



## WORLD INTELLECTUAL PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH -1211 Geneva 20 (Switzerland)  
 ☎ (41-22) 3389111 – Facsimile (International Trademark Registry): (41 -22) 7401429  
 e-mail: intreg@mail@wipo.int – Internet: http://www.wipo.int

### MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS AND PROTOCOL RELATING TO THAT AGREEMENT

#### New Trademark Law: Spain

1. The Spanish Patent and Trademark Office has drawn the attention of the International Bureau to the following:
2. Under the new Spanish Trademark Law, which will enter into force on July 31, 2002, the Spanish Office will no longer carry out an *ex officio* examination on relative grounds. A trademark application will be refused on relative grounds only where there has been a successful opposition from a third party.
3. However, upon receipt of a national application for registration (or of a designation of Spain under the Madrid system), the Spanish Office will automatically carry out a search for prior rights which could serve as a basis for opposition. The holder **of any prior right**, as detected in the search, will be informed by the Spanish Office of the filing of such national application for registration (or such designation of Spain). It will then be up to the holder of the prior right to decide whether or not to lodge an opposition.
4. Where a prior right detected by the Spanish Office consists of an international registration, the aforementioned information will be sent to the holder of the international registration (insofar as his address is in Spain) or to his representative recorded **before the Spanish Office**, if there is one.
5. Holders of international registrations who do not fulfill any of the above-mentioned two conditions and who wish to receive the relevant information from the Spanish Office should:
  - either indicate directly to the Spanish Office an address in Spain for the purpose of communication (for example the address of a subsidiary). The communication of this indication is exempt from the payment of a fee; or
  - appoint a representative **before the Spanish Office** (it being understood that such an appointment will have no effect on the recording of the representative—if any—appointed before the International Bureau). The appointment of a representative before the Spanish Office is subject to the payment of a fee, the amount of which will be 14.12 euros as from July 31, 2002.

In the event that neither of these steps is taken, the information referred to in paragraph 3 above, will not be sent by the Spanish Office.

July 1, 2002