

Madrid Agreement Concerning the International Registration of Marks

of April 14, 1891,
as revised

at BRUSSELS on December 14, 1900, at WASHINGTON
on June 2, 1911, at THE HAGUE on November 6, 1925,
at LONDON on June 2, 1934, at NICE on June 15, 1957,
and at STOCKHOLM on July 14, 1967,
and as amended on October 2, 1979

and

Regulations

of June 21, 1974,
as amended on September 29, 1975, November 24, 1981,
and December 15, 1983



World Intellectual Property Organization
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¹ This is a provisional English translation prepared by the International Bureau of the World Intellectual Property Organization (WIPO).

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Article 1

[Establishment of a Special Union. Filing of Marks at International Bureau. Definition of Country of Origin]¹

(1) The countries to which this Agreement applies constitute a Special Union for the international registration of marks.

(2) Nationals of any of the contracting countries may, in all the other countries party to this Agreement, secure protection for their marks applicable to goods or services, registered in the country of origin, by filing the said marks at the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention establishing the World Intellectual Property Organization (hereinafter designated as "the Organization"), through the intermediary of the Office of the said country of origin.

¹ Articles have been given titles to facilitate their identification. There are no titles in the signed, French text.

(3) Shall be considered the country of origin the country of the Special Union where the applicant has a real and effective industrial or commercial establishment; if he has no such establishment in a country of the Special Union, the country of the Special Union where he has his domicile; if he has no domicile within the Special Union but is a national of a country of the Special Union, the country of which he is a national.

Article 2

[Reference to Article 3 of Paris Convention (Same Treatment for Certain Categories of Persons as for Nationals of Countries of the Union)]

Nationals of countries not having acceded to this Agreement who, within the territory of the Special Union constituted by the said Agreement, satisfy the conditions specified in Article 3 of the Paris Convention for the Protection of Industrial Property shall be treated in the same manner as nationals of the contracting countries.

Article 3

[Contents of Application for International Registration]

(1) Every application for international registration must be presented on the form prescribed by the Regulations; the Office of the country of origin of the mark shall certify that the particulars appearing in such application correspond to the particulars in the national register, and shall mention the dates and numbers of the filing and registration of the mark in the country of origin and also the date of the application for international registration.

(2) The applicant must indicate the goods or services in respect of which protection of the mark is claimed and also, if possible, the corresponding class or classes according to the classification established by the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks. If the applicant does not give such indication, the International Bureau shall classify the goods or services in the appropriate classes of the said

classification. The indication of classes given by the applicant shall be subject to control by the International Bureau, which shall exercise the said control in association with the national Office. In the event of disagreement between the national Office and the International Bureau, the opinion of the latter shall prevail.

(3) If the applicant claims color as a distinctive feature of his mark, he shall be required:

1. to state the fact, and to file with his application a notice specifying the color or the combination of colors claimed;
2. to append to his application copies in color of the said mark, which shall be attached to the notification given by the International Bureau. The number of such copies shall be fixed by the Regulations.

(4) The International Bureau shall register immediately the marks filed in accordance with Article 1. The registration shall bear the date of the application for international registration in the country of origin, provided that the application has been received by the International Bureau within a period of two months from that date. If the application has not been received within that period, the International Bureau shall record it as at the date on which it received the said application. The International Bureau shall notify such registration without delay to the Offices concerned. Registered marks shall be published in a periodical journal issued by the International Bureau, on the basis of the particulars contained in the application for registration. In the case of marks comprising a figurative element or a special form of writing, the Regulations shall determine whether a printing block must be supplied by the applicant.

(5) With a view to the publicity to be given in the contracting countries to registered marks, each Office shall receive from the International Bureau a number of copies of the said publication free of charge and a number of copies at a reduced price, in proportion to the number of units mentioned

in Article 16(4)(a) of the Paris Convention for the Protection of Industrial Property, under the conditions fixed by the Regulations. Such publicity shall be deemed in all the contracting countries to be sufficient, and no other publicity may be required of the applicant.

Article 3^{bis}

[“ Territorial Limitation ”]

(1) Any contracting country may, at any time, notify the Director General of the Organization (hereinafter designated as “ the Director General ”) in writing that the protection resulting from the international registration shall extend to that country only at the express request of the proprietor of the mark.

(2) Such notification shall not take effect until six months after the date of the communication thereof by the Director General to the other contracting countries.

Article 3^{ter}

[Request for “ Territorial Extension ”]

(1) Any request for extension of the protection resulting from the international registration to a country which has availed itself of the right provided for in Article 3^{bis} must be specially mentioned in the application referred to in Article 3(1).

(2) Any request for territorial extension made subsequently to the international registration must be presented through the intermediary of the Office of the country of origin on a form prescribed by the Regulations. It shall be immediately registered by the International Bureau, which shall notify it without delay to the Office or Offices concerned. It shall be published in the periodical journal issued by the International Bureau. Such territorial extension shall be effective from the date on which it has been recorded in the International Register; it shall cease to be valid on the expiration of the international registration of the mark to which it relates.

Article 4

[Effects of International Registration]

(1) From the date of the registration so effected at the International Bureau in accordance with the provisions of Articles 3 and 3^{ter}, the protection of the mark in each of the contracting countries concerned shall be the same as if the mark had been filed therein direct. The indication of classes of goods or services provided for in Article 3 shall not bind the contracting countries with regard to the determination of the scope of the protection of the mark.

(2) Every mark which has been the subject of an international registration shall enjoy the right of priority provided for by Article 4 of the Paris Convention for the Protection of Industrial Property, without requiring compliance with the formalities prescribed in Section D of that Article.

Article 4^{bis}

[Substitution of International Registration for Earlier National Registrations]

(1) When a mark already filed in one or more of the contracting countries is later registered by the International Bureau in the name of the same proprietor or his successor in title, the international registration shall be deemed to have replaced the earlier national registrations, without prejudice to any rights acquired by reason of such earlier registrations.

(2) The national Office shall, upon request, be required to take note in its registers of the international registration.

Article 5

[Refusal by National Offices]

(1) In countries where the legislation so authorizes, Offices notified by the International Bureau of the registration of a mark or of a request for extension of protection made in accordance with Article 3^{ter} shall have the right to declare that protection cannot be granted to such mark in their terri-

tory. Any such refusal can be based only on the grounds which would apply, under the Paris Convention for the Protection of Industrial Property, in the case of a mark filed for national registration. However, protection may not be refused, even partially, by reason only that national legislation would not permit registration except in a limited number of classes or for a limited number of goods or services.

(2) Offices wishing to exercise such right must give notice of their refusal to the International Bureau, together with a statement of all grounds, within the period prescribed by their domestic law and, at the latest, before the expiration of one year from the date of the international registration of the mark or of the request for extension of protection made in accordance with Article 3^{ter}.

(3) The International Bureau shall, without delay, transmit to the Office of the country of origin and to the proprietor of the mark, or to his agent if an agent has been mentioned to the Bureau by the said Office, one of the copies of the declaration of refusal so notified. The interested party shall have the same remedies as if the mark had been filed by him direct in the country where protection is refused.

(4) The grounds for refusing a mark shall be communicated by the International Bureau to any interested party who may so request.

(5) Offices which, within the aforesaid maximum period of one year, have not communicated to the International Bureau any provisional or final decision of refusal with regard to the registration of a mark or a request for extension of protection shall lose the benefit of the right provided for in paragraph (1) of this Article with respect to the mark in question.

(6) Invalidation of an international mark may not be pronounced by the competent authorities without the proprietor of the mark having, in good time, been afforded the opportunity of defending his rights. Invalidation shall be notified to the International Bureau.

Article 5^{bis}

[Documentary Evidence of Legitimacy of Use of Certain Elements of Mark]

Documentary evidence of the legitimacy of the use of certain elements incorporated in a mark, such as armorial bearings, escutcheons, portraits, honorary distinctions, titles, trade names, names of persons other than the name of the applicant, or other like inscriptions, which might be required by the Offices of the contracting countries shall be exempt from any legalization or certification other than that of the Office of the country of origin.

Article 5^{ter}

[Copies of Entries in International Register. Searches for Anticipation. Extracts from International Register]

(1) The International Bureau shall issue to any person applying therefor, subject to a fee fixed by the Regulations, a copy of the entries in the Register relating to a specific mark.

(2) The International Bureau may also, upon payment, undertake searches for anticipation among international marks.

(3) Extracts from the International Register requested with a view to their production in one of the contracting countries shall be exempt from all legalization.

Article 6

[Period of Validity of International Registration. Independence of International Registration. Termination of Protection in Country of Origin]

(1) Registration of a mark at the International Bureau is effected for twenty years, with the possibility of renewal under the conditions specified in Article 7.

(2) Upon expiration of a period of five years from the date of the international registration, such registration shall become independent of the national mark registered earlier in the country of origin, subject to the following provisions.

(3) The protection resulting from the international registration, whether or not it has been the subject of a transfer, may no longer be invoked, in whole or in part, if, within five years from the date of the international registration, the national mark, registered earlier in the country of origin in accordance with Article 1, no longer enjoys, in whole or in part, legal protection in that country. This provision shall also apply when legal protection has later ceased as the result of an action begun before the expiration of the period of five years.

(4) In the case of voluntary or ex officio cancellation, the Office of the country of origin shall request the cancellation of the mark at the International Bureau, and the latter shall effect the cancellation. In the case of judicial action, the said Office shall send to the International Bureau, ex officio or at the request of the plaintiff, a copy of the complaint or any other documentary evidence that an action has begun, and also of the final decision of the court; the Bureau shall enter notice thereof in the International Register.

Article 7

[Renewal of International Registration]

(1) Any registration may be renewed for a period of twenty years from the expiration of the preceding period, by payment only of the basic fee and, where necessary, of the supplementary and complementary fees provided for in Article 8(2).

(2) Renewal may not include any change in relation to the previous registration in its latest form.

(3) The first renewal effected under the provisions of the Nice Act of June 15, 1957, or of this Act, shall include an indication of the classes of the International Classification to which the registration relates.

(4) Six months before the expiration of the term of protection, the International Bureau shall, by sending an unoffi-

cial notice, remind the proprietor of the mark and his agent of the exact date of expiration.

(5) Subject to the payment of a surcharge fixed by the Regulations, a period of grace of six months shall be granted for renewal of the international registration.

Article 8

[National Fee. International Fee. Division of Excess Receipts,
Supplementary Fees, and Complementary Fees]

(1) The Office of the country of origin may fix, at its own discretion, and collect, for its own benefit, a national fee which it may require from the proprietor of the mark in respect of which international registration or renewal is applied for.

(2) Registration of a mark at the International Bureau shall be subject to the advance payment of an international fee which shall include:

- (a) a basic fee;
- (b) a supplementary fee for each class of the International Classification, beyond three, into which the goods or services to which the mark is applied will fall;
- (c) a complementary fee for any request for extension of protection under Article 3^{ter}.

(3) However, the supplementary fee specified in paragraph (2)(b) may, without prejudice to the date of registration, be paid within a period fixed by the Regulations if the number of classes of goods or services has been fixed or disputed by the International Bureau. If, upon expiration of the said period, the supplementary fee has not been paid or the list of goods or services has not been reduced to the required extent by the applicant, the application for international registration shall be deemed to have been abandoned.

(4) The annual returns from the various receipts from international registration, with the exception of those provided for under (b) and (c) of paragraph (2), shall be divided equally

among the countries party to this Act by the International Bureau, after deduction of the expenses and charges necessitated by the implementation of the said Act. If, at the time this Act enters into force, a country has not yet ratified or acceded to the said Act, it shall be entitled, until the date on which its ratification or accession becomes effective, to a share of the excess receipts calculated on the basis of that earlier Act which is applicable to it.

(5) The amounts derived from the supplementary fees provided for in paragraph (2)(b) shall be divided at the expiration of each year among the countries party to this Act or to the Nice Act of June 15, 1957, in proportion to the number of marks for which protection has been applied for in each of them during that year, this number being multiplied, in the case of countries which make a preliminary examination, by a coefficient which shall be determined by the Regulations. If, at the time this Act enters into force, a country has not yet ratified or acceded to the said Act, it shall be entitled, until the date on which its ratification or accession becomes effective, to a share of the amounts calculated on the basis of the Nice Act.

(6) The amounts derived from the complementary fees provided for in paragraph (2)(c) shall be divided according to the requirements of paragraph (5) among the countries availing themselves of the right provided for in Article 3^{bis}. If, at the time this Act enters into force, a country has not yet ratified or acceded to the said Act, it shall be entitled, until the date on which its ratification or accession becomes effective, to a share of the amounts calculated on the basis of the Nice Act.

Article 8^{bis}

[Renunciation in Respect of One or More Countries]

The person in whose name the international registration stands may at any time renounce protection in one or more of the contracting countries by means of a declaration filed

with the Office of his own country, for communication to the International Bureau, which shall notify accordingly the countries in respect of which renunciation has been made. Renunciation shall not be subject to any fee.

Article 9

[Changes in National Registers also Affecting International Registration. Reduction of List of Goods and Services Mentioned in International Registration. Additions to that List. Substitutions in that List]

(1) The Office of the country of the person in whose name the international registration stands shall likewise notify the International Bureau of all annulments, cancellations, renunciations, transfers, and other changes made in the entry of the mark in the national register, if such changes also affect the international registration.

(2) The Bureau shall record those changes in the International Register, shall notify them in turn to the Offices of the contracting countries, and shall publish them in its journal.

(3) A similar procedure shall be followed when the person in whose name the international registration stands requests a reduction of the list of goods or services to which the registration applies.

(4) Such transactions may be subject to a fee, which shall be fixed by the Regulations.

(5) The subsequent addition of new goods or services to the said list can be obtained only by filing a new application as prescribed in Article 3.

(6) The substitution of one of the goods or services for another shall be treated as an addition.

Article 9^{bis}

[Transfer of International Mark Entailing Change in Country of Proprietor]

(1) When a mark registered in the International Register is transferred to a person established in a contracting country

other than the country of the person in whose name the international registration stands, the transfer shall be notified to the International Bureau by the Office of the latter country. The International Bureau shall record the transfer, shall notify the other Offices thereof, and shall publish it in its journal. If the transfer has been effected before the expiration of a period of five years from the international registration, the International Bureau shall seek the consent of the Office of the country of the new proprietor, and shall publish, if possible, the date and registration number of the mark in the country of the new proprietor.

(2) No transfer of a mark registered in the International Register for the benefit of a person who is not entitled to file an international mark shall be recorded.

(3) When it has not been possible to record a transfer in the International Register, either because the country of the new proprietor has refused its consent or because the said transfer has been made for the benefit of a person who is not entitled to apply for international registration, the Office of the country of the former proprietor shall have the right to demand that the International Bureau cancel the mark in its Register.

Article 9^{ter}

[Assignment of International Mark for Part Only of Registered Goods or Services or for Certain Contracting Countries. Reference to Article 6^{quater} of Paris Convention (Assignment of Mark)]

(1) If the assignment of an international mark for part only of the registered goods or services is notified to the International Bureau, the Bureau shall record it in its Register. Each of the contracting countries shall have the right to refuse to recognize the validity of such assignment if the goods or services included in the part so assigned are similar to those in respect of which the mark remains registered for the benefit of the assignor.

(2) The International Bureau shall likewise record the assignment of an international mark in respect of one or several of the contracting countries only.

(3) If, in the above cases, a change occurs in the country of the proprietor, the Office of the country to which the new proprietor belongs shall, if the international mark has been transferred before the expiration of a period of five years from the international registration, give its consent as required by Article 9^{bis}.

(4) The provisions of the foregoing paragraphs shall apply subject to Article 6^{quater} of the Paris Convention for the Protection of Industrial Property.

Article 9^{quater}

[Common Office for Several Contracting Countries. Request by Several Contracting Countries to be Treated as a Single Country]

(1) If several countries of the Special Union agree to effect the unification of their domestic legislations on marks, they may notify the Director General:

- (a) that a common Office shall be substituted for the national Office of each of them, and
- (b) that the whole of their respective territories shall be deemed to be a single country for the purposes of the application of all or part of the provisions preceding this Article.

(2) Such notification shall not take effect until six months after the date of the communication thereof by the Director General to the other contracting countries.

Article 10

[Assembly of the Special Union]

(1) (a) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Act.

(b) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it, except for the travel expenses and the subsistence allowance of one delegate for each member country, which shall be paid from the funds of the Special Union.

(2) (a) The Assembly shall:

- (i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;
- (ii) give directions to the International Bureau concerning the preparation for conferences of revision, due account being taken of any comments made by those countries of the Special Union which have not ratified or acceded to this Act;
- (iii) modify the Regulations, including the fixation of the amounts of the fees referred to in Article 8(2) and other fees relating to international registration;
- (iv) review and approve the reports and activities of the Director General concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;
- (v) determine the program and adopt the biennial budget of the Special Union, and approve its final accounts;
- (vi) adopt the financial regulations of the Special Union;
- (vii) establish such committees of experts and working groups as it may deem necessary to achieve the objectives of the Special Union;
- (viii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;
- (ix) adopt amendments to Articles 10 to 13;

- (x) take any other appropriate action designed to further the objectives of the Special Union;
- (xi) perform such other functions as are appropriate under this Agreement.

(2) (b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) (a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 13(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one country only.

(g) Countries of the Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

(4) (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own rules of procedure.

Article II

[International Bureau]

(1) (a) International registration and related duties, as well as all other administrative tasks concerning the Special Union, shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly and of such committees of experts and working groups as may have been established by the Assembly.

(c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly and of such committees of experts or working groups as may have been established by the Assembly. The Director General, or a staff member designated by him, shall be ex officio secretary of those bodies.

(3) (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for the conferences of revision of the provisions of the Agreement other than Articles 10 to 13.

(b) The International Bureau may consult with inter-governmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at those conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

Article 12

[Finances]

(1) (a) The Special Union shall have a budget.

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

- (i) international registration fees and other fees and charges due for other services rendered by the International Bureau in relation to the Special Union;
- (ii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;
- (iii) gifts, bequests, and subventions;
- (iv) rents, interests, and other miscellaneous income.

(4) (a) The amounts of the fees referred to in Article 8(2) and other fees relating to international registration shall be fixed by the Assembly on the proposal of the Director General.

(b) The amounts of such fees shall be so fixed that the revenues of the Special Union from fees, other than the supplementary and complementary fees referred to in Article 8(2)(b) and (c), and other sources shall be at least sufficient to cover the expenses of the International Bureau concerning the Special Union.

(c) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) Subject to the provisions of paragraph (4)(a), the amount of fees and charges due for other services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (a) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country as a member of the Paris Union for the Protection of Industrial Property to the budget of the said Union for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(d) As long as the Assembly authorizes the use of the reserve fund of the Special Union as a working capital fund, the Assembly may suspend the application of the provisions of subparagraphs (a), (b), and (c).

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working

capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 13

[Amendment of Articles 10 to 13]

(1) Proposals for the amendment of Articles 10, 11, 12, and the present Article, may be initiated by any country member of the Assembly, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 10, and to the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time

the amendment enters into force, or which become members thereof at a subsequent date.

Article 14

[Ratification and Accession. Entry into Force. Accession to Earlier Acts. Reference to Article 24 of Paris Convention (Territories)]

(1) Any country of the Special Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it.

(2) (a) Any country outside the Special Union which is party to the Paris Convention for the Protection of Industrial Property may accede to this Act and thereby become a member of the Special Union.

(b) As soon as the International Bureau is informed that such a country has acceded to this Act, it shall address to the Office of that country, in accordance with Article 3, a collective notification of the marks which, at that time, enjoy international protection.

(c) Such notification shall, of itself, ensure to the said marks the benefits of the foregoing provisions in the territory of the said country, and shall mark the commencement of the period of one year during which the Office concerned may make the declaration provided for in Article 5.

(d) However, any such country may, in acceding to this Act, declare that, except in the case of international marks which have already been the subject in that country of an earlier identical national registration still in force, and which shall be immediately recognized upon the request of the interested parties, application of this Act shall be limited to marks registered from the date on which its accession enters into force.

(e) Such declaration shall dispense the International Bureau from making the collective notification referred to above. The International Bureau shall notify only those marks in respect of which it receives, within a period of one year from

the accession of the new country, a request, with the necessary particulars, to take advantage of the exception provided for in subparagraph (d).

(f) The International Bureau shall not make the collective notification to such countries as declare, in acceding to this Act, that they are availing themselves of the right provided for in Article 3^{bis}. The said countries may also declare at the same time that the application of this Act shall be limited to marks registered from the day on which their accessions enter into force; however, such limitation shall not affect international marks which have already been the subject of an earlier identical national registration in those countries, and which could give rise to requests for extension of protection made and notified in accordance with Articles 3^{ter} and 8(2)(c).

(g) Registrations of marks which have been the subject of one of the notifications provided for in this paragraph shall be regarded as replacing registrations effected direct in the new contracting country before the date of entry into force of its accession.

(3) Instruments of ratification and accession shall be deposited with the Director General.

(4) (a) With respect to the first five countries which have deposited their instruments of ratification or accession, this Act shall enter into force three months after the deposit of the fifth such instrument.

(b) With respect to any other country, this Act shall enter into force three months after the date on which its ratification or accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(5) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.

(6) After the entry into force of this Act, a country may accede to the Nice Act of June 15, 1957, only in conjunction with ratification of, or accession to, this Act. Accession to Acts earlier than the Nice Act shall not be permitted, not even in conjunction with ratification of, or accession to, this Act.

(7) The provisions of Article 24 of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

Article 15

[Denunciation]

(1) This Agreement shall remain in force without limitation as to time.

(2) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of all earlier Acts and shall affect only the country making it, the Agreement remaining in full force and effect as regards the other countries of the Special Union.

(3) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(4) The right of denunciation provided for by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Special Union.

(5) International marks registered up to the date on which denunciation becomes effective, and not refused within the period of one year provided for in Article 5, shall continue, throughout the period of international protection, to enjoy the same protection as if they had been filed direct in the denouncing country.

Article 16

[Application of Earlier Acts]

(1) (a) This Act shall, as regards the relations between the countries of the Special Union by which it has been ratified or acceded to, replace, as from the day on which it enters into force with respect to them, the Madrid Agreement of 1891, in its texts earlier than this Act.

(b) However, any country of the Special Union which has ratified or acceded to this Act shall remain bound by the earlier texts which it has not previously denounced by virtue of Article 12(4) of the Nice Act of June 15, 1957, as regards its relations with countries which have not ratified or acceded to this Act.

(2) Countries outside the Special Union which become party to this Act shall apply it to international registrations effected at the International Bureau through the intermediary of the national Office of any country of the Special Union not party to this Act, provided that such registrations satisfy, with respect to the said countries, the requirements of this Act. With regard to international registrations effected at the International Bureau through the intermediary of the national Offices of the said countries outside the Special Union which become party to this Act, such countries recognize that the aforesaid country of the Special Union may demand compliance with the requirements of the most recent Act to which it is party.

Article 17

[Signature, Languages, Depositary Functions]

(1) (a) This Act shall be signed in a single copy in the French language and shall be deposited with the Government of Sweden.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) This Act shall remain open for signature at Stockholm until January 13, 1968.

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Act to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

(4) The Director General shall register this Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Special Union of signatures, deposits of instruments of ratification or accession and any declarations included in such instruments, entry into force of any provisions of this Act, notifications of denunciation, and notifications pursuant to Articles 3^{bis}, 9^{quater}, 13, 14(7), and 15(2).

Article 18

[Transitional Provisions]

(1) Until the first Director General assumes office, references in this Act to the International Bureau of the Organization or to the Director General shall be construed as references to the Bureau of the Union established by the Paris Convention for the Protection of Industrial Property or its Director, respectively.

(2) Countries of the Special Union not having ratified or acceded to this Act may, until five years after the entry into force of the Convention establishing the Organization, exercise, if they so desire, the rights provided for under Articles 10 to 13 of this Act as if they were bound by those Articles. Any country desiring to exercise such rights shall give written notification to that effect to the Director General; such notification shall be effective from the date of its receipt. Such countries shall be deemed to be members of the Assembly until the expiration of the said period.

Regulations Under the Madrid Agreement Concerning the International Registration of Marks*

(Text in force as from April 1, 1984) **

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* Translation prepared by the International Bureau of the World Intellectual Property Organization (WIPO).

** Adopted on June 21, 1974, amended on September 29, 1975, November 24, 1981, and December 15, 1983.

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Preamble

The Assembly of the Special Union for the International Registration of Marks, in accordance with Article 10(2)(a)(iii) of the Madrid Agreement Concerning the International Registration of Marks, as revised at Stockholm on July 14, 1967,

and

The Committee of Directors of National Industrial Property Offices of the Special Union for the International Registration of Marks, in accordance with Article 10(4) of the

Madrid Agreement Concerning the International Registration of Trademarks, as revised at Nice on June 15, 1957,

Meeting at Geneva in joint extraordinary sessions from June 17 to 21, 1974,

Unanimously adopt these Regulations Under the Madrid Agreement Concerning the International Registration of Marks.

CHAPTER 1

General Provisions

Rule 1

National Office

(1) Applications for the international registration of a mark or requests for the recording of any change affecting such registration shall be addressed to the International Bureau through the intermediary of the Office of the country of origin or of the Office of the country of the owner of the mark according to the areas of competence laid down by the Agreement.

(2) Any correspondence regarding the application or the request shall be addressed by the International Bureau to the national Office, which shall reply to such correspondence.

(3) The required fees shall be payable directly by the parties concerned unless national regulations prescribe or permit such payment through the national Office; if the required fees are paid directly by the parties concerned, the International Bureau shall correspond directly with them in respect of the payment of such fees.

(4) Where the signature of the national Office is required under these Regulations, a facsimile or official seal may replace such signature.

(5) Any envelope containing more than one document shall include a check list identifying each document.

Rule 2

Language

(1) For the purposes of the implementation of the Agreement, the working language of the International Bureau shall be French.

(2) In particular, applications for registration, requests for the recording of any change affecting the registration, correspondence regarding such applications and requests, and information provided by the International Bureau on the state of the International Register, particularly extracts from that Register and replies to requests for searches for anticipation, shall be in French.

Rule 3

Calculation of Time Limits

(1) For the International Bureau, any period expressed in months shall start to run from the day on which the relevant event takes place and shall expire in the relevant subsequent month on the day whose date corresponds to the day from which the period starts to run, provided that, if the relevant subsequent month has no corresponding day, the period shall expire on the last day of that month.

(2) If a communication or payment is required to reach the International Bureau within a given period the last day of which falls on a Saturday, a Sunday or some other day on which the International Bureau is not open to receive such communications or payments, the period shall be extended until the next subsequent day on which none of the said circumstances obtains.

(3) The International Bureau shall in all cases indicate the date of expiration of the time limits allowed.

Rule 3^{bis}

Means of Communicating with the International Bureau

(1) All communications addressed to the International Bureau shall be effected in writing. Any action of the International Bureau shall be based exclusively on the written record at that Bureau.

(2) The transmission of data to the International Bureau by telegraph, teleprinter or other comparable means of telecommunication shall be considered equivalent to the communication of those data in writing, provided that:

- (a) the data, when they reach the International Bureau, are set down legibly in the working language specified in Rule 2, and that:
- (b) when the data so transmitted are required to be presented on a form, the corresponding headings and the reference numbers appearing on that form are also transmitted.

(3) Where the Regulations require a form or document to be signed, transmission of the prescribed data by one of the means referred to in paragraph (2) shall not be considered effective unless the International Bureau has received, before twenty (20) days have expired following the date of receipt of the transmission, the form or document in question that confirms the original communication and bears the required signature. Thus confirmed, the original communication shall take effect on the date on which it was received by the International Bureau.

CHAPTER 2

Applications for Registration

Rule 4

Form and Contents of the Application

(1) The application for registration shall be presented in two copies, dated and signed by the national Office, on the form supplied free of charge by the International Bureau. The form shall be completed legibly, and preferably type-written.

(2) The application shall contain or indicate:

- (a) the name of the applicant;
- (b) the address of the applicant; if more than one address is given, the address to be used for correspondence shall be indicated;
- (c) the country of the Madrid Union in which the applicant has a real and effective industrial or commercial establishment; failing that, the country of the Madrid Union in which he has his residence; failing that also, the country of the Madrid Union of which he is a national;
- (d) the name and address of the agent, if any;
- (e) the dates and numbers of the filing and registration of the mark in the country of origin;
- (f) where appropriate, a statement that the filing under (e) or any other filing in another country of the Paris Union indicated by the applicant is declared by the applicant to be a first filing within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property;
- (g) a reproduction of the mark in black and white that will fit within a square of 80 x 80 millimeters; the distance between the two points farthest from each other must not be less than 15 millimeters; in addition, if the appli-

cation contains a claim in respect of color, a reproduction of the mark in color and an indication of the colors appearing on that reproduction;

- (h) if the mark is composed of a three-dimensional shape, the notice "three-dimensional mark";
- (i) if the mark or part of the mark consists of or contains matter in script other than Latin script or numbers expressed in forms other than Arabic or Roman, a transliteration of such matter in Latin script and Arabic numerals. The transliteration shall follow the French pronunciation;
- (k) where appropriate, the notice "collective mark";
- (l) the goods and services to which the mark is applied, grouped in the order of the classes of the International Classification and designated in precise terms, preferably in accordance with the terminology of the alphabetical list of that Classification;
- (m) the date on which the national Office has received the application for international registration; the said date shall be the date of national registration if the national Office received the application for international registration before the mark was recorded in the national register;
- (n) the countries in respect of which protection is requested under Article 3^{ter}(1) of the Agreement;
- (o) the period, of either twenty or ten years, for which the basic fee is paid, in accordance with Rule 6(1);
- (p) the amount, method and date of payment of the basic fee, the party paying that fee and, where appropriate, the supplementary fee and the complementary fee indicated in Rule 27(1)(a);
- (q) a declaration by the national Office of the country of origin, certifying that all the particulars concerning the

mark and its owner that appear in the application correspond to those in the national register;

- (r) a declaration by the national Office to the effect that the applicant has submitted to it evidence of his right to use certain elements in the mark, such as those referred to in Article 5^{bis} of the Agreement, where such evidence appears in the national registration of the mark in the country of origin;
- (s) the additional indications which define the constituent elements of the mark, where such indications appear in the national registration of the mark in the country of origin.

(3) The application may also contain:

- (a) if the application relates to a mark in respect of which one or more international registrations have already been made, the dates and numbers of such registrations;
- (b) if the mark contains matter written in a language other than French, a translation of that matter in French.

Rule 5

Documents Accompanying the Application

(1) If the mark includes a figurative element or if the applicant intends to have a word mark registered in a special form of writing, the application shall be accompanied by the fee specified in Rule 27(1)(b) and by two additional reproductions of the mark. Those reproductions shall be free of any overwriting and of sufficient quality to allow clear reproduction of the mark in full detail, in black and white and in the same dimensions as the reproduction appearing in the application.

(2) If the application includes a claim in respect of color, it shall be accompanied by forty reproductions of the mark

in color, in addition to that contained in the application; if the mark is comprised of several separate parts, these various elements shall, in the case of each of the forty reproductions, be collected together and pasted on a sheet of paper of not more than 297 millimeters in height and 210 millimeters in breadth (A4 format).

(3) By means of a separate communication attached to the application, the national Office may indicate that the applicant renounces protection in one or more countries in respect of all or some only of the goods and services indicated in the application.

Rule 6

Fees Accompanying the Application and Payment of the Balance of the Fee

(1) The application shall be accompanied by the fees indicated in Rule 27(1)(a); the basic fee may be paid for twenty years or for a first period of ten years.

(2) If the basic fee has been paid only for a first period of ten years, the balance of the fee, the amount of which is indicated in Rule 27(1)(a)(iii), shall be payable to the International Bureau before the expiration of a period of ten years from the date of international registration.

(3) If the balance of the fee is not paid before the expiration of the period of ten years, the owner shall forfeit the benefits of registration and the registration shall be cancelled, unless the International Bureau is in possession of the balance of the fee and the surcharge fixed in Rule 27(1)(e) within six months from the date of expiration of the period of ten years.

CHAPTER 3
Irregular Applications

Rule 7
General Provisions

(1) If the application for registration does not comply with the Agreement or these Regulations, the International Bureau shall defer registration and notify the national Office accordingly; if, in the case of payment of the required fees, such payment is not made through the intermediary of the national Office, the applicant or his agent shall be invited to put the application in order.

(2) If the application is not put in order within three months from the date of the notification referred to in paragraph (1), the International Bureau shall allow a further period of three months for the said application to be put in order; it shall notify the applicant or his agent, as well as the national Office.

(3) If the application is not put in order within the period allowed under paragraph (2), it shall be considered abandoned and any fees already paid shall be reimbursed.

(4) Paragraphs (1) to (3) shall apply subject to Rules 8 and 9.

Rule 8
Classification of Goods and Services

(1) If the goods and services are not classified or grouped in classes, or if the International Bureau considers the classification indicated to be incorrect or the indication of goods and services too vague, it shall submit its proposals for classification to the national Office, unless the national Office waives this faculty. If, as a result of the said proposals, pay-

ment of the supplementary fee indicated in Rule 27(1)(a)(iv) is due, the International Bureau shall inform the applicant or his agent, or the national Office if the required fees have been paid through the intermediary of that Office.

(2) In the cases referred to in paragraph (1), the International Bureau shall further notify the applicant or his agent, or the national Office if the required fees have been paid through the intermediary of that Office, that a classification fee is payable, the amount of which is fixed in Rule 27(1)(c).

(3) The supplementary fee and the classification fee shall be paid within a period of three months from the date of the International Bureau's proposals.

(4) If, by the expiration of the period referred to in paragraph (3), the International Bureau has not received any contrary opinion with regard to its proposals, and if the supplementary fee and the classification fee have been paid within the same period, it shall register the mark with the classification it has proposed, subject to Rule 7.

(5) If a contrary opinion is received within the period referred to in paragraph (3), the International Bureau may either make further proposals, if the said period permits, or, if the supplementary fee and the classification fee have been paid within that period, register the mark with the classification it considers appropriate, subject to Rule 7.

(6) If the supplementary fee is not paid within the period referred to in paragraph (3), the application shall be considered abandoned and any fees already paid shall be reimbursed.

(7) Notwithstanding paragraph (3), Rule 7(2) and (3) shall apply, *mutatis mutandis*, if the classification fee has not been paid by the expiration of the period referred to in paragraph (3).

Rule 9

Incomprehensible Terms

If the International Bureau finds that any term in the list of goods and services is incomprehensible, it shall notify the national Office and allow it a period of three months from the date of the notification to submit either arguments to the effect that the term is comprehensible or a request that the incomprehensible term be deleted. If, on the basis of the said arguments or other considerations, the International Bureau concludes that the term is comprehensible, it shall treat it according to its comprehended meaning. Otherwise the International Bureau shall register the mark with the incomprehensible term, provided that the national Office has indicated the class in which that term should be classified, and shall indicate that in its view the said term is incomprehensible. If no class has been indicated by the national Office, the International Bureau shall delete the said term ex officio.

CHAPTER 4

Registration

Rule 10

Contents of the Register

(1) The International Bureau shall register the mark with the following indications:

- (a) the date of the registration;
- (b) the date on which the mark was effectively recorded in the International Register;
- (c) the period of twenty or ten years for which the basic fee has been paid;
- (d) the serial number of the registration;

- (e) the name and address of the owner of the mark; if more than one address is given, the address to be used for correspondence;
- (f) if the address indicates a country other than the country of origin, the reason for which the latter country should be considered the country of origin;
- (g) a reproduction of the mark and, where applicable, an indication of the color or colors claimed or the notice "three-dimensional mark";
- (h) where applicable, the transliteration referred to in Rule 4(2)(i);
- (i) where applicable, the notice "collective mark";
- (k) the goods and services to which the mark is applied, grouped according to the classes of the International Classification;
- (l) the country of origin, the dates and serial numbers of the filing and registration of the mark in that country on the date of the application for international registration and, where applicable, a statement that that filing or any other filing made in another country of the Paris Union indicated by the applicant is declared by the applicant to be a first filing within the meaning of Article 4 of the Paris Convention;
- (m) the countries in respect of which protection is requested and, where appropriate, any renunciation of protection communicated under Rule 5(3);
- (n) where applicable, the declaration referred to in Rule 4(2)(r);
- (o) where applicable, the additional indications referred to in Rule 4(2)(s);
- (p) the International Bureau's entries for administrative purposes.

(2) The Register shall, where applicable, contain the optional indications referred to in Rule 4(3).

(3) Indications concerning the agent shall be entered in the file of the international registration.

Rule 11

Date of the International Registration

(1) The international registration shall bear the date of the day on which the International Bureau is in possession of an application complying with the Agreement and these Regulations.

(2) However:

- (a) the international registration shall bear the date of the day on which the Office of the country of origin received the application for international registration if, within two months after that date, the International Bureau is in possession of that application and if the said application complies with the Agreement and these Regulations;
- (b) where the national Office received the application for international registration before the mark is recorded in the national register, the international registration shall bear the date of such recording, if, within two months after that date, the International Bureau is in possession of that application and if the said application complies with the Agreement and these Regulations.

(3) Where the application is irregular, the date on which the International Bureau is deemed to be in possession of the application for the purposes of paragraphs (1) and (2) shall be the date on which the application has been put in order.

(4) However, the date of international registration shall not be affected where the irregularity does not relate to

substantial elements and where the application is put in order within three months following the date of the notification mentioned in Rule 7(1). The irregularity shall be deemed to relate to substantial elements when:

- (a) the application does not contain indications concerning the identity or address of the applicant;
- (b) the application does not contain indications concerning the country of the Union in which the applicant has a real and effective industrial or commercial establishment; failing that, the country of the Union in which he has his domicile; failing that also, the country of the Union of which he is a national;
- (c) the application does not contain the dates and numbers of the application and of the registration of the mark in the country of origin;
- (d) the application does not contain a reproduction of the mark;
- (e) the application does not specify the goods and services to which the mark applies;
- (f) the application does not specify the countries for which protection is requested;
- (g) the application does not contain a declaration by the Office of the country of origin certifying that the particulars concerning the mark and its owner that appear in the application correspond to those in the national register;
- (h) no fee has been paid to the International Bureau, or the amount paid is insufficient, except where paragraph (5)(a) applies.

(5) The date of international registration shall also be unaffected when:

- (a) the application is irregular in respect of the classification of goods and services, provided that the sum cor-

responding to the classification fee and, where applicable, the sum corresponding to the supplementary fee have been paid within the period of three months referred to in Rule 8(3);

(b) Rule 9 applies.

CHAPTER 5 Refusals and Invalidations

Rule 12

Form and Contents of Notifications of Refusal and Decisions Following Refusal

(1) Notifications of refusal of protection, whether provisional or final, and of final decisions following such refusal shall be sent to the International Bureau, by registered mail, separately for each mark, in three identical, signed copies.

(2) Notifications of refusal of protection shall indicate:

- (a) the Office refusing protection;
- (b) the number of the international registration concerned and that of the basic national registration;
- (c) the name and address of the owner of the international registration concerned;
- (d) the grounds for refusal;
- (e) if the refusal does not affect all the goods and services, those in respect of which protection is refused;
- (f) the earlier national or international mark or marks opposing the international registration concerned, the goods and services for which those marks are registered (such indication may be made in the original language used in the national register), the registration dates and numbers of the conflicting marks and the names and addresses of their owners; a reproduction of the con-

flicting national marks shall be attached to each copy of the notification if they contain a figurative element or a special form of writing;

- (g) the essential provisions of the national law applicable on the subject;
- (h) the time limit for appeal and the authority to which such appeal shall lie, with the indication, where applicable, that the appeal has to be filed through the intermediary of a local agent;
- (i) the date on which refusal was pronounced.

(3) Notifications of final decisions following refusal shall indicate the number and date of the international registration concerned, as well as the name and address of the person in whose name such registration stands.

Rule 13

Time Limit for Notification, Recording and Transmittal of Refusal

(1) Notifications of refusal of protection shall be sent to the International Bureau within the time limit provided for by the national law, but not later than by the expiration of a time limit of one year following the date on which the mark or the request for territorial extension has been recorded in the International Register; the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it had been sent twenty days before the date on which the International Bureau received it; however, if the date of dispatch thus determined is earlier than the date on which the refusal was pronounced, the International Bureau shall treat such notification as if it had been sent on the latter date.

(2) The notification of refusal shall not be treated as such by the International Bureau:

- (i) if, according to the postmark, it has been sent to the International Bureau after the expiration of the time limit of one year referred to in paragraph (1);
- (ii) if, where the postmark is illegible or missing, it reaches the International Bureau more than twenty days after the expiration of the time limit of one year referred to in paragraph (1);
- (iii) if it does not identify the Office which pronounced the refusal;
- (iv) if it does not bear the signature of the said Office;
- (v) if it does not indicate the number of the international registration concerned, unless other indications contained in the notification permit the said registration to be identified;
- (vi) if it indicates no grounds for refusal.

(3) In the cases referred to in paragraph (2), the International Bureau shall:

- (i) transmit a copy of the notification of refusal to the Office of the country of origin and to the owner of the mark or his agent;
- (ii) inform the Office which sent the notification of refusal, the Office of the country of origin and the owner of the mark or his agent that the notification of refusal shall not be treated as such by the International Bureau, and indicate the reasons therefor.

(4) In cases other than those referred to in paragraph (2), the International Bureau shall record the refusal in the International Register without delay and shall transmit a copy of the notification to the Office of the country of origin and to the owner of the mark or his agent. However, if the notification does not comply with Rule 12(1) and (2) in respect of requirements not specified in paragraph (2) of this Rule, the Office which pronounced the refusal shall be obliged to rectify

the notification without delay at the request of the International Bureau, or of the Office of the country of the owner of the mark, or of the owner of the mark or his agent.

Rule 14

Form and Contents of Notifications of Invalidation

(1) Notifications of invalidation shall be made to the International Bureau, separately for each mark, in three identical, dated and signed copies.

(2) The notification shall indicate:

- (a) the authority pronouncing the invalidation;
- (b) the number of the international registration concerned and, where applicable, the number of the basic national registration;
- (c) the name and address of the person in whose name the international registration stands;
- (d) if the invalidation does not affect all the goods and services, those in respect of which invalidation has been pronounced;
- (e) the earlier national or international marks conflicting with the international registration concerned, their registration dates and numbers and the names and addresses of their owners;
- (f) the essential provisions of the national law applicable on the subject.
- (g) where applicable, the time limit for appeal and the authority to which such appeal shall lie.

(3) The International Bureau is authorized to request the Office of the country from which the notification of invalidation originates to supply it with additional information and, in particular, to indicate the grounds therefor.

CHAPTER 6
Recording of Changes

Rule 15

Form and Contents of the Request

(1) Requests for the recording of changes affecting the international registration, such as territorial extension to one or more countries in respect of all or some of the goods and services, transfer, partial assignment for some of the goods and services or for some of the countries, cancellation of the international registration, renunciation in respect of some of the countries concerned, limitation of the list of goods and services, or changes in the name or address of the owner of the international registration, shall be presented in a single copy, dated and signed by the Office of the country of the owner of the mark, on the form supplied free of charge by the International Bureau. The same shall apply, subject to Rule 17(4) and (5), to requests for the recording of changes relating to the agent.

(2) The request shall in all cases indicate:

- (a) the number of the international registration concerned and, where appropriate, the number of the basic national registration;
- (b) the name and address of the owner of the international registration;
- (c) the amount, method and date of payment of the fees indicated in Rule 27(1)(d) and (f) and the person paying those fees.

(3) The request shall be accompanied by the fees indicated in Rule 27(1)(d) and (f).

Rule 16

Irregular Requests

(1) If the request for the recording of changes does not comply with the Agreement or these Regulations, the International Bureau shall defer the recording of such changes and shall notify the national Office accordingly; if, in the case of payment of the complementary fee or the relevant fee, such payment is not made through the intermediary of the national Office, the owner of the mark or his agent shall be invited to put the request in order.

(2) If the request is not put in order within three months from the date of the notification referred to in paragraph (1), the International Bureau shall allow a further period of three months for the said request to be put in order; it shall notify the owner of the mark or his agent, as well as the national Office.

(3) If the request is not put in order within the period allowed under paragraph (2), it shall be considered abandoned and any fees already paid shall be reimbursed.

Rule 17

Recording in the Register and Date of Recording

(1) Changes affecting the international registration shall be recorded in the International Register as of the date on which the International Bureau is in possession of a request for such recording complying with the Agreement and these Regulations.

(2) Partial assignment shall be recorded in the International Register under the number of the registration of which a part has been assigned and on a separate page reproducing all the elements relating to the part assigned; the latter shall

bear the number of the registration of which a part has been assigned, together with a capital letter.

(3) Changes relating to the agent shall be recorded in the file of the international registration on the date on which the International Bureau is in possession of a request complying with these Regulations.

(4) The changes referred to in paragraph (3) shall also be recorded on the basis of the indications supplied by the national Office at the time of renewal or in a request for the recording of a change affecting the registration.

(5) Revocation or renunciation of the agent's appointment shall be effected by means of a written communication sent directly to the International Bureau by the owner or the agent. It shall operate as from the date of receipt of the communication by the International Bureau. The International Bureau shall inform the national Office of such revocation or renunciation.

(6) Where correspondence addressed to an agent is returned to the International Bureau by the postal service with the mention that it did not reach its addressee, the International Bureau shall address the correspondence to the national Office of the country of the owner concerned with the request that it apply, where appropriate, for the recording in the file of any change concerning the agent.

Rule 18

Corrections

(1) Errors attributable to the International Bureau which affect registrations or recordings in the International Register or their notification or publication shall, at any time, be corrected by the International Bureau.

(2) Errors attributable to a national Office which affect registrations or recordings in the International Register or their notification or publication and which, in the view of the International Bureau, may adversely affect the rights deriving from the international registration shall, at the request of that Office, be corrected by the International Bureau.

(3) Requests for correction under paragraph (2) must reach the International Bureau, at the latest, within six months after the publication of the registration concerned.

(4) Errors, other than those referred to in paragraph (2), which are attributable to a national Office and which affect registrations or recordings in the International Register or their notification or publication shall, at any time, be corrected by the International Bureau.

(5) The International Bureau shall record the corrections in the International Register.

(6) Where a refusal pronounced by a national Office relates to a corrected element, Rule 13 shall apply *mutatis mutandis*; the date of publication of the correction shall be considered by the International Bureau to be the date of recording referred to in Rule 13(1).

CHAPTER 7

Unofficial Notice of Expiration and Renewal

Rule 19

Unofficial Notice of Expiration

Six months before the expiration of the current period of twenty years or, if the basic fee has been paid for a first period of ten years, six months before the expiration of that period, the International Bureau shall remind the owner of the mark and his agent of the date of such expiration, by sending an unofficial notice.

Rule 20

Time Limit for and Conditions of Renewal

(1) The fees required for renewal are the basic fee, the complementary fee and, where applicable, the supplementary fee, which are fixed in Rule 27(1)(a)(i), (iv) and (v).

(2) The fees required for renewal may not be paid earlier than one year before the date of expiration of the current period.

(3) They must be paid, at the latest, on the date of expiration of the current period. However, they may be paid after that date, but not later than on the date of expiration of the period of grace of six months provided for in Article 7(5) of the Agreement, if the surcharge fixed in Rule 27(1)(e) is paid within the same period.

(4) Payment of the fees and, where applicable, of the surcharge shall be accompanied by the indications provided for in Rule 29(2) and, where applicable, by an indication of the countries which have availed themselves of the right provided for by Article 3^{bis} of the Agreement and for which protection is no longer requested.

(5) Payment of the required fees shall be made directly by the parties concerned, unless the regulations of the country of the owner prescribe or permit them to be paid through the intermediary of the Office of that country; if payment is made directly by the parties concerned, the International Bureau shall correspond directly with them.

(6) Limitation, referred to in paragraph (4), of the list of countries in respect of which protection is requested shall not be considered to constitute a change within the meaning of Article 7(2) of the Agreement. Nor shall the grouping of goods and services according to the classes of the International Classification be considered to constitute such change in the case of the first renewal of a registration effected before December 15, 1966.

Rule 21

Renewal of a Registration Which Has Been Partly Assigned

Renewal of a registration which has been partly assigned shall be effected separately in respect of each of the assignor's and the assignee's shares, the conditions of renewal applying in their entirety and separately to both the assignor and the assignee.

Rule 22

Defects

(1) If the conditions for renewal required by the Agreement or these Regulations are not fulfilled, the International Bureau shall notify the owner of the mark or his agent accordingly, or the Office of the country of the owner if the required fees have been paid through the intermediary of that Office.

(2) If the goods and services have been grouped, as provided in Rule 20(6), according to the classes of the International Classification, and the International Bureau finds that the grouping is incorrect, it shall, before making a decision, notify the owner of the mark or his agent, or the Office of the country of the owner if the required fees have been paid through the intermediary of that Office, and shall, in so far as the time limits referred to in paragraph (3) permit, allow them a time limit within which to state their views and, where applicable, to pay the supplementary fee.

(3) The registration shall not be renewed and any fees already paid shall be reimbursed if the conditions for renewal are not fulfilled:

- (i) before the expiration of the current period, or
- (ii) within the six months following such expiration, provided that the surcharge fixed in Rule 27(1)(e) is paid.

Rule 23

Recording in the Register

(1) If it is in conformity with the Agreement and these Regulations, renewal shall be recorded in the International Register on the date of expiration of the current period; it shall also bear that date if it is effected within the six months following the date of expiration.

(2) Recording shall include the following indications:

- (a) the date of the renewal;
- (b) the duration of the effects of renewal;
- (c) the serial number of the renewed registration;
- (d) the name and address of the owner of the mark; if more than one address is given, the address to be used for correspondence;
- (e) if the address indicates a country which is not a member of the Madrid Union, the reason for which the owner of the mark is entitled to be the owner of an international registration;
- (f) a reproduction of the mark and, where applicable, an indication of the color or colors claimed or the notice "three-dimensional mark";
- (g) where applicable, a translation in French or a transliteration in Latin script of the matter referred to in Rule 4(2)(i);
- (h) where applicable, the notice "collective mark";
- (i) the goods and services, grouped according to the classes of the International Classification; if, following a limitation of the list of goods and services, that list is not identical for all countries, the differences shall be indicated; in the case of refusals pronounced for some of the goods and services, only the countries having pronounced the refusal shall be indicated;

- (k) the countries in respect of which the fees required for renewal have been paid and for which the mark is still registered;
- (l) where applicable, the optional indications referred to in Rule 4(3);
- (m) the International Bureau's entries for administrative purposes.

CHAPTER 8

Certificates, Notifications and Publications

Rule 24

Certificates

(1) The International Bureau shall send to the Office of the country of origin, by registered mail, for transmittal to the owner of the mark, a certificate reproducing the indications recorded in the International Register at the time of registration.

(2) It shall, by registered mail, send to the owner of the mark or his agent, or to the Office of the country of the owner where renewal has been effected through the intermediary of that Office, a certificate reproducing the indications recorded in the International Register at the time of renewal.

Rule 25

Notifications

(1) The International Bureau shall notify the Offices of the countries concerned, by registered mail, of registrations, and of provisional and final refusals of protection, final decisions following a refusal, invalidations, renewals, cancella-

tions and any other changes recorded in the International Register.

(2) It shall send the owner of the mark or his agent, by registered mail, a copy of notifications of provisional and final refusals of protection, final decisions following a refusal and invalidations recorded in the International Register. A copy of any recording of changes made in the International Register shall be sent to the owner of the mark or his agent by ordinary mail.

(3) The International Bureau shall notify the national Office or the owner of the mark, by registered mail, of the notifications referred to in Rules 7 and 8 concerning irregular applications.

Rule 26

Publications

(1) The International Bureau shall publish each month, in a periodical entitled *Les Marques internationales*, the registrations, renewals, cancellations and other changes recorded in the International Register; however, refusals of protection, final decisions following a refusal and invalidations shall not be published. The numbers of registrations cancelled owing to failure to pay the balance of the fee due for the second ten-year period shall only be published after the expiration of the period of grace indicated in Rule 6(3).

(2) At the beginning of each year, the International Bureau shall publish tables indicating, in the alphabetical order of the names of their owners, registrations which have been the subject of publication during the preceding year, with the exception of the registrations referred to in paragraph (1), last sentence; registrations cancelled during the current period shall, however, be indicated by their serial numbers only.

(3) The International Bureau shall also publish annual statistics on the international registration of marks.

(4) Each Office shall have the right to receive from the International Bureau, for each unit corresponding to the contribution class chosen in accordance with the Paris Convention, two copies free of charge and two copies at half price of either the paper or the microfiche edition of "Les Marques internationales".

CHAPTER 9

Fees

Rule 27

The required Fees

(1) The International Bureau shall collect the following fees, payable in advance, in Swiss francs:

<i>(a) Registration or renewal fees</i>	<i>Swiss francs</i>
(i) basic fee for 20 years (Rules 6(1) and 20(1))	670
(ii) basic fee for a first period of 10 years (Rule 6(1))	430
(iii) balance of the basic fee for the second period of 10 years (Rule 6(2))	560
(iv) supplementary fee for each class of goods and services after the third (Article 8(2)(b) of the Agreement)	68
(v) complementary fee for territorial extension to one country (Articles 3 ^{ter} (2), 7(1) and 8(2)(c) of the Agreement)	68

(b) fee for making film for figurative marks (Rule 5 (1))	50
(c) fee for classification of goods and services (Rule 8(2))	
(i) where the goods and services are not clas- sified or grouped in classes	50
and per word after the twentieth	4
(ii) where the classification indicated is incor- rect, per word	4
(but no fee if the number of reclassified words is 19 or less)	
(d) fee for recording territorial extension requested subsequent to registration (Article 3 ^{ter} (2) of the Agreement)	135
(e) surcharge for use of the period of grace (Rules 6(3) and 20(3)): 50 % of the fees payable under (a)	
(f) fee for recording a change (Article 9(4) of the Agreement and Rule 15)	
(i) total transfer of the registration	135
(ii) partial assignment of the registration, for some of the goods and services or for some of the countries	135
(iii) limitation of the list of goods and services requested subsequent to registration, for all or some of the countries, except in the case covered by Rule 28(d)	135
(iv) change of name and address of the owner of the mark	
for a single mark	70
for each of the following marks of the same owner if the same change is requested at the same time	10

(v) appointment of an agent, change of agent, of his name and of his address, except in the cases referred to in Rule 28(h)	
for a single mark	30
for each of the following marks of the same owner if the same change is requested at the same time	10
(g) fee for communicating information concerning the contents of the International Register (Article 5 ^{ter} (1) of the Agreement)	
(i) establishing an extract from the Register	70
(ii) some other attestation or information in writing	
for a single mark	50
for each of the following marks of the same owner if the same information is requested at the same time	10
(iii) some other information given orally, per mark	20
(iv) dispatch of a reprint or a photocopy of the publication of the registration, per mark or per page, subject to the provisions of (h)(iii) below	5
(h) fees for searches for anticipation among international marks (Article 5 ^{ter} (2) of the Agreement)	
(i) identity searches	
relating to the verbal elements of a mark applicable to not more than three classes of goods and services	35
where the mark is applicable to more than three classes	70
	57

relating to the figurative elements of a mark applicable to not more than three classes of goods and services	60
where the mark is applicable to more than three classes	110
(ii) similarity searches	
relating to the verbal or figurative elements of a mark applicable to not more than three classes of goods and services	110
for each class after the third	10
relating to the verbal and figurative elements of a mark applicable to not more than three classes of goods and services	220
for each class after the third	20
(iii) dispatch of a reprint or a photocopy of the publication of the registration of a mark indicated in the reply to a request for a search for anticipation, per mark or per page	1

(2) The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for operations to be performed urgently and for services not covered by this Rule.

(3) In the event of any change in the amount of fees, the new amount shall apply to international registrations bearing the date of the entry into force of the change or a later date, and to renewals of international registrations the current protection periods of which expire on that date or a later date. With respect to the balance of the fee due for the second ten-year period, the new amount shall be applicable if the balance of the fee is paid after the change enters into force.

Rule 28

Exemption from Fees

The following shall be exempt from fees:

- (a) total cancellation of an international registration;
- (b) renunciation of protection in some of the countries;
- (c) limitation of the list of goods and services in respect of some of the countries, if declared together with the application for international registration;
- (d) limitation of the list of goods and services requested by the national Office in accordance with Article 6(4), first sentence, of the Agreement;
- (e) recording in the International Register of annulment or cancellation of the basic national mark, of renunciation, or of any other cause for termination of protection of that mark;
- (f) mention, in the International Register, of judicial proceedings or of a final judgment affecting the basic national mark (Article 6(4), second sentence, of the Agreement);
- (g) any recording in the International Register following notice of provisional or final refusal or a judicial decision;
- (h) appointment of an agent in the case referred to in Rule 4(2)(d), and recording of changes relating to the agent referred to in Rule 17(4) and (5).

Rule 29

Payment of Fees

- (1) The fees due to the International Bureau may be paid:
 - (a) by debit to a current account with the International Bureau;

- (b) by transfer to a bank account of the International Bureau;
- (c) by banker's cheque;
- (d) by payment or transfer to the postal cheque account of the International Bureau;
- (e) by payment in cash.

(2) At the time of each payment of a fee, an indication must be given of its purpose, and of the mark concerned, the name of the applicant or, if the mark is recorded in the International Register, the name of the owner of the mark, as well as the number and date of the international registration concerned.

(3) A fee shall be considered to have been paid, within the meaning of these Regulations, on the date on which the International Bureau receives the required amount or, if the required amount is available in an account opened with the International Bureau, on the date on which the latter receives instructions to debit the amount to that account.

Rule 30

Distribution of Supplementary Fees and Complementary Fees

(1) The coefficient mentioned in Article 8(5) of the Agreement from which countries with a system of prior examination benefit in respect of the distribution of supplementary and complementary fees shall be as follows:

for countries which examine only the absolute causes of nullity	two
for countries which also examine anticipations:	
(a) following opposition by third parties	three
(b) ex officio	four

(2) Coefficient four shall also be applied to countries which carry out anticipation searches ex officio with an indication of the most significant anticipations.

CHAPTER 10

Entry into Force and Transitional Provisions

Rule 31

Entry into Force

These Regulations shall enter into force on January 1, 1975, and shall, as of that date, replace the Regulations of the Madrid Agreement Concerning the International Registration of Marks, of April 29, 1970.

Rule 32

Transitional Provisions

(1) If a registration bearing two registration dates is renewed within the required time limits having regard to both of the said dates, the earlier date shall be considered for the purposes of determining the renewal date.

(2) If renewal is effected within the required time limits only in respect of the countries to which the more recent registration date applies, that date shall be considered for the purposes of determining the renewal date.



