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| oRIGINAL: English | | |
| DATE: February 17, 2022 | | |

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

**Ninth Session**

**Geneva, December 14 to 16, 2020**

REPORT

*adopted 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, on December 14 and 15, 2020.

2. The following members of the Hague Union were represented at the session:

African Intellectual Property Organization (OAPI), Bosnia and Herzegovina, Canada, Denmark, European Union, Finland, France, Germany, Hungary, Israel, Italy, Japan, Kyrgyzstan, Lithuania, Mexico, Mongolia, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia, Slovenia, Spain, Switzerland, Tunisia, Turkey, United Kingdom, United States of America and Viet Nam (32).

3. The following States were represented as observers: Algeria, Australia, Bangladesh, Belarus, Brazil, China, Colombia, Costa Rica, El Salvador, Ethiopia, India, Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Lesotho, Madagascar, Pakistan, Panama, Philippines, Saudi Arabia, Thailand, Trinidad and Tobago, Uzbekistan, Vanuatu and Zimbabwe (27).

4. Representatives of: (i) Palestine (1); (ii) Asian Patent Attorneys Association (APAA), *Association romande de propriété intellectuelle* (AROPI), Centre for International Intellectual Property Studies (CEIPI), European Community Trademark Association (ECTA), International Association for the Protection of Intellectual Property (AIPPI), International Trademark Association (INTA), Japan Intellectual Property Association (JIPA), Japan Patent Attorneys Association (JPAA), MARQUES - The Association of European Trademark Owners (9); participated in an observer capacity.

1. The list of participants (document H/LD/WG/9/INF/4 Prov.2) is contained in Annex II to this document.

# Agenda Item 1: Opening of the session

1. Mr. Daren Tang, Director General of the World Intellectual Property Organization (WIPO), opened the ninth session of the Working Group and welcomed the participants.
2. The Director General pointed out that the pandemic had accelerated the move to digital communications, with 96 per cent of all Hague notifications now being sent electronically. In this regard, the Director General applauded the Hague Union Assembly for deciding just a couple of months ago to make the provision of an e-mail address a mandatory requirement for applicants, new owners and representatives. This amendment ensured communication with users of the Hague System in these difficult times.
3. Turning to recent accessions to the Hague System, the Director General noted that the Hague Union had gained some new members since the Working Group met last time, notably Viet Nam, Samoa, Israel and Mexico. With those recent ascensions, the Hague Union now comprised 74 members, covering 91 national jurisdictions. Additionally, Suriname upgraded its status from being a 1960 Act member to a 1999 Act member, bringing the Hague System closer to the objective of being governed by a single Act. The Director General looked forward to many more countries and eligible intergovernmental organizations joining the 1999 Act in the near future. Focused efforts would continue to support active usage and further increase membership to reinforce the Hague System’s position as the preferred system for the international protection of industrial designs.
4. The Director General turned to the agenda of the Working Group, noting that the Secretariat, following the request from the Working Group at its previous session, prepared two documents relating to the expansion of the language regime.  However, in response to the most recent views of the members that the hybrid format would not be conducive for the in-depth discussion necessary for this issue, the said item was removed from this session’s agenda. The International Bureau of WIPO remained prepared to take up the discussions again when members were ready.
5. The Director General recalled that the COVID-19 pandemic and the measures taken in connection with it had resulted in disruptions for users of the Hague System that were likely to continue for some time in different parts of the world. In order to address such difficulties in the future even more efficiently, the agenda included a proposal to amend the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement regarding the excuse of delay in meeting time limits with a view to providing Hague System users with adequate safeguards, in particular in relation to *force majeure* events. The Director General recalled that similar amendments to the Madrid and Lisbon Regulations had just been recommended for adoption by the respective Working Groups.
6. The Director General noted that the agenda also included proposals to make the Hague System more attractive to users. To this end, the Working Group was invited to consider a proposal to extend the standard publication period from six months to 12 months.
7. The full opening remarks of the Director General are available at the following website: https://www.wipo.int/edocs/mdocs/hague/en/h\_ld\_wg\_9/h\_ld\_wg\_9\_opening\_remarks.pdf.

# Agenda Item 2: Election of the Chair and two Vice-Chairs

1. Ms. Angar Oyun (Mongolia) was unanimously elected as Chair of the Working Group, Mr. Si-Young Park (Republic of Korea) and Mr. David R. Gerk (United States of America) were unanimously elected as Vice-Chairs.
2. Mr. Hiroshi Okutomi (WIPO) acted as Secretary to the Working Group.

## GENERAL STATEMENTS

1. The Delegation of Belarus, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), expressed its gratitude to the other regional groups for their flexibility to support its proposal for the revision of the agenda before the session.

# Agenda Item 3: Adoption of the Agenda

1. The Working Group adopted the draft agenda (document H/LD/WG/9/1 Prov.3) without modification.

# Agenda Item 4: Adoption of the draft report of THE eighth session of the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs

1. Discussions were based on document H/LD/WG/8/9 Prov.
2. The Working Group adopted the draft report (document H/LD/WG/8/9 Prov.) without modification.

# Agenda Item 5: PROPOSAL FOR AMENDMENTS TO THE COMMON REGULATIONS

PROPOSAL FOR amendments to rule 17

1. Discussions were based on documents H/LD/WG/9/2 and H/LD/WG/9/2 Corr.
2. The Secretariat introduced document H/LD/WG/9/2 which contained a proposal to amend Rule 17 and to extend the current six-month standard publication period to 12 months. The Secretariat added that a minor typo was corrected as outlined in document H/LD/WG/9/2 Corr. in all language versions except the Spanish version.
3. The Secretariat recalled that this proposal had already been made during the last session of the Working Group. While the proposal had largely been supported by the Working Group, the Working Group had requested the International Bureau to consult with user groups on this proposal and to report back on its findings at the next session. Accordingly, a Questionnaire was sent to non-governmental organizations (NGOs) representing users of the Hague System in June 2020. The Secretariat also sent the Questionnaire to the Offices of all Contracting Parties inviting them to reach out to their local user groups so that those user groups could also participate in that survey. The Secretariat received 17 responses to the Questionnaire.
4. The Secretariat further explained that the Questionnaire inquired whether a given organization was in favor of extending the standard publication period to 12 months, and also of the introduction of the possibility to request earlier publication at any time during the standard publication period. The vast majority of the responses strongly supported the extension of the standard publication period, if it was introduced together with the possibility to request an earlier publication. Therefore, the International Bureau prepared document H/LD/WG/9/2 with proposed amendments to Rule 17, as well as a transitional provision in Rule 37.
5. The Delegation of Norway stated that its national law had a six-month deferment period. As the proposed amendment would not allow reservations, the proposal would most likely require a change to the national law. The Delegation explained that it considered a fast granting system to be favorable. Their examination took place within six months, and there was no possibility to keep designs secret for longer than that. The proposed extension of the standard publication period might cause unnecessary delay in the entire registration process, even though the proposal allowed requests for earlier publication. The Delegation recognized that a longer period of secrecy might be beneficial for many users. However, it could raise the risk of undermining the credibility of the design system, for third parties not knowing the design. This might affect the promotion of innovation, and the use of the design system for obtaining rights. Therefore, the Delegation was not ready to support the proposal.
6. The Delegations of Canada, Japan, the Russian Federation, Switzerland and the United States of America thanked the Secretariat for having carried out the survey and, based on the responses received from users, expressed their support for the proposed amendments. The Delegation of the United States of America added that, in their experience, prior art was not a typical reason for a refusal.
7. The Delegation of the Republic of Korea expressed its support for the proposed amendment which would increase the flexibility and usability of the Hague System. The Delegation emphasized the importance of a stable and reliable electronic transmission between the International Bureau and Contracting Parties. The provision of confidential copies by the International Bureau to Offices could ensure the quality of examination by Offices and minimize the potential uncertainty during the extended secrecy period.
8. The Delegation of the United Kingdom noted that, at the last session, it had raised concerns that publication at 12 months would reduce the options available to applicants to overcome substantive objections made by national Offices within the 12‑month grace period. The current proposal which would allow early publication upon request would address those concerns; however, the Delegation believed that the International Bureau should provide additional guidance to applicants on this issue, alerting them to the potential consequences of the application being published and examined after the expiry of the grace period.
9. During the session of the Working Group, the Delegation of China submitted a statement to the International Bureau in which it expressed its support for the proposed amendments, noting that the proposal was in line with the friendly and flexible characteristics of the Hague System and that it was more favorable to applicants overall.
10. The Representatives of JIPA and JPAA expressed their support for the proposed amendments. The Representative of JPAA added that the proposal matched users' expectations to keep a design secret as long as possible, and that the amendments would facilitate the use of the Hague System to potential users.
11. The Delegation of Norway noted its concerns voiced earlier, but stated that it would not stand alone not supporting the proposal, and preventing the Working Group from reaching consensus on this proposal.
12. The Chair concluded that the Working Group considered favorably the submission of a proposal to amend the Common Regulations with respect to Rules 17 and 37, as set out in Annex II to document H/LD/WG/9/2, for adoption, to the Assembly of the Hague Union, with the proposed date of entry into force of January 1, 2022.

PROPOSAL FOR AMENDMENTS TO RULE 5 OF THE COMMON REGULATIONS

1. Discussions were based on documents H/LD/WG/9/3 Rev. and H/LD/WG/9/6.
2. The Secretariat introduced document H/LD/WG/9/3 Rev. which contained a proposal to amend Rule 5. The Secretariat explained that current Rule 5 provided for an excuse of delay in meeting time limits for communication addressed to the International Bureau. However, the current provision appeared to be too restrictive, and should be modified to better respond to the current pandemic or similar events in the future. Therefore, following a similar provision in the Regulations under the Patent Cooperation Treaty (PCT), it was proposed to restructure Rule 5 so as to provide for a general provision for relief measures where applicants, holders, representatives, and Offices have failed to meet time limits due to force majeure reasons, which would include irregularities in postal, delivery and electronic communication services, owing to circumstances beyond the control of the party. The proposed new provision would also apply to any action before the International Bureau for which the Common Regulations prescribed a time limit, such as the response to any irregularity letter, the payment of a fee, or the sending of a notification of refusal by an Office.
3. The Secretariat continued that the proposed amendments would be beneficial for users of the Hague System by ensuring that the Common Regulations offered them a safeguard equivalent to the one available to the PCT users. Similar proposals had been discussed at the Madrid and Lisbon Working Groups held in 2020 and the text of the proposed amendments to Rule 5 was largely based on the text which the Madrid and the Lisbon Working Groups agreed to recommend for their adoption by their respective Assemblies.
4. The Secretariat pointed out that it had received a written proposal for further amendments to Rule 5 from the Delegation of the United States of the America.
5. During the session of the Working Group, the Delegation of China submitted a statement in which it expressed its support for the proposed amendments, stating that the proposal took into account the disruptions caused by the COVID-19 pandemic and would provide the same remedies to users of the Hague System as provided for in the Regulations under the PCT, by relaxing formal requirements for the application of relief in case of failure to meet a time limit which was more user friendly.
6. The Delegation of the United States of America introduced document H/LD/WG/9/6 which contained further amendments to Rule 5. The Delegation explained that the first additional proposed amendment was the deletion of current Rule 5(5), which corresponded to the proposed Rule 5(3) in document H/LD/WG/9/3 Rev., and which referred to the second part of the individual designation fee. The proposed Rule 5(1) only covered the failure to meet a “time limit specified in the Regulations”, and a time limit for the payment of the second part of the individual designation fee was not specified in the Regulations but by the Contracting Parties. Therefore, that sub-paragraph could be deleted as it was not needed. The second additional proposal was to include a new paragraph clarifying that the International Bureau could waive the requirement for evidence in which case a statement in lieu of that evidence could be submitted. The proposed Rule 5, as set out in document H/LD/WG/9/3 Rev., seemed to require that evidence be submitted in all cases. The proposed new second paragraph aimed to clarify that a waiver could be applied in large epidemic instances where there was general awareness of the incidence, such as the current COVID-19 pandemic, and a statement could be accepted instead of the provision of evidence. The Delegation added that this concept had been discussed at the last session of the PCT Working Group in October 2020. The third proposal was the addition of the word "epidemic" in paragraph (1), which was also discussed and generally supported at the last session of the PCT Working Group.
7. The Secretariat agreed with the proposed deletion of the paragraph regarding the payment of the second part of the individual designation fee, and requested the opinion of other delegations on the inclusion of the term “epidemic” in paragraph (1). In relation to the new proposed paragraph (2), the Secretariat confirmed that the International Bureau announced the waiver of the submission of evidence under this rule when it became widely known that COVID‑19 was interrupting postal and delivery services in many places around the world. The International Bureau believed that it was able to waive the requirement concerning evidence without a specific provision in the rule, but noted that having a clear provision to that effect would add certainty.
8. The Delegation of Germany expressed its support for the proposed amendment stating that it would be helpful for users of the Hague System who were facing emergencies or disruptions preventing them from taking the required action within the specified time limit. The Delegation also supported the additional amendments proposed by the Delegation of the United States of America as they provided more legal certainty and clarity.
9. The Delegation of Spain expressed its support for the proposed amendment stating that it would provide greater legal certainty and safeguards for the users of the system. In relation to the proposed amendments made by the Delegation of the United States of America, the Delegation of Spain raised the concern whether the use of the term “epidemic” in the Regulations of some of the WIPO systems - the Madrid, Lisbon, PCT and Hague systems, but not in others would lead to different interpretations of the regulations. In relation to the paragraph regarding the waiver, the Delegation requested clarification whether the proposed paragraph, which was not part of the regulations of other systems, would lead to difficulties in the interpretation of the regulations of the other systems and would not negatively affect those other systems.
10. The Delegation of the United Kingdom expressed its support for the proposed amendments, including those proposed by the Delegation of the United States of America. The Delegation added that there was a need for all Working Groups to ensure that there was consistency amongst the systems, as the Delegation of Spain pointed out. The Delegation requested clarification whether Rule 5 would also apply to the refusal period, where an Office was unable to submit a notification of refusal within the applicable period due to a *force majeure* event, which was confirmed by the Secretariat.
11. In response to the intervention made by the Delegation of Spain, the Delegation of the United States of America responded that its Delegation generally advocated for consistency amongst the different WIPO systems. However, in the present case, the proposed amendment would add clarity which would warrant taking a different path. The practice described in the proposed text regarding the waiver appeared to be fully consistent with the practices in the other systems. The Delegation also noted that the wording of the regulations of the other systems could still be amended since the Assemblies of the Unions had not yet met and decided on this subject.
12. The Delegation of the Russian Federation expressed its support for the proposed amendments, including those proposed by the Delegation of the United States of America. The Delegation also emphasized the importance of a consistent approach for all systems so that all regulations contained the same precision and legal certainty in their texts.
13. The Representative of JPAA expressed its support for the proposed amendments.
14. The Secretariat stated that the proposal to introduce a paragraph explicitly providing the International Bureau with the possibility to waive the requirement for evidence would not introduce anything new compared to the current practice of the International Bureau under either of the different systems. In particular, the Madrid document (MM/LD/WG/18/2 Rev.) on this subject that was discussed at the last session of the Madrid Working Group clearly outlined in the body of the document that the International Bureau possessed the right to waive the need for the submission of evidence. Therefore, this practice had already been acknowledged in the Madrid context, and was the same in the different systems, with or without a specific paragraph providing for it. The proposal of the Delegation of the United States of America would make this practice explicit in the rule. The Secretariat noted that while the provisions in the regulations of the different systems would be different, the practice would be the same.
15. The Delegation of Spain expressed its general support for the proposal as long as there were no negative impacts on other WIPO systems.
16. The Delegation of Switzerland expressed its general support for the proposal made by the Delegation of the United States of America while echoing the concerns raised by the Delegation of Spain and supporting a consistent approach in all WIPO systems.  
      
    47. During the session of the Working Group, the Representative of MARQUES submitted a statement in which it expressed its support for the proposed amendments, including the amendments proposed by the Delegation of the United States of America in relation to the addition of the word “epidemic” in paragraph (1) and to the deletion of the paragraph concerning the second part of the individual designation fee. In relation to the addition of a new paragraph concerning the waiver, the Representative shared the concerns voiced by the Delegations of Spain and Switzerland, and suggested to take a more careful approach on making changes to the current rule, that could give rise to any difficult interpretation or that would create inconsistencies with the provisions currently set on *force majeure* in other regulations, notably in the Madrid System.
17. The Secretariat explained that the European Patent Office (EPO), France, Switzerland and the United Kingdom had submitted a document (PCT/WG/13/10) to the last session of the PCT Working Group aiming to strengthen the safeguards in case of general disruption. The document proposed several amendments to PCT Rule 82*quater*, amongst other proposed amendments, also the inclusion of the term “epidemic” as well as a paragraph providing for a waiver of the requirement to submit evidence. While the whole proposal was not recommended by the PCT Working Group for adoption, those two proposed amendments had received general support by the Working Group, and would probably be contained again in the revised proposal to be submitted to the next session of the PCT Working Group. The Secretariat also explained that the proposed new paragraph providing the International Bureau with the possibility to waive the requirement for evidence did not introduce any changes compared to the practices of the International Bureau under either of the different systems. The Secretariat emphasized that the body of the equivalent Madrid and Lisbon Working Group documents (MM/LD/WG/18/2 Rev. and LI/WG/DEV-SYS/3/3 Rev.) expressly outlined this possibility. While the Working Groups of the different systems met at different times, the Assemblies of the Unions usually take place at the same time. Therefore, one Working Group could make a step forward while the others might follow at a later time.
18. The Delegation of Switzerland noted that the proposal of the Delegation of the United States of America would not extend the scope of Rule 5. Even if the proposal brought some discrepancies in the wording of different regulations, the PCT and Madrid Working Groups would have the possibility to reconsider the wording of their regulations on this issue. Therefore, the Delegation could support the proposal made by the Delegation of the United Stated of America.
19. The Delegation of Spain agreed with the intervention made by Switzerland and supported the proposal made by the Delegation of the United States of America because it would benefit the users of the Hague System.
20. The Delegation of Germany reiterated its support for the proposal as it would codify an already existing practice and thus provide more clarity and legal certainty in the Hague System.
21. The Delegation of Japan expressed its support for the proposed amendments and requested clarification whether the International Bureau would publish the relevant information on the waiver.
22. In response to the question raised by Japan, the Secretariat confirmed that it would publish all relevant information in case it decided to waive the requirement of the submission of evidence.
23. The Chair concluded that the Working Group considered favorably the submission of a proposal to amend the Common Regulations with respect to Rule 5, as revised during the session and as set out in the Annex to the Summary by the Chair, for adoption, to the Assembly of the Hague Union, with the proposed date of entry into force two months following their adoption.

# AGENDA ITEM 9: OTHER MATTERS

1. The International Bureau introduced document H/LD/WG/9/INF/1 which contained a study of the renewal fees and amounts in national and regional design registration systems.
2. The International Bureau explained that, at its previous session, the Working Group discussed the financial sustainability of the Hague System, and a possible revision of the Schedule of Fees. The Working Group favorably considered the proposal to increase the basic fee for each additional design in an international application. The said proposal was, however, yet to be adopted by the Hague Union Assembly. At its previous session, the Working Group also noted a significant difference between the amount of the basic renewal fee for the first design and that for each additional design. Accordingly, the Working Group requested the International Bureau to prepare a study on the possible increase of the amount of the basic renewal fee for each additional design to be discussed at the next session. Given that the agreed proposed amendments to the basic application fee was yet to be adopted by the Hague Union Assembly, the present document did not contain a proposal at this stage, but was presented for consideration of the Working Group.
3. The Delegation of Spain requested clarification on the Secretariat’s intentions regarding the revision of the fees with a view to the next session of the Working Group.
4. The Secretariat noted that there were no specific plans at this stage, given the economic situation caused by the current pandemic and the unforeseeability of the evolution of the pandemic, which did not provide a sound background for a further revision of the fees. In agreement with the Working Group, the Secretariat suggested to pause on that issue until the situation had stabilized a bit before continuing that important work.
5. The Working Group took note of the content of the document.

# AGENDA ITEM 10: SUMMARY BY THE CHAIR

1. The Working Group approved the Summary by the Chair, as amended to take into account the intervention of one delegation in respect of the Spanish version.

# AGENDA ITEM 11: CLOSING OF THE SESSION

1. The Chair closed the ninth session on December 15, 2020.

[Annexes follow]

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| H/LD/WG/9/7 | | | |
| ORIGINAL: English | | | |
| DATE: DECember 17, 2020 | | | |

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

**Ninth Session**

**Geneva, December 14 to 16, 2020**

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, on December 14 and 15, 2020.

1. The following members of the Hague Union were represented at the session:

African Intellectual Property Organization (OAPI), Bosnia and Herzegovina, Canada, Denmark, European Union, Finland, France, Germany, Hungary, Israel, Italy, Japan, Kyrgyzstan, Lithuania, Mexico, Mongolia, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia, Slovenia, Spain, Switzerland, Tunisia, Turkey, United Kingdom, United States of America and Viet Nam (32).

3. The following States were represented as observers: Algeria, Australia, Bangladesh, Belarus, Brazil, China, Colombia, Costa Rica, El Salvador, Ethiopia, India, Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Lesotho, Madagascar, Pakistan, Panama, Philippines, Saudi Arabia, Thailand, Trinidad and Tobago, Uzbekistan, Vanuatu and Zimbabwe (27).

4. Representatives of: (i) Palestine (1); (ii) Asian Patent Attorneys Association (APAA), *Association romande de propriété intellectuelle* (AROPI), Centre for International Intellectual Property Studies (CEIPI), European Community Trademark Association (ECTA), International Association for the Protection of Intellectual Property (AIPPI), International Trademark Association (INTA), Japan Intellectual Property Association (JIPA), Japan Patent Attorneys Association (JPAA), MARQUES - The Association of European Trademark Owners (9); participated in an observer capacity.

5. The list of participants is contained in document H/LD/WG/9/INF/4 Prov.2.

# Agenda Item 1: Opening of the session

1. Mr. Daren Tang, Director General of the World Intellectual Property Organization (WIPO), opened the ninth session of the Working Group and welcomed the participants.

# Agenda Item 2: Election of the Chair and two Vice-Chairs

1. Ms. Angar Oyun (Mongolia) was unanimously elected as Chair of the Working Group,   
   Mr. Siyoung Park (Republic of Korea) and Mr. David R. Gerk (United States of America) were unanimously elected as Vice-Chairs.
2. Mr. Hiroshi Okutomi (WIPO) acted as Secretary to the Working Group.

# Agenda Item 3: Adoption of the Agenda

1. The Working Group adopted the draft agenda (document H/LD/WG/9/1 Prov.3) without modification.

# Agenda Item 4: Adoption of the draft report of THE eighth session of the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs

1. Discussions were based on document H/LD/WG/8/9 Prov.
2. The Working Group adopted the draft report (document H/LD/WG/8/9 Prov.) without modification.

# Agenda Item 5: PROPOSAL FOR AMENDMENTS TO THE COMMON REGULATIONS

## PROPOSAL FOR amendments to rule 17 (DOCUMENTs H/LD/WG/9/2 and H/LD/WG/9/2 corr.)

1. Discussions were based on documents H/LD/WG/9/2 and H/LD/WG/9/2 Corr.
2. The Chair concluded that the Working Group considered favorably the submission of a proposal to amend the Common Regulations with respect to Rules 17 and 37, as set out in Annex II to document H/LD/WG/9/2, for adoption, to the Assembly of the Hague Union, with the proposed date of entry into force of January 1, 2022.

## PROPOSAL FOR AMENDMENTS TO RULE 5 OF THE COMMON REGULATIONS (DOCUMENTs H/LD/WG/9/3 Rev. and H/LD/WG/9/6)

1. Discussions were based on documents H/LD/WG/9/3 Rev. and H/LD/WG/9/6.
2. The Chair concluded that the Working Group considered favorably the submission of a proposal to amend the Common Regulations with respect to Rule 5, as revised during the session and as set out in the Annex to the Summary by the Chair, for adoption, to the Assembly of the Hague Union, with the proposed date of entry into force two months following their adoption.

# AGENDA ITEM 6: OTHER MATTERS

1. Discussions were based on document H/LD/WG/9/INF/1.
2. The Chair concluded that the Working Group took note of the content of the document.

# AGENDA ITEM 7: SUMMARY BY THE CHAIR

1. The Working Group approved the Summary by the Chair, as amended to take into account the intervention of one delegation in respect of the Spanish version.

# AGENDA ITEM 8: CLOSING OF THE SESSION

1. The Chair closed the ninth session on December 15, 2020.

**Common Regulations**

**Under the 1999 Act and the 1960 Act**

**of the Hague Agreement**

(as in force on January 1, 2022)

[…]

**CHAPTER 1**

**GENERAL PROVISIONS**

[…]

*Rule 5*

*Excuse of Delay in Meeting Time Limits*

(1) *[Excuse of Delay in Meeting Time Limits due to Force Majeure Reasons]*  Failure by an interested party to meet a time limit specified in the Regulations to perform an action before the International Bureau shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau, that such failure was due to war, revolution, civil disorder, strike, natural calamity, epidemic, irregularities in postal, delivery or electronic communication services owing to circumstances beyond the control of the interested party or other *force majeure* reason.

(2) *[Waiver of Evidence; Statement in Lieu of Evidence]* The International Bureau may waive the requirement under paragraph (1) concerning the submission of evidence. In such a case, the interested party must submit a statement that the failure to meet the time limit was due to the reason for which the International Bureau waived the requirement concerning the submission of evidence.

(3) *[Limitation on Excuse]* Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1) or the statement referred to in paragraph (2) is received by, and the corresponding action is performed before the International Bureau as soon as reasonably possible and not later than six months after the expiry of the time limit concerned.

[...]

[Annex II follows]

F et E

Les courbes en direction du ciel du logo de l’OMPI évoquent le progrès de l’humanité stimulé par l’innovation et la créativité.

The upward curving lines of the World Intellectual Property Organization’s logo evoke human progress driven by innovation and creativity.

**H/LD/WG/9/INF/4**

**ORIGINAL : Français / English**

**DATE : 23 février 2021 / february 23, 2021**

**Groupe de travail sur le développement juridique du système   
de La Haye concernant l’enregistrement international des dessins   
et modèles industriels**

**Neuvième session**

**Genève, 14 – 16 décembre 2020**

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

**Ninth Session  
Geneva, December 14 to 16, 2020**

Liste des participants/  
List of ParticIpants

*établie par le Secrétariat/  
prepared by the Secretariat*

I. MEMBRES/MEMBERS

(dans l’ordre alphabétique des noms français des membres)

(in the alphabetical order of the names in French of the members)

ALLEMAGNE/GERMANY

Afra CANARIS (Ms.), Head of Section (Trademark and Design Law), German Patent and Trade Mark Office (DPMA), Munich

[afra.canaris@dpma.de](mailto:afra.canaris@dpma.de)

Kristin EBERSBACH (Ms.), Head of Section (Design Unit), German Patent and Trade Mark Office (DPMA), Jena

[kristin.ebersbach@dpma.de](mailto:kristin.ebersbach@dpma.de)

Nadine KALBERG (Ms.), Division for Trade Mark Law, Design Law, Law Against Unfair Competition, Federal Ministry of Justice and Consumer Protection, Berlin  
[kalberg-na@bmjv.bund.de](file:///C:\Users\fricot\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\2BYZOVG3\kalberg-na@bmjv.bund.de)

Jan TECHERT (Mr.), Counsellor, Permanent Mission, Geneva

### BOSNIE-HERZÉGOVINE/BOSNIA AND HERZEGOVINA

Goran TRIFKOVIĆ (Mr.), Institute for Intellectual Property of Bosnia and Herzegovina, Mostar  
[g\_trifkovic@ipr.gov.ba](mailto:g_trifkovic@ipr.gov.ba)

### CANADA

Iyana GOYETTE (Ms.), Deputy Director, Policy and Legislation, Canadian Intellectual Property Office (CIPO), Innovation, Science and Economic Development Canada, Gatineau  
[iyana.goyette@canada.ca](mailto:iyana.goyette@canada.ca)

Maxime VILLEMAIRE (Mr.), Senior Policy and Legislation Analyst, Trademarks and Industrial Designs Branch, Canadian Intellectual Property Office (CIPO), Innovation, Science and Economic Development Canada, Gatineau  
[maxime.villemaire@canada.ca](mailto:maxime.villemaire@canada.ca)

Nicolas LESIEUR (Mr.), First Secretary, Permanent Mission, Geneva

### DANEMARK/DENMARK

Torben ENGHOLM KRISTENSEN (Mr.), Principal Legal Advisor, Danish Patent and Trademark Office, Ministry of Industry, Buniness and Financial Affairs, Taastrup

[tkr@dkpto.dk](mailto:tkr@dkpto.dk)

### ESPAGNE/SPAIN

Elena BORQUE (Sra.), Jefa del Servicio de Dibujos y Modelos Industriales, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Comercio y Turismo, Madrid  
[elena.borque@oepm.es](mailto:elena.borque@oepm.es)  
  
Raquel SAMPEDRO-CALLE (Sra.), Jefa del Área Jurídica y Patente Europea y PCT, Departamento de Patentes e Información Tecnológica, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Comercio y Turismo, Madrid  
[raquel.sampedro@oepm.es](mailto:raquel.sampedro@oepm.es)

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

David GERK (Mr.), Acting Senior Patent Counsel, Office of Policy and International Affairs (OPIA), United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria, Virginia  
[david.gerk@uspto.gov](mailto:david.gerk@uspto.gov)

Courtney STOPP (Ms.), Patent Attorney, Office of Policy and International Affairs  (OPIA), United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria, Virginia  
[courtney.stopp@uspto.gov](file:///C:\Users\fricot\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\2BYZOVG3\courtney.stopp@uspto.gov)

Boris MILEF (Mr.), Senior Legal Examiner, International Patent Legal Administration, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria, Virginia  
[boris.milef@uspto.gov](mailto:boris.milef@uspto.gov)

Yasmine FULENA (Ms.), Intellectual Property Advisor, Permanent Mission, Geneva

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Andre ZHURAVLEV (Mr.), Director, International Cooperation Center, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property (ROSPATENT), Moscow

[azhuravlev@rupto.ru](mailto:azhuravlev@rupto.ru)

Larisa BORODAY (Ms.), Head, International Registration Systems Department, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property (ROSPATENT), Moscow [larisa.boroday@rupto.ru](mailto:larisa.boroday@rupto.ru)

Yulia GRACHEVA (Ms.), State Expert, International Registration Systems Department, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property (ROSPATENT), Moscow  
[otd11309@rupto.ru](mailto:otd11309@rupto.ru)

Evgeniia KOROBENKOVA (Ms.), Lead Expert, Multilateral Cooperation Department, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property (ROSPATENT), Moscow  
[e.korobenkova@gmail.com](mailto:e.korobenkova@gmail.com)

### FINLANDE/FINLAND

Sara HENRIKSSON (Ms.), Senior Legal Officer, Patents and Trademarks, Finnish Patent and Registration Office (PRH), Ministry of Economic Affairs and Employment of Finland, Helsinki  
[sara.henriksson@prh.fi](mailto:sara.henriksson@prh.fi)

Olli TEERIKANGAS (Mr.), Head of Unit, Patents and Trademarks, Finnish Patent and Registration Office (PRH), Ministry of Economic Affairs and Employment of Finland, Helsinki  
[olli.teerikangas@prh.fi](mailto:olli.teerikangas@prh.fi)

### FRANCE

Florence BREGE (Mme), responsable du Service des dessins et modèles, Direction de la propriété industrielle, Institut national de la propriété industrielle (INPI), Courbevoie  
[fbrege@inpi.fr](mailto:fbrege@inpi.fr)

Josette HERESON (Mme), conseillère (affaires économiques et environnement), Mission permanente, Genève

### HONGRIE/HUNGARY

Eszter KOVÁCS (Ms.), Legal Officer, Industrial Property Law Section, Hungarian Intellectual Property Office (HIPO), Budapest  
[eszter.kovacs@hipo.gov.hu](mailto:eszter.kovacs@hipo.gov.hu)

Lilla Fanni SZAKÁCS (Ms.), Head of Section, Model and Design Section, Hungarian Intellectual Property Office (HIPO), Budapest  
[lilla.szakacs@hipo.gov.hu](mailto:lilla.szakacs@hipo.gov.hu)

ISRAËL/ISRAEL

Alice MAHLIS ABRAMOVICH (Ms.), Head, Designs Department, Israel Patent Office (ILPO), Ministry of Justice, Jerusalem

Tamara SZNAIDLEDER (Ms.), Advisor, Permanent Mission, Geneva  
[project-coordinator@geneva.mfa.gov.il](mailto:project-coordinator@geneva.mfa.gov.il)

ITALIE/ITALY

Gian Lorenzo CORNADO (Mr.), Ambassador, Permanent Representative, Permanent Mission, Geneva  
[ginevraonu.segreteria@esteri.it](file:///C:\Users\fricot\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\OSNDY0CM\ginevraonu.segreteria@esteri.it)

### JAPON/JAPAN

ENOMOTO Fumio (Mr.), Deputy Director, International Policy Division, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

KONNO Chikako (Ms.), Deputy Director, Office for International Design Applications under the Geneva Act of the Hague Agreement and International Trademark Applications under the Madrid Protocol, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

NAKAMURA Yoshinori (Mr.), Deputy Director, International Policy Division, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

MUNAKATA Tetsuya (Mr.), Assistant Director, International Policy Division, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

TSURUWA Mei (Ms.), Assistant Director, Office for International Design Applications under the Geneva Act of the Hague Agreement and International Trademark Applications under the Madrid Protocol, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

UEJIMA Hiroki (Mr.), First Secretary, Permanent Mission, Geneva

### KIRGHIZISTAN/KYRGYZSTAN

Gulnaz KAPAROVA (Ms.), Department of Examination of Industrial Property Objects, State Service of Intellectual Property and Innovation under the Government of the Kyrgyz Republic (Kyrgyzpatent), Bishkek  
[gulnaz.kapar@patent.kg](mailto:gulnaz.kapar@patent.kg)

Asel KEMEL KYZY (Ms.), Chief Specialist, Examination Department, State Service of Intellectual Property and Innovation under the Government of the Kyrgyz Republic (Kyrgyzpatent), Bishkek  
[asel.kemel@patent.kg](mailto:asel.kemel@patent.kg)

### LITUANIE/LITHUANIA

Digna ZINKEVIČIENĖ (Ms.), Head, Trademarks and Designs Division, State Patent Bureau of the Republic of Lithuania, Vilnius  
[digna.zinkeviciene@vpb.gov.lt](file:///C:\Users\Stleger\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\FKQH64V3\digna.zinkeviciene@vpb.gov.lt)

Rasa SVETIKAITĖ (Ms.), Justice and Intellectual Property Attaché, Permanent Mission, Geneva  
[rasa.svetikaite@urm.lt](mailto:rasa.svetikaite@urm.lt)

### MEXIQUE/MEXICO

Rubén MARTÍNEZ CORTE (Sr.), Especialista en Propiedad Intelectual, Dirección Divisional de Relaciones Internacionales, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México  
[ruben.martinez@impi.gob.mx](mailto:ruben.martinez@impi.gob.mx)

Hosanna Margarita MORA GONZÁLEZ (Sra.), Coordinadora Departamental de Asuntos Multilaterales, Dirección Divisional de Relaciones Internacionales, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México

Gustavo OLVERA VELASCO (Sr.), Especialista, Dirección Divisional de Patentes, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México

Luis Silverio PÉREZ ALTAMIRANO (Sr.), Coordinador Departamental de Examen Área Diseños Industriales y Modelos de Utilidad, Dirección Divisional De Patentes, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México

María del Pilar ESCOBAR BAUTISTA (Sra.), Consejera, Misión Permanente, Ginebra

### MONGOLIE/MONGOLIA

Angar OYUN (Ms.), Counsellor, Permanent Mission, Geneva

### NORVÈGE/NORWAY

Rikke LØVSJØ (Ms.), Senior Legal Advisor, Design and Trademark Department, Norwegian Industrial Property Office (NIPO), Oslo   
[ril@patentstyret.no](mailto:ril@patentstyret.no)

Karine MATHISEN (Ms.), Senior Legal Advisor, Design and Trademark Departement, Norwegian Industrial Property Office (NIPO), Oslo  
[kma@patentstyret.no](mailto:kma@patentstyret.no)

### OMAN

Hilda AL HINAI (Ms.), Deputy Permanent Representative, Permanent Mission to the World Trade Organization (WTO), Geneva

ORGANISATION AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (OAPI)/AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (OAPI)  
  
Issoufou KABORE (M.), directeur, Direction des marques et autres signes distinctifs (DMSD), Yaoundé  
[issoufou.kabore@oapi.int](file:///C:\Users\fricot\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\2BYZOVG3\issoufou.kabore@oapi.int)

Marie Bernadette NGO MBAGA DJONDA (Mme.), examinatrice, Direction des marques et des signes distinctifs (DMSD), Yaoundé  
[marie-bernadette.ngombaga@oapi.int](mailto:marie-bernadette.ngombaga@oapi.int)

### POLOGNE/POLAND

Elżbieta DOBOSZ (Ms.), Head, Design Division, Trademark Department, Patent Office of the Republic of Poland, Warsaw  
[elzbieta.dobosz@uprp.gov.pl](mailto:Elzbieta.Dobosz@uprp.gov.pl)

Paulina USZYŃSKA-RZEWUSKA (Ms.), Expert, Patent Office of the Republic of Poland, Warsaw  
[paulina.uszynska-rzewuska@uprp.gov.pl](mailto:paulina.uszynska-rzewuska@uprp.gov.pl)

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

KIM Ji Hoon (Mr.), Deputy Director, Korean Intellectual Property Office (KIPO), Daejeon  
[dr.kimjihoon@korea.kr](mailto:dr.kimjihoon@korea.kr)

KIM Insook (Ms.), Examiner, International Application Division, Korean Intellectual Property Office (KIPO), Daejeon  
[kis0929@korea.kr](file:///C:\Users\Stleger\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\FKQH64V3\kis0929@korea.kr)

RYU Hojeong (Ms.), Examiner, Korean Intellectual Property Office (KIPO), Daejeon  
[hojeong.ryu@korea.kr](mailto:hojeong.ryu@korea.kr)

YANG Mina (Ms.), Examiner, Korean Intellectual Property Office (KIPO), Daejeon

YUU Ben (Mr.), Committee Member, Asian Patent Attorneys Association (APAA), Seoul  
[byuu@nampat.co.kr](mailto:byuu@nampat.co.kr)

PARK Si Young (Mr.), Counsellor, Intellectual Property Attaché, Permanent Mission, Geneva

RÉPUBLIQUE DE MOLDOVA/REPUBLIC OF MOLDOVA

Alexandru SAITAN (Mr.), Head, Industrial Designs Section, Trademark and Industrial Design Department, State Agency on Intellectual Property (AGEPI), Chisinau

Lilia VERMEIUC (Ms.), Principal Consultant, Industrial Design Section, Trademark and Industrial Design Department, State Agency on Intellectual Property (AGEPI), Chisinau  
[lilia.vermeiuc@agepi.gov.md](file:///\\wipogvafs01\MARKS\OrgHague\Shared\_LEGAL%20AFFAIRS\Meetings_HAGUE\WG%202020%20(9)\H_LD_WG_9_INF_4%20Prov.%20Participants\lilia.vermeiuc@agepi.gov.md)

ROUMANIE/ROMANIA

Alice Mihaela POSTĂVARU (Ms.), Head, Designs Division, Trademarks and Designs Directorate, State Office for Inventions and Trademarks (OSIM), Bucharest  
[postavaru.alice@osim.ro](mailto:postavaru.alice@osim.ro)

Mihaela RADULESCU (Ms.), Expert, State Office for Inventions and Trademarks (OSIM), Bucharest

### ROYAUME-UNI/UNITED KINGDOM

Fiona WARNER (Ms.), Head of Designs Policy, Trade Marks and Designs Policy, UK Intellectual Property Office, Newport   
[fiona.warner@ipo.gov.uk](mailto:fiona.warner@ipo.gov.uk)

Mark DAVIES (Mr.), UK Intellectual Property Office, Newport  
[mark.davies@ipo.gov.uk](mailto:mark.davies@ipo.gov.uk)

Jeff LLOYD (Mr.), Head, International Trade Mark and Design Policy, UK Intellectual Property Office, Newport

Katy SWEET (Ms.), Policy Advisor, Trade Marks and Designs Policy, UK Intellectual Property Office, Newport

[katy.sweet@ipo.gov.uk](mailto:katy.sweet@ipo.gov.uk)

Simon UNDERHILL (Mr.), Operations Manager, Trade Mark and Designs, UK Intellectual Property Office, Newport  
[simon.underhill@ipo.gov.uk](mailto:simon.underhill@ipo.gov.uk)

Jan WALTER (Mr.), Senior Intellectual Property Advisor, Permanent Mission, Geneva  
[jan.walter@fcdo.gov.uk](mailto:jan.walter@fcdo.gov.uk)

Nancy PIGNATARO (Ms.), Intellectual Property Attaché, Permanent Mission, Geneva  
[nancy.pignataro@fcdo.gov.uk](mailto:nancy.pignataro@fcdo.gov.uk)

### SERBIE/SERBIA

Marija BOZIC (Ms.), Assistant Director, Distinctive Signs Sector, Intellectual Property Office of the Republic of Serbia, Belgrade  
[mbozic@zis.gov.rs](file:///\\wipogvafs01\MARKS\OrgHague\Shared\_LEGAL%20AFFAIRS\Meetings_HAGUE\WG%202020%20(9)\H_LD_WG_9_INF_4%20Prov.%20Participants\mbozic@zis.gov.rs)

### SLOVÉNIE/SLOVENIA

Darja CIZELJ (Ms.), Senior Trademark and Design Examiner, Trademark, Design and Geographical Indication Department, Slovenian Intellectual Property Office (SIPO), Ministry of Economic Development and Technology, Ljubljana

### SUISSE/SWITZERLAND

Irene SCHATZMANN (Mme), directrice adjointe, Service juridique, Droit général, designs et mise en oeuvre du droit, Institut fédéral de la propriété intellectuelle (IPI), Berne

Charlotte BOULAY (Mme), conseillère juridique, Division du droit et des affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

Reynald VEILLARD (M.), conseiller, Mission permanente, Genève

### TUNISIE/TUNISIA

Wafa FERSI (Mme), chef, Service des dessins et modèles industriels, Direction de la propriété industrielle, Institut national de la normalisation et de la propriété industrielle (INNORPI), Tunis  
[wafa.fersi@innorpi.tn](mailto:wafa.fersi@innorpi.tn)

Houda BARKAOUI (Mme), juriste chargée des inscriptions aux registres nationaux des marques, des dessins et modèles et des brevets d'invention, Direction de la propriété industrielle, Institut national de la normalisation et de la propriété industrielle (INNORPI), Tunis  
[houda.barkaoui@innorpi.tn](mailto:houda.barkaoui@innorpi.tn)

Sabri BACHTOBJI (M.), ambassadeur, représentant permanent, Mission Permanente, Genève

TURQUIE/TURKEY

Fatih KARAHAN (Mr.), Head of Design Department, Turkish Patent and Trademark Office (TURKPATENT), Ministry of Science, Technology and Industry, Ankara

### UNION EUROPÉENNE (UE)/EUROPEAN UNION (EU)

Edina WEINER (Sra.), Examinadora Dibujos y Modelos Industriales, Oficina de Propiedad Intelectual de la Unión Europea (EUIPO), Alicante  
[edina.weiner@euipo.europa.eu](file:///\\wipogvafs01\MARKS\OrgHague\Shared\_LEGAL%20AFFAIRS\Meetings_HAGUE\WG%202020%20(9)\H_LD_WG_9_INF_4%20Prov.%20Participants\edina.weiner@euipo.europa.eu)

Gaile SAKALAITE (Sra.), Oficina de Propiedad Intelectual de la Unión Europea (EUIPO) , Alicante  
[gaile.sakalaite@euipo.europa.eu](mailto:gaile.sakalaite@euipo.europa.eu)

Oscar MONDEJAR ORTUNO (Mr.), First Counsellor, Permanent Mission, Geneva

VIET NAM

Thuy LE CAM (Mr.), Deputy Director, Industrial Design Examination Center, Intellectual Property Office of Viet Nam, Ha Noi  
[lecamthuy@ipvietnam.gov.vn](file:///C:\Users\Stleger\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\FKQH64V3\lecamthuy@ipvietnam.gov.vn)

## II. OBSERVATEURS/OBSERVERS

# 1. ÉTATS MEMBRES DE L’OMPI/WIPO MEMBER STATES

### ALGÉRIE/ALGERIA

Mustapha CHAKAR (M.), assistant technique (dessins et modèles industriels), Institut national algérien de la propriété industrielle (INAPI), Ministère de l'Industrie, Alger

### ARABIE SAOUDITE/SAUDI ARABIA

Hisham ALBEDAH (Mr.), Head, Industrial and Layout Designs Department, Saudi Authority for Intellectual Property (SAIP), Riyadh

Mohammad ALTHROWI (Mr.), Head, PCT Department, Saudi Authority for Intellectual Property (SAIP), Riyadh

Mashael ALHAWTI (Ms.), Senior Legislative and Regulations Analyst, Legal Department, Saudi Authority for Intellectual Property (SAIP), Riyadh  
[mhouti@saip.gov.sa](mailto:MHOUTI@SAIP.GOV.SA)

Kholoud BIN LEBDAH (Ms.), Intellectual Property Policy Analyst, Saudi Authority for Intellectual Property (SAIP), Riyadh  
[klebdah@saip.gov.sa](file:///C:\Users\fricot\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\2BYZOVG3\klebdah@saip.gov.sa)

### AUSTRALIE/AUSTRALIA

Oscar GROSSER-KENNEDY (Mr.), Second Secretary, Permanent Mission, Geneva  
[oscar.grosser-kennedy@dfat.gov.au](mailto:oscar.grosser-kennedy@dfat.gov.au)

### BANGLADESH

Md. Mahabubur RAHMAN (Mr.), First Secretary, Permanent Mission, Geneva  
[mahabub31@mofa.gov.bd](mailto:mahabub31@mofa.gov.bd)

### BÉLARUS/BELARUS

Tatsiana KAVALEUSKAYA (Ms.), Head, National Center of Intellectual Property (NCIP), Minsk

Elzhbeta SKSHIDLEUSKA (Ms.), Leading Specialist, Division of Industrial Property Law of the Legal and Human Resources Department, National Center of Intellectual Property (NCIP), Minsk

Alena USACHOVA (Ms.), Head, Department of Industrial, Property Examination, National Center of Intellectual Property (NCIP), Minsk

Dmitry DOROSHEVICH (Mr.), Counsellor, Permanent Mission, Geneva

BRÉSIL/BRAZIL

Flávio ALCÂNTARA (Mr.), Head, Industrial Designs Division, Directorate of Trademarks, Industrial Designs and Geographical Indications, National Institute of Industrial Property (INPI), Ministry of Economy, Rio de Janeiro  
[flavio.alcantara@inpi.gov.br](mailto:flavio.alcantara@inpi.gov.br)

CHINE/CHINA   
  
ZHANG Ling (Ms.), Deputy Director, International Cooperation Division I, International Cooperation Department, China National Intellectual Property Administration (CNIPA), Beijing  
  
FU Anzhi (Ms.), Program Administrator, Department of Treaty and Law, China National Intellectual Property Administration (CNIPA), Beijing  
  
LI Yujie (Ms.), Program Administrator, Industrial Design Examination Department, China National Intellectual Property Administration (CNIPA), Beijing

### COLOMBIE/COLOMBIA

María José LAMUS BECERRA (Sra.), Superintendente Delegada para la Propiedad Industrial, Delegatura para la Propiedad Industrial, Superintendencia de Industria y Comercio (SIC), Ministerio de Industria, Comercio y Turismo, Bogotá   
[mlamus@sic.gov.co](mailto:mlamus@sic.gov.co)

Yesid Andrés SERRANO ALARCÓN (Sr.), Segundo Secretario, Misión Permanente, Ginebra

### COSTA RICA

Daniel MARENCO BOLAÑOS (Sr.), Jefe, Oficina Patentes de Invención, Directora de la Propiedad Intelectual, Registro Nacional, Ministerio de Justicia y Paz, San José   
[intelectuadmarenco@rnp.go.cr](mailto:Intelectuadmarenco@rnp.go.cr)

### EL SALVADOR

Diana HASBUN (Sra.), Ministra Consejera, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

ÉTHIOPIE/ETHIOPIA

Tebikew ALULA (Mr.), Third Secretary, Permanent Mission, Geneva  
[tebkterefe@gmail.com](mailto:tebkterefe@gmail.com)

### INDE/INDIA

Shyam Kumar BARIK (Mr.), Assistant Controller of Patents and Designs, Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry, Kolkata  
[sk.barik@nic.in](mailto:sk.barik@nic.in)

### IRAQ

AAISHA Haji (Ms.), Industrial Property Department, Ministry of Planning, Central Organization for Standardization and Quality Control (COSQC), Ministry of Planning, Baghdad  
aaishaalenze@yahoo.com

### JAMAÏQUE/JAMAICA

Craig DOUGLAS (Mr.), Minister Counsellor, Permanent Mission, Geneva  
[mc@jamaicamission.ch](file:///\\wipogvafs01\MARKS\OrgHague\Shared\_LEGAL%20AFFAIRS\Meetings_HAGUE\WG%202020%20(9)\H_LD_WG_9_INF_4%20Prov.%20Participants\mc@jamaicamission.ch)

### JORDANIE/JORDAN

Hamzeh MATARNEH (Mr.), Head, Industrial Design Office, Industrial Property Protection Directorate, Ministry of Industry Trade and Supply, Amman  
[hamzeh.al-matarneh@mit.gov.jo](mailto:Hamzeh.Al-Matarneh@mit.gov.jo)

Shaden KHATATBEH (Ms.), Industrial Design Examiner, Industrial Design Department, Industrial Property Protection Directorate, Ministry of Industry, Trade and Supply, Amman

### KAZAKHSTAN

Ayagul ABITBEKOVA (Ms.), Deputy Head, Department of Trademarks, Appellations of Origin and Industrial Designs, National Institute of Intellectual Property, Ministry of Justice of the Republic of Kazakhstan, Nur-Sultan

Fatima KENZHEHANOVA (Ms.), Deputy Head, Division of Legal Support, National Institute of Intellectual Property, Ministry of Justice of the Republic of Kazakhstan, Nur-Sultan

Dinara SERZHANOVA (Ms.), Chief Expert, Industrial Design Examination Division, National Institute of Intellectual Property, Ministry of Justice of the Republic of Kazakhstan, Nur-Sultan

Adema SHOMAKOVA (Ms.), Expert, Division of Industrial Property, Department for Intellectual Property Rights, National Institute of Intellectual Property, Ministry of Justice of the Republic of Kazakhstan, Nur-Sultan  
[adema.shomakova@mail.ru](mailto:adema.shomakova@mail.ru)

Nurdaulet YERBOL (Mr.), Specialist, Division of International Law and Cooperation, National Institute of Intellectual Property, Ministry of Justice of the Republic of Kazakhstan, Nur‑Sultan

### KOWEÏT/KUWAIT

Abdulaziz TAQI (Mr.), Commercial Attaché, Permanent Mission, Geneva

### LESOTHO

Mmari MOKOMA (Mr.), Counsellor, Permanent Mission, Geneva

### MADAGASCAR

Naharisoa Oby RAFANOTSIMIVA (Mme), coordinatrice juridique, Service juridique, Office malgache de la propriété industrielle (OMAPI), Ministère de l'industrie, du commerce et de l’artisanat, Antananarivo  
[naharisoa@yahoo.fr](mailto:naharisoa@yahoo.fr)

Mathilde Manitra Soa RAHARINONY (Mme), chef, Service de l’enregistrement international des marques, Office malgache de la propriété industrielle (OMAPI), Ministère de l'industrie, du commerce et de l'artisanat, Antananarivo   
[marques.int.omapi@moov.mg](file:///\\wipogvafs01\MARKS\OrgHague\Shared\_LEGAL%20AFFAIRS\Meetings_HAGUE\WG%202020%20(9)\H_LD_WG_9_INF_4%20Prov.%20Participants\marques.int.omapi@moov.mg)

### OUZBÉKISTAN/UZBEKISTAN

Abdujalil URINBOYEV (Mr.), Head, Department of Industrial Designs, Agency on Intellectual Property under the Ministry of Justice of the Republic of Uzbekistan, Tashkent  
[a-urinbaev@yandex.ru](mailto:a-urinbaev@yandex.ru)

### PAKISTAN

Shams un Nisa HASHMI (Ms.), Assistant Controller of Patents, Patent Office, Intellectual Property Organization of Pakistan (IPO-Pakistan), Ministry of Commerce, Karachi  
[patent@ipo.gov.pk](mailto:patent@ipo.gov.pk)

Aemen JAVAIRIA (Ms.), Deputy Director, Industrial Designs and Utility Models, Intellectual Property Organization of Pakistan (IPO-Pakistan), Ministry of Commerce, Islamabad  
[aemen.javairia@ipo.gov.pk](file:///\\wipogvafs01\MARKS\OrgHague\Shared\_LEGAL%20AFFAIRS\Meetings_HAGUE\WG%202020%20(9)\H_LD_WG_9_INF_4%20Prov.%20Participants\Aemen.javairia@ipo.gov.pk)

PANAMA

Krizia Matthews (Ms.), Deputy Permanent Representative, Permanent Mission to the World Trade Organization (WTO), Geneva  
[deputy@panama-omc.ch](file:///C:\Users\fricot\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\2BYZOVG3\deputy@panama-omc.ch)

PHILIPPINES

Amelita AMON (Ms.), Intellectual Property Rights Specialist , Industrial Design Examining Division, Intellectual Property Office of the Philippines (IPOPHL), Taguig City  
[amelita.amon@ipophil.gov.ph](mailto:amelita.amon@ipophil.gov.ph)

### THAÏLANDE/THAILAND

Naviya JARUPONGSA (Ms.), Legal Officer, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi  
[naviyasan@gmail.com](mailto:naviyasan@gmail.com)

Jutamon ROOPNGAM (Ms.), Legal Officer, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi  
[ggjuta@gmail.com](mailto:ggjuta@gmail.com)

Oraon SARAJIT (Ms.) Senior Design Examiner, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi  
[oraon.s@ipthailand.go.th](mailto:oraon.s@ipthailand.go.th)

### TRINITÉ-ET-TOBAGO/TRINIDAD AND TOBAGO

Kavish SEETAHAL (Mr.), Legal Officer, Intellectual Property Office (IPO), Ministry of the Attorney General and Legal Affairs, Port of Spain   
[kavish.seetahal@ipo.gov.tt](mailto:kavish.seetahal@ipo.gov.tt)

VANUATU

Sumbue ANTAS (Mr.), Ambassador, Permanent Representative, Permanent Mission, Geneva  
[sumbue.antas@vanuatumission.ch](mailto:sumbue.antas@vanuatumission.ch)

ZIMBABWE

Tanyaradzwa MANHOMBO (Mr.), Counsellor, Economic Section, Permanent Mission, Geneva  
[tanyamilne2000@yahoo.co.uk](mailto:tanyamilne2000@yahoo.co.uk)

# 2. AUTRES/OTHERS

### PALESTINE

Rajaa JAWWADEH (Ms.), Head, Industrial Property or Copyright Office, Trademarks Registrar, Department of Intellectual Property, Ministry of National Economy, Ramallah  
[rajakh@mne.gov.ps](mailto:rajakh@mne.gov.ps)

Nada TARBUSH (Ms.), Counsellor, Permanent Mission, Geneva

3. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/  
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Association asiatique d’experts juridiques en brevets (APAA)/Asian Patent Attorneys Association (APAA)  
  
ZHENG Catherine (Ms.), Hong Kong, China SAR  
[catherine.zheng@deacons.com](file:///\\wipogvafs01\MARKS\OrgHague\Shared\_LEGAL%20AFFAIRS\Meetings_HAGUE\WG%202020%20(9)\H_LD_WG_9_INF_4%20Prov.%20Participants\catherine.zheng@deacons.com)  
  
Association communautaire du droit des marques (ECTA)/European Communities Trade Mark Association (ECTA)

Beatrix BREITINGER (Ms.), Attorney at Law, Munich  
[breitinger@wuesthoff.de](mailto:breitinger@wuesthoff.de)

#### Association internationale pour la protection de la propriété intellectuelle (AIPPI)/International Association for the Protection of Intellectual Property (AIPPI)

Christopher Carani (Mr.), Chair of Designs Committee, Chicago  
[ccarani@mcandrews-ip.com](file:///\\wipogvafs01\MARKS\OrgHague\Shared\_LEGAL%20AFFAIRS\Meetings_HAGUE\WG%202020%20(9)\H_LD_WG_9_INF_4%20Prov.%20Participants\ccarani@mcandrews-ip.com)

Association japonaise pour la propriété intellectuelle (JIPA)/Japan Intellectual Property Association (JIPA)

ISHII Hidenori (Mr.), The Hague and Overseas Group Leader, Design Committee, Tokyo  
[hidenori.liu.ishii@sony.com](mailto:Hidenori.Liu.Ishii@sony.com)

#### OKUBO Kenichiro (Mr.), Manager, Kanagawa [okubo.kenichiro@fujitsu.com](mailto:okubo.kenichiro@fujitsu.com)

#### OKURA Keiko (Ms.), Unit Leader, Osaka [okura.keiko@jp.panasonic.com](mailto:okura.keiko@jp.panasonic.com)

Association romande de propriété intellectuelle (AROPI)

Julie MONDON (Mme), observateur, Petit-Lancy  
[julie.mondon@katzarov.com](mailto:julie.mondon@katzarov.com)

Éric NOËL (M.), observateur, Petit-Lancy  
[eric.noel@katzarov.com](mailto:eric.noel@katzarov.com)

Centre d'études internationales de la propriété intellectuelle (CEIPI)/Centre for International Intellectual Property Studies (CEIPI)

François CURCHOD (M.), chargé de mission, Genolier  
[f.curchod@netplus.ch](mailto:f.curchod@netplus.ch)

#### International Trademark Association (INTA)

#### Tat-Tienne LOUEMBE (Mr.), Representative, New York

[tlouembe@inta.org](mailto:tlouembe@inta.org)

Alexander SPÄTH (Mr.), Lawyer, Partner, New York  
[aspaeth@kleiner-law.com](mailto:aspaeth@kleiner-law.com)

Japan Patent Attorneys Association (JPAA)

ITO Kotaro (Mr.), Member, Tokyo

KAWAMOTO Atsushi (Mr.), Member,Tokyo

SAITO Ryohei (Mr.), Member, Tokyo

TAGUCHI Kenji (Mr.), Member, Tokyo

TANAKA Yuka (Ms.), Member, Tokyo

MARQUES − Association des propriétaires européens de marques de commerce/MARQUES − The Association of European Trademark Owners

Alessandra ROMEO (Ms.), External Relations Officer, Turin  
[aromeo@marques.org](file:///C:\Users\fricot\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\OSNDY0CM\aromeo@marques.org)

III. BUREAU/OFFICERS

Président/Chair: Angar Oyun (Mme/Ms.) (Mongolie/Mongolia)

Vice-présidents/Vice-Chairs: Siyoung Park (M./Mr.) (République de Corée/Republic of Korea)

David R. Gerk (M./Mr.) (États-Unis d'Amérique/United States of America)

Secrétaire/Secretary: Hiroshi OKUTOMI (M./Mr.) (OMPI/WIPO)

## IV. SECRÉTARIAT DE L’ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Daren TANG (M./Mr.), directeur général/Director General

WANG Binying (Mme/Ms.), vice-directrice générale, Secteur des marques et des dessins et modèles/Deputy Director General, Brands and Designs Sector

Grégoire BISSON (M./Mr.), directeur, Service d’enregistrement de La Haye, Secteur des marques et des dessins et modèles/Director, The Hague Registry, Brands and Designs Sector

Hiroshi OKUTOMI (M./Mr.), chef, Section des affaires juridiques du système de La Haye, Service d’enregistrement de La Haye, Secteur des marques et des dessins et modèles/Head, Hague Legal Affairs Section, The Hague Registry, Brands and Designs Sector

Quan-Ling SIM (M./Mr.), chef, Service des opérations, Service d’enregistrement de La Haye, Secteur des marques et des dessins et modèles/Head, Operations Service, The Hague Registry, Brands and Designs Sector

Silke WEISS (Mme/Ms.), juriste principale, Section des affaires juridiques du système de La Haye, Service d’enregistrement de La Haye, Secteur des marques et des dessins et modèles/Senior Legal Officer, Hague Legal Affairs Section, The Hague Registry, Brands and Designs Sector

Kosuke OMAGARI (M./Mr.), administrateur adjoint, Section des affaires juridiques du système de La Haye, Service d’enregistrement de La Haye, Secteur des marques et des dessins et modèles/Associate Officer, Hague Legal Affairs Section, The Hague Registry, Brands and Designs Sector

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