

INTERNATIONAL REGISTRATION OF TRADEMARK UNDER MADRID SYSTEM

A trademark may be registered abroad through national route by filing the trademark application at country of origin/Office of origin under Madrid system by filing an international trademark application. In case of national route, the filing requirements, examination process and registration procedures are governed by the domestic laws of individual country. The international registration of trademark under Madrid System is administered by the World Intellectual Property Right. Under this system, the protection is given in trademark in 81 countries and European Community by filing an international application of trademark to the International Bureau, through the Office of Origin. The filing procedures should be completed at the Trademark Office of the Contracting Party referred as the Office of origin through which the international application of trademark is presented to the International Bureau of WIPO. The subsequent designation of trademark registration, renewal, assignment, etc. will be followed by a simple procedure within WIPO.

Minimum requirements of an International application

1. Applicant:-

An applicant for international registration of trademark under Madrid System should be a natural person or a legal entity which has a real and effective industrial or commercial establishment in, or is domiciled in, or is a national of, a country which is party to the Madrid Agreement or the Madrid Protocol, or who has such an establishment in, or is domiciled in, the territory of an intergovernmental organization which is a party to the Protocol, or is a national of a Member State of such an organization. The determination who is entitled to file the international application in each Contracting Party is governed by the domestic legislation in that country.

2. Basic application and basic registration:-

An international registration of trademark must be based on a national application (the “basic application”) where the international application is governed by exclusively by the Madrid Protocol or Agreement (“the basic registration”) in the Trademark Office of the Contracting Party.

3. International application of trademark:-

An international application of trademark must be made in the prescribed form and presented to the International Bureau (IB) through the Office of Origin

The international application must contain a reproduction of the mark which must be identical with that in the basic registration or basic application. The goods and/or services, under which the protection of the mark is sought, are classified in accordance with the International Classification of the Goods and Services

4. Designation

An application for international registration must designate one or more Contracting Parties in which the mark is to be protected. It may not designate the Contracting Party whose Office is the Office of Origin.

5. Language

- a. There are three kinds of international application of trademark: The international application governed exclusively by the Agreement, i.e. all the designations are made under the Agreement;
- b. The international application governed exclusively by the Protocol, i.e. all the designation are made under the Protocol; and
- c. The international application governed by both the Agreement and the Protocol, i.e. some designations are made under the Agreement and some under the Protocol.

If the international application is governed exclusively by the Agreement, it must be in French. If it is governed exclusively by the Protocol or by both the Agreement and the Protocol, it may be in English, French or Spanish.

6. Priority claimed

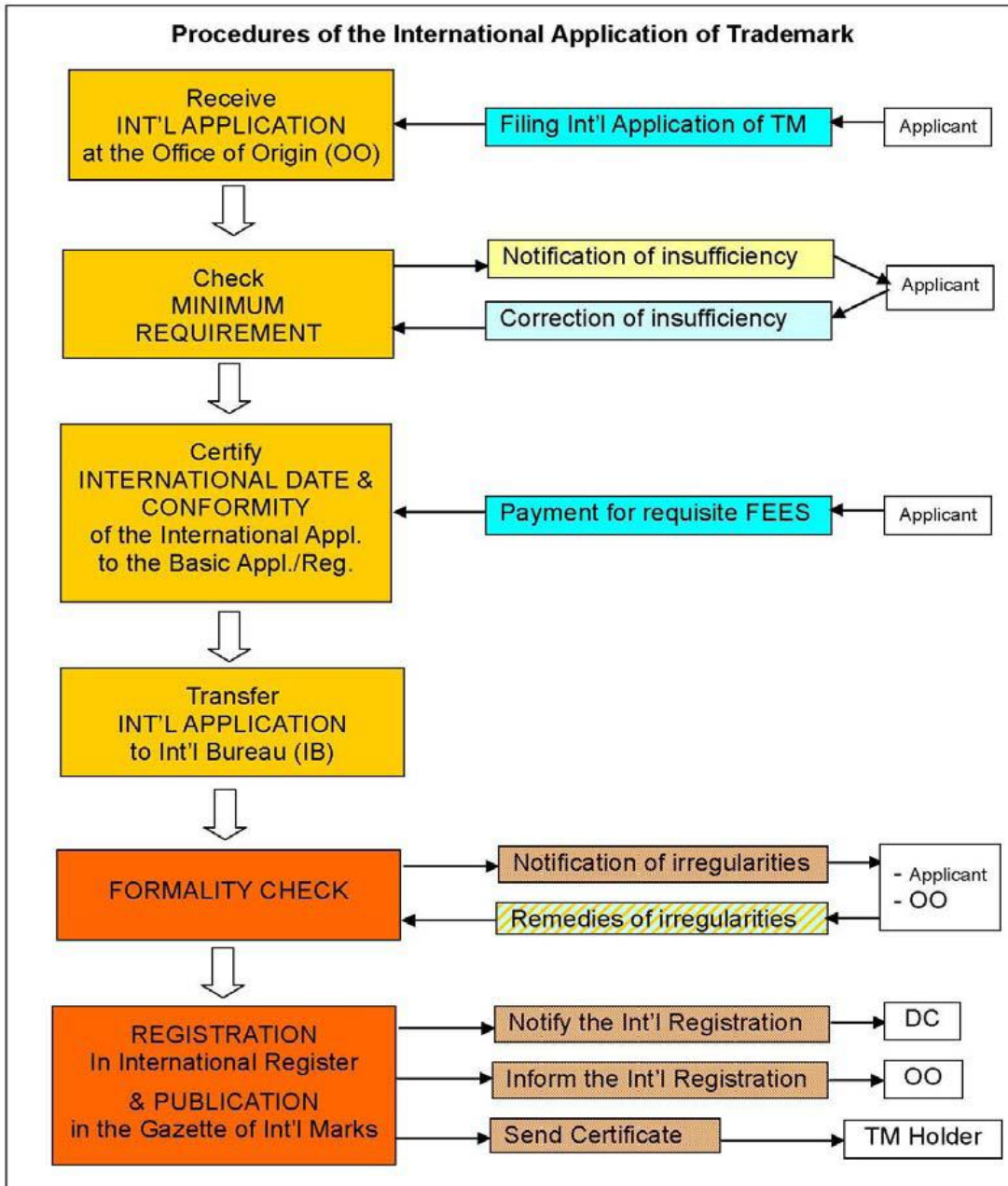
Priority of an earlier filing may be claimed under Article 4 of the Paris Convention provided that such claim is requested and the date of the international application is not later than six months after the earlier filing.

7. Fees

The international application is subject to the payment of the following fees:

- a. Basic fee (the basic fee for black-white mark is 653 Swiss francs, and that for color mark is 903 Swiss Francs);
- b. Supplementary fee for each class of goods/services beyond three classes (this fee is 73 Swiss Francs);
- c. Complementary fee for the designation of each designated Contracting Party for which no individual fee is payable (this fee is 73 Swiss Francs);
- d. Individual fee for the designation of each designated Contracting Party for which individual fee is payable.

The require fees may be paid direct to the International Bureau or through the Office of Origin whether such office accepts to collect and forward such fees.



Abbreviation:

OO: Office of Origin
DC: Designated Countries

Int'l: International
TM: Trademark

Appl.: Application
Reg.: Registration

Notes:

- | | |
|---|--|
| Action by the Applicant/Holder | Correspondence by the Applicant |
| Action by Office of Origin | Correspondence by Office of Origin |
| Action by International Bureau | Correspondence by International Bureau |