The Hague System for the International Registration of Industrial Designs

Jonah Asher
Hague Development and Promotion Section
The Hague Registry

Geneva, July 19, 2018
Industrial Designs

DM/097114

DM/090520

DM/083330

DM/097600
Why Protect Industrial Designs?

- Prevents unauthorized copying or imitation
- Strengthens competitive position
- Encourages fair competition
- Profitability
General Overview of the Hague System

- Basic features and advantages
- Legal framework
- Going global – geographical scope
- Some statistics
- Latest developments and upcoming features
Basic Features and Advantages of the Hague System
Hague System: A Simple But Timeless Concept

Centralization of acquisition and maintenance
Independent filings vs. Hague Route

**Direct/Paris Route**

1. Industrial designs
2. Industrial design applications
3. National/Regional IP Office(s)
4. Registrations

**The Hague System**

1. Industrial designs
2. Industrial design application
3. International registration
4. International Designs Bulletin
5. National/Regional IP Office(s)
Main Features of the Hague System

1. Application
2. Language (EN, ES, FR)
3. Set of fees & currency (CHF)
4. International Registration
5. Renewal
Main Features of the Hague System

100 Designs in one application
Main Features of the Hague System

Contracting Parties

1. Entry into force (Canada): November 5, 2018
Main Features of the Hague System

Simplicity

Cost-Effectiveness

Efficiency

Flexibility
Who Can Use the System?

- **Nationality**
  - Real and effective industrial/commercial establishment

- **Domicile**
  - Habitual residence (Geneva (1999) Act only)

- **Attachment to a Contracting Party**
What is the Hague System?

One to many relationships

• File a single international application for a single international registration in which one or more Contracting Parties are designated

“Bundle of rights”

• If no refusal, the resulting international registration has the effect of a grant of protection in each designated Contracting Party
The Hague System is a Procedural Arrangement

Issues such as:

- the conditions for protection
- the refusal procedure to be applied when deciding whether a design may be protected
- the rights which result from protection

are governed by the law of each Contracting Party designated in an international registration
The International Application

In English, French or Spanish

May be filed directly with the International Bureau through the E-filing interface but also on paper

May comprise several different designs up to a maximum of 100 if they belong to the same class of the International Classification (Locarno)

One set of fees (in CHF) is to be paid
If the International Bureau finds that the international application does not fulfill the applicable requirements, it invites the applicant to make the required corrections within three months from the date of invitation sent by the International Bureau.

International registration has the same effect as a regularly-filed application in all designated Contracting Parties.
### The Hague System Procedure (II)

<table>
<thead>
<tr>
<th>Refusal by a designated Contracting Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>on same substantive grounds as for national/regional filings</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>International registration (where not refused)</th>
</tr>
</thead>
<tbody>
<tr>
<td>no refusal = same rights as a local design registration</td>
</tr>
</tbody>
</table>
The Hague System Procedure (III)

Duration of protection: five years

Renewable at least once (1960 Act) or twice (1999 Act)

Longer renewal period, if allowed by the law of the designated Contracting Party
# General Advantages of the Hague System

## Hague System (international route)
- One Office for filing
- One language
- One currency
- One international registration
- One renewal
- One modification
- Foreign attorney or agent (first needed if refused)

## National/regional route
- Many Offices for filing
- Many languages
- Many currencies
- Many registrations
- Many renewals
- Many modifications
- Foreign attorney or agent (first needed at filing)
Hague Agreement

- Hague Act (1960)
- Geneva Act (1999)

- Common Regulations (1996), last revised: January 1, 2017 (in force)
- Administrative Instructions (2002), last revised: July 1, 2014
- National Laws and Regulations
Going Global –
Geographical Scope of the Hague System
Hague System Growth

2008:
- 1999 Act: 33
- 1960 Act: 19

Total Contracting Parties: 52
Hague System Growth


1. Entry into force (Canada): November 5, 2018
55 Geneva Act (1999) (including EU and OAPI)
14 Hague Act (1960)
69 Contracting Parties

1. Entry into force (Canada): November 5, 2018
Hague Union Members According to the Most Recent Applicable Act

Geneva Act (1999)
- African Intellectual Property Organization, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Cambodia, Canada¹, Croatia, D.P.R. of Korea, Denmark, Egypt, Estonia, European Union, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Monaco, Mongolia, Montenegro, Namibia, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Syrian Arab Republic, Switzerland, Tajikistan, the former Y.R. of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom and the United States of America (54)

Hague Act (1960)
- Belgium, Belize, Benin, Côte d’Ivoire, Gabon, Greece, Italy, Luxembourg, Mali, Morocco, Netherlands, Niger, Senegal and Suriname (14)

¹. Entry into force (Canada): November 5, 2018
Geneva Act (1999)

### Recent Accessions

<table>
<thead>
<tr>
<th>Country</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada</td>
<td>July 16, 2018</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>March 13, 2018</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>November 30, 2017</td>
</tr>
<tr>
<td>The Kingdom of Cambodia</td>
<td>November 25, 2016</td>
</tr>
<tr>
<td>D.P.R. of Korea</td>
<td>June 13, 2016</td>
</tr>
<tr>
<td>United States of America</td>
<td>February 13, 2015</td>
</tr>
<tr>
<td>Japan</td>
<td>February 13, 2015</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>March 31, 2014</td>
</tr>
</tbody>
</table>

### Potential Accessions

- China
- Morocco
- ASEAN countries
- Israel
- Mexico
- Madagascar

1. Entry into force (Canada): November 5, 2018
Latest Developments
Latest Developments

- Regularization of international applications online (since March 2016)
- Guidance on reproductions
- New Hague Express Database since January 2015
- Improvement of the E-filing interface
- Developments in the legal framework
- Global Design Database since January 2015
Disclosure criteria may differ depending on jurisdiction. This new Guidance is a useful tool to help applicants forestall possible refusals on the ground of insufficient disclosure of an industrial design by Examining Offices.

Prepared in consultation with Examining Offices under the Hague System and several user organizations

Detailed guidance on how to prepare and provide reproductions to overcome the most common refusal issues

- Not enough views
- Unclear representations of the claimed design
- Unclear relief or contours of surfaces of a three-dimensional product
- Difference in form/color between the representations of the claimed design

Information on which guidance should be taken into account when designating specific Contracting Parties

Not self-sufficient or all inclusive

Reproduction Examples That Have Passed the Disclosure Test Before All Concerned Offices (1)

1.1) Perspective

D089713 – Hilti Aktiengesellschaft

1.3) Back

D087535 – Softbank Robotics

1.2) Perspective

1.4) Front
Reproduction Examples That Have Passed the Disclosure Test Before All Concerned Offices (2)

D089858 – Ninebot (Beijing) Tech

D086974 – Babybjörn AB
Hague Express Database

The Hague Express Database, updated weekly, includes bibliographical data and, as far as international registrations governed exclusively or partly by the 1999 and/or the 1960 Act(s) of the Hague Agreement are concerned, reproductions of industrial designs relating to international registrations that have been recorded in the International Register and published in the International Designs Bulletin as of issue No. 1/1999. International registrations that have lapsed are not removed from the database.

SEARCH BY
- Design
- Names
- Numbers
- Dates
- Country

FILTER BY
- Designation
- Locarno Class
- Reg. Date
- Contracting Party

CURRENT SEARCH
PRCD: watch

1 - 10 / 1,627

<table>
<thead>
<tr>
<th>Reg No.</th>
<th>Holder</th>
<th>Reg Date</th>
<th>Locarno Cl</th>
<th>Prod</th>
<th>Design 1</th>
<th>Design 2</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td>DM046574</td>
<td>HYSEK JORG</td>
<td>1999-02-03</td>
<td>03-01</td>
<td>Etui pour montre</td>
<td>AN, ES, IN, MA, TN, UK</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>DM082429</td>
<td>CARTIER CREATION STUDIO SA</td>
<td>2013-12-13</td>
<td>02-02</td>
<td>Montre-bracelet</td>
<td>CH, EM, SG, TR</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>DM083367</td>
<td>FRANCK MULLER WATCHLAND SA</td>
<td>2014-04-09</td>
<td>02-02</td>
<td>Montre-bracelet</td>
<td>EM, MC, SG</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>DM08562</td>
<td>SWATCH AG (SWATCH SA) (SWATCH LTD.)</td>
<td>2004-05-12</td>
<td>02-02</td>
<td>Montre-bracelet</td>
<td>BQ, CW, EG, JD, SX, TN, UK</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>DM073485</td>
<td>BÉDAT &amp; CO SA</td>
<td>2010-03-25</td>
<td>02-02</td>
<td>Watch</td>
<td>BY, KP, CH, EM, LJ, OA, S</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>DM073351</td>
<td>HUBLOT SA, GENEVE</td>
<td>2010-03-18</td>
<td>02-02</td>
<td>Watch</td>
<td>CH, EM, SG</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>DM073317</td>
<td>OMEGA SA (OMEGA AG) (OMEGA LTD.)</td>
<td>2010-02-12</td>
<td>02-02</td>
<td>Watch</td>
<td>BZ, MA, MC, ME, AL, AM, AU</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>DM072570</td>
<td>ALEXIS BARTHELAY (SOCIÉTÉ ANONYME)</td>
<td>2009-10-20</td>
<td>02-02</td>
<td>Watch</td>
<td>MA, CH, EG, EM, OM, SG</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
Global Design Database

A world-wide collection of industrial designs data; including WIPO Hague registrations and information from participating national offices.

<table>
<thead>
<tr>
<th>Reg No</th>
<th>Source</th>
<th>Holder/Investor</th>
<th>Nat Cl</th>
<th>Ind Prod</th>
<th>Designations</th>
<th>Designs</th>
</tr>
</thead>
<tbody>
<tr>
<td>D0807716</td>
<td>USB</td>
<td>SUMITOMO ELECTRIC HARDMETAL CORP.</td>
<td>USD10-020</td>
<td>Cutting tool</td>
<td>US</td>
<td>1</td>
</tr>
<tr>
<td>D0807754</td>
<td>USB</td>
<td>Shallock, Richard Scott</td>
<td>USD10-065</td>
<td>NPT1UN Thread Identification Kit</td>
<td>US</td>
<td>1</td>
</tr>
<tr>
<td>D0807777</td>
<td>USB</td>
<td>Fitbit, Inc.</td>
<td>USD10-128</td>
<td>Receptacle insert for a wearable fitness band system</td>
<td>US</td>
<td>1</td>
</tr>
<tr>
<td>D0807772</td>
<td>USB</td>
<td>EASYREAD TIME TEACHER LIMITED</td>
<td>USD10-128</td>
<td>Clock</td>
<td>US</td>
<td>1</td>
</tr>
<tr>
<td>D0807795</td>
<td>USB</td>
<td>Brunswick Corporation</td>
<td>USD12-15A</td>
<td>Shock absorbing hub assembly for a marine propulsion apparatus</td>
<td>US</td>
<td>1</td>
</tr>
</tbody>
</table>
Improvement of the E-Filing Interface

- Receive and download notifications from the IB relating to international applications
- Send corrections to irregularities or defects
- Retrieve in real-time current status of IA
- Indication of access code obtained from the IP office of first filing, so that the IP office of the designated Contracting Party is able to access the priority document via the WIPO Digital Access Service (DAS).
## E-Filing Portfolio Manager

### Welcome USER

<table>
<thead>
<tr>
<th>Portfolio Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of application(s) sent</td>
</tr>
<tr>
<td>Number of application(s) unset</td>
</tr>
</tbody>
</table>

### E-Filing Manager Menu

- E-Filing Application
- E-Filing Communications (in progess)
- E-Filing Tutors!

### Application(s) sent to the International Bureau

<table>
<thead>
<tr>
<th>WIPO reference</th>
<th>Filing date</th>
<th>Applicant(s)</th>
<th>Locarno Class</th>
<th>Designation(s)</th>
<th>Status</th>
<th>A.R.</th>
</tr>
</thead>
<tbody>
<tr>
<td>WIPO3985</td>
<td>21/03/2018</td>
<td>Mitsubishi Denki</td>
<td>7</td>
<td>BG, EG, EM, JP, KR, NO, SG, US</td>
<td>Examination</td>
<td></td>
</tr>
<tr>
<td>WIPO4102</td>
<td>30/08/2016</td>
<td>Pikachu</td>
<td>14</td>
<td>AM, BA, DK, EM, JP, KR, NO, US</td>
<td>Examination</td>
<td></td>
</tr>
<tr>
<td>WIPO3965</td>
<td>21/08/2016</td>
<td>Yoshinuya Oka</td>
<td>12</td>
<td>BA, EM, JP, KR, NO, SN, US</td>
<td>Examination</td>
<td></td>
</tr>
<tr>
<td>WIPO4161</td>
<td>19/08/2016</td>
<td>Kity Chan</td>
<td>17</td>
<td>BA, EM, IT, KR, LT, US</td>
<td>Examination</td>
<td></td>
</tr>
<tr>
<td>WIPO4153</td>
<td>20/07/2016</td>
<td>Shokora Usagi</td>
<td>21</td>
<td>BG, EM, HR, JP, ME, NA, NO, US</td>
<td>Examination</td>
<td></td>
</tr>
<tr>
<td>WIPO3968</td>
<td>22/01/2016</td>
<td>Mitsubishi Motors</td>
<td>12</td>
<td>DE, EM, JP, NO, US</td>
<td>Examination</td>
<td></td>
</tr>
</tbody>
</table>
Termination of the London (1934) Act of the Hague Agreement Concerning the International Deposit of Industrial Designs took place in October 2016

Amendments to the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement concerning a safeguard against non-delivery of an electronic communication entered into force on 1.1.2017

Entry into force of the eleventh edition of the Locarno Classification on 1.1.2017
New Hague Information Tools

- New functionalities available at www.wipo.int/hague

- Contact Hague Form
  1. Single point of contact for users;
  2. Automated and history viewable

- Hague Member Profiles Database
  1. Compilation of data;
  2. Search tool
Some Statistics
International Registrations – 2017

INTERNATIONAL REGISTRATIONS INSCRIBED

5,041

DESIGNS CONTAINED IN INTERNATIONAL REGISTRATIONS INSCRIBED

19,241
International Registrations – 2017

COMPARED TO 2016 (REGISTRATIONS)

3.66% ↓

COMPARED TO 2016 (DESIGNS)

9.3% ↑
International Applications – 2017

INTERNATIONAL APPLICATIONS

5,213

DESIGNS CONTAINED IN INTERNATIONAL APPLICATIONS

19,429
International Applications – 2017

COMPARED TO 2016 (APPLICATIONS)

6.27% ↓

COMPARED TO 2016 (DESIGNS)

3.8% ↑
2017 – Top Classes in International Registrations

**TOP 5 CLASSES**

Number of designs in applications and share of total

- **FURNISHING**: 2,045 designs, 10.5%
- **RECORDING AND COMMUNICATION EQUIPMENT**: 2,008 designs, 10.3%
- **MEANS OF TRANSPORT**: 1,472 designs, 7.6%
- **LIGHTING APPARATUS**: 1,345 designs, 6.9%
- **CLOCKS AND WATCHES**: 1,339 designs, 6.9%
## International Registrations Recorded 2010-2017

<table>
<thead>
<tr>
<th>Year</th>
<th>Registrations Recorded</th>
<th>Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>2216</td>
<td>11.7%</td>
</tr>
<tr>
<td>2011</td>
<td>2363</td>
<td>6.6%</td>
</tr>
<tr>
<td>2012</td>
<td>2440</td>
<td>3.3%</td>
</tr>
<tr>
<td>2013</td>
<td>2734</td>
<td>12.0%</td>
</tr>
<tr>
<td>2014</td>
<td>2703</td>
<td>-1.1%</td>
</tr>
<tr>
<td>2015</td>
<td>3581</td>
<td>32.5%</td>
</tr>
<tr>
<td>2016</td>
<td>5233</td>
<td>46.1%</td>
</tr>
<tr>
<td>2017</td>
<td>5041</td>
<td>-3.7%</td>
</tr>
</tbody>
</table>
Designs per International Registration (2017)

<table>
<thead>
<tr>
<th>International Registrations</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2671</td>
<td>53%</td>
</tr>
<tr>
<td>2</td>
<td>686</td>
<td>14%</td>
</tr>
<tr>
<td>3 to 5</td>
<td>853</td>
<td>17%</td>
</tr>
<tr>
<td>6 to 10</td>
<td>476</td>
<td>9%</td>
</tr>
<tr>
<td>11 to 20</td>
<td>225</td>
<td>4%</td>
</tr>
<tr>
<td>21 to 40</td>
<td>93</td>
<td>2%</td>
</tr>
<tr>
<td>more than 40</td>
<td>37</td>
<td>1%</td>
</tr>
</tbody>
</table>
Amount of Fees Paid per International Registration (2017)

<table>
<thead>
<tr>
<th>IR</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1653</td>
<td>33.8%</td>
</tr>
<tr>
<td>2154</td>
<td>42.7%</td>
</tr>
<tr>
<td>652</td>
<td>12.9%</td>
</tr>
<tr>
<td>339</td>
<td>6.7%</td>
</tr>
<tr>
<td>243</td>
<td>4.8%</td>
</tr>
</tbody>
</table>
Designations in International Registrations (2017)

<table>
<thead>
<tr>
<th>Designations</th>
<th>IR</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1703</td>
<td>32.3%</td>
</tr>
<tr>
<td>2</td>
<td>1280</td>
<td>25.0%</td>
</tr>
<tr>
<td>3 to 5</td>
<td>1378</td>
<td>26.9%</td>
</tr>
<tr>
<td>6 to 10</td>
<td>467</td>
<td>9.1%</td>
</tr>
<tr>
<td>11 to 23</td>
<td>247</td>
<td>4.8%</td>
</tr>
<tr>
<td>24 to 33</td>
<td>13</td>
<td>0.3%</td>
</tr>
<tr>
<td>34 to 63</td>
<td>42</td>
<td>0.8%</td>
</tr>
</tbody>
</table>
Most Designated Contracting Parties in 2017 (international registrations)

* Since the effective accession (May 13, 2015)
Most designated Contracting Parties in 2017 (number of designs recorded)
## International Registrations in Force in the International Register (on December 31, 2017)

### Industrial Designs

<table>
<thead>
<tr>
<th>Right-holders</th>
<th>Industrial designs by right-holder</th>
<th>Number of right-holders</th>
</tr>
</thead>
<tbody>
<tr>
<td>(9,805)</td>
<td>1 design</td>
<td>6,558 67.19%</td>
</tr>
<tr>
<td></td>
<td>2 designs</td>
<td>1,360 13.87%</td>
</tr>
<tr>
<td></td>
<td>3-10 designs</td>
<td>1,498 15.28%</td>
</tr>
<tr>
<td></td>
<td>11-100 designs</td>
<td>328 3.35%</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 designs</td>
<td>31 0.32%</td>
</tr>
<tr>
<td></td>
<td>All</td>
<td>9,805 100.00%</td>
</tr>
</tbody>
</table>

### Registrations in force

- **1 design**: 24.13%
- **2 designs**: 7.92%
- **3-10 designs**: 20.21%
- **11-100 designs**: 24.13%
- **> 100 designs**: 28.54%
- **All**: 100.00%
Origin of Holders per Designs in International Registrations by Applicant’s Contracting Party - 2017

- European Union: 39.0%
- Switzerland: 14.2%
- Republic of Korea: 10.8%
- Germany: 9.3%
- France: 6.0%
- United States of America: 5.3%
- Japan: 4.4%
- Turkey: 2.9%
- Denmark: 2.0%
- Spain: 1.4%
- Others: 4.5%
Origin of Holders per Designs in International Registrations by Country of the Address of the Holder- 2017

- Germany: 27.5%
- Switzerland: 18.5%
- United States of America: 10.6%
- Republic of Korea: 10.1%
- France: 8.3%
- Italy: 6.6%
- Japan: 6.1%
- Netherlands: 5.9%
- Cyprus: 3.4%
- Turkey: 2.9%
- Others: 5.1%
Thank You!

www.wipo.int/hague