International Applications for Design Registration via The Hague System

Entry into Force of the Geneva Act (1999) of the Hague Agreement in Israel

1. On October 3, 2019, Israel deposited with the World Intellectual Property Organization (WIPO) its instrument of accession to the Geneva Act (1999) of the Hague Agreement Concerning the International Registrations of Industrial Designs ("Hague Agreement"), which entered into force in respect of Israel on January 3, 2020. Therefore, since January 3, 2020, Israeli citizens and companies have been able to file international applications designating member states of the 1999 Act, and foreign companies and designers have been able to designate Israel in international applications.

2. The 1999 Act enables citizens, residents and companies active in Contracting Parties of the 1999 Act to register newly developed industrial designs in all member states, by filing a single international application with the International Bureau of WIPO, which administers the 1999 Act.

Filing International Applications via the Hague System

3. An international application must be filed directly with the International Bureau of WIPO.

4. The international application must specify the Contracting Parties in which design protection is sought and include the payment of the appropriate fees for each designated Contracting Party. After the application is received by WIPO and forwarded to the designated Contracting Party(ies), each designated Contracting Party may proceed with the substantive examination, if provided for by its own legislation, to determine whether the design is eligible for protection and registration in its territory.

5. For your convenience, you can find here the International Bureau's Hague Guide for Users.

6. The international application can be filed in English, French or Spanish.

7. An international application may include up to 100 different designs belonging to the same class, based on the Locarno International Classification for industrial designs. International multiple-design applications designating Israel will be automatically split into separate applications, so that each application only includes one design.

8. To forestall possible refusals by the designated Contracting Party(ies) on the ground of insufficient disclosure of the design, it is recommended to read the International Bureau's guidance on preparing and providing reproductions/representations/drawings: http://www.wipo.int/export/sites/www/hague/en/how_to/pdf/guidance.pdf

9. An applicant of an international application (under the 1999 Act) may ask the International Bureau to defer the publication of international registrations for a period up to 30 months from the filing date, or where priority is claimed, from the priority date, subject to the designations of Contracting Parties.

10. If the international application designates Israel, the deferment period cannot exceed six months from the filing date of the international application.

Formal Examination and International Publication

11. Upon receipt of the international application, the International Bureau checks that it complies with the prescribed formal requirements, such as those concerning classification, quality of design representations and payment of the required fees. Where necessary, the International Bureau sends the applicant a notification of irregularities that must be corrected within a period of three months, failing which the international application will be deemed abandoned.

12. When an international application meets the prescribed formal requirements, the International Bureau records the international registration in the International Register and publishes it in the International Designs Bulletin available on the WIPO website.

13. It should be emphasized that the status of an international registration designating Israel is the same as that of a regularly filed application for registration of a design in Israel. Therefore, approval of a design for registration in Israel requires a substantive examination of novelty and individual character.

Substantive Examination

14. The International Bureau does not carry out a substantive examination for novelty and individual character and, therefore, is not entitled to reject an international application on this ground. The design examiners in Israel will perform the substantive examination if Israel is designated.

15. If the substantive examination finds that the design is registrable, the Israel Patent Office will register the International Design in the Israeli Register and send a statement to the effect that protection is granted to the industrial design in Israel to the International Bureau.

16. If the substantive examination finds that the design is not registrable, the design examiner sends a notification of refusal of protection to the International Bureau within 12 months from the date of publication of the international registration in the International Designs Bulletin. If a notification of refusal has not been received by the International Bureau within this period of time, the international registration will be accorded the force of a registered design in Israel.

17. In the event of a refusal, the International registration holder has the same remedies that he or she would have, if he or she had filed an application for protection of the said design directly in Israel. A response contesting the refusal may be sent to the examiner, but to this end the International registration holder must provide an address for delivery of documents in Israel. The International Bureau is not involved in such a proceeding.

18. The International registration holder's reply will prompt a reexamination of the requested design, following which the examiner might withdraw the notification of refusal and register the design, or issue a further notification of refusal. This decision will be communicated to the address provided in Israel. If the refusal is withdrawn, a notification of grant of protection to a design in Israel following a refusal will be sent both to the International Bureau and to the address provided in Israel.

Supplementary Design

19. Filing an international application for registration of a supplementary design is not possible. Thus, if the substantive examination finds that the international registration is for a supplementary design to a registered design, a notification of refusal in this matter will be sent to the International Bureau.

20. The notification of refusal will include an explanation that under Section 85(B) of the Israel Designs Law the holder of the international registration entitled to file this design as a supplementary design application directly to Israel, within three months from the notification of refusal and without payment of a fee.

21. The Israel Patent Office will not send notifications of refusal on the grounds of a supplementary design in respect of designs included in the same international registration.

Changes in the International Register

22. Requests for renewal of international registrations should be filed directly with the International Bureau, along with the payment of the appropriate renewal fees.

23. Requests for the recording of a change in name, address or ownership should also be filed directly with the International Bureau, along with the payment of the appropriate fees.

24. Further information, resources and tools in relation to the Hague System for the International Registration of Industrial Designs can be found on the WIPO website (www.wipo.int/hague/en/).

25. Answers to FAQs can be found on the WIPO website: https://www.wipo.int/hague/en/faqs.htm.