

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

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**WORKING GROUP ON THE MODIFICATION OF THE COMMON  
REGULATIONS UNDER THE MADRID AGREEMENT  
CONCERNING THE INTERNATIONAL REGISTRATION OF  
MARKS AND THE PROTOCOL RELATING TO THAT  
AGREEMENT**

**Second Session  
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**DRAFT ADMINISTRATIVE INSTRUCTIONS FOR THE APPLICATION OF THE  
MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF  
MARKS AND THE PROTOCOL RELATING THERETO**

*Document prepared by the International Bureau*

## INTRODUCTION

It was agreed in the first session of the Working Group that provision should be made for Administrative Instructions. According to proposed new Rule 41 (see document MM/WG/2/2), the Administrative Instructions are to be established by the Director General after consulting the Offices which have a direct interest in them. It is intended that the submission of the draft Administrative Instructions to the Assembly, together with the proposed changes to the Regulations, will constitute that consultation.

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ADMINISTRATIVE INSTRUCTIONS FOR THE APPLICATION OF THE MADRID  
AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS  
AND THE PROTOCOL RELATING THERETO

Part One

Definitions

*Section 1: Abbreviated Expressions*

- (a) For the purposes of these Administrative Instructions:
- (i) “Regulations” means the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement;
  - (ii) “Rule” means a Rule of the Regulations.
- (b) For the purposes of these Administrative Instructions an expression which is referred to in Rule 1 has the same meaning as in the Regulations.

Part Two

Forms

*Section 2: International Application*

- (a) An international application governed exclusively by the Agreement shall be made on form MM1.
- (b) An international application governed exclusively by the Protocol shall be made on form MM2.
- (c) An international application governed by both the Agreement and the Protocol shall be made on form MM3.

*Section 3: Designation Subsequent to the International Registration*

A subsequent designation shall be made on form MM4.

*Section 4: Other Official Forms*

- (a) A request for the recording of a change in ownership shall be made on form MM5.
- (b) A request for the recording of a limitation of the list of goods and services shall be made on form MM6.
- (c) A request for the recording of a renunciation shall be made on form MM7.
- (d) A request for the recording of a cancellation shall be made on form MM8.
- (e) A request for the recording of a change in the name or address of the holder shall be made on form MM9.
- (f) A request for the recording of a license shall be made on form MM13.

*Section 5: Unofficial Forms*

- (a) A request for the recording of a change in the name or address of the representative may be made on form MM10.
- (b) A request for the renewal of an international registration may be made on form MM11.
- (c) The separate communication relating to the appointment of a representative, referred to in Rule 3(2)(b), may be made on form MM12.

Part Three

Communications with the International Bureau; Signature

*Section 6: Communication in Writing; Several Documents in One Envelope*

- (a) Subject to Section 11(a), communications addressed to the International Bureau shall be effected in writing by typewriter or other machine and shall be signed.
- (b) If several documents are mailed in one envelope, they should be accompanied by a list identifying each of them.

*Section 7: Signature*

A signature shall be handwritten, printed or stamped; it may be replaced by the affixing of a seal or, as regards the electronic communication referred to in Section 11(a) by a mode of identification agreed upon between the International Bureau and the Office concerned.

*Section 8: Communications by Telefacsimile*

Any communication may be addressed to the International Bureau by telefacsimile, provided that, where the communication must be presented on an official form, the official form is used for the purposes of the telefacsimile communication.

*Section 9: The Original Reproduction or Reproductions of the Mark*

(a) Where the international application is sent by the Office of origin to the International Bureau by telefacsimile, the original of the page of the official form bearing the reproduction or reproductions of the mark, signed by the Office of origin and containing sufficient indications to allow identification of the international application to which it relates, shall be sent to the International Bureau.<sup>1</sup>

(b) Where an international application is addressed to the International Bureau by telefacsimile, examination by the International Bureau as to conformity of the international application with the applicable requirements shall start

(i) upon receipt of the original if such an original is received within a period of one month from the date on which the communication by telefacsimile was received, or

(ii) upon expiry of the period of one month referred to in subparagraph (i) if the said original is not received by the International Bureau within that period.

*Section 10: Acknowledgement and Date of Receipt of Telefacsimile by the International Bureau*

(a) The International Bureau shall promptly and by telefacsimile inform the sender of a telefacsimile communication of the receipt of that communication, and, where the telefacsimile communication received is incomplete or illegible, of that fact also, provided that the sender can be identified and can be reached by telefacsimile.

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<sup>1</sup> Subparagraph (b) of Rule 2(3), which reads

“Where the original referred to in subparagraph (a)(ii) is received by the International Bureau within a period of one month from the day on which the communication by telefacsimile was received, that original shall be deemed to have been received by the International Bureau on the date on which the communication by telefacsimile was received”

has not been included in Section 9. Its only purpose is to ensure that an international application which is sent by telefacsimile is not treated as irregular until one month has elapsed. This result is however achieved by subparagraph (c) of Rule 3(2), which would become Section 9(b). The reference in Rule 2(3)(b) to “shall be deemed to have been received” etc., gives the impression that if the original of the page bearing the mark is received more than one month after the telefacsimile transmission, the date of the resulting international application is affected, which is not the case.

(b) Where a communication is transmitted by telefacsimile and, because of the time difference between the place from where the communication is transmitted and Geneva, the date on which the transmittal started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

*Section 11: Electronic Communications; Acknowledgement and Date of Receipt of Electronic Transmission by the International Bureau*

(a) Where an Office so desires, communications between that Office and the International Bureau, including the presentation of the international application, shall be by electronic means in a way agreed upon between the International Bureau and the Office concerned.

(b) The International Bureau shall promptly and by electronic transmission inform the originator of an electronic transmission of the receipt of that transmission, and, where the electronic transmission received is incomplete or otherwise unusable, also of that fact, provided that the originator can be identified and can be reached.

(c) Where a communication is by electronic means and, because of the time difference between the place from where the communication is sent and Geneva, the date on which the sending started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

Part Four

Requirements Concerning Names and Addresses

*Section 12: Names and Addresses*

(a) In the case of a natural person, the name to be indicated is the family or principal name and the given or secondary name(s) of the natural person.

(b) In the case of a legal entity, the name to be indicated is the full official designation of the legal entity.

(c) In the case of a name in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application. In the case of a legal entity whose name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application.

(d) An address shall be given in such a way as to satisfy the customary requirements for prompt postal delivery and shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any; in addition, telephone and telefacsimile numbers, an e-mail address as well as a different address for correspondence may be indicated.

### *Section 13: Address for Correspondence*

Where there are two or more applicants, new owners or licensees with different addresses, one address for correspondence shall be indicated. Where no such address is indicated, the address of the person named first shall be treated as the address for correspondence.

## Part Five

### Notification of Provisional Refusals

#### *Section 14: Date of Sending of Notification of Provisional Refusal*

In the case of a notification of provisional refusal sent through a postal service, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it was sent 20 days before the date of its receipt by the International Bureau. However, if the date of dispatch thus determined is earlier than the date on which the refusal was pronounced, the International Bureau shall treat such notification as if it had been sent on the latter date. In the case of a notification of refusal sent through a delivery service, the date of dispatch shall be determined by the indication given by such delivery service on the basis of the details of the mailing as recorded by it.

## Part Six

### Numbering of International Registrations

#### *Section 15: Numbering Following Partial Change in Ownership*

(a) Assignment or other transfer of the international registration in respect of only some of the goods and services or only some of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred.

(b) Any assigned or otherwise transferred part shall be cancelled under the number of the said international registration and recorded as a separate international registration. The separate international registration shall bear the number of the registration of which a part has been assigned or otherwise transferred, together with a capital letter.



*Section 16: Numbering Following Merger of International Registrations*

The international registration resulting from the merger of international registrations in accordance with Rule 27(3) shall bear the number of the international registration of which a part had been assigned or otherwise transferred, together, where applicable, with a capital letter.

*Section 17: Numbering Following Declaration that a Change in Ownership Has No Effect*

The separate international registration which is recorded in the International Register in accordance with Rule 27(4)(e) shall bear the number of the registration of which a part has been assigned or otherwise transferred, together with a capital letter.

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