

Title: UK Accession to the Hague Agreement PIR No: DSIT 016 (PIR) - 23-IPO Original IA/RPC No: BIS0351 Lead department or agency: Intellectual Property Office Other departments or agencies: Click here to enter text. Contact for enquiries: Kathryn Jenkins 01633 813799	Post Implementation Review
	Date: 08/06/2023
	Type of regulation: Domestic
	Type of review: Statutory
	Date measure came into force: 13/06/2018
	Recommendation: Keep
	RPC Opinion: Choose an item.

1. What were the policy objectives of the measure? (Maximum 5 lines)

The aim of the measure was to provide businesses and designers with a direct route to gain UK protection for designs through WIPO's international design protection system. This provides a more time- and financially- efficient route for registering and managing rights for applicants wishing to register designs across multiple countries.

2. What evidence has informed the PIR? (Maximum 5 lines)

We took into consideration the feedback from stakeholders to inform this PIR. We targeted a total of 11 key stakeholder groups including legal representative and professional bodies. We also considered internal feedback from expert international design examiners. In addition, we gathered data in relation to the number of applications received via this route to understand how applicants use this route.

3. To what extent have the policy objectives been achieved? (Maximum 5 lines)


The policy objectives have been fully achieved and this has been shown through internal and external feedback. The volume of applications received also show the successful implementation of the policy objective. Responses from stakeholders did not express any concerns or dissatisfaction with the changes made.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: **Mary-Anne Venables**

Date: 08/06/2023

Signed: 

Viscount Camrose

Date: 20/06/2023

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions?(Maximum 5 lines)

The assumption was that Hague applications from the UK would follow the number of applications from similar European signatories who had joined in the ten years prior to the impact assessment, scaled up to the size of the UK economy (equating to 30 applications per year). We expected the benefits to business to outweigh the costs accruing to government, with no net costs to firms from this opt-in scheme. We expected more businesses to use the international registration system if there was an option to include the UK in an application.

5. Were there any unintended consequences? (Maximum 5 lines)

The original impact assessment was carried out in 2012 and therefore, the impact of EU exit on how applicants would use the system could not have been anticipated at the time.

6. Has the evidence identified any opportunities for reducing the burden on business? (Maximum 5 lines)

We have made the presumption that our stakeholders are content with the changes because there has been no negative feedback from the industry and the volume of applications shows that businesses want to use the scheme. The evidence has not identified any further opportunities for reducing the burden on business.

7. How does the UK approach compare with the implementation of similar measures internationally, including how EU member states implemented EU requirements that are comparable or now form part of retained EU law, or how other countries have implemented international agreements? (Maximum 5 lines)

The Hague system has certain requirements which all contracting parties need to meet. There are minimum requirements that all parties must comply with. However, the system has flexibilities and declarations to take account of national systems, so each country will implement slightly differently according to their national laws.

Introduction

1. This report sets out the results of the IPO's post implementation review (PIR) on the UK's accession to the World Intellectual Property Organisation's (WIPO) Hague system for the international registration of designs. The UK acceded to the Hague Agreement on 13 June 2018. The policy objective was to provide applicants with a direct route to gain UK protection for registered designs through this international route. The system allows businesses, who wish to register designs across multiple countries a simpler and more efficient way to apply for and manage their rights.
2. The aim was to enable designers, particularly small and medium enterprises (SMEs) to take full advantage of the flexibilities and economies of using Hague registrations to gain protection at home and in important overseas markets.
3. In conducting the review, the IPO has considered whether and to what extent the changes:
 - Have achieved their original objectives.
 - Are still required and remain the best option for achieving those objectives.
 - Could be achieved in another way which involves less onerous regulatory provision.

Context and purpose

4. The Hague system allows designs to be registered in several countries through a single application, filed in one language with one set of fees. Getting a design registered through the Hague system is equivalent to getting domestic protection in each of the countries that are selected. The system reduces administrative burdens on applicants, as initial processing is carried out by WIPO, who also deal with application and renewal fees.
5. Prior to the UK's accession to the Hague agreement, as the EU was already a member, applicants could use the Hague system to apply for protection of an international design in the UK by selecting and paying for EU-wide protection. In practice this meant that if an EU-wide designation was not required, but UK businesses wanted to trade at home and overseas, they had to file a separate domestic application in each country where they wanted to protect their design.
6. This resulted in additional legal and administrative costs for businesses (such as translation, notary and legal fees) and could have been seen as a disincentive for those considering protection in the UK. This was, therefore, a barrier to business, especially for SMEs, who are more likely to need protection in fewer markets and who are less likely to have significant funds or resources to invest in design registration. They are more likely to require protection restricted to the specific countries where they carry out business.

Methodology/Review Process

7. To estimate the benefits of the system in the original impact assessment, a predicted number of Hague applications that would be filed by UK designers was required. This was calculated based on the numbers of applications filed by 12 European countries who

had joined Hague in the 10 years previous. It was estimated that 10 additional applications would be received per year for the UK. This was then scaled up to reflect the size of the UK to forecast an additional 30 applications per annum was (with an error margin of 50%).

8. The original IA was completed in 2012 and therefore it would not have been known that the UK would leave the EU and so this was not taken into account when calculating the predicted number of applications. Applications have, in fact, far exceeded the predicted numbers:

Year	Total applications received	Domestic applications received	Hague applications received	Hague applications as % of total filings
2018	26427	26164	263 (June-Dec)	1%
2019	28895	25550	3345	12%
2020	31463	26232	5231	17%
2021	72158	61063	11095	15%
2022	67316	53708	11079	16%

9. Following the first part-year, Hague applications consistently make up between 12-17% of total filings.
10. The figures show that there has been an increase in Hague applications since the UK left the EU. The significant uptake of this filing route to obtain protection in the UK points to the success of this measure.

Internal and stakeholder feedback

11. International designs applications are effectively processed alongside domestic filings within the ten-day examination target.
12. We contacted 11 external stakeholders for their feedback on this provision and received 4 responses.
13. Stakeholders who responded support the UK being a contracting party to the Hague system and appreciate the option and flexibilities of the Hague system to pursue protection, particularly after the UK's departure from the EU. Whilst stakeholder responses were overwhelmingly positive and supportive, there were some suggestions for improvements to the system such as the UK's participation in WIPO's Digital Access System for designs, availability of divisional applications and the ability for the UK designs register to show Hague designations. There were also suggestions of improvements that could be made to the system which are outside of the scope of IPO's remit. IPO will consider these suggested improvements and, where necessary, raise with WIPO.

Conclusion and Next Steps

14. The information gathered through this review suggests that stakeholders and applicants welcomed this measure and this is reflected through the feedback received and in the number of applications received via the Hague agreement. As reflected earlier in this report, an average of 519 Hague applications are received in the UK each month which

is a clear indication that the Hague system remains an effective and attractive route for UK businesses to protect international design registrations.

15. We conclude that the original objectives remain valid and that it be appropriate to retain the measure in its current form.