

N° 4834.

**ALLEMAGNE, BELGIQUE, ESPAGNE,
FRANCE, etc.**

**Arrangement de La Haye du 6 novembre 1925,
concernant le dépôt international des dessins
ou modèles industriels, révisé à Londres,
le 2 juin 1934.**

*Texte officiel français communiqué par le secrétaire d'Etat aux Affaires
étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement a eu lieu
le 3 octobre 1944.*

**GERMANY, BELGIUM, SPAIN,
FRANCE, etc.**

**Agreement of The Hague of November 6th,
1925, for the International Registration of
Industrial Designs or Models, revised in
London, June 2nd, 1934.**

*French official text communicated by His Majesty's Secretary of State for
Foreign Affairs in Great Britain. The registration took place October 3rd,
1944.*

TRADUCTION. — TRANSLATION.

No. 4834. — AGREEMENT OF THE HAGUE OF NOVEMBER 6TH, 1925,
FOR THE INTERNATIONAL REGISTRATION OF INDUSTRIAL
DESIGNS OR MODELS, REVISED IN LONDON, JUNE 2ND, 1934¹.

The undersigned, being duly authorised for the purpose, have, in common accord, drawn up the following text which shall be substituted for the Agreement of The Hague of November 6th, 1925², that is to say:

Article 1.

Nationals of each of the contracting countries and persons who have, in the territory of the limited Union, fulfilled the conditions prescribed in Article 3 of the General Convention may ensure the protection of their industrial designs or models in all the other contracting countries by applying for the international registration thereof at the International Bureau for the Protection of Industrial Property at Berne.

Article 2.

1. A deposit for international registration shall comprise designs or models either in the form of the industrial product for which they are intended or in the form of a drawing, photograph or any other adequate graphic representation of the design or model in question.

2. The articles shall be accompanied by an application for international registration, in duplicate, containing in French such particulars as shall be specified in the Rules for the Application of this Agreement.

Article 3.

1. As soon as the International Bureau has received an application for international registration, it shall enter this application in a special register and shall give notification of it by sending free of charge to each Administration the desired number of copies of the periodical report in which it publishes such entries.

2. The articles deposited shall be kept in the archives of the International Bureau.

Article 4.

1. The person who deposits an industrial design or model for international registration shall, in the absence of proof to the contrary, be deemed to be the owner thereof.

2. International registration shall be purely declaratory. As a registration, it shall produce in the contracting countries the same effects as if the designs or models had been registered direct

¹ *Ratification deposited in London:*

GERMANY August 10th, 1937.

Accessions:

FRANCE	effective as from	June 25th, 1939.
SWITZERLAND	»	» November 24th, 1939.
BELGIUM	»	» November 24th, 1939.
TANGIER	»	» June 13th, 1939.
MOROCCO (French Zone)	»	» January 21st, 1941.
TUNIS.	»	» October 4th, 1942.

² Vol. LXXIV, page 341; Vol. LXXXVIII, page 368; Vol. C, page 284; Vol. CXXXIV, page 407; Vol. CXXXVIII, page 445; Vol. CLXIV, page 380; and Vol. CCIV, page 470, of this Series.

in those countries on the date of international registration, subject, however, to the special rules laid down in the present Agreement.

3. The publicity mentioned in the preceding Article shall, in all the contracting countries, be deemed to be fully adequate, and no further publicity may be required of the applicant, subject to the fulfilment of the formalities essential to the exercise of his right, in accordance with the national law.

4. The right of priority established under Article 4 of the General Convention shall, without the obligation to fulfil any of the formalities provided for in that Article, be assured to any design or model registered internationally.

Article 5.

The contracting countries undertake not to require that designs or models which have been registered internationally shall have affixed to them any compulsory mark. They will not cancel them either on the ground of non-exploitation or because articles have been introduced which are similar to the protected articles.

Article 6.

1. A deposit for international registration may comprise either a single design or model, or several, the number of which must be specified in the application.

2. Designs or models may be deposited for registration either in an unsealed or in a sealed cover. As means of deposit under sealed cover, there shall be accepted double envelopes perforated with a control number (Soleau system) or any other appropriate system which ensures identification.

3. The maximum dimensions of envelopes or packages that may be deposited for registration shall be determined in the Rules for the Application of this Agreement.

Article 7.

The duration of international protection shall be a period of fifteen years, calculated as from the date of deposit with the International Bureau at Berne; this period shall be divided into two periods, one being of five years and one of ten years.

Article 8.

During the first period of protection, articles deposited may be either in unsealed or in sealed covers; during the second period they will be accepted only if open.

Article 9.

During the first period, deposits in sealed covers may be opened at the request of the depositor or of a competent tribunal; on the expiration of the first period, they shall, upon a request for prolongation, be opened with a view to the entry upon the second period.

Article 10.

Within the first six months of the fifth year of the first period, the International Bureau shall send an unofficial notice of the expiration of the period to the depositor of the design or model.

Article 11.

1. If the depositor desires to obtain the prolongation of protection into the second period, he must submit a request for prolongation to the International Bureau before the expiration of the term prescribed.

2. The International Bureau shall then open the cover, if the design or model is sealed, shall announce the prolongation in its journal and shall notify it to all the Administrations by sending them the desired number of copies of the said journal.

Article 12.

Designs or models contained in deposits the protection of which has not been prolonged and those for which the term of protection has expired shall be returned, as they are, to their owners at the request of the latter and at their expense. If no request is made for them, they shall be destroyed at the end of two years.

Article 13.

1. Depositors may at any time relinquish their registration either in whole or in part, by means of a declaration sent to the International Bureau. The Bureau shall give to this declaration the publicity prescribed in Article 3.

2. Relinquishment shall entail the return of the deposit at the expense of the depositor.

Article 14.

When a tribunal or any other competent authority orders the communication to it of a secret design or model, the International Bureau shall, upon being requested in due form, open the packet deposited, withdraw the design or model requested and transmit it to the authority making the application. Communication shall be similarly effected in the case of a request for an open design or model. The article thus communicated must be returned as soon as possible and restored to its place in the sealed cover or in the envelope, as the case may be. A charge, the amount of which shall be fixed in the Rules for the Application of this Agreement, may be made for these operations.

Article 15.

The charges for international registration and for the prolongation thereof, which must be paid before the deposit or the prolongation can be recorded in the register, shall be as follows :

- (1) For a single design or model and for the first period of five years : 5 francs ;
- (2) For a single design or model, on the expiration of the first period and for the duration of the second period of ten years : 10 francs ;
- (3) For the registration of more than one article and for the first period of five years : 10 francs ;
- (4) For the registration of more than one article, on the expiration of the first period and for the duration of the second period of ten years : 50 francs.

Article 16.

The annual net revenue from the charges shall be apportioned by the International Bureau among the contracting countries in accordance with the provisions of Article 8 of the Rules, after deducting the joint expenses occasioned by the execution of the present Agreement.

Article 17.

1. The International Bureau shall record in its registers all changes affecting the ownership of designs or models of which it has been notified by the persons concerned ; it shall publish such changes in its journal and shall bring them to the notice of all the Administrations by sending to the latter the desired number of copies of the said journal.

2. A charge, the amount of which shall be fixed in the Rules for the Application of this Agreement, may be levied in respect of such operations.

3. The owner of an internationally registered deposit may transfer his proprietary rights in respect of a part only of the designs or models comprised in a deposit made up of several articles

or in respect of one or more contracting countries only ; in such cases, however, if the deposit has been effected under sealed cover, the International Bureau, before recording the transfer in its registers, must open the packet deposited.

Article 18.

1. The International Bureau shall deliver to any person who so requests, on payment of a charge specified in the Rules, a transcript of the entries in the register regarding any particular design or model.

2. The transcript may, in the case of an article deposited without a cover, and if the nature of the design or model permits, be accompanied by any copy or reproduction of the design or model which may have been supplied to the International Bureau and which the Bureau shall certify as correctly representing the article. If the Bureau possesses no such copies or reproductions, it shall have these made at the request and at the expense of the persons concerned.

Article 19.

The archives of the International Bureau shall be accessible to the public in so far as open deposits are concerned. Any person may inspect these deposits in the presence of an official, or may obtain from the Bureau information in writing regarding the contents of the register, on payment of charges the amount of which shall be determined in the Rules.

Article 20.

Details relating to the application of the present Agreement shall be settled in Rules for the application thereof, the provisions of which may at any time be modified, by common consent, by the Administrations of the contracting countries.

Article 21.

The provisions of the present Agreement ensure only a minimum protection. They shall not prevent any claim for the application of any more liberal measures that may be enacted in the domestic law of a contracting country ; neither shall they affect the application of the provisions of the Berne Convention concerning the Protection of Artistic Works and Works of Art applied to Industrial Purposes as revised in 1928.

Article 22.

1. Countries which are members of the Union, but which are not parties to the present Agreement, shall be allowed to accede thereto at their request and in the form prescribed by Articles 16 and 16 *bis* of the General Convention.

2. Notification of accession shall, of itself, be sufficient to ensure within the territory of the acceding country the benefit of the foregoing provisions in the case of industrial designs or models which, at the time of accession, are internationally registered.

3. Any country may, however, when acceding to this Agreement, declare that this Act shall apply only to designs and models deposited for registration as from the date on which the accession takes effect.

4. In the event of the denunciation of the present Agreement, Article 17 *bis* of the General Convention shall apply. Designs and models deposited for international registration prior to the date on which the denunciation becomes effective shall continue, for the duration of international protection, to enjoy, in the country which has denounced the Agreement as well as in the other countries of the limited Union, the same protection as if they had been registered direct therein.

Article 23.

1. The present Agreement shall be ratified and the ratifications thereof shall be deposited in London not later than July 1st, 1938.

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

3. In the relations between countries which have ratified it, this Act shall replace the Agreement of The Hague of 1925. The latter Agreement, however, shall remain in force as regards relations with countries which have not ratified the present Act.

Done in London, in a single copy, on June 2nd, 1934.

For Germany :

For Belgium :

For Spain :

For France :

For Liechtenstein :

For Morocco :

For the Netherlands :

For Switzerland : W. KRAFT.

For Tunis : C. BILLECOCQ.