

Madrid System for the International Registration of Marks



Report for 2010

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Overall Registration Activity

In 2010, the overall volume of registration activity under the Madrid system increased relative to 2009. The International Bureau received 39,687 international applications (+12.8%) and recorded 37,533 international registrations (+4.5%). During the same period, it received 23,701 renewal requests (+13.8 %) and recorded 21,949 renewals (+14.1%). It further received 14,059 requests for territorial extension (subsequent designations) (+15.7%) and recorded 12,112 such designations (+12.2%) (for further details, see Graphs 1 to 4, and Table 1, below).

At the end of the year, over half a million (526,674) international registrations were active in the International Register (a 2.2% increase relative to 2009).

Table 1, below, provides data concerning also other recordings. Some significant decreases took place with respect to certain types of decisions notified by designated Contracting Parties, including grants of protection (-27.2%), and with respect to certain modifications to existing international registrations, including cancellations due to ceasing of effect (-42.1%) and limitations of the lists of goods and services (-32.7%). Such decreases appear to be the result of the comparatively low level of registration activity that took place the previous year (2009).

Table 1
Selected Transactions Recorded in 2010

Growth rates relative to 2009

	<u>2009</u>	<u>2010</u>	<u>Growth</u>
Acquisition and Maintenance of Rights			
International Registrations	35,925	37,533	4.5%
Renewals	19,234	21,949	14.1%
Subsequent designations	10,797	12,112	12.2%
Individual Designations			
in International Registrations	267,403	261,105	-2.4%
in Renewals	227,160	254,290	11.9%
as Subsequent Designations	35,941	38,371	6.8%
International Registrations in force (at the end of the year)			
Active Registrations	515,562	526,674	2.2%
Active Designations	5,576,236	5,553,204	-0.4%
Number of Right Holders	169,939	174,349	2.6%
Decisions by Designated Contracting Parties			
Grants of Protection	111,241	81,037	-27.2%
Refusals (total or partial)	79,336	75,798	-4.5%
Extensions of the time-limit for refusal based on opposition	21,511	20,082	-6.6%
Final decisions following a refusal	55,195	44,215	-19.9%
Invalidations	537	364	-32.2%
Modifications			
Changes in ownership	14,294	13,155	-8.0%
Cancellations Due to Ceasing of Effect (Rule 22)	3,934	2,277	-42.1%
Total	1,472	927	-37.0%
Partial	2,462	1,350	-45.2%
Cancellations by Holder	342	328	-4.1%
Renunciations	1,494	1,369	-8.4%
Limitations of the list of goods and services	4,379	2,948	-32.7%
Changes in name or address of the holder	22,384	19,415	-13.3%
Other changes (entries concerning representatives, corrections, etc.)	43,309	43,818	1.2%

Profile of Registrations

Coverage (goods, services, business sectors)

In the registrations recorded in 2010, applicants specified on average goods or services falling under two to three classes, the most popular being classes 9, 35, 25, 42, and 5, in that order (see Table 2, below). In 45.5% of the registrations, just one class was specified (see Graph 7).

Table 2**Most Popular Classes in International Registrations**

Registrations by class in 2010, shares within total and growth as compared to 2009

<u>Classes</u>	<u>Products and Services</u>	<u>2010</u>	<u>Share</u>	<u>Growth</u>
Class 9	covers e.g. computer hardware and software and other electrical or electronic apparatus of a scientific nature	7,804	8.5%	-1.7%
Class 35	covers services such as office functions, advertising and business management	6,454	7.0%	-5.1%
Class 25	covers clothing, footwear and headgear	4,959	5.4%	10.6%
Class 42	covers services provided by e.g. scientific, industrial or technological engineers and computer specialists	4,823	5.2%	-9.6%
Class 5	includes mainly pharmaceuticals and other preparations for medical purposes	4,673	5.1%	2.6%
Class 41	covers services in the area of education, training, entertainment, sporting and cultural activities	4,047	4.4%	-9.4%
Class 3	includes mainly cleaning preparations and toilet preparations	3,578	3.9%	5.1%
Class 16	includes mainly paper, goods made from that material and office requisites	3,515	3.8%	-10.4%
Class 30	includes mainly foodstuffs of plant of origin, prepared for consumption or conservations as well as auxiliaries intended for the improvement of the flavour of food	2,968	3.2%	-0.8%
Class 7	includes mainly machines, machine tools, motors and engines	2,707	2.9%	-5.3%

Coverage (territories)

Applicants designated on average seven (7) Contracting Parties in which they sought protection of their mark; more than half (64.2%) of the registrations received in 2010 sought protection in five or less export markets (see Graph 8).

Amount of fees paid

Applicants paid on average a fee of 2,996 Swiss francs for an international registration; for 67.9% of the registrations, the fees paid amounted to less than 3,000 Swiss francs (see Graph 9).

Registrations in Force

On December 31, 2010, 526,674 international registrations were in force, containing some 5,553,204 million active designations. Those international registrations belonged to 174,349 different right-holders (many of them SMEs) (see more details in Graph 10).

Fee Distribution Among Contracting Parties

In 2010, WIPO collected supplementary fees for an amount of 3,034,900 Swiss Francs and complementary fees for an amount of 38,817,800 Swiss Francs, for distribution among designated Contracting Parties in 2011. In addition, WIPO collected and distributed among designated Contracting Parties individual fees for a total amount of 104,789,232 Swiss Francs.

Filing Trends

Global

In 2010, the International Bureau received 39,687 international applications, a 12.8% increase relative to 2009. Graphs 5 and 6 compare total and monthly figures with those of previous years.

By Contracting Party (Table 3)

With 5,006 international applications filed in 2010, Germany continued to be the largest filer Contracting Party (accounting for 12.6% of the total number of applications filed that year), and was followed by the European Union, the United States of America, France and Switzerland, in that order. Developing countries accounted for 2,745 filings in 2010, representing 6.9% of total filings.

Most countries showed an increase in the number of international applications filed in 2010. This was the case of the Republic of Korea (+42.2%), China (+42%), Italy (+38.7%), the United States of America (+29.6%), the European Union (+26.9%), Japan (+20.2%), the United Kingdom (+16.7%) and the Russian Federation (+14%). There were decreases in the number of international applications filed in Spain (-14.8%), the Czech Republic (-13.4%) and Poland (-10.4%) (see Table 3).

Some Contracting Parties moved up in the list of major users of the Madrid system, including the United States of America (from 4th to 3rd place), Italy (from the 7th to 6th), China (from 8th to 7th), the Republic of Korea (from 23rd to 17th) and the Ukraine (from 29th to 21st).

Trends in Designations (Table 4)

299,476 new designations (contained in new registrations or territorial extensions) were notified to Contracting Parties in 2010. That represented a 1.3% decrease relative to 2009. The likely reason for such a decrease is that many applicants prefer making a single designation of the European Union as a whole instead of designating individual Member States of the European Union.

With 16,143 designations, China continued to be the most designated Contracting Party, immediately followed by the European Union, the United States of America, the Russian Federation, Switzerland and Japan.

The number of designations increased in some Contracting Parties that moved up in the list of most designated Contracting Parties. This was the case of the European Union (from 5th to 2nd), the Republic of Korea (from 10th to 8th), Egypt (from 39th to 21st), Morocco (from 27th to 22nd), Kazakhstan (from 29th to 26th) and Iran (Islamic Republic of) (from 37th to 33rd).

New, Better Services Offered to Users (Applicants and Holders)

Customer Service

The Customer Service Team that was established in 2009 was strengthened in 2010. The team was composed of a Coordinator and six Information Assistants with experience as examiners. The team dealt with numerous phone calls, e-mails, facsimiles and letters regarding the procedures under the Madrid system and the status of international applications and international registrations.

The team also prepared certified extracts from the International Registers of Marks, Industrial Designs and Appellations of Origin, as well as certified information, requested by holders, representatives or third parties.

Goods and Services Manager

In December 2010, the Goods and Services Manager (G&S Manager) became publicly available on the WIPO website. This on-line tool, developed by WIPO in the context of a project approved by the Madrid Union Assembly in 2009, is designed to assist trademark applicants and their representatives in compiling the lists of goods and services that they need to submit when filing international applications under the Madrid System. The G&S Manager contains some 30,000 terms that can be used to describe goods or services in English, and their equivalents in French and Spanish. A Russian version of the G&S Manager, containing some 16,000 terms translated into Russian by the Office of the Russian Federation (ROSPATENT), has also been made available. Other language versions of the G&S Manager are currently under development, in cooperation with the Offices of other interested Madrid Union members.

The G&S Manager can be accessed through the Madrid system webpage (<http://www.wipo.int/madrid/en/services/>) or the WIPO GOLD portal (<http://www.wipo.int/wipogold/en/trademarks.html>). More information on the G&S Manager can be found under the shortcut FAQ at: http://www.wipo.int/madrid/en/services/gs_manager.html

Rationalization of Legacy IP Information Services

Legacy IP information services such as Madrid Express, the PDF version of the WIPO Gazette of International Marks and its DVD version were discontinued from the end of 2010. The Madrid Express service was succeeded by a new version of ROMARIN, whilst PDF and DVD based information products are succeeded by free of charge, HTML based equivalents. For more details, reference is made to Information Notice No. 17/2010 on the Madrid system homepage at: <http://www.wipo.int/madrid/en/notices>.

Web Based Client Communication

The development of the Madrid Portfolio Manager (MPM) and Madrid Electronic Alert (MEA) web services enabled these new products to be made available for beta testing and will be released during the course of 2011.

Information Technology Support

Process Re-Engineering

Numerous Madrid procedures have been re-engineered during 2010, resulting in an automated translation rate of almost 40% and 80% of refusals that are received electronically and processed automatically.

Information Technology Modernization Program

Progress on Phase I and Phase II of the IT Modernization Program was reported to the Madrid Assembly in 2010. For more details reference is made to MM/A/43/1. Work on Phase I will be completed in the first half of 2011, and Phase II is currently scheduled for completion by the end of 2012.

Electronic Communication with the Offices of the Madrid Union Members

The number of the Offices of the Madrid Union members communicating electronically with WIPO remains static. A number of offices have identified new opportunities to enhance their electronic communication with WIPO and four Memoranda of Understanding (MOU) have been negotiated and signed (the Korean Intellectual Property Office (KIPO), the Austrian Patent Office, IP Australia, the Intellectual Property Office of Singapore (IPOS)), formalizing those new electronic exchange arrangements.

Membership and Legal Development of the Madrid System

Membership

After the accession to the Madrid Protocol by Israel and Kazakhstan, the number of Contracting Parties of the Protocol has increased to 83. The total number of Contracting Parties of the Madrid system has increased to 85 (see the list of members of the Madrid Union in page 13).

Working Group on the Legal Development of the Madrid System

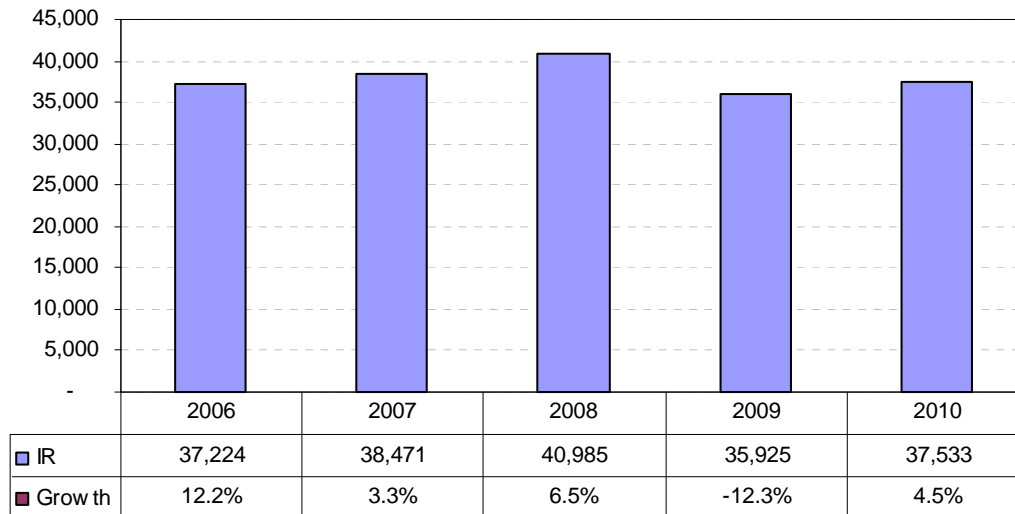
In the continuation of the discussion to review some of the fundamental features of the system (including the basic mark requirement) at the 8th session of the Working Group, it became clear that more precise statistics were needed in order to carry out further analysis on the extent of the occurrence of central attack. The Working Group invited the Offices of the members of the Madrid Union to submit additional relevant information concerning the underlying grounds associated with notifications of ceasing of a effect transmitted, during July to December 2010, to the International Bureau in accordance with Rule 22 of the Common Regulations, as well as additional information with respect to the occurrence of transformation. By the end of 2010, 24 Offices informed the International Bureau that they would participate in this exercise. The data received will be presented at the 9th session of the Working Group.

At the 7th session of the Working Group, the International Bureau was mandated to conduct a study in order to ascertain the impact and consequences of the possible introduction of a procedure which would permit the division of international registrations. With a view to collecting relevant information, the International Bureau addressed in September 2010 a questionnaire to the Offices of all members of the Madrid Union; the questionnaire addressed the division of national or regional applications, the division of national or regional registrations and the division of designations under the Agreement or the Protocol in the course of national proceedings. 54 Offices responded to the questionnaire (a return rate of 65%).

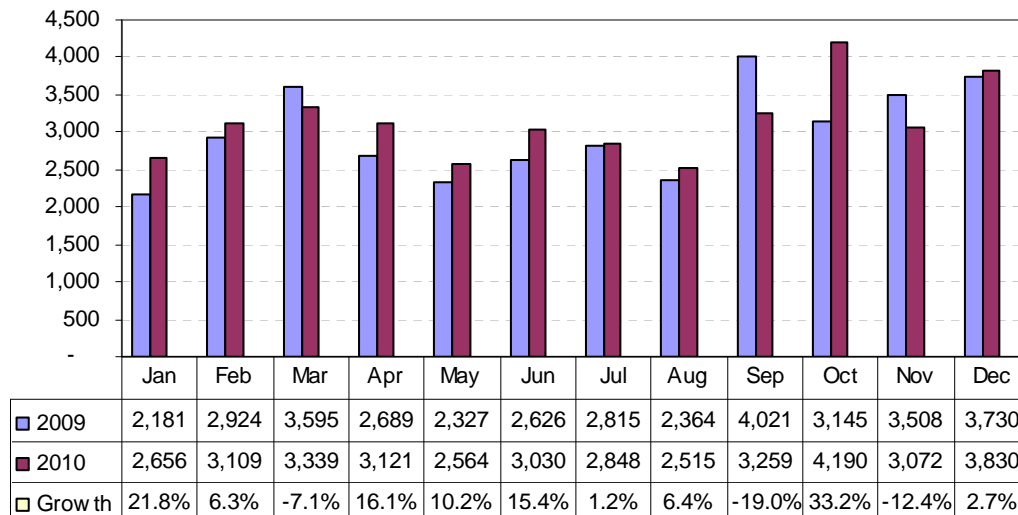
[Graphs and Tables follow]

Graph 1 – International Registrations Recorded in 2006–2010

Growth rate over the previous year

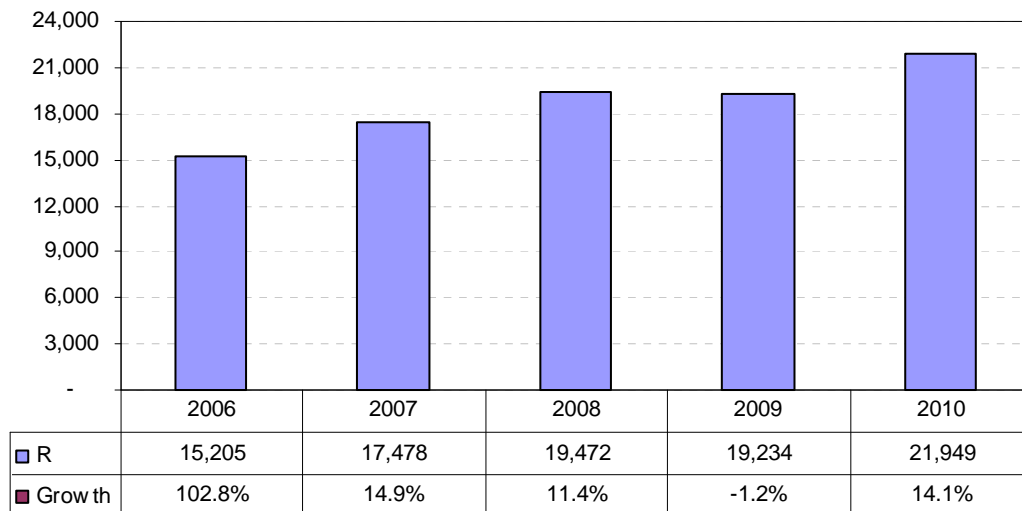
**Graph 2 – International Registrations Recorded in 2009–2010 (by month)**

Growth rate over the previous year



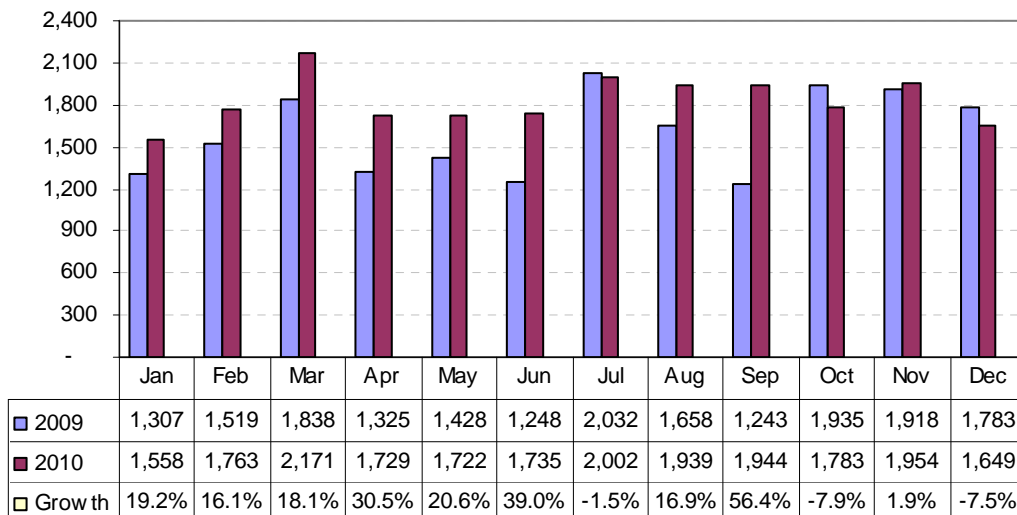
Graph 3 – Renewals Recorded in 2006–2010

Growth rate over the previous year



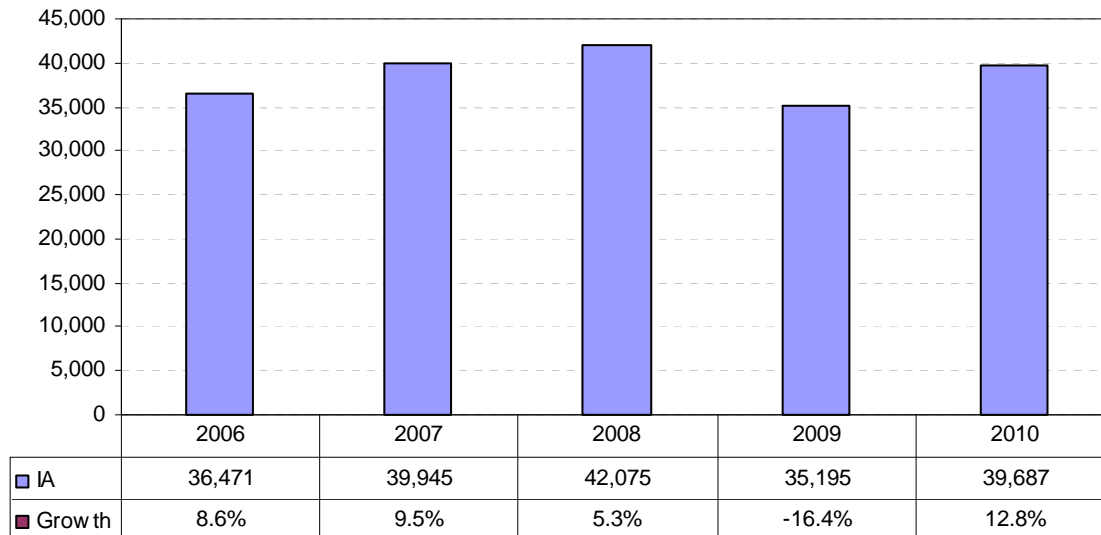
Graph 4 – Renewals Recorded in 2009–2010 (by month)

Growth rate over the previous year

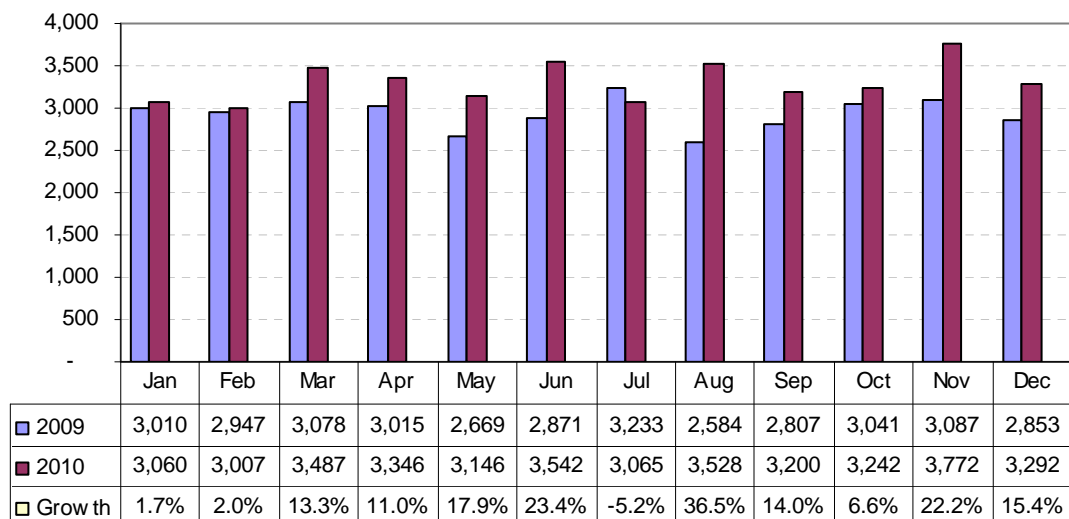


Graph 5 – International Applications Filed in 2006–2010

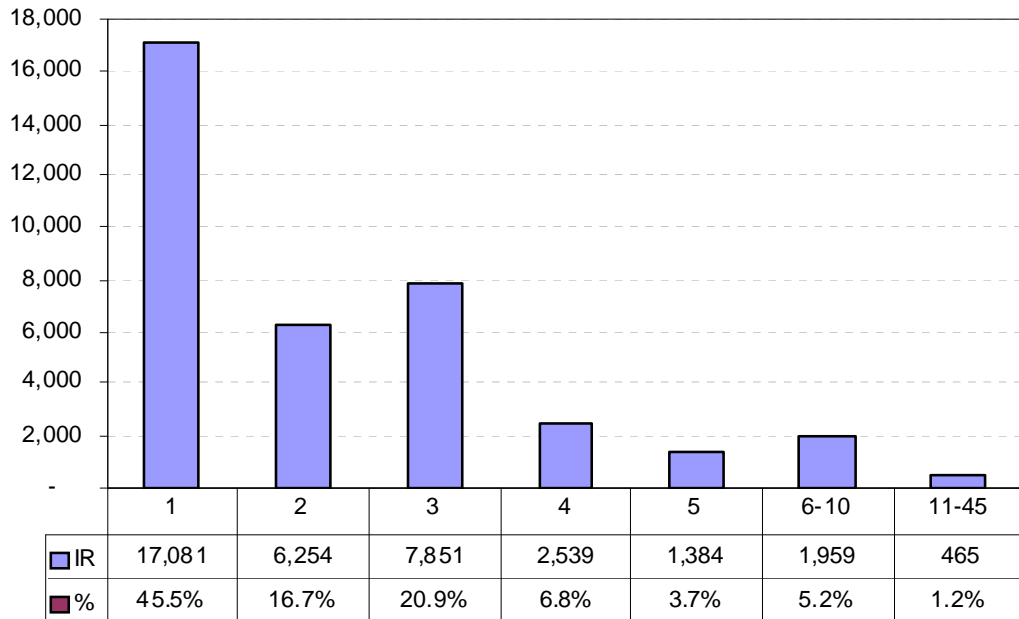
Growth rate over the previous year

**Graph 6 – International Applications Filed in 2009–2010 (by month)**

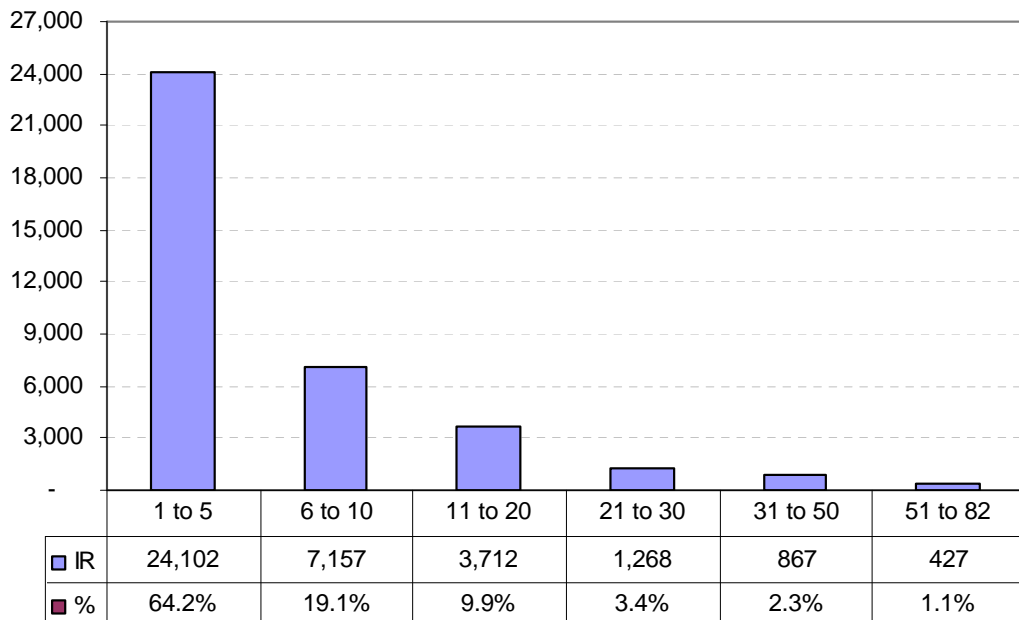
Growth rate over the previous year



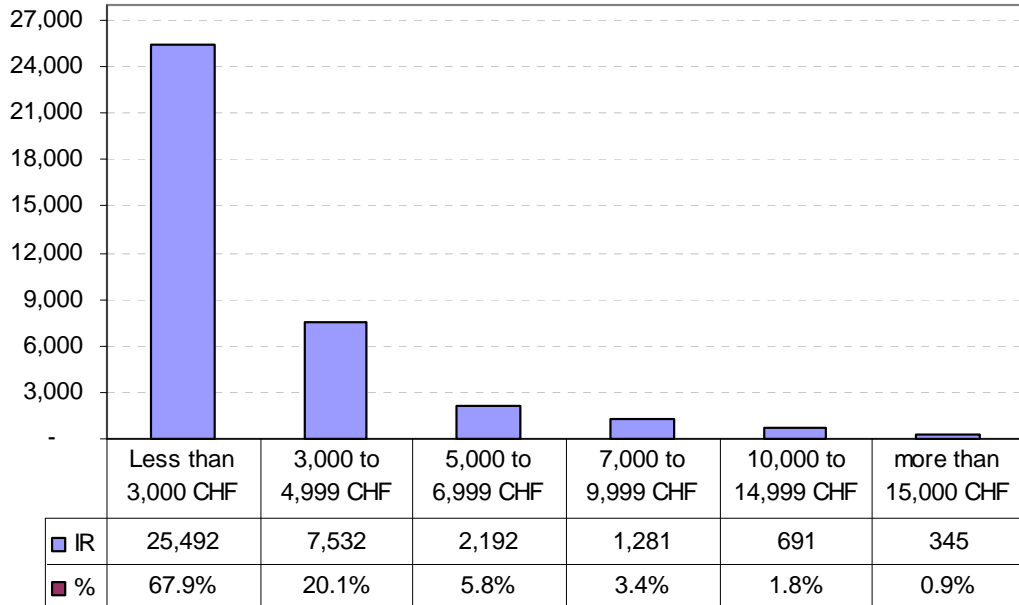
Graph 7 – Number of Classes per International Registration (2010)



Graph 8 – Number of Designations per International Registration (2010)



Graph 9 – Amounts of Fees Paid per International Registration (2010)



Graph 10 – Trademarks in Force in the International Register (by December 31, 2010)

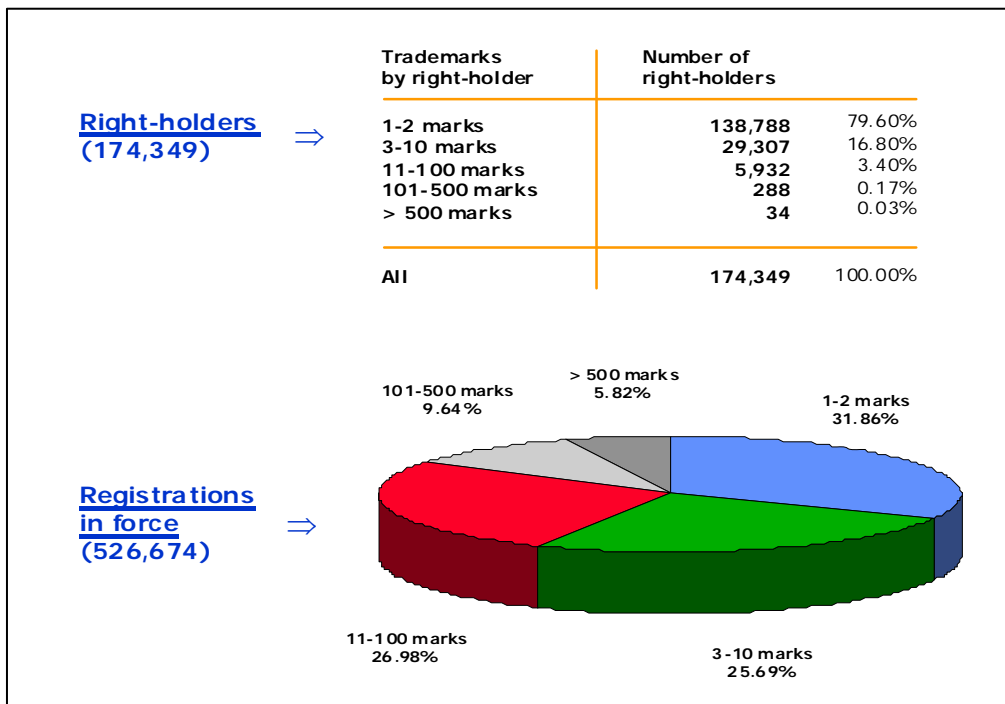


Table 3**Major Filing Contracting Parties****Number of Applications Filed by Contracting Party**

Shares within total filings in 2010 and growth rates as compared to 2009

	<u>Contracting Party of Origin</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>Share</u>	<u>Growth</u>
1	Germany (DE)	5,663	6,090	6,214	4,793	5,006	12.6%	4.4%
2	European Union (EM)	2,445	3,371	3,600	3,710	4,707	11.9%	26.9%
3	United States of America (US)	3,148	3,741	3,684	3,201	4,147	10.4%	29.6%
4	France (FR)	3,705	3,930	4,218	3,523	3,565	9.0%	1.2%
5	Switzerland (CH)	2,468	2,657	2,885	2,671	2,893	7.3%	8.3%
6	Italy (IT)	2,958	2,664	2,763	1,872	2,596	6.5%	38.7%
7	China (CN)	1,328	1,444	1,585	1,358	1,928	4.9%	42.0%
8	Benelux (BX)	2,639	2,510	2,667	1,968	1,922	4.8%	-2.3%
9	Japan (JP)	847	984	1,278	1,312	1,577	4.0%	20.2%
10	Russian Federation (RU)	622	889	1,190	1,068	1,218	3.1%	14.0%
11	United Kingdom (GB)	1,054	1,178	1,162	1,008	1,176	3.0%	16.7%
12	Australia (AU)	1,100	1,169	1,092	1,000	1,035	2.6%	3.5%
13	Austria (AT)	1,117	1,134	1,245	1,050	1,020	2.6%	-2.9%
14	Turkey (TR)	733	717	890	792	859	2.2%	8.5%
15	Spain (ES)	994	859	981	688	586	1.5%	-14.8%
16	Denmark (DK)	479	573	565	412	432	1.1%	4.9%
17	Republic of Korea (KR)	190	330	186	249	354	0.9%	42.2%
18	Norway (NO)	312	403	368	333	346	0.9%	3.9%
19	Czech Republic (CZ)	559	541	607	397	344	0.9%	-13.4%
20	Poland (PL)	339	294	416	364	326	0.8%	-10.4%
21	Ukraine (UA)	133	195	217	188	287	0.7%	52.7%
22	Sweden (SE)	400	478	476	314	284	0.7%	-9.6%
23	Serbia (RS)	157	275	282	241	267	0.7%	10.8%
24	Slovenia (SI)	177	182	296	254	263	0.7%	3.5%
25	Bulgaria (BG)	426	431	386	331	257	0.6%	-22.4%
26	Finland (FI)	239	278	282	245	206	0.5%	-15.9%
27	Singapore (SG)	161	146	166	200	198	0.5%	-1.0%
28	Hungary (HU)	32	438	214	245	159	0.4%	-35.1%
29	Croatia (HR)	217	185	200	235	154	0.4%	-34.5%
30	Portugal (PT)	276	355	344	135	149	0.4%	10.4%
31	Slovakia (SK)	241	190	187	158	134	0.3%	-15.2%
32	Latvia (LV)	103	115	171	102	121	0.3%	18.6%
33	Belarus (BY)	23	63	69	54	106	0.3%	96.3%
34	Romania (RO)	97	103	99	47	97	0.2%	106.4%
35	Bosnia and Herzegovina (BA)	24	30	27	7	91	0.2%	1200.0%
36	Liechtenstein (LI)	129	148	169	97	82	0.2%	-15.5%
37	Morocco (MA)	119	93	73	62	81	0.2%	30.6%
38	Lithuania (LT)	84	78	93	57	68	0.2%	19.3%
39	Viet Nam (VN)	22	31	47	46	61	0.2%	32.6%
40	Greece (GR)	150	80	117	57	58	0.1%	1.8%
	Other countries	561	573	564	351	527	1.3%	50.1%
	Total	36,471	39,945	42,075	35,195	39,687	100%	12.8%

Table 4**Most Designated Contracting Parties (2010)**

Number of Designations by Designated Contracting Party
(Includes designations in new registrations and subsequent designations)
Growth rates as compared to 2009

<u>Designated Contracting Party</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>Share</u>	<u>Growth</u>
1 China (CN)	15,801	16,676	17,829	14,766	16,143	5.4%	9.3%
2 European Union (EM)	10,640	12,744	14,502	12,564	14,604	4.9%	16.2%
3 United States of America (US)	13,994	14,618	15,715	13,406	14,252	4.8%	6.3%
4 Russian Federation (RU)	14,432	15,455	16,768	14,150	14,250	4.8%	0.7%
5 Switzerland (CH)	14,260	14,528	14,907	13,161	12,469	4.2%	-5.3%
6 Japan (JP)	11,844	12,348	12,748	10,386	11,124	3.7%	7.1%
7 Australia (AU)	9,115	9,848	10,529	8,575	9,222	3.1%	7.5%
8 Republic of Korea (KR)	8,334	8,988	9,539	7,755	8,336	2.8%	7.5%
9 Ukraine (UA)	9,057	9,751	10,635	8,539	8,288	2.8%	-2.9%
10 Turkey (TR)	8,958	9,377	9,844	7,942	8,210	2.7%	3.4%
11 Norway (NO)	9,102	9,346	9,787	7,627	7,503	2.5%	-1.6%
12 Singapore (SG)	6,717	7,005	7,607	5,957	6,444	2.2%	8.2%
13 Croatia (HR)	6,970	7,059	7,482	5,967	5,531	1.8%	-7.3%
14 Belarus (BY)	5,818	6,140	6,724	5,380	5,328	1.8%	-1.0%
15 Germany (DE)	8,147	7,184	6,955	5,593	5,260	1.8%	-6.0%
16 Serbia (RS)	5,644	5,956	6,315	5,130	4,837	1.6%	-5.7%
17 United Kingdom (GB)	7,482	6,502	6,204	4,671	4,398	1.5%	-5.8%
18 Italy (IT)	7,374	6,618	6,171	4,713	4,382	1.5%	-7.0%
19 Viet Nam (VN)	3,074	4,381	4,966	4,169	4,345	1.5%	4.2%
20 France (FR)	7,495	6,443	6,035	4,735	4,307	1.4%	-9.0%
21 Egypt (EG)	3,201	3,141	3,338	2,816	3,941	1.3%	40.0%
22 Morocco (MA)	4,229	4,194	4,362	3,762	3,928	1.3%	4.4%
23 Bosnia and Herzegovina (BA)	3,798	3,976	4,041	3,771	3,870	1.3%	2.6%
24 Spain (ES)	7,231	6,298	5,830	4,264	3,751	1.3%	-12.0%
25 Benelux (BX)	6,800	5,979	5,463	4,102	3,624	1.2%	-11.7%
26 Kazakhstan (KZ)	3,463	4,004	4,331	3,488	3,607	1.2%	3.4%
27 Austria (AT)	6,564	5,928	5,208	4,118	3,545	1.2%	-13.9%
28 Republic of Moldova (MD)	3,793	4,274	4,346	3,385	3,489	1.2%	3.1%
29 The former Yugoslav Republic of Macedonia (MK)	4,261	4,689	4,882	3,774	3,419	1.1%	-9.4%
30 Montenegro (ME)	-	4,680	5,210	3,920	3,361	1.1%	-14.3%
31 Azerbaijan (AZ)	2,329	3,145	3,801	3,214	3,304	1.1%	2.8%
32 Poland (PL)	6,092	5,553	4,815	3,724	3,261	1.1%	-12.4%
33 Iran (Islamic Republic of) (IR)	3,160	3,352	3,463	3,006	3,088	1.0%	2.7%
34 Georgia (GE)	3,347	3,801	3,980	3,154	2,988	1.0%	-5.3%
35 Albania (AL)	2,882	3,267	3,588	3,060	2,897	1.0%	-5.3%
36 Liechtenstein (LI)	3,898	3,713	4,050	3,011	2,674	0.9%	-11.2%
37 Armenia (AM)	2,798	3,219	3,289	2,681	2,655	0.9%	-1.0%
38 Romania (RO)	8,103	5,649	4,429	3,263	2,626	0.9%	-19.5%
39 Czech Republic (CZ)	5,161	4,546	4,015	3,147	2,598	0.9%	-17.4%
40 Monaco (MC)	3,876	3,737	3,728	2,762	2,565	0.9%	-7.1%
Other countries	95,481	93,005	91,463	69,736	65,052	21.7%	-6.7%
Total	364,725	371,117	378,894	303,344	299,476	100%	-1.3%

List of Members of the Madrid Union (85)

Albania (A&P)	Iceland (P)	Romania (A&P)
Algeria (A)	Iran (Islamic Republic of) (A&P)	Russian Federation (A&P)
Antigua and Barbuda (P)	Ireland (P)	San Marino (A&P)
Armenia (A&P)	Israel (P)	Sao Tome and Principe (P)
Australia (P)	Italy (A&P)	Serbia (A&P)
Austria (A&P)	Japan (P)	Sierra Leone (A&P)
Azerbaijan (A&P)	Kazakhstan (A&P)	Singapore (P)
Bahrain (P)	Kenya (A&P)	Slovakia (A&P)
Belarus (A&P)	Kyrgyzstan (A&P)	Slovenia (A&P)
Belgium* (A&P)	Latvia (A&P)	Spain (A&P)
Bhutan (A&P)	Lesotho (A&P)	Sudan (A)
Bosnia and Herzegovina (A&P)	Liberia (A&P)	Swaziland (A&P)
Botswana (P)	Liechtenstein (A&P)	Sweden (P)
Bulgaria (A&P)	Lithuania (P)	Switzerland (A&P)
China (A&P)	Luxembourg* (A&P)	Syrian Arab Republic (A&P)
Croatia (A&P)	Madagascar (P)	Tajikistan (A)
Cuba (A&P)	Monaco (A&P)	The former Yugoslav Republic of Macedonia (A&P)
Cyprus (A&P)	Mongolia (A&P)	Turkey (P)
Czech Republic (A&P)	Montenegro (A&P)	Turkmenistan (P)
Democratic People's Republic of Korea (A&P)	Morocco (A&P)	Ukraine (A&P)
Denmark (P)	Mozambique (A&P)	United Kingdom (P)
Egypt (A&P)	Namibia (A&P)	United States of America (P)
Estonia (P)	Netherlands:	Uzbekistan (P)
European Union (P)	- Territory in Europe* (A&P)	Viet Nam (A&P)
Finland (P)	- Curaçao** (P)	Zambia (P)
France (A&P)	- Sint Maarten** (P)	
Georgia (P)	Norway (P)	
Germany (A&P)	Oman (P)	
Ghana (P)	Poland (A&P)	
Greece (P)	Portugal (A&P)	
Hungary (A&P)	Republic of Korea (P)	
	Republic of Moldova (A&P)	

(A): indicates a party to the Agreement (56)

(P): indicates a party to the Protocol (83)

* Belgium, Luxembourg and the territory of the Kingdom of the Netherlands in Europe have a unified legislation on trademarks and a common Office for the registration of trademarks under that legislation (Benelux Office). Under the Madrid system, protection shall be requested as if they were one country (Benelux). Their designation shall be subject to payment of a single complementary or individual fee.

** Curaçao and Sint Maarten are territories of the Kingdom of the Netherlands to which the Benelux Trademark law does not apply, but which have their own trademark laws and their own Offices for the registration of trademarks under those laws. Protection in respect of Curaçao and Sint Maarten shall be requested through a specific designation under the Protocol, distinct from that of the Benelux.

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