

The Hague Agreement Concerning the International Deposit of Industrial Designs of November 6, 1925 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 16bis 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 17bis 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.