

Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC)

COUNCIL DECISION

of 18 December 2006

approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999

(2006/954/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308, in conjunction with Article 300(2), first subparagraph, second sentence, and Article 300(3), first subparagraph, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs⁽¹⁾, which is based on Article 308 of the Treaty, aims to create a market which functions properly and offers conditions which are similar to those obtaining in a national market. In order to create a market of this kind and make it increasingly a single market, that Regulation created the Community design system whereby undertakings can by means of a single procedure obtain Community designs to which uniform protection is given and which produce their effects throughout the entire area of the Community.
- (2) Following preparations initiated and carried out by the World Intellectual Property Organisation (WIPO) with the participation of the Member States which are members of the Hague Union, the Member States which are not members of the Hague Union and the European Community, the Diplomatic Conference, convened for that purpose at Geneva, adopted the Geneva Act of the Hague Agreement concerning the international registration of industrial designs (hereinafter referred to as the 'Geneva Act') on 2 July 1999.
- (3) The Geneva Act was adopted in order to introduce certain innovations to the system for the international deposit of industrial designs provided for in the London Act, which had been adopted on 2 June 1934, and the Hague Act, which had been adopted on 28 November 1960.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

- (4) The objectives of the Geneva Act are to extend the Hague system of international registration to new members, and to make the system more attractive to applicants. As compared to the London Act and the Hague Act, one of the main innovations is that an intergovernmental organisation which maintains an office authorised to grant protection to designs with effect in the territory of the organisation may become party to the Geneva Act.
- (5) The facility whereby an intergovernmental organisation which has a regional office for the registration of designs may become a party to the Geneva Act was introduced in order to allow, in particular, for the Community to accede to that Act, and hence, to the Hague Union.
- (6) The Geneva Act entered into force on 23 December 2003 and became operational on 1 April 2004. As of 1 January 2003, the Office for the Harmonisation in the Internal Market (Trade Marks and Designs) started admitting applications for registered Community designs, the first date of filing being granted on 1 April 2003.
- (7) The Community design system and the international registration system as established by the Geneva Act are complementary. The Community design system provides for a complete and unified regional designs registration system which covers the whole territory of the Community. The Hague Agreement constitutes a treaty centralising the procedures for obtaining protection of designs in the territory of the designated Contracting Parties.
- (8) The establishment of a link between the Community design system and the international registration system under the Geneva Act would enable designers to obtain, through one single international application protection for their designs in the Community under the Community design system and in the territories of the Geneva Act inside and outside the Community.
- (9) Moreover, the establishment of a link between the Community design system and the international registration system under the Geneva Act will promote a harmonious development of economic activities, will eliminate distortions of competition, will be cost efficient and will increase the level of integration and functioning of the internal market. Therefore, the Community needs to accede to the Geneva Act in order to make the Community design system more attractive.
- (10) The Commission should be authorised to represent the Community in the Assembly of the Hague Union after the accession of the Community to the Geneva Act.
- (11) This Decision does not affect the right of the Member States to participate in the Assembly of the Hague Union with regard to their national designs,

HAS DECIDED AS FOLLOWS:

Article 1

The Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (hereinafter referred to as the Geneva Act), is hereby approved on behalf of the Community with regard to the matters within its competence.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

The text of the Geneva Act is attached to this Decision.

Article 2

1 The President of the Council is hereby authorised to deposit the instrument of accession with the Director-General of the World Intellectual Property Organisation as from the date on which the Council and the Commission have adopted the measures which are necessary for the establishment of a link between Community design law and the Geneva Act.

2 The declarations which are attached to this Decision shall be made in the instrument of accession.

Article 3

1 The Commission is hereby authorised to represent the European Community at the meetings of the Hague Union Assembly held under the auspices of the World Intellectual Property Organisation.

2 On all matters lying within the competence of the Community with regard to Community design, the Commission shall negotiate in the Hague Union Assembly on behalf of the Community and in accordance with the following arrangements:

- a the position which the Community may adopt within the Assembly shall be prepared by the relevant Council working party or, if this is not possible, at on-the-spot meetings convened in the course of the work within the framework of the World Intellectual Property Organisation;
- b as regards decisions involving amendments to Regulation (EC) No 6/2002, or to any other act of the Council requiring unanimity, the Community position shall be adopted by the Council acting unanimously on a proposal from the Commission;
- c as regards other decisions affecting Community design law, the Community position shall be adopted by the Council acting by a qualified majority on a proposal from the Commission.

Done at Brussels, 18 December 2006

For the Council

The President

J.-E. ENESTAM

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

ANNEX

Geneva Act of 2 July 1999

INTRODUCTORY PROVISIONS

Article 1

Abbreviated Expressions

For the purposes of this Act:

- (i) ‘the Hague Agreement’ means the Hague Agreement Concerning the International Deposit of Industrial Designs, henceforth renamed the Hague Agreement Concerning the International Registration of Industrial Designs;
- (ii) ‘this Act’ means the Hague Agreement as established by the present Act;
- (iii) ‘Regulations’ means the Regulations under this Act;
- (iv) ‘prescribed’ means prescribed in the Regulations;
- (v) ‘Paris Convention’ means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1 883, as revised and amended;
- (vi) ‘international registration’ means the international registration of an industrial design effected according to this Act;
- (vii) ‘international application’ means an application for international registration;
- (viii) ‘International Register’ means the official collection of data concerning international registrations maintained by the International Bureau, which data this Act or the Regulations require or permit to be recorded, regardless of the medium in which such data are stored;
- (ix) ‘person’ means a natural person or a legal entity;
- (x) ‘applicant’ means the person in whose name an international application is filed;
- (xi) ‘holder’ means the person in whose name an international registration is recorded in the International Register;
- (xii) ‘intergovernmental organisation’ means an intergovernmental organisation eligible to become party to this Act in accordance with Article 27(1)(ii);
- (xiii) ‘Contracting Party’ means any State or intergovernmental organisation party to this Act;
- (xiv) ‘applicant's Contracting Party’ means the Contracting Party or one of the Contracting Parties from which the applicant derives its entitlement to file an international application by virtue of satisfying, in relation to that Contracting Party, at least one of the conditions specified in Article 3; where there are two or more Contracting Parties from which the applicant may, under Article 3, derive its entitlement to file an international application, ‘applicant's Contracting Party’ means the one which, among those Contracting Parties, is indicated as such in the international application;
- (xv) ‘territory of a Contracting Party’ means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an intergovernmental

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

- organisation, the territory in which the constituent treaty of that intergovernmental organisation applies;
- (xvi) ‘Office’ means the agency entrusted by a Contracting Party with the grant of protection for industrial designs with effect in the territory of that Contracting Party;
- (xvii) ‘Examining Office’ means an Office which *ex officio* examines applications filed with it for the protection of industrial designs at least to determine whether the industrial designs satisfy the condition of novelty;
- (xviii) ‘designation’ means a request that an international registration have effect in a Contracting Party; it also means the recording, in the International Register, of that request;
- (xix) ‘designated Contracting Party’ and ‘designated Office’ means the Contracting Party and the Office of the Contracting Party, respectively, to which a designation applies;
- (xx) ‘1934 Act’ means the Act signed at London on June 2, 1934, of the Hague Agreement;
- (xxi) ‘1960 Act’ means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;
- (xxii) ‘1961 Additional Act’ means the Act signed at Monaco on November 18, 1961, additional to the 1934 Act;
- (xxiii) ‘Complementary Act of 1967’ means the Complementary Act signed at Stockholm on 14 July 1967, as amended, of the Hague Agreement;
- (xxiv) ‘Union’ means the Hague Union established by the Hague Agreement of November 6, 1925, and maintained by the 1934 and 1960 Acts, the 1961 Additional Act, the Complementary Act of 1967 and this Act;
- (xxv) ‘Assembly’ means the Assembly referred to in Article 21(1)(a) or any body replacing that Assembly;
- (xxvi) ‘Organisation’ means the World Intellectual Property Organisation;
- (xxvii) ‘Director General’ means the Director General of the Organisation;
- (xxviii) ‘International Bureau’ means the International Bureau of the Organisation;
- (xxix) ‘instrument of ratification’ shall be construed as including instruments of acceptance or approval.

Article 2

Applicability of Other Protection Accorded by Laws of Contracting Parties and by Certain International Treaties

1 [Laws of Contracting Parties and Certain International Treaties] The provisions of this Act shall not affect the application of any greater protection which may be accorded by the law of a Contracting Party, 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, or the protection accorded to industrial designs under the Agreement on Trade-Related Aspects of Intellectual Property Rights annexed to the Agreement Establishing the World Trade Organisation.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

2 [Obligation to Comply with the Paris Convention] Each Contracting Party shall comply with the provisions of the Paris Convention which concern industrial designs.

CHAPTER I

INTERNATIONAL APPLICATION AND INTERNATIONAL REGISTRATION

Article 3

Entitlement to File an International Application

Any person that is a national of a State that is a Contracting Party or of a State member of an intergovernmental organisation that is a Contracting Party, or that has a domicile, a habitual residence or a real and effective industrial or commercial establishment in the territory of a Contracting Party, shall be entitled to file an international application.

Article 4

Procedure for Filing the International Application

1 [Direct or Indirect Filing]

2 [Transmittal Fee in Case of Indirect Filing] The Office of any Contracting Party may require that the applicant pay a transmittal fee to it, for its own benefit, in respect of any international application filed through it.

Article 5

Contents of the International Application

1 [Mandatory Contents of the International Application] The international application shall be in the prescribed language or one of the prescribed languages and shall contain or be accompanied by

2 [Additional Mandatory Contents of the International Application]

3 [Other Possible Contents of the International Application] The international application may contain or be accompanied by such other elements as are specified in the Regulations.

4 [Several Industrial Designs in the Same International Application] Subject to such conditions as may be prescribed, an international application may include two or more industrial designs.

5 [Request for Deferred Publication] The international application may contain a request for deferment of publication.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

Article 6

Priority

1 [Claiming of Priority]

2 [International Application Serving as a Basis for Claiming Priority] The international application shall, as from its filing date and whatever may be its subsequent fate, be equivalent to a regular filing within the meaning of Article 4 of the Paris Convention.

Article 7

Designation Fees

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

2 [Individual Designation Fee] Any Contracting Party whose Office is an Examining Office and any Contracting Party that is an intergovernmental organisation may, in a declaration, notify the Director General that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such an international application, the prescribed designation fee referred to in paragraph (1) shall be replaced by an individual designation fee, whose amount shall be indicated in the declaration and can be changed in further declarations. The said amount may be fixed by the said Contracting Party for the initial term of protection and for each term of renewal or for the maximum period of protection allowed by the Contracting Party concerned. However, it may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

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

Article 8

Correction of Irregularities

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

2 [Irregularities Not Corrected]

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

Article 9

Filing Date of the International Application

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

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

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

Article 10⁽²⁾

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

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

2 [Date of the International Registration]

3 [Publication]

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

5 [Confidential Copies]

Article 11

Deferment of Publication

1 [Provisions of Laws of Contracting Parties Concerning Deferment of Publication]

2 [Deferment of Publication] Where the international application contains a request for deferment of publication, the publication shall take place,

3 [Treatment of Requests for Deferment Where Deferment Is Not Possible Under Applicable Law] Where deferment of publication has been requested and any of the Contracting Parties designated in the international application has made a declaration under paragraph (1) (b) that deferment of publication is not possible under its law,

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

- 4 [Request for Earlier Publication or for Special Access to the International Registration]
- 5 [Renunciation and Limitation]
- 6 Publication and Furnishing of Reproductions]

Article 12

Refusal

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

2 [Notification of Refusal]

3 [Transmission of Notification of Refusal; Remedies]

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

Article 13

Special Requirements Concerning Unity of Design

1 [Notification of Special Requirements] Any Contracting Party whose law, at the time it becomes party to this Act, requires that designs that are the subject of the same application conform to a requirement of unity of design, unity of production or unity of use, or belong to the same set or composition of items, or that only one independent and distinct design may be claimed in a single application, may, in a declaration, notify the Director General accordingly. However, no such declaration shall affect the right of an applicant to include two or more industrial designs in an international application in accordance with Article 5(4), even if the application designates the Contracting Party that has made the declaration.

2 [Effect of Declaration] Any such declaration shall enable the Office of the Contracting Party that has made it to refuse the effects of the international registration pursuant to Article 12(1) pending compliance with the requirement notified by that Contracting Party.

3 [Further Fees Payable on Division of Registration] Where, following a notification of refusal in accordance with paragraph (2), an international registration is divided before the Office concerned in order to overcome a ground of refusal stated in the notification, that Office shall be entitled to charge a fee in respect of each additional international application that would have been necessary in order to avoid that ground of refusal.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

Article 14

Effects of the International Registration

1 [Effect as Application Under Applicable Law] The international registration shall, from the date of the international registration, have at least the same effect in each designated Contracting Party as a regularly-filed application for the grant of protection of the industrial design under the law of that Contracting Party.

2 [Effect as Grant of Protection Under Applicable Law]

3 [Declaration Concerning Effect of Designation of Applicant's Contracting Party]

Article 15

Invalidation

1 [Requirement of Opportunity of Defense] Invalidation, by the competent authorities of a designated Contracting Party, of the effects, in part or in whole, in the territory of that Contracting Party, of the international registration may not be pronounced without the holder having, in good time, been afforded the opportunity of defending his rights.

2 [Notification of Invalidation] The Office of the Contracting Party in whose territory the effects of the international registration have been invalidated shall, where it is aware of the invalidation, notify it to the International Bureau.

Article 16

Recording of Changes and Other Matters Concerning International Registrations

1 [Recording of Changes and Other Matters] The International Bureau shall, as prescribed, record in the International Register

2 [Effect of Recording in International Register] Any recording referred to in items (i), (ii), (iv), (v), (vi) and (vii) of paragraph (1) shall have the same effect as if it had been made in the Register of the Office of each of the Contracting Parties concerned, except that a Contracting Party may, in a declaration, notify the Director General that a recording referred to in item (i) of paragraph (1) shall not have that effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in that declaration.

3 [Fees] Any recording made under paragraph (1) may be subject to the payment of a fee.

4 [Publication] The International Bureau shall publish a notice concerning any recording made under paragraph (1). It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned.

Article 17

Initial Term and Renewal of the International Registration and Duration of Protection

1 [Initial Term of the International Registration] The international registration shall be effected for an initial term of five years counted from the date of the international registration.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

2 [Renewal of the International Registration] The international registration may be renewed for additional terms of five years, in accordance with the prescribed procedure and subject to the payment of the prescribed fees.

3 [Duration of Protection in Designated Contracting Parties]

4 Possibility of Limited Renewal] The renewal of the international registration may be effected for any or all of the designated Contracting Parties and for any or all of the industrial designs that are the subject of the international registration.

5 [Recording and Publication of Renewal] The International Bureau shall record renewals in the International Register and publish a notice to that effect. It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned.

Article 18

Information Concerning Published International Registrations

1 [Access to Information] The International Bureau shall supply to any person applying therefor, upon the payment of the prescribed fee, extracts from the International Register, or information concerning the contents of the International Register, in respect of any published international registration.

2 Exemption from Legalisation] Extracts from the International Register supplied by the International Bureau shall be exempt from any requirement of legalisation in each Contracting Party.

CHAPTER II

ADMINISTRATIVE PROVISIONS

Article 19

Common Office of Several States

1 [Notification of Common Office] If several States intending to become party to this Act have effected, or if several States party to this Act agree to effect, the unification of their domestic legislation on industrial designs, they may notify the Director General

2 [Time at Which Notification Is to Be Made] The notification referred to in paragraph (1) shall be made,

3 [Date of Entry into Effect of the Notification] The notification referred to in paragraphs (1) and (2) shall take effect,

Article 20

Membership of the Hague Union

The Contracting Parties shall be members of the same Union as the States party to the 1934 Act or the 1960 Act.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

Article 21

Assembly

- 1 [Composition]
- 2 [Tasks]
- 3 [Quorum]
- 4 [Taking Decisions in the Assembly]
- 5 [Majorities]
- 6 [Sessions]
- 7 [Rules of Procedure] The Assembly shall adopt its own rules of procedure.

Article 22

International Bureau

- 1 [Administrative Tasks]
- 2 [Director General] The Director General shall be the chief executive of the Union and shall represent the Union.
- 3 [Meetings Other than Sessions of the Assembly] The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.
- 4 [Role of the International Bureau in the Assembly and Other Meetings]
- 5 [Conferences]
- 6 [Other Tasks] The International Bureau shall carry out any other tasks assigned to it in relation to this Act.

Article 23

Finances

- 1 [*Budget*]
- 2 [Coordination with Budgets of Other Unions] The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organisation.
- 3 [Sources of Financing of the Budget] The budget of the Union shall be financed from the following sources:
- 4 [Fixing of Fees and Charges; Level of the Budget]
- 5 [Working Capital Fund] The 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

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

by each member of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it. The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General.

6 [Advances by Host State]

7 [Auditing of Accounts] The auditing of the accounts shall be effected by one or more of the States members of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 24

Regulations

1 [*Subject Matter*] The Regulations shall govern the details of the implementation of this Act. They shall, in particular, include provisions concerning

2 [Amendment of Certain Provisions of the Regulations]

3 [Conflict Between This Act and the Regulations] In the case of conflict between the provisions of this Act and those of the Regulations, the former shall prevail.

CHAPTER III

REVISION AND AMENDMENT

Article 25

Revision of This Act

1 [Revision Conferences] This Act may be revised by a conference of the Contracting Parties.

2 [Revision or Amendment of Certain Articles] Articles 21, 22, 23 and 26 may be amended either by a revision conference or by the Assembly according to the provisions of Article 26.

Article 26

Amendment of Certain Articles by the Assembly

1 [Proposals for Amendment]

2 [Majorities] Adoption of any amendment to the Articles referred to in paragraph (1) shall require a three-fourths majority, except that adoption of any amendment to Article 21 or to the present paragraph shall require a four-fifths majority.

3 [Entry into Force]

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

CHAPTER IV

FINAL PROVISIONS

Article 27

Becoming Party to This Act

- 1 [Eligibility] Subject to paragraphs (2) and (3) and Article 28,
- 2 [Ratification or Accession] Any State or intergovernmental organisation referred to in paragraph (1) may deposit
- 3 [Effective Date of Deposit]

Article 28

Effective Date of Ratifications and Accessions

- 1 [Instruments to Be Taken into Consideration] or the purposes of this Article, only instruments of ratification or accession that are deposited by States or intergovernmental organisations referred to in Article 27(1) and that have an effective date according to Article 27(3) shall be taken into consideration.
- 2 [Entry into Force of This Act] this Act shall enter into force three months after six States have deposited their instruments of ratification or accession, provided that, according to the most recent annual statistics collected by the International Bureau, at least three of those States fulfil at least one of the following conditions:
- 3 [Entry into Force of Ratifications and Accessions]

Article 29

Prohibition of Reservations

No reservations to this Act are permitted.

Article 30

Declarations Made by Contracting Parties

- 1 *Time at Which Declarations May Be Made*] Any declaration under Articles 4(1)(b), 5(2)(a), 7(2), 11(1), 13(1), 14(3), 16(2) or 17(3)(c) may be made
- 2 *[Declarations by States Having a Common Office]* Notwithstanding paragraph (1), any declaration referred to in that paragraph that has been made by a State which has, with another State or other States, notified the Director General under Article 19(1) of the substitution of a common Office for their national Offices shall become effective only if that other State or those other States makes or make a corresponding declaration or corresponding declarations.
- 3 *Withdrawal of Declarations*] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the date on which the Director General has received the

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

notification or at any later date indicated in the notification. In the case of a declaration made under Article 7(2), the withdrawal shall not affect international applications filed prior to the coming into effect of the said withdrawal.

Article 31

Applicability of the 1934 and 1960 Acts

1 *[Relations Between States Party to Both This Act and the 1934 or 1960 Acts]* This Act alone shall be applicable as regards the mutual relations of States party to both this Act and the 1934 Act or the 1960 Act. However, such States shall, in their mutual relations, apply the 1934 Act or the 1960 Act, as the case may be, to industrial designs deposited at the International Bureau prior to the date on which this Act becomes applicable as regards their mutual relations.

2 *[Relations Between States Party to Both This Act and the 1934 or 1960 Acts and States Party to the 1934 or 1960 Acts Without Being Party to This Act]*

Article 32

Denunciation of This Act

1 *[Notification]* Any Contracting Party may denounce this Act by notification addressed to the Director General.

2 *[Effective Date]* Denunciation shall take effect one year after the date on which the Director General has received the notification or at any later date indicated in the notification. It shall not affect the application of this Act to any international application pending and any international registration in force in respect of the denouncing Contracting Party at the time of the coming into effect of the denunciation.

Article 33

Languages of This Act; Signature

1 *[Original Texts; Official Texts]*

2 *[Time Limit for Signature]* This Act shall remain open for signature at the headquarters of the Organisation for one year after its adoption.

Article 34

Depositary

The Director General shall be the depositary of this Act.

DECLARATION on filing

The President of the Council, when depositing this instrument of accession with the Director-General of WIPO, shall attach the following declaration to the instrument of accession:

The European Community declares that international applications may not be filed through its Office.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

DECLARATION ~~Article~~ Individual fee system

The President of the Council, when depositing this instrument of accession with the Director-General of WIPO, shall attach the following declaration to the instrument of accession:

The European Community declares that, in connection with each international application registration in which it is designed, and in connection with the renewal of any international registration resulting from such an international application, the prescribed designation fee referred to in Article 7(1) of the Geneva Act shall be replaced by an individual designation fee, whose amount shall be:

- EUR 62 per design at the international application stage;
- EUR 31 per design at the renewal stage.

DECLARATION ~~Article~~ Duration of protection in the European Community

The President of the Council, when depositing this instrument of accession with the Director-General of WIPO, shall attach the following declaration to the instrument of accession:

The European Community declares that the maximum duration of protection provided for by its law is 25 years..

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC). (See end of Document for details)

- (1) OJ L 3, 5.1.2002, p. 1. Regulation as amended by 2003 Act of Accession.
- (2) When adopting Article 10, the Diplomatic Conference understood that nothing in this Article precludes access to the international application or the international registration by the applicant or the holder or a person having the consent of the applicant or the holder.
- (3) When adopting Article 12(4), Article 14(2)(b) and Rule 18(4), the Diplomatic Conference understood that a withdrawal of refusal by an Office that has communicated a notification of refusal may take the form of a statement to the effect that the Office concerned has decided to accept the effects of the international registration in respect of the industrial designs, or some of the industrial designs, to which the notification of refusal related. It was also understood that an Office may, within the period allowed for communicating a notification of refusal, send a statement to the effect that it has decided to accept the effects of the international registration even where it has not communicated such a notification of refusal.
- (4) See footnote on Article 12(4).

Changes to legislation:

There are currently no known outstanding effects for the Council Decision of 18 December 2006 approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted in Geneva on 2 July 1999 (2006/954/EC).