

Questionnaire on the impact of the accession of the European Community to the Hague Agreement on International Designs

1. INTRODUCTION

The Hague Agreement Concerning the International Deposit of Industrial Designs offers owners of industrial designs a simplified means of applying for protection of a design in several countries by submitting a single international application, replacing a whole series of applications, which, otherwise, would have had to be filed directly with each of the national offices concerned.

The European Community meets the conditions to become party to the Geneva Act (1999) of the Hague Agreement, which entered into force on December 23, 2003.

Whereas the Community design system provides for a complete and unified regional designs registration system which covers the whole territory of the European Union, the 1999 Act constitutes a treaty centralizing, with the International Bureau of WIPO, the procedures for obtaining protection of industrial designs in the territory of the designated Contracting Parties. However, the substantive aspects of the protection regarding the assessment of the conditions of protection and the scope of that protection are entirely a matter of the legislation of each designated Contracting Party.

Therefore, both systems are complementary. The link between the Community design system and the 1999 Act implies that industry may make use of the Geneva Act to obtain Community designs at the same time as obtaining design protection in third States.

In other words, participation of the European Community in the 1999 Act would allow for industrial design owners in the European Union to seek protection for their industrial designs in the European Union and in the territories of Contracting Parties to the 1999 Act outside the European Union through one single international application lodged at the International Bureau of WIPO.

To evaluate whether the Commission should initiate proposals to allow for accession of the European Community to the Geneva Act, the Commission would like to have the opinions and comments of the interested parties on the following questions:

2. QUESTIONNAIRE

1. What, in your opinion, would be the impact, in your sector of activity or more generally, of the accession of the European Community to the Geneva Act (1999) of the Hague Agreement Concerning the International Deposit of Industrial Designs on:

- facilitating access by European Union industrial design creators and owners to protection of their designs in third countries,*
- research and development activities and innovation in the field of industrial design,*
- the European Union's competitiveness at world level?*

Where necessary, make a distinction according to the size of the company (large companies or SMEs) and the sectors concerned.

2. Which would be, in your opinion, the main advantages of the system as described in point 1 for European Union companies? Would there be any disadvantages?

3. If the system described in point 1 was set up, how many international applications designating the European Community would you be likely to file per year? How many applications designating a Third Country?

In your opinion, what would be the total amount of international applications designating the European Community, coming either from a Member State or from a Third Country? What would be the total amount of international applications coming from a Member State and designating a Third Country?

4. Would your reply to question 3 be different if the international application could not be filed through the Office for Harmonization of the Internal Market but only directly at the International Bureau?

5. On the basis of your replies to the previous questions, would you be in favour of the accession of the European Community to the Geneva Act as described in point 1?

6. If your reply to the previous question was negative, what could make you change your position?

7. Do you have any further comments regarding the accession of the European Community to the Geneva Act?

3. TIMETABLE

This consultative document is being sent to main interested parties. It will also be available on the website of the European Commission's Internal Market DG at the following address:

http://europa.eu.int/comm/internal_market/fr/indprop/design/index.htm

Replies to the questions must be sent to the European Commission's Directorate-General for the Internal Market:

- either by writing to the following address: **European Commission, DG Internal Market (MARKT/E/2), rue de la Loi, 200 (C100 5/027), B-1049 Bruxelles,**

- or by e-mail to MARKT-E2@cec.eu.int .

All comments must reach the Commission by **30 April at the latest**.

All data received will be stored for a maximum of **1 year**.

For any further information on this consultation, please contact:

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