

Working Group on the Legal Development of the Madrid System for the International Registration of Marks

Eleventh Session
Geneva, October 30 to November 1, 2013

SUMMARY BY THE CHAIR

adopted by the Working Group

1. The Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”) met in Geneva from October 30 to November 1, 2013.
2. The following Contracting Parties of the Madrid Union were represented at the session: Algeria, Australia, Austria, China, Colombia, Cuba, Czech Republic, Denmark, Estonia, European Union, Finland, France, Georgia, Germany, Hungary, Iceland, India, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Madagascar, Mexico, Morocco, New-Zealand, Norway, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovenia, Spain, Sudan, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Viet Nam (46).
3. The following States were represented as observers: Afghanistan, Chile, Dominican Republic, Indonesia, Iraq, Malaysia, Malawi, Myanmar, Peru, Saudi Arabia, Thailand, Trinidad and Tobago, Zimbabwe (13).
4. A Representative of the following international intergovernmental organization took part in the session in an observer capacity: Benelux Office for Intellectual Property (BOIP) (1).
5. Representatives of the following international non-governmental organizations took part in the session in an observer capacity: American Intellectual Property Law Association (AIPLA), *Association des praticiens du droit des marques et des modèles* (APRAM), *Association romande de propriété intellectuelle* (AROPI), Centre for International Intellectual Property Studies (CEIPI), International Association for the Protection of Intellectual Property (AIPPI), International Trademark Association (INTA), Japan Patent Attorneys Association (JPAA), Japan Trademark Association (JTA) (8).

6. The list of participants is contained in document MM/LD/WG/11/INF/1 Prov.*.

AGENDA ITEM 1: OPENING OF THE SESSION

7. The Director General of the World Intellectual Property Organization (WIPO), Mr. Francis Gurry, opened the session and welcomed the participants.

AGENDA ITEM 2: ELECTION OF THE CHAIR AND TWO VICE-CHAIRS

8. Mr. Mikael Francke Ravn (Denmark) was unanimously elected as Chair of the Working Group, Ms. Ma. Corazon Marcial (Philippines) and Ms. Mathilde Manitra Soa Raharinony (Madagascar) were unanimously elected as Vice-Chairs.
9. Ms. Debbie Roenning acted as Secretary to the Working Group.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

10. The Working Group adopted the draft agenda (document MM/LD/WG/11/1 Prov. 2), without modification.
11. The Working Group took note of the electronic adoption of the Report of the tenth session of the Working Group.

AGENDA ITEM 4: PROPOSED AMENDMENTS TO THE COMMON REGULATIONS UNDER THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS AND THE PROTOCOL RELATING TO THAT AGREEMENT

12. Discussions were based on document MM/LD/WG/11/2.
13. The Working Group recommended that the proposed amendments be adopted by the Madrid Union Assembly, as modified by the Working Group.

AGENDA ITEM 5: PROPOSAL FOR THE INTRODUCTION OF THE RECORDAL OF DIVISION OR MERGER CONCERNING AN INTERNATIONAL REGISTRATION

14. Discussions were based on document MM/LD/WG/11/3.
15. The Working Group requested that the International Bureau prepare for the next meeting a document which would:
- (a) propose a detailed operational implementation of primarily a centralized but also a decentralized approach to the introduction of division and merger concerning an international registration, including how such implementation would affect Contracting Parties to the Madrid system;
 - (b) analyze the impact on costs and workload of the International Bureau and the workload of Contracting Parties;
 - (c) propose a timeframe for the above-mentioned implementation.

* The final list of participants will be made available as an Annex to the Report of the session.

The document, referred to above, should also take into account all previous contributions in the discussion of this issue, including documents MM/LD/WG/10/6 and MM/LD/WG/9/2.

AGENDA ITEM 6: INFORMATION CONCERNING CEASING OF EFFECT, CENTRAL ATTACK AND TRANSFORMATION

16. Discussions were based on document MM/LD/WG/11/4.

17. The Working Group requested that the International Bureau prepare a document that would analyze all aspects of the freezing of the principle of dependency and make reference to the various concerns that had been raised during its discussion; in particular, central attack and bad-faith international applications.

AGENDA ITEM 7: PROPOSAL TO FREEZE THE APPLICATION OF ARTICLE 14(1) AND (2)(A) OF THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

18. Discussions were based on document MM/LD/WG/11/5.

19. The Working Group requested that the International Bureau prepare, for the thirteenth session of the Working Group, a document that would, in the context of public international law, review the legal framework for the freezing, either totally or in part, of international treaties, and its possible consequences. The document would also consider other options that might achieve the objective of what had been proposed in document MM/LD/WG/11/5 without the need to resort to the freezing of the application of Article 14(1) and (2)(a) of the Madrid Agreement Concerning the International Registration of Marks.

AGENDA ITEM 8: OTHER MATTERS

20. The Working Group raised a number of issues to be considered in the next and future sessions of the Working Group or in the Roundtable and requested that the International Bureau undertake the pertinent preparatory work.

AGENDA ITEM 9: SUMMARY BY THE CHAIR

21. The Working Group approved the Summary by the Chair, as contained in the present document.

AGENDA ITEM 10: CLOSING OF THE SESSION

22. The Chair closed the session on November 1, 2013.

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