

## International Registered Designs

### The Hague International Designs System

#### Overview

The Hague System for the International Registration of Industrial Designs provides a mechanism for obtaining and managing registered design rights in countries and intergovernmental organisations that are members of the Hague Union. A single international registered design gives rights which are equivalent to national registered design rights in each of the designated territories of the registration.

#### Territorial Coverage

There are 68 individual members of the Hague Union. The members include national states, as well as regional organisations such as the European Union of 28 states, and the African Intellectual Property Organisation (ARIPO) of 17 states. The United States (US) is a member state, but China (CN) has not yet joined the Hague Union.

#### Multiple designs in one registration

The Hague System allows for protection of multiple designs in a single registration. The maximum available protection is 100 individual designs protected in 68 contracting parties in a single international registration, although most international registrations do not contain as many designs and do not designate as many contracting parties.

#### Filing & Examination procedure

An application for international design registration is examined by the World Intellectual Property Organisation (WIPO) which checks that the applicant is a national or resident of a Hague Union member state or is otherwise entitled to use the Hague system. There is also examination of the design representations to make sure that they comply with the

formal requirements for reproducibility and that the description of the design complies with the Locarno system for design classification, for the purposes of searching.

Provided the formal requirements are met, WIPO issues an international registered design certificate. After registration, an international registered design is examined by each of the contracting parties designated in the registration, to check that the registration complies with their own formal requirements. Designated contracting parties can only refuse protection on the grounds that their local formal requirements are not met. If a refusal is issued by a contracting party, there is the opportunity to amend the representations to comply with the formal requirements, being typically, line thickness, number of representations, and description of the design.

If any contracting party does refuse protection, this has no bearing on the protection in other contracting parties.

### **Legal Effect of International Design Registration**

Provided no refusal is notified by a given designated contracting party within the prescribed time limit, or if a refusal has been issued it has been subsequently overcome or withdrawn, the international registration has the same effect as a grant of registered design protection in that contracting party under the law of that contracting party.

### **Duration of Protection**

The minimum duration of protection in each designated contracting party is 15 years from the date of filing, subject to payment of renewal fees after the first five-year period and at the 10 year stage, and up to the maximum duration allowed by each contracting party.

For the European Union designation, the maximum duration is 25 years, and further renewal fees are paid at the third and fourth five-year intervals.

Protection expires for most states 15 years after filing, and the European Union, 25 years after filing provided the renewal fees are paid at the appropriate times.

## Advantages of using the Hague System

- Design owners can obtain protection of multiple designs in a single registration.
- Design owners can obtain protection of multiple territories in a single registration.
- The Hague system avoids the need for constant monitoring of deadlines for renewals for a series of national or regional registrations which vary from one state to the other.
- The Hague system avoids the need to pay a large number of foreign attorneys to file individual national or regional registered designs.
- Design owners can use a single European patent attorney or European design attorney to carry out the application, registration and renewal procedure.
- The Hague system procedures are in a single language and avoid the need for separate registered design applications in multiple different languages.
- The subsequent management of design registration is simplified and more cost-effective. A subsequent change of ownership in all or only some of the designated contracting parties can be made by filing a single assignment in a single language, avoiding the need to file multiple assignments in multiple countries.
- For a large number of designs or a large number of countries, using the Hague system has an overriding cost advantage compared to multiple applications in multiple individual states or regional design systems.

## How do I file an international design application?

We will need the following items:

- CAD drawings, photographs or a model of each of your designs;
- A list of countries in which you wish to protect the designs;
- The name and address of the owner of the designs (usually a company);
- The names of the individual designers, and their relationship to the design owner.

Please contact one of our attorneys or representatives using the contact details below.

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