

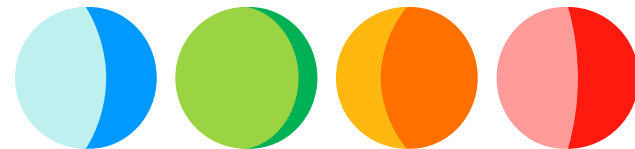


# Protecting Designs via the Hague Agreement



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Thibault Fayette  
Senior Counsel  
The Procter & Gamble Company



# Why Designs are important to P&G

- “*We must win at the First Moment Of Truth.*”
  - A.G Lafley
- “*We want to serve more consumers in more parts of the world more completely.*”
  - Bob McDonald



# Status of the U.S. with regard to Membership

- The U.S. has signed the Agreement. The U.S.P.T.O. has submitted implementing legislation. But the implementing legislation has not been passed by Congress.
- U.S.P.T.O. has a team in place, which is preparing procedures for filing and formalities examination.



# How a Multinational Company Can Already Use the Hague Agreement Prior to US Membership

- Entitlement to file an international application under the Hague Agreement is limited to natural persons or legal entities having a real and effective industrial establishment in at least one of the Contracting Parties.



# Advantages of Filing Under the Hague Agreement for U.S. Companies

- Simple online registration process.
- There is no “national phase entry” (as with the Patent Cooperation Treaty for utility patents). When a design registration is filed, it is automatically forwarded to the countries that are designated.



# Advantages of Filing Under the Hague Agreement for U.S. Companies

- No need to use a local agent unless an office action is issued by one of the local offices -- in those countries which perform a substantive examination.
- The majority of designs will not need to go through a local agent. Formalities such as address change, ownership transfer etc. can be handled directly through WIPO



# Advantages of Filing Under the Hague Agreement for U.S. Companies

- The main advantage of a design registration via the Hague Agreement is the cost savings it provides in particular when a company wishes to file multiple designs in several countries.
- For example, designs that are scheduled for filing as “ECDs” **and** in other Hague Member States can be registered for much less via the Hague Agreement.





# Cost Comparison Direct v. Hague

- A design having 4 embodiments (one view each in **color**) which we would like to file in the following countries ECD, CH, TR, would cost :
- **Direct Filing**
- **ECD**
- Filing & Publication fees
- 500 for first and 250 for each additional, up to 10
- 500 + 750 + 1,250 USD
- **Switzerland**
- 424 basic fee plus 148 USD for each additional would be 424 + 444 = 868 USD and does not include publication
- **Turkey**
- Basic fee (from Agent) 4,810 USD
- **Total cost for Direct Filing is 6,928 USD**



# Cost Comparison Direct v. Hague

- A design having 4 embodiments (one view each in **color**) which we would like to file in the following countries ECD, CH, TR, would cost :
- **Hague Agreement**
  - $337.45 + 48.45 = 385.90$  (Basic fee)
  - $191.25 \times 4 = 765$  (Publication fee)
  - 210.80 (ECD Designation fee for 4 designs)
  - $35.70 \times 2 + 1.70 \times 2 \times 3 = 81.60$  (CH/TR Designation fees)
- **Total Cost of Filing and Publication is 1,443 USD**



# Advantages of Filing via the Hague Agreement

- Looking at the cost estimates on the previous slides, Design protection in additional countries (TR/CH) can be obtained for little extra cost. The savings here (over direct filing) was about 4,500 USD.
- The savings get even larger when additional countries are added (Ukraine, Morocco, Indonesia...).



# Advantages of Filing via the Hague Agreement

- There are also significant cost savings at the time of renewal.
- 1) No agent fee
- 2) Non-renewal of Individual Embodiments in Multiple Countries via One Action



- Thank you

