

# Utilization of the Hague System in light of the Expansion of Global Economic Activities

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August 1st, 2022

Design Division of  
Patent and Design Examination Department  
(Physics, Optics, Social Infrastructure and Design)



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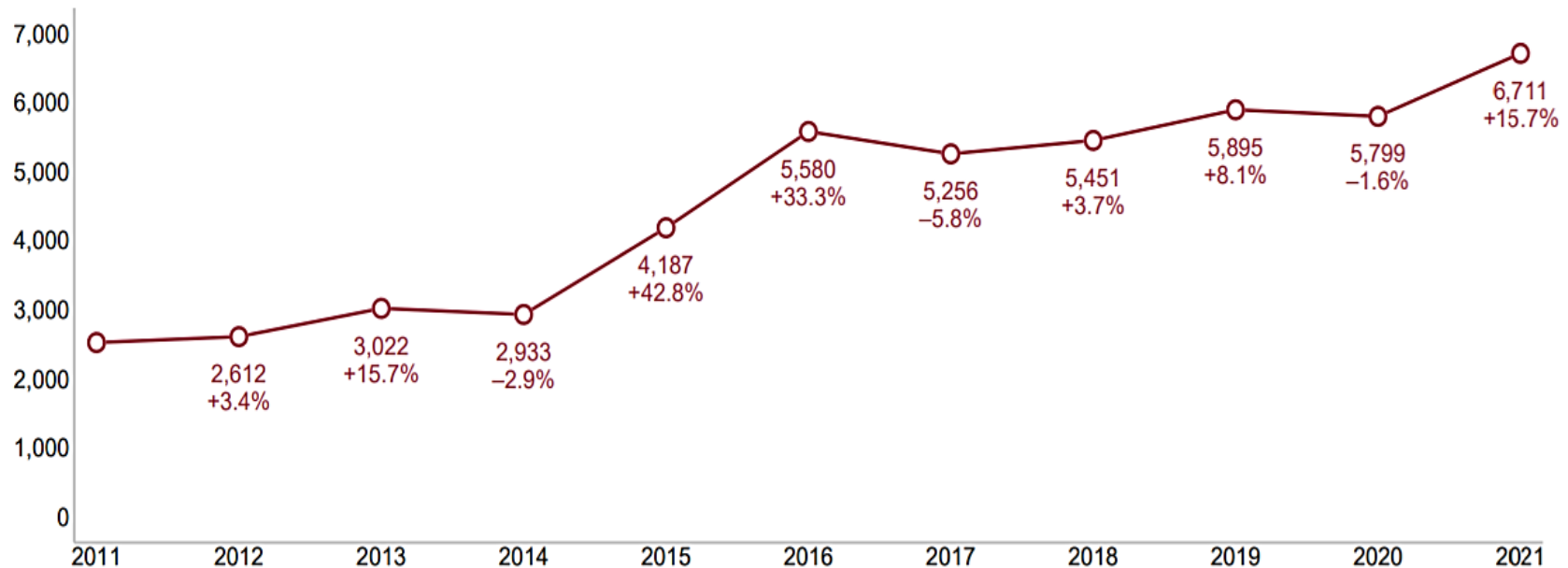
Points to keep in mind when using the Hague System

# Current status of the Hague Agreement

# Recent Status of International Applications Filed under the Hague Agreement

- The number of international applications under the Treaty of The Hague has been increasing year by year, especially since 2015 when the United States, South Korea, and Japan joined.
- With China joining this year, further increases are expected in the future.

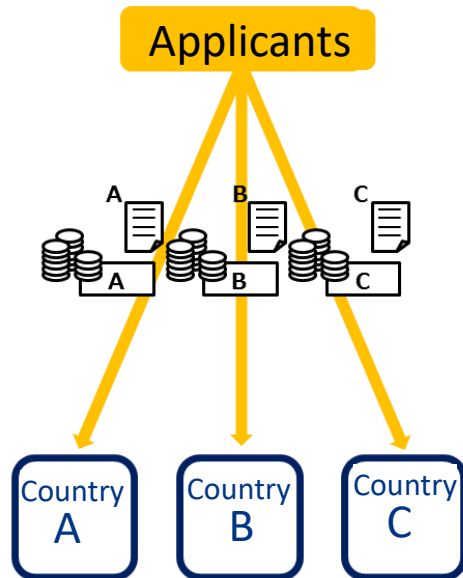
Changes in the Number of International Applications filed under the Hague Agreement



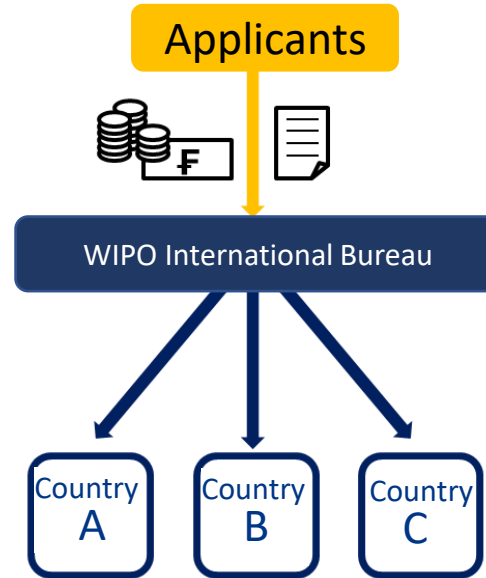
# Benefits of the Hague System

- International applications under the Hague Agreement can obtain design rights in each country or region through a simple and easy procedure.

Direct filing  
with foreign IP Offices



International Applications  
under the Hague Agreement



- ✓ Only one application form is OK.
- ✓ Only one language is OK.
- ✓ Only one currency is OK.  
(Swiss francs)
- ✓ Batch filing up to 100 designs is possible.  
(only within the same class of Locarno Classification)
- ✓ Formality Examination is conducted collectively at WIPO
- ✓ Transfer of ownership, withdrawal, etc. are collectively applied for at WIPO
- ✓ Renewals are filed with WIPO in batches
- ✓ WIPO will automatically send the contents of the international publication to each designated country.

# Benefits of the Hague System

- International design applications are published worldwide, providing **business opportunities** worldwide.

The screenshot displays the WIPO Hague Express database interface. At the top, the WIPO logo and navigation links (Contact Us, My account, English) are visible. Below the navigation bar, the 'Hague Express' section is highlighted. The main heading 'Hague Express' is followed by a descriptive paragraph: 'The Hague Express Database, updated weekly, includes bibliographical data and, as far as international registrations governed exclusively or partly by the 1999 and/or by the 1960 Act(s) of the Hague Agreement are concerned, reproductions of industrial designs relating to published bearing a registration date as from January 3, 1985. International registrations that have lapsed are not removed from the database.'

The interface features two main sections: 'SEARCH BY' and 'FILTER BY'. The 'SEARCH BY' section includes tabs for 'Design', 'Names', 'Numbers', 'Dates', and 'Country'. Below these tabs are three search criteria: 'Indication of Product', 'Locarno Class', and 'Description', each with a corresponding input field and a 'search' button. The 'FILTER BY' section includes tabs for 'Designation', 'Locarno Class', 'Reg. Year', and 'Contracting Party'. Below these tabs is a table showing the number of records for various countries and designations. The table is sorted by 'Count - desc' and displays 10 records per page. The current page shows 1 record out of 10,952 total records.

Designation	Count	Designation	Count	Designation	Count	Designation	Count
CH	75,184	BE	57,394	LU	57,391	NL	57,387
BX	57,385	FR	56,178	DE	55,812	IT	51,596
ES	39,016	EG	37,273	TN	37,258	MA	33,986
ID	32,479	VA	30,945	EM	30,823	AN	29,366
MC	23,435	LI	22,736	HU	15,373	TR	14,667
GR	11,874	US	10,714	RO	9,504	SI	9,458
UA	9,440	SG	9,280	ME	8,869	RS	8,655
MK	8,611	KP	7,914	MD	7,610	NO	7,480

✓ Listing on The Hague Express will lead to a Business Opportunity

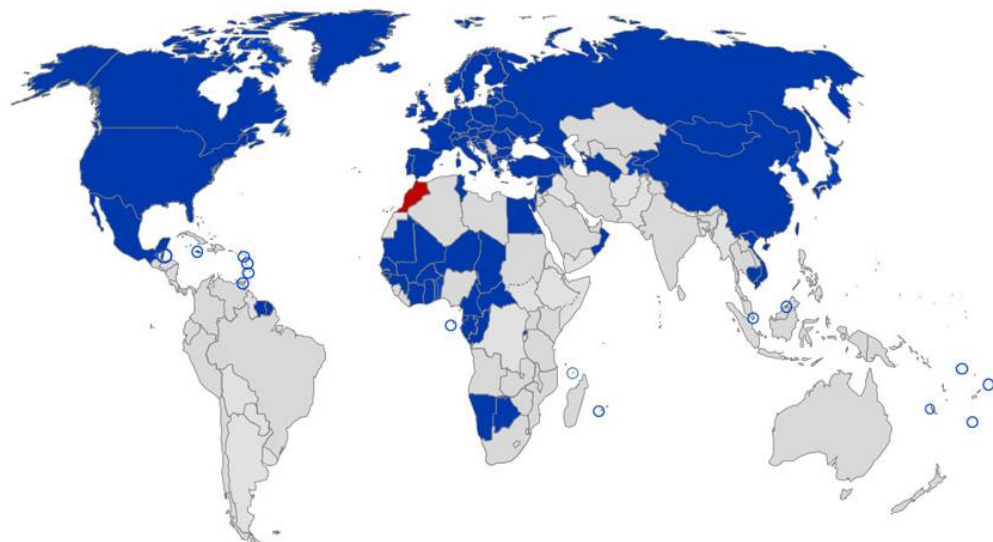
# Status of Member Countries of the Hague Agreement

- **Currently 69 countries** are signatories to the Geneva Amended Agreement of the Hague Convention.
- Further increase in the number of signatories is expected in the future.

Parties and Governmental Organizations signing to Geneva Amended Agreement on the Hague Convention

As of August 2022

70



Source of Map of Member Countries [https://www.wipo.int/export/sites/www/hague/images/hague\\_union\\_845.jpg](https://www.wipo.int/export/sites/www/hague/images/hague_union_845.jpg)

※source <https://www.wipo.int/export/sites/www/treaties/en/documents/pdf/hague.pdf>



## Recent New Member Countries

China, Belarus, Jamaica, Suriname, Mexico, Israel, and Morocco (effective July 22)



## Destinations most frequently designated by users in Japan

EU, USA, Korea, UK, Switzerland, and Singapore



## Under preparation to join

ASEAN countries such as Indonesia and Thailand

# Efforts to support emerging countries toward accession to the Hague Agreement

- The expectations of Japanese users for China's accession to the Hague Agreement were very high. In the future, further expansion of accession is expected, particularly among ASEAN countries.
- In order to support the accession of other agencies to the Hague Agreement, JPO conducts training for government officials from emerging countries as needed in order to share our country's experience in accession to the Hague Agreement and know-how on substantive examination.

## Invitation training for officials from emerging countries

In addition to introducing the outline of the Hague system, the practice of Japan's substantive examination, and the opinions of users, JPO has been sharing the experience of Japan's accession to the Hague Agreement with the aim of promoting the accession of participating countries to the Hague Agreement and improving the quality of examination.

We will continue to implement these measures.

### 【Course Objectives】

Mainly for non-member countries of The Hague, JPO will introduce an overview of the Hague system, Japan's substantive examination practice through the examination of applications for international design registration, and users' opinions, as well as share Japan's experiences related to its accession to The Hague in order to introduce the participating countries to The Hague and its substantive examination system and improve the quality of examination.

### 【Target Participants】

Design examiners from countries that are not members of the Hague Agreement, or those involved in preparations for Hague accession.

### 【Main target countries in recent years】

Indonesia, Thailand, Malaysia, Philippines, Laos, Myanmar, Brazil, Argentina, Chile, Peru, etc.

## Individualized training

We have received requests from foreign government agencies for training on Japan's experience in accession to the Hague Agreement, methods of substantive examination, and know-how in making similarity judgments.

In response to these requests, we provide various training programs on a case-by-case basis using an online conference system.

### ■ Examples of this year's training programs

Training on Examination of Image Designs for Design Officials of the Directorate General of Intellectual Property (DGIP) of Indonesia  
May 30-31, 2022

In this training course, the JPO shared its knowledge on the examination guidelines, the operation of examination, and the design classification at the JPO for designs containing images, and the DGIP also introduced the design examination system in Indonesia.



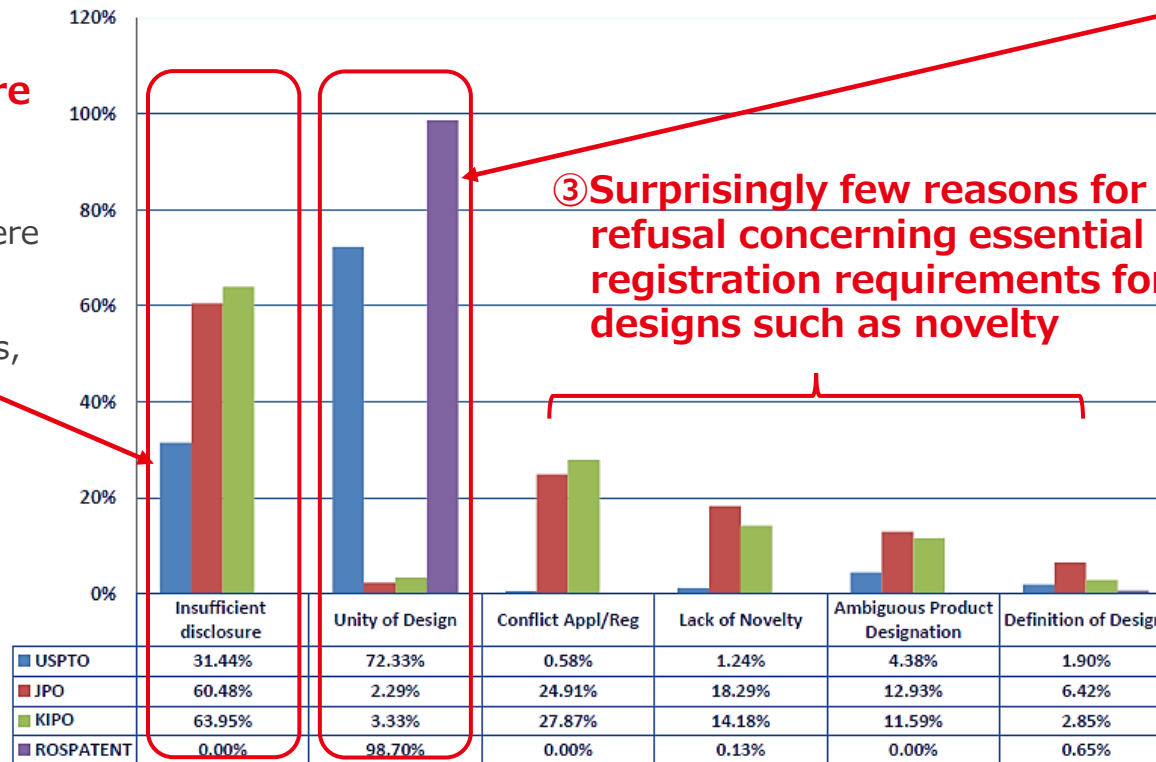


**JPO's efforts  
to facilitate the smooth acquisition  
of Design Rights under the Hague System**

# To facilitate the smooth acquisition of design rights under the Hague Agreement

- Most of the reasons for refusal of international applications based on the Hague Agreement in countries that conduct substantive examinations are related to (1) insufficient disclosure of designs and (2) the requirement of unity of design.
- Since its accession to the Hague Agreement, JPO has made various institutional and operational revisions to reduce the number of reasons for refusal (1) and (2) as much as possible.

USPTO, JPO, KIPO & ROSPATENT  
Refusal Grounds per Designs, up to December 31, 2018



① Many reasons for refusal concerning inadequate disclosure of designs

(In Japan, regulations and examination standards were revised in 2019 to substantially relax the requirements for drawings, etc.)

② Many reasons for refusal concerning the requirement of unity of design

(In Japan, the examination guidelines were revised sequentially in 2019 and 2020, to relax the requirements regarding the scope of what can be filed as a single design.)

③ Surprisingly few reasons for refusal concerning essential registration requirements for designs such as novelty

Source: Internal WIPO statistics

# To facilitate the smooth acquisition of design rights under the Hague Agreement

JPO studied how to disclose designs in accordance with the actual state of creation, and in 2019, significantly relaxed the requirements for drawings while maintaining the clarity of designs.

## ■ Requirements for disclosure of design

JPO abandoned “6-view requirement”. Under the present design examination standard, on condition that the claimed design is fully (accurately) disclosed, the number and angle of views are left to applicant’s discretion, filed designs with only partial claiming and/or partial disclosure in the entire form of an article are deemed as partial designs

### 【Case 1】



[Top view]  
[Perspective view]  
[Left side view] [Front view] [Right side view]  
[Bottom view]

[Article to the Design] Frame  
[Description of Article to the Design] (No description)  
[Description of the Design] (No description)

(Explanation) Deemed as a partial design claiming only the disclosed part (other than the back).

### 【Case 2】



[Front view] [Rear view] [Top view] [Bottom view]  
[Left side view] [Right side view]

[Article to the Design] Accessories case  
[Description of Article to the Design] (No description)  
[Description of the Design] (No description)

[Front view of lid part with lid open]  
[Top view of main body with lid open]

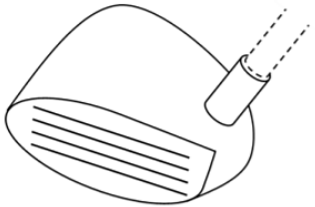
(Explanation) Since the inside of the container is not disclosed, it is viewed as “another part” and shall be treated substantially the same as if the views on the right had been submitted.

# To facilitate the smooth acquisition of design rights under the Hague Agreement

## ■ Omitting of disclosure of portions other than those for which a design registration is sought

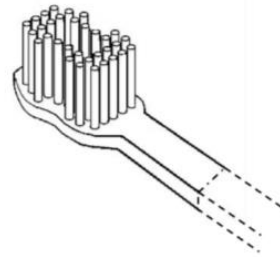
Even if the form of the entire article is not disclosed, if the position, size, and extent of the "portion for which a design registration is sought" can be sufficiently derived in the light of the nature of the article, etc., the design shall be deemed to be concrete.

[Perspective view]



[Article to the Design] Golf club  
[Description of Article to the Design] (No description)  
[Description of the Design] (No description)  
\* For the convenience of explanation, any other views are omitted.

[Perspective view]

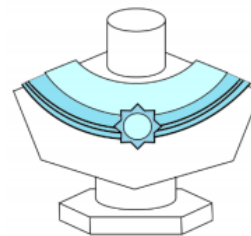


[Article to the Design] Toothbrush  
[Description of Article to the Design] The article is a toothbrush for adults.  
[Description of the Design] The dash-dotted lines merely indicate the boundary between the part for which the design registration is requested and any other parts.  
\* For the convenience of explanation, any other views are omitted.

## ■ Enabling the illustration of articles, etc. other than the design of the application

If it is necessary to express the content of the creation, it was decided to allow the illustration of articles, etc. other than the design pertaining to the application.

[Front view]



[Article to the Design] Necklace  
[Description of Article to the Design] (No description)  
[Description of the Design] The torso represented in white is an article other than the design for which the design registration is requested.  
\* For the convenience of explanation, any other views are omitted.

# To facilitate the smooth acquisition of design rights under the Hague Agreement

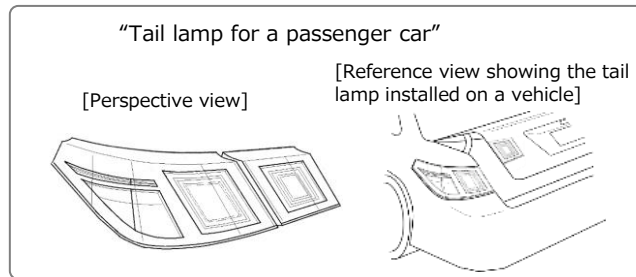
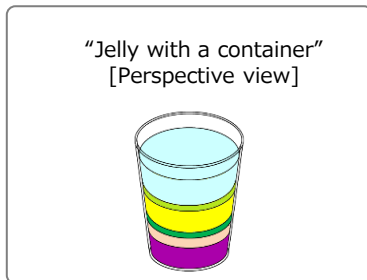
The scope of what can be applied for as a single design, and the requirements for the application of a design for a set of articles have been relaxed in order through revisions of laws, regulations, standards, etc.

## ■ Having relaxed the requirements regarding the scope of what can be filed for as a single design application

The examination guidelines were revised in 2019 to clarify the scope of what can be filed as a single design as follows.

Even in cases where multiple constituent objects are represented in the drawings, if the following apply, the examiner should determine whether or not they constitute a single article, etc. by also complementarily considering such aspects.

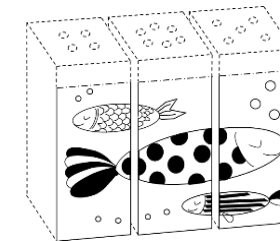
- Where all of the constituent objects physically constitute a single bundle, or where they are coordinated as a single shape, etc. such as the case where they have been created in an integrated manner with close relevance in shape, etc.
- Where all of the constituent objects could be commonly used in an integrated manner



## ■ Having relaxed the requirements for filing a design for sets of articles

The revision of the Design Law in 2019 and the revision of the METI Order and the Design Examination Standards in 2020 will greatly expand the scope of designs that can be applied for as a design for a set of articles.

### 1) Introduction of partial design for a set of articles

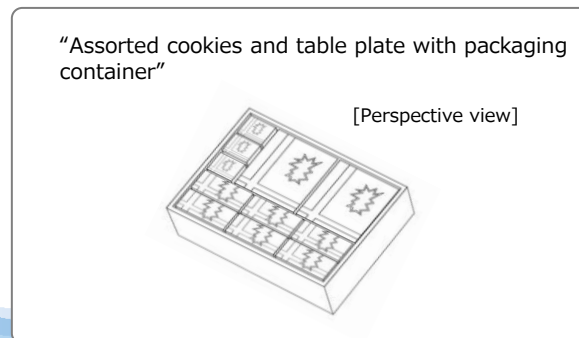
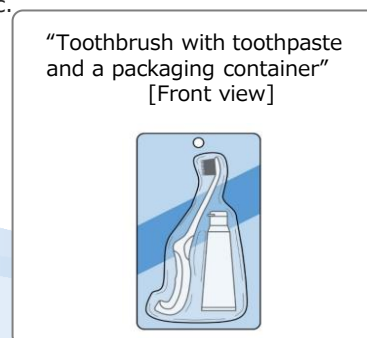


### 2) Relaxation of requirements for component articles for which an application can be filed as designs for a set of articles

Before the change of operation, the Examination Guidelines for Design specified that the constituent articles that can be included in the design of a set of articles were listed in advance in a limited manner. After the change of operation, however, the applicant can select constituent articles at his discretion under certain conditions.

In 2020, the Examination Guidelines were further revised to relax the requirements as follows.

Even where multiple constituent objects are not found to have any connection with each other, if the constituent objects could be commonly distributed in an integrated manner, and all constituent objects are created in an integrated manner with close relevance in shape, etc., the examiner should determine that they constitute a single article, etc.



## Points to keep in mind when using the Hague System

# Points to keep in mind when using the Hague System

## (1) In Order to Forestall Possible Refusals on the Ground of Insufficient Disclosure of an Industrial Design by Examining Offices



WIPO has a guideline on its website that explains how to prepare applications and drawings that are less likely to be rejected by the examining authorities. These guidelines may be referred when preparing the application and drawings.



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

<https://www.wipo.int/export/sites/www/hague/en/docs/guidance.pdf>

### **[Cases in which a design may be rejected by the examining authority as insufficiently disclosed]**

- (a) Not enough views
- (b) Unclear representations of the claimed design
- (c) Unclear relief or contours of surfaces of a three-dimensional product
- (d) Difference in form/color between the representations of the claimed design

# Points to keep in mind when using the Hague System

## (c) Unclear relief or contours of surfaces of a three-dimensional product

(Some examples from the guidelines)

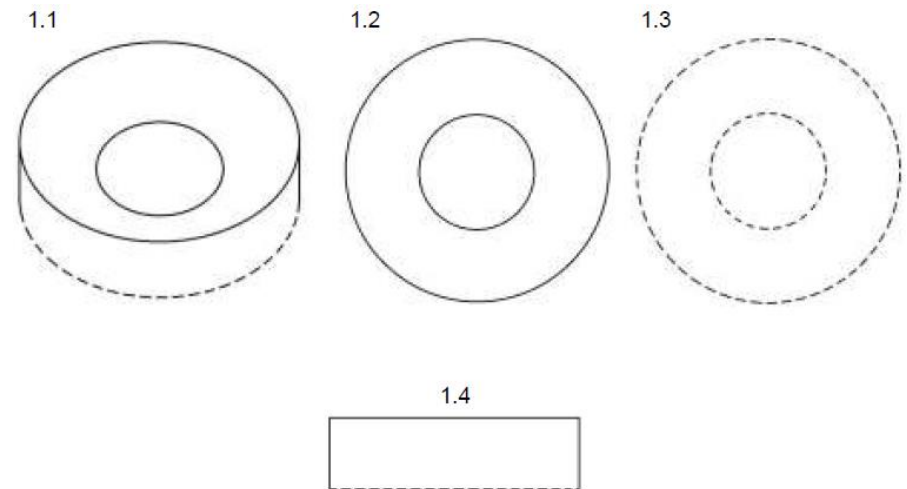
It may be considered by Examining Offices that the design has not been sufficiently disclosed if the scope of the claimed design has not been clearly defined with the submitted views in combination with any additional written description.

### ■ EXAMPLE OF POSSIBLE PROBLEMATIC PRACTICE

Indication of the product: "Pharmaceutical tablet"

Legends: 1.1) Perspective (front, top and right);  
1.2) Top; 1.3) Bottom; 1.4) Front.

Description : The parts shown by means of broken lines in the reproductions are not part of the claimed design. The left side view, the right side view and the back view are omitted because they are identical with the front view, respectively.



The concavo-convex shape of the part to be protected is unclear.



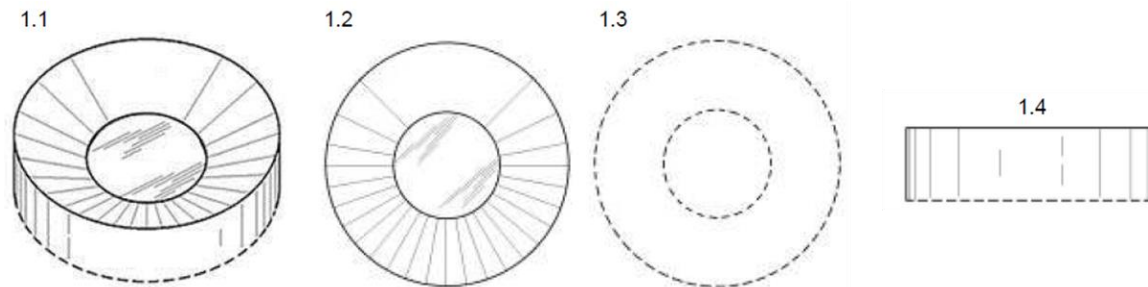
# Points to keep in mind when using the Hague System

## Guidance in Order to Forestall Possible Refusals

- (a) Shading, hatching, dots, or lines should be provided in the representations where it is difficult to represent relief or contours of surfaces of a three-dimensional product without them.
- (b) Shading, hatching or lines should not be provided on unclaimed subject matter where they may lead to confusion as to the scope of the claimed design.
- (c) The purpose of the shading, hatching or lines provided in the representations should be clearly stated in the description in order to avoid any confusion with patterns on the surfaces.

\* Where China and/or Japan is designated, it should be noted that submitting sectional views or perspective views to represent relief or contours of surfaces of the product concretely is a more preferable way than providing shading, hatching, etc. in the representation.

### Illustrative Implementations Taking Into Account the above Guidance



Legends : 1.1) Perspective (front, top and right); 1.2) Top; 1.3) Bottom; 1.4) Front.

Description : The parts shown by means of broken lines in the reproductions are not part of the claimed design.

The parallel thin lines and the radial thin lines in the representation represent contours only and do not illustrate an ornamentation or decoration on the surface of the product.

The left side view, the right side view and the back view are omitted because they are identical with the front view, respectively.

# Points to keep in mind when using the Hague System

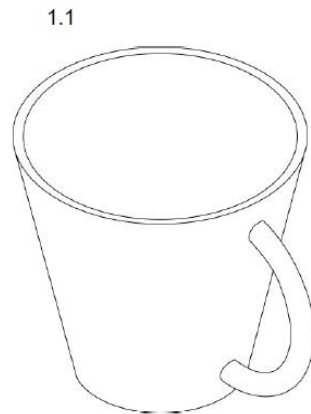
## (d) Difference in form/color between the representations of the claimed design (Some examples from the guidelines)

It may be considered by Examining Offices that if one (or some) of the reproductions are in a different form or only one (or some) of the representations are in color, the contents of the claimed design shown in all the reproductions, such as color, pattern, etc., are inconsistent with each other.

### ■ EXAMPLE OF POSSIBLE PROBLEMATIC PRACTICE

Indication of the product: "Cup"

- At least one of the reproductions of an industrial design is a photograph. The remaining ones are line drawings.
- At least one of the reproductions of an industrial design is a line drawing. The remaining ones are computer graphic representations.
- At least one of the representations of an industrial design is in color. The remaining ones are in black and white.



The presence/absence of color does not match among the figures.

# Points to keep in mind when using the Hague System

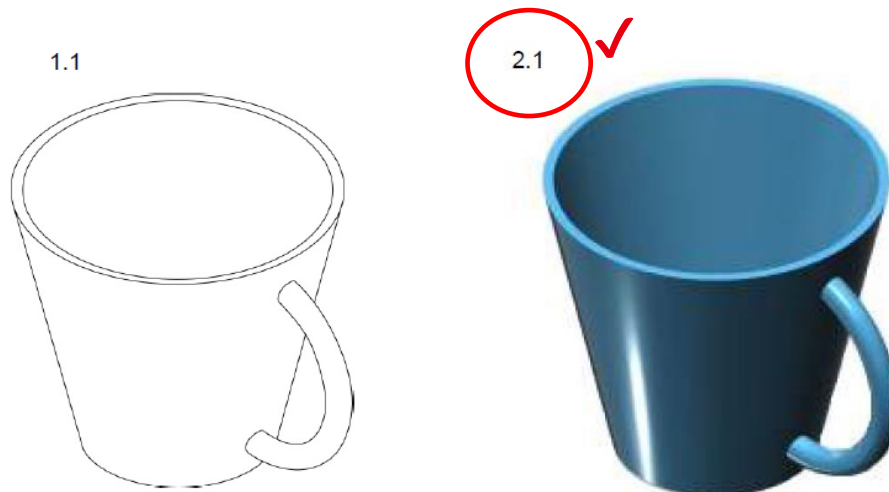
## Guidance in Order to Forestall Possible Refusals

No Mixing of the Reproductions in Different Forms; No Mixing of the Representations in Black and White and in Color

- (a) All reproductions should be in the same form<sup>13</sup>.
- (b) Representations should be all in either black and white or color.

### Illustrative Implementations Taking Into Account the above Guidance

Design 1 is represented in the form of a line drawing and design 2 is represented in the form of a computer graphic representation in the same international application. Design 1 is in black and white and design 2 is in color.



# Points to keep in mind when using the Hague System

## (2) In Order to Forestall Possible Refusals Concerning Unity of Design



An applicant may include multiple designs in a single international application (up to a maximum of 100) provided they belong to the same class of the Locarno Classification.

However, Offices of certain Contracting Parties may refuse the effects of an international registration containing multiple designs due to their domestic law requirements relating to unity of designs or related designs.

Therefore, when designating these countries, it is advisable to grasp in advance the content of the unity requirement of the country and the content of the related design system.

Declarations, including national unity requirements, of each country can be found on the following WIPO website:



Hague System: Declarations by Contracting Parties

<https://www.wipo.int/hague/en/declarations/>

<Reference> Countries currently declaring unity requirements

China, Estonia, Kyrgyzstan, Mexico, Romania, Russian Federation, Syrian Arab Republic, Tajikistan, United States of America, Viet Nam

# Points to keep in mind when using the Hague System

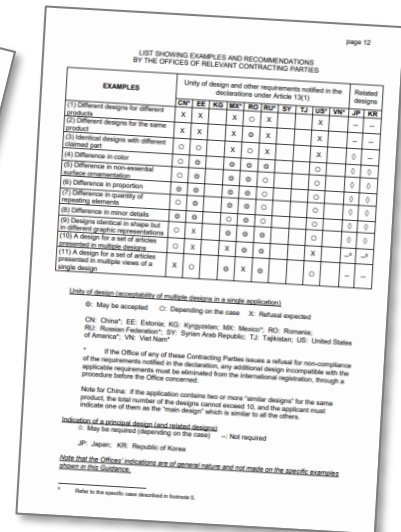
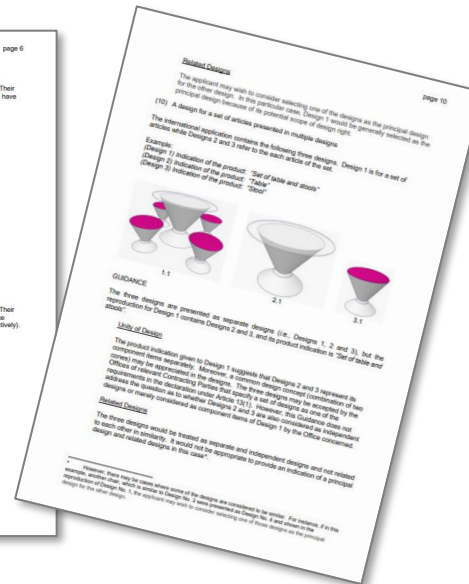
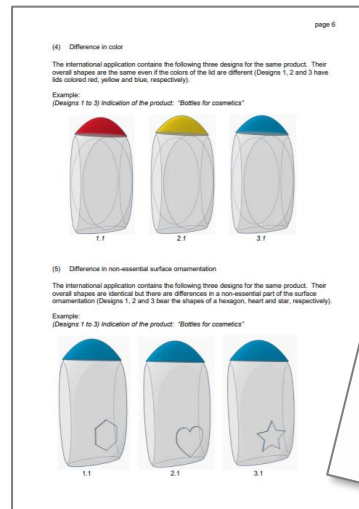
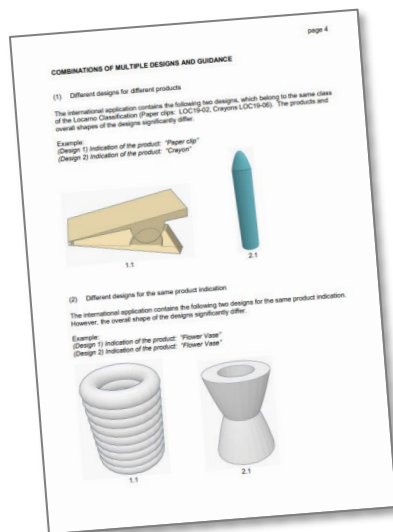


WIPO has a guideline on its website that explains how to avoid reasons for refusal for international applications containing multiple designs. It is advisable to prepare the application and drawings with reference to these guidelines.



Guidance on Including Multiple Designs in an International Application in Order to Forestall Possible Refusals

[https://www.wipo.int/export/sites/www/hague/en/docs/hague\\_system\\_guidance\\_multiple\\_designs.pdf](https://www.wipo.int/export/sites/www/hague/en/docs/hague_system_guidance_multiple_designs.pdf)



"Guidance on Including Multiple Designs in an International Application in Order to Forestall Possible Refusals" 10

# Points to keep in mind when using the Hague System



- In Japan and the Republic of Korea, the related design system can be used to acquire design rights for the applicant's own designs that are mutually similar to each other. In doing so, it should be noted that the requirements for registration of related designs differ between Japan and Korea, and that the indication of the original design is required in both countries.
- In China, it is possible to file up to 10 similar designs for the same article at the same time, and in such cases, the main design must be selected and indicated.

\* For details, refer to the following website of WIPO.

<https://www.wipo.int/hague/en/guide/ia.html#r16>

**16. Main or Principal Design (if applicable)**

If designating **China, Japan** and/or the **Republic of Korea**, WIPO strongly recommends to refer to the [Hague Guide for Users, International Application – Item 16](#).

**China: main design**

If designating **China**, you may include a maximum of 10 similar designs for the same product in the international application, in which case you **must** indicate one of them as the **main design**.

The applicant indicates the following design as the **main design** (e.g. design 1):

**Japan and/or the Republic of Korea: principal and related designs**

If designating **Japan** and/or the **Republic of Korea**, designs may be registered as related to a principal design.

(a) Contracting Party(ies) concerned:  Japan  Republic of Korea

(b) The applicant requests that the following designs contained in the present application be registered as **related designs**:

all designs, or

the following designs (e.g. design 1, design 2):

(c) Information concerning the **principal design** to which the designs indicated under item (b) are related (Note: The principal design must be subject of an application or a registration with the Office of the Contracting Party concerned):

(i) The **principal design** is the subject of:

the present international application

a prior international application designating Japan and/or the Republic of Korea  
WIPO Reference Number (e.g. 123456789, WIPO12345)

a prior international registration designating Japan and/or the Republic of Korea  
International Registration Number

a prior national application filed with the Office of Japan and/or the Republic of Korea  
Application Number/Applicant's reference

a prior national registration at the Office of Japan and/or the Republic of Korea  
National registration Number

(ii) If the above national or international application or registration contains several designs, indicate the **number of the design to be considered as the principal design**:

If the space provided is not sufficient, check this box and use a [continuation sheet](#).

**Thank you for your attention.**

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