

Madrid Protocol Concerning the International Registration of Marks

Declarations Concerning Protection in Respect of Goods and Services Beyond Those Covered by the Literal Meaning of Nice Class Headings: European Union

1. The Office of the European Union, namely the Office for Harmonization in the Internal Market (Trade Marks and Designs) (hereinafter called "OHIM") has drawn the attention of the International Bureau of the World Intellectual Property Organization (WIPO) to Communication No 1/2016 of the President of OHIM dated February 8, 2016 (https://oami.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/communications_president/co1-16_en.pdf). The Communication informs of the following:

(i) Article 28(8) of Council Regulation No. 207/2009 (EUTMR) allows for a transitional period during which proprietors of European Union Trade Marks, applied for before June 22, 2012 and registered for the entire heading of a Nice class, may declare that their intention on the date of filing had been to seek protection for goods and services beyond those covered by the literal meaning of that class heading.

(ii) Declarations may only be made for European Union Trade Marks that were filed before June 22, 2012 and continue to be registered for the entire heading of at least one Nice class.

(iii) In accordance with Articles 145 and 151 EUTMR, the provisions of Article 28(8) EUTMR, i.e., the possibility of submitting declarations, also extend to protected international registrations and subsequent designations designating the European Union, before June 22, 2012 and continue to be in force for the entire class heading of at least one Nice class.

(iv) Declarations for international registrations and subsequent designations designating the European Union must be submitted to OHIM, under the modalities specified in Communication No 1/2016 of February 8, 2016 of the President of OHIM.

(v) Declarations must be submitted directly to OHIM between March 23, 2016 and September 24, 2016, both dates included. These declarations are not to be sent to the International Bureau of WIPO.

2. Where OHIM finds that declarations comply with the requirements of Article 28(8) EUTMR and the Communication, it will send to the International Bureau of WIPO, for each concerned international registration, a statement under Rule 18^{ter}(4), which is applicable by analogy, of the Common Regulations Under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement.

3. The International Bureau of WIPO will record and publish the pertinent information in the International Register and inform the holders of the concerned international registrations¹.

4. For further information please contact OHIM directly (<https://oami.europa.eu/ohimportal/en/trade-marks>).

February 16, 2016

¹ This information will be published in the *WIPO Gazette of International Marks* and entered in the ROMARIN database.