



WIPO | HAGUE

The International
Design System



From Filing to Expiry: The Lifecycle of an International Registration

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Outline

- Filing
- Examination by the International Bureau
- Maintenance of an International Registration
- Changes to an International Registration

Filing Entitlements

- Hague is a closed system governed by the 1960 and 1999 Acts
- Entitlements
 - Nationality
 - Domicile
 - Real and effective commercial or industrial establishment
 - Habitual residence (1999 Act)

1960 and 1999 Acts (1)

- 1960 Act only: Belize, Morocco, and Suriname
- 1999 Act: all other (1960/1999) countries either individually or by virtue of membership in the European Union (EU) or OAPI
 - Japan, Republic of Korea, United States
 - EU: Belgium, Greece, Italy, Luxembourg, Netherlands, + other EU countries
 - OAPI: Benin, Côte d'Ivoire, Gabon, Mali, Niger, Senegal

1960 and 1999 Acts

- 1960/1999: Albania, Bulgaria, Croatia, DPR Korea, France, Georgia, Germany, Hungary, Krgyzstan, Liechtenstein, Moldova, Monaco, Mongolia, Montenegro, North Korea, Romania, Serbia, Slovenia, Switzerland

Designations

- 1960 Act: 1960 Contracting Parties only
- 1960/1999 Acts: 1960, 1960/1999, 1999 Contracting Parties
- 1999 Act: 1960/1999 and 1999 Contracting Parties

How to file?

- With the International Bureau or indirect filing (e.g. Japan, Republic of Korea, United States)
- File electronically!
- English, French, or Spanish
- No need for an earlier national application
- Designation of Contracting Parties at time of filing (no subsequent designation possible)
- Be aware of declarations made by Contracting Parties (e.g., creator, deferment of publication, oath/declaration, special reproductions, claim, description, etc.)

Mandatory contents of an application

- Applicant details
- Reproductions (can include up to 100 designs)
- Product indication
- Designation of Contracting Parties
- Fees

Additional mandatory contents

- Contracting Parties may have additional requirements
 - Creator
 - Description
 - Oath/declaration of the creator (US only)
 - Claim (US only)

Optional contents (1)

- Creator (if not required by a designated Contracting Party)
- Description (if not required by a designated Contracting Party)
- Legends
- Priority claim
- International exhibition
- Publication (immediate, standard or deferred)
- Exceptions to lack of novelty
- Relation with the principle design (JP and KR)

Optional contents (2)

- Appointment of a representative
- Information on eligibility for protection
- Economic status and certificate where applicable
- Locarno classification

Requirements concerning the reproductions (1)

- Size
 - Max: 16cm x 16 cm
 - Min: One side at least 3cm
- 5mm left around the reproduction
- Numbering
 - 1.1, 1.2, 1.3, 2.1, 2.2, 2.3 (first number refers to the design, second number to the reproduction)
- Can submit photographs or graphic representations in black/white and/or color

Requirements concerning the reproductions (2)

- Don't include other objects, accessories, person or animal
- No technical drawings (axes & dimension)
- No explanatory text or legends in the representations

Photograph and/or graphic representation

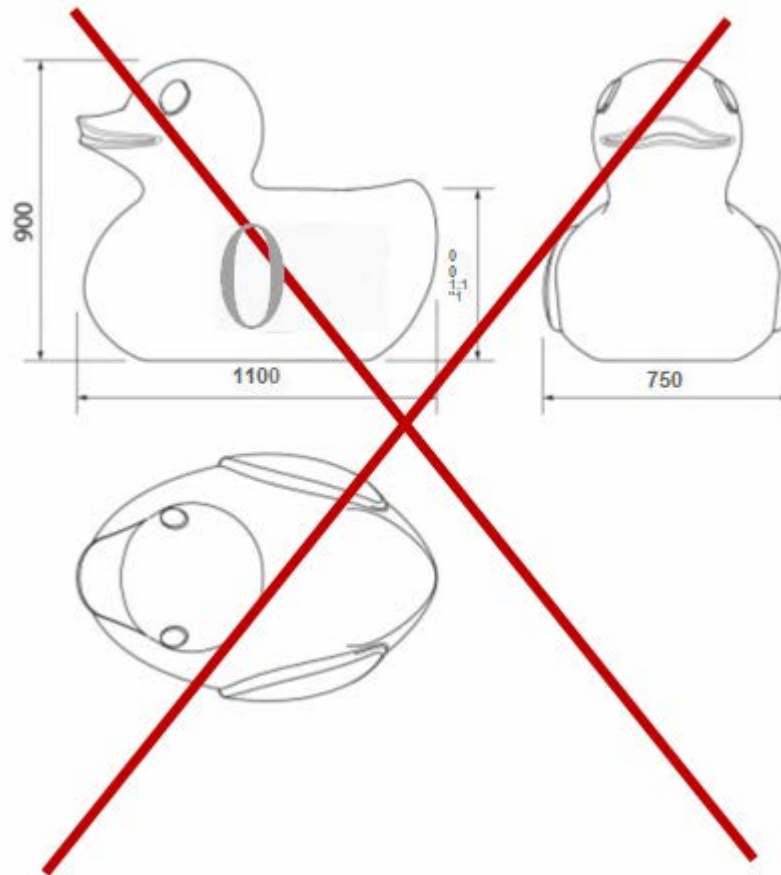


“DM/093893” “Tables”

Other objects



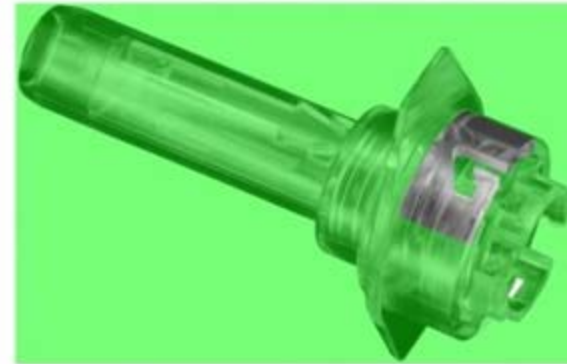
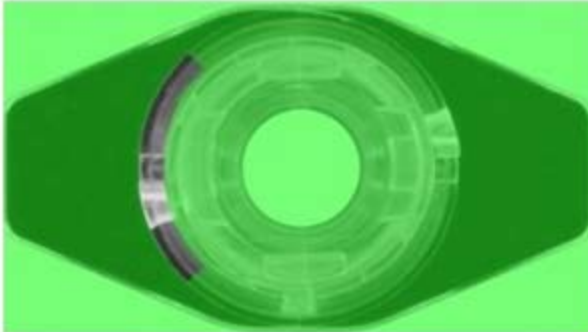
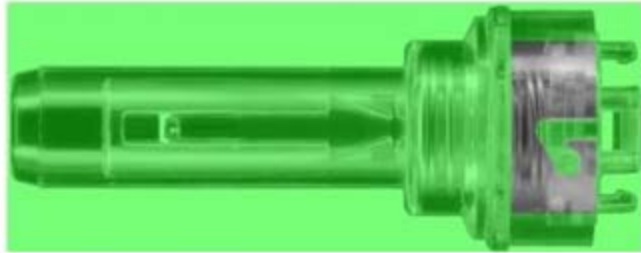
Technical drawing



Disclaimer

- Matter which is shown in a reproduction but for which protection is not sought
 - Text in the description
 - Dotted or broken lines or coloring

Disclaimer by coloring and description



“The green colored parts form no part of the claimed design (disclaimer)”

Disclaimer by broken lines and description



DM/082544

“No protection is sought for the matter shown in dotted lines”

Description

- Optional in most instances
 - Appearance of the design
 - Possible utilization
 - Omitted views
 - Disclaimer
 - Legends
- Brief description is compulsory for Romania and Syrian Arab Republic designations

Legends

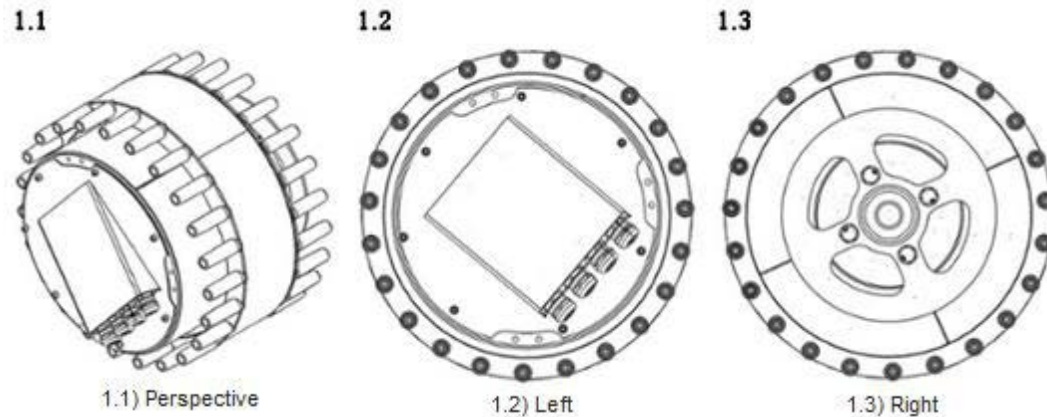
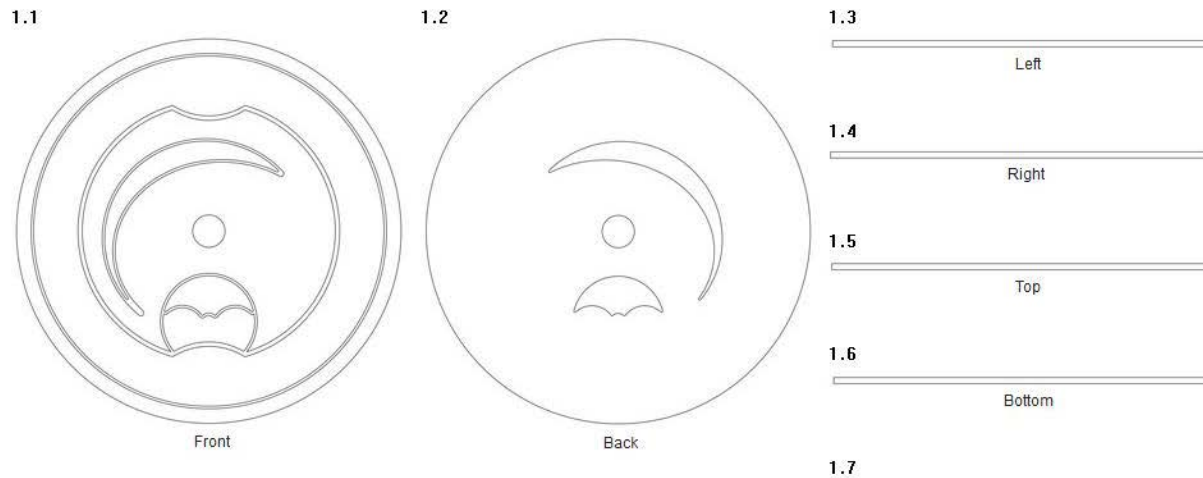


Figure 1.1 is a perspective view of a drive module assembly for vehicles; figure 1.2 is a left view of a drive module assembly for vehicles; figure 1.3 is a right view of a drive module assembly for vehicles.....

Omitted views



DM/084264, “Watch dial”

“Right side, top and bottom views are omitted because they are identical or mirror image of the left side view”

Possible utilization



DM/084820, “Heel protector”

Heel protection designed to protect the back of shoes or sandals against rubbing or damage while driving or traveling **and to improve safe driving**

Product indication (1)

- Specific and usually generic name
 - Be as precise as possible
- Check Hague Express for examples
 - Lighting device -> Table lamp
 - Communication equipment -> Mobile phone
 - Footwear article -> Boot
- One product indication per design
 - Carpets, mats or rugs -> Bathroom mat
 - Footwear, socks or stockings -> Golf shoes

Production indication (2)

- Can be the product itself or part thereof
 - Chair, Chair seat
- Industrial designs are classified according to the Locarno classification
 - Mono class system
 - Multiple designs can be included as long as they belong to the same class
 - If there are multiple Locarno classes, divisional applications are to be filed

Mono class



2.2

Chair

7.1



Dining table

3.1



Cabinet

13.1



Sofa

21.1



Corner table

Class 6 (Furnishing)

Multiple classes

1.1



Class 12

1.3



Class 6

1.1



Class 26

Examination by the International Bureau

- Formal examination by the International Bureau
- Issuance of irregularity letter in case of defect
- Time limit of 3 months to file response

Irregularities affecting the filing date

- Not in a prescribed language (English, French, or Spanish)
- No applicant details
- No reproductions
- No designation of Contracting Party

Irregularities affecting the registration date

- Creator, Description, Claim
 - Depends on the designated Contracting Party

International registration

- Registration certificate
- Centralized publication of the international registration in the international designs bulletin and on Hague Express
 - Immediate
 - Standard (6 months from date of international registration)
 - Deferred (up to 30 months from the earliest filing date depending on the Contracting Party)

Refusal period

- 6 months for non-examining Offices
- 12 months for examining Offices (primarily JPO, KIPO and USPTO)
- If no refusal issued, grant is automatic
 - Contracting Parties may provide a Statement of Grant of Protection (particularly Examining Offices such as the JPO, KIPO and USPTO)

Examination of refusals by the International Bureau

- 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 communicated to the holder by the International Bureau

Live demo of the E-Filing Portfolio Manager

- http://www.wipo.int/hague/en/how_to/file/file.html
- File applications electronically
- Respond to irregularity letters issued by the International Bureau

Renewal

- Duration of protection
 - Initial term: 5 years
 - Minimum duration
 - 1960 Act: 10 years
 - 1999 Act: 15 years
 - Maximum duration may be longer in each Contracting Party

Scope of Renewal

- Total
- Partial
 - For some designated Contracting Parties
 - For some designs

DM/4 Form

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SCOPE OF THE RENEWAL (check item (a) or complete item (b))

- (a) **TOTAL RENEWAL:** the renewal of the international registration is to be recorded for **all** designs included in that international registration and for **all** designated Contracting Parties – including, where applicable, those Contracting Parties in respect of which a total refusal has been recorded in the International Register and those Contracting Parties designated under the 1999 Act or the 1960 Act in respect of which the maximum period of protection has expired.

- (b) **PARTIAL RENEWAL**

- (i) Indicate below the number of each industrial design for which the international registration is **NOT** to be renewed; if no industrial design number is indicated, it will be understood that all industrial designs indicated in item 1 will be the subject of the renewal:

.....

.....

.....

- (ii) Indicate below the designated Contracting Parties for which the international registration is **NOT** to be renewed¹:

<input type="checkbox"/> AL	<input type="checkbox"/> BN	<input type="checkbox"/> DE	<input type="checkbox"/> FI	<input type="checkbox"/> HR	<input type="checkbox"/> KP	<input type="checkbox"/> MD	<input type="checkbox"/> NE	<input type="checkbox"/> RS	<input type="checkbox"/> SY
<input type="checkbox"/> AM	<input type="checkbox"/> BW	<input type="checkbox"/> DK	<input type="checkbox"/> FR	<input type="checkbox"/> HU	<input type="checkbox"/> KR	<input type="checkbox"/> ME	<input type="checkbox"/> NO	<input type="checkbox"/> RW	<input type="checkbox"/> TJ
<input type="checkbox"/> AZ	<input type="checkbox"/> BX	<input type="checkbox"/> EE	<input type="checkbox"/> GA	<input type="checkbox"/> IS	<input type="checkbox"/> LI	<input type="checkbox"/> MK	<input type="checkbox"/> OA	<input type="checkbox"/> SG	<input type="checkbox"/> TM
<input type="checkbox"/> BA	<input type="checkbox"/> BZ	<input type="checkbox"/> EG	<input type="checkbox"/> GE	<input type="checkbox"/> IT	<input type="checkbox"/> LT	<input type="checkbox"/> ML	<input type="checkbox"/> OM	<input type="checkbox"/> SI	<input type="checkbox"/> TN
<input type="checkbox"/> BG	<input type="checkbox"/> CH	<input type="checkbox"/> EM	<input type="checkbox"/> GH	<input type="checkbox"/> JP	<input type="checkbox"/> LV	<input type="checkbox"/> MN	<input type="checkbox"/> PL	<input type="checkbox"/> SN	<input type="checkbox"/> TR
<input type="checkbox"/> BJ	<input type="checkbox"/> CI	<input type="checkbox"/> ES	<input type="checkbox"/> GR	<input type="checkbox"/> KG	<input type="checkbox"/> MA	<input type="checkbox"/> NA	<input type="checkbox"/> RO	<input type="checkbox"/> SR	<input type="checkbox"/> UA
				<input type="checkbox"/> KH	<input type="checkbox"/> MC			<input type="checkbox"/> ST	<input type="checkbox"/> US

¹ It is understood that the renewal is to be recorded in respect of all designated Contracting Parties not indicated above (including, where applicable, those in respect of which a total refusal has been recorded in the International Register and those designated under the 1999 Act or the 1960 Act in respect of which the maximum period of protection has expired).

Renewal tips (1)

- WIPO will send a reminder 6 months prior to expiry
- Use E-renewal
 - Pay between 0-3 months before and renewal is automatic
 - Any transaction will block automatic renewal
 - Payment between 3-6 months (e.g., with WIPO current account) will be deemed premature and will require manual processing
- Renewals still possible even after expiry of minimum period of protection

Renewal tips (2)

- Renewal still possible even if refusal is recorded
- No renewal possible in cases of renunciation, limitation, or invalidation

Limitation

- Form DM/3
- Limitation of protection for some designs in some or all Contracting Parties

Renunciation

Form DM/5

4 CONTRACTING PARTIES (check either (a) or (b))

(a) The renunciation concerns **all** designated Contracting Parties;

(b) The renunciation concerns the following designated Contracting Parties:

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> AL Albania | <input type="checkbox"/> EM European Union | <input type="checkbox"/> LI Liechtenstein | <input type="checkbox"/> PL Poland |
| <input type="checkbox"/> AM Armenia | <input type="checkbox"/> ES Spain | <input type="checkbox"/> LT Lithuania | <input type="checkbox"/> RO Romania |
| <input type="checkbox"/> AZ Azerbaijan | <input type="checkbox"/> FI Finland | <input type="checkbox"/> LV Latvia | <input type="checkbox"/> RS Serbia |
| <input type="checkbox"/> BA Bosnia and Herzegovina | <input type="checkbox"/> FR France | <input type="checkbox"/> MA Morocco | <input type="checkbox"/> RW Rwanda |
| <input type="checkbox"/> BG Bulgaria | <input type="checkbox"/> GA Gabon | <input type="checkbox"/> MC Monaco | <input type="checkbox"/> SG Singapore |
| <input type="checkbox"/> BJ Benin | <input type="checkbox"/> GE Georgia | <input type="checkbox"/> MD Republic of Moldova | <input type="checkbox"/> SI Slovenia |
| <input type="checkbox"/> BN Brunei Darussalam | <input type="checkbox"/> GH Ghana | <input type="checkbox"/> ME Montenegro | <input type="checkbox"/> SN Senegal |
| <input type="checkbox"/> BQ Bonaire, Sint Eustatius and Saba* | <input type="checkbox"/> GR Greece | <input type="checkbox"/> MK The former Yugoslav Rep. of Macedonia | <input type="checkbox"/> SR Suriname |
| <input type="checkbox"/> BW Botswana | <input type="checkbox"/> HR Croatia | <input type="checkbox"/> ML Mali | <input type="checkbox"/> ST Sao Tome and Principe |
| <input type="checkbox"/> BX Benelux | <input type="checkbox"/> HU Hungary | <input type="checkbox"/> MN Mongolia | <input type="checkbox"/> SX Sint Maarten* |
| <input type="checkbox"/> BZ Belize | <input type="checkbox"/> IS Iceland | <input type="checkbox"/> NA Namibia | <input type="checkbox"/> SY Syrian Arab Republic |
| <input type="checkbox"/> CH Switzerland | <input type="checkbox"/> IT Italy | <input type="checkbox"/> NE Niger | <input type="checkbox"/> TJ Tajikistan |
| <input type="checkbox"/> CI Côte d'Ivoire | <input type="checkbox"/> JP Japan | <input type="checkbox"/> NO Norway | <input type="checkbox"/> TM Turkmenistan |
| <input type="checkbox"/> CW Curaçao* | <input type="checkbox"/> KG Kyrgyzstan | <input type="checkbox"/> OA African Intellectual Property Office | <input type="checkbox"/> TN Tunisia |
| <input type="checkbox"/> DE Germany | <input type="checkbox"/> KH Cambodia | <input type="checkbox"/> OM Oman | <input type="checkbox"/> TR Turkey |
| <input type="checkbox"/> DK Denmark | <input type="checkbox"/> KP Democratic People's Republic of Korea | | <input type="checkbox"/> UA Ukraine |
| <input type="checkbox"/> EE Estonia | <input type="checkbox"/> KR Republic of Korea | | <input type="checkbox"/> US United States of America |
| <input type="checkbox"/> EG Egypt | | | |

Others:

* Territorial entity previously part of the Netherlands Antilles.

Change of Ownership

- Form DM/2
- Can be presented by the current holder
- Can be presented by the new holder
 - Proof of entitlement (e.g. attestation from competent authority, assignment document)
- Common treaty between new owner and each Contracting Party
- New agent can be appointed by new owner if transfer is in order

Other transactions

- Form DM/6 (Change in name or address of the holder)
- Form DM/7 (Appointment of a representative)
- Form DM/8 (Change in name or address of the representative)
- Form DM/9 (Cancellation of appointment of the representative)

Sending Forms to the International Bureau

- Avoid sending paper or fax
- Exploring options to send electronically in parallel with the recent launch of the Hague Contact Form

Bulletin and Databases

- International Designs Bulletin

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

- Hague Express

- <http://www.wipo.int/designdb/hague/en/>

- Global Designs Database

- <http://www.wipo.int/designdb/en/index.jsp>

Questions

- Hague “Contact Us”

- <http://www.wipo.int/hague/en/contact>

- Hague Customer Service

- Tel: +41 22 338 7575