

Mr Frits Bolkestein
Member of the European Commission
Rue de la Loi, 200
C-107 - 6/25

B-1049 Bruxelles

19 May 2004

THE SECRETARY GENERAL

Dear Commissioner,

UNICE has stressed time and again how important it is for European industry that the international system for the protection of industrial designs should provide designers and industry with cost-effective and efficient means to obtain protection and to enforce their rights.

The Hague Agreement concerning the International Deposit of Industrial Designs offers owners of industrial designs a simplified quick and inexpensive means of applying for protection of a design in several countries with a single international application. Otherwise, a design owner would have to file separate applications in each of the countries, where protection is sought. In practical terms, the average cost of an international deposit under the Hague System is € 650 to protect five designs in 11 designated countries.

The European Community meets the conditions to become a party to the Geneva Act of the Hague Agreement, which entered into force on 23 December 2003.

The link between the Community Design and the Hague systems with the accession of the Union to the Hague Agreement could therefore be potentially very attractive for industry.

The accession of the EC to the Hague Agreement would be a very useful and complementary instrument to the Community Design for industry, since many EU Member States are not yet members to the Agreement individually.

Therefore, UNICE would like to register its support to accession of the EC to the Hague Agreement. Acceding to the Hague system would make it easier for industrial design owners from the European Union to obtain protection for their industrial designs in the European Union and in the territories of Contracting Parties to the Hague System outside the European Union, with considerable savings both at the time of filing for protection and also during the subsequent management of the design rights.

A cost-effective and simplified means of protecting their intellectual property especially in a broad geographical context through facilitated access to an international registration system is of critical importance particularly for SMEs, with their limited resources.

Even though the Community Design system remains more interesting for European companies, since there are only a few important countries within the Hague system, the EC accession could prompt the accession of the EU's most important trading partners, such as the United States of America, Japan, China and others, in the near future.

Furthermore, accession would facilitate the enforcement and the defence of EU industrial design rights.

UNICE is willing to participate constructively in the debate with more detailed comments, once the Commission decides to make concrete proposals on this issue.

Yours sincerely,

With cordial regards



Philippe de Buck