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

Twenty-Second Session
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UPDATE ON DEVELOPMENTS AND STATISTICS CONCERNING PARAGRAPHS 88 TO 101 OF DOCUMENT MM/LD/WG/21/7

Document prepared by the International Bureau

BACKGROUND

1.   At its twenty-first session, held in Geneva from November 13 to 17, 2023, the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as "the Working Group" and "the Madrid System") discussed document MM/LD/WG/21/7 "Report on Technical Consultations held on the Possible Introduction of New Languages and Proposal for a Possible Way Forward".

2.   The Working Group "requested the Secretariat to prepare for its twenty-second session:

(i)   a document containing a detailed draft implementation plan for the practical measures described in paragraphs 110 to 130 of document MM/LD/WG/21/7 which should cover, *inter alia*, cost estimates, source of funding and quality assurance, in particular, with a view to making the Terminology Database available to the public, and for the possible introduction of new languages into the Terminology Database; and

(ii)   a document containing updated statistics concerning paragraphs 88 to 101 of document MM/LD/WG/21/7, as well as an update on the development of specifications for the transmission of machine-readable data in communications from Offices described in paragraph 122 of document MM/LD/WG/21/7"[1].

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[1]   See paragraph 22 of document MM/LD/WG/21/9 "Summary by the Chair".

3.   In addition, "[t]he Working Group requested the Secretariat to continue holding technical consultations with interested Contracting Parties, other WIPO Member States and users' organizations"[2].

4.   The International Bureau has prepared four documents to meet the request made by the Working Group:

(i)   the present document reports on the consultations undertaken by the International Bureau and provides updated statistics concerning paragraphs 88 to 101 of document MM/LD/WG/21/7;

(ii)   document MM/LD/WG/22/7, contains a detailed draft implementation plan for the possible enhancement of the Terminology Database described in paragraphs 112 to 120 of document MM/LD/WG/21/7, and for making this database available to the public;

(iii)   document MM/LD/WG/22/8, provides a detailed update on the development of specifications for the transmission of machine-readable data in communications from Offices described in paragraph 121 to 124 of document MM/LD/WG/21/7, and outlines a proposed implementation plan for their adoption by those Offices; and

(iv)   document MM/LD/WG/22/9, contains a detailed draft implementation plan for the possible introduction of a differentiated translation practice described in paragraphs 125 to 130 of document MM/LD/WG/21/7.

5.   Finally, it is recalled that, "[t]he Working Group agreed to continue discussions on the possible introduction of new Madrid System languages, including Arabic, Chinese and Russian, as proposed in documents MM/LD/WG/16/7, MM/LD/WG/16/9 Rev. and MM/LD/WG/17/10, based on the criteria outlined in document MM/LD/WG/21/7, and on the information contained in the documents requested in paragraph 22 [of document MM/LD/WG/21/7], above"[3]. It is further recalled that the Working Group was requested "to consider whether achieving specified milestones in the introduction of the above-mentioned measures [described in paragraphs 110 to 130 of document MM/LD/WG/21/7], or other technical or practical measures should be set as pre-conditions for the introduction of new languages"[4].

TECHNICAL CONSULTATIONS HELD BY THE INTERNATIONAL BUREAU

6.   As requested by the Working Group, the International Bureau continued to hold technical consultations, mainly to discuss the possible enhancement to the Terminology Database, as well as the exchange of data in machine-readable format and the introduction of a differentiated translation practice.

7.   On March 4, 2024, the International Bureau held a consultation session with Regional Group Coordinators and other interested members, where it informed of its intent to conduct technical consultations on the possible expansion of the Terminology Database with members that had proposed the introduction of Arabic, Chinese and Russian as Madrid System languages. During that session, the International Bureau inquired whether other members had an interest in expanding the Terminology Database into languages other than Arabic, Chinese and Russian, and indicated that it would hold technical consultations with these members as well. Additionally, the International Bureau invited members to express their interest in remaining informed at a detailed level about the progress made, for whom it would conduct dedicated information sessions. Finally, the International Bureau announced that it would hold at least one general information session, open to all members, before the opening of the Working Group's upcoming session.

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[2]   See paragraph 24 of document MM/LD/WG/21/9 "Summary by the Chair".
[3]   See paragraph 23 of document MM/LD/WG/21/9 "Summary by the Chair".
[4]   See paragraph 135 of document MM/LD/WG/21/7.

8.   The Delegations of Brazil, Germany, Japan and Portugal expressed interest in expanding the Terminology Database into German, Japanese and Portuguese. The Delegations of France, Switzerland, the United Kingdom and the United States of America expressed interest in remaining informed at a detailed level about the progress made.

9.   Between April and June 2024, the International Bureau held technical consultation sessions with delegations from members who had proposed the introduction of Arabic, Chinese and Russian as Madrid System languages, as well as with delegations from members who had expressed interest in expanding the Terminology Database into German, Japanese and Portuguese.

10.   On June 26, 2024, the International Bureau held an information session with the delegations who had expressed an interest in remaining informed at a detailed level about the progress made, particularly with regards to the draft implementation plan for the possible expansion of the Terminology Database.

UPDATED STATISTICS

11.   Document MM/LD/WG/21/7 presented relevant statistical information on criteria to support delegations in their deliberations concerning the introduction of new languages into the Madrid System[5]. These criteria included the number of Madrid international applications, the number of Madrid designations, the number of direct applications filed abroad, the Madrid Market Share and the official languages of the United Nations (UN).

12.   The document suggested that the Working Group consider the said statistical information in its deliberations and noted that some languages ranked high on all the criteria, a consideration that might be relevant in the context of a gradual and staged approach to the introduction of new languages. Such approach could take the form of introducing one or more of the requested languages as a new Madrid System language, while continuing discussions on the introduction of the other requested languages.

NUMBER OF MADRID (INTERNATIONAL) APPLICATIONS

13.   This information concerns the number of Madrid (international) applications considering the language used in the jurisdiction of the applicant. For jurisdictions where more than one language is used, international applications were allocated in proportion to the percentage of the population speaking each language.

14.   For example, according to the Swiss Federal Statistical Office, the linguistic distribution of the Swiss population is as follows: 61.8 per cent primarily speak German, 22.8 per cent speak French, 7.8 per cent speak Italian, 0.5 per cent speak Romansch, and 7.1 per cent speak other languages. International applications filed by Swiss residents were similarly distributed among these languages[6].

15.   Table I shows the top 10 languages used by international applicants, excluding English, French and Spanish, listed from highest to lowest. Table II shows the top 13 languages used by international applicants, including English, French and Spanish.

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[5]   Document MM/LD/WG/17/7 Rev. "Possible Options for the Introduction of New Languages into the Madrid System".
[6]   Source: https://www.bfs.admin.ch/bfs/en/home/statistics/population/languages-religions/languages.html, accessed in July 2024.

16.   The top 10 languages used by international applicants, excluding English, French and Spanish, have remained consistent, except for Russian and Turkish, which have switched places. In document MM/LD/WG/21/7, Russian appeared in the sixth position and Turkish in the seventh position. In the table that appears below, Turkish is now in the sixth position and Russian in the seventh.

Table I: Number of Madrid International Applications, Top 10 Languages Excluding English, French and Spanish

Language	Madrid Applications
German	56,014
Chinese	29,476
Italian	16,640
Japanese	15,778
Dutch	10,280
Turkish	9,941
Russian	9,341
Korean	8,322
Swedish	4,937
Danish	3,326

Table II: Number of Madrid International Applications, Top 13 Languages

Language	Madrid Applications
English	96,975
German	56,014
French	32,662
Chinese	29,476
Italian	16,640
Japanese	15,778
Dutch	10,280
Turkish	9,941
Russian	9,341
Korean	8,322
Spanish	8,195
Swedish	4,937
Danish	3,326

NUMBER OF MADRID DESIGNATIONS

17.   The information presented below concerns the number of designations under the Madrid System, per language of publication in the designated Contracting Parties. For Contracting Parties that publish in the language in which they receive communications from the International Bureau and in other languages, only the language of communication was considered.

18.   For example, while the European Union Intellectual Property Office (EUIPO) publishes in the 23 European Union (EU) official languages[7], only English is considered for designations of the EU because it is the language in which WIPO formally sends communications under the Madrid System to the EUIPO[8].

19.   Table III shows the top 10 languages of publication, excluding English, French and Spanish, listed from highest to lowest. Table IV shows the top 13 languages of publication, including English, French and Spanish.

20.   The top 10 languages concerning designations, excluding English, French and Spanish, remain largely unchanged in order, with some exceptions involving Portuguese, Ukrainian and Vietnamese. In document MM/LD/WG/21/7, Vietnamese was in the ninth position and Ukrainian in the tenth. In the table that appears below, Portuguese has moved to the ninth position due to an increasing number of designations of Brazil, while Vietnamese is now in tenth. Ukrainian is no longer among the top 10 languages concerning designations.

Table III: Number of Madrid Designations, Top 10 Languages Excluding English, French and Spanish

Language	Madrid Designations
Russian	151,747
German	134,284
Chinese	130,109
Japanese	91,699
Korean	81,414
Arabic	64,316
Turkish	52,235
Norwegian	52,016
Portuguese	47,676
Vietnamese	46,995

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[7]   Source: https://www.euipo.europa.eu/en/info/language-policy, accessed in June 2024.
[8]   WIPO also shares with the EUIPO the French and Spanish versions of notifications of international registrations and recordings that concern the EU.

Table IV: Number of Madrid Designations, Top 13 Languages

Language	Madrid Designations
English	877,942
Russian	151,747
German	134,284
Chinese	130,109
Spanish	113,150
French	99,294
Japanese	91,699
Korean	81,414
Arabic	64,316
Turkish	52,235
Norwegian	52,016
Portuguese	47,676
Vietnamese	46,995

NUMBER OF DIRECT APPLICATIONS FILED ABROAD

21.	The following information concerns the number of direct applications filed abroad considering the language used in the jurisdiction of the applicant. For jurisdictions where more than one language is used, direct applications filed abroad were allocated in proportion to the percentage of the population speaking each language.

22.	Table V shows the top 10 languages, excluding English, French and Spanish, listed from highest to lowest. Table VI shows the top 13 languages, including English, French and Spanish.

23.	The top 10 languages concerning direct applications, excluding English, French and Spanish, remains largely unchanged in order, with the exception of Danish and Greek. In document MM/LD/WG/21/7, Danish appeared in the tenth position. In the table that appears below, Greek has moved to the tenth position and Danish no longer appears among the top 10 languages.

Table V: Number of Direct Applications Filed Abroad, Top 10 Languages Excluding English, French and Spanish

Language	Direct Class Count
Chinese	1,371,953
German	699,238
Dutch	368,581
Japanese	278,966
Italian	255,323
Korean	199,696
Swedish	96,017
Arabic	90,656
Polish	77,709
Greek	51,949

Table VI: Number of Direct Applications Filed Abroad, Top 13 Languages

Language	Direct Class Count
English	1,973,606
Chinese	1,371,953
German	699,238
French	483,085
Dutch	368,581
Japanese	278,966
Spanish	256,751
Italian	255,323
Korean	199,696
Swedish	96,017
Arabic	90,656
Polish	77,709
Greek	51,949

MADRID MARKET SHARE

24.   The information presented below focuses on the difference between the applications filed directly abroad and the designations made under the Madrid System, the so-called gap between direct applications and Madrid designations, considering the language used in the jurisdiction of the applicant. For jurisdictions where more than one language is used, applications and designations were allocated in proportion to the percentage of the population speaking each language.

25.   Table VII shows the top 10 languages for which the gap between direct applications and Madrid designations is the widest in absolute terms, excluding English and Spanish. Table VIII shows the top 13 languages for which the gap between direct applications and Madrid designations is the widest in absolute terms, including English and Spanish.

26.   The top 10 languages for which the gap between direct applications and Madrid designations is the widest in absolute terms, excluding English and Spanish, present a few changes relative to the information presented in document MM/LD/WG/21/7. Chinese, Dutch, Korean and Polish remain in the top four places. Japanese, which was in the fifth position, is no longer ranking among the top 10 languages due to a change in the methodology used to estimate the Madrid Market share, which now takes into account subsequent designation. This change in methodology has increased the Market share in several members, including Japan, to various degrees.

27.   Portuguese and Malay, previously in the sixth and seventh positions, now appear in the fifth and sixth positions. Arabic, which was not listed in document MM/LD/WG/21/7, now appears in the seventh position due to the entry into force of the Madrid Protocol in the United Arab Emirates on December 28, 2021. The Madrid Market Share in new members is close to zero right after accession and it tends to gradually increase in the following years. Initially, applicants from new members prefer to continue to file direct applications abroad until they become familiar with the Madrid System. Thai continues to appear in the eighth place, while Romanian and Greek have swapped places. In document MM/LD/WG/21/7, Greek appeared in the ninth position and Romanian in the tenth position. In the table that appears below, Romanian appears in the ninth position and Greek in the tenth.

Table VII: Madrid Market Share, Gap Between Direct and Madrid Applications, Top 10 Languages Excluding English and Spanish

Language	Gap Direct-Madrid
Chinese	745,855
Dutch	192,108
Korean	72,610
Polish	35,034
Portuguese	27,477
Malay	22,109
Arabic	21,556
Thai	19,754
Romanian	13,341
Greek	12,975

Table VIII: Madrid Market Share, Gap Between Direct and Madrid Applications, Top 13 Languages

Language	Gap Direct-Madrid
Chinese	745,855
English	229,560
Dutch	192,108
Spanish	113,504
Korean	72,610
Polish	35,034
Portuguese	27,477
Malay	22,109
Arabic	21,556
Thai	19,754
Romanian	13,341
Greek	12,975
Estonian	8,388

28.   The Working Group is invited to:

(i)   consider the contents of the present document and of documents MM/LD/WG/22/7, MM/LD/WG/22/8 and MM/LD/WG/22/9; and

(ii)   provide guidance to the International Bureau on a possible way forward on the proposals made for the introduction of new languages into the Madrid System.

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