registry to improve its services as an office of first filing, Part I of the questionnaire seeks to collect information from the Offices of the members of the Hague System concerning their own practice for the issuance of priority documents. Furthermore, Parts II and III contain questions relating to the submission of priority documents and the restoration of the right of priority before Offices of designated Contracting Parties, as well as possible accession plans to the WIPO Digital Access Service for Priority Documents (DAS). Answers to these Parts may be used to enhance user information or inform future work of the Working Group on the Legal Development of the Hague System.

The questionnaire is divided into three parts as follows:

PART I: ISSUANCE OF PRIORITY DOCUMENTS (COPIES OF THE FIRST FILING) BY YOUR OFFICE

PART II: SUBMISSION OF PRIORITY DOCUMENTS TO YOUR OFFICE AS THE OFFICE OF A DESIGNATED CONTRACTING PARTY IN AN INTERNATIONAL REGISTRATION

PART III: RESTORATION OF THE RIGHT OF PRIORITY AND ACCESSION PLANS TO THE DIGITAL ACCESS SERVICE FOR PRIORITY DOCUMENTS (DAS)

INSTRUCTIONS

Please answer each question by ticking the appropriate box(es) and, if additional or more extensive information is required, it is suggested that the requested information be supplied on separate annexed pages, clearly indicating the question concerned.

The completed questionnaire should be sent to the International Bureau of WIPO by email, to the attention of Mr. Hiroshi Okutomi, Senior Legal Officer, Hague Legal Affairs Section, The Hague Registry (hague.registry@wipo.int), or by facsimile(+41-22 733 54 28).

1. Please provide the following information in respect of a person in your Office who may be contacted by the International Bureau of WIPO regarding this questionnaire:

Name:

Title:

Administrative unit:

Full name of Office:

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Mailing address:

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Telephone:

Facsimile:

Email:

If the contact person has a direct telephone number, facsimile number or email address, different from those indicated above, please provide those also:

Telephone:

Facsimile:

Email address:

2. Office details – please indicate the following:

Full name of Office:

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Website address of Office (where possible):

3. If there are any particulars concerning the issuance/submission of priority documents in domestic laws/regulations/guidance etc., please provide information on them, as well as of the number(s) of the provision(s) concerning the right of priority in the law(s) and/or regulations governing the protection of industrial design in your country/organization and indicate, where possible, the website address:

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PART I: ISSUANCE OF PRIORITY DOCUMENTS (COPIES OF THE FIRST FILING) BY YOUR OFFICE

1. (a) Please, fill out the tables below indicating
- the format in which the (certified/non-certified) priority documents may be issued (paper, electronic format, other);
 - the delivery period of the (certified/non-certified) priority documents, and whether any expedited delivery is available; and
 - the amount of the fees to be paid.

Certified priority documents		Delivery period		Fee (currency)	
		Regular	Expedited delivery (if any)	Regular	Expedited delivery (if any)
File format:	paper				
	electronic format (pdf, other image file format, etc.)				
	other (please specify):				

Non-certified priority documents		Delivery period		Fee (currency)	
		Regular	Expedited delivery (if any)	Regular	Expedited delivery (if any)
File format:	paper				
	electronic format (pdf, other image file format, etc.)				
	other (please specify):				

- (b) In the case that your Office issues certified priority documents in electronic format, do they contain an identification code (ID code) which allows the Offices of any subsequent filings to verify the authenticity of the priority documents through the website of your Office?

- yes
- no
- other electronic authentication used by your Office, please explain:

- (c) In the case that your Office issues priority documents in electronic format, does it allow for the possibility of issuing priority documents in paper, where the Office of the subsequent filing does not allow priority documents in electronic format?

- yes
- no

- (d) In the case that multiple design application is allowed under the national/regional law, does your Office issue priority documents for one/some designs only, if so requested?

- yes
- no

PART II: SUBMISSION OF PRIORITY DOCUMENTS TO YOUR OFFICE AS THE OFFICE OF A DESIGNATED CONTRACTING PARTY IN AN INTERNATIONAL REGISTRATION

2. Does your Office require the submission of priority documents in support of the priority claim?

- (a) never (skip to Part III);
- (b) submission of a priority document is mandatory for all international registrations that contain a priority claim;
- (c) submission of a priority document is mandatory only where your Office requests the holder to submit it during the examination process;
- if (c) is checked, please specify in what situation your Office requests the priority document:

- (d) submission of a priority document is optional/voluntary;
- (e) other (please specify):

3. If the holder of the international registration is not a resident in your country/region, must priority documents be submitted to your Office through a local representative?

- yes
- no
- other (please specify):

4. Under Article 4.D.(3) of the Paris Convention, the Office may require other documents in addition to a copy of the first application. If this is the case at your Office, please specify the other documents that are required:

5. In what form may the priority documents, which are issued in paper format by the Office of the first filing, be submitted to your Office? Please, fill out the table below indicating which file format is required, accepted and/or not accepted by your Office:

Priority documents issued in paper format		Submission of hard copy (in paper)	
		Certified priority documents	Non-certified priority documents
File format:	Originals		
	Copies of the original documents		
	Other (please specify):		

6. Does your Office allow the submission of a privately made pdf (or other electronic copy) (e.g. by a scanner) of a priority document originally issued in paper format?

- yes
 no

7. In what form may the priority documents, which are issued in electronic format by the Office of first filing, be submitted to your Office? Please, fill out the table below indicating
- which file format is required, accepted and/or not accepted by your Office;
 - if submission of priority documents by electronic means is allowed, please specify the means (for example, through an electronic filing system operated by your Office, attachment to an email, on media (e.g. DVD), other):

Priority documents issued in electronic format		Submission by electronic means
File Format:	Electronic priority documents containing an Identification Code (ID code) which allows your Office to verify the authenticity of the document through the website of the Office of the first filing	
	Electronic priority documents without an identification code	
	Other types of electronic priority documents (please specify):	

8. Does your Office accept the submission of a printout of the electronic priority document instead of its original electronic version?

yes

no

9. When answers 2(b) to (e), above, apply, by when should the holders of the international registrations submit the priority documents to your Office?

(a) within months from the filing date of the international registration designating your Contracting Party;

(b) within months from the registration date of the international registration designating your Contracting Party;

(c) within months from the publication date of the international registration designating your Contracting Party;

(d) within months from the invitation by your Office;

(e) during the pendency of the international registration at your Office;

if (e) is checked, please specify when the pendency ends:

(f) other (please specify):

10. Where the holder has failed to comply with the above requirements concerning the time limit, what are the consequences under the national/regional law and is there any relief measure?

(a) no consequences since the priority documents may be submitted at a later stage (for example, during an invalidation process);

(b) the right of priority is lost;

(c) the protection may be refused on the ground of lack of novelty if the first filing on which the priority is based was published prior the filing date of the international application;

(d) the protection may be refused on the ground of lack of novelty if the first filing on which the priority is based was published prior the international registration date;

(e) other (please specify):

If any relief measure in case of failure to comply with the time limit is available, please specify:

PART III: RESTORATION OF THE RIGHT OF PRIORITY AND ACCESSION PLANS TO THE DIGITAL ACCESS SERVICE FOR PRIORITY DOCUMENTS (DAS)

11. Where, pursuant to Article 10(2)(b) of the 1999 Act, the date of the international registration is the date on which the correction of the irregularity which relates to Article 5(2) is received by the International Bureau (i.e., the international registration date is later than the filing date of the international application), according to your national/regional legislation, would the right of priority be valid in the case where the filing date is within the six-month priority period but the international registration date is more than six months from the date of the first filing (i.e., beyond the priority period)?

- yes
- no

12. Where an international registration has a filing date, which is more than six months from the date of the first filing (i.e., beyond the priority period), is there any possibility for the holder of the international registration to make a request for restoration of the right of priority at your Office?

- yes (please answer question 13)
- no (skip to question 14)

13. By when after the expiry of the six-month priority period may the holder of the international registration make a request for restoration of the right of priority at your Office?

- (a) within months/days from the expiry of the six-month priority period;
- (b) during the pendency of the international registration at your Office
- (c) other (please specify):

If any relief measure in case of failure to comply with the time limit is available, please specify:

14. Does your Office participate in the WIPO Digital Access Service for Priority Documents (DAS)*?

yes

If yes, your Office participates in the DAS:

(a) as both a Depositing Office and an Accessing Office

(b) as a Depositing Office

(c) as an Accessing Office

no (please answer question 15)

15. If “no” was selected in the above question, does your Office have plans to participate in the DAS in the future?

yes

If yes, your Office is expecting to participate in the DAS:

(a) within one year;

(b) within two to three years;

(c) within four to five years;

(d) other (please specify):

no

[End of document]

* For information on the Digital Access Service (DAS), refer to the WIPO website at www.wipo.int/das/en/, and to documents SCT/36/3, “Information on the Digital Access Service for Priority Documents (DAS)”, available at www.wipo.int/edocs/mdocs/sct/en/sct_36/sct_36_3.pdf and to H/LD/WG/3/4, “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”, available at www.wipo.int/meetings/en/details.jsp?meeting_id=29704.