Filing of an International Application
Hague Seminar

Jonah Asher
Assistant Program Officer
Hague Development and Promotion Section
The Hague Registry
Outline

- Filing
- Mandatory and optional contents
- Indication of specific features for certain Offices
- Reproduction guidance
- Examination by the International Bureau
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: Morocco, and Suriname
- 1999 Act: all other countries either individually or by virtue of membership in the European Union (EU) or OAPI
  - EU (1960): Italy, Greece
  - OAPI (1960): Benin, Côte d’Ivoire, Gabon, Mali, Niger, Senegal
- Some countries are members of both 1960/1999
Designations

- 1960 Act: 1960 Contracting Parties only (Morocco or Suriname)
How to file?

- With the International Bureau or indirect filing (e.g. Japan, Republic of Korea, Russian Federation, 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
    - Romania
    - National requirement: (see Box 11 of DM1)
  - Description (Romania, Syria)
  - Oath/declaration of the creator (United States only)
  - Claim (United States only)
  - Individual designation fee payable in two parts (United States 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
- Publication (immediate/deferred instead of standard)
- International exhibition
- Exceptions to lack of novelty (JP and KR)
- Relation with the principle design (JP and KR)
Optional contents (2)

- Appointment of a representative
- Information on eligibility for protection (Information Disclosure Statement in the United States)
- 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 graphic representation can be included as one design (note: examining offices may issue objection)
Other objects
Technical drawing not permitted
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 Syria
Legends

DM/095106, “Drive module assembly for vehicles”
Omitted views

DM/084264, “Watch dial”

(Right side, top and bottom views can be 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

- Specific and usually generic name
  - Be as precise as possible
- Check the Global Designs Database for examples
  - Lighting device -> Table lamp
  - Communication equipment -> Mobile phone
  - Footwear article -> Boot
- Can be the product itself or part thereof
  - Chair, Chair seat
Locarno classification (LOC)

- 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
- Use the LOC list of goods for determining the product indication
LOC - Mono class

Class 6 (Furnishing)
LOC - Multiple classes

Class 12

Class 6

Class 26
Reproduction guidance


- Guidelines prepared in consultation with Examining Offices
  - Sufficiency of disclosure (number of views, explanation)
  - Use of color and patterns
  - Mixing of reproduction types
- Reflects input from CA, HU, JP, KG, KR, MD, RO, RU, SY, US
Reproduction guidance (2)

<table>
<thead>
<tr>
<th>GUIDANCE NO. 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)(i) Submit six views of a three-dimensional product or two views of a two-dimensional product.</td>
</tr>
<tr>
<td>(a)(ii) Submit perspective views instead of six views.</td>
</tr>
<tr>
<td>(a)(iii) Make views to be in the same scale</td>
</tr>
<tr>
<td>(a)(iv) Indicate the direction (angle) of each view.</td>
</tr>
<tr>
<td>(a)(v) Submit a sufficient number of views for each of the multiple designs</td>
</tr>
</tbody>
</table>

In a situation where an applicant wishes to omit a certain view(s):

| (b) Explain which view(s) are omitted and why they were omitted. | ✗ | X | ○ | ○ | ○ | X | ○ | ○ |

In a situation where an applicant seeks protection of a certain part of the product:

| (c)(i) Submit view(s) of a part(s) of the product for which protection is not sought, showing it by means of a disclaimer. | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ✗ |
| (c)(ii) Explain the means to indicate the disclaimed part. | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |

GUIDANCE NO. 2

| (a) Submit another specific view at the time of filing for a clearer disclosure of the configuration of a certain part of the product where necessary to adequately disclose the design. | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
Examination by the International Bureau

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

- **Contact Hague**
  - [http://www.wipo.int/hague/en/contact](http://www.wipo.int/hague/en/contact)

- **Hague Customer Service**
  - Tel: +41 22 338 7575