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**ADDITIONAL PROPOSAL BY THE DELEGATION OF THE UNITED STATES OF
AMERICA CONCERNING AMENDMENTS TO RULE 5 OF THE COMMON
REGULATIONS**

Document prepared by the International Bureau

This document contains in Annex a proposal submitted by the Delegation of the United States of America to amend Rule 5 of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement in addition to the proposed amendments presented in the Annex to document H/LD/WG/9/3 Rev.

[Annex follows]

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

(as in force on.....)

[...]

**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.

~~*[Communications Sent Through a Postal Service]*~~ Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

~~(i) that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed;~~

~~(ii) that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and~~

~~(iii) in cases where not all classes of mail normally reach the International Bureau within two days of mailing, that the communication was mailed by a class of mail which normally reaches the International Bureau within two days of mailing or by airmail.~~

~~(2) — *[Communications Sent Through a Delivery Service]*~~ Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

~~(i) that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, natural calamity, or other like reason, that the communication was sent not later than five days after the delivery service was resumed, and~~

~~(ii) that details of the sending of the communication were recorded by the delivery service at the time of sending.~~

~~(3) [Communication Sent Electronically] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and submitted by electronic means shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau, that the time limit was not met because of failure in the electronic communication with the International Bureau, or which affects the locality of the interested party owing to extraordinary circumstances beyond the control of the interested party, and that the communication was effected not later than five days after the electronic communication service was resumed.~~

(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.

(4) [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) or (3) and the communication or, where applicable, a duplicate thereof are~~ 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.

~~(5) [Exception] This rule shall not apply to the payment of the second part of the individual designation fee through the International Bureau as referred to in Rule 12(3)(e).~~

[...]

[End of Annex and of document]