Sub-Regional Meeting on Industrial Designs
Protecting Industrial Designs Abroad - The Hague System
Marina Foschi, Legal Officer, WIPO
How to protect a design abroad?

- National route

  - National application
  - EGYPT
  - National application
  - ITALY
  - National application
  - OMAN
  - National application
  - TUNISIA
  - Etc
How to protect a design abroad?

- International route: Hague System

  - International application
  - International Bureau (WIPO)
  - IP Offices of designated CP
Hague System

- «International» registration

- Closed system – 70 Contracting Parties (CP)* → entitlement = connection with a CP through

  - Nationality
  - Domicile
  - Real and effective industrial or commercial establishment
  - Residence (1999 Act only)

* As of December 1, 2018
Hague System

- NO need of a basic national application/registration

- Possibility to designate the country of origin

- An application may include up to 100 different designs (if they all belong to the same class of the Locarno Classification)

- Formalities to fulfill + payment of fees
Hague Union

Entry into force of 1999 Act re Benelux: December 18, 2018, San Marino: January 26, 2019 and Belize: February 9, 2019

70 Contracting Parties

60 Geneva Act (1999) (including EU and OAPI)
10 Hague Act (1960)
Entry into force of 1999 Act re Benelux: December 18, 2018, San Marino: January 26, 2019 and Belize: February 9, 2019
Hague Union Members according to the most recent applicable Act

<table>
<thead>
<tr>
<th>Hague Act (1999)</th>
<th>60 members</th>
</tr>
</thead>
<tbody>
<tr>
<td>• African Intellectual Property Organization, Albania, Armenia, Azerbaijan, Belgium *, Belize *, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Cambodia, Canada, Croatia, D.P.R. of Korea, Denmark, Egypt, Estonia, European Union, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg *, Monaco, Mongolia, Montenegro, Namibia, Netherlands *, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino *, Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Syrian Arab Republic, Switzerland, Tajikistan, the former Y.R. of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom and the United States of America (60)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hague Act (1960)</th>
<th>10 members</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Benin, Côte d’Ivoire, Gabon, Greece, Italy, Mali, Morocco, Niger, Senegal and Suriname (10)</td>
<td></td>
</tr>
</tbody>
</table>

* Benelux entry into force: December 18, 2018
* San Marino entry into force: January 26, 2019
* Belize entry into force: February 9, 2019
## Geneva Act (1999)

### Recent Accessions

<table>
<thead>
<tr>
<th>Country</th>
<th>Accession Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belize</td>
<td>November 9, 2018</td>
</tr>
<tr>
<td>San Marino</td>
<td>October 26, 2018</td>
</tr>
<tr>
<td>Benelux Union</td>
<td>September 18, 2018</td>
</tr>
<tr>
<td>Canada</td>
<td>July 16, 2018</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>March 13, 2018</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>November 30, 2017</td>
</tr>
<tr>
<td>The Kingdom of Cambodia</td>
<td>November 25, 2016</td>
</tr>
<tr>
<td>D.P.R. of Korea</td>
<td>June 13, 2016</td>
</tr>
</tbody>
</table>

### Potential Accessions in 2019

- China
- Morocco (1999 Act)
- Mexico
- Madagascar
- The Hashemite Kingdom of Jordan
- Vietnam
- Indonesia

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* Benelux entry into force: December 18, 2018
* San Marino entry into force: January 26, 2019
* Belize entry into force: February 9, 2019
Advantages of the Hague System

- Filing of ONE international application
  - ONE request
  - ONE language (FR/EN/SP)
  - Payment of ONE set of fees in ONE currency (CHF)
  - Direct filing with the International Bureau of WIPO
Procedure

**Applicant:**

- Filing of an application with the IB
  - e-filing Portfolio Manager, or
  - Application for registration form
How to file your application: File

Overview

Entitlement

Fees and payment

Preparing reproductions

File

After filing

You can make a Hague System application either online (E-Filing) or on paper.

E-Filing

Making an online application using the E-Filing Portfolio Manager is the preferred method thanks to its simplicity and modern features.

Advantages of E-Filing

- **Easier**: intelligent input checking, online payment by credit card, personalized workbench
- **Cheaper**: no fees for submitting multiple pages of reproductions
- **Faster**: rapid application delivery, reuse of data from previous applications

Paper application

Simply fill in the application form and send it by mail. Submission by e-mail is not accepted.

Useful resources

Hague System E-Filing Tutorial

Guide to the International Registration of Industrial Designs (detailed guide with legal focus)
APPLICATION FOR INTERNATIONAL REGISTRATION

For use by the applicant

Your reference: ................................................

This international application contains the following number of continuation sheets:

..............................................................

This international application is accompanied by the following Annexes:

☐ I  ☐ II  ☐ III  ☐ IV  ☐ V

For use by the Office of indirect filing

OFFICE TRANSMITTING THE INTERNATIONAL APPLICATION
(if applicable)

Name of the Office: ................................................

Office reference: ................................................

Date of receipt of the international application
by the Office: ................................................

Signature and/or seal of the Office: ................................................

1 APPLICANT (mandatory)

(a) Applicant is a (check only one box):

☐ Natural person – Family name: ................................................ Given name: ................................................

☐ Legal entity – Official designation: ................................................

(b) Address: ................................................

Postal code: ................................................ City: ................................................ Country: ................................................

(c) Telephone: ................................................ E-mail address: ................................................

2 ENTITLEMENT TO FILE (mandatory)

With respect to each of the entitlement criteria (a) to (d) below, indicate the corresponding Contracting Party or Parties. If any item is not applicable, write “None”. A list of the Contracting Parties bound by the 1999 Act and/or the 1967 Act is attached to the present form. Under item (d), only a Contracting Party bound by the 1999 Act may be indicated. Where entitlement is derived from a connection with a Contracting Party that is a member State of an intergovernmental organization (European Union or African Intellectual Property Organization (OAPI)), both that member State and that intergovernmental organization should be indicated (such as “France, European Union”) with respect to any of the corresponding criteria; where entitlement is derived from a connection with a member State of an intergovernmental organization that is not a Contracting Party, only that intergovernmental organization should be indicated.

(a) Nationality: ................................................

(b) Domicile: ................................................

(c) Real and effective industrial or commercial establishment:

................................................

(d) Habitual residence: ................................................
Procedure

- Payment of the fees

→ Fee Calculator
Procedure

International Bureau:

• Examination of the application (formalities only)
• Recording in the International Register
• Publication in the Bulletin
  https://www.wipo.int/haguebulletin/?locale=en
• Notification of the registration to the designated CP
Procedure

IP Office of designated CP:

• Substantive examination of the application according to the domestic legislation
• Protection granted or refused (refusal period: 6 to 12 months)
• If protection granted/not refused: the registration has the same effect as a national registration in the designated CP, under the law of that CP
• If protection refused: the IP Office notifies the IB
Procedure

Hague Member Profiles

https://www.wipo.int/hague/memberprofiles/#/
Procedure

- Renewal ➔ WIPO

- Modifications ➔ WIPO
  - Change in name and address of the holder
  - Change in the ownership of the international registration
  - Renunciation
  - Limitation of some only of the industrial designs

- Minimum duration of protection: 15 years
Publication about the Hague System

The Hague System for the International Registration of Industrial Designs

Main Features and Advantages

WIPO Publication No. 911

NUMBER OF DESIGNS CONTAINED IN APPLICATIONS

19,429

↑ 3.8%

TOP 10 HAGUE APPLICANTS
Number of designs contained in Hague applications

<table>
<thead>
<tr>
<th>Company</th>
<th>Designs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samsung Electronics</td>
<td>762</td>
</tr>
<tr>
<td>LG Electronics</td>
<td>668</td>
</tr>
<tr>
<td>Fonkel Meubelmarketing</td>
<td>490</td>
</tr>
<tr>
<td>Procter &amp; Gamble</td>
<td>488</td>
</tr>
<tr>
<td>Volkswagen</td>
<td>369</td>
</tr>
<tr>
<td>I. Paleohorinos Fotistika A.B.E.E</td>
<td>357</td>
</tr>
<tr>
<td>Drylock Technologies</td>
<td>315</td>
</tr>
<tr>
<td>Kronoplus Limited</td>
<td>294</td>
</tr>
<tr>
<td>Swatch</td>
<td>285</td>
</tr>
<tr>
<td>Wenko-Wenselaar</td>
<td>250</td>
</tr>
</tbody>
</table>

**TOP 5 CLASSES**

Number of designs in applications and share of total

<table>
<thead>
<tr>
<th>Class</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>FURNISHING</td>
<td>2,045</td>
<td>10.5%</td>
</tr>
<tr>
<td>RECORDING AND COMMUNICATION EQUIPMENT</td>
<td>2,008</td>
<td>10.3%</td>
</tr>
<tr>
<td>MEANS OF TRANSPORT</td>
<td>1,472</td>
<td>7.6%</td>
</tr>
<tr>
<td>LIGHTING APPARATUS</td>
<td>1,345</td>
<td>6.9%</td>
</tr>
<tr>
<td>CLOCKS AND WATCHES</td>
<td>1,339</td>
<td>6.9%</td>
</tr>
</tbody>
</table>

TOP 10 COUNTRIES
Number of designs contained in Hague applications and % growth since 2016

- **GERMANY**: 4,261 (8.8% growth)
- **SWITZERLAND**: 2,935 (14.9% growth)
- **REPUBLIC OF KOREA**: 1,742 (-7.4% decrease)
- **U.S.**: 1,661 (17.8% growth)
- **FRANCE**: 1,396 (15.2% growth)
- **ITALY**: 1,065 (-5.3% decrease)
- **JAPAN**: 831 (-3.4% decrease)
- **NETHERLANDS**: 807 (-38.7% decrease)
- **BELGIUM**: 457 (189.2% growth)
- **TURKEY**: 421 (-27.0% decrease)
Hague webpages

https://www.wipo.int/hague/en/

Hague – The International Design System

The Hague System for the International Registration of Industrial Designs provides a practical business solution for registering up to 100 designs in 69 contracting parties through filing one single international application.

Find out more

- What is an industrial design?
- Main features and advantages
- Legal framework
- Frequently asked questions
- Guidance on reproductions

News

Hague System Seminar: Going Global; New E-Filing Interface with Improved Look and Feel
November 14, 2018