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Diplomatic Conference to Conclude and Adopt a Design Law Treaty (DLT)

Riyadh, November 11 to 22, 2024

ARTICLES 1(viii), 6, 8, 9 *TER*, 15(1) and (4), 16(1), 19(6), 24(1)(c) and 24(2)(v)

RULES 2(1)(i), 3(1)(iv), 3(2)(i), 4, 7(1)(b)(ii) and 7(11)

RESOLUTION SUPPLEMENTARY TO THE TREATY PROPOSED FOR ADOPTION
BY THE DIPLOMATIC CONFERENCE (ARTICLES 14, 15, 16 and 19)

Proposal by Group B

Group B has submitted to the Secretariat of the Diplomatic Conference the proposal contained in the Annex to the present document.

[Annex follows]

DLT

Group B proposals

Main Committee 1

Article 1 viii ‘ Procedure before the Office’

proposal for resolution (previously submitted by the Delegation of Japan):

When adopting the Treaty, the Diplomatic Conference agreed that the words “procedure before the Office” in Article 1(viii) would not cover judicial procedures under the applicable law.”

Article 2

NOTES

2.06 Given the specific nature of the procedures established under the Hague Agreement Concerning the International Registration of Industrial Designs, the Treaty ~~would~~ **does** not apply to such procedures, including procedures before the Office of a designated Contracting Party resulting from Article 14(1) of the Geneva Act (1999) of the Hague Agreement.

Article 6

Article 6 Grace Period for Filing in Case of Disclosure

A disclosure of the industrial design during a period of ~~six or~~ 12 months preceding the date of filing of the application or, if priority is claimed, the date of priority, shall be without prejudice to the novelty and/or originality, **and** as the case may be, **individual character or non-obviousness**, of the industrial design, where ~~it~~ **the disclosure** was made:

(i) by the creator or his/her successor in title; or

(ii) by a person who obtained **the disclosed** information ~~about the industrial design~~ directly or indirectly, including as a result of an abuse, from the creator or his/her successor in title.

Article 8.1(ii)

(ii) divide the initial application into two or more **divisional** applications (~~hereinafter “divisional applications”~~) that comply with those conditions by distributing among the latter the industrial designs for which protection was claimed in the initial application.

Article 8.1

New 8.1 *bis*:

(1bis) Where permitted under the applicable law, the applicant may also, on their own initiative, divide an application into two or more divisional applications.

Article 9ter

Article 9ter

Electronic Industrial Design System

A Contracting Party shall provide:

(a) a system for electronic application, subject to its applicable law;

(b) a publicly available electronic information system, which must include an online database of registered industrial designs.

Article 14.1

proposal for resolution (previously submitted by the Delegation of Japan):

When adopting Article 14, the Diplomatic Conference confirmed that it was desirable that where the correction or addition of a priority claim is made pursuant to Article 14(1), a Contracting Party that requires evidence pursuant to Article 3(1)(vii) allows the evidence to be submitted at least within the time limit for filing the request referred to in Rule 12(2).

Article 15

(1) proposal for resolution (previously submitted by the Delegation of Japan):

When adopting Articles 15(4), 16(3) and 19(6), the Diplomatic Conference confirmed that these paragraphs do not exclude the possibility that a Contracting Party which has Related Design System requires a collective request for related registrations to be made in accordance with its applicable law.

(2) Proposal for amendment

1. *[Requirements Concerning the Request for Recording of a License]* Where the law of a Contracting Party provides for the recording of a license with its Office, that Contracting Party may require that the request for recording:
4. *[Prohibition of Other Requirements]* (a) No requirement other than those referred to in paragraphs (1) to (3) and in Article 10 may be demanded in respect of the recording of a license with its Office. In particular, the following may not be required:

Article 16.1

Proposal for amendment:

(1) *[Requirements Concerning the Request for Amendment or Cancellation of the Recording of a License]* Where the law of a Contracting Party provides for the recording of a license with its Office, that Contracting Party may require that the request for amendment or cancellation of the recording of a license:

Article 19.6

1) *[Prohibition of Other Requirements]* (a) No Contracting Party may demand that requirements other than those referred to in paragraphs (1) to (5) and in Article 10 be complied with in respect of a request for the recording of a change in ownership.

(b) subparagraph (a) is without prejudice to any obligations existing under the law of a Contracting Party concerning the disclosure of information for purposes other than the recording of a change in ownership.

Rule 2.1 (i)

(i) an indication of the class **and subclass** of the Locarno Classification to which belongs the product used which incorporates the industrial design, or in relation to which the industrial design is to be used;

Rule 3.1 (iv)

(iv) a combination of any of the above, **where permitted under the applicable law.**

Rule 3.2(i)

(i) matter that does not form part of the claimed design if it is identified as such ~~in the description and/or it is shown~~ by means of dotted or broken lines, **or, where permitted by the applicable law, by other visual disclaimers and/or a description.**

Rule 4

Proposal: delete footnote

Rule 7.1

Proposal: delete 7.1b (ii) ‘ a telefacsimile number;’

Rule 7.11

Proposal (previously submitted by the Delegation of Japan):

Add new (iv)

“ (iv) contain, where a Contracting Party requires payment of a fee in respect of a procedure before the Office, indications which are necessary for Offices of the Contracting Party to collect fees, including the amount of the fee and its method of payment.”

Main Committee 2

Article 24.1(c)

[ALTERNATIVE A

[(c) The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask the Organization to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations ~~or LDCs~~ or that are countries in transition to a market economy.]

Article 24.2(v)

(v) monitor, ~~at every ordinary session,~~ the technical assistance provided [under this Treaty] [for implementation of this Treaty];

[End of Annex and of document]