

**Geneva Act of the Hague Agreement [of
6 November 1925] concerning the
International Registration of Industrial
Designs (Geneva, 2 July 1999)**

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Geneva Act of the Hague Agreement [of 6 November 1925] concerning the International Registration of Industrial Designs (Geneva, 2 July 1999)

Introductory Provisions

Article 1 - Abbreviated expressions

For the purposes of this Act:

(i) “the Hague Agreement” means the Hague Agreement concerning the International Deposit of Industrial Designs, henceforth renamed the Hague Agreement concerning the International Registration of Industrial Designs;

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

(iii) “Regulations” means the Regulations under this Act;

(iv) “prescribed” means prescribed in the Regulations;

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

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

(vii) “international application” means an application for international registration;

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

(ix) “person” means a natural person or a legal entity;

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

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

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

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

(xiv) “applicant's Contracting Party” means the Contracting Party or one of the Contracting Parties from which the applicant derives its entitlement to file an international application by virtue of satisfying, in relation to that Contracting Party, at least one of the conditions

specified in Article 3; where there are two or more Contracting Parties from which the applicant may, under Article 3, derive its entitlement to file an international application, “applicant’s Contracting Party” means the one which, among those Contracting Parties, is indicated as such in the international application;

(xv) “territory of a Contracting Party” means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an intergovernmental organization, the territory in which the constituent treaty of that intergovernmental organization applies; 19

(xvi) “Office” means the agency entrusted by a Contracting Party with the grant of protection for industrial designs with effect in the territory of that Contracting Party; 20

(xvii) “Examining Office” means an Office which ex officio examines applications filed with it for the protection of industrial designs at least to determine whether the industrial designs satisfy the condition of novelty; 21

(xviii) “designation” means a request that an international registration have effect in a Contracting Party; it also means the recording, in the International Register, of that request; 22

(xix) “designated Contracting Party” and “designated Office” means the Contracting Party and the Office of the Contracting Party, respectively, to which a designation applies; 23

(xx) “1934 Act” means the Act signed at London on 2 June 1934, of the Hague Agreement; 24

(xxi) “1960 Act” means the Act signed at The Hague on 28 November 1960, of the Hague Agreement; 25

(xxii) “1961 Additional Act” means the Act signed at Monaco on 18 November 1961, additional to the 1934 Act; 26

(xxiii) “Complementary Act of 1967” means the Complementary Act signed at Stockholm on 14 July 1967, as amended, of the Hague Agreement; 27

(xxiv) “Union” means the Hague Union established by the Hague Agreement of 6 November 1925, and maintained by the 1934 and 1960 Acts, the 1961 Additional Act, the Complementary Act of 1967 and this Act; 28

(xxv) “Assembly” means the Assembly referred to in Article 21(1)(a) or any body replacing that Assembly; 29

(xxvi) “Organization” means the World Intellectual Property Organization; 30

(xxvii) “Director General” means the Director General of the Organization; 31

(xxviii) “International Bureau” means the International Bureau of the Organization; 32

(xxix) “instrument of ratification” shall be construed as including instruments of acceptance or approval. 33

Article 2 - Applicability of other protection accorded by laws of Contracting Parties and by certain international treaties 34

(1) [Laws of Contracting Parties and certain international treaties] 35

The provisions of this Act shall not affect the application of any greater protection which may be accorded by the law of a Contracting Party, nor shall they affect in any way the protection accorded to works of art and works of applied art by international copyright treaties and conventions, or the protection accorded to industrial designs under the Agreement on Trade-Related Aspects of Intellectual Property Rights annexed to the Agreement establishing the World Trade Organization. 36

(2) [Obligation to comply with the Paris Convention] 37

Each Contracting Party shall comply with the provisions of the Paris Convention which concern industrial designs. 38

Chapter I - International Application and International Registration 39

Article 3 - Entitlement to file an international application 40

Any person that is a national of a State that is a Contracting Party or of a State member of an intergovernmental organization that is a Contracting Party, or that has a domicile, a habitual residence or a real and effective industrial or commercial establishment in the territory of a Contracting Party, shall be entitled to file an international application. 41

Article 4 - Procedure for filing the international application 42

(1) [Direct or indirect filing] 43

(a) The international application may be filed, at the option of the applicant, either directly with the International Bureau or through the Office of the applicant's Contracting Party. 44

(b) Notwithstanding subparagraph (a), any Contracting Party may, in a declaration, notify the Director General that international applications may not be filed through its Office. 45

(2) [Transmittal fee in case of indirect filing] 46

The Office of any Contracting Party may require that the applicant pay a transmittal fee to it, for its own benefit, in respect of any international application filed through it. 47

Article 5 - Contents of the international application

(1) [Mandatory contents of the international application]

The international application shall be in the prescribed language or one of the prescribed languages and shall contain or be accompanied by (i) a request for international registration under this Act;

(ii) the prescribed data concerning the applicant;

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

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

(v) an indication of the designated Contracting Parties;

(vi) the prescribed fees;

(vii) any other prescribed particulars.

(2) [Additional mandatory contents of the international application]

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

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

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

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

(iii) a claim.

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

(3) [Other possible contents of the international application]

The international application may contain or be accompanied by such other elements as

are specified in the Regulations.

(4) [Several industrial designs in the same international application]

Subject to such conditions as may be prescribed, an international application may include two or more industrial designs.

(5) [Request for deferred publication]

The international application may contain a request for deferment of publication.

Article 6 - Priority

(1) [Claiming of priority]

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

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

(2) [International application serving as a basis for claiming priority]

The international application shall, as from its filing date and whatever may be its subsequent fate, be equivalent to a regular filing within the meaning of Article 4 of the Paris Convention.

Article 7 - Designation fees

(1) [Prescribed designation fee]

The prescribed fees shall include, subject to paragraph (2), a designation fee for each designated Contracting Party.

(2) [Individual designation fee]

Any Contracting Party whose Office is an Examining Office and any Contracting Party that is an intergovernmental organization may, in a declaration, notify the Director General that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such an international application, the prescribed designation fee referred to in paragraph (1) shall be replaced by an individual designation fee, whose amount shall be indicated in the declaration and can be changed in further declarations. The said amount may be fixed by the said Contracting Party for the initial term of protection and for each term of renewal or for the maximum period of protection allowed by the Contracting Party concerned. However, it may not be

higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

(3) [Transfer of designation fees]

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

Article 8 - Correction of irregularities

(1) [Examination of the international application]

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

(2) [Irregularities not corrected]

(a) If the applicant does not comply with the invitation within the prescribed time limit, the international application shall, subject to subparagraph (b), be considered abandoned.

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

Article 9 - Filing date of the international application

(1) [International application filed directly]

Where the international application is filed directly with the International Bureau, the filing date shall, subject to paragraph (3), be the date on which the International Bureau receives the international application.

(2) [International application filed indirectly]

Where the international application is filed through the Office of the applicant's Contracting Party, the filing date shall be determined as prescribed.

(3) [International application with certain irregularities]

Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement

of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau.

Article 10 - International registration, date of the international registration, publication and confidential copies of the international registration¹ 96

(1) [International registration] 97

The International Bureau shall register each industrial design that is the subject of an international application immediately upon receipt by it of the international application or, where corrections are invited under Article 8, immediately upon receipt of the required corrections. The registration shall be effected whether or not publication is deferred under Article 11. 98

(2) [Date of the international registration] 99

(a) Subject to subparagraph (b), the date of the international registration shall be the filing date of the international application. 100

(b) Where the international application has, on the date on which it is received by the International Bureau, an irregularity which relates to Article 5(2), the date of the international registration shall be the date on which the correction of such irregularity is received by the International Bureau or the filing date of the international application, whichever is the later. 101

(3) [Publication] 102

(a) The international registration shall be published by the International Bureau. Such publication shall be deemed in all Contracting Parties to be sufficient publicity, and no other publicity may be required of the holder. 103

(b) The International Bureau shall send a copy of the publication of the international registration to each designated Office. 104

(4) [Maintenance of confidentiality before publication] 105

Subject to paragraph (5) and Article 11(4)(b), the International Bureau shall keep in confidence each international application and each international registration until publication. 106

(5) [Confidential copies] 107

(a) The International Bureau shall, immediately after registration has been effected, send a copy of the international registration, along with any relevant statement, document or 108

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

specimen accompanying the international application, to each Office that has notified the International Bureau that it wishes to receive such a copy and has been designated in the international application.

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

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Article 11 - Deferment of publication

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(1) [Provisions of laws of Contracting Parties concerning deferment of publication]

111

(a) Where the law of a Contracting Party provides for the deferment of the publication of an industrial design for a period which is less than the prescribed period, that Contracting Party shall, in a declaration, notify the Director General of the allowable period of deferment.

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

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(2) [Deferment of publication]

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Where the international application contains a request for deferment of publication, the publication shall take place, (i) where none of the Contracting Parties designated in the international application has made a declaration under paragraph (1), at the expiry of the prescribed period or,

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

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(3) [Treatment of requests for deferment where deferment is not possible under applicable law]

117

Where deferment of publication has been requested and any of the Contracting Parties

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designated in the international application has made a declaration under paragraph (1)(b) that deferment of publication is not possible under its law,

(i) subject to item (ii), the International Bureau shall notify the applicant accordingly; if, within the prescribed period, the applicant does not, by notice in writing to the International Bureau, withdraw the designation of the said Contracting Party, the International Bureau shall disregard the request for deferment of publication; 119

(ii) where, instead of containing reproductions of the industrial design, the international application was accompanied by specimens of the industrial design, the International Bureau shall disregard the designation of the said Contracting Party and shall notify the applicant accordingly. 120

(4) [Request for earlier publication or for special access to the international registration] 121

(a) At any time during the period of deferment applicable under paragraph (2), the holder may request publication of any or all of the industrial designs that are the subject of the international registration, in which case the period of deferment in respect of such industrial design or designs shall be considered to have expired on the date of receipt of such request by the International Bureau. 122

(b) The holder may also, at any time during the period of deferment applicable under paragraph (2), request the International Bureau to provide a third party specified by the holder with an extract from, or to allow such a party access to, any or all of the industrial designs that are the subject of the international registration. 123

(5) [Renunciation and limitation] 124

(a) If, at any time during the period of deferment applicable under paragraph (2), the holder renounces the international registration in respect of all the designated Contracting Parties, the industrial design or designs that are the subject of the international registration shall not be published. 125

(b) If, at any time during the period of deferment applicable under paragraph (2), the holder limits the international registration, in respect of all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration, the other industrial design or designs that are the subject of the international registration shall not be published. 126

(6) [Publication and furnishing of reproductions] 127

(a) At the expiration of any period of deferment applicable under the provisions of this Article, the International Bureau shall, subject to the payment of the prescribed fees, publish the international registration. If such fees are not paid as prescribed, the international registration shall be cancelled and publication shall not take place. 128

(b) Where the international application was accompanied by one or more specimens of the industrial design in accordance with Article 5(1)(iii), the holder shall submit the prescribed 129

number of copies of a reproduction of each industrial design that is the subject of that application to the International Bureau within the prescribed time limit. To the extent that the holder does not do so, the international registration shall be cancelled and publication shall not take place.

Article 12 - Refusal

(1) [Right to refuse]

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

(2) [Notification of refusal]

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

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

(3) [Transmission of notification of refusal; Remedies]

(a) The International Bureau shall, without delay, transmit a copy of the notification of refusal to the holder.

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

(4)² [Withdrawal of refusal]

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

Any refusal may be withdrawn, in part or in whole, at any time by the Office that communicated it. 140

Article 13 - Special requirements concerning unity of design 141

(1) [Notification of special requirements] 142

Any Contracting Party whose law, at the time it becomes party to this Act, requires that designs that are the subject of the same application conform to a requirement of unity of design, unity of production or unity of use, or belong to the same set or composition of items, or that only one independent and distinct design may be claimed in a single application, may, in a declaration, notify the Director General accordingly. However, no such declaration shall affect the right of an applicant to include two or more industrial designs in an international application in accordance with Article 5(4), even if the application designates the Contracting Party that has made the declaration. 143

(2) [Effect of declaration] 144

Any such declaration shall enable the Office of the Contracting Party that has made it to refuse the effects of the international registration pursuant to Article 12(1) pending compliance with the requirement notified by that Contracting Party. 145

(3) [Further fees payable on division of registration] 146

Where, following a notification of refusal in accordance with paragraph (2), an international registration is divided before the Office concerned in order to overcome a ground of refusal stated in the notification, that Office shall be entitled to charge a fee in respect of each additional international application that would have been necessary in order to avoid that ground of refusal. 147

Article 14 - Effects of the international registration 148

(1) [Effect as application under applicable law] 149

The international registration shall, from the date of the international registration, have at least the same effect in each designated Contracting Party as a regularly-filed application for the grant of protection of the industrial design under the law of that Contracting Party. 150

(2) [Effect as grant of protection under applicable law] 151

(a) In each designated Contracting Party the Office of which has not communicated a refusal in accordance with Article 12, the international registration shall have the same effect as a grant of protection for the industrial design under the law of that Contracting Party at the latest from the date of expiration of the period allowed for it to communicate 152

a refusal or, where a Contracting Party has made a corresponding declaration under the Regulations, at the latest at the time specified in that declaration.

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

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

(3) [Declaration concerning effect of designation of applicant's Contracting Party]

(a) Any Contracting Party whose Office is an Examining Office may, in a declaration, notify the Director General that, where it is the applicant's Contracting Party, the designation of that Contracting Party in an international registration shall have no effect.

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

Article 15 - Invalidation

(1) [Requirement of opportunity of defense]

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

(2) [Notification of invalidation]

The Office of the Contracting Party in whose territory the effects of the international registration have been invalidated shall, where it is aware of the invalidation, notify it to the International Bureau.

Article 16 - Recording of changes and other matters concerning international registrations

(1) [Recording of changes and other matters]

³See previous footnote

The International Bureau shall, as prescribed, record in the International Register 165

(i) any change in ownership of the international registration, in respect of any or all of the designated Contracting Parties and in respect of any or all of the industrial designs that are the subject of the international registration, provided that the new owner is entitled to file an international application under Article 3, 166

(ii) any change in the name or address of the holder, 167

(iii) the appointment of a representative of the applicant or holder and any other relevant fact concerning such representative, 168

(iv) any renunciation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties, 169

(v) any limitation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration, 170

(vi) any invalidation, by the competent authorities of a designated Contracting Party, of the effects, in the territory of that Contracting Party, of the international registration in respect of any or all of the industrial designs that are the subject of the international registration, 171

(vii) any other relevant fact, identified in the Regulations, concerning the rights in any or all of the industrial designs that are the subject of the international registration. 172

(2) [Effect of recording in International Register] 173

Any recording referred to in items (i), (ii), (iv), (v), (vi) and (vii) of paragraph (1) shall have the same effect as if it had been made in the Register of the Office of each of the Contracting Parties concerned, except that a Contracting Party may, in a declaration, notify the Director General that a recording referred to in item (i) of paragraph (1) shall not have that effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in that declaration. 174

(3) [Fees] 175

Any recording made under paragraph (1) may be subject to the payment of a fee. 176

(4) [Publication] 177

The International Bureau shall publish a notice concerning any recording made under paragraph (1). It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned. 178

Article 17 - Initial term and renewal of the international registration and duration of protection 179

(1) [Initial term of the international registration] 180

The international registration shall be effected for an initial term of five years counted from the date of the international registration. 181

(2) [Renewal of the international registration] 182

The international registration may be renewed for additional terms of five years, in accordance with the prescribed procedure and subject to the payment of the prescribed fees. 183

(3) [Duration of protection in designated Contracting Parties] 184

(a) Provided that the international registration is renewed, and subject to subparagraph (b), the duration of protection shall, in each of the designated Contracting Parties, be 15 years counted from the date of the international registration. 185

(b) Where the law of a designated Contracting Party provides for a duration of protection of more than 15 years for an industrial design for which protection has been granted under that law, the duration of protection shall, provided that the international registration is renewed, be the same as that provided for by the law of that Contracting Party. 186

(c) Each Contracting Party shall, in a declaration, notify the Director General of the maximum duration of protection provided for by its law. 187

(4) [Possibility of limited renewal] 188

The renewal of the international registration may be effected for any or all of the designated Contracting Parties and for any or all of the industrial designs that are the subject of the international registration. 189

(5) [Recording and publication of renewal] 190

The International Bureau shall record renewals in the International Register and publish a notice to that effect. It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned. 191

Article 18 192

Information concerning published international registrations (1) [Access to information] 193

The International Bureau shall supply to any person applying therefor, upon the payment of the prescribed fee, extracts from the International Register, or information concerning the contents of the International Register, in respect of any published international registration. 194

(2) [Exemption from legalization] 195

Extracts from the International Register supplied by the International Bureau shall be exempt from any requirement of legalization in each Contracting Party. 196

Chapter II - Administrative Provisions

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Article 19 - Common Office of several States

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(1) [Notification of common Office]

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If several States intending to become party to this Act have effected, or if several States party to this Act agree to effect, the unification of their domestic legislation on industrial designs, they may notify the Director General

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

201

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

202

(2) [Time at which notification is to be made]

203

The notification referred to in paragraph (1) shall be made,

204

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

205

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

206

(3) [Date of entry into effect of the notification]

207

The notification referred to in paragraphs (1) and (2) shall take effect,

208

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

209

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

210

Article 20 - Membership of the Hague Union

211

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

212

Article 21 - Assembly

213

(1) [Composition]

214

(a) The Contracting Parties shall be members of the same Assembly as the States bound

215

by Article 2 of the Complementary Act of 1967.

(b) Each member of the Assembly shall be represented in the Assembly by one delegate, who may be assisted by alternate delegates, advisors and experts, and each delegate may represent only one Contracting Party. 216

(c) Members of the Union that are not members of the Assembly shall be admitted to the meetings of the Assembly as observers. 217

(2) [Tasks] 218

(a) The Assembly shall 219

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Act; 220

(ii) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Act or the Complementary Act of 1967; 221

(iii) give directions to the Director General concerning the preparations for conferences of revision and decide the convocation of any such conference; 222

(iv) amend the Regulations; 223

(v) review and approve the reports and activities of the Director General concerning the Union, and give the Director General all necessary instructions concerning matters within the competence of the Union; 224

(vi) determine the program and adopt the biennial budget of the Union, and approve its final accounts; 225

(vii) adopt the financial regulations of the Union; 226

(viii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union; 227

(ix) subject to paragraph (1)(c), determine which States, intergovernmental organizations and non-governmental organizations shall be admitted to its meetings as observers; 228

(x) take any other appropriate action to further the objectives of the Union and perform any other functions as are appropriate under this Act. 229

(b) With respect to matters which are also of interest to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization. 230

(3) [Quorum] 231

(a) One-half of the members of the Assembly which are States and have the right to vote on a given matter shall constitute a quorum for the purposes of the vote on that matter. 232

(b) Notwithstanding the provisions of subparagraph (a), if, in any session, the number of the 233

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

(4) [Taking decisions in the Assembly]

234

(a) The Assembly shall endeavor to take its decisions by consensus.

235

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

236

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

237

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

238

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

239

(5) [Majorities]

240

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

241

(b) Abstentions shall not be considered as votes.

242

(6) [Sessions]

243

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

244

(b) The Assembly shall meet in extraordinary session upon convocation by the Director

245

General, either at the request of one-fourth of the members of the Assembly or on the Director General's own initiative.

(c) The agenda of each session shall be prepared by the Director General. 246

(7) [Rules of procedure] 247

The Assembly shall adopt its own rules of procedure. 248

Article 22 - International Bureau 249

(1) [Administrative tasks] 250

(a) International registration and related duties, as well as all other administrative tasks concerning the Union, shall be performed by the International Bureau. 251

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly and of such committees of experts and working groups as may be established by the Assembly. 252

(2) [Director General] 253

The Director General shall be the chief executive of the Union and shall represent the Union. 254

(3) [Meetings other than sessions of the Assembly] 255

The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union. 256

(4) [Role of the International Bureau in the Assembly and other meetings] 257

(a) The Director General and persons designated by the Director General shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meetings convened by the Director General under the aegis of the Union. 258

(b) The Director General or a staff member designated by the Director General shall be ex officio secretary of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a). 259

(5) [Conferences] 260

(a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for any revision conferences. (b) The International Bureau may consult with intergovernmental organizations and international and national non-governmental organizations concerning the said preparations. 261

(c) The Director General and persons designated by the Director General shall take part, without the right to vote, in the discussions at revision conferences. 262

(6) [Other tasks] 263

The International Bureau shall carry out any other tasks assigned to it in relation to this Act. 264

Article 23 - Finances 265

(1) [Budget] 266

(a) The Union shall have a budget. 267

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization. 268

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered to be expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them. 269

(2) [Coordination with budgets of other Unions] 270

The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization. 271

(3) [Sources of financing of the budget] 272

The budget of the Union shall be financed from the following sources: 273

(i) fees relating to international registrations; 274

(ii) charges due for other services rendered by the International Bureau in relation to the Union; 275

(iii) sale of, or royalties on, the publications of the International Bureau concerning the Union; 276

(iv) gifts, bequests and subventions; 277

(v) rents, interests and other miscellaneous income. 278

(4) [Fixing of fees and charges; Level of the budget] 279

(a) The amounts of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General. Charges referred to in paragraph 3(ii) shall be established by the Director General and shall be provisionally applied subject to approval by the Assembly at its next session. 280

(b) The amounts of the fees referred to in paragraph (3)(i) shall be so fixed that the revenues 281

of the Union from fees and other sources shall be at least sufficient to cover all the expenses of the International Bureau concerning the Union.

(c) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations. 282

(5) [Working capital fund] 283

The Union shall have a working capital fund which shall be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each member of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it. The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General. 284

(6) [Advances by host State] 285

(a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. 286

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified. 287

(7) [Auditing of accounts] 288

The auditing of the accounts shall be effected by one or more of the States members of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly. 289

Article 24 - Regulations 290

(1) [Subject matter] 291

The Regulations shall govern the details of the implementation of this Act. They shall, in particular, include provisions concerning 292

(i) matters which this Act expressly provides are to be prescribed; 293

(ii) further details concerning, or any details useful in the implementation of, the provisions of this Act; 294

(iii) any administrative requirements, matters or procedures. 295

(2) [Amendment of certain provisions of the Regulations] 296

(a) The Regulations may specify that certain provisions of the Regulations may be amended only by unanimity or only by a four-fifths majority. 297

(b) In order for the requirement of unanimity or a four-fifths majority no longer to apply in the future to the amendment of a provision of the Regulations, unanimity shall be required. 298

(c) In order for the requirement of unanimity or a four-fifths majority to apply in the future to the amendment of a provision of the Regulations, a four-fifths majority shall be required. 299

(3) [Conflict between this Act and the Regulations] 300

In the case of conflict between the provisions of this Act and those of the Regulations, the former shall prevail. 301

Chapter III - Revision and Amendment 302

Article 25 - Revision of this Act 303

(1) [Revision conferences] 304

This Act may be revised by a conference of the Contracting Parties. 305

(2) [Revision or amendment of certain Articles] 306

Articles 21, 22, 23 and 26 may be amended either by a revision conference or by the Assembly according to the provisions of Article 26. 307

Article 26 - Amendment of certain Articles by the Assembly 308

(1) [Proposals for amendment] 309

(a) Proposals for the amendment by the Assembly of Articles 21, 22, 23 and this Article may be initiated by any Contracting Party or by the Director General. 310

(b) Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly. 311

(2) [Majorities] 312

Adoption of any amendment to the Articles referred to in paragraph (1) shall require a three-fourths majority, except that adoption of any amendment to Article 21 or to the present paragraph shall require a four-fifths majority. 313

(3) [Entry into force] 314

(a) Except where subparagraph (b) applies, any amendment to the Articles referred to in 315

paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of those Contracting Parties which, at the time the amendment was adopted, were members of the Assembly and had the right to vote on that amendment.

(b) Any amendment to Article 21(3) or (4) or to this subparagraph shall not enter into force if, within six months of its adoption by the Assembly, any Contracting Party notifies the Director General that it does not accept such amendment. 316

(c) Any amendment which enters into force in accordance with the provisions of this paragraph shall bind all the States and intergovernmental organizations which are Contracting Parties at the time the amendment enters into force, or which become Contracting Parties at a subsequent date. 317

Chapter IV - Final Provisions 318

Article 27 - Becoming party to this Act 319

(1) [Eligibility] 320

Subject to paragraphs (2) and (3) and Article 28, 321

(i) any State member of the Organization may sign and become party to this Act; 322

(ii) any intergovernmental organization which maintains an Office in which protection of industrial designs may be obtained with effect in the territory in which the constituting treaty of the intergovernmental organization applies may sign and become party to this Act, provided that at least one of the member States of the intergovernmental organization is a member of the Organization and provided that such Office is not the subject of a notification under Article 19. 323

(2) [Ratification or accession] 324

Any State or intergovernmental organization referred to in paragraph (1) may deposit 325

(i) an instrument of ratification if it has signed this Act, or 326

(ii) an instrument of accession if it has not signed this Act. 327

(3) [Effective date of deposit] 328

(a) Subject to subparagraphs (b) to (d), the effective date of the deposit of an instrument of ratification or accession shall be the date on which that instrument is deposited. 329

(b) The effective date of the deposit of the instrument of ratification or accession of any State in respect of which protection of industrial designs may be obtained only through 330

the Office maintained by an intergovernmental organization of which that State is a member shall be the date on which the instrument of that intergovernmental organization is deposited if that date is later than the date on which the instrument of the said State has been deposited.

(c) The effective date of the deposit of any instrument of ratification or accession containing or accompanied by the notification referred to in Article 19 shall be the date on which the last of the instruments of the States members of the group of States having made the said notification is deposited. 331

(d) Any instrument of ratification or accession of a State may contain or be accompanied by a declaration making it a condition to its being considered as deposited that the instrument of one other State or one intergovernmental organization, or the instruments of two other States, or the instruments of one other State and one intergovernmental organization, specified by name and eligible to become party to this Act, is or are also deposited. The instrument containing or accompanied by such a declaration shall be considered to have been deposited on the day on which the condition indicated in the declaration is fulfilled. However, when an instrument specified in the declaration itself contains, or is itself accompanied by, a declaration of the said kind, that instrument shall be considered as deposited on the day on which the condition specified in the latter declaration is fulfilled. 332

(e) Any declaration made under paragraph (d) may be withdrawn, in its entirety or in part, at any time. Any such withdrawal shall become effective on the date on which the notification of withdrawal is received by the Director General. 333

Article 28 - Effective date of ratifications and accessions 334

(1) [Instruments to be taken into consideration] 335

For the purposes of this Article, only instruments of ratification or accession that are deposited by States or intergovernmental organizations referred to in Article 27(1) and that have an effective date according to Article 27(3) shall be taken into consideration. 336

(2) [Entry into force of this Act] 337

This Act shall enter into force three months after six States have deposited their instruments of ratification or accession, provided that, according to the most recent annual statistics collected by the International Bureau, at least three of those States fulfill at least one of the following conditions: 338

(i) at least 3,000 applications for the protection of industrial designs have been filed in or for the State concerned, or 339

(ii) at least 1,000 applications for the protection of industrial designs have been filed in or for the State concerned by residents of States other than that State. 340

(3) [Entry into force of ratifications and accessions] 341

(a) Any State or intergovernmental organization that has deposited its instrument of ratification or accession three months or more before the date of entry into force of this Act shall become bound by this Act on the date of entry into force of this Act. 342

(b) Any other State or intergovernmental organization shall become bound by this Act three months after the date on which it has deposited its instrument of ratification or accession or at any later date indicated in that instrument. 343

Article 29 - Prohibition of reservations 344

No reservations to this Act are permitted. 345

Article 30 - Declarations made by Contracting Parties 346

(1) [Time at which declarations may be made] 347

Any declaration under Articles 4(1)(b), 5(2)(a), 7(2), 11(1), 13(1), 14(3), 16(2) or 17(3)(c) may be made 348

(i) at the time of the deposit of an instrument referred to in Article 27(2), in which case it shall become effective on the date on which the State or intergovernmental organization having made the declaration becomes bound by this Act, or 349

(ii) after the deposit of an instrument referred to in Article 27(2), in which case it shall become effective three months after the date of its receipt by the Director General or at any later date indicated in the declaration but shall apply only in respect of any international registration whose date of international registration is the same as, or is later than, the effective date of the declaration. 350

(2) [Declarations by States having a common Office] 351

Notwithstanding paragraph (1), any declaration referred to in that paragraph that has been made by a State which has, with another State or other States, notified the Director General under Article 19(1) of the substitution of a common Office for their national Offices shall become effective only if that other State or those other States makes or make a corresponding declaration or corresponding declarations. 352

(3) [Withdrawal of declarations] 353

Any declaration referred to in paragraph (1) 354

may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the date on which the Director General has received the notification or at any later date indicated in the notification. In the case of a 355

declaration made under Article 7(2), the withdrawal shall not affect international applications filed prior to the coming into effect of the said withdrawal.

Article 31 - Applicability of the 1934 and 1960 Acts

(1) [Relations between States party to both this Act and the 1934 or 1960 Acts]

This Act alone shall be applicable as regards the mutual relations of States party to both this Act and the 1934 Act or the 1960 Act. However, such States shall, in their mutual relations, apply the 1934 Act or the 1960 Act, as the case may be, to industrial designs deposited at the International Bureau prior to the date on which this Act becomes applicable as regards their mutual relations.

(2) [Relations between States party to both this Act and the 1934 or 1960 Acts and States party to the 1934 or 1960 Acts without being party to this Act]

(a) Any State that is party to both this Act and the 1934 Act shall continue to apply the 1934 Act in its relations with States that are party to the 1934 Act without being party to the 1960 Act or this Act.

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

Article 32 - Denunciation of this Act

(1) [Notification]

Any Contracting Party may denounce this Act by notification addressed to the Director General.

(2) [Effective date]

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

Article 33 - Languages of this Act; Signature

(1) [Original texts; Official texts]

(a) This Act shall be signed in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic. (b) Official texts shall

be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) [Time limit for signature]

This Act shall remain open for signature at the headquarters of the Organization for one year after its adoption.

Article 34 - Depositary

The Director General shall be the depositary of this Act.

[Signatures not reproduced here.]

Regulations Under the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs

Chapter 1 - General Provisions

Rule 1 - Definitions

(1) [References to the Act]

(a) For the purposes of these Regulations, “the Act” means the Act of the Hague Agreement concerning the International Registration of Industrial Designs adopted at Geneva on 2 July 1999.

(b) In these Regulations, the word “Article” refers to the specified Article of the Act.

(2) [Abbreviated expressions]

For the purposes of these Regulations,

(i) an expression which is referred to in Article 1 has the same meaning as in the Act;

(ii) “Administrative Instructions” means the Administrative Instructions referred to in Rule 31;

(iii) “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;

(iv) “official form” means a form established by the International Bureau or any form having the same contents and format;

(v) “International Classification” means the Classification established under the Locarno Agreement establishing an International Classification for Industrial Designs; 387

(vi) “prescribed fee” means the applicable fee set out in the Schedule of Fees; 388

(vii) “Bulletin” means the periodical bulletin in which the International Bureau effects the publications provided for in the Act or these Regulations, whatever the medium used. 389

Rule 2 - Communication with the International Bureau 390

Communications addressed to the International Bureau shall be effected as specified in the Administrative Instructions. 391

Rule 3 - Representation before the International Bureau 392

(1) [Representative; Number of representatives] 393

(a) The applicant or the holder may have a representative before the International Bureau. 394

(b) Only one representative may be appointed in respect of a given international application or international registration. Where the appointment indicates several representatives, only the one indicated first shall be considered to be a representative and be recorded as such. 395

(c) Where a partnership or firm composed of attorneys or patent or trademark agents has been indicated as representative to the International Bureau, it shall be regarded as one representative. 396

(2) [Appointment of the representative] 397

(a) The appointment of a representative may be made in the international application, provided that the application is signed by the applicant. 398

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder. 399

(c) Where the International Bureau considers that the appointment of a representative is irregular, it shall notify accordingly the applicant or holder and the purported representative. 400

(3) [Recording and notification of appointment of a representative; Effective date of appointment] 401

(a) Where the International Bureau finds that the appointment of a representative complies 402

with the applicable requirements, it shall record the fact that the applicant or holder has a representative, as well as the name and address of the representative, in the International Register. In such a case, the effective date of the appointment shall be the date on which the International Bureau received the international application or separate communication in which the representative is appointed.

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

(4) [Effect of appointment of a representative]

(a) Except where these Regulations expressly provide otherwise, the signature of a representative recorded under paragraph (3)(a) shall replace the signature of the applicant or holder.

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

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

(5) [Cancellation of recording; Effective date of cancellation]

(a) Any recording under paragraph (3)(a) shall be cancelled where cancellation is requested in a communication signed by the applicant, holder or representative. The recording shall be cancelled ex officio by the International Bureau where a new representative is appointed or where a change in ownership is recorded and no representative is appointed by the new holder of the international registration.

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

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

Rule 4 - Calculation of time limits

(1) [Periods expressed in years]

Any period expressed in years shall expire, in the relevant subsequent year, in the month having the same name and on the day having the same number as the month and the day of the event from which the period starts to run, except that, where the event occurred on

February 29 and in the relevant subsequent year February ends on the 28th, the period shall expire on February 28.

(2) [Periods expressed in months]

Any period expressed in months shall expire, in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(3) [Periods expressed in days]

The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire accordingly.

(4) [Expiry on a day on which the International Bureau or an Office is not open to the public]

If a period expires on a day on which the International Bureau or the Office concerned is not open to the public, the period shall, notwithstanding paragraphs (1) to (3), expire on the first subsequent day on which the International Bureau or the Office concerned is open to the public.

Rule 5 - Irregularities in postal and delivery services

(1) [Communications sent through a postal service]

Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

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

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

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

(2) [Communications sent through a delivery service]

Failure by an interested party to meet a time limit for a communication addressed to the

International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

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

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

(3) [Limitation on excuse]

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

Rule 6 - Languages

(1) [International application]

The international application shall be in English or French.

(2) [Recording and publication]

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

(3) [Communications]

Any communication concerning an international application or the international registration resulting therefrom shall be

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

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

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

(4) [Translation] 443

The translations needed for the recordings and publications under paragraph (2) shall be made by the International Bureau. The applicant may annex to the international application a proposed translation of any text matter contained in the international application. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau after having invited the applicant to make, within one month from the invitation, observations on the proposed corrections. 444

Chapter 2 - International Applications and International Registrations 445

Rule 7 - Requirements concerning the international application 446

(1) [Form and signature] 447

The international application shall be presented on the official form. The international application shall be signed by the applicant. 448

(2) [Fees] 449

The prescribed fees applicable to the international application shall be paid as provided for in Rules 27 and 28. 450

(3) [Mandatory contents of the international application] 451

The international application shall contain or indicate 452

(i) the name of the applicant, given in accordance with the Administrative Instructions; 453

(ii) the address of the applicant, given in accordance with the Administrative Instructions; 454

(iii) the applicant's Contracting Party; 455

(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; 456

(v) the number of reproductions or specimens of the industrial design accompanying the international application in accordance with Rule 9 or 10; 457

(vi) the designated Contracting Parties; 458

(vii) the amount of the fees being paid and the method of payment, or instructions to debit 459

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 contents of an international application]

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

(b) An element referred to in item (i) or (ii) of Article 5(2)(b) 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).

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

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

(e) 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.

(f) 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.

(g) Where the applicant wishes that publication of the industrial design be deferred in accordance with Article 11, the international application shall contain a request for deferment of publication. (h) The international application may also contain any declaration, statement or other relevant indication as may be specified in the Administrative Instructions.

(i) 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.

(5) [No additional matter]

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If the international application contains any matter other than that required or permitted by the 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.

470

(6) [All products to be in same class]

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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.

472

Rule 8 - Special requirements concerning the applicant

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(1) [Notification of special requirements]

474

(a) Where the law of a Contracting Party 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.

475

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

476

(2) [Identity of the creator and assignment of international application]

477

Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1),

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

479

(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.

480

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 may be included in the same photograph or other graphic representation or 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 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 the international application 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) that it wishes to receive copies of international registrations.

(2) [Specimens]

All the specimens shall be contained in a single package. The specimens may be folded. The maximum dimensions and weight of the package shall be specified in the Administrative Instructions.

Rule 11 - Identity of creator; Description; Claim

(1) [Identity of creator]

Where the international application contains indications concerning the identity of the creator of the industrial design, his name and address shall be given in accordance with the Administrative Instructions.

(2) [Description]

Where the international application contains a description, the latter shall concern those features that appear in the reproductions of the industrial design. 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) 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);

(iii) an individual designation fee in respect of each designated Contracting Party that has made a declaration under Article 7(2); 513

(iv) a publication fee. 514

(b) The amounts of the fees referred to in items (i), (ii) and (iv) are set out in the Schedule of Fees. 515

(2) [When fees to be paid] 516

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). 517

(3) [Individual designation fee payable in two parts] 518

(a) A declaration under Article 7(2) 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. 519

(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. 520

(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. 521

Rule 13 - International application filed through an Office 522

(1) [Date of receipt by Office and transmittal to the International Bureau] Where the international application 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 523

shall notify the applicant of the fact that it has transmitted the international application to the International Bureau.

(2) [Transmittal fee]

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An Office that requires a transmittal fee, as provided for in Article 4(2), 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.

525

(3) [Filing date of international application filed indirectly]

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Subject to Article 9(3), the filing date of an international application filed through an Office shall be

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(i) 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;

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

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(4) [Filing date where applicant's Contracting Party requires a security clearance]

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Notwithstanding paragraph (3), a Contracting Party whose law, at the time that it becomes party to the 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.

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Rule 14 - Examination by the International Bureau

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(1) [Time limit for correcting irregularities]

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The prescribed time limit for correcting irregularities in accordance with Article 8 shall be three months from the date of the invitation sent by the International Bureau.

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(2) [Irregularities entailing a postponement of the filing date of the international application]

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The irregularities which, in accordance with Article 9(3), are prescribed as entailing a postponement of the filing date of the international application are the following:

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

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

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

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

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

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tacted;

(iv) a reproduction, or, in accordance with Article 5(1)(iii), a specimen, of each industrial design that is the subject of the international application; 542

(v) the designation of at least one Contracting Party. 543

(3) [Reimbursement of fees] 544

Where, in accordance with Article 8(2)(a), the international application is considered abandoned, the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to the basic fee. 545

Rule 15 - Registration of the industrial design in the International Register 546

(1) [Registration of the industrial design in the International Register] 547

Where the International Bureau finds that the international application conforms to the applicable requirements, it shall register the industrial design in the International Register and send a certificate to the holder. 548

(2) [Contents of the registration] 549

The international registration shall contain 550

(i) all the data contained in the international application, except any priority claim under Rule 7(4)(e) where the date of the earlier filing is more than six months before the filing date of the international application; 551

(ii) any reproduction of the industrial design; 552

(iii) the date of the international registration; 553

(iv) the number of the international registration; 554

(v) the relevant class of the International Classification, as determined by the International Bureau. 555

Rule 16 - Deferment of publication 556

(1) [Maximum period of deferment] 557

The prescribed period for the purposes of Article 11(1)(a) and (2)(i) shall be 30 months from the filing date or, where priority is claimed, from the priority date of the application concerned. 558

(2) [Period for withdrawal of designation where deferment is not possible under applicable law] 559

The period referred to in Article 11(3)(i) 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. 560

(3) [Period for paying publication fee and submitting reproductions] 561

The publication fee referred to in Rule 12(1)(a)(iv) shall be paid, and the reproductions referred to in Article 11(6)(b) shall be submitted, before the period of deferment applicable under Article 11(2) expires, or before the period of deferment is considered to have expired in accordance with Article 11(4)(a). 562

(4) [Registration of reproductions] 563

The International Bureau shall record in the International Register any reproduction submitted under Article 11(6)(b). 564

(5) [Requirements not complied with] 565

If the requirements of paragraph (3) are not complied with, the international registration shall be cancelled and shall not be published. 566

Rule 17 - Publication of the international registration 567

(1) [Timing of publication] 568

The international registration shall be published 569

(i) where the applicant so requests, immediately after the registration, 570

(ii) where deferment of publication has been requested and the request has not been disregarded, immediately after the date on which the period of deferment expired or is considered to have expired, 571

(iii) in any other case, six months after the date of the international registration or as soon as possible thereafter. 572

(2) [Contents of publication] 573

The publication of the international registration in the Bulletin, in accordance with Article 10(3), shall contain 574

(i) the data recorded in the International Register; 575

(ii) the reproduction or reproductions of the industrial design; 576

(iii) where publication has been deferred, an indication of the date on which the period of deferment expired or is considered to have expired. 577

Chapter 3 - Refusals and Invalidations

578

Rule 18 - Notification of refusal

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(1) [Period for notification of refusal]

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(a) The prescribed period for the notification of refusal of the effects of an international registration in accordance with Article 12(2) shall be six months from the date on which the International Bureau sends to the Office concerned a copy of the publication of the international registration.

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(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 the period of six months referred to in that subparagraph shall be replaced by a period of 12 months.

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(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) at the latest

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(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

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(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.

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(2) [Notification of refusal]

586

(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.

587

(b) The notification shall contain or indicate

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(i) the Office making the notification,

589

(ii) the number of the international registration,

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

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(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,

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(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, 593

(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 594

(vii) the date on which the refusal was pronounced. 595

(3) [Notification of division of international registration] 596

Where, following a notification of refusal in accordance with Article 13(2), 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. 597

(4)⁴ [Notification of withdrawal of refusal] 598

(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. 599

(b) The notification shall contain or indicate 600

(i) the Office making the notification, 601

(ii) the number of the international registration, 602

(iii) where the withdrawal does not relate to all the industrial designs to which the refusal applied, those to which it relates or does not relate, and 603

(iv) the date on which the refusal was withdrawn. 604

(5) [Recording] 605

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. 606

(6) [Transmittal of copies of notifications] 607

The International Bureau shall transmit copies of notifications received under paragraph (1)(c)(ii), (2) or (4) to the holder. 608

Rule 19 - Irregular refusals

(1) [Notification not regarded as such]

(a) A notification of refusal shall not be regarded as such by the International Bureau and shall not be recorded in the International Register

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

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

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

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

(2) [Irregular notification]

If the notification of refusal

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

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

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

(iv) does not indicate the date on which the refusal was pronounced (Rule 18(2)(b)(vii)), the International Bureau shall nevertheless record the refusal in the International Register and transmit a copy of the notification to the holder. If so requested by the holder, the International Bureau shall invite the Office which communicated the refusal to rectify its notification without delay.

Rule 20 - Invalidation in designated Contracting Parties

(1) [Contents of the notification of invalidation]

Where the effects of an international registration are invalidated in a designated Contracting Party and the invalidation is no longer subject to any review or appeal, the Office of the

⁴See footnote to Article 12(4) of the Geneva Act.

Contracting Party whose competent authority has pronounced the invalidation shall, where it is aware of the invalidation, notify the International Bureau accordingly. The notification shall indicate

- (i) the authority which pronounced the invalidation, 625
- (ii) the fact that the invalidation is no longer subject to appeal, 626
- (iii) the number of the international registration, 627
- (iv) where the invalidation does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate, 628
- (v) the date on which the invalidation was pronounced and its effective date. 629

(2) [Recording of the invalidation] 630

The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation. 631

Chapter 4 - Changes and Corrections 632

Rule 21 - Recording of a change 633

(1) [Presentation of the request] 634

(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: 635

(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; 636

(ii) a change in the name or address of the holder; 637

(iii) a renunciation of the international registration in respect of any or all of the designated Contracting Parties; 638

(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. 639

(b) The request shall be presented by the holder and signed by the holder; 640

however, a request for the recording of a change in ownership may be presented by the new owner, provided that it is 641

(i) signed by the holder, or 642

(ii) signed by the new owner and accompanied by an attestation from the competent authority of the holder's Contracting Party that the new owner appears to be the successor in title of the holder. 643

(2) [Contents of the request] 644

The request for the recording of a change shall, in addition to the requested change, contain or indicate 645

(i) the number of the international registration concerned, 646

(ii) the name of the holder, unless the change relates to the name or address of the representative, 647

(iii) in case of a change in the ownership of the international registration, the name and address, given in accordance with the Administrative Instructions, of the new owner of the international registration, 648

(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, under Article 3, to be the holder of an international registration, 649

(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 650

(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. 651

(3) [Irregular request] 652

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. 653

(4) [Time allowed to remedy irregularity] 654

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. 655

(5) [Recording and notification of a change] 656

(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. 657

(b) The change shall be recorded as of the date of receipt by the International Bureau 658

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.

(6) [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 cancelled 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.

(7) [Recording of merger of international registrations]

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

Rule 22 - Corrections in the International Register

(1) [Correction]

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

(2) [Refusal of effects of correction]

The Office of any designated Contracting Party shall have the right to declare in a notification to the International Bureau that it refuses to recognize the effects of the correction. Article 12 and Rules 18 and 19 shall apply mutatis mutandis.

Chapter 5 - Renewals

Rule 23 - Unofficial notice of expiration

Six months before the expiration of a five-year term, the International Bureau shall send to the holder and the representative, if any, a notice indicating the date of expiration of the

international registration. The fact that the said notice is not received shall not constitute an excuse for failure to comply with any time limit under Rule 24.

Rule 24 - Details concerning renewal

(1) [Fees]

(a) The international registration shall be renewed upon payment of the following fees:

(i) a basic fee;

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

(iii) an individual designation fee for each designated Contracting Party that has made a declaration under Article 7(2) 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. 686

(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] 687

(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. 688

(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. 689

Rule 25 - Recording of the renewal; Certificate 690

(1) [Recording and effective date of the renewal] 691

Renewal shall be recorded in the International Register with the date on which renewal was due, even if the fees required for renewal are paid within the period of grace referred to in Rule 24(1)(c). 692

(2) [Certificate] 693

The International Bureau shall send a certificate of renewal to the holder. 694

Chapter 6 - Bulletin

695

Rule 26 - Bulletin

696

(1) [Information concerning international registrations]

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The International Bureau shall publish in the Bulletin relevant data concerning

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

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

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

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

702

(v) corrections effected under Rule 22;

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

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(vii) international registrations which have not been renewed.

705

(2) [Information concerning declarations; Other information]

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The International Bureau shall publish in the Bulletin any declaration made by a Contracting Party under the 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.

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(3) [Number of copies for Offices of Contracting Parties]

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(a) The International Bureau shall send to the Office of each Contracting Party copies of the Bulletin. Each Office shall be entitled, free of charge, to two copies and, where during a given calendar year the number of designations recorded with respect to the Contracting Party concerned has exceeded 500, in the following year one additional copy and further additional copies for every 500 designations in excess of 500. Each Contracting Party may purchase every year, at half of the subscription price, the same number of copies as that to which it is entitled free of charge.

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(b) If the Bulletin is available in more than one form, each Office may choose the form in which it wishes to receive any copy to which it is entitled.

710

Chapter 7 - Fees

711

Rule 27 - Amounts and payment of fees

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(1) [Amounts of fees]

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The amounts of fees due under the 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. 714

(2) [Payment] 715

(a) Subject to subparagraph (b) and Rule 12(3)(c), the fees shall be paid directly to the International Bureau. 716

(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. 717

(3) [Modes of payment] 718

Fees shall be paid to the International Bureau in accordance with the Administrative Instructions. 719

(4) [Indications accompanying the payment] 720

At the time of the payment of any fee to the International Bureau, an indication must be given, 721

(i) before international registration, of the name of the applicant, the industrial design concerned and the purpose of the payment; 722

(ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment. 723

(5) [Date of payment] 724

(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. 725

(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. 726

(6) [Change in the amount of the fees] 727

(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 728

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. 729

(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. 730

Rule 28 - Currency of payments

(1) [Obligation to use Swiss currency] 731

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. 732

(2) [Establishment of the amount of individual designation fees in Swiss currency] 733

(a) Where a Contracting Party makes a declaration under Article 7(2) 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. 734

(b) Where the fee is indicated in the declaration referred to in subparagraph 735

(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. 736

(c) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin. 737

(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 738

designation fee has been indicated by a Contracting Party is lower by at least 10% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Director General shall establish a new amount of the fee in Swiss currency according to the current official exchange rate of the United Nations. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin.

Rule 29 - Crediting of fees to the accounts of the Contracting Parties concerned

740

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.

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Chapter 8 - Miscellaneous

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Rule 30 - Amendment of certain rules

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(1) [Requirement of unanimity]

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Amendment of the following provisions of these Regulations shall require unanimity:

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(i) Rule 13(4);

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(ii) Rule 18(1).

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(2) [Requirement of four-fifths majority]

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Amendment of the following provisions of the Regulations and of paragraph (3) of the present Rule shall require a four-fifths majority:

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(i) Rule 7(6);

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(ii) Rule 9(3)(b);

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(iii) Rule 16(1);

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(iv) Rule 17(1)(iii).

753

(3) [Procedure]

754

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.

755

Rule 31 - Administrative instructions

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(1) [Establishment of Administrative Instructions; Matters governed by them]

757

(a) The Director General shall establish Administrative Instructions. The Director General may modify them. The Director General shall consult the Offices which have a direct interest in the proposed Administrative Instructions or their proposed modification.

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(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.

759

(2) [Control by the Assembly]

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The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

761

(3) [Publication and effective date]

762

(a) The Administrative Instructions and any modification thereof shall be published in the Bulletin.

763

(b) Each publication shall specify the date on which the published provisions become effective. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Bulletin.

764

(4) [Conflict with the Act or these Regulations]

765

In the case of conflict between any provision of the Administrative Instructions and any provision of the Act or of these Regulations, the latter shall prevail.

766

Rule 32 - Declarations made by Contracting Parties

767

(1) [Making and coming into effect of declarations]

768

Article 30(1) and (2) 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]

769

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.

770

Schedule of Fees - [Not reproduced here.]

771

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