



WORLD INTELLECTUAL PROPERTY ORGANIZATION

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MADRID AGREEMENT AND PROTOCOL CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

Publication of Provisional Refusals

1. At present, publication of provisional refusals in the *WIPO Gazette of International Marks* includes an indication of the class of goods and services concerned, or not concerned, by the provisional refusal. The ROMARIN and Madrid Express databases feature, in addition, the entire list of goods and services which are concerned, or not concerned, by a provisional refusal.
2. This practice results from a former requirement under the Common Regulations to publish the goods and services affected, or not affected, by a provisional refusal. This requirement was, however, suppressed from the Common Regulations with effect from April 1, 2002, on the understanding that the publication of the goods and services was of limited interest to third parties, insofar as the status of the protection of a mark in a provisional refusal was, in any event, likely to be modified subsequently by the decision withdrawing or confirming such provisional refusal. Moreover, experience has shown that publicizing those goods and services may, in certain cases, mislead users as regards the status of the protection of the mark in a given Contracting Party, particularly those users who are not familiar with the terminology used in the Common Regulations.
3. With effect from issue No. 46/2005 of the *WIPO Gazette of International Marks*, the current practice will be changed. Provisional refusals will be published, and will appear in ROMARIN and Madrid Express only with an indication as to whether they are *total* or *partial*, but without listing the goods and services, or the classes, affected or not affected.
4. *Ex officio* provisional refusals issued by the Chinese Office will constitute an exception, and will continue to be published with an indication of the goods and services affected, or not affected, by the provisional refusal. This stems from the fact that said provisional refusals are deemed to be final before the Chinese Office by virtue of the declaration made by China under Rule 17(5)(e) of the Common Regulations.
5. Decisions withdrawing or confirming a provisional refusal, as well as any further decision affecting the protection of the mark, will continue to be published in the *WIPO Gazette of International Marks*, and will feature in ROMARIN and Madrid Express, with an indication of the goods and services for which the mark is refused or protected (as provided by Rule 32(1)(a)(iii) of the Common Regulations).

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