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Cop. 1

The Hague Agreement  
Concerning  
the International Deposit  
of Industrial Designs

H 7121

H 7122

H 7123

H 7124

of November 6, 1925

- I. London Act 1934
- II. The Hague Act 1960
- III. Additional Act of Monaco 1961
- IV. Complementary Act of Stockholm 1967



United International Bureaux  
for the Protection of Intellectual Property (BIRPI)  
GENEVA 1967

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UNION INTERNATIONALE DES BUREAUX RÉUNIS  
POUR LA PROTECTION DE LA  
PROPRIÉTÉ INTELLECTUELLE  
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*(Translation by BIRPI)*



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# **I**

## **London Act of June 2, 1934**

### **Article 1**

Nationals of any of the contracting countries, as well as persons who, upon the territory of the restricted Union, have satisfied the conditions of Article 3 of the General Convention, may, in all the other contracting countries, secure protection for their industrial designs by means of an international deposit made at the International Bureau of Industrial Property at Berne.

### **Article 2**

(1) The international deposit shall include designs, either in the form of the industrial product for which they are intended, or in the form of a drawing, a photograph, or any other adequate graphic representation of the said design.

(2) The articles submitted shall be accompanied by an application for international deposit, in duplicate, containing, in French, the particulars specified in the Regulations.

### **Article 3**

(1) As soon as the International Bureau receives an application for international deposit it shall record the application in a special Register and shall publish it, sending free of charge to each Office the desired number of copies of the periodical journal in which it publishes such records.

(2) Deposits shall be kept in the archives of the International Bureau.

## **Article 4**

(1) Any person making an international deposit of an industrial design shall, in the absence of proof to the contrary, be deemed to be the owner of the work.

(2) International deposit is purely declaratory. The deposit, as such, shall have in the contracting countries the same effect as if the designs had been deposited there direct on the date of the international deposit, subject however to the special rules established by this Agreement.

(3) The publicity mentioned in the foregoing Article shall be deemed in all the contracting countries to be sufficient, and no other publicity may be required of the depositor, apart from any formalities to be complied with for the exercise of rights in accordance with the domestic law.

(4) The right of priority established by Article 4 of the General Convention shall be guaranteed to every design which has been the subject of an international deposit, without requiring compliance with any of the formalities prescribed in the said Article.

## **Article 5**

The contracting countries agree not to require designs which have been the subject of an international deposit to bear any compulsory marking. They shall not cause the designs to lapse either by reason of non-exploitation or as a result of the introduction of articles similar to those protected.

## **Article 6**

(1) The international deposit may consist of either a single design or several, the number thereof being stated in the application.

(2) Such deposit may be made under open cover or under sealed cover. In particular, there shall be accepted as a means of deposit under sealed cover double envelopes having a perforated control number (Soleau system) or any other system for ensuring identification.

(3) The maximum dimensions of covers or packets eligible for deposit shall be fixed by the Regulations.

## **Article 7**

The duration of international protection is fixed at fifteen years from the date of deposit at the International Bureau at Berne; this term is divided into two periods, namely, one period of five years and one period of ten years.

## **Article 8**

During the first period of protection, deposits shall be accepted either under open cover or under sealed cover; during the second period of protection, they shall be accepted only under open cover.

## **Article 9**

During the first period, deposits under sealed cover may be opened at the request of the depositor or of a competent court; upon expiration of the first period, they shall, with a view to transition to the second period, be opened upon application for prolongation.

## **Article 10**

In the course of the first six months of the fifth year of the first period, the International Bureau shall give unofficial notice of expiration to the depositor of the design.

## **Article 11**

(1) When the depositor desires to secure extension of the protection by transition to the second period he shall, before the expiration of the first period, file with the International Bureau an application for prolongation.

(2) The International Bureau shall open the package, if sealed, shall publish in its journal notice of the prolongation granted, and shall notify all Offices thereof by sending to each the desired number of copies of the said journal.

## **Article 12**

Designs forming the subject of deposits which have not been prolonged, as well as those in respect of which protection has expired, shall, upon the request of the proprietors and at their expense, be returned to them as they stand. If unclaimed, they shall be destroyed at the end of two years.

### **Article 13**

(1) Depositors may, at any time, renounce their deposit, either wholly or in part, by means of a declaration addressed to the International Bureau; the Bureau shall give such declaration the publicity referred to in Article 3.

(2) Renunciation shall entail the return of the deposit to the depositor, at his expense.

### **Article 14**

If a court or any other competent authority orders the communication to it of a secret design, the International Bureau, when duly required, shall open the deposited package, shall extract therefrom the requested design, and shall remit it to the authority so requiring. Similar communication shall take place on request in the case of an unsealed design. The article thus communicated shall be returned in the shortest possible time and reincorporated in the sealed package or in the envelope, as the case may be. Such transactions may be subject to a fee, which shall be fixed by the Regulations.

### **Article 15**

The fees for an international deposit and for the prolongation thereof, which shall be paid before registration of the deposit or of the prolongation can be proceeded with, shall be as follows:

1. for a single design, and in respect of the first period of five years: 5 francs;
2. for a single design, upon expiration of the first period and in respect of the duration of the second period of ten years: 10 francs;
3. for a multiple deposit, and in respect of the first period of five years: 10 francs;
4. for a multiple deposit, upon expiration of the first period and in respect of the duration of the second period of ten years: 50 francs.

### **Article 16**

The net annual proceeds from fees shall be divided, as provided in Article 8 of the Regulations, among the contracting countries by the International Bureau, after deduction of the common expenses necessitated by the implementation of this Agreement.

### **Article 17**

(1) The International Bureau shall record in its Registers all changes affecting the proprietorship of designs which are notified to it by the parties concerned; it shall publish them in its journal and shall announce them to all Offices by sending to each the desired number of copies of the said journal.

(2) These transactions may be subject to a fee, which shall be fixed by the Regulations.

(3) The proprietor of an international deposit may assign the rights in respect of part only of the designs included in a multiple deposit or in respect of one or several of the contracting countries only; but, in such cases, if the deposit has been made under sealed cover, the International Bureau shall open the package before recording the transfer in its Registers.

### **Article 18**

(1) The International Bureau shall deliver to any person, upon application, and on payment of a fee fixed by the Regulations, an abstract of the entries in the Register in connection with any given design.

(2) Such abstract may, if the design lends itself thereto, be accompanied by a copy or a reproduction of the design, which has been supplied to the International Bureau and which the latter shall certify as being in conformity with the article deposited under open cover. If the Bureau is not in possession of such copies or reproductions, it shall have them made, on the request of interested parties and at their expense.

### **Article 19**

The archives of the International Bureau, in so far as they contain unsealed deposits, shall be accessible to the public. Any person may inspect them, in the presence of an official, or may obtain from the Bureau written information on the contents of the Register, subject to payment of fees to be fixed by the Regulations.

### **Article 20**

The details of the application of this Agreement shall be determined by Regulations the provisions of which may, at any time, be amended with the common consent of the Offices of the contracting countries.

## Article 21

The provisions of this Agreement offer only a minimum of protection; they shall not preclude the claiming of the application of wider provisions that may be enacted by the domestic legislation of a contracting country, nor shall they prejudice the application of the provisions of the Berne Convention, as revised in 1928, relating to the protection of artistic works and works of art applied to industry.

## Article 22

(1) Countries members of the Union which are not party to this Agreement may accede thereto at their request and in the manner prescribed by Articles 16 and 16*bis* of the General Convention.

(2) Notification of accession shall, of itself, ensure, upon the territory of the acceding country, the benefits of the foregoing provisions to industrial designs which, at the time of accession, are the subject of international deposit.

(3) However, any country may, in acceding to this Agreement, declare that application of this Act shall be limited to designs deposited from the date on which its accession becomes effective.

(4) In the case of denunciation of this Agreement, Article 17*bis* of the General Convention shall apply. International designs deposited up to the date on which denunciation becomes effective shall continue, throughout the period of international protection, to enjoy in the denouncing country, as well as in all other countries of the restricted Union, the same protection as if they had been deposited direct in such countries.

## Article 23

(1) This Agreement shall be ratified and ratifications shall be deposited at London not later than July 1, 1938.

(2) It shall enter into force, between the countries which have ratified it, one month after that date, and shall have the same force and duration as the General Convention.

(3) This Act shall, as regards the relations between the countries which have ratified it, replace the Hague Agreement of 1925. However, the latter shall remain in force as regards the relations with countries which have not ratified this Act.

## **II**

### **The Hague Act of November 28, 1960\***

#### **Article 1**

(1) The contracting States constitute a Special Union for the international deposit of industrial designs.

(2) Only States members of the International Union for the Protection of Industrial Property may become party to this Agreement.

#### **Article 2**

For the purposes of this Agreement:

“1925 Agreement” shall mean the Hague Agreement concerning the International Deposit of Industrial Designs of November 6, 1925;

“1934 Agreement” shall mean the Hague Agreement concerning the International Deposit of Industrial Designs of November 6, 1925, as revised at London on June 2, 1934;

“this Agreement” or “the present Agreement” shall mean the Hague Agreement concerning the International Deposit of Industrial Designs as established by the present Act;

“Regulations” shall mean the Regulations for carrying out this Agreement;

“International Bureau” shall mean the Bureau of the International Union for the Protection of Industrial Property;

“international deposit” shall mean a deposit made at the International Bureau;

“national deposit” shall mean a deposit made at the national Office of a contracting State;

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\* This Act is not yet in force.

“multiple deposit” shall mean a deposit including several designs;

“State of origin of an international deposit” shall mean the contracting State in which the applicant has a real and effective industrial or commercial establishment or, if the applicant has such establishments in several contracting States, the contracting State which he has indicated in his application; if the applicant has no such establishment in any contracting State, the contracting State in which he has his domicile; if he has no domicile in a contracting State, the contracting State of which he is a national;

“State having a novelty examination” shall mean a contracting State the domestic law of which provides for a system which involves a preliminary ex officio search and examination by its national Office as to the novelty of each deposited design.

### Article 3

Nationals of contracting States and persons who, without being nationals of any contracting State, are domiciled or have a real and effective industrial or commercial establishment in the territory of a contracting State may deposit designs at the International Bureau.

### Article 4

(1) International deposit may be made at the International Bureau:

1. direct, or
2. through the intermediary of the national Office of a contracting State if the law of that State so permits.

(2) The domestic law of any contracting State may require that international deposits of which it is deemed to be the State of origin shall be made through its national Office. Non-compliance with this requirement shall not prejudice the effects of the international deposit in the other contracting States.

### Article 5

(1) The international deposit shall consist of an application and one or more photographs or other graphic representations of the design, and shall involve payment of the fees prescribed by the Regulations.

(2) The application shall contain:

1. a list of the contracting States in which the applicant requests that the international deposit shall have effect;
2. the designation of the article or articles in which it is intended to incorporate the design;
3. if the applicant wishes to claim the priority provided for in Article 9, an indication of the date, the State, and the number of the deposit giving rise to the right of priority;
4. such other particulars as the Regulations may prescribe.

(3) (a) In addition, the application may contain:

1. a short description of characteristic features of the design;
2. a declaration as to who is the true creator of the design;
3. a request for deferment of publication as provided in Article 6(4).

(b) The application may be accompanied also by samples or models of the article or articles incorporating the design.

(4) A multiple deposit may include several designs intended to be incorporated in articles included in the same class of the International Design Classification referred to in Article 21(2), item 4.

## Article 6

(1) The International Bureau shall maintain the International Design Register and shall register international deposits therein.

(2) The international deposit shall be deemed to have been made on the date on which the International Bureau received the application in due form, the fees payable with the application, and the photograph or photographs or other graphic representations of the design, or, if the International Bureau received them on different dates, on the last of these dates. The registration shall bear the same date.

(3) (a) For each international deposit, the International Bureau shall publish in a periodical bulletin:

1. reproductions in black and white or, at the request of the applicant, in color of the deposited photographs or other graphic representations;
2. the date of the international deposit;
3. the particulars prescribed by the Regulations.

(b) The International Bureau shall send the periodical bulletin to the national Offices as soon as possible.

(4) (a) The publication referred to in paragraph (3)(a) shall, at the request of the applicant, be deferred for such period as he may request. The said period may not exceed twelve months from the date of the international deposit. However, if priority is claimed, the starting date of such period shall be the priority date.

(b) At any time during the period referred to in subparagraph (a), the applicant may request immediate publication or may withdraw his deposit. Withdrawal of the deposit may be limited to one or a few only of the contracting States and, in the case of a multiple deposit, to some only of the designs included therein.

(c) If the applicant fails to pay within the proper time the fees payable before the expiration of the period referred to in subparagraph (a), the International Bureau shall cancel the deposit and shall not effect the publication referred to in paragraph (3)(a).

(d) Until the expiration of the period referred to in subparagraph (a), the International Bureau shall keep in confidence the registration of deposits made subject to deferred publication, and the public shall have no access to any documents or articles concerning such deposits. These provisions shall apply without limitation as to time if the applicant has withdrawn his deposit before the expiration of the said period.

(5) Except as provided in paragraph (4), the Register and all documents and articles filed with the International Bureau shall be open to inspection by the public.

## Article 7

(1) (a) A deposit registered at the International Bureau shall have the same effect in each of the contracting States designated by the applicant in his application as if all the formalities required by the domestic law for the grant of protection had been complied with by the applicant and as if all administrative acts required to that end had been accomplished by the Office of such State.

(b) Subject to the provisions of Article 11, the protection of designs the deposit of which has been registered at the

International Bureau is governed in each contracting State by those provisions of the domestic law which are applicable in that State to designs for which protection has been claimed on the basis of a national deposit and in respect of which all formalities and administrative acts have been complied with and accomplished.

(2) An international deposit shall have no effect in the State of origin if the laws of that State so provide.

### Article 8

(1) Notwithstanding the provisions of Article 7, the national Office of a contracting State whose domestic law provides that the national Office may, on the basis of an administrative ex officio examination or pursuant to an opposition by a third party, refuse protection shall, in case of refusal, notify the International Bureau within six months that the design does not meet the requirements of its domestic law other than the formalities and administrative acts referred to in Article 7(1). If no such refusal is notified within a period of six months the international deposit shall become effective in that State as from the date of that deposit. However, in a contracting State having a novelty examination, the international deposit, while retaining its priority, shall, if no refusal is notified within a period of six months, become effective from the expiration of the said period unless the domestic law provides for an earlier date for deposits made with its national Office.

(2) The period of six months referred to in paragraph (1) shall be computed from the date on which the national Office receives the issue of the periodical bulletin in which the registration of the international deposit has been published. The national Office shall communicate that date to any person so requesting.

(3) The applicant shall have the same remedies against the refusal of the national Office referred to in paragraph (1) as if he had deposited his design in that Office; in any case, the refusal shall be subject to a request for re-examination or appeal. Notification of such refusal shall indicate:

1. the reasons for which it has been found that the design does not meet the requirements of the domestic law;
2. the date referred to in paragraph (2);
3. the time allowed for a request for re-examination or appeal;

4. the authority to which such request or appeal may be addressed.

(4) (a) The national Office of a contracting State whose domestic law contains provisions of the kind referred to in paragraph (1) requiring a declaration as to who is the true creator of the design or a description of the design may provide that, upon request and within a period of not less than sixty days from the dispatch of such a request by the said Office, the applicant shall file in the language of the application filed with the International Bureau:

1. a declaration as to who is the true creator of the design;
2. a short description emphasizing the essential characteristic features of the design as shown by the photographs or other graphic representations.

(b) No fees shall be charged by a national Office in connection with the filing of such declarations or descriptions, or for their possible publication by that national Office.

(5) (a) Any contracting State whose domestic law contains provisions of the kind referred to in paragraph (1) shall notify the International Bureau accordingly.

(b) If, under its legislation, a contracting State has several systems for the protection of designs one of which provides for novelty examination, the provisions of this Agreement concerning States having a novelty examination shall apply only to the said system.

## Article 9

If the international deposit of a design is made within six months of the first deposit of the same design in a State member of the International Union for the Protection of Industrial Property, and if priority is claimed for the international deposit, the priority date shall be that of the first deposit.

## Article 10

(1) An international deposit may be renewed every five years by payment only, during the last year of each period of five years, of the renewal fees prescribed by the Regulations.

(2) Subject to the payment of a surcharge fixed by the Regulations, a period of grace of six months shall be granted for renewal of the international deposit.

(3) At the time of paying the renewal fees, the international deposit number must be indicated and also, if renewal is not to be effected for all the contracting States for which the deposit is about to expire, those of the contracting States for which the renewal is to be effected.

(4) Renewal may be limited to some only of the designs included in a multiple deposit.

(5) The International Bureau shall record and publish renewals.

### Article 11

(1) (a) The term of protection granted by a contracting State to designs which have been the subject of an international deposit shall not be less than:

1. ten years from the date of the international deposit if the deposit has been renewed;
2. five years from the date of the international deposit in the absence of renewal.

(b) However, if, under the provisions of the domestic law of a contracting State having a novelty examination, protection commences at a date later than that of the international deposit, the minimum terms provided for in subparagraph (a) shall be computed from the date at which protection commences in that State. The fact that the international deposit is not renewed or is renewed only once shall in no way affect the minimum terms of protection thus defined.

(2) If the domestic law of a contracting State provides, in respect of designs which have been the subject of a national deposit, for protection whose duration, with or without renewal, is longer than ten years, protection of the same duration shall, on the basis of the international deposit and its renewals, be granted in that State to designs which have been the subject of an international deposit.

(3) A contracting State may, under its domestic law, limit the term of protection of designs which have been the subject of an international deposit to the terms provided for in paragraph (1).

(4) Subject to the provisions of paragraph (1)(b), protection in a contracting State shall terminate at the date of expiration of the international deposit, unless the domestic law of that State

provides that protection shall continue after the date of expiration of the international deposit.

#### **Article 12**

(1) The International Bureau shall record and publish changes affecting ownership of a design which is the subject of an international deposit in force. It is understood that transfer of ownership may be limited to the rights arising from the international deposit in one or a few only of the contracting States and, in the case of a multiple deposit, to some only of the designs included therein.

(2) The recording referred to in paragraph (1) shall have the same effect as if it had been made in the national Offices of the contracting States.

#### **Article 13**

(1) The owner of an international deposit may, by means of a declaration addressed to the International Bureau, renounce his rights in respect of all or some only of the contracting States and, in the case of a multiple deposit, in respect of some only of the designs included therein.

(2) The International Bureau shall record and publish such declaration.

#### **Article 14**

(1) No contracting State may, as a condition of recognition of the right to protection, require that the article incorporating the design bear a sign or notice concerning the deposit of the design.

(2) If the domestic law of a contracting State provides for a notice on the article for any other purpose, such State shall regard such requirement as satisfied if all the articles offered to the public with the authorization of the owner of the rights in the design, or the tags attached to such articles, bear the international design notice.

(3) The international design notice shall consist of the symbol **®** (a capital D in a circle) accompanied by:

1. the year of the international deposit and the name, or the usual abbreviation of the name, of the depositor, or
2. the number of the international deposit.

(4) The mere appearance of the international design notice on the article or the tags shall in no case be interpreted as implying a waiver of protection by virtue of copyright or on any other grounds, whenever, in the absence of such notice, such protection may be claimed.

### Article 15

(1) The fees prescribed by the Regulations shall consist of:

1. fees for the International Bureau;
2. fees for the contracting States designated by the applicant, namely:
  - (a) a fee for each contracting State;
  - (b) a fee for each contracting State having a novelty examination and requiring the payment of a fee for such examination.

(2) Any fees paid in respect of one and the same deposit for a contracting State under paragraph (1), item 2(a), shall be deducted from the amount of the fee referred to in paragraph (1), item 2(b), if the latter fee becomes payable for the same State.

### Article 16

(1) The fees for contracting States referred to in Article 15(1), item 2, shall be collected by the International Bureau and paid over annually to the contracting States designated by the applicant.

(2) (a) Any contracting State may notify the International Bureau that it waives its right to the supplementary fees referred to in Article 15(1), item 2(a), in respect of international deposits of which any other contracting State making a similar waiver is deemed to be the State of origin.

(b) Such State may make a similar waiver in respect of international deposits of which it is itself deemed to be the State of origin.

### Article 17

The Regulations shall govern the details concerning the implementation of this Agreement and in particular:

1. the languages and the number of copies in which the application for deposit must be filed, and the data to be supplied in the application;
2. the amounts and the dates and method of payment of the fees for the International Bureau and for the States, including the limits imposed on the fee for contracting States having a novelty examination;
3. the number, size, and other characteristics, of the photographs or other graphic representations of each design deposited;
4. the length of the description of characteristic features of the design;
5. the limits within which and conditions under which samples or models of the articles incorporating the design may accompany the application;
6. the number of designs that may be included in a multiple deposit and other conditions governing multiple deposits;
7. all matters relating to the publication and distribution of the periodical bulletin referred to in Article 6(3)(a), including the number of copies of the bulletin which shall be given free of charge to the national Offices and the number of copies which may be sold at a reduced price to such Offices;
8. the procedure for notification by contracting States of any refusal provided for under Article 8(1), and the procedure for communication and publication of such refusals by the International Bureau;
9. the conditions for recording and publication by the International Bureau of the changes affecting the ownership of a design referred to in Article 12(1), and for the renunciations referred to in Article 13;
10. the disposal of documents and articles concerning deposits for which the possibility of renewal has ceased to exist.

### **Article 18**

The provisions of this Agreement shall not preclude the making of a claim to the benefit of any greater protection which may be granted by domestic legislation in a contracting State, nor shall they affect in any way the protection accorded to works of art and works of applied art by international copyright treaties and conventions.

## Article 19

The fees of the International Bureau for services provided for by this Agreement shall be fixed in such a manner:

(a) that the proceeds therefrom cover all the expenses of the International Design Service and all those necessitated by the preparation and holding of meetings of the International Design Committee or conferences for the revision of this Agreement;

(b) that they allow for the maintenance of the reserve fund referred to in Article 20.

## Article 20

(1) There shall be a reserve fund of 250,000 Swiss francs. The amount of the reserve fund may be modified by the International Design Committee referred to in Article 21.

(2) The reserve fund shall be replenished by the surplus receipts of the International Design Service.

(3) (a) However, at the time of the entry into force of this Agreement, the reserve fund shall be constituted by a single contribution paid by each contracting State and computed in proportion to the number of units corresponding to the class to which it belongs by virtue of Article 13(8) of the Paris Convention for the Protection of Industrial Property.

(b) States which become party to this Agreement after it enters into force shall also pay a single contribution. The contribution shall be computed according to the principles formulated in the preceding subparagraph, so that all States, whatever the date of their becoming party to the Agreement, shall pay the same contribution per unit.

(4) When the amount of the reserve fund exceeds the fixed ceiling, the surplus shall be periodically distributed among the contracting States, in proportion to the single contribution paid by each, up to the maximum amount of that contribution.

(5) When the single contributions have been fully reimbursed, the International Design Committee may decide that States subsequently becoming party to the Agreement shall not be required to pay the single contribution.

## **Article 21**

(1) There shall be an International Design Committee consisting of representatives of all the contracting States.

(2) The Committee shall have the following duties and powers:

1. to draw up its own rules of procedure;
2. to amend the Regulations;
3. to modify the ceiling of the reserve fund referred to in Article 20;
4. to establish the International Design Classification;
5. to study matters concerning the application and possible revision of this Agreement;
6. to study all other matters concerning the international protection of designs;
7. to approve the yearly management reports of the International Bureau and to give general instructions to the International Bureau concerning the discharge of the duties assigned to it under this Agreement;
8. to draw up a report on the foreseeable expenditure of the International Bureau for each triennial period to come.

(3) The decisions of the Committee shall require four-fifths of the votes of its members present or represented and voting in the case of paragraph (2), items 1, 2, 3, and 4, and a simple majority in all other cases. Abstentions shall not be considered as votes.

(4) The Committee shall be convened by the Director of the International Bureau:

1. at least once every three years;
2. at any time at the request of one-third of the contracting States, or, if deemed necessary, upon the initiative of the Director of the International Bureau or the Government of the Swiss Confederation.

(5) The travel expenses and subsistence allowances of members of the Committee shall be borne by their respective Governments.

## **Article 22**

(1) The Regulations may be amended either by the Committee as prescribed in Article 21(2), item 2, or in accordance

with the written procedure provided for in paragraph (2), below.

(2) In the case of written procedure, amendments shall be proposed by the Director of the International Bureau in a circular letter addressed to the Government of each contracting State. The amendments shall be regarded as adopted if, within one year from their communication, no contracting State has raised an objection.

#### **Article 23**

(1) This Agreement shall remain open for signature until December 31, 1961.

(2) It shall be ratified and the instruments of ratification shall be deposited with the Government of the Netherlands.

#### **Article 24**

(1) States members of the International Union for the Protection of Industrial Property which have not signed this Agreement may accede thereto.

(2) Such accessions shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by the latter to the Governments of all contracting States.

#### **Article 25**

(1) Each contracting State undertakes to provide for the protection of industrial designs and to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Agreement.

(2) At the time a contracting State deposits its instrument of ratification or accession, it must be in a position under its domestic law to give effect to the provisions of this Agreement.

#### **Article 26**

(1) This Agreement shall enter into force one month after the date on which the Government of the Swiss Confederation has dispatched a notification to the contracting States of the deposit of ten instruments of ratification or accession, at least four of

which are those of States which, at the date of the present Agreement, are not party either to the 1925 Agreement or to the 1934 Agreement.

(2) Thereafter, the deposit of instruments of ratification and accession shall be notified to the contracting States by the Government of the Swiss Confederation. Such ratifications and accessions shall become effective one month after the date of the dispatch of such notification unless, in the case of accession, a later date is indicated in the instrument of accession.

### **Article 27**

Any contracting State may at any time notify the Government of the Swiss Confederation that this Agreement shall also apply to all or part of those territories for the external relations of which it is responsible. Thereupon, the Government of the Swiss Confederation shall communicate such notification to the contracting States and the Agreement shall apply also to the said territories one month after the dispatch of the communication by the Government of the Swiss Confederation to the contracting States unless a later date is indicated in the notification.

### **Article 28**

(1) Any contracting State may, by notification addressed to the Government of the Swiss Confederation, denounce this Agreement in its own name and on behalf of all or part of the territories designated in the notification under Article 27. Such notification shall take effect one year after its receipt by the Government of the Swiss Confederation.

(2) Denunciation shall not relieve any contracting State of its obligations under this Agreement in respect of designs deposited at the International Bureau prior to the date on which the denunciation takes effect.

### **Article 29**

(1) This Agreement shall be submitted to periodical revision with a view to the introduction of amendments designed to improve the protection resulting from the international deposit of designs.

(2) Revision conferences shall be called at the request of the International Design Committee or of not less than one-half of the contracting States.

### Article 30

(1) Two or more contracting States may at any time notify the Government of the Swiss Confederation that, subject to the conditions indicated in the notification:

1. a common Office shall be substituted for the national Office of each of them;
2. they shall be deemed to be a single State for the purposes of the application of Articles 2 to 17 of this Agreement.

(2) Such notification shall not take effect until six months after the date of dispatch of the communication thereof by the Government of the Swiss Confederation to the other contracting States.

### Article 31

(1) This Agreement alone shall be applicable as regards the mutual relations of States party to both the present Agreement and the 1925 Agreement or the 1934 Agreement. However, such States shall, in their mutual relations, apply the 1925 Agreement or the 1934 Agreement, as the case may be, to designs deposited at the International Bureau prior to the date on which the present Agreement becomes applicable as regards their mutual relations.

(2) (a) Any State party to both the present Agreement and the 1925 Agreement shall continue to apply the 1925 Agreement in its relations with States party only to the 1925 Agreement, unless the said State has denounced the 1925 Agreement.

(b) Any State party to both the present Agreement and the 1934 Agreement shall continue to apply the 1934 Agreement in its relations with States party only to the 1934 Agreement, unless the said State has denounced the 1934 Agreement.

(3) States party to the present Agreement only shall not be bound to States which, without being party to the present Agreement, are party to the 1925 Agreement or the 1934 Agreement.

## Article 32

(1) Signature and ratification of, or accession to, the present Agreement by a State party, at the date of this Agreement, to the 1925 Agreement or the 1934 Agreement shall be deemed to include signature and ratification of, or accession to, the Protocol annexed to the present Agreement, unless such State makes an express declaration to the contrary at the time of signing or depositing its instrument of accession.

(2) Any contracting State having made the declaration referred to in paragraph (1), or any other contracting State not party to the 1925 Agreement or the 1934 Agreement, may sign or accede to the Protocol annexed to this Agreement. At the time of signing or depositing its instrument of accession, it may declare that it does not consider itself bound by the provisions of paragraphs (2) (a) or (2) (b) of the Protocol; in such case, the other States party to the Protocol shall be under no obligation to apply, in their relations with that State, the provisions mentioned in such declaration. The provisions of Articles 23 to 28 inclusive shall apply by analogy.

## Article 33

This Act shall be signed in a single copy which shall be deposited in the archives of the Government of the Netherlands. A certified copy shall be transmitted by the latter to the Government of each State which has signed or acceded to this Agreement.

## PROTOCOL

States party to this Protocol have agreed as follows:

(1) The provisions of this Protocol shall apply to designs which have been the subject of an international deposit and of which one of the States party to this Protocol is deemed to be the State of origin.

(2) In respect of designs referred to in paragraph (1), above:

(a) the term of protection granted by States party to this Protocol to the designs referred to in paragraph (1) shall not be less than fifteen years from the date provided for in paragraphs (1) (a) or (1) (b), as the case may be, of Article 11;

(b) the appearance of a notice on the articles incorporating the designs or on the tags attached thereto shall in no case be required by the States party to this Protocol, either for the exercise in their territories of rights arising from the international deposit, or for any other purpose.

### **III**

## **Additional Act of Monaco of November 18, 1961**

### **Article 1**

(1) Over and above the fees established in Article 15 of the Hague Agreement as revised at London, the following additional fees shall be payable in respect of the transactions hereinafter specified, that is to say:

1. for the deposit of a single design and in respect of the first period of five years: 20 Swiss francs;
2. for the deposit of a single design, upon expiration of the first period and in respect of the duration of the second period of ten years: 40 Swiss francs;
3. for a multiple deposit and in respect of the first period of five years: 50 Swiss francs;
4. for a multiple deposit, upon expiration of the first period and in respect of the duration of the second period of ten years: 200 Swiss francs.

(2) If the fees prescribed in items 2 and 4 of Article 15 of the Hague Agreement as revised at London have been paid after the date of this Act but before its entry into force—the latter being determined for each State in accordance with the provisions of paragraphs (2) and (3) of Article 7—where the first period of protection expires after such entry into force, the person making the deposit must pay the additional prolongation fee specified in items 2 and 4 of paragraph (1) of this Article. Upon entry into force of this Act, the International Bureau shall advise the depositors concerned that they must pay the additional fee within a period of six months from the receipt of such notice. If

payment is not effected within such period the prolongation shall be deemed to be null and the reference thereto shall be deleted from the Register. In such case, the fee for prolongation already paid shall be refunded.

## **Article 2**

Additional fees of 20 Swiss francs or 10 Swiss francs shall likewise be payable in respect of every other transaction provided for by the Hague Agreement as revised at London and for which the Regulations of the said Agreement prescribe a fee of 5 Swiss francs or 2.50 Swiss francs.

## **Article 3**

(1) The fees prescribed in Articles 1 and 2 of this Act may be modified on the proposal of the International Bureau or of the Swiss Government, in accordance with the procedure hereinafter defined.

(2) Such proposals shall be communicated to the Offices of States party to this Act, which shall communicate their views to the International Bureau within a period of six months. If, after that period, a modification of a fee is adopted by a majority of the said Offices without giving rise to any opposition, such modification shall enter into force on the first day of the month following the date of dispatch of the notification thereof by the International Bureau to the aforesaid Offices.

## **Article 4**

(1) There shall be established from the excess receipts derived from the application of the additional fees a reserve fund not exceeding 50,000 Swiss francs.

(2) When the reserve fund has reached this amount, any further excess receipts shall be distributed among the States party to this Act in proportion to the number of designs deposited by their nationals, or by the other persons referred to in Article 1 of the Hague Agreement as revised at London.

## **Article 5**

For such time as all countries members of the Union created by the Hague Agreement as revised at London are not party to

this Act or to the Hague Agreement of November 28, 1960, the International Bureau shall draw up separate accounts for countries which are party to this Act and for those which are party only to the Hague Agreement as revised at London.

#### **Article 6**

(1) This Act shall remain open for signature until March 31, 1962.

(2) States party to the Hague Agreement as revised at London which have not signed this Act may accede thereto. In such cases, the provisions of Articles 16 and 16*bis* of the Paris Convention for the Protection of Industrial Property shall be applicable.

#### **Article 7**

(1) This Act shall be ratified and the instruments of ratification shall be deposited with the Government of the Principality of Monaco. Such deposits shall be notified by the latter Government to the Government of the Swiss Confederation, which shall notify them to the contracting States.

(2) This Act shall come into force at the expiration of a period of one month from the date of dispatch by the Government of the Swiss Confederation to the contracting States of the notification of the deposit of the second instrument of ratification.

(3) As regards States which deposit their instruments of ratification subsequently to the deposit of the second such instrument of ratification as is mentioned in the preceding paragraph, this Act shall enter into force upon expiration of a period of one month from the date of dispatch by the Government of the Swiss Confederation to the contracting States of the notification of the deposit of the instrument of ratification concerned.

#### **Article 8**

This Act shall be signed in a single copy and shall be deposited in the archives of the Government of the Principality of Monaco. A certified copy thereof shall be sent by the latter to each of the Governments of the countries of the Hague Union.

## **IV**

### **Complementary Act of Stockholm of July 14, 1967, to the Hague Agreement Concerning the International Deposit of Industrial Designs**

of November 6, 1925, as revised at London on June 2, 1934,  
and at The Hague on November 28, 1960, and completed by the  
Additional Act of Monaco on November 18, 1961

#### **Article 1**

##### **[Definitions]**

For the purposes of this Complementary Act:

“ 1934 Act ” shall mean the Act signed at London on June 2, 1934, of the Hague Agreement concerning the International Deposit of Industrial Designs;

“ 1960 Act ” shall mean the Act signed at The Hague on November 28, 1960, of the Hague Agreement concerning the International Deposit of Industrial Designs;

“ 1961 Additional Act ” shall mean the Act signed at Monaco on November 18, 1961, additional to the 1934 Act;

“ Organization ” shall mean the World Intellectual Property Organization;

“ International Bureau ” shall mean the International Bureau of Intellectual Property;

“ Director General ” shall mean the Director General of the Organization;

“ Special Union ” shall mean the Hague Union established by the Hague Agreement of November 6, 1925, concerning the International Deposit of Industrial Designs, and maintained by the 1934 and 1960 Acts, by the 1961 Additional Act, and by this Complementary Act.

## Article 2

[Assembly]

(1) (a) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Complementary Act.

(b) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) The Assembly shall:

- (i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;
- (ii) give directions to the International Bureau concerning the preparation for conferences of revision, due account being taken of any comments made by those countries of the Special Union which have not ratified or acceded to this Complementary Act;
- (iii) modify the Regulations, including the fixation of the amounts of the fees relating to the international deposit of industrial designs;
- (iv) review and approve the reports and activities of the Director General concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;
- (v) determine the program and adopt the triennial budget of the Special Union, and approve its final accounts;
- (vi) adopt the financial regulations of the Special Union;
- (vii) establish such committees of experts and working groups as it may deem necessary to achieve the objectives of the Special Union;
- (viii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;
- (ix) adopt amendments to Articles 2 to 5;

- (x) take any other appropriate action designed to further the objectives of the Special Union;
- (xi) perform such other functions as are appropriate under this Complementary Act.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) (a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 5(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one country only.

(g) Countries of the Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

(4) (a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director

General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own rules of procedure.

### Article 3

#### [International Bureau]

(1) (a) International deposit of industrial designs and related duties, as well as all other administrative tasks concerning the Special Union, shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly and of such committees of experts and working groups as may have been established by the Assembly.

(c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly and of such committees of experts or working groups as may have been established by the Assembly. The Director General, or a staff member designated by him, shall be ex officio secretary of those bodies.

(3) (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for the conferences of revision of the provisions of the Agreement.

(b) The International Bureau may consult with inter-governmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at those conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

## Article 4

### [Finances]

(1) (a) The Special Union shall have a budget.

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be deemed to be expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

- (i) international deposit fees and other fees and charges due for other services rendered by the International Bureau in relation to the Special Union;
- (ii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;
- (iii) gifts, bequests, and subventions;
- (iv) rents, interests, and other miscellaneous income.

(4) (a) The amounts of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General.

(b) The amounts of such fees shall be so fixed that the revenues of the Special Union from fees and other sources shall be at least sufficient to cover the expenses of the International Bureau concerning the Special Union.

(c) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) Subject to the provisions of paragraph (4) (a), the amount of the fees and charges due for other services rendered by

the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (a) The Special Union shall have a working capital fund which shall be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country as a member of the Paris Union for the Protection of Industrial Property to the budget of the said Union for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

## Article 5

[Amendment of Articles 2 to 5]

(1) Proposals for the amendment of this Complementary Act may be initiated by any country member of the Assembly, or by

the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 2, and to the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date.

## Article 6

[Amendment of the 1934 Act and the 1961 Additional Act]

(1) (a) References in the 1934 Act to "the International Bureau of Industrial Property at Berne," to "the Berne International Bureau," or to "the International Bureau," shall be construed as references to the International Bureau as defined in Article 1 of this Complementary Act.

(b) Article 15 of the 1934 Act is repealed.

(c) Any amendment of the Regulations referred to in Article 20 of the 1934 Act shall be effected in accordance with the procedure prescribed under Article 2 (2) (a) (iii) and (3) (d).

(d) In Article 21 of the 1934 Act, for the words "revised in 1928" there shall be substituted the words "for the Protection of Literary and Artistic Works."

(e) References in Article 22 of the 1934 Act to Articles 16, 16*bis*, and 17*bis*, of the "General Convention" shall be construed as references to those provisions of the Stockholm Act of the Paris Convention for the Protection of Industrial Property which, in the said Stockholm Act, correspond to Articles 16, 16*bis*, and 17*bis*, of the earlier Acts of the Paris Convention.

(2) (a) Any modification of the fees referred to in Article 3 of the 1961 Additional Act shall be effected in accordance with the procedure prescribed under Article 2 (2)(a) (iii) and (3)(d).

(b) Paragraph (1) of Article 4 of the 1961 Additional Act, and the words "When the reserve fund has reached this amount" in paragraph (2), are repealed.

(c) References in Article 6(2) of the 1961 Additional Act to Articles 16 and 16bis of the Paris Convention for the Protection of Industrial Property shall be construed as references to those provisions of the Stockholm Act of the said Convention which, in the Stockholm Act, correspond to Articles 16 and 16bis of the earlier Acts of the Paris Convention.

(d) References in paragraphs (1) and (3) of Article 7 of the 1961 Additional Act to the Government of the Swiss Confederation shall be construed as references to the Director General.

## Article 7

[Amendment of the 1960 Act]

(1) References in the 1960 Act to "the Bureau of the International Union for the Protection of Industrial Property" or to "the International Bureau" shall be construed as references to the International Bureau as defined in Article 1 of this Complementary Act.

(2) Articles 19, 20, 21, and 22, of the 1960 Act are repealed.

(3) References in the 1960 Act to the Government of the Swiss Confederation shall be construed as references to the Director General.

(4) In Article 29 of the 1960 Act, the words "periodical" (paragraph (1)) and "of the International Design Committee or" (paragraph (2)) are deleted.

## Article 8

[Ratification of, and Accession to, the Complementary Act]

(1) (a) Countries which, before January 13, 1968, have ratified the 1934 Act or the 1960 Act, and countries which have acceded to at least one of those Acts, may sign this Complementary Act and ratify it, or may accede to it.

(b) Ratification of, or accession to, this Complementary Act by a country which is bound by the 1934 Act without being bound also by the 1961 Additional Act shall automatically entail ratification of, or accession to, the 1961 Additional Act.

(2) Instruments of ratification and accession shall be deposited with the Director General.

## Article 9

### [Entry Into Force of the Complementary Act]

(1) With respect to the first five countries which have deposited their instruments of ratification or accession, this Complementary Act shall enter into force three months after the deposit of the fifth such instrument of ratification or accession.

(2) With respect to any other country, this Complementary Act shall enter into force three months after the date on which its ratification or accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Complementary Act shall enter into force with respect to that country on the date thus indicated.

## Article 10

### [Automatic Acceptance of Certain Provisions by Certain Countries]

(1) Subject to the provisions of Article 8 and the following paragraph, any country which has not ratified or acceded to the 1934 Act shall become bound by the 1961 Additional Act and by Articles 1 to 6 of this Complementary Act from the date on which its accession to the 1934 Act enters into force, provided that, if on the said date this Complementary Act has not yet entered into force pursuant to Article 9 (1), then, such country shall become bound by the said Articles of this Complementary Act only from the date of entry into force of the Complementary Act pursuant to Article 9 (1).

(2) Subject to the provisions of Article 8 and the foregoing paragraph, any country which has not ratified or acceded to the 1960 Act shall become bound by Articles 1 to 7 of this Complementary Act from the date on which its ratification of, or accession to, the 1960 Act enters into force, provided that, if on

the said date this Complementary Act has not yet entered into force pursuant to Article 9 (1), then, such country shall become bound by the said Articles of this Complementary Act only from the date of entry into force of the Complementary Act pursuant to Article 9 (1).

## **Article 11**

[Signature, etc., of the Complementary Act]

(1) (a) This Complementary Act shall be signed in a single copy in the French language and shall be deposited with the Government of Sweden.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) This Complementary Act shall remain open for signature at Stockholm until January 13, 1968.

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Complementary Act to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

(4) The Director General shall register this Complementary Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Special Union of signatures, deposits of instruments of ratification or accession, entry into force, and all other relevant notifications.

## **Article 12**

[Transitional Provision]

Until the first Director General assumes office, references in this Complementary Act to the International Bureau of the Organization or to the Director General shall be construed as references to the Bureau of the Union established by the Paris Convention for the Protection of Industrial Property or its Director, respectively.