Hague Agreement Concerning the International Deposit of Industrial Designs*


The Agreement is open to States party to the Paris Convention. Instruments of ratification or accession must be deposited with the Director General of WIPO.

The system applicable under the 1960 and 1967 Acts may be summed up as follows. The international deposit of an industrial design may be made at the International Bureau of WIPO either direct or through the intermediary of the national industrial property office of the contracting State which is the country of origin if the law of that State so permits. The domestic law of any contracting State may require that the international deposit be made through the intermediary of its national office.

The international deposit has, in each of the contracting States designated by the applicant, the same effect as if all the formalities required by the domestic law for the grant of protection had been complied with by the applicant and as if all administrative acts required to that end had been accomplished by the office of that State (or by the Benelux Designs Office, as the case may be).

The international deposit may extend its effects to the contracting State which is the country of origin (if that State is designated by the applicant), unless the legislation of that State provides otherwise.

WIPO publishes in a periodical bulletin, for each international deposit, reproductions in black and white or, at the request of the applicant, reproductions in colour of the photographs or other graphic representations of the deposited design or designs. The applicant may request that the publication be deferred by a period not exceeding 12 months from the date of the international deposit or, if priority is claimed, from the priority date.

Each contracting State designated by the applicant (or the Benelux Designs Office, if designated) may refuse protection within six months from the date of the receipt of the publication of the international deposit. Re-
fusal of protection can only be based on requirements of the domestic law other than the formalities and administrative acts to be accomplished under the domestic law by the office of the contracting State (or the Benelux Designs Office) which refuses the protection.

An international deposit may be renewed every five years.

The term of protection cannot be less than five years, or 10 years if renewed during the last year of the first five-year period. If the legislation of a contracting State provides for a longer term of protection for national (or regional) deposits, protection of the same duration shall, on the basis of the international deposit and its renewals, be granted in that State (or in the Benelux countries) to designs which have been the subject of an international deposit, unless the national legislation limits the term of protection of designs which have been the subject of an international deposit to five years in the absence of renewal and to 10 years if the deposit has been renewed.

The system described above is not yet in force in the following States party to the Agreement, which are only bound by the 1934 Act: Egypt, Holy See, Indonesia, Morocco, Spain and Tunisia.

Under the system of the 1934 Act, the publication of the international deposit does not include a reproduction of the industrial design, and the deposit automatically has effect in all the States party to the Act with the exception of the State of origin (unless the national legislation of that State permits).

Under the 1934 Act, the initial term of protection of five years may be prolonged once for a further term of 10 years.

The number of international deposits and renewals effected under the Hague Agreement was 5,828 in 1996. At the end of 1996, 27,500 such deposits were in force. An average of 10 countries were covered by each of those deposits.

In order to facilitate the work of the users of the Hague Agreement, the International Bureau of WIPO publishes a Guide to the International Deposit of Industrial Designs.

The Hague Agreement created a Union. Since 1970, the Union has an Assembly. Every country member of the Union which has adhered to the Complementary Act of the Stockholm Act is a member of the Assembly.

Among the most important tasks of the Assembly are the adoption of the biennial programme and budget of the Union and the adoption and modification of the implementing regulations, including the fixing of the fees connected with the use of the Hague system.

The following 26 States were party to this Agreement on 1 January 1997:

Belgium, Benin, Bulgaria, Côte d'Ivoire, Democratic People's Republic of Korea, Egypt, France, Germany, Holy See, Hungary, Indonesia, Italy, Liechtenstein, Luxembourg, Monaco, Morocco, Netherlands, Republic of Moldova, Romania, Senegal, Slovenia, Spain, Suriname, Switzerland, Tunisia, and Yugoslavia.