

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
International Design Applications (Hague Agreement)
OMB Control Number 0651-0075

Background

The Patent Law Treaties Implementation Act of 2012¹ (PLTIA) amends the patent laws to implement the provisions of the Geneva Act of the Hague Agreement Concerning International Registration of Industrial Designs (hereinafter “Hague Agreement”) in title 1, and the Patent Law Treaty² (PLT) in title 2. The Hague Agreement is an international agreement that enables an applicant to file a single international design application which may have the effect of an application for protection for the design(s) in countries and/or intergovernmental organizations that are Parties to the Hague Agreement (the “Contracting Parties”) designated in the applications. The United States is a Contracting Party to the Hague Agreement, which took effect with respect to the United States on May 13, 2015. The Hague Agreement is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) located in Geneva, Switzerland.

Under the Hague Agreement, U.S. applicants could file international design applications in English “indirectly” through the United States Patent and Trademark Office (USPTO), which will forward the applications to the IB or “directly” with the IB. International design applications are subject to the following fees: (1) basic fee; (2) standard designation fee(s); (3) individual designation fee(s); and (4) publication fee. Also, an additional fee is required where the application contains a description that exceeds 100 words. In addition, a transmittal fee is required for international design applications filed through an office of indirect filing. Thus, international design applications filed through the USPTO as an Office of indirect filing are subject to payment of a transmittal fee for processing and forwarding the international design applications to the IB. The fees required by the IB may be paid either directly to the IB or through the USPTO as an office of indirect filing in the amounts specified on the World Intellectual Property Organization Web site. If applicants want to pay the required fees through USPTO as an office of indirect filing, the fees must be paid no later than the date of payment of the transmittal fee. The fees will then be forwarded to the IB. The industrial design or designs will be eligible for protection in all the Contracting Parties designated by applicants.

The IB ascertains whether the international design application complies with formal requirements, registers the international design to the international register, and publishes the international registration in the International Designs Bulletin. The international registration contains all of the data of the international application, any reproduction of the international design, date of the international registration, number of the international registration, and the relevant class of the International Classification.

¹ <https://www.congress.gov/112/plaws/publ211/PLAW-112publ211.pdf>.

² <https://wipolex.wipo.int/en/text/288773>.

The IB will provide a copy of the publication of the international registration to each Contracting party designated by the application. A designated Contracting Party may perform a substantive examination of the design application. The USPTO will perform a substantive examination for patentability of the international design application, as in the case of regular U.S. design applications.

The Hague Agreement enables applicants from Contracting Parties to obtain protection of their designs with minimal formalities and expenses in multiple countries and/or regions. The Hague Agreement is administered by the IB, which simplifies the management of an industrial design registration. For example, through the IB, applicants can record changes of their representatives or changes in ownership, and renew their international registration.

Rulemaking 0651-AD92

In RIN 0651-AD92 (Conditions for Additional Information and Fee in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay) published on June 24, 2026,³ the United States Patent and Trademark Office (USPTO) is requiring additional information whenever the delay in taking certain actions in patent applications and patents is more than one year, instead of requiring additional information whenever the delay was more than two years. This action is being taken to increase certainty and predictability concerning patent rights, and to encourage the timely filing of grantable petitions to revive applications, accept delayed maintenance fee payments, accept delayed priority or benefit claims, and seek relief from time limits in connection with international design applications. In addition, the USPTO is changing the conditions for when the corresponding petition fee is required.

In support of RIN 0651-AD92 ,the USPTO is adjusting the regulations in this information collection. The Rule effects no changes in burden.

Summary of Changes

The aforementioned rulemaking results no burden changes to collection 0651-0075.

0651-0075's burden is as follows:

- 1,231 annual responses (unchanged)
- 2,052 annual hourly burden (unchanged)
- \$8,990,862 in annual non-hourly burden costs (unchanged)

³ <https://www.govinfo.gov/content/pkg/FR-2026-06-24/pdf/2026-12717.pdf>