



WORLD INTELLECTUAL PROPERTY ORGANIZATION

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MADRID PROTOCOL CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

Claiming of Seniority: European Community

1. The Office of the European Community (hereinafter called “OHIM”) has drawn the attention of the International Bureau to the following.
2. Applicants or holders wishing to claim seniority in respect of a designation of the European Community under the Madrid Protocol will be required to complete a separate official form (MM17), to be annexed to the international application form or the subsequent designation form, as the case may be. The details of seniority claims will be published by the International Bureau in the *WIPO Gazette of International Marks*, alongside the international registration concerned (see Information Notice No. 2/2004 of January 12, 2004).
3. Pursuant to Rule 108 of Regulation Implementing the Community Trade Mark Regulation, documentation in support of any such seniority claim must be filed *directly* with OHIM. That documentation consists of a copy of the relevant earlier registration certified by the Office concerned or, following Decision No. EX-03-5 of the President of OHIM, of photocopies of the documentation or printouts from official or officially recognized databases.
4. The said documentation will be required to be filed with OHIM within a three-month time limit from the date on which OHIM receives from the International Bureau the notification of the designation of the European Community in an international registration or in a subsequent designation, as the case may be.
5. It should be further noted that, where the holder of an international registration is obliged to be represented in proceedings before OHIM and is not so represented, the holder must then appoint a representative before OHIM when submitting the aforementioned documentation. If not, OHIM will grant to the holder a period of two months within which to do so.
6. Failure to file the required documentation or to appoint a representative will lead to a refusal of the seniority claim. (This will not affect the protection of the international registration as such.)
7. For further information concerning the above matter, users are invited to contact OHIM directly.

September 10, 2004