



An Overview of the Legal Aspects of the Madrid System

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EVERCIL®



- Established in Mexico in 2007
- Franchise in cosmetics products and services, in particular, eyelash extensions
- Seeking protection in Colombia, France, Portugal, Spain UK and USA



CERTIFICADO DE REGISTRO

La Oficina Internacional de la Organización Mundial de la Propiedad Intelectual (OMPI) certifica que las indicaciones que figuran en el presente certificado se corresponden con la inscripción efectuada en el Registro Internacional de Marcas mantenido en virtud del Arreglo de Madrid *f* del Protocolo concerniente a ese Arreglo.

Reproducción de la marca	
Registro Internacional	1 182 738
Fecha del registro	29 de agosto de 2013
Fecha de vencimiento del próximo pago	29 de agosto de 2023
Nombre y dirección de titular	EVERCIL, S. DE R.L. DE C.V., Paseo de Los Ahuehuetes Norte 746, Piso 1, Colonia Bosques de las Lomas, Delegación Miguel Hidalgo, 11700 Mexico (México)
Naturaleza jurídica del titular (persona jurídica) y lugar de constitución	SOCIEDAD DE RESPONSABILIDAD LIMITADA DE CAPITAL VARIABLE, MONTERREY, NUEVO LEÓN, MEXICO
Nombre y dirección del representante	CHRISTOPHE DANIEL MARCEL MARIANO BELLONCLE, Hacienda el Ciervo 8, PH 2 Colonia Hacienda de las Palmas, Huixquilucan, 52763 Mexico (México)
Clasificación de elementos figurativos	2.9; 27.6
Indicación relativa a la naturaleza y tipo de la marca	Las palabras que componen la marca no tienen significado alguno.
Descripción de la marca	La marca se ilustra con letras mayúsculas de fácil lectura "EVERCIL" <i>f</i> curvas en dos de las letras "E" <i>f</i> una curva en la parte superior derecha dando la idea de pestañas.
Lista de productos y servicios NCL(10-2013)	3 Preparaciones para blanquear <i>f</i> otras sustancias para lavar la ropa; preparaciones para limpiar, pulir, desengrasar <i>f</i> raspar; jabones, productos de perfumería, aceites esenciales, cosméticos, lociones capilares; dentífricos. 44 Servicios médicos; servicios veterinarios; tratamientos de higiene <i>f</i> de belleza para personas o animales; servicios de agricultura, horticultura <i>f</i> silvicultura.
Solicitud de base	México, 20.08.2013, 1404696
Solicitud de base	México, 20.08.2013, 1404698
Datos relativos a la prioridad en virtud del Convenio de París	México, 20.08.2013, 1404696; clase 44.
Datos relativos a la prioridad en virtud del Convenio de París	México, 20.08.2013, 1404698; clase 3.
Designaciones en virtud del Protocolo de Madrid	Colombia, España, Estados Unidos de América, Francia, Portugal, Reino Unido

International Registration 1182738

Protected in Colombia,
France, Portugal, Spain
UK and USA

The Madrid System provides for

- Centralized filing
- Centralized management

The legal framework of the Madrid System

- The Madrid Protocol
- The laws of each Member (Art. 4(1)(a))
- The Common Regulations (Art. 10(2)(ii))
- The Administrative Instructions (Rule 41)

Members of the Madrid Protocol (Art. 14)

- States
- Intergovernmental organizations

Number of Members

- 97 States
- 2 intergovernmental organizations

A closed system (Art. 2(1))

- Basic mark requirement
- Connection requirement

Application for the international registration of a mark

- Indirect filing (Art. 2(2))
- Certification by the Office of origin (Art. 3(1))

Request for territorial extension (designation)

- Express designation (Art. 3*bis*)
 - international application (Art. 3*ter*(1))
 - subsequent designation (Art. 3*ter*(2))
- No self-designation (Art. 3*bis*)

Fees for international application and registration

- Basic fee, and,
- Standard fees (Art. 8(2)); or,
- Individual fees (Art. 8(7))

Examination of the international application

- Formal examination (Art. 3(4))
- Control of classification (Art. 3(2))

International registration of the mark

- Date of the international registration (Art. 3(4))
- Period of validity (Art. 6(1))
- Effects of the international registration (Art. 4(1))

Right to refuse protection, tacit acceptance, invalidation

- Grounds (Art. 5(1))
- Time-limit to refuse (Art. 5(2))
- Tacit acceptance (Art 4(1)(a) and 5(5))
- Invalidation (Art 5(6))

Relevant statistics 2016

■ Designations in applications	.....	300,967
■ In subsequent designations	.....	45,621
		346,588
■ Grants of protection	.....	208,000
■ Provisional refusals	.....	109,039
■ Final decisions	.....	73,032
■ Further decisions	.....	724
■ Invalidations	.....	1,775

Centralized management

- Renewal (Art. 7)
- Changes and other recordings (Art. 9 and 9*bis*)

Replacement

- Requirements (Art. 4*bis*(1))
- Taking note (Art. 4*bis*(2))

Dependence and transformation

- Dependency period (Art 6(2))
- Ceasing of effect (Art 6(3))
- Cancellation (Art 6(4))
- Transformation (Art. 9*quinquies*)

Madrid Agreement and Protocol Members (Art. 9sexies)

- The Madrid Protocol applies
- Extended refusal period does not apply
- Individual fees do not apply

Evolving legal framework

- Working Group (Art. 10(3)(vii))
- Madrid Union Assembly (Art. 10(1) and (2)(ii))

WIPO | MADRID

Madrid – The International Trademark System

The Madrid System is a convenient and cost-effective solution for registering and managing [trademarks](#) worldwide. File a single application and pay one set of [fees](#) to apply for protection in up to [115 countries](#). Modify, renew or expand your global trademark portfolio through one centralized system.

- ▶ [Who can use the Madrid System?](#)
- ▶ [How much does it cost?](#)

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Main legal features

- Application or registration of a mark (basic mark) in a CP
- Connection between the holder and that CP: establishment, domicile, or nationality
- International application filed through Office of that CP (Office of origin) in E/F/S
- International application must designate at least one CP, other than the CP of origin
- Bundle of fees in Swiss francs (basic + standard or individual fees)
- Time limit for the Office of designated CP to refuse protection
- Further CPs may be subsequently designated
- Centralized management of IR direct with the WIPO
- 10-year period of protection, renewable for similar periods
- International registration depends on fate of basic mark for five years (dependence – transformation)

Stay informed

- Download the legal texts:
http://www.wipo.int/madrid/en/legal_texts/
- Follow the Working Group discussions:
http://www.wipo.int/meetings/en/topic.jsp?group_id=147
- Learn the Madrid Union Assembly decisions:
http://www.wipo.int/meetings/en/topic.jsp?group_id=123
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Thank you

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