

## MAIN PROGRAM 07

# Madrid, Hague and Lisbon Systems

## 07.1 Operation of the Madrid, Hague and Lisbon Systems

## 07.2 Legal Framework, Information and Training Activities

## 07.3 International Classifications in the Fields of Trademarks and Industrial Designs

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### Summary

#### *Madrid System*

110. After a stagnation<sup>1</sup> in 1999, international applications and renewals surged by 19.5 per cent in 2000, to reach the figure of 31,314.

111. The upward trend in the number of applications for registration of trademarks, which is observed also at the national and regional levels, is likely to continue in 2001 and beyond. As far as international applications are concerned, it is certainly due also in good part to the broadening of the membership of the Madrid Union. On December 31, 2000, 67 States were members of the Madrid Union, of which 52 were party to the Madrid Agreement, and 49 were party to the Madrid Protocol (34 were party to both treaties).

112. Uncertainties regarding future accessions to the Madrid Protocol, however, make the level of applications in 2001 and beyond difficult to forecast. For this reason, planned income and expenditure of the Madrid Union for the 2002-2003 biennium are based on a prudent estimate of an average 3.3 per cent increase in the number of international applications and renewals in 2001, 2002 and 2003. Should the actual number of applications and renewals in 2002 or 2003 be higher or lower than forecasted, the budget of the Union would be increased or decreased as described in Appendix 3.

113. In addition to the day-to-day implementation of the international registration procedure, activities of the International Registrations Department will concentrate on the promotion of the wider acceptance of the Madrid Protocol and the provision of information, advice and training to the national and regional Offices concerned, as

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<sup>1</sup> 1998: 26,195; 1999: 26,202

well as to applicants and potential applicants and their representatives, particularly in new Contracting Parties and with particular attention being paid to SMEs.

114. Besides, the International Bureau will continue its efforts of automation of the international registration procedure, in particular by encouraging Offices of Contracting Parties to exchange communications with the International Bureau by electronic means rather than on paper and by developing internet-based publication as an alternative to paper and CD-ROM publication of data contained in the International Register of Marks (see under Main Program 15).

### *Hague System*

115. The total number of deposits and renewals or prolongations under the Hague Agreement increased in 1999 by 4.5 per cent over 1998 and in 2000 by more than 8 per cent over 1999, i.e., substantially more than the 3 per cent annual increase forecasted in the Program and Budget for the 2000-2001 biennium (document A/34/2).

116. While the increase in the number of international deposits and renewals is not attributable to any increase in the membership of the Hague Agreement (29 States at December 31, 2000), it may, to an extent, reflect new interest for the Hague System prompted by the adoption in July 1999 of the Geneva Act of the Hague Agreement and related promotional activities undertaken by the International Bureau in 1999 and 2000. Besides, although it is too early to predict when the Geneva Act could enter into force, it is not impossible that the required number of instruments of accession to cause the entry into force of the new Act could be received within the next two years. Entry into force of the Geneva Act in 2003 would of course defeat any forecast of registration activity under the Hague Agreement in the next biennium.

117. At this stage, however, planned income and expenditure of the Hague Union for the 2002-2003 biennium are based on an average 4 per cent increase in the number of deposits and renewals/prolongations in each of the years 2001, 2002 and 2003. Should the actual number of deposits and renewals/prolongations in 2002 or 2003 be higher or lower than forecasted, the budget of the Union would be increased or decreased, as described in Appendix 3.

118. In addition to the day-to-day implementation of the international registration procedure, activities of the International Registrations Department will concentrate on the promotion of acceptance of the Geneva Act of the Hague Agreement, preparations for its entry into force, and the provision of information and advice to Offices of Contracting States and potential Contracting Parties of the Hague Agreement, as well as of information, advice and training to applicants, potential applicants and their representatives, with particular attention being paid to SMEs.

119. Preparations for the entry into force of the Geneva Act will involve further development of the computer system that supports the operation of the Hague

Agreement, including the development of an electronic filing facility for applicants (see under Main Program 15).<sup>2</sup>

### *Lisbon System*

120. On December 31, 2000, 19 States were members of the Lisbon Union, and the level of activity of the international register established under the Lisbon Agreement remained very low in 1999 and 2000.

121. Revision of the implementing Regulations under the Lisbon Agreement is expected to be completed in 2001. The new Regulations should allow the move from the current paper-based international register of appellations of origin to an electronic register to be maintained on the same platform as used for the international register of marks and the international register of industrial designs (see under Main Program 15).

122. Besides, the International Bureau will keep under review developments regarding the implementation of Article 23.4 of the TRIPS Agreement with a view to offering its advice and support, if and when requested, in connection with the notification and registration system contemplated therein.

### *International Classifications*

123. At December 31, 2000, the membership of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks and of the Locarno Agreement Establishing an International Classification for Industrial Designs amounted to 63 States, 17 States and 39 States, respectively. Industrial property offices and other users in many more states, however, apply those classifications for searching purposes. Wider acceptance of the Nice Classification, in particular, brings about considerable simplification of filing procedures for international applicants and its worldwide acceptance should continue to be encouraged.

124. Apart from the maintenance of the classifications and advice and assistance to industrial property offices and other users thereof, the International Bureau will investigate ways and means to take advantage of new technologies to improve the dissemination of the classifications, shorten their updating cycle, and facilitate their use by applicants and searching institutions.

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<sup>2</sup> It is expected that the Hague IPDL will be completed in 2001.

## Sub-program 07.1

### Operation of the Madrid, Hague and Lisbon Systems

#### Objective:

- ◆ To provide in a swift, reliable and cost-effective manner the services entrusted to the International Bureau under the Madrid Agreement and the Madrid Protocol, under the Hague Agreement, and under the Lisbon Agreement.

<u>Expected Results</u>	<u>Performance Indicators</u>																																				
<p>Processing in a swift, reliable and cost-effective manner, without any fee increase, of the following numbers of transactions under the Madrid and Hague Systems:</p> <p>– under the Madrid System:</p> <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>2002</u></th> <th style="text-align: center;"><u>2003</u></th> </tr> </thead> <tbody> <tr> <td>International applications</td> <td style="text-align: right;">27,000</td> <td style="text-align: right;">27,600</td> </tr> <tr> <td>Renewals</td> <td style="text-align: right;">6,500</td> <td style="text-align: right;">6,900</td> </tr> <tr> <td>Total: registrations and renewals</td> <td style="text-align: right;">33,500</td> <td style="text-align: right;">34,500</td> </tr> <tr> <td>Subsequent designations</td> <td style="text-align: right;">6,500</td> <td style="text-align: right;">6,500</td> </tr> <tr> <td>Other changes</td> <td style="text-align: right;">44,000</td> <td style="text-align: right;">44,000</td> </tr> <tr> <td>Refusals and related notifications</td> <td style="text-align: right;">85,000</td> <td style="text-align: right;">85,000</td> </tr> </tbody> </table> <p>– under the Hague System:</p> <table style="margin-left: 40px;"> <tbody> <tr> <td>International deposits</td> <td style="text-align: right;">4,800</td> <td style="text-align: right;">5,000</td> </tr> <tr> <td>Renewals</td> <td style="text-align: right;">3,100</td> <td style="text-align: right;">3,200</td> </tr> <tr> <td>Total: deposits and renewals</td> <td style="text-align: right;">7,900</td> <td style="text-align: right;">8,200</td> </tr> <tr> <td>Total number of designs contained in the deposits</td> <td style="text-align: right;">22,500</td> <td style="text-align: right;">23,500</td> </tr> <tr> <td>Changes</td> <td style="text-align: right;">2,700</td> <td style="text-align: right;">2,700</td> </tr> </tbody> </table>		<u>2002</u>	<u>2003</u>	International applications	27,000	27,600	Renewals	6,500	6,900	Total: registrations and renewals	33,500	34,500	Subsequent designations	6,500	6,500	Other changes	44,000	44,000	Refusals and related notifications	85,000	85,000	International deposits	4,800	5,000	Renewals	3,100	3,200	Total: deposits and renewals	7,900	8,200	Total number of designs contained in the deposits	22,500	23,500	Changes	2,700	2,700	<ul style="list-style-type: none"> <li>❑ Number of international registrations, renewals and other entries in the International Registers of marks and industrial designs actually effected.</li> <li>❑ Timeliness of international registrations and other recordals.</li> <li>❑ Comparison between the growth of registration activity related expenditure and the growth of registration activity.</li> </ul>
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<u>Expected Results</u>	<u>Performance Indicators</u>
<p>– under the Lisbon System:</p> <p>No estimate can be made of the expected small number of requests for registrations of appellations of origin in 2002 and 2003.</p>	

## Activities

### *Madrid System*

- ◆ Receipt and formal examination, including for the correct classification of the goods and services, of applications for international registration.
- ◆ Translation into English or French of the lists of goods and services and other data.
- ◆ Registration of marks and recordal of renewals of registrations, changes in registrations and refusals by Contracting Parties.
- ◆ Communications with and notifications to the Offices of the Contracting Parties, applicants and owners, and their representatives.
- ◆ Publication of the periodical *WIPO Gazette of International Marks* on paper, as long as sufficient demand exists, and on CD-ROM or other electronic carriers.
- ◆ Maintenance and any required improvement of the ROMARIN CD-ROM containing information on published international registrations.

### *Hague System*

- ◆ Receipt and formal examination of applications for international deposit.
- ◆ Translation into English or French of data of international applications.
- ◆ Registration of deposits and recordal of renewals and prolongations of deposit, changes in deposits and refusals by Member States.
- ◆ Communications with and notifications to the Offices of the Member States, applicants and owners, and their representatives.
- ◆ Publication of the periodical *WIPO International Designs Bulletin* on CD-ROM, and on paper for bibliographic data as long as there is sufficient demand.

*Lisbon System*

- ◆ Receipt and formal examination of requests for international registration.
- ◆ Registration of appellations of origin and recordal of changes in registrations and of declarations of denial of protection.
- ◆ Communications with and notifications to the Offices of the Contracting Parties.
- ◆ Publication of the periodical *Les appellations d'origine*.

Where appropriate, the activities under this sub-program will be carried out in coordination with other main programs, in particular Main Program 15.

**Sub-program 07.2****Legal Framework, Information and Training Activities****Objectives:**

- ◆ To increase awareness and knowledge of the international registration systems, their operation and benefits among users, potential users, industrial property agents, governments and intergovernmental organizations.
- ◆ To make the international registration systems better suited to the needs of their users by expanding their geographical coverage and improving their procedures.

<u>Expected Results</u>	<u>Performance Indicators</u>
1. Increase in the number of international applications under the Madrid and Hague Systems.	<input type="checkbox"/> Rate of increase of the number of international applications.
2. Increase in the number of Contracting Parties to the Madrid System and accession by a number of States to the Geneva Act of the Hague Agreement.	<input type="checkbox"/> Number of new Contracting Parties in the Madrid Union and number of States having acceded to the Geneva Act of the Hague Agreement.
3. Improved legal framework for obtaining protection for trademarks under the Madrid Agreement and Protocol and under the Hague Agreement.	<input type="checkbox"/> New procedures prepared for the implementation of the Geneva Act of the Hague Agreement.

## Activities

### *Madrid System*

- ◆ Promotion of the use of the Madrid System and advice on its use to applicants, potential applicants and their representatives, in particular by:
  - organizing and participating in conferences, training seminars or similar meetings for applicants, potential applicants and their representatives; particular attention will be given to the requirements of SMEs;
  - producing and publishing information and training material, including the *Guide to the International Registration of Marks* under the Madrid Agreement and Madrid Protocol and its updates, on paper and on the Internet.
- ◆ Promotion of the acceptance of the Madrid Protocol and assistance to current and potential Contracting Parties for the effective implementation of the Madrid System by the competent national or regional offices through visits by WIPO officials, participation in seminars, workshops or similar meetings, and during visits of officials of these authorities to the WIPO Headquarters. In this respect, particular attention will be given to the special requirements of developing countries and countries in economic transition under Main Program 12.
- ◆ As required, preparation, with the help of a working group to be convened by the Director General, and submission to the Assembly of the Madrid Union of proposals for amending the Common Regulations under the Madrid Agreement and Madrid Protocol (e.g. regarding the language regime of the Madrid System).
- ◆ As required, convening of an extraordinary session of the Assembly of the Madrid Union to approve any modifications to the Common Regulations that would be necessary as a result of accession by the European Community to the Madrid Protocol. If this extraordinary session were convened, three sessions of the Assembly would take place during the 2002-2003 biennium, including the ordinary session. Three sessions are budgeted for under Main Program 01.

### *Hague System*

- ◆ Promotion of the use of the Hague System and advice on its use to applicants, potential applicants and their representatives, in particular by:
  - organizing or participating in conferences, training seminars or similar meetings on the Hague System and the Geneva Act of the Hague Agreement for applicants, potential applicants and their representatives; particular attention will be given to the requirements of SMEs;

- producing and publishing, in paper form and on the Internet, information and training material, including the *Guide to the International Deposit of Industrial Designs*.
- ◆ Promotion of the acceptance of the Geneva Act of the Hague Agreement and assistance to the competent authorities of current and potential Contracting Parties of the Hague Agreement through missions of WIPO officials, participation in seminars, workshops or similar meetings, and during visits of officials of these authorities to the WIPO Headquarters. In this respect, particular attention will be given to the special requirements of developing countries and countries in economic transition under Main Program 12.
- ◆ Analysis of work flows and elaboration of work procedures, of official forms and of a new Applicant's Guide in preparation for the entry into force of the Geneva Act of the Hague Agreement; as required, preparation, with the help of a working group to be convened by the Director General, of proposals for amending or complementing the Regulations adopted by the Diplomatic Conference in July 1999, and proposals for consequential amendments to the Regulations under the 1934 and 1960 Acts of the Agreement.

#### *Lisbon System*

- ◆ As required, cooperation with the World Trade Organization (WTO) in the implementation of Article 23.4 of the TRIPS Agreement.

Where appropriate, the activities under this sub-program will be carried out in coordination with other main programs, in particular Main Programs 09, 12, 13, 14 and 15.

### **Sub-program 07.3**

#### **International Classifications in the Fields of Trademarks and Industrial Designs**

##### **Objectives:**

- ◆ Providing industrial property offices and other users with effective tools for the classification of trademarks and industrial designs for the purposes of the administration and searching of trademark and industrial design rights.
- ◆ Promoting the wider acceptance and effective use of the Nice, Vienna and Locarno classifications.



<u>Expected Results</u>	<u>Performance Indicators</u>
1. Improved and updated international classifications.	<input type="checkbox"/> Number of new entries and other amendments introduced or prepared for introduction in the Nice, Vienna and Locarno classifications.
2. Wider acceptance and more effective use of the international classifications.	<input type="checkbox"/> Number of Industrial Property Offices using the international classifications. <input type="checkbox"/> Number of classification advice published by the International Bureau. <input type="checkbox"/> Number of people trained in the use of the international classifications.
3. Elaboration of strategies for the future development of international classifications.	<input type="checkbox"/> Studies of ways and means to improve the efficiency and relevance of international classifications completed.

### Activities

- ◆ Preparation of proposals for additions and other amendments to the eighth edition of the Nice Classification, through, in particular, two sessions of the Preparatory Working Group of the Committee of Experts of the Nice Union (one in 2002 and one in 2003), and convening a session of the Committee of Experts itself, in 2003, to consider those proposals.
- ◆ Preparation of proposals for addition and other amendments to the seventh edition of the Locarno Classification and convening a session of the Committee of Experts of the Locarno Union in 2002.
- ◆ Publication on paper, on CD-ROM (NIVILO:CLASS) and on the Internet of the fifth edition of the Vienna Classification and of the eighth edition of the Locarno Classification.
- ◆ Providing advice to industrial property offices and other searching institutions and to the general public on the proper application of the international classifications concerned through correspondence and/or the publication of classification notices on the Internet.
- ◆ Organizing and conducting training courses, seminars or workshops on the application of the Nice, Vienna and Locarno classifications.
- ◆ Studying, with the help of consultants and of three meetings of a Task Force to be convened by the Director General, ways and means to take advantage of new

technologies to make the updating of the classifications faster and more effective, improve the dissemination of the classifications and provide tools to facilitate their use by industrial property offices and other institutions performing searches as well as by applicants.

Where appropriate, the activities under this sub-program will be carried out in coordination with other main programs, in particular Main Programs 09, 12, 13, 14 and 15.

**Table 11.7 Detailed Budget 2002-2003**  
**Main Program 07**  
**Madrid, Hague and Lisbon Systems**

**A. Budget Variation by Object of Expenditure**

Object of Expenditure	2000-2001	Variation						2002-2003
	Revised Budget	Program		Cost		Total		Proposed Budget
	A	Amount B	% B/A	Amount C	% C/A	Amount D=B+C	% D/A	E=A+D
Staff Expenses	24,560	194	0.8	1,295	5.3	1,489	6.1	26,049
Travel and Fellowships	611	18	2.9	22	3.6	40	6.5	651
Contractual Services	4,677	(686)	(14.7)	143	3.1	(543)	(11.6)	4,134
Operating Expenses	1,828	80	4.4	70	3.8	150	8.2	1,978
Equipment and Supplies	1,401	(985)	(70.3)	17	1.2	(968)	(69.1)	433
	<b>33,077</b>	<b>(1,379)</b>	<b>(4.2)</b>	<b>1,547</b>	<b>4.7</b>	<b>168</b>	<b>0.5</b>	<b>33,245</b>

**B. Budget Variation by Post Category**

Post Category	2000-2001	Variation	2002-2003
	Revised Budget A	B-A	Proposed Budget B
Directors	2	(1)	1
Professionals	17	2	19
General Service	69	-	69
<b>TO TAL</b>	<b>88</b>	<b>1</b>	<b>89</b>

**C. Budget Allocation by Sub-program and Detailed Object of Expenditure**

Object of Expenditure	Sub-program			Total
	1	2	3	
<b>Staff Expenses</b>				
Posts	20,557	3,188	700	24,445
Short-term Expenses	1,484	120	-	1,604
<b>Travel and Fellowships</b>				
Staff Missions	65	209	40	314
Government Officials	-	275	62	337
<b>Contractual Services</b>				
Conferences	-	88	88	176
Consultants	120	360	120	600
Publishing	1,840	450	87	2,377
Other	781	100	100	981
<b>Operating Expenses</b>				
Premises and Maintenance	194	54	50	298
Communication and Other	1,600	50	30	1,680
<b>Equipment and Supplies</b>				
Furniture and Equipment	276	50	30	356
Supplies and Materials	45	17	15	77
<b>Total</b>	<b>26,962</b>	<b>4,961</b>	<b>1,322</b>	<b>33,245</b>