



Client Memorandum

May 13, 2015

International Design Patent Application Open to U.S. Applicants

As of today, May 13, 2015, applicants in the United States can file an “international design patent” application: a new type of application that allows design registration in up to 64 countries with a single filing. The “Hague” application, created by the Geneva Act of the Hague Agreement, provides filers with a streamlined and potentially cost-saving filing method to seek design patent protection in multiple jurisdictions using a single application. The recent ratification of the Hague Agreement by the United States now enables U.S. design filers to take advantage of the Hague application process.

Benefits of a Hague application:

- Potential cost-savings by filing one application for protection in multiple jurisdictions.
- Registration in up to 64 countries/territories via a single international design application upon the payment of applicable fees. Japan and the European Union are two notable Hague members. A listing of current Hague members is available here: <http://goo.gl/UQM5IM>.
- Grants a patent term of 15 years from issuance (previously 14 years).
- Design portfolio monitoring at a single source for renewal deadlines and payment of fees in a single currency (Swiss Francs).
- A Hague application designating the U.S. may eliminate the need to file a separate U.S. design patent application.
- Publishes six months after filing. U.S. design patent applications are not presently published prior to issuance. Publication of the design application will allow certain potential infringement damages to accrue as of the date of publication and will create prior art against competitors.

The Hague application process will benefit filers who wish to obtain design patent protection in multiple foreign countries. Through a single-application filing mechanism, the Hague application process should reduce the cost and complexity of international design patent protection.

If you have any questions about the Hague application process for a future design application, we invite you to contact your COJK attorney, or email us at patents@cojk.com.

This memorandum is not intended to provide legal advice, and no legal or business decision should be based on its content. Questions concerning issues addressed in this memorandum should be directed to your COJK attorney.