

THE HAGUE SYSTEM BRINGING BELIZEAN DESIGN TO THE WORLD

A practical guide for
Belizean design creators
& entrepreneurs



Funded by the European Union

CARIFORUM



EUIPO

EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE



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CARIFORUM INTELLECTUAL PROPERTY RIGHTS AND INNOVATION - CARIPI

In 2008 the European Union (EU) and the CARIFORUM States signed an Economic Partnership Agreement (EPA), intended to increase competitiveness, economic growth and development, supporting regional integration in the Caribbean and participation in the world trading system. The implementation of the EPA is a priority for both regions.

Innovation and creativity are the core drivers of sustainable economic development, and intellectual property rights (IPR) are the key tools to generate value from intangible assets. A strong enabling environment for intellectual property (IP) creation, protection, administration and enforcement will boost the participation of CARIFORUM countries in the world economy, and stimulate innovation and competitiveness in the private sector.

In this context, the CARIFORUM Intellectual Property Rights and Innovation (CarIPI) project, funded under the 11th European Development Fund, was conceived as one of the programme components aimed at providing 'support to CARIFORUM States in furthering the implementation of their Economic Partnership Agreement commitments and in meaningfully reaping the benefits of the Agreement'.

As an international cooperation project funded by the EU, co-funded and implemented by the European Union Intellectual Property Office (EUIPO), CarIPI aims at contributing to attaining the commitments and expected benefits of the EPA, laying the ground for a sustainable long-term regional framework and cooperation on IP. The project started on 1st November 2019 and will now last until 30th April 2024.

Bringing together stakeholders from the CARIFORUM countries, from the EU, and relevant international organisations, CarIPI's main goals are to:

- support CARIFORUM states' IP offices to offer high-quality, state-of-the-art services to users;

- ensure availability of effective IPR enforcement mechanisms;
- contribute to the development of a sustainable and innovative private sector;
- facilitate business activity between the European Union (EU) and CARIFORUM, and particularly within the CARIFORUM region.

All IP system stakeholders including micro, small and medium-sized enterprises, are invited to visit the CarIPI website where we will be growing our repository of relevant publications, webinars and e-learning materials on all aspects of IPR. You can also follow us on social media or sign up for our newsletter on the website, delivering updates directly to your mailbox once a month.

www.caripi-hub.com



FOREWORD MESSAGE FROM THE EU DELEGATION TO JAMAICA, BELIZE, TURKS AND CAICOS ISLANDS, BAHAMAS AND THE CAYMAN ISLANDS

The European Union (EU) has enjoyed a strong historic, economic and cultural history with the Caribbean region. The EU has continued to give strategic importance to the strengthening of political relations, trade, cooperation, and development; at both regional and country levels with Belize.

In partnership with the Caribbean Forum (CARIFORUM), the EU has provided extensive support to advancing regional integration and trade. This includes strengthening the integration process of the Organisation of Eastern Caribbean States (OECS) and the Caribbean Community (CARICOM), improving intra-CARIFORUM cooperation and by increasing cooperation between CARIFORUM and the wider Caribbean.

Central to this is the support to CARIFORUM member states in furthering the implementation of their Economic Partnership Agreement (EPA) commitments and in meaningfully reaping the benefits of the Agreement, once ratified and implemented. In pursuit of this objective, a EUR 19 million grant under the 11th European Development Fund (EDF) is currently aiding member states in addressing difficult issues to export development; including Technical Barriers to Trade, Sanitary and Phytosanitary Measures, Innovation and Intellectual Property Rights and access to finance. Specifically, the EU is supporting the implementation of the Innovation and Intellectual Property Rights (IPR) Project; which seeks to strengthen the enabling framework for innovation and competitiveness in the private sector. The European Union Intellectual Property Office (EUIPO) is managing the EUR 2.8 million project.

The CARIFORUM Intellectual Property Rights and Innovation (CARIPI) project addresses the disjointed approach to intellectual property (IP) by increasing the awareness of the overall importance of innovation and IP to regional stakeholders, while strengthening the existing network of regional IP institutions to deliver timely, high quality and accessible IPR services to their clients. The project has the specific objective of upgrading and harmonising of systems for IP creation, protection and enforcement in line with the EPA provisions, and to contribute to regional integration.

Thus far, the project has made substantial strides in building the capacity of Intellectual Property Offices in the region, in the examination of trademarks and geographical indications training in IP enforcement targeting customs controllers; digitalisation of IP business processes and databases; and the updating and harmonisation of design law. Additionally, the private sector has accessed a series of webinars on IPR strategies and using IPR as a competitive tool; GI specification and controls, along with modules created to build capacity of firms in using origin linked product marketing.

This booklet is a result of the current work of the CARIPI in its efforts to harmonize regional IP law and work practices. This booklet on the Hague Agreement (designs) for Belize, will aim to raise awareness on the treaty and help enhance the capacity of design creators, entrepreneurs, MSMEs, SME trainers, IP professionals/ practitioners to take full advantage of the registration systems. Belizean firms can now have further insights to the advantages of the Hague System in protecting their industrial designs in over 92 countries throughout the world.

The EU congratulates all parties on the publication of this booklet, which we believe will aid many firms in Belize in increasing export of their goods and services to regional and international markets.

Marianne Van Steen

EU Ambassador

Delegation to Jamaica, Belize, Turks and Caicos Islands, Bahamas and the Cayman Islands

FOREWORD MESSAGE FROM THE BELIZE INTELLECTUAL PROPERTY OFFICE (BELIPO)

Belize is one of the few unspoiled places left on Earth. It offers rainforests, ancient Maya cities, tropical islands and the longest barrier reef in the Western Hemisphere. The authenticity of Belize resonates from its core of pristine lush natural terrain, extensive marine wonders and its diverse and embracing people. Belize is like a breath of fresh air, nestled within Central America as the only English speaking country; the Caribbean Sea rests to the East; Mexico to the North and Guatemala to the South and West. Geographically, Belize forms part of both the Central American and Caribbean regions. Belize occupies a total area of 8,867 square miles (22,966km²) and a coastline of 386 km with the Caribbean Sea. The country has a population of 375,909. English is the official language, however, due to surrounding Latin American neighbours and being a multi-ethnic, multilingual society there is also the presence of the Spanish language, indigenous languages and dialects spoken by the Mayan, Garifuna and Creole populations.

Belize has a common law system based largely on the laws of the United Kingdom. Belize was a British colony (known as British Honduras) from 1862 until September 1981, when it gained independence. Pursuant to this independence, Belize adopted its own constitution, the supreme law of Belize; any law inconsistent with the Constitution is void. Insofar as Belize's final court of appeal rests with the Caribbean Court of Justice. Laws and regulations, including intellectual property laws, continue to be promulgated to effectuate this independence.

In an effort to offer ease of obtaining protection to our national and international applicants, Belize deposited its instrument of accession to the Hague Act (1960) of the Hague Agreement Concerning the International Deposit of Industrial Designs ("the 1960 Act") on June 12, 2003 and on November 9, 2018, Belize deposited its instrument of accession to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the "Geneva Act"). Both Agreements form a part of the Hague System which allows for one single industrial designs application, in one language, with one fee in one currency to result in one registration, covering one or more States.

The success of a product is usually influenced by its appearance. Obtaining exclusive rights to a product with a particular appearance may result in a substantial return on your investment because it will allow you to prevent others from reproducing a popular design. The Hague Agreement allows applicants to register an industrial design by filing a single application with the International Bureau of WIPO, enabling design owners to protect their designs in multiple countries or regions. To this day, Belize is the only state in the English-speaking Caribbean that has joined both the 1960 Act and the Geneva Act. Our accession to the Hague Agreement has been a rewarding one. We encourage our innovators and creators to utilize the Hague system in an effort to garner a wider protection via a simplified process.

The Belize Intellectual Property Office and by extension The Attorney General's Ministry, is extremely grateful to be able to collaborate with the European Union, and particularly the European Union Intellectual Property Office (EUIPO) in the framework of the CarIPI project, to highlight the Hague system and its benefits to Belize.

Koreen Flowers (Mrs.)
Deputy Registrar
Belize Intellectual Property Office



■ 1. YOUR INDUSTRIAL DESIGN – A MOST VALUABLE ASSET

An industrial design is the outward appearance of a product or part of it, resulting from the lines, contours, colours, shape, texture, materials and/or its ornamentation. An industrial design may consist of three-dimensional features, such as the shape of an article, or two-dimensional features, such as patterns, lines or colour. Through industrial design innovation you can differentiate your products from those of your competitors and make them more attractive for consumers.

1.1. DESIGN STRATEGIES AND BUSINESS SUCCESS

All types of companies, from SMEs to huge multinationals, pay increasing attention to industrial design in the context of product development and marketing strategies. Industrial designs create emotional connections with consumers and add value to your products. They help you gain a distinctive presence in the market, build your own brand and attract and retain loyal customers. Design strategies are at the core of sustained market competitiveness and business success.

1.2. DESIGN CREATION, MANAGEMENT AND COMMERCIALISATION

Design creation relies on the work of innovative designers working individually or within a company. A successful design strategy implies not only promoting design creation but also industrial design protection. Legally protected industrial designs confer on their owner the exclusive right to prevent third parties from using them in the market.

To obtain legal protection of your designs in Belize, you can register your industrial designs at the Belize Intellectual Property Office (**BELIPO**). The registration of your industrial design in Belize has a duration of five years, renewable for additional periods of five years up to a maximum of 15 years. Your industrial design registered by BELIPO can be enforced against infringers and counterfeiters in Belize. The assignment and licensing of your design rights may play a significant role in brand commercialisation through partnership, merger and franchising initiatives.



1.3. PROTECTING YOUR DESIGN IN EXPORT MARKETS

Protecting your industrial designs outside of Belize implies acquiring industrial design rights in each of the export markets where you wish to commercialise your products. Industrial design rights are territorial in nature and are only valid within the territory of a country (national design) or a group of countries having established a regional design protection system (e.g. the European Union). In principle, to acquire design rights you need to file separate design applications at the industrial property (IP) offices of the countries where you wish to have your designs protected. Once you get your rights in those countries you will need to follow separate procedures at those

same offices to manage your rights (renew, license, or assign them). However, having a connection with Belize (nationality, domicile, habitual residence or establishment), you are entitled to take advantage of an alternative, more attractive, cost-effective and user-friendly route to acquire and manage your design rights in many countries by making use of the Hague System for the international registration of industrial designs, governed by the Hague Act (1960) and the Geneva Act (1999), which Belize joined in July 2003 and February 2019, respectively.



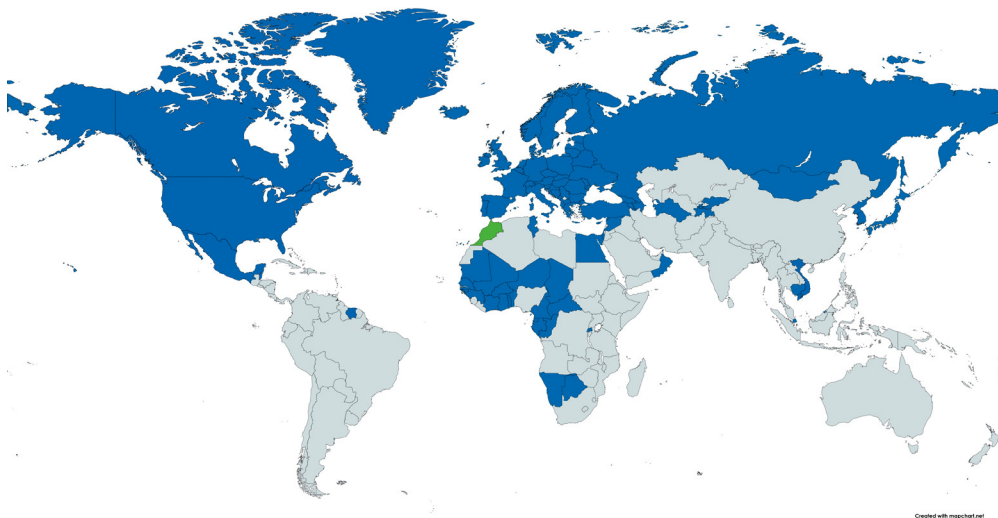
■ 2. THE HAGUE SYSTEM – A ONE-STOP SOLUTION TO PROTECT YOUR INDUSTRIAL DESIGNS AT HOME AND ABROAD

If you are a Belizean design creator or a design company based in Belize, you can take advantage of the Hague System to protect your industrial designs in 92 countries around the world, following a very simple and cost-effective procedure for filing your industrial design applications and managing your industrial design registrations.

2.1. HAGUE UNION MEMBERS – ATTRACTIVE MARKETS FOR BELIZEAN EXPORTS

All the Contracting Parties to the Hague Agreement including Belize, are members of the Hague Union. On July 19, 2021, they include 73 States (parties to either the 1960 Act, or the 1999 Act, or to both such acts, as is the case of Belize) and two intergovernmental organisations, the European Union and the African Intellectual Property Organisation (OAPI), which are parties to the 1999 Act. The Hague Union members thus cover the territories of 92 countries where you can get protection for your designs through the Hague System. These countries represent a large volume of world trade flows and constitute very attractive markets for Belizean exports.

In fact, among the 15 top importers of Belizean products, having accounted for more than 86% of Belizean exports in 2019, ten of them are linked to the Hague System, namely (by order of export values): United Kingdom, United States of America, Spain, Ireland, Germany, Netherlands, Portugal, Japan, France and Turkey. Other Hague Union members that also account for significant values of Belizean exports include Mexico, Belgium, Morocco, Switzerland, Canada, Suriname, Poland, Singapore, Georgia and Egypt.



2.2. THE HAGUE SYSTEM – USER-FRIENDLY PROCEDURES

The Hague System is administered by the World Intellectual Property Organization (WIPO), a specialised agency of the United Nations, based in Geneva, Switzerland. The Hague System allows you to obtain and maintain protection for your industrial designs around the world by providing a user-friendly, expeditious and cost-effective set of procedures for the central filing of design applications and the central management of design registrations with effects in various countries.



2.2.1. CENTRAL FILING TO SEEK PROTECTION IN VARIOUS TERRITORIES

You can file an **international application** for the protection of your designs directly at WIPO, designating all the members of the Hague Union where you wish your designs to be protected. The application is examined, registered and published by WIPO. Once your

design(s) have been recorded by WIPO in the International Register, the international registration is notified to each of the designated Hague Union members. Those members must decide whether they grant protection to your design(s) in their territories within very strict time limits. In case a designated member does not communicate any objection within a prescribed period (6 months or 12 months from the date of notification), the designs under international registration are deemed protected within the territory of that member as if they had been registered directly with the IP office of that member.

The Hague procedure in short



2.2.2. CENTRAL MANAGEMENT OF YOUR DESIGN RIGHTS

Once your **international registration** (IR) has been obtained, your IR is valid for a period of five years and may be renewed for at least two additional five-year periods, up to 15 years, in any of the Hague Union members bound by the 1999 Act. The maximum duration of protection in a designated Hague Union member may be longer than 15 years, depending on the locally applicable legislation. You will be able to manage your rights very easily by following online procedures at a single point (WIPO) to: (i) renew your design rights every 5 years; and (ii) request the central recording of various types of modifications to your registration (assignment of rights, change of name or address, limitations, renunciation).

2.3. ADVANTAGES – REDUCED COSTS, EFFECTIVE DESIGN MANAGEMENT AND COMMERCIALISATION

Central filing of your industrial design under the Hague System offers many advantages: you do not need to file separate design applications in many countries, drafted in different languages, pay fees in different currencies, hire the services of local representatives and follow different procedures in each of those countries. Instead, you can file a single international application at WIPO, in a single language (English), pay fees in a single currency (Swiss francs) and your application will have effects in all the Hague Union members of interest to you. The procedure is very simple, user-friendly, expeditious and cost-effective. You make savings in translation costs and various types of fees (local representatives, currency exchanges). The strict time limits imposed on Hague Union members to decide on the recognition of local rights, based on your international registration (IR), contribute to speed up protection procedures considerably.

WHY USE THE HAGUE SYSTEM TO PROTECT YOUR DESIGNS?

Reduced costs and speedier procedures
Single application (directly at WIPO)
Single language (English) (no translation costs)
Single currency for fee payment (CHF)
Single international procedure and set of deadlines
Local agent(s) only required if protection is refused
Single request for renewal
Single procedure for modifications

YOU GAIN

Early brand presence abroad
International brand reputation and goodwill
Franchising and partnership opportunities

The benefits of **central management** are even more important than those of central filing: once your international registration has been obtained, you will need to monitor and manage just one renewal date and procedure in one place (WIPO), instead of many different dates and procedures at separate Intellectual Property offices; and you will be able to make changes to your industrial design registration (such as assignment of rights, change of name or address, limitations, renunciations) recorded in one single place (the International Register maintained by WIPO) at a very low cost.

Cost savings that result from using the Hague System are particularly significant for individual creators and small- and medium-sized enterprises (SMEs).

However, the **advantages** of the Hague System are not only reduced costs and speedier procedures resulting from central filing and central management of international registrations. The Hague System also offers you early brand presence abroad as it is a means to acquire rapid international reputation. From a company's strategic viewpoint, gaining global reputation for your designs through the Hague System offers additional economic benefits, including increased franchising opportunities and possibilities of partnering with international entrepreneurs to optimise life-cycle development and integrate global supply chains.



■ 3. PREPARING YOUR INTERNATIONAL DESIGN APPLICATION – BEST PRACTICES

3.1. CHECKING DESIGN NOVELTY – SEARCHING IN INTERNATIONAL DATABASES

Most countries around the world only protect industrial designs that are independently created, new or original. Therefore, before filing an international application under the Hague System, you must make sure that the design you intend to protect has not been created and made public already by someone else. This implies searching for identical or similar designs that have already been published. You may search for prior industrial design rights registered in Belize under the Industrial Designs Act by submitting an application for search in the office at BELIPO. You may search for prior industrial design rights protected in Belize through the Hague System by using the Global Designs Database (see below). Several IP Offices around the world offer online search facilities regarding their own design databases. However, the most efficient way to make international searches in this area is to consult the Global Design Database and Designview.

The Global Design Database (<http://www.wipo.int/designdb/en/index.jsp>) is an online gateway managed by WIPO that contains more than 13 million records from 35 national, regional and international design collections, including all designs registered under the Hague System.

DESIGNview

Designview (<https://www.tmdn.org/tmdsview-web/welcome>) is an industrial design information platform

built by 67 IP offices from around the world (national, regional and international), aimed at making industrial design data and images widely available and easily accessible to the public, free of charge. Designview offers the possibility to explore the overall industrial design landscape in 89 countries around the world (including countries in the Americas, Africa, Asia and the Pacific, and Europe). This platform gives access to information on more than 17.2 million industrial designs having effects in those countries, plus international registrations recorded under the Hague System. Designview allows you to carry out industrial design searches 24 hours a day, 7 days a week, in a user-friendly way. The accuracy of the data shown in those databases is the sole responsibility of the participating IP offices providing it. Since its introduction in November 2012, and up to June 2020, Designview has served more than 5.6 million searches from 163 different countries.

TIP

Check the novelty of your design -> consult the online platforms

•DesignView

•Global Design Database

3.2. COMPLETING YOUR INTERNATIONAL APPLICATION FORM (DM/1)

Your international application (IA) for industrial design protection under the Hague system must be presented in an official form (**DM/1**) that you can download from <http://www.wipo.int/hague/en/forms/>.

YOUR INTERNATIONAL DESIGN APPLICATION - DM/1

Make sure that you have provided all the necessary information in the DM/1 form:

•Mandatory content ...

•Additional mandatory content required by some Contracting Parties if designated...

•Optional content ...

•Optional content only relevant for some Contracting Parties if designated ...

3.2.1. MANDATORY CONTENT

Your international application must be typed and must contain: (i) your name, address and email address; (ii) your entitlement to file the application; (iii) your Contracting Party; (iv) the number of industrial designs you wish to protect, along with their reproductions and/or specimens; (v) the designated Hague Union members (Contracting Parties) where you wish to obtain protection for your design(s); (vi) the products which constitute the industrial design or in relation to which it is to be used; and (vii) your signature. All these mandatory elements are required under items 1, 2, 3, 6, 7, 8 and 19 of the IA form (DM/1).

Name, address, email address (item 1) –If your name is in characters other than Latin characters, you must indicate it as a transliteration into Latin characters, following the English phonetics (if you are a legal entity, the transliteration may be replaced by a translation into English). Your address must be given in such a way as to satisfy customary requirements for prompt postal delivery.

Entitlement to file (item 2) – You are entitled to file an international application (item 2) if: (i) you are a national of Belize, or (ii) you are a natural person or legal entity domiciled or habitual resident in Belize, or (iii) you have a real and effective industrial or commercial establishment in Belize. Although only one entitlement (with one Contracting Party) is required, you may indicate more than one (based on nationality, domicile, habitual residence or establishment with different Contracting Parties), if you so have.

Your Contracting Party (item 3) - If your only entitlement is Belize, you will also indicate Belize as the applicant’s Contracting Party. If you have indicated more than one entitlement under item 2 (i.e. more than one Contracting Party through which you derive the right to file an IA), you must select one of them as the ‘applicant’s Contracting Party’.

Number of designs and reproductions (item 6) – Your IA must also contain an indication of the total number of industrial designs included in the application (which may not exceed 100), the total number of reproductions (in black and white or in colour), the total number of pages comprising reproductions, and the total number of specimens, if any. If your IA contains more than one design, you should consider that some designated Contracting Parties (that require “unity of design”) may refuse the effect of your international registration unless you divide it (see section 5.2.2 and footnote 5, below).

Products (item 8) – For each design in the IA, you must also indicate the product(s) that constitute the design (e.g. ‘table’ or ‘lamp’) or in relation to which the design is to be used (e.g. ‘motif to be used on textiles’). It is important to consider that all designs and/or products in your IA must belong to the same class of the international (Locarno) classification (<http://www.wipo.int/classifications/locarno/en/index.html>).

Designated Contracting Parties (item 7) - By ticking the appropriate box next to the name of each Contracting Party, you must indicate one or more Contracting

Parties where protection is sought. No Contracting Parties may be added afterwards¹.

Signature (item 19 – Your IA must be signed by you or your representative. If the IA is filed through the WIPO E-filing facility, the signature is replaced by an electronic authentication through a user account that requires your user name and password.

If any of these mandatory elements is missing, you will receive an irregularity notice from WIPO.

3.2.2. ADDITIONAL MANDATORY CONTENT REQUIRED BY SOME CONTRACTING PARTIES

There are three additional elements that you must include in your IA if you designate certain Contracting Parties for protection, namely: (i) information concerning the creator (identity, oath or declaration); (ii) a brief description of the reproduction or of the characteristic features of the industrial design(s); and (iii) a claim. These are provided for in items 9, 11 and 12, and in Annex 1, of the DM/1 form.

Identity of the creator (item 11) – If you designate Finland, Ghana, Hungary, Iceland, Mexico, Romania, or the United States of America, you must indicate the identity of the creator, including the creator's full name, address, postal code, city, and country.

Where Finland, Ghana, Hungary, Iceland or Mexico are designated, by simply ticking the box next to any of their country names in item 7, you declare that you believe yourself to be the creator of the industrial design or (if the creator you indicate in item 11 is another person), that the international application has been assigned to you by the creator.

¹ By designating the Contracting Parties to the 1999 Geneva Act of the Hague Agreement, including the European Union and OAPI (see the list in annex) you can get protection in up to 91 countries covered by the Hague System. Morocco is not a member of the 1999 Act, but you can get protection there under the 1960 Act to which both Morocco and Belize are members.

Oath or declaration of the creator (Annex 1) - Where the United States is designated, in addition to indicating the identity of the creator, you must submit an oath or declaration of the creator (declaration of inventorship, or substitute statement in lieu of a declaration of inventorship), using Annex 1.

Description (item 9) – If you designate Romania or Viet Nam, you must provide a brief description of the characteristic features of the industrial design. If you designate the Syrian Arab Republic, you must provide such a description or a brief description of the reproduction.

Claim (item 12) – Finally, if you designate the United States of America or Viet Nam, you must fill in item 12 in the DM/1 form, which contains a claim with a special wording.

If any such additional mandatory element is missing, you will receive an irregularity notice from WIPO.

3.2.3. OPTIONAL CONTENT

Even if you do not designate any of the Contracting Parties for which the indication of the identity of the creator or a description of the design(s) or reproduction(s) is a mandatory requirement (as explained in section 3.2.2, above), you may wish, nevertheless, to provide those indications when filling in your international application form (DM/1). In fact, it is recommended to indicate the **identity of the creator** (item 11) when you designate Bulgaria, Japan, Republic of Korea, Russian Federation, Serbia, Tajikistan, or Turkey. Similarly, it is recommended to provide a brief **description** of the characteristic features of the industrial design (item 9) when you designate the Russian Federation.

In addition, you may wish to also indicate other elements in your international application form (DM/1), namely: an address for correspondence (item 4); the appointment of a representative (item 5), the Locarno class of product(s) to which the industrial design(s)

belong(s) (in item 8); a description of the reproduction legends (item 10); a priority claim if applicable (item 13); a declaration of disclosure at an international exhibition (item 14); and/or a request for immediate or deferred publication (item 17).

An **address for correspondence** (item 4) should be completed only where no representative has been appointed under item 5 and the address to which WIPO's communications should be sent is different from your own address. If there are several applicants with different addresses and no representative has been appointed, a separate address for correspondence must be indicated.

There is no restriction (concerning professional qualification, nationality or residence) as to who may be appointed as a **representative** to act before WIPO (item 5). It may, subsequently, become necessary to appoint one or more other representatives to act before the Offices of designated Contracting Parties (DCPs), for example, in the event of a refusal of protection by such an Office.

You may wish to indicate the (single) **class** of the Locarno Classification to which the industrial designs belong (in item 8). If not, WIPO will indicate the class. However, in case of several designs, you must be sure that they all belong to the same class, otherwise WIPO may raise an irregularity.

You may claim **priority** of an earlier application based on a first filing made in one of the States party to the Paris Convention or the WTO (item 13). If you do so, you should consider that some DCPs (Japan, Mexico, Republic of Korea, Russian Federation, United States of America) will require you to furnish a certified copy of priority documents directly to their Offices. Priority documents cannot be submitted through WIPO, except with respect to the Republic of Korea (if submitted along with Annex V of the international application, as indicated in section 3.2.4, below). In any case, if the Office of your first filing participates in the WIPO Digital Access Service (DAS) as a "depositing Office" with respect to priority documents for industrial design applications and any of your designated Contracting Parties (DCP) also participates in DAS as an "accessing Office", you may indicate the DAS access code in item 13 of the DM/1 form so that the latter is able to access the priority document via DAS (<http://www.wipo.int/das/en/>).

Temporary protection of designs exhibited at certain exhibitions may be claimed under Article 11 of the Paris Convention. If you intend to claim **exhibition priority** in your international application (item 14), you must indicate where the exhibition took place, the date on which the product was first exhibited and the number of each industrial design shown at the exhibition.

With respect to the timing of publication of the international registration (IR), the general rule is that publication takes place six months after the date of the IR, unless you request otherwise. In your IA (item 17) you may request **immediate publication** or **deferment of publication** up to 30 months (for more details regarding timing of publication, see sections 5.1.1, 5.1.2 and 5.1.3, below).

3.2.4. OPTIONAL CONTENT ONLY RELEVANT FOR CERTAIN CONTRACTING PARTIES

The international application (IA) form (DM/1) offers you the possibility to indicate some additional optional content that is only relevant if you designate certain Contracting Parties.

In Japan and the Republic of Korea, a design may be registered as a design related to another design to which it is similar and identified as a principal design, under the condition that both designs belong to the same applicant/holder. If you designate Japan and/or the Republic of Korea, you may wish to indicate that some or all the industrial designs contained in your international application are to be considered in **relation to a principal design** that also belongs to you (item 16).

Japan and the Republic of Korea also admit an **exception to lack of novelty** when an industrial design has been disclosed (in an exhibition, public materials, such as a magazine or a catalogue, or through the internet) within a period of six months prior to the application, if a declaration to that effect is made. The international application form (DM/1) allows you to make a declaration concerning an exception of lack of novelty when you designate Japan (item 15) and/or the Republic of Korea (item 15 and Annex II). However, you should note that making such a declaration may affect your rights in other jurisdictions.

If you designate the Republic of Korea and wish to claim priority of an earlier application (item 13), you may submit your priority documents using **Annex V** to the DM/1 form (or the corresponding section in the E-Filing interface). You can only do this with respect to the Republic of Korea. Priority documents required by other DCPs must be submitted directly to their IP Offices.

If you designate Israel, Mexico, or the United States of America, you may benefit from a **reduction of the individual designation fee** if you belong to a given category of applicant. In the case of Israel, those who may benefit from a fee reduction include natural persons, small entities and higher education institutions filing in certain requirements. In the case of Mexico, they include creators who are natural persons, micro and small entities, higher education institutions, and public scientific or technological research institutes. In the case of the United States of America, they include small entities and micro entities within the meaning of the US Code and applicable regulations of the USPTO. With respect to those countries, you may request such a fee reduction by checking the appropriate box (item 18). To certify micro entity status in respect of the United States of America, you should further submit a certification form (Annex IV).

Finally, if you designate the United States, you may wish to submit, along with the DM/1 form, a statement that identifies information known by you to be material to the eligibility for protection of the industrial design concerned (**Annex III**).

3.3. REPRODUCTION REQUIREMENTS

The reproductions of the designs for which protection is sought in your international application (IA) must comply with the Hague Agreement formal requirements, failing which WIPO may treat your IA as irregular. The reproductions may be in the form of photographs or other graphic representations of the industrial designs, or of the products which constitute the industrial designs. The reproductions filed on paper should be pasted or printed directly onto a separate sheet of A4 paper, as per the instructions set up in <http://www.wipo.int/hague/en/guide/reproduction.html>. For E-filing, the reproductions shall be in the JPEG or TIFF formats, with a resolution of 300 x 300 dpi and the file size of each not exceeding 2MB. For more details regarding the

presentation of the reproductions, disclaimers, number of reproductions, numbering of reproductions and legends, dimensions and quality of the reproductions, and specific views, please refer to <http://www.wipo.int/hague/en/guide/reproduction.html>

In certain limited circumstances, the Hague Agreement (Geneva Act) permits the substitution of reproductions by specimens. This is possible where the application contains a request for deferment of publication and concerns a two-dimensional industrial design. If you submit specimens instead of reproductions, you should furnish one specimen for WIPO and one further specimen for each DCP that would so require. All specimens should be contained in a single package and comply with the requirements specified in <http://www.wipo.int/hague/en/guide/reproduction.html>

TIP

Regarding the presentation of design reproductions, consult both

Hague Guide for Users at
<https://www.wipo.int/hague/en/guide/>

**Guidance on preparing and providing reproductions in order to forestall possible refusals by Examining Offices on the ground of insufficient disclosure, at
http://www.wipo.int/hague/en/news/2016/news_0006.html**

Even where all formal requirements set up by the Hague Agreement have been complied with to WIPO's satisfaction, the Office of a Contracting Party may find that the reproductions contained in the IR are not sufficient to disclose fully the industrial design and, on that basis, issue a refusal of protection. The criteria for enough disclosure of an industrial design may differ from one jurisdiction to another. Therefore, in consultation with interested Contracting Parties and user organizations, WIPO has established a document on Guidance on Preparing and Providing Reproductions in Order to Forestall Possible Refusals on the Ground of Insufficient Disclosure of an Industrial Design by Examining Offices, which can be downloaded from: http://www.wipo.int/hague/en/news/2016/news_0006.html. It is particularly relevant to consult this guidance if you happen to designate any of the following 11 countries for protection: Canada, Hungary, Israel, Japan, Mexico, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Syrian Arab Republic, or the United States of America.



■ 4. FILING YOUR INTERNATIONAL DESIGN APPLICATION – BEST PRACTICES

Your international application (DM/1) must be filed directly at WIPO.

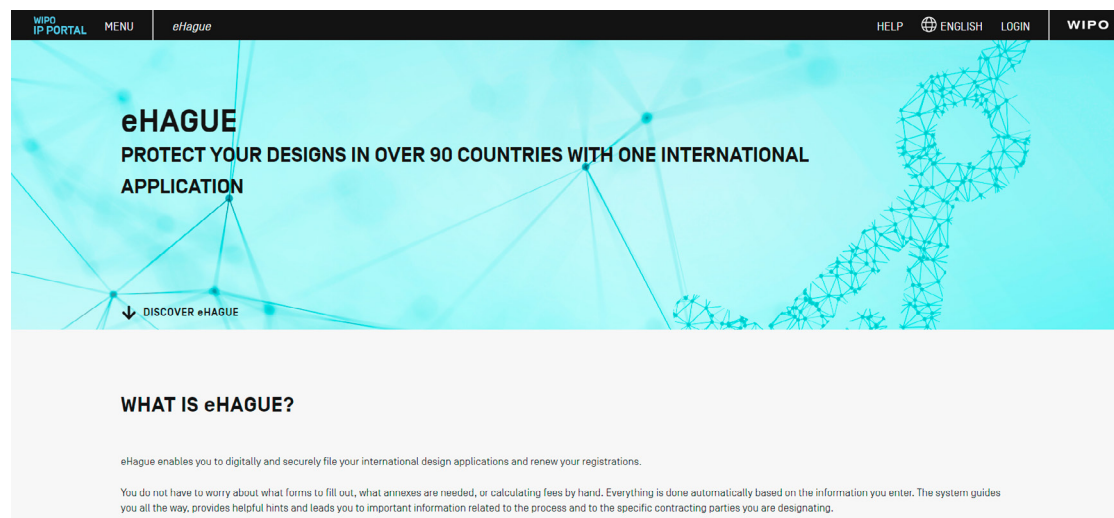
4.1. DIRECT FILING AT WIPO (LANGUAGE, FILING MODALITIES, E-FILING ADVANTAGES)

You may file your international application (IA) in English, French or Spanish. You may do it through an electronic filing interface (**eHague**) at <https://hague.wipo.int/#/landing/home>, or by sending the DM/1 paper form to WIPO either by mail (through a postal or other delivery service) or via Contact Hague (<https://www3.wipo.int/contact/en/hague/>). Filing by email or telefacsimile is not accepted.

The filing interface eHague is also available through the WIPO IP Portal (<https://ipportal.wipo.int/>). To access this portal and use eHague you must sign into your WIPO user account. If you do not have such an account you can create one at <https://www3.wipo.int/wipoaccounts/generic/public/register.xhtml>.

Using the eHague interface to file your IA offers many advantages: you can upload several reproductions simultaneously; you can check certain formalities in real time; you can save applications in progress; you have access to a fully integrated fee calculator; you benefit of lower fees when the application contains many reproductions (since

reproductions submitted on paper are subject to a fee for each page beyond the first one); you can pay your fees online by credit card; your IA is delivered immediately and you get an instant acknowledgment of receipt; you will be able to receive and download notifications from WIPO relating to your IA; you will be able to send corrections of irregularities or defects (including corrected reproductions and documents) to WIPO; you will be able to retrieve in real time the current status of your IA.



When a notification concerning your IA filed through the eHague interface is available, you will receive an e-mail alert at the email address that you used to create your user account. The only limitation of the eHague interface is that it may not be used if you wish to include specimens of the industrial design(s) instead of reproductions.

HAGUE ELECTRONIC FILING (eHague) – ADVANTAGES

- upload several reproductions simultaneously
- check formalities in real time
- save your application in progress
- consult the fully integrated Fee Calculator
- pay your fees online by credit card
- lower fees when your application contains many reproductions
- fast delivery of your application
- instant acknowledgement of receipt
- receive and download notifications relating to your application (+ e-mail alert)
- retrieve current status of your application in real time

4.2. ESTIMATING COSTS AND PAYING FEES

An IA is subject to the payment of three types of fees: a basic fee, a publication fee, and, in respect of each designated Contracting Party (DCP) where protection is sought, either a standard fee or an individual designation fee. Regarding standard fees, a three-level structure applies reflecting the level of examination carried out by the Office of the DCP.

The amount of fees payable in connection with an IA is prescribed in the Hague Schedule of Fees (<http://www.wipo.int/hague/en/fees/sched.htm>) or, in the case of individual fees, fixed by the Contracting Parties concerned (<http://www.wipo.int/hague/en/fees/individ-fee.html>).

The basic fee is fixed at 397 CHF for one design, and 19 CHF for each additional design included in the same IA. The publication fee is fixed at 17 CHF for each reproduction to be published. Where the reproductions are submitted on paper, an additional fee fixed at 150 CHF is due for each page, in addition to the first, on which one or more reproductions are shown. Where the description exceeds 100 words, an additional fee of 2 CHF is due for each word exceeding 100 words. The standard designation fee for one design is fixed at 42 CHF (for DCPs in level one), 60 CHF (level two) and 90 CHF (level three) and, for each additional design included in the same IA, at 2 CHF (for DCPs in level one), 20 CHF (level two) and 50 CHF (level three).

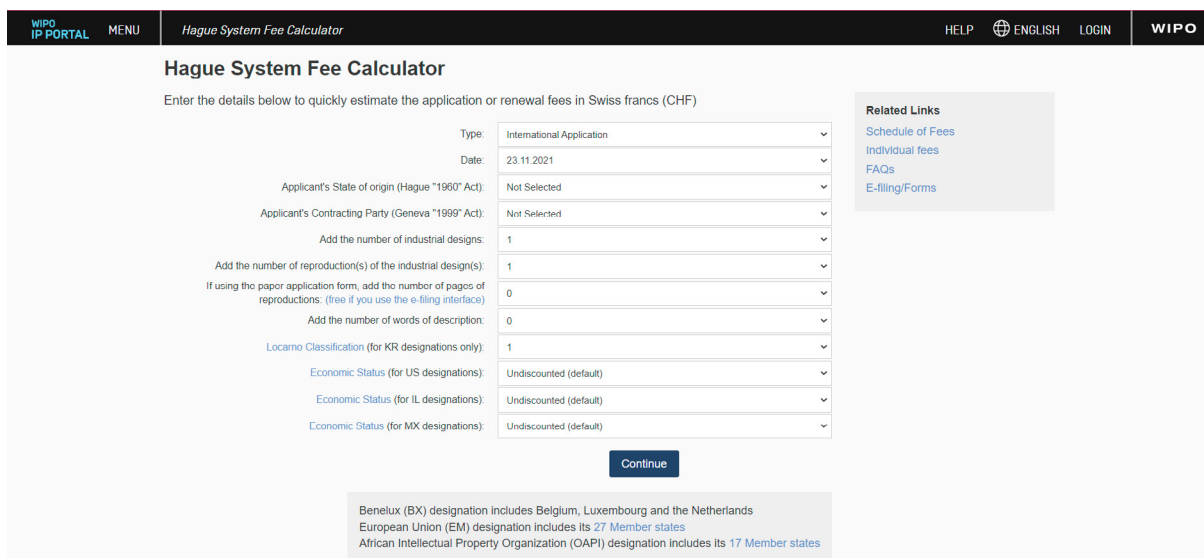
TIP

Check in advance how much you will have to pay by using the Hague System Fee Calculator at

<http://www.wipo.int/hague/en/fees/calculator.jsp>

To facilitate your calculation of the fees to be paid for your international application WIPO offers a very practical online tool known as the Hague System Fee Calculator, which you can access at the following address: <http://www.wipo.int/hague/en/fees/calculator.jsp>

Regarding payment methods, you may pay your fees to WIPO either by: (i) bank transfer; (ii) your Current Account at WIPO; or (iii) credit card (only when filing through eHague, the electronic filing interface). For more details, please see: <http://www.wipo.int/finance/en/hague.html>



4.3. IRREGULARITIES AND HOW TO REMEDY THEM

If WIPO finds that your international application does not fulfil the applicable requirements (see sections 3.2.1, 3.2.2 and 3.3), it will invite you to make the required corrections within three months from the date of the invitation sent to you. Where an irregularity is not remedied within those three months, your IA will be considered abandoned and WIPO will refund any fees paid in respect of it, after deduction of an amount corresponding to the basic fee.

4.3.1. IRREGULARITIES ENTAILING A POSTPONEMENT OF THE FILING DATE

If the IA is not in one of the prescribed languages, this irregularity will entail a postponement of the filing date. Similarly, the filing date of your IA will be postponed if any of the following elements is missing from your IA: (i) an express or implicit

indication that you seek the registration of your designs under the Hague Agreement; (ii) indications allowing your identity to be established; (iii) indications sufficient to enable you or your representative to be contacted; (iv) a reproduction or, (in authorized cases) a specimen, of each industrial design that is the subject of the IA; (v) the designation of at least one Contracting Party.

If any such irregularity is raised and you remedy it within the three-month time limit set by WIPO, the filing date shall be the date where the correction to such irregularity is received by WIPO.

4.3.2. IRREGULARITIES CONCERNING SPECIAL REQUIREMENTS BY CONTRACTING PARTIES

In the case of an irregularity that relates to the additional mandatory content required by some Contracting Parties (indication of the identity of the creator, a brief description and/or a claim) (see section 3.2.2), if you do not remedy such irregularity within three months, your IA will be deemed not to contain the designation of the Contracting Party in question. Furthermore, if you do remedy the irregularity, the date of the IR will be the date in which the correction of that irregularity is received by WIPO, or the filing date of the IA, whichever is the later.



■ 5. THE INTERNATIONAL DESIGN REGISTRATION (IR)

If your international application complies with the prescribed formal requirements, WIPO will register the design in the International Register and send you a certificate. WIPO will also publish the international registration (IR), in due course, in the International Designs Bulletin. International applications (IA) and international registrations (IR) are kept secret by WIPO until publication. Confidentiality also applies to any document accompanying the IA.

5.1. PUBLICATION OF THE IR IN THE INTERNATIONAL DESIGNS BULLETIN

The International Designs Bulletin (<http://www.wipo.int/haguebulletin/?locale=en>) is published on the WIPO website on a weekly basis (every Friday). Publication on the Bulletin is deemed to be sufficient publication in all the Hague Union Contracting Parties. The date of publication constitutes the date of receipt of the Bulletin by the Offices of the designated Contracting Parties (DCPs), which is relevant for calculating the period available for DCPs to notify a provisional refusal.

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International Designs Bulletin
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WIPO

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: 2021
Bulletin No. - Publication date: 46 - 19.11.2021

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
=

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

5.1.1. PUBLICATION CONTENT AND TIMING

The publication of the IR in the Bulletin contains the following: the data recorded in the International Register, the reproduction(s) of the industrial design and, where publication has been deferred, an indication of the date on which the period of deferment expired or is considered to have expired.

The general rule is that an IR is published six months after registration. However, upon request of the applicant, two exceptions are admitted: immediate publication and deferred publication.

If you request immediate publication, the publication will take place as soon as the necessary technical preparations by WIPO have been carried out (this may take between one and two weeks).

If you request deferment of publication, this will take place immediately after the date on which the period of deferment expired or is considered to have expired (see, section 5.1.2, below).

5.1.2. DEFERRED PUBLICATION PERIOD

The Hague Agreement (Geneva Act) allows you to request the deferment of publication of your IR for a period of up to **30 months** from the filing date or, where priority is claimed, from the priority date. However, the actual period of deferment will depend upon the laws of the Contracting Parties designated in your international application.

If your IA includes the designation of one Contracting Party that has declared that the period of deferment under its legislation is **less than 30 months**², publication takes place on the expiry of the period stated in that declaration. If your IA includes the designation of more than one Contracting Party which have made such a declaration, publication takes place on the expiry of the shortest of the periods notified in those declarations.

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PUBLICATION OF THE INTERNATIONAL REGISTRATION

Timing of publication (publication will take place, subject to the weekly publication cycle, six months after the date of the international registration, unless the applicant requests one of the options below):

- (i) The applicant requests the immediate publication of the international registration ☐
- (ii) The applicant requests a deferment of publication ☐

- Period of deferment requested (in months, starting from the earliest priority date if priority is claimed):

Important: The period of deferment of publication cannot exceed 30 months counted from the date of the international application, or if priority is claimed, from the priority date. However:

- if **Belarus, Iceland, Mexico, Poland, the Russian Federation, the United States of America or Viet Nam** is designated, or if **Hungary, Monaco or Ukraine** is designated under the 1999 Act, the applicant may NOT request deferment of publication;
- if **Denmark, Finland or Norway** is designated, the period of deferment cannot exceed **6 months**;
- if **Israel** is designated, the period of deferment cannot exceed **6 months** from the filing date;
- if the **United Kingdom** is designated, the period of deferment cannot exceed **12 months** from the filing date;
- if **Singapore** is designated, the period of deferment cannot exceed **18 months** from the filing date;
- if a Contracting Party is designated under the **1960 Act**, or if **Belize, Benelux, Brunei Darussalam, Cambodia, Croatia, Estonia, OAPI, Samoa, Slovenia, Suriname** or the **Syrian Arab Republic** is designated, the period of deferment cannot exceed **12 months**.

Moreover, if your IA includes the designation of a Contracting Party that has declared that deferment of publication is **not possible** under its law³, the publication date will depend on whether your IA is accompanied by reproductions or specimens of the design. If your IA is accompanied by reproductions, WIPO will notify you that the request for deferment of publication is incompatible with the designation of that Contracting Party.

² The deferment period cannot exceed 18 months from filing date for Singapore; 12 months from filing date for the United Kingdom; 12 months from priority date for Belize, Benelux, Brunei Darussalam, Cambodia, Croatia, Estonia, OAPI, Samoa, Slovenia, Suriname and the Syrian Arab Republic; six months from filing date for Israel; and six months from priority date for Denmark, Finland and Norway.

³ Hungary, Iceland, Mexico, Monaco, Poland, Russian Federation, Ukraine, United States of America, and Viet Nam do not accept deferment of publication.

If you do not withdraw its designation within one month, your request for deferment of publication will not be taken into consideration. If your IA is accompanied by specimens of the design, WIPO will not consider the designation of that Contracting Party and will so notify you.

During the deferment period, you may request earlier publication (i.e. publication prior to the expiry of the deferment period already requested) in respect of any or all the designs contained in the IR, in which case the deferment period is considered to have expired on the date in which your request for earlier publication is received by WIPO.

5.1.3. DEFERRED PUBLICATION CONSEQUENCES

In case of deferment of publication, the payment of the publication fee is not required to be made at the time of filing. However, payment should take place not later than three weeks before the period of deferment expires or is considered to have expired (if earlier publication is requested). Three months before the expiry of the deferment period, WIPO sends an unofficial reminder notice indicating the date by which the publication fee must be paid.

In addition, in case of deferment of publication, reproductions may be provisionally replaced by specimens, provided that the industrial design is two-dimensional. However, reproductions must be submitted not later than three months before the expiry of the period for paying the publication fee.

Failure to pay the publication fee earlier than three weeks before the expiry of the deferment period or failure to submit the reproductions earlier than three months before the expiry of the period for paying the publication fee, results in the cancellation of the IR. Cancellation will be total in case of missing fees but only partial in case of missing reproductions. The cancelled IR is not published.

Where the publication of an IR is deferred, a request for the recording of a limitation or renunciation must be received by WIPO not later than three weeks prior to the expiry of the deferment period.

5.2. EFFECTS OF THE INTERNATIONAL REGISTRATION IN THE DESIGNATED CONTRACTING PARTIES (DCP)

5.2.1. DATE AND EFFECTS OF THE INTERNATIONAL REGISTRATION

In principle, the date of the IR is the filing date of the IA. However, where the IA has an irregularity that relates to the mandatory content of the application, the date of the IR is the date on which the correction of such irregularity is received by WIPO or the filing date of the IA, whichever is the later.

As from the date of the IR, the IR has at least the same effect in each designated Contracting Party (DCP) as a regularly-filed application under the law of that Contracting Party. Thus, any Contracting Party that affords provisional protection to published national or regional applications must also afford that type of protection to international registrations in which it is designated.

In each DCP that has not notified a refusal of protection within the applicable refusal period (six or 12 months, as the case may be), the IR has the same effect as a grant of protection under the law of that Contracting Party.

5.2.2. REFUSAL OF PROTECTION

Upon publication of the IR in the International Designs Bulletin, the Office of each DCP proceeds with **substantive examination** and/or opens the way for a **possible opposition** procedure, as may be provided for in its own legislation. As a result, the Office may notify to WIPO a provisional refusal of protection for its territory. The

TIP

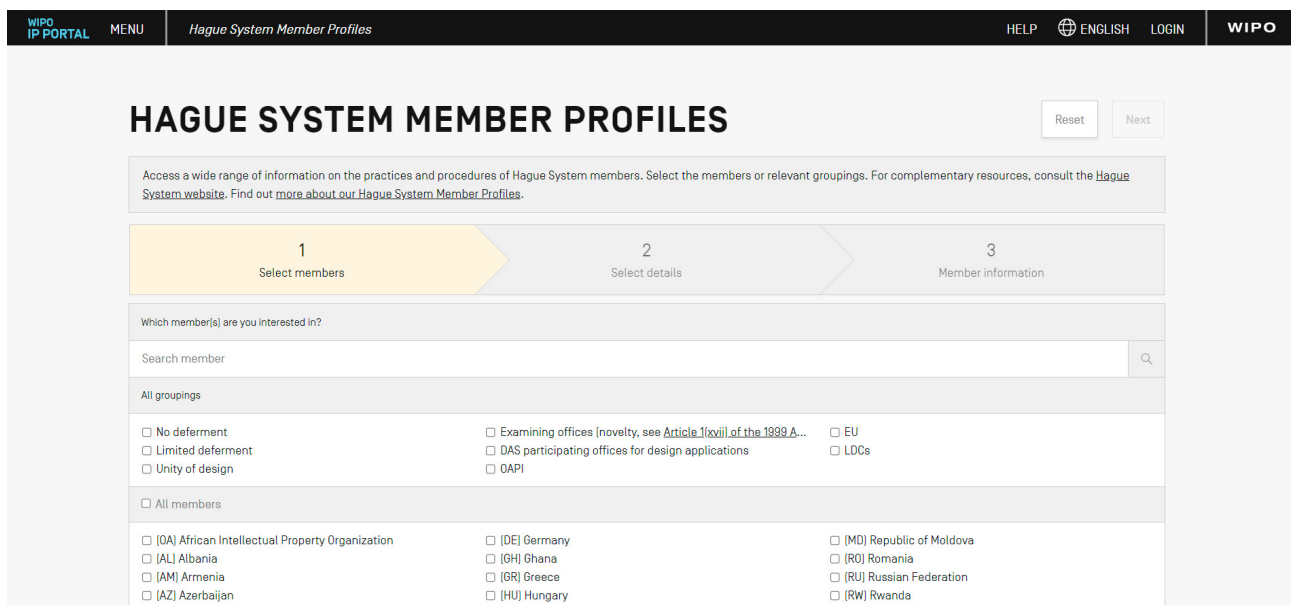
Find out about procedures and practices in Hague Union members in the Hague System Member Profiles database at:

<https://www.wipo.int/hague/memberprofiles/#!/>

provisional refusal must be notified within six months or 12 months from the date of publication⁴.

The refusal may be total or partial, in the sense that it may apply to all the designs which are the subject of the IR or to only some of them. It may be based on: (a) an objection resulting from the ex officio examination undertaken by the Office; or (b) an opposition lodged by a third party.

Protection may not be refused on grounds that the IR does not satisfy formal requirements (e.g. payment of fees, or quality of the reproductions), since those requirements have already been checked by WIPO. A Contracting Party may, however, refuse protection on the ground that a reproduction does not sufficiently disclose the appearance of the industrial design (a substantive ground).



The screenshot shows the 'HAGUE SYSTEM MEMBER PROFILES' web application. At the top, there is a navigation bar with 'WIPO IP PORTAL', 'MENU', 'Hague System Member Profiles', 'HELP', 'ENGLISH', 'LOGIN', and 'WIPO'. Below the navigation bar, the main heading is 'HAGUE SYSTEM MEMBER PROFILES' with 'Reset' and 'Next' buttons. A descriptive text box states: 'Access a wide range of information on the practices and procedures of Hague System members. Select the members or relevant groupings. For complementary resources, consult the Hague System website. Find out more about our Hague System Member Profiles.' Below this, there are three steps: '1 Select members' (highlighted), '2 Select details', and '3 Member information'. The '1 Select members' section includes a search bar, a list of groupings with checkboxes, and a list of member states with checkboxes. The groupings are: 'No deferment', 'Limited deferment', 'Unity of design', 'Examining offices (novelty, see Article 1(xvii) of the 1999 A...', 'DAS participating offices for design applications', 'OAPI', 'EU', and 'LDCs'. The member states listed are: [OA] African Intellectual Property Organization, [AL] Albania, [AM] Armenia, [AZ] Azerbaijan, [BY] Belarus, [DE] Germany, [GH] Ghana, [GR] Greece, [HU] Hungary, [IE] Ireland, [MD] Republic of Moldova, [RO] Romania, [RU] Russian Federation, [RW] Rwanda, and [SI] Serbia.

The refusal must indicate all the grounds on which it is based, together with the provisions of the applicable law. In general, the refusal grounds may only relate to substantive issues, such as lack of novelty of the industrial design. However, there are

⁴ A Contracting Party whose Office is an “examining office”, or whose law provides for the possibility of opposition to the grant of protection, may declare that the refusal period of six months is replaced by a period of 12 months. The following States have made such declaration: Canada, Democratic People’s Republic of Korea, Finland, Iceland, Israel, Japan, Kyrgyzstan, Lithuania, Mexico, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Spain, Syrian Arab Republic, Turkey, United States of America (17 Contracting Parties).

two exceptions to that general principle: (a) where a Contracting Party has declared that it requires that all industrial designs contained in a single IA are subject to a requirement of “unity of design”, and (b) where a Contracting Party has notified a declaration concerning the views required.

Contracting Parties that have notified a declaration concerning the requirement of “**unity of design**”⁵ can refuse the effects of the IR pending compliance with that requirement. In such a case, you may divide the IR before the Office concerned to overcome the ground for refusal. The Office is entitled to charge you as many additional fees as divisions prove necessary.

Contracting Parties that have made a declaration regarding the **views** required (Republic of Korea, Viet Nam)⁶, may refuse the effects of the IR on the ground that the reproductions contained in the IR are not sufficient to disclose fully the industrial design.

A refusal notified to WIPO by the Contracting Party concerned is recorded in the International Register and published in the Bulletin. A copy of the notification of refusal is sent to the holder of the IR.

If you receive a notification of refusal, you will have the same rights and remedies (such as review of, or appeal against, the refusal) as if the industrial design had been filed directly with the Office that issued the notification of refusal. You may be required, or may find it useful, to appoint a local representative who is familiar with the law and practice (and the language) of the Office that has pronounced the refusal.

An Office that has issued a notification of refusal, may withdraw that notification (e.g. following an appeal lodged by the holder). The notification of withdrawal may relate only to one or some of the industrial designs in the IR to which the refusal applied. Where the IR was amended in a procedure before the Office, the notification shall also contain

⁵ 9 Contracting Parties have made a declaration regarding the requirement of “unity of design”, namely: Estonia, Kyrgyzstan, Mexico, Romania, Russian Federation, Syrian Arab Republic, Tajikistan, United States of America and Viet Nam.

⁶ The Republic of Korea requires specific views for a design of a set of articles (one view of the coordinated whole and corresponding views of each of its components), and for a design for typefaces (views of the given characters, a sample sentence, and typical characters). Viet Nam requires a perspective view of the industrial design where the product which constitutes the industrial design is three-dimensional.

or indicate either all the amended elements or the whole information concerning the industrial design(s) as amended.

5.2.3. GRANT OF PROTECTION

The Office of a DCP which has not communicated a notification of refusal may, within the applicable refusal period, send to WIPO a statement to the effect that protection is granted to the industrial designs, or some of the industrial designs, that are the subject of the IR in the Contracting Party concerned (statement of grant of protection in the absence of a prior notification of refusal).

A withdrawal of refusal may also take the form of a statement of grant of protection by the Office concerned (statement of grant of protection following a refusal). The statement shall specify to which industrial design(s) subject of the IR protection has been granted.

The statements of grant of protection shall indicate the date on which the IR produced (or shall produce) the effect as a grant of protection under the applicable law and, where the IR was amended in a procedure before the Office, the statement shall also contain or indicate all amendments.

5.2.4. TERM OF PROTECTION

The IR is valid for an initial period of five years from the IR date and may be renewed for **at least** two additional five-year periods **up to 15 years**.

If the law of a Contracting Party provides for a longer period of duration of protection for industrial designs, the IR may be renewed with respect to that DCP for additional periods of five years up to the expiry of the total duration of protection provided for in its law. Several Contracting Parties to the Hague Agreement (Geneva Act) have notified to WIPO duration of protection periods longer than 15 years (20 years, 25 years except

for spare parts, 25 years, or 50 years)⁷.

5.2.5. POSSIBLE INVALIDATION

In certain circumstances, the protection conferred by the IR in a Contracting Party may be invalidated by a decision of a competent authority (administrative or judicial) revoking or cancelling the effects of the IR in respect of all or some of the designs covered by the IR in the territory of that Contracting Party.

Proceedings concerning such invalidation take place directly between the holder of the IR, the party who has brought the action for the invalidation and the competent authority concerned (Office or tribunal). It may be necessary for the holder to appoint a local representative.

5.3. MANAGING YOUR INTERNATIONAL REGISTRATION – BEST PRACTICES

While the Hague System offers you many advantages to get your industrial design(s) protected in various markets, it offers you even more valuable advantages regarding the management of your industrial design rights after registration. Renewing the protection of your IR for additional periods of five years or having various types of changes to your registration (change in ownership, change of your name and/or address, renunciation or limitation of your IR) recorded in the International Register with effects extending to those Hague Union members of interest to you, can be done through very simple, user-friendly and cost-effective procedures. The central recording of such modifications in the International Register relieves you from the need to request such action from the Office of each DCP, thus resulting in very significant savings.

⁷ The Hague Union Members here indicated within brackets have notified duration of protection periods of 20 years (Republic of Korea); 25 years except for spare parts (Denmark and Finland); 25 years (Armenia, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, European Union, France, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Montenegro, Morocco, Netherlands, North Macedonia, Norway, Poland, Republic of Moldova, Romania, Russian Federation, San Marino, Serbia, Slovenia, Spain, Switzerland, Turkey, Ukraine and United Kingdom); and 50 years (Monaco).

5.3.1. CENTRAL RECORDING OF MODIFICATIONS TO YOUR IR

If you are the holder of an IR and happen to transfer your rights to a new owner for all or some of the industrial designs in your IR, in respect of all or some of the DCPs, you can request that the **change in ownership** be recorded in the International Register. Such recording can only take place if the new owner is a person entitled to use the Hague System (by nationality, establishment, domicile or habitual residence in a Contracting Party). The request must be submitted to WIPO in the official form DM/2 (<http://www.wipo.int/hague/en/forms/>) and is subject to the payment of a fee (CHF 144). The change in ownership recorded in the International Register has immediate effects in all the DCPs concerned at no additional cost, unless the DCP has declared that such a recording shall not have effect in that Contracting Party until its Office has received certain statements or documents⁸. Furthermore, there are situations under some national laws where the recording of a partial change in ownership is not allowed (e.g. where a set of industrial designs is considered to be a single design; or where the law provides for a 'similar design' or 'related design' system). In such cases a Contracting Party may declare that the partial change in ownership has no effect in its territory.

To request the recording of a **change of name or address** of the holder of the IR (without change in ownership), you must use form DM/6 (<http://www.wipo.int/hague/en/forms/>). Your request may refer to several IRs. The fee payable to WIPO will amount to CHF 144 for one IR and CHF 72 for each additional IR of the same holder in the same request. If the only change to be recorded concerns your telephone and/or facsimile number, this can be requested in a simple letter and no fee is payable. A change of name or address recorded in the International Register has immediate effects in all the DCPs concerned by the IR at no additional cost.

If you no longer wish protection for one or more of the designs in your IR, you may request WIPO to record a **limitation**. The limitation may concern only some of the

⁸ The African Intellectual Property Organization (OAPI), Denmark, Mexico, Republic of Korea, Russian Federation, and the United States of America have declared that the recording of a change in ownership shall not have effect in the respective territory until the respective Office has received certain statements or documents.

DCPs. Your request must be presented on official form DM/3 and may only refer to a single IR. The recording of a limitation is subject to the payment of a fee (CHF 144) and has effects in all the DCPs concerned by the IR at no additional cost.

If you wish to renounce protection for all the industrial designs that are subject of the IR in respect of all or some of the DCPs, you may request the recording of a renunciation by using official form DM/5. A single form may be used to request the recording of a renunciation of several IRs provided that the Contracting Parties for which the IRs are renounced are the same. A renunciation is subject to the payment of a fee (144 CHF).

5.3.2. RENEWING YOUR INTERNATIONAL REGISTRATION

Your IR is valid for an initial period of five years and may be renewed for additional periods of five years. Subject to renewal, the duration of protection in each Contracting Party is at least 15 years from the date of the IR. In respect of those Contracting Parties that provide for longer terms of protection (20, 25 or 50 years), your IR may be renewed for additional periods of five years up to the expiry of the total duration of protection provided for in their law.

Six months before the expiry of each five-year term, WIPO will send you a notice indicating the date of expiry of the IR. You may renew your IR for only some of the DCPs and for only some of the industrial designs that are the subject of your IR.

TIP


To renew your international registration, use the Hague e-Renewal Service at

https://webaccess.wipo.int/erenewal_dm/IndexController?lang=EN

You may request the renewal of your IR either: (a) by using the Hague E-Renewal System (https://webaccess.wipo.int/erenewal_dm/IndexController?lang=EN); or (b) by sending the unofficial paper form DM/4 (<http://www.wipo.int/hague/en/forms/>) to WIPO; or (c) by

sending a simple communication to WIPO indicating the IR number and the payment of the renewal fees. It is recommended to use the E-Renewal interface, which facilitates partial renewal (i.e. for only some of the industrial designs and/or only some of the DCPs) and calculates the renewal fees to be paid automatically. Moreover, the E-Renewal interface allows for the payment of the renewal fees not only through your Current Account at WIPO but also by credit card.

The fees due for the renewal of an IR include: (a) a basic fee (CHF 200 for one design; CHF 17 for each additional design in the same IR); (b) an individual designation fee for each Contracting Party that requires such a fee (<http://www.wipo.int/hague/en/fees/individ-fee.html>); and (c) a standard designation fee (CHF 21 for one design; CHF 1 for each additional design in the same IR) in respect of each other Contracting Party for which the IR is to be renewed.



HAGUE
The International Design System

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Hague Renewal

Please enter your **International Registration Number (IRN)**:

(for example: 123456, 123456A) *

SUBMIT

This application enables you to **renew** the international registration. Please follow instructions provided on each screen.

Online payment of the renewal fee, either by WIPO Current Account or by credit card, is made on last screen.

In order to pay by WIPO Current Account, you will need to provide the **username** and **password** that WIPO provided you when you opened the Current Account. The username and password are the same as those your company uses to consult its WIPO Current Account (please contact your company's Finance department).

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■ 6. PROTECTING YOUR INDUSTRIAL DESIGN IN BELIZE THROUGH HAGUE SYSTEM

If you are entitled to file an international application under the Hague Agreement, you may seek and maintain protection for your industrial designs in Belize.

6.1. SEEKING PROTECTION IN BELIZE THROUGH THE HAGUE SYSTEM

You can designate Belize for protection when filing your international application by checking the country code (**BZ**) box in the application form (DM/1). The standard designation fee payable for a five-year protection of one design in respect of Belize amounts to CHF 42 (status in July 2021). For each additional design in the same application a standard designation fee of CHF 2 is payable in respect of Belize.

Belize accepts deferment of publication of your international application for a period not exceeding 12 months from the date of filing or, if priority is claimed, from the date of priority of the application.

6.2. EXAMINATION OF GROUNDS FOR NON-REGISTRABILITY AT BELIPO

The IP Office of Belize (BELIPO) shall examine your international application in respect of only two grounds for non-registrability: (a) non-compliance with the definition of industrial design, and (b) industrial designs that are contrary to public order or morality. Your IR may not be refused on the grounds of non-compliance with formal requirements since such requirements are to be considered as already satisfied following examination by WIPO.

The Industrial Designs Act (2000) of Belize defines an “industrial design” as “any composition of lines or colours or any three dimensional form, or any material whether or not associated with lines or colours, which gives a special appearance to a product of industry or handicraft and can serve as a pattern for a product of industry or handicraft and appeals to, and is judged, by the eye; provided that it does not consist of anything which serves to obtain a technical result and leaves no freedom as regards arbitrary features of appearance” (Section 2 of the Act).

The Industrial Designs Act further provides that industrial designs, the commercial exploitation of which would be contrary to public order or morality, shall not be protected (Section 3.-(3) of the Act).

Where, following the examination referred to above, BELIPO is not satisfied that the above-mentioned requirements for protection have been fulfilled, BELIPO will issue a refusal of protection.

Any refusal of protection based on one of the above-mentioned grounds for non-registrability, must be notified by BELIPO to WIPO within six months of publication of the IR on the WIPO website. The refusal must be reasoned and state the grounds on which refusal is based. If those grounds concern only some of the designs contained in the IR, BELIPO will refuse the designation of Belize only insofar as those designs are concerned.

6.3. DEALING WITH REFUSALS – PROFESSIONAL REPRESENTATION

Where BELIPO notifies a refusal of protection, the Registrar shall fix a time limit for you to submit observations directly to BELIPO, or to limit the effects of your IR to only one or some of the designs in respect of Belize. If you submit observations to BELIPO you may need to do so through a representative (see below).

If the grounds for refusal concern only one or some of the designs contained in the IR, you may limit the designation of Belize to one or more designs not concerned by the refusal. You may do so by filing a request for limitation directly with WIPO (see section 5.3.1, above).

If following a refusal from BELIPO you wish to submit observations directly to BELIPO and your ordinary residence or principal place of business is outside Belize, you will need to appoint a representative in Belize. Your representative should be an Attorney-at-Law who has been enrolled to practice in the courts of Belize in accordance with the relevant law.

6.4. GRANT OF PROTECTION – APPEAL AGAINST REFUSAL – FINAL DECISION

Where BELIPO finds no grounds for refusing protection of your IR in Belize, BELIPO may inform WIPO accordingly without delay.

Where BELIPO has refused protection to your IR, you will have the same remedies available to you as you would have had if you had filed the industrial design(s) in question directly with BELIPO. An appeal against a final decision by BELIPO to refuse protection must be submitted to the Supreme Court within two months from the date of the decision.

Once the decision to refuse or accept the IR is final, BELIPO shall send a final notification to WIPO indicating the designs that have been finally refused or accepted. Where

the final refusal relates to only some of the designs contained in a multiple IR, the notification to WIPO will indicate which designs have been refused and which have been accepted.

6.5. EFFECTS OF YOUR INTERNATIONAL REGISTRATION IN BELIZE

If no refusal is notified by BELIPO within six months of the publication of your IR on the WIPO website, or if a notice of refusal is finally withdrawn, the IR will, from the date of registration granted by WIPO, have the same effect as if the industrial design rights had been applied for at, and registered by, BELIPO.

The IR designating Belize will be valid for an initial period of five years and may be renewed, for additional five-year periods, up to a **maximum** duration of **protection of 15 years**. The renewal of your IR in respect of Belize should be done directly with WIPO (see section 5.3.2, above). The renewal fee in respect of Belize shall amount to 21 CHF for the first design and 1 CHF for each additional design.

6.6. CHANGE IN OWNERSHIP – CHANGE OF HOLDER’S NAME OR ADDRESS – LICENCES

Any change in ownership of the IR in respect of Belize registered in the International Register shall have the same effects in Belize as if it had been registered directly at BELIPO (see section 5.3.1, above). Similar effects shall have any change of name or address of the holder of the IR having been recorded in the International Register.

If you are the owner of an IR having effects in Belize, you may grant licenses in respect of the design(s) protected in Belize by virtue of the IR. A copy of each licence contract relating to a design protected by virtue of an IR with effects in Belize shall be submitted to BELIPO for recording purposes. The Registrar shall keep its contents confidential but shall record it and publish a notice thereof. The license contract shall have no effect against third parties until it has been recorded by BELIPO.

6.7. POSSIBLE INVALIDATION

An international registration (IR) accepted by BELIPO (and thus valid in Belize) may be subject to invalidity proceedings under the same conditions and procedural rules as an industrial design registered at BELIPO.

Any interested party may lodge with the Supreme Court of Belize an application for the invalidation of an international registration protected in Belize under the Hague System, wholly or in part or in respect of any particular article in connection with which the design is registered, on any of the following **grounds**: (a) that the design is not new; (b) that the holder of the IR is not the owner or his successor in title; (c) that the IA was made with the intention of defrauding the owner; (d) that the IR does not comply with the definition of a design under the Industrial Designs Act; or (e) that the design is contrary to public order or morality.

The Industrial Designs Act provides that an industrial design is new if it has not been disclosed to the public anywhere in the world, by publication in tangible form or by use in any other way, prior to the filing date or, where applicable, the priority date of the application for registration.

The invalidity proceedings may terminate with a decision of the Court to invalidate the IR, or part thereof, or with a dismissal of the request for invalidation. An invalidated IR, or part thereof, shall be regarded as null and void from the date of the IR. The Registrar of the Supreme Court shall notify BELIPO of the decision of the Court to invalidate an IR, or part thereof, and BELIPO shall publish a reference thereto in the Journal as soon as possible.



■ 7. PROTECTING YOUR DESIGN IN THE EUROPEAN UNION THROUGH THE HAGUE SYSTEM

In the European Union (EU), there is a four-tier system for registering designs.

If you just want protection in one EU Member State, you can file a design application directly at the relevant national IP office. This is the **national route** available in 24 EU Member States (Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden).



If you want protection in Belgium, Luxembourg and the Netherlands, you can file a design application at the Benelux Office of Intellectual Property (BOIP), a regional-level IP office for design protection in those three Member States. This is the **Benelux regional route**.

If you want protection in all the EU Member States, you can apply for a registered Community design (RCD) from the European Union Intellectual Property Office (EUIPO) — this is the **European route**. The RCD is valid in the territories of all 27 EU Member States.

A fourth route to design protection in the EU is the **international route** or Hague System route, which can be combined with any of the three mentioned above. A person filing an international application under the Hague Agreement (Geneva Act) can designate for protection any of the EU Member States that are Contracting Parties to that Act individually, or can designate the Benelux (for protection in Belgium, Luxembourg and the Netherlands), or can designate the European Union (for protection in the 27 EU Member States through one single designation).

This section analyses the benefits of obtaining a design right valid in all 27 EU Member States by following the international route (designating the EU in a Hague System international application).

7.1. SEEKING PROTECTION IN THE EUROPEAN UNION THROUGH THE HAGUE SYSTEM (THE INTERNATIONAL ROUTE)

Similar benefits to those offered by the European route, plus the additional benefits that are unique to the Hague System, can be enjoyed by following the international route. As from 2008, when the European Union became a Contracting Party of the Hague Agreement (Geneva Act), it became possible for Hague System users to get a design right having the same effects as an RCD (valid in all the EU Member States) by designating the EU in an international application.



An IR designating the EU and accepted by the EUIPO has the same effects as a registered Community design (RCD) registered by the EUIPO. This section describes the best practices to be followed to obtain an IR that is valid in the European Union.

7.1.1. DESIGNATING THE EUROPEAN UNION

You can designate the European Union for protection when filing your international application by checking the European Union (**EM code**) box in the application form (DM/1).

The individual designation fee for the protection of one design in the EU has been fixed by the EU at CHF 67 (status in July 2021).

7 DESIGNATED CONTRACTING PARTIES (mandatory – no Contracting Parties may be added afterwards.)

Indicate, by ticking the appropriate box, each Contracting Party where protection is sought. The designated Contracting Party must be bound by an Act – the 1999 Act and/or the 1960 Act – to which at least one of the Contracting Parties indicated in item 2 is also bound (a list of Contracting Parties is annexed to the present form):

<input type="checkbox"/> AL Albania	<input type="checkbox"/> ES Spain	<input type="checkbox"/> LI Liechtenstein	<input type="checkbox"/> RU Russian Federation
<input type="checkbox"/> AM Armenia	<input type="checkbox"/> FI Finland ⁷	<input type="checkbox"/> LT Lithuania	<input type="checkbox"/> RW Rwanda
<input type="checkbox"/> AZ Azerbaijan	<input type="checkbox"/> FR France	<input type="checkbox"/> LV Latvia	<input type="checkbox"/> SG Singapore
<input type="checkbox"/> BA Bosnia and Herzegovina	<input type="checkbox"/> GA Gabon	<input type="checkbox"/> MA Morocco	<input type="checkbox"/> SI Slovenia
<input type="checkbox"/> BG Bulgaria	<input type="checkbox"/> GB United Kingdom	<input type="checkbox"/> MC Monaco	<input type="checkbox"/> SM San Marino
<input type="checkbox"/> BJ Benin	<input type="checkbox"/> GE Georgia	<input type="checkbox"/> MD Republic of Moldova	<input type="checkbox"/> SN Senegal
<input type="checkbox"/> BN Brunei Darussalam	<input type="checkbox"/> GH Ghana ⁷	<input type="checkbox"/> ME Montenegro	<input type="checkbox"/> SR Suriname
<input type="checkbox"/> BW Botswana	<input type="checkbox"/> GR Greece	<input type="checkbox"/> MK North Macedonia	<input type="checkbox"/> ST Sao Tome and Principe
<input type="checkbox"/> BX Benelux	<input type="checkbox"/> HR Croatia	<input type="checkbox"/> ML Mali	<input type="checkbox"/> SY Syrian Arab Republic
<input type="checkbox"/> BY Belarus	<input type="checkbox"/> HU Hungary ⁷	<input type="checkbox"/> MN Mongolia	<input type="checkbox"/> TJ Tajikistan
<input type="checkbox"/> BZ Belize	<input type="checkbox"/> IL Israel ⁸	<input type="checkbox"/> MX Mexico ^{7, 8}	<input type="checkbox"/> TM Turkmenistan
<input type="checkbox"/> CA Canada ⁸	<input type="checkbox"/> IS Iceland ⁷	<input type="checkbox"/> NA Namibia	<input type="checkbox"/> TN Tunisia
<input type="checkbox"/> CH Switzerland	<input type="checkbox"/> IT Italy	<input type="checkbox"/> NE Niger	<input type="checkbox"/> TR Turkey
<input type="checkbox"/> CI Côte d'Ivoire	<input type="checkbox"/> JP Japan	<input type="checkbox"/> NO Norway	<input type="checkbox"/> UA Ukraine
<input type="checkbox"/> DE Germany	<input type="checkbox"/> KG Kyrgyzstan	<input type="checkbox"/> OA African Intellectual Property Organization	<input type="checkbox"/> US United States of America ⁹
<input type="checkbox"/> DK Denmark	<input type="checkbox"/> KH Cambodia	<input type="checkbox"/> OM Oman	<input type="checkbox"/> VN Viet Nam
<input type="checkbox"/> EE Estonia	<input type="checkbox"/> KP Democratic People's Republic of Korea	<input type="checkbox"/> PL Poland	<input type="checkbox"/> WS Samoa
<input type="checkbox"/> EG Egypt	<input type="checkbox"/> KR Republic of Korea ⁸	<input type="checkbox"/> RO Romania	
<input checked="" type="checkbox"/> EM European Union		<input type="checkbox"/> RS Serbia	

⁷ If Finland, Ghana, Hungary, Iceland and/or Mexico is/are designated, it is mandatory to indicate, in item 11, the identity of the creator. The latter declares to be the creator of the industrial design. Where the person identified as the creator is a person other than the applicant, it is hereby stated that the present international application has been assigned by the creator to the applicant.

⁸ Generally, products belonging to class 32 of the Locarno Classification cannot receive protection under the laws of Canada, Israel, Mexico and the Republic of Korea. Consequently, a designation of Canada, Israel, Mexico or the Republic of Korea in an international registration for industrial designs in class 32, would be the subject of a refusal by their respective Office.

⁹ If the United States of America is designated, it is mandatory to indicate, in item 11, the identity of the creator and to submit an oath or declaration of inventorship using Annex I.

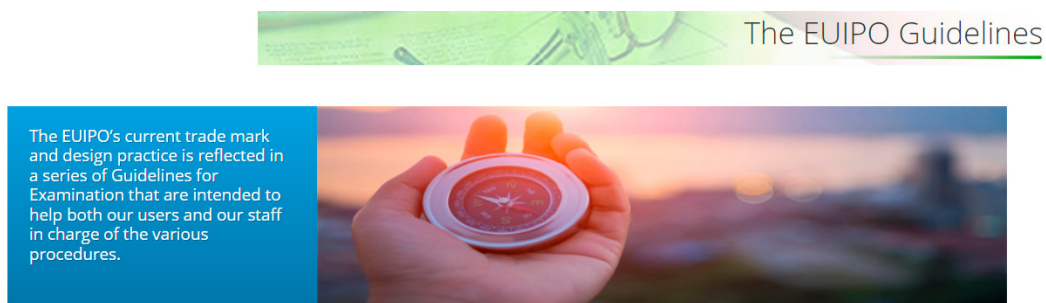
The European Union accepts deferment of publication of your international application up to 30 months.

7.1.2. EUIPO EXAMINATION OF GROUNDS FOR NON-REGISTRABILITY

An IR may not be refused on the ground on non-compliance with formal requirements, since such requirements are to be considered as already satisfied following examination by WIPO. The EUIPO, therefore, limits its examination to only two grounds for non-registrability: (a) non-compliance with the EU definition of design, and (b) designs that are contrary to public order or accepted principles of morality.

The **EU law** (Community Design Regulation) defines a 'design' as the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, shape, texture and/or materials for the product itself and/or its ornamentation. A 'product' means any industrial or handicraft item, including, inter alia, parts intended to be assembled into a complex product, packaging, get-up, graphic symbols and typographic typefaces, but excluding computer programs. Whether the design discloses the appearance of a 'product' will be examined in the light of the design itself (insofar as

it makes clear the nature of the product, its intended purpose or its function) and of the indication of the products in which the design is intended to be applied. Some examples of the EUIPO's examination practice regarding compliance with the definition of design can be seen in Section 4.1 of the EUIPO guidelines on Examination of Applications for Registered Community Design that can be downloaded from <https://euipo.europa.eu/ohimportal/en/design-guidelines>



A design can be found by the EUIPO to be contrary to public policy if it constitutes a genuine and sufficiently serious threat to a fundamental interest of society. Designs that portray or promote violence or discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation will be refused in that account. It is enough that a design be found contrary to public policy in at least part of the European Union for the design to be refused protection.

Regarding accepted principles of morality, if the EUIPO perceives the design as sufficiently obscene or offensive from the perspective of a reasonable person of normal sensitivity and tolerance, its protection will be refused.

Any preliminary refusal of protection based on one of the above-mentioned grounds for non-registrability, must be notified by the EUIPO to WIPO within six months of publication of the IR on the WIPO website. The preliminary refusal must be reasoned and state the grounds on which refusal is based. If those grounds concern only some of the designs contained in the IR, the EUIPO will refuse the EU designation only insofar as those designs are concerned.

7.1.3. DEALING WITH REFUSALS

If the EUIPO notifies a preliminary refusal of protection, you will be given a period of two

months from receipt of the notification to submit observations directly to the EUIPO, or renounce the IR for the EU, or limit the IR to one or some of the designs for the EU. If you submit observations to the EUIPO, you may need to do so through a representative (see section 6.2.4, below).

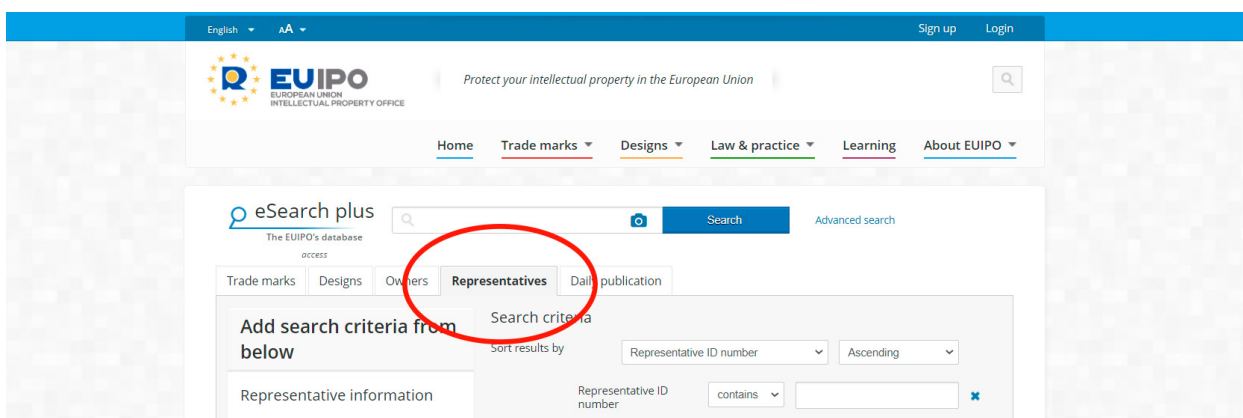
If the EUIPO objection relates to compliance with the definition of a design and if this objection can be overcome by amending the indication of the products in which the design is intended to be incorporated or to which it is intended to be applied, the EUIPO examiner will propose such an amendment.

If the grounds for refusal concern only one or some of the designs contained in the IR, you may limit the designation of the EU to one or more designs not concerned by the refusal. If the grounds for refusal concern all the designs in the IR, you may renounce your designation of the EU. In both such cases, you must file the request for limitation or renunciation directly with WIPO (see section 5.3.1, above).

If you fail to overcome the grounds for non-registrability within the time limit, the Office will confirm the refusal of your EU designation.

7.1.4. PROFESSIONAL REPRESENTATION

In principle, you do not need to appoint a representative before the EUIPO. However, being located outside the European Economic Area, you will need to appoint a representative if the EUIPO issues a provisional refusal of your IR. In such cases, your representative should be a person who appears in the database of representatives maintained by the EUIPO (<https://euipo.europa.eu/eSearch/#advanced/representatives>).



7.1.5. GRANT OF PROTECTION OR CONFIRMATION OF REFUSAL

Where the EUIPO finds no grounds for refusing protection or where a preliminary refusal is withdrawn, the EUIPO informs WIPO accordingly without delay.

Where the EUIPO has issued a preliminary refusal and you do not submit observations that satisfy the EUIPO within the specified time limit, do not renounce the IR for the EU, do not limit it to one or some of the designs, or do not withdraw the application, the EUIPO may confirm its decision refusing protection of the IR. If the refusal concerns only some of the designs contained in a multiple IR, the EUIPO will refuse the IR only insofar as those designs are concerned.

7.1.6. APPEAL AND FINAL DECISION

If refusal of your IR is confirmed by the EUIPO, you will have the same remedies available to you as you would have had it you had filed the design(s) in question directly with the EUIPO. An appeal against a decision to refuse protection must be submitted to the Boards of Appeal within two months from the date of notification of the decision appealed from.

Once the decision to refuse or accept the IR is final, a final notification will be sent to WIPO indicating whether the designs have been finally refused or accepted. Where the final refusal relates to only some of the designs contained in a multiple IR, the notification to WIPO will indicate which designs have been refused and which have been accepted.

7.2. EFFECTS OF THE INTERNATIONAL REGISTRATION IN THE EUROPEAN UNION

If no refusal is notified by the EUIPO within six months of the publication of the IR on the WIPO website, or if a notice of preliminary refusal is withdrawn, the IR will, from the date of registration granted by WIPO, have the same effect as if the design rights had

been applied for at, and registered by, the EUIPO.

The IR designating the EU is valid for an initial period of five years and may be renewed, for additional five-year periods, up to a maximum duration of protection of 25 years. The renewal of your IR in respect of the EU should be done directly with WIPO (see section 5.3.2, above). The individual renewal fee fixed by the EU amounts to 34 CHF for each design.

7.3. POSSIBLE INVALIDATION

An international registration (IR) accepted by the EUIPO (and thus valid in the EU) may be subject to invalidity proceedings under the same conditions and procedural rules as a Community design registered by the EUIPO (RCD).

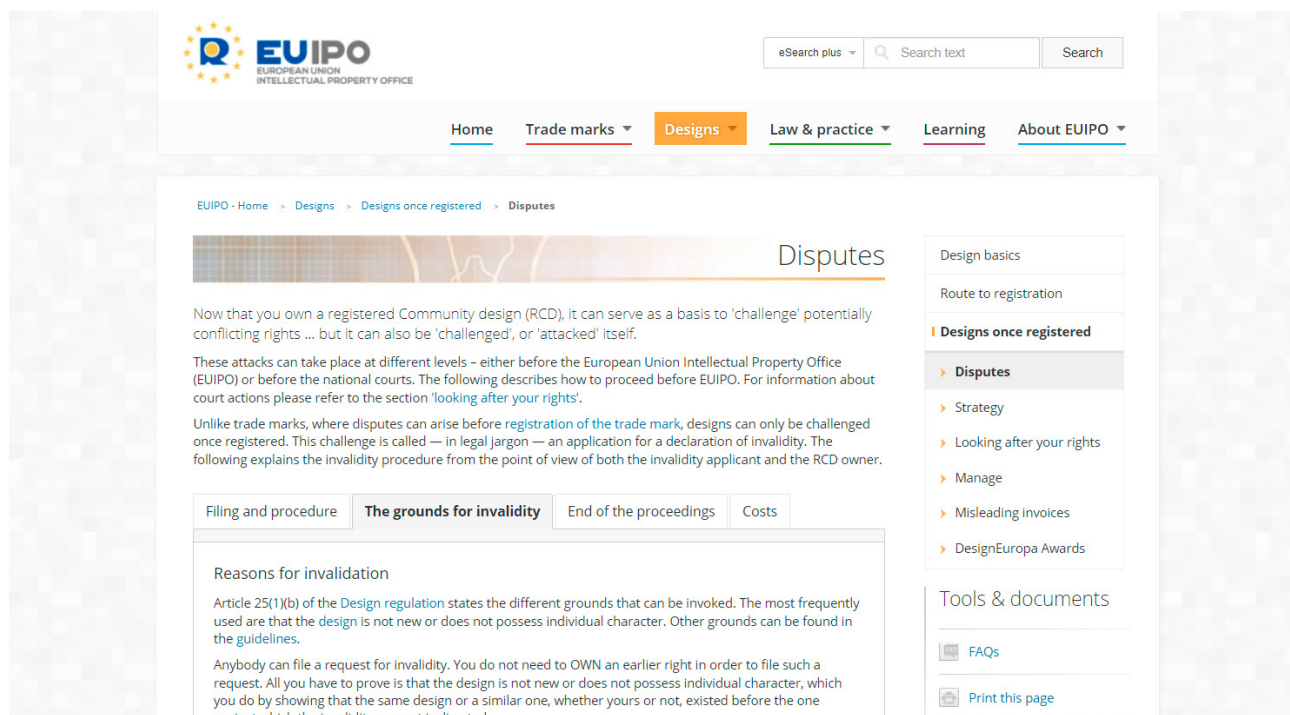
Any natural or legal person may request from the EUIPO a declaration of invalidity of an industrial design protected in the EU through the Hague system based on grounds that the protected design: (a) does not correspond to the definition of a design under the EU law; (b) lacks of novelty or individual character; (c) subsists in features of appearance of a product that are solely dictated by the product's technical function; (d) subsists in features of appearance of a product that must necessarily be reproduced in the exact form and dimensions in order to permit the product to be mechanically connected to, or placed in, around or against another product so that either product may perform its function; or (e) is contrary to public order or morality.

Other **grounds** for possible invalidation include: (a) a court decision declaring that the holder of the design is not entitled to it; (b) if the design is in conflict with prior design rights (c) if a distinctive sign is used in a subsequent design and the rightsholder of the sign has the right to prohibit such use; (d) if the design constitutes an unauthorized use of a work protected under copyright law of a EU Member State; (e) if the design constitutes an improper use of any of the items listed in Article 6ter of the Paris Convention (State flags and emblems and names and emblems of intergovernmental organizations) or other badges, emblems and escutcheons of interest in a EU Member State. However, grounds (a) to (d) can only be invoked by the person who is entitled to

the design or the earlier right; and ground (e) is only admissible if the person invoking it is entitled to the earlier right or is affected by the use of the emblem or symbol, as the case may be.

Whoever invokes grounds for invalidity, must indicate the facts, evidence and arguments in support of those grounds. The EUIPO will examine the case based exclusively on the facts, evidence and arguments provided by the parties (the holder of the IR and the party who invokes the invalidity). The invalidity proceedings may terminate with a declaration of invalidity of the design contained in the IR or with a dismissal of the request for such declaration. The invalidity proceedings may terminate without a decision on the merits when the person seeking the invalidity withdraws its request as a result of an amicable settlement.

Any part to invalidity proceedings has the right to appeal against a decision that affects it adversely. The appeal must be submitted to the Boards of Appeal within two months and has suspensive effect.



The screenshot shows the EUIPO (European Union Intellectual Property Office) website. The main navigation bar includes links for Home, Trade marks, Designs, Law & practice, Learning, and About EUIPO. The 'Designs' menu is active, leading to a page titled 'Disputes'. The page content explains that a registered Community design (RCD) can be challenged or attacked. It details the grounds for invalidity, such as lack of novelty or individual character, and provides information on how to file a request for invalidity. The page also includes a sidebar with links to 'Design basics', 'Route to registration', 'Designs once registered', and 'Disputes'. The 'Disputes' section lists topics like Strategy, Looking after your rights, Manage, Misleading invoices, and DesignEuropa Awards. At the bottom, there are links for 'Tools & documents', including FAQs and a 'Print this page' option.



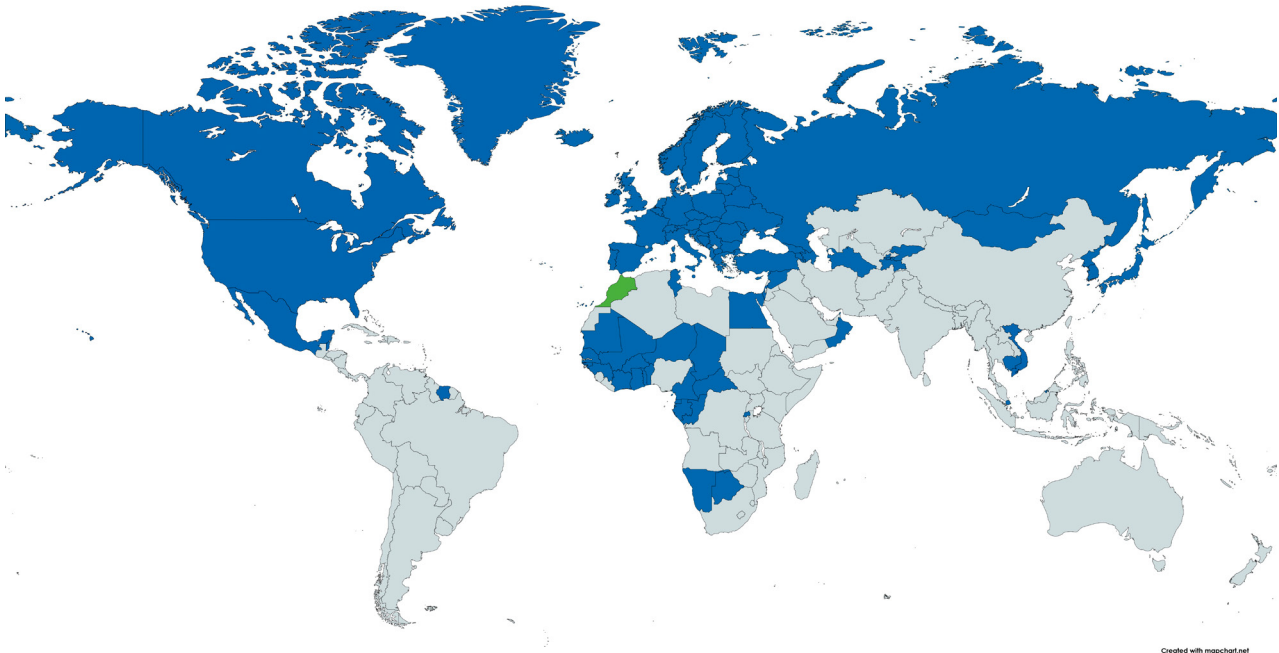
■ 8. CONCLUSION

The Hague System offers you an attractive route to protect your designs in up to 92 countries around the world by making available cost-effective and user-friendly procedures to acquire and manage your industrial design rights at a global level. As a national of Belize, or a person domiciled, habitual resident, or having an industrial or commercial establishment in Belize, you are entitled to benefit from the advantages offered by the Hague Agreement (Hague and Geneva Acts). Today, using the Hague System is an essential component of a successful marketing strategy for any design creator or company. The Hague System offers you early presence at a global level and helps you rapidly acquire international reputation for your designs. The Hague Agreement ensures the legal protection of your designs against competitors, increases franchising opportunities, opens partnership possibilities and facilitates integration to global supply chains. In general, it provides a most effective support to your branding strategies and business success.

GEOGRAPHICAL COVERAGE OF THE HAGUE SYSTEM

- 92 countries on July 19, 2021 -

Countries covered by the 1999 Act (including members of the European Union and OAPI) + Morocco (bound only by the 1960 Act)



CONTRACTING PARTIES TO THE 1999 ACT OF THE HAGUE AGREEMENT

African Intellectual Property Organization (OAPI)⁹, Albania, Armenia, Azerbaijan, Belarus, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Cambodia, Canada, Croatia, Democratic

⁹ A Hague designation of OAPI covers all its Member States, namely: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Equatorial Guinea, Gabon, Guinea-Bissau, Guinea, Mali, Mauritania, Niger, Senegal, Togo (17)

People's Republic of Korea, Denmark, Egypt, Estonia, European Union¹⁰, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Israel, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Mongolia, Montenegro, Namibia, Netherlands, North Macedonia, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Suriname, Switzerland, Syrian Arab Republic, Tajikistan, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom, United States of America, Viet Nam

Morocco: Hague Union member where you can get protection under the 1960 Act

ACRONYMS

BOIP	Benelux Office for Intellectual Property
CHF	Swiss Franc
DCP	Designated Contracting Party
EM	two-letter code used to identify the EU in the Hague System forms
EU	European Union
EUIPO	European Union Intellectual Property Office
IA	International Application under the Hague System procedures
BELIPO	Belize Intellectual Property Office
IR	International Registration under the Hague System procedures
OAPI	African Intellectual Property Organization
RCD	Registered Community Design of the European Union
WIPO	World Intellectual Property Organization

¹⁰ A Hague designation of the European Union covers all its Member States, namely: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden (27)

GLOSSARY

Contracting Parties	States and intergovernmental organizations that are Parties to the Hague Agreement (Geneva Act)
DAS	Digital Access Service for industrial design priority documents
International application	Application for the registration of an industrial design under the Hague System procedures
International registration	International registration of an industrial design under the Hague System procedures
Hague Union	Union of States and intergovernmental organizations that are Parties to the Hague Agreement
Hague Agreement	Hague Agreement Concerning the International Registration of Industrial Designs
Geneva Act or 1999 Act	Latest Act of the Hague Agreement Concerning the International Registration of Industrial Designs
Hague System	System for the international registration of industrial designs, governed by the Hague Agreement and managed by WIPO
Hague Union Members	Contracting Parties to the Hague Agreement
Locarno Classification	International Classification for Industrial Designs established by the Locarno Agreement of 1968

ONLINE TOOLS AND SERVICES FREELY AVAILABLE FOR HAGUE SYSTEM USERS

DesignView – <https://www.tmdn.org/tmdsview-web/welcome>

Online platform offering access to data of more than 16.4 million industrial designs from 67 IP offices

Digital Access Service (DAS) – <https://www.wipo.int/das/en/>

A WIPO electronic system allowing industrial design priority documents to be securely exchanged between participating intellectual property (IP) offices.

EUIPO Design Guidelines – <https://euipo.europa.eu/ohimportal/en/design-guidelines>

Compendium of EUIPO practice regarding Registered Community Design procedures

EUIPO Design website – <https://euipo.europa.eu/ohimportal/en/designs>

Design website of the European Union Intellectual Property Office

EUIPO Representatives Database – <https://euipo.europa.eu/eSearch/#advanced/representatives>

Database of representatives maintained by the European Union Intellectual Property Office

Global Design Database – <https://www.wipo.int/designdb/en/index.jsp>

WIPO online gateway containing more than 13 million records from 32 national, regional and international design collections

Hague E-Renewal System – https://webaccess.wipo.int/erenewal_dm/IndexController?lang=EN

Online electronic facility to request the renewal of international registrations under the Hague System

Hague Guide for Users – <https://www.wipo.int/hague/en/guide/>

WIPO Guide to the International Registration of Industrial Designs

Hague Member Profiles Database – <https://www.wipo.int/hague/memberprofiles/#/>

WIPO-managed database that offers information on procedures and practices regarding the effects of international registrations in Hague Union Members

Hague System Fee Calculator – <https://www.wipo.int/hague/en/fees/calculator.jsp>

WIPO-managed online tool that facilitates the calculation of the fees to be paid for international applications and renewals under the Hague System

Hague System Fee payment methods – <http://www.wipo.int/finance/en/hague.html>

Methods for the payment of fees to WIPO under the Hague System

Hague System Forms – <https://www.wipo.int/hague/en/forms/>

WIPO web address where from the Hague System forms can be downloaded

Hague System Individual Fees – <https://www.wipo.int/hague/en/fees/individ-fee.html>

Individual designation fees (for international applications and renewals) fixed by certain Contracting Parties under the Hague System

Hague System Schedule of Fees – <https://www.wipo.int/hague/en/fees/sched.htm>

Schedule of Fees under the Hague System

International Designs Bulletin – <https://www.wipo.int/haguebulletin/?locale=en>

The official Hague System weekly publication that contains the latest data regarding international registrations, renewals and modifications affecting existing registrations

Locarno Classification – <http://www.wipo.int/classifications/locarno/en/>

International Classification for Industrial Designs established by the Locarno Agreement of 1968

RCD online filing – <https://euipo.europa.eu/ohimportal/en/rcd-apply-now>

Electronic facility for online filing of RCD applications at the EUIPO website

WIPO IP Portal – <https://ipportal.wipo.int/>

Online portal offering access to various WIPO IP services, including the eHague electronic filing interface enabling you to file international applications under the Hague System

WIPO Lex – <https://wipolex.wipo.int/en/main/legislation>

Global database providing access to Intellectual Property legal information (treaties, laws, regulations)

WIPO User Account – <https://www3.wipo.int/wipoaccounts/generic/public/register.xhtml>

User account offering secured access to the WIPO IP Portal and several WIPO services including the eHague electronic filing interface

NOTES



