



Sub-Regional Seminar on the Protection of Design

Organized by
the World Intellectual Property Organization (WIPO)
in cooperation with
the Intellectual Property Office of Serbia

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Background and Key Principles of the Hague System

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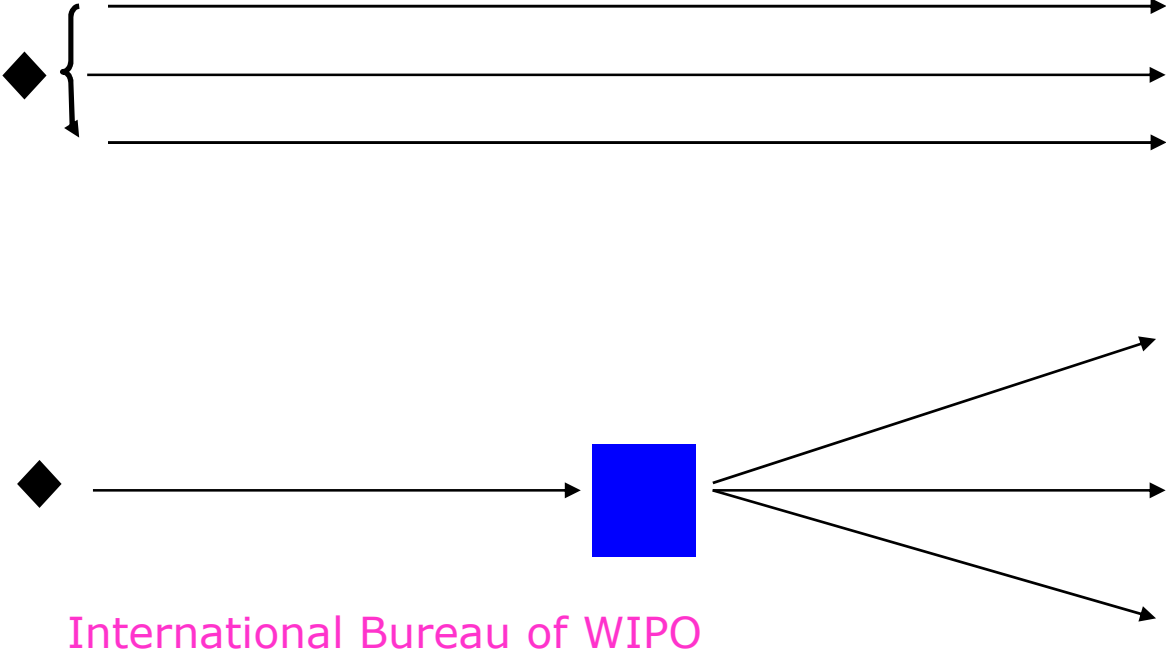
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■ 1. Background – What is the Hague System?

Hague System: A Simple, but Timeless Concept

The centralized acquisition and maintenance of industrial design rights by filing a single international application for a single international registration with effect in one or more designated Contracting Parties

Independent Filings v. Hague Route



■ 2. Legal Framework

Legal framework

■ The treaties:

- The Geneva (1999) Act
- The Hague (1960) Act

■ **Common Regulations** under the 1999 Act and the 1960 Act

■ **Administrative Instructions**

■ **National laws**

■ 3. Going Global – Geographical Scope

Hague Union Members

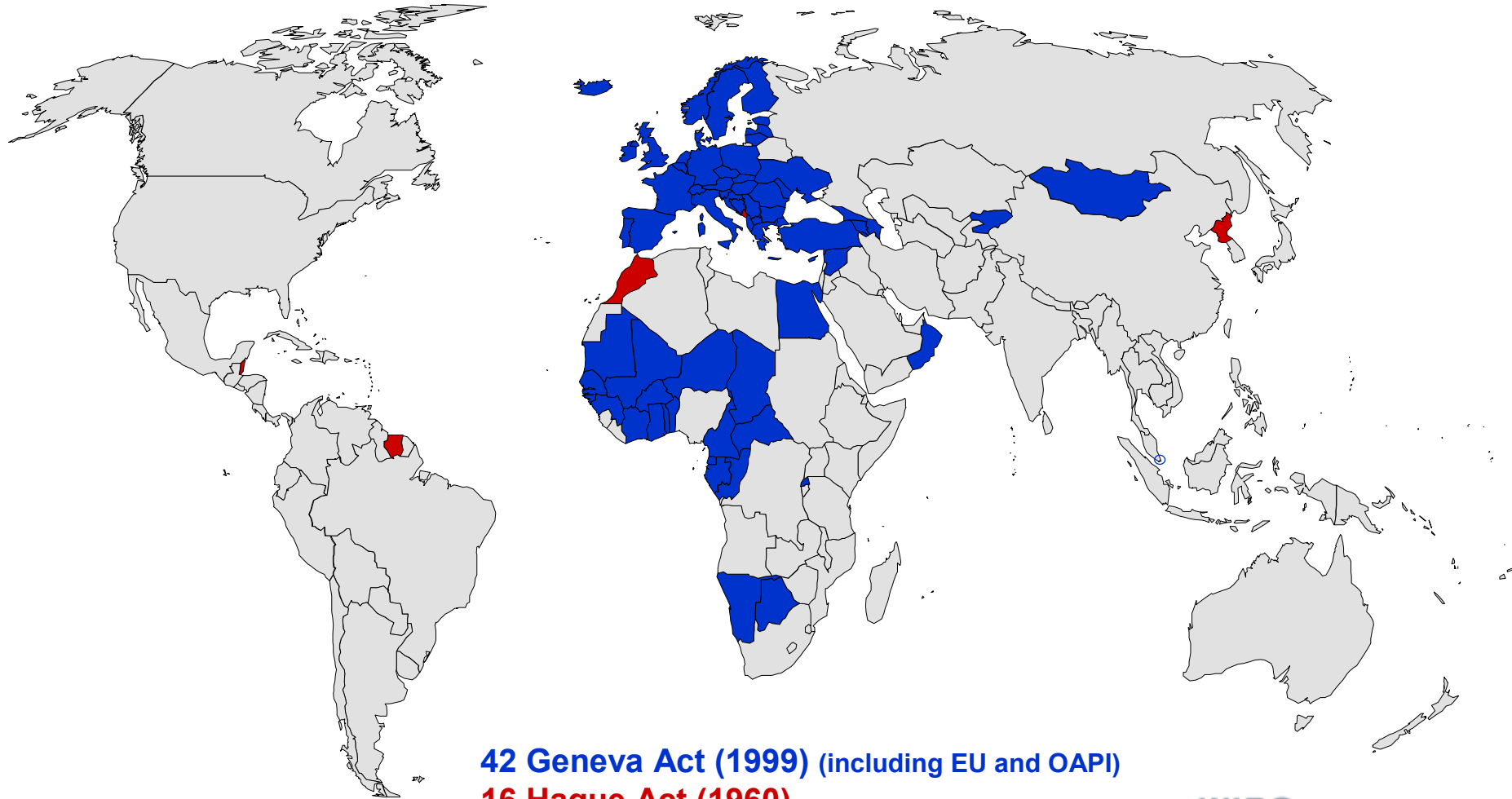
59 Members

Grouped according to the most recent applicable Act:

Geneva Act (1999): African Intellectual Property Organization, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Bulgaria, Croatia, Denmark, Egypt, Estonia, European Union, Finland, France, Georgia, Ghana, Hungary, Iceland, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Mongolia, Monaco, Namibia, Norway, Oman, Poland, Republic of Moldova, Romania, Rwanda (as from August 31, 2011), Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Syrian Arab Republic, Switzerland, the former Y.R. of Macedonia, Turkey, Ukraine (42)

Hague Act (1960): Belgium, Belize, Benin, Côte d'Ivoire, D.P.R. of Korea, Gabon, Greece, Italy, Luxembourg, Mali, Montenegro, Morocco, Netherlands, Niger, Senegal, Suriname (16)

Hague Union



42 Geneva Act (1999) (including EU and OAPI)

16 Hague Act (1960)

58 Contracting Parties

Geneva "1999" Act: Recent Accessions

- Oman (March 2009)
- Poland (July 2009)
- Serbia (December 2009)

- Germany (February 2010)
- Norway (June 2010)
- Azerbaijan (December 2010)

- Finland (as from May 1, 2011)
- Monaco (as from June 9, 2011)
- Rwanda (as from August 31, 2011)

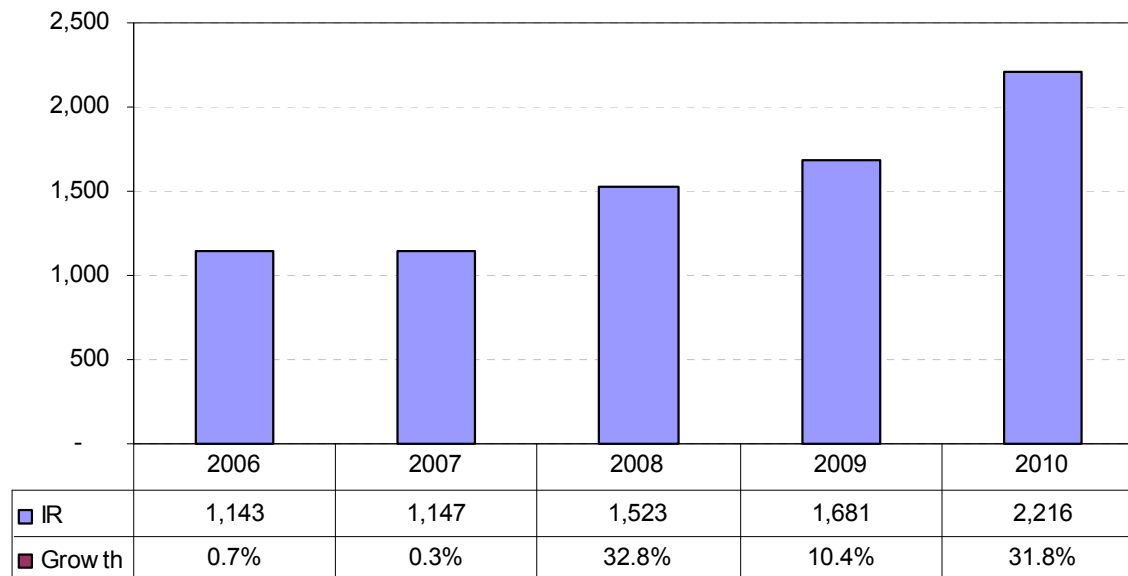
Geneva Act: Major Potential Accessions

- USA – bill has been prepared
- China – Geneva Act under study

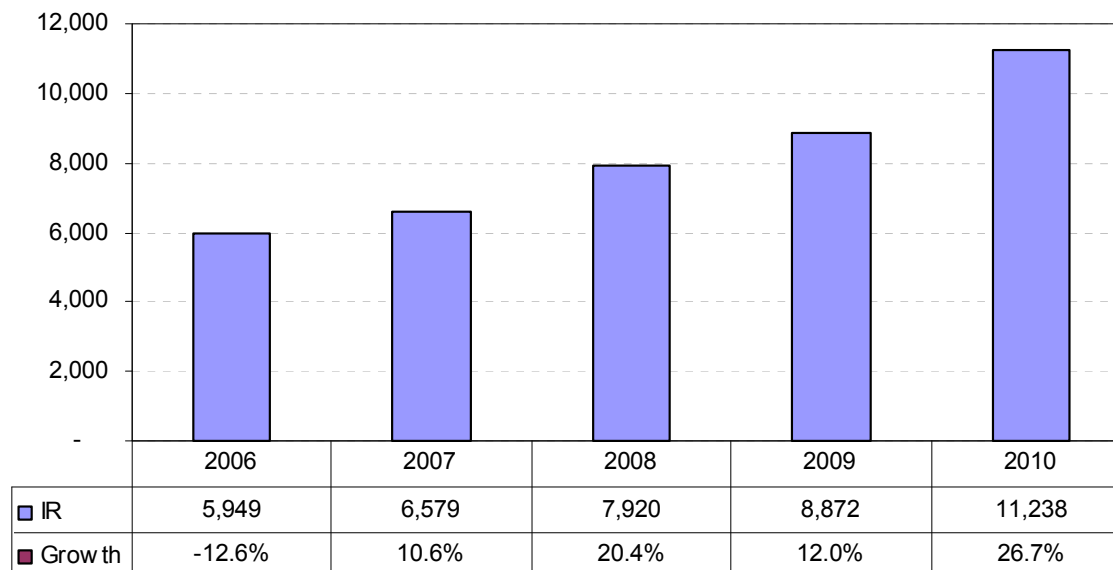
- **Republic of Korea**
 - **accession announced for October 2012**

■ 4. Filing trends

International Registrations Recorded in 2006-2010



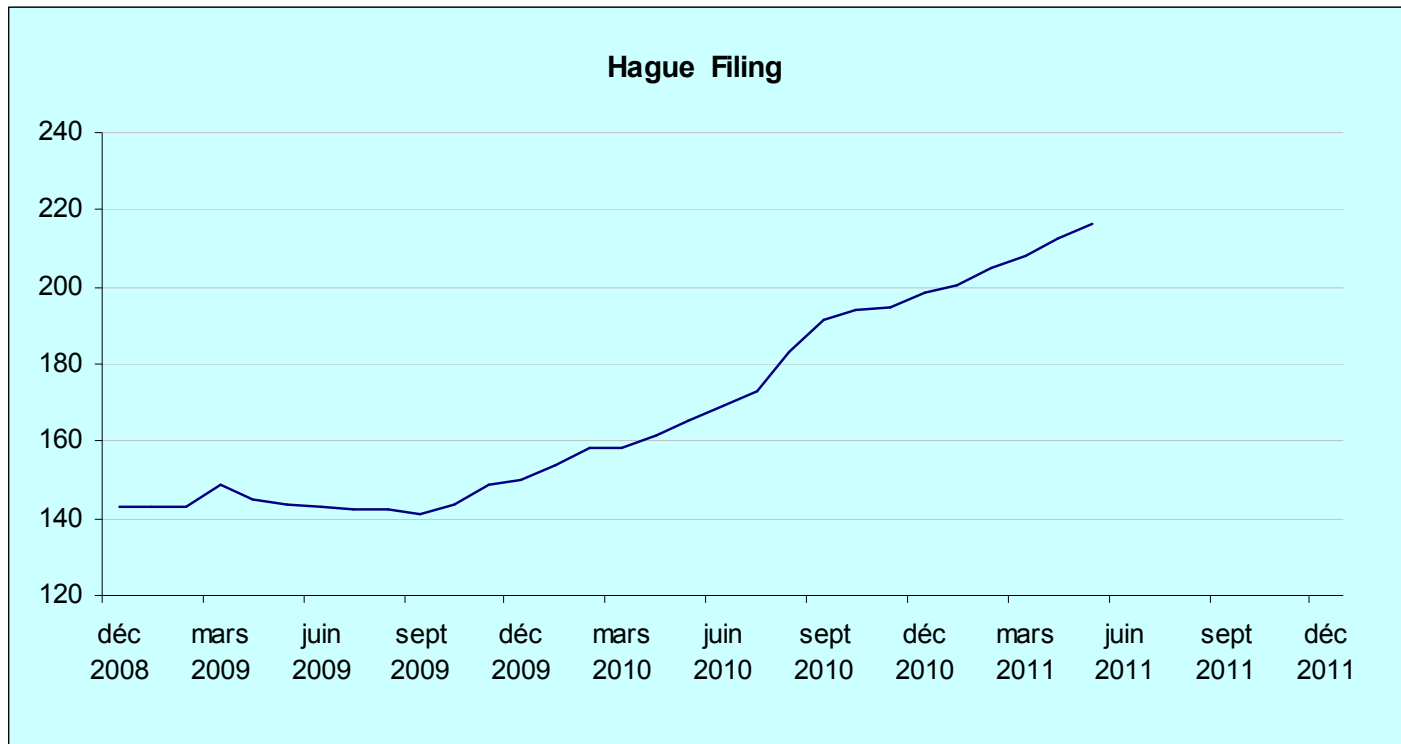
Designs recorded in 2006-2010



E-filing of international applications

- In 2010, **1572 e-filings received.**
- Available in English, French and Spanish on the WIPO website at
<http://www.wipo.int/hague/en/forms/intermediate.html>
- Automatic checking of much of the information provided, reducing the likelihood of irregularities

International applications per month



Some Statistics: January to May, 2011

- 1,093 international registrations recorded (January to May, 2011)
- Growth in the number of registrations over the same period in 2010: 26,5%
- More than 81% of international applications received through E-filing interface

2010: Top Filing Contracting Parties

Contracting Party of entitlement (through establishment, domicile, nationality or habitual residence):

■	1.	European Union	(4,601 designs, 43.3 %)
■	2.	Switzerland	(3,415 designs, 32.1%)
■	3.	France	(1,022 designs, 9.6%)
■	4.	Germany	(812 designs, 7.6%)
■	5.	Turkey	(287 designs, 2.7%)
■	6.	Spain	(182 designs, 1.7%)
■	7.	Liechtenstein	(58 designs, 0.5%)
■	8.	Poland	(48 designs, 0.5%)
■	9.	Norway	(32 designs, 0.3%)
■	10.	Serbia	(25 designs, 0.2%)

2010: Top Filers of International Applications

Country of address of the applicant:

■ 1.	Germany	(2,864 designs, 26.9%)
■ 2.	Switzerland	(2,635 designs, 24.8%)
■ 3.	France	(998 designs, 9.4%)
■ 4.	Netherlands	(867 designs, 8.2%)
■ 5.	United States of America	(811 designs, 7.6%)
■ 6.	Italy	(551 designs, 5.2 %)
■ 7.	Turkey	(287 designs, 2.7 %)
■ 8.	Austria	(231 designs, 2.2 %)
■ 9.	Spain	(218 designs, 2.1%)
■ 10.	Luxembourg	(208 designs, 2.0%)

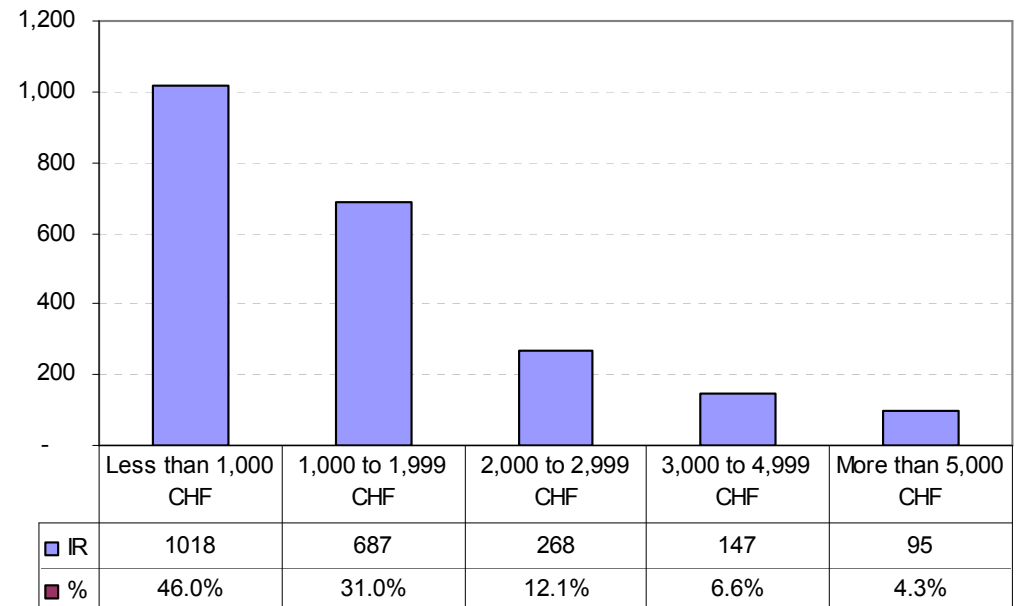
2010

Most Designated Contracting Parties

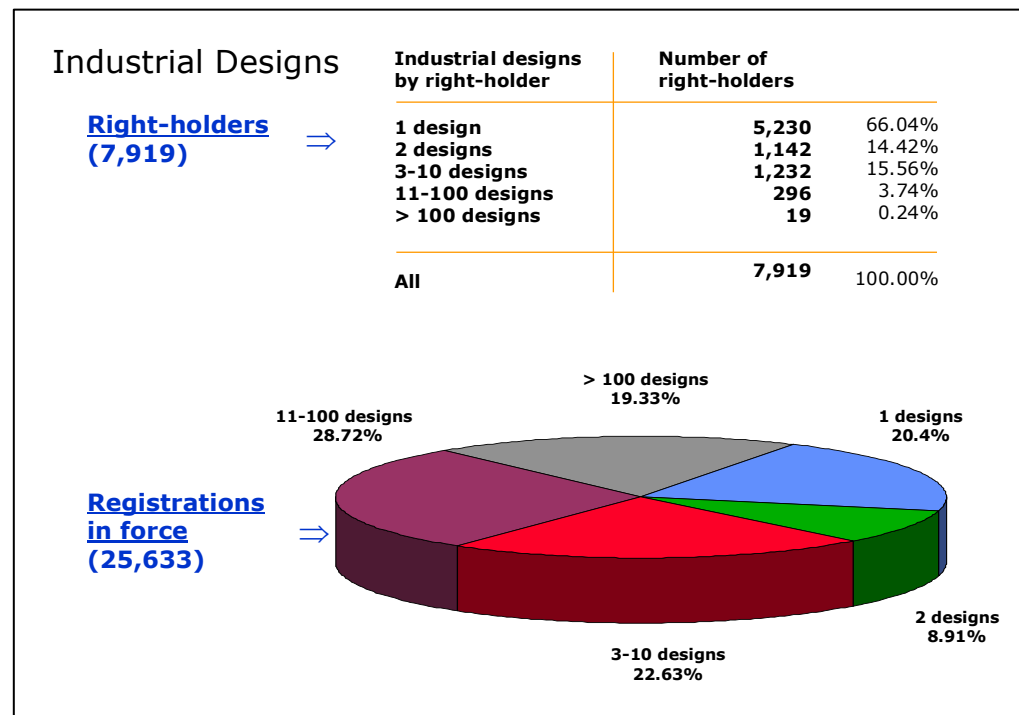
Number of designs recorded:

■ 1. European Union	(7,897 designs, 70.31%)
■ 2. Switzerland	(7,736 designs, 68.8%)
■ 3. Turkey	(4,589 designs, 40.8%)
■ 4. Singapore	(2,448 designs, 21.8%)
■ 5. Ukraine	(2,332 designs, 20.8%)
■ 6. Croatia	(2,131 designs, 19.0%)
■ 7. Monaco	(1,634 designs, 14.5%)
■ 8. France	(1,600 designs, 14.2%)
■ 9. Morocco	(1,545 designs, 13.7%)
■ 10. Germany	(1,483 designs, 13.2%)

Amounts of fees paid per international registration (2010)



International registrations in force in the International Register (on December 31, 2010)



2010: Five most popular classes in International Registrations

Class 9	Packages and containers for the transport or handling of goods.	11.4%
Class 10	Clocks and watches and other measuring instruments, checking and signaling instruments.	9.1%
Class 6	Furnishing.	8.3%
Class 23	Fluid distribution equipment, sanitary, heating, ventilation and air-conditioning equipment, solid fuel	6.4%
Class 7	Household goods, not elsewhere specified.	6.2%

12.2% in Class 9: «Packaging and Containers»

1.1



1.2



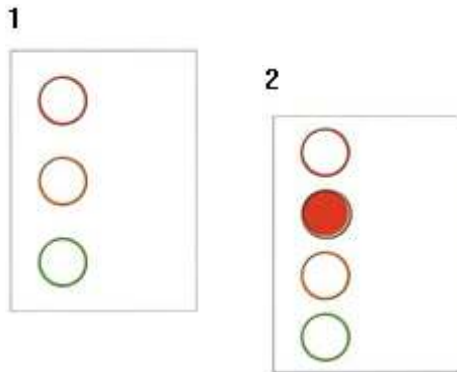
1.3



11.2% in Class 10: « Measuring Instruments »

■ **DM/071026**

■ **Traffic Lights**



DM/072425

Background decorative motifs for watch faces



DM/071404

Wristwatch



26

10.4% in Class 6 « Furnishing »

■ DM/072648

■ Bench

1.1



DM/072011

Pouf

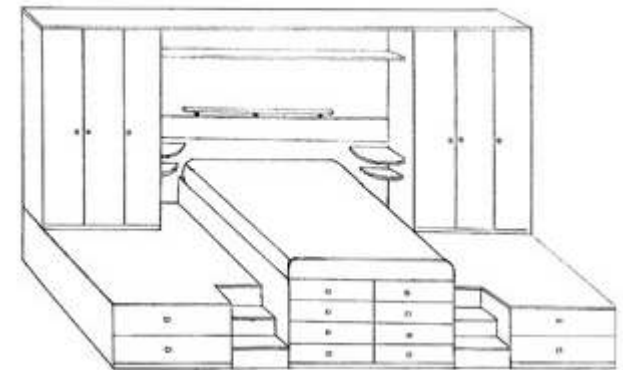
1



DM/071826

Composite furniture

1



7% in Class 7 « Household goods »

■ DM/072085

DM/070786

DM/071460

■ Chocolate holder

Cooking appliance

Tray set

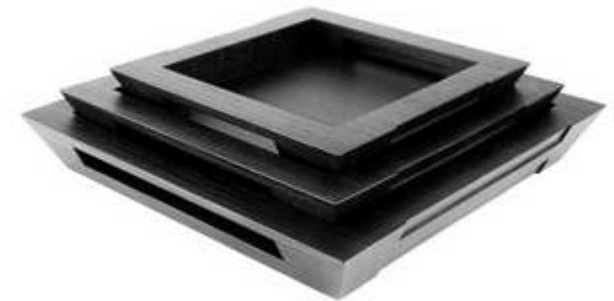
1.1



1.2



1.1



6,5% in class 23 « Fluid distribution equipment, sanitary, heating, ventilation and air-conditioning equipment, solid fuel »

1



1.1



New class 32:

4.6% « Graphic symbols/logos and ornamentation »

■ DM/071663

DM/071620

DM/071477

■ Graphic symbol

Pattern

Logo

1



1



1



■ 5. Key Principles

What is the Hague System?

- One to Many Relationship

File a single international application for a single international registration (IR) in which one or more Contracting Parties (CP) are designated

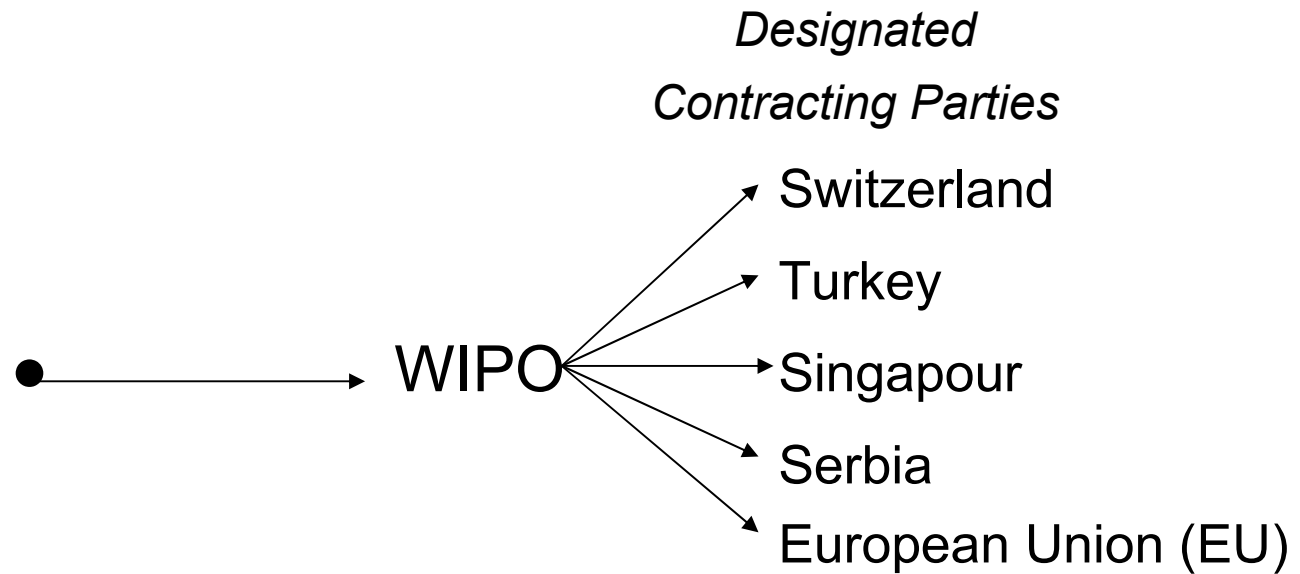
- “Bundle of Rights”

If no refusal is issued, the resulting international registration has the effect of a grant of protection in each designated Contracting Party

What is the Hague System?

- One to many relationships = Hague System

14.1



. . . And What it is Not.

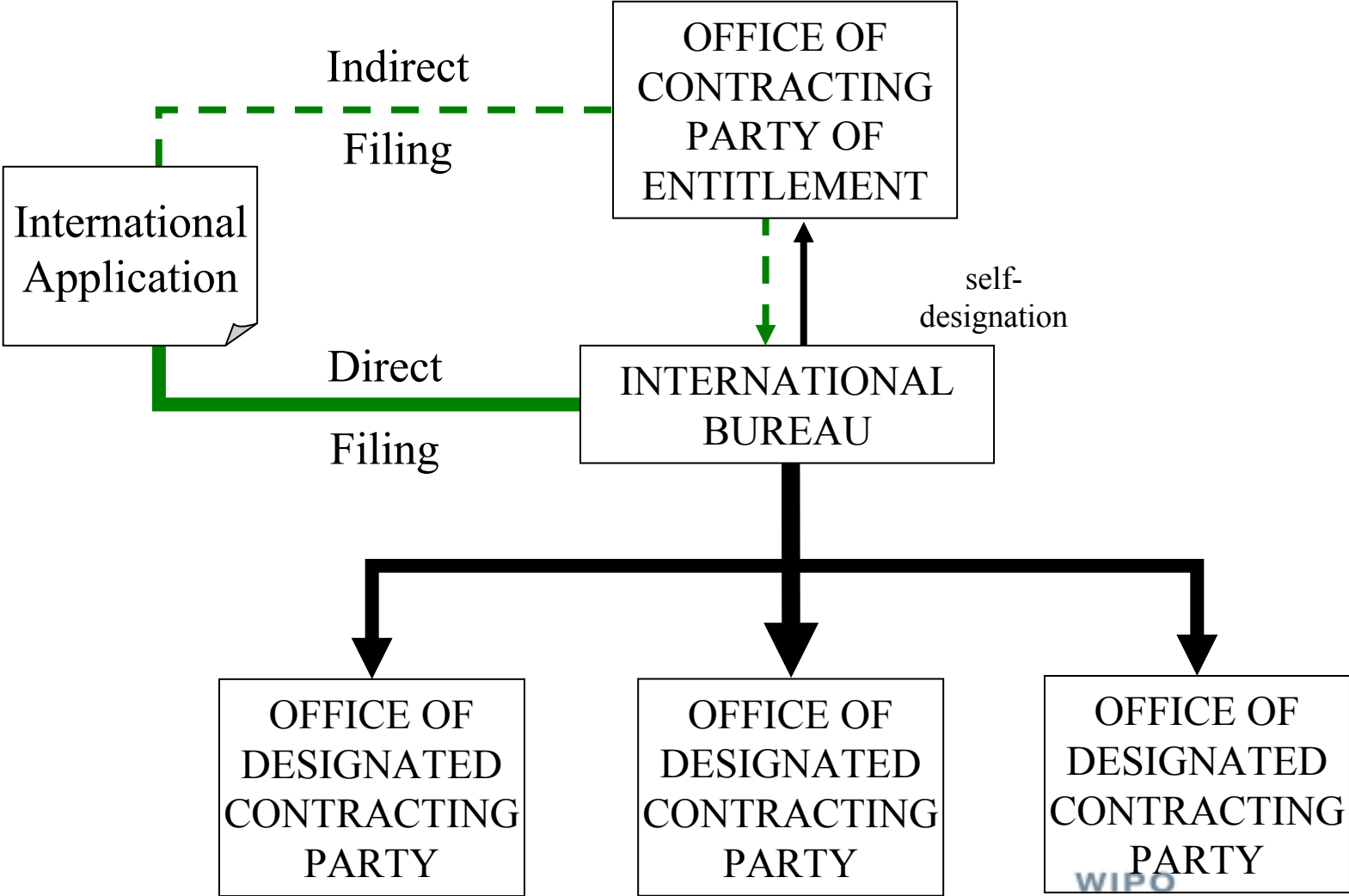
- Since the Hague System is primarily a procedural arrangement, it does *not* determine:
 - the conditions for protection;
 - the refusal procedure to be applied when deciding whether a design may be protected; or
 - the rights which result from protection.

- Such issues are governed by the law of each Contracting Party designated in an international registration

Key Principles

- No need for a basic application/registration
- Designation of the Contracting Party of the holder possible
- Most international applications are filed directly with the International Bureau (not via an Office)
- E-filing and e-renewal available
- Subsequent designation is NOT possible

General Procedure



Filing the International Application

- Closed system
 - Entitlement needed: connection between the applicant and a CP via a real and effective industrial or commercial establishment, domicile, habitual residence (Geneva Act) or through nationality
 - Only CPs of the Hague system may be designated
- Prior national application or registration not needed
 - « Self-designation » is possible (i.e. designation of the Contracting Party from which entitlement is derived)

6. Main Advantages of the Hague System

WHEN FILING

- **ONE** international application
- **ONE** international registration for all the designs included in the application
- In **ONE** language (English/French/Spanish)
- Payment of **ONE** set of fees
- Payment in **ONE** currency (= Swiss francs)
- Filed with **ONE** office (International Bureau - WIPO)

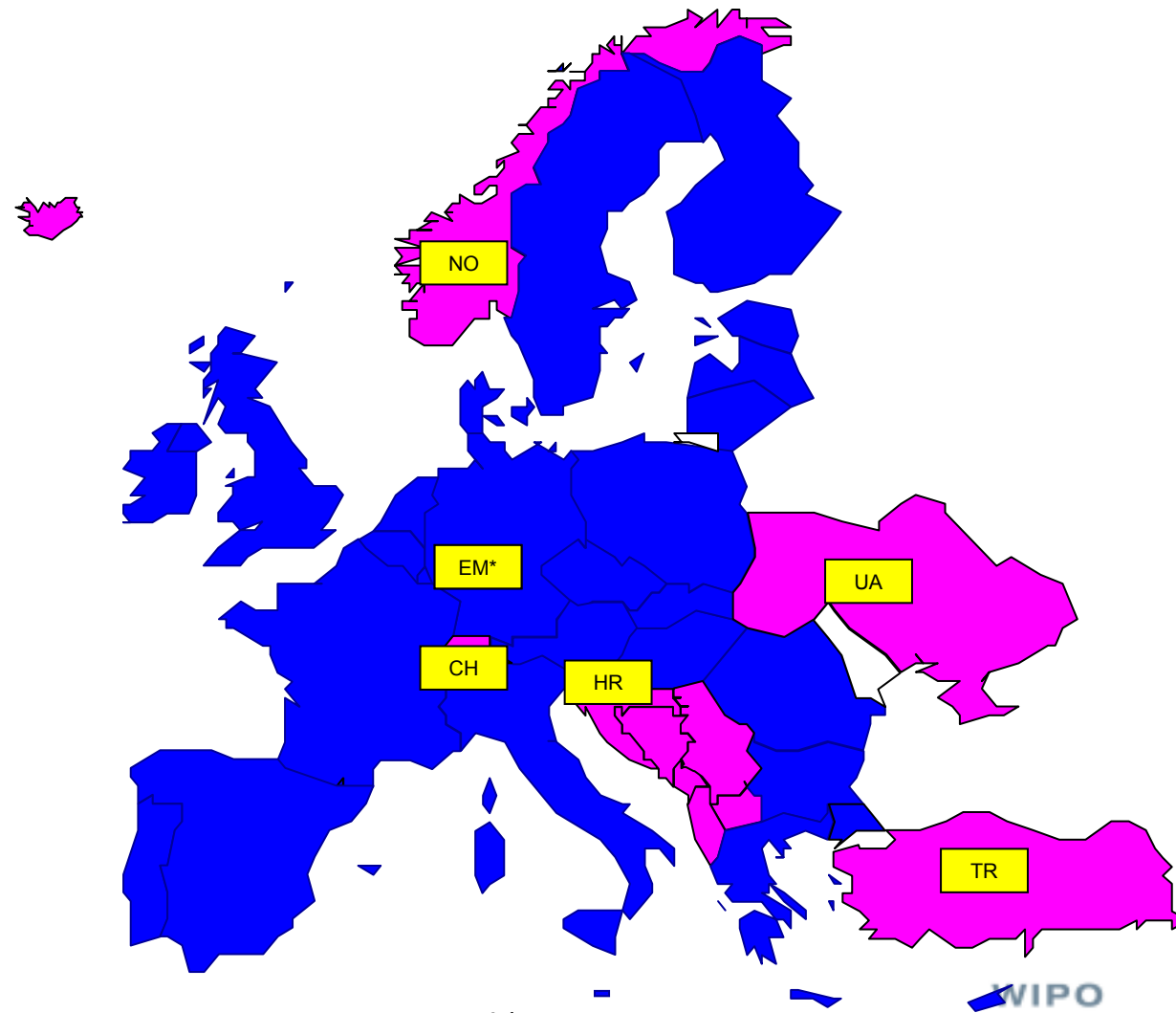
Central Management

■ **ONE** request filed within the International Bureau in case of:

- Change in ownership
- Change in the name or address of the holder
- Renunciation
- Limitation

■ **ONE** renewal request

Protection in the EU and more



- EM - European Union*
- HR - Croatia
- NO - Norway
- UA - Ukraine
- CH - Switzerland
- TR - Turkey

Why file via the Hague System to get a RCD (Registered Community Design)?

- Fees often lower (i.e. 5 designs, 3 reproductions each 1,173 CHF)
- Unlimited number of reproductions for each design
- A single International Registration for subsequent management of RCD
- Possibility to enlarge the geographical scope to neighbouring countries

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

- One Office for filing
- One language
- One currency
- One int. registration
- One renewal
- One modification
- Foreign attorney or agent (first needed if refused)

Hague System is...

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

6. Latest Developments

- Spanish added as working language as of 1 April 2010
- Optional notification of statements of grant of protection since 1 Jan 2009
- E-renewal interface fully operational in December 2010

In a nutshell:



« The Hague Agreement provides creators and holders of designs with a simple, rapid and economical procedure to secure and maintain the protection of industrial designs, through a single international registration »