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**JTA Comments regarding the Working Group on the Legal Development
of the Madrid System for the International Registration of Marks
Nineteenth Session
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The Japan Trademark Association (JTA) is an independent non-profit association in Japan, established on November 28, 1988. As of November 2021, the JTA has 888 members consisting of 5 advisors, 506 individual members, 24 special members (academic experts), 231 corporate members, and 122 other legal entity members. The corporations, attorneys-at-law, patent and trademark attorneys, and professors of the JTA share a common interest in trademarks and related fields. They collaboratively engage in various activities such as research, studies, policy advocacy, information exchange, and mutual development.

The JTA has reviewed the working document [MM/LD/WG/19/7](#) - REVISED STUDY OF THE COST IMPLICATIONS AND TECHNICAL FEASIBILITY OF THE GRADUAL INTRODUCTION OF THE ARABIC, CHINESE AND RUSSIAN LANGUAGES INTO THE MADRID SYSTEM AND OTHER RELEVANT INFORMATION and would like to submit the following comments as a user of the Madrid System for the International Registration of Marks.

JTA Understanding

Our understanding of the gist of the subject working document is as follows:

- ✓ The subject working document states that WIPO is considering introducing Arabic, Chinese, and Russian to the Madrid System as "working languages," not "filing languages," at once.
- ✓ To alleviate the possible impacts of introducing these three (3) languages, WIPO is also considering providing holders with a translation of all decisions, including notifications of provisional refusal, of the offices of designated Contracting

Parties (paragraphs 51-53).

- ✓ Further, WIPO suggests that post-editing of machine translations to a given language would be performed only if the office of a designated Contracting Party is to be notified in this language in order to reduce the yearly costs of Madrid System translations (paragraphs 57-60).

JTA Comments

The JTA would like to suggest that this topic should be carefully discussed in view of the following possible impacts.

- ✓ Increasing the number of notifications of provisional refusal in languages that Japanese users find difficult to understand may reduce their motivation to use the Madrid System.
- ✓ As designated goods and services are essential elements directly related to the interpretation of the scope of rights, the scope of rights may become unclear and legal stability may be impaired, unless the accuracy of translations is ensured.
- ✓ WIPO is considering providing holders with a translation of all decisions, including notifications of provisional refusal, from the offices of the designated Contracting Parties. However, the increase in the number of applications and translations may delay the IB's processing and affect the entire system's efficiency (and, in some cases, response deadlines may pass before the translation process is complete).
- ✓ Increased translation costs may also increase the various fees, including application fees, that Madrid users must pay.

Therefore, **the JTA** would like to suggest that the following measures should be taken before introducing the new languages.

- ✓ **The JTA** thinks it necessary to construct and enrich a database of designated goods and services to secure the quality of translations in order to ensure a shared understanding and interpretation of goods and services.
- ✓ Ensuring the quality of translations to languages other than those used in designated Contracting Parties is necessary to guarantee the transparency of each application's processing and to maintain the reliability of the entire Madrid System.
- ✓ Concerning notifications of provisional refusal of the offices of designated Contracting Parties, **the JTA** would like to request that WIPO unify the start

dates of response periods and secure sufficient time for responding. Also, the designated Contracting Parties should use a unified cover letter, preferably in English, for notifications of provisional refusal to WIPO.

- ✓ As this topic could affect the discussion regarding dependency, dependency should also be carefully discussed in view of introducing the proposed new languages to the Madrid System in the future.

The JTA looks forward to participating in the Madrid Working Group meeting and assisting the Working Group in considering a better Madrid System.