

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

**Twenty-Second Session**  
**Geneva, October 7 to 11, 2024**

### **DETAILED DRAFT IMPLEMENTATION PLAN FOR THE INTRODUCTION OF A DIFFERENTIATED TRANSLATION PRACTICE**

*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, *inter alia*, “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”<sup>1</sup>.
3. As explained in paragraph 4 of document [MM/LD/WG/22/6](#)<sup>2</sup>, the International Bureau has prepared four documents to meet the request made by the Working Group. The present document discusses a draft implementation plan for the introduction of a differentiated translation practice.

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<sup>1</sup> See paragraph 22(i) of document [MM/LD/WG/21/9](#) “Summary by the Chair”.

<sup>2</sup> Document MM/LD/WG/22/6, “Update on Developments and Statistics Concerning Paragraphs 88 to 101 of document MM/LD/WG/21/7”.

## THE CURRENT TRANSLATION PRACTICE OF THE INTERNATIONAL BUREAU

4. International applications, requests for recording and communications from Offices can be presented in any of the three Madrid System languages (English, French or Spanish). The International Bureau processes these communications in the language in which they are presented and determines whether the application, request, or communication could result in a registration or a recording in the International Register.

### TRANSLATION USING THE TERMINOLOGY DATABASE

5. The International Bureau must translate data in international registrations and recordings to inscribe and publish them in all three Madrid System languages<sup>3</sup>. To facilitate this, the International Bureau maintains a Terminology Database containing approximately 2.6 million indications totaling around 13 million words. Each indication stored in the Terminology Database in one of the three Madrid System languages has a thoroughly reviewed translation into the other two Madrid System languages.

6. Data in registrations and recordings is compared against the contents of the Terminology Database in the language in which it was received and processed. When there is a match in the Terminology Database, the International Bureau uses the pre-translated equivalent indications in the two other Madrid System languages, making the data ready for inscription and publication. Between 70 and 75 per cent of the total word count in applications, requests and communications is translated using the Terminology Database.

### TRANSLATION USING WIPO TRANSLATE

7. The International Bureau has developed an artificial intelligence-based machine translation tool called WIPO Translate. This tool has been specifically trained with trademark-related information resulting in higher quality translations compared to commercially available machine-translation tools. Its precision and accuracy continuously improve over time.

8. Data in registrations and recordings that have no match in the Terminology Database is translated using WIPO Translate. Between 25 and 30 per cent of the total word count in applications, requests, and communications is translated using WIPO Translate.

9. The translation output obtained through WIPO Translate is post-edited by WIPO staff and external translation companies. Post-editing consists of manually reviewing and correcting the machine-translation output as needed. WIPO staff evaluates a sample of the post-edited work from these external translation agencies to ensure its quality. Once machine-translation output has undergone post-editing and quality control, it is ready for inscription and publication. Additionally, this output is used to enrich the Terminology Database.

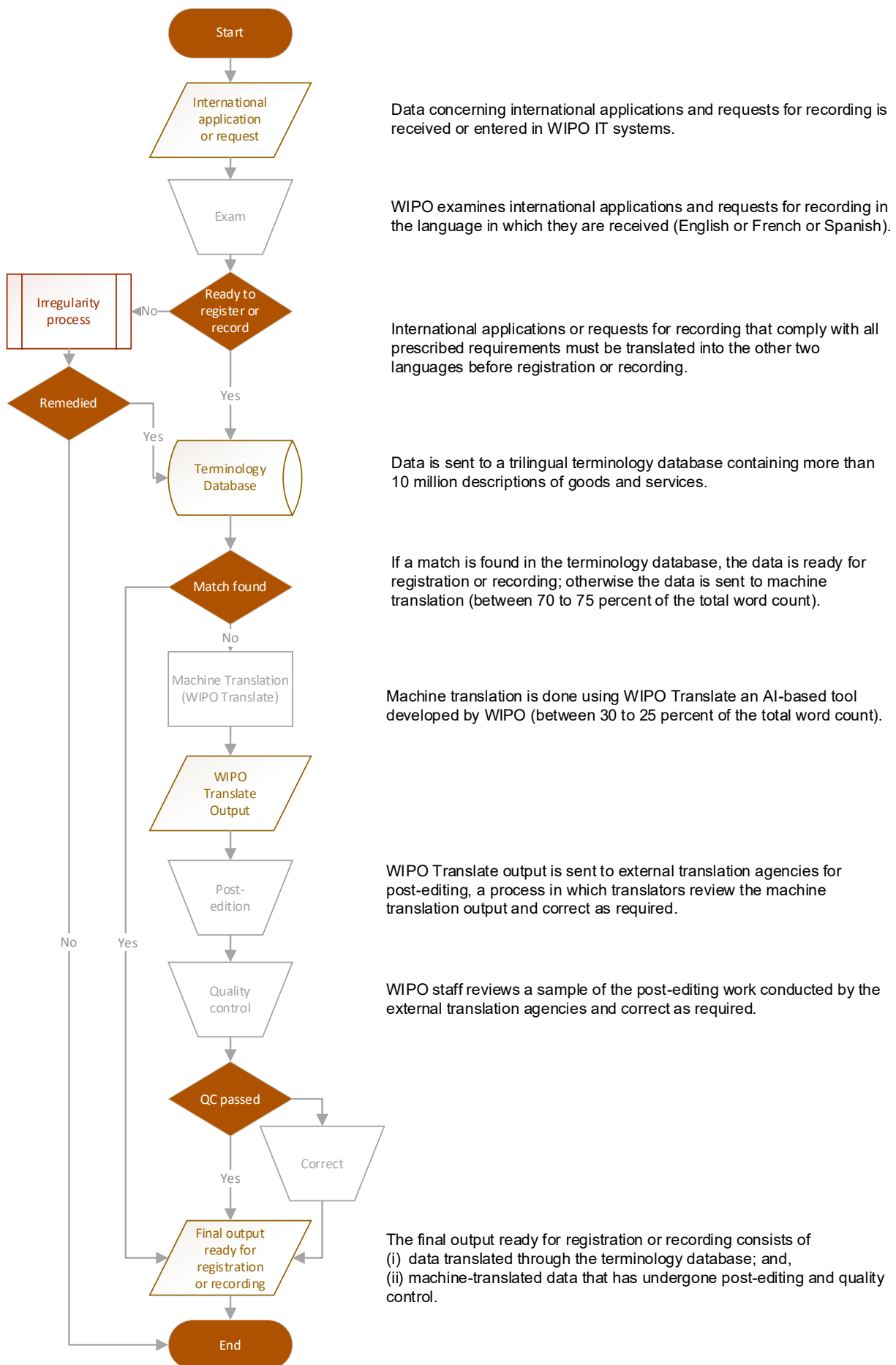
10. In light of the above, under the current practice, the translation output ready for inscription and publication consists of:

- (i) data translated using the Terminology Database; and
- (ii) machine-translated data using WIPO Translate that has undergone post-editing and quality control. Graph I below, illustrates the current translation practice of the International Bureau.

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<sup>3</sup> The Regulations under the Protocol exempt notifications of provisional refusal from translation.

Graph 1: Current Translation Practice of the International Bureau



## SPECIAL TRANSLATION PRACTICE FOR FINAL DECISIONS

11. It is recalled that at its thirteenth session, held in Geneva from November 2 to 6, 2015, the Working Group agreed to a proposal to introduce a differentiated translation practice for statements of partial grant of protection following a notification of provisional refusal<sup>4</sup>. Under this practice, the International Bureau translates those statements using the Terminology Database and WIPO Translate, without undertaking post-editing and quality control of the machine-translation output obtained through WIPO Translate.

12. The practice described above, which is in line with the legal framework of the Madrid System, is guided by principles of fiscal responsibility and long-term sustainability of the Madrid Union and was introduced “[...] to implement an adequate process to manage the ever-growing translation workload without the need for an escalation of human resources. The process leverages technological solutions to deliver a previously vetted translation or to propose a new translation, with a high degree of reliability”.

## PROPOSED DIFFERENTIATED TRANSLATION PRACTICE

13. The International Bureau proposes to introduce a differentiated practice to the translation of data in international registrations and recordings. Under the proposed practice, the International Bureau would continue to translate that data using the Terminology Database and WIPO Translate, without undertaking post-editing and quality control of the machine-translation output obtained through WIPO Translate when such output is not required to notify a designated Contracting Party.

14. The proposed new practice is also guided by principles of fiscal responsibility and long-term sustainability of the Madrid Union and is justified by the low volume of the data that is translated using WIPO Translate, the increasing quality of the translations obtained using this tool, and the low demand for information in languages not used to notify designated Contracting Parties.

15. It is estimated that only 0.12 per cent of users access information through Madrid Monitor in a language that was not used to notify a designated Contracting Party, and roughly 25 per cent of translations in international registrations were not used for notification purposes. Conversely, the cost of outsourcing the post-editing of the machine-translation output obtained through WIPO Translate was over 800,000 Swiss francs in 2023. Introducing a differentiated translation practice could potentially reduce the current post-editing budget by up to 20 per cent. These potential savings would justify the introduction of the proposed new practice.

16. Under the proposed translation practice, the translation output ready for inscription and publication would consist of:

- (i) data translated using the Terminology Database;
- (ii) data translated through WIPO Translate that has not undergone post-editing and quality control because this data is not needed to notify a designated Contracting Party; and,
- (iii) data translated through WIPO Translate that has undergone post-editing and quality control because this data is needed to notify a designated Contracting Party.

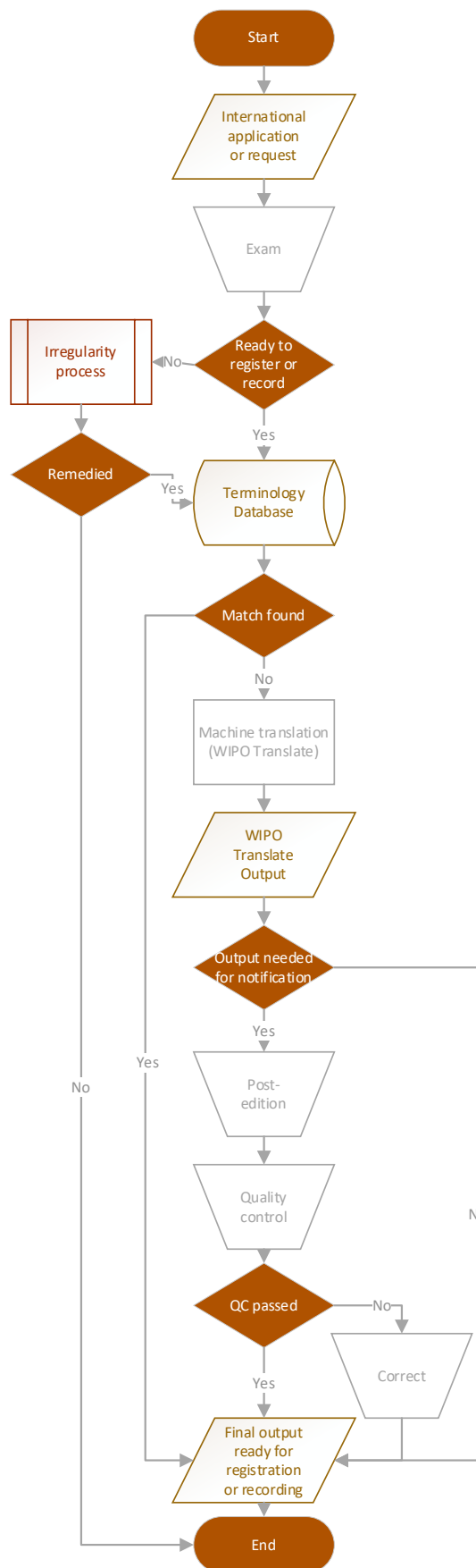
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<sup>4</sup> See paragraph 19(ii) of document [MM/LD/WG/13/9](#) “Summary by the Chair”.

17. For example, under the new practice, data concerning an international registration for which the application was filed in French designating only one Contracting Party that has opted to be notified in English would still be translated into both English and Spanish using the Terminology Database and WIPO Translate. However, only the English translation would undergo post-editing and quality control because this translation is needed to notify the designated Contracting Party.

18. In the example described in paragraph 17, above, the Spanish translation would undergo post-editing and quality control should it be needed to notify a Contracting Party following the recording of a subsequent designation. Graph II below, illustrates the proposed differentiated translation practice.

Graph II: Proposed Differentiated Translation Practice



Data concerning international applications and requests for recording is received or entered in WIPO IT systems.

WIPO examines international applications and requests for recording in the language in which they are received (English or French or Spanish).

International applications or requests for recording that comply with all prescribed requirements must be translated into the other two languages before registration or recording.

Data is sent to a trilingual terminology database containing more than 10 million descriptions of goods and services.

If a match is found in the terminology database, the data is ready for registration or recording; otherwise the data is sent to machine translation (between 70 to 75 percent of the total word count).

Machine translation is done using WIPO Translate an AI-based tool developed by WIPO (between 30 to 25 percent of the total word count).

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WIPO Translate output would be post-edited only when needed to notify a designated Contracting Party; otherwise, it will be ready for registration or recording.

WIPO Translate output would be sent to external translation agencies for post-editing only when needed to notify a designated Contracting Party.

WIPO staff reviews a sample of the post-editing work conducted by the external translation agencies and correct as required.

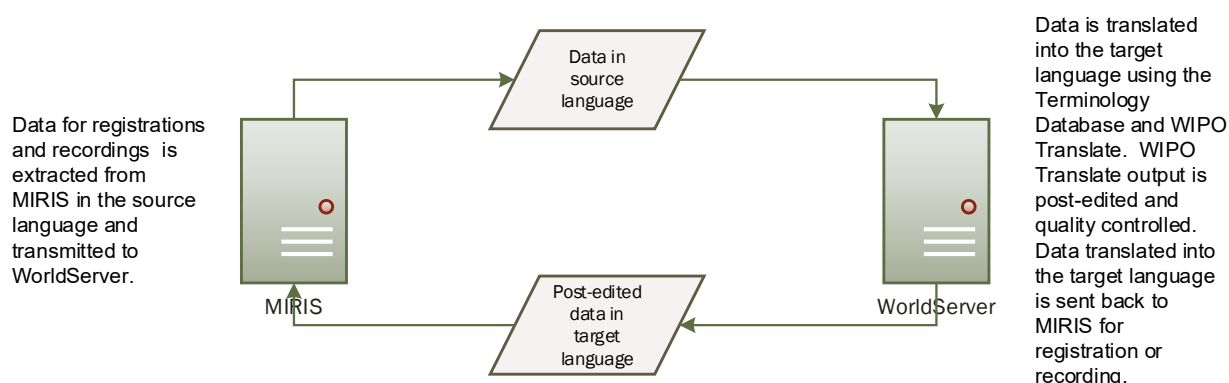
The final output ready for registration or recording will consist of (i) data translated through the terminology database; (ii) data translated through WIPO Translate that has not undergone post-editing and quality control because it is not needed to notify a designated Contracting Party; and, (iii) data translated through WIPO Translate that has undergone post-editing and quality control because it is needed to notify a designated Contracting Party;

## DEVELOPMENT AND IMPLEMENTATION

19. The current translation process is managed primarily through two information technology systems: a WIPO-developed system called MIRIS, used to process Madrid System transactions, and a computer assisted translation tool called WorldServer, used to manage the translation process. Data regarding international registrations and recordings is transmitted from MIRIS to WorldServer to be translated according to the practice described in paragraphs 4 to 12, above. The translation output is then transmitted from WorldServer back to MIRIS for inscription and publication. It is envisaged that MIRIS will be replaced in the coming years by the New Madrid IT Platform, for which additional funding has recently been approved at the 2024 WIPO Assemblies.

20. The language in which data is received is called the source language. The language into which that data must be translated is called the target language. There are six possible source-target language combinations under the current trilingual regime of the Madrid System<sup>5</sup>. The current translation practice and process applies to all source-target language combinations, regardless of whether the target language is needed to notify a designated Contracting Party. Graph III below, illustrates the process for each source-target language combination.

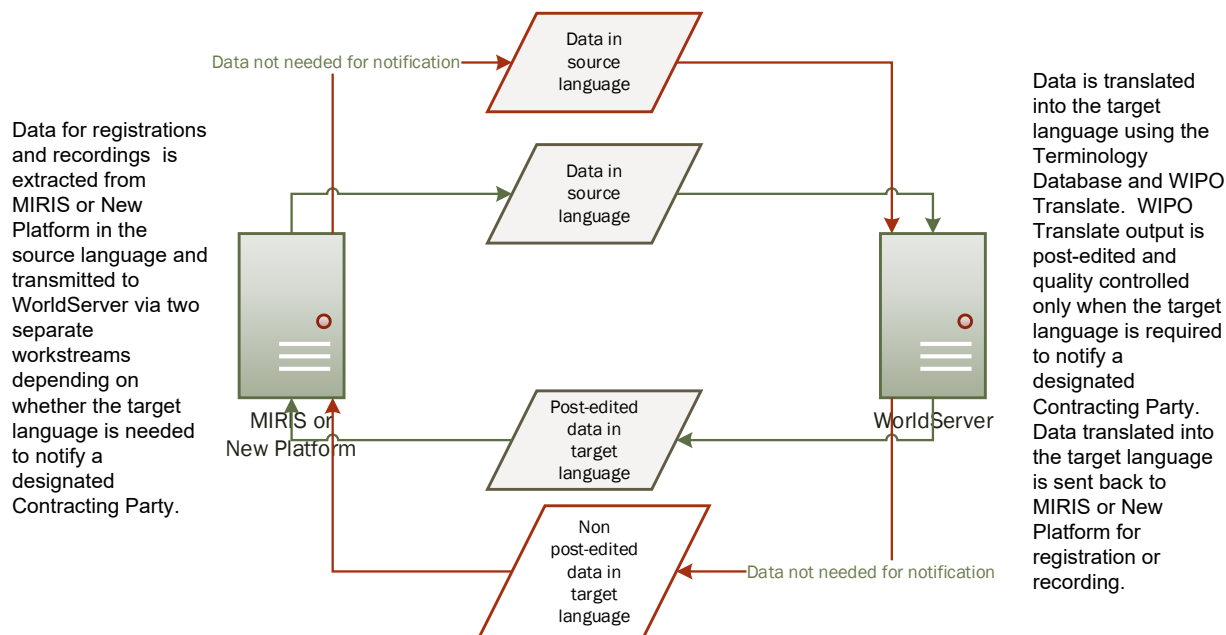
*Graph III: Current Process per Source-target Language Combination*



21. Most of the technical work required to introduce the new differentiated translation practice would concern MIRIS or the New Madrid IT Platform. It would consist of amending the data extraction process to create separate data groups based on whether the target language needs to undergo post-editing and quality control because this language is needed to notify a designated Contracting Party. In addition, separate workstreams would need to be created in WorldServer to ensure that translation output is post-edited only when required. It is recalled that a similar translation practice already applies to final decisions, as explained in paragraphs 11 and 12, above. Graph IV below, illustrates the process for each source-target language combination under the proposed differentiated translation practice.

<sup>5</sup> English to French, English to Spanish, French to English, French to Spanish, Spanish to English and Spanish to French.

**Graph IV: Process per Source-target Language Combination Under Proposed Differentiated Translation Practice**



22. The technical work required to introduce a differentiated translation practice, as described in paragraphs 13 to 18, above, would be undertaken by the internal WIPO development team within the current operating budget and at no additional cost to the Madrid Union. It is estimated that the changes outlined in paragraphs 19 to 21, above, could be developed, tested and deployed into production between six to nine months from the date on which the project commences.

23. *The Working Group is requested to:*

- (i) consider the contents of the present document; and,*
- (ii) indicate whether it would agree with the introduction of a differentiated translation practice as described in paragraphs 13 to 18 of the present document.*

[End of document]