

2019/5/21

Geneva Act of the Hague Agreement concerning the International Registration of Industrial Designs

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Professor



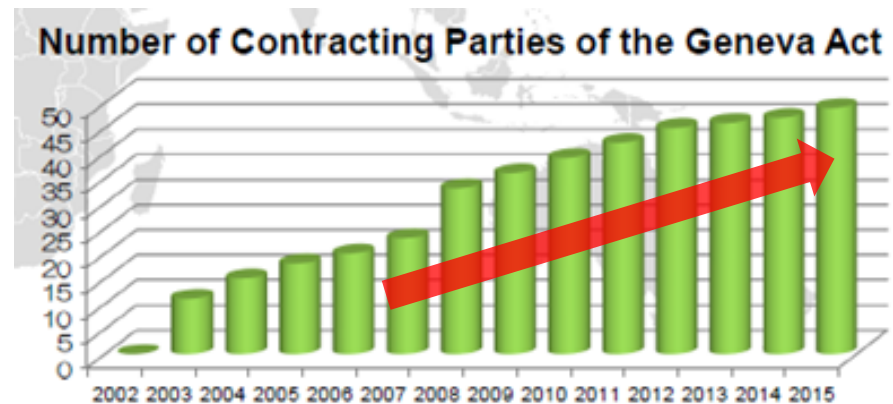
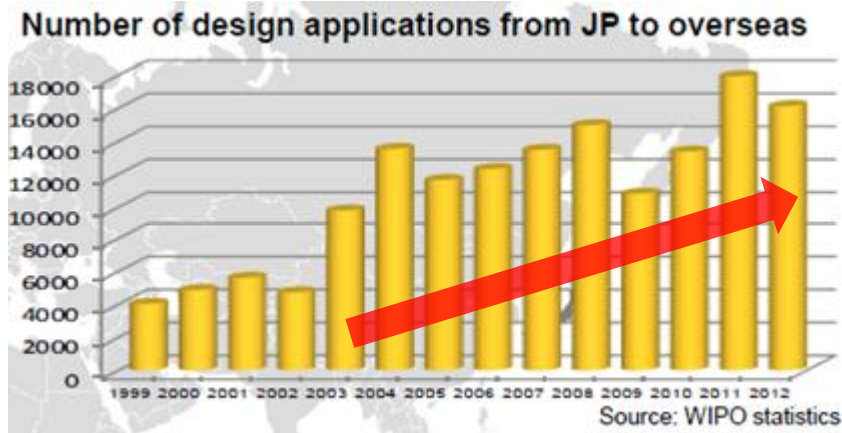
Graduate School of Intellectual Property
OSAKA INSTITUTE OF TECHNOLOGY

Participation of Japan

Background of Japan's Accession to the Geneva Act

The number of design applications being filed overseas by Japanese companies showed an increasing trend reflecting economic globalization

●Companies that had increased the number of design applications filed overseas in the last decade : **61%**



1	Acquisition of design rights in multiple countries based on one application	84.7%
2	Multiple designs in one application	57.9%
3	Centralized administration of design rights (International register)	56.5%
4	First office action within six (twelve) months	30.2%
5	One language, no translation required	29.7%

(multiple answers allowed)

Expectations from Japanese Industry

Article 7(2)	Individual fee in respect of a designation and a renewal under the 1999 Act
Article 13(1)	Requirement of unity of design
Article 17(3)(c)	Maximum duration of protection under the national law <ul style="list-style-type: none">- 20 years from the date of the registration of the establishment of a design right in Japan.
Rule 9(3)(a)	<u>Certain views of the design required</u> <ul style="list-style-type: none">- where the product which constitutes the industrial design is three-dimensional, a front view, a back view, a top view, a bottom view, a left side view and a right side view, each made in compliance with the method of orthographic projection, are required.
Rule 18(1)(b)	Extension to 12 months of the refusal period
Rule 18(1)(c)(ii)	Date of effect of the international registration <ul style="list-style-type: none">- where a decision regarding the grant of protection was unintentionally not communicated within the period of 12 months from the publication of the international registration, the international registration shall produce the effect referred to in Article 14(2)(a) of the 1999 Act at a time at which protection is granted according to the Design Act of Japan.

Expectations from Japanese Industry

Type of declaration		Member states that made corresponding declaration
Art.4(1)(b)	Prohibition of filing through the Office	OA, HR, EM, FR, LV, MC, ME, SI, MK, UA, GB
Art.5(2)(b)(i)	Identity of the creator as additional mandatory content	RO
Art.5(2)(b)(ii)	Brief description as additional mandatory content	RO, SY
Art.5(2)(b)(iii)	Claim as additional mandatory content	US
Art.7(2)	Individual fee in respect of a designation/renewal	OA, EM, HU, <u>JP</u> , KG, KR, MD, RU, US
Rule 12(3)	Individual designation fee payable in two parts	US
Art.11(1)(a)	Deferred publication for a period less than 30 months	[18m] SG [12m] OA, BN, KH, HR, EE, SI, SY, GB [6m] DK, FI , NO
Art.11(1)(b)	No deferment of publication	HU, IS, MC, PL, RU, UA, US
Art.13(1)	Requirement of unity of design	EE, <u>JP</u> , KG, RO, RU, SY, TJ, US
Art.14(3)(a)	Prohibition of self-designation	-
Art.16(2)	No effect of change in ownership until specified statements or documents are received by the Office	OA, DK, KR, RU, US
Art.19(1)	Common Office of several States	(BE), (LU)
Rule 8(1)(a)(i)	Special requirements concerning the applicant	FI, GH, HU, IS
Rule 8(1)(a)(ii)	Special requirements concerning the creator	US
Rule 9(3)(a)	Certain views of the design required	<u>JP</u> , KR
Rule 12(1)(c)(i)	Level of standard designation fee – levels two and three	[Level 2] BG, KH, HR, DK, EE, DE, LV, MA, NO, PL, CH, TN, UA [Level 3] BN, KP, FI, GE, GH, IS, LT, KR, RO, RS, SY, TJ
Rule 13(4)	Security clearance	RU, US
Rule 18(1)(b)	Extension to 12 months of the refusal period	KP, FI, IS, <u>JP</u> , KG, LT, KR, MD, RO, RU, ES, SY, TR, US
Rule 18(1)(c)(i)	Date of effect of the international registration	RU, TR, US
Rule 18(1)(c)(ii)	Date of effect of the international registration	<u>JP</u> , KR, US
Rule 17(3)(c)	Maximum duration of protection provided by the law	[Omitted]

Issues Considered in Acceding to the Geneva Act

Issues	Solutions
International registration containing multiple designs	<u>Deemed as multiple applications filed for each design contained in the international registration</u>
Deferment of publication	Permit max. 30 months
Application to international applications	
Exceptions to lack of novelty	Applicable
Partial design	Applicable
Related design	Applicable
Secret design	Not applicable
Publication of gazettes and administration of the design register	Publish design gazettes and maintain the design register in Japan
Payment of fees (Individual designation fee)	One-time payment (Payment in two parts NOT applicable) (In case of refusals, the amount which is equivalent to the registration fee may be refunded.)
Self designation	Applicable
Indirect filing through the JPO	Applicable
Right to compensation after the international publication	Newly introduced

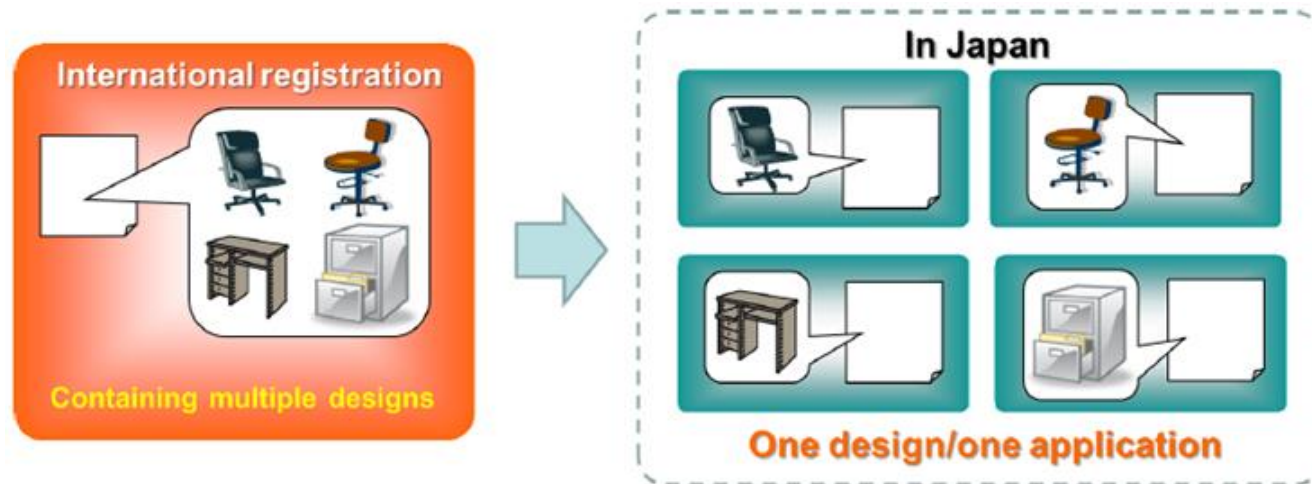
Accepting International Applications in Japan

An international application designating Japan under the Geneva Act of the Hague Agreement is, provided that international registration and publication have been made therefor, deemed to be an application for design registration in Japan filed on the date of the international registration.

These international applications (international registrations) will be treated in the same manner as regularly-filed national applications in the subsequent procedures based on the provisions of the Design Act.



International Registrations with Multiple Designs



In accordance with the provision of the Design Act, an international registration containing two or more designs will be deemed as two or more domestic applications those filed for respective designs contained in the international registration. (There is no need for the holder to divide the international registration before the JPO.)

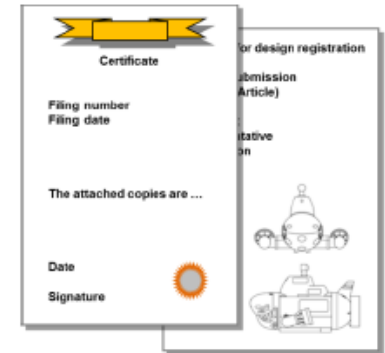
Consequently, any procedure before the JPO will be undertaken by not for the international registration as a whole but for each design contained in the international registration.

Substantive examination is also carried out independently on each design.

Priority Claim / Exception to Lack of Novelty

1. Priority claim

- Priority claim must be made at the time of filing of an international application.
- Where a priority claim was made in the international application, an original copy of the certified priority document must be submitted to the JPO within three months from the date of publication of the international registration.



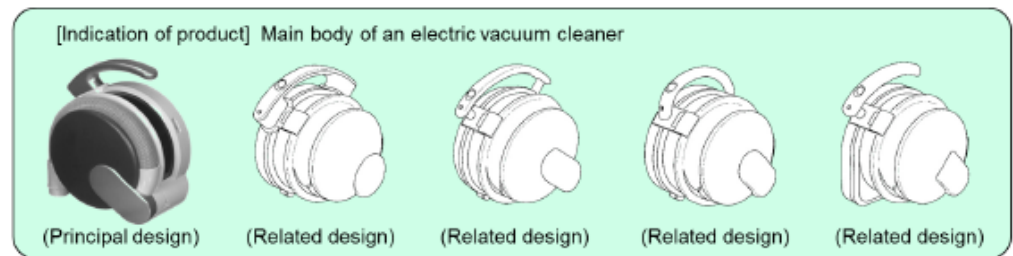
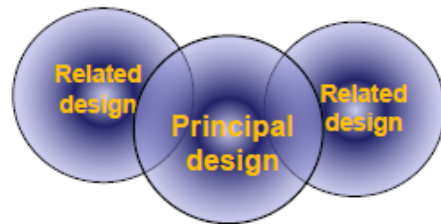
2. Exception to Lack of Novelty (Grace period)

- Declaration is necessary for claiming exception to lack of novelty.
- Declaration may be made either in the international application or by submitting a relevant document to the JPO within 30 days from the date of publication of the international registration.
- Where declaration was made, a certificate must be submitted to the JPO within 30 days from the date of publication of the international registration.

Issues Considered in Acceding to the Geneva Act

Related design system is designed for better protection of variation designs and is the exception to the first-to-file rule.

Expansion and clarification of the scope of design right



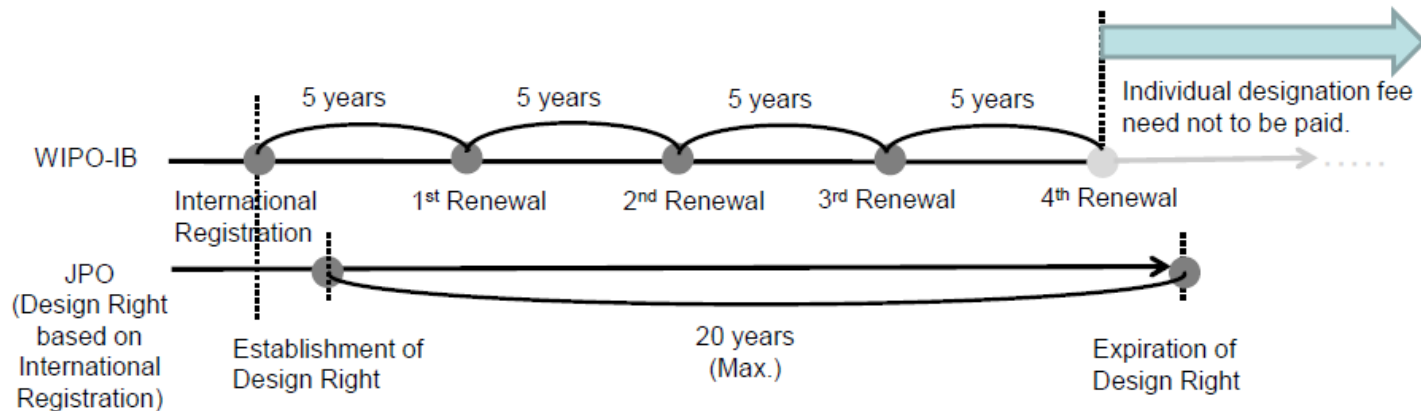
Where a design which is the subject of an application* is similar to the design in another application* filed on the same date or earlier** (called “principal design”), and where both applications are filed by the same applicant, the former design may be registered as a related design in relation to the principal design.

* Only national application including an international registration designating Japan.

** An application for a related design must be filed on or after the filing date of the principal design and before the date of its publication in the design bulletin.

Issues Considered in Acceding to the Geneva Act

The maximum duration of a design right in Japan is 20 years from the date of the registration of the establishment of a design right in Japan(not from the date of the international registration).



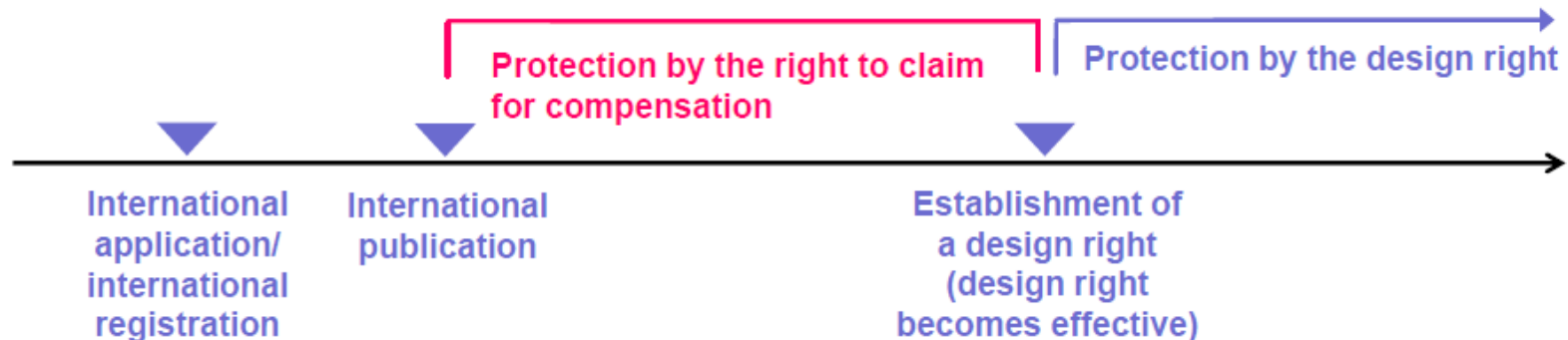
In the following cases, the individual designation fee may be partially refunded upon request to the JPO;

Where the examiner's decision or trial decision of refusal has become final and binding in Japan, or

Where the application deriving from an international registration has been deemed withdrawn and such an application does not exist any longer. (e.g. renunciation and/or limitation of the international registration in respect of Japan, etc.)

Issues Considered in Acceding to the Geneva Act

With regard to the design contained in an international registration, upon registration of establishing a design right in Japan, the holder may also claim for compensation against a person who has worked the design or design(s) similar thereto as a business after the publication of the international registration and prior to the registration of establishing a design right.



Grants and Refusals

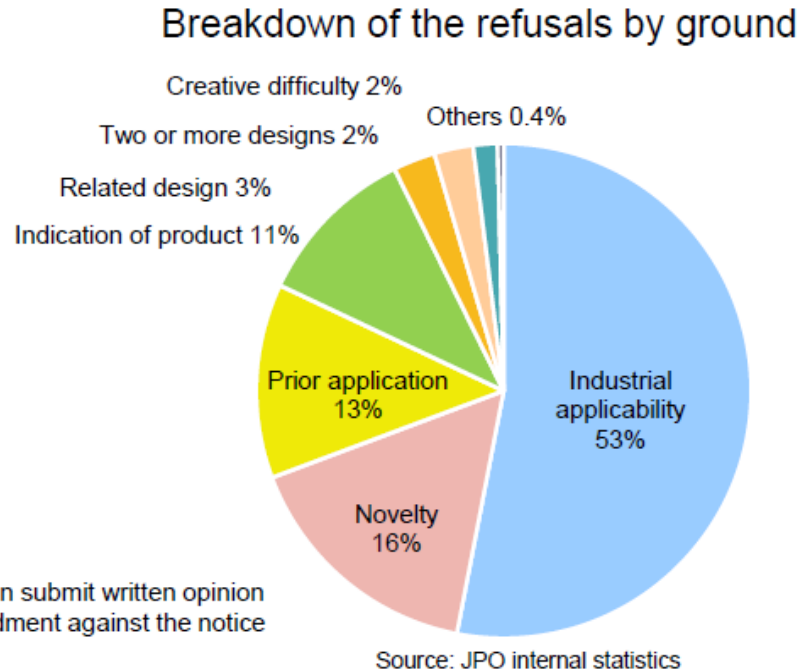
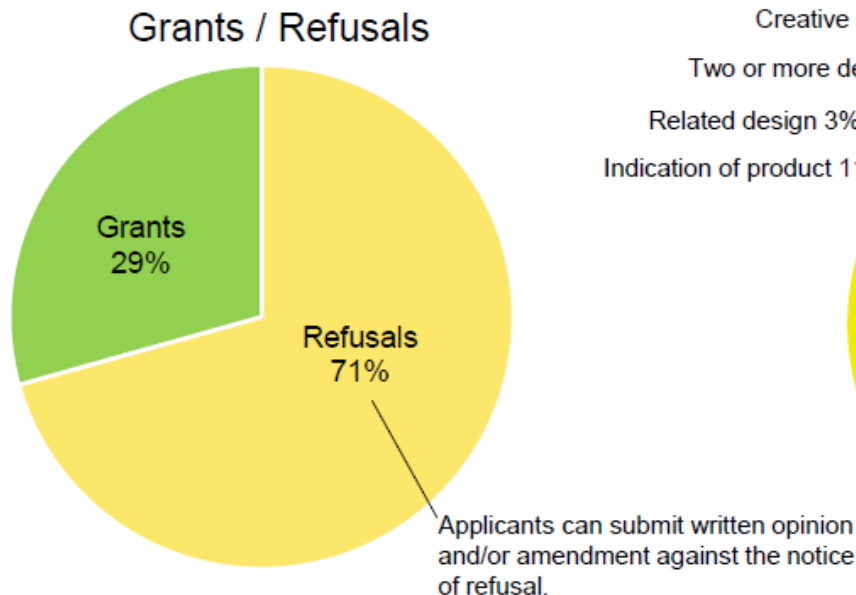
During the period from May 13, 2015 to September 30, 2017;

Number of grants (statement of grant of protection as FA): 914

Number of refusals (notification of refusal as FA): 2,201

Average office action period: 6.4 months

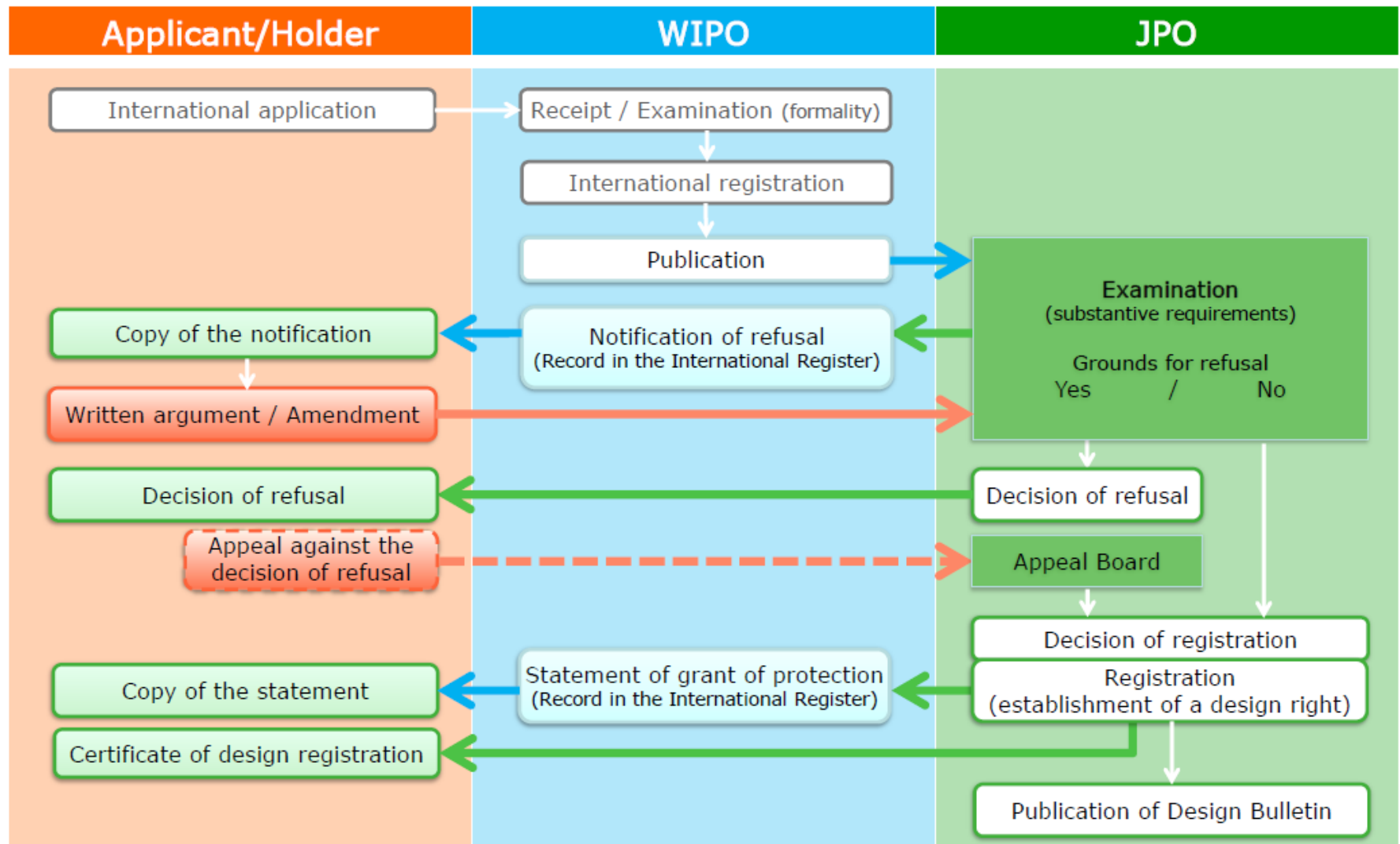
“Industrial applicability” and “novelty” are two major grounds for refusal.



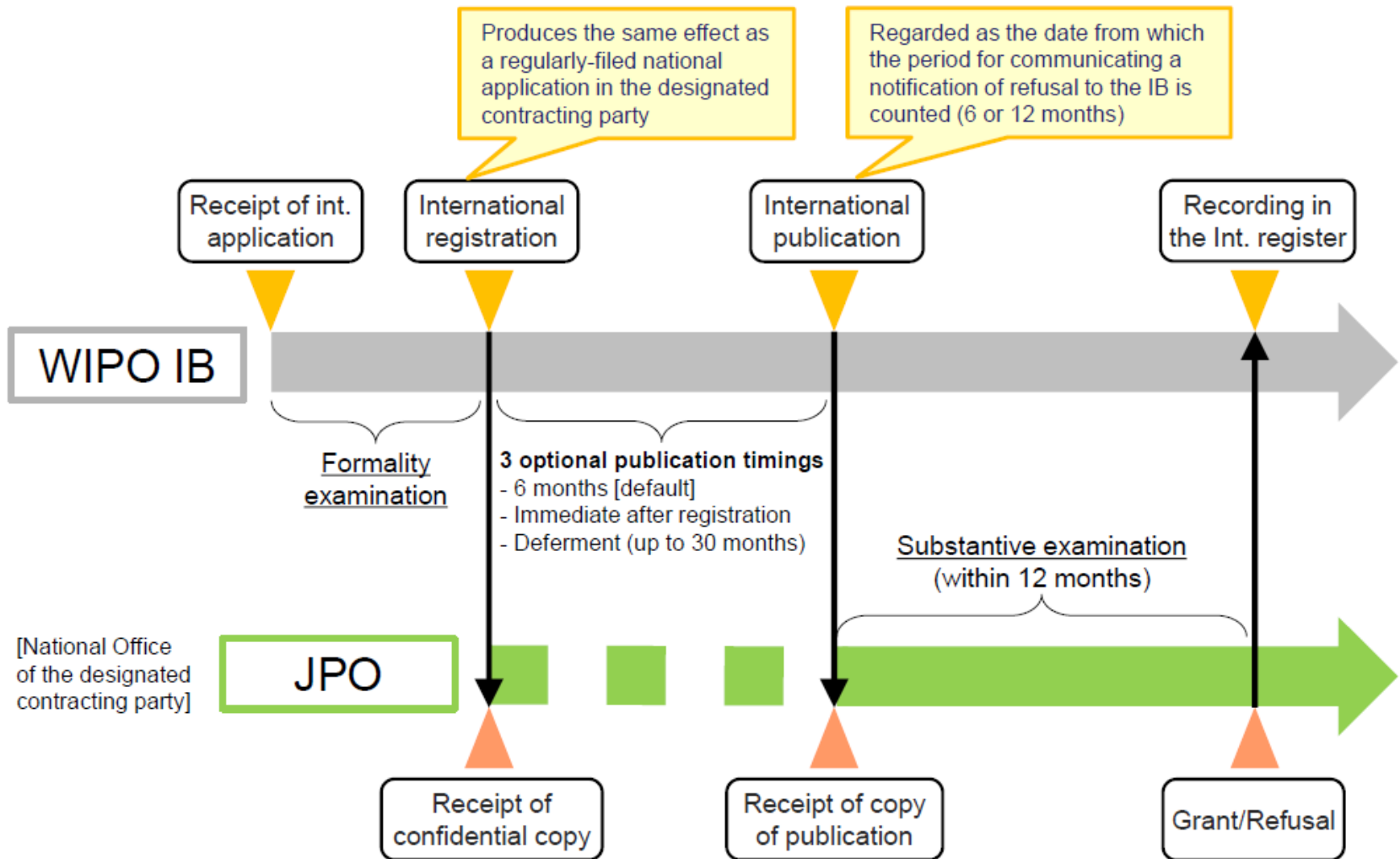
Substantive Examination at the JPO

Main subject matters of examination		Criteria for examination
Conditions for design registration (Article 3 of the Design Act)		
	Industrial applicability	Whether the design is industrially applicable. (Whether the design is specific in both “article” and “appearance”.)
	Novelty (incl. similarity)	Whether the design is new. (Whether the design is identical with or similar to a publicly known design.)
	Creativity	Whether the design is one that could be easily created by a person ordinarily skilled in the art of the design.
Conditions for design registration (Article 3bis)		Whether the design is identical with or similar to a part of a design in a prior application.
Unregistrable designs (Article 5)		Whether the design is eligible for protection in consideration of public interest, etc.
One application per design (Article 7)		Whether only one design based on an appropriate article is claimed in one application.
Prior application (First-to-file rule) (Article 9)		Whether the design application was filed at the earliest among those containing same or similar designs.
Related designs (Exception to the first-to-file rule) (Article 10)		Whether the design is similar to only the other design (principal design) which was selected from the applicant's own designs filed on the same date or earlier.

National Procedures after the International Publication



Basic Procedures concerning International Registration



Substantive Examination at the JPO

Main subject matters of examination		Criteria for examination
Conditions for design registration (Article 3 of the Design Act)		
	Industrial applicability	Whether the design is industrially applicable. (Whether the design is specific in both “article” and “appearance”.)
	Novelty (incl. similarity)	Whether the design is new. (Whether the design is identical with or similar to a publicly known design.)
	Creativity	Whether the design is one that could be easily created by a person ordinarily skilled in the art of the design.
Conditions for design registration (Article 3bis)		Whether the design is identical with or similar to a part of a design in a prior application.
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Related designs (Exception to the first-to-file rule) (Article 10)		Whether the design is similar to only the other design (principal design) which was selected from the applicant's own designs filed on the same date or earlier.

Reproduction (Drawing)

Reproductions for a three-dimensional product

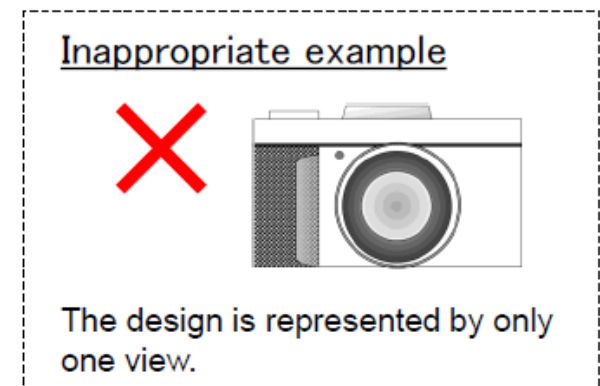
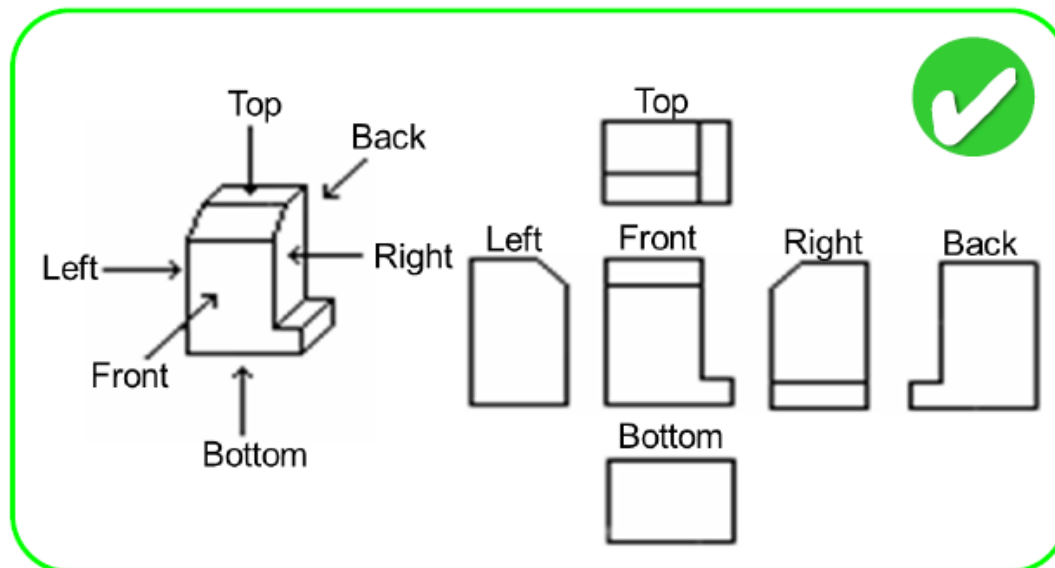
Six views (a front view, a back view, a top view, a bottom view, a left side view and a right side view)

Method of orthographic projection

Same scale (recommended)

Legend for each view (e.g. “top”, “bottom”, ”perspective”, etc.)

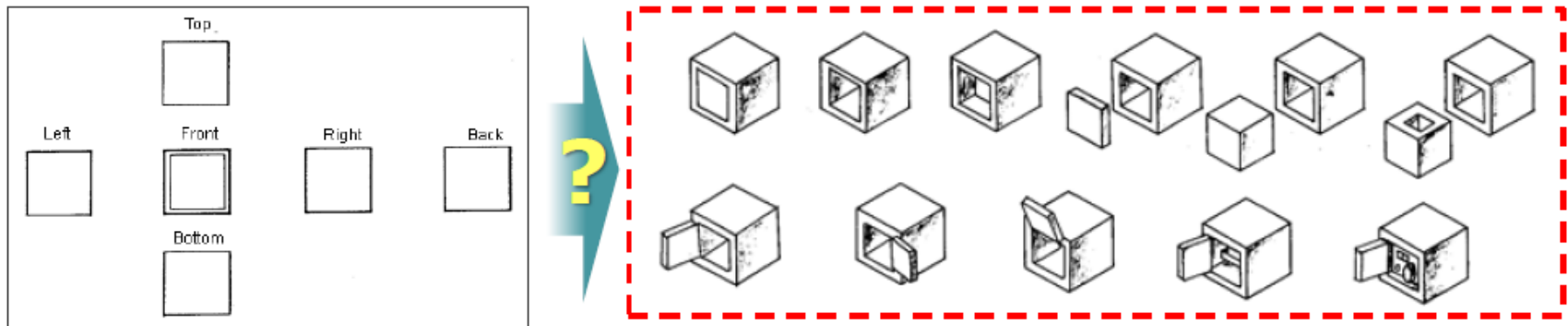
Japan has made a declaration under Rule 9(3) of the Common Regulations concerning “specific views required”.



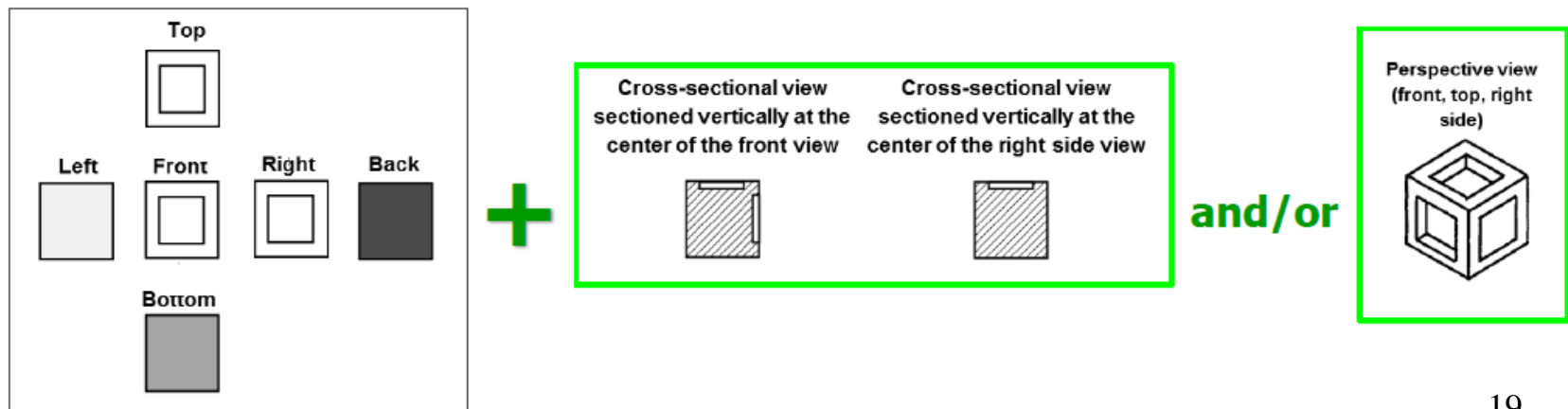
Reproduction (Drawing)

Ambiguity in appearance must be avoided.

Even with six views, there might be possibilities of two or more different shapes.



Depending on the actual shape, additional views are necessary to fully disclose the design.

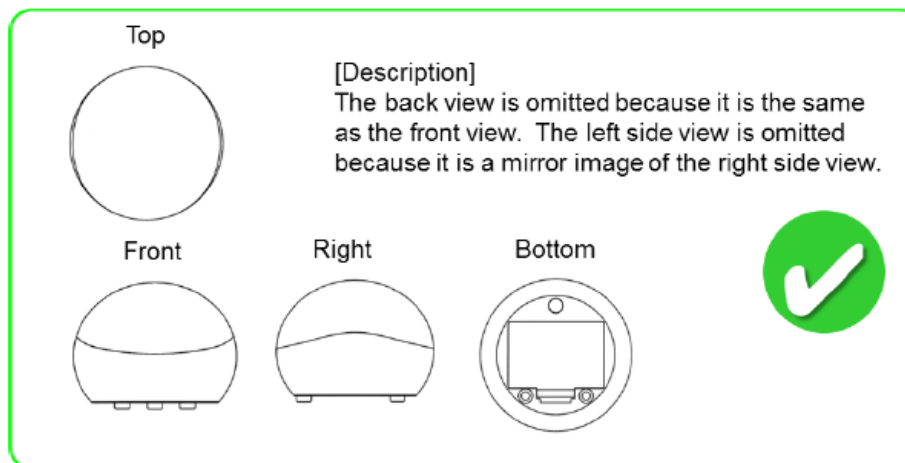
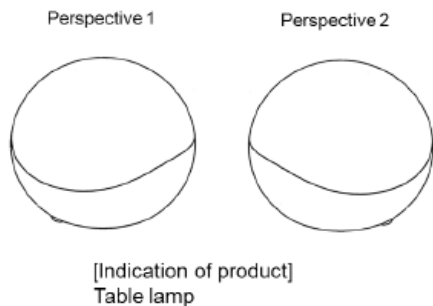


Reproduction (Drawing)

Reproductions shall be made in compliance with the orthographic projection method.

For proper understanding of the characteristic feature(s) e.g. proportion between length and breadth, actual shape of a characteristic part, position of a pattern, etc.

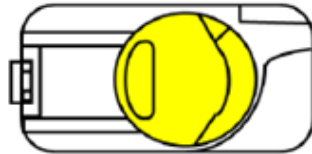
Perspective views from random directions might not accurately represent the design.



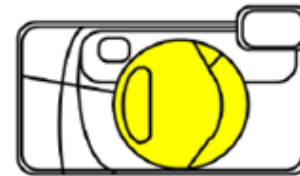
Disclaimer

A design with an expression of disclaimer may be understood as a “partial design” (design of a part of an article) in Japan.
Partial design protection would be more effective for the elimination of sly imitations.

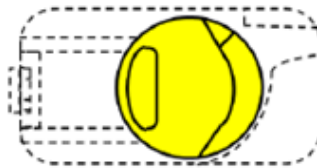
Design right (Entire design)



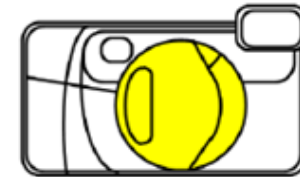
Ineffective



Design right (Partial design)



Effective



Examples that are to be admitted as a “partial design”



DM/076606 (Design No. 6)
“No protection is sought for the features of the designs indicated by broken lines, shown in the representations”



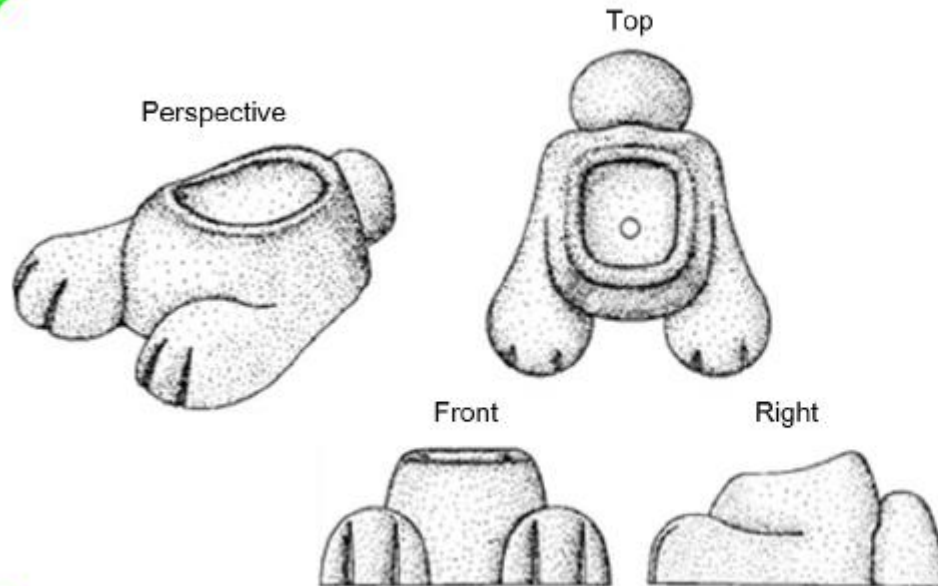
DM/072618 (Design No. 7)
“The broken line disclosure (head) does not form part of the claimed design”



DM/081639 (Design No. 2)
“the blue marked parts are not coming into the scope of the industrial design (disclaimer)”

Description

Shading, dots, or parallel thin lines may be provided in the representations to represent relief or contours of surfaces of a three-dimensional product. In these cases, the purpose of these expressions shall be clearly stated in the description in order to avoid any confusion with patterns and/or colors on the surfaces.



[Description]

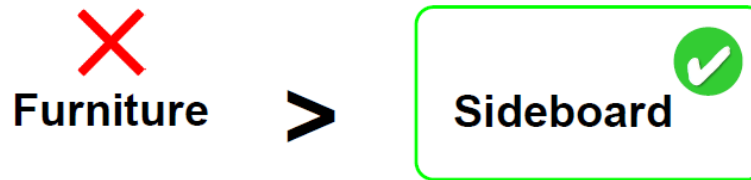
The dots in the representation represent contours only and do not illustrate an ornamentation or decoration on the surface of the product.



Indication of Product

Under the Japanese Design Act, indication of product (article to the design) has a close link with the scope of protection conferred by a design right.

Consequently, an indication of product that represents an ambiguous concept (entails broader concept) than those prescribed in the national regulation would not be allowed as legitimate indication of product.



Both “final product” and “component part” are equivalent to an article, which is tradeable on the market.

“Partial design” (= design of a part of an article) is different from “design of a component part” (= design of an entire article).

In the case of “partial design” application, the name of the entire article shall be stated as the indication of product.

Design of an entire article



[Indication of product]
Passenger car

Design of a part of an article



[Indication of product]
Passenger car



[Indication of product]
Front part of passenger car



Application for International Registration

DM/1 (E)

HAGUE AGREEMENT

CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

APPLICATION FOR INTERNATIONAL REGISTRATION

For instructions on the completion of this form, refer to the *Guide*.

IMPORTANT

- The international application may contain several industrial designs (but may not exceed 100). However, all the industrial designs and/or products in relation to which such designs are to be used must belong to the same class of the International (Locarno) Classification. The list of classes and subclasses of the Locarno Classification, together with Explanatory Notes, is available on the WIPO website: <http://www.wipo.int/classifications/locarno/en/>.
- Where an item of this form is mandatory, it is indicated in parentheses next to its title ("mandatory"). Where an item is mandatory following a certain designation, it is indicated in a footnote at the end of the item.
- The application must be typed.
- Photographs and other graphic representations of the industrial designs should be pasted or printed directly onto a separate sheet of A4 paper, white and opaque (in compliance with instructions in the *Guide*).
- It is a requirement under the law of the United States of America that, for designs created in the United States of America, the applicant first obtains a license from the United States Patent and Trademark Office (USPTO) before filing outside of the United States of America.

FEE CALCULATOR

- A Fee Calculator is available on the WIPO website.

ANNEXES

- Annex I allows the applicant to submit a Declaration of inventorship, or, if not possible, a Substitute Statement in Lieu of a Declaration of inventorship, in respect of a designation of the United States of America. It is mandatory if the United States of America is designated.
- Annex II allows the applicant to submit documentation in support of a declaration concerning exception to lack of novelty in respect of a designation of the Republic of Korea (refer to item 15).
- Annex III allows the applicant to identify information known by the applicant to be material to the eligibility for protection of the industrial design(s) concerned in respect of a designation of the United States of America.
- Annex IV allows the applicant to support a claim of micro entity status (refer to item 18) with a micro entity certification in order to benefit from a reduction of the individual designation fee in respect of a designation of the United States of America.
- Annex V allows the applicant to submit documentation in support of a priority claim in respect of a designation of the Republic of Korea (refer to item 13).

This cover page must not be sent to the International Bureau.

World Intellectual Property Organization
34, chemin des Colombettes, P.O. Box 18,
1211 Geneva 20, Switzerland
Tel.: +41 (0)22 338 9111
Fax (The Hague Registry): +41 (0)22 740 14 29
e-mail: info@wipo.int - Internet: <http://www.wipo.int>

DM/1(E)

APPLICATION FOR INTERNATIONAL REGISTRATION

For use by the applicant

Your reference:
This international application contains the following number of continuation sheets:

This international application is accompanied by the following Annexes:

☐ I ☐ II ☐ III ☐ IV ☐ V

For use by the Office of indirect filing

OFFICE TRANSMITTING THE INTERNATIONAL APPLICATION (if applicable)

Name of the Office:

Office reference:

Date of receipt of the international application by the Office:

Signature and/or seal of the Office:

1 APPLICANT (mandatory)

(a) Full Name:

(b) Address:

Postal code: City: Country:

(c) Telephone: Fax:

E-mail address:

2 ENTITLEMENT TO FILE (mandatory)

With respect to each of the entitlement criteria (a) to (d) below, indicate the corresponding Contracting Party or Parties. If any item is not applicable, write "None". A list of the Contracting Parties bound by the 1999 Act and/or the 1960 Act is attached to the present form. Under item (d), only a Contracting Party bound by the 1999 Act may be indicated. Where entitlement is derived from a connection with a Contracting Party that is a member State of an intergovernmental organization (European Union or African Intellectual Property Organization (OAPI)), both that member State and that intergovernmental organization should be indicated (such as "France, European Union") with respect to any of the corresponding criteria; where entitlement is derived from a connection with a member State of an intergovernmental organization that is not a Contracting Party, only that intergovernmental organization should be indicated.

(a) Nationality:

(b) Domicile:

(c) Real and effective industrial or commercial establishment:

(d) Habitual residence:

3 APPLICANT'S CONTRACTING PARTY (mandatory where the 1999 Act applies)

Indicate the Contracting Party or one of the Contracting Parties, bound by the 1999 Act and mentioned in item 2, that is to be considered as the applicant's Contracting Party.

If no applicant's Contracting Party is indicated and the international application is filed through the Office of a Contracting Party that is indicated in item 2, the indication of that Contracting Party is deemed to be the applicant's Contracting Party.

Applicant's Contracting Party:

☐ If there are several applicants, check box and use a continuation sheet, giving the above required information under items 1, 2 and 3 for each applicant.

Application for International Registration

Page 2

4 ADDRESS FOR CORRESPONDENCE
Where there are several applicants with different addresses and no representative is appointed, an address for correspondence must be indicated. Where no such address has been indicated, the address of the first person indicated in item 1 shall be treated as the address for correspondence. If there is only one applicant and no representative is appointed, this item should be completed only if the address for correspondence is different from the address given in item 1(b).

Address for correspondence:

Postal code: City: Country:

5 APPOINTMENT OF A REPRESENTATIVE (if any)

(a) Full Name:

(b) Address:
Postal code: City: Country:
Telephone: Fax:
E-mail address:

(c) To appoint a representative, the present international application must either be signed by the applicant or be accompanied by a power of attorney (check the appropriate box):

☐ Item 19 of the international application is signed by the applicant

☐ a power of attorney is attached to the present form

6 NUMBER OF INDUSTRIAL DESIGN(S), REPRODUCTION(S) AND/OR SPECIMEN(S) (mandatory)

(a) Total number of industrial designs (maximum of 100):

(b) Total number of reproductions: Black and white: Color:

(c) Total number of A4 pages comprising reproductions:

(d) Total number of specimens (if any):

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 1980 Act and/or the 1986 Act – to which 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"/> EM European Union	<input type="checkbox"/> LI Liechtenstein	<input type="checkbox"/> RO Romania
<input type="checkbox"/> AM Armenia	<input type="checkbox"/> ES Spain	<input type="checkbox"/> LT Lithuania	<input type="checkbox"/> RS Serbia
<input type="checkbox"/> AZ Azerbaijan	<input type="checkbox"/> FI Finland ¹	<input type="checkbox"/> LV Latvia	<input type="checkbox"/> RW Rwanda
<input type="checkbox"/> BA Bosnia and Herzegovina	<input type="checkbox"/> FR France	<input type="checkbox"/> MA Morocco	<input type="checkbox"/> SG Singapore
<input type="checkbox"/> BG Bulgaria	<input type="checkbox"/> GA Gabon	<input type="checkbox"/> MC Monaco	<input type="checkbox"/> SI Slovenia
<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 ¹	<input type="checkbox"/> ME Montenegro	<input type="checkbox"/> SR Suriname
<input type="checkbox"/> BW Botswana	<input type="checkbox"/> GR Greece	<input type="checkbox"/> MK The former Yugoslav Republic of 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"/> BZ Belize	<input type="checkbox"/> HU Hungary ¹	<input type="checkbox"/> MN Mongolia	<input type="checkbox"/> TJ Tajikistan
<input type="checkbox"/> CH Switzerland	<input type="checkbox"/> IS Iceland ²	<input type="checkbox"/> NA Namibia	<input type="checkbox"/> TM Turkmenistan
<input type="checkbox"/> CI Côte d'Ivoire	<input type="checkbox"/> IT Italy	<input type="checkbox"/> NE Niger	<input type="checkbox"/> TN Tunisia
<input type="checkbox"/> DE Germany	<input type="checkbox"/> JP Japan	<input type="checkbox"/> NO Norway	<input type="checkbox"/> TR Turkey
<input type="checkbox"/> DK Denmark	<input type="checkbox"/> KG Kyrgyzstan	<input type="checkbox"/> OA African Intellectual Property Organization	<input type="checkbox"/> UA Ukraine
<input type="checkbox"/> EE Estonia	<input type="checkbox"/> KP People's Republic of Korea	<input type="checkbox"/> OM Oman	<input type="checkbox"/> US United States of America ³
<input type="checkbox"/> EG Egypt	<input type="checkbox"/> KR Republic of Korea ²	<input type="checkbox"/> PL Poland	

¹ If Finland, Ghana, Hungary and/or Iceland is designated, it is compulsory to indicate, in item 11, the identity of the creator. The latter declares that he believes himself 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.

² Products belonging to class 32 (of the Locarno classification) cannot receive protection under the law of the Republic of Korea. Consequently, any designation of the Republic of Korea in an international registration for industrial designs in class 32, would be the subject of a refusal by the Korean Intellectual Property Office (KIPO).

³ If the United States of America is designated, it is compulsory to indicate, in item 11, the identity of the creator and to submit an oath or declaration of inventorship using Annex I.

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8 PRODUCTS WHICH CONSTITUTE THE INDUSTRIAL DESIGN OR IN RELATION TO WHICH IT IS TO BE USED (mandatory) (see note 1 on cover page)

Class to which the industrial design(s) belong(s) (optional):

No. of the design (in numerical order)	Total number of reproductions	Product(s)	Subclass (optional)

☐ If the space provided is not sufficient, check this box and use a continuation sheet.

9 DESCRIPTION^{4,5}
Only the characteristic features of the industrial design(s) that appear in (s) reproduction(s) should be described. In addition, matter which is shown in a reproduction but for which protection is not sought may be indicated in the description (and/or by means of dotted or broken lines or coloring in the reproduction). The description can further disclose the operation or possible use of the industrial design as long as it is not technical. Furthermore, the omission of a specific view may be indicated. If the description exceeds 100 words, an additional fee of 2 Swiss francs per word exceeding 100, shall be payable.

.....

.....

.....

.....

☐ If the space provided is not sufficient, check this box and use a continuation sheet.

⁴ If the Syrian Arab Republic is designated, a brief description of the reproduction or of the characteristic features of the industrial design is required.

⁵ If Romania is designated, a brief description of the characteristic features of the design is required.

10 DESCRIPTION OF THE REPRODUCTIONS (LEGENDS)⁶
Associate the number in the margin of your reproduction with the corresponding code (eg. 1.1, 1.2, etc.):
1 Perspective; 2 Front; 3 Back; 4 Top; 5 Bottom; 6 Left; 7 Right; 8 Unfolded; 9 Exploded; 10 Cross-sectional; 12 Enlarged; 00 Other (limited to 40 characters)

No.	Code	Legend (max 40 characters, where code 00 has been indicated)	No.	Code	Legend (max 40 characters, where code 00 has been indicated)

☐ If the space provided is not sufficient, check this box and use a continuation sheet.

⁶ Recommended for a designation of Japan and the United States of America.

Application for International Registration

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11 IDENTITY OF THE CREATOR⁷
If no industrial design is indicated, it will be understood that the identity of the creator relates to all industrial designs included in the present application.

No. of the design (in numerical order)	Creator's full name	Address	Postal code	City	Country

☐ If the space provided is not sufficient, check this box and use a continuation sheet.

⁷ If Bulgaria, Finland, Ghana, Hungary, Iceland, Japan, Norway, Republic of Korea, Romania, Serbia, Tajikistan, Turkey or the United States of America is designated in item 7, this information is necessary (refer to the Guide, "Identity of the creator").

12 CLAIM (Applicable to the designation of the United States of America only)⁸
Indicate an article in the blank space provided. Only one article shall be indicated, irrespective of the number of industrial designs contained in the present international application.

CLAIM: The ornamental design for as shown and described.

⁸ If the United States of America is designated in item 7, this information is required.

13 PRIORITY CLAIM – Article 4 of the Paris Convention
☐ The applicant claims the priority of the earlier filing mentioned below.
Indicate the number of each industrial design for which the priority is claimed. If no industrial design is indicated, it will be understood that the priority claim relates to all industrial designs included in the present application.

Office of earlier filing	No. of earlier filing (if available)	Date of earlier filing (dd/mm/yyyy)	No. of the design (in numerical order)	Annex V provided ⁹
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

☐ If the space provided is not sufficient, check this box and use a continuation sheet.

⁹ Check the box if the priority document is provided using Annex V for the purpose of a designation of the Republic of Korea.

If Japan, the Republic of Korea and/or the United States of America is/are designated, it is strongly recommended to refer to the Guide to the International Registration of Industrial Designs, International Application – Item 13, at www.wipo.int/hague/en/guide.htm#13.

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14 INTERNATIONAL EXHIBITION – Article 11 of the Paris Convention
☐ The applicant claims that one or more designs were shown at an official, or officially recognized, international exhibition.
Indicate the number of each industrial design shown at the exhibition concerned. If no industrial design is indicated, it will be understood that all industrial designs were shown at the above indicated exhibition.

Place where exhibition was held	Name of the exhibition	Date on which product(s) was(were) first exhibited (dd/mm/yyyy)	No. of the design (in numerical order)

☐ If the space provided is not sufficient, check this box and use a continuation sheet.

15 EXCEPTION TO LACK OF NOVELTY (optional element applicable to the designation of Japan and/or Republic of Korea only)
For more guidance, refer to the Guide to the International Registration of Industrial Designs, International Application – Item 15, at www.wipo.int/hague/en/guide.htm#15.
Contracting Party concerned: ☐ Japan and/or ☐ Republic of Korea
☐ The applicant claims to benefit from exceptional treatment provided for in the design law of the Contracting Party(ies) concerned, for disclosure of all the industrial designs, or the industrial designs indicated below, included in the present application.
.....
.....
Supporting documentation may be submitted using Annex II (only for the designation of the Republic of Korea).
Annex II provided ☐

16 RELATION WITH A PRINCIPAL DESIGN (optional element applicable to the designation of Japan and/or Republic of Korea only)
Under the national laws of Japan and the Republic of Korea one/some design(s) may be requested to be registered as (s) related design(s) in relation with the principal design (for more guidance, refer to the Guide to the International Registration of Industrial Designs, International Application – Item 16, at www.wipo.int/hague/en/guide.htm#16).
(a) Check the appropriate box:
Contracting Party concerned: ☐ Japan and/or ☐ Republic of Korea
☐ The applicant requests all the industrial designs which are contained in the present international application to be registered as a related design, or
☐ The applicant requests the following industrial designs which are contained in the present international application to be registered as a related design(s):
Indicate the number(s) of the industrial design(s) concerned.
.....
.....
(b) Information concerning the principal design to which the design(s) indicated under item (a) are related
Check the appropriate box, and provide the required information.
(i) The principal design is the subject of:
☐ the present international application
☐ a prior international application designating the Contracting Party concerned (Japan and/or Republic of Korea)
WPO reference¹⁵:

Application for International Registration

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PAYMENT OF FEES

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☐ a prior international registration designating the Contracting Party concerned (Japan and/or Republic of Korea)
International Registration No.:

☐ a prior national application filed with the Office of the Contracting Party concerned (Japan and/or Republic of Korea)
Application No./Applicant's reference:

☐ a prior national registration at the Office of the Contracting Party concerned (Japan and/or Republic of Korea)
National registration No.:

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

☐ If the space provided is not sufficient, check this box and use a continuation sheet.

* WIPO reference is indicated in the International Bureau's acknowledgement of receipt of an international application (WPOxxxxx (5 digits) or "xxxxxxx (5 digits)").

17 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 Iceland, Poland, or the United States of America 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 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 Croatia, Estonia, OAPI, Slovenia or the Syrian Arab Republic is designated, the period of deferment cannot exceed 12 months.

18 REDUCTION OF UNITED STATES OF AMERICA INDIVIDUAL DESIGNATION FEE (Applicable to the designation of the United States of America only)

Check the appropriate box:

☐ The applicant asserts small entity status within the meaning of Section 41(h) of Title 35 of the United States Code and Section 3 of the Small Business Act, and applicable regulations of the U.S. Patent and Trademark Office.

Important: For determination of entitlement to small entity status, refer to http://www.uspto.gov/sites/default/files/aia_implementation/AC54_Small_Entity_Compliance_Guide_Final.pdf.

☐ The applicant certifies micro entity status within the meaning of Section 123 of Title 35 of the United States Code and applicable regulations of the U.S. Patent and Trademark Office. The applicant must submit the micro entity certification form PTO/SB/15A or PTO/SB/15B using Annex IV.

19 SIGNATURE BY THE APPLICANT OR HIS REPRESENTATIVE (mandatory)

Applicant	Representative of the applicant
Name:	Name:
Signature and/or seal:	Signature and/or seal:
Date of signature (dd/mm/yyyy):	Date of signature (dd/mm/yyyy):
Name of the person to contact, if necessary:	
Telephone:	E-mail address:

☐ The applicant has requested a deferment in publication (Item 17(ii)) and wishes to pay the publication fees at a later date but not later than three weeks before the period of deferment expires.

1. INSTRUCTION TO DEBIT FROM A WIPO CURRENT ACCOUNT
(If this box is completed, it is not necessary to complete Item 2 below)

The International Bureau is hereby instructed to debit the required amount of fees from the following WIPO current account:
Holder of the account: Account number:
Identity of the party giving the instruction:

2. METHOD OF PAYMENT

Identity of the party effecting the payment:

Payment made to WIPO bank account
IBAN No. CH51 0483 5048 7080 8100 0
Credit Suisse, CH-1211 Geneva 70
Swift/BIC: CRESCH280A ☐ Payment identification: dd/mm/yyyy

Payment made to WIPO postal account
IBAN No. CH03 0900 0000 1200 5000 8
Swift/BIC: POFICHB ☐ Payment identification: dd/mm/yyyy

Payment made to the Office of indirect filing
(United States Patent and Trademark Office) ☐

GRAND TOTAL IN SWISS FRANCS
(see note 8 on cover page or use the fee calculation sheet attached herewith)

Application for International Registration

FEE CALCULATION SHEET

This sheet is provided for the convenience of users.
It is not necessary to complete it if the fee calculator has been used.

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3. AMOUNT OF FEES (see Fee Calculator: www.wipo.int/hague/en/fees/calculator.jsp)	
(a) <u>Basic fees</u> ¹¹	
for one design	397 —
for each additional design	
19 Swiss francs x designs in addition to the first	
(b) <u>Publication fees</u> ¹¹	
(i) Fee per reproductions	
17 Swiss francs x reproductions	
(ii) Fee per page on which reproductions are presented	
150 Swiss francs x page(s) in addition to the first	
(c) <u>Additional fee where the description exceeds 100 words</u> ¹¹	
2 Swiss francs x words exceeding 100	
(d) <u>Designation fees</u>	
(i) <u>Standard designation fees</u> ¹¹ (only for Contracting Parties that do not require individual designation fees)	
There are three levels of standard designation fees. The list following the present calculation sheet indicates which level applies for each Contracting Party.	
Level 1:	
42 Swiss francs for the first design x Contracting Parties	
+ 2 Swiss francs x designs in addition to the first x Contracting Parties	
Level 2:	
60 Swiss francs for the first design x Contracting Parties	
+ 20 Swiss francs x designs in addition to the first x Contracting Parties	
Level 3 ¹² :	
90 Swiss francs for first design x Contracting Parties	
+ 50 Swiss francs x designs in addition to the first x Contracting Parties	
(ii) <u>Individual designation fee</u> (payable only for the following Contracting Parties)	
European Union:	67 Swiss francs for first design + 67 Swiss francs x designs in addition to the first
Hungary:	70 Swiss francs for first design + 17 Swiss francs x designs in addition to the first
Japan:	665 Swiss francs x designs
Kyrgyzstan:	129 Swiss francs for first design + 64 Swiss francs x designs in addition to the first
OAPI:	83 Swiss francs for a single design / 124 Swiss francs for a multiple deposit (more than one design)
<u>Applicants from Least Developed Countries:</u>	
	8 Swiss francs for a single design / 12 Swiss francs for a multiple deposit (more than one design)
Republic of Korea ¹³ :	210 Swiss francs x designs
Republic of Moldova:	73 Swiss francs for first design + 7 Swiss francs x designs in addition to the first
United States of America:	733 Swiss francs (or where item 18 applies, 367 Swiss francs for a small entity or 183 Swiss francs for a micro entity) for the first part of the fee ¹⁴
GRAND TOTAL (SWISS FRANCS)	

¹¹ For international applications filed by applicants whose sole entitlement is a connection with a Least Developed Country (LDC), in accordance with the list established by the United Nations (http://www.un.org/en/development/desa/policy/ldc_list.pdf), these fees are reduced to 10% of the prescribed amounts. For the exact applicable amounts, see the Fee Calculator: www.wipo.int/hague/en/fees/calculator.jsp.

¹² For international applications for designs belonging to any class of the Locarno classification other than 2, 5 and 16, the individual designation fee applies in respect of a designation of the Republic of Korea. For those designs belonging to classes 2, 5 and 16, level 3 of the standard designation fee applies.

¹³ The individual designation fee for the United States of America comprises two parts, the first part to be paid at the time of filing of the international application and the second part upon initiation by the United States Patent and Trademark Office.

Application for International Registration

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CONTRACTING PARTIES OF THE HAGUE AGREEMENT

(In respect of each Contracting Party, the table below provides indications of the Act or Acts binding that Contracting Party and further indicates what kind of designation fee is payable for the designation of that Contracting Party¹)

Contracting Parties of the Hague Agreement	Acts of the Hague Agreement 1999 Act	1960 Act
(AL) Albania	1	1
(AM) Armenia	1	
(AZ) Azerbaijan	1	
(BA) Bosnia and Herzegovina	1	
(BG) Bulgaria	2	2
(BJ) Benin		1
(BN) Brunei Darussalam	3	
(BW) Botswana	1	
(BX) Benelux		1
(BZ) Belize		1
(CH) Switzerland	2	
(CI) Côte d'Ivoire		1
(DE) Germany	2	2
(DK) Denmark	2	
(EE) Estonia	2	
(EG) Egypt	1	
(EM) European Union	/F	
(ES) Spain	3	
(FI) Finland	3	
(FR) France	1	1
(GA) Gabon		1
(GE) Georgia	3	3
(GH) Ghana	3	
(GR) Greece		1
(HR) Croatia	2	2
(HU) Hungary	/F	/F
(IS) Iceland	3	
(IT) Italy		1
(JP) Japan	/F	
(KG) Kyrgyzstan	/F	/F
(KP) Democratic People's Republic of Korea	3	3
(KR) Republic of Korea	/F/3 ²	
(LI) Liechtenstein	1	1
(LT) Lithuania	3	
(LV) Latvia	2	
(MA) Morocco		2
(MC) Monaco	1	1
(MD) Republic of Moldova	/F	/F
(ME) Montenegro	1	1
(MK) The former Yugoslav Republic of Macedonia	1	1
(ML) Mali		1
(MN) Mongolia	1	1
(NA) Namibia	1	
(NE) Niger		1
(NO) Norway	2	

Contracting Parties of the Hague Agreement	Acts of the Hague Agreement 1999 Act	1960 Act
(OA) African Intellectual Property Organization (OAPI)	/F	
(OM) Oman	1	
(PL) Poland	2	
(RO) Romania	3	3
(RS) Serbia	3	3
(RW) Rwanda	1	
(SG) Singapore	1	
(SI) Slovenia	1	1
(SN) Senegal		1
(SR) Suriname		1
(ST) Sao Tome and Principe	1	
(SY) Syrian Arab Republic	3	
(TJ) Tajikistan	3	
(TM) Turkmenistan	1	
(TN) Tunisia	2	
(TR) Turkey	1	
(UA) Ukraine	2	2
(US) United States of America	/F	

¹ A numeral (1, 2 or 3) indicates the applicable level of standard designation fee and the letters "F" indicate that individual designation fees are applicable (the amounts of all these fees are indicated in the Fee Calculation Sheet). Where no indication (numeral or letters) appears, this means that the Contracting Party is not bound by the Act at hand.

² For international applications for designs belonging to any class of the Locarno classification other than 2, 5 and 16, the individual designation fee applies in respect of a designation of the Republic of Korea. For those designs belonging to classes 2, 5 and 16, level 3 of the standard designation fee applies.

(19) 【発行国】日本国特許庁 (J P)
(45) 【発行日】平成28年3月14日 (2016. 3. 14)
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【住所又は居所】Via Industria, 19, CH-6814 CADEMPINO, Switzerland
【審査官】山永 滋
(55) 【意匠の説明】6. 1) Perspective; 6. 2) Front; 6. 3) Back; 6. 4) Right; 6. 5) Left; 6. 6) Top; 6. 7) Bottom
(55) 【意匠の説明の訳 (参考)】6. 1) 斜視図; 6. 2) 平面図; 6. 3) 背面図; 6. 4) 右側面図; 6. 5) 左側面図; 6. 6) 平面図; 6. 7) 底面図

【6.1】



【6.2】



【6.3】



【6.4】



【6.5】



【6.6】



【6.7】



Geneva Act (1999) and Common Regulations (abstract)

Article 5: Contents of the International Application (Geneva Act of July 2, 1999)

Article 5

Contents of the International Application

- (1) [*Mandatory Contents of the International Application*] The international application shall be in the prescribed language or one of the prescribed languages and shall contain or be accompanied by
- (i) a request for international registration under this Act;
 - (ii) the prescribed data concerning the applicant;
 - (iii) the prescribed number of copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international application, presented in the prescribed manner; however, where the industrial design is two-dimensional and a request for deferment of publication is made in accordance with paragraph (5), the international application may, instead of containing reproductions, be accompanied by the prescribed number of specimens of the industrial design;
 - (iv) an indication of the product or products which constitute the industrial design or in relation to which the industrial design is to be used, as prescribed;
 - (v) an indication of the designated Contracting Parties;
 - (vi) the prescribed fees;
 - (vii) any other prescribed particulars.

Article 5: Contents of the International Application (Geneva Act of July 2, 1999)

- (2) [*Additional Mandatory Contents of the International Application*] (a) Any Contracting Party whose Office is an Examining Office and whose law, at the time it becomes party to this Act, requires that an application for the grant of protection to an industrial design contain any of the elements specified in subparagraph (b) in order for that application to be accorded a filing date under that law may, in a declaration, notify the Director General of those elements.
- (b) The elements that may be notified pursuant to subparagraph (a) are the following:
- (i) indications concerning the identity of the creator of the industrial design that is the subject of that application;
 - (ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of that application;
 - (iii) a claim.
- (c) Where the international application contains the designation of a Contracting Party that has made a notification under subparagraph (a), it shall also contain, in the prescribed manner, any element that was the subject of that notification.
- (3) [*Other Possible Contents of the International Application*] The international application may contain or be accompanied by such other elements as are specified in the Regulations.
- (4) [*Several Industrial Designs in the Same International Application*] Subject to such conditions as may be prescribed, an international application may include two or more industrial designs.
- (5) [*Request for Deferred Publication*] The international application may contain a request for deferment of publication.

Article 7: Designation Fees (Geneva Act of July 2, 1999)

Article 7

Designation Fees

(1) [Prescribed Designation Fee] The prescribed fees shall include, subject to paragraph (2), a designation fee for each designated Contracting Party.

(2)1 [Individual Designation Fee] Any Contracting Party whose Office is an Examining Office and any Contracting Party that is an intergovernmental organization may, in a declaration, notify the Director General that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such an international application, the prescribed designation fee referred to in paragraph (1) shall be replaced by an individual designation fee, whose amount shall be indicated in the declaration and can be changed in further declarations. The said amount may be fixed by the said Contracting Party for the initial term of protection and for each term of renewal or for the maximum period of protection allowed by the Contracting Party concerned.

However, it may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

(3) [Transfer of Designation Fees] The designation fees referred to in paragraphs (1) and (2) shall be transferred by the International Bureau to the Contracting Parties in respect of which those fees were paid.

Article 8: Correction of Irregularities (Geneva Act of July 2, 1999)

Article 8

Correction of Irregularities

(1) [Examination of the International Application] If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the requirements of this Act and the Regulations, it shall invite the applicant to make the required corrections within the prescribed time limit.

(2) [Irregularities Not Corrected] (a) If the applicant does not comply with the invitation within the prescribed time limit, the international application shall, subject to subparagraph (b), be considered abandoned.

(b) In the case of an irregularity which relates to Article 5(2) or to a special requirement notified to the Director General by a Contracting Party in accordance with the Regulations, if the applicant does not comply with the invitation within the prescribed time limit, the international application shall be deemed not to contain the designation of that Contracting Party.

Article 9: Filing Date of the International Application (Geneva Act of July 2, 1999)

Article 9

Filing Date of the International Application

(1) [International Application Filed Directly] Where the international application is filed directly with the International Bureau, the filing date shall, subject to paragraph (3), be the date on which the International Bureau receives the international application.

(2) [International Application Filed Indirectly] Where the international application is filed through the Office of the applicant's Contracting Party, the filing date shall be determined as prescribed.

(3) [International Application with Certain Irregularities] Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau.

Article 10: International Registration, Date of the International Registration,
Publication and Confidential Copies of the International Registration (Geneva Act of July 2, 1999)

Article 102

International Registration, Date of the International Registration, Publication and Confidential Copies of the International Registration

(1) [International Registration] The International Bureau shall register each industrial design that is the subject of an international application immediately upon receipt by it of the international application or, where corrections are invited under Article 8, immediately upon receipt of the required corrections. The registration shall be effected whether or not publication is deferred under Article 11.

(2) [Date of the International Registration] (a) Subject to subparagraph (b), the date of the international registration shall be the filing date of the international application.

(b) Where the international application has, on the date on which it is received by the International Bureau, an irregularity which relates to Article 5(2), the date of the international registration shall be the date on which the correction of such irregularity is received by the International Bureau or the filing date of the international application, whichever is the later.

(3) [Publication] (a) The international registration shall be published by the International Bureau. Such publication shall be deemed in all Contracting Parties to be sufficient publicity, and no other publicity may be required of the holder.

(b) The International Bureau shall send a copy of the publication of the international registration to each designated Office.

Article 10: International Registration, Date of the International Registration,
Publication and Confidential Copies of the International Registration (Geneva Act of July 2, 1999)

(4) [Maintenance of Confidentiality Before Publication] Subject to paragraph (5) and Article 11(4)(b), the International Bureau shall keep in confidence each international application and each international registration until publication.

(5) [Confidential Copies] (a) The International Bureau shall, immediately after registration has been effected, send a copy of the international registration, along with any relevant statement, document or specimen accompanying the international application, to each Office that has notified the International Bureau that it wishes to receive such a copy and has been designated in the international application.

(b) The Office shall, until publication of the international registration by the International Bureau, keep in confidence each international registration of which a copy has been sent to it by the International Bureau and may use the said copy only for the purpose of the examination of the international registration and of applications for the protection of industrial designs filed in or for the Contracting Party for which the Office is competent. In particular, it may not divulge the contents of any such international registration to any person outside the Office other than the holder of that international registration, except for the purposes of an administrative or legal proceeding involving a conflict over entitlement to file the international application on which the international registration is based. In the case of such an administrative or legal proceeding, the contents of the international registration may only be disclosed in confidence to the parties involved in the proceeding who shall be bound to respect the confidentiality of the disclosure.

Article 12: Refusal (Geneva Act of July 2, 1999)

Article 12

Refusal

(1) [Right to Refuse] The Office of any designated Contracting Party may, where the conditions for the grant of protection under the law of that Contracting Party are not met in respect of any or all of the industrial designs that are the subject of an international registration, refuse the effects, in part or in whole, of the international registration in the territory of the said Contracting Party, provided that no Office may refuse the effects, in part or in whole, of any international registration on the ground that requirements relating to the form or contents of the international application that are provided for in this Act or the Regulations or are additional to, or different from, those requirements have not been satisfied under the law of the Contracting Party concerned.

(2) [Notification of Refusal] (a) The refusal of the effects of an international registration shall be communicated by the Office to the International Bureau in a notification of refusal within the prescribed period.

(b) Any notification of refusal shall state all the grounds on which the refusal is based.

(3) [Transmission of Notification of Refusal; Remedies] (a) The International Bureau shall, without delay, transmit a copy of the notification of refusal to the holder.

(b) The holder shall enjoy the same remedies as if any industrial design that is the subject of the international registration had been the subject of an application for the grant of protection under the law applicable to the Office that communicated the refusal. Such remedies shall at least consist of the possibility of a re-examination or a review of the refusal or an appeal against the refusal.

(4)³ [Withdrawal of Refusal] Any refusal may be withdrawn, in part or in whole, at any time by the Office that communicated it.

Rule 18: Notification of Refusal (Common Regulations Under the 1999 Act)

Rule 18

Notification of Refusal

(1) [Period for Notification of Refusal] (a) The prescribed period for the notification of refusal of the effects of an international registration in accordance with Article 12(2) of the 1999 Act or Article 8(1) of the 1960 Act shall be six months from the publication of the international registration as provided for by Rule 26(3).

(b) Notwithstanding subparagraph (a), any Contracting Party whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General that, where it is designated under the 1999 Act, the period of six months referred to in that subparagraph shall be replaced by a period of 12 months.

(c) The declaration referred to in subparagraph (b) may also state that the international registration shall produce the effect referred to in Article 14(2)(a) of the 1999 Act at the latest

(i) at a time specified in the declaration which may be later than the date referred to in that Article but which shall not be more than six months after the said date or

(ii) at a time at which protection is granted according to the law of the Contracting Party where a decision regarding the grant of protection was unintentionally not communicated within the period applicable under subparagraph (a) or (b); in such a case, the Office of the Contracting Party concerned shall notify the International Bureau accordingly and endeavor to communicate such decision to the holder of the international registration concerned promptly thereafter.

Rule 18: Notification of Refusal (Common Regulations Under the 1999 Act)

- (2) [Notification of Refusal] (a) The notification of any refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.
- (b) The notification shall contain or indicate
- (i) the Office making the notification,
 - (ii) the number of the international registration,
 - (iii) all the grounds on which the refusal is based together with a reference to the corresponding essential provisions of the law,
 - (iv) where the grounds on which the refusal is based refer to similarity with an industrial design which has been the subject of an earlier national, regional or international application or registration, the filing date and number, the priority date (if any), the registration date and number (if available), a copy of a reproduction of the earlier industrial design (if that reproduction is accessible to the public) and the name and address of the owner of the said industrial design, as provided for in the Administrative Instructions,
 - (v) where the refusal does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,
 - (vi) whether the refusal may be subject to review or appeal and, if so, the time limit, reasonable under the circumstances, for any request for review of, or appeal against, the refusal and the authority to which such request for review or appeal shall lie, with the indication, where applicable, that the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal, and
 - (vii) the date on which the refusal was pronounced.

Rule 18: Notification of Refusal (Common Regulations Under the 1999 Act)

(3) [Notification of Division of International Registration] Where, following a notification of refusal in accordance with Article 13(2) of the 1999 Act, an international registration is divided before the Office of a designated Contracting Party in order to overcome a ground of refusal stated in that notification, that Office shall notify the International Bureau of such data concerning the division as shall be specified in the Administrative Instructions.

(4) [Notification of Withdrawal of Refusal] (a) The notification of any withdrawal of refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

(i) the Office making the notification,

(ii) the number of the international registration,

(iii) where the withdrawal does not relate to all the industrial designs to which the refusal applied, those to which it relates or does not relate,

(iv) the date on which the international registration produced the effect as a grant of protection under the applicable law, and

grant of protection under the applicable law, and

(v) the date on which the refusal was withdrawn.

(c) Where the international registration was amended in a procedure before the Office, the notification shall also contain or indicate all amendments.

(5) [Recording] The International Bureau shall record any notification received under paragraph (1)(c)(ii), (2) or (4) in the International Register together with, in the case of a notification of refusal, an indication of the date on which the notification of refusal was sent to the International Bureau.

(6) [Transmittal of Copies of Notifications] The International Bureau shall transmit copies of notifications received under paragraph (1)(c)(ii), (2) or (4) to the holder.

Rule 18: Notification of Refusal (Common Regulations Under the 1999 Act)

Rule 18bis

Statement of Grant of Protection

(1) [Statement of Grant of Protection Where No Notification of Refusal Has Been Communicated] (a) An Office which has not communicated a notification of refusal may, within the period applicable under Rule 18(1)(a) or (b), send to the International Bureau a statement to the effect that protection is granted to the industrial designs, or some of the industrial

designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

(b) The statement shall indicate

(i) the Office making the statement,

(ii) the number of the international registration,

(iii) where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates,

(iv) the date on which the international registration produced or shall produce the effect as a grant of protection under the applicable law, and

(v) the date of the statement.

(c) Where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments.

amendments.

Rule 18: Notification of Refusal (Common Regulations Under the 1999 Act)

(d) Notwithstanding subparagraph (a), where Rule 18(1)(c)(i) or (ii) applies, as the case may be, or where protection is granted to the industrial designs following amendments in a procedure before the Office, the said Office must send to the International Bureau the statement referred to in subparagraph (a).

(e) The applicable period referred to in subparagraph (a) shall be the period allowed pursuant to Rule 18(1)(c)(i) or (ii), as the case may be, to produce the effect as a grant of protection under the applicable law, with respect to a designation of a Contracting Party having made a declaration under either of the aforementioned Rules.

Rule 18: Notification of Refusal (Common Regulations Under the 1999 Act)

(2) [Statement of Grant of Protection Following a Refusal] (a) An Office which has communicated a notification of refusal and which has decided to either partially or totally withdraw such refusal, may, instead of notifying a withdrawal of refusal in accordance with Rule 18(4)(a), send to the International Bureau a statement to the effect that protection is granted to the industrial designs, or some of the industrial designs, as the case may be, that are the subject of the international registration in the Contracting Party concerned, it being understood that, where Rule 12(3) applies, the grant of protection will be subject to the payment of the second part of the individual designation fee.

(b) The statement shall indicate

(i) the Office making the notification,

(ii) the number of the international registration,

(iii) where the statement does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,

(iv) the date on which the international registration produced the effect as a grant of protection under the applicable law, and

(v) the date of the statement.

(c) Where the international registration was amended in a procedure before the Office, the statement shall also contain or indicate all amendments.

(3) [Recording, Information to the Holder and Transmittal of Copies] The International Bureau shall record any statement received under this Rule in the International Register, inform the holder accordingly and, where the statement was communicated, or can be reproduced, in the form of a specific document, transmit a copy of that document to the holder.