



Hague System for the International Registration of Industrial Designs

Alan M. Datri
Senior Counsellor
Office of the Assistant Director General

World
Intellectual
Property
Organization





A Simple Concept

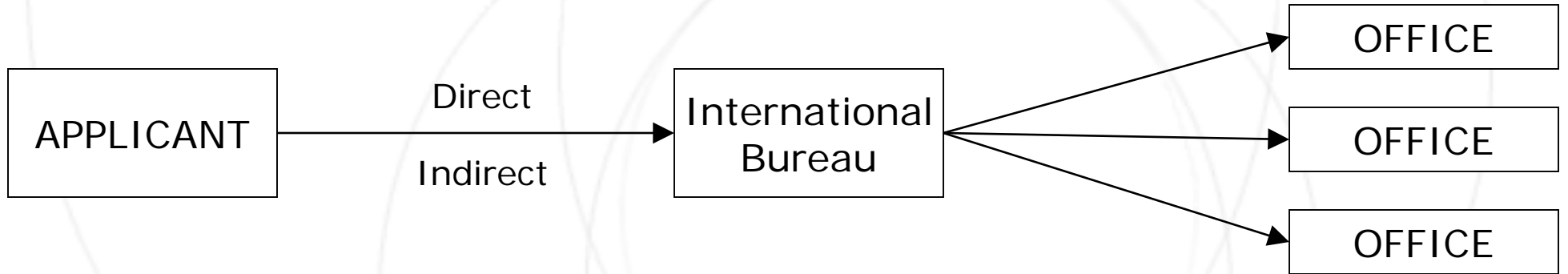
The centralized acquisition and maintenance of industrial design rights by filing a single international application for a single international registration in which one or more Contracting Parties are designated (DCP) resulting in a so-called “bundle of rights”.

- Affords right holders great flexibility in targeting national, regional or global markets for particular goods.
- Cost-effective and efficient, thereby creating opportunities that would not otherwise exist for any enterprise with a limited legal budget.

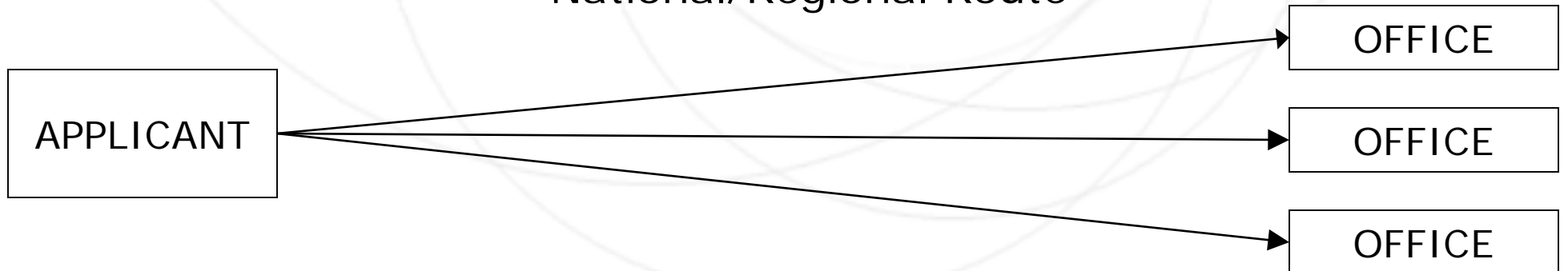


A Simple Concept

International Route



National/Regional Route





Procedural Treaty

- The Hague System is primarily a procedural arrangement, it does not determine:
 - the conditions for protection;
 - the refusal procedure to be applied when deciding whether a design may be protected; or
 - the rights which result from protection.
- Such issues are governed by the law of each Contracting Party designated in an international registration.
- WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)
 - Separate harmonization discussions
 - www.wipo.int/trademarks/en/sct.html



Legal Framework

Hague System



Hague System for the International Registration of Industrial Designs

Hague System

- Hague Agreement
 - London Act (1934)
 - “Frozen” as of 1 Jan 2010
 - Hague Act (1960)
 - Primarily European
 - Geneva Act (1999)
 - Entered into force on 23 Dec 2003
 - Operational on 1 Apr 2004
 - Treaty of the future
- Common Regulations (1996)
 - Last revised: 1 January 2009
 - common definitions
 - differentiates requirements
- Admin. Instructions (2002)
 - Last revised: 1 Jan 2008
- National Laws & Regulations



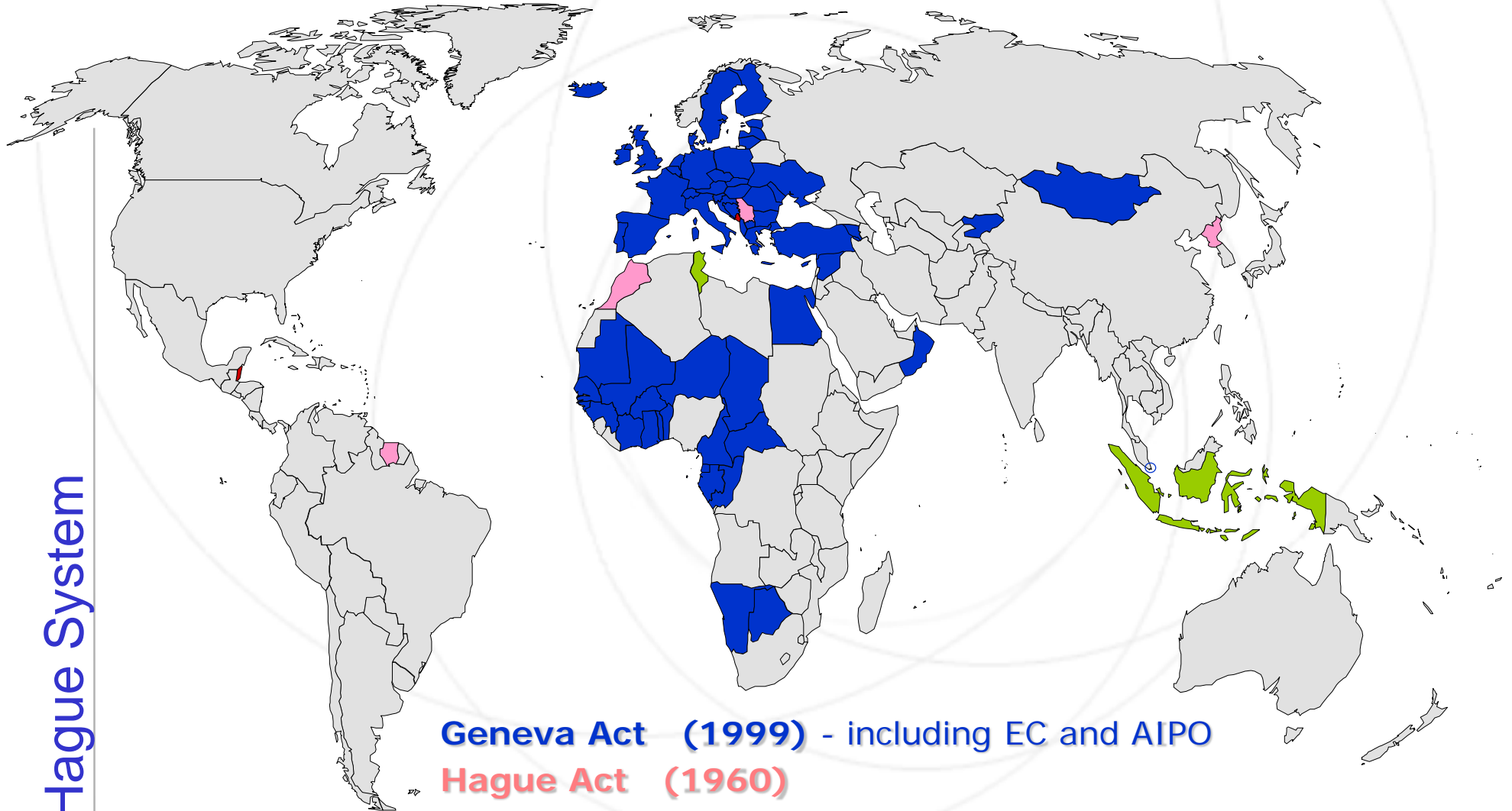
Geographic Scope

Hague System



Hague Union Members (56)

(by most recent act)



Hague System

Geneva Act (1999) - including EC and AIPO

Hague Act (1960)

London Act (1934) – “frozen” as of 1 Jan 2010



Hague Union Members (56)

(by most recent act)

www.wipo.int/hague/en/members

Geneva Act (1999): 37

African Intellectual Property Organization (OAPI) (16),
Albania, Armenia, Bosnia and Herzegovina, Botswana, Bulgaria,
Croatia, Denmark, Egypt, Estonia, **European Union** (27),
France, Georgia, Germany, Ghana, Hungary, Iceland,
Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Mongolia, Namibia,
Oman, Poland, Republic of Moldova, Republic of Serbia,
Romania, Sao Tome and Principe, Singapore, Slovenia, Spain,
Syrian Arab Republic, Switzerland, The former Y.R. of
Macedonia, Turkey, Ukraine

Hague Act (1960): 17

Belgium, Belize, Benin, Côte d'Ivoire, D.P.R. of Korea, Gabon,
Greece, Italy, Luxembourg, Mali, Monaco, Montenegro,
Morocco, Netherlands, Niger, Senegal, Serbia, Suriname

London Act (1934): 2 ("frozen" as of 1 January 2010)

Indonesia, Tunisia

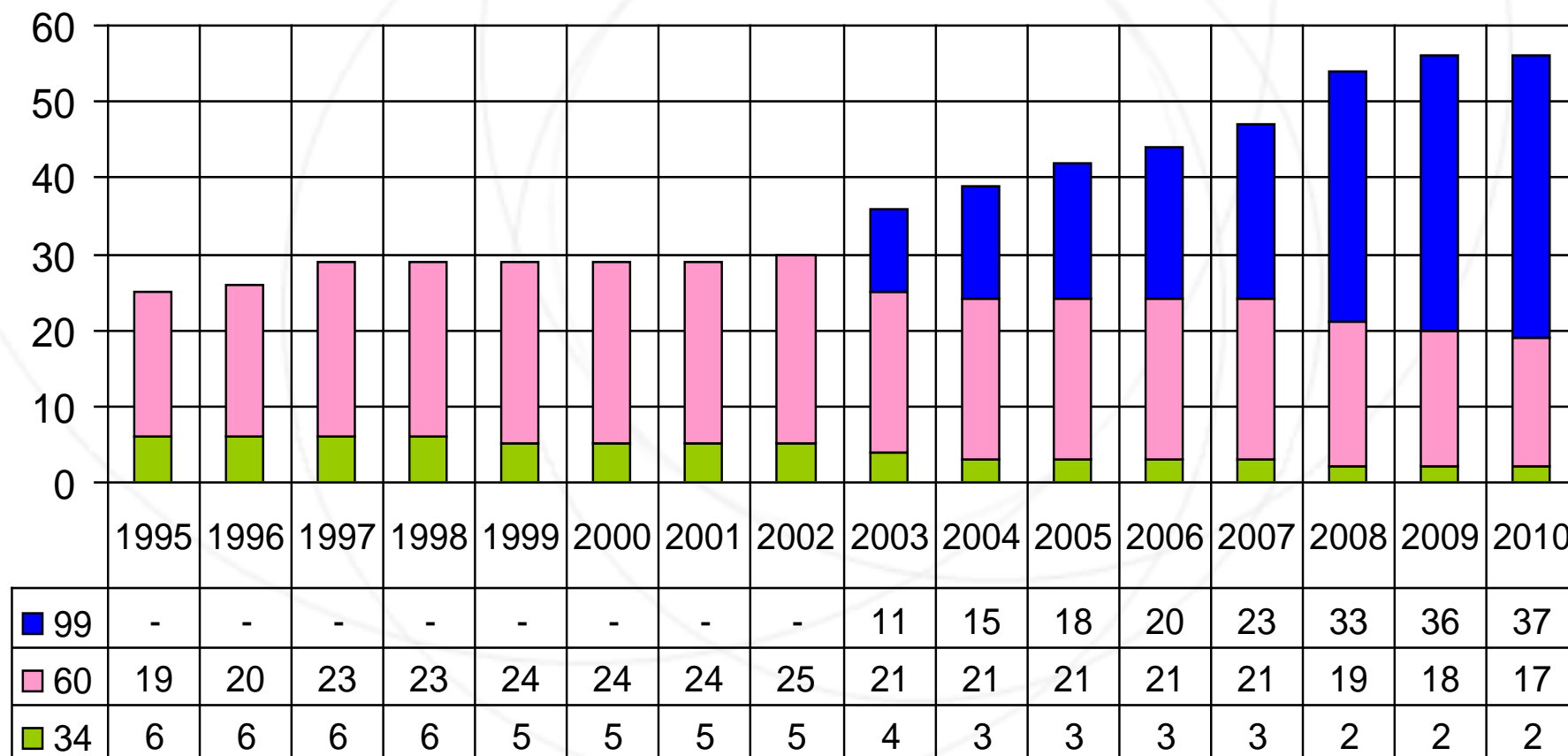


Hague Union Members (56)

(by most recent act)

www.wipo.int/hague/en/members

Hague System





The Basics

Geneva Act (1999) of the
Hague Agreement



Closed System

- Applicant Must be Entitled to File an International Application
 - “Entitlement” = Connection with a Contracting Party
 - Real and Effective Industrial or Commercial Establishment (“Establishment”)
 - Domicile
 - Habitual Residence (Geneva Act only)
 - Nationality
- Applicant can designate Contracting Parties with a common treaty



International Application

Hague System

Contracting Party
of Entitlement



Hague (60)
& Geneva (99)

Common Treaty

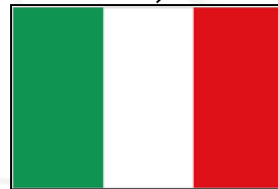
Hague
(60)

Geneva
(99)

most recent

Geneva
(99)

Designated
Contracting Parties



Hague
(60)



Geneva
(99)



Hague (60)
& Geneva (99)



International Application

Hague System

Contracting Party
of Entitlement



Geneva (99)

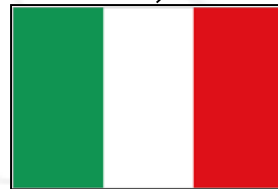
Common Treaty



Geneva
(99)

Geneva
(99)

Designated
Contracting Parties



Hague
(60)



Geneva
(99)

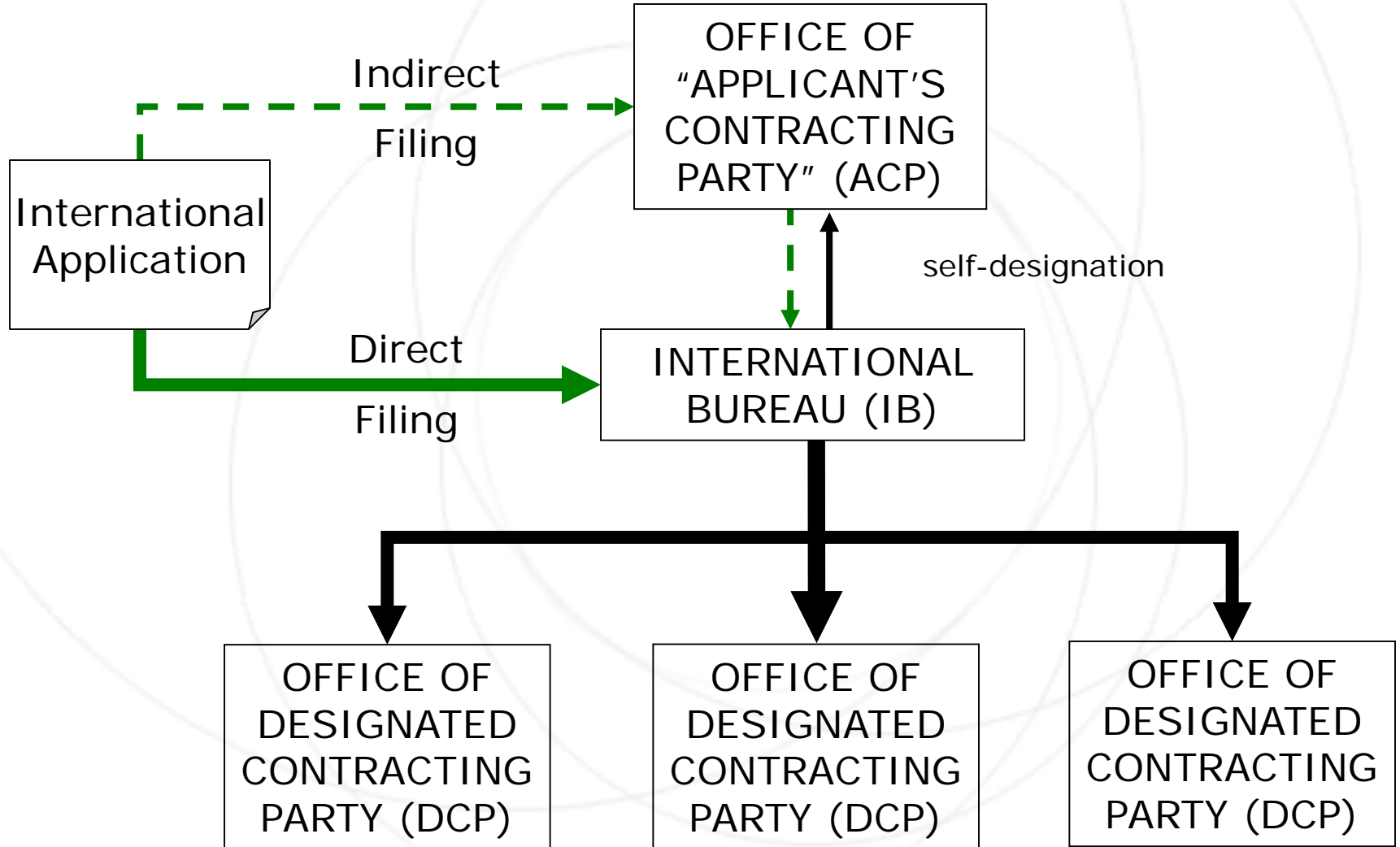


Hague (60)
& Geneva (99)



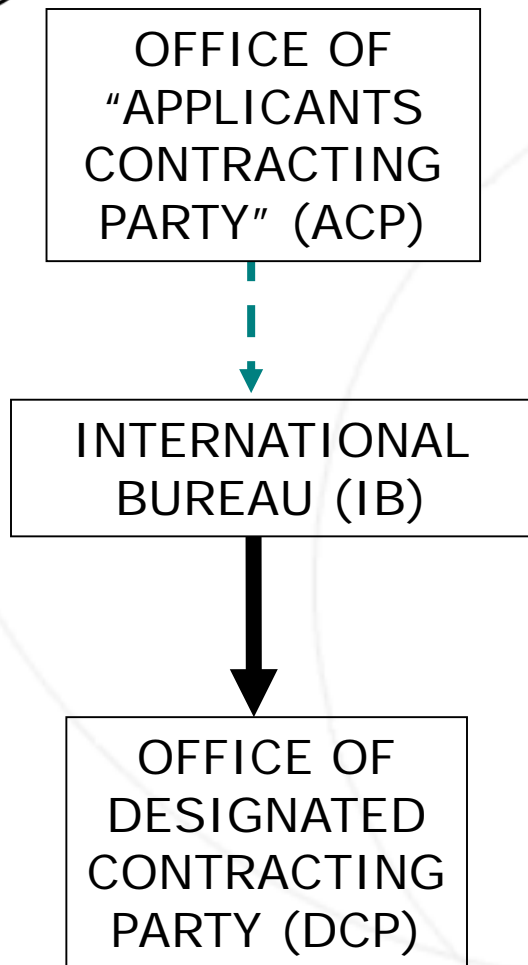
Procedure

Hague System – Geneva Act





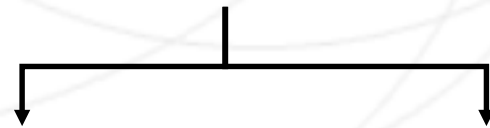
Procedure



Security Clearance, if any
Forwards international application to International Bureau in a timely manner

Examines formalities, not substantive issues
Records in the International Register
Issues a registration certificate to holder
Publishes in WIPO Bulletin (standard, immediate or deferred)
Notifies contracting parties designated in international registration; has effect as a national or regional application

Substantive examination:
Refusals must be made within set time limits from publication of international registration



No Refusal = effect as a national or regional grant of protection

Refusal: national or regional procedure followed



International Application

- No prior national/regional right required
- Multiple designs up to 100
 - “Monoclass” (Locarno Classification)
- Principal Fees
 - Basic Fee
 - Publication Fee
 - Designation Fee
 - Standard (3 levels), or
 - Individual Fee (if “examining office” or IGO)
- Paris Article 4 priority (“first filing”)
 - Can claim priority, or can be basis for claim of priority
- Paris Article 11 protection (“international exhibition”)



Effects of an International Registration

- As a national/regional application
 - As of the date of the international registration
- As a grant of protection
 - No Refusal
 - Date of expiry of refusal period, *at the latest*, but can be later (if “examining Office” or opposition)
 - Date of optional statement of grant of protection prior to expiration of refusal period
 - Refusal
 - Date of withdrawal/statement of grant of protection, *at the latest*
 - “*At the latest*” means grant could be earlier
 - E.g., date of the international registration



Duration of Protection of an International Registration

- Initially valid for 5 years from date of international registration
 - Minimum duration of protection set by governing treaty
 - Geneva Act: 3 x 5-year term = 15 years
 - Maximum duration of protection set by national/regional law of each DCP
 - 6 months before the expiration of a 5-year term, the IB unofficially notifies holder of the maximum duration of protection in each DCP



Centralized Maintenance

- Appointment [DM/7] or cancellation [DM/9] of representative before IB
- Change of name and address of holder [DM/6] or representative [DM/8]
- Change of ownership [DM/2]
- Limit designs in one or more DCP(s) [DM/3]
- Renounce all designs in one or more DCP(s) [DM/5]
- Renewal in 5-year terms [DM/4]



General Advantages

National/Regional Route

- many Offices for filing
- many languages
- many currencies
- many registrations
- many renewals
- many modifications
- foreign attorney or agent
first needed at filing

International Route (Hague System)

- one Office for filing
- one language
- one currency
- one int. registration
- one renewal
- one modification
- foreign attorney or agent
first needed if refused



Top Holders of International Registrations

Swatch (CH); DaimlerChrysler (DE)(CH); Hermes Sellier (FR); Unilever (NL); Nokia (DE); Phillips Electronics (NL); SEB (FR); Henkel (DE); Sony Overseas (CH); Interior's (FR); Hansgrohe (DE); Porsche (DE); Lidl Stiftung & Co (DE); Braun (DE); Volkswagen (DE); Aventis (DE); Westf. Textilges. Klingenthal & Co (DE); SEB (FR); Tefal (FR); BMW (DE); Calor (FR); Fonkel Meubelmarketing (NL); Sara Lee (NL); Villeroy & Boch (DE); Nestlé (CH); Chopard International (CH); Mainetti (DE); Goodyear Tire & Rubber Company (US); Richemont (CH); Robert Bosch (DE); Hansa Metallwerke (DE); Swarovski (LI); Omega (CH); Parfums christian Dior (FR); Cartier creation Studio (CH); Continental (DE); Van Cleef & Arpels (CH); BSH Bosch und Siemens Hausgeräte (DE); ITM Enterprises (FR); Leifheit (DE); Nici (DE); Koziol Geschenkartikel (DE); Siemens (DE); Miroglio (FR); Proctor & Gamble Co. (US); WMF (DE); . . .



Hague System

More Information



HAGUE SYSTEM FOR THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

- Welcome
- General Information
- About Members
- Information Notices
- Forms
- Fees / Fee Calculator
- Guide
- WIPO Bulletin
- Legal Texts
- Locarno Classification
- Online Databases
- Meetings
- Contact

E-NEWSLETTER

Subscribe to receive e-mail notices about the most recent updates on the Hague System



Hague System for the International Registration of Industrial Designs

The Hague system of international registrations of industrial designs is applicable among the [countries](#) party to the Hague Agreement. It is administered by the International Bureau of WIPO located in Geneva, Switzerland.

This system gives the owner of an industrial design the possibility to have his design protected in several countries by simply filing one application with the International Bureau of WIPO, in one language, with one set of fees in one currency (Swiss Francs). An international registration produces the same effects in each of the designated countries as if the design had been registered there directly unless protection is refused by the competent Office of that country.

The Hague system simplifies greatly also the subsequent management of the industrial design, since it is possible to record subsequent changes or to renew the registration through a simple single procedural step with the International Bureau of WIPO.

Related Links:

- » [About Industrial Property](#)
- » [Industrial Designs](#)

Warning

On several occasions, the attention of the International Bureau has been drawn to the fact that certain organizations are sending letters to the owners of international registrations, inviting them to register their industrial designs in publications which appear to be of an official nature. The International Bureau warns the owners of international registrations and their agents that such a publication has absolutely no legal effect in regard to the protection of the said industrial designs and is therefore unnecessary.



Self-Study

- Objectives, Main Features, Advantages of the Hague System (WIPO publication 911)
 - www.wipo.int/hague/en/general
- DM/1 - International Application
 - www.wipo.int/hague/en/forms
- DM/1.inf - Explanatory Notes to DM/1
 - www.wipo.int/hague/en/forms
- Guide to the International Registration of Industrial Designs under the Hague Agreement
 - www.wipo.int/hague/en/guide
- Legal Texts - Geneva Act (1999); Common Regulations; Administrative Instructions
 - www.wipo.int/hague/en/legal_texts



Thank You

Alan M. Datri
Senior Counsellor
Office of the
Deputy Director General

alan.datri@wipo.int

Hague System

World
Intellectual
Property
Organization

