

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WORKING GROUP ON THE ESTABLISHMENT OF NEW REGULATIONS UNDER THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

Geneva, June 24 to 27, 2003

NEW PROPOSALS CONCERNING THE ESTABLISHMENT OF COMMON
REGULATIONS UNDER THE 1999 ACT, THE 1960 ACT AND THE 1934 ACT OF THE
HAGUE AGREEMENT

Document prepared by the International Bureau

The present document contains new proposals concerning the establishment of Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement. The text of these new proposed provisions, showing the changes *vis-à-vis* the draft Common Regulations contained in document H/WG/2, is reproduced in the Annex of the present document. Corresponding explanatory notes are provided below.

Note on Rule 7

07.01 Paragraph (3)(v). No provision of the draft Common Regulations limits the maximum number of industrial designs which may be included in a single international application. However, the possibility for applicants to include several hundred – or thousand – industrial designs in a single application could give rise to difficulties as part of the administration of the Hague Agreement, as regards in particular the handling of such applications by the International Bureau and the adaptation which would be required for computer programs. It is therefore proposed to provide in Rule 7(3)(v) that the number of industrial designs which may be included in a single international application shall not exceed 100 (as is currently the case under Rule 9(1) of the Regulations under the 1960 and the 1934 Acts). It is also to be noted that, in the context of the current international procedure, a very low number of international applications comprises this maximum number of 100 designs (around 10 on average each year).

Mis en forme

Note on Rule 35bis

35bis.01 Rule 35 bis(1) is a new provision which is proposed to be included in the Common Regulations with a view to specifying the types of documents and/or information which may be made available by the International Bureau in respect of published international registrations. Paragraph (2) deals with the exemption from authentication, legalization or any other certification and corresponds to Article 18(2) of the 1999 Act and Rule 30(2) of the Regulations under the 1960 and the 1934 Acts.

Note on the Schedule of Fees

SF.01 In accordance with Article 18(1) of the 1999 Act and Rule 35 *bis* as proposed of the Common Regulations, extracts, copies and information concerning an international registration may only be issued by the International Bureau where the registration in question has been published. Items 17 to 21 of the Schedule of Fees have been amended accordingly.

[Annex follows]

New proposals concerning the establishment of Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement

Rule 7

Requirements Concerning the International Application

[...]

(3) [Mandatory Content of the International Application] The international application shall contain or indicate

[...]

(v) the number of industrial designs included in the international application, which may not exceed 100, and the number of reproductions or specimens of the industrial designs accompanying the international application in accordance with Rule 9 or 10;

Rule 35bis

*Extracts, Copies and Information Concerning
Published International Registrations*

(1) [Modalities] Against payment of a fee whose amount shall be fixed in the Schedule of Fees, any person may obtain from the International Bureau, in respect of any published international registration:

(i) extracts from the International Register;

(ii) certified copies of recordings made in the International Register or of items in the file of the international registration ;

(iii) uncertified copies of recordings made in the International Register or of items in the file of the international registration ;

(iv) written information on the contents of the International Register or of the file of the international registration;

(v) a photograph of a specimen .

(2) [Exemption from Authentication, Legalization or any other Certification] In respect of a document referred to in paragraph (1)(i) and (ii), bearing the seal of the International Bureau and the signature of the Director General or a person acting on his behalf, no authority of any Contracting Party shall require authentication, legalization or any other certification of such document, seal or signature, by any other person or authority. The present paragraph applies mutatis mutandis to the international registration certificate referred to in Rule 15(1).

Mis en forme

SCHEDULE OF FEES

[...]

VI. Information Concerning **Published** International Registrations

17. Supply of an extract from the International Register relating to international registration	a published	144	Supprimé : an Supprimé : ¶
18. Supply of non-certified copies of the International Register of items in the file of a published international registration			Supprimé : an international application or
18.1 For the first five pages		26	
18.2 For each additional page after the fifth if the copies are requested at the same time and relate to the same international registration		2	Supprimé : international application or
19. Supply of certified copies from the International Register of items in the file of a published international registration			Supprimé : an international application or an
19.1 For the first five pages		46	
19.2 For each additional page after the fifth if the copies are requested at the same time and relate to the same international registration		2	Supprimé : international application or
20. Supply of a photograph of a specimen		57	
21. Supply of written information on the contents of the International Register of the file of a published international registration			Supprimé : an international application or
21.1 Concerning one international registration		82	Supprimé : an international application or an
21.2 Concerning any additional international registration of the same holder if the same information is requested at the same time		10	Supprimé : application ¶ Supprimé : applicant or

[...]

[End of Annex and of document]