Publication of the International Registration and Tasks of the Designated Office
Seminar on the Hague System for the International Registration of Industrial Designs

Kosuke Omagari, Associate Officer
Hague Legal Affairs Section
The Hague Registry
Outline

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

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- 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

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
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))

<table>
<thead>
<tr>
<th>CP's Deferment period (month)</th>
<th>0 month</th>
<th>30 month</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 &lt;= deferment</td>
<td></td>
<td>Declaration not required</td>
</tr>
<tr>
<td>0&lt; deferment &lt; 30</td>
<td>Declaration(A11(1)(a)) required</td>
<td></td>
</tr>
<tr>
<td>No deferment</td>
<td>Declaration(A11(1)(b)) required</td>
<td></td>
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</tbody>
</table>
Deferment of Publication

- Period of deferment
  - The shortest period in the designated CPs (A11(2)(ii))

<table>
<thead>
<tr>
<th>Declaration under A11(1)(a)</th>
<th>CPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 30 months</td>
<td>Denmark, Finland, Norway: 6 months</td>
</tr>
<tr>
<td></td>
<td>UK: 12 months</td>
</tr>
<tr>
<td></td>
<td>Singapore: 18 months…</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Declaration under A11(1)(b)</th>
<th>CPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>No deferment</td>
<td>Iceland, Poland, Russian Federation, USA…</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No declaration</th>
<th>CPs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Canada, Japan, Republic of Korea, Switzerland…</td>
</tr>
</tbody>
</table>
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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

To avoid “Insufficient disclosure”, look at “Guidance” before applying.

*Recent news (May 20, 2019)
Japan relaxes its requirements regarding views

Source: Internal WIPO statistics
Outline

- Publication
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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!