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Client Alert: China Joins the Hague Agreement

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S. Alex Long, Jr.

MEDIA CONTACT

Wendy M. Byrne
wbyrne@shumaker.com

United States applicants can now file a single design patent application under the Hague System, designating, the United States, European Union, Canada, Mexico, and now China, among other countries and regions.

Filing a design patent in China has never been easier. As of May 5, 2022, U.S. applicants for a design patent now have the ability to file in China via the Hague Agreement Concerning the International Registration of Industrial Designs. Prior to China's accession to the Hague System, the primary avenue for filing design patents in China was via the Paris Convention for the Protection of Industrial Property. Under the Paris Convention, a U.S. applicant would have been required to hire attorneys in China to prepare and file a Chinese application. Now, U.S. applicants can bypass the need to hire a foreign associate in China.

A Global Platform

For its part, the U.S. itself joined the Hague System in in 2015. Canada followed in 2018 and Mexico in 2020. Other contracting parties include the African Intellectual Property Organization, the European Union, Japan, Israel, Russia, South Korea, Switzerland, Turkey, the United Kingdom, and Vietnam, as well as approximately 100 other countries and regions. With China's accession, the Hague System now covers nine out of 10 of the world's top economic markets.

Cost Savings and Provisional Rights

Utilizing the Hague System can save applicants considerable time and money. Numerous designs (up to 100) can be included in a single application. Depending on a few factors, filing a Hague Design application can be an order of magnitude cheaper than under the Paris Convention. This is a result of the elimination of the need to obtain foreign translations and the elimination of the need to hire foreign attorneys. Further, the Hague System streamlines payment of annuity fees and delivery of communications from foreign patent offices. Unlike regular U.S. design patent applications, Hague applications publish to the public after six months opening up the possibility of obtaining provisional rights in the form of a reasonable royalty.

For more information about filing a Hague Design patent application, please contact Alex Long along@shumaker.com 704.945.2911

