The Hague System for the International Registration of Industrial Designs
Industrial Designs

DM/074502

DM/083330

DM/081900
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

Profitability [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

Industrial designs

Industrial design applications

National/Regional IP Office(s)

Registrations

The Hague System

Industrial designs

Industrial design application

International registration

International Designs Bulletin

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 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
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)

#### Refusal by a designated Contracting Party

<table>
<thead>
<tr>
<th>On same substantive grounds as for national/regional filings</th>
<th>Must be communicated within time limit</th>
<th>Effect limited to territory of the member that has refused</th>
</tr>
</thead>
</table>

#### International registration (where not refused)

<table>
<thead>
<tr>
<th>No refusal = same rights as a local design registration</th>
<th>A bundle of independent national/regional rights</th>
<th>Advantages of central management</th>
</tr>
</thead>
</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>
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</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>
</tr>
<tr>
<td>one renewal</td>
<td>many renewals</td>
</tr>
<tr>
<td>one modification</td>
<td>many modifications</td>
</tr>
<tr>
<td>foreign attorney or agent</td>
<td>foreign attorney or agent</td>
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<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, 2017 (in force)
- Administrative Instructions (2002), last revised: July 1, 2014
- National Laws and Regulations
Going Global – Geographical Scope of the Hague System
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, 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 (52)

**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**
- The Kingdom of Cambodia (November 25, 2016)
- D.P.R. of Korea (June 13, 2016)
- Turkmenistan (March 16, 2016)
- United States of America (February 13, 2015)
- Japan (February 13, 2015)
- Republic of Korea (March 31, 2014)

**Potential Accessions**
- China
- Russian Federation
- Morocco
- ASEAN countries
- Israel
- Canada
- Mexico
- Madagascar
- United Kingdom
Current and Foreseen Coverage

Coming soon!
Some Statistics
Hague Membership Status as of December 31, 2016 (by most recent Act)

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<tbody>
<tr>
<td>1999 Act</td>
<td>11</td>
<td>15</td>
<td>18</td>
<td>20</td>
<td>23</td>
<td>33</td>
<td>36</td>
<td>39</td>
<td>42</td>
<td>45</td>
<td>46</td>
<td>47</td>
<td>50</td>
<td>52</td>
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<tr>
<td>1960 Act</td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>19</td>
<td>18</td>
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<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>14</td>
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International Registrations Recorded 2010-2016

<table>
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<tr>
<th>Year</th>
<th>Registrations Recorded</th>
<th>Growth</th>
</tr>
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<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>
</tbody>
</table>
Since the effective accession (May 13, 2015)

Most designated Contracting Parties in 2017 (until Sept.30) (international registrations)
International Applications - 2016

5,562 international applications were received containing 18,716 designs (max. 100 designs / application)

35.29% growth compared to the respective period in 2015 in the number of applications

13.9% growth compared to the respective period in 2015 in the number of designs
5,233 international registrations were inscribed containing 17,601 designs.

46.1% growth compared to the respective period in 2015 in the number of registrations.

21.5% growth compared to the respective period in 2015 in the number of designs.
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 reproductions*
- New Hague Express Database since January 2015
- Global Design Database launched in 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

**1 - 10 / 1,627**

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<tbody>
<tr>
<td>DM/046674</td>
<td>HYSEK JORG</td>
<td>1999-02-03</td>
<td>03-01</td>
<td>Etui pour montre</td>
<td>AN, EG, ES, JD, MA, TN, V</td>
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<tr>
<td>DM/082429</td>
<td>CARTIER CREATION STUDIO SA</td>
<td>2013-12-13</td>
<td>10-02</td>
<td>Watch, Watch case, Watch bracelet, Watch dial</td>
<td>CH, EM, SG, TR</td>
<td>8</td>
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<tr>
<td>DM/003367</td>
<td>FRANCK MULLER WATCHLAND SA</td>
<td>2014-04-09</td>
<td>10-02</td>
<td>1. Montre-bracelet</td>
<td>EM, MC, SG</td>
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<td>DM/065362</td>
<td>SWATCH AG (SWATCH SA) (SWATCH LTD.)</td>
<td>2004-05-12</td>
<td>10-02</td>
<td>Montre-bracelet</td>
<td>BQ, CW, EG, JD, SX, TN, V</td>
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<tr>
<td>DM/073465</td>
<td>BÉDAT &amp; CO SA</td>
<td>2010-03-26</td>
<td>10-02</td>
<td>Watch</td>
<td>BX, KP, CH, EM, LJ, OA, S</td>
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<td>DM/073361</td>
<td>HUBLOT SA, GENÈVE</td>
<td>2010-03-18</td>
<td>10-02</td>
<td>Watch</td>
<td>CH, EM, SG</td>
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<tr>
<td>DM/073317</td>
<td>OMEGA SA (OMEGA AG) (OMEGA LTD.)</td>
<td>2010-02-12</td>
<td>10-02</td>
<td>Watch</td>
<td>BZ, MA, MC, ME, AL, AM,</td>
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<tr>
<td>DM/072570</td>
<td>ALEXIS BARTHELAY (SOCIÉTÉ ANONYME)</td>
<td>2009-10-20</td>
<td>10-02</td>
<td>Watch</td>
<td>MA, CH, EG, EM, OM, SG</td>
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</tr>
</tbody>
</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
<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>
</table>
Priority Documents

Republic of Korea

• Priority documents may be attached to the IA at the time of filing.
• When failed to attach the priority documents to the IA, these documents shall be submitted directly to KIPO through a local agent within three months from the date of publication of the IR.

Japan

• Original priority documents have to be sent directly to the JPO through a local agent within three months from the date of publication of the IR.

United States of America

• Original priority documents have to be sent directly to the USPTO at the latest before “the date on which the issue fee is paid”.
Guidance on Reproductions

How to prepare and provide reproductions

Most common issues for refusal

Guidance for specific Contracting Parties

To help applicants avoid possible refusal
Reproduction Examples (1)

D089713 – Hilti Aktiengesellschaft

D087535 – Softbank Robotics
Reproduction Examples (2)

D089858 – Ninebot (Beijing) Tech

D086974 – Babyjorn AB
Thank You!

www.wipo.int/hague/en