

Working Group on the Legal Development of the Madrid System for the International Registration of Marks

Twenty-First Session
Geneva, November 13 to 17, 2023

UPDATED INFORMATION ON THE TIME LIMIT TO RESPOND TO NOTIFICATIONS OF PROVISIONAL REFUSAL AND ON THE WAY TO CALCULATE THEM

Document prepared by the International Bureau

1. At its twentieth session, held in Geneva from November 7 to 11, 2022, the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”) discussed documents MM/LD/WG/20/INF/2 and MM/LD/WG/20/INF/2 Corr.¹
2. The said documents set out the information, available to the International Bureau, about the time limits and their calculation that the various Offices provide holders to respond to notifications of provisional refusal. The two documents complemented document MM/LD/WG/20/3 on provisional refusals.²
3. The Working Group took note of these information documents and encouraged Offices of the Contracting Parties to review them and to provide the International Bureau with updated information.

¹ See documents [MM/LD/WG/20/INF/2](#) “Updated Information on the Time Limit to Respond to Notifications of Provisional Refusal and on the Way to Calculate Them” and [MM/LD/WG/20/INF/2 Corr.](#) “Corrigendum to Document MM/LD/WG/20/INF/2”.

² See document [MM/LD/WG/20/3](#) “Provisional Refusal”.

4. At its nineteenth session, following discussions based on document MM/LD/WG/20/3 on provisional refusals, the Working Group agreed to recommend to the Madrid Union Assembly amendments to Rules 17 and 40 of the Regulations Under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter referred to as “the Regulations”). These amendments were adopted by the Madrid Union Assembly in July 2023, with November 1, 2023, as their date of entry into force.
5. Among the above-mentioned amendments to the Regulations is new paragraph (7) to Rule 17 of the Regulations, which requires Contracting Parties to notify the International Bureau of the time limits to request a review of, or an appeal against, the provisional refusal, as referred to in paragraph (2)(vii) of the same Rule, and how this time limit is calculated. Rule 32 of the Regulations states that the International Bureau shall publish this information in the Official Gazette and make it available on the WIPO website.
6. The new requirements will provide users of the Madrid System and other interested parties with a single source of official information regarding the applicable time limits to respond to a notification of provisional refusal in Contracting Parties of the Madrid System.
7. In a recent communication (Note C.M. 1523), the International Bureau informed Contracting Parties of the new requirements introduced by the amendments to Rules 17 and 40 of the Regulations and of their date of entry into force. Contracting Parties were requested to review information gathered by the International Bureau concerning the applicable time limits to respond to provisional refusals, and to notify the International Bureau under new Rule 17(7) of the Regulations.
8. Contracting Parties are encouraged to notify the International Bureau of the required information as soon as possible and to make sure that this information remains up to date, for the benefit of the users of the Madrid System and other interested parties. A table with updated information gathered by the International Bureau regarding time limits and their calculation is set out in the Annex to this document.

9. *The Working Group is invited to take note of the information presented in this document and inform the International Bureau of any necessary updates.*

[Annex follows]

INFORMATION ON THE TIME LIMIT TO RESPOND TO NOTIFICATIONS OF PROVISIONAL REFUSAL AND ON THE WAY TO CALCULATE IT

Office	Time Limit to Respond to <i>Ex Officio</i> Provisional Refusals	How to Calculate the Time Limit (<i>Ex Officio</i>)	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
Afghanistan	15 days.	From the date of issuance of provisional refusal by the Office.	15 days.	From the date of issuance of the provisional refusal by the Office.
African Intellectual Property Organization (OAPI)	3 months.	From the date on which the Office sends the notification to WIPO.	3 months.	From date on which the holder receives the notification.
Albania	4 months.	From the date of publication of <u>on which the holder receives the notification in the official Gazette of WIPO.</u>	3 <u>2 months to appoint a local representative.</u>	From the date of receipt of the provisional refusal by the holder on which <u>the holder receives the notification.</u>
Algeria	2 months.	From date on which the holder receives the notification.	Not applicable.	Not applicable.
Antigua and Barbuda	2 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
Armenia	2 months.	From date on which the holder receives the notification.	1 month.	From date the on which the holder receives the notification.
Australia	15 months.	From the date on which the Office issues the notification.	1 month.	From the date on which the Office issues the notification.
Austria	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
Azerbaijan	3 months.	From the date of receipt of the provisional refusal by the holder.	Not applicable.	Not applicable.

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Bahrain	60 days.	From the date on which the Office issues the notification.	60 days.	From the date on which the Office issues the notification.
Belarus	3 months.	From date on which holder receives the notification.	Not applicable.	Not applicable.
Benelux (Belgium, Netherlands, Luxembourg)	3 months.	From the date on which the Office issues the notification.	2 <u>1</u> months.	From the date on which the Office invites the holder to provide arguments (=same as date of issuance) <u>issues the notification.</u>
Bhutan	2 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Bonaire, Saint Eustasius and Saba	Protection in the BES islands is granted automatically.			
Bosnia and Herzegovina	4 months.	From the date of notification of the provisional refusal by WIPO to the holder.	60 days.	From the date on which the Office issues the notification.
Botswana	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
Brazil	60 calendar days.	From the date of publication of the provisional refusal in the Office's Gazette.	60 calendar days.	From the date of publication of the provisional refusal in the Office's Gazette.
Brunei Darussalam	2 months.	From the date of the notification by WIPO.	3 months.	From the date of the notification by WIPO.

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Bulgaria	2 months.	From the date of receipt of the provisional refusal by the holder.	1 month to appoint a lawyer. If the holder fails to appoint a lawyer, the holder is notified only of the decision. The cooling-off period is set to expire 3 months from the notification of opposition. Once the cooling-off period has expired, the holder has 2 months to reply to the opposition.	From the date on which the notification is sent by WIPO to the holder.
Cabo Verde	2 months.	From the date on which WIPO transmits the notification to the holder.	2 months.	From the date on which WIPO transmits the notification to the holder.
Cambodia	60 days.	From receipt of the notification of this refusal from WIPO.	90 days.	From the date of notification of the provisional refusal by WIPO to the holder.
Canada	6 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Chile	60 working days.	From the date on which the Office sends the notification to WIPO.	60 working days.	From the date on which the Office sends the notification to WIPO.
China	15 days.	From the date on which the holder receives the notification from WIPO.	30 days.	From the date on which the holder receives the notification from WIPO.

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Colombia	1 month + 10 working days (refusals based on an <i>ex officio</i> examination); 60 working days (refusals based on vagueness of goods and services).	From the date on which the Office issues the notification.	30 working days.	From the date on which Office issues the notification.
Croatia	4 months.	From the date on which the Office issues the notification.	4 months + 60 days to provide counter arguments.	4 months to appoint the representative (from the date of issuance of the provisional refusal by the Office). 60 days to provide counter arguments (from the date of receipt of the opposition by the appointed representative).
Cuba	30 days.	From the date on which WIPO transmits the notification to the holder.	30 days.	From the date on which WIPO transmits the notification to the holder.
Curaçao	6 months.	From the date on which the Office issues the notification.	Not applicable.	Not applicable.
Cyprus	2 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Czech Republic	6 months.	From the date on which the Office issues the notification.	6 months.	From the date on which the Office issues the notification.

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Democratic People's Republic of Korea	6 months.	From the date on which the Office issues the notification.	6 months.	From the date on which the Office issues the notification.
Denmark	4 months.	From the date on which the Office issues the notification.	4 months.	From the date on which the Office issues the notification.
Egypt	90 days.	From the date on which WIPO transmits the notification to the holder.	90 days.	From the date on which WIPO transmits the notification to the holder.
Estonia	4 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office accepted to process the opposition.
Eswatini	Not applicable.	Not applicable.	3 months.	From the date on which the Office issues the provisional refusal.
European Union	2 months.	From the date on which the Office issues the notification.	2 months to appoint an European Economic Area (EEA) representative. 6 months to submit observations where an EEA representative is already appointed.	From the date on which the Office issues the notification.
Finland	2 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.

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France	45 days <u>1 month</u> .	From the sending of the notification of a provisional refusal <u>date on which WIPO transmits the notification to the holder</u> .	2 months +15 days .	2 months <u>f</u> From the date on which the provisional refusal was issued by the Office <u>+ 15 days on which WIPO transmits the notification to the holder</u> .
Gambia	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
Georgia	3 months.	From the date on which the notification is published in the WIPO Gazette of International Marks.	3 months before Sakpatenti Chamber of Appeals; or 1 month before Mtskheta Regional Court.	From the date on which the notification is published in the WIPO Gazette of International Marks.
Germany	4 months.	From the date on which WIPO transmits the notification to the holder.	4 months.	From the date on which WIPO transmits the notification to the holder.
Ghana	1 month.	From the date on which WIPO transmits the notification to the holder.	2 months.	From the date on which WIPO transmits the notification to the holder.
Greece	3 months.	From the date on which WIPO receives the notification.	3 months.	From the date on which WIPO receives the notification.
Guernsey	Not applicable.	Not applicable.	1 month.	From the date on which the Office issues the notification.
Hungary	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.

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Iceland	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
India	1 month.	From the date on which the holder receives the notification.	2 months.	From the date on which the holder receives the notification.
Indonesia	30 days.	From the date on which WIPO transmits the notification to the holder.	30 days.	From the date on which WIPO transmits the notification to the holder.
Iran (Islamic Republic of)	60 days.	From the date on which WIPO transmits the notification to the holder.	60 days.	From the date on which WIPO transmits the notification to the holder.
Ireland	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
Israel	3 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the holder receives the notification.
Italy	3 months.	From the date on which the holder receives the notification.	3 months.	From the date on which the holder receives the notification.
Jamaica	2 months.	From the date on which WIPO transmits the notification to the holder.	2 months.	From the date on which WIPO transmits the notification to the holder.
Japan	3 months.	From the date on which the Office issues the notification.	Not applicable.	
Kazakhstan	3 months.	From the date on which the Office issues <u>on which the notification</u> WIPO transmits the notification to <u>WIPO transmits the notification to</u> the holder.	Not applicable.	

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Kenya	3 months.	From the date of receipt of the provisional refusal by the holder.	42 days.	From the date of receipt of the Notice of Opposition.
Kyrgyzstan	2 months.	From the date on which the holder receives the notification.	2 months.	From the date on which the holder receives the notification.
Lao People's Democratic Republic	60 days.	From the date on which WIPO transmits the notification to the holder.	60 days.	From the date on which WIPO transmits the notification to the holder.
Latvia	3 months.	From the date on which WIPO transmits the notification to the holder.	3 months.	From the date on which WIPO transmits the notification to the holder.
Lesotho	2 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Liberia	Not applicable.	From the date of notification of the provisional refusal by WIPO to the holder.	3 months.	From the date of notification of the provisional refusal by WIPO to the holder.
Liechtenstein	5 months.	From the date on which the Office issues the notification.	Not applicable.	Not applicable.
Lithuania	3 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Madagascar	2 months.	From the date on which WIPO transmits the notification to the holder.	Not applicable.	Not applicable.
Malawi	30 days.	From the date on which the holder receives the notification.	60 days.	From the date on which the Office issues the provisional refusal.

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Malaysia	2 months.	From the date on which the Office issues the notification.	2 months.	From the date on which WIPO transmits the notification to the holder.
Mauritius	6 months.	From the date on which the holder receives the notification.	2 months.	From the date on which the holder receives the notification.
Mexico	2 months.	From the date on which WIPO transmits the notification to the holder.	2 months.	From the date on which WIPO transmits the notification to the holder.
Monaco	15 days.	From the date on which the holder receives the notification.	Not applicable.	Not applicable.
Mongolia	3 months.	From the date on which WIPO transmits the notification to the holder.	3 months.	From the date on which WIPO transmits the notification to the holder.
Montenegro	4 months.	From the date on which the Office issues the notification.	4 months.	From the date on which the Office issues the notification.
Morocco	2 months.	From the date on which WIPO transmits the notification to the holder.	2 months.	From the expiry of the opposition period.
Mozambique	30 days.	From the date on which WIPO transmits the notification to the holder.	30 days.	From the date on which WIPO transmits the notification to the holder.
Namibia	30 days.	From the date on which the Office issues the notification.	30 days.	From the date on which the Office issues the notification.
New Zealand	1 year.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.

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North Macedonia	60 days.	From the date on which WIPO transmits the notification to the holder.	60 days.	From the date on which WIPO transmits the notification to the holder.
Norway	3 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Oman	2 months.	From the date on which the holder receives the notification.	2 months.	From the date on which the holder receives the notification.
Pakistan	2 months.	From the date on which the holder receives the notification.	1 month.	From the date on which the holder receives the notification.
Philippines	2 months.	From the digital signature date on the notification by the Office.	30 days.	From the date on which the holder receives the notification.
Poland	5 months.	From the date on which the holder receives the notification.	2 months.	From the date on which the holder receives the notification.
Portugal	1 month.	From the date on which WIPO transmits the notification to the holder.	2 months.	From the date on which WIPO transmits the notification to the holder.
Republic of Korea	2 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Republic of Moldova	2 months.	From the date on which the holder receives the notification.	2 months.	From the date on which the holder receives the notification.
Romania	30 days.	From the date on which the holder receives the notification.	30 days.	From the date on which the holder receives the notification.
Russian Federation	6 months.	From the date on which the Office issues the notification.	Not applicable.	

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Rwanda	3 months.	From the date on which WIPO transmits the notification to the holder.	14 days.	From the date on which WIPO transmits the notification to the holder.
Samoa	6 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the holder receives the notification.
San Marino	2 months.	From the date on which WIPO transmits the notification to the holder.	2 months.	From the date on which WIPO transmits the notification to the holder.
Sao Tome and Principe	1 month.	From the date of issuance of the provisional refusal by the Office.	3 months.	From the date of receipt of the provisional refusal by the holder.
Serbia	6 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Sierra Leone	Not applicable.	Not applicable.	3 months.	From the date of advertisement.
Singapore	4 months.	From the date on which the Office issues the notification.	4 months.	From the date on which the Office issues the notification.
Sint Maarten	3 months.	From the date on which the Office issues the notification.	Not applicable.	Not applicable.
Slovakia	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
Slovenia	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
Spain	4 months.	From the date on which the Office issues the notification.	4 months.	From the date on which the Office issues the notification.

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Sudan	1 month.	From the date on which the holder receives the notification.	1 month.	From the date on which the holder receives the notification.
Sweden	3 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Switzerland	5 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
Syrian Arab Republic	30 days.	From the date on which WIPO transmits the notification to the holder.	3 months.	From the date on which WIPO transmits the notification to the holder.
Tajikistan	2 months.	From the date of notification of the provisional refusal by WIPO to the holder.	2 months.	From the date on which WIPO transmits the notification to the holder.
Thailand	90 days.	From the date on which the Office issues the notification.	90 days.	From the date on which the Office issues the notification.
Trinidad and Tobago	3 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Tunisia	1 month.	From the date on which the holder receives the notification.	2 months.	From the date on which the holder receives the notification.
Türkiye	2 months.	From the date on which WIPO transmits the notification to the holder.	2 months.	From the date on which WIPO transmits the notification to the holder.
Turkmenistan	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.
Ukraine	3 months.	From the date on which the Office issues the notification.	3 months.	From the date on which the Office issues the notification.

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United Arab Emirates	30 days.	From the date of notification of the provisional refusal by WIPO to the holder.	30 days.	From the date of notification of the provisional refusal by WIPO to the holder.
United Kingdom	2 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
United States of America	6 months.	From the date of issuance of the provisional refusal by <u>on which the Office transmits the notification to WIPO.</u>	40 days.	From the date of the Trademark Trial and Appeal Board (TTAB) order setting discovery and trial dates.
Uzbekistan	6 months.	From the date on which the Office issues the notification.	6 months.	From the date on which the Office issues the notification.
Viet Nam	3 months.	From the date on which the Office transmits the notification to WIPO.	Not applicable.	Not applicable.
Zambia	2 months.	From the date on which the Office issues the notification.	2 months.	From the date on which the Office issues the notification.
Zimbabwe	2 months.	From the date on which WIPO transmits the notification to the holder.	2 months.	From the date of issuance of the provisional refusal by the Office.

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