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GENEVA ACT OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE GENEVA ACT OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS (THE "AGREEMENT"), ADOPTED IN GENEVA ON JULY 2, 1999, AND SIGNED BY THE UNITED STATES ON JULY 6, 1999

NOVEMBER 13, 2006.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and order to be printed for the use of the Senate

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *November 13, 2006.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the "Agreement"), adopted in Geneva on July 2, 1999, and signed by the United States on July 6, 1999. I also transmit, for the information of the Senate, a report of the Department of State with respect to the Agreement.

This Agreement promotes the ability of U.S. design owners to protect their industrial designs by allowing them to obtain multinational design protection through a single deposit procedure. Under the Agreement, U.S. design owners would be able to file for design registration in any number of the Contracting Parties with a single standardized application in English at either the U.S. Patent and Trademark Office or at the International Bureau of the World Intellectual Property Organization (WIPO). Similarly, renewal of a design registration in each Contracting Party may be made by filing a single request along with payment of the appropriate fees at the International Bureau of WIPO. This Agreement should make access to international protection of industrial designs more readily available to U.S. businesses.

In the event that the Senate provides its consent to ratify the Agreement, the United States would not deposit its instrument of ratification until the necessary implementing legal structure has been established domestically.

I recommend that the Senate give early and favorable consideration to this Agreement and give its advice and consent to its ratification, subject to the declarations described in the accompanying report of the Department of State.

GEORGE W. BUSH.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, April 14, 2006.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor hereby to submit to you, with a view to its transmittal to the Senate for advice and consent to ratification, the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter the "Agreement"), adopted at Geneva, July 2, 1999. This treaty was adopted under the auspices of the World Intellectual Property Organization ("WIPO") with the objective of simplifying the process of seeking protection for designs in multiple countries.

The Agreement traces its roots to the Hague Agreement Concerning the International Deposit of Industrial Designs done at The Hague, Netherlands, on November 6, 1925, which entered into force in 1928, and was revised numerous times. For the 42 current member states of the Hague Union, these existing agreements facilitate the obtainment of intellectual property protection for industrial designs by allowing multinational patent protection in a number of countries through a single "international deposit" procedure. However, these Acts did not meet the needs of nations, such as the United States, that review each application individually. This Agreement allows the United States to partake in the benefits of facilitating multinational design protection for applicants while continuing its system of individual review.

The Department of Commerce and the Office of the United States Trade Representative join the Department of State in requesting that the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs be transmitted to the Senate for its advice and consent to ratification as soon as possible, subject to the declarations described in the enclosed document.

Respectfully submitted.

CONDOLEEZZA RICE.

Enclosure: Key Provisions of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs.

KEY PROVISIONS OF THE GENEVA ACT OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

THE OPERATION OF THE TREATY

The Agreement will permit a U.S. design applicant to file for protection in any of the Contracting Parties, including the United States, by filing a single standardized application in English. Pursuant to Articles 3 and 4(1) of the Agreement, any person who is a national of or is domiciled in the United States may file an international design application with the United States Patent and Trademark Office (USPTO) or directly with the International Bureau (IB) of the World Intellectual Property Organization (WIPO). The filing date of the international design application is the date that the application is received by either the IB or the USPTO (Article 9(1) and Rule 13(3)).

The USPTO must transmit any application to the IB within one month from the date on which the USPTO receives it. If, however, a security clearance is required by law, then the USPTO can notify the Director General of WIPO (Director General) as to this fact, and the USPTO has six months to transmit the application to the lB.

Article 5(1) sets forth the mandatory requirements as to the contents of an international design application. Article 5(2) provides additional mandatory contents as to Contracting Parties that have an intellectual property office that is an Examining Office, such as the USPTO.

The Agreement also provides a basis for rights of priority with regard to international design applications filed under the Agreement. Article 6(1) states that the application may contain a declaration under Article 4 of the Paris Convention for the Protection of Industrial Property (1967) claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention or any member of the World Trade Organization. Article 6(2) provides that an international design application is deemed, as from its filing date and regardless of its subsequent fate, equivalent to a regular filing within the meaning of Article 4 of the Paris Convention. Thereby, international design applications under the Agreement may serve as a basis for claiming priority in a national or regional application.

Article 7 states that the fees shall include a designation fee for each designated Contracting Party. However, any Contracting Party, such as the United States, whose Office is an Examining Office, may declare that the prescribed designation fees be replaced by an individual designation fee, which may be payable in two parts.

According to Article 10(1) and Rule 15 of the Agreement, the IB will register each design that is the subject of an international design application immediately upon receipt by the IB of the application. The general rule under Article 10(2) is that the date of the international registration will be the filing date of the application, provided it is complete and complies with the mandatory requirements of the Agreement. Pursuant to Article 9(3) and Rule 14, if the application contains any of the following missing parts or irregularities, the date of the international registration is the date on which the correction is received by the IB: (1) the application is not in a prescribed language (English or French); (2) the application lacks any indication that registration under the Agreement is sought; (3) the application is missing indications allowing the identity of the applicant to be established; (4) the application lacks a reproduction, or a specimen, as required; or (5) the application does not contain the designation of at least one Contracting Party. If an irregularity is discovered other than the five listed above, the international registration date is the filing date, provided that the irregularity is corrected within the prescribed time limit of three months. If not corrected within the time limit, the application is considered abandoned. However, pursuant to Article 8(2)(b), if the irregularity relates to additional elements that may be required by an Examining Office, or to a special requirement notified to the Director General by a Contracting Party, and the applicant has not complied within the prescribed time limit of three months, the application is merely deemed not to contain the designation of the concerned Contracting Party.

In accordance with Article 10(3) and Rule 17, the IB will normally publish the international registration within six months of the registration date, unless the applicant requests that the publication be made immediately after the registration. Article 11 (1) and Rule 16(1) provide that applicants may also request deferment of publication, which shall be granted for a period of less than 30 months from the filing date if such deferment is allowed by the laws of all the Contracting Parties designated in an application. Article 11 (1)(b) provides that where a Contracting Party does not provide for the deferment of the publication of an industrial design, as is the case in the United States, the Contracting Party shall notify the Director General of that fact in a declaration.

Pursuant to Article 12(1), the USPTO may refuse registration, in whole or in part, of the international registration, when the conditions for the grant of protection under the laws of the United States are not met. Under Article 12(2), the refusal shall be communicated by the USPTO to the IB within the prescribed period of six months from the date on which the IB sends to the USPTO a copy of the publication of the international registration, as set forth in Rule 18(1)(a). However, the USPTO, as an Examining Office, may notify the Director General that the period for refusal for the United States shall be 12 months.

According to Article 14(2) and Rule 18(1), if the USPTO does not communicate a notification of refusal, the international registration will have the same effect as a grant of protection for the industrial design under the laws of the United States at the latest on the last day of the period in which USPTO could have transmitted a notice

of refusal to the IB. However, if the USPTO unintentionally does not communicate a notice of refusal within that time period, the USPTO may notify the IB and communicate the decision to the holder of the international registration promptly thereafter (Rule 18(1)(c)(ii)).

Article 14(1) provides that the international registration has the same effect in the USPTO as a regularly-filed application for the grant of protection of the design under U.S. law. The applicant has the same remedies as if the design had been the subject of a U.S. national application. Under Article 12(4), the USPTO may withdraw a notification of refusal, in whole or in part, at any time. However, in that case, a grant of protection will ensue from the latest date on which the refusal was withdrawn (see Article 14(2)(b)).

Article 15 provides that invalidation by the competent authorities in a designated Contracting Party may not be pronounced without the right holder having, in good time, the opportunity to defend his rights. Additionally, in the United States, the USPTO must, where it is aware of the invalidation, notify the IB. Article 16 provides that the IB must record changes of ownership and other matters regarding international registrations and that such changes are to have the same effect as if the recording had been made in the Office of the concerned Contracting Party.

Pursuant to Article 17, an international registration shall be effected for a term of five years from the date of international registration. Registrations may be renewed for additional terms of five years. As long as they are renewed according to Article 17(2), Article 17(3) provides that protection shall not terminate before 15 years from the date of international registration. Renewal requires the payment of fees as specified in Rule 24.

Article 19 sets forth provisions regarding a common patent office being substituted for national offices when a group of member states agrees to unify domestic legislation on designs.

Article 20 of the Agreement provides that the Contracting Parties shall be members of the "same Union as the States party to the 1934 Act or the 1960 Act," and Article 21(1) of the Act provides that the Contracting Parties shall be members "of the same Assembly as the States bound by Article 2 of the Complementary Act of 1967."

Article 21(2) sets forth the tasks to be performed by the Assembly. These tasks include: dealing with all matters concerning maintenance and development of the Union and the implementation of the Agreement; exercising rights and performing such tasks as are specifically conferred upon it or assigned to it under this Agreement or the Complementary Act of 1967; giving directions to the Director General concerning preparations for conferences of revision and deciding on the convocation of any such conference; amending the Regulations; giving the Director General all necessary instructions concerning matters within the competence of the Union; adopting the biennial budget and financial regulations of the Union; establishing committees and working groups as appropriate; and determining which States and organizations shall be admitted to its meetings as observers.

Article 21(4) sets forth the general voting procedures in the Assembly. Each Contracting Party that is a state shall have one vote

and shall vote only in its own name. Any Contracting Party that is an intergovernmental organization may vote in place of its member states, with a number of votes equal to the number of its member states that are party to the Agreement, but no such organization may participate in the vote if anyone of its member states exercises its right to vote, and vice versa.

Article 21(5) provides that subject to Articles 24(2) and 26(2), the decisions of the Assembly require two-thirds of the votes cast (abstentions do not count as votes). However, as is common practice in multilateral intellectual property treaties that include provisions for an assembly to facilitate treaty implementation, certain provisions of the Agreement may be amended by a super-majority of the Assembly, without the need for a revision conference. In particular, proposals for the adoption of any amendment to Articles 21, 22, 23, and 26 may be submitted by any Contracting Party or the Director General. Adoption of amendments to those Articles requires a three-fourths majority, except that amendments to Articles 21 and 26(2) shall require a four-fifths majority. Pursuant to Article 26(3), any such amendment enters into force one month after the Director General receives written notifications of acceptance from three-fourths of those Contracting Parties, which, at the time the amendment was adopted, were members of the Assembly and had the right to vote on the amendment. Pursuant to Article 26(3)(c), any such amendment that enters into force will bind all the States and intergovernmental organizations that are Contracting Parties to the Agreement.

Article 22 details the duties of the International Bureau of WIPO as they relate to the Agreement. Pursuant to Article 22(5)(c), the Director General and persons designated by the Director General shall take part, without the right to vote, in discussions at any revision conference.

Pursuant to Article 23 of the Agreement, the budget of the Union will include income and expenses proper to the Union and its contribution to the budget of expenses to the Unions administered by WIPO. Its budget will be established with due regard to the requirements of coordination with the budgets of the other WIPO Unions. The finances of the Union include a working capital fund, established pursuant to Article 23(5), which will be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each member of the Union.

The USPTO is expected to incur some initial costs for items such as new forms and other updates of procedures in order to allow for appropriate processing of international design applications under the Agreement. However, the Agreement authorizes the United States to set an individual designation fee payable in two parts that will be equivalent to the filing and issue fees currently charged with respect to a regular United States design application. The substantive requirements of chapter 16 of title 35 of the United States Code, which currently defines the substantive requirements for the patenting of designs, will also apply to international design applications. Therefore, these fees should cover the cost of processing applications filed under the Agreement. Much of the examination of an international design application will be the same as that of a regular national application for design patent.

IMPLEMENTING LEGISLATION

In the event that the Senate provides its advice and consent to ratify this Agreement, the United States would not deposit its instrument of ratification until the necessary implementing legal structure had been established domestically, so as to ensure that the United States was capable of complying with the provisions of this Agreement. Such implementation requirements include the enactment of legislation, and the promulgation of new regulations by the USPTO.

DECLARATIONS TO ACCOMPANY UNITED STATES RATIFICATION

The Agreement contemplates that Contracting Parties may make declarations with respect to certain articles. The Department of State recommends that the United States ratification to the Agreement be accompanied by nine declarations, pursuant to Agreement Articles 5(2)(a), 7(2), 11(1)(b), 13(1), 16(2), and 17(3)(c), and Agreement Rules 8(1), 13(4) and 18(1)(b).

The first listed declaration, authorized under Article 5(2)(a), permits the USPTO, as an Examining Office under the Agreement, to declare those additional elements listed in Article 5(2)(b), which it requires be included in an application for grant of protection of the design. Current United States statutes and regulations governing the protection of design patents require: indications concerning the identity of the creator of the industrial design that is the subject of the application (35 U.S.C. 114, 37 CFR 1.63(a)(3)); a brief description of the reproduction or of the characteristic features of the industrial design (35 U.S.C. 112, 1st paragraph; 37 CFR 1.154(b)(5)); and a claim (35 USC 111). In addition, Rule 11(3) of the Agreement requires that a Party making a declaration under Article 5(2)(a) to the effect that a claim is required must specify in its declaration the exact wording of the required claim (as found in 37 CFR 1.153(a)).

The USPTO has ascertained that a declaration is necessary to ensure that its substantive examination of industrial designs is maintained. Accordingly, the Department of State recommends that the following declaration be included in the U.S. instrument of ratification:

> Pursuant to Article 5(2)(a) and Rule 11(3) of the Agreement, the United States declares that it is an Examining Office under the Agreement whose law requires that an application for the grant of protection to an industrial design contain: (i) indications concerning the identity of the creator of the industrial design that is the subject of the application; (ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of the application; and (iii) a claim. The specific wording of the claim shall be in formal terms to the ornamental design for the article (specifying name of article) as shown, or as shown and described.

The second declaration, authorized under Article 7(2), authorizes a Party whose office is an Examining Office (such as USPTO) to declare that its individual designation fee, whose amount is to be

indicated in the declaration and can be changed in future declarations, shall replace the designation fee prescribed in the Regulations of the Agreement. In addition, Rule 12(3) provides that a declaration made pursuant to Article 7(2) may also specify that the individual designation fee be payable in two parts. The first part would be paid at the time of filing and the second part would be paid at a later date determined by the law of the Contracting Party.

The USPTO has determined that such a declaration is necessary in order to keep its fees for processing international design applications filed under the Agreement the same as those for regularly filed national design applications. Further, it is necessary to have the fee payable in two parts in order to maintain USPTO's current fee practice that comprises a filing fee, due at the time of filing of the application, and an issue fee, due before the patent is to be granted. Accordingly, the Department of State recommends that the following declaration be included in the U.S. instrument of ratification:

> Pursuant to Article 7(2) and Rule 12(3) of the Agreement, the United States declares that, as an Examining Office under the Agreement, the prescribed designation fee referred to in Article 7(1) of the Agreement shall be replaced by an individual designation fee, that is payable in a first part at filing and a second part payable upon allowance of the application. The current amount of the designation fee is US$790, payable in a first part of US$330 at filing and a second part of US$460 upon allowance of the application. However, for those entities that qualify for "small entity" status within the meaning of section 41(h) of title 35 of the United States Code and section 3 of the Small Business Act, the amount of the individual designation fee is US$395, payable in a first part of US$165 and a second part of US$230. In addition, these amounts are subject to future changes upon which notification to the Director General will be made in future declarations as authorized in Article 7(2) of the Agreement.

The third declaration, authorized by Article 11(1)(b) of the Agreement, allows the USPTO to notify the Director General that its law does not provide for deferment of publications under the Agreement. The USPTO has ascertained that such a declaration is necessary in order to prohibit deferments of publication of international design registrations designating the United States under the Agreement. Accordingly, the Department of State recommends that the U.S. instrument of ratification be accompanied by the following declaration:

> Pursuant to Article 11(1)(b) of the Agreement, the United States declares that the law of the United States does not provide for the deferment of the publication of an industrial design.

The fourth declaration, authorized under Article 13(1) of the Agreement, authorizes the USPTO to maintain its restriction of allowing only one independent and distinct design to be claimed in

a single application. The USPTO has ascertained that such a declaration is necessary so that the USPTO may maintain its practice of issuing one patent for one design, which is defined by a single claim. Accordingly, the Department of State recommends that the following declaration be included in the U.S. instrument of ratification:

> Pursuant to Article 13(1) of the Agreement, the United States declares that its laws require that only one independent and distinct design may be claimed in a single application.

The fifth declaration, authorized by Article 16(2) of the Agreement, allows the USPTO to refuse the effect of recordings regarding change of ownership in the international registration until the USPTO receives assignment statements or documents. This would allow the USPTO to maintain its current practice of requiring that a statement to the effect that a conveyance has been made be submitted to the USPTO and be made available to the public. Under U.S. patent law, if such an assignment is not recorded within three months, the transfer is void against subsequent bona fide purchasers or mortgagees. This protects subsequent purchasers by allowing them to view the contents of any agreement that purports to transfer ownership.

The USPTO has ascertained that such a declaration is necessary in order to maintain its current practice of requiring that assignment documents be provided to the USPTO before they are given effect. Accordingly, the Department of State recommends that the United States instrument of ratification be accompanied by the following declaration:

> Pursuant to Article 16(2) of the Agreement, the United States declares that a recording by the International Bureau under Article 16(1)(i) of the Agreement shall not have effect in the United States until the USPTO has received the statements or documents recorded thereby.

The sixth declaration is mandated by Article 17(3)(c) of the Agreement. That Article requires that each Contracting Party notify the Director General as to the maximum duration of protection provided for by its law. Accordingly, the Department of State recommends that the U.S. instrument of ratification be accompanied by the following declaration:

> Pursuant to Article 17(3)(c) of the Agreement, the United States declares that the maximum duration of protection for designs provided for by its law is 15 years from grant.

The seventh declaration, authorized by Rule 8(1)(a) of the Agreement, allows the USPTO to continue its practice of requiring that an application for the protection of an industrial design be filed in the name of the creator of the design. In addition, Rule 8(1)(b) states that any declaration pursuant to Rule 8(1)(a) specify the form and mandatory contents of any statement or document required for the purposes of that rule.

The USPTO has determined that such a declaration is necessary in order to maintain its current examination practice of requiring

that the applicant for protection of an industrial design be the creator of that design. Accordingly, the Department of State recommends that the United States instrument of ratification be accompanied by the following declaration:

> Pursuant to Rule 8(1) of the Agreement, the United States declares that the law of the United States requires that an application for protection of an industrial design be filed in the name of the creator of the industrial design. The specific form and mandatory contents of a statement required for the purposes of Rule 8(2) of the Agreement are contained in section 1.63 of title 37 of the Code of Federal Regulations of the United States.

The eighth declaration, authorized by Rule 13(4) of the Agreement, allows the USPTO to notify the Director General that the law of the United States requires a security clearance and that the period of one month identified in Rule 13(3) for the Office of a Contracting Party to forward an application to the IB, shall be replaced by a period of six months. This will allow for time to complete the security review of the applications currently required by 35 U.S.C. 181, *et seq*.

The USPTO has ascertained that a declaration is necessary in order to ensure that international design applications can be reviewed for secrecy and security purposes. Accordingly, the Department of State recommends that the following declaration be included in the U.S. instrument of ratification:

> Pursuant to Rule 13(4) of the Agreement, the United States declares that the period of one month referred to in Rule 13(3) of the Agreement shall be replaced by a period of six months as to the United States in light of the security clearance required by United States law.

The ninth declaration, authorized by Rule 18(1)(b), allows the USPTO, as an Examining Office, to notify the Director General that the period of six months for notification of refusal referred to in Rule 18(1)(a) shall be replaced by a period of 12 months as to the United States. The USPTO has ascertained that such a declaration is necessary in order to maintain the integrity of its substantive examination procedures for applications filed under the Agreement. Accordingly, the Department of State recommends that the following declaration be included in the U.S. instrument of ratification:

> Pursuant to Rule 18(1)(b), the United States declares that the period of six months referred to in Rule 18(1)(a) of the Agreement shall be replaced by a period of twelve months with respect to the United States, as the Office of the United States is an Examining Office under the Agreement."

HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

of November 6, 1925

I. London Act 1934
II. Hague Act 1960
III. Additional Act of Monaco 1961
IV. Complementary Act of Stockholm 1967, as amended on September 28, 1979
V. Geneva Act 1999

Common Regulations
(as in force on April 1, 2004)

and

Administrative Instructions
(as in force on April 1, 2004)

World Intellectual Property Organization
Geneva 2004

PREFACE

The present publication contains the texts of the London Act (1934), the Hague Act (1960) and the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs, as well as the texts of the Additional Act of Monaco (1961) and the Complementary Act of Stockholm (1967).

It also contains the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement and the corresponding Administrative Instructions.

I. London Act of June 2, 1934

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Article 1

Nationals of any of the contracting countries, as well as persons who, upon the territory of the restricted Union, have satisfied the conditions of Article 3 of the General Convention, may, in all the other contracting countries, secure protection for their industrial designs by means of an international deposit made at the International Bureau of Industrial Property at Berne.

Article 2

(1) The international deposit shall include designs, either in the form of the industrial product for which they are intended, or in the form of a drawing, a photograph, or any other adequate graphic representation of the said design.

(2) The articles submitted shall be accompanied by an application for international deposit, in duplicate, containing, in French, the particulars specified in the Regulations.

Article 3

(1) As soon as the International Bureau receives an application for international deposit it shall record the application in a special Register and shall publish it, sending free of charge to each Office the desired number of copies of the periodical journal in which it publishes such records.

(2) Deposits shall be kept in the archives of the International Bureau.

Article 4

(1) Any person making an international deposit of an industrial design shall, in the absence of proof to the contrary, be deemed to be the owner of the work.

(2) International deposit is purely declaratory. The deposit, as such, shall have in the contracting countries the same effect as if the designs had been deposited there direct on the date of the international deposit, subject however to the special rules established by this Agreement.

(3) The publicity mentioned in the foregoing Article shall be deemed in all the contracting countries to be sufficient, and no other publicity may be required of the depositor, apart from any formalities to be complied with for the exercise of rights in accordance with the domestic law.

(4) The right of priority established by Article 4 of the General Convention shall be guaranteed to every design which has been the subject of an international deposit, without requiring compliance with any of the formalities prescribed in the said Article.

Article 5

The contracting countries agree not to require designs which have been the subject of an international deposit to bear any compulsory marking. They shall not cause the designs to lapse either by reason of non-exploitation or as a result of the introduction of articles similar to those protected.

Article 6

(1) The international deposit may consist of either a single design or several, the number thereof being stated in the application.

(2) Such deposit may be made under open cover or under sealed cover. In particular, there shall be accepted as a means of deposit under sealed cover double envelopes having a perforated control number (Soleau system) or any other system for ensuring identification.

(3) The maximum dimensions of covers or packets eligible for deposit shall be fixed by the Regulations.

Article 7

The duration of international protection is fixed at fifteen years from the date of deposit at the International Bureau at Berne; this term is divided into two periods, namely, one period of five years and one period of ten years.

Article 8

During the first period of protection, deposits shall be accepted either under open cover or under sealed cover; during the second period of protection, they shall be accepted only under open cover.

Article 9

During the first period, deposits under sealed cover may be opened at the request of the depositor or of a competent court; upon expiration of the first period, they shall, with a view to transition to the second period, be opened upon application for prolongation.

Article 10

In the course of the first six months of the fifth year of the first period, the International Bureau shall give unofficial notice of expiration to the depositor of the design.

Article 11

(1) When the depositor desires to secure extension of the protection by transition to the second period he shall, before the expiration of the first period, file with the International Bureau an application for prolongation.

(2) The International Bureau shall open the package, if sealed, shall publish in its journal notice of the prolongation granted, and shall notify all Offices thereof by sending to each the desired number of copies of the said journal.

Article 12

Designs forming the subject of deposits which have not been prolonged, as well as those in respect of which protection has expired, shall, upon the request of the proprietors and at their expense, be returned to them as they stand. If unclaimed, they shall be destroyed at the end of two years.

Article 13

(1) Depositors may, at any time, renounce their deposit, either wholly or in part, by means of a declaration addressed to the International Bureau; the Bureau shall give such declaration the publicity referred to in Article 3.

(2) Renunciation shall entail the return of the deposit to the depositor, at his expense.

Article 14

If a court or any other competent authority orders the communication to it of a secret design, the International Bureau, when duly required, shall open the deposited package, shall extract therefrom the requested design, and shall remit it to the authority so requiring. Similar communication shall take place on request in the case of an unsealed design. The article thus communicated shall be returned in the shortest possible time and reincorporated in the sealed package or in the envelope, as the case may be. Such transactions may be subject to a fee, which shall be fixed by the Regulations.

Article 15

The fees for an international deposit and for the prolongation thereof, which shall be paid before registration of the deposit or of the prolongation can be proceeded with, shall be as follows:

1. for a single design, and in respect of the first period of five years: 5 francs;
2. for a single design, upon expiration of the first period and in respect of the duration of the second period of ten years: 10 francs;
3. for a multiple deposit, and in respect of the first period of five years: 10 francs;
4. for a multiple deposit, upon expiration of the first period and in respect of the duration of the second period of ten years: 50 francs.

Article 16

The net annual proceeds from fees shall be divided, as provided in Article 8 of the Regulations, among the contracting countries by the International Bureau, after deduction of the common expenses necessitated by the implementation of this Agreement.

Article 17

(1) The International Bureau shall record in its Registers all changes affecting the proprietorship of designs which are notified to it by the parties concerned; it shall publish them in its journal and shall announce them to all Offices by sending to each the desired number of copies of the said journal.

(2) These transactions may be subject to a fee, which shall be fixed by the Regulations.

(3) The proprietor of an international deposit may assign the rights in respect of part only of the designs included in a multiple deposit or in respect of one or several of the contracting countries only; but, in such cases, if the deposit has been made under sealed cover, the International Bureau shall open the package before recording the transfer in its Registers.

Article 18

(1) The International Bureau shall deliver to any person, upon application, and on payment of a fee fixed by the Regulations, an abstract of the entries in the Register in connection with any given design.

(2) Such abstract may, if the design lends itself thereto, be accompanied by a copy or a reproduction of the design, which has been supplied to the International Bureau and which the latter shall certify as being in conformity with the article deposited under open cover. If the Bureau is not in possession of such copies or reproductions, it shall have them made, on the request of interested parties and at their expense.

Article 19

The archives of the International Bureau, in so far as they contain unsealed deposits, shall be accessible to the public. Any person may inspect them, in the presence of an official, or may obtain from the Bureau written information on the contents of the Register, subject to payment of fees to be fixed by the Regulations.

Article 20

The details of the application of this Agreement shall be determined by Regulations the provisions of which may, at any time, be amended with the common consent of the Offices of the contracting countries.

Article 21

The provisions of this Agreement offer only a minimum of protection; they shall not preclude the claiming of the application of wider provisions that may be enacted by the domestic legislation of a contracting country, nor shall they prejudice the application of the provisions of the Berne Convention, as revised in 1928, relating to the protection of artistic works and works of art applied to industry.

Article 22

(1) Countries members of the Union which are not party to this Agreement may accede thereto at their request and in the manner prescribed by Articles 16 and 16bis of the General Convention.

(2) Notification of accession shall, of itself, ensure, upon the territory of the acceding country, the benefits of the foregoing provisions to industrial designs which, at the time of accession, are the subject of international deposit.

(3) However, any country may, in acceding to this Agreement, declare that application of this Act shall be limited to designs deposited from the date on which its accession becomes effective.

(4) In the case of denunciation of this Agreement, Article 17bis of the General Convention shall apply. International designs deposited up to the date on which denunciation becomes effective shall continue, throughout the period of international protection, to enjoy in the denouncing country, as well as in all other countries of the restricted Union, the same protection as if they had been deposited direct in such Countries.

Article 23

(1) This Agreement shall be ratified and ratifications shall be deposited at London not later than July 1, 1938.

(2) It shall enter into force, between the countries which have ratified it, one month after that date, and shall have the same force and duration as the General Convention.

(3) This Act shall, as regards the relations between the countries which have ratified it, replace the Hague Agreement of 1925. However, the latter shall remain in force as regards the relations with countries which have not ratified this Act.

II. The Hague Act of November 28, 1960

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Protocol: Possible Application of the 1960 Act by a Contracting State to International Deposits Originating in That State

Article 1

(1) The contracting States constitute a Special Union for the international deposit of industrial designs.

(2) Only States members of the International Union for the Protection of Industrial Property may become party to this Agreement.

Article 2

For the purposes of this Agreement:

"1925 Agreement" shall mean the Hague Agreement concerning the International Deposit of Industrial Designs of November 6, 1925;

"1934 Agreement" shall mean the Hague Agreement concerning the International Deposit of Industrial Designs of November 6, 1925, as revised at London on June 2, 1934;

"this Agreement" or "the present Agreement" shall mean the Hague Agreement concerning the International Deposit of Industrial Designs as established by the present Act;

"Regulations" shall mean the Regulations for carrying out this Agreement;

"International Bureau" shall mean the International Bureau of Intellectual Property;

"international deposit" shall mean a deposit made at the International Bureau;

"national deposit" shall mean a deposit made at the national Office of a contracting State;

"multiple deposit" shall mean a deposit including several designs;

"State of origin of an international deposit" shall mean the contracting State in which the applicant has a real and effective industrial or commercial establishment or, if the applicant has such establishments in several contracting States, the contracting State which he has indicated in his application; if the applicant has no such establishment in any contracting State, the contracting State in which he has his domicile; if he has no domicile in a contracting State, the contracting State of which he is a national;

"State having a novelty examination" shall mean a contracting State the domestic law of which provides for a system which involves a preliminary *ex officio* search and examination by its national Office as to the novelty of each deposited design.

Article 3

Nationals of contracting States and persons who, without being nationals of any contracting State, are domiciled or have a real and effective industrial or commercial establishment in the territory of a contracting State may deposit designs at the International Bureau.

Article 4

(1) International deposit may be made at the International Bureau:

1. direct, or
2. through the intermediary of the national Office of a contracting State if the law of that State so permits.

(2) The domestic law of any contracting State may require that international deposits of which it is deemed to be the State of origin shall be made through its national Office. Non-compliance with this requirement shall not prejudice the effects of the international deposit in the other contracting States.

Article 5

(1) The international deposit shall consist of an application and one or more photographs or other graphic representations of the design, and shall involve payment of the fees prescribed by the Regulations.

(2) The application shall contain:

1. a list of the contracting States in which the applicant requests that the international deposit shall have effect;
2. the designation of the article or articles in which it is intended to incorporate the design;
3. if the applicant wishes to claim the priority provided for in Article 9, an indication of the date, the State, and the number of the deposit giving rise to the right of priority;
4. such other particulars as the Regulations may prescribe.

(3) *(a)* In addition, the application may contain:

1. a short description of characteristic features of the design;
2. a declaration as to who is the true creator of the design;
3. a request for deferment of publication as provided in Article 6(4).

(b) The application may be accompanied also by samples or models of the article or articles incorporating the design.

(4) A multiple deposit may include several designs intended to be incorporated in articles included in the same class of the International Design Classification referred to in Article 21(2), item 4.

Article 6

(1) The International Bureau shall maintain the International Design Register and shall register international deposits therein.

(2) The international deposit shall be deemed to have been made on the date on which the International Bureau received the application in due form, the fees payable with the application, and the photograph or photographs or other graphic representations of the design, or, if the International Bureau received them on different dates, on the last of these dates. The registration shall bear the same date.

(3) *(a)* For each international deposit, the International Bureau shall publish in a periodical bulletin:

1. reproductions in black and white or, at the request of the applicant, in color of the deposited photographs or other graphic representations;
2. the date of the international deposit;
3. the particulars prescribed by the Regulations.

(b) The International Bureau shall send the periodical bulletin to the national Offices as soon as possible.

(4) *(a)* The publication referred to in paragraph (3)*(a)* shall, at the request of the applicant, be deferred for such period as he may request. The said period may not exceed twelve months from the date of the international deposit. However, if priority is claimed, the starting date of such period shall be the priority date.

(b) At any time during the period referred to in subparagraph *(a)*, the applicant may request immediate publication or may withdraw his deposit. Withdrawal of the deposit may be limited to one or a few only of the contracting States and, in the case of a multiple deposit, to some only of the designs included therein.

(c) If the applicant fails to pay within the proper time the fees payable before the expiration of the period referred to in subparagraph *(a)*, the International Bureau shall cancel the deposit and shall not effect the publication referred to in paragraph (3)*(a)*.

(d) Until the expiration of the period referred to in subparagraph *(a)*, the International Bureau shall keep in confidence the registration of deposits made subject to deferred publication, and the public shall have no access to any documents or articles concerning such deposits. These provisions shall apply without limitation as to time if the applicant has withdrawn his deposit before the expiration of the said period.

(5) Except as provided in paragraph (4), the Register and all documents and articles filed with the International Bureau shall be open to inspection by the public.

Article 7

(1) *(a)* A deposit registered at the International Bureau shall have the same effect in each of the contracting States designated by the applicant in his application as if all the formalities required by the domestic law for the grant of protection had been complied with by the applicant and as if all administrative acts required to that end had been accomplished by the Office of such State.

(b) Subject to the provisions of Article 11, the protection of designs the deposit of which has been registered at the International Bureau is governed in each contracting State by those provisions of the domestic law which are applicable in that State to designs for which protection has been claimed on the basis of a national deposit and in respect of which all formalities and administrative acts have been complied with and accomplished.

(2) An international deposit shall have no effect in the State of origin if the laws of that State so provide.

Article 8

(1) Notwithstanding the provisions of Article 7, the national Office of a contracting State whose domestic law provides that the national Office may, on the basis of an administrative *ex officio* examination or pursuant to an opposition by a third party, refuse protection shall, in case of refusal, notify the International Bureau within six months that the design does not meet the requirements of its domestic law other than the formalities and administrative acts referred to in Article 7(1). If no such refusal is notified within a period of six months the international deposit shall become effective in that State as

from the date of that deposit. However, in a contracting State having a novelty examination, the international deposit, while retaining its priority, shall, if no refusal is notified within a period of six months, become effective from the expiration of the said period unless the domestic law provides for an earlier date for deposits made with its national Office.

(2) The period of six months referred to in paragraph (1) shall be computed from the date on which the national Office receives the issue of the periodical bulletin in which the registration of the international deposit has been published. The national Office shall communicate that date to any person so requesting.

(3) The applicant shall have the same remedies against the refusal of the national Office referred to in paragraph (1) as if he had deposited his design in that Office; in any case, the refusal shall be subject to a request for re-examination or appeal. Notification of such refusal shall indicate:

1. the reasons for which it has been found that the design does not meet the requirements of the domestic law;
2. the date referred to in paragraph (2);
3. the time allowed for a request for re-examination or appeal;
4. the authority to which such request or appeal may be addressed.

(4) *(a)* The national Office of a contracting State whose domestic law contains provisions of the kind referred to in paragraph (1) requiring a declaration as to who is the true creator of the design or a description of the design may provide that, upon request and within a period of not less than sixty days from the dispatch of such a request by the said Office, the applicant shall file in the language of the application filed with the International Bureau:

1. a declaration as to who is the true creator of the design;
2. a short description emphasizing the essential characteristic features of the design as shown by the photographs or other graphic representations.

(b) No fees shall be charged by a national Office in connection with the filing of such declarations or descriptions, or for their possible publication by that national Office.

(5) *(a)* Any contracting State whose domestic law contains provisions of the kind referred to in paragraph (1) shall notify the International Bureau accordingly.

(b) If, under its legislation, a contracting State has several systems for the protection of designs one of which provides for novelty examination, the provisions of this Agreement concerning States having a novelty examination shall apply only to the said system.

Article 9

If the international deposit of a design is made within six months of the first deposit of the same design in a State member of the International Union for the Protection of Industrial Property, and if priority is claimed for the international deposit, the priority date shall be that of the first deposit.

Article 10

(1) An international deposit may be renewed every five years by payment only, during the last year of each period of five years, of the renewal fees prescribed by the Regulations.

(2) Subject to the payment of a surcharge fixed by the Regulations, a period of grace of six months shall be granted for renewal of the international deposit.

(3) At the time of paying the renewal fees, the international deposit number must be indicated and also, if renewal is not to be effected for all the contracting States for which the deposit is about to expire, those of the contracting States for which the renewal is to be effected.

(4) Renewal may be limited to some only of the designs included in a multiple deposit.

(5) The International Bureau shall record and publish renewals.

Article 11

(1) *(a)* The term of protection granted by a contracting State to designs which have been the subject of an international deposit shall not be less than:

1. ten years from the date of the international deposit if the deposit has been renewed;
2. five years from the date of the international deposit in the absence of renewal.

(b) However, if, under the provisions of the domestic law of a contracting State having a novelty examination, protection commences at a date later than that of the international deposit, the minimum terms provided for in subparagraph *(a)* shall be computed from the date at which protection commences in that State. The fact that the international deposit is not renewed or is renewed only once shall in no way affect the minimum terms of protection thus defined.

(2) If the domestic law of a contracting State provides, in respect of designs which have been the subject of a national deposit, for protection whose duration, with or without renewal, is longer than ten years, protection of the same duration shall, on the basis of the international deposit and its renewals, be granted in that State to designs which have been the subject of an international deposit.

(3) A contracting State may, under its domestic law, limit the term of protection of designs which have been the subject of an international deposit to the terms provided for in paragraph (1).

(4) Subject to the provisions of paragraph (1)*(b)*, protection in a contracting State shall terminate at the date of expiration of the international deposit, unless the domestic law of that State provides that protection shall continue after the date of expiration of the international deposit.

Article 12

(1) The International Bureau shall record and publish changes affecting ownership of a design which is the subject of an international deposit in force. It is understood that transfer of ownership may be limited to the rights arising from the international deposit in one or a few only of the contracting States and, in the case of a multiple deposit, to some only of the designs included therein.

(2) The recording referred to in paragraph (1) shall have the same effect as if it had been made in the national Offices of the contracting States.

Article 13

(1) The owner of an international deposit may, by means of a declaration addressed to the International Bureau, renounce his rights in respect of all or some only of the contracting States and, in the case of a multiple deposit, in respect of some only of the designs included therein.

(2) The International Bureau shall record and publish such declaration.

Article 14

(1) No contracting State may, as a condition of recognition of the right to protection, require that the article incorporating the design bear a sign or notice concerning the deposit of the design.

(2) If the domestic law of a contracting State provides for a notice on the article for any other purpose, such State shall regard such requirement as satisfied if all the articles offered to the public with the authorization of the owner of the rights in the design, or the tags attached to such articles, bear the international design notice.

(3) The international design notice shall consist of the symbol © (a capital D in a circle) accompanied by:

1. the year of the international deposit and the name, or the usual abbreviation of the name, of the depositor, or
2. the number of the international deposit.

(4) The mere appearance of the international design notice on the article or the tags shall in no case be interpreted as implying a waiver of protection by virtue of copyright or on any other grounds, whenever, in the absence of such notice, such protection may be claimed.

Article 15

(1) The fees prescribed by the Regulations shall consist of:

1. fees for the International Bureau;
2. fees for the contracting States designated by the applicant, namely:

(a) a fee for each contracting State;

(b) a fee for each contracting State having a novelty examination and requiring the payment of a fee for such examination.

(2) Any fees paid in respect of one and the same deposit for a contracting State under paragraph (1), item 2*(a)*, shall be deducted from the amount of the fee referred to in paragraph (1), item 2*(b)*, if the latter fee becomes payable for the same State.

Article 16

(1) The fees for contracting States referred to in Article 15(1), item 2, shall be collected by the International Bureau and paid over annually to the contracting States designated by the applicant.

(2) *(a)* Any contracting State may notify the International Bureau that it waives its right to the supplementary fees referred to in Article 15(1), item 2*(a)*, in respect of international deposits of which any other contracting State making a similar waiver is deemed to be the State of origin.

(b) Such State may make a similar waiver in respect of international deposits of which it is itself deemed to be the State of origin.

Article 17

The Regulations shall govern the details concerning the implementation of this Agreement and in particular:

1. the languages and the number of copies in which the application for deposit must be filed, and the data to be supplied in the application;
2. the amounts and the dates and method of payment of the fees for the International Bureau and for the States, including the limits imposed on the fee for contracting States having a novelty examination;
3. the number, size, and other characteristics, of the photographs or other graphic representations of each design deposited;
4. the length of the description of characteristic features of the design;
5. the limits within which and conditions under which samples or models of the articles incorporating the design may accompany the application;
6. the number of designs that may be included in a multiple deposit and other conditions governing multiple deposits;

7. all matters relating to the publication and distribution of the periodical bulletin referred to in Article 6(3)*(a)*, including the number of copies of the bulletin which shall be given free of charge to the national Offices and the number of copies which may be sold at a reduced price to such Offices;

8. the procedure for notification by contracting States of any refusal provided for under Article 8(1), and the procedure for communication and publication of such refusals by the International Bureau;

9. the conditions for recording and publication by the International Bureau of the changes affecting the ownership of a design referred to in Article 12(1), and for the renunciations referred to in Article 13;

10. the disposal of documents and articles concerning deposits for which the possibility of renewal has ceased to exist.

Article 18

The provisions of this Agreement shall not preclude the making of a claim to the benefit of any greater protection which may be granted by domestic legislation in a contracting State, nor shall they affect in any way the protection accorded to works of art and works of applied art by international copyright treaties and conventions.

Articles 19 to 22

[Repealed by Article 7(2) of the Complementary Act of Stockholm (1967)]

Article 23

(1) This Agreement shall remain open for signature until December 31, 1961.

(2) It shall be ratified and the instruments of ratification shall be deposited with the Government of the Netherlands.

Article 24

(1) States members of the International Union for the Protection of Industrial Property which have not signed this Agreement may accede thereto.

(2) Such accessions shall be notified through diplomatic channels to the Director General, and by the latter to the Governments of all contracting States.

Article 25

(1) Each contracting State undertakes to provide for the protection of industrial designs and to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Agreement.

(2) At the time a contracting State deposits its instrument of ratification or accession, it must be in a position under its domestic law to give effect to the provisions of this Agreement.

Article 26

(1) This Agreement shall enter into force one month after the date on which the Director General has dispatched a notification to the contracting States of the deposit of ten instruments of ratification or accession, at least four of which are those of States which, at the date of the present Agreement, are not party either to the 1925 Agreement or to the 1934 Agreement.

(2) Thereafter, the deposit of instruments of ratification and accession shall be notified to the contracting States by the Director General. Such ratifications and accessions shall become effective one month after the date of the dispatch of such notification unless, in the case of accession, a later date is indicated in the instrument of accession.

Article 27

Any contracting State may at any time notify the Director General that this Agreement shall also apply to all or part of those territories for the external relations of which it is responsible. Thereupon, the Director General shall communicate such notification to the contracting States and the Agreement shall apply also to the said territories one month after the dispatch of the communication by the Director General to the contracting States unless a later date is indicated in the notification.

Article 28

(1) Any contracting State may, by notification addressed to the Director General, denounce this Agreement in its own name and on behalf of all or part of the territories designated in the notification under Article 27. Such notification shall take effect one year after its receipt by the Director General.

(2) Denunciation shall not relieve any contracting State of its obligations under this Agreement in respect of designs deposited at the International Bureau prior to the date on which the denunciation takes effect.

Article 29

(1) This Agreement shall be submitted to revision with a view to the introduction of amendments designed to improve the protection resulting from the international deposit of designs.

(2) Revision conferences shall be called at the request of not less than one-half of the contracting States.

Article 30

(1) Two or more contracting States may at any time notify the Director General that, subject to the conditions indicated in the notification:

1. a common Office shall be substituted for the national Office of each of them;
2. they shall be deemed to be a single State for the purposes of the application of Articles 2 to 17 of this Agreement.

(2) Such notification shall not take effect until six months after the date of dispatch of the communication thereof by the Director General to the other contracting States.

Article 31

(1) This Agreement alone shall be applicable as regards the mutual relations of States party to both the present Agreement and the 1925 Agreement or the 1934 Agreement. However, such States shall, in their mutual relations, apply the 1925 Agreement or the 1934 Agreement, as the case may be, to designs deposited at the International Bureau prior to the date on which the present Agreement becomes applicable as regards their mutual relations.

(2) *(a)* Any State party to both the present Agreement and the 1925 Agreement shall continue to apply the 1925 Agreement in its relations with States party only to the 1925 Agreement, unless the said State has denounced the 1925 Agreement.

(b) Any State party to both the present Agreement and the 1934 Agreement shall continue to apply the 1934 Agreement in its relations with States party only to the 1934 Agreement, unless the said State has denounced the 1934 Agreement.

(3) States party to the present Agreement only shall not be bound to States which, without being party to the present Agreement, are party to the 1925 Agreement or the 1934 Agreement.

Article 32

(1) Signature and ratification of, or accession to, the present Agreement by a State party, at the date of this Agreement, to the 1925 Agreement or the 1934 Agreement shall be deemed to include signature and ratification of, or accession to, the Protocol annexed to the present Agreement, unless such State makes an express declaration to the contrary at the time of signing or depositing its instrument of accession.

(2) Any contracting State having made the declaration referred to in paragraph (1), or any other contracting State not party to the 1925 Agreement or the 1934 Agreement, may sign or accede to the Protocol annexed to this Agreement. At the time of signing or depositing its instrument of accession, it may declare that it does not consider itself bound by the provisions of paragraphs (2)*(a)* or (2)*(b)* of the Protocol; in such case, the other States party to the Protocol shall be under no obligation to apply, in their relations with that State, the provisions mentioned in such declaration. The provisions of Articles 23 to 28 inclusive shall apply by analogy.

Article 33

This Act shall be signed in a single copy which shall be deposited in the archives of the Government of the Netherlands. A certified copy shall be transmitted by the latter to the Government of each State which has signed or acceded to this Agreement.

PROTOCOL*

States party to this Protocol have agreed as follows:

(1) The provisions of this Protocol shall apply to designs which have been the subject of an international deposit and of which one of the States party to this Protocol is deemed to be the State of origin.

(2) In respect of designs referred to in paragraph (1), above:

(a) the term of protection granted by States party to this Protocol to the designs referred to in paragraph (1) shall not be less than fifteen years from the date provided for in paragraphs (1)*(a)* or (1)*(b)*, as the case may be, of Article 11;

(b) the appearance of a notice on the articles incorporating the designs or on the tags attached thereto shall in no case be required by the States party to this Protocol, either for the exercise in their territories of rights arising from the international deposit, or for any other purpose.

* This Protocol is not yet in force.

III. Additional Act of Monaco of November 18, 1961

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Article 1

(1) Over and above the fees established in Article 15 of the Hague Agreement as revised at London, the following additional fees shall be payable in respect of the transactions hereinafter specified, that is to say:

1. for the deposit of a single design and in respect of the first period of five years: 20 Swiss francs;
2. for the deposit of a single design, upon expiration of the first period and in respect of the duration of the second period of ten years: 40 Swiss francs;
3. for a multiple deposit and in respect of the first period of five years: 50 Swiss francs;
4. for a multiple deposit, upon expiration of the first period and in respect of the duration of the second period of ten years: 200 Swiss francs.

(2) If the fees prescribed in Article 15.2 and Article 15.4 of the Hague Agreement as revised at London have been paid after the date of this Act but before its entry into force--the latter being determined for each State in accordance with the provisions of paragraphs 7(2) and 7(3) where the first period of protection expires after such entry into force, the person making the deposit must pay the additional prolongation fee specified in items (1)2 and (1)4 of this Article. Upon entry into force of this Act, the International Bureau shall advise the depositors concerned that they must pay the additional fee within a period of six months from the receipt of such notice. If payment is not effected within such period the prolongation shall be deemed to be null and the reference thereto shall be deleted from the Register. In such case, the fee for prolongation already paid shall be refunded.

Article 2

Additional fees of 20 Swiss francs or 10 Swiss francs shall likewise be payable in respect of every other transaction provided for by the Hague Agreement as revised at London and for which the Regulations of the said Agreement prescribe a fee of 5 Swiss francs or 2.50 Swiss francs.

Article 3

(1) The fees prescribed in Articles 1 and 2 of this Act may be modified on the proposal of the International Bureau or of the Swiss Government, in accordance with the procedure hereinafter defined.

(2) Such proposals shall be communicated to the Offices of States party to this Act, which shall communicate their views to the International Bureau within a period of six months. If, after that period, a modification of a fee is adopted by a majority of the said Offices without giving rise to any opposition, such modification shall enter into force on the first day of the month following the date of dispatch of the notification thereof by the International Bureau to the aforesaid Offices.

Article 4

(1) There shall be established from the excess receipts derived from the application of the additional fees a reserve fund not exceeding 50,000 Swiss francs.

(2) When the reserve fund has reached this amount, any further excess receipts shall be distributed among the States party to this Act in proportion to the number of designs deposited by their nationals, or by the other persons referred to in Article 1 of the Hague Agreement as revised at London.

Article 5

For such time as all countries members of the Union created by the Hague Agreement as revised at London are not party to this Act or to the Hague Agreement of November 28, 1960, the International Bureau shall draw up separate accounts for countries which are party to this Act and for those which are party only to the Hague Agreement as revised at London.

Article 6

(1) This Act shall remain open for signature until March 31, 1962.

(2) States party to the Hague Agreement as revised at London which have not signed this Act may accede thereto. In such cases, the provisions of Articles 16 and 16bis of the Paris Convention for the Protection of Industrial Property shall be applicable.

Article 7

(1) This Act shall be ratified and the instruments of ratification shall be deposited with the Government of the Principality of Monaco. Such deposits shall be notified by the latter Government to the Government of the Swiss Confederation, which shall notify them to the contracting States.

(2) This Act shall come into force at the expiration of a period of one month from the date of dispatch by the Government of the Swiss Confederation to the contracting States of the notification of the deposit of the second instrument of ratification.

(3) As regards States which deposit their instruments of ratification subsequently to the deposit of the second such instrument of ratification as is mentioned in the preceding paragraph, this Act shall enter into force upon expiration of a period of one month from the date of dispatch by the Government of the Swiss Confederation to the contracting States of the notification of the deposit of the instrument of ratification concerned.

Article 8

This Act shall be signed in a single copy and shall be deposited in the archives of the Government of the Principality of Monaco. A certified copy thereof shall be sent by the latter to each of the Governments of the countries of the Hague Union.

IV. Complementary Act of Stockholm of July 14, 1967

as amended on September 28, 1979

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Article 1
[Definitions]

For the purposes of this Complementary Act:

"1934 Act" shall mean the Act signed at London on June 2, 1934, of the Hague Agreement concerning the International Deposit of Industrial Designs;

"1960 Act" shall mean the Act signed at The Hague on November 28, 1960, of the Hague Agreement concerning the International Deposit of Industrial Designs;

"1961 Additional Act" shall mean the Act signed at Monaco on November 18, 1961, additional to the 1934 Act;

"Organization" shall mean the World Intellectual Property Organization;

"International Bureau" shall mean the International Bureau of Intellectual Property;

"Director General" shall mean the Director General of the Organization;

"Special Union" shall mean the Hague Union established by the Hague Agreement of November 6, 1925, concerning the International Deposit of Industrial Designs, and maintained by the 1934 and 1960 Acts, by the 1961 Additional Act, and by this Complementary Act,

Article 2
[Assembly]

(1)(a) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Complementary Act.

(b) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2)(a) The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;

(ii) give directions to the International Bureau concerning the preparation for conferences of revision, due account being taken of any comments made by those countries of the Special Union which have not ratified or acceded to this Complementary Act;

(iii) modify the Regulations, including the fixation of the amounts of the fees relating to the international deposit of industrial designs;

(iv) review and approve the reports and activities of the Director General concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;

(v) determine the program and adopt the biennial budget of the Special Union, and approve its final accounts;

(vi) adopt the financial regulations of the Special Union;

(vii) establish such committees of experts and working groups as it may deem necessary to achieve the objectives of the Special Union;

(viii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(ix) adopt amendments to Articles 2 to 5;

(x) take any other appropriate action designed to further the objectives of the Special Union;

(xi) perform such other functions as are appropriate under this Complementary Act.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3)(a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 5(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one country only.

(g) Countries of the Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

(4)(a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptionnal circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own rules of procedure.

Article 3
[International Bureau]

(1)(a) International deposit of industrial designs and related duties, as well as all other administrative tasks concerning the Special Union, shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly and of such committees of experts and working groups as may have been established by the Assembly.

(c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly and of such committees of experts or working groups as may have been established by the Assembly. The Director General, or a staff member designated by him, shall be ex officio secretary of those bodies.

(3)(a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for the conferences of revision of the provisions of the Agreement.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at those conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

Article 4
[Finances]

(1)(a) The Special Union shall have a budget.

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be deemed to be expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

(i) international deposit fees and other fees and charges due for other services rendered by the International Bureau in relation to the Special Union;

(ii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

(4)(a) The amounts of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General.

(b) The amounts of such fees shall be so fixed that the revenues of the Special Union from fees and other sources shall be at least sufficient to cover the expenses of the International Bureau concerning the Special Union.

(c) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) Subject to the provisions of paragraph (4)(a), the amount of the fees and charges due for other services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6)(a) The Special Union shall have a working capital fund which shall be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country as a member of the Paris Union for the Protection of Industrial Property to the budget of the said Union for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7)(a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 5
[Amendment of Articles 2 to 5]

(1) Proposals for the amendment of this Complementary Act may be initiated by any country member of the Assembly, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 2 and to the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date.

Article 6
[Amendment of the 1934 Act and the 1961 Additional Act]

(1)(a) References in the 1934 Act to "the International Bureau of Industrial Property at Berne," to "the Berne International Bureau," or to "the International Bureau," shall be construed as references to the International Bureau as defined in Article 1 of this Complementary Act.

(b) Article 15 of the 1934 Act is repealed.

(c) Any amendment of the Regulations referred to in Article 20 of the 1934 Act shall be effected in accordance with the procedure prescribed under Article 2(2)(a)(iii) and Article 2(3)(d).

(d) In Articles 21 of the 1934 Act, for the words "revised in 1928" there shall be substituted the words "for the Protection of Literary and Artistic Works."

(e) References in Article 22 of the 1934 Act to Articles 16, 16bis, and 17bis, of the "General Convention" shall be construed as references to those provisions of the Stockholm Act of the Paris Convention for the Protection of Industrial Property which, in the said Stockholm Act, correspond to Articles 16, 16bis, and 17bis, of the earlier Acts of the Paris Convention.

(2)(a) Any modification of the fees referred to in Article 3 of the 1961 Additional Act shall be effected in accordance with the procedure prescribed under Article 2(2)(a)(iii) and 2(3)(d).

(b) Article 4(1) of the 1961 Additional Act, and the words "When the reserve fund has reached this amount" in Article 4(2) are repealed.

(c) References in Article 6(2) of the 1961 Additional Act to Articles 16 and 16bis of the Paris Convention for the Protection of Industrial Property shall be construed as references to those provisions of the Stockholm Act of the said Convention which, in the Stockholm Act, correspond to Articles 16 and 16bis of the earlier Acts of the Paris Convention.

(d) References in paragraph 7(1) and paragraph 7(3) of the 1961 Additional Act to the Government of the Swiss Confederation shall be construed as references to the Director General.

Article 7
[Amendment of the 1960 Act]

(1) References in the 1960 Act to "the Bureau of the International Union for the Protection of Industrial Property" or to "the International Bureau" shall be construed as references to the International Bureau as defined in Article 1 of this Complementary Act.

(2) Articles 19, 20, 21, and 22, of the 1960 Act are repealed.

(3) References in the 1960 Act to the Government of the Swiss Confederation shall be construed as references to the Director General.

(4) In Article 29 of the 1960 Act, the words "periodical" (paragraph 29(1)) and "of the International Design Committee or" (paragraph 29(2)) are deleted.

Article 8
[Ratification of, and Accession to, the Complementary Act]

(1)(a) Countries which, before January 13, 1968, have ratified the 1934 Act or the 1960 Act, and countries which have acceded to at least one of those Acts, may sign this Complementary Act and ratify it, or may accede to it.

(b) Ratification of, or accession to, this Complementary Act by a country which is bound by the 1934 Act without being bound also by the 1961 Additional Act shall automatically entail ratification of, or accession to, the 1961 Additional Act.

(2) Instruments of ratification and accession shall be deposited with the Director General.

Article 9
[Entry Into Force of the Complementary Act]

(1) With respect to the first five countries which have deposited their instruments of ratification or accession, this Complementary Act shall enter into force three months after the deposit of the fifth such instrument of ratification or accession.

(2) With respect to any other country, this Complementary Act shall enter into force three months after the date on which its ratification or accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Complementary Act shall enter into force with respect to that country on the date thus indicated.

Article 10
[Automatic Acceptance of Certain Provisions by Certain Countries]

(1) Subject to the provisions of Article 8 and the following paragraph, any country which has not ratified or acceded to the 1934 Act shall become bound by the 1961 Additional Act and by Articles 1 to 6 of this Complementary Act from the date on which its accession to the 1934 Act enters into force, provided that, if on the said date this Complementary Act has not yet entered into force pursuant to Article 9(1), then, such country shall become bound by the said Articles of this Complementary Act only from the date of entry into force of the Complementary Act pursuant to Article 9(1).

(2) Subject to the provisions of Article 8 and the foregoing paragraph, any country which has not ratified or acceded to the 1960 Act shall become bound by Articles 1 to 7 of this Complementary Act from the date on which its ratification of, or accession to, the 1960 Act enters into force, provided that, if on the said date this Complementary Act has not yet entered into force pursuant to Article 9(1), then, such country shall become bound by the said Articles of this Complementary Act only from the date of entry into force of the Complementary Act pursuant to Article 9(1).

Article 11
[Signature, etc., of the Complementary Act]

(1)(a) This Complementary Act shall be signed in a single copy in the French language and shall be deposited with the Government of Sweden.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) This Complementary Act shall remain open for signature at Stockholm until January 13, 1968.

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Complementary Act to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

(4) The Director General shall register this Complementary Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Special Union of signatures, deposits of instruments of ratification or accession, entry into force, and all other relevant notifications.

Article 12
[Transitional Provision]

Until the first Director General assumes office, references in this Complementary Act to the International Bureau of the Organization or to the Director General shall be construed as references to the Bureau of the Union established by the Paris Convention for the Protection of Industrial Property or its Director, respectively.

V. Geneva Act of July 2, 1999

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INTRODUCTORY PROVISIONS

Article 1
Abbreviated Expressions

For the purposes of this Act:

(i) "the Hague Agreement" means the Hague Agreement Concerning the International Deposit of Industrial Designs, henceforth renamed the Hague Agreement Concerning the International Registration of Industrial Designs;

(ii) "this Act" means the Hague Agreement as established by the present Act;

(iii) "Regulations" means the Regulations under this Act;

(iv) "prescribed" means prescribed in the Regulations;

(v) "Paris Convention" means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as revised and amended;

(vi) "international registration" means the international registration of an industrial design effected according to this Act;

(vii) "international application" means an application for international registration;

(viii) "International Register" means the official collection of data concerning international registrations maintained by the International Bureau, which data this Act or the Regulations require or permit to be recorded, regardless of the medium in which such data are stored;

(ix) "person" means a natural person or a legal entity;

(x) "applicant" means the person in whose name an international application is filed;

(xi) "holder" means the person in whose name an international registration is recorded in the International Register;

(xii) "intergovernmental organization" means an intergovernmental organization eligible to become party to this Act in accordance with Article 27(1)(ii);

(xiii) "Contracting Party" means any State or intergovernmental organization party to this Act;

(xiv) "applicant's Contracting Party" means the Contracting Party or one of the Contracting Parties from which the applicant derives its entitlement to file an international application by virtue of satisfying, in relation to that Contracting Party, at least one of the conditions specified in Article 3; where there are two or more Contracting Parties from which the applicant may, under Article 3, derive its entitlement to file an international application, "applicant's Contracting Party" means the one which, among those Contracting Parties, is indicated as such in the international application;

(xv) "territory of a Contracting Party" means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an intergovernmental organization, the territory in which the constituent treaty of that intergovernmental organization applies;

(xvi) "Office" means the agency entrusted by a Contracting Party with the grant of protection for industrial designs with effect in the territory of that Contracting Party;

(xvii) "Examining Office" means an Office which *ex officio* examines applications filed with it for the protection of industrial designs at least to determine whether the industrial designs satisfy the condition of novelty;

(xviii) "designation" means a request that an international registration have effect in a Contracting Party; it also means the recording, in the International Register, of that request;

(xix) "designated Contracting Party" and "designated Office" means the Contracting Party and the Office of the Contracting Party, respectively, to which a designation applies;

(xx) "1934 Act" means the Act signed at London on June 2, 1934, of the Hague Agreement;

(xxi) "1960 Act" means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;

(xxii) "1961 Additional Act" means the Act signed at Monaco on November 18, 1961, additional to the 1934 Act;

(xxiii) "Complementary Act of 1967" means the Complementary Act signed at Stockholm on July 14, 1967, as amended, of the Hague Agreement;

(xxiv) "Union" means the Hague Union established by the Hague Agreement of November 6, 1925, and maintained by the 1934 and 1960 Acts, the 1961 Additional Act, the Complementary Act of 1967 and this Act;

(xxv) "Assembly" means the Assembly referred to in Article 21(1)(a) or any body replacing that Assembly;

(xxvi) "Organization" means the World Intellectual Property Organization;

(xxvii) "Director General" means the Director General of the Organization;

(xxviii) "International Bureau" means the International Bureau of the Organization;

(xxix) "instrument of ratification" shall be construed as including instruments of acceptance or approval.

Article 2
Applicability of Other Protection Accorded by Laws of Contracting Parties and by Certain International Treaties

(1) [*Laws of Contracting Parties and Certain International Treaties*] The provisions of this Act shall not affect the application of any greater protection which may be accorded by the law of a Contracting Party, nor shall they affect in any way the protection accorded to works of art and works of applied art by international copyright treaties and conventions, or the protection accorded to industrial designs under the Agreement on Trade-Related Aspects of Intellectual Property Rights annexed to the Agreement Establishing the World Trade Organization.

(2) [*Obligation to Comply with the Paris Convention*] Each Contracting Party shall comply with the provisions of the Paris Convention which concern industrial designs.

CHAPTER I

INTERNATIONAL APPLICATION AND INTERNATIONAL REGISTRATION

Article 3
Entitlement to File an International Application

Any person that is a national of a State that is a Contracting Party or of a State member of an intergovernmental organization that is a Contracting Party, or that has a domicile, a habitual residence or a real and effective industrial or commercial establishment in the territory of a Contracting Party, shall be entitled to file an international application.

Article 4
Procedure for Filing the International Application

(1) [*Direct or Indirect Filing*] (a) The international application may be filed, at the option of the applicant, either directly with the International Bureau or through the Office of the applicant's Contracting Party.

(b) Notwithstanding subparagraph (a), any Contracting Party may, in a declaration, notify the Director General that international applications may not be filed through its Office.

(2) [*Transmittal Fee in Case of Indirect Filing*] The Office of any Contracting Party may require that the applicant pay a transmittal fee to it, for its own benefit, in respect of any international application filed through it.

Article 5
Contents of the International Application

(1) [*Mandatory Contents of the International Application*] The international application shall be in the prescribed language or one of the prescribed languages and shall contain or be accompanied by

(i) a request for international registration under this Act;

(ii) the prescribed data concerning the applicant;

(iii) the prescribed number of copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international application, presented in the prescribed manner; however, where the industrial design is two-dimensional and a request for deferment of publication is made in accordance with paragraph (5), the international application may, instead of containing reproductions, be accompanied by the prescribed number of specimens of the industrial design;

(iv) an indication of the product or products which constitute the industrial design or in relation to which the industrial design is to be used, as prescribed;

(v) an indication of the designated Contracting Parties;

(vi) the prescribed fees;

(vii) any other prescribed particulars.

(2) [*Additional Mandatory Contents of the International Application*] (a) Any Contracting Party whose Office is an Examining Office and whose law, at the time it becomes party to this Act, requires that an application for the grant of protection to an industrial design contain any of the elements specified in subparagraph (b) in order for that application to be accorded a filing date under that law may, in a declaration, notify the Director General of those elements.

(b) The elements that may be notified pursuant to subparagraph (a) are the following:

(i) indications concerning the identity of the creator of the industrial design that is the subject of that application;

(ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of that application;

(iii) a claim.

(c) Where the international application contains the designation of a Contracting Party that has made a notification under subparagraph (a), it shall also contain, in the prescribed manner, any element that was the subject of that notification.

(3) [*Other Possible Contents of the International Application*] The international application may contain or be accompanied by such other elements as are specified in the Regulations.

(4) [*Several Industrial Designs in the Same International Application*] Subject to such conditions as may be prescribed, an international application may include two or more industrial designs.

(5) [*Request for Deferred Publication*] The international application may contain a request for deferment of publication.

Article 6
Priority

(1) [*Claiming of Priority*] (a) The international application may contain a declaration claiming, under Article 4 of the Paris Convention, the priority of one or more earlier applications filed in or for any country party to that Convention or any Member of the World Trade Organization.

(b) The Regulations may provide that the declaration referred to in subparagraph (a) may be made after the filing of the international application. In such case, the Regulations shall prescribe the latest time by which such declaration may be made.

(2) [*International Application Serving as a Basis for Claiming Priority*] The international application shall, as from its filing date and whatever may be its subsequent fate, be equivalent to a regular filing within the meaning of Article 4 of the Paris Convention.

Article 7
Designation Fees

(1) [*Prescribed Designation Fee*] The prescribed fees shall include, subject to paragraph (2), a designation fee for each designated Contracting Party.

(2) [*Individual Designation Fee*] Any Contracting Party whose Office is an Examining Office and any Contracting Party that is an intergovernmental organization may, in a declaration, notify the Director General that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such an international application, the prescribed designation fee referred to in paragraph (1) shall be replaced by an individual designation fee, whose amount shall be indicated in the declaration and can be changed in further declarations. The said amount may be fixed by the said Contracting Party for the initial term of protection and for each term of renewal or for the maximum period of protection allowed by the Contracting Party concerned. However, it may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

(3) [*Transfer of Designation Fees*] The designation fees referred to in paragraphs (1) and (2) shall be transferred by the International Bureau to the Contracting Parties in respect of which those fees were paid.

Article 8
Correction of Irregularities

(1) [*Examination of the International Application*] If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the requirements of this Act and the Regulations, it shall invite the applicant to make the required corrections within the prescribed time limit.

(2) [*Irregularities Not Corrected*] (a) If the applicant does not comply with the invitation within the prescribed time limit, the international application shall, subject to subparagraph (b), be considered abandoned.

(b) In the case of an irregularity which relates to Article 5(2) or to a special requirement notified to the Director General by a Contracting Party in accordance with the Regulations, if the applicant does not comply with the invitation within the prescribed time limit, the international application shall be deemed not to contain the designation of that Contracting Party.

Article 9
Filing Date of the International Application

(1) [*International Application Filed Directly*] Where the international application is filed directly with the International Bureau, the filing date shall, subject to paragraph (3), be the date on which the International Bureau receives the international application.

(2) [*International Application Filed Indirectly*] Where the international application is filed through the Office of the applicant's Contracting Party, the filing date shall be determined as prescribed.

(3) [*International Application with Certain Irregularities*] Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau.

Article 10[1]
International Registration, Date of the International Registration, Publication and Confidential Copies of the International Registration

(1) [*International Registration*] The International Bureau shall register each industrial design that is the subject of an international application immediately upon receipt by it of the international application or, where corrections are invited under Article 8, immediately upon receipt of the required corrections. The registration shall be effected whether or not publication is deferred under Article 11.

(2) [*Date of the International Registration*] (a) Subject to subparagraph (b), the date of the international registration shall be the filing date of the international application.

(b) Where the international application has, on the date on which it is received by the International Bureau, an irregularity which relates to Article 5(2) , the date of the international registration shall be the date on which the correction of such irregularity is received by the International Bureau or the filing date of the international application, whichever is the later.

(3) [*Publication*] (a) The international registration shall be published by the International Bureau. Such publication shall be deemed in all Contracting Parties to be sufficient publicity, and no other publicity may be required of the holder.

(b) The International Bureau shall send a copy of the publication of the international registration to each designated Office.

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1 When adopting Article 10, the Diplomatic Conference understood that nothing in this Article precludes access to the international application or the international registration by the applicant or the holder or a person having the consent of the applicant or the holder.

(4) [*Maintenance of Confidentiality Before Publication*] Subject to paragraph (5) and Article 11(4)(b), the International Bureau shall keep in confidence each international application and each international registration until publication.

(5) [*Confidential Copies*] (a) The International Bureau shall, immediately after registration has been effected, send a copy of the international registration, along with any relevant statement, document or specimen accompanying the international application, to each Office that has notified the International Bureau that it wishes to receive such a copy and has been designated in the international application.

(b) The Office shall, until publication of the international registration by the International Bureau, keep in confidence each international registration of which a copy has been sent to it by the International Bureau and may use the said copy only for the purpose of the examination of the international registration and of applications for the protection of industrial designs filed in or for the Contracting Party for which the Office is competent. In particular, it may not divulge the contents of any such international registration to any person outside the Office other than the holder of that international registration, except for the purposes of an administrative or legal proceeding involving a conflict over entitlement to file the international application on which the international registration is based. In the case of such an administrative or legal proceeding, the contents of the international registration may only be disclosed in confidence to the parties involved in the proceeding who shall be bound to respect the confidentiality of the disclosure.

Article 11
Deferment of Publication

(1) [*Provisions of Laws of Contracting Parties Concerning Deferment of Publication*] (a) Where the law of a Contracting Party provides for the deferment of the publication of an industrial design for a period which is less than the prescribed period, that Contracting Party shall, in a declaration, notify the Director General of the allowable period of deferment.

(b) Where the law of a Contracting Party does not provide for the deferment of the publication of an industrial design, the Contracting Party shall, in a declaration, notify the Director General of that fact.

(2) [*Deferment of Publication*] Where the international application contains a request for deferment of publication, the publication shall take place,

(i) where none of the Contracting Parties designated in the international application has made a declaration under paragraph (1), at the expiry of the prescribed period or,

(ii) where any of the Contracting Parties designated in the international application has made a declaration under paragraph (1)(a), at the expiry of the period notified in such declaration or, where there is more than one such designated Contracting Party, at the expiry of the shortest period notified in their declarations.

(3) [*Treatment of Requests for Deferment Where Deferment Is Not Possible Under Applicable Law*] Where deferment of publication has been requested and any of the Contracting Parties designated in the international application has made a declaration under paragraph (1)(b) that deferment of publication is not possible under its law,

(i) subject to item (ii), the International Bureau shall notify the applicant accordingly; if, within the prescribed period, the applicant does not, by notice in writing to the International Bureau, withdraw the designation of the said Contracting Party, the International Bureau shall disregard the request for deferment of publication;

(ii) where, instead of containing reproductions of the industrial design, the international application was accompanied by specimens of the industrial design, the International Bureau shall disregard the designation of the said Contracting Party and shall notify the applicant accordingly.

(4) [*Request for Earlier Publication or for Special Access to the International Registration*] (a) At any time during the period of deferment applicable under paragraph (2), the holder may request publication of any or all of the industrial designs that are the subject of the international registration, in which case the period of deferment in respect of such industrial design or designs shall be considered to have expired on the date of receipt of such request by the International Bureau.

(b) The holder may also, at any time during the period of deferment applicable under paragraph (2), request the International Bureau to provide a third party specified by the holder with an extract from, or to allow such a party access to, any or all of the industrial designs that are the subject of the international registration.

(5) [*Renunciation and Limitation*] (a) If, at any time during the period of deferment applicable under paragraph (2), the holder renounces the international registration in respect of all the designated Contracting Parties, the industrial design or designs that are the subject of the international registration shall not be published.

(b) If, at any time during the period of deferment applicable under paragraph (2), the holder limits the international registration, in respect of all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration, the other industrial design or designs that are the subject of the international registration shall not be published.

(6) [*Publication and Furnishing of Reproductions*] (a) At the expiration of any period of deferment applicable under the provisions of this Article, the International Bureau shall, subject to the payment of the prescribed fees, publish the international registration. If such fees are not paid as prescribed, the international registration shall be canceled and publication shall not take place.

(b) Where the international application was accompanied by one or more specimens of the industrial design in accordance with Article 5(1)(iii), the holder shall submit the prescribed number of copies of a reproduction of each industrial design that is the subject of that application to the International Bureau within the prescribed time limit. To the extent that the holder does not do so, the international registration shall be canceled and publication shall not take place.

Article 12
Refusal

(1) [*Right to Refuse*] The Office of any designated Contracting Party may, where the conditions for the grant of protection under the law of that Contracting Party are not met in respect of any or all of the industrial designs that are the subject of an international registration, refuse the effects, in part or in whole, of the international registration in the territory of the said Contracting Party, provided that no Office may refuse the effects, in part or in whole, of any international registration on the ground that requirements relating to the form or contents of the international application that are provided for in this Act or the Regulations or are additional to, or different from, those requirements have not been satisfied under the law of the Contracting Party concerned.

(2) [*Notification of Refusal*] (a) The refusal of the effects of an international registration shall be communicated by the Office to the International Bureau in a notification of refusal within the prescribed period.

(b) Any notification of refusal shall state all the grounds on which the refusal is based.

(3) [*Transmission of Notification of Refusal; Remedies*] (a) The International Bureau shall, without delay, transmit a copy of the notification of refusal to the holder.

(b) The holder shall enjoy the same remedies as if any industrial design that is the subject of the international registration had been the subject of an application for the grant of protection under the law applicable to the Office that communicated the refusal. Such remedies shall at least consist of the possibility of a re-examination or a review of the refusal or an appeal against the refusal.

(4)[2] [*Withdrawal of Refusal*] Any refusal may be withdrawn, in part or in whole, at any time by the Office that communicated it.

Article 13
Special Requirements Concerning Unity of Design

(1) [*Notification of Special Requirements*] Any Contracting Party whose law, at the time it becomes party to this Act, requires that designs that are the subject of the same application conform to a requirement of unity of design, unity of production or unity of use, or belong to the same set or composition of items, or that only one independent and distinct design may be claimed in a single application, may, in a declaration, notify the Director General accordingly. However, no such declaration shall affect the right of an applicant to include two or more industrial designs in an international application in accordance with Article 5(4), even if the application designates the Contracting Party that has made the declaration.

(2) [*Effect of Declaration*] Any such declaration shall enable the Office of the Contracting Party that has made it to refuse the effects of the international registration pursuant to Article 12(1) pending compliance with the requirement notified by that Contracting Party.

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2 When adopting Article 12(4), Article 14(2)(b) and Rule 18(4), the Diplomatic Conference understood that a withdrawal of refusal by an Office that has communicated a notification of refusal may take the form of a statement to the effect that the Office concerned has decided to accept the effects of the international registration in respect of the industrial designs, or some of the industrial designs, to which the notification of refusal related. It was also understood that an Office may, within the period allowed for communicating a notification of refusal, send a statement to the effect that it has decided to accept the effects of the international registration even where it has not communicated such a notification of refusal.

(3) [*Further Fees Payable on Division of Registration*] Where, following a notification of refusal in accordance with paragraph (2), an international registration is divided before the Office concerned in order to overcome a ground of refusal stated in the notification, that Office shall be entitled to charge a fee in respect of each additional international application that would have been necessary in order to avoid that ground of refusal.

Article 14
Effects of the International Registration

(1) [*Effect as Application Under Applicable Law*] The international registration shall, from the date of the international registration, have at least the same effect in each designated Contracting Party as a regularly-filed application for the grant of protection of the industrial design under the law of that Contracting Party.

(2) [*Effect as Grant of Protection Under Applicable Law*] (a) In each designated Contracting Party the Office of which has not communicated a refusal in accordance with Article 12, the international registration shall have the same effect as a grant of protection for the industrial design under the law of that Contracting Party at the latest from the date of expiration of the period allowed for it to communicate a refusal or, where a Contracting Party has made a corresponding declaration under the Regulations, at the latest at the time specified in that declaration.

(b)[3] Where the Office of a designated Contracting Party has communicated a refusal and has subsequently withdrawn, in part or in whole, that refusal, the international registration shall, to the extent that the refusal is withdrawn, have the same effect in that Contracting Party as a grant of protection for the industrial design under the law of the said Contracting Party at the latest from the date on which the refusal was withdrawn.

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3 See footnote relating to Article 12(4).

(c) The effect given to the international registration under this paragraph shall apply to the industrial design or designs that are the subject of that registration as received from the International Bureau by the designated Office or, where applicable, as amended in the procedure before that Office.

(3) [*Declaration Concerning Effect of Designation of Applicant's Contracting Party*] (a) Any Contracting Party whose Office is an Examining Office may, in a declaration, notify the Director General that, where it is the applicant's Contracting Party, the designation of that Contracting Party in an international registration shall have no effect.

(b) Where a Contracting Party having made the declaration referred to in subparagraph (a) is indicated in an international application both as the applicant's Contracting Party and as a designated Contracting Party, the International Bureau shall disregard the designation of that Contracting Party.

Article 15
Invalidation

(1) [*Requirement of Opportunity of Defense*] Invalidation, by the competent authorities of a designated Contracting Party, of the effects, in part or in whole, in the territory of that Contracting Party, of the international registration may not be pronounced without the holder having, in good time, been afforded the opportunity of defending his rights.

(2) [*Notification of Invalidation*] The Office of the Contracting Party in whose territory the effects of the international registration have been invalidated shall, where it is aware of the invalidation, notify it to the International Bureau.

Article 16
Recording of Changes and Other Matters Concerning International Registrations

(1) [*Recording of Changes and Other Matters*] The International Bureau shall, as prescribed, record in the International Register

(i) any change in ownership of the international registration, in respect of any or all of the designated Contracting Parties and in respect of any or all of the industrial designs that are the subject of the international registration, provided that the new owner is entitled to file an international application under Article 3,

(ii) any change in the name or address of the holder,

(iii) the appointment of a representative of the applicant or holder and any other relevant fact concerning such representative,

(iv) any renunciation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties,

(v) any limitation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration,

(vi) any invalidation, by the competent authorities of a designated Contracting Party, of the effects, in the territory of that Contracting Party, of the international registration in respect of any or all of the industrial designs that are the subject of the international registration,

(vii) any other relevant fact, identified in the Regulations, concerning the rights in any or all of the industrial designs that are the subject of the international registration.

(2) [*Effect of Recording in International Register*] Any recording referred to in items (i), (ii), (iv), (v), (vi) and (vii) of paragraph (1) shall have the same effect as if it had been made in the Register of the Office of each of the Contracting Parties concerned, except that a Contracting Party may, in a declaration, notify the Director General that a recording referred to in item (i) of paragraph (1) shall not have that effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in that declaration.

(3) [*Fees*] Any recording made under paragraph (1) may be subject to the payment of a fee.

(4) [*Publication*] The International Bureau shall publish a notice concerning any recording made under paragraph (1). It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned.

Article 17
Initial Term and Renewal of the International Registration and Duration of Protection

(1) [*Initial Term of the International Registration*] The international registration shall be effected for an initial term of five years counted from the date of the international registration.

(2) [*Renewal of the International Registration*] The international registration may be renewed for additional terms of five years, in accordance with the prescribed procedure and subject to the payment of the prescribed fees.

(3) [*Duration of Protection in Designated Contracting Parties*] (a) Provided that the international registration is renewed, and subject to subparagraph (b), the duration of protection shall, in each of the designated Contracting Parties, be 15 years counted from the date of the international registration.

(b) Where the law of a designated Contracting Party provides for a duration of protection of more than 15 years for an industrial design for which protection has been granted under that law, the duration of protection shall, provided that the international registration is renewed, be the same as that provided for by the law of that Contracting Party.

(c) Each Contracting Party shall, in a declaration, notify the Director General of the maximum duration of protection provided for by its law.

(4) [*Possibility of Limited Renewal*] The renewal of the international registration may be effected for any or all of the designated Contracting Parties and for any or all of the industrial designs that are the subject of the international registration.

(5) [*Recording and Publication of Renewal*] The International Bureau shall record renewals in the International Register and publish a notice to that effect. It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned.

Article 18
Information Concerning Published International Registrations

(1) [*Access to Information*] The International Bureau shall supply to any person applying therefor, upon the payment of the prescribed fee, extracts from the International Register, or information concerning the contents of the International Register, in respect of any published international registration.

(2) [*Exemption from Legalization*] Extracts from the International Register supplied by the International Bureau shall be exempt from any requirement of legalization in each Contracting Party.

CHAPTER II

ADMINISTRATIVE PROVISIONS

Article 19
Common Office of Several States

(1) [*Notification of Common Office*] If several States intending to become party to this Act have effected, or if several States party to this Act agree to effect, the unification of their domestic legislation on industrial designs, they may notify the Director General

(i) that a common Office shall be substituted for the national Office of each of them, and

(ii) that the whole of their respective territories to which the unified legislation applies shall be deemed to be a single Contracting Party for the purposes of the application of Articles 1, 3 to 18 and 31 of this Act.

(2) [*Time at Which Notification Is to Be Made*] The notification referred to in paragraph (1) shall be made,

(i) in the case of States intending to become party to this Act, at the time of the deposit of the instruments referred to in Article 27(2);

(ii) in the case of States party to this Act, at any time after the unification of their domestic legislation has been effected.

(3) [*Date of Entry into Effect of the Notification*] The notification referred to in paragraphs (1) and (2) shall take effect,

(i) in the case of States intending to become party to this Act, at the time such States become bound by this Act;

(ii) in the case of States party to this Act, three months after the date of the communication thereof by the Director General to the other Contracting Parties or at any later date indicated in the notification.

Article 20
Membership of the Hague Union

The Contracting Parties shall be members of the same Union as the States party to the 1934 Act or the 1960 Act.

Article 21
Assembly

(1) [*Composition*] (a) The Contracting Parties shall be members of the same Assembly as the States bound by Article 2 of the Complementary Act of 1967.

(b) Each member of the Assembly shall be represented in the Assembly by one delegate, who may be assisted by alternate delegates, advisors and experts, and each delegate may represent only one Contracting Party.

(c) Members of the Union that are not members of the Assembly shall be admitted to the meetings of the Assembly as observers.

(2) [*Tasks*] (a) The Assembly shall

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Act;

(ii) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Act or the Complementary Act of 1967;

(iii) give directions to the Director General concerning the preparations for conferences of revision and decide the convocation of any such conference;

(iv) amend the Regulations;

(v) review and approve the reports and activities of the Director General concerning the Union, and give the Director General all necessary instructions concerning matters within the competence of the Union;

(vi) determine the program and adopt the biennial budget of the Union, and approve its final accounts;

(vii) adopt the financial regulations of the Union;

(viii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;

(ix) subject to paragraph (1)(c), determine which States, intergovernmental organizations and non-governmental organizations shall be admitted to its meetings as observers;

(x) take any other appropriate action to further the objectives of the Union and perform any other functions as are appropriate under this Act.

(b) With respect to matters which are also of interest to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) [*Quorum*] (a) One-half of the members of the Assembly which are States and have the right to vote on a given matter shall constitute a quorum for the purposes of the vote on that matter.

(b) Notwithstanding the provisions of subparagraph (a), if, in any session, the number of the members of the Assembly which are States, have the right to vote on a given matter and are represented is less than one-half but equal to or more than one-third of the members of the Assembly which are States and have the right to vote on that matter, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the members of the Assembly which are States, have the right to vote on the said matter and were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of

this period, the number of such members having thus expressed their vote or abstention attains the number of the members which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(4) [*Taking Decisions in the Assembly*] (a) The Assembly shall endeavor to take its decisions by consensus.

(b) Where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting. In such a case,

(i) each Contracting Party that is a State shall have one vote and shall vote only in its own name, and

(ii) any Contracting Party that is an intergovernmental organization may vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Act, and no such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote, and *vice versa*.

(c) On matters concerning only States that are bound by Article 2 of the Complementary Act of 1967, Contracting Parties that are not bound by the said Article shall not have the right to vote, whereas, on matters concerning only Contracting Parties, only the latter shall have the right to vote.

(5) [*Majorities*] (a) Subject to Articles 24(2) and 26(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) Abstentions shall not be considered as votes.

(6) [*Sessions*] (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either at the request of one-fourth of the members of the Assembly or on the Director General's own initiative.

(c) The agenda of each session shall be prepared by the Director General.

(7) [*Rules of Procedure*] The Assembly shall adopt its own rules of procedure.

Article 22
International Bureau

(1) [*Administrative Tasks*] (a) International registration and related duties, as well as all other administrative tasks concerning the Union, shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly and of such committees of experts and working groups as may be established by the Assembly.

(2) [*Director General*] The Director General shall be the chief executive of the Union and shall represent the Union.

(3) [*Meetings Other than Sessions of the Assembly*] The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.

(4) [*Role of the International Bureau in the Assembly and Other Meetings*] (a) The Director General and persons designated by the Director General shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meetings convened by the Director General under the aegis of the Union.

(b) The Director General or a staff member designated by the Director General shall be *ex officio* secretary of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).

(5) [*Conferences*] (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for any revision conferences.

(b) The International Bureau may consult with intergovernmental organizations and international and national non-governmental organizations concerning the said preparations.

(c) The Director General and persons designated by the Director General shall take part, without the right to vote, in the discussions at revision conferences.

(6) [*Other Tasks*] The International Bureau shall carry out any other tasks assigned to it in relation to this Act.

Article 23
Finances

(1) [*Budget*] (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered to be expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) [*Coordination with Budgets of Other Unions*] The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) [*Sources of Financing of the Budget*] The budget of the Union shall be financed from the following sources:

(i) fees relating to international registrations;

(ii) charges due for other services rendered by the International Bureau in relation to the Union;

(iii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iv) gifts, bequests and subventions;

(v) rents, interests and other miscellaneous income.

(4) [*Fixing of Fees and Charges; Level of the Budget*] (a) The amounts of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General. Charges referred to in paragraph 3(ii) shall be established by the Director General and shall be provisionally applied subject to approval by the Assembly at its next session.

(b) The amounts of the fees referred to in paragraph (3)(i) shall be so fixed that the revenues of the Union from fees and other sources shall be at least sufficient to cover all the expenses of the International Bureau concerning the Union.

(c) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) [*Working Capital Fund*] The Union shall have a working capital fund which shall be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each member of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it. The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General.

(6) [*Advances by Host State*] (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(7) [*Auditing of Accounts*] The auditing of the accounts shall be effected by one or more of the States members of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 24
Regulations

(1) [*Subject Matter*] The Regulations shall govern the details of the implementation of this Act. They shall, in particular, include provisions concerning

(i) matters which this Act expressly provides are to be prescribed;

(ii) further details concerning, or any details useful in the implementation of, the provisions of this Act;

(iii) any administrative requirements, matters or procedures.

(2) [*Amendment of Certain Provisions of the Regulations*] (a) The Regulations may specify that certain provisions of the Regulations may be amended only by unanimity or only by a four-fifths majority.

(b) In order for the requirement of unanimity or a four-fifths majority no longer to apply in the future to the amendment of a provision of the Regulations, unanimity shall be required.

(c) In order for the requirement of unanimity or a four-fifths majority to apply in the future to the amendment of a provision of the Regulations, a four-fifths majority shall be required.

(3) [*Conflict Between This Act and the Regulations*] In the case of conflict between the provisions of this Act and those of the Regulations, the former shall prevail.

CHAPTER III

REVISION AND AMENDMENT

Article 25
Revision of This Act

(1) [*Revision Conferences*] This Act may be revised by a conference of the Contracting Parties.

(2) [*Revision or Amendment of Certain Articles*] Articles 21, 22, 23 and 26 may be amended either by a revision conference or by the Assembly according to the provisions of Article 26.

Article 26
Amendment of Certain Articles by the Assembly

(1) [*Proposals for Amendment*] (a) Proposals for the amendment by the Assembly of Articles 21, 22, 23 and this Article may be initiated by any Contracting Party or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.

(2) [*Majorities*] Adoption of any amendment to the Articles referred to in paragraph (1) shall require a three-fourths majority, except that adoption of any amendment to Article 21 or to the present paragraph shall require a four-fifths majority.

(3) [*Entry into Force*] (a) Except where subparagraph (b) applies, any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of those Contracting Parties which, at the time the amendment was adopted, were members of the Assembly and had the right to vote on that amendment.

(b) Any amendment to Article 21(3) or (4) or to this subparagraph shall not enter into force if, within six months of its adoption by the Assembly, any Contracting Party notifies the Director General that it does not accept such amendment.

(c) Any amendment which enters into force in accordance with the provisions of this paragraph shall bind all the States and intergovernmental organizations which are Contracting Parties at the time the amendment enters into force, or which become Contracting Parties at a subsequent date.

CHAPTER IV

FINAL PROVISIONS

Article 27
Becoming Party to This Act

(1) [*Eligibility*] Subject to paragraphs (2) and (3) and Article 28,

(i) any State member of the Organization may sign and become party to this Act;

(ii) any intergovernmental organization which maintains an Office in which protection of industrial designs may be obtained with effect in the territory in which the constituting treaty of the intergovernmental organization applies may sign and become party to this Act, provided that at least one of the member States of the intergovernmental organization is a member of the Organization and provided that such Office is not the subject of a notification under Article 19.

(2) [*Ratification or Accession*] Any State or intergovernmental organization referred to in paragraph (1) may deposit

(i) an instrument of ratification if it has signed this Act, or

(ii) an instrument of accession if it has not signed this Act.

(3) [*Effective Date of Deposit*] (a) Subject to subparagraphs (b) to (d), the effective date of the deposit of an instrument of ratification or accession shall be the date on which that instrument is deposited.

(b) The effective date of the deposit of the instrument of ratification or accession of any State in respect of which protection of industrial designs may be obtained only through the Office maintained by an intergovernmental organization of which that State is a member shall be the date on which the instrument of that intergovernmental organization is deposited if that date is later than the date on which the instrument of the said State has been deposited.

(c) The effective date of the deposit of any instrument of ratification or accession containing or accompanied by the notification referred to in Article 19 shall be the date on which the last of the instruments of the States members of the group of States having made the said notification is deposited.

(d) Any instrument of ratification or accession of a State may contain or be accompanied by a declaration making it a condition to its being considered as deposited that the instrument of one other State or one intergovernmental organization, or the instruments of two other States, or the instruments of one other State and one intergovernmental organization, specified by name and eligible to become party to this Act, is or are also deposited. The instrument containing or accompanied by such a declaration shall be considered to have been deposited on the day on which the condition indicated in the declaration is fulfilled. However, when an instrument specified in the declaration itself contains, or is itself accompanied by, a declaration of the said kind, that instrument shall be considered as deposited on the day on which the condition specified in the latter declaration is fulfilled.

(e) Any declaration made under paragraph (d) may be withdrawn, in its entirety or in part, at any time. Any such withdrawal shall become effective on the date on which the notification of withdrawal is received by the Director General.

Article 28
Effective Date of Ratifications and Accessions

(1) [*Instruments to Be Taken into Consideration*] For the purposes of this Article, only instruments of ratification or accession that are deposited by States or intergovernmental organizations referred to in Article 27(1) and that have an effective date according to Article 27(3) shall be taken into consideration.

(2) [*Entry into Force of This Act*] This Act shall enter into force three months after six States have deposited their instruments of ratification or accession, provided that, according to the most recent annual statistics collected by the International Bureau, at least three of those States fulfill at least one of the following conditions:

(i) at least 3,000 applications for the protection of industrial designs have been filed in or for the State concerned, or

(ii) at least 1,000 applications for the protection of industrial designs have been filed in or for the State concerned by residents of States other than that State.

(3) [*Entry into Force of Ratifications and Accessions*] (a) Any State or intergovernmental organization that has deposited its instrument of ratification or accession three months or more before the date of entry into force of this Act shall become bound by this Act on the date of entry into force of this Act.

(b) Any other State or intergovernmental organization shall become bound by this Act three months after the date on which it has deposited its instrument of ratification or accession or at any later date indicated in that instrument.

Article 29
Prohibition of Reservations

No reservations to this Act are permitted.

Article 30
Declarations Made by Contracting Parties

(1) [*Time at Which Declarations May Be Made*] Any declaration under Articles 4(1)(b), 5(2)(a), 7(2), 11(1), 13(1), 14(3), 16(2) or 17(3)(c) may be made

(i) at the time of the deposit of an instrument referred to in Article 27(2), in which case it shall become effective on the date on which the State or intergovernmental organization having made the declaration becomes bound by this Act, or

(ii) after the deposit of an instrument referred to in Article 27(2), in which case it shall become effective three months after the date of its receipt by the Director General or at any later date indicated in the declaration but shall apply only in respect of any international registration whose date of international registration is the same as, or is later than, the effective date of the declaration.

(2) [*Declarations by States Having a Common Office*] Notwithstanding paragraph (1), any declaration referred to in that paragraph that has been made by a State which has, with another State or other States, notified the Director General under Article 19(1) of the substitution of a common Office for their national Offices shall become effective only if that other State or those other States makes or make a corresponding declaration or corresponding declarations.

(3) [*Withdrawal of Declarations*] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the date on which the Director General has received the notification or at any later date indicated in the notification. In the case of a declaration made under Article 7(2), the withdrawal shall not affect international applications filed prior to the coming into effect of the said withdrawal.

Article 31
Applicability of the 1934 and 1960 Acts

(1) [*Relations Between States Party to Both This Act and the 1934 or 1960 Acts*] This Act alone shall be applicable as regards the mutual relations of States party to both this Act and the 1934 Act or the 1960 Act. However, such States shall, in their mutual relations, apply the 1934 Act or the 1960 Act, as the case may be, to industrial designs deposited at the International Bureau prior to the date on which this Act becomes applicable as regards their mutual relations.

(2) [*Relations Between States Party to Both This Act and the 1934 or 1960 Acts and States Party to the 1934 or 1960 Acts Without Being Party to This Act*] (a) Any State that is party to both this Act and the 1934 Act shall continue to apply the 1934 Act in its relations with States that are party to the 1934 Act without being party to the 1960 Act or this Act.

(b) Any State that is party to both this Act and the 1960 Act shall continue to apply the 1960 Act in its relations with States that are party to the 1960 Act without being party to this Act.

Article 32
Denunciation of This Act

(1) [*Notification*] Any Contracting Party may denounce this Act by notification addressed to the Director General.

(2) [*Effective Date*] Denunciation shall take effect one year after the date on which the Director General has received the notification or at any later date indicated in the notification. It shall not affect the application of this Act to any international application pending and any international registration in force in respect of the denouncing Contracting Party at the time of the coming into effect of the denunciation.

Article 33
Languages of This Act; Signature

(1) [*Original Texts; Official Texts*] (a) This Act shall be signed in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) [*Time Limit for Signature*] This Act shall remain open for signature at the headquarters of the Organization for one year after its adoption.

Article 34
Depositary

The Director General shall be the depositary of this Act.

Common Regulations Under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement

(as in force on April 1, 2004)

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CHAPTER 1

GENERAL PROVISIONS

Rule 1
Definitions

(1) [*Abbreviated Expressions*] For the purposes of these Regulations,

(i) "1999 Act" means the Act signed at Geneva on July 2, 1999, of the Hague Agreement;

(ii) "1960 Act" means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;

(iii) "1934 Act" means the Act signed at London on June 2, 1934, of the Hague Agreement;

(iv) an expression which is used in these Regulations and is referred to in Article 1 of the 1999 Act has the same meaning as in that Act;

(v) "Administrative Instructions" means the Administrative Instructions referred to in Rule 34;

(vi) "communication" means any international application or any request, declaration, invitation, notification or information relating to or accompanying an international application or an international registration that is addressed to the Office of a Contracting Party, the International Bureau, the applicant or the holder by means permitted by these Regulations or the Administrative Instructions;

(vii) "official form" means a form established by the International Bureau or any form having the same contents and format;

(viii) "International Classification" means the Classification established under the Locarno Agreement Establishing an International Classification for Industrial Designs;

(ix) "prescribed fee" means the applicable fee set out in the Schedule of Fees;

(x) "Bulletin" means the periodical bulletin in which the International Bureau effects the publications provided for in the 1999 Act, the 1960 Act, the 1934 Act or these Regulations, whatever the medium used;

(xi) "Contracting Party designated under the 1999 Act" means a designated Contracting Party in respect of which the 1999 Act is applicable, either as the only common Act to which that designated Contracting Party and the applicant's Contracting Party are bound, or by virtue of Article 31(1), first sentence, of the 1999 Act;

(xii) "Contracting Party designated under the 1960 Act" means a designated Contracting Party in respect of which the 1960 Act is applicable, either as the only common Act to which that designated Contracting Party and the State of origin referred to in Article 2 of the 1960 Act are bound, or by virtue of Article 31(1), first sentence, of the 1960 Act;

(xiii) "Contracting Party designated under the 1934 Act" means a designated Contracting Party in respect of which the 1934 Act is applicable, as the only common Act to which that designated Contracting Party and the contracting country referred to in Article 1 of the 1934 Act are bound;

(xiv) "international application governed exclusively by the 1999 Act" means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1999 Act;

(xv) "international application governed exclusively by the 1960 Act" means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1960 Act;

(xvi) "international application governed exclusively by the 1934 Act" means an international application in respect of which all designated Contracting Parties are Contracting Parties designated under the 1934 Act;

(xvii) "international application governed by both the 1999 Act and the 1960 Act" means an international application in respect of which

– at least one Contracting Party has been designated under the 1999 Act,

– at least one Contracting Party has been designated under the 1960 Act, and

– no Contracting Party has been designated under the 1934 Act;

(xviii) "international application governed by both the 1999 Act and the 1934 Act" means an international application in respect of which

– at least one Contracting Party has been designated under the 1999 Act,

– at least one Contracting Party has been designated under the 1934 Act, and

– no Contracting Party has been designated under the 1960 Act;

(xix) "international application governed by both the 1960 Act and the 1934 Act" means an international application in respect of which

– at least one Contracting Party has been designated under the 1960 Act,

– at least one Contracting Party has been designated under the 1934 Act, and

– no Contracting Party has been designated under the 1999 Act;

(xx) "international application governed by the 1999 Act, the 1960 Act and the 1934 Act" means an international application in respect of which

– at least one Contracting Party has been designated under the 1999 Act,

– at least one Contracting Party has been designated under the 1960 Act, and

– at least one Contracting Party has been designated under the 1934 Act.

(2) [*Correspondence Between Some Expressions Used in the 1999 Act, the 1960 Act and the 1934 Act*] For the purposes of these Regulations,

(i) reference to "international application" or "international registration" shall be deemed, where appropriate, to include a reference to "international deposit" as referred to in the 1960 Act and the 1934 Act;

(ii) reference to "applicant" or "holder" shall be deemed, where appropriate, to include a reference to, respectively, "depositor" or "owner" as referred to in the 1960 Act and the 1934 Act;

(iii) reference to "Contracting Party" shall be deemed, where appropriate, to include a reference to a State party to the 1960 Act or to a country party to the 1934 Act;

(iv) reference to "Contracting Party whose Office is an examining Office" shall be deemed, where appropriate, to include a reference to "State having a novelty examination" as defined in Article 2 of the 1960 Act;

(v) reference to "individual designation fee" shall be deemed, where appropriate, to include a reference to the fee mentioned in Article 15(1)2(b) of the 1960 Act;

(vi) reference to "renewal" shall be deemed, where appropriate, to include a reference to "prolongation" referred to in the 1934 Act.

Rule 2
Communication with the International Bureau

Communications addressed to the International Bureau shall be effected as specified in the Administrative Instructions.

Rule 3
Representation Before the International Bureau

(1) [*Representative; Number Representatives*] (a) The applicant or the holder may have a representative before the International Bureau.

(b) Only one representative may be appointed in respect of a given international application or international registration. Where the appointment indicates several representatives, only the one indicated first shall be considered to be a representative and be recorded as such.

(c) Where a partnership or firm composed of attorneys or patent or trademark agents has been indicated as representative to the International Bureau, it shall be regarded as one representative.

(2) [*Appointment of the Representative*] (a) The appointment of a representative may be made in the international application, provided that the application is signed by the applicant.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder.

(c) Where the International Bureau considers that the appointment of a representative is irregular, it shall notify accordingly the applicant or holder and the purported representative.

(3) [*Recording and Notification of Appointment of a Representative; Effective Date of Appointment*] (a) Where the International Bureau finds that the appointment of a representative complies with the applicable requirements, it shall record the fact that the applicant or holder has a representative, as well as the name and address of the representative, in the International Register. In such a case, the effective date of the appointment shall be the date on which the International Bureau received the international application or separate communication in which the representative is appointed.

(b) The International Bureau shall notify the recording referred to in subparagraph (a) to both the applicant or holder and the representative.

(4) [*Effect of Appointment of a Representative*] (a) Except where these Regulations expressly provide otherwise, the signature of a representative recorded under paragraph (3)(a) shall replace the signature of the applicant or holder.

(b) Except where these Regulations expressly require that a communication be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (3)(a) any communication which, in the absence of a representative, would have to be sent to the applicant or holder; any communication so addressed to the said representative shall have the same effect as if it had been addressed to the applicant or holder.

(c) Any communication addressed to the International Bureau by the representative recorded under paragraph (3)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

(5) [*Cancellation of Recording; Effective Date of Cancellation*] (a) Any recording under paragraph (3)(a) shall be canceled where cancellation is requested in a communication signed by the applicant, holder or representative. The recording shall be canceled *ex officio* by the International Bureau where a new representative is appointed or where a change in ownership is recorded and no representative is appointed by the new holder of the international registration.

(b) The cancellation shall be effective from the date on which the International Bureau receives the corresponding communication.

(c) The International Bureau shall notify the cancellation and its effective date to the representative whose recording has been canceled and to the applicant or holder.

Rule 4
Calculation of Time Limits

(1) [*Periods Expressed in Years*] Any period expressed in years shall expire, in the relevant subsequent year, in the month having the same name and on the day having the same number as the month and the day of the event from which the period starts to run, except that, where the event occurred on February 29 and in the relevant subsequent year February ends on the 28th, the period shall expire on February 28.

(2) [*Periods Expressed in Months*] Any period expressed in months shall expire, in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(3) [*Periods Expressed in Days*] The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire accordingly.

(4) [*Expiry on a Day on Which the International Bureau or an Office Is Not Open to the Public*] If a period expires on a day on which the International Bureau or the Office concerned is not open to the public, the period shall, notwithstanding paragraphs (1) to (3), expire on the first subsequent day on which the International Bureau or the Office concerned is open to the public.

Rule 5
Irregularities in Postal and Delivery Services

(1) [*Communications Sent Through a Postal Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed,

(ii) that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and

(iii) in cases where not all classes of mail normally reach the International Bureau within two days of mailing, that the communication was mailed by a class of mail which normally reaches the International Bureau within two days of mailing or by airmail.

(2) [*Communications Sent Through a Delivery Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, natural calamity, or other like reason, that the communication was sent not later than five days after the delivery service was resumed, and

(ii) that details of the sending of the communication were recorded by the delivery service at the time of sending.

(3) [*Limitation on Excuse*] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1) or (2) and the communication or a duplicate thereof are received by the International Bureau not later than six months after the expiry of the time limit.

Rule 6
Languages

(1) [*International Application*] The international application shall be in English or French.

(2) [*Recording and Publication*] The recording in the International Register and the publication in the Bulletin of the international registration and of any data to be both recorded and published under these Regulations in respect of that international registration shall be in English and French. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

(3) [*Communications*] Any communication concerning an international application or the international registration resulting therefrom shall be

(i) in English or French where such communication is addressed to the International Bureau by the applicant or holder or by an Office;

(ii) in the language of the international application where the communication is addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that all such communications are to be in English or that all such communications are to be in French;

(iii) in the language of the international application where the communication is addressed by the International Bureau to the applicant or holder unless the applicant or holder expresses the wish to receive all such communications in English although the international application was in French, or *vice versa*.

(4) [*Translation*] The translations needed for the recordings and publications under paragraph (2) shall be made by the International Bureau. The applicant may annex to the international application a proposed translation of any text matter contained in the international application. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau after having invited the applicant to make, within one month from the invitation, observations on the proposed corrections.

CHAPTER 2

INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS

Rule 7
Requirements Concerning the International Application

(1) [*Form and Signature*] The international application shall be presented on the official form. The international application shall be signed by the applicant.

(2) [*Fees*] The prescribed fees applicable to the international application shall be paid as provided for in Rules 27 and 28.

(3) [*Mandatory Contents of the International Application*] The international application shall contain or indicate

(i) the name of the applicant, given in accordance with the Administrative Instructions;

(ii) the address of the applicant, given in accordance with the Administrative Instructions;

(iii) the Contracting Party or Parties in respect of which the applicant fulfills the conditions to be the holder of an international registration;

(iv) the product or products which constitute the industrial design or in relation to which the industrial design is to be used, with an indication whether the product or products constitute the industrial design or are products in relation to which the industrial design is to be used; the product or products shall preferably be identified by using terms appearing in the list of goods of the International Classification;

(v) the number of industrial designs included in the international application, which may not exceed 100, and the number of reproductions or specimens of the industrial designs accompanying the international application in accordance with Rule 9 or 10;

(vi) the designated Contracting Parties;

(vii) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(4) [*Additional Mandatory Contents of an International Application*] (a) With respect to Contracting Parties designated under the 1999 Act in an international application, that application shall contain, in addition to the indications referred to in paragraph (3)(iii), the indication of the applicant's Contracting Party.

(b) Where a Contracting Party designated under the 1999 Act has notified the Director General, in accordance with Article 5(2)(a) of the 1999 Act, that its law requires one or more of the elements referred to in Article 5(2)(b) of the 1999 Act, the international application shall contain such element or elements, as prescribed in Rule 11.

(c) Where Rule 8 applies, the international application shall contain the indications referred to in Rule 8(2) and, where applicable, be accompanied by the statement or document referred to in that Rule.

(5) [*Optional Contents of an International Application*] (a) An element referred to in item (i) or (ii) of Article 5(2)(b) of the 1999 Act or in Article 8(4)(a) of the 1960 Act may, at the option of the applicant, be included in the international application even where that element is not required in consequence of a notification in accordance with Article 5(2)(a) of the 1999 Act or in consequence of a requirement under Article 8(4)(a) of the 1960 Act.

(b) Where the applicant has a representative, the international application shall state the name and address of the representative, given in accordance with the Administrative Instructions.

(c) Where the applicant wishes, under Article 4 of the Paris Convention, to take advantage of the priority of an earlier filing, the international application shall contain a declaration claiming the priority of that earlier filing, together with an indication of the name of the Office where such filing was made and of the date and, where available, the number of that filing and, where the priority claim relates to less than all the industrial designs contained in the international application, the indication of those industrial designs to which the priority claim relates or does not relate.

(d) Where the applicant wishes to take advantage of Article 11 of the Paris Convention, the international application shall contain a declaration that the product or products which constitute the industrial design or in which the industrial design is incorporated have been shown at an official or officially recognized international exhibition, together with the place where the exhibition was held and the date on which the product or products were first exhibited there and, where less than all the industrial designs contained in the international application are concerned, the indication of those industrial designs to which the declaration relates or does not relate.

(e) Where the applicant wishes that publication of the industrial design be deferred, the international application shall contain a request for deferment of publication.

(f) The international application may also contain any declaration, statement or other relevant indication as may be specified in the Administrative Instructions.

(g) The international application may be accompanied by a statement that identifies information known by the applicant to be material to the eligibility for protection of the industrial design concerned.

(6) [*No Additional Matter*] If the international application contains any matter other than that required or permitted by the 1999 Act, the 1960 Act, the 1934 Act, these Regulations or the Administrative Instructions, the International Bureau shall delete it *ex officio*. If the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of the said document.

(7) [*All Products to Be in Same Class*] All the products which constitute the industrial designs to which an international application relates, or in relation to which the industrial designs are to be used, shall belong to the same class of the International Classification.

Rule 8
Special Requirements Concerning the Applicant

(1) [*Notification of Special Requirements*] (a) Where the law of a Contracting Party bound by the 1999 Act requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of that fact.

(b) The declaration referred to in subparagraph (a) shall specify the form and mandatory contents of any statement or document required for the purposes of paragraph (2).

(2) [*Identity of the Creator and Assignment of International Application*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1),

(i) it shall also contain indications concerning the identity of the creator of the industrial design, together with a statement, complying with the requirements specified in accordance with paragraph (1)(b), that the latter believes himself to be the creator of the industrial design; the person so identified as the creator shall be deemed to be the applicant for the purposes of the designation of that Contracting Party, irrespective of the person named as the applicant in accordance with Rule 7(3)(i);

(ii) where the person identified as the creator is a person other than the person named as the applicant in accordance with Rule 7(3)(i), the international application shall be accompanied by a statement or document, complying with the requirements specified in accordance with paragraph (1)(b), to the effect that it has been assigned by the person identified as the creator to the person named as the applicant. The latter person shall be recorded as the holder of the international registration.

Rule 9
Reproductions of the Industrial Design

(1) [*Form and Number of Reproductions of the Industrial Design*] (a) Reproductions of the industrial design shall, at the option of the applicant, be in the form of photographs or other graphic representations of the industrial design itself or of the product or products which constitute the industrial design. The same product may be shown from different angles; views from different angles shall be included in different photographs or other graphic representations.

(b) Any reproduction shall be submitted in the number of copies specified in the Administrative Instructions.

(2) [*Requirements Concerning Reproductions*] (a) Reproductions shall be of a quality permitting all the details of the industrial design to be clearly distinguished and permitting publication.

(b) Matter which is shown in a reproduction but for which protection is not sought may be indicated as provided for in the Administrative Instructions.

(3) [*Views Required*] (a) Subject to subparagraph (b), any Contracting Party bound by the 1999 Act which requires certain specified views of the product or products which constitute the industrial design or in relation to which the industrial design is to be used shall, in a declaration, so notify the Director General, specifying the views that are required and the circumstances in which they are required.

(b) No Contracting Party may require more than one view where the industrial design or product is two-dimensional, or more than six views where the product is three-dimensional.

(4) [*Refusal on Grounds Relating to the Reproductions of the Industrial Design*] A Contracting Party may not refuse the effects of the international registration on the ground that requirements relating to the form of the reproductions of the industrial design that are additional to, or different from, those notified by that Contracting Party in accordance with paragraph (3)(a) have not been satisfied under its law. A Contracting Party may however refuse the effects of the international registration on the ground that the reproductions contained in the international registration are not sufficient to disclose fully the industrial design.

Rule 10
Specimens of the Industrial Design Where Deferment of Publication Is Requested

(1) [*Number of Specimens*] Where an international application governed exclusively by the 1999 Act contains a request for deferment of publication in respect of a two-dimensional industrial design and, instead of being accompanied by the reproductions referred to in Rule 9, is accompanied by specimens of the industrial design, the following number of specimens shall accompany the international application:

(i) one specimen for the International Bureau, and

(ii) one specimen for each designated Office that has notified the International Bureau under Article 10(5) of the 1999 Act that it wishes to receive copies of international registrations.

(2) [*Specimens*] All the specimens shall be contained in a single package. The specimens may be folded. The maximum dimensions and weight of the package shall be specified in the Administrative Instructions.

Rule 11
Identity of Creator; Description; Claim

(1) [*Identity of Creator*] Where the international application contains indications concerning the identity of the creator of the industrial design, his name and address shall be given in accordance with the Administrative Instructions.

(2) [*Description*] Where the international application contains a description, the latter shall concern those features that appear in the reproductions of the industrial design and may not concern technical features of the operation of the industrial design or its possible utilization. If the description exceeds 100 words, an additional fee, as set out in the Schedule of Fees, shall be payable.

(3) [*Claim*] A declaration under Article 5(2)(a) of the 1999 Act that the law of a Contracting Party requires a claim in order for an application for the grant of protection to an industrial design to be accorded a filing date under that law shall specify the exact wording of the required claim. Where the international application contains a claim, the wording of that claim shall be as specified in the said declaration.

Rule 12
Fees Concerning the International Application

(1) [*Prescribed Fees*] (a) The international application shall be subject to the payment of the following fees:

(i) a basic fee;

(ii) a standard designation fee in respect of each designated Contracting Party that has not made a declaration under Article 7(2) of the 1999 Act or under Rule 36(1);

(iii) an individual designation fee in respect of each designated Contracting Party that has made a declaration under Article 7(2) of the 1999 Act or under Rule 36(1);

(iv) a publication fee.

(b) The amounts of the fees referred to in items (i), (ii) and (iv) are set out in the Schedule of Fees.

(2) [*When Fees to Be Paid*] The fees referred to in paragraph (1) are, subject to paragraph (3), payable at the time of filing the international application, except that, where the international application contains a request for deferment of publication, the publication fee may be paid later, in accordance with Rule 16(3)(a).

(3) [*Individual Designation Fee Payable in Two Parts*] (a) A declaration under Article 7(2) of the 1999 Act or under Rule 36(1) may also specify that the individual designation fee to be paid in respect of the Contracting Party concerned comprises two parts, the first part to be paid at the time of filing the international application and the second part to be paid at a later date which is determined in accordance with the law of the Contracting Party concerned.

(b) Where subparagraph (a) applies, the reference in paragraph (1)(iii) to an individual designation fee shall be construed as a reference to the first part of the individual designation fee.

(c) The second part of the individual designation fee may be paid either directly to the Office concerned or through the International Bureau, at the option of the holder. Where it is paid directly to the Office concerned, the Office shall notify the International Bureau accordingly and the International Bureau shall record any such notification in the International Register. Where it is paid through the International Bureau, the International Bureau shall record the payment in the International Register and notify the Office concerned accordingly.

(d) Where the second part of the individual designation fee is not paid within the applicable period, the Office concerned shall notify the International Bureau and request the International Bureau to cancel the international registration in the International Register with respect to the Contracting Party concerned. The International Bureau shall proceed accordingly and so notify the holder.

Rule 13
International Application Filed Through an Office

(1) [*Date of Receipt by Office and Transmittal to the International Bureau*] Where an international application governed exclusively by the 1999 Act is filed through the Office of the applicant's Contracting Party, that Office shall notify the applicant of the date on which it received the application. At the same time as it transmits the international application to the International Bureau, the Office shall notify the International Bureau of the date on which it received the application. The Office shall notify the applicant of the fact that it has transmitted the international application to the International Bureau.

(2) [*Transmittal Fee*] An Office that requires a transmittal fee, as provided for in Article 4(2) of the 1999 Act, shall notify the International Bureau of the amount of such fee, which should not exceed the administrative costs of receiving and transmitting the international application, and its due date.

(3) [*Filing Date of International Application Filed Indirectly*] Subject to Rule 14(2), the filing date of an international application filed through an Office shall be

(i) where the international application is governed exclusively by the 1999 Act, the date on which the international application was received by that Office, provided that it is received by the International Bureau within one month of that date;

(ii) in any other case, the date on which the International Bureau receives the international application.

(4) [*Filing Date Where Applicant's Contracting Party Requires a Security Clearance*] Notwithstanding paragraph (3), a Contracting Party whose law, at the time that it becomes party to the 1999 Act, requires security clearance may, in a declaration, notify the Director General that the period of one month referred to in that paragraph shall be replaced by a period of six months.

Rule 14
Examination by the International Bureau

(1) [*Time Limit for Correcting Irregularities*] If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the applicable requirements, it shall invite the applicant to make the required corrections within three months from the date of the invitation sent by the International Bureau.

(2) [*Irregularities Entailing a Postponement of the Filing Date of the International Application*] Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau. The irregularities which are prescribed as entailing a postponement of the filing date of the international application are the following:

(a) the international application is not in the prescribed language or one of the prescribed languages;

(b) any of the following elements is missing from the international application:

(i) an express or implicit indication that international registration under the 1999 Act, the 1960 Act or the 1934 Act is sought;

(ii) indications allowing the identity of the applicant to be established;

(iii) indications sufficient to enable the applicant or its representative, if any, to be contacted;

(iv) a reproduction, or, in accordance with Article 5(1)(iii) of the 1999 Act, a specimen, of each industrial design that is the subject of the international application;

(v) the designation of at least one Contracting Party.

(3) [*International Application Considered Abandoned; Reimbursement of Fees*] Where an irregularity, other than an irregularity referred to in Article 8(2)(b) of the 1999 Act, is not remedied within the time limit referred to in paragraph (1), the international application shall be considered abandoned and the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to the basic fee.

Rule 15

Registration of the Industrial Design in the International Register

(1) [*Registration of the Industrial Design in the International Register*] Where the International Bureau finds that the international application conforms to the applicable requirements, it shall register the industrial design in the International Register and send a certificate to the holder.

(2) [*Contents of the Registration*] The international registration shall contain

(i) all the data contained in the international application, except any priority claim under Rule 7(5)(c) where the date of the earlier filing is more than six months before the filing date of the international application;

(ii) any reproduction of the industrial design;

(iii) the date of the international registration;

(iv) the number of the international registration;

(v) the relevant class of the International Classification, as determined by the International Bureau.

Rule 16
Deferment of Publication

(1) [*Maximum Period of Deferment*] (a) The prescribed period for deferment of publication in respect of an international application governed exclusively by the 1999 Act shall be 30 months from the filing date or, where priority is claimed, from the priority date of the application concerned.

(b) The maximum period for deferment of publication in respect of an international application governed exclusively by the 1960 Act or by both the 1999 Act and the 1960 Act shall be 12 months from the filing date or, where priority is claimed, from the priority date of the application concerned.

(2) [*Period for Withdrawal of Designation Where Deferment Is Not Possible Under Applicable Law*] The period referred to in Article 11(3)(i) of the 1999 Act for the applicant to withdraw the designation of a Contracting Party whose law does not allow the deferment of publication shall be one month from the date of the notification sent by the International Bureau.

(3) [*Period for Paying Publication Fee and Submitting Reproductions*] (a) The publication fee referred to in Rule 12(1)(a)(iv) shall be paid, and, where specimens have been submitted instead of reproductions in accordance with Rule 10, those reproductions shall be submitted, not later than three months before the period of deferment applicable under Article 11(2) of the 1999 Act or under Article 6(4)(a) of the 1960 Act expires or not later than three months before the period of deferment is considered to have expired in accordance with Article 11(4)(a) of the 1999 Act or with Article 6(4)(b) of the 1960 Act.

(b) Six months before the expiry of the period of deferment of publication referred to in subparagraph (a), the International Bureau shall, by sending an unofficial notice, remind the holder of the international registration, where applicable, of the date by which the publication fee referred to in paragraph (3) shall be paid and the reproductions referred to in paragraph (3) shall be submitted.

(4) [*Registration of Reproductions*] The International Bureau shall record in the International Register any reproduction submitted under paragraph (3).

(5) [*Requirements Not Complied With*] If the requirements of paragraph (3) are not complied with, the international registration shall be canceled and shall not be published.

Rule 17
Publication of the International Registration

(1) [*Timing of Publication*] The international registration shall be published

(i) where the applicant so requests, immediately after the registration,

(ii) where deferment of publication has been requested and the request has not been disregarded, immediately after the date on which the period of deferment expired or is considered to have expired,

(iii) in any other case, six months after the date of the international registration or as soon as possible thereafter.

(2) [*Contents of Publication*] The publication of the international registration in the Bulletin shall contain

(i) the data recorded in the International Register;

(ii) the reproduction or reproductions of the industrial design;

(iii) where publication has been deferred, an indication of the date on which the period of deferment expired or is considered to have expired.

CHAPTER 3

REFUSALS AND INVALIDATIONS

Rule 18
Notification of Refusal

(1) [*Period for Notification of Refusal*] (a) The prescribed period for the notification of refusal of the effects of an international registration in accordance with Article 12(2) of the 1999 Act or Article 8(1) of the 1960 Act shall be six months from the publication of the international registration as provided for by Rule 26(3).

(b) Notwithstanding subparagraph (a), any Contracting Party whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General that, where it is designated under the 1999 Act, the period of six months referred to in that subparagraph shall be replaced by a period of 12 months.

(c) The declaration referred to in subparagraph (b) may also state that the international registration shall produce the effect referred to in Article 14(2)(a) of the 1999 Act at the latest

(i) at a time specified in the declaration which may be later than the date referred to in that Article but which shall not be more than six months after the said date or

(ii) at a time at which protection is granted according to the law of the Contracting Party where a decision regarding the grant of protection was unintentionally not communicated within the period applicable under subparagraph (a) or (b); in such a case, the Office of the Contracting Party concerned shall notify the International Bureau accordingly and endeavor to communicate such decision to the holder of the international registration concerned promptly thereafter.

(2) [*Notification of Refusal*] (a) The notification of any refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

(i) the Office making the notification,

(ii) the number of the international registration,

(iii) all the grounds on which the refusal is based together with a reference to the corresponding essential provisions of the law,

(iv) where the grounds on which the refusal is based refer to similarity with an industrial design which has been the subject of an earlier national, regional or international application or registration, the filing date and number, the priority date (if any), the registration date and number (if available), a copy of a reproduction of the earlier industrial design (if that reproduction is accessible to the public) and the name and address of the owner of the said industrial design, as provided for in the Administrative Instructions,

(v) where the refusal does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,

(vi) whether the refusal may be subject to review or appeal and, if so, the time limit, reasonable under the circumstances, for any request for review of, or appeal against, the refusal and the authority to which such request for review or appeal shall lie, with the indication, where applicable, that the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal, and

(vii) the date on which the refusal was pronounced.

(3) [*Notification of Division of International Registration*] Where, following a notification of refusal in accordance with Article 13(2) of the 1999 Act, an international registration is divided before the Office of a designated Contracting Party in order to overcome a ground of refusal stated in that notification, that Office shall notify the International Bureau of such data concerning the division as shall be specified in the Administrative Instructions.

(4) [*Notification of Withdrawal of Refusal*] (a) The notification of any withdrawal of refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

(i) the Office making the notification,

(ii) the number of the international registration,

(iii) where the withdrawal does not relate to all the industrial designs to which the refusal applied, those to which it relates or does not relate, and

(iv) the date on which the refusal was withdrawn.

(5) [*Recording*] The International Bureau shall record any notification received under paragraph (1)(c)(ii), (2) or (4) in the International Register together with, in the case of a notification of refusal, an indication of the date on which the notification of refusal was sent to the International Bureau.

(6) [*Transmittal of Copies of Notifications*] The International Bureau shall transmit copies of notifications received under paragraph (1)(c)(ii), (2) or (4) to the holder.

Rule 19
Irregular Refusals

(1) [*Notification Not Regarded as Such*] (a) A notification of refusal shall not be regarded as such by the International Bureau and shall not be recorded in the International Register

(i) if it does not indicate the number of the international registration concerned, unless other indications contained in the notification permit the said registration to be identified,

(ii) if it does not indicate any grounds for refusal, or

(iii) if it is sent to the International Bureau after the expiry of the period applicable under Rule 18(1).

(b) Where subparagraph (a) applies, the International Bureau shall, unless it cannot identify the international registration concerned, transmit a copy of the notification to the holder, shall inform, at the same time, the holder and the Office that sent the notification that the notification of refusal is not regarded as such by the International Bureau and has not been recorded in the International Register, and shall indicate the reasons therefor.

(2) [*Irregular Notification*] If the notification of refusal

(i) is not signed on behalf of the Office which communicated the refusal, or does not comply with the requirements established under Rule 2,

(ii) does not comply, where applicable, with the requirements of Rule 18(2)(b)(iv),

(iii) does not indicate, where applicable, the authority to which a request for review or an appeal lies and the applicable time limit, reasonable under the circumstances, for lodging such a request or appeal (Rule 18(2)(b)(vi)),

(iv) does not indicate the date on which the refusal was pronounced (Rule 18(2)(b)(vii)),

the International Bureau shall nevertheless record the refusal in the International Register and transmit a copy of the notification to the holder. If so requested by the holder, the International Bureau shall invite the Office which communicated the refusal to rectify its notification without delay.

Rule 20
Invalidation in Designated Contracting Parties

(1) [*Contents of the Notification of Invalidation*] Where the effects of an international registration are invalidated in a designated Contracting Party and the invalidation is no longer subject to any review or appeal, the Office of the Contracting Party whose competent authority has pronounced the invalidation shall, where it is aware of the invalidation, notify the International Bureau accordingly. The notification shall indicate

(i) the authority which pronounced the invalidation,

(ii) the fact that the invalidation is no longer subject to appeal,

(iii) the number of the international registration,

(iv) where the invalidation does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,

(v) the date on which the invalidation was pronounced and its effective date.

(2) [*Recording of the Invalidation*] The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation.

CHAPTER 4

CHANGES AND CORRECTIONS

Rule 21
Recording of a Change

(1) [*Presentation of the Request*] (a) A request for the recording shall be presented to the International Bureau on the relevant official form where the request relates to any of the following:

(i) a change in the ownership of the international registration in respect of all or some of the industrial designs that are the subject of the international registration;

(ii) a change in the name or address of the holder;

(iii) a renunciation of the international registration in respect of any or all of the designated Contracting Parties;

(iv) a limitation, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration.

(b) The request shall be presented by the holder and signed by the holder; however, a request for the recording of a change in ownership may be presented by the new owner, provided that it is

(i) signed by the holder, or

(ii) signed by the new owner and accompanied by an attestation from the competent authority of the holder's Contracting Party that the new owner appears to be the successor in title of the holder.

(2) [*Contents of the Request*] The request for the recording of a change shall, in addition to the requested change, contain or indicate

(i) the number of the international registration concerned,

(ii) the name of the holder, unless the change relates to the name or address of the representative,

(iii) in case of a change in the ownership of the international registration, the name and address, given in accordance with the Administrative Instructions, of the new owner of the international registration,

(iv) in case of a change in the ownership of the international registration, the Contracting Party or Parties in respect of which the new owner fulfills the conditions to be the holder of an international registration,

(v) in case of a change in the ownership of the international registration that does not relate to all the industrial designs and to all the Contracting Parties, the numbers of the industrial designs and the designated Contracting Parties to which the change in ownership relates, and

(vi) the amount of the fees being paid and the method of payment, or instruction to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(3) [*Request Not Admissible*] A change in the ownership of an international registration may not be recorded in respect of a designated Contracting Party if that Contracting Party is not bound by an Act to which the Contracting Party, or one of the Contracting Parties, indicated under paragraph (2)(iv) is bound.

(4) [*Irregular Request*] If the request does not comply with the applicable requirements, the International Bureau shall notify that fact to the holder and, if the request was made by a person claiming to be the new owner, to that person.

(5) [*Time Allowed to Remedy Irregularity*] The irregularity may be remedied within three months from the date of the notification of the irregularity by the International Bureau. If the irregularity is not remedied within the said three months, the request shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the holder and, if the request was presented by a person claiming to be the new owner, that person, and shall refund any fees paid, after deduction of an amount corresponding to one-half of the relevant fees.

(6) [*Recording and Notification of a Change*] (a) The International Bureau shall, provided that the request is in order, promptly record the change in the International Register and shall inform the holder. In the case of a recording of a change in ownership, the International Bureau will inform both the new holder and the previous holder.

(b) The change shall be recorded as of the date of receipt by the International Bureau of the request complying with the applicable requirements. Where however the request indicates that the change should be recorded after another change, or after renewal of the international registration, the International Bureau shall proceed accordingly.

(7) [*Recording of Partial Change in Ownership*] Assignment or other transfer of the international registration in respect of some only of the industrial designs, or some only of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred; any assigned or otherwise transferred part shall be canceled under the number of the said international registration and recorded as a separate international registration. The separate international registration shall bear the number of the international registration of which a part has been assigned or otherwise transferred, together with a capital letter.

(8) [*Recording of Merger of International Registrations*] Where the same person becomes the holder of two or more international registrations resulting from a partial change in ownership, the registrations shall be merged at the request of the said person and paragraphs (1) to (6) shall apply *mutatis mutandis*. The international registration resulting from the merger shall bear the number of the international registration of which a part had been assigned or otherwise transferred, together, where applicable, with a capital letter.

Rule 22
Corrections in the International Register

(1) [*Correction*] Where the International Bureau, acting *ex officio* or at the request of the holder, considers that there is an error concerning an international registration in the International Register, it shall modify the Register and inform the holder accordingly.

(2) [*Refusal of Effects of Correction*] The Office of any designated Contracting Party shall have the right to declare in a notification to the International Bureau that it refuses to recognize the effects of the correction. Rules 18 and 19 shall apply *mutatis mutandis*.

CHAPTER 5

RENEWALS

Rule 23
Unofficial Notice of Expiry

Six months before the expiry of a five-year term, the International Bureau shall send to the holder and the representative, if any, a notice indicating the date of expiry of the international registration. The fact that the said notice is not received shall not constitute an excuse for failure to comply with any time limit under Rule 24.

Rule 24
Details Concerning Renewal

(1) [*Fees*] (a) The international registration shall be renewed upon payment of the following fees:

(i) a basic fee;

(ii) a standard designation fee in respect of each Contracting Party designated under the 1999 Act that has not made a declaration under Article 7(2) of the 1999 Act, and each Contracting Party designated under the 1960 Act, for which the international registration is to be renewed;

(iii) an individual designation fee for each Contracting Party designated under the 1999 Act that has made a declaration under Article 7(2) of the 1999 Act and for which the international registration is to be renewed.

(b) The amounts of the fees referred to in items (i) and (ii) of subparagraph (a) are set out in the Schedule of Fees.

(c) The payment of the fees referred to in subparagraph (a) shall be made at the latest on the date on which the renewal of the international registration is due. However, it may still be made within six months from the date on which the renewal of the international registration is due, provided that the surcharge specified in the Schedule of Fees is paid at the same time.

(d) If any payment made for the purposes of renewal is received by the International Bureau earlier than three months before the date on which the renewal of the international registration is due, it shall be considered as having been received three months before that date.

(2) [*Further Details*] (a) Where the holder does not wish to renew the international registration

(i) in respect of a designated Contracting Party, or

(ii) in respect of any of the industrial designs that are the subject of the international registration,

payment of the required fees shall be accompanied by a statement indicating the Contracting Party or the numbers of the industrial designs for which the international registration is not to be renewed.

(b) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that the maximum period of protection for industrial designs in that Contracting Party has expired, payment of the required fees, including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(c) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that a refusal is recorded in the International Register for that Contracting Party in respect of all the industrial designs concerned, payment of the required fees, including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement specifying that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(d) The international registration may not be renewed in respect of any designated Contracting Party in respect of which an invalidation has been recorded for all the industrial designs under Rule 20 or in respect of which a renunciation has been recorded under Rule 21. The international registration may not be renewed in respect of any designated Contracting Party for those industrial designs in respect of which an invalidation in that Contracting Party has been recorded under Rule 20 or in respect of which a limitation has been recorded under Rule 21.

(3) [*Insufficient Fees*] (a) If the amount of the fees received is less than the amount required for renewal, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly. The notification shall specify the missing amount.

(b) If the amount of the fees received is, on the expiry of the period of six months referred to in paragraph (1)(c), less than the amount required for renewal, the International Bureau shall not record the renewal, shall refund the amount received and shall notify accordingly the holder and the representative, if any.

Rule 25
Recording of the Renewal; Certificate

(1) [*Recording and Effective Date of the Renewal*] Renewal shall be recorded in the International Register with the date on which renewal was due, even if the fees required for renewal are paid within the period of grace referred to in Rule 24(1)(c).

(2) [*Certificate*] The International Bureau shall send a certificate of renewal to the holder.

CHAPTER 6

BULLETIN

Rule 26
Bulletin

(1) [*Information Concerning International Registrations*] The International Bureau shall publish in the Bulletin relevant data concerning

(i) international registrations, in accordance with Rule 17;

(ii) refusals recorded under Rule 18(5), with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal;

(iii) invalidations recorded under Rule 20(2);

(iv) changes in ownership, changes of name or address of the holder, renunciations and limitations recorded under Rule 21;

(v) corrections effected under Rule 22;

(vi) renewals recorded under Rule 25(1);

(vii) international registrations which have not been renewed.

(2) [*Information Concerning Declarations; Other Information*] The International Bureau shall publish in the Bulletin any declaration made by a Contracting Party under the 1999 Act, the 1960 Act or these Regulations, as well as a list of the days on which the International Bureau is not scheduled to open to the public during the current and the following calendar year.

(3) [*Mode of Publishing the Bulletin*] The Bulletin referred to in Rule 1(1)(x) shall be published on the website of the Organization. The date on which each issue of the Bulletin is published on that website shall be electronically communicated by the International Bureau to the Office of each Contracting Party. Such communication shall be deemed to replace the sending of the Bulletin referred to in Article 10(3)(b) of the 1999 Act and Article 6(3)(b) of the 1960 Act, and, for the purposes of Article 8(2) of the 1960 Act, the Bulletin shall be deemed to have been received by each Office concerned also on the date of the said communication.

CHAPTER 7

FEES

Rule 27
Amounts and Payment of Fees

(1) [*Amounts of Fees*] The amounts of fees due under the 1999 Act, the 1960 Act, the 1934 Act and these Regulations, other than individual designation fees referred to in Rule 12(1)(a)(iii), shall be specified in the Schedule of Fees which is annexed to these Regulations and forms an integral part thereof.

(2) [*Payment*] (a) Subject to subparagraph (b) and Rule 12(3)(c), the fees shall be paid directly to the International Bureau.

(b) Where the international application is filed through the Office of the applicant's Contracting Party, the fees payable in connection with that application may be paid through that Office if it accepts to collect and forward such fees and the applicant or the holder so wishes. Any Office which accepts to collect and forward such fees shall notify that fact to the Director General.

(3) [*Modes of Payment*] Fees shall be paid to the International Bureau in accordance with the Administrative Instructions.

(4) [*Indications Accompanying the Payment*] At the time of the payment of any fee to the International Bureau, an indication must be given,

(i) before international registration, of the name of the applicant, the industrial design concerned and the purpose of the payment;

(ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment.

(5) [*Date of Payment*] (a) Subject to Rule 24(1)(d) and subparagraph (b), any fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives the required amount.

(b) Where the required amount is available in an account opened with the International Bureau and that Bureau has received instructions from the holder of the account to debit it, the fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives an international application, a request for the recording of a change, or an instruction to renew an international registration.

(6) [*Change in the Amount of the Fees*] (a) Where an international application is filed through the Office of the applicant's Contracting Party and the amount of the fees payable in respect of the filing of the international application is changed between, on the one hand, the date on which the international application was received by that Office and, on the other hand, the date of the receipt of the international application by the International Bureau, the fee that was valid on the first date shall be applicable.

(b) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid on the date of payment, or on the date considered to be the date of payment under Rule 24(1)(d), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.

(c) Where the amount of any fee other than the fees referred to in subparagraphs (a) and (b) is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.

Rule 28
Currency of Payments

(1) [*Obligation to Use Swiss Currency*] All payments made under these Regulations to the International Bureau shall be in Swiss currency irrespective of the fact that, where the fees are paid through an Office, such Office may have collected those fees in another currency.

(2) [*Establishment of the Amount of Individual Designation Fees in Swiss Currency*] (a) Where a Contracting Party makes a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) that it wants to receive an individual designation fee, the amount of the fee indicated to the International Bureau shall be expressed in the currency used by its Office.

(b) Where the fee is indicated in the declaration referred to in subparagraph (a) in a currency other than Swiss currency, the Director General shall, after consultation with the Office of the Contracting Party concerned, establish the amount of the fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(c) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin.

(d) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is lower by at least 10% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Director General shall establish a new amount of the fee in Swiss currency according to the current official exchange rate of the United Nations. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin.

Rule 29
Crediting of Fees to the Accounts of the Contracting Parties Concerned

Any standard designation fee or individual designation fee paid to the International Bureau in respect of a Contracting Party shall be credited to the account of that Contracting Party with the International Bureau within the month following the month in the course of which the recording of the international registration or renewal for which that fee has been paid was effected or, as regards the second part of the individual designation fee, immediately upon its receipt by the International Bureau.

CHAPTER 8

INTERNATIONAL APPLICATIONS GOVERNED EXCLUSIVELY OR PARTLY BY THE 1934 ACT AND INTERNATIONAL REGISTRATIONS RESULTING THEREFROM

Rule 30
Applicability of These Regulations to International Applications Governed Exclusively by the 1934 Act and International Registrations Resulting Therefrom

(1) [*General Principle*] Unless otherwise specified and subject to paragraph (2), these Regulations shall be applicable to international applications governed exclusively by the 1934 Act and to international registrations resulting therefrom.

(2) [*Exceptions*] (a) Notwithstanding Rule 6, any international application governed exclusively by the 1934 Act shall be in French. Any communication concerning that international application or the international registration resulting therefrom shall be in French.

(b) Notwithstanding Rule 7(5)(a), a description of the reproduction or of the characteristic features of the industrial designs and the identity of the creator of the industrial designs may not be included in an application governed exclusively by the 1934 Act.

(c) Notwithstanding Rule 7(5)(e), deferment of publication may not be requested with respect to an international application governed exclusively by the 1934 Act.

(d) Notwithstanding Rule 7(7), the industrial designs contained in an international application governed exclusively by the 1934 Act may belong to different classes of the International Classification.

(e) Notwithstanding Rule 9(1), an international application governed exclusively by the 1934 Act may, instead of containing reproductions, be accompanied by specimens.

(f) Notwithstanding Rule 12(1)(a), an international application governed exclusively by the 1934 Act shall be subject only to the payment of the basic fee referred to in Rule 12(1)(a)(i).

(g) Notwithstanding Rule 15(1), the reproductions of the industrial designs contained in an international application governed exclusively by the 1934 Act shall not be registered in the International Register.

(h) Notwithstanding Rule 17(1), an international registration resulting from an international application governed exclusively by the 1934 Act shall be published immediately after registration.

(i) Notwithstanding Rule 17(2)(ii), the reproductions of industrial designs contained in an international registration resulting from an international application governed exclusively by the 1934 Act shall not be published in the Bulletin.

(j) Notwithstanding Rule 18, the effects of an international registration resulting from an international application governed exclusively by the 1934 Act may not be the subject of a notification of refusal of protection.

(k) Notwithstanding Rule 21(3), a change in ownership may not be recorded in respect of a Contracting Party designated under the 1934 Act if, on the basis of the indications referred to in Rule 21(2)(iv), the 1934 Act would cease to be applicable in respect of that Contracting Party.

(l) Notwithstanding Rule 24(1)(a), an international registration resulting from an international application governed exclusively by the 1934 Act shall be renewed upon payment only of the basic fee referred to in Rule 24(1)(a)(i).

(m) Notwithstanding Rule 24(2)(b), an international registration resulting from an international application governed exclusively by the 1934 Act shall not be renewed where the duration of international protection of fifteen years referred to in Article 7 of the 1934 Act has expired.

(n) The renewal of an international registration resulting from an international application governed exclusively by the 1934 Act, for the second period of protection of ten years referred to in Article 7 of the 1934 Act, may be requested at the time of filing the international application concerned. In such case, the fee referred to in Rule 24(1)(a)(i) shall be payable at the time of filing of the said international application, failing which the request for renewal shall be disregarded by the International Bureau.

(3) [*International Applications Under Sealed Cover*] (a) An international application governed exclusively by the 1934 Act shall contain, in addition to the indications referred to in Rule 7(3), an indication as to whether such application is made under open or sealed cover.

(b) Upon expiry of the first period of five years of international protection referred to in Article 7 of the 1934 Act, any international registration which is under sealed cover shall be opened by the International Bureau upon renewal of the said registration.

Rule 31

Applicability of These Regulations to International Applications Governed Partly by the 1934 Act and International Registrations Resulting Therefrom

(1) [*General Principle*] These Regulations shall be applicable to international applications referred to in Rule 1(1)(xviii) to (xx), and to international registrations resulting therefrom, subject to paragraph (2).

(2) [*Exceptions*] (a) Notwithstanding Rule 7(5)(e), deferment of publication may not be requested with respect to an international application referred to in paragraph (1). Where deferment of publication has been requested and one of the designated Contracting Parties in the international application has been designated under the 1934 Act, the International Bureau shall notify the applicant accordingly; if, within the period of one month from the date of the notification sent by the International Bureau, the applicant does not, by notice in writing to the International Bureau, withdraw the designation of the said Contracting Party, the International Bureau shall disregard the request for deferment of publication.

(b) Notwithstanding Rule 21(3), a change in ownership may not be recorded in respect of a designated Contracting Party if, on the basis of the indications referred to in Rule 21(2)(iv), the 1934 Act would cease to be applicable, or would become applicable, in respect of that Contracting Party.

(c) With respect to Contracting Parties designated under the 1934 Act in an international application referred to in paragraph (1), or in an international registration resulting therefrom,

(i) the fees referred to in Rule 12(1)(a)(ii) to (iv) shall not be payable;

(ii) the effects of the international registration concerned may not be the subject of a notification of refusal of protection referred to in Rule 18;

(iii) the renewal fees referred to in Rule 24(1)(a)(ii) and (iii) shall not be payable;

(iv) the international registration concerned shall not be renewed where the duration of international protection of fifteen years referred to in Article 7 of the 1934 Act has expired, notwithstanding Rule 24(2)(b).

CHAPTER 9

MISCELLANEOUS

Rule 32
Extracts, Copies and Information Concerning Published International Registrations

(1) [*Modalities*] Against payment of a fee whose amount shall be fixed in the Schedule of Fees, any person may obtain from the International Bureau, in respect of any published international registration:

(i) extracts from the International Register;

(ii) certified copies of recordings made in the International Register or of items in the file of the international registration;

(iii) uncertified copies of recordings made in the International Register or of items in the file of the international registration;

(iv) written information on the contents of the International Register or of the file of the international registration;

(v) a photograph of a specimen.

(2) [*Exemption from Authentication, Legalization or any Other Certification*] In respect of a document referred to in paragraph (1)(i) and (ii), bearing the seal of the International Bureau and the signature of the Director General or a person acting on his behalf, no authority of any Contracting Party shall require authentication, legalization or any other certification of such document, seal or signature, by any other person or authority. The present paragraph applies *mutatis mutandis* to the international registration certificate referred to in Rule 15(1).

Rule 33
Amendment of Certain Rules

(1) [*Requirement of Unanimity*] Amendment of the following provisions of these Regulations shall require unanimity of the Contracting Parties bound by the 1999 Act:

(i) Rule 13(4);
(ii) Rule 18(1).

(2) [*Requirement of Four-Fifths Majority*] Amendment of the following provisions of the Regulations and of paragraph (3) of the present Rule shall require a four-fifths majority of the Contracting Parties bound by the 1999 Act:

(i) Rule 7(7);
(ii) Rule 9(3)(b);
(iii) Rule 16(1)(a);
(iv) Rule 17(1)(iii).

(3) [*Procedure*] Any proposal for amending a provision referred to in paragraph (1) or (2) shall be sent to all Contracting Parties at least two months prior to the opening of the session of the Assembly which is called upon to make a decision on the proposal.

Rule 34
Administrative Instructions

(1) [*Establishment of Administrative Instructions; Matters Governed by Them*] (a) The Director General shall establish Administrative Instructions. The Director General may modify them. The Director General shall consult the Offices of the Contracting Parties with respect to the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(2) [*Control by the Assembly*] The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

(3) [*Publication and Effective Date*] (a) The Administrative Instructions and any modification thereof shall be published in the Bulletin.

(b) Each publication shall specify the date on which the published provisions become effective. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Bulletin.

(4) [*Conflict with the 1999 Act, the 1960 Act, the 1934 Act or These Regulations*] In the case of conflict between, on the one hand, any provision of the Administrative Instructions and, on the other hand, any provision of the 1999 Act, the 1960 Act, the 1934 Act or of these Regulations, the latter shall prevail.

Rule 35
Declarations Made by Contracting Parties to the 1999 Act

(1) [*Making and Coming into Effect of Declarations*] Article 30(1) and (2) of the 1999 Act shall apply *mutatis mutandis* to the making of any declaration under Rules 8(1), 9(3)(a), 13(4) or 18(1)(b) and to its coming into effect.

(2) [*Withdrawal of Declarations*] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect upon receipt by the Director General of the notification of withdrawal or at any later date indicated in the notification. In the case of a declaration made under Rule 18(1)(b), the withdrawal shall not affect an international registration whose date is earlier than the coming into effect of the said withdrawal.

Rule 36
Declarations Made by Contracting Parties to the 1960 Act

(1) [*Individual Designation Fee*] For the purpose of Article 15(1)2(b) of the 1960 Act, any Contracting Party to the 1960 Act whose Office is an Examining Office may, in a declaration, notify the Director General that, in connection with any international application in which it is designated under the 1960 Act, the standard designation fee referred to in Rule 12(1)(a)(ii) shall be replaced by an individual designation fee, whose amount shall be indicated in the declaration and can be changed in further declarations. The said amount may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

(2) [*Maximum Duration of Protection*] Each Contracting Party to the 1960 Act shall, in a declaration, notify the Director General of the maximum duration of protection provided for by its law.

(3) [*Time at Which Declarations May Be Made*] Any declaration under paragraphs (1) and (2) may be made

(i) at the time of the deposit of an instrument referred to in Article 26(2) of the 1960 Act, in which case it shall become effective on the date on which the State having made the declaration becomes bound by this Act, or

(ii) after the deposit of an instrument referred to in Article 26(2) of the 1960 Act, in which case it shall become effective one month after the date of its receipt by the Director General or at any later date indicated in the declaration but shall apply only in respect of any international registration whose date of international registration is the same as, or is later than, the effective date of the declaration.

SCHEDULE OF FEES
(as in force on April 1, 2004)

I. *International Applications Governed Exclusively or Partly by the 1960 Act or by the 1999 Act*

			Swiss francs
1.	Basic fee		
	1.1	For one design	397
	1.2	For each additional design included in the same international application	19
2.	Publication fee		
	2.1	For each reproduction to be published in black and white	12
	2.2	For each reproduction to be published in color	75
	2.3	For each page, in addition to the first, on which one or more reproductions are shown (where the reproductions are submitted on paper)	150
3.	Additional fee where the description exceeds 100 words per word exceeding 100 words		2
4.	Standard designation fee		
	4.1	For one design	42
	4.2	For each additional design included in the same international application	2
5.	Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)		

II. *International Applications Governed Exclusively by the 1934 Act*

			Swiss francs
6.	Basic fee		
	6.1	For one design	216
	6.2	For two to 50 designs included in the same international application	432
	6.3	For 51 to 100 designs included in the same international application	638

III. *Renewal of an International Registration Resulting From an International Application Governed Exclusively or Partly by the 1960 Act or by the 1999 Act*

7.	Basic fee		
	7.1	For one design	200
	7.2	For each additional design included in the same international registration	17
8.	Standard designation fee		
	8.1	For one design	21
	8.2	For each additional design included in the same international registration	1
9.	Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)		
10.	Surcharge (period of grace)		**

50% of the renewal basic fee.

IV. *Renewal of an International Registration Resulting From an International Application Governed Exclusively by the 1934 Act*

		Swiss francs
11.	Basic fee	
	11.1 For one design	422
	11.2 For two to 50 designs included in the same international registration	844
	11.3 For 51 to 100 designs included in the same international registration	1236
12.	Surcharge (period of grace)	**

V. *Miscellaneous Recordings*

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** 50% of the renewal basic fee.

		Swiss francs
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	18.1 For the first five pages	26
	18.2 For each additional page after the fifth if the copies are requested at the same time and relate to the same international registration	2
19.	Supply of certified copies from the International Register or of items in the file of a published international registration	
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Administrative Instructions for the Application of the Hague Agreement

(as in force on April 1, 2004)

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Part One
Definitions

Section 101: Abbreviated Expressions

(a) For the purposes of these Administrative Instructions:

(i) "Regulations" means the Common Regulations under the Hague Agreement Concerning the International Registration of Industrial Designs;

(ii) "Rule" means a Rule of the Regulations..

(b) An expression which is used in these Administrative Instructions and is referred to in Rule 1 has the same meaning as in the Regulations.

Part Two
Communications with the International Bureau

Section 201: Communication in Writing; Several Documents in One Envelope

(a) Communications addressed to the International Bureau shall be effected in writing by typewriter or other machine and shall be signed.

(b) If several documents are mailed in one envelope, they should be accompanied by a list identifying each of them.

Section 202: Signature

A signature shall be hand written, printed or stamped; it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 204, by a mode of identification to be determined by the International Bureau.

Section 203: Communication by Telefacsimile

(a) Any communication, other than an international application containing a reproduction to be published in color, may be addressed to the International Bureau by telefacsimile, provided that where the communication must be presented on an official form, the official form is used for the purposes of the telefacsimile communication.

(b) An international application addressed to the International Bureau by telefacsimile shall not have effect unless, prior to the expiration of 20 days counted from the date of receipt of such communication, the original of the international application bearing the prescribed signature along with the reproductions and/or specimens concerned, have been received by the International Bureau. When so confirmed, the said international application shall have effect as of the date on which it was received by telefacsimile by the International Bureau.

(c) Where an international application has been transmitted to the International Bureau by telefacsimile, the Bureau shall promptly and by telefacsimile inform the sender of the receipt of that international application, and where such telefacsimile communication received by the International Bureau is incomplete or illegible, of that fact also, provided that the sender can be identified and can be reached by telefacsimile.

Section 204: Electronic Communications

(a) Communications with the International Bureau, including the presentation of the international application, may take place by electronic means at a time and in a manner and format to be ascertained by the International Bureau, the particulars of which shall be published in the Bulletin.

(b) The International Bureau shall promptly and by electronic transmission inform the originator of an electronic transmission of the receipt of that transmission and, where the electronic transmission received is incomplete or otherwise unusable, also of that fact, provided that the originator can be identified and can be reached.

(c) For the purpose of the communication by the International Bureau to Offices of Contracting Parties of the date on which each issue of the Bulletin is published, as provided for in Rule 26(3), each such Office shall indicate to the International Bureau the email address to which the said communication shall be sent.

Part Three
Requirements Concerning Names and Addresses

Section 301: Names and Addresses

(a) In the case of a natural person, the name to be indicated is the family or principal name and the given or secondary name(s) of the natural person.

(b) In the case of a legal entity, the name to be indicated is the full official designation of the legal entity.

(c) In the case of a name in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application. In the case of a legal entity whose name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application.

(d) An address shall be given in such a way as to satisfy the customary requirements for prompt postal delivery and shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any. In addition, telephone and telefacsimile numbers, an e-mail address as well as a different address for correspondence, may be indicated.

Section 302: Address for Correspondence

Where there are two or more applicants or new owners with different addresses and no representative is appointed, one address for correspondence shall be indicated. Where no such address has been indicated, the address of the person named first shall be treated as the address for correspondence.

Part Four
Reproduction of the Industrial Design; Disclaimer; Numbering; Description of Characteristic Features

Section 401: Presentation of Reproductions

(a) One and the same international application may comprise both photographs and other graphic representations, in black and white or in color.

(b) Each reproduction accompanying an international application shall be submitted in a single copy.

(c) The photographs or other graphic representations accompanying the international application shall be either pasted or printed directly onto a separate sheet of A4 paper which is white and opaque. The separate sheet of paper shall be used upright and shall not contain more than 25 reproductions.

(d) The reproductions must be arranged on the separate sheet referred to in subparagraph (c) in the orientation in which the applicant wishes them to be published. A margin of at least 5 millimeters should be left around the representation of each industrial design.

(e) Each reproduction must fall within a right-angled quadrilateral containing no other reproduction or part of another reproduction and no numbering. The photographs or other graphic representations shall not be folded, stapled or marked in any way.

Section 402: Representation of the Industrial Design

(a) The photographs and other graphic representations shall represent the industrial design alone, or the product in relation to which the industrial design is to be used, to the exclusion of any other object, accessory, person or animal.

(b) The dimensions of the representation of each industrial design appearing in a photograph or other graphic representation may not exceed 16 x 16 centimeters, and one of those dimensions must be at least 3 centimeters.

(c) The following shall not be accepted:

(i) technical drawings, particularly with axes and dimensions;

(ii) explanatory text or legends.

Section 403: Disclaimer

Matter which is shown in a reproduction but for which protection is not sought may be indicated

(i) in the description referred to in Rule 7(5)(a) and/or

(ii) by means of dotted or broken lines.

Section 404: Requirements for Photographs and Other Graphic Representations

(a) The photographs supplied must be of professional standard and have all the edges cut at right angles. The industrial design must be shown against a neutral plain background. Photographs retouched with ink or correcting fluid shall not be allowed.

(b) Graphic representations must be of professional standard produced with drawing instruments or by electronic means on good quality white, opaque paper, all of whose edges are cut at right angles. The industrial design represented may comprise shading and hatching to provide relief. Graphic representations executed by electronic means may be shown against a background, provided that it is neutral and plain and has only edges cut at right angles.

Section 405: Numbering of Reproductions

(a) The numbering stipulated for multiple international applications shall appear in the margin of each photograph or other graphic representation. When the same industrial design is represented from different angles, the numbering shall consist of two separate figures separated by a dot (e.g., 1.1, 1.2, 1.3, etc. for the first design, 2.1, 2.2, 2.3, etc. for the second design, and so on).

(b) The reproductions shall be pasted or printed in ascending numerical order on the separate sheet referred to in Section 401(c).

Section 406: Requirements for Specimens

(a) A specimen in two dimensions which accompanies an international application shall not exceed 26.2 centimeters x 17 centimeters in size (unfolded), 50 grams in weight or 3 millimeters in thickness. Such specimens shall be pasted on sheets of A4 paper and numbered in accordance with Section 405(b). The same number shall be assigned to each reproduction corresponding to these specimens when submitted to the International Bureau.

(b) None of the dimensions of a package containing specimens shall exceed 30 centimeters and the weight of such package and its packing shall not exceed 4 kilograms.

(c) Perishable products or products which may be dangerous to store shall not be accepted.

Part Five
Refusals

Section 501: Date of Sending of Notification of Refusal

In the case of a notification of refusal sent through a postal service, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it had been sent 20 days before the date of its receipt by the International Bureau. However, if the date of dispatch thus determined is earlier than any date of refusal or date of sending mentioned in the notification, the International Bureau shall treat such notification as if it had been sent on the latter date. In the case of a notification of refusal sent through a delivery service, the date of dispatch shall be determined by the indication given by such delivery service on the basis of the details of the mailing as recorded by it.

Section 502: Notification of Division of an International Registration

Where an international registration has been divided before the Office of a designated Contracting Party following a notification of refusal as provided for in Rule 18(3), that Office shall notify the International Bureau of that fact, together with the following additional particulars:

(i) the Office making the notification;

(ii) the number of the international registration concerned;

(iii) the numbers of the industrial designs which have been the subject of the division with the Office concerned, and

(iv) the resulting national or regional application numbers or registration numbers.

Part Six
Request for the Recording of a Limitation or Renunciation when Publication Deferred

Section 601: Latest Time to Request the Recording of a Limitation or Renunciation

Where the publication of an international registration is deferred, a request for the recording of a limitation or renunciation concerning that registration, complying with the applicable requirements, must be received by the International Bureau not later than three months prior to the expiry of the period of deferment. In default of this, the international registration is published at the expiration of the period of deferment without account being taken of the request for the recording of a limitation or renunciation. Provided that the request for limitation or renunciation complies with the applicable requirements, the limitation or renunciation is however recorded in the International Register.

Part Seven
Renewal

Section 701: Unofficial Notice of Expiry

When, pursuant to Rule 23, the International Bureau sends to the holder and the representative, if any, a notice indicating the date of expiration of an international registration, such notice shall contain also an indication of the Contracting Parties for which, at the date of the notice, and in accordance with the maximum duration of protection notified by each Contracting Party pursuant to Article 17(3)(c) of the 1999 Act and Rule 36(2), renewal of the international registration is possible.

Part Eight
Fees

Section 801: Mode of Payment

Fees may be paid to the International Bureau

(i) by debit to a current account with the International Bureau,

(ii) by payment into the Swiss postal check account or to any of the specified bank accounts of the International Bureau,

(iii) by a banker's check,

(iv) by payment in cash at the International Bureau.

I hereby certify that the foregoing text is a true copy of the original text in English of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs and the Common Regulations under the 1999 Act, the 1960 Act and the 1934 Act of the Hague Agreement.

Kamil Idris
Director General
World Intellectual Property Organization

November 4, 2005

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