

상표 소유권 이전 안내/ e-Madrid를 중심으로 마드리드 제도 웨비나

Howard LEE

Republic Of Korea 2023년 6월 28일

발표자



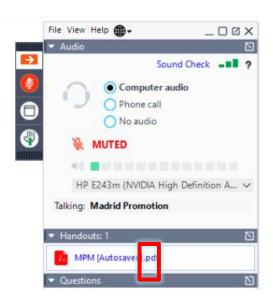
Howard LEE
External Consultant

WIPO Madrid



GoToWebinar 사용법







본웨비나의 구성

- 프레젠테이션 참여형 질문 및 실시간 시연
- 마지막에 질의응답 세션이 진행됨
- 프레젠테이션 자료는 다운로드 가능함
- 녹화 자료는 <u>마드리드 웨비나 페이지</u>에 업로드됨
- 간략한 피드백 설문 조사



소유권 변경

MM5양식으로 신청,국제등록상표의 소유권 변경은 크게 4가지로 구분 됨

- 모든 상품 및 서비스에 대한 모든 지정 국가
- 모든 상품 및 서비스에 대한 일부 지정 국가
- 일부 상품 및 서비스에 대한 모든 지정 국가
- 일부 상품과 서비스에 대한 일부 지정 국가



e-Madrid - 소유권의 변경 (I)

MM5 form 양식의 전자적 제출 방식. 소유권 변경을 통하여 하기와 같은 업무를 할 수 있습니다.

- 전체, or 부분
- 일부 제품/ 서비스, or
- 일부 지정국
- 각 단계별 절차에 대한 확인
- Online payment



e-Madrid - 소유권의 변경 (II)

- 전부 혹은 부분 소유권의 변경의 수수료는 177 CHF
- 자동으로 확인메일 발송
 - 자세한 신청내용
 - 신청에 대한 WIPO Reference No,
 - Real-Time search를 사용하여 실시간 조회 가능



Question?

■ E-마드리드를 통하여 국제등록상표의 부분 소유권 이전이 가능한가요?

- 네
- ■아니요



Question?

- 현재 국제상표등록에 기록된 소유자가 더 이상 존재 하지 않는 경우 누가 WIPO 사무국에 소유권변경 신청을 할 수 있나요?
 - 권리이전을 받고자 하는 새로운 권리권자
 - 위 새로운 권리권자의 대리인
 - 이전 혹은 새로운 권리권자의 본국관청



소유권 변경 신청이 가능한자

- 상표의 현 등록 권리권자 (Transferor)
- 상표의 신규 권리권자 (Transferee)
 - Transferor가 신청하는 경우 본국관청 및 WIPO에 신청가능
 - Transferee가 신청하는 경우 Transferor혹은 Transferee의 본국관청을 통해서만 가능
 - WIPO는 소유권에 대한 법적 판단을 하지 않음
 - Transferee에 의한 신청은 본국관청이 검증 판단



소유권 변경 신청이 가능한자

- Transferee가 신청하는 경우 WIPO는 소유권에 대한 법적 판단을 하지 않음
- Transferee에 의한 신청은 본국관청이 검증 판단



Entitlement

- Transferee는 하기의 4개의 Entitlement 중 적합한 한가지를 선택하여야 함
 - ■체결국이 Transferee의 국적임
 - ■체결조직(EU or OAIP)의 회원국이 Transferee의 국적임
 - ■체결국 혹은 조직에 Transferee가 거주하고 있음
 - ■체결국 혹은 조직에서 실제적이고 유효한 상업,산업활동을 하고 있음



대리인의 지정

- Transferee는 대리인의 지정이 가능함
 - ■MM5 를 제출하거나 e-마드리드를 통해 신청시 대리인 지정이 가능함
 - ■Transferee의 확인이 있어야 가능함
 - ■소유권의 전부 이전인 경우 이전의 등록이 완료되면 이전 소유권자의 대리인은 직원으로 말소 됨



부분 소유권 이전

IRN 1111222

Holder: X

Class: 09, 38

Designations AU, CA, KR, MX,US MM5

New Holder: Y

Class: 09, 38

Designations AU, CA, KR,

IRN 1111222

Holder: X

Designations MX,US

IRN 1111222A

Holder: Y

Designations AU, CA, KR,

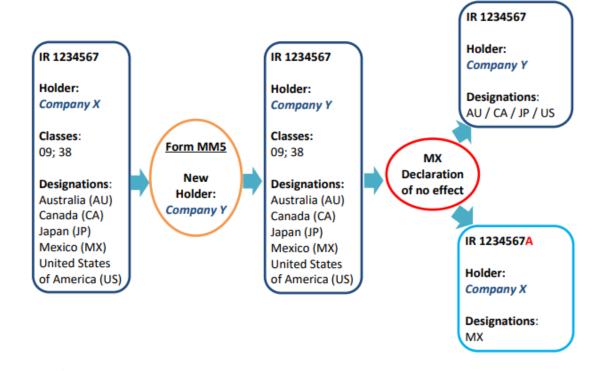


지정국관청의 No effect 선언

- 지정국관청은 통보 받은 소유권 변경 신청에 대해 No Effect를 선언할 수 있음
- 부분 이전에 경우에 주로 발생할 수 있음
- 지정국의 법령에 따라 판단함
 - ■Transferee의 법적지위가 상표의 소유에 부적합
 - ■일부 소유권 이전이 대중에 혼돈을 야기할 경우



지정국관청의 No effect 선언





하자 및 하자의 치유

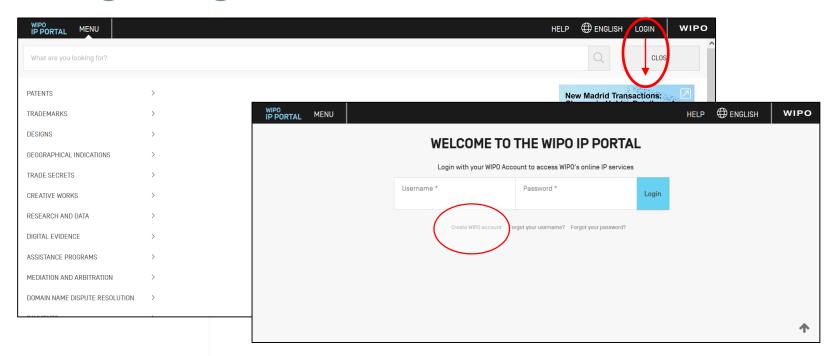
- 하자가 발생한 경우 WIPO는 보정을 요구함
- 통보일로부터 3개월 내에 하자가 치유 되어야 하며
- 3개월 도과시 포기 한것으로 간주
- 수수료의 절반인 88.50 CHF만 환불함
- 관청을 통하여 접수한 신청의 하자의 경우 원 소유자 혹은 새로운 소유자가 신청한 관청에 관청이 하자를 보정할 것인지 아니면 신청인들이 해야 하는 지를 별도 확인해야 함



WIPO IP PORTAL MENU				HELP	⊕ ENGLISH	WIPO
	WELCOME TO	THE WIPO IP PORTAL	-			
	Login with your WIPO Acc	Login with your WIPO Account to access WIPO's online IP services				
	Username *	Password *	Login			
	Create WIPO account Fo	orgot your username? Forgot your password?				

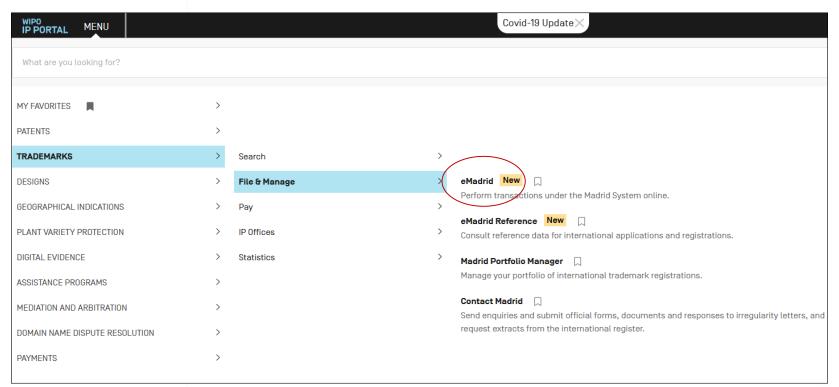


Single sign-on – WIPO IP Portal



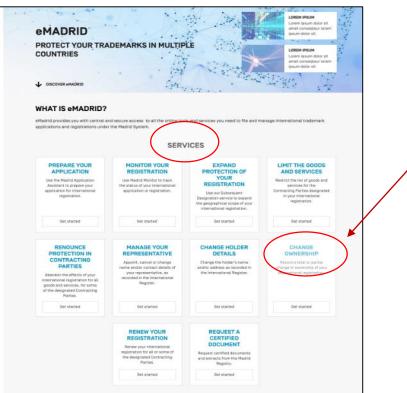


WIPO IP Portal - eMadrid





e-MADRID : new Gateway to all Madrid System Online Services





Step 1: Request Details (I)

CHANGE IN OWNERSHIP

Request Details

Holder (transferor)

Scope of the

New Holder

Summary

Fee Details

Payment

Signature

Confirmation

REQUEST DETAILS

The request for the recording of a change in ownership must be authorized (signed) by the recorded holder or by the recorded holder representative.

If the email address in your WIPO account, does not match the email address of the recorded holder or of the recorded holder representative, we will email a request for approval (signature) to the recorded holder representative, if any, or to the holder.

A request for the recording of a total change in ownership (i.e., for all goods and services and for all Contracting Parties) can be submitted for multiple international registrations in a single request, provided they are being transferred from the same recorded holder (transferor) to the same new holder (transferoe).

A request for the recording of a partial change in ownership [i.e., for some goods and services or for some Contracting Parties] must concern only one international registration.

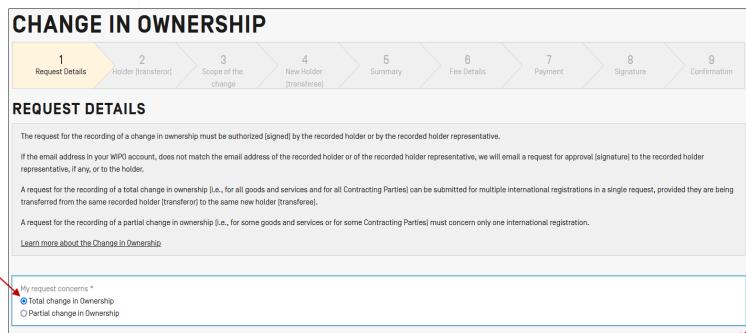
Learn more about the Change in Ownership

My request concerns *

- O Total change in Ownership
- O Partial change in Ownership



Step 1: Request Details (II)





Next

Step 2: Holder - Transferor (I)

TOTAL CHANGE IN OWNERSHIP TOTAL CHANGE IN OWNERSHIP	
A request for the recording of a total change in ownership can be submitted for multiple international registrations in a single request, provided they are being transferred from the same recorded holder (transferor) to the same new holder (transferee)".	he
The search will only display active international registrations.	
Holder Name	
Trademark WIPO Patentscope	
International Registration Number	
Search	h



Step 2: Holder - Transferor (II)

▶ 5	Selected International Registration(s): 1			
	INTERNATIONAL REGISTRATION NUMBER \$	MARK ≎	HOLDER ≎	REPRESENTATIVE ❖
	1358297	WIPO PATENTSCOPE	Organisation Mondiale de la Propriété Intellectuelle 34, chemin des Colombettes CH-1211 Genève 20	
				Cancel Back Next



Step 3: Scope of the Change (I)





Step 3: Scope of the Change (II)

PARTIAL CHANGE IN OWNERSHIP
DESIGNATIONS
If the change in ownership is to be recorded for all the designated Contracting Parties, please select all. Otherwise, please select the designated Contracting Parties for which the change in ownership is to be recorded. The recording of a partial change in ownership may be requested for only some of the designated Contracting Parties or only some of the goods and services, or a combination therefrom. Please select below the designated Contracting Parties and the goods and services for which the change in ownership is to be recorded. Please note that where the request concerns Brazil, as designated Contracting Party, the new holder [transferee] declares that the transferee, or a company controlled by the new holder [transferee], effectively and lawfully conducts business in connection with the goods and services for which the international registration has effect in Brazil.
Designated Contracting parties
AU (Australia)
EM [European Union]
KR [Republic of Korea]
Selected Contracting Parties 0 / 3 select all unselect all



Step 3: Scope of the Change (III)

G0	ODS AND SERVICES		
	If the change in ownership is to be recorded for all goods and services, please, select all. Otherwise, please select the class number[s] for which the change in ownership is to be recorded. I some of the goods or services in a class, please click "Select and Edit" in the class concerned and indicate the goods or services to be transferred. Please, use semicolons; to separate item	•	only
C	lass 9	Select and Edit	select
C	lass 16	Select and Edit	select
C	lass 35	Select and Edit	select
C	lass 38	Select and Edit	select
C	lass 41	Select and Edit	select
C	lass 42	Select and Edit	select
C	lass 45	Select and Edit	select
	se	elect all unsel	lect all
	Cance	el Back	Next



Step 4: New Holder – Transferee (I)

NEW HOLDER (TRANSFEREE)	
If there is more than one new holder [transferee], only indicate the details of the first new holder [transferee] and provide the details of the additional joint new holder[s] by selecting "Add joint holder[s] transferee[s]" at bottom of this page. Each new holder [transferee] must be entitled to use the Madrid System [be a national of or have a domicile or a real and effective industrial or commercial establishment in a member of the Madrid System].	
Name Francesca Fusco	
Email address co@wipo.int	
Phone number	
Country Switzerland	~
Address chemin des Colombettes	
	h.



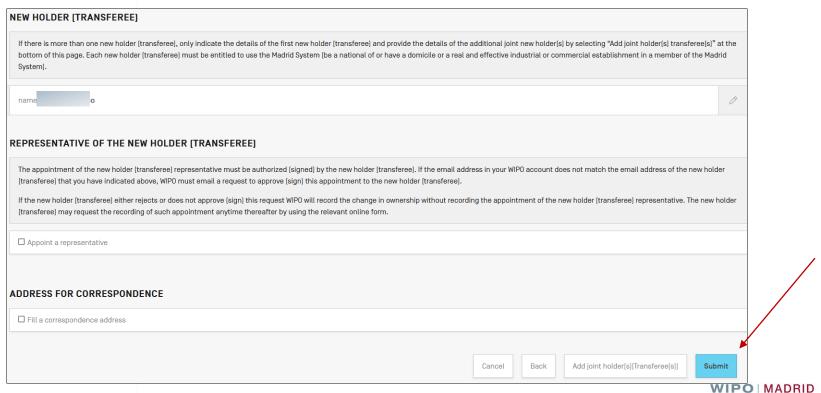
Step 4: New Holder – Transferee (II)

Preferred language for correspondence English			*
Nature of the transferee Natural person Legal entity			
Nationality Switzerland			•
Entitlement of the transferee			
Entitlement of the transferee Contracting State of which the transferee is a national Member State of the Contracting Organization (i.e., EU or OAPI) of which the transferee is a national Contracting Party in the territory of which the transferee is domiciled Contracting Party in the territory of which the transferee has a real and effective industrial or commercial establishment			
Contracting Party Switzerland			*
	Cancel	Save	



The International Trademark System

Step 4: New Holder – Transferee (III)



Step 4: Holder - Transferor

•	TOTAL CHANGE IN OWNERSHIP					
	SELECTION					
Þ	Selected International Registration(s): 1					
	TRANSFEROR					
	Current Holder					
	Organisation Mondiale de la Propriété Intellectuelle 34, chemin des Colombettes CH-1211 Genève 20 a*******(@******o.int					
	Wipo email address that will overwrite transferor email address [TEST] @wipo.int					
	Current Correspondence Contact					
	Organisation Mondiale de la Propriété Intellectuelle à l'attention Monsieur Denis Cohen 34, chemin des Colombettes Genève 20					



Step 5 : Summary (I)

1 Request Details	2 Holder (transferor)	Scope of the change	4 New Holder [transferee]	5 Summary	6 Fee Details	7 Payment	8 Signature	9 Confirmation	
▼TOTAL CHAN	NGE IN OWI	NERSHIP							
INTERNATIONAL RE	GISTRATION NUM	IBER							
▶ Selected International Re	egistration[s]: 1								
RECORDED HOLDER	(TRANSFEROR)	DETAILS							
Organisation Mondiale de la Propriété Intellectu 34, chemin des Colombe									
CH-1211 Genève 20 a*****l@*****o.int									
NEW HOLDER (TRAN	NSFEREE]								
name Francesca Fusco									
							Cancel	Back Next	WIPO MADRI
									The International Trademark System

Step 6 : Fee details

Request Details Holder (transferor) Scope	3 4 of the New Holder (transferee)	5 6 Fee Details	7 Payment Sig	8 9 gnature Confirmation
▼ TOTAL CHANGE IN OWNERSH	IP.			
FEE DETAILS				
Total or partial transfer fee: Calculation [1 x 177]				177.00
Total [CHF] [Swiss francs]:				177.00
				Cancel Back Next

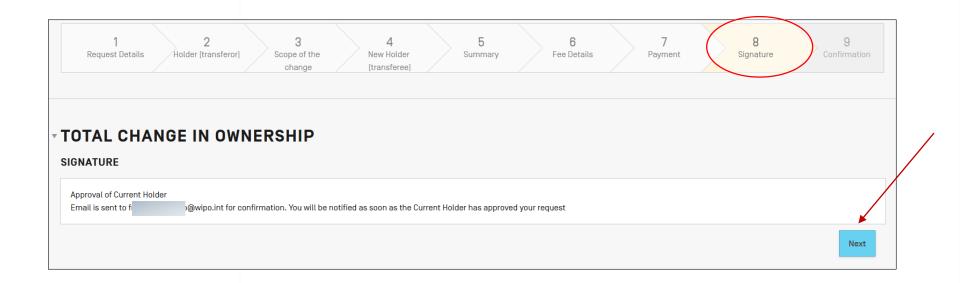


Step 7 : Payment



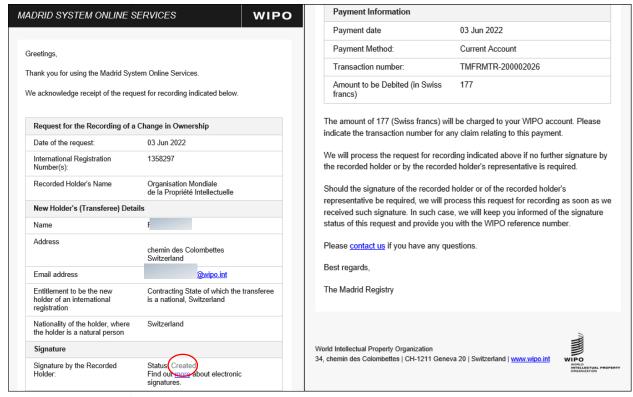


Step 8 : Signature



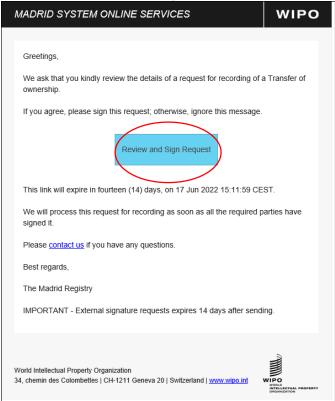


Email: acknowledgment of receipt (I)



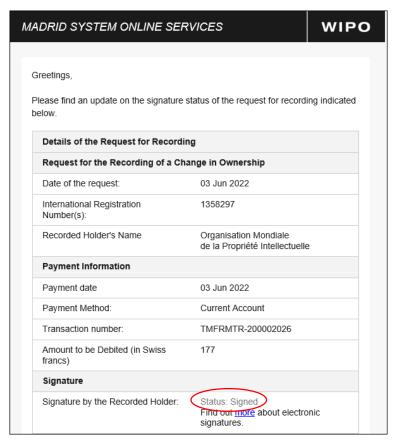


Email: acknowledgment of receipt (II)



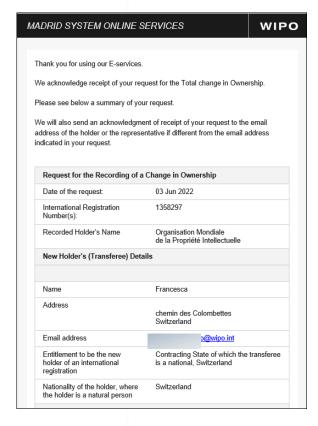


Email: signature status





Email: Summary of the request (I)



Signature by the Recorded Holder:	Status: Signed Find out <u>more</u> about electror signatures.	nic
Payment Information		
Payment date	03 Jun 2022	
Payment Method:	Current Account	
Transaction number:	TMFRMTR-200002026	
Amount to be Debited (in Swiss francs)	177	
The amount of 177 (Swiss francs) will ndicate the transaction number for a This request is now being processed	ny claim relating to this paymer	
ndicate the transaction number for a	ny claim relating to this paymer by WIPO. est for recording on Madrid Mon d.	nt.



Email: External Signature Request (I)

The content of the document requiring review and signature	e will be made available to you by the person who submitted the ex	ternal signature request	
Document type Transfer of ownership External signature request ID 67zSmSdynPeL	WIPO reference 1358297 Requested by Francesca Fusco	Applicant/agent's file reference Date and time 03 Jun 2022 17:11:59 CEST	
Current date and time at recipient Office: 03 Jun 2022 17:25: IMPORTANT - External signature requests expire 7 days after Link to document			
Informal message			
Select action * Approve and sign document			*
Signature of Applicant/Agent * Text signature Image signature Hand-drawn signature			
Should include name			
Signature *			
			Submit



Email: External Signature Request (II)

I	EXTERNAL SIGNATURE REQUEST					
	The person who submitted the external signa	ature request will be notified that the fol	lowing document has been signed.			
	Document type Transfer of ownership External signature request ID G7zSmSdynPeL	International Application Number 1358297 Requested by F	Applicant/agent's file reference Date and time 03 Jun 2022 17:11:59 CEST			



Step 9 : Confirmation (I)

1 2 3 4 5 6 7 8 9 Confirmation change (transferor) Summary Fee Details Payment Signature Confirmation

TOTAL CHANGE IN OWNERSHIP CONFIRMATION Thank you for using the Madrid System Online Services. We acknowledge receipt of the request for recording indicated below. REQUEST FOR THE RECORDING OF A CHANGE IN OWNERSHIP Date of the request: 03 June 2022 International Registration Number(s): 1358297 Recorded Holder's Name Organisation Mondiale de la Propriété Intellectuelle **NEW OWNER (TRANSFEREE)** Address criemin ues colombettes, Switzerland Phone number Email address francesca.fusco@wipo.int Entitlement to be the new holder of an international registration Nationality, Switzerland Nationality of the holder, where the holder is a natural person Switzerland SIGNATURE Signature by the Recorded Holder Status: Created Find out more about electronic signatures.



Step 9 : Confirmation (II)

1 Request Details Holder (transferor) Scope of the change (transferee) Summary Fee Details Payment Signature Confirmation

PAYMENT INFORMATION

Payment Method: Credit Card

Transaction number: TMFRMTR-200002028 Amount to be Debited (in Swiss francs) 177

The amount of 177 will be charged to your credit card. Please indicate the transaction number for any claim relating to this payment.

WIPO Finance Division do not issue any payment receipt of invoice for on-line credit card settlements. This electronic message is generated as the payment confirmation.

We will process the request for recording indicated above if no further signature by the recorded holder or by the recorded holder's representative is required.

Should the signature of the recorded holder or of the recorded holder's representative be required, we will process this request for recording as soon as we received such signature. In such case, we will keep you informed of the signature status of this request and provide you with the WIPO reference number.

Please contact us if you have any questions.

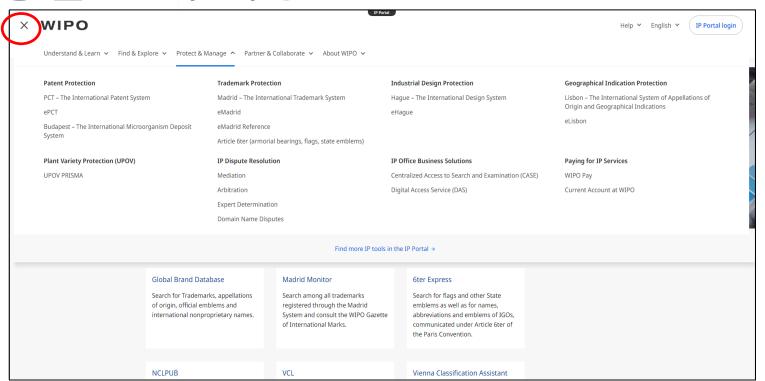


Video Explainers and Tutorials



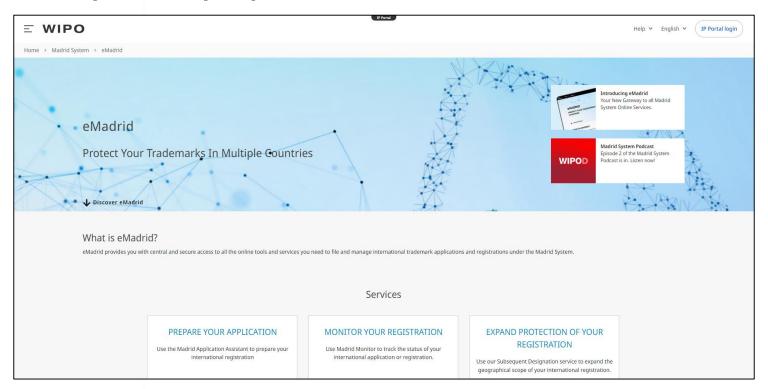


통합 탐색 기능



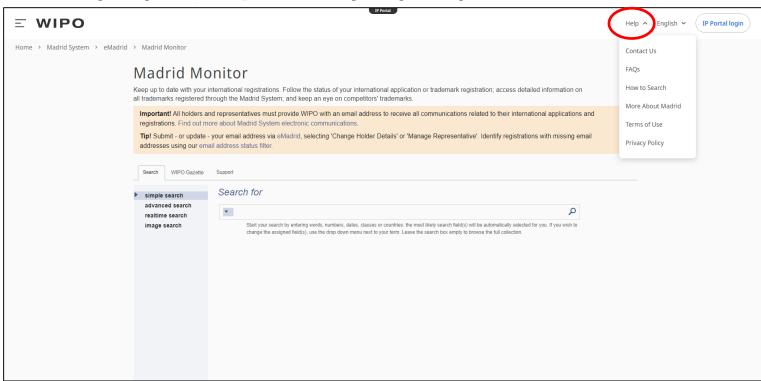


일원화된 서비스



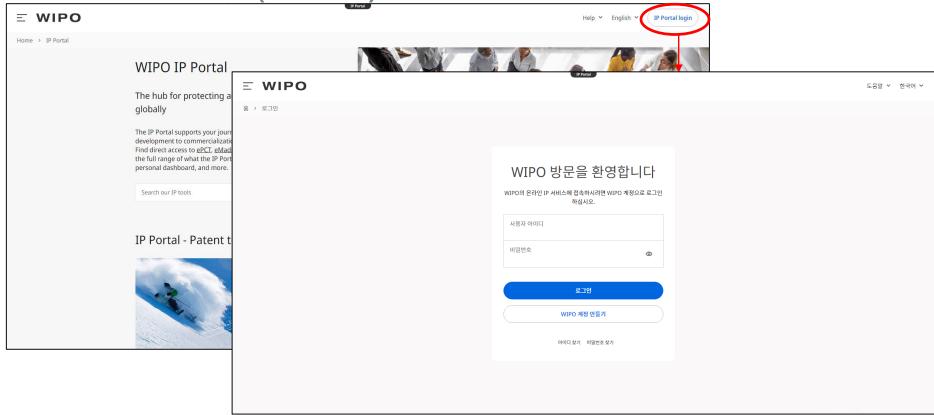


고객지원 정보에의 빠른 접근

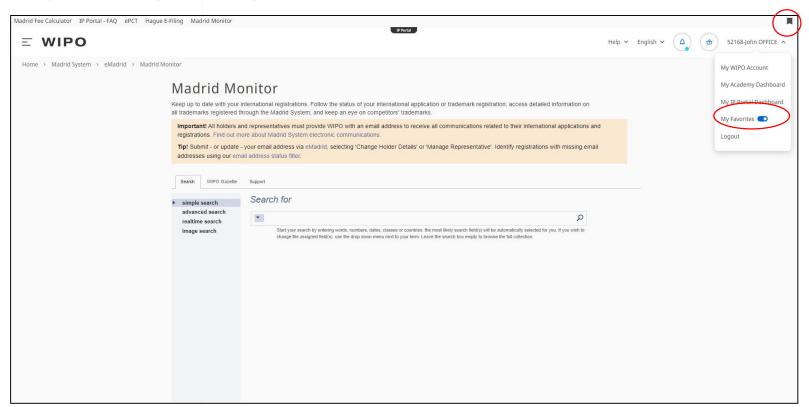




통합 인증(SSO)

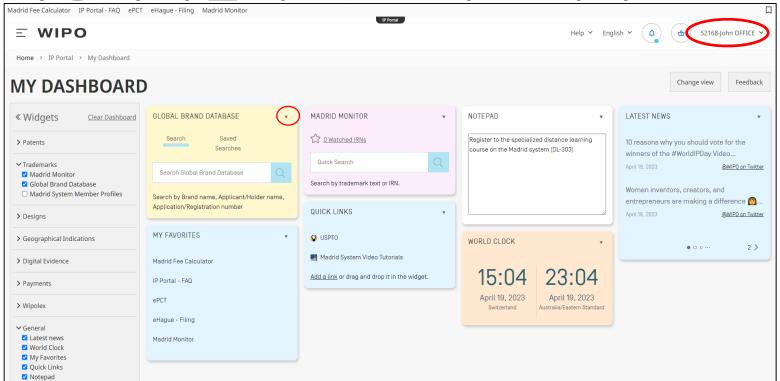


내 즐겨찾기





사용자화할 수 있는 위젯 대시보드







여러분의 의견을 들려주세요!



https://ipportal.wipo.int



수료증

■ 수료증을 <u>링크드인</u>, <u>트위터</u> 및 기타 소셜미디어에 공유해 보세요.



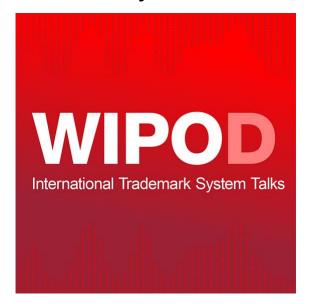
'#MadridSystem' 해시태그로 WIPO를 태그하세요.



마드리드 제도 팟캐스트

WIPOD – International Trademark System Talks

- 스포티파이 🗐
- 애플 팟캐스트 🔞
- 구글 팟캐스트 🖐





이용 후기와 사례 연구

Madrid System Case Study Highlight: Panasonic, Branding for Further Growth and Greater Value

October 5, 2021

We continue with our highlights of key case studies giving you practical insights on how companies across various industries use the Madrid System globally to their advantage. Our latest study focuses on Panasonic, the renowned Japanese electronics corporation.

Panasonic provides a wide range of products and services that are used in consumers' daily lives worldwide. These include home appliances, the electronic components used in them, housing and various services.



With more than a hundred years of experience, the company has been thoroughly committed to creating a better life for its users under the brand slogan of "A Better Life, A Better World".

Over the years, Panasonic introduced several business brands to achieve further growth and greater brand value in each area of business. In 2008, the corporation changed its name from the Matsushita Electric Industrial Co., Ltd to the Panasonic Corporation, consolidating its brand identity.

Discover how, with such a varied portfolio and an expansion strategy geared internationally, Panasonic uses the Madrid System to simplify the administrative procedures and greatly reduce costs.

Read the full Panasonic case study



Micromax on How WIPO's Madrid System Supports its International Growth Strategy

World Intellectual Property Organization - WIPO



MixMediaWorx on the Benefits of Using the Madrid System

World Intellectual Property Organization - WIPO



소식과 정보



■ 웹사이트 <u>마드리드 제도 웹사이트</u> 방문하기



■ 마드리드 뉴스 <u>마드리드 뉴스</u> 구독하기



■ 웨비나 <u>마드리드 웨비나</u> 녹화 자료를 이용하고 새로운 주제에 관한 소식 얻기



■ 팟캐스트 및 유튜브 WIPO 마드리드 <u>유튜브</u> 재생목록 살펴보기 및 <u>팟캐스트</u> 청취하기



■ 튜토리얼 WIPO의 마드리드 관련 <u>"How-to" 영상과</u> 튜토리얼 시청하기



■ 문의온라인 문의하기

