



The Madrid system for the International Registration of Marks

Overview

Podgorica
June 6, 2011

Legal Division
International Registries of Madrid and Lisbon

Madrid system

- Objectives
- Basic features
- Advantages
- Legal framework and geographical scope
- Communication and information
- Statistics
- A few examples of international marks

Objectives

Objectives

A **simple, low-cost and effective** system to facilitate trademark protection in export markets through:

- one central filing and registration procedure producing effects in one or more territories bound by the system
- one central procedure to maintain and manage an international registration with effects in all territories concerned

Basic features

Basic features

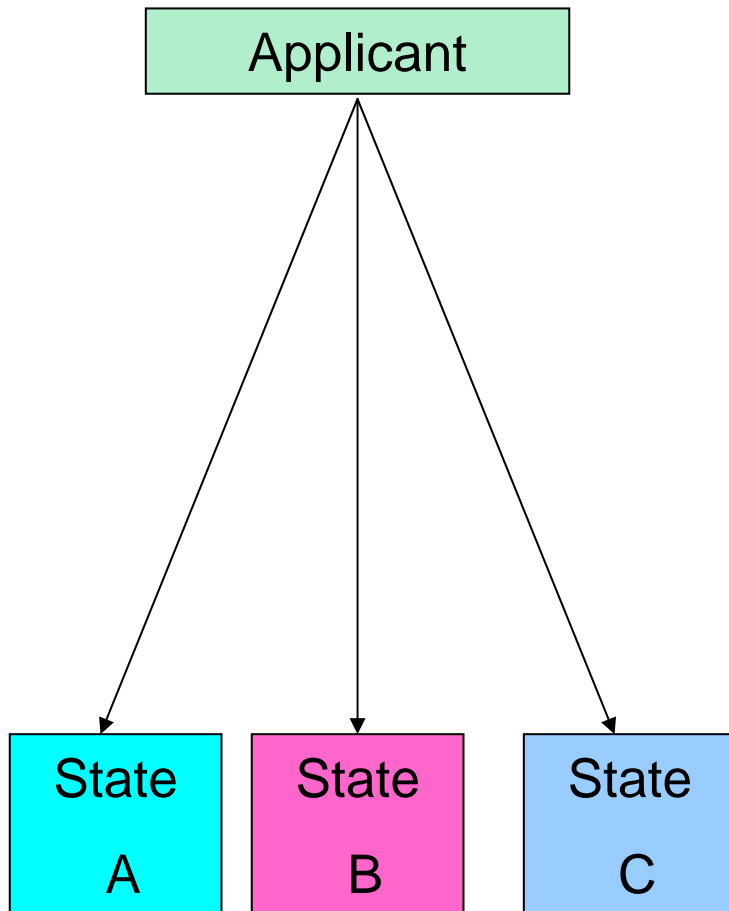
- ‘Closed’ system need to have entitlement (establishment, domicile, or nationality)
- Need for a basic application or basic registration (‘basic mark’) in a Contracting Party of the Madrid System
- Indirect filing through Office of origin
- Possibility of refusal by designated Contracting Parties within fixed time limits
- Possibility of subsequent designations
- 5 year dependency
- Centralized management

Differences between the Agreement and the Protocol

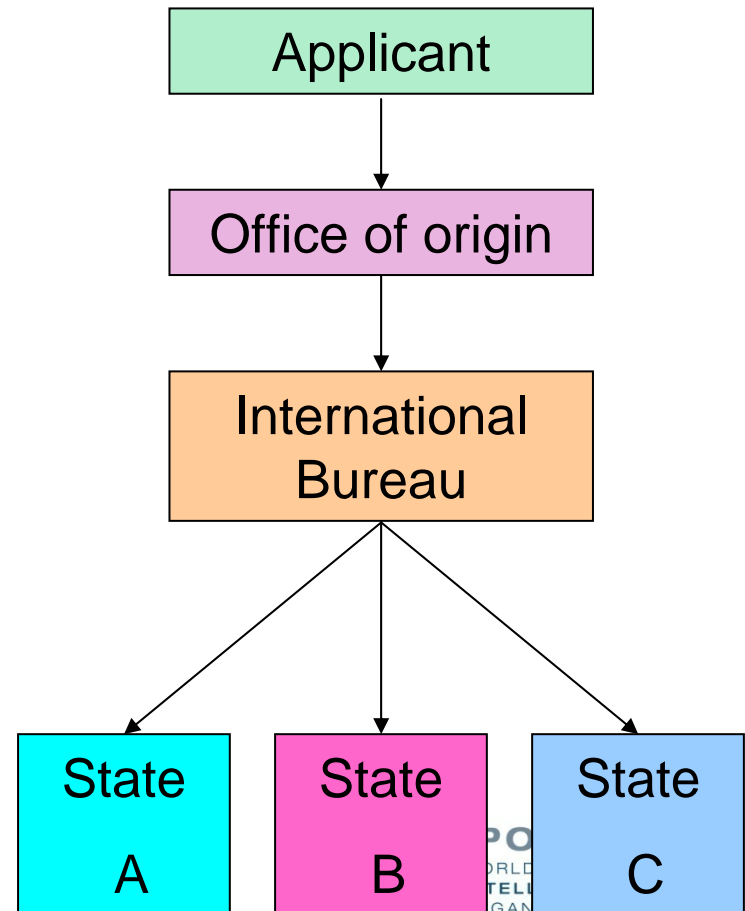
	Agreement	Protocol
Accession	States	States or intergovernmental organizations
Condition	Basic registration	Basic application or Basic registration
Entitlement	Cascade	No cascade
Language	English, French or Spanish	English, French or Spanish
Fees	Standard fees	Standard fees or individual fees
Time limit for refusal	12 months	12, 18 months or +
Dependence	5 years	5 years, transformation

Advantages

Direct filing



Filing via the Madrid system



Advantages of the system

National Route

- several Offices
- several languages
- several currencies
- several registrations
- several renewals
- several requests for change
- several “local” representatives (optional or mandatory)

Madrid system

- one Office
- one language (English, French or Spanish)
- one currency (CHF)
- one international registration
- one renewal
- one request for change
- No representative needed before the International Bureau (however, in case of refusals, “local” representative may be required)

Legal framework and geographical scope

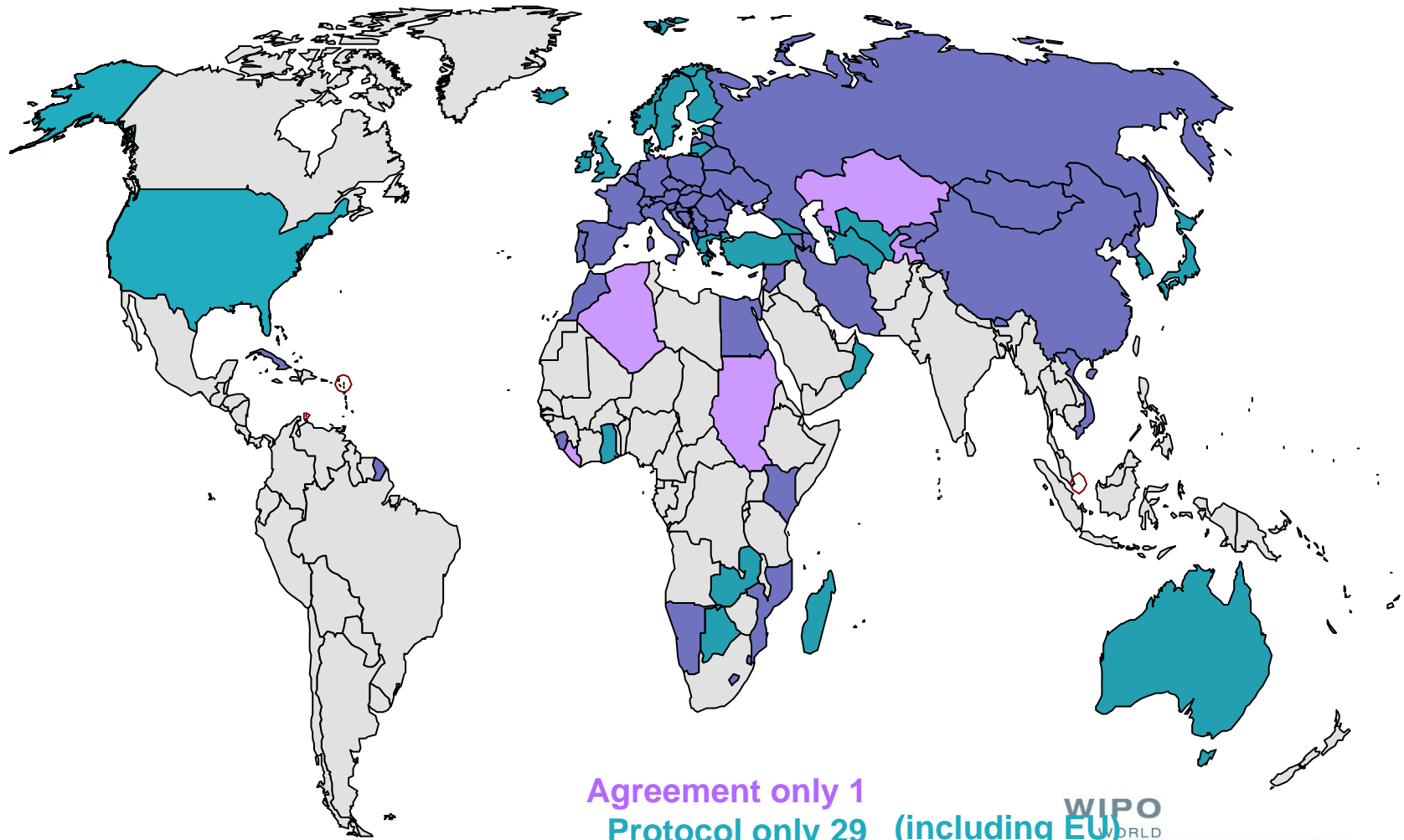
Legal framework

- Madrid Agreement (April 14, 1891) latest revised in 1979
- Madrid Protocol (June 27, 1989) latest revised in 2007
- Common Regulations as in force from September 1, 2009
- Administrative Instructions as in force from January 1, 2008
- Law, Regulations and Practices of each Contracting Party

See at http://www.wipo.int/madrid/en/legal_texts/

Geographical scope of the Madrid Union

85 members



Agreement only 1
Protocol only 29 (including EU)
Agreement and Protocol 55

Madrid Union

85 Members
May 2011

PROTOCOL ONLY (29)

Antigua and Barbuda, Australia, Bahrain, Botswana, Denmark, Estonia, European Union, Finland, Georgia, Ghana, Greece, Iceland, Ireland, Israel, Japan, Lithuania, Madagascar, Norway, Oman, Republic of Korea, Sao Tome and Principe, Singapore, Sweden, Turkey, Turkmenistan, United Kingdom, United States of America, Uzbekistan and Zambia

AGREEMENT ONLY (1)

Algeria

AGREEMENT AND PROTOCOL (55)

Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bhutan, Bosnia and Herzegovina, Bulgaria, China, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Egypt, France, Germany, Hungary, Iran (Islamic Republic of), Italy, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Luxembourg, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Netherlands*, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sudan, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine and Viet Nam

* The Kingdom of Netherlands has extended the application of the Madrid Protocol to the territorial entities of Curaçao, Sint Maarten as well as to the islands of Bonaire, Sint Eustatius and Saba which can be designated separately.

<http://www.wipo.int/madrid/en/members/> 

Recent Accessions (Madrid Protocol)

Entry into force

■ Liberia	December 11, 2009
■ Sudan	February 16, 2010
■ Israel	September 1, 2010
■ Kazakhstan	December 8, 2010
■ Tajikistan	June 30, 2011

Communication and information

Electronic communications

Offices of Contracting Parties

- 50 or so Offices send various notifications electronically
- 50 or so Offices receive various notifications electronically

Users

- 11 037 e-renewals in 2010 (which represents over 47% of the total number of renewals)

Information concerning National or Regional Procedures before IP Offices under the Madrid system

- WIPO makes available on its Internet website information relating to the procedures before IP Offices
- To date, more than 80 Contracting Parties provided this information to WIPO

http://www.wipo.int/madrid/en/members/ipoffices_info.html

Information Products and Services

- Various legal texts, guide and information notices
- Prescribed and optional forms (PDF, MS Word)
- International Application Simulator
- Goods & Services Manager
- Fee Calculator
- E-Payment
- E-Renewal
- WIPO Gazette of International Marks
- ROMARIN

<http://www.wipo.int/madrid/en/>

Upcoming Products and Services

- Madrid Portfolio Manager

- Madrid Electronic Alerts

Statistics

International registrations in force (on December 31, 2010)

- 526,674 registrations in force
- Containing some 5,553,204 million active designations
- Belonging to 174,349 different right-holders (many of them SMEs)
- On average 7 Contracting Parties designated per international registration
- The International Bureau recorded 37,533 international registrations

Major Filing Contracting Parties in 2010

Office of Origin	2010	Percentage
Germany	5,006	12.6%
European Union	4,707	11.9%
United States of America	4,147	10.4%
France	3,565	9.0%
Switzerland	2,893	7.3%
Italy	2,596	6.5%
China	1,928	4.9%
Benelux	1,922	4.8%
Japan	1,577	4.0%
Russian Federation	1,218	3.1%

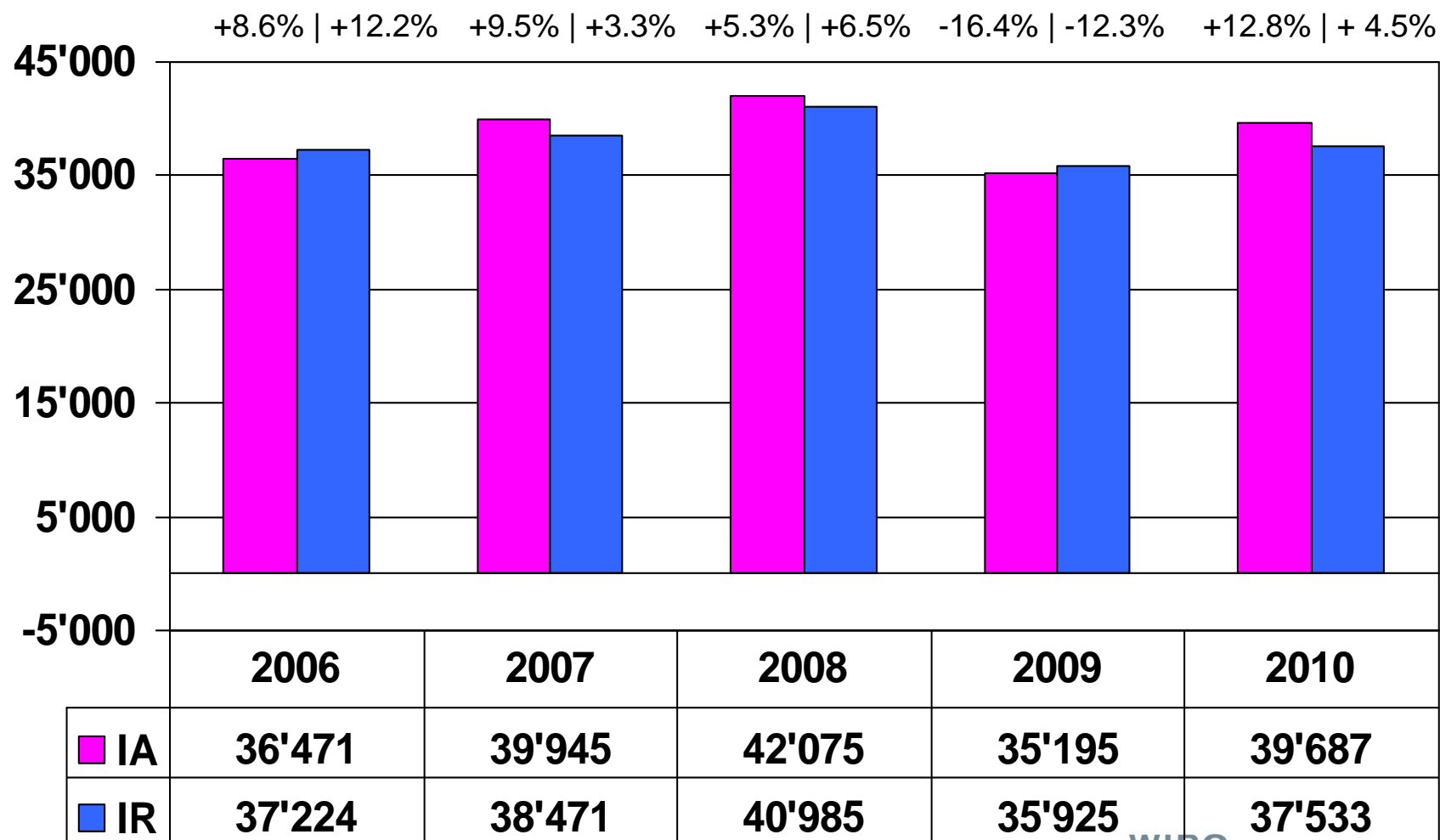
Most Designated Contracting Parties in 2010 (including designations in new registrations and subsequent designations)

Designated Contracting Party	2010	Percentage
China	16,143	5.4%
European Union	14,604	4.9%
United States of America	14,252	4.8%
Russian Federation	14,250	4.8%
Switzerland	12,469	4.2%
Japan	11,124	3.7%
Australia	9,222	3.1%
Republic of Korea	8,336	2.8%
Ukraine	8,288	2.8%
Turkey	8,210	2.7%

Most Popular Classes in International Registrations in 2010

Classes	Goods and services	2010	Percentage
9	covers e.g. computer hardware and software and other electrical or electronic apparatus of a scientific nature	7,804	8.5%
35	covers services such as office functions, advertising and business management	6,454	7.0%
25	covers clothing, footwear and headgear	4,959	5.4%
42	covers services provided by e.g. scientific, industrial or technological engineers and computer specialists	4,823	5.2%
5	includes mainly pharmaceuticals and other preparations for medical purposes	4,673	5.1%
41	covers services in the area of education, training, entertainment, sporting and cultural activities	4,047	4.4%
3	includes mainly cleaning preparations and toilet preparations	3,578	3.9%
16	includes mainly paper, goods made from that material and office requisites	3,515	3.8%
30	Includes mainly foodstuffs of plant of origin, prepared for consumption or conservations as well as auxiliaries intended for the improvement of the flavor of food	2,968	3.2%
7	Includes mainly machines, machine tools, motors and engines	2,707	2.9%

Growth



A few examples of international marks

The Original International Register

The image shows a page from a historical register, likely the 'Original International Register' mentioned in the title. The page is filled with handwritten entries organized into columns. The columns are labeled at the bottom of the page as follows:

IRN	Holder	Goods and Services	Basic Registration	Various Dates
100
101
102
103
104
105

Madrid's oldest mark



- This mark is the oldest valid international mark.
- Originally registered in Switzerland in 1889 then internationally in 1893

The One Million mark

Grüne  Erde

Questions ?



Hvala

