

Special Union for the International Deposit of Industrial Designs (Hague Union)

Assembly

Forty-Fifth (25th Ordinary) Session
Geneva, July 8 to 17, 2025

PARTICIPATION IN THE WIPO DIGITAL ACCESS SERVICE (DAS)

Document prepared by the Secretariat

BACKGROUND

1. At its thirteenth session held from October 21 to 23, 2024, the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as the “Working Group”), drawing on document H/LD/WG/13/2, considered favorably the submission of a recommendation that relates to the WIPO Digital Access Service (hereinafter referred to as “WIPO DAS”) for adoption by the Assembly of the Hague Union (hereinafter referred to as the “Assembly”) ¹.
2. Pursuant to Article 6(1) of the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the “Geneva Act”), an international application may contain a declaration claiming, under Article 4 of the Paris Convention for the Protection of Industrial Property (hereinafter referred to as the “Paris Convention”), the priority of one or more applications filed in or for any country party to the Paris Convention or any member of the World Trade Organization (“priority claim”). Rule 7(5)(c) of the Regulations Under the Geneva Act only requires applicants wishing to take advantage of such priority to include in the international application a claim to that effect, together with the

¹ See document [H/LD/WG/13/6](#), paragraph 9(i).

indications necessary to identify the earlier filing. The Hague legal framework does not regulate the submission of a copy of the earlier filing (“priority document”) to Offices of designated Contracting Parties².

3. Nevertheless, a growing number of Contracting Parties have informed the International Bureau that they require the submission of the priority document directly to them if the international application in which they are designated contains a priority claim³.

4. In this context, it is important to recall that the centralized filing and management of an international registration is one of the basic principles of the Hague System and constitutes an important advantage for users. Therefore, the direct submission of additional documents to Offices appears to be contrary to the spirit of the Hague System and poses extra burden and costs on its users⁴.

5. To address the above points, the Working Group encouraged the participation of Offices of Contracting Parties in WIPO DAS with respect to priority documents for design applications, and agreed that this be formalized by means of a recommendation by the Assembly of the Hague Union⁵. In particular, Offices that systematically require the priority document if an international registration contains a priority claim should strongly consider participating in WIPO DAS as an “Accessing Office”⁶.

6. WIPO DAS is an electronic system allowing priority documents to be securely exchanged between participating intellectual property Offices. WIPO DAS is recognized as the most efficient tool to exchange priority documents between Offices and can reduce the burden on Offices and users to furnish and exchange documents. Offices may implement WIPO DAS relatively easily by making use of the “DAS Office Portal” which enables them to upload and download documents through a web interface without any need for modifications to domestic IT systems. Offices can join WIPO DAS by simply sending a notification to the International Bureau, and by putting in place the necessary operational procedures to allow applicants to utilize the service. At the time of posting of this document, only 20 Offices of the 82 Hague Contracting Parties participate in WIPO DAS with respect to priority documents for design applications⁷.

PROPOSAL

7. The following text of a recommendation is therefore proposed for adoption by the Assembly of the Hague Union:

“Offices of Contracting Parties are encouraged to participate in the WIPO Digital Access Service (WIPO DAS) with respect to priority documents for design applications.”

² However, this does not preclude an Office from requesting the holder, in a particular case, to furnish a priority document to it, for example if an Office considers in the context of a refusal that the priority document is necessary in order to determine novelty, because of a disclosure intervening during the priority period (see document [H/DC/6](#), Note R7.12).

³ A survey on this subject was carried out in 2024. A summary of the outcome of this survey is contained in document [H/LD/WG/13/2](#).

⁴ For more information, see document [H/LD/WG/13/2](#).

⁵ See footnote 1. Furthermore, the Working Group also requested that the International Bureau consult with Offices of Contracting Parties concerned with a view to identifying possible alternative solutions for the exchange of priority documents (see document [H/LD/WG/13/6](#), paragraph 9(iii)).

⁶ See document [H/LD/WG/13/2](#), paragraph 33.

⁷ For more information, see the WIPO DAS Participating Offices at: https://www.wipo.int/das/en/participating_offices/index.html.

8. It is proposed that this recommendation be adopted with immediate effect. If the Assembly of the Hague Union adopts this recommendation, it will be recalled by means of an editorial footnote in association with the text of Section 408(a) of the Administrative Instructions for the Application of the Hague Agreement⁸. Furthermore, the International Bureau will make reference to that recommendation in both pre-accession and post-accession discussions with Offices of Contracting Parties which do not yet participate in WIPO DAS.

9. The Assembly of the Hague Union is invited to adopt the recommendation set out in paragraph 7, above, with immediate effect.

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⁸ Section 408(a) reads: "Where the applicant has made a declaration under Rule 7(5)(c) claiming priority of an earlier filing in the international application, that claim may be accompanied by a code allowing to retrieve that filing in a Digital Access Service for Priority Documents (DAS) digital library".