



**WIPO | HAGUE**

The International  
Design System



## Publication of the International Registration and Tasks of the Designated Office

Seminar on the Hague System for the  
International Registration of Industrial Designs

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# Outline

- Publication
- Deferment of Publication
- Refusal
- Grant of Protection

# Outline

■ Publication

■ Deferment of Publication

■ Refusal

■ Grant of Protection

# Publication

- The international registration shall be published by the IB
  - in 3 languages (R6(2))
  - Timing (R17(1))
  - Contents (R17(2))
  
- Publication by the IB is sufficient. CPs do not have to publish the IR by themselves (A10(3)(a))

# Publication

(54) 1.-2. Motor vehicles / 1.-2. Véhicules à moteur / 1.-2. Vehículos de motor

## Registrations (1960 and 1999 Acts)

Bulletin No. 01/2018 - 12.01.2018

Print 2 / 62

(11) DM/094 734 (15) 03.02.2017

(22) 03.02.2017 (73) VOLKSWAGEN AKTIENGESELLSCHAFT, Berliner Ring 2, 38440 Wolfsburg (DE) (86) DE, EM (87) DE, EM (88) DE, EM (85) DE, EM (89) EM (28) 2 (51) Cl. 12-0

(54) 1.-2. Motor vehicles / 1.-2. Véhicules à moteur / 1.-2. Vehículos de motor (81) III, CH, EM, TR (46) 05.01.2018

1.1



1.2



1.3



1.4



1.5



1.6



(46) 05.01.2018

## Languages

- ✓ In 3 languages
- ✓ The first one is in the filing language
- ✓ The IB translates into other 2 languages (R6(4))

## Contents (R17(2))

- ✓ (i) The data recorded in the International Register
- ✓ (ii) The reproduction(s) of the industrial design
- ✓ (iii) Where publication has been deferred, the date on which the period of deferment expired or is considered to have expired

International Designs Bulletin

<https://www.wipo.int/haguebulletin/?locale=en>

Notes on Publication of Information Publication of International Registrations

<https://www.wipo.int/hague/en/bulletin/notes.html>

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# Timing of Publication

- Basically, 6 months after the date of the IR (R17(1)(iii))
- Immediate publication, if the applicant requests (R17(1)(i))
- Deferment of publication, if the applicant requests (R17(1)(ii))

For example, an applicant who wants to release the product in the market before the publication of the international design bulletin.

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# Deferment of Publication

## ■ Declaration

- If the deferment period is less than 30 months (A11(1)(a))
- If no deferment (A11(1)(b))

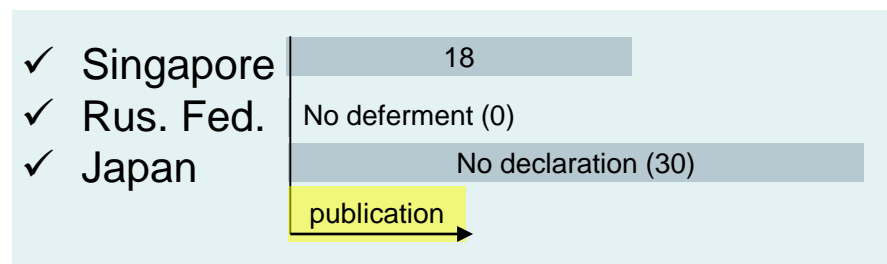
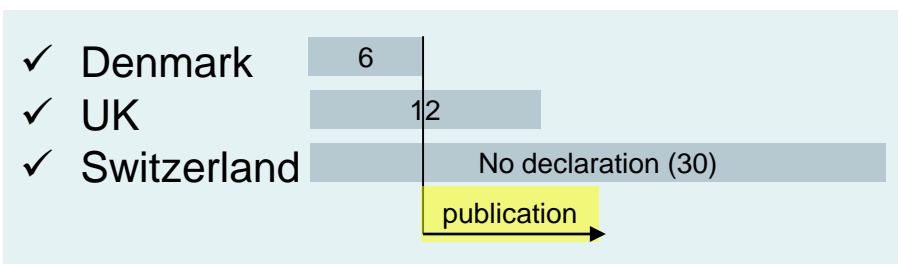
CP's Deferment period (month)	0 month	30 month	
$30 \leq \text{deferment}$			→ Declaration not required
$0 < \text{deferment} < 30$			→ Declaration(A11(1)(a)) required
No deferment			→ Declaration(A11(1)(b)) required



# Deferment of Publication

## ■ Period of deferment

➤ The shortest period in the designated CPs (A11(2)(ii))



Declaration	CPs
Declaration under A11(1)(a) Less than 30 months	Denmark, Finland, Norway: 6 months UK: 12 months Singapore: 18 months...
Declaration under A11(1)(b) No deferment	Iceland, Poland, Russian Federation, USA...
No declaration	Canada, Japan, Republic of Korea, Switzerland...

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# Refusals

- 6 months refusal period for non-examining Offices
- 12 months for examining Offices (primarily JPO, KIPO, Russian Federation and USPTO) or Offices with an opposition period (e.g., TURKPATENT)
- If no refusal issued, grant is automatic
  - Contracting Parties may provide a Statement of Grant of Protection (particularly Examining Offices)

Refusal period

6 months: EU, France, Switzerland...

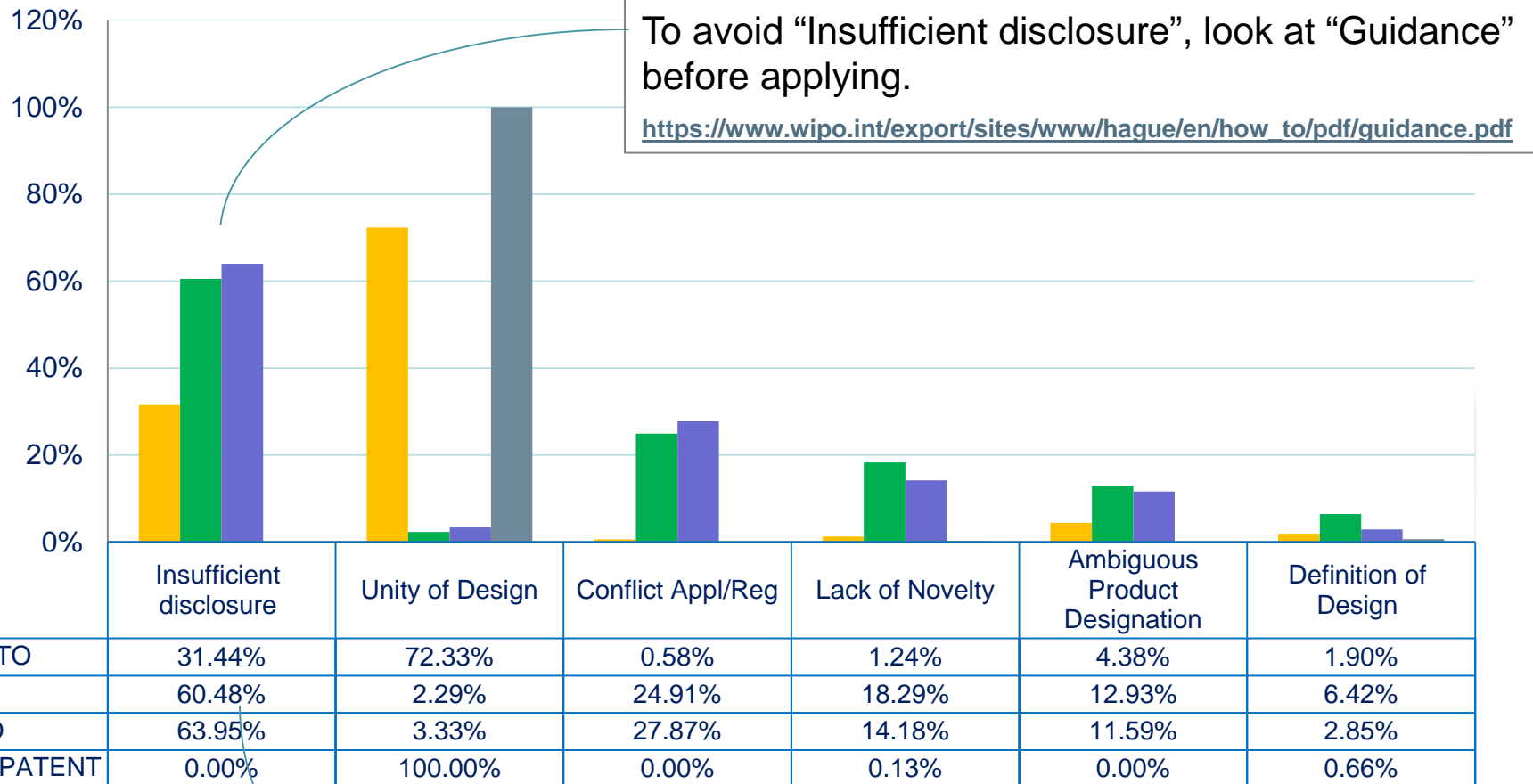
12 months: Spain, Republic of Korea, Turkey, Japan, USA, Canada, Russian Federation...

# Examination of refusals by the IB

- Reference to the number of the international registration
- Grounds of refusal
- Sent to the International Bureau within the time limit
- If the refusal is in order, it is recorded and communicated to the holder by the International Bureau
- If the refusal is out of time, Office is informed that refusal is not recorded with copy of the refusal sent to the holder

# Refusal Grounds

## USPTO, JPO, KIPO & ROSPATENT Refusal Grounds per Designs, up to December 31, 2018



\*Recent news (May 20, 2019)

Japan relaxes its requirements regarding views

[https://www.wipo.int/hague/en/news/2019/news\\_0006.html](https://www.wipo.int/hague/en/news/2019/news_0006.html)

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Source: Internal WIPO statistics

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# Grant of Protection

- Grant of Protection (R18bis(1))
  - Optional for CPs: Contracting Parties may provide a Statement of Grant of Protection (particularly Examining Offices)
  - If no refusal issued within refusal period, grant is automatic
- Grant of Protection following a refusal (R18bis(2))
  - After refusal withdrawn
  - Notification of Withdrawal of Refusal (R18(4))



Thank you!