

# User/Filer Experience on the strategic use of the Hague System

Sub-Regional Workshop on the Hague System for Stakeholders in Botswana, Ghana, Namibia, Rwanda and Sao Tome and Principe  
November 2, 2022

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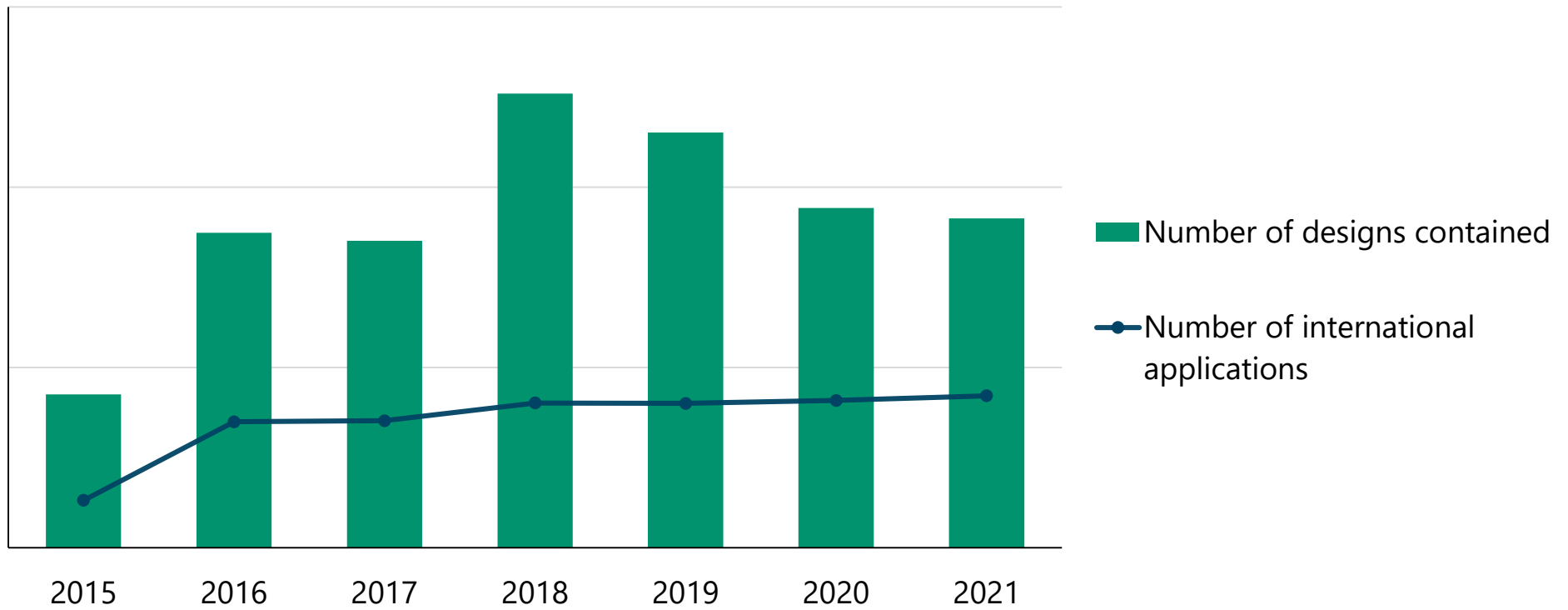
1. Promotion and support of the Hague System to companies by the JPO
2. Operations that the JPO conducts as a receiving office and a designated office

1. Promotion and support of the Hague System to companies by the JPO

# Statistics on International applications filed by Japanese applicants

- [JP] JAPAN  
Membership in the Hague agreement  
Geneva Act (1999) | Entry into Force: May 13, 2015

Applications by origin –Japan–



Source: WIPO statistics database

# Online IP seminars for practitioners

- The seminars provide easy-to-understand explanations of highly specialized content for practitioners involved in IP work.
  - ✓ “The International Registration System for Designs (The Hague System) (System Overview, Online Filing and Database)”
  - ✓ “The International Registration System for Designs (The Hague System) (Procedures)”

工業所有権情報・研修館 IPePlat To top page

2021年度実務者向け説明会  
意匠の国際登録制度（ハーグ制度）について（制度概要・オンライン出願・データベース編） 意匠国際登録制度（ハーグ制度）の概要（25分54秒）

### 国際出願から国際公表まで From Filing to Publication

The flowchart illustrates the process from filing to publication. It starts with the Applicant (出願人) submitting an international filing (国際出願の受領書) to the Designated Office (指定官庁). The office performs a formal examination (方式審査). If there are irregularities (不備), the applicant is notified (不備の通知) and can correct them (不備の補正). Once approved, the International Registration (IR) is issued (国際登録). The applicant then provides a confidential copy (秘密の写し) to the Designated Office. The IR is published in the International Designs Bulletin (国際公表). Key milestones include: International Filing Date = International Registration Date (unless corrected), and International Publication Date = International Registration Date + 12 months (with possible extension). A Certificate of the IR (国際登録証) is issued within 3 months. Publication occurs immediately, or 12 months earlier, or on a standard date (from registration date), or with extension (if possible).

08:30/25:54

[意匠の国際登録制度（ハーグ制度）について（制度概要・オンライン出願・データベース編）.pdf](#) [Glossary](#) [Return to list](#) [Next Chapter](#)

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2021年度実務者向け説明会  
意匠の国際登録制度（ハーグ制度）について（手続編）「国際出願から国際登録まで（その1）」（22分54秒）

### (3) 願書【DM/1】の記載注意点（8/14）

#### 複製物の説明（Legends） ◆第10欄

10. Legends (optional)  
Recommended, especially when designating Japan and/or the United States of America. For more information, refer to Guidelines on Designations.

Assign the number in the margin of the reproduction with the corresponding code.

1 Perspective	2 Back	3 Bottom	7 Right	8 Unfolded	11 Cross-Sectional
2 Front	4 Top	5 Left	6 Reference	10 Exploded	12 Enlarged
05 Other (limited to 4 characters)					

No.	Code	Legend	No.	Code	Legend
10.1.1	10.1.1	10.1.1.1	10.1.1	10.1.1	10.1.1.1

The diagram shows a watch mechanism (DM078436) with various views: Perspective, Exploded view, Cross section view, and Enlarged view (DM044607 'Tire'). A legend table is provided for reference.

12:10/22:54

[意匠の国際登録制度（ハーグ制度）について（手続編）.pdf](#) [Glossary](#) [Return to list](#) [Prev Chapter](#) [Next Chapter](#)

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# Provide Information about the Hague System on the JPO website


- Provide the following information on the JPO website
  - ✓ List of Contracting Parties
  - ✓ Outline of the System
  - ✓ Procedures
  - ✓ Fees
  - ✓ Online tools provided by the WIPO
  - ✓ Information on Contracting Parties
  - ✓ Notices from the WIPO
  - ✓ The Geneva Act of the Hague Agreement and Related Regulations
  - ✓ Related Laws, Regulations and Guidelines
  - ✓ Q&A, etc.

The screenshot shows the JPO website interface. At the top, there is a search bar and navigation menu. Below the navigation menu, there are several news items. The main content area features a search bar and a sidebar with '注目情報' (Featured Information) including links for '特許・実用新案・意匠・商標を検索' (Search for Patents, Utility Models, Designs, and Trademarks), '初めての商標検索' (First-time Trademark Search), '手続に料金計算' (Calculate Fees for Procedures), and '中小企業の皆様へ' (For Small and Medium Enterprises). A banner for 'つながる 特許庁 6都市で開催' (Connecting Patent Office, Held in 6 Cities) is visible. Below the banner, there is a section titled 'International Applications' with a navigation bar containing '制度から探す' (Search by System), '目的から探す' (Search by Purpose), and '利用者別に見る' (View by User). The '国際出願' (International Application) button is highlighted with a red box. Below this, there is a text block about international applications under the Geneva Act of the Hague Agreement, with a red box around the text: '【意匠の国際出願】ハーグ協定のジュネーブ改正協定に基づく国際出願に関して' (International Application for Designs under the Geneva Act of the Hague Agreement). A red arrow points from the text to the '国際出願' button.

[International Application for Designs]  
International Applications under the Geneva Act of the Hague Agreement

# Raising awareness through texts and brochures

**意匠の国際登録制度  
(ハーグ制度) について**  
**〔出願実務〕**

令和3年度  

**特許庁**

**第2章 国際出願の手続**  
**第1節 ジュネーブ改正協定に基づく国際出願手続の原則**

**1. 国際出願の方法**  
 出願人の選択により、以下2通りの方法で出願することができます。〔協定4条(1)〕

**(1) 国際事務局への直接出願**  
 出願人が国際事務局に対して直接提出する方法です。世界的知的所有権機関(WIPO)のウェブサイト上で提供されているインターネット出願ツール(eHague)を使用します。

インターネット出願: eHague による出願<推奨>  
 WIPOのウェブサイト「eHague」からWIPOユーザーアカウントでログインし、ウェブ上で願書を作成して出願を行います。

※郵送での直接出願や Contact Hague を通じた出願は、推奨されておりません。

※国際出願願書が WIPO へ到達した日が国際出願日となります。発信主義ではありません。

**(2) 官庁を通じて行う間接出願**  
 出願人の締約国の官庁を通じて国際事務局に出願する方法です。この場合、官庁が出願人から受理した書類を国際事務局に送付します。  
 注意) 国際出願願書が日本国特許庁へ到達した日が国際出願日となります。発信主義ではありません。

日本国特許庁を通じて出願を行う場合は、「第3章 日本国特許庁を通じて国際出願」をご参照ください。


**2. 国際出願の出願人**  
 国際出願をすることができる者は、締約国の国民若しくは締約国である政府機関の加盟国の国民である者、又は締約国内に住所若しくは居所(法人にあっては営業所)を有する者です。〔協定3条〕

- 9 -

## The International Registration System for Designs (The Hague System) (Filing practices)

**意匠の国際登録制度  
活用ガイド**  
 あなたのデザインを海外にも展開しませんか？

ハーグ協定のジュネーブ改正協定に基づく  
 意匠の国際登録制度


**特許庁**

**メリット**

<p style="text-align: center;"> <b>Merit 1</b>  <b>出願手続の簡素化</b>                  各国ごとの出願書類が作成不要、複製書類一括出願             </p> <p>                 ジュネーブ改正協定で定められている3つの言語(英語・フランス語・スペイン語)のいずれかで出願書類を一通り提出すればよいため、各国の国内手続が求められる様式、言語によりそれぞれ書類を作成する必要がありません。また、1つの国際出願に最大100の意匠を含めることができます(同じ国際出願手続に属する場合は)。             </p>	<p style="text-align: center;"> <b>Merit 2</b>  <b>間接経費の削減</b>                  代理人の選任費用や翻訳費用が不要             </p> <p>                 代理人を選任せずに国際出願をすることができます(※)。また、国際事務局への登録及び国際登録公報の発行に必要と認められていないWIPO国際事務局が行いますので、翻訳費用が発生しません。             </p> <p>                 ※国際登録の通知に応答する場合は、各指定国の国内手続に別途申請をする際に、別途その国の代理人を選任する必要があります(※)があります。             </p>
<p style="text-align: center;"> <b>Merit 3</b>  <b>権利管理の簡便化</b>                  国際登録の権利はWIPO国際事務局で一元的に管理される             </p> <p>                 5年ごとの権利更新の国際登録の更新(所有の変更、放棄、名称変更)に必要とする各種申請は全て WIPO 国際事務局に対して1つの手続です。各国に異なった手続が必要ありません。             </p>	<p style="text-align: center;"> <b>Merit 4</b>  <b>遅滞のない審査</b>                  登録の可否がわかる時期が明確             </p> <p>                 各指定締約国官庁は、拒絶理由を発見した場合、国際公表から6月又は12月以内に WIPO 国際事務局に対して拒絶の通知を送付しなければならぬため、各国における登録の可否がわかる時期が明確です。             </p>

## Brochure of International Registration for Designs

# The 11th Japan-China-Korea Design Forum -Design protection in the global economy and Web 3.0-

- Symposium on the Design System for users
- Date: August 1, 2022 Venue: Online Host: JPO Number of Participants: Approx. 250
- Session 1 “Expansion of global economic initiatives” (the latest developments in the three member countries of Japan, China, and South Korea with respect to the Hague system, etc.)  
Session 2 “Description of design creation and protection in Web 3.0”



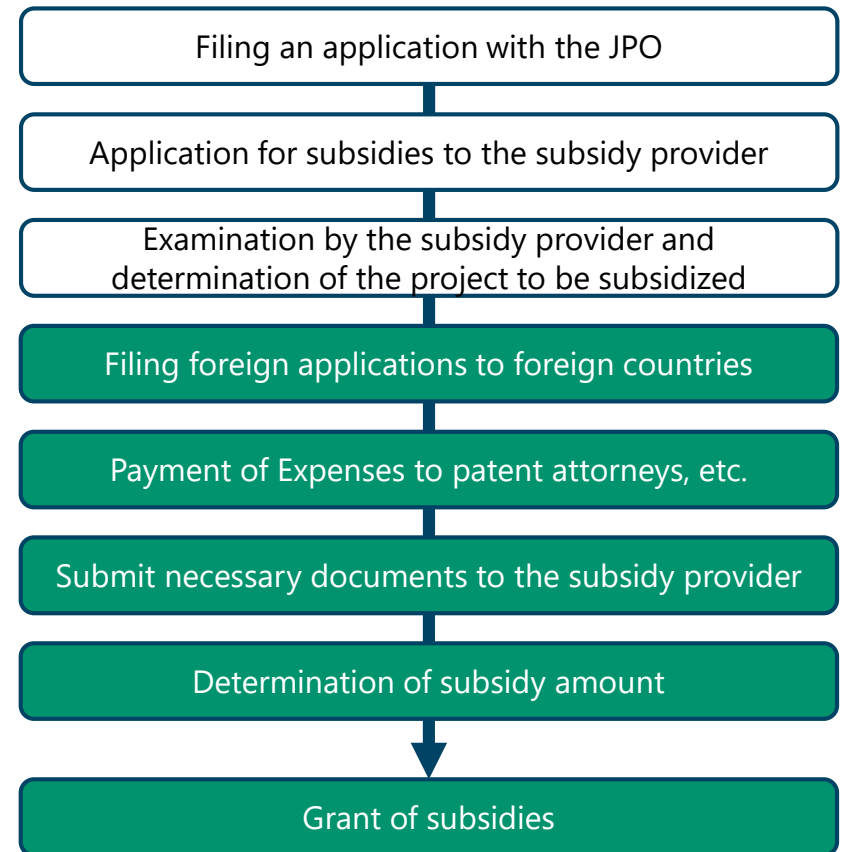


# Foreign Application Subsidies (Supporting SMEs to file foreign applications)

- 1/2 of the expenses of a foreign application is subsidized.

Support recipients	Domestic SMEs, etc.
Projects to be supported	Cases in which an application has already been filed with the JPO at the time of application for support and a priority is claimed and an application is filed in a foreign country within the fiscal year.  * For Hague applications, Japan should be included as a designated Contracting Party at the time of filing.
Expenses to be supported	(1) Application fees to foreign patent offices (2) Expenses for domestic and local agents required for (1) (3) Translation costs required for (1)
Rate of Support	1/2  * Upper Limit Amount Per company: 3 million JPY Per project: 600,000 JPY (designs)

## Support Schemes

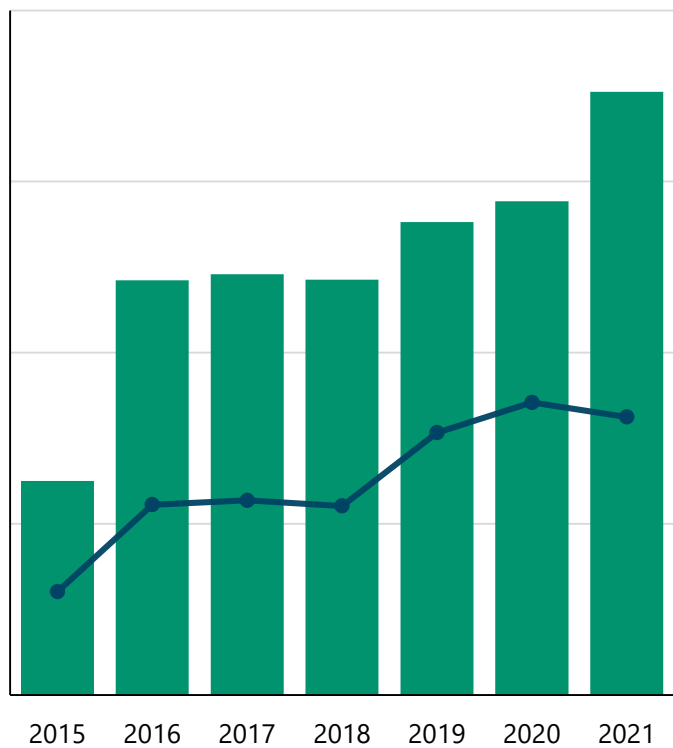


## 2. Operations that the JPO conducts as a receiving office and a designated office

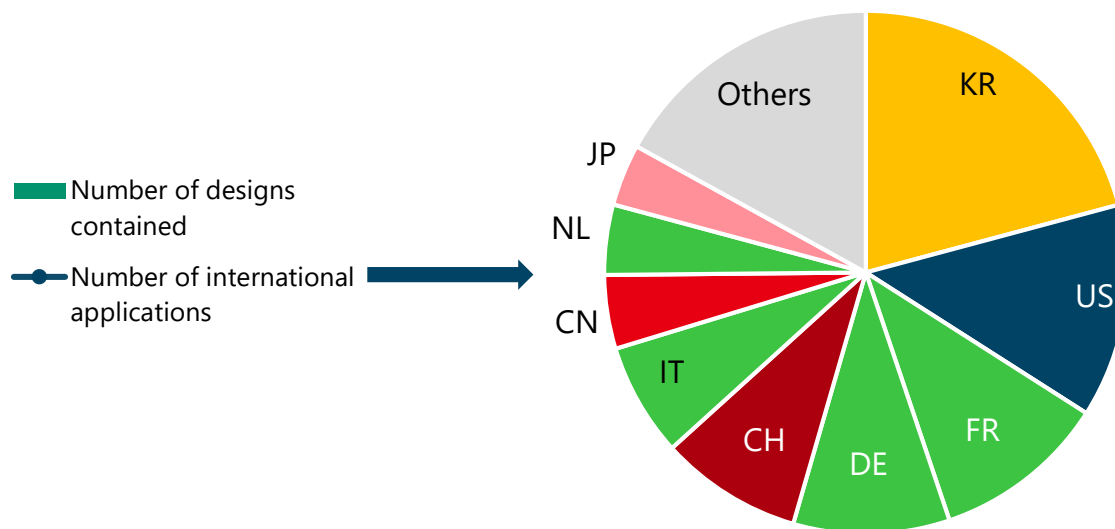
# Statistics on International Applications designating Japan

- [JP] JAPAN  
Membership in the Hague agreement  
Geneva Act (1999) | Entry into Force: May 13, 2015

Designated contracting party –Japan–



Breakdown of applicant's origin (2015-2021)



Source: WIPO statistics database

## Declarations made by the Government of Japan

Article 7(2)	Individual fee in respect of a designation made under the 1999 Act and in respect of a renewal requested under the 1999 Act
<del>Article 13(1)</del> Withdrew on April 1, 2021	<del>Requirement of unity of design</del>
Article 17(3)(c)	Maximum duration of protection under the national law  25 years from the date of the international registration if that date is <b>on or after April 1, 2020</b> <del>20 years from the date of the registration of the establishment of a design right in Japan, if the date of the international registration is before April 1, 2020</del>
<del>Rule 9(3)(a)</del> Withdrew on May 1, 2019	<del>Certain views of the design required</del>
Rule 18(1)(b)	Extension to 12 months of the refusal period
Rule 18(c)(ii)	Date of effect of the international registration

## The JPO as a receiving office and a designated office

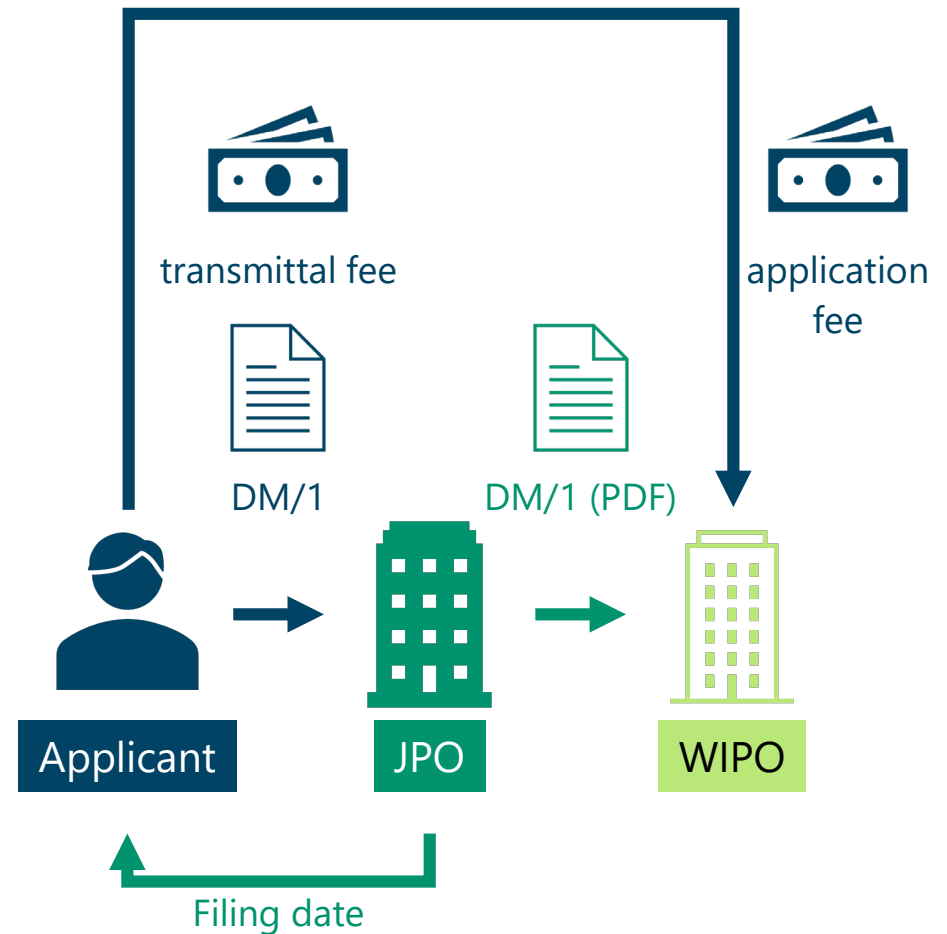
Receiving office  
(Indirect filing)

Designated office

# Operations that the JPO conducts as a receiving office (indirect filing)

- 1 Receiving international application (DM/1)
- 2 Formality check (for transmittal fee only)
- 3 Providing advice to applicants
- 4 Sending the DM/1 to the WIPO
- 5 Notifying applicant of the filing date
- 6 Responding to inquires from users

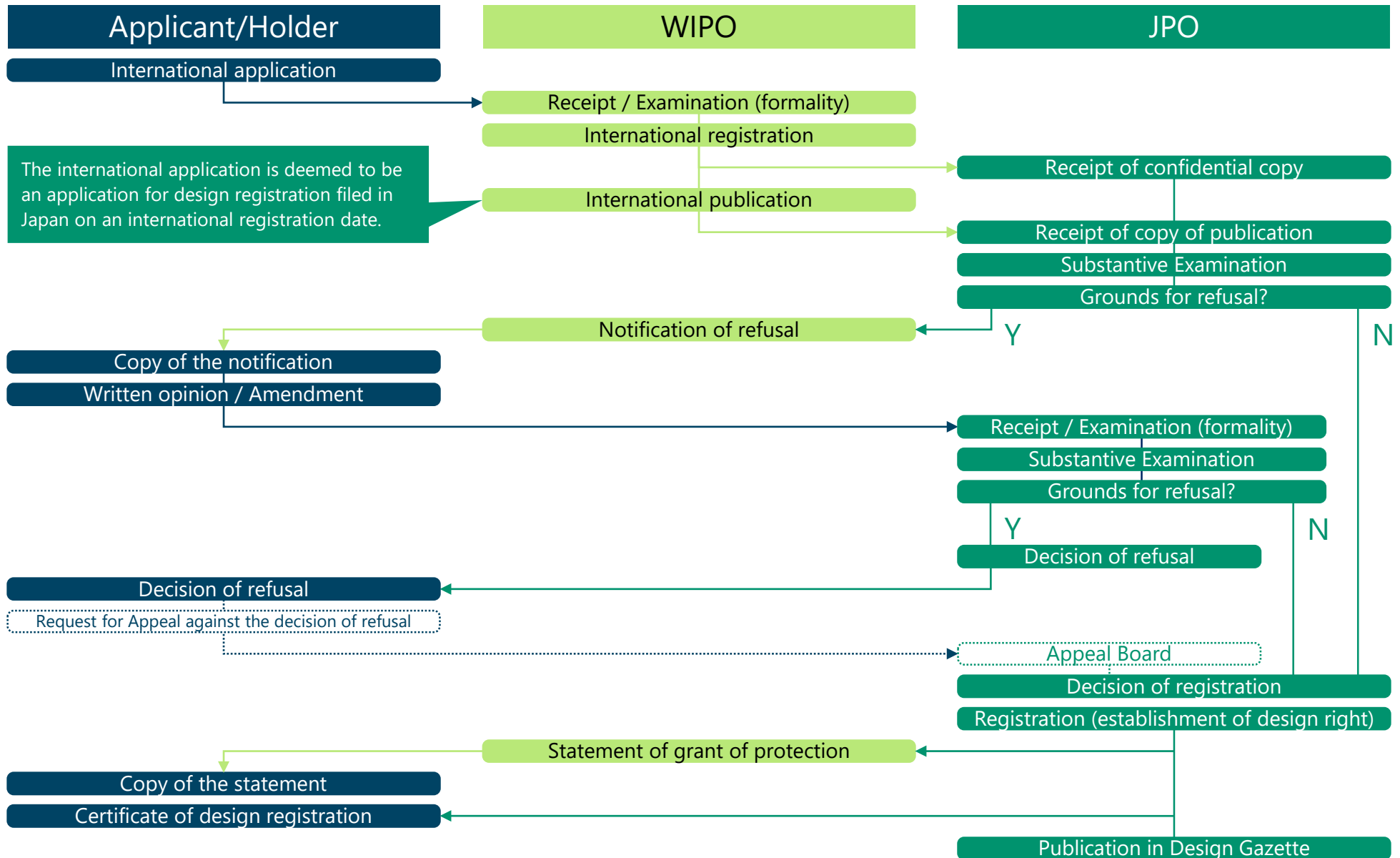
## Indirect filing



## Operations that the JPO conducts as a designated office (1)

- 1 Entering data of confidential and publication copies to the JPO's IT system
- 2 Publication of the JPO application numbers corresponding to international registration numbers
- 3 Substantive examination
- 4 Sending Statement of Grant of Protection or Notification of Refusal to the WIPO as required by the Hague Agreement
- 5 Dispatch of final decisions and registration certificates, registration in the Industrial Design Register, and publication in the Design Gazette in Japan
- 6 Receiving procedural documents such as written opinions and amendments, and conducting formality check
- 7 Confirming individual designation fees sent by the WIPO

# Operations that the JPO conducts as a designated office (2)





# Main subject matters of substantive examination

Main subject matters	Criteria for substantive examination
Industrial applicability [Article 3(1)]	Whether the design is industrially applicable. (Whether the design is specific in both “article” and “appearance”.)
Novelty [Article 3(1)(i)(ii)(iii)]	Whether the design is new. (Whether the design is <b>not</b> identical with or similar to a publicly known design.)
Creative Difficulty [Article 3(2)]	Whether the design is one that could <b>not</b> be easily created by a person ordinarily skilled in the art of the design.
[Article 3-2]	Whether the design is <b>not</b> identical with or similar to a part of a design in a prior application.
Unregistrable designs [Article 5]	Whether the design is eligible for protection in consideration of public interest, etc.
One application per design [Article 7]	Whether only one design based on an appropriate article is claimed in one application. <b>However, the holder do not have to divide the international registration containing two or more designs.</b>
Design for a set of articles [Article 8]	Whether the design of the set of articles has a sense of unity as a whole.
Prior application (First-to-file rule) [Article 9]	Whether the application was filed at the earliest among those containing same or similar designs.
Related designs (Exception to the first-to file rule) [Article 10]	Whether the design is similar to only the other design (principal design) which was selected from the applicant's own designs filed on the same date or <b>earlier</b> .

## Measures for achieving efficiency of examination

- Management of 12-month period for communicating notifications
  - ✓ All the international applications are listed, and when the deadline for communicating notification is approaching, a warning is given to the examiner.
- Management of examination quality
  - ✓ To prevent examiner's careless mistake due to the procedural difference between international and national applications, a unique check sheet is prepared and utilized to check a drafted notification.
  - ✓ Every notification drafted by the examiner needs approval of the director of the examination division before the dispatch to the WIPO-IB.
- Support tools for drafting
  - ✓ Typical drafting examples and sample expressions are stored in the examination support system. Examiners can utilize them as references for drafting notifications in English.

Thank you!

