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**STUDY ON THE INTRODUCTION OF ADDITIONAL FILING LANGUAGES
IN THE MADRID SYSTEM**

Document prepared by the International Bureau

I. INTRODUCTION

1. At its fortieth (23rd extraordinary) session held in Geneva from September 22 to 30, 2008, the Madrid Union Assembly (hereinafter referred to as “the Assembly”) considered a document entitled “Proposal for a Study on the Possible Introduction of ‘Filing Languages’ in the Madrid System” (document MM/A/40/2). According to that proposal a study would be conducted by the International Bureau on the implications, consequences and advantages of including languages other than English, French and Spanish (working languages of the Madrid system) as additional filing languages (languages in which applicants would be allowed to file international applications).

2. The Assembly took note of document MM/A/40/2 and agreed that the Secretariat should conduct a study on the introduction of additional filing languages in the Madrid system.

3. A preliminary version of the study conducted by the International Bureau in the first half of 2009 was submitted to the seventh session of the Working Group on the Legal Development of the Madrid System (hereinafter referred to as “the Working Group”) held in Geneva from July 7 to 10, 2009.

4. An updated version of that study is hereby submitted for consideration by the Assembly in Annex I of the present document.

5. The findings of the study are summarized in Section II, below. The conclusions and recommendations of the Working Group regarding the study are presented in Section III. Finally, as recommended by the Working Group, the Assembly is invited, in paragraph 27 of the present document, to decide on the implementation of a pilot project to verify the feasibility of the proposal to introduce new filing languages along the lines described in the study.

II. THE STUDY

6. In conducting the study, the International Bureau first defined a scenario that would allow for the admission of additional filing languages in a way that would be operationally and economically viable and that could benefit the largest possible number of interested, current and potential, users of the Madrid system.

A. Languages that would qualify as additional filing languages

7. Bearing in mind the above, the following languages were considered, for the purposes of the study, as those that would qualify as additional filing languages:

(a) Arabic, Chinese, Portuguese and Russian, which are the four WIPO working languages other than English, French and Spanish and are widely spoken in a large number of WIPO Member States (document MM/A/40/2); and,

(b) any other language having met a dual eligibility threshold (namely, being the language of the basic application or registration of at least 1,000 international applications, and representing a share of at least 3% within the total number of international applications filed in a given year). Based on the statistics for 2008, only four other languages met those criteria, namely, Dutch, German, Italian and Japanese.

B. Pre-requisites for the acceptance of filings in a domestic (non-working) language

8. The study focuses on an implementation strategy that would require the following steps to be completed before applicants from a given Contracting Party could benefit from the possibility of filing international applications in a domestic (non-working) language qualifying as an additional filing language:

(a) the WIPO database of acceptable indications of goods and services for the purposes of the Madrid system procedures, currently being developed by the International Bureau (document MM/A/42/3), should already be fully operational;

(b) electronic communication between the Office of the Contracting Party and the International Bureau, based on an electronic communication agreement signed by both parties, should already be operational at least in respect of the transmission of international applications;

(c) a “filing language agreement” between the Office of the Contracting Party and the International Bureau should have been established to formalize the acceptance of filings by applicants from that Contracting Party in the domestic (non-working) language. The filing language agreement should provide, *inter alia*, for the Office of the Contracting Party and WIPO to cooperate in the translation of the database of acceptable indications of goods and services for the purposes of the Madrid system procedures into the relevant domestic language of use in that Office. The possibility for applicants from the relevant Contracting Party to file international applications in their domestic language would be subject to the availability of the database in the relevant domestic language.

C. Procedure for the filing of international applications in a domestic (non-working) language

9. The procedure proposed for the filing of international applications in a domestic (non-working) language is described in detail in the study (see Annex I, paragraph 35). That procedure would involve, *inter alia*, the following steps: the selection by the applicant of one of the three working languages of the Madrid system (English, French or Spanish) as the “language of the international application” in the sense of what is established in Rule 6 of the Common Regulations; the running by the Office of origin of the international application in the domestic language through an automatic translation tool provided by WIPO (linked to the database of acceptable indications of goods and services) for its translation into the working language selected by the applicant; the checking by the International Bureau of the acceptance and correct classification of any indication given in the international application that does not appear in the database; the translation by the International Bureau of any portion of the international application still remaining in the domestic language after having gone through the automatic translation tool; the agreement of the applicant to the translated version of the international application; formal submission of the international application to the International Bureau, electronically, in the selected working language.

10. The study further proposes procedures to be followed in the case of terms unintelligible for the sake of translation and in the case of changes by the Office of origin to the translation provided by the International Bureau (see Annex I, paragraphs 36 and 37).

D. Implications, consequences and advantages

(a) In respect of the International Bureau

11. The study analyses the cost implications for the International Bureau and concludes that the introduction of additional filing languages under the conditions described above would be economically feasible without entailing additional operational costs.

12. In fact, if, in the absence of a database of acceptable indications of goods and services and of an automatic translation tool as described above, the eight languages considered within the scope of the study had been admitted as filing languages in 2008, the translation costs for the International Bureau would have increased by a maximum of some 765,000¹ Swiss francs or 1.4% of the total budget of the Madrid Union for 2008.

13. However, it is expected that, as a result of the establishment of the WIPO database of acceptable indications of goods and services, the International Bureau should be able to make savings in translation and examination costs as compared to the situation today. Such savings would compensate for any translation-related costs that would result from implementing a filing mechanism as described in the study. Consequently, it is in the essence of the proposal examined in the study to make the establishment of a fully functional database translated into the non-working language concerned a pre-requisite to the introduction of each new filing language.

14. Regarding the procedure to be followed with respect to applications filed in a non-working language, the International Bureau would have to perform certain tasks that are not required today and would have to do so within quite strict time limits (see Annex I, paragraph 35). According to the assessment made, the International Bureau should be in a position to adequately comply with those tasks, provided that appropriate measures are taken in advance (including the identification of translators with the required language skills and the re-definition of certain internal procedures and responsibilities).

(b) In respect of Offices and users of interested Contracting Parties

15. Concerning Offices of interested Contracting Parties, acting as Offices of origin, the acceptance of filings in their domestic language(s) would have the advantage of making it easier for them to perform the certification-related check required in Rule 9(5)(d) of the Common Regulations, as this check would be done in the same language of the basic application or registration and could even be done automatically if linked to an electronic filing system. The number of irregularities notified under Rules 12 and 13 of the Common Regulations to which the Office would have to reply, would most likely be reduced, as indicated in paragraph 18, below. Finally, while the Office of origin may be required to engage in additional communications with the International Bureau in the context of the procedures proposed in the study, those communications would necessarily take place electronically and would, consequently, be rather expeditious.

16. Trademark owners and in particular, small- and medium-sized enterprises (SMEs), would welcome the possibility of being able to file international applications under the Madrid system through the medium of their own language and in the same language of the basic application or registration. Such a possibility would, in all likelihood, eventually accelerate the filing process, reduce the risk of ambiguity with regard to the specification of goods and services and possibly result in cost savings for them, such as, for example, regarding the translation of lists of goods and services.

¹ Comprising a maximum of 748,000 Swiss francs for the translation of lists of goods and services and a maximum of 17,000 Swiss francs for the translation of other elements contained in international applications (see Annex I, paragraphs 43 and 46).

(c) In respect of the general functioning of the Madrid system

17. As explained in Section IV of the study (see Annex I, paragraphs 19 to 24), the admission of additional filing languages, if implemented according to the mechanism proposed in the study, would not require any amendment of the Common Regulations.

18. Concerning the Madrid system procedures, the proposed mechanism would present clear advantages. It is evident that the number of irregularities raised by the International Bureau under Rules 12 and 13 of the Common Regulations (*Irregularities with respect to the classification of goods and services* and *Irregularities with respect to the indication of goods and services*, respectively) would be reduced. This would be of considerable benefit in terms of saved efforts and time, not only for the International Bureau but also for the Offices of origin and applicants that have to reply to the notifications regarding such irregularities.

19. Therefore, from the viewpoint of the general functioning of the Madrid system, it is suggested that the proposal as outlined would present distinct advantages in terms of rationality and efficiency, without at the same time carrying any significant negative cost implications for all parties concerned.

III. CONCLUSIONS AND RECOMMENDATIONS OF THE WORKING GROUP

20. At its seventh session, held in Geneva in July 2009, the Working Group took note of the study prepared by the International Bureau and concluded that it was open to the possibility of introducing additional filing languages in the Madrid system, on the basis of bilateral agreements between the International Bureau and interested Offices meeting certain language eligibility criteria (see Summary by the Chair, approved by the Working Group, in document MM/LD/WG/7/4, reproduced as Annex II of the present document). Those bilateral agreements would provide for electronic communication and cooperation on the building of a database of acceptable terms for the indication of goods and services in the language concerned.

21. While some delegations indicated the readiness of their Offices to engage in such a type of agreement, others expressed concern about the feasibility of applying the procedure outlined in the study, particularly with regard to the operational implications for their Offices and for the International Bureau.

22. The Working Group finally agreed that a pilot project be established involving the participation of interested Offices using any of the languages that would qualify as additional filing languages as per paragraph 7, above, with a view to verifying the feasibility of the proposal to introduce new filing languages. The project would examine, *inter alia*, the implications of the proposed procedure, in particular, in terms of costs and compliance with time limits.

23. The Working Group recommended that the Assembly mandate the International Bureau to undertake such a pilot project and report its results to the Working Group and to the Assembly in due course.

IV. IMPLEMENTATION OF THE PILOT PROJECT

24. Participation in the pilot project recommended by the Working Group would be open to the Office of any interested Contracting Party processing trademark applications in one of the languages qualifying as additional filing languages according to the criteria indicated in paragraph 7, above.

25. The implementation of the pilot project is proposed to be undertaken in two phases, as follows:

(a) Phase I would involve cooperation between the International Bureau and the interested Office in: (i) the translation of the WIPO database of acceptable indications of goods and services for the purposes of the Madrid system procedures into the relevant non-working language; and, (ii) exploring the possibility of developing an interface allowing for the filing of international applications in the relevant non-working language. Phase I is proposed to be initiated in 2010 within the context of the project on the establishment of the WIPO database of acceptable indications of goods and services, as proposed in document MM/A/42/3;

(b) Phase II would involve cooperation between the International Bureau and the interested Office in examining the implications of the proposed procedure (see Annex I, paragraph 35), in particular in terms of costs and compliance with time limits. Phase II would be initiated with respect to an Office taking part in the pilot project as soon as Phase I has been completed with respect to that Office and the database in the relevant non-working language referred to in paragraph (a), above contains a minimum of 30,000 indications in that language.

26. The International Bureau will submit, to the Working Group and to the Assembly, progress reports on the implementation of the pilot project, on a regular basis, and a final report, summarizing its findings, in due course.

27. *The Assembly is invited to:*

(i) *take note of the present document and of the study on the possible introduction of additional filing languages in the Madrid system, contained in Annex I of the present document;*

(ii) *mandate the International Bureau to undertake the pilot project recommended by the Working Group and report its results to the Working Group and to the Assembly in due course.*

[Annexes follow]

ANNEX I

STUDY ON THE INTRODUCTION OF ADDITIONAL FILING LANGUAGES
IN THE MADRID SYSTEM

I. BACKGROUND

1. At its fortieth session, held in Geneva from September 22 to 30, 2008, the Madrid Union Assembly¹ considered a document entitled “Proposal for a Study on the Possible Introduction of “Filing Languages” in the Madrid System” (document MM/A/40/2.). According to that proposal (hereinafter referred to as the “basic proposal”) a study would be conducted by the International Bureau on the implications, consequences and advantages of including other languages in the language regime of the Madrid system, focusing on a scenario in which the working languages of the Madrid system remain English, French and Spanish, but in which applicants would also be permitted to file international applications in any of the other working languages of WIPO, i.e., Arabic, Chinese, Portuguese or Russian.
2. During the discussions of the Assembly, many delegations expressed support for the conducting of the proposed study as they considered the introduction of additional filing languages would enhance the use of the Madrid system in countries where those languages were spoken and could facilitate the accession of new Contracting Parties to the Madrid system. While expressing support for conducting the study, the Delegation of Japan indicated that it could be useful if a comparative appraisal also included languages other than just the four mentioned in the basic proposal. The Delegation also suggested that the International Bureau consider as well other statistical figures, such as the number of international applications, estimated domestic filings and the number of native speakers².
3. The Assembly took note of document MM/A/40/2 and agreed that the Secretariat conduct a study on the introduction of additional filing languages in the Madrid system³.
4. A preliminary version of the study conducted by the International Bureau in the first half of 2009 was submitted to the seventh session of the Working Group on the Legal Development of the Madrid System (hereinafter referred to as “the Working Group”) held in Geneva from July 7 to 10, 2009.

¹ Hereinafter referred to as “the Assembly”. Similarly, the Madrid Agreement Concerning the International Registration of Marks will be hereinafter referred to as “the Agreement”, the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks will be hereinafter referred to as “the Protocol” and the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement will be hereinafter referred to as “the Common Regulations”.

² Document MM/A/40/5, paragraphs 16 to 32.

³ Document MM/A/40/5, paragraph 33.

5. The present document contains an updated version of the study that takes into account the discussions held at the seventh session of the Working Group.

II. GLOBAL APPROACH AND CONTENTS OF THE STUDY

6. In conducting the study, the International Bureau first defined a scenario that would allow for the admission of additional filing languages in a way that would appear to be operationally and economically viable and that could benefit the largest possible number of interested, current and potential, users of the Madrid system.

7. In the definition of such scenario, the International Bureau considered the criteria for the admission of languages that would qualify as additional filing languages, the current legal framework of the Madrid system, the procedures that should be followed and the conditions that would have to be complied with before applicants from a given Contracting Party could actually start filing in one of the admitted new filing languages. Those questions and other related questions are addressed in Sections III to VI, below.

8. On that basis, the International Bureau assessed the implications, consequences and advantages of the proposal (see Section VII) and drew up a conclusion (Section VIII).

III. LANGUAGES THAT WOULD QUALIFY AS ADDITIONAL FILING LANGUAGES

9. With a view to contextualizing the scenario on the introduction of additional filing languages, the study first examined, from a statistical point of view, the volumes of international applications filed under the Madrid system, over the last five year period. In particular, the study focused on the filings originating from Offices of Contracting Parties whose official domestic language or languages were not one of the three working languages of the Madrid system. Table I, below, shows the major filing Contracting Parties under the Madrid system over the last five years, ranked by the number of international applications received from the Office of each Contracting Party in 2008. It further indicates their shares within total filings in 2008 and the growth rates as compared to 2007. The table shows that, in 2008, the top 10 Contracting Parties of Origin were accountable for almost 72% of the filings.

Table I

Number of International Applications Filed by Contracting Parties in 2008 and years before

	<u>Contracting Party of Origin</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>Share</u>	<u>Growth</u>
1	Germany (DE)	5,395	5,803	5,663	6,090	6,214	14.8%	2.0%
2	France (FR)	3,518	3,497	3,705	3,930	4,218	10.0%	7.3%
3	United States of America (US)	1,737	2,849	3,148	3,741	3,684	8.8%	-1.5%
4	European Community (EM)	354	1,852	2,445	3,371	3,600	8.6%	6.8%
5	Switzerland (CH)	2,133	2,235	2,468	2,657	2,885	6.9%	8.6%
6	Italy (IT)	2,499	2,340	2,958	2,664	2,763	6.6%	3.7%
7	Benelux (BX)	2,482	2,426	2,639	2,510	2,667	6.3%	6.3%
8	China (CN)	1,015	1,334	1,328	1,444	1,585	3.8%	9.8%
9	Japan (JP)	692	893	847	984	1,278	3.0%	29.9%
10	Austria (AT)	1,181	1,191	1,117	1,134	1,245	3.0%	9.8%
11	Russian Federation (RU)	575	604	622	889	1,190	2.8%	33.9%
12	United Kingdom (GB)	917	1,016	1,054	1,178	1,162	2.8%	-1.4%
13	Australia (AU)	683	852	1,100	1,169	1,092	2.6%	-6.6%
14	Spain (ES)	866	854	994	859	981	2.3%	14.2%
15	Turkey (TR)	593	787	733	717	890	2.1%	24.1%
16	Czech Republic (CZ)	615	547	559	541	607	1.4%	12.2%
17	Denmark (DK)	441	510	479	573	565	1.3%	-1.4%
18	Sweden (SE)	462	409	400	478	476	1.1%	-0.4%
19	Poland (PL)	344	334	339	294	416	1.0%	41.5%
20	Bulgaria (BG)	334	391	426	431	386	0.9%	-10.4%
21	Norway (NO)	218	235	312	403	368	0.9%	-8.7%
22	Portugal (PT)	175	263	276	355	344	0.8%	-3.1%
23	Slovenia (SI)	201	180	177	182	296	0.7%	62.6%
24	Finland (FI)	198	208	239	278	282	0.7%	1.4%
25	Serbia (RS)	86	107	157	275	282	0.7%	2.5%
26	Ukraine (UA)	78	105	133	195	217	0.5%	11.3%
27	Hungary (HU)	231	152	217	438	214	0.5%	-51.1%
28	Croatia (HR)	135	79	150	185	200	0.5%	8.1%
29	Slovakia (SK)	249	215	241	190	187	0.4%	-1.6%
30	Republic of Korea (KR)	127	148	190	330	186	0.4%	-43.6%
31	Latvia (LV)	109	81	103	115	171	0.4%	48.7%
32	Liechtenstein (LI)	89	96	129	148	169	0.4%	14.2%
33	Singapore (SG)	93	138	161	146	166	0.4%	13.7%
34	Greece (GR)	49	65	81	80	117	0.3%	46.3%
35	Iceland (IS)	33	39	92	110	101	0.2%	-8.2%
36	Romania (RO)	58	101	97	103	99	0.2%	-3.9%
37	Estonia (EE)	75	72	96	101	93	0.2%	-7.9%
38	Lithuania (LT)	63	101	84	78	93	0.2%	19.2%
39	Morocco (MA)	57	66	119	93	73	0.2%	-21.5%
40	Belarus (BY)	29	24	23	63	69	0.2%	9.5%
	Other countries	283	378	370	423	444	1.1%	5.0%
Total		29,472	33,577	36,471	39,945	42,075	100%	5.3%

10. Had the Madrid system extended the scope of filing languages and allowed for the filing of international applications in the additional four working languages of WIPO (Arabic, Chinese, Portuguese and Russian) in 2008, this would still not have sufficed to cover the official language of four of the top 10 Contracting Parties of origin in 2008, namely those of Austria, Germany, Italy and Japan, whose common share of filings amounted to over 27% of the total, according to the figures above.

11. The same can also be said to a large extent about Switzerland (rank 5) and Benelux (rank 7), although in each case one of the working languages of the Madrid system, namely French, is also a working language of their respective Offices. Thus, according to the information made available to the International Bureau by the Swiss Office, for each of the years from 2006 to 2008, about 76% of national trademark applications were filed in German or Italian; it is believed that, amongst those national applications that serve as a basis for international applications presented through that Office, the same proportion was filed in German or Italian. Similarly, according to the information made available to the International Bureau by the Benelux Organisation for Intellectual Property (BOIP), about 85% of the regional trademark applications with that Office were filed in Dutch.

12. One should also take into consideration the fact that Dutch, German, Italian and Portuguese are filing languages of the Office of another Contracting Party of origin among the top 10 in 2008, namely the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM). Thus, according to the information made available to the International Bureau by OHIM, Dutch, German, Italian and Portuguese were the filing languages of the basic Community Trade Mark application or registration in respect of about 33% of the international applications filed through that Office in 2008.

13. These data and observations suggest that, when considering the possibility of extending the scope of the filing language regime, a more comprehensive approach should be adopted and, in particular, it would be appropriate that recognition be given to the overall relevance of a language in the Madrid system. That is to say, account should also be taken of the number of international applications filed with Offices of origin that recognize, as official, a given language that is neither one of the three working languages of the Madrid system nor one of the remaining four working languages of WIPO.

14. Thus, if, in addition to the basic proposal that the filing languages were to include the additional four working languages of WIPO, one had also, for example, set a dual threshold of 1,000 international applications and a share of 3% within the total number of applications filed per year, for the acceptance of an additional filing language, that would have allowed the inclusion of the official languages used in any of the top 10 Contracting Parties of origin in 2008.

15. Table II, below, shows the 15 top filing Contracting Parties under the Madrid system for the first five months of 2009, ranked by the number of filings received from the Office of each Contracting Party during that period. On the basis of the total of 12,056 international applications received by the International Bureau during that period⁴, the table further indicates in respect of each Contracting Party its actual share of filings, as well as the forecasted total filings for the whole of the year 2009.

⁴ The actual figures for the first five months of 2009 show a 15% downward trend in filings as compared to 2008.

Table II

Number of International Applications Filed by Contracting Parties
January–May 2009

	<u>Contracting Party of Origin</u>	<u>International Applications received</u>	<u>Forecast for 2009</u>	<u>Share</u>
1	DE	2070	4968	11.89%
2	EM	1500	3600	8.6%
3	FR	1489	3574	8.6%
4	US	1243	2983	7.1%
5	CH	1057	2537	6.1%
6	IT	935	2244	5.4%
7	BX	868	2083	5.0%
8	JP	554	1330	3.2%
9	CN	539	1294	3.1%
10	AT	454	1090	2.6%
11	RU	447	1073	2.6%
12	GB	421	1010	2.4%
13	AU	371	890	2.1%
14	ES	311	746	1.8%
15	TR	272	653	1.6%

16. This table shows that, amidst a general downward trend in absolute figures, the top 10 Contracting Parties of origin are still accountable for about 72% of the filings. Moreover, the list of Contracting Parties meeting the suggested dual threshold of 1,000 filings and a 3% share of the total would remain almost identical in 2009, so that, in particular, Dutch, German, Italian and Japanese would continue to be the official languages of a significant portion of the national or regional basic marks used in international filings.

17. In view of both the past and the current figures under the Madrid system and of the need to consider a proposal that would benefit the largest possible number of current and prospective users of the Madrid system, those four languages (namely, Dutch, German, Italian and Japanese) were considered within the scope of the study on the introduction of additional filing languages, along with the four working languages of WIPO already covered in the basic proposal (namely, Arabic, Chinese, Portuguese and Russian).

18. Looking into the future, and despite the general stability in the relative relevance of languages in the Madrid system, the fact is that the group of Contracting Parties meeting the dual threshold mentioned in paragraphs 14 and 16, above, could change. The introduction of filing languages in the Madrid system should, therefore, not depend on a heavy procedure. On the contrary, the system should be flexible enough to accommodate even further filing languages as the need arises. Conversely, and taking into account the gloomy worldwide economy, the system should be light enough to tolerate that a language that has been introduced as an additional filing language remains so allowed even if, in the subsequent year, the number of filings from the Contracting Party or Parties whose official language it is drops below any of the two criteria under the dual threshold.

IV. ALLOWING “FILING LANGUAGES” IN THE CURRENT LEGAL FRAMEWORK

19. The current language regime of the Madrid system is set out in Rule 6 of the Common Regulations, which establishes a full trilingual (English, French and Spanish) regime with respect to all procedures under the Agreement and the Protocol⁵. This provision reads as follows:

*“Rule 6
Languages*

“(1) [*International Application*] The international application shall be in English, French or Spanish according to what is prescribed by the Office of origin, it being understood that the Office of origin may allow applicants to choose between English, French and Spanish.

“(2) [*Communications Other Than the International Application*] Any communication concerning an international application or an international registration shall, subject to Rule 17(2)(v) and (3), be

“(i) in English, French or Spanish where such communication is addressed to the International Bureau by the applicant or holder, or by an Office;

“(ii) in the language applicable under Rule 7(2) where the communication consists of the declaration of intention to use the mark annexed to the international application under Rule 9(5)(f) or to the subsequent designation under Rule 24(3)(b)(i);

“(iii) in the language of the international application where the communication is a notification addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that all such notifications are to be in English, or are to be in French or are to be in Spanish; where the notification addressed by the International Bureau concerns the recording in the International Register of an international registration, the notification shall indicate the language in which the relevant international application was received by the International Bureau;

“(iv) in the language of the international application where the communication is a notification addressed by the International Bureau to the applicant or holder, unless that applicant or holder has expressed the wish that all such notifications be in English, or be in French or be in Spanish.

“(3) [*Recording and Publication*] (a) The recording in the International Register and the publication in the Gazette of the international registration and of any data to be both recorded and published under these Regulations in respect of the international registration shall be in English, French and Spanish. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

⁵ Rule 40(4) [*Transitional Provision Concerning Languages*] further regulates the application of the full trilingual regime with respect to certain international registrations resulting from international applications filed before April 1, 2004, date of introduction of the Spanish language under the Protocol, or before September 1, 2009, date of introduction of the full trilingual regime.

“(b) Where a first subsequent designation is made in respect of an international registration that, under previous versions of this Rule, has been published only in French, or only in English and French, the International Bureau shall, together with the publication in the Gazette of that subsequent designation, either publish the international registration in English and Spanish and republish the international registration in French, or publish the international registration in Spanish and republish it in English and French, as the case may be. That subsequent designation shall be recorded in the International Register in English, French and Spanish.

“(4) [*Translation*] (a) The translations needed for the notifications under paragraph (2)(iii) and (iv), and recordings and publications under paragraph (3), shall be made by the International Bureau. The applicant or the holder, as the case may be, may annex to the international application, or to a request for the recording of a subsequent designation or of a change, a proposed translation of any text matter contained in the international application or the request. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau after having invited the applicant or the holder to make, within one month from the invitation, observations on the proposed corrections.

“(b) Notwithstanding subparagraph (a), the International Bureau shall not translate the mark. Where, in accordance with Rule 9(4)(b)(iii) or Rule 24(3)(c), the applicant or the holder gives a translation or translations of the mark, the International Bureau shall not check the correctness of any such translations.”

20. Rule 6(1) thus provides that the international application ought to be in one of the three working languages. That language is then taken to be the “language of the international application” for the notification purposes envisaged under Rule 6(2) and, pursuant to Rule 6(3), will be indicated as such in the recording and publication of the international registration. Rule 6(4) then provides that the International Bureau shall proceed to “*translations needed for the notifications under paragraph (2)(iii) and (iv), and recordings and publications under paragraph (3)*” and, in the broader context of Rule 6 as a whole, that is meant to refer to the translations into the two working languages other than the “language of the international application”.

21. It is recalled, however, that under the Madrid system, one does not file an international application directly with the International Bureau. That application must be filed through the “Office of origin”⁶. Pursuant to Article 3(4) of both the Agreement and the Protocol, the date on which the international application is filed with the Office of origin becomes the international registration date, provided the international application is received within two months by the International Bureau. For the sake of the present study, a preliminary question, therefore, is how this fundamental principle receives application in case the international application is filed in a language other than a working language of the system.

22. It should first be noted that, as a matter of fact, an office may very well allow users to file in their local language and then assist them with the translation into the working language prescribed by that office, before sending the international application to the International

⁶ According to Article 2(2) of the Protocol, this expression refers to “the Office with which the basic application was filed or by which the basic registration was made”. The equivalent expression under the Agreement, as defined in Article 1(3) of thereof, is “Office of the country of origin”. For convenience, the expression of the Protocol only will be used throughout the document.

Bureau. If so, this would take place entirely unbeknownst to the International Bureau, and, to the extent, of course, that the application is received by the International Bureau within the time limit set under Article 3(4), would not impact the international registration date.

23. Furthermore, it should be noted that even where an international application is received by the International Bureau in a language other than English, French or Spanish, this would not necessarily have an impact on the international registration date. In the extraordinary situation where it is the international application as a whole that is presented in a non-working language, then, clearly, the latter is not considered as such⁷, but where this deficiency affects only the list of goods and services, the attitude of the International Bureau is more pragmatic. More precisely, the International Bureau would consider that such an application is missing the required indication of goods and services for which registration of the mark is sought, which is one of the “*irregularities affecting the international registration date*” under Rule 15 of the Common Regulations. However, that Rule further provides that where such irregularities are remedied by the Office of origin before the expiry of the two-month period set under Article 3(4), the registration date is, in the end, not affected but remains that on which the international application was filed with the Office of origin. In other words, provided the Office of origin resubmits the application in English, French or Spanish, within that time-limit, the international application proceeds to examination by the International Bureau (with that language of filing becoming the “language of the international application”), but the filing date remains that on which the Office of origin received the defective application.

24. Against this background, one could conceive encouraging Offices of origin to allow the filing of international applications in their official, non-Madrid language, without this preventing the recognition of a filing date. To the extent that, as agreed by the Assembly, the introduction of additional languages is to be considered for filing only, that practice could remain in the antechamber of the international procedure and take place without any changes to the Rules. It would only be necessary that, for examination, notification and publication purposes, the practice provide for the clear identification of any one of English, French or Spanish as the “language of the international application”, as expected under Rule 6.

25. Nevertheless, for obvious reasons of transparency for applicants as well as sound management, it would be desirable that, in respect of each office that adopts it, this practice be formalized. This formalization could take place in the context of WIPO’s broader endeavor of a database of acceptable terms, as described below.

V. WIPO’S PROJECT ON THE ESTABLISHMENT OF A DATABASE OF ACCEPTABLE INDICATIONS OF GOODS AND SERVICES

26. A database of acceptable indications of goods and services for the purposes of the Madrid system procedures is currently under construction by the International Bureau. In the relatively near future, the database should become accessible on-line, through an electronic classification tool also currently under development.

27. The database of acceptable indications will contain descriptions of goods and services validated by the International Bureau, including those extracted from the alphabetical list of the ninth edition of the International Classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the

⁷ Rule 11(7) of the Common Regulations

Registration of Marks (hereinafter referred to as “the Nice Classification”) and from the class headings of the Nice Classification. In total, the first operational version of this database should contain approximately 27,000 descriptions of goods and services, available in English, French and Spanish.

28. The e-classification tool, which will make the contents of the database available on-line, is designed to help applicants in the task of composing the lists of goods and services to be submitted within the applications for international registration. Using this e-classification tool, Madrid system users will be able to:

- select descriptions of goods and services from a pick-list of validated indications from the database, which will guarantee that no irregularity notice will be issued in respect of their list;
- check the acceptance status for each description of a list of classified goods and services;
- get classification proposals for unclassified descriptions through a search facility that will return all acceptable terms from the database which best match an input description;
- get the automatic translation of a list of goods and services into the other filing languages for all accepted descriptions of a list.

29. Progressively, the International Bureau intends to bring further functionalities to this e-classification tool. In the context of the admission of additional filing languages, the database could be made available in languages other than the Madrid working languages. Thus, an applicant from anywhere within the Madrid Union could compose its own list of goods and services in its own language and get the automatic translation of all validated descriptions into the selected “language of the international application”. This, however, is an objective that the International Bureau cannot pursue on its own. In order to achieve such results, it would need the cooperation of interested Offices of Contracting Parties. The establishment of non-working language versions of the database could be fostered in the context of “filing language agreements” to be established between the International Bureau and interested Offices, as explained below.

VI. PREMISES FOR THE ACCEPTANCE OF FILINGS IN A NON-WORKING LANGUAGE

30. Bearing in mind the need for a system that is both light and flexible and at the same time economically viable, the acceptance of filings in a language that would qualify as an additional filing language as per the criteria specified above, should be made subject to certain premises.

Premises

31. The first premise is that the International Bureau should have completed the establishment of its own (trilingual) database of acceptable indications of goods and services for the purposes of the Madrid registration procedures, containing a significant number of such indications.

32. A second premise is the signature of an electronic communication agreement between the Office of the interested Contracting Party and the International Bureau, providing for electronic communication at least in respect of the transmission of international applications.

33. A third premise is the signature of a “filing language agreement” between the Office of the interested Contracting Party and the International Bureau, to formalize the acceptance of filings by applicants from that Contracting Party in the domestic (non-working) language qualifying as an additional filing language. The filing language agreement should provide also for the Office of the Contracting Party and the International Bureau to cooperate in the establishment of the database of acceptable indications of goods and services for the purposes of the Madrid system procedures in the relevant domestic language of use in that Office.

34. Means allowing applicants to file international applications in the domestic language would of course have to be in place at the level of the Office of origin before such filings may start. This could be provided for in different ways. At the very least, the International Bureau would cooperate with the interested Office in establishing unofficial versions of the relevant application form or forms MM1, MM2 and MM3 in the domestic language. However, given the context of electronic communication with the International Bureau, the Office might also wish to make available an electronic filing interface. Obviously, that interface would be linked to the database of acceptable indications of goods and services available in the domestic language. The International Bureau is willing to explore the possibility of developing a web based application or a standard filing interface that would contain a number of checks and safeguards, perhaps tailored to the interested Contracting Party, and that could be used when filing an international application with the Office of a Contracting Party acting as an Office of origin.

Procedure Under the “Filing Language Agreement”

35. The procedure would be as follows:

(a) when filing its international application in the domestic language, the applicant shall choose one of the three working languages of the Madrid system, among those accepted by the Office of origin, for the purpose of having its international application translated into that language, which will later become the “language of the international application” in the sense of what is established in Rule 6;

(b) immediately after its certification-related check⁸, the Office of origin shall run the international application filed in the domestic language through an automatic translation tool provided by WIPO (and linked to the database of acceptable indications of goods and services), which will provide the translation of the application into the Madrid system working language chosen by the applicant;

(c) if, after step (b) has been completed, any portion of the international application still remains in the domestic language (e.g., an indication of good or service; the description of the mark, etc.), the Office shall send the international application electronically to the International Bureau for the purposes of having the acceptance and classification check and the translation process completed;

⁸ See Rule 9(5)(d) of the Common Regulations.

(d) the International Bureau shall proceed to check the acceptability and correct classification of the goods and services listed in the international application and not included in the database; the International Bureau shall further translate the relevant contents of the international application still remaining in the domestic language into the working language chosen by the applicant; within five working days, the International Bureau shall submit the translated application back to the Office of origin;

(e) the Office of origin shall invite the applicant to confirm its agreement to the translated version of the international application by signing the international application in the working language;

(f) once the applicant's agreement has been obtained, the Office of origin shall formally submit the international application in the working language to the International Bureau, electronically;

(g) normally, step (f) should take place within the two-month deadline provided under Article 3(4), so as to ensure that the whole process does not, in itself, result in the date of the international registration being affected⁹;

(h) examination of the international application by the International Bureau shall take place, in the usual manner, with the particularity that it should normally not give rise to any objections under Rule 12 (*Irregularities With Respect to the Classification of Goods and Services*) or under Rule 13 (*Irregularities With Respect to the Indication of Goods and Services*) of the Common Regulations, as the descriptions contained in the list would have been validated by the International Bureau.

The Case of Terms Unintelligible for the Purpose of Translation

36. Such terms would be left in the original language in the translated list returned by the International Bureau, with the appropriate identification provided for in the agreement. The Office of origin will then be responsible for submitting them in the "language of the international application" as part of the international application concerned. The software used by the International Bureau will allow their immediate detection so that they could go through the validation process. However, any term so translated by the Office of origin that is not acceptable to the International Bureau will not accrue to the database and might be the subject of a Rule 13 objection as part of the examination of the international application.

Changes by the Office of Origin to the Translation Provided by the International Bureau

37. If the Office of origin disagrees with any part of the translation provided by the International Bureau, it could make changes to that translation as it sees warranted, without consulting the International Bureau. If any such changes affect the list of goods and services

⁹ In that regard, it should be noted that, according to the observations made by the International Bureau, the "turnaround" time within an Office of origin that sends international applications electronically is generally much shorter than in those that currently do not. Thus, for the whole of 2008, the average number of calendar days for all offices (including those that send applications electronically) is about 28.8 such days. However, the individual averages within those offices that send international applications electronically are, by Contracting Party concerned: Australia, 21.6; Benelux, 31.01; European Community, 16.8; Republic of Korea, 21.17; Switzerland, 23.0; and the United States of America, 1.7.

the International Bureau would identify any new indications contained in that list and these would go through the normal examination process, with the risk that Rule 13-type of objections be raised. If no objections are raised, this means that the indication has been validated and will, eventually, accrue to the database.

VII. IMPLICATIONS, CONSEQUENCES AND ADVANTAGES

Translation Workload and Cost Implications for the International Bureau

38. At present, a new application filed under the system in any of the three working languages triggers a translation into both of the other working languages for the purposes foreseen under Rule 6(4), and notably that of registration. In other words, the ratio is currently of two translations for one registration. If filing languages are introduced in the system, any filing in such a language would trigger three translations: one into the “language of the international application”, as selected from the choice of working languages, and another two, from that working language into the other two working languages. In other words, in respect of such filings exclusively, the ratio would be of three translations for one registration, instead of two for one. The cost implications of the introduction of filing languages will depend on what the ratio would globally become, taking into account both international applications filed in the working languages and those pre-filed in the other languages. This can be assessed by making an attempt at evaluating how many filings can be expected in languages other than the working languages.

39. If additional filing languages had already been allowed in 2008 and we take into account the number of international applications received that year, per Office of origin, we could estimate that the following would have been received in Arabic, Chinese, Portuguese and Russian:

- a maximum of 46 international applications in Arabic, originating from Algeria, Egypt, Morocco (given a rate of filings in that language estimated at 1%), Sudan and the Syrian Arab Republic (none were received from Bahrain or Oman);
- a maximum of 1,585 international applications in Chinese, originating from China;
- a maximum of 351 international applications in Portuguese, originating from the Offices of the European Community (given a 0.1% rate of filings in that language), Mozambique and Portugal (none were received from Sao Tome and Principe); and
- a maximum of 1,309 international applications in Russian, originating from Belarus, Kazakhstan, the Russian Federation and Uzbekistan (no applications were received from Kyrgyzstan, Turkmenistan or Tajikistan).

40. Similarly, we could estimate that the following would have been received in Dutch, German, Italian and Japanese:

- a maximum of 2,339 international applications in Dutch, originating from the Offices of Benelux and the European Community (given rates of filings in that language estimated at 85% and 2%, respectively) (no applications were received from the Netherlands Antilles);

– a maximum of 10,775 international applications filed in German, originating from the Offices of Austria, the European Community (given a 28% rate of filings in that language), Germany, Liechtenstein and Switzerland (given a rate of filings in that language estimated at 74%);

– a maximum of 2,945 international applications in Italian, originating from the Offices of the European Community (given a 3% rate of filings in that language), Italy, San Marino and Switzerland (given a rate of filings in that language estimated at 2%);

– a maximum of 1,278 international applications in Japanese, originating from Japan.

41. This means that, if Arabic, Chinese, Portuguese and Russian had been available as additional filing languages in 2008, a maximum of 3,291 additional translations of international applications might have been required (over the total number of 84,150 translations that were required in respect of the 42,075 international applications received that year), which would have represented a 3.9% increase in the volume of translations of new applications to be processed.

42. Similarly, if Dutch, German, Italian and Japanese had been available as additional filing languages in 2008, a maximum of 17,337 additional translations of international applications might have been required, which would have represented a 20.6% increase in the volume of translations of new applications to be processed.

43. Taken both groups together, if those eight languages had been admitted as additional filing languages in 2008, a maximum of 20,628 additional translations of international applications might have been required, which would have represented an overall increase of 24.5% in the volume of translations of new applications to be processed. This, in turn, would have represented an increase in operational costs of some 748,800 Swiss francs, equivalent to 1.4% of the total budget of the Madrid Union for 2008¹⁰.

44. However, it is expected that, as a result of the establishment of the WIPO database of acceptable indications of goods and services, the International Bureau should be able to make savings in translation and examinations costs as compared to the situation today. Such savings would compensate for any additional translation related costs that would result from implementing the filing mechanism as described in the study.

45. Consequently, it is in the essence of the proposal examined in this study to make on the establishment of a fully functional database translated into the non-working language concerned a pre-requisite to the introduction of each new filing language.

¹⁰ See Annex IV/3, 2008/09 Revised Budget by Program and Union, in the Revised Program and Budget for the 2008/09 Biennium approved by the Assemblies of the Member States of WIPO in December 2008 (page 173). The figure of 748,800 Swiss francs is based on an average count for 2008 of 143 words per international application and an estimated fee of 0.24 Swiss Francs per word (for translations from Dutch, German, Italian or Portuguese into any of the three working languages), 0.28 Swiss francs per word (for translations from Arabic or Russian) and 0.32 Swiss Francs per word (for translations from Chinese or Japanese).

46. Admittedly, the database would not provide the International Bureau with any assistance with respect to the elements other than the list of goods and services that an international application may contain or indicate and that require translation¹¹. However, statistics held by the International Bureau reveal that only 15.4% of all international applications processed in 2008 contained any of these four types of bibliographic data. Moreover, in total, these elements represented 148,411 words, whilst the list of goods in services themselves represented 5,608,464 words. Translation of these elements accounts thus for just a fraction (namely, 2.6%) of the translation workload of the International Bureau in respect of international applications. If the eight languages considered in the study had been admitted as additional filing languages in 2008, it is estimated that the translation of such elements into one of the working languages would have amounted to a maximum of 17,000 Swiss francs.

Other operational implications for the International Bureau

47. Regarding the procedure to be followed with respect to applications filed in a non-working language, the International Bureau would have to perform certain tasks that are not required today and would have to do so within quite strict time limits (see paragraph 35). According to the assessment made, the International Bureau should be in a position to comply with those tasks as required, provided that adequate measures are taken in advance (including the identification of translators with the appropriate language skills and the re-definition of certain internal procedures and responsibilities).

Consequences and Advantages for Offices and Users

48. For those eligible Offices that may elect to participate in the proposed new filing language regime, the possibility of being able to receive filings in their domestic language would be a clear advantage. In particular, it would make it considerably easier for those Offices to undertake the certification-related check required by Rule 9(5)(d) of the Common Regulations, not least in the certification that the goods and services indicated in the international application are covered by the list of goods and services appearing in the basic application or in the basic registration, as both the basic application and the international application would be in the same language. To a large extent this checking could become automatic within the context of an electronic filing system.

49. It is also evident that the number of irregularities under Rules 12 and 13 of the Common Regulations (irregularities with respect to the classification of goods and services and with respect to the indication of goods and services, respectively) that the International Bureau would be required to notify to an Office would be reduced. This would be of considerable benefit to both Offices and users and would ultimately assist in streamlining the entire examination process by the International Bureau. On the other hand, it would be envisaged that, particularly at the earlier stages, Offices might be required to engage in additional communications with the International Bureau, in the context of the procedures proposed in the study. However, as the WIPO database continued to grow, in conjunction with a parallel

¹¹ These elements that are: a color claim (Rule 9(4)(a)(vii)); a description of the mark (Rule 9(4)(a)(xi)); an indication, in respect of each color claimed, on the principal parts of the mark which are in that color (Rule 9(4)(b)(iv)), and a disclaimer (Rule 9(4)(b)(v)).

growth of the databases in participating Offices, it would be expected that, over time, more and more applications would begin to be received by the International Bureau containing only a minimum number of indications not found in those databases and requiring individual processing.

50. In a more general sense, it is believed that users of the Madrid system, and in particular, small- and medium-sized enterprises (SMEs), would welcome the possibility of being able to file an international application under the Madrid system through the medium of their own language and in the same language of the basic application or registration. Such a possibility would, in all likelihood, eventually accelerate the filing process, reduce the risk of ambiguity with regard to the specification of goods and services and possibly result in cost savings for them, such as, for example, regarding the translation of lists of goods and services.

51. It must be emphasized, and it bears repeating, that the proposal as outlined above would be dependent ultimately upon the completion of the WIPO database and the conclusion of the relevant bilateral agreements with interested Offices. In addition to the requirement of electronic communication, those participating Offices would be required to cooperate actively with the International Bureau in the establishment of a parallel database of acceptable indications of goods and services, for the purposes of the Madrid system procedures, in the relevant domestic language of each Office in question. This would be a continuing exercise.

Implications and Advantages for the Madrid System

52. From the viewpoint of the general functioning of the Madrid system, it is suggested, therefore, that the proposal as outlined would present distinct advantages in terms of rationality and efficiency, without at the same time, carrying any significant negative cost implications for all parties concerned.

VIII. CONCLUSION

53. The practical proposal developed above is firmly set in the context of WIPO's efforts to improve the Madrid system by making greater use of information technology. It remains outside the regulatory framework of the system and thus does not require amendments to the Common Regulations. However, by centralizing such a practice in the International Bureau, the procedure contributes to efficiency and consistency in the system.

[Annex II follows]

WIPO



MM/LD/WG/7/4

ORIGINAL: English

DATE: July 10, 2009

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Seventh Session
Geneva, July 7 to 10, 2009

SUMMARY BY THE CHAIR

approved by the Working Group

1. The 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 July 7 to 10, 2009.
2. The following Contracting Parties of the Madrid Union were represented at the session: Australia, Austria, Belgium, China, Cuba, Czech Republic, Denmark, European Community, Finland, France, Germany, Greece, Hungary, Italy, Japan, Kazakhstan, Kenya, Latvia, Lithuania, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Korea, Russian Federation, Sao Tome and Principe, Serbia, Singapore, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Viet Nam (36).
3. The following States were represented by observers: Brazil, Indonesia (2).
4. Representatives of the following international intergovernmental organization (IGO) took part in the session in an observer capacity: Benelux Organisation 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 Intellectual Property Studies (CEIPI), 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), Japan Patent Attorneys Association (JPAA), MARQUES (Association of European Trademark Owners), Union of European Practitioners in Industrial Property (UNION) (10).

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

Agenda Item 1: Opening of the session

7. Mr. Ernesto Rubio, Assistant Director General, on behalf of the Director General Mr. Francis Gurry, opened the session and introduced the Draft Agenda.

Agenda Item 2: Election of a Chair and two Vice-Chairs

8. Mr. António Campinos (Portugal) was unanimously elected as Chair of the Working Group, and Mr. Chan Ken Yu Louis (Singapore) and Mr. David Lambert (Switzerland) were elected as Vice-Chairs.

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

Agenda Item 3: Adoption of the Agenda

10. The Working Group adopted the Draft Agenda (document MM/LD/WG/7/1 Prov.) without modification.

Agenda Item 4: Adoption of the Draft Report of the Sixth Session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks

11. The Working Group adopted the revised draft report of the sixth session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks, as contained in document MM/LD/WG/6/7 Prov.2, without comment.

Agenda Item 5: Additional Filing Languages

12. Discussions were based on document MM/LD/WG/7/2., “Study on the Possible Introduction of ‘Filing Languages’ in the Madrid System”, prepared by the International Bureau, which was introduced by the Secretariat.

13. The International Bureau made a demonstration of the Madrid Filing Assistant, a forthcoming electronic tool that will give access to a database of indications of goods and services that are acceptable for the International Bureau and would assist in the filing of international applications under the Madrid system.
14. The Working Group took note of the study on the possible introduction of additional filing languages in the Madrid system, prepared by the International Bureau.
15. The Working Group was open to the possibility of introducing additional filing languages in the Madrid system, on the basis of bilateral agreements between the International Bureau and interested Offices meeting certain language eligibility criteria. Those bilateral agreements would provide for electronic communication and cooperation on the building of a database of acceptable terms for the indication of goods and services in the language concerned.
16. While some delegations indicated the readiness of their Offices to engage in such a type of agreement, others expressed concern about the feasibility of applying the procedure outlined in the study, particularly with regard to the operational implications for their Offices and for the International Bureau.
17. The Working Group agreed that a pilot project be established involving the participation of interested Offices meeting the criteria proposed in paragraph 43 of document MM/LD/WG/7/2., with a view to verifying the feasibility of the proposal to introduce new filing languages. The project would examine, *inter alia*, the implications of the proposed procedure, in particular, in terms of costs and compliance with time limits.
18. The Working Group recommended that the Assembly mandate the International Bureau to undertake such a pilot project and report its results to the Working Group and to the Assembly in due course.

Agenda Item 6: Other Matters

Contribution by Switzerland – Division of International Registrations

19. Discussions were based on document MM/LD/WG/7/3, prepared by the International Bureau.
20. The Working Group agreed that a study should be conducted by the International Bureau in order to ascertain the impact and the consequences of the possible introduction of a procedure which would permit the division of international registrations. The Working Group indicated that such a study should also examine the practices of Contracting Parties of the Madrid system in this regard. In due course, the International Bureau would present to the Working Group the results of the study.

Agenda Item 7: Summary by the Chair

21. The Working Group approved the Summary by the Chair as contained in the present document.

Agenda Item 8: Closing of the Session

22. The session was closed on July 10, 2009.

[Annex follows]

I. MEMBRES/MEMBERS

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

ALLEMAGNE/GERMANY

Li-Feng SCHROCK, Senior Ministerial Counsellor, Federal Ministry of Justice, Berlin

Carolin HÜBENETT (Ms.), Counsellor, German Patent and Trade Mark Office, Munich

AUSTRALIE/AUSTRALIA

Edwina LEWIS (Ms.), Assistant Director, International Policy Section, IP Australia,
Woden ACT

AUTRICHE/AUSTRIA

Tanja WALCHER (Mrs.), Legal Department, Austrian Patent Office, Vienna

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

CHINE/CHINA

WU Qun, Director, Division of International Registrations, Trademark Office, State Administration for Industry and Commerce (SAIC), Beijing

COMMUNAUTÉ EUROPÉENNE (CE)/EUROPEAN COMMUNITY (EC)

Tomas Lorenzo EICHENBERG, Principal Administrator, Directorate General for Internal Market, European Commission, Brussels

Vincent O'REILLY, Director, Department for Industrial Property Policy, Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM), Alicante

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

Anja M. BECH HORNECKER (Ms.), Special Legal Advisor, International Affairs, Danish Patent and Trademark Office, Ministry of Economic and Business Affairs, Taastrup

Christina M. F. JENSEN (Ms.), Legal Advisor, Trademarks/Designs, Danish Patent and Trademark Office, Ministry of Economic and Business Affairs, Taastrup

ESPAGNE/SPAIN

María del Carmen FERNÁNDEZ RODRÍGUEZ (Sra.), Jefa del Servicio de Examen de Marcas VI, Departamento de Signos Distintivos, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Turismo y Comercio, Madrid

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Brad HUTHER, Senior Director, Global Intellectual Property Center, United States Chamber of Commerce, Washington

Patricia KABULEETA (Ms.), Global Intellectual Property Center, United States Chamber of Commerce, Washington

Deborah LASHLEY-JOHNSON (Mrs.), Intellectual Property Attaché for Economic and Science Affairs, Permanent Mission, Geneva

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

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

Larisa POLYAKOVA (Ms.), Senior Patent Examiner, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), Moscow

FINLANDE/FINLAND

Marjo AALTO-SETÄLÄ (Ms.), Coordinator of International Affairs, National Board of Patents and Registration, Helsinki

FRANCE

Daphné DE BECO (Mme), chargée de mission au Service des affaires européennes et internationales, Institut national de la propriété industrielle (INPI), Paris

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

GRÈCE/GREECE

Stavroula KOUVARI-KOMATANOU (Mrs.), Director, Directorate of Commercial and Industrial Property, Ministry of Development, Athens

Evangelia GKRIMPA (Mrs.), Economist/Marketer, Directorate of Commercial and Industrial Property, Ministry of Development, Athens

HONGRIE/HUNGARY

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

ITALIE/ITALY

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

JAPON/JAPAN

Hirofumi AOKI, Director, Trademark Examination Planning, Trademark, Design and Administrative Affairs Department, Japan Patent Office (JPO), Tokyo

Mayako OE, Administrative Coordinator for PCT and Madrid Protocol Affairs, Coordinating Office for PCT and Madrid Protocol Systems, International Application Division, Trademark, Design and Administrative Affairs Department, Japan Patent Office (JPO), Tokyo

KAZAKHSTAN

Nurzhan KUMAROV, A.I. Chief Officer, Committee for Intellectual Property Rights, Ministry of Justice, Astana

KENYA

Elvine Beryl APIYO (Mrs.), Legal Officer, 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

LITUANIE/LITHUANIA

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

MONTÉNÉGRO/MONTENEGRO

Dušanka PEROVIĆ (Mrs.), Deputy Director, Intellectual Property Office, Ministry of
Economic Development, Podgorica

NORVÈGE/NORWAY

Solvår Winnie FINNANGER (Ms.), Senior Legal Advisor, Section 3 Trademarks, Design and
Trademarks Department, Norwegian Industrial Property Office, Oslo

Debbie RØNNING (Ms.), Senior Legal Advisor, Legal and International Affairs, Norwegian
Industrial Property Office, Oslo

PAYS-BAS/NETHERLANDS

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

POLOGNE/POLAND

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

PORTUGAL

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

Luis SERRADAS FAVARES, Legal Counsellor, Permanent Mission, Geneva

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

YOO Jin-Ou, Deputy Director, International Application Division, Korean Intellectual Property Office (KIPO), Daejeon

RYU Gil-Fan, International Trademark Examiner, International Trademark Examination Team, Korean Intellectual Property Office (KIPO), Daejeon

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

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

ROYAUME-UNI/UNITED KINGDOM

Mark JEFFERISS, Trade Marks and Designs Operations Manager, Intellectual Property Office, Newport

SAO TOMÉ-ET-PRINCIPE/SAO TOME AND PRINCIPE

Domingos DA SILVA DA TRINDADE, directeur de l'industrie, Service national de la propriété industrielle (SENAPI), Sao Tomé

SERBIE/SERBIA

Mirela BOŠKOVIĆ (Ms.), Assistant Director, Intellectual Property Office, Belgrade

Marija PETROVIĆ (Mrs.), Senior Counsellor, International Trademarks Division, Intellectual Property Office, Belgrade

SINGAPOUR/SINGAPORE

CHAN Ken Yu Louis, Director and Legal Counsel, Registry of Trade Marks, Intellectual Property Office of Singapore (IPOS), Singapore

SUÈDE/SWEDEN

Anneli SKOGLUND (Mrs.), Deputy Director, Division for Intellectual Property and Transport Law, Ministry of Justice, Stockholm

Göran SÖDERSTRÖM, Deputy Director, Division for Intellectual Property and Transport Law, Ministry of Justice, Stockholm

Anne GUSTAVSSON (Ms.), Senior Legal Advisor, Designs and Trademarks Department, Swedish Patent and Registration Office, Söderhamn

SUISSE/SWITZERLAND

Sandrine GERBER (Mme), conseillère juridique au Service juridique des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

David LAMBERT, conseiller juridique au Service juridique des marques, Division droit et affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

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

UKRAINE

Olena LYEVICHEVA (Mrs.), Head, Rights on Designation Division, Ukrainian Industrial Property Institute, State Department of Intellectual Property (SDIP), Ministry of Education and Science, Kyiv

Svitlana SUKHINOVA (Mrs.), Head, Department of International Trademark Registrations, Ukrainian Industrial Property Institute, State Department of Intellectual Property (SDIP), Ministry of Education and Science, Kyiv

VIET NAM

NGUYEN Thi Minh Hien (Mrs.), Director, Trademark Division 2, National Office of Intellectual Property (NOIP), Hanoi

II. ÉTATS OBSERVATEURS/OBSERVER STATES

BRÉSIL/BRAZIL

Schmuell Lopes CANTANHEDE, Trademark Examiner/Project Coordinator, National Institute of Industrial Property (INPI), Rio de Janeiro

Marcus Vinicius DUDKIEWICZ, Deputy Coordinator, National Institute of Industrial Property (INPI), Rio de Janeiro

INDONÉSIE/INDONESIA

Almira DEVAYANTI (Miss), Directorate General of Legal Affairs and International Treaties, Directorate of Legal and International Treaties on Economic, Social and Cultural Affairs, Department of Foreign Affairs, Jakarta

Yasmi ADRIANSYAH, First Secretary, Permanent Mission, Geneva

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

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

Hugues DERÈME, directeur général adjoint, La Haye

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 MÜHLEND AHL (Attorney-at-Law, Munich)

Association communautaire du droit des marques (ECTA)/European Communities Trade Mark Association (ECTA)
Jan WREDE (Law Committee member, Antwerp)
Anne-Laure COVIN (Mrs.) (Legal Co-ordinator, Brussels)

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 japonaise des conseils en brevet (JPAA)/Japan Patent Attorneys Association (JPAA)
Reiko TOYOSAKI (Ms.) (Member, International Activities Center, Tokyo)
Chikako MORI (Ms.) (Member, Trademark Committee, Tokyo)

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

Centre d'études internationales de la propriété intellectuelle (CEIPI)/Centre for International Intellectual Property Studies (CEIPI)
François CURCHOD (chargé de mission, Genolier)

Fédération internationale des conseils en propriété industrielle (FICPI)/International Federation of Industrial Property Attorneys (FICPI)
Jean-Marie BOURGOGNON (Representative, Paris)

International Trademark Association (INTA)
Bruno MACHADO (Geneva Representative, Rolle)

MARQUES (Association des propriétaires européens de marques de commerce)/MARQUES (Association of European Trademark Owners)
Jane COLLINS (Mrs.) (Immediate Past President, Basel)

Union des praticiens européens en propriété industrielle (UNION)/Union of European Practitioners in Industrial Property (UNION)
Laurent OVERATH (vice-président, Commission des marques, Bruxelles)

V. BUREAU/OFFICERS

Président/Chair:	António Serge CAMPINOS (Portugal)
Vice-présidents/Vice-Chairs:	CHAN Ken Yu Louis (Singapour/Singapore)
	David LAMBERT (Suisse/Switzerland)
Secrétaire/Secretary:	Grégoire BISSON (OMPI/WIPO)

VI. **SECRETARIAT 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

Juan Antonio TOLEDO BARRAZA, directeur du Département des enregistrements internationaux/Director, International Registrations Department

Neil WILSON, directeur de la Division de l'appui fonctionnel/Director, Functional Support Division

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

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 principal au Service juridique des systèmes d'enregistrement international/Senior Legal Officer, International Registration Systems Legal Service

Isabelle VICEDO (Mme/Mrs.), administratrice principale de programme à la Division des opérations relatives aux enregistrements internationaux, Département des enregistrements internationaux/Senior Program Officer, International Registrations Operations Division, International Registrations Department

Marina FOSCHI (Mlle/Miss), 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

Marie-Laure DOUAY (Mlle/Miss), assistante juridique au Service juridique des systèmes d'enregistrement international/Legal Assistant, International Registration Systems Legal Service

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