

Hague Agreement Concerning the International Registration of Industrial Designs

Accession to the 1999 Act: Republic of Korea

1. On March 31, 2014, the Government of the Republic of Korea deposited with the Director General of the World Intellectual Property Organization (WIPO) its instrument of accession to the Geneva (1999) Act of the Hague Agreement Concerning the International Registration of Industrial Designs.

2. The instrument of accession was accompanied by the following declarations:

– the declaration referred to in Article 7(2) of the 1999 Act, that, in connection with an international application in which the Republic of Korea is designated, and in connection with the renewal of any international registration resulting from such an international application, the prescribed designation fee shall be replaced by an individual designation fee. The declaration also specifies that it shall not apply to an international application for products belonging to classes 2, 5, or 19 of the Locarno Classification, and to the renewal of any international registration resulting therefrom. The details of the declaration and the amount of the individual designation fee will be the subject of a further information notice;

– the declaration for the application of level three of the standard designation fee, under Rule 12(1)(c)(i) of the Common Regulations, which shall apply only to an international application for products belonging to classes 2, 5, or 19 of the Locarno Classification;

– the declaration referred to in Article 16(2) of the 1999 Act, whereby a change in ownership of an international registration, recorded in the International Register in respect of a designation of the Republic of Korea, shall not have effect in the Republic of Korea until the Korean Intellectual Property Office (KIPO) has received documentation evidencing the agreement of the joint owners, where the international registration concerned is owned by more than one person (co-holders), and only one or some of the co-holders transfer his or her share of the international registration;

– the declaration required under Article 17(3)(c) of the 1999 Act, specifying that the maximum duration of protection provided for by the legislation of the Republic of Korea in respect of industrial designs is 20 years;

– the declaration referred to in Rule 9(3) of the Common Regulations under the 1999 Act and the 1960 Act of the Hague Agreement, specifying that the following specific views are required, respectively:

(i) for a design of a set of articles: one view of the coordinated whole and corresponding views of each of its components, and

(ii) for a design for typefaces: views of the given characters, a sample sentence, and typical characters;

– the declaration referred to in Rule 18(1)(b) of the Common Regulations, whereby the prescribed period of six months for notifying a refusal of protection is replaced by a period of 12 months. The said 12-month refusal period will, however, not apply to an international registration for products belonging to classes 2, 5, or 19 of the Locarno Classification; and,

– the additional declaration referred to in Rule 18(1)(b), whereby, pursuant to subparagraph (c)(ii) of the said Rule, the international registration will not produce the effect referred to in Article 14(2)(a) of the 1999 Act, if neither a notification of refusal nor a statement of grant of protection was communicated within the prescribed period, due to an unforeseen circumstance, such as a natural disaster. The applicable law provides that, in such a case, the entire period for the procedure will start from the date of a notification of continuation or resumption of the procedure. KIPO will notify the International Bureau of the fact and the new time limit for a decision regarding the grant of protection.

3. At the request of the Government of the Republic of Korea and in accordance with Article 28(3)(b) of the 1999 Act, the 1999 Act and the declarations made will enter into force with respect to the Republic of Korea on July 1, 2014.

4. The accession of the Republic of Korea to the 1999 Act brings the number of Contracting Parties to this Act to 47. Therefore, the total number of Contracting Parties to the Hague Agreement is 62. A list of the Contracting Parties to the Hague Agreement is available on the WIPO web site at the following address:
<http://www.wipo.int/export/sites/www/treaties/en/documents/pdf/hague.pdf>.

May 6, 2014