

Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs

Twelfth Session
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REPORT ON CONSULTATIONS HELD CONCERNING THE POSSIBLE INTRODUCTION OF NEW LANGUAGES INTO THE HAGUE SYSTEM

Document prepared by the International Bureau

BACKGROUND

1. At its eleventh session, held in Geneva from December 12 to 14, 2022, the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs (hereinafter referred to as the “Working Group”), discussed document H/LD/WG/11/4 entitled “Study of the Availability and Usability of Translation Technologies”. The Working Group requested that the International Bureau consult with interested Contracting Parties of the Hague Agreement, other WIPO Member States and users’ organizations, and report back to the Working Group on those consultations at its next session¹.

2. This document reports on the consultations that the International Bureau has undertaken in accordance with the above-mentioned request. It contains a summary of the matters discussed, including suggestions that were made during the consultations.

¹ See document H/LD/WG/11/5 “Summary by the Chair”, paragraph 16.

CONSULTATIONS UNDERTAKEN BY THE INTERNATIONAL BUREAU

3. In February 2023, the International Bureau held a meeting with the Regional Group Coordinators in which the format of the requested consultations was discussed. It was agreed that the International Bureau:

- (i) call on Member States to express, through the Regional Group Coordinators, a specific interest in conducting bilateral consultations with the International Bureau;
- (ii) contact Member States that had expressed the said specific interest to determine the mode in which they wished to conduct the consultations (i.e., in person, online or hybrid), the subjects of particular interest and whether these consultations would involve national users' organizations;
- (iii) conduct consultations with officials from the above-mentioned Member States and, where requested, with national users' organizations;
- (iv) conduct consultations with Member States with a general interest (i.e., those that did not express a specific interest) as well as for other WIPO Member States; and
- (v) conduct consultations with international non-governmental organizations (hereinafter referred to as "international NGOs") that had participated in recent sessions of the Working Group.

4. In February 2023, the International Bureau called on Member States to express, through the Regional Group Coordinators, a specific interest in holding bilateral consultations. The following Contracting Parties expressed such interest: China, Germany, Japan, the Russian Federation, Switzerland and the United States of America. Accordingly, from March 2023, the International Bureau contacted those Contracting Parties to determine the details of the consultations.

5. Between June and September 2023, the International Bureau conducted individual consultations with officials from the above-mentioned Contracting Parties. During the consultations with China, Germany, Japan and Switzerland, some national users' associations were also present².

6. In June 2023, the International Bureau invited all WIPO Member States and international NGOs that had participated in recent sessions of the Working Group to register to participate in an online consultation session, thus following up on the undertakings under items (iv) and (v) of paragraph 3, above.

7. On July 3, 2023, the International Bureau conducted an online consultation session³ for Contracting Parties with a general interest and other WIPO Member States. Officials from the following Contracting Parties participated in the session: Brazil, Canada, China, Egypt, European Union, Finland, France, Georgia, Germany, Hungary, Japan, Kyrgyzstan, Lithuania, Mali, Mexico, Morocco, Namibia, Niger, Norway, Poland, Republic of Moldova, the Russian Federation, Samoa, San Marino, Serbia, Singapore, Slovenia, Spain, Switzerland, Tunisia, Ukraine, the United Kingdom, the United States of America and Viet Nam (34).

² Those consultations were jointly held with the Secretariat of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as the "Madrid Working Group"), where this was welcomed by the Contracting Party. In this respect, see document MM/LD/WG/20/8 "Summary by the Chair", paragraph 25.

³ This consultation was jointly held with the Secretariat of the Madrid Working Group.

Officials from the following WIPO Member States participated in the session: Algeria, Australia, Austria, Czech Republic, Fiji, Iraq, Kuwait, Malaysia, the Philippines, Portugal, Saudi Arabia, Slovakia, South Africa, Sweden, the United Arab Emirates and Yemen (16).

8. On July 5, 2023, the International Bureau conducted an online consultation session for international NGOs⁴. Representatives from the following international NGOs participated in that session: Center for International Intellectual Property Studies (CEIPI), European Communities Trade Mark Association (ECTA), Intellectual Property Latin American School (ELAPI), International Association for the Protection of Intellectual Property (AIPPI), International Trademark Association (INTA), Association of European Trademark Owners (MARQUES) and the Chartered Institute of Trade Mark Attorneys (CITMA) (7).

9. On September 1, 2023, the International Bureau held an in person meeting with the Regional Group Coordinators, and delegates from Contracting Parties and other interested WIPO Member States to brief them on the consultations it had undertaken⁵.

MATTERS DISCUSSED DURING THE CONSULTATIONS

10. During the consultations, the following matters and suggestions were brought forward by user groups or Contracting Parties.

Current Language Regime

Inconvenience of the Current Trilingual Regime

11. Some user groups noted that they were in favor of having their language included in the Hague System. They argued that their users would like to file international applications in their language. Currently, their users often have to hire a translator or to employ an English-speaking representative to file international applications, which causes extra costs⁶. They noted that the currently available neural machine translation (NMT) tools did not provide sufficient quality output to be used to prepare international applications in English. Translation costs and uncertainty regarding accuracy might prevent users, in particular small and medium enterprises, from using the Hague System.

Revision of the Current Language Regime

12. Several Contracting Parties and user groups noted that they were not in favor of including additional languages in the Hague System. In addition, some user groups suggested to consider the possibility of revising the current trilingual language regime, instead of adding new languages. For example, several users expressed a preference for English as the only language of the Hague System. It was added that it would be beneficial if all Offices of Contracting Parties issued notifications in English.

⁴ This consultation was also jointly held with the Secretariat of the Madrid Working Group.

⁵ Again, this meeting was jointly held with the Secretariat of the Madrid Working Group.

⁶ All consulted users noted that they file international applications in English if their language is not one of the three Hague languages.

Selection and Addition of New Languages

Benefit of Adding New Languages

13. Some Contracting Parties noted that the introduction of new languages would bring benefits for users. If international registrations were available in the languages of designated Contracting Parties, local authorities and courts could rely on this official information in administrative or judicial proceedings. This would bring more certainty and costs savings to those proceedings as no additional translations would be required.

Criteria

14. During the consultations, several Contracting Parties noted that the Working Group had not yet established criteria for the selection of possible new Hague System languages and that such criteria should, in particular, ensure that the benefits of introducing a new language outweigh any possible disadvantages. Consequently, it was suggested that the Working Group continue its deliberations towards establishing and agreeing upon such criteria.

15. It is recalled that documents H/LD/WG/9/5 and H/LD/WG/10/5 presented possible criteria for the introduction of new Hague System languages.

16. Several user groups requested that the Working Group apply fair considerations when discussing the introduction of new languages. In particular, new languages should be selected based on objective data, which are related to the use of the system, such as the number of filings (actual and potential), instead of introducing a language only based on the request of a specific Contracting Party. If new languages were introduced into the Hague System, criteria that appeal to all users should be considered. Similarly, those user groups noted that criteria other than being an official language of the United Nations were more relevant for the Hague System.

17. Some Contracting Parties noted that they could support the introduction of several new languages, not just the official languages of the United Nations.

18. Additionally, some other user groups added that if new languages were introduced, it would be difficult to oppose the inclusion of further languages in the future.

19. As requested during the consultations, the Annex to this document contains an update on possible criteria for consideration by the Working Group.

Different Implementation Options

20. Some user groups suggested that the Working Group consider alternative implementation options for the introduction of new languages, in particular the introduction of filing languages⁷.

Gradual Introduction of New Languages

21. Some Contracting Parties noted that if new languages were included in the Hague System, they should be added gradually one at a time, whereby the impact should be carefully analyzed before another language is added.

⁷ The option of introducing additional languages as filing languages was already presented in document H/LD//WG/9/4, Chapter II, and document H/LD//WG/10/4, Chapter III.

Financial Considerations

Increase in Fees

22. Several user groups raised concerns that the introduction of new languages would lead to an increase in translation costs at the International Bureau, which could result in higher filing fees. They emphasized that the main attractiveness of the Hague System over the direct route was its cost-effectiveness. If this advantage disappeared, due to an increase in fees, their users would choose to use the direct route over the Hague route, which would lead to a decrease in filings.

23. Some Contracting Parties that were in favor of adding new languages to the Hague System noted that it would be reasonable to increase the filing fees for the International Bureau to cover any additional costs, as it would be the users who would benefit from the introduction of new languages.

Deficit of the Hague Union

24. The deficit of the Hague Union⁸ and the financial sustainability of the system were concerns raised by some Contracting Parties and user groups. They were concerned that the introduction of new languages would lead to a further increase of the current deficit⁹.

25. Some Contracting Parties argued that the introduction of their language would lead to an increase of filings from their country, which would rather have a positive effect on the income of the Hague Union.

26. Some user groups suggested to analyze the impact of the introduction of new languages on the number of filings. More specifically, some user groups suggested that the Working Group be provided an assessment that the introduction of new languages would realistically improve the deficit of the Hague System in the future. This assessment should provide an estimate of the balance between the revenue from an expected increase in the number of applications and the expenses that the introduction of new languages would bring.

27. As estimating the impact that the introduction of new languages might have on the number of filings requires the involvement of the Offices of the Contracting Parties concerned, the Working Group could request that they work with the International Bureau on the preparation of the assessment mentioned in paragraph 26 above.

Costs to be borne by the beneficiaries

28. Some user groups indicated that if the introduction of new languages was recommended, the Working Group should consider options whereby additional costs would be covered by the parties (i.e. applicants or Contracting Parties) benefitting from using new languages.

⁸ See document H/LD/WG/8/4. The annual deficit of the Hague Union for 2022 was 10,343 million Swiss francs (see document WO/PBC/36/6, Note 21, Segment Reporting, Note 4). The estimated deficit for the 2024/2025 biennium is 22,812 million Swiss francs (see document WO/PBC/36/8, Annex IV). In order to address the deficit, the Assembly of the Hague Union adopted amendments to the Schedule of Fees in July 2023 (see document H/A/43/2 "Report").

⁹ For example, in 2021 it was estimated that the set-up costs for Chinese and Russian would be approximately 0.421 million Swiss francs, and the annual operational costs for Chinese and Russian in 2023 would be approximately between 0.374, 0.422 and 0.576 million Swiss francs, depending on the implementation option. See document H/LD/WG/10/4, Chapter V and Annex II.

29. Possible options to cover the resulting costs could, for example, be to charge an additional fee for applications filed in a new language or to withhold a certain percentage from the designation fee if a Contracting Party whose Office makes use of a new language is designated, or to request financial contributions from these Contracting Parties.

Translation

Quality and Consistency of Translations

30. Many user groups noted that the quality of the translations carried out by the International Bureau was of utmost importance to them and that they were reluctant to compromise on it.

31. Several user groups voiced concerns that the introduction of new languages could lead to a deterioration of the quality and consistency of the translations carried out by the International Bureau. It was reiterated that the correct translation of the content of an international registration, in particular descriptions, was important for the scope of protection¹⁰. Any errors in the translations would immediately have severe impact on holder's rights. They voiced the concern that it would be difficult to verify the accuracy of translations carried out by the International Bureau.

32. It was further noted by users that they experienced problems with NMT tools as those tools often propose inaccurate terms. Some users mentioned that the translations were already difficult with the current three Hague languages as the same word may have a different meaning in different countries (for instance some words in Spanish are different in Spain and Mexico). Adding more languages would increase the complexity of translations and consequently the number of erroneous translations.

33. The International Bureau relies on a translation memory to automatically translate around 35 per cent of the text segments for translations between the current languages of the Hague System¹¹ and on WIPO Translate. This has helped to maintain the quality and consistency of translations. For example, since January 2020, requests for corrections of translations concerned only three international registrations. The International Bureau would assure that their translations would be carried out with the highest standard possible, also for any new languages¹².

34. In this context, some user groups requested that any term that is added in the translation memories in any language be verified by a human translator¹³. It was further requested that the training of relevant NMT tools be completed before any new language was introduced. Some user groups suggested that the Contracting Parties which request the inclusion of their languages into the Hague System be responsible for making the necessary translations of the current translation memories prior to their inclusion.

Differentiated Translation Practice

35. The possibility of using a differentiated translation practice to reduce translation costs was discussed during the consultations.

¹⁰ In this respect, 68 per cent of international applications contained a description in 2022. According to the figures of the first three quarters of 2023, 74 per cent of international applications will have contained a description in 2023.

¹¹ See document H/LD/WG/11/4, paragraph 12.

¹² Regarding the use and impact on quality of an indirect translation practice, see document H/LD/WG/8/5, paragraphs 24 to 29.

¹³ This is the current practice at the International Bureau. See document H/LD/WG/11/4, paragraph 5.

36. Currently, all international registrations are effected in English, French and Spanish, for which the International Bureau provides the necessary translations. It is recalled that all these translations are subject of a two-step process, firstly the text that is to be translated is matched against entries contained in the translation memory, and secondly a human translator either post-edits translation proposals that are generated by WIPO Translate (an NMT tool), or manually translates the text into the target language when translation proposals are not available¹⁴.

37. The International Bureau provides translations of international registrations in all three Hague System languages, irrespective of the Contracting Parties which are designated. For example, an international application filed in English is translated into French and Spanish, even if only Contracting Parties whose Offices communicate in English are designated.

38. Under a differentiated translation practice, different options would be possible regarding the translation of international registrations into languages that have not been chosen by any designated Contracting Party for communication. One option could be that no translation is made available in those languages. Another option could be that the machine translation output generated by WIPO Translate could be made available. This output would not be subject to any post-editing, human translation, or quality control.

39. A third option could be that an English translation, that was subject to post-editing and quality control, always be made available. This option was raised by users who voiced a strong preference to always have an official English translation of an international registration, not only from a holder perspective but also from a third-party perspective¹⁵.

40. The advantage of using a differentiated translation practice would be that it would lower the annual translation costs. It is unlikely that such a practice would negatively affect third parties that rely on the information available in the International Designs Bulletin and the Global Design Database (GDD).

41. Some users noted during the discussions that any translation which was effected using NMT tools only (which was not subject to post-editing), should be marked as such, if it was made available in the WIPO databases.

42. The Working Group could consider the aforementioned options. A differentiated translation practice would not only lower the translation costs if new languages are introduced into the Hague System, but could also be explored as an immediate means to lower the current translation costs.

Correction of Translation Errors

43. Some user groups noted that if new languages were introduced, holders would want the possibility to correct translation errors. The correction of errors concerning an international registration, including the correction of translation errors, is covered under Rule 22(1) of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (hereinafter referred to as the "Common Regulations"). Holders may request the correction of translation errors made by the International Bureau. The International Bureau may also correct these errors *ex officio*. There is no time limit to request the correction of errors.

¹⁴ See document H/LD/WG/11/4, paragraphs 3, 11 and 12.

¹⁵ In this context, it is recalled that if new languages were introduced into the Hague System, the International Bureau would rely on an indirect translation practice by which all translations from one language into another language would be carried out with English as the relay language (see document H/LD/WG/8/5, paragraphs 24 to 27). If this practice was adopted, an English translation of any text matter would always be available in the file of the International Bureau.

44. Depending on the decision and modalities of the introduction of new languages, an Office communication issued in a new language could be accompanied by, for instance, its English translation. However, the correction of text errors contained in Office communications is outside the scope of Rule 22 of the Common Regulations, since the International Bureau does not record any such text matters contained therein in the International Register.

Processing Delay

45. Several user groups raised concerns that the introduction of new languages could result in processing delays at the International Bureau, in particular, if new languages were introduced under an indirect translation practice.

46. In order to reduce the costs of translations, the International Bureau proposed to use an indirect translation practice with English as a relay language, if new languages were introduced in the Hague System¹⁶. An international application, which is not filed in English, would be translated into English, and then into all other Hague System languages. The International Bureau estimates that the use of an indirect translation practice would delay the processing by one additional week.

47. The additional delay resulting from the introduction of an indirect translation practice should not negatively affect the holder or the Contracting Parties. The design would continue to enjoy protection as from the date of the international registration and the refusal period would continue to be counted from the date of the publication of the international registration.

48. The delay resulting from an introduction of an indirect translation practice may have an impact on international registrations for which the applicant requested immediate publication (Rule 17(1)(i) of the Common Regulations)¹⁷. Currently, the International Bureau publishes these international registrations within around two weeks from the filing of the international application, where no irregularity is found. An indirect translation practice may delay the publication of international registrations in these cases. However, the International Bureau would endeavor to undertake possible measures to reduce the impact as much as possible, such as by prioritizing the translations of these international registrations.

49. There were concerns that if new languages were introduced, this could negatively impact the time holders have to respond to notifications of refusal. Currently, Office communications, such as notifications of refusal, are not translated by the International Bureau; these are simply transmitted to the holder of the international registration concerned. Therefore, there should not be any additional delay even if Office communications were notified in new languages. It was, however, suggested during the consultations that the International Bureau could provide a machine translation of such communications in order to alleviate users' concerns that they may not be able to understand them if they are issued in a new language¹⁸.

50. Some user groups suggested that, if new languages were introduced, the time limits to respond to office actions be amended, for example that such a time limit starts from the date of the availability of the translation, and not from the issuance date of the notification of refusal, if those dates are different.

¹⁶ See document H/LD/WG/8/5, paragraphs 24 to 29.

¹⁷ According to the Hague Yearly Review 2023, available at: <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-930-2023-en-hague-yearly-review-2023.pdf>, immediate publication of international registrations was requested by 64 per cent of the applicants in 2022.

¹⁸ See paragraphs 56 to 58 of this document.

Office Communications in New Languages

Concerns Raised

51. Several user groups were concerned that if new languages were included in the Hague System, they would receive communications from Offices, in particular notifications of refusal and statements of grant of protection (SGP), in languages which they would not be able to understand¹⁹. It was added that understanding communications from Offices was not only relevant for holders, but also for third parties which use the databases for search purposes.

52. Several user groups also noted that receiving Office communications in new languages would cause additional costs for them, as they would have to hire a translator. Even if the International Bureau provided an unofficial machine translation of those communications (refer to paragraphs 56 to 58 below), they would need to hire a translator to verify the translations. The users added that this would diminish the attractiveness of the Hague System which currently is a cost-efficient system for the protection of designs in multiple countries and regions.

Benefits Raised

53. On the contrary, some Contracting Parties noted that the introduction of new languages would rather bring benefits for users in that regard. Having Office communications, in particular SGPs, in the language of the Contracting Party would be beneficial for holders as local authorities and courts could rely on official communications issued by their Offices in their language. This would enhance predictability and save costs for users during enforcement procedures.

Languages in which Offices Issue Communications

54. Some user groups suggested that, if new languages were introduced into the Hague System, this should not affect the obligation of Contracting Parties to continue to communicate their decisions in one of the current languages of the Hague System. This suggestion was made in order to hedge against possible errors in translations from new languages made by the International Bureau or a possible misinterpretation of the scope of protection granted by the designated Contracting Parties.

55. Another option that was discussed was that Offices could be required to translate their communications into a certain language, for example English or the language which the holder has chosen to receive communications from the International Bureau. This could apply to all Offices of Contracting Parties, not only to Offices whose language would be added as a new language.

Translation of Communications by the International Bureau

56. There were discussions about the possibility of translating Office communications, such as notifications of refusal and SGPs into English or the Hague System language in which the holder has chosen to receive communications from the International Bureau.

¹⁹ It is noted that, so far, the International Bureau has received requests for the inclusion of Chinese and Russian (see document H/LD/WG/7/INF/2). Both CNIPA and ROSPATENT are examining Offices as defined in Article 1(xvii) of the 1999 Act.

57. Currently, the International Bureau does not translate these communications. The International Bureau could produce unofficial machine translated versions of the communications in the language chosen by the holder. However, such a translation would be effected by using WIPO Translate (without post-editing). To that end, it would be necessary that Offices would submit communications to the International Bureau in machine readable format, in addition to PDF, through established electronic means (see paragraphs 69 and 70, below).

58. The generated translation could be transmitted to the holder along with the original notification. Once this process is automated, this should not result in any critical delays of the processing of these communications, in particular notifications of refusal, by the International Bureau, and therefore not negatively affect the time to respond to them.

59. In this regard, however, some users noted during the consultations that they have hesitations to trust unofficial translations generated by using WIPO Translate. Other users wondered what the legal effect of such a translation was. Mindful of this point, the Working Group could also consider this possibility in comparison with the options suggested in paragraphs 54 and 55, above.

Documents in the Relevant Language to Facilitate Enforcement

60. Several user groups voiced concerns about the fact that international registration certificates and extracts produced by the International Bureau may be insufficient to undertake administrative or judicial proceedings to enforce rights acquired under the Hague System in certain Contracting Parties.

61. Pursuant to Article 14(2) of the 1999 Act, international registrations for which no notification of refusal was communicated, have the same effect as a grant of protection under the applicable law. In addition, under Rule 32(2) of the Common Regulations, extracts from the International Register are exempt from any authentication, legalization or any other certification in the designated Contracting Parties.

62. While it could be argued that, if extracts from the International Register are not sufficient, Contracting Parties have already an obligation to provide holders of international registrations with any additional legitimate documentation, where applicable in their local languages, to enforce their rights in these jurisdictions, this could be an opportunity for the Working Group to consider any efficient solution to address this issue.

63. In this regard, it was proposed that the introduction of new languages be accompanied by a requirement to transmit to the holder sufficient documentation, such as, for example, a domestic registration certificate or a certification issued by a competent authority, along with the statement of grant of protection, without requiring further steps or payments from the holder. The Contracting Parties would have to ensure that those documents are accepted by local authorities and courts in enforcement proceedings. Moreover, this could apply to all Contracting Parties, not only to those whose language would be added as a new language.

64. Therefore, the Working Group could consider requiring Offices to issue local titles, if needed, in their language at the same time as they issue SGPs, or upon request by the holder, without extra charges, even under the current trilingual regime, should such documentation be required for, or facilitate, the enforcement of their rights.

65. Furthermore, some users wondered whether in cases where the local language is different from the one in which the international application was filed, local authorities and courts would only consider any text matter contained in the international registration recorded in the national register in the local language, or would have the ability to consider the language version entered in the International Register as the language of the

international application. In view of this, the Working Group could also explore an efficient mechanism to settle a translation issue that may arise between those two versions.

Standardized Format of Office Communications

66. There were suggestions to harmonize the content and format of Office communications, in particular, if new languages were to be introduced. This would facilitate the understanding of these communications, such as notifications of refusal and SGPs, regardless of the language in which they are communicated.

67. The International Bureau makes available model forms, including notifications of refusal and SGPs that Offices may use. The Working Group could encourage Offices of Contracting Parties to use those model forms for their communications.

68. The International Bureau would prepare standard SGPs in new languages if they were introduced into the Hague System.

Machine-Readable Format of Office Communications

69. Discussions were also based on whether the submission of office communications could be further improved, if the International Bureau were to be required to translate Office communications. The Working Group could encourage all Contracting Parties to submit communications in machine-readable format, in addition to PDF. The International Bureau would have to establish appropriate electronic means with all Offices through which communications in machine-readable format could be submitted.

70. There are several advantages to receiving all the relevant information in machine-readable format. For example, the information could be validated automatically and in near real-time to avoid the transmission of defective communications. Data entry delays and errors would be practically eliminated, which would have a positive impact on the quality and speed with which the International Bureau could translate these communications.

WIPO Tools and Neural Machine Translation (NMT) Tools

Availability of WIPO Translate in the Global Design Database (GDD)

71. Some user groups noted that it would be useful if more information material could be made available in more languages²⁰. In this context, the availability of NMT tools for the benefit of users was discussed.

72. PATENTSCOPE, for example, has integrated “WIPO Translate” which allows to instantly translate the different parts of patent documents, such as claims, descriptions, and related documents, such as international search reports, in currently 13 supported languages.

73. The Working Group could consider whether the use of WIPO Translate would be beneficial for Hague users and third parties, and request that the International Bureau explore possibilities to include WIPO Translate in its databases, such as the GDD, which would allow users to instantly translate information available on the GDD, including Office communications (if they are available in machine-readable format), into various languages. Irrespective of the introduction of new languages, this feature could be an improvement of the Hague System for users.

²⁰ A summary of the material available on the website in respective languages can be found in document H/LD/WG/9/4, Annex I.

74. The Working Group could also discuss whether the integration of WIPO Translate in other material to allow instant translations into various languages could be beneficial, such as the Hague Member Profile Database which contains all information provided by Contracting Parties, or existing and future Guidance materials that the International Bureau makes available for users.

Improvement of NMT tools

75. Some Contracting Parties mentioned during the consultations that the NMT tools were continuously improving and that they should be explored again as a means to reduce translation costs. The Working Group could explore possibilities to improve available NMT tools, such as WIPO Translate.

76. In this context, it is recalled that the GDD contains several design collections from participating national and regional Offices²¹. However, it does not contain any collections in a number of languages. Such collections could be used to train WIPO Translate with design terminology. The Working Group could encourage Contracting Parties to send their national and regional collections to the International Bureau for inclusion in the GDD.

77. In addition, some Contracting Parties republish international registrations on the Office website for which they prepare a translation. It could be explored whether sharing such translations with the International Bureau could be an option.

78. The Working Group is invited to consider the contents of this document and provide further instructions to the International Bureau.

[Annex follows]

²¹ A list of the participating Offices is available at:
<https://designdb.wipo.int/designdb/en/designdb-help.jsp#db>.

STATISTICS FOR POSSIBLE CRITERIA

1. The International Bureau has compiled some relevant statistical information on a number of criteria¹. The information is sorted by language, and includes the current Hague System languages English, French and Spanish. The current Hague System languages were included in the table as they may provide some perspective in relation to possible new languages.

Number of Designs Contained in Hague Applications

2. For this criterion, two tables are included. The first table presents the figures for the five-year period from 2018 to 2022. The second table presents the figures for the first three quarters of 2023².

3. These tables show the number of designs contained in international applications filed by applicants from Contracting Parties by the language spoken in the jurisdiction of the applicant. For jurisdictions where more than one language is spoken, the numbers were allocated in proportion to the percentage of the population speaking each language. The table below shows the top 20 languages, listed from highest to lowest.

4. This criterion considers the language spoken by current users of the Hague System, that is, the applicants who have most sought protection for their designs using the Hague System. The introduction of new Hague System languages following this criterion could facilitate filings of international applications for those users because it would enable them to file international applications in their language. Given the design filing activity from jurisdictions whose languages rank high in the table, the introduction of these language could encourage further filings from these jurisdictions of users which do not use the Hague System, due to a language barrier.

¹ During the consultations, it was suggested that the statistics show more than the first 10 languages. Therefore, the statistics contained in the Annex to this document present the first 20 languages per criterion, where possible. The Annex also contains statistics on the Hague market share, to align the criteria presented in the Annex with those presented to the Madrid Working Group (see document MM/LD/WG/21/7). The statistics for filings and designations are based on the last five-year period, as well as the first three quarters of 2023, hence providing an overview of a longer-term trend as well as an update regarding the recent situation.

² In this regard, it is noted that the following new accessions to the Hague System took place during the five-year period from 2018-2022: Canada joined on November 5, 2018, China joined on May 5, 2022, Israel joined on January 3, 2020, Jamaica joined on February 10, 2022, Mauritius joined on May 6, 2023, Mexico joined on June 6, 2020, the Russian Federation joined on February 28, 2018, Samoa joined on January 2, 2020, San Marino joined on January 26, 2019, the United Kingdom joined on June 13, 2018, and Viet Nam joined on December 30, 2019.

Table I: Number of Designs Contained in Hague Applications (2018-2022)

Ranking	Language	Number of Designs in Hague Applications
1	German	29,260
2	English	14,615
3	French	11,326
4	Italian	10,019
5	Korean	8,714
6	Dutch	6,473
7	Japanese	5,201
8	Chinese	4,993
9	Turkish	2,497
10	Greek	2,204
11	Swedish	1,970
12	Danish	1,732
13	Spanish	1,385
14	Polish	947
15	Norwegian	777
16	Czech	666
17	Russian	646
18	Maltese	603
19	Hebrew	446
20	Ukrainian	421

Table II: Number of Designs Contained in Hague Applications (first three quarters of 2023)

Ranking	Language	Number of Designs in Hague Applications
1	German	4,747
2	English	2,973
3	Chinese	2,754
4	French	1,858
5	Italian	1,425
6	Korean	983
7	Japanese	731
8	Dutch	622
9	Turkish	485
10	Greek	357
11	Danish	316
12	Polish	233
13	Maltese	215
14	Swedish	197
15	Spanish	175
16	Norwegian	166
17	Finnish	130
18	Czech	78
19	Ukrainian	76
20	Hebrew	76

Number of Designs Contained in Designations in Hague Applications

5. For this criterion, two tables are included. The first table presents the figures for the five-year period from 2018 to 2022. The second table presents the figures for the first three quarters of 2023³.

6. These tables show the number of designs contained in designations, per language of publication in the designated Contracting Parties. For Contracting Parties that publish in the language in which they receive communications from the International Bureau and in other languages, only the language of communication was considered. The table below shows the top 20 languages, listed from highest to lowest.

7. This criterion considers the language in which Offices of designated Contracting Parties process and publish design applications. An introduction of new Hague System languages following this criterion could facilitate the processing of international registrations by those Offices by enabling them to do so in their language. Designated Offices would be able to process international registrations without translation and issue communications in their languages.

8. Furthermore, it could benefit holders of international registrations, as it would minimize uncertainty regarding the scope of the international registration in the languages used in the designated Contracting Parties. Holders could also benefit from receiving SGPs in those languages which could bring more certainty in subsequent enforcement procedures, subject to measures that can minimize a disadvantage of receiving Office communications only in that language (i.e., translation by the International Bureau or issuance of communications also in English).

Table III: Number of Designs Contained in Hague Designations (2018-2022)

Ranking	Language	Number of Designs in Hague Designations
1	English	170,087
2	German	50,655
3	Turkish	26,230
4	French	20,469
5	Norwegian	16,177
6	Japanese	15,062
7	Korean	14,543
8	Russian	13,788
9	Ukrainian	10,885
10	Arabic	6,829
11	Spanish	4,887
12	Serbian	4,204
13	Montenegrin	3,584
14	Bosnian	3,241
15	Macedonian	3,053
16	Azerbaijani	2,681
17	Croatian	2,667
18	Moldovan	2,526
19	Chinese	2,447
20	Hebrew	2,419

³ See footnote 2, above.

Table IV: Number of Designs Contained in Hague Designations (first three quarters of 2023)

Ranking	Language	Number of Designs in Hague Designations
1	English	36,034
2	German	7,133
3	Chinese	3,790
4	Turkish	3,486
5	Japanese	3,105
6	Korean	2,731
7	Norwegian	2,712
8	French	2,680
9	Russian	2,078
10	Ukrainian	1,448
11	Spanish	1,343
12	Arabic	948
13	Hebrew	803
14	Vietnamese	700
15	Serbian	588
16	Bosnian	511
17	Montenegrin	509
18	Albanian	410
19	Macedonian	398
20	Moldovan	380

Number of Designs Contained in Direct Applications Filed Abroad

9. This table shows the number of designs contained in direct applications filed abroad by the language spoken in the jurisdiction of the applicant during the five-year period from 2018 to 2022. For jurisdictions where more than one language is spoken, the numbers were allocated in proportion to the percentage of the population speaking each language. The table below shows the top 20 languages, listed from highest to lowest.

10. This criterion takes into account the direct non-resident filing activity, per language of the applicant. In other words, this criterion considers the number of designs for which applicants sought protection abroad by filing applications directly with an Office in a foreign jurisdiction instead of using the Hague System.

11. An introduction of new Hague System languages following this criterion would place emphasis on users which seek protection abroad, but do not use the Hague System for it. It is noted that those users in many instances have to prepare translations and appoint a local representative if they file direct applications with foreign national or regional Offices. Introducing these languages into the Hague System may make the use of the Hague System more accessible and attractive for those applicants, as opposed to filing directly, if they could file international applications in their language.

Table V: Number of Designs Contained in Direct Applications Filed Abroad (2018-2022)

Ranking	Language	Number of Designs in Direct Filings Abroad ⁴
1	Chinese	198,578
2	English	192,935
3	German	124,514
4	Italian	76,411
5	French	62,923
6	Japanese	50,392
7	Korean	31,580
8	Dutch	31,436
9	Polish	26,354
10	Spanish	20,775
11	Danish	12,696
12	Finnish	6,337
13	Hebrew	4,015
14	Bulgarian	3,152
15	Romanian	2,193
16	Russian	1,919
17	Norwegian	1,735
18	Turkish	1,567
19	Estonian	1,162
20	Greek	1,135

Filings Abroad and Hague Market Share

12. This table shows the total number of designs contained in applications filed abroad during the five-year period from 2018 to 2022, that is applicants who seek protection for designs outside their home country, by either filing applications directly with an Office in a foreign jurisdiction or by filing a Hague application (column entitled “Total of Designs in Filings abroad (Hague and Direct)”).

13. The filings abroad by language were estimated taking into account the language spoken in the jurisdiction of the applicant. For jurisdictions where more than one language is spoken, applications were allocated in proportion to the percentage of the population speaking each language.

14. In addition, the table shows the Hague market share in relation to all filings abroad (column entitled “Hague Market Share (Percentage)”). The market share shows the percentage of applicants that opt to use the Hague System instead of filing direct applications with a foreign Office. For example, around 22 per cent of all applicants from jurisdictions where English is spoken used the Hague System to protect their designs abroad, whereas, conversely, around 78 per cent filed design applications directly with Offices in foreign jurisdictions.

⁴ This table shows the numbers of designs contained in direct applications filed abroad (excluding designs contained in Hague designations of these Offices), as reported by the Offices receiving such applications.

15. This criterion focuses on the filing behavior of applicants who are seeking protection abroad. An introduction of the languages which show a high market share could place emphasis on users which seek protection abroad by using the Hague System. An introduction of the languages which show a low market share could place emphasis on users which seek protection abroad, but do not use the Hague System for it.

Table VI: Total Number of Designs Contained in Filings Abroad (Hague and Direct Filings) and Hague Market Share (2018-2022)

Ranking	Language	Designs in Hague Applications ⁵	Total of Designs in Filings abroad (Hague and Direct) ⁶	Hague Market Share (Percentage) ⁷
1	English	52,971	242,520	21.8
2	German	122,538	239,764	51.1
3	Chinese	17,770	216,167	8.2
4	French	61,088	119,696	51
5	Italian	44,954	119,461	37.6
6	Japanese	13,776	63,613	21.7
7	Dutch	17,224	48,639	35.4
8	Korean	16,046	47,235	34
9	Polish	3,284	29,616	11.1
10	Spanish	6,555	27,298	24
11	Danish	6,254	18,941	33
12	Turkish	8,755	9,836	89
13	Finnish	977	7,312	13.4
14	Hebrew	2,280	6,086	37.5
15	Russian	3,029	4,760	63.6
16	Norwegian	2,901	4,248	68.3
17	Bulgarian	1,093	4,237	25.8
18	Greek	2,739	3,871	70.8
19	Romanian	396	2,552	15.5
20	Croatian	1,891	2,373	79.7

Number of Native Speakers

16. This table shows the total number of native speakers of a language worldwide.

17. An introduction of new Hague System languages following this criterion could place emphasis on the number of users that could potentially file international applications in that language if it was included into the Hague System.

⁵ This column shows the number of designs contained in Hague applications for all designations, as reported in the Hague System.

⁶ This column shows the total number of designs contained in non-resident applications, as reported by the Offices receiving such applications.

⁷ This column shows the percentage of the numbers in column "Designs in Hague Applications" in relation to the number in column "Total of Designs in Filings abroad (Hague and Direct)".

Table VII: Total Number of Native Speakers per Language

Ranking	Language	Number of Native Speakers (in millions) ⁸
1	Chinese	1,350
2	English	604
3	Hindi	586
4	Spanish	457
5	Arabic	375
6	Bengali	284
7	Portuguese	230
8	Russian	155
9	Punjabi	154
10	Japanese	125
11	Javanese	109
12	Telugu	103
13	Marathi	100
14	French	98
15	German	97
16	Urdu	91
17	Tamil	90
18	Vietnamese	87
19	Korean	81
20	Turkish	78

Number of States with that Official Language

18. This table shows the number of states with that official language.

19. An introduction of new Hague System languages following this criterion could place emphasis on the number of Offices which may issue communications in that language if they were a member of the Hague System, and the language were included as well as the potential number of users that may file international applications in that language if their country was a Hague member.

⁸ See WorldData, available at: www.worlddata.info. This source groups varieties of languages (dialects) together. For example, the varieties of Arabic and Chinese are grouped together. The Ethnologue, referenced in document H/LD/WG/10/5, Annex I, adopts a more strict definition of a language.

Table VIII: Total Number of States with that Official Language

Ranking	Number of States with that official language	Number of States ⁹
1	English	58
2	French	28
3	Arabic	23
4	Spanish	20
5	Portuguese	9
6	German	6
7	Italian	4
7	Malay	4
7	Russian	4
7	Serbo-Croatian	4
7	Swahili	4
12	Dutch	3
12	Somali	3
12	Sotho	3
12	Persian	3
12	Tamil	3
17	Chinese	2
17	Greek	2
17	Korean	2
17	Romanian	2
17	Swedish	2
17	Turkish	2

Official Languages of the United Nations

20. This criterion shows the six official languages of the United Nations. The six official languages of the United Nations are used in meetings of the United Nations. Official meetings documents are published in those languages and delegates may speak in any of those languages.

Table IX: Six Official Languages of the United Nations

UN languages
English, French, Spanish, Arabic, Chinese, Russian

[End of Annex and of document]

⁹ See Wikipedia, available at: www.wikipedia.org, in combination with the World Factbook, available at: www.cia.gov/the-world-factbook.