

Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs

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PROPOSED REGULATIONS UNDER THE GENEVA ACT (1999) OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

Document prepared by the International Bureau

BACKGROUND

1. As requested by the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as the “Working Group”), at its eleventh session, held from December 12 to 14, 2022, the International Bureau prepared document H/LD/WG/12/3, which proposes a way forward regarding the freeze of the application of Hague Act (1960), adopted on November 28, 1960, of the Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter referred to as the “1960 Act”), including January 1, 2025 as a proposed effective date of the freeze.
2. If the Assembly of the Hague Union decides to freeze the application of the 1960 Act, all international applications filed after the effective date of the freeze would be governed exclusively by the Geneva Act (1999), adopted on July 2, 1999, of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the “1999 Act”).
3. This document proposes amendments to the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as the “Common Regulations”), consequential to the freeze of the application of the 1960 Act.

PROPOSAL

4. As a result of the freeze of the application of the 1960 Act, it would no longer be possible to file international applications under that Act or to make any designation governed by that Act in an international application. Such a freeze would, however, be without prejudice to the continuation of active international registrations and designations recorded in the International Register before the effective date of the freeze¹.

5. Besides, it bears recalling that that the application of the London Act (1934) of the Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter referred to as the “1934 Act”) was frozen on January 1, 2010². According to the International Register, the last designations governed by the 1934 Act will expire on December 30, 2024³.

6. In view of the above, the following changes are proposed, so as to streamline the provisions of the Common Regulations by focusing on the implementation of the 1999 Act:

Title of Regulations

7. In order to make it explicit that the new set of the Regulations aims to primarily implement the 1999 Act, it is proposed to change the title of the Common Regulations to “Regulations Under the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs”⁴.

Definitions (Rule 1)

8. It is proposed to delete all definitions that specify the governing treaty or adjust the terminology between the 1960 and 1999 Acts. Accordingly, it is proposed to delete subparagraphs (1)(x) to (xiv) and the whole paragraph (2), as reproduced in the Annex to this document. Consequently, all subparagraphs would be presented under the adjusted title “Abbreviated Expressions”.

9. It is also proposed to amend subparagraph (1)(i) to include the abbreviation “Act” to refer to the 1999 Act, and also to introduce subparagraph (i**ibis**) to refer to a specific article thereof. These modifications would enhance the readability of the subsequent provisions, as they would avoid the repetition of the term “1999 Act” throughout the new Regulations.

Deletion of References to the 1999 Act

10. In conjunction with the proposed amendments to Rule 1, it is proposed to delete the superfluous references to the 1999 Act in the following provisions:

- Title of Rule 35; Rules 1(1)(iii) and (ix); 7(4)(b)⁵, (5)(a) and (6); 8(1)(a)(i) and (ii); 9(3)(a); 10(1) and (1)(ii); 11(3); 12(1)(a)(ii) and (iii), (3)(a); 13(1), (2), (3)(i) and (4); 14(2)(b)(i), (iv) and (3); 16(1)(a)⁶, (2) and (3)(a); 18(1)(a), (b) and (c), and (3); 21*bis*(3); 24(1)(a)(ii) and (iii); 26(2) and (3); 27(1); 28(2); 33(1) and (2); 34(4); and 35(1).

¹ See document H/LD/WG/12/3, paragraph 12. Moreover, any designation governed by the 1960 Act may be renewed up to the maximum duration of protection provided for by the national law of the designated Contracting Party (Article 11(2) of the 1960 Act).

² See document H/LD/WG/12/3, paragraph 2.

³ The maximum duration of protection of an international registration recorded under the 1934 Act is 15 years from the date of international registration (Article 7 of the 1934 Act). See document H/LD/WG/12/3, footnote 3.

⁴ As a result, some provisions would be aligned back with those contained in the Regulations under the Geneva Act as adopted by the Diplomatic Conference in 1999. Moreover, any amendment to existing rules or any introduction of new rules that will come into force after the entry into force of these new Regulations will be made in the new Regulations, instead of the “Common Regulations”. For instance, see document H/LD/WG/12/5 proposing to amend Rule 14 of the Common Regulations.

⁵ This corresponds to renumbered Rule 7(4)(a), as reproduced in the Annex to this document.

⁶ This corresponds to renumbered Rule 16(1), as reproduced in the Annex to this document.

Deletion of References to the 1960 Act

11. It is proposed to delete the obsolete references to the 1960 Act or provisions thereof in the following provisions:

- Rules 1(1)(ix); 7(5)(a) and (6); 14(2)(b)(i); 16(3)(a); 18(1)(a); 21*bis*(3); 24(1)(a)(ii); 26(2) and (3); and 27(1).

12. Notwithstanding the previous paragraph, it is proposed to maintain the reference to the 1960 Act in Rule 34(4)⁷, since the Administrative Instructions would also apply to any international registration or designation recorded under the 1960 Act before the effective date of the freeze of the application of the 1960 Act⁸.

Rule 7(3) and (4)

13. Given that, after the freeze of the application of the 1960 Act, all new international applications would be governed exclusively by the 1999 Act, the indication of the applicant's Contract Party would become a mandatory element for all international applications. Thus, it is proposed to delete subparagraph (4)(a) and move its content to subparagraph (3)(iii), as reproduced in the Annex to this document.

Rule 16(1)

14. Similarly, since all new international applications would be governed exclusively by the 1999 Act after the freeze of the application of the 1960 Act, Article 6(4)(a) of the 1960 Act providing for the maximum period of 12 months for deferment of publication would no longer apply. Thus, it is proposed to delete current subparagraph (1)(b), as reproduced in the Annex to this document⁹.

Rule 21(3)

15. It is proposed to delete Rule 21(3) which prohibits the recording of a change in ownership if there is no common treaty between the new owner and a designated Contracting Party contained in the international registration that is the subject of the transfer¹⁰.

Rule 26(3)

16. Article 8(2) of the 1960 Act prescribes that the refusal period of six months shall be computed from the date on which the Office receives the issue of the Bulletin. For that reason, current Rule 26(3) provides that "*for the purpose of Article 8(2) of the 1960 Act, each issue of the Bulletin shall be deemed to have been received by each Office concerned on the date of its publication on the web site of the Organization*". It is proposed to delete this complementary part, as reproduced in the Annex to this document, since it would no longer be needed after the freeze of the application of the 1960 Act¹¹.

⁷ Rule 34(4) provides that where any provision of the Administrative Instructions for the Application of the Hague Agreement is in conflict with any provision of the 1999 Act, the 1960 Act or of the Common Regulations, the latter prevails.

⁸ See paragraph 23, below.

⁹ However, Rule 16(1)(b), as it currently stands, would continue to apply to any international application containing a designation under the 1960 Act and to the publication of any resulting international registration, by virtue of proposed Rule 37(2)(a).

¹⁰ However, where applicable, Rule 21(3), as it currently stands, would continue to apply by virtue of proposed Rule 37(2)(b). See paragraph 22, below.

¹¹ However, Rule 26(3), as it currently stands, would continue to apply by virtue of proposed Rule 37(2)(b). See paragraph 22, below.

Restructuring of Chapters 8 and 9

17. There is no rule currently in force under Chapter 8¹². Mindful that Chapter 8 contained “miscellaneous” provisions in the Regulations as adopted by the Diplomatic Conference in 1999, it is proposed to renumber current Chapter 9 as Chapter 8.

Deletion of Rule 36 and cross-references thereto

18. Rule 36 provides for declarations made by Contracting Parties to the 1960 Act. It is therefore proposed to delete that rule as well as the cross-references thereto in the following provisions¹³:

- Rules 12(1)(a)(ii), (iii) and (3)(a); and 28(2)(a).

Transitional Provisions (Rule 37)

19. As mentioned in paragraph 5, above, the last designations governed by the 1934 Act will expire on December 30, 2024. It is therefore proposed that all references to the 1934 Act be deleted from current paragraph (1).

20. For subsequent paragraphs in this rule, it is proposed to provide for the respective definitions of “Common Regulations” and “designation under the 1960 Act” in paragraph (1), as reproduced in the Annex to this document.

21. It is further proposed that the transitional provisions regarding the implementation of the 1960 Act be specified in new paragraph (2). Proposed new subparagraph (2)(a) would provide that the current Common Regulations continue to apply to any international application filed before the effective date of the freeze, and to the publication of any resulting international registration containing a designation under the 1960 Act¹⁴, as reproduced in the Annex to this document. Accordingly, the International Bureau would perform the formality examination of such international applications and record international registrations resulting therefrom, in accordance with the current Common Regulations.

22. Proposed new subparagraph (2)(b) would provide that Rules 18(1)(a), 21(3) and 26(3), as they currently stand, continue to apply to any international registration in respect of designations under the 1960 Act. Accordingly, if a Contracting Party is designated under the 1960 Act, the applicable period for the notification of refusal would be six months from the publication of the international registration as provided for by current Rule 26(3), pursuant to current Rule 18(1)(a). Similarly, if an international registration contains a designation under the 1960 Act, but the new owner does not fulfill the conditions set out in Article 3 of the 1960 Act, a change in ownership of the international registration could not be recorded in respect of that designation, pursuant to current Rule 21(3)¹⁵.

23. Apart from the exceptions outlined in proposed subparagraphs (2)(a) and (b), the new Regulations would equally apply to existing designations under the 1960 Act, so that they could benefit from any new feature that might be introduced in the new Regulations in the future¹⁶.

¹² Rules 30 and 31 providing for international applications exclusively or party governed by the 1934 Act and international registrations resulting therefrom were deleted when establishing the current Common Regulations, following the freeze of the application of the 1934 Act, which came into force on January 1, 2010.

¹³ However, where applicable, Rule 36(2) and 3(ii), as it currently stands, would continue to apply by virtue of proposed Rule 37(2)(c). See paragraph 24, below.

¹⁴ See footnote 9.

¹⁵ For example, a new owner claiming entitlement through his or her connection with Brazil (a Contracting Party to the 1999 Act only) could not be recorded as the new holder in respect of a designation of Benin (a Contracting Party to the 1960 Act only). On the other hand, a new owner claiming entitlement through a connection with Benin could be recorded as the new holder in respect to a designation of Brazil through his or her additional connection with the African Intellectual Property Organization (OAPI), since the latter is a Contracting Party to the 1999 Act.

¹⁶ Provided that such new feature would conform with the provisions of the 1960 Act.

24. The deletion of Rule 36 is proposed in paragraph 18, above. However, any designation governed by the 1960 Act may be renewed up to the maximum duration of protection provided for by the national law of the designated Contracting Party (Article 11(2) of the 1960 Act). In this regard, the national law of any Contracting Party to the 1960 Act may change in respect of the maximum duration of protection which might affect existing designations under the 1960 Act. It is therefore proposed to add new subparagraph (2)(c) in Rule 37, which would require that any change of the maximum duration of protection be notified by a Contracting Party to the 1960 Act to the Director General of the World Intellectual Property Organization, even after the freeze of the application of the 1960 Act.

25. As a result of the inclusion of proposed new paragraph (2), it is proposed to renumber current paragraph (2) as paragraph (3), and also to include the reference to the Common Regulations.

26. Moreover, current paragraph (3) is a transitional provision which was introduced at the same time as the amendments to Rule 17(1) came into force (January 1, 2022)¹⁷. Given that this transitional rule is no longer applicable, it is proposed to delete this provision at this opportunity.

Schedule of Fees¹⁸

27. It is proposed to delete the references to the 1960 and 1999 Acts in the title of item III and the references to the 1999 Act and Rule 36(1) of the Common Regulations in the concerned footnotes, as reproduced in the Annex to this document.

Miscellaneous Minor Amendments

28. The opportunity is also seized to propose amending the texts of Rules 8(2)(i), 11(1) and 32(2), using gender inclusive language, as reproduced in the Annex to this document.

¹⁷ See documents H/A/41/1, paragraphs 24 and 25, and H/A/41/2, paragraph 12(i).

¹⁸ The Schedule of Fees forms an integral part of the Common Regulations, pursuant to Rule 27(1).

DATE OF ENTRY INTO FORCE

29. These proposed amendments to the Common Regulations should come into force on the date of effect of the freeze of the application of the 1960 Act.

30. The adoption of the proposed amendments to the Common Regulations by the Assembly of the Hague Union would require some consequential amendments to the Administrative Instructions for the Application of the Hague Agreement. A document outlining the proposed amendments has been prepared for consideration by the Working Group (document H/LD/WG/12/5).

31. *The Working Group is invited to:*

(i) consider and comment on the proposal made in this document; and

(ii) indicate whether it recommends to the Assembly of the Hague Union for adoption, the proposed amendments to the Common Regulations, as provided in the draft contained in the Annex to this document, with the same date of entry into force as the freeze of the application of the 1960 Act.

[Annex follows]

Common-Regulations
Under the Geneva Act (1999) ~~Act and the 1960 Act~~
of the Hague Agreement Concerning the International Registration of Industrial
Designs

(as in force on XXX)

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CHAPTER 1

GENERAL PROVISIONS

Rule 1

~~Definitions~~ Abbreviated Expressions

- ~~(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;
 - (iibis) “Article”, unless otherwise expressed, means an Article of the Act;
 - (iii) 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~~;
 - (iv) “Administrative Instructions” means the Administrative Instructions referred to in Rule 34;
 - (v) “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;
 - (vi) “official form” means a form established by the International Bureau or an electronic interface made available by the International Bureau on the web site of the Organization, or any form or electronic interface having the same contents and format;
 - (vii) “International Classification” means the Classification established under the Locarno Agreement Establishing an International Classification for Industrial Designs;
 - (viii) “prescribed fee” means the applicable fee set out in the Schedule of Fees;
 - (ix) “Bulletin” means the periodical bulletin in which the International Bureau effects the publications provided for in the ~~1999 Act~~, ~~the 1960 Act~~ or these Regulations, whatever the medium used.;
 - ~~(x) “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;~~
 - ~~(xi) “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), second sentence, of the 1999 Act;~~
 - ~~(xii) “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;~~
 - ~~(xiii) “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;~~
 - ~~(xiv) “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,~~
 - ~~and~~
 - ~~— at least one Contracting Party has been designated under the 1960 Act.~~

~~(2) [Correspondence Between Some Expressions Used in the 1999 Act and the 1960 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;~~

~~(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;~~

~~(iii) reference to “Contracting Party” shall be deemed, where appropriate, to include a reference to a State party to the 1960 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.~~

[...]

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, given in accordance with the Administrative Instructions, and email address of the applicant;

(iii) the Contracting Party or Parties in respect of which the applicant fulfills the conditions to be the holder of an international registration, [and the applicant's Contracting Party](#);

(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 designated 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.~~

(eb) Where Rule 8 applies, the international application shall, as applicable, contain the indications referred to in paragraphs (2) or (3) thereof and be accompanied by any relevant statement, document, oath or declaration 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, given in accordance with the Administrative Instructions, and email address of the representative.

(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,~~ 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 and the Creator

(1) [*Notification of Special Requirements Concerning the Applicant and the Creator*] (a)(i) 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.

(ii) Where the law of a Contracting Party ~~bound by the 1999 Act~~ requires the furnishing of an oath or declaration of the creator, that Contracting Party may, in a declaration, notify the Director General of that fact.

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

(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)(a)(i),

(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 that he or she is 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.

(3) [*Identity of the Creator and Oath or Declaration of the Creator*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1)(a)(ii), it shall also contain indications concerning the identity of the creator of the industrial design.

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 or her 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)~~, the level of which will depend on a declaration made under subparagraph (c);
- (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 level of the standard designation fee referred to in subparagraph (a)(ii) shall be as follows:

- (i) for Contracting Parties whose Office does not carry out any examination on substantive grounds:.....one
- (ii) for Contracting Parties whose Office carries out examination on substantive grounds, other than as to novelty:.....two
- (iii) for Contracting Parties whose Office carries out examination on substantive grounds, including examination as to novelty either *ex officio* or following opposition by third parties:.....three

(c) (i) Any Contracting Party whose legislation entitles it to the application of level two or three under subparagraph (b) may, in a declaration, notify the Director General accordingly. A Contracting Party may also, in its declaration, specify that it opts for the application of level two, even if its legislation entitles it to the application of level three.

(ii) Any declaration made under item (i) shall take effect three months after its receipt by the Director General or at any later date indicated in the declaration. It may also be withdrawn at any time by notification addressed to the Director General, in which case such withdrawal shall take effect one month after its receipt by the Director General or at any later date indicated in the notification. In the absence of such a declaration, or where a declaration has been withdrawn, level one will be deemed to be the level applicable to the standard designation fee in respect of that Contracting Party.

(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*] (a) 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.

(b) Notwithstanding subparagraph (a), where the amount of the fees received at the time of receipt of the international application is less than the amount corresponding to the basic fee for one design, the International Bureau may first invite the applicant to make the payment of at least the amount corresponding to the basic fee for one design within two 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 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 or the 1960 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 paragraphs (1)(a) or (b), 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 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*] (a) The publication fee referred to in Rule 12(1)(a)(iv) shall be paid not later than three weeks 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 weeks 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) Three 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 subparagraph (a), shall be paid.

(4) [*Period for Submitting Reproductions and Registration of Reproductions*] (a) 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 expiry of the period for paying the publication fee set under paragraph (3)(a).

(b) The International Bureau shall record in the International Register any reproduction submitted under subparagraph (a), provided that the requirements under Rule 9(1) and (2) are complied with.

(5) [*Requirements Not Complied With*] If the requirements of paragraphs (3) and (4) are not complied with, the international registration shall be canceled and shall not be published.

[...]

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,

(iv) the date on which the international registration produced the effect as a grant of protection under the applicable law, and

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

(c) Where the international registration was amended in a procedure before the Office, the notification shall also contain or indicate all amendments.

(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.

[...]

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;

(v) a change in the name or address of the representative.

(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 a document providing evidence that the new owner appears to be the successor in title of the holder.

(2) [*Contents of the Request*] (a) 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, or the name of the representative where 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, and email address 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.

(b) The request for the recording of a change in the ownership of the international registration may be accompanied by a communication to appoint a representative of the new owner. Provided that the requirements under Rule 3(2)(b) and (c) are complied with, the effective date of such appointment shall be the date of the recording of the change in ownership pursuant to paragraph (6)(b). In such case, the recording of the change in ownership in the International Register shall contain that appointment.

(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.~~ [\[Deleted\]](#)

(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.

(c) Where a change in ownership is recorded following a request presented by the new owner pursuant to subparagraph (1)(b)(ii) and the previous holder objects to the change in writing to the International Bureau, the change shall be considered as if it had not been recorded. The International Bureau shall inform both parties 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 21bis

Declaration That a Change in Ownership Has No Effect

(1) [*Declaration and Its Effect*] The Office of a designated Contracting Party may declare that a change in ownership recorded in the International Register has no effect in the said Contracting Party. The effect of such a declaration shall be that, with respect to the said Contracting Party, the international registration concerned shall remain in the name of the transferor.

(2) [*Contents of the Declaration*] The declaration referred to in paragraph (1) shall indicate

- (a) the reasons for which the change in ownership has no effect,
- (b) the corresponding essential provisions of the law,
- (c) where the declaration does not relate to all the industrial designs that are the subject of the change in ownership, those to which it relates, and
- (d) whether such declaration 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 declaration 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 declaration.

(3) [*Period for Declaration*] The declaration referred to in paragraph (1) shall be sent to the International Bureau within six months from the date of the publication of the said change in ownership or within the applicable refusal period in accordance with Article 12(2) ~~of the 1999 Act or Article 8(1) of the 1960 Act~~, whichever expires later.

(4) [*Recording and Notification of the Declaration; Consequential Modification of the International Register*] The International Bureau shall record in the International Register any declaration made in accordance with paragraph (3) and shall modify the International Register, whereby that part of the international registration which has been the subject of the said declaration shall be recorded as a separate international registration in the name of the previous holder (transferor). The International Bureau shall notify accordingly the previous holder (transferor) and the new holder (transferee).

(5) [*Withdrawal of Declaration*] Any declaration made in accordance with paragraph (3) may be withdrawn, in part or in whole. The withdrawal of declaration shall be notified to the International Bureau which shall record it in the International Register. The International Bureau shall modify the International Register accordingly, and shall notify accordingly the previous holder (transferor) and the new holder (transferee).

[...]

CHAPTER 5

RENEWALS

[...]

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 [designated](#) 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 [designated](#) 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.

[...]

CHAPTER 6

PUBLICATION

Rule 26 Publication

(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, with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal, and other communications recorded under Rules 18(5) and 18bis(3);
- (iii) invalidations recorded under Rule 20(2);
- (iv) changes recorded under Rule 21;
- (ivbis) appointments of representatives recorded under Rule 3(3)(a), unless published under items (i) or (iv), and cancellations thereof other than *ex officio* cancellations under Rule 3(5)(a);
- (v) corrections effected under Rule 22;
- (vi) renewals recorded under Rule 25(1);
- (vii) international registrations which have not been renewed;
- (viii) cancellations recorded under Rule 12(3)(d);
- (ix) declarations that a change in ownership has no effect and withdrawals of such declarations recorded under Rule 21bis.

(2) [*Information Concerning Declarations; Other Information*] The International Bureau shall publish on the web site of the Organization 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 shall be published on the web site of the Organization. The publication of each issue of the Bulletin shall be deemed to replace the sending of the Bulletin referred to in Articles 10(3)(b), 16(4) and 17(5) ~~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, each issue of the Bulletin shall be deemed to have been received by each Office concerned on the date of its publication on the web site of the Organization.~~

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~~ 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 on the web site of the Organization.

(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 on the web site of the Organization.

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 [Deleted]

MISCELLANEOUS

Rule 30 [Deleted]

Rule 31 [Deleted]

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 [or her](#) 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:

- (iii) Rule 7(7);
- (iv) Rule 9(3)(b);
- (v) Rule 16(1)(a);
- (vi) 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 on the web site of the Organization.

(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 on the web site of the Organization.

(4) [*Conflict with the ~~1999 Act, the 1960 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 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~~ [\[Deleted\]](#)

~~(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~~

^{*} ~~— [WIPO Note]: Recommendation adopted by the Assembly of the Hague Union: "Contracting Parties that make, or that have made, a declaration under Article 7(2) of the 1999 Act or under Rule 36(1) of the Common Regulations are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the~~

~~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.~~

Rule 37 Transitional Provisions

(1) [~~Transitional Provision Relating to the 1934 Act~~ Definitions] (a) For the purpose of ~~these~~ this provisions,

(i) ~~“1934 Act” means the Act signed at London on June 2, 1934, “Common Regulations” means the Common Regulations Under the 1999 Act and the 1960 Act~~ of the Hague Agreement;

(ii) ~~“Contracting Party designated under the 1934 Act”~~ “Designation under the 1960 Act” means a designation of a Contracting Party recorded ~~as such~~ under the 1960 Act in the International Register;

(iii) ~~reference to “international application” or “international registration” shall be deemed, where appropriate, to include a reference to “international deposit” as referred to in the 1934 Act.~~

(2) [~~Transitional Provision Relating to the 1960 Act~~] (b) a The Common Regulations ~~Under the 1999 Act, and the 1960 Act and the 1934 Act of the Hague Agreement as in force before January 1, 2010 as in force until [XXX];~~ shall remain applicable continue to apply to any international application filed on or before ~~that date and that is still pending on that date, and to the publication of any resulting international registration containing a designation under the 1960 Act,~~ as well as in respect of any Contracting Party designated under the 1934 Act in an international registration resulting from an international application filed before that date.

nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization and the international application is governed exclusively by the 1999 Act.”

(b) Rules 18(1)(a), 21(3) and 26(3) of the Common Regulations as in force until [XXX], shall continue to apply to any international registration in respect of designations under the 1960 Act.

(c) Rule 36(2) and (3)(ii) of the Common Regulations as in force until [XXX], shall continue to apply to Contracting Parties to the 1960 Act.

(23) [Transitional Provision Concerning Languages] Rule 6 of the Common Regulations as in force before April 1, 2010, shall continue to apply to any international application filed before that date and to the international registration resulting therefrom.

~~(3) [Transitional Provision Concerning Timing of Publication] Rule 17(1)(iii) as in force before January 1, 2022, shall continue to apply to any international registration resulting from an international application filed before that date.~~

SCHEDULE OF FEES
(as in force on XXXX)

Swiss francs

I.	<i>International Applications</i>	
1.	Basic fee*	
1.1	For one design	397
1.2	For each additional design included in the same international application	50
2.	Publication fee*	
2.1	For each reproduction to be published	17
2.2	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

* For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the fees intended for the International Bureau are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization ~~and the international application is governed exclusively by the 1999 Act~~. If there are several applicants, each must fulfill the said criteria.

Where such fee reduction applies, the basic fee is fixed at 40 Swiss francs (for one design) and 5 Swiss francs (for each additional design included in the same international application), the publication fee is fixed at 2 Swiss francs for each reproduction and 15 Swiss francs for each page, in addition to the first, on which one or more reproductions are shown, and the additional fee where the description exceeds 100 words is fixed at 1 Swiss franc per group of five words exceeding 100 words.

Swiss francs

4.	Standard designation fee**	
4.1	Where level one applies	
	4.1.1 For one design	42
	4.1.2 For each additional design included in the same international application	2
4.2	Where level two applies:	
	4.2.1 For one design	60
	4.2.2 For each additional design included in the same international application	20
4.3	Where level three applies:	
	4.3.1 For one design	90
	4.3.2 For each additional design included in the same international application	50

** For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are LDCs, the standard fees are reduced to 10% of the prescribed amounts (rounded to the nearest full figure). The reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is an LDC or, if not an LDC, is a member State of that intergovernmental organization ~~and the international application is governed exclusively by the 1999 Act~~. If there are several applicants, each must fulfill the said criteria.

Where such reduction applies, the standard designation fee is fixed at 4 Swiss francs (for one design) and 1 Swiss franc (for each additional design included in the same international application) under level one, 6 Swiss francs (for one design) and 2 Swiss francs (for each additional design included in the same international application) under level two, and 9 Swiss francs (for one design) and 5 Swiss francs (for each additional design included in the same international application) under level three.

Swiss francs

5. Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)♦
- II. [Deleted]
6. [Deleted]
- 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 |

♦ [WIPO Note]: Recommendation adopted by the Assembly of the Hague Union:

“Contracting Parties that make, or that have made, a declaration under Article 7(2) ~~of the 1999 Act or under Rule 36(1) of the Common Regulations~~ are encouraged to indicate, in that declaration or in a new declaration, that for international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country, in accordance with the list established by the United Nations, or with an intergovernmental organization the majority of whose member States are Least Developed Countries, the individual fee payable with respect to their designation is reduced to 10% of the fixed amount (rounded, where appropriate, to the nearest full figure). Those Contracting Parties are further encouraged to indicate that the reduction also applies in respect of an international application filed by an applicant whose entitlement is not solely a connection with such an intergovernmental organization, provided that any other entitlement of the applicant is a connection with a Contracting Party which is a Least Developed Country or, if not a Least Developed Country, is a member State of that intergovernmental organization ~~and the international application is governed exclusively by the 1999 Act.~~”

Swiss francs

9.	Individual designation fee (the amount of the individual designation fee is fixed by each Contracting Party concerned)	
10.	Surcharge (period of grace)	***
IV.	[Deleted]	
11.	[Deleted]	
12.	[Deleted]	
V.	<i>Miscellaneous Recordings</i>	
13.	Change in ownership	144
14.	Change of name and/or address of the holder	
14.1	For one international registration	144
14.2	For each additional international registration of the same holder included in the same request	72
15.	Renunciation	144
16.	Limitation	144
VI.	<i>Information Concerning Published International Registrations</i>	
17.	Supply of an extract from the International Register relating to a published international registration	144
18.	Supply of non-certified copies of the International Register or of items in the file of a published international registration	
18.1	For the first five pages	26

*** 50% of the renewal basic fee.

Swiss francs

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	
19.1	For the first five pages	46
19.2	For each additional page after the fifth if the copies are requested at the same time and relate to the same international registration	2
20.	Supply of a photograph of a specimen	57
21.	Supply of written information on the contents of the International Register or of the file of a published international registration	
21.1	Concerning one international registration	82
21.2	Concerning any additional international registration of the same holder if the same information is requested at the same time	10
22.	Search in the list of owners of international registrations	
22.1	Per search by the name of a given person or entity	82
22.2	For each international registration found beyond the first one	10
23.	[Deleted]	
VII.	<i>Services Provided by the International Bureau</i>	
24.	The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for services not covered by this Schedule of Fees.	

[End of Annex and of document]