



Promoting Intellectual
Property Rights in the
ASEAN Region

EU and the implementation of the Hague System in the EU and at national level

Stephan HANNE | EUIPO | 02/06/2020



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- **EU and EU Member States in the Hague Union**
- **Procedure at EUIPO**
- **Statistics**
- **Comparison WIPO and EUIPO procedure**

EU and EU Member States in the Hague Union

- EU accession to the 1999 Geneva Act as an intergovernmental organization as of 01/01/2008
- Majority of EU Member States are Hague Union members
- EFTA States (Iceland, Liechtenstein, and Norway) + Switzerland and the United Kingdom are Hague Union members

EU DECLARATIONS

- Int. applications **may not be filed through the EUIPO** (Art. 4(1)(b) of the 1999 Act)
- **Maximum duration** of protection is **25 years** (Article 17(3)(c) of the 1999 Act)

EU DECLARATIONS

- Designation fee shall be replaced by an **individual designation fee** (Article 7(2) of the 1999 Act), the amount of which is subject of a further information notice.
- As per Information Notice No. 9/2011 EUIPO charges:
 - application fee 67 CHF/design
 - renewal fee 34 CHF/design

Procedure at EUIPO

REGISTERED EU DESIGNS - BASICS

- Application
 - Formality examination
 - Compliance with the definition of a design + not contrary to public policy / morality
 - NO assessment of novelty/individual character or other substantive requirements
- Registration
- Invalidity

PROCEDURE AT EUIPO – ACCEPTANCE OF INTERNATIONAL REGISTRATIONS

- Within 6 months (in fact within one week) from publication, **EUIPO** carries out a substantive examination limited to two grounds for refusal (definition of a design; public policy / morality)
- EUIPO sends a **Statement of Acceptance** (by email) where no ground for refusal is found
- EUIPO **does not republish** international designs with EU designation in the Registered Community Designs Bulletin
- No need for the appointment of a **representative** unless a ground for refusal is raised or in case of invalidity action

PROCEDURE AT EUIPO - <https://www.wipo.int/haguebulletin/?locale=en>

International Designs Bulletin

The Bulletin is the official publication of the Hague System. It contains data regarding new international registrations, renewals, and modifications affecting existing international registrations. The search feature below covers entries published in the Bulletin after 2012. For older records, please refer to the Bulletin archives.

Browse by Bulletin

Search by Registration Number

Publication

Year

2020

Bulletin No. - Publication date

21 - 22.05.2020

Recording Type

Registrations (1960 and 1999 Acts)

Query

Registration Number

=

AND

International Registration Date

=

AND

Priority Data

=

AND

Locarno Classification

=

AND

Indication of Products

=

AND

Holder

=

AND

Designated Contracting Parties

=

EM

Search

Shortcuts

- [Help](#)
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- [Download XML Bulletin](#)
- [Notes on Bulletin information](#)
- [Country Codes \(ST.3\)](#) PDF
- [INID Codes \(ST.80\)](#) PDF
- [Locarno classification](#)

PROCEDURE AT EUIPO – Excel sheet

Registrations (1960 and 1999 Acts)

1 - 15 / 86

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⏪

⏩

1 / 6

⏪

⏩

Number	Indication of Products
DM/098 540	1.-3. Typefaces / 1.-3. Polices de caractères / 1.-3. Caracteres tipográficos
DM/101 295	1.-4. Electric window cleaning appliances; 5.-6. Parts of electric window cleaning appliances / 1.-4. Appareils électriques pour le nettoyage de vitres; 5.-6. Parties d'appareils électriques pour le nettoyage de vitres / 1.-4. Dispositivos eléctricos para limpiar ventanas; 5.-6. Partes de dispositivos eléctricos para limpiar ventanas
DM/201 856	1.-2. Toothbrush Head; 3. Toothbrush / 1.-2. Tête de brosse à dents; 3. Brosse à dents / 1.-2. Cabezal para cepillo de dientes; 3. Cepillo de dientes
DM/204 673	1. Dovetail rail mounting bracket for firearm accessories / 1. Patte de montage sur rail en queue d'aronde pour accessoires d'arme à feu / 1. Soporte de montaje de riel en cola de milano para accesorios de armas de fuego
DM/204 675	1.-6. Ornamentation / 1.-6. Ornementation / 1.-6. Motivo ornamental
DM/204 703	1. Decorative element for jewelry / 1. Élément décoratif pour articles de bijouterie / 1. Elemento decorativo para artículos de joyería

PROCEDURE AT EUIPO – Excel sheet

This file was created from the WIPO International Designs Bulletin Web page about the 21/2020 publication							
A	B	C	D	E	F	G	
1	This file was created from the WIPO International Designs Bulletin Web page about the 21/2020 publication						
2							
3	Record #	Registration No	Indication Of Products	Recording Type	Filing Date	Registration Date	Publication Date
4	1	DM/098 540	1.-3. Typefaces / 1.-3. Polices de caractères / 1.-3. Caracteres tipográficos	NEN	16.11.2017	16.11.2017	22.05.2020
5	2	DM/101 295	1.-4. Electric window cleaning appliances; 5.-6. Parts of electric window clean	NEN	16.05.2018	16.05.2018	22.05.2020
6	3	DM/201 856	1.-2. Toothbrush Head; 3. Toothbrush / 1.-2. Tête de brosse à dents; 3. Bro	NEN	22.03.2019	22.03.2019	22.05.2020
7	4	DM/204 673	1. Dovetail rail mounting bracket for firearm accessories / 1. Patte de monta	NEN	22.11.2019	22.11.2019	22.05.2020
8	5	DM/204 675	1.-6. Ornamentation / 1.-6. Ornementation / 1.-6. Motivo ornamental	NEN	20.11.2019	20.11.2019	22.05.2020
9	6	DM/204 703	1. Decorative element for jewelry / 1. Élément décoratif pour articles de bijo	NEN	20.05.2019	20.05.2019	22.05.2020
10	7	DM/204 931	1. Buckle / 1. Boucle / 1. Hebillas	NEN	18.11.2019	18.11.2019	22.05.2020
11	8	DM/204 981	1. Clock dial; 2. Oscillating mass; 3. Clock dial; 4. Oscillating mass / 1. Cac	NEN	22.11.2019	22.11.2019	22.05.2020
12	9	DM/205 113	1.-8. Air conditioner / 1.-8. Climatiseur / 1.-8. Aparato de aire acondicionad	NEN	19.11.2019	19.11.2019	22.05.2020
13	10	DM/205 151	1. Ornamentation / 1. Ornementation / 1. Motivo ornamental	NEN	20.11.2019	20.11.2019	22.05.2020
14	11	DM/205 239	1.-5. Smartphone / 1.-5. Smartphone / 1.-5. Teléfono inteligente	NEN	22.11.2019	22.11.2019	22.05.2020
15	12	DM/205 336	1. Beauty care device; 2. Beauty care device with a base; 3.-4. Beauty care	NEN	07.05.2019	07.05.2019	22.05.2020
16	13	DM/205 350	1. Launching apparatus for spinning top toy; 2.-3. Playing board for spinning	NEN	18.11.2019	18.11.2019	22.05.2020

PROCEDURE AT EUIPO – SUBSTANTIVE EXAMINATION

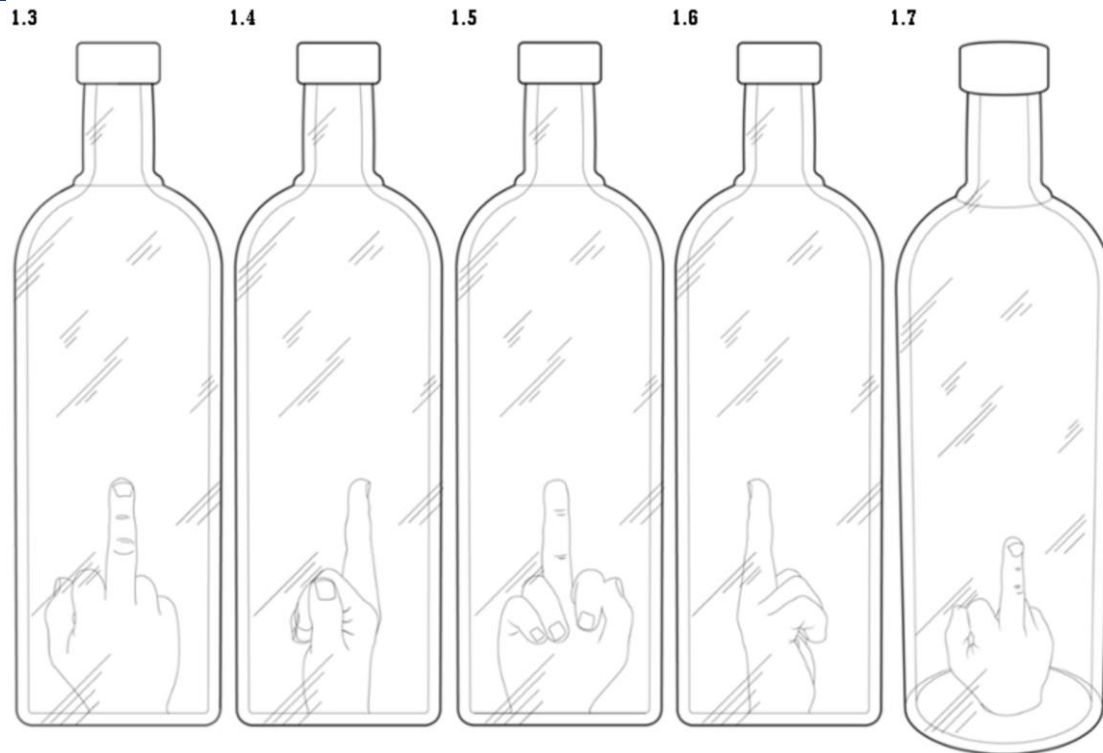
Definition of a design	Public policy or morality
<p>Design: appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, etc.</p> <p>Product: any industrial or handicraft item, including inter alia: get-up, graphical symbol</p>	<p>Public Policy: violence or discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation</p> <p>Public Morality: obscene or offensive from the perspective of a reasonable person of normal sensitivity and tolerance</p>
<p>Not complying: Living organisms; mere words; colours; concepts; etc.</p>	<p>Bad taste is not a ground for refusal.</p>

PROCEDURE AT EUIPO – REFUSAL OF INTERNATIONAL REGISTRATIONS

- Where EUIPO finds a substantive **ground for refusal**, it communicates a reasoned notification of refusal to WIPO which forwards it to the holder of the international registration.
- The holder **may have to appoint a representative** and has to respond to **within 2 months** by submitting observations directly to EUIPO.
- EUIPO may **withdraw the refusal or finally refuse** the international registration and notify WIPO accordingly.

PROCEDURE AT EUIPO – SUBSTANTIVE EXAMINATION

So far only 1
provisional
refusal:



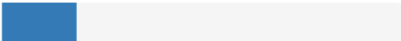
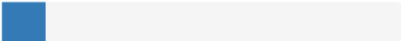
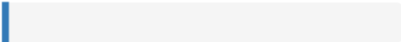

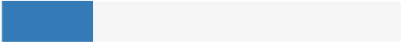

PROCEDURE AT EUIPO - INVALIDITY OF INTERNATIONAL REGISTRATIONS

- EUIPO **notifies** holder/representative directly about the invalidity action.
- Invalidity procedure follows the **same rules** as for registered EU designs.
- Where the EUIPO declares the effects of an international registration for the EU invalid, it must **inform the International Bureau** of its final decision.

Statistics

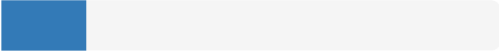

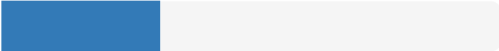

STATISTICS - EU Public consultation for the evaluation of the EU design system

52. In your opinion, to what extent has the accession of the EU (2006) to the international Hague system, which allows EU applicants to obtain design protection in countries which are party to its Geneva Act, proved to be a useful complement to the available venues for obtaining design protection both within and outside the EU?

		Answers	Ratio
Very useful		36	18.37 %
Useful		21	10.71 %
Useless		3	1.53 %
Completely useless		1	0.51 %
No opinion		44	22.45 %
No Answer		91	46.43 %

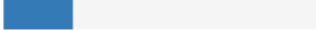
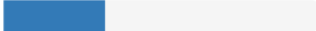
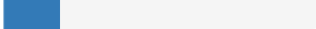
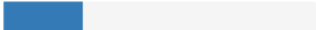
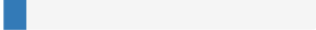
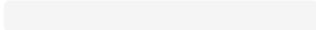
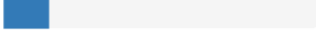

STATISTICS - EU Public consultation for the evaluation of the EU design system

53. In this context, do you consider the accession of Member States to the international Hague system to be necessary to remove major obstacles to the internal market and the establishment of a level playing field?

		Answers	Ratio
Yes		33	16.84 %
No		10	5.1 %
No opinion		62	31.63 %
No Answer		91	46.43 %

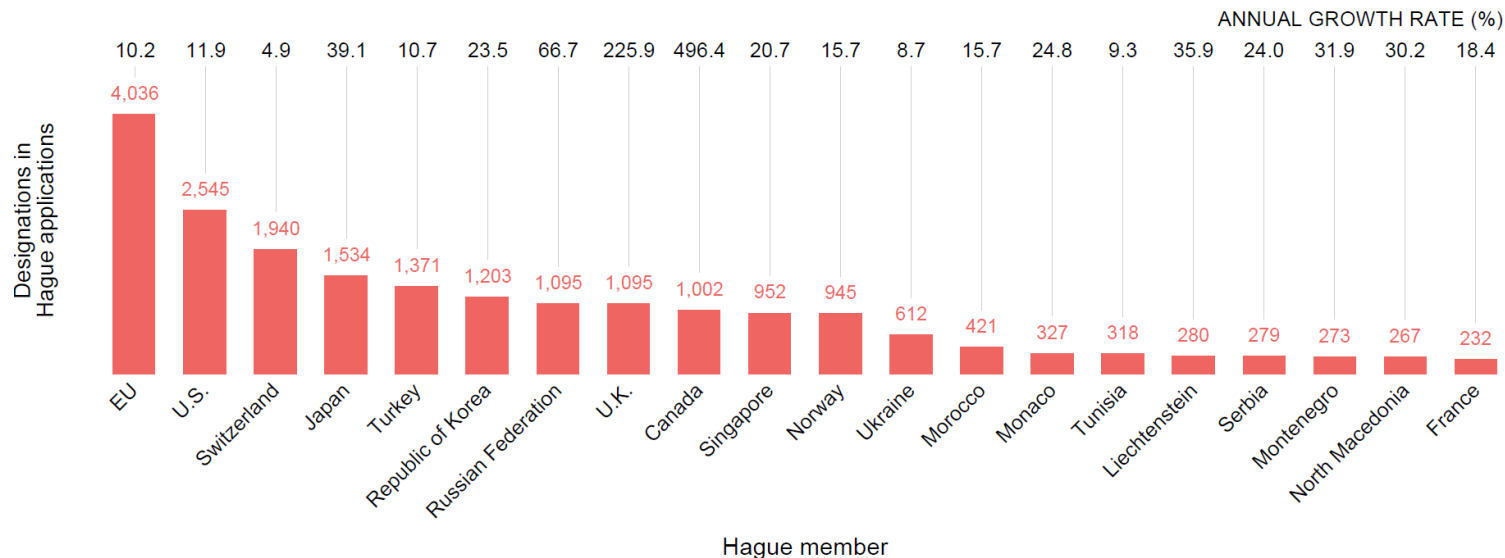
EU Public consultation for the evaluation of the EU design system

55. If you wish to register the same design in the EU and in other countries outside the EU, what are the main difficulties in achieving it?

		Answers	Ratio
Different scope of protection		43	21.94 %
Different requirements for the design representation		63	32.14 %
Different requirements for the product indications		35	17.86 %
Different procedural rules		49	25 %
Other		14	7.14 %
There are no relevant difficulties		0	0 %
I have no experience		28	14.29 %
No Answer		91	46.43 %

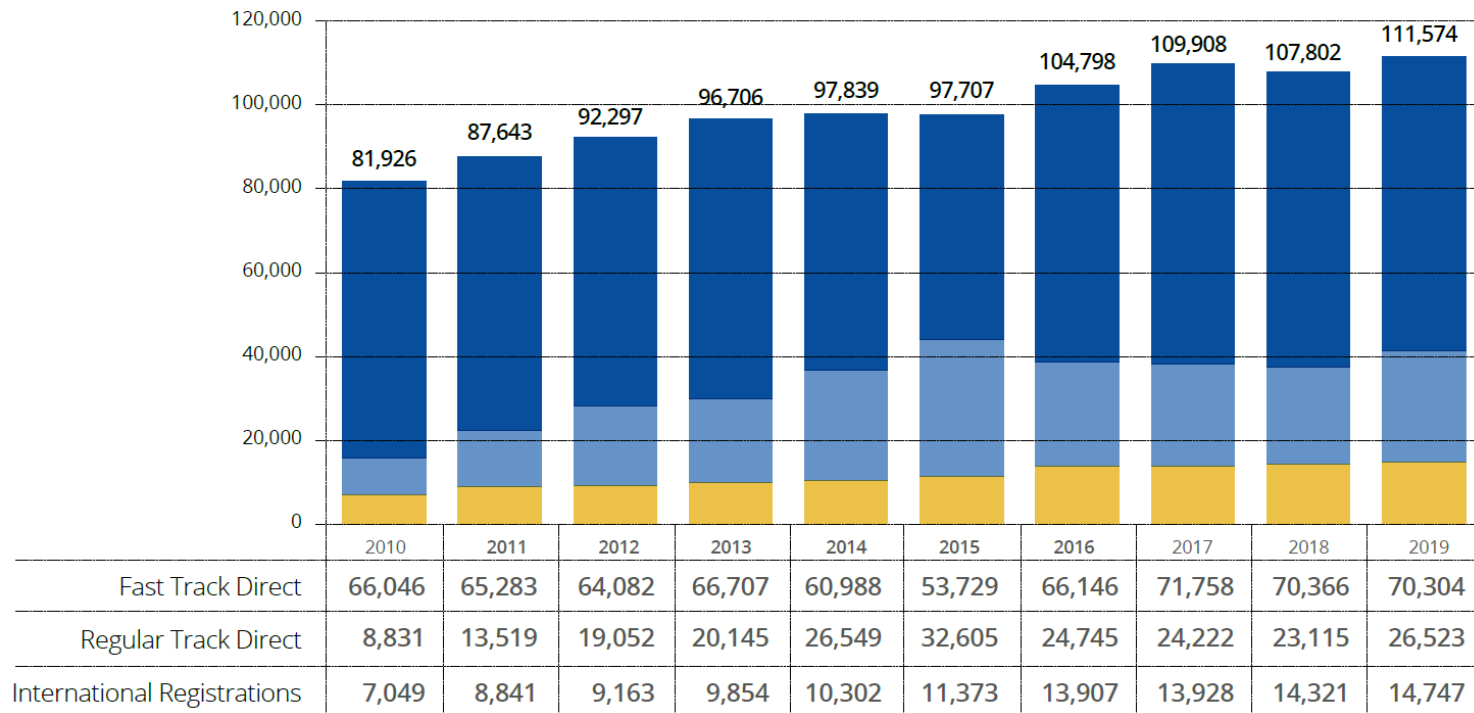
STATISTICS – International Applications - [Hague Yearly Review 2020](#)

A21. Designations in international applications for the top 20 designated Hague members, 2019

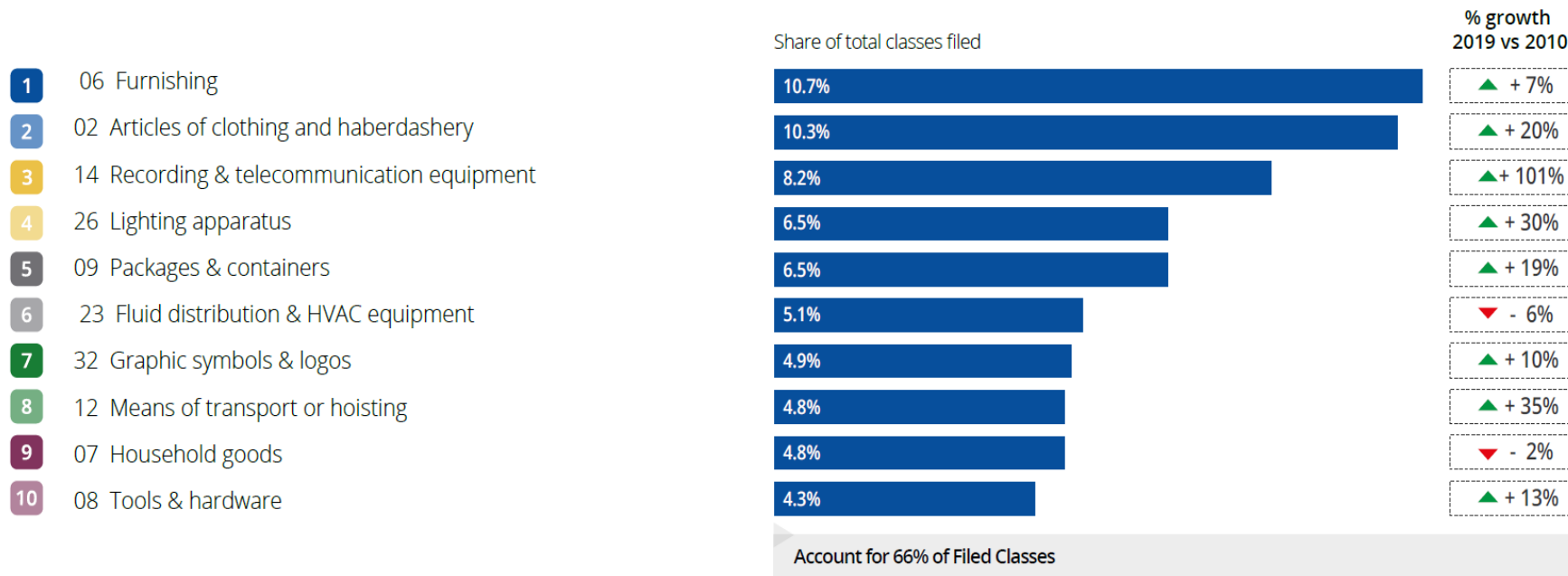


Source: WIPO Statistics Database, March 2020.

STATISTICS – EU design filings



STATISTICS – TOP 10 Classes for EU design

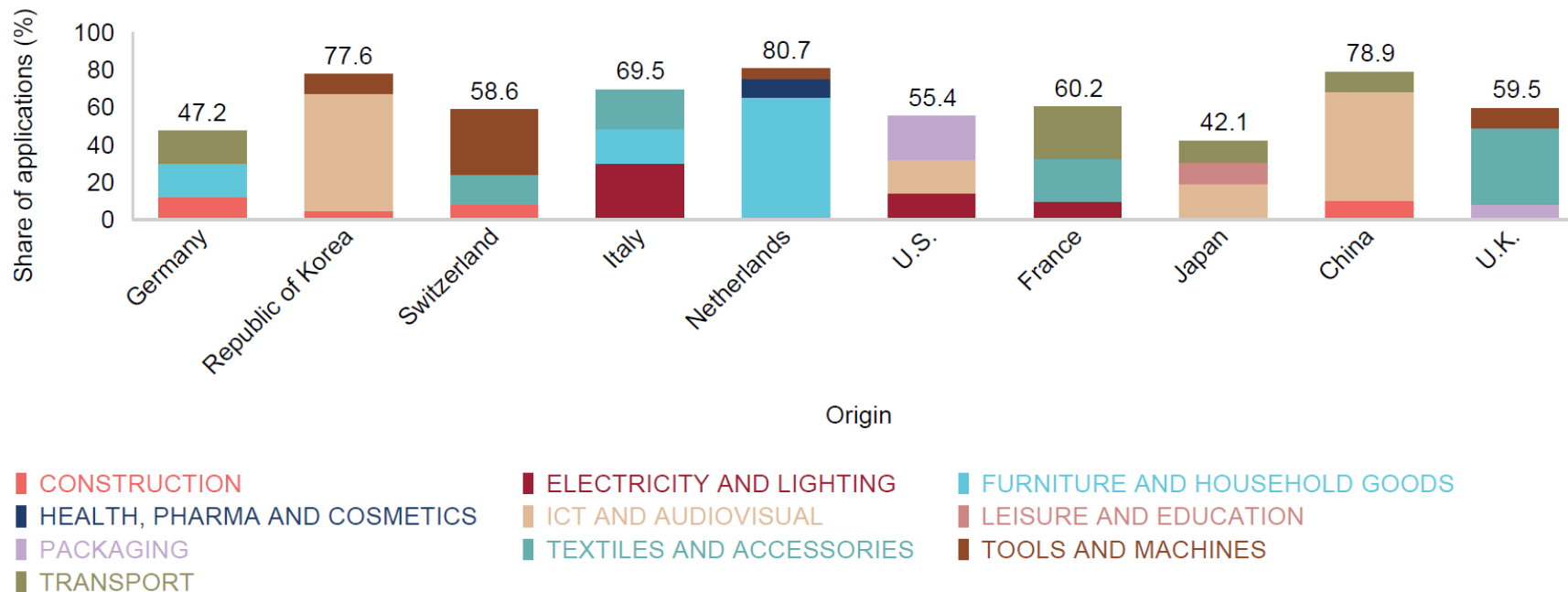


STATISTICS – TOP 10 Classes for International registrations

Class	2016	2017	2018	2019	Growth rate (%): 2018–2019	2019 share of total (%)
Class 14: Recording and communication equipment	2,094	2,038	2,031	2,974	46.4	13.6
Class 6: Furnishing	2,386	2,031	2,352	2,205	–6.3	10.1
Class 12: Means of transport	1,558	1,499	1,662	2,056	23.7	9.4
Class 9: Packages and containers	1,150	1,251	1,206	1,394	15.6	6.4
Class 26: Lighting apparatus	842	1,354	1,196	1,355	13.3	6.2
Class 23: Heating and cooling equipment	1,169	1,280	1,064	1,168	9.8	5.4
Class 32: Graphic symbols and logos	1,020	1,081	867	1,144	31.9	5.2
Class 10: Clocks and watches	1,333	1,375	1,288	996	–22.7	4.6
Class 11: Articles of adornment	1,103	856	867	973	12.2	4.5
Class 2: Clothing	659	1,094	698	943	35.1	4.3

STATISTICS – Class distribution by origin

A30. Distribution of designs contained in applications by the top three sectors for the top 10 origins, 2019



Comparison WIPO and EUIPO procedure

COMPARISON WIPO and EUIPO procedure

WIPO	EUIPO
<p>Users:</p> <p>Be a national of a Contracting Party or a member State of an intergovernmental organization which is a Contracting party, such as the European Union or the African Intellectual Property Organization</p> <p>Have a domicile or habitual residence (<i>only for members of Geneva Act</i>) in the territory of a Contracting Party</p> <p>Have a real and effective industrial or commercial establishment in the territory of a Contracting Party</p>	<p>Users:</p> <p>No restrictions as to nationality, domicile or place of business</p>

COMPARISON WIPO and EUIPO procedure

WIPO	EUIPO
Direct filings to WIPO (e-filing 99.2%)	Direct filing to EUIPO (e-filing 93.27%)
Filings also via National Offices of contracting parties	Filings also via National Offices of EU Member States
Filing languages EN, FR or ES	Filing languages 23 official EU languages
Fees in CHF <ul style="list-style-type: none"> - basic fee (for EU design: CHF 397) - publication fee (for EU design: CHF 17) - individual fee for each designated contracting party (for EU design: CHF 67) 	Fees in EUR <ul style="list-style-type: none"> - registration fee, EUR 230 - publication fee, EUR 120 - deferment fee (if requested), EUR 40 - multiple applications (if requested), discounted registration, publication or deferment fees

COMPARISON WIPO and EUIPO procedure

WIPO	EUIPO
Multiple applications: max 100 designs of the same Locarno Class	Multiple applications: unlimited number of designs of the same Locarno Class
Deferment of publication may be requested for a period that cannot exceed 30 months (under 1999 Act) from the date of filing or the date of priority	Deferment: max 30 months from the date of filing or the date of priority
No prior national application or registration necessary	No prior national application or registration necessary
Duration of initial protection: 5 years Renewable at least once (Hague Act 1960) or twice (Geneva Act 1999) Longer renewal period is possible, if allowed by the law of the designated Contracting Party	Total duration of protection: 25 years (renewable in blocks of 5 years)
Only members of the same Act can be designated in international design applications; self-designation is possible; No subsequent designation is possible	Application for protection in all 27 EU member states



Promoting Intellectual Property Rights in the ASEAN Region

THANK YOU



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