

The Madrid system for the International Registration of Marks

Basic and General Principles when Filing an International Application

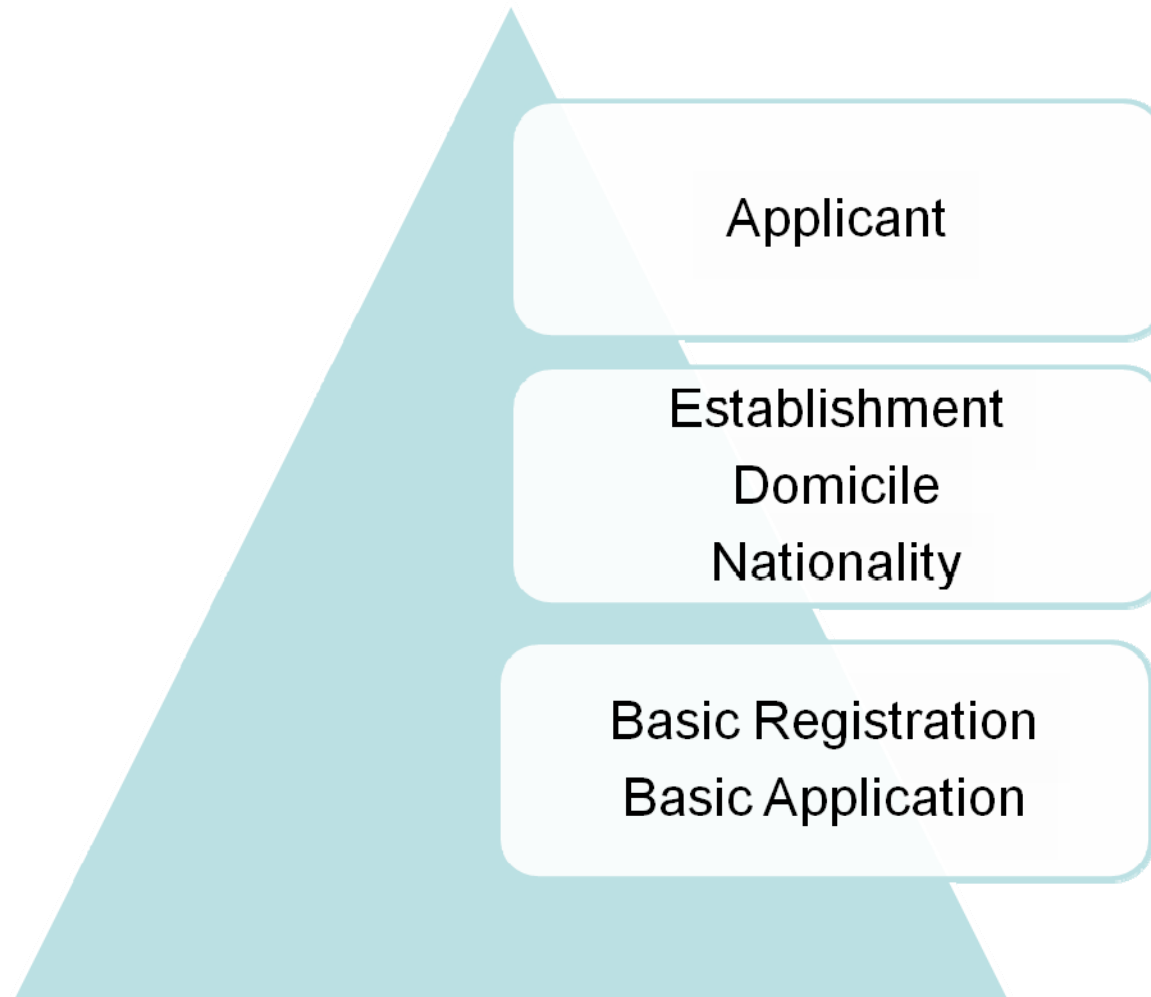
Podgorica
June 6, 2011

Legal Division
International Registries of Madrid and Lisbon

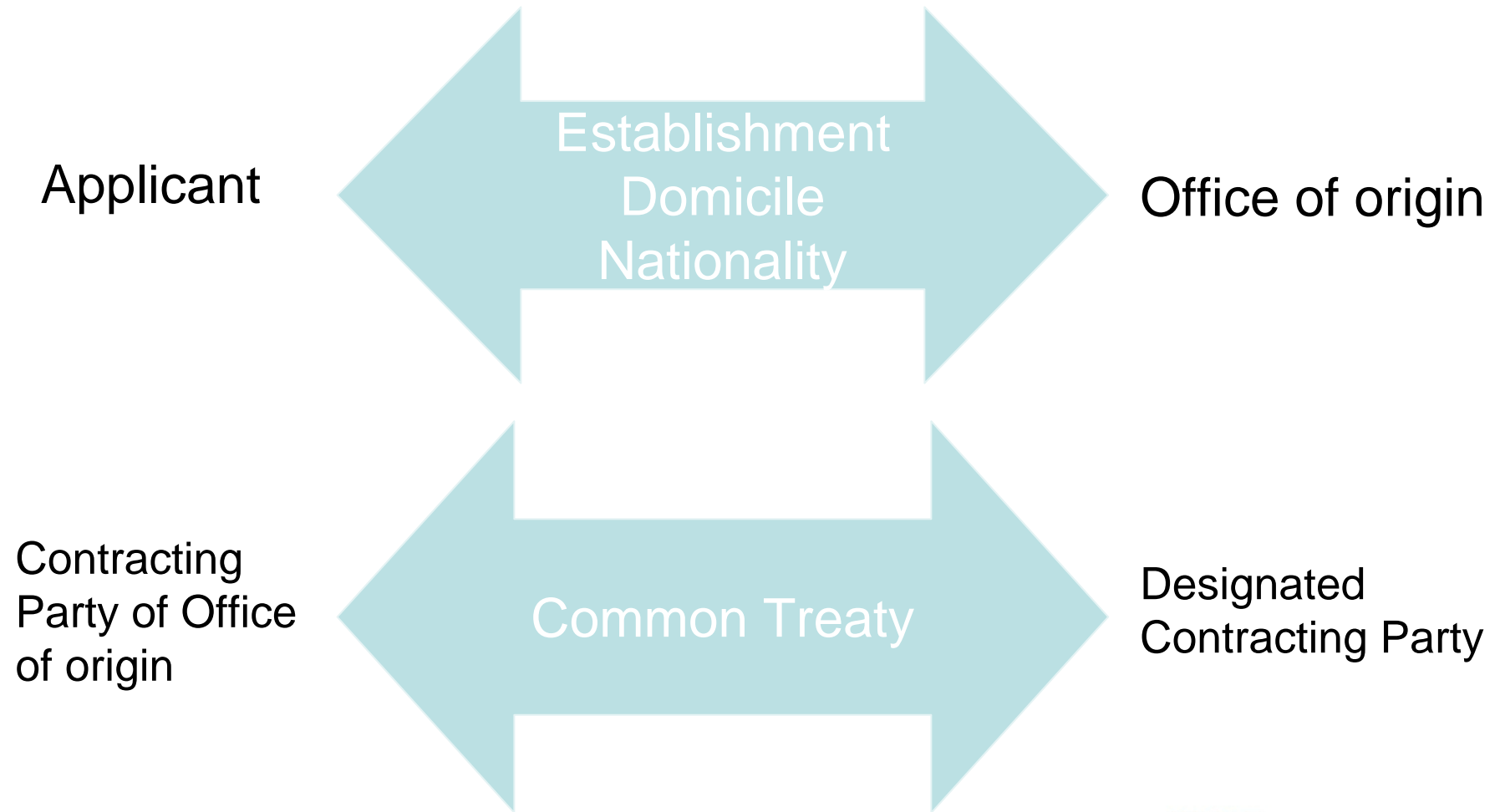
Entitlement to file under the Madrid System

- Filing Basis under the Madrid System
- Two Categories of Connections
- Three Types of Connections
- Three Types of International Applications

Filing Basis Under the Madrid System



Two categories of connections



Three Types of Connections

- Real and Effective Industrial or Commercial Establishment
- Domicile
- Nationality

=> Definition - Domestic Law

Three types of international applications

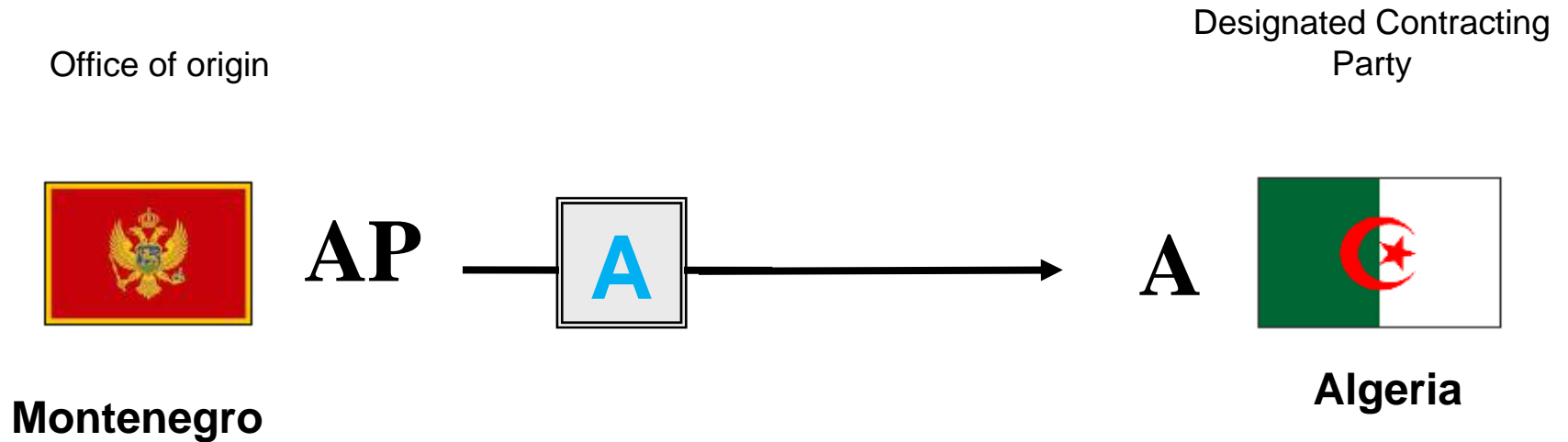
- Application for international registration governed exclusively by the Madrid Agreement
- Application for international registration governed exclusively by the Madrid Protocol
- Application for international registration governed by both the Madrid Agreement and the Madrid Protocol

Application for international registration governed exclusively by the Madrid Agreement

- MM1 Form
- Designations
- CASCADE
- Basic registration
- English, French or Spanish
- Supplementary/complementary fees

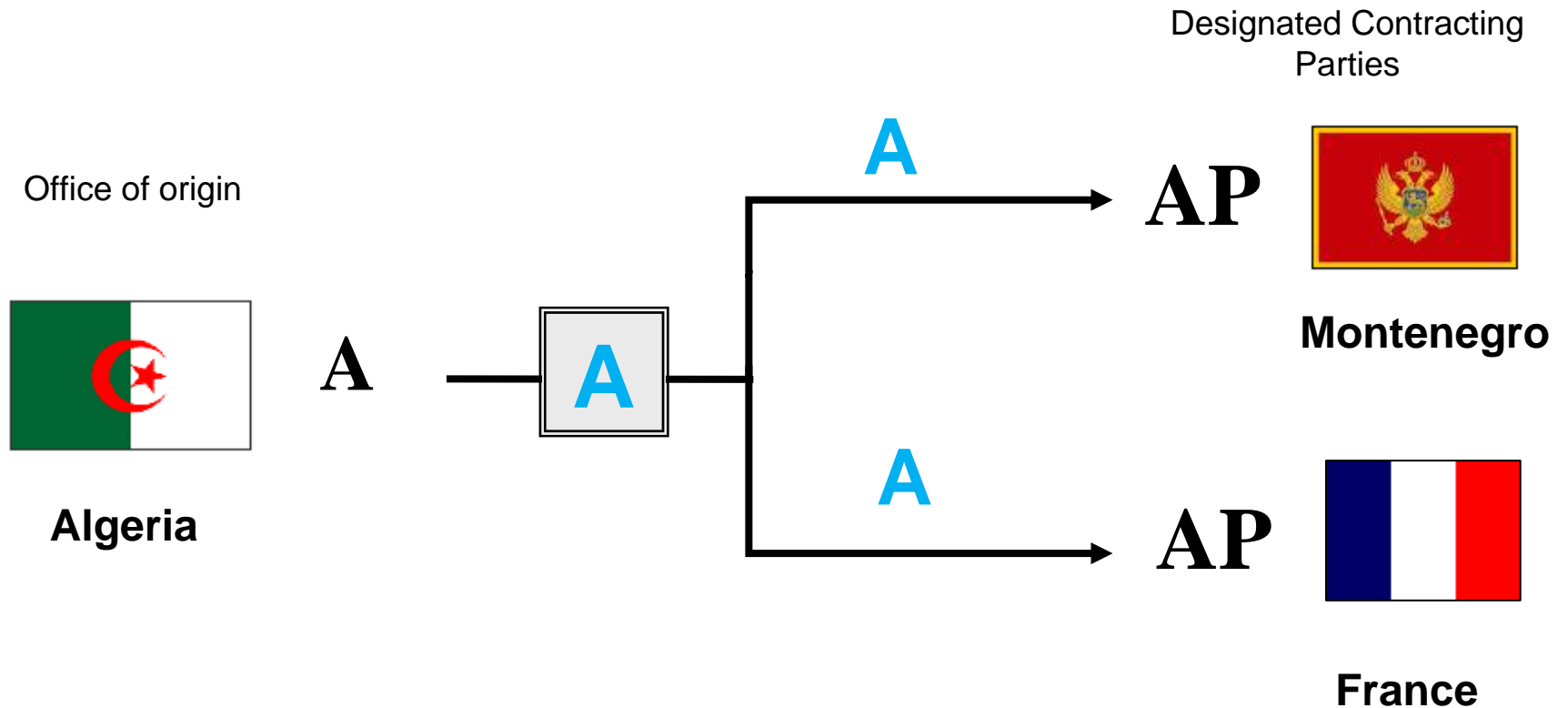
MM1 Form

Application for international registration governed exclusively by the Madrid Agreement



MM1 Form

Application for international registration governed exclusively by the Madrid Agreement

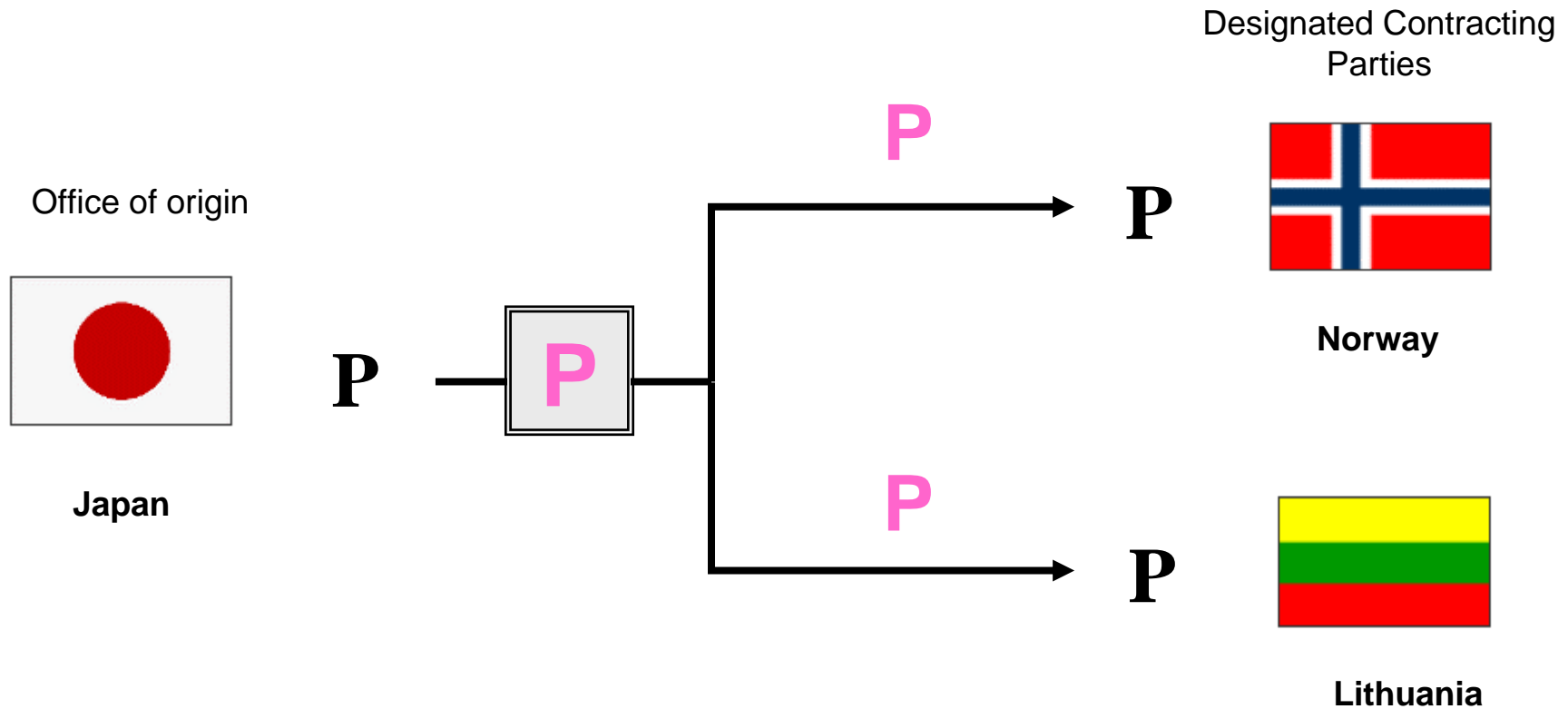


Application for international registration governed exclusively by the Madrid Protocol

- MM2 Form
- Designations
- No Cascade
- Basic application or registration
- English, French or Spanish
- Supplementary/complementary fees or individual fees

MM2 Form

Application for international registration governed exclusively by the Madrid Protocol



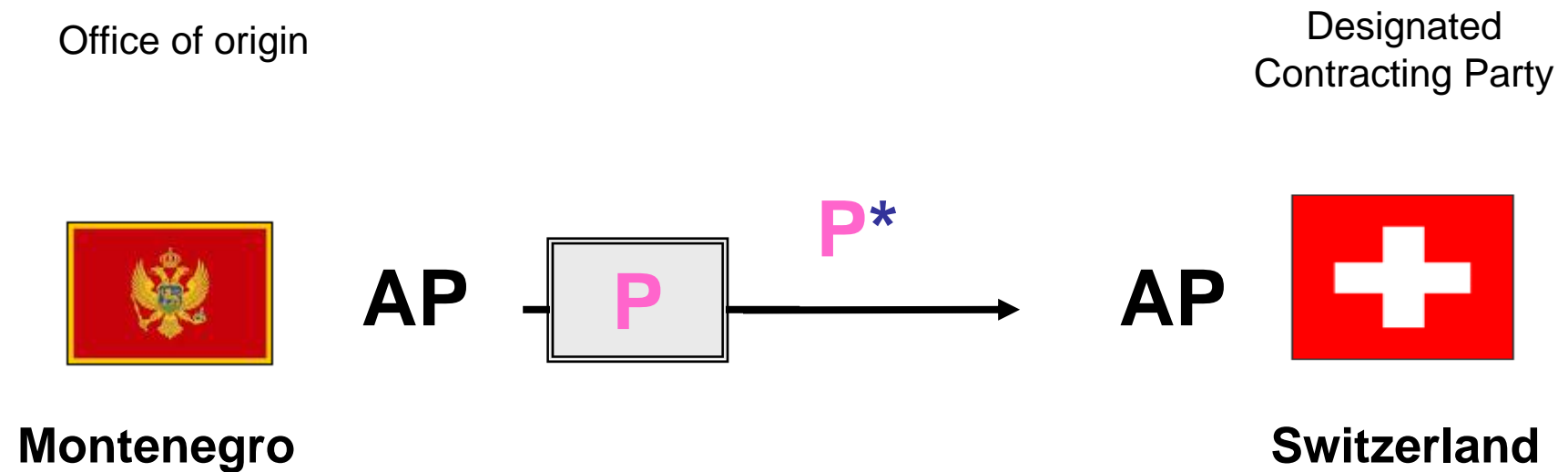
Application for international registration governed exclusively by the Madrid Protocol

- MM2 Form
- Designations
- No Cascade
- Basic application or registration
- English, French or Spanish
- Supplementary/complementary fees
- No individual fees*
- Time limit for refusal = 12 months*

* By virtue of article 9sexies(1)(b) of the Madrid Protocol

MM2 Form

Application for international registration governed exclusively by the Madrid **Protocol**



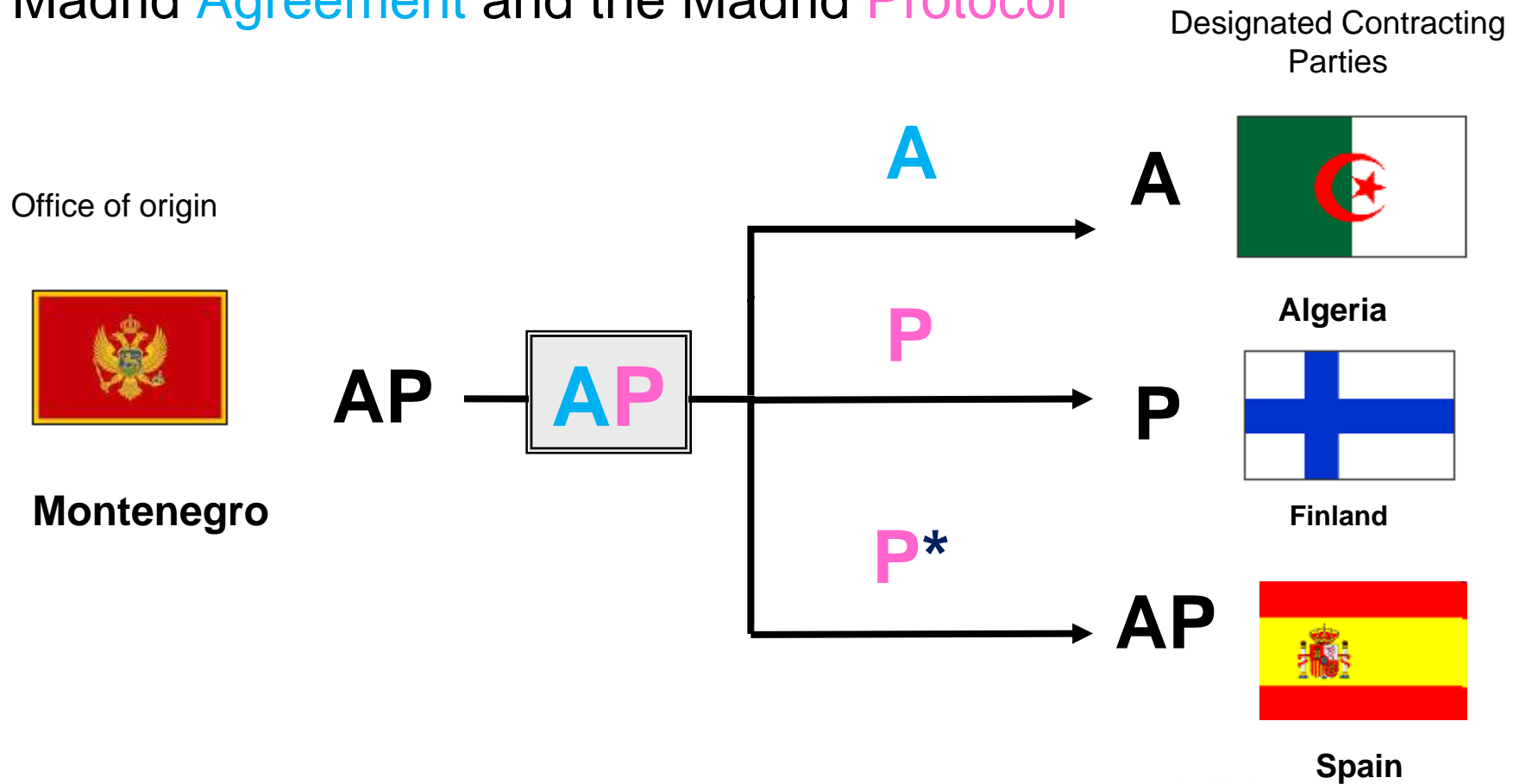
* By virtue of Article 9sexies of the Madrid Protocol

Application for international registration governed by both the Madrid Agreement and the Madrid Protocol

- MM3 Form
- Designations
- CASCADE
- Basic registration
- English, French or Spanish
- Supplementary/complementary fees or individual fees

MM3 Form

Application for international registration governed by both the Madrid **Agreement** and the Madrid **Protocol**



* By virtue of article 9sexies of the Madrid Protocol

Three types of international applications

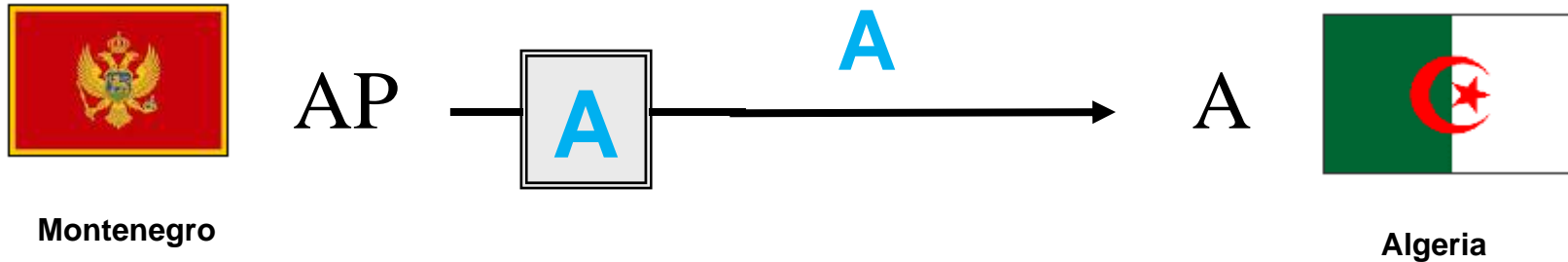
- Application for international registration governed exclusively by the Madrid Agreement
 - MM1 Form (English, French or Spanish)
 - CASCADE
 - basic registration

- Application for international registration governed exclusively by the Madrid Protocol
 - MM2 Form (English, French or Spanish)
 - No cascade : free choice of Office of origin
 - basic application or registration

- Application for international registration governed by both the Madrid Agreement and the Madrid Protocol
 - MM3 Form (English, French or Spanish)
 - CASCADE
 - basic registration

Some practical cases

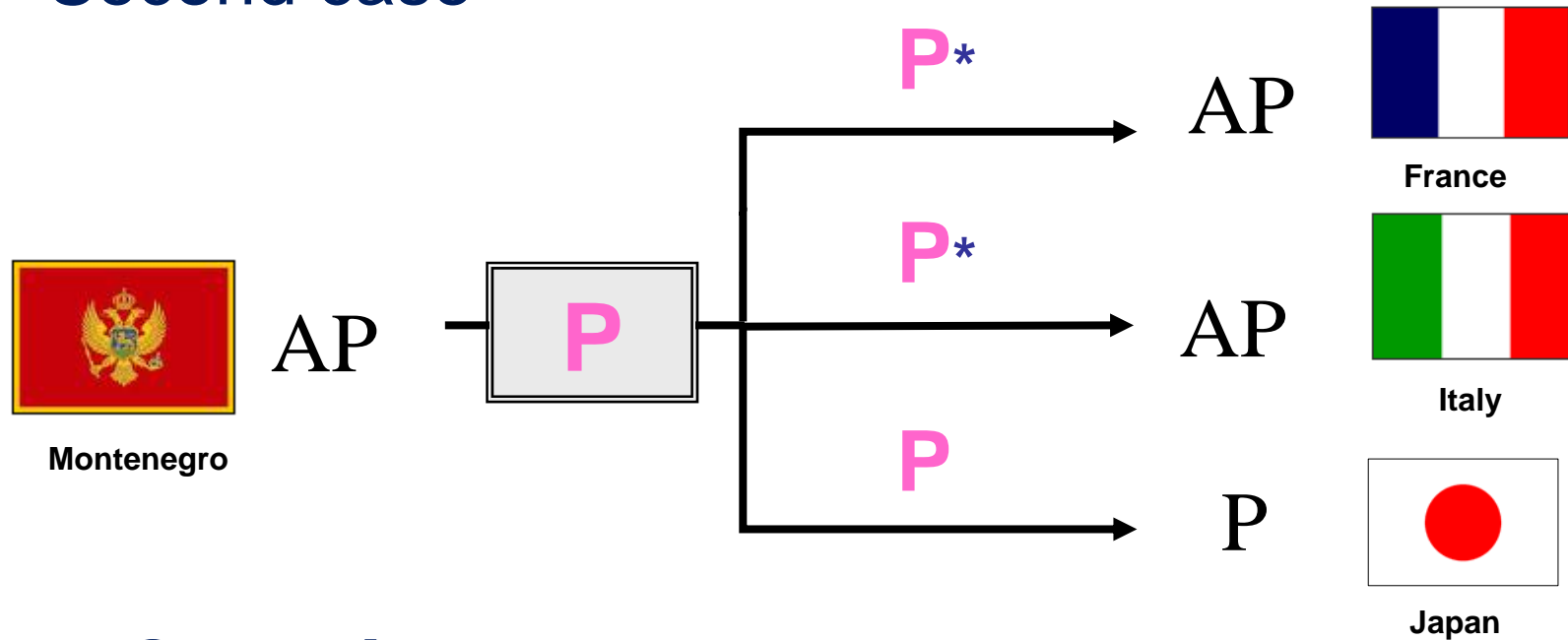
First case



Questions

Applicable Treaty/Treaties : **A** P AP
Form: **MM1** MM2 MM3
Language: **English French Spanish**
Basic application: Yes **No**

Second case



Questions

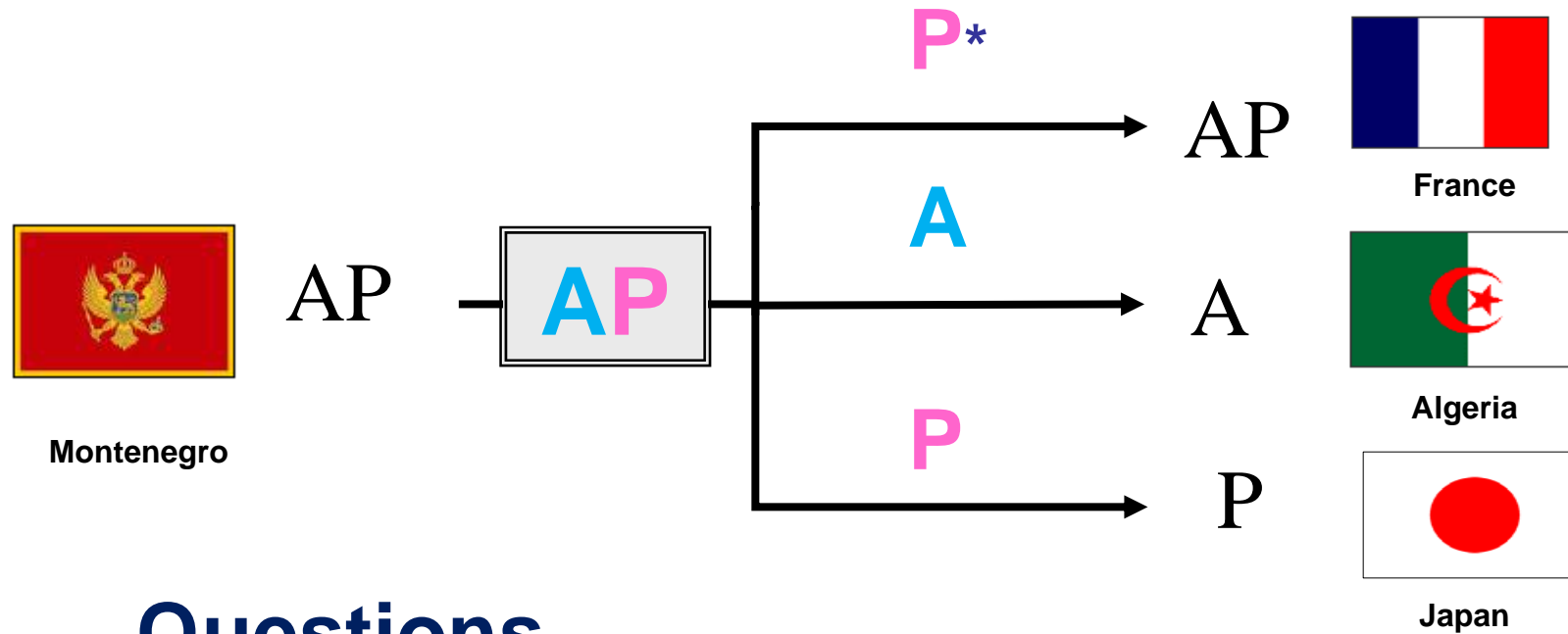
Applicable Treaty/Treaties: A **P** AP

Form: MM1 **MM2** MM3

Language : **English French Spanish**

Basic application : **Yes** No

Third case



Questions

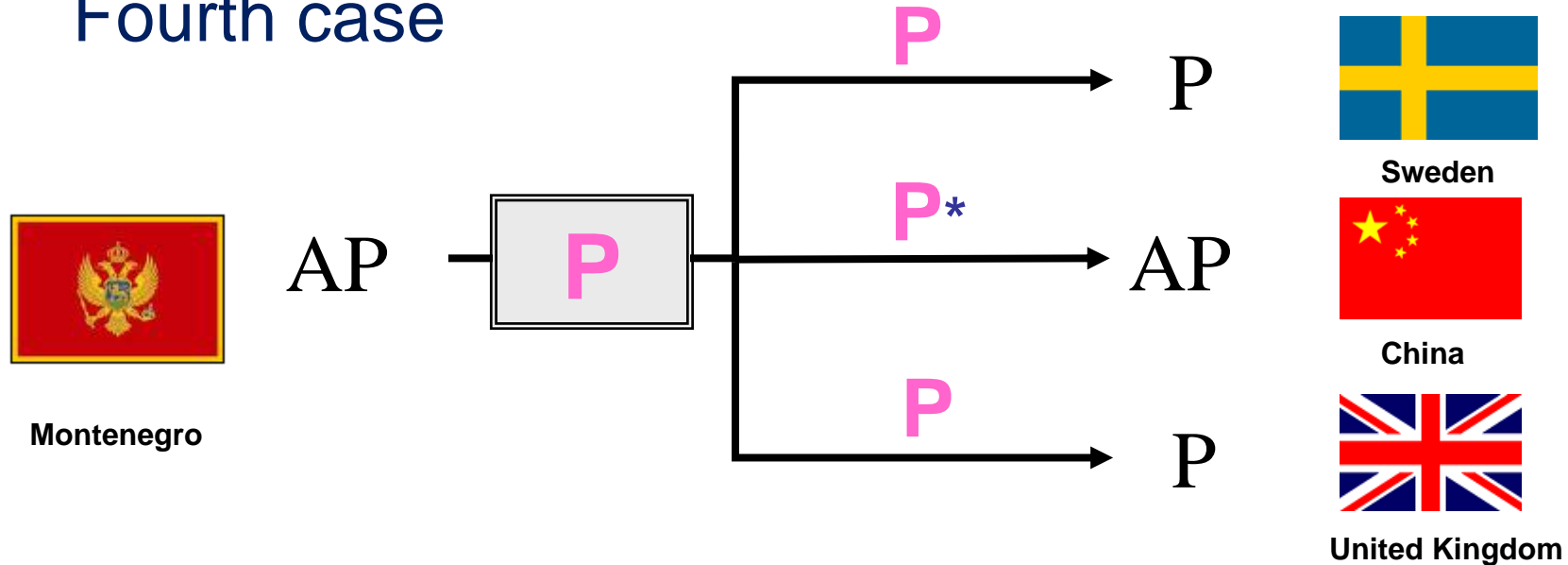
Applicable Treaty/Treaties: A P **AP**

Form: MM1 MM2 **MM3**

Language : **English French Spanish**

Basic application : Yes **No**

Fourth case



Questions

The 3 designated Contracting Parties have opted for a refusal period of 18+ months and for individual fees.

Applicable Treaty/Treaties: A **P** AP

Form: **MM1** **MM2** MM3

Language: **English** French Spanish

Basic application : **Yes** No

To which CP individual fees and 18+ months refusal period are not applicable?:

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION
SE **CN** UK

Declarations

- Extension to 18 months of the refusal period – Article 5(2)(b) and (d) of the Madrid Protocol
- Possible notification of refusals based on an opposition after the 18-month time limit – Article 5(2)(c) and (d) of the Madrid Protocol
- Individual Fees – Article 8(7)(a) and (b) of the Madrid Protocol

<http://www.wipo.int/export/sites/www/madridgazette/en/remarks/declarations.html>

Currency and mode of payment

- Payment must be made in Swiss currency
- Payment could be made by:
 - debit to a current account with WIPO
 - payment into the WIPO Swiss postal account or bank account (see forms)
 - credit card (e-payment or e-renewal)

Standard fees

■ Basic fee*:	
■ reproduction in B/W	653
■ reproduction in color	903
■ Supplementary fee:	
■ for each class exceeding three	100
■ Complementary fee:	
■ for each designated CP w/o individual fee	100

* *Applicants from Least Developed Countries pay 10 per cent of the basic fee: Bhutan, Lesotho, Liberia, Madagascar, Mozambique, Sao Tome and Principe, Sierra Leone, Sudan and Zambia.*

Individual fees

- Optional
- Supplementary and complementary fees are not applicable with respect to designations of concerned Contracting Party.

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Questions ?



Hvala

