

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**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**  
**Geneva, June 11 – 15, 2001**

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

*Document prepared by the International Bureau*

## INTRODUCTION

1. As mentioned in paragraph 12 of document MM/WG/2/4, a proposal is made for specifying in the Administrative Instructions what should be included in a notification of refusal based on an opposition as regards the grounds of the opposition. The notification should contain sufficient information to enable the holder to assess the merits of the opposition. On the other hand, the International Bureau should not have to handle lengthy memoranda containing the arguments or evidence put forward in support of the opposition. In particular, the International Bureau cannot accept material, such as booklets, packaging or samples, which cannot readily be scanned. It is suggested that documents or other material which is submitted by the opponent be either sent direct to the holder or (where this is not possible) be mentioned in the notification of refusal and made available to the holder's local representative when appointed.

2. This Section is provisionally numbered 14*bis* for the purposes of discussion in the Working Group. If it is approved, it will be integrated into the Administrative Instructions as Section 15, with consequent renumbering of the subsequent sections.

### *Section 14bis*

#### *Contents of a Notification of Provisional Refusal Based on an Opposition*

(1) A notification of provisional refusal based on an opposition shall be confined to the elements specified in Rule 17(2) and (3). The indication of the grounds on which the provisional refusal is based, in accordance with Rule 17(2)(iv), shall, in addition to stating that the refusal is based on an opposition, state concisely what are the grounds of the opposition (for example, conflict with an earlier mark or other right, lack of distinctive character). Where the opposition is based on a conflict with an earlier right other than a mark which is registered or is the subject of an application for registration, that right, and preferably the owner of that right, shall be identified as concisely as possible. The notification shall not be accompanied by memoranda or evidence.

(2) Any document accompanying the notification which is not on separate sheets of A4 paper or is otherwise not suitable for scanning, and any non-documentary item such as samples or packaging, will not be recorded and will be disposed of by the International Bureau.

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