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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

DRAFT ADMINISTRATIVE INSTRUCTIONS FOR THE APPLICATION OF THE
HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF
INDUSTRIAL DESIGNS

Document prepared by the International Bureau

1. Under Rule 33 of the proposed Common Regulations (which correspond to Rule 31 of the Regulations under the 1999 Act and Rule 31 of the Regulations under the 1960 and the 1934 Acts), Administrative Instructions are established by the Director General after consulting the Offices directly interested. The said draft Administrative Instructions for the application of the Hague Agreement Concerning the International Registration of Industrial Designs is annexed to the present document.

2. Explanatory notes relating to these proposed provisions are contained in document H/WG/5.

3. *The Working Group is invited to comment and consider the contents of this document and its Annex.*

[Annex follows]

**Administrative Instructions for the Application of the Hague Agreement
Concerning the International Registration of Industrial Designs**

(as in force on [date])

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Part One Definitions

Section 101: Abbreviated Expressions

- (a) For the purposes of these Administrative Instructions:
- (i) "Regulations" means the Common Regulations under the Hague Agreement Concerning the International Registration of Industrial Designs;
- (ii) "Rule" means a Rule of the Regulations;
- (b) An expression which is used in these Administrative Instructions and is referred to in Rule 1 has the same meaning as in the Regulations.

Part Two Communications with the International Bureau

Section 201: Communication in Writing; Several Documents in One Envelope

- (a) Communications addressed to the International Bureau shall be effected in writing by typewriter or other machine and shall be signed.
- (b) If several documents are mailed in one envelope, they should be accompanied by a list identifying each of them.

Section 202: Signature

A signature shall be handwritten, printed or stamped; it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 204, by a mode of identification to be determined by the International Bureau.

Section 203: Communication by Telefacsimile

- (a) Any communication, other than an international application containing a reproduction to be published in color, may be addressed to the International Bureau by telefacsimile, provided that where the communication must be presented in an official form, the official form is used for the purposes of the telefacsimile communication.
- (b) An international application addressed to the International Bureau by telefacsimile shall not have effect unless, prior to the expiration of 20 days counted from the date of receipt of such communication, the original of the international application bearing the prescribed signature along with the reproductions and/or specimens concerned, have been received by the International Bureau. When so confirmed, the said international application shall have effect as of the date on which it was received by telefacsimile by the International Bureau.

(c) Where an international application has been transmitted to the International Bureau by telefacsimile, the Bureau shall promptly and by telefacsimile inform the sender of the receipt of that international application, and where such telefacsimile communication received by the International Bureau is incomplete or illegible, of that fact also, provided that the sender can be identified and can be reached by telefacsimile.

Section 204: Electronic Communications

(a) Communications with the International Bureau, including the presentation of the international application, may take place by electronic means at a time and in a manner and format to be ascertained by the International Bureau, the particulars of which shall be published in the Bulletin.

(b) The International Bureau shall promptly and by electronic transmission inform the originator of an electronic transmission of the receipt of that transmission and, where the electronic transmission received is incomplete or otherwise unusable, also of that fact, provided that the originator can be identified and can be reached.

(c) For the purpose of the communication by the International Bureau to Offices of Contracting Parties of the date on which each issue of the Bulletin is published, as provided for in Rule 26(3), each such Office shall indicate to the International Bureau the email address to which the said communications shall be sent.

Part Three **Requirements Concerning Name and Address**

Section 301: Names and Addresses

(a) In the case of a natural person, the name to be indicated is the family or principal name and the given or secondary name(s) of the natural person.

(b) In the case of a legal entity, the name to be indicated is the full official designation of the legal entity.

(c) In the case of a name in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetic of the language of the international application. In the case of a legal entity whose name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application.

(d) An address shall be given in such a way as to satisfy the customary requirements for prompt postal delivery and shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any. In addition, telephone and telefacsimile numbers, and e-mail addresses as well as a different address for correspondence, may be indicated.

Section 302: Address for Correspondence

Where there are two or more applicants or new owners with different addresses and no representative is appointed, one address for correspondence shall be indicated. Where no such address has been indicated, the address of the person named first shall be treated as the address for correspondence.

Part Four
Reproduction of the Industrial Design, Disclaimer; Numbering;
Description of Characteristic Features

Section 401: Presentation of Reproductions

- (a) One and the same international application may comprise both photographs and other graphic representations, in black and white or in color.
- (b) Each reproduction accompanying an international application shall be submitted in a single copy.
- (c) The photographs or other graphic representations accompanying the international application shall be either pasted or printed directly onto a separate sheet of A4 paper which is white and opaque. These separate sheets of paper shall be used upright and shall not contain more than 25 reproductions.
- (d) The reproductions must be arranged on these separate sheets referred to in subparagraph (c) in the orientation in which the applicant wishes them to be published. A margin of at least 5 millimeters should be left around the representation of each industrial design.
- (e) Each reproduction must fall within a right-angled quadrilateral containing no other reproduction or part of another reproduction and no numbering. The photographs or other graphic representations shall not be folded, stapled or marked in any way.

Section 402: Representation of the Industrial Design

- (a) The photographs and other graphic representations shall represent the industrial design alone, or the product in relation to which the industrial design is to be used, to the exclusion of any other object, accessory, person or animal.
- (b) The dimensions of the representation of each industrial design appearing in a photograph or other graphic representation may not exceed 16 x 16 centimeters, and one of those dimensions must be at least 3 centimeters.

- (c) The following shall not be accepted:
- (i) technical drawings, particularly with axes and dimensions;
 - (ii) explanatory text or legends.

Section 403: Disclaimer

Matter which is shown in a reproduction but for which protection is not sought may be indicated

- (i) in the description referred to in Rule 7(5)(a) and/or
- (ii) by means of dotted or broken lines.

Section 404: Requirements for Photographs and Other Graphic Representations

(a) The photograph supplied must be of professional standard and have all the edges cut at right angles. The industrial design must be shown against a neutral plain background. Photographs retouched with ink or correcting fluid shall not be allowed.

(b) Graphic representations must be of professional standard produced with drawing instruments or by electronic means on good quality white, opaque paper, all of whose edges are cut at right angles. The lines must be even and boldly drawn. The industrial design represented may comprise shading and hatching to provide relief. Graphic representations executed by electronic means may be shown against a background, provided that it is neutral and plain and has only edges cut at right angles.

Section 405: Numbering of Reproductions

(a) The numbering stipulated for multiple international applications shall appear in the margin of each photograph or other graphic representation. When the same industrial design is represented from different angles, the numbering shall consist of two separate figures separated by a dot (e.g., 1.1, 1.2, 1.3, etc. for the first design, 2.1, 2.2, 2.3, etc. for the second design, and so on).

(b) The reproductions shall be pasted or printed in ascending numerical order on the separate sheet referred to in Section 401(c).

Section 406: Requirements for Specimens

(a) A specimen in two dimensions which accompanies an international application shall not exceed 26.2 centimeters x 17 centimeters in size (unfolded), 50 grams in weight or 3 millimeters in thickness. Such specimens shall be pasted on sheets of A4 paper and numbered in accordance with Section 405(b). The same numbers shall be assigned to each reproduction corresponding to these specimens when submitted to the International Bureau.

(b) None of the dimensions of the package containing specimens, as referred to in Rule 10(2), shall exceed 30 centimeters and the weight of such package and its packings shall not exceed 4 kilograms.

(c) Perishable products or products which may be dangerous to stores shall not be accepted.

Section 407: Description of Characteristic Features

The description of characteristic features may not concern technical features of the operation of the industrial design or its possible utilization.

Part Five Refusals

Section 501: Date of Sending of Notification of Refusal

In the case of a notification of refusal sent through a postal service, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it had been sent 20 days before the date of its receipt by the International Bureau. However, if the date of dispatch thus determined is earlier than any date of refusal or date of sending mentioned in the notification, the International Bureau shall treat such notification as if it had been sent on the latter date. In the case of a notification of refusal sent through a delivery service, the date of dispatch shall be determined by the indication given by such delivery service on the basis of the details of the mailing as recorded by it.

Section 502: Notification of Division of an International Registration

Where an international registration has been divided before the Office of a designated Contracting Party following a notification of refusal as provided for in Rule 18(3), that Office shall notify the International Bureau of that fact, together with the following additional particulars:

- (i) the Office making the notification;
- (ii) the number of the international registration concerned;
- (iii) the numbers of the industrial designs which have been the subject of the division with the Office concerned, and
- (iv) the resulting national or regional registration numbers.

Part Six
Publication Fee and Reproduction when Deferment of Publication Requested

Section 601: Period for Paying Publication Fee and Submitting Reproductions

Where publication is deferred in respect of an international registration, the publication fee shall be paid and the reproduction submitted to the International Bureau not later than three months before the expiry of the deferment period. Six months before such date, the International Bureau shall, by sending an unofficial notice, remind the holder of the international registration of the date of expiry of the deferment period.

Part Seven
Renewal

Section 701: Unofficial Notice of Expiry

When, pursuant to Rule 23, the International Bureau sends to the holder and the representative, if any, a notice indicating the date of expiration of an international registration, such notices shall contain also an indication of the Contracting Parties for which, at the date of the notice, and in accordance with the maximum duration of protection notified by each Contracting Party pursuant to Article 17(3)(c) of the 1999 Act and Rule 35(2), renewal of the international registration is possible.

Part Eight
Fees

Section 801: Mode of Payment

Fees may be paid to the International Bureau

- (i) by debit to a current account with the International Bureau,
- (ii) by payment into the Swiss postal cheque account or to any of the specified bank accounts of the International Bureau,
- (iii) by a banker's cheque,
- (iv) by payment in cash at the International Bureau.

[End of Annex and of document]