E

WIPO

MM/LD/WG/4/7 Prov.
ORIGINAL: English
DATE: October 1, 2007

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

AD HOC WORKING GROUP ON THE LEGAL DEVELOPMENT OF THE MADRID SYSTEM FOR THE INTERNATIONAL REGISTRATION OF MARKS

Fourth Session
Geneva, May 30 to June 1, 2007

DRAFT REPORT

prepared by the Secretariat

I. INTRODUCTION

1. The *ad hoc* 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 May 30 to June 1, 2007.

2. The following Contracting Parties of the Madrid Union were represented at the session: Algeria, Australia, Austria, Azerbaijan, Belgium, Bhutan, China, Croatia, Cuba, Czech Republic, Denmark, Estonia, European Community, Finland, France, Germany, Greece, Hungary, Italy, Japan, Kenya, Latvia, Lithuania, Moldova, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Singapore, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom, United States of America (41).

3. The following States were represented by observers: Brazil, Colombia, Ecuador, Guinea, Zimbabwe (5).

4. Representatives of the following international intergovernmental organization (IGO) 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 (NGOs) took part in the session in an observer capacity*: Association romande de propriété intellectuelle* (AROPI), Centre for International Industrial Property Studies (CEIPI), The Confederation of European Business (BUSINESSEUROPE), European Brands Association (AIM), European Communities Trade Mark Association (ECTA), German Association for the Protection of Industrial Property and Copyright Law (GRUR), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Federation of Industrial Property Attorneys (FICPI), International Trademark Association (INTA) and MARQUES (Association of European Trademark Owners) (10).

6. The list of participants is given in the Annex to this report.

7. Mr. Ernesto Rubio, Assistant Director General, opened the session and, on behalf of the Director General of the World Intellectual Property Organization (WIPO), welcomed the participants. He pointed out that the draft agenda of the session contained the topics agreed upon at the third session, in February 2007, in particular, review of Article 9*sexies* of the Madrid Protocol (hereinafter referred to as "the safeguard clause"), amendments to the Common Regulations and legal development of the Madrid Protocol.

8. Mr. Rubio underlined that the Working Group had been addressing the question of the review of the safeguard clause, as contained in Article 9*sexies* of the Protocol, since its first session in July 2005. The Working Group had been studying carefully the multiple implications of a repeal or a restriction of the safeguard clause. It had considered various options to move forward, analyzing the advantages and disadvantages of each option. The divergence of views among the members of the Madrid Union directly concerned by the safeguard clause, namely those States which were bound by both the Madrid Agreement and the Protocol, was evident. The Working Group, however, had agreed on a number of objectives, namely, simplifying, as much as possible, the operation of the Madrid system, keeping in mind the ultimate goal that the system be governed by only one treaty (the Protocol); ensuring equal treatment among all Contracting Parties to the Madrid Protocol; and allowing users of States which were bound by both the Agreement and the Protocol to be able to benefit from the advantages offered by the Protocol while limiting undesired effects that might affect them as a result of the application of the Protocol. Mr. Rubio recalled thata t its third session, the Working Group, after having explored several options, had adopted a proposal for a compromise solution. The proposal clearly established that, in the relationship between countries bound by both the Agreement and the Protocol, the provisions of the Protocol only would apply, with the exception of standard fees, which, subject to certain conditions, would continue to be applicable to the renewal of international registrations. The "freezing" of standard fees in respect of the existing designations was to be subject to review after the expiry of a period of 10 years.

9. Mr. Rubio recalled that the International Bureau had been requested to prepare draft amendments of Article 9*sexies* of the Protocol and of the Common Regulations along the lines of the agreed proposal, identified as the best possible compromise, for consideration by the Working Group at its fourth session. A draft amendment of Article 9*sexies* was contained in document MM/LD/WG/4/2 and draft amendments of the Common Regulations were set out in document MM/LD/WG/4/3.

10. Mr. Rubio noted that a number of non-governmental organizations, in particular, AROPI, BUSINESSEUROPE, ECTA and MARQUES, had submitted papers dealing with the review of the safeguard clause and future legal development of the Madrid Protocol, which had been made available to the Working Group as informal documents

11. Mr. Rubio further pointed out that the Working Group, at its third session, had agreed to introduce a new Rule 1*bis* of the Common Regulations, to provide for a change in the treaty applicable to the designation of a Contracting Party bound both by the Agreement and the Protocol. The proposed Rule 1*bis*, and a number of amendments proposed as consequential amendments to the new Rule, as well as proposals for transitional provisions, were contained in document MM/LD/WG/4/3.

12. Finally, he recalled that as regards the legal development of the Madrid Protocol, contributions had been submitted by Norway, as contained in document MM/LD/WG/2/9, by Australia, as contained in document MM/LD/WG/4/4, and by Japan, as contained in documents MM/LD/WG/4/5 and MM/LD/WG/4/5 Corr. In addition, an informal proposal by the Republic of Korea had been distributed to the Working Group.

13. Mr. António Campinos (Portugal) was unanimously elected as Chair of the Working Group, and Mr. Chan Ken Yu Louis (Singapore) and Ms. Tatiana Zmeevskaya (Russian Federation) were elected as Vice-Chairs.

14. Mr. Grégoire Bisson (WIPO) acted as Secretary to the Working Group.

15. The Working Group adopted the draft agenda (document MM/LD/WG/4/1 Prov.) with a modification of agenda item 8 to read “Adoption of the Summary by the Chair”.
Mr. Campinos chaired the discussions on agenda items 3 to 5. Mr. Chan chaired the discussions on agenda items 6 to 9.

16. The Secretariat noted the interventions made. This report summarizes the discussions.

II. REVIEW OF ARTICLE 9*SEXIES* OF THE MADRID PROTOCOL

17. The Working Group based its discussions on document MM/LD/WG/4/2, which contained a proposed amendment of Article 9*sexies* of the Madrid Protocol, prepared by the International Bureau on the basis of the proposal for a compromise solution adopted by the Working Group at its third session.

18. The Secretariat explained that paragraph (1)(a) of proposed Article 9*sexies* established that the Protocol alone should be applicable as regards the mutual relations of Contracting Parties to both the Protocol and the Madrid (Stockholm) Agreement. The Secretariat suggested, however, that the words "Contracting Parties" be replaced by the words "States party", since only States could be party to the Agreement. The Secretariat pointed out that the wording of paragraph (1)(a) was similar to the wording in other WIPO-administered treaties, such as the Madrid Agreement, the Hague Agreement Concerning the International Registration of Industrial Designs and the Singapore Treaty on the Law of Trademarks.

19. The Delegation of Switzerland stated that, after the last session of the Working Group, it had been in contact with the users of the Madrid system. The Delegation pointed out that the Madrid system should be transparent and simplified. Furthermore, the safeguard clause should be repealed and only the Protocol be applicable. In the context of the repeal of the safeguard clause, the individual fees should not be applied without exceptions. The "freezing" of fees as proposed by the International Bureau would limit undesired effects resulting from the repeal of the safeguard clause. The Delegation suggested that the possible increase of costs in connection with the repeal of the safeguard clause be evaluated after the expiry of a period of 10 years. The Delegation expressed its interest in a compromise, which would take into account the above aspects. The Delegation, *a priori*, supported the proposal for a compromise solution to repeal the safeguard clause, accompanied by certain measures. However, the "freezing" of the safeguard clause to cover only existing registrations or designations should be discussed, taking into account the interests of both offices and users. The Delegation was interested in discussing the different options and in hearing the opinions of other delegations.

20. The Delegation of Spain noted that the proposed amendment of Article 9*sexies* was agreed by the Working Group at its last session. The Delegation sought a clarification of the suggestion of the Delegation of Switzerland, whether it proposed the reconsideration of the compromise solution adopted by the Working Group.

21. In response to a question from the Delegation of Spain, the Chair clarified that in the view of the Delegation of Switzerland, the proposed Article 9*sexies* as prepared by the International Bureau covered the compromise solution agreed by the Working Group. The Delegation of Switzerland had, however, expressed a wish to discuss the scope of the "freezing" of the safeguard clause, whether it applied to existing registrations or only to existing designations.

22. Following the clarification by the Chair, the Delegation of Switzerland emphasized its interest to engage in discussing the advantages and disadvantages of different options.

23. The Delegation of Kenya suggested two issues be clearly distinguished, namely the review of Article 9*sexies* and the issue of the legal development of the Madrid Protocol. The Delegation considered proposed paragraphs (1)(a) and (2) of Article 9*sexies* acceptable, whereas proposed paragraph (1)(b) should be looked at in detail in order to avoid later confusion.

24. The Delegation of Sudan expressed its support for the proposal of the Delegation of Kenya. The Delegation emphasized the benefits of the forthcoming accession of its country to the Madrid Protocol, probably in 2007 or at the beginning of 2008. The Delegation referred to a seminar, organized in Sudan in cooperation with WIPO, which highlighted the usefulness of the Madrid system for trademark owners and representatives. The Delegation

expressed a wish to organize, in cooperation with WIPO, a further seminar or workshop, on the international registration of marks. The consultations between its country and WIPO were continuing in order to implement the provisions of the Madrid Protocol into the national law.

25. The Representative of INTA recalled its support for the Madrid Protocol as an instrument, which had removed or alleviated a number of difficulties that had prevented wide acceptance of the Madrid system. The safeguard clause issuewas the subject of a resolution adopted by the Board of Directors of INTA, in November 2005. That resolution was based on the results of a survey of company members with operations in countries party to both the Agreement and the Protocol. In that resolution, INTA supported the restriction of the scope of the safeguard clause only to cover the 12-month refusal period and the standard designation fees in the mutual relations between States party to both treaties. The total repeal of the safeguard clause could be an option if the offices provided users of the Madrid system with enhanced services, such as reports on the status of designations and statements of grant of protection. INTA welcomed the recommendation agreed by the Working Group, at its second session, to explore a proposal for a repeal of the safeguard clause accompanied by certain measures. The Working Group, at its third session, however, decided that the question of the repeal of the safeguard clause be dealt with separately.

26. The Representative declared that INTA supported the basic principle that the safeguard clause be amended to the effect of clearly establishing that, in the relationship between States bound by both the Protocol and the Agreement, the provisions of the Protocol alone apply. The Representative emphasized that the concerns widely expressed by users regarding future designations, the level of designation fees and the time limit for notification of a refusal were real, and the failure to properly address them might have negative effects on the attractiveness of the Madrid system and, as a result, be detrimental to the system as a whole. An improved compromise would thus affirm the principle that in the mutual relations between States bound by both treaties, the Protocol alone applied, with the exception of individual fees and the extended refusal period. The amended Article 9*sexies* of the Protocol should be subject to further review after a reasonable period of time. Such review might be linked with the progress achieved in improving the level of services to users.

27. Finally, the Representative observed that the level of standard fees had remained unchanged for 11 years, which was a matter that could be looked at.

28. The Representative of ATRIP and CEIPI explained that those organizations which it was representing were academic institutions, not users. The Representative shared the opinion expressed by the Representative of INTA, stressing that there was a risk of reducing the attractiveness of the system, if the “freezing” of the safeguard clause only applied to existing registrations. The Madrid system was in competition not only with national systems but also with regional systems. The Representative suggested that the wording of paragraph (2) be revised to read, instead of “to repeal”, “to repeal or restrict the scope”, since after the expiry of a period of 10 years, new forms of compromises might be elaborated.

29. The Delegation of Australia expressed its concern about a possible failure to reach an agreement by the Working Group. The Delegation strongly urged the retention of the compromise solution adopted by the Working Group at its third session. In reply to a suggestion of the Representative of ATRIP and CEIPI, the Delegation noted that if the ultimate goal was that the Madrid system be governed only by the Protocol, the proposals should be accommodated accordingly.

30. The Delegation of Spain observed that at the last session a consensus was reached as regards exceptions in paragraph (1)(b). The Delegation stressed that the exact terms of the compromise solution adopted by the Working Group should be respected.

31. The Chair urged the delegations to reach consensus on a clear proposal to be submitted to the Assembly. The Chair noted that the Working Group agreed on paragraph (1)(a), whereas the scope of paragraph (1)(b) raised questions. Given that the wording of paragraph (2) depended on the formulation of paragraph (1)(b), the Chair invited the delegations to express their opinions on paragraph (1)(b).

32. The Delegation of Kenya suggested adding to paragraph (1)(b) new subparagraphs dealing with the issue of fees and time limits for refusal. In the view of the Delegation, this would take into account the concerns raised by users.

33. The Delegation of the Russian Federation said that the wording of the proposed amendment of Article 9*sexies*, prepared by the International Bureau, was consistent with the agreement reached at the last session of the Working Group. The Delegation was in favor of the submission of that proposal to the Assembly.

34. The Delegation of Slovenia referred to the intervention of the Representative of INTA, stating that it was in conformity with the basic principle that only one treaty govern the Madrid system. The Delegation felt that the compromise solution adopted at the last session should be respected. However, the aspects raised by the Representative of INTA provided an improvement of that solution and should be looked at.

35. The Delegation of Italy supported the proposed amendment of Article 9*sexies* as prepared by the International Bureau. However, the Delegation felt that the contents of paragraphs (1)(b) and (2) had to be analyzed.

36. The Representative of AIM concurred with the position expressed by theRepresentative of INTA, emphasizing the concerns of users regarding the level of fees and the refusal period. The Representative noted that the improved compromise solution did not prevent the delegations from addressing, while discussing legal development of the Madrid Protocol, the issue of fees.

37. The Representative of AROPI shared the opinions expressed by the Representatives of AIM, ATRIP, CEIPI and INTA, in order that the Madrid system would not lose its attractiveness among the users.

38. The Representative of GRUR recalled the importance of Germany in the use of the Madrid system. The Representative pointed out that the adoption of the safeguard clause was essential for the adoption of the Madrid Protocol in the Diplomatic Conference in Madrid, in 1989. Both the member States of the Madrid Agreement and the users welcomed the Madrid Protocol as a highly significant step forward, but nevertheless considered the existing

Madrid Agreement overall superior to the Madrid Protocol. At the time when the safeguard clause was devised, there was a broad agreement that this clause was a vital element in the international trademark registration system. Today, the situation was entirely different since all the member States of the Madrid Agreement preferred a solution which would lead to a sole applicability of the Protocol, even in the relations between countries that were also bound by the Agreement, subject to certain reservations. The users of the system largely supported thatnew approach, although w ith more reservations than the member States. The benefits of the Madrid system resided in the simplicity, speed of operation and the important attendant savings. In particular, the "common law" of the Agreement and the Protocol, namely the application of a 12-month refusal period and of unitary and standard designation fees was essential to the users. The Representative supported the position expressed by the Representative of INTA, underlining that it had been a permanent feature within the framework of development of international protection of trademarks, as evidenced by the Trademark Law Treaty, the Singapore Treaty on the Law of Trademarks as well as the Madrid Agreement and the Protocol, that these treaties were adopted and developed further with the full support of the users.

39. The Representative of MARQUES endorsed the position expressed by the Delegation of Spain. The Representative recalled that as regards the compromise solution adopted at the last session of the Working Group, serious hesitations were expressed by users and some countries. In view of the proposal of Australia on future development of the Madrid system and the willingness to improve the Protocol, as expressed by delegations at the last session, MARQUES accepted the compromise solution despite the fact that the solution split the total repeal and the increased level of services.

40. The Representative of ECTA favored the improvements to the compromise solution as indicated by the Representative of INTA, reiterating its concern about the level of fees and the time period for refusal.

41. The Representative of FICPI, referring to the statement of the Representative of INTA, said that the Madrid system should be governed only by the Protocol but at the same time maintain its cost-effectiveness and time constraints.

42. The Delegation of Cuba concurred with the positions expressed by the Delegations of Spain and the Russian Federation. The Delegation supported the proposed amendment of Article 9*sexies* as prepared by the International Bureau, which reflected the discussions that had taken place in the Working Group. At this stage, it was difficult to take into account new proposals. The Delegation pointed out that, when discussing the proposal of Australia, new options might be raised by delegations. The Delegation recalled that at the previous sessions, the representatives of user groups did not raise concern about the costs but expressed interest in the availability of information and in meeting the time limits.

43. The Delegation of Kenya stated its support for the compromise solution adopted by the Working Group at its last session. The Delegation underlined that the issues concerning legal development of the Madrid system should be raised under agenda item 6 of the meeting.

44. The Delegation of France did not intend to reopen the discussion on the compromise solution, although it felt that it was vital to take into consideration the views of users. The Delegation shared the opinion expressed by the Delegation of Slovenia that the improved compromise solution as indicated by the Representative of INTA was interesting. The improved compromise solution would maintain the attractiveness of the Madrid system and limit the undesirable effects for users, especially in terms of costs. The Delegation proposed that the time period for review of the improved compromise solution might be shortened to three years. Moreover, the level of standard fees, which had been unchanged for 11 years, might be reviewed to guarantee a balance in terms of costs.

45. In the view of the Delegation of Belgium, the improved compromise solution, as indicated by the Representative of INTA, contained positive elements. However, the Delegation did not wish to reopen the discussion on the compromise.

46. The Delegation of Germany expressed its support for the statement of the Delegation of France to take into consideration the position expressed by the Representative of INTA and supported by other user groups. In order to address the concerns of some member States, the time period for review of the improved compromise solution might be shortened, and the amount of the standard fees might be adjusted to 100 Swiss francs. The adjustment of the standard fees could be linked with the amendment of Article 9*sexies.*

47. The Delegation of Netherlands said that the improved compromise solution, as indicated by the Representative of INTA, merited consideration.

48. The Delegation of Austria was in support of the statements of the Delegations of France and Germany. The Delegation felt positively about the improved compromise solution, as indicated by the Representative of INTA. The time period for review should be shortened to three years and the level of standard fees should be reviewed.

49. The Delegation of Slovenia supported the proposal of the Delegation of France. The Delegation considered the proposal as a compromise, which took into account the concerns of users.

50. The Representative of MARQUES inquired about the effects of the improved proposed compromise solution on the International Bureau.

51. In reply, the Secretariat said that the workload of the International Bureau would not increase as a result of the adoption of the improved compromise solution compared to the agreed compromise solution. The Secretariat further stressed that both the agreed compromise solution or the newly proposed compromise solution, if adopted, would contribute to simplifying the work of the International Bureau.

52. The Delegation of Cuba sought a clarification of the proposal of the Delegation of France, as regards the economic aspects and the review of the standard fees.

53. The Delegation of Australia reiterated its concern about the reopening of the discussion concerning the compromise solution adopted at the last session. The shortening of the period for review to three years would reopen the discussion again in three years time. The Delegation expressed its disappointment that the objectives of the review, such as the equal treatment of applicants, had not been addressed during the discussion. The review should entail a simplification of the Madrid system. The Delegation observed that the limitation of

undesired effects might be made at the expense of the objectives. The Delegation, however, noted the steps taken towards the ultimate goal that the system be governed by only one treaty. The Delegation raised concern that the discussion on legal development of the Madrid Protocol would be distracted by the nature of the proposal expressed by the Delegation of France.

54. The Representative of MARQUES emphasized that the level of services should be standardized. The Representative invited the delegations to commit themselves to the improvement of the level of services as indicated in the proposal of Australia.

55. The Delegation of Spain concurred with the positions expressed by the Delegation of Australia and the Representative of MARQUES. The Delegation explained that its country had not chosen individual fees or the 18-month refusal period under the Protocol. The prolongation of the safeguard clause by the existence of two different levels of requirements was not acceptable. The Delegation expressed concern about the unequal treatment of applicants and stressed that the compromise solution adopted at the last session should be maintained. The Delegation said that the reduction of fees and the shortening of the refusal period should be introduced in an equal and fair framework.

56. The Delegation of the United States of America supported the comments of the Delegation of Australia. The Delegation cautioned against expanding the scope of the proposed amendment of Article 9*sexies*, since it might discourage offices to improve their level of services. The Delegation felt that the compromise solution adopted at the last session was a balanced proposal.

57. The Working Group agreed that the Secretariat prepare a paper containing additional and substitute consequential draft amendments to the amendment of Article 9*sexies* of the Protocol as indicated during the discussion, to be considered by the Working Group. The following discussion was based on that paper prepared by the Secretariat, containing a revised draft amendment of Article 9*sexies* which read as follows:

"**Article 9*sexies***

Relations Between States Party to both this Protocol and the Madrid (Stockholm) Agreement

(1) (a) This Protocol alone shall be applicable as regards the mutual relations of States party to both this Protocol and the Madrid (Stockholm) Agreement.

(b) Notwithstanding subparagraph (a), a declaration made under Article 5(2)(b), Article 5(2)(c) or Article 8(7) of this Protocol by a State party to both this Protocol and the Madrid (Stockholm) Agreement shall have no effect in the relations with another State party to both this Protocol and the Madrid (Stockholm) Agreement.

(2) The Assembly shall, after the expiry of a period of three years from [date of entry into force of amendment], review the application of paragraph 1(b) and may, at anytime thereafter, either repeal it or restrict its scope, by a three-fourths majority. In the vote of the Assembly, only those States which are party to both the Madrid (Stockholm) Agreement and this Protocol shall have the right to participate."

58. The Secretariat explained that the revised proposal to amend Article 9*sexies*, as produced in the paper prepared by the Secretariat, expanded the scope of paragraph (1)(b) to cover both existing and future designations and to encompass also the case of a declaration under Article 5(2). The Secretariat further explained that as a consequence of the new formulation of paragraph (1)(b) of amended Article 9*sexies*, Rules 16(1) and 18(2) of the Common Regulations and some items of the Schedule of Fees would require amendment, as proposed in the paper. Finally, the wording of Article 9*sexies*(2) was revised to reflect the discussions in the Working Group and the amount of supplementary and complementary fees was provisionally set at 100 Swiss Francs.

59. The Chair invited the delegations of States, which were party to both the Agreement and the Protocol, to clearly state their preference as regards the outcome of the discussions and whether the new draft as produced in the paper prepared by the Secretariat reflected those preferences.

60. The Delegation of Germany stated that the wording of the revised proposal reflected exactly the discussions in the Working Group. The Delegation considered that the proposal was an improvement to the compromise solution adopted at the last session. The shortening of the period of review of the safeguard clause to three years and the adjustment of the supplementary and complementary fees to 100 Swiss francs made the system attractive for both users and offices.

61. The Delegation of France associated itself with the statement of the Delegation of Germany, stressing that the revised proposal reflected accurately the discussions in the Working Group. The proposal was a good compromise between users and offices.

62. The Delegation of the Russian Federation, in a spirit of consensus, expressed its support for the revised proposal.

63. The Delegation of Slovenia associated itself with the statements of the Delegations of France and Germany, noting that the revised proposal was an improved compromise to amend Article 9*sexies*. The Delegation pointed out that it was vital that the users endorsed the amendment.

64. The Delegation of Kenya was in support of the statements by the previous delegations, emphasizing that the new compromise solution was a compromise between users and offices. The Delegation observed that after the expiry of a period of three years the discussion might be reopened.

65. The Delegations of Latvia and Austria agreed with the statements of the previous delegations and expressed their support for the revised proposal.

66. The Delegation of Italy concurred with the positions expressed by the previous delegations, emphasizing the usefulness of the new proposal to users.

67. The Delegation of Spain maintained its reservation concerning the reopening of the discussion on the compromise solution, which after two years of work had been adopted unanimously at the last session of the Working Group. The Delegation noted that there had been consensus for the repeal of the safeguard clause, which contained a limitation of undesired effects by providing the exception as regards the renewal of existing registrations.

68. The Delegation of Cuba supported the statement of the Delegation of Spain, stressing that the principle of equal treatment was not respected. The Delegation expressed preference for the proposed amendment of Article 9*sexies* in document MM/LD/WG/4/2, the wording of which reflected the consensus reached at the last session. The Delegation reserved its position as regards the revised proposal as introduced to the Working Group.

69. The Delegations of Belgium, Croatia, Czech Republic, Moldova, Netherlands, Portugal, Republic of Korea, Romania, Slovakia, Sudan and The former Yugoslavian Republic of Macedonia were in support of the new compromise solution as presented in the paper prepared by the Secretariat.

70. The Delegation of China expressed its support for the proposal of the Delegation of France, noting that a lower level of fees was advantageous for applicants.

71. The Delegation of Hungary supported the new proposal as prepared by the Secretariat, observing that it reflected the outcome of the discussions in the Working Group.

72. The Delegation of Poland was in support of the revised proposal but expressed some reservations based on the grounds indicated by the Delegation of Spain.

73. The Delegation of Switzerland expressed its support for the revised proposal stressing that it was a balanced solution, which took into account the interests of users and the need for a realistic agenda to reopen the discussions after the expiry of a period of three years.

74. The Delegation of Australia commented that the amendments proposed affected also the members which were party only to the Protocol. The Delegation expressed its reservation as regards the increase of the standard fees as proposed as part of the new compromise solution.

75. The Delegation of the United States of America concurred with the position expressed by the Delegation of Australia. The Delegation noted that increased services were not offered in return for higher fees. The Delegation reserved its position as regards the fee increase, stating that the future improvement of the Protocol might be jeopardized.

76. The Representative of MARQUES noted that the fee increase should be accompanied by an increased level of services. The Representative expressed concern as to whether applicants paying individual fees would be subsidizing the Madrid system.

77. The Representative of GRUR said that the new compromise solution was acceptable for users. The Representative considered the increase of the standard fee from 73 Swiss francs to 100 Swiss francs reasonable. The Representative noted that a comparison should be made between the level of individual fees established under the Protocol and the level of standard fees in the States, such as Germany, which had not chosen individual fees. The amounts of individual fees were substantially beyond the level of standard fees.

78. The Representative of INTA welcomed the new compromise solution as a significant step forward. The Representative stressed the need to improve the level of services explaining that users were willing to pay for the services they received. The Representative had no objection to the updating of the level of standard fees.

79. The Representative of ECTA shared the opinion expressed by the Representative of INTA, emphasizing its support for the review of the level of standard fees by an increase in proportion to the level of services.

80. The Representative of AIM concurred with the positions expressed by the Representatives of other user groups, stating that the proposed amount of 100 Swiss francs of standard fees was reasonable.

81. The Representative of FICPI supported the views expressed by the Representatives of ECTA, GRUR and INTA, emphasizing the need to improve the standard of services.

82. The Delegation of the United States of America noted that if the level of standard fees was decided, there was no need to raise the level of services. The Delegation stressed that all the applicants should be treated equally, regardless of the payment of individual or standard fees.

83. The Delegation of Spain, referring to the consensus reached during the current session of the Working Group, agreed to the submission of the new compromise solution to the Assembly, for a possible adoption.

84. The Delegation of Portugal stressed its commitment to improve the Madrid Protocol, irrespective of the issue of the increase of the standard fees.

85. The Secretariat pointed out that the implementation of the new compromise solution included, in addition to the adaptation of the computer programs, also other measures, such as the updating of the information material. For this reason, the Secretariat suggested that the date of entry into force of the revised proposed amendment of Article 9*sexies* and the Rules in conjunction with the amendment, be September 1, 2008.

86. The Representatives of AROPI, ATRIP, BUSINESSEUROPE and CEIPI expressed their support for the new compromise solution and for the increase of the standard fees to 100 Swiss francs.

87. In response to an inquiry by the Chair, the Delegations of France, Germany and Spain clarified that the fee increase was considered as a part of the new compromise solution.

88. The Delegation of Australia clarified that it did not have a mandate to discuss the increase of fees. The Delegation, however, indicated that the proposed amount of 100 Swiss francs of the standard fees did not cover the costs of the offices. The Delegation did not oppose the fee increase but considered that the interests of all users should be taken into account. The new compromise solution would have an impact also on users of States which were party only to the Protocol. The Delegation expressed concern that small and medium-sized enterprises filing national applications might be subsidizing the system. For this reason, the Delegation reserved its position on the new compromise solution based on the impact of the fee increase to the users.

89. The Delegation of the United States of America concurred with the position expressed by the Delegation of Australia and expressed a reservation as regards the new compromise solution, to the extent that it was linked to the fee increase.

90. The Chair noted that the new compromise solution would consist of an increase to 100 Swiss francs of the amounts of the supplementary and complementary fees and an amendment to Article 9*sexies* of the Protocol as follows:

– Paragraph (1)(a) of draft amended Article 9*sexies*, should read as set forth in the Annex to document MM/LD/WG/4/2, subject only to the replacement of the words "Contracting Parties" by the words "States party".

– Paragraph (1)(b) should include a reference to Article 5(2)(b) and Article 5(2)(c), dealing with the refusal period, and the revised text of paragraph (1)(b) should read, in its entirety, as follows:

> "(b) Notwithstanding subparagraph (a), a declaration made under Article 5(2)(b), Article 5(2)(c) or Article 8(7) of this Protocol, by a State party to both this Protocol and the Madrid (Stockholm) Agreement, shall have no effect in the relations with another State party to both this Protocol and the Madrid (Stockholm) Agreement."

– Paragraph (2) should be revised to read as follows:

> "(2) The Assembly shall, after the expiry of a period of three years from September 1, 2008, review the application of paragraph (1)(b) and may, at any time thereafter, either repeal it or restrict its scope by a three-fourths majority. In the vote of the Assembly, only those States which are party to both the Madrid (Stockholm) Agreement and this Protocol shall have the right to participate."

91. The Delegations of Cuba and Spain expressed their preference for the original compromise solution adopted at the third session of the Working Group, as reflected in document MM/LD/WG/4/2. However, the Delegation of Spain would not oppose a consensus. The Delegation of Cuba reserved its position.

92. The Delegations of Australia and the United States of America reserved their position on the new compromise solution, to the extent that it was linked to the fee increase.

93. The Chair concluded that the Working Group agreed to recommend to the Madrid Union Assembly to amend Article 9*sexies* as indicated in paragraph 90, above, and that with reservations from the Delegations of Australia and the United States of America, the Working Group further agreed to recommend to the Madrid Union Assembly that the amounts of the supplementary and complementary fees in the Schedule of Fees be set at 100 Swiss francs, along with the amendment of Article 9*sexies* of the Protocol. The Chair noted that this increase was supported by the following NGOs: AIM, AROPI, ATRIP, BUSINESSEUROPE, CEIPI, ECTA, FICPI, GRUR and INTA.

94. The Chair further concluded that the Working Group agreed that the date of entry into force of the amendment of Article 9*sexies* should be September 1, 2008.

III. AMENDMENTS TO THE COMMON REGULATIONS

95. Discussions were based on document MM/LD/WG/4/3, as well as on a paper prepared by the Secretariat, containing additional and substitute consequential amendments to the amendment of Article 9*sexies* of the Protocol as a result of the new compromise solution.

96. The Secretariat introduced the draft amendments to the Common Regulations and the draft Schedule of Fees as contained in document MM/LD/WG/4/3. At its third session, the Working Group had approved a proposal for new Rule 1*bis*, which provided, under certain circumstances, for a change in the treaty applicable to the designation of a Contracting Party bound by both the Agreement and the Protocol. The draft amendments to the Common Regulations consisted of a new Rule 1*bis*, of consequential amendments to the introduction of new Rule 1*bis* and to the amendment of Article 9*sexies* of the Protocol. The Secretariat suggested a minor revision of the wording of the English text of the proposed amendment to Rule 24(1)(c) to read: "Where the Contracting Party of the holder is bound by the Protocol, the holder may designate, under the Protocol, any Contracting Party that is bound by the Protocol, whether or not the said Contracting Parties are both also bound by the Agreement."

97. The Chair invited the delegations to comment on the draft amendments.

98. In reply to a question raised by the Delegation of Germany, the Secretariat explained that Rule 25(1)(c) provided that the regime, the Agreement or Protocol, that was applicable on the date of receipt of the request for the recording of a renunciation or a cancellation would continue to apply.

99. There being no other comments, the Chair concluded that the Working Group agreed to recommend that the Madrid Union Assembly amend the Common Regulations as follows:

(a) by the addition of a new Rule 1*bis*, and with respect to Rules 1(xvii) to (xviii), 25(1)(c) and 30(4), as provided in the draft contained in Annex I of document MM/LD/WG/4/3, with January 1, 2008, as the proposed date of entry into force;

(b) in conjunction with the amendment of Article 9*sexies* of the Protocol, and with September 1, 2008, as the proposed date of entry into force,

(i) with respect to Rules 1(viii) to (x), 11(b) and (c), 24(1)(b) and, subject to a minor revision, 24(1)(c), as provided in the draft contained in Annex I of document MM/LD/WG/4/3, and

(ii) with respect to Rules 16(1) and 18(2) and the text of items 2.4, 3.3, 3.4, 5.2, 5.3 and 6.2 to 6.4 of the Schedule of Fees, as contained in the paper referred to in paragraph 95, above.

100. As already noted in paragraph 93, the Working Group recommended that the amounts of the supplementary and complementary fees in the Schedule of Fees be set at 100 Swiss francs, along with the amendment of Article 9*sexies* of the Protocol.

IV. LEGAL DEVELOPMENT OF THE MADRID PROTOCOL

101. The Chair noted that the Working Group had the following documents for consideration: the proposal by the Delegation of Norway contained in document MM/LD/WG/2/9, the proposal by the Delegation of Australia contained in document MM/LD/WG/4/4, the contribution by the Delegation of Japan contained in documents MM/LD/WG/4/5 and MM/LD/WG/4/5 Corr. and a proposal submitted informally by the Republic of Korea.

Proposal by Australia

102. Discussions were based on document MM/LD/WG/4/4 entitled “Proposal by Australia”. The Delegation of Australia presented the document pointing out that the proposal was linked with the repeal of the safeguard clause.

103. The Delegation of the United States of America expressed its support for the proposal of Australia emphasizing the importance of the principle of equal treatment. The Delegation stressed that the issue of fee increase should be addressed with a full appreciation of all the factors that could impact the standard fees. In the event that the Working Group agreed on a certain level of services, it might be difficult to raise the amount of standard fees again to cover the costs of the increased level of services. The Delegation expressed its preference for improving the Madrid system as a whole and for increasing the transparency of the system.

104. The Delegation of Denmark supported the proposal of Australia stating its interest in improving the level of services.

105. The Delegation of the Republic of Korea was in support of the proposal of Australia. The Delegation concurred with the position expressed by the Delegation of the United States of America emphasizing that the issue of fee increase should be linked with the increase of the level of services.

106. The Delegation of Slovenia observed that the improvement of the quality of services was an objective. The Delegation explained that the office of its country provided complete information on the status of a designation within 24 hours from the receipt of the request for information. The Delegation remarked that the issuing of the statement of grant of protection was not the only way to improve the quality of services.

107. The Representative of MARQUES was in support of the proposal of Australia. The Representative referred to an intervention of the Delegation of Slovenia noting that users did not have an overview of services offered by the offices. The Representative suggested that the Secretariat prepare a study in that respect.

108. In response to comments of the Delegation of Slovenia and the Representative of MARQUES, the Delegation of Australia said that an appropriate level of services should be established. The Delegation referred to the consultations with the interested circles in Australia, stating that the lack of information was a problem for them. The information on the status of a designation was important not only for an applicant but also for third parties.

109. The Delegation of the United Kingdom expressed its support for the proposal of Australia, stating that the improvement of services should be an ongoing process. The information available should be standardized, taking into account not only the interests of the applicants, but also of a wider range of users.

110. The Delegation of Japan shared the opinions expressed by the Delegations of Australia and the United Kingdom. The Delegation commented that the issuing of statements of grant of protection and the provision of information on the status of designations would make the Madrid system more user-friendly.

111. The Delegation of Norway expressed its support for the proposal of Australia. The Delegation noted that the level of fees should be linked with the level of services provided by offices. A satisfactory level of services should be standardized.

112. The Representative of FICPI concurred with the position expressed by the Representative of MARQUES. The Representative expressed its support for the proposal of Australia, recognizing the importance of the increase of the level of services. The Representative endorsed the suggestion of the Delegation of the United Kingdom concerning the improvement of the Madrid system, which should be a continuing process.

113. The Representative of INTA stated its support for the proposal of Australia. The Madrid system was designed to set minimum standards as regards services offered by Contracting Parties. The Representative was confident that offices would be able to make progress in improving services, such as generating statements of grant of protection and providing information on the status of designations, which would be useful not only to applicants but also to third parties. The discussion should focus on practical matters in order to improve the system.

114. The Delegation of Australia indicated, as a further issue to be discussed, the identification of the relevant information, how it should be notified and the period for issuing the notification. As a further step to be considered, the Delegation mentioned the time limit for compliance with the standards established.

115. The Representative of AIM supported the proposal of Australia, stressing the importance of the establishment of minimum standards concerning the level of services. The Representative preferred regular statements of grant of protection to statements on the status of a designation at individual request.

116. The Representative of ATRIP and CEIPI was in favor of the proposal of Australia to improve the level of services.

117. The Representative of MARQUES emphasized the importance, from third parties' perspective, of the availability of information. The status of previous designations had to be established in a reliable manner before engaging into launching of a new trademark. The Representative noted, as an example, that the Internet website of the Office for Harmonization in the Internal Market (OHIM) provided a good level of services and information to users.

118. The Representative of AROPI welcomed the proposal of Australia. As regards the remarks made by the Representative of MARQUES, the Representative suggested that the offices send information on the status of designations to the International Bureau to be published on the Madrid database.

119. The Delegation of Australia emphasized the importance of achieving tangible results. In addition to the issuing of statements of grant of protection, as provided in Rules 17(5) and (6) of the Common Regulations, offices might issue lists of marks, the protection of which had been extended to their territory. Such lists, containing the international registration number and the name of the holder, might be issued when there had been no provisional refusal. The issuing of such lists was not intended to restrict or remove other forms of information.

120. The Delegation of Denmark noted that the different options to communicate electronically the lists of approved marks to the International Bureau should be explored.

121. The Delegation of Cuba, referring to an intervention of the Delegation of Australia, noted that the issuing of lists of approved marks might be implemented without causing major complications to the workload of offices.

122. In reaction to an intervention of the Delegation of Denmark, the Secretariat said that the International Bureau was already sending electronic communications to the Offices of more than 40 Contracting Parties and received electronic communications from seven Contracting Parties. The Secretariat further stated that the International Bureau was ready to discuss how to further expand electronic communication within the framework of the Madrid system.

123. The Delegation of Australia shared the opinion expressed by the Delegation of Denmark, pointing out, however, that electronic communication was not available to all Offices. The Delegation envisaged, as a next step, the preparation of a paper addressing the issues identified during the current discussion and proposing possible amendments to the Common Regulations.

124. The Delegation of Kenya underlined that the goal of the proposal to improve the availability of information should be clarified.

125. The Representative of ECTA was in support of the increase of the level of services, including the issuing of statements of grant of protection.

126. The Delegation of Australia expressed its commitment to the long-term development of the Madrid system.

127. The Chair concluded that the Working Group agreed to ask the Secretariat to prepare a paper addressing the issueof the accessibility of information regarding the fate of international registrations in designated Contracting Parties, and proposing possible amendments to the Common Regulations. He further noted that, with a view to assisting the Secretariat in the preparation of that paper, the Working Group encouraged Contracting Parties and international non-governmental organizations to submit their contribution on this specific issue to the International Bureau by the end of 2007.

Contributions by Japan, Norway and the Republic of Korea

128. Discussions were based on documents MM/LD/WG/2/9 entitled “Proposal by Norway”, MM/LD/WG/4/5 and MM/LD/WG/4/5 Corr. entitled “Contribution by Japan” and “Corrigendum to the Contribution by Japan”, and on an informal document entitled “Proposal for Improving the Correction System” by the Republic of Korea.

129. The Delegation of Japan presented documents MM/LD/WG/4/5 and MM/LD/WG/4/5 Corr.

130. The Delegation of the Republic of Korea requested that its contribution be added to the list of future work of the Working Group.

131. The Delegation of Australia proposed that the Working Group recommend to the Assembly to give it an ongoing mandate to consider issues relating to the legal development of the Madrid Protocol. Subject to the granting of such mandate, the Delegation suggested that two meetings be convened in 2008, the first meeting dealing with the issues indicated in the proposal of Australia, while the issues raised in the contributions by Japan, Norway and the Republic of Korea would be discussed in the second meeting.

132. The Representative of INTA expressed its support for the statement of the Delegation of Australia.

133. The Delegation of Norway recalled that, at its third session, the Working Group requested the International Bureau to prepare a study on the consequences of the proposal made by Norway. That study should be made available to the Working Group before the discussion on the proposal. The Delegation further inquired about the establishment of an Internet forum, as agreed at the last session, and about the outcome of the exchange of information as regards office practices concerning replacement.

134. In reply to an intervention of the Delegation of Norway, the Secretariat explained that it would report on the progress of the evaluation of the replies to the survey on replacement and on the establishment of the Internet forum in the next meeting, as it was agreed at the last session that those activities were to take place in the second half of 2007.

135. The Chair concluded that the Working Group recommended that the Madrid Union Assembly give it an ongoing mandate to consider issues relating to the legal development of the Madrid Protocol. Subject to this, the Working Group agreed that a first meeting be convened in the first half of 2008 to address specifically the issue described in paragraph 127, above, while the issues raised in the contributions by Japan, Norway and the Republic of Korea would be discussed in a second meeting to be convened later that same year.

[Annex follows]

ANNEX

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

ALGÉRIE/ALGERIA

Mohamed YOUNSI, directeur des marques, dessins, modèles et appellations d'origine, Institut national algérien de la propriété industrielle (INAPI), Alger

ALLEMAGNE/GERMANY

Carolin HÜBENETT (Ms.), Head, International Registrations Team, Department 3, Trade Marks, Utility Models and Industrial Designs, German Patent and Trade Mark Office, Munich

Pamela WILLE (Ms.), Desk Officer, Division for Trademark Law, Law on Registered Designs, Law Against Unfair Competition, Federal Ministry of Justice, Berlin

AUSTRALIE/AUSTRALIA

Michael ARBLASTER, Deputy Registrar of Trademarks and Designs, IP Australia, Woden ACT

AUTRICHE/AUSTRIA

Petra ASPERGER (Mrs.), Deputy Head, Legal Department C, Austrian Patent Office, Vienna

AZERBAÏDJAN/AZERBAIJAN

Gulnara RUSTAMOVA (Mrs.), Head, Examination of Industrial Property Objects Section, State Agency for Standardization, Metrology and Patents, Baku

BELGIQUE/BELGIUM

Leen DE CORT (Mlle), attachée au Service des affaires juridiques et internationales, Office de la propriété intellectuelle, Direction générale de la régulation et de l'organisation du marché, Service public fédéral, économie, P.M.E., classes moyennes et énergie, Bruxelles

BHOUTAN/BHUTAN

Chhimi LHAZIN (Miss), Trademark Examiner, Intellectual Property Division, Ministry of Trade and Industry, Thimphu

CHINE/CHINA

ZHANG Yu, Trademark Examiner, Trademark Office, State Administration for Industry and Commerce (SAIC), Beijing

COMMUNAUTÉ EUROPÉENNE (CE)/EUROPEAN COMMUNITY (EC)

Tomás Lorenzo EICHENBERG, Legal and Policy Affairs Officer, Industrial Property, Internal Market and Services Directorate-General, European Commission, Brussels

Jessica LEWIS (Ms.), Legal Expert, Department for Industrial Property Policy, Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM), Alicante

CROATIE/CROATIA

Mirjana PUŠKARIĆ (Ms.), Senior Legal Advisor, Trademark Department, State Intellectual Property Office, Zagreb

CUBA

Clara Amparo MIRANDA VILA (Sra.), Jefa del Departamento de Marcas y Otros Signos Distintivos, Oficina Cubana de la Propiedad Industrial (OCPI), La Habana

DANEMARK/DENMARK

Mikael Francke RAVN, Senior Legal Advisor, Danish Patent and Trademark Office, Ministry of Economic and Business Affairs, Taastrup

Lene Juul KJERRUMGAARD (Ms.), Legal Advisor, Danish Patent and Trademark Office, Ministry of Economic and Business Affairs, Taastrup

Tom PETERSEN, Legal Examiner, Trademark Department, Danish Patent and Trademark Office, Ministry of Economic and Business Affairs, Taastrup

ESPAGNE/SPAIN

José María del CORRAL PERALES, Subdirector General Adjunto del Departamento de Signos Distintivos, Oficina Española de Patentes y Marcas, Ministerio de Industria, Turismo y Comercio, Madrid

ESTONIE/ESTONIA

Karol RUMMI (Mrs.), Head, Trademark Examination Division, Trademark Department, Estonian Patent Office, Tallinn

Kadri TOOMSALU (Ms.), Chief Specialist, Trademark Department, Estonian Patent Office, Tallinn

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Amy P. COTTON (Ms.), Attorney-Advisor, Office of International Relations, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria

EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE/THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Simčo SIMJANOVSKI, Head, Department for Trademarks, State Office of Industrial Property (SOIP), Skopje

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Tatiana ZMEEVSKAYA (Mrs.), Deputy Head of Division, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), Moscow

Evgeniya SHISHINOVA (Mrs.), State Patent Examiner, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), Moscow

FINLANDE/FINLAND

Päivi RAATIKAINEN (Ms.), Deputy Director, Trademarks and Designs, National Board of Patents and Registration of Finland, Helsinki

Ari TERVALA, Senior Legal Officer, Trademarks and Designs, National Board of Patents and Registration of Finland, Helsinki

FRANCE

Marianne CANTET (Mlle), chargée de mission au Service des affaires européennes et internationales, Institut national de la propriété industrielle (INPI), Paris

Mathilde MÉCHIN (Mlle), chargée de mission au Service des affaires juridiques et contentieuses, Institut national de la propriété industrielle (INPI), Paris

GRÈCE/GREECE

Evgenia KOUMARI (Miss), Jurist, General Secretariat of Commerce, Directorate of Commercial and Industrial Property, Ministry of Development, Athens

HONGRIE/HUNGARY

Krisztina KOVÁCS (Ms.), Deputy Head, Industrial Property Law Section, Hungarian Patent Office, Budapest

ITALIE/ITALY

Stefania BENINCASA (Mrs.), Manager, International and Community Trademarks, Italian Patent and Trademark Office, Ministry of Economic Development, Rome

Renata CERENZA (Mrs.), First Examiner, International and Community Trademarks, Italian Patent and Trademark Office, Ministry of Economic Development, Rome

JAPON/JAPAN

Aiji AOKI, Director, International Trademark Application Office, International Application Division, Trademark, Design and Administrative Affairs Department, Japan Patent Office (JPO), Tokyo

Kazutaka SAWASATO, Examiner, Trademark, Design and Administrative Affairs Department, Japan Patent Office (JPO), Tokyo

Fumio ENOMOTO, Assistant Director, International Affairs Division, General Affairs Department, Japan Patent Office (JPO), Tokyo

Kenichiro NATSUME, First Secretary, Permanent Mission, Geneva

KENYA

James OTIENO-ODEK, Managing Director, Kenya Industrial Property Institute (KIPI), Nairobi

LETTONIE/LATVIA

Līga RINKA (Mrs.), Deputy Director, International Trademark Matters, Department of Trademarks and Industrial Designs, Patent Office of the Republic of Latvia, Riga

Dzintra MEDNE (Mrs.), Acting Head, Division of International Trademark Administration, Department of Trademarks and Industrial Designs, Patent Office of the Republic of Latvia, Riga

LITUANIE/LITHUANIA

Jūratė KAMINSKIENĖ (Ms.), Head, Examination Division, Trademarks and Designs Department, State Patent Bureau of the Republic of Lithuania, Vilnius

MOLDOVA

Natalia MOGOL (Mrs.), Deputy Head, Trademarks Section, State Agency on Intellectual Property (AGEPI), Kishinev

NORVÈGE/NORWAY

Debbie RØNNING (Ms.), Senior Legal Advisor, Legal and Political Affairs, Norwegian Patent Office, Oslo

PAYS-BAS/NETHERLANDS

Angela VAN DER MEER (Mrs.), Senior Advisor, Directorate-General for Enterprise and Innovation, Innovation Department, Ministry of Economic Affairs, The Hague

POLOGNE/POLAND

Maciej KRAWCZYK, expert et chef de division au Département d'examen des marques, Office des brevets de la République de Pologne, Varsovie

PORTUGAL

António CAMPINOS, President, National Institute of Industrial Property (INPI), Ministry of Economy, Lisbon

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

HWANG Yeong-Ik, Deputy Director, International Trademark Examination Team, Korean Intellectual Property Office (KIPO), Daejeon

LEE Ki Young, Deputy Director, International Application Team, Customer Support Bureau, Korean Intellectual Property Office (KIPO), Daejeon

PARK Seong-Joon, First Secretary, Permanent Mission, Geneva

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Zlatuše BRAUNŠTEINOVÁ (Mrs.), Examiner, Trademarks Department, Industrial Property Office, Prague

ROUMANIE/ROMANIA

Estella GUTTMAN (Mme), chef du Bureau des marques internationales, Département des marques, Office de l'État pour les inventions et les marques, Bucarest

Gratiela DUDUTÁ (Mlle), conseillère juridique au Département juridique, Office de l'État pour les inventions et les marques, Bucarest

ROYAUME-UNI/UNITED KINGDOM

Mark JEFFERISS, Deputy Head, International Examination, UK Intellectual Property Office, Newport

SINGAPOUR/SINGAPORE

CHAN Ken Yu Louis, Deputy Director and Legal Counsel (Trademarks), Intellectual Property Office of Singapore (IPOS), Singapore

SLOVAQUIE/SLOVAKIA

Lubomir DIBDIAK, Head, International Trademarks Department, Industrial Property Office of the Slovak Republic, Banská Bystrica

SLOVÉNIE/SLOVENIA

Vesela VENIŠNIK (Mrs.), Director, Trademark and Industrial Design Division, Slovenian Intellectual Property Office (SIPO), Ljubljana

Mateja KRŽAN (Ms.), Senior Trademark Examiner, Slovenian Intellectual Property Office (SIPO), Ljubljana

SOUDAN/SUDAN

Farid Abdalla RAIHAN, Head, International Registration Division, Attorney General's Chambers, Registrar General of Intellectual Property, Ministry of Justice, Khartoum

SUÈDE/SWEDEN

Anna AXELSSON (Mrs.), Legal Officer, Trademark Division, Swedish Patent and Registration Office, Söderhamn

Herman PETTERSSON, Legal Officer, Trademark Division, Swedish Patent and Registration Office, Söderhamn

SUISSE/SWITZERLAND

David LAMBERT, avocat et conseiller juridique au Service du droit et des affaires internationales, Institut fédéral de la propriété intellectuelle (IFPI), Berne

Julie POUPINET (Mme), responsable de section suppléante, Institut fédéral de la propriété intellectuelle (IFPI), Berne

II. ÉTATS OBSERVATEURS/OBSERVER STATES

BRÉSIL/BRAZIL

Mauro SODRÉ MAIA, Head Attorney, Legal Section, National Institute of Industrial Property (INPI), Rio de Janeiro

Carlos Maurício ARDISSONE, Trademarks Examiner, National Institute of Industrial Property (INPI), Rio de Janeiro

COLOMBIE/COLOMBIA

Martha Irma ALARCÓN LOPEZ (Sra.), Ministra Consejera, Misión Permanente, Ginebra

ÉQUATEUR/ECUADOR

Luis VAYAS VALDIVIESO, First Secretary, Permanent Mission, Geneva

GUINÉE/GUINEA

Aminata KOUROUMA-MIKALA (Mme), premier secrétaire chargée des affaires économiques et commerciales, Mission permanente, Genève

ZIMBABWE

Richard CHIBUWE, Counsellor, Permanent Mission, Geneva

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/ INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

OFFICE BENELUX DE LA PROPRIÉTÉ INTELLECTUELLE (OBPI)/BENELUX OFFICE FOR INTELLECTUAL PROPERTY (BOIP)

Camille JANSSEN, juriste, La Haye

IV. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/ INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Association allemande pour la propriété industrielle et le droit d'auteur (GRUR)/German Association for the Protection of Industrial Property and Copyright Law (GRUR)
Alexander VON MÜHLENDAHL (Attorney-at-Law, Munich)

Association communautaire du droit des marques (ECTA)/European Communities Trade Mark Association (ECTA)
Sandrine PETERS (Mrs.) (Legal Co-ordinator, Antwerp)

Association des industries de marque (AIM)/European Brands Association (AIM)
Jean BANGERTER (Representative, Lausanne)

Association internationale pour les marques (INTA)/International Trademark Association (INTA)
Bruno MACHADO (Representative, Geneva)

Association internationale pour la promotion de l'enseignement et de la recherche en propriété intellectuelle (ATRIP)/International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)
François CURCHOD (représentant, Genolier)

Association romande de propriété intellectuelle (AROPI)
Éric NOËL (observateur, Genève)

Centre d'études internationales de la propriété industrielle (CEIPI)/Centre for International Industrial Property Studies (CEIPI)
François CURCHOD (représentant, Genolier)

Confédération des entreprises européennes (BUSINESSEUROPE)/The Confederation of European Business (BUSINESSEUROPE)
Mike DAMMANN (Representative, Brussels)

Fédération internationale des conseils en propriété industrielle (FICPI)/International Federation of Industrial Property Attorneys (FICPI)
Coleen MORRISON (Ms.) (Representative, Oslo)

MARQUES (Association des propriétaires européens de marques de commerce)/MARQUES (Association of European Trademark Owners)
Tove GRAULUND (Mrs.) (Representative, Leicester)

V. BUREAU/OFFICERS

Président/Chair:	António CAMPINOS (Portugal)
Vice-présidents/Vice-Chairs:	CHAN Ken Yu Louis (Singapour/Singapore)
	Tatiana ZMEEVSKAYA (Mme) (Fédération de Russie/Russian Federation)
Secrétaire/Secretary:	Grégoire BISSON (OMPI/WIPO)

VI. SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/ SECRETARIAT OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Ernesto RUBIO, sous-directeur général/Assistant Director General

Secteur des marques, des dessins et modèles industriels et des indications géographiques/ Sector of Trademarks, Industrial Designs and Geographical Indications:

Grégoire BISSON, chef du Service juridique des systèmes d'enregistrement international/ Head, International Registration Systems Legal Service

Alan DATRI, conseiller principal au Bureau du sous-directeur général/Senior Counsellor, Office of the Assistant Director General

Matthijs GEUZE, conseiller principal au Bureau du sous-directeur général/Senior Counsellor, Office of the Assistant Director General

Päivi LÄHDESMÄKI (Mlle/Miss), juriste principale au Service juridique des systèmes d'enregistrement international/Senior Legal Officer, International Registration Systems Legal Service

William O'REILLY, juriste au Service juridique des systèmes d'enregistrement international/ Legal Officer, International Registration Systems Legal Service

Hiroshi OKUTOMI, juriste au Groupe de l'appui juridique et de la liaison inter-offices, Service juridique des systèmes d'enregistrement international/Legal Officer, Legal and Inter-Office Support Unit, International Registration Systems Legal Service

Silvia VINCENTI (Mme/Mrs.), juriste au Groupe de l'appui juridique et de la liaison inter-offices, Service juridique des systèmes d'enregistrement international/Legal Officer, Legal and Inter-Office Support Unit, International Registration Systems Legal Service

Albert TRAMPOSCH, consultant en propriété intellectuelle/Intellectual Property Consultant

Valeriya PLAKHOTNA (Mlle/Miss), stagiaire au Service juridique des systèmes d'enregistrement international/Intern, International Registration Systems Legal Service

[End of Annex and of document]