

MAIN PROGRAM 14

Madrid System for the International Registration of Marks

14.1 Management and Operation of the Madrid System

14.2 Automation of the Madrid System

14.3 Legal Information and Development of the Madrid System; Training and Promotion Services

Main objectives:

- ◆ To provide the services entrusted to the International Bureau under the Madrid Agreement, the Madrid Protocol and the Common Regulations thereunder in a swift, reliable and cost-effective manner.
- ◆ To render the Madrid System ever more responsive to the needs of its users by expanding its geographical coverage and improving its procedures and operation.

Current Situation After a quasi stagnation of the number of applications for registration and renewals in 1996 (+ 1.5%), that number increased by about 4% in 1997. This upward trend should accelerate in the coming biennium as the number of Contracting Parties of the Madrid Protocol increases and as trademark owners from new members of the Madrid Union become used to the system.

With the entry into force of the Madrid Protocol and of a new set of implementing regulations common to the Madrid Agreement and the Madrid Protocol, the overall complexity of the international procedure grew significantly. The strains these new requirements imposed on the International Registrations Department were partially alleviated by a new computer system, known as MAPS (Madrid Agreement and Protocol System) that became fully operational in the 1996-97 biennium. MAPS will require maintenance and further development to keep pace with user requirements, changes in procedures and technological advances.

On December 31, 1997, 54 States were members of the Madrid Union: of these, 47 were party to the Madrid Agreement and 25 party to the Madrid Protocol (18 were party to both treaties). Further accessions to the Madrid System in the 1998-99 biennium will depend on decisions by the Governments concerned and cannot be predicted with certainty, but the likely increase in the membership of the Union will place additional demands on the International Bureau for the provision of information, advice and training to the national and regional Offices concerned as well as to applicants and potential applicants.

The following table provides statistical information on the actual and expected registration activity under the Madrid System in the 1996-97 biennium and the 1998-99 biennium:

	1996 Actual	1997 Actual	1998 Estimate	1999 Estimate
International registrations	18,485	19,070	20,200	21,400
Renewals	4,510	4,874	5,000	5,100
Total: Registrations and renewals	22,995	23,944	25,200	26,500
Subsequent designations	6,687	6,247	7,000	7,300
Continuation of effects	10,012	11,322	-	-
Other changes	33,771	46,815	52,500	55,000
Refusals and notifications subsequent to a refusal	46,621	52,614	55,000	60,000
Invalidations	2,539	1,437	2,000	2,000

**Strategy
for
the Future**

Increased emphasis will be put on the promotion of wider acceptance of the Madrid System and on the provision of information, advice and training to offices of Contracting Parties and to users. In the field of information technology, there will be a particular effort to develop electronic communications with Offices of Contracting Parties and to facilitate electronic access to the data contained in the International Register.

**Expected
results**

- ◆ The services required under the Madrid System will be provided in a manner that fully satisfies the interested Contracting Parties and the owners of marks from the viewpoint of speed, reliability and cost-effectiveness.
- ◆ Membership in the Madrid Union, particularly the number of Contracting Parties of the Madrid Protocol, is expected to increase significantly.

Sub-program 14.1

Management and Operation of the Madrid System

Objective:

- ◆ To provide the services entrusted to the International Bureau under the Madrid Agreement and the Madrid Protocol.

**Main
activities**

- ◆ Performance of the tasks entrusted to the International Bureau under the Madrid Agreement and the Madrid Protocol, in particular: receipt of applications for

international registration; examination as to formal requirements, including the correct classification of the goods and services; registration of marks; recordal of renewals of registrations, of changes in the registrations, and of any refusals by member countries; making of the required communications and notifications to the applicants or owners of international registrations and to the national and regional Offices; preparation for publication, publishing and mailing the bilingual (English and French) periodical *WIPO Gazette of International Marks* on paper and, if sufficient demand exists, in microfiche form or on CD-ROM or other electronic carriers.

Expected results ♦ The above statistical table sets out the expected growth in activity, based on an annual increase in the number of registrations of about 6% in 1998 and 1999, and on the assumption that 37% of the total number of registrations and renewals effected in 1978 and 1979 will be renewed in, respectively, 1998 and 1999.

Management and Operation of the Madrid System (in thousands of Swiss francs)											
Sub-program 14.1	<u>Official Travel and Fellowships</u>			<u>Contractual Services</u>				<u>Operating Exp.</u>		<u>Equipment and Supplies</u>	
	Staff Missions	Part. Govt Officials	Fellowships	Conferences	Consultants	Publishing	Other	Premises & Maint.	Comm. & Other	Supplies & Materials	Furniture & Equipment
Total	8,291	25	-	-	-	2,100	2,200	519	2,311	525	611

Sub-program 14.2

Automation of the Madrid System

Objectives:

- ♦ To provide system support to the management and operation of the Madrid System.
- ♦ To facilitate the task of trademark offices of members of the Madrid Union.
- ♦ To provide access to information contained in the International Register of marks.

Background With the entry into operation of the computerized management, registration and publishing system for the Madrid Agreement and Protocol (MAPS), the International Register of Marks functions in a largely automated, paperless environment. This enabled the International Bureau to absorb the additional complexity introduced to the international procedure by the combined implementation of the Madrid Agreement and of the Madrid Protocol with minimal staff increases. In the 1998-99 biennium, efforts will concentrate on the development of communications with Offices of the Contracting Parties in electronic form and the review and, as required, redevelopment or replacement of the oldest components of the system.

The general public's access to information contained in the electronic database of international marks is currently provided through the CD-ROM publication called ROMARIN (Read-Only Memory of Madrid Actualized Registry Information) and update files made available on the Internet. While ROMARIN will continue to be maintained and, as required, improved, other means of electronic access to the database will be investigated.

Main activities

- ◆ Maintenance, improvement and further development of MAPS, especially by:
 - **upgrading the Document Image Processing sub-system** to allow the management of a higher volume of scanned documents and images of marks without loss of response time; upgrading or replacement of workstations used in the International Registry of Marks;
 - **redeveloping with state of the art equipment the optical disc archiving sub-system (MINOS)** which was originally developed in 1990, based on specifications dating back to 1988. A proposal to be financed by the Special Reserve Fund for Additional Premises and Computerization will be presented in a separate document;
 - **developing the physical infrastructure and the communications protocol** to allow the International Bureau to receive from, and send to, Offices of interested Contracting Parties all communications concerning the international registration procedure in electronic form, guided by at least two meetings of a technical working party which would elucidate requirements of Offices in this area, discuss common problems and contribute to the establishment of a global network for industrial property information. The related equipment requirements will be financed by the Special Reserve Fund for Additional Premises and Computerization in the framework of the Establishment and Operation of a Global Information Network under sub-program 12.1.
- ◆ Investigation and, as appropriate, implementation of new means of providing **access by the general public** to the electronic database of the International Registry of Marks.

Expected results

- ◆ Wherever possible, the international registration procedure will be faster and more secure and cost-effective. The tasks of Trademark Offices of members of the Madrid Union will be facilitated in so far as they will be able to receive notifications and other communications from the International Bureau in electronic form. For those Offices which capture the data of international registrations, this will generate savings on related staff costs.
- ◆ Access by Offices and by the general public to up-to-date information on applications for registration filed with, and on registrations made by, the International Bureau will be improved.

Automation of the Madrid System (in thousands of Swiss francs)											
Sub-program 14.2	Official Travel and Fellowships			Contractual Services				Operating Exp.		Equipment and Supplies	
	Staff Missions	Part. Govt Officials	Fellowships	Conferences	Consultants	Publishing	Other	Premises & Maint.	Comm. & Other	Supplies & Materials	Furniture & Equipment
Total	950	25	-	-	350	50	450	-	-	25	50

Sub-program 14.3

Legal Information and Development of the Madrid System; Training and Promotion Services

Objectives:

- ◆ To increase, among trademark owners, trademark attorneys, governments and intergovernmental organizations, awareness and knowledge of the Madrid System, its use and benefits.
- ◆ To encourage participation in the Madrid System by more Contracting Parties.
- ◆ To simplify the functioning of the Madrid System and to make it more responsive to the needs of its users.

Background The entry into force of the Madrid Protocol and of the Common Regulations under the Madrid Agreement and Madrid Protocol has generated considerable demand for information on, and training in, the operation of the new procedures on the part of users and potential users of the system as well as of competent authorities of current and potential Contracting Parties. The legal and information services provided by the International Bureau are essential to ensure the smooth functioning and continued growth of the Madrid System.

Of the 54 members of the Madrid Union (as on November 1, 1997), only 11 are developing countries. Yet those countries require special attention to help them participate effectively in the Madrid System, in terms of training and reinforcement of their Trademark Offices. Other developing countries, which are contemplating accession to the Madrid Agreement or Protocol or both, have also special needs for assistance regarding the drafting of implementing legislation, office organization and staff training.

The Common Regulations entered into force on April 1, 1996; a number of amendments, adopted by the Assembly of the Madrid Union in 1997, came into effect on January 1, 1998. Experience with the operation of the new Regulations will no doubt reveal a need for further proposals of amendments to be prepared before the 1999 ordinary session of the Assembly, with the aim of making the Madrid System simpler and more responsive to its users' needs.

Main activities

- ◆ **Promotion of the use of the Madrid System**, and advice on its use to applicants, potential applicants and their representatives, in particular by:
 - organizing, in coordination with other program areas, and taking part in **meetings, seminars and other activities** for applicants, potential applicants and their representatives; and
 - producing and publishing in paper form and on the Internet **information and training material**, including the *Guide to the International Registration of Marks under the Madrid Agreement and Madrid Protocol* and its updates, and a newsletter.
- ◆ Advice and assistance to current and potential Contracting Parties, to facilitate effective implementation of the Madrid System by the competent national or regional offices, by means of **visits by WIPO officials, seminars, workshops or similar meetings, the training of officials** of such Contracting Parties or potential Contracting Parties at the headquarters of WIPO in Geneva, and the establishment of a special unit in the International Registrations Department to address specific requirements of developing countries for the effective operation of the Madrid System.
- ◆ Preparation, with the help of a working group, and submission to the Assembly of the Madrid Union, of **proposals for amending the Common Regulations**.
- ◆ Convening an **extraordinary session of the Assembly** to approve, in the event that the European Community accedes to the Madrid Protocol before the 1999 ordinary session of the Assembly, consequential modifications to the Common Regulations. Since another extraordinary session is planned to take place at the beginning of 1998 to approve the 1998-99 program and budget, it is likely that, including the 1999 ordinary session, **three sessions of the Assembly** will be required in the 1998-99 biennium; they are budgeted for under Main Program 01.

Expected results

- ◆ The Madrid System will be better understood and more effectively used by trademark owners and their representatives.
- ◆ Membership in the Madrid Union will increase and the Governments and intergovernmental organizations participating in the system will be better equipped to operate the system effectively.
- ◆ Procedures under the Madrid System will be simplified and the system will be more responsive to the needs of its users.

Legal Information and Development of the Madrid System; Training & Promotion Services (in thousands of Swiss francs)											
Sub-program 14.3	Official Travel and Fellowships			Contractual Services				Operating Exp.		Equipment and Supplies	
	Staff Missions	Part. Govt Officials	Fellowships	Conferences	Consultants	Publishing	Other	Premises & Maint.	Comm. & Other	Supplies & Materials	Furniture & Equipment
Total	1,076	284	195	-	72	350	50	-	-	25	100

Program Budget Summary

Madrid System for the International Registration of Marks (in thousands of Swiss francs)											
	Official Travel and Fellowships			Contractual Services				Operating Exp.		Equipment and Supplies	
	Staff Missions	Part. Govt Officials	Fellowships	Conferences	Consultants	Publishing	Other	Premises & Maint.	Comm. & Other	Supplies & Materials	Furniture & Equipment
Sub-program 14.1 8,291	25	-	-	-	-	2,100	2,200	519	2,311	525	611
Sub-program 14.2 950	25	-	-	-	350	50	450	-	-	25	50
Sub-program 14.3 1,076	284	195	-	72	350	50	-	-	-	25	100
Total 10,317	334	195	-	72	700	2,200	2,650	519	2,311	575	761

Staff needs and costs

One additional Director post will be required for the information, training and promotion activities referred to in sub-program 14.3, especially with regard to the Madrid Protocol which is not related to the volume of registration activity. One additional Professional post, also not related to the volume of registration activity, will be required, inter alia, to develop electronic communications with Offices of Contracting Parties and to service the technical working party to be established in that area. Four additional General Service posts will be required to deal with the expected increase in registration activity. If the level of applications for registration and renewals were, in fact, less or more than forecast in this program, then the number of posts would be reduced or increased accordingly.

Posts	1996-97	1998-99	Variation
Directors	1	2	1
Professionals	13	14	1
General Service	40.5	44.5	4
Total	54.5	60.5	6

Staff costs (in thousands of Swiss francs)	Budget 1996-97	Budget 1998-99	Variation
Salaries of regular staff	10,548	12,829	
Salaries of short-term staff	477	1,240	
Social charges + other personnel costs	3,460	4,207	
Total staff costs	14,485	18,276	26.2%

Comparative Budget Summary

	(In thousands of Swiss francs)					
MAIN PROGRAM 14: Madrid System for the International Registration of Marks	Budget 1996-97	Budget 1998-99	Variation			
			Program		Cost	
			Amount	%	Amount	%
Program Activities	9,635	10,317	251	2.6%	431	4.5%
Staff Costs	14,485	18,276	3,776	26.1%	15	0.1%
TOTAL	24,120	28,593	4,027	16.7%	446	1.8%