The Hague System for the International Registration of Industrial Designs

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

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Industrial Designs

DM/074502

DM/083330

DM/081900

WIPO | HAGUE
The International Design System
Why Protect Industrial Designs?

Exclusive right to prevent unauthorized copying or imitation of the product

Strengthening competitive positions of the company

Protection of industrial designs

Fair return on investment made in creating and marketing the product

Encouraging fair competition and honest trade practices
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

The centralized acquisition and maintenance of industrial design rights by filing a single international application for a single international registration with effect in one or more designated Contracting Parties.
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)
Who Can Use the System?

- Nationality
  - Real and effective industrial/commercial establishment
- Domicile
  - Habitual residence
    - Geneva (1999) Act only

Attachment to a Contracting Party
Main Features of the Hague System

Simplicity
The Hague System enables holders to obtain protection for their designs with a minimum of formality

Cost-effectiveness
Payment of a single set of fees in one currency

Efficiency
Considerable facilitation of the subsequent management of the registration

Flexibility
Right holders have more opportunities in targeting national, regional or global markets
What is the Hague System?

One to many relationships

• File a single international application for a single international registration (IR) in which one or more Contracting Parties (CP) 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
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
The Hague System Procedure: Role of the International Bureau

- Formal examination
- Recording in the International Register
- Sending the certificate to the holder
- Publication in the International Designs Bulletin
- Notification to members through the publication in the Bulletin

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>
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<tbody>
<tr>
<td>on same substantive grounds as for national/regional filings</td>
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</table>

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

<table>
<thead>
<tr>
<th>Hague System (international route)</th>
<th>National/regional route</th>
</tr>
</thead>
<tbody>
<tr>
<td>one Office for filing</td>
<td>many Offices for filing</td>
</tr>
<tr>
<td>one language</td>
<td>many languages</td>
</tr>
<tr>
<td>one currency</td>
<td>many currencies</td>
</tr>
<tr>
<td>one international registration</td>
<td>many registrations</td>
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<tr>
<td>one renewal</td>
<td>many renewals</td>
</tr>
<tr>
<td>one modification</td>
<td>many modifications</td>
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<tr>
<td>foreign attorney or agent</td>
<td>foreign attorney or agent</td>
</tr>
<tr>
<td>(first needed if refused)</td>
<td>(first needed at filing)</td>
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Legal Framework
Hague Agreement

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

- Common Regulations (1996), last revised: January 1, 2015
- Administrative Instructions (2002), last revised: July 1, 2014
- National Laws and Regulations
Going Global –
Geographical Scope of the Hague System
Hague Union

51 Geneva Act (1999) (including EU and OAPI)
14 Hague Act (1960)

65 Contracting Parties
## 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, 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, Rwanda, Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Syrian Arab Republic, Switzerland, Tajikistan, the former Y.R. of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine and the United States of America (51)

### Hague Act (1960)
- Belgium, Belize, Benin, Côte d’Ivoire, Gabon, Greece, Italy, Luxembourg, Mali, Morocco, Netherlands, Niger, Senegal and Suriname (14)
**Geneva Act (1999)**

**Recent Accessions**
- D.P.R. of Korea
  - (September 13, 2016)
- Turkmenistan
  - (March 16, 2016)
- United States of America
  - (May, 2015)
- Japan
  - (May, 2015)
- Republic of Korea
  - (July 2014)

**Potential Accessions**
- China
- Russian Federation
- Morocco
- ASEAN countries
- Israel
- Canada
- Mexico
- Madagascar
Some Statistics
Hague Membership
Status as of September 2016 (by most recent Act)

<table>
<thead>
<tr>
<th>Year</th>
<th>1999 Act</th>
<th>1960 Act</th>
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<tr>
<td>2003</td>
<td>11</td>
<td>21</td>
</tr>
<tr>
<td>2004</td>
<td>15</td>
<td>21</td>
</tr>
<tr>
<td>2005</td>
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<td>2015</td>
<td>50</td>
<td>15</td>
</tr>
<tr>
<td>2016</td>
<td>51</td>
<td>14</td>
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### Industrial Designs

#### Right-holders (8,949)

- **1 design**: 6024 (67.31%)
- **2 designs**: 1272 (14.21%)
- **3-10 designs**: 1319 (14.74%)
- **11-100 designs**: 310 (3.46%)
- **> 100 designs**: 24 (0.27%)

**All**: 8949 (100.00%)

#### Registrations in force (29,372)

- **1 design**: 6024 (20.51%)
- **2 designs**: 1272 (8.66%)
- **3-10 designs**: 1319 (20.95%)
- **11-100 designs**: 310 (25.97%)
- **> 100 designs**: 24 (23.92%)

**All**: 29,372 (100.00%)
4,166 international applications were received containing 14,151 designs (max. 100 designs / application)

42.4% growth compared to the respective period in 2015 in the number of applications

21% growth compared to the respective period in 2015 in the number of designs
3,892 international registrations were inscribed containing 13,456 designs.

62.9% growth compared to the respective period in 2015 in the number of registrations.

32% growth compared to the respective period in 2015 in the number of designs.
January-September 2016: Five Most Popular Classes in International Registrations

Class 10
Clocks and watches and other measuring instruments, checking and signaling instruments
266 registrations (6.8%)

Class 12
Means of transport or hoisting
339 registrations (8.7%)

Class 14
Recording, communication or information retrieval equipment
551 registrations (14.1%)

Class 15
Machines, not elsewhere specified
324 registrations (8.3%)

Class 6
Furnishing
249 registrations (6.3%)
Latest Developments and Upcoming Features
Latest Developments

Regularization of international applications online (since March 2016)

Guidance on preparing and providing reproductions in order to forestall possible refusals on the ground of insufficient disclosure of an industrial design by Examining Offices*

New Hague Express Database since January 2015

Improvement of E-filing interface

Developments in the legal framework

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
- **PROD watch**

### Table
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<tr>
<td>DM046674</td>
<td>HYSEK JORG</td>
<td>1999-02-03</td>
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<td>ALEXIS BARTHELEY (SOCIÉTÉ ANONYME)</td>
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<td>Watch</td>
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</table>
New Features of the E-Filing Portfolio Manager

Send corrections to irregularities or defects

Receive and download notifications from the IB relating to international applications

Retrieve in real-time current status of IA
Thank You!

www.wipo.int/hague/en