

**The Hague Agreement Concerning the International Deposit of Industrial Designs
of November 6, 1925**

Complementary Act of Stockholm of July 14, 1967

as amended on September 28, 1979

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 biennial 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 second 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 intergovernmental 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 Article 2(3)(d).

(d)

In Articles 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, 16bis, and 17bis, 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, 16bis, and 17bis, 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 2(3)(d).

(b)

Article 4(1) of the 1961 Additional Act, and the words "When the reserve fund has reached this amount" in Article 4(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 paragraph 7(1) and paragraph 7(3) 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 29(1)) and "of the International Design Committee or" (paragraph 29(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.