

QUESTION 108

Improvement of international protection of designs and models

Yearbook 1992/II, page 347
Council of Presidents of Lucerne, September 15 - 19, 1991

Q108

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Resolution

1. The Council of Presidents gives to the Working Committee the additional assignment to study the modification of the Arrangement of The Hague, with a view to the discussion to take place at the Tokyo Congress.
2. It mandates the Bureau to constitute a Special Committee to study the Regulation on the Community Design and Model prepared by the Commission of the EC in order to inform the competent Community Authorities of the position of the AIPPI on this matter in accordance with the appropriate procedures.

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Improvements of international protection of designs and models

Resolution

Taking into account the criticisms of The Hague Agreement expressed by AIPPI in Paris in 1983 and in Rio in 1985, the AIPPI now is pleased to see the WIPO proposal to create a new international system for the protection of designs. It recommends that such a system contains the following provisions:

1. intergovernmental organisations should be permitted to become parties to the treaty;
2. direct filing of international applications with the International Bureau is required in order to simplify processing and reduce costs for multicountry protection;
3. considering that costs are critical to the success of such a system, a fee structure attractive to users is necessary;
4. a term of at least 15 years of protection (which may be in periods of five years) should be made available under the international deposit system consistent with prior AIPPI recommendations;
5. designs subject to protection should be indicated by graphic or photographic representation, excluding the possibility of specimen deposits;
6. multiple applications, which provide special advantages for users, should be available, but only for designs within the same class of the Locarno International Classification;
7. a reasonable period for preliminary national refusal of an international registration should be provided and AIPPI prefers such period be 12 rather than 18 months as provided in the WIPO proposal;
8. it is recognised that designs are fully portrayed graphically so that very limited language translations should be required;
9. of the options consisting of revision, a protocol or a new treaty, AIPPI recommends a new treaty to enable the maximum number of countries to participate.

On conclusion of an international treaty relating to procedural aspects of international design registration, AIPPI would welcome further work to achieve harmonization of substantive provisions of design laws.

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