

Working Group on the Legal Development of the Madrid System for the International Registration of Marks

Twentieth Session
Geneva, November 7 to 11, 2022

UPDATED INFORMATION ON THE TIME LIMIT TO RESPOND TO NOTIFICATIONS OF PROVISIONAL REFUSAL AND ON THE WAY TO CALCULATE THEM

Document prepared by the International Bureau

1. The International Bureau prepared a document concerning notifications of provisional refusal for its discussion at the nineteenth session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”), held in Geneva from November 15 to 17, 2021.¹
2. To supplement the aforementioned document, the International Bureau prepared an information document concerning the time limits to respond to notifications of provisional refusal and the ways in which they are calculated.²
3. This document has been prepared by the International Bureau to complement its document on provisional refusal³ for discussion at the twentieth session of the Working Group, and it contains updated information on the above-mentioned time limits and their calculation.
4. The International Bureau has extracted the updated information either from the replies to a questionnaire that it sent to the Offices of the Contracting Parties in April 2021, from the Madrid Member Profiles database, or from recently received notifications of provisional refusal.

¹ See document MM/LD/WG/19/3 “Provisional Refusal”.

² See document MM/LD/WG/19/INF/1 “Information on the Time Limit to Respond to Notifications of Provisional Refusal and on the Way to Calculate Them”.

³ See document MM/LD/WG/20/3 “Provisional Refusal”.

5. When compiling and updating this information, the International Bureau noticed that some information is missing, as this has not been provided by Offices of some Contracting Parties. The Annex is marked “no information available” where this is the case.
6. In view of the above, delegations of the Contracting Parties are kindly invited to review the information presented in the Annex to this document and, where appropriate, provide the International Bureau with any necessary updates as soon as possible.
7. The International Bureau transmits a copy of the notification of provisional refusal to the holder attached to a letter from the International Bureau. This cover letter is in the language in which the holder has chosen to receive communications from the International Bureau. The International Bureau intends to set out the updated information concerning time limits and how those time limits are calculated in its cover letter to the holder. Following the information set out in this Annex, where the International Bureau has clear and verified information of the time limits provided by the Office concerned, the cover letter will reflect that information to alert the holder of the applicable time limits concerned. Those time limits would need to be cross-checked with the time limits set out in the actual notification.

[Annex follows]

INFORMATION ON THE TIME LIMIT TO RESPOND TO NOTIFICATIONS OF PROVISIONAL REFUSAL AND ON THE WAY TO CALCULATE THEM

The information given below may be included in the specific cover letter accompanying a notification of provisional refusal sent by the given Office of the Madrid member concerned.

Office	Time Limit to Respond to <i>Ex Officio</i> Provisional Refusals	How to Calculate the Time Limit (<i>Ex Officio</i>)	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
Afghanistan	No information is available			
African Intellectual Property Organization (OAPI)	3 months	From date on which the holder receives the notification	3 months	From date on which the holder receives the notification
Albania	4 months	From the date of publication of the notification in the official gazette of WIPO	3 months	From date on which the holder receives the notification
Algeria	2 months	From date on which the holder receives the notification	Not applicable	
Antigua and Barbuda	2 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Armenia	2 months	From date on which the holder receives the notification	1 month	From date the on which the holder receives the notification
Australia	15 months	From the date on which the Office issues the notification	1 month	From the date on which the Office issues the notification
Austria	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Azerbaijan	3 months	From the date on which the holder receives the notification	Not applicable	
Bahrain	60 days	From the date on which the Office issues the notification	60 days	From the date on which the Office issues the notification
Belarus	3 months	From date on which holder receives the notification	Not applicable	
Benelux (Belgium, Netherlands, Luxembourg)	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office invites the holder to provide arguments
Bhutan	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification

Office	Time Limit to Respond to <i>Ex Officio</i> Provisional Refusals	How to Calculate the Time Limit (<i>Ex Officio</i>)	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
Bonaire, Saint Eustasius Saba	Protection in the BES islands is granted automatically			
Bosnia and Herzegovina	4 months	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder
Botswana	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Brunei Darussalam	2 months	From the date of the notification by WIPO	3 months	From the date of the notification by WIPO
Bulgaria	2 months	From the date on which the holder receives the notification	2 months	From the date on which the cooling period expires
Cabo Verde	2 months	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder
Cambodia	60 days	From the date on which WIPO transmits the notification to the holder	90 days	From the date on which WIPO transmits the notification to the holder
Canada	6 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Chile	60 working days	From the date on which the Office sends the notification to WIPO (it coincides with the date on which the Office issues the notification)	60 working days	From the date on which the Office sends the notification to WIPO
China	15 days	From the date on which the holder receives the notification	30 days	From the date on which the holder receives the notification from WIPO
Colombia	1 month + 10 working days	From the date on which the Office issues the notification	30 working days	From the date on which Office issues the notification
Croatia	4 months	From the date on which the Office issues the notification	4 months to appoint a representative established in Croatia Where the power of attorney is filed, the Office shall forward the opposition and invite observations to be filed within 60 days	From the date on which the Office issues the notification
Cuba	30 days	From the date on which WIPO transmits the notification to the holder	30 days	From the date on which WIPO transmits the notification to the holder

Office	Time Limit to Respond to <i>Ex Officio</i> Provisional Refusals	How to Calculate the Time Limit (<i>Ex Officio</i>)	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
Curaçao	6 months	From the date on which the Office issues the notification	Not applicable	
Cyprus	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Czech Republic	6 months	From the date on which the Office issues the notification	6 months	From the date on which the Office issues the notification
Democratic People's Republic of Korea	6 months	From the date on which the Office issues the notification	6 months	From the date on which the Office issues the notification
Denmark	4 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Egypt	90 days	From the date on which WIPO transmits the notification to the holder	90 days	From the date on which WIPO transmits the notification to the holder
Estonia	4 months	From the date on which the Office issues the notification	2 months	From the date on which the Office accepted to process the opposition
Eswatini	No information is available			
European Union	2 months	From the date on which the Office issues the notification	2 months to appoint an European Economic Area (EEA) representative 6 months to submit observations where an EEA representative is already appointed	From the date on which the Office issues the notification
Finland	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
France	1 month	From the date on which the holder receives the notification	2 months	From the date on which the holder receives the notification
Gambia	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification

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Georgia	3 months when appealed before Sakpatenti Chamber of Appeals; or 1 month when appealed before the Mtskheta City Court	From the date on which the notification is published in the <i>WIPO Gazette of International Marks</i>	3 months before Sakpatenti Chamber of Appeals; or 1 month before Mtskheta Regional Court	From the date on which the notification is published in the <i>WIPO Gazette of International Marks</i>
Germany	4 months	From the date on which WIPO transmits the notification to the holder	4 months	From the date on which WIPO transmits the notification to the holder
Ghana	1 month	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder
Greece	3 months	From the date on which WIPO receives the notification	3 months	From the date on which WIPO receives the notification
Guernsey	No information is available			
Hungary	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Iceland	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
India	1 month	From the date on which the holder receives the notification	2 months	From the date on which the holder receives the notification
Indonesia	30 days	From the date on which WIPO transmits the notification to the holder	30 days	From the date on which WIPO transmits the notification to the holder
Iran (Islamic Republic of)	60 days	From the date on which WIPO transmits the notification to the holder	60 days	From the date on which WIPO transmits the notification to the holder
Ireland	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Israel	3 months	From the date on which the Office issues the notification	2 months	From the date on which the holder receives the notification
Italy	3 months	From the date on which the holder receives the notification	3 months	From the date on which the holder receives the notification
Jamaica	No information is available			
Japan	3 months	From the date on which the Office issues the notification	Not applicable	
Kazakhstan	3 months	From the date on which the Office issues the notification	Not applicable	

Office	Time Limit to Respond to <i>Ex Officio</i> Provisional Refusals	How to Calculate the Time Limit (<i>Ex Officio</i>)	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
Kenya	90 days	From the date on which the Office issues the notification	No information is available	
Kyrgyzstan	2 months	From the date on which the holder receives the notification	3 months	From the date on which the holder receives the notification
Lao People's Democratic Republic	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Latvia	3 months	From the date on which WIPO transmits the notification to the holder	3 months	From the date on which WIPO transmits the notification to the holder
Lesotho	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Liberia	No information is available			
Liechtenstein	5 months	From the date on which the Office issues the notification	Not applicable	
Lithuania	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Madagascar	2 months	From the date on which WIPO transmits the notification to the holder	Not applicable	
Malawi	60 days	From the date on which WIPO transmits the notification to the holder	60 days	From the date on which WIPO transmits the notification to the holder
Malaysia	2 months	From the date on which the Office issues the notification	2 months	From the date on which WIPO transmits the notification to the holder
Mexico	2 months	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder
Monaco	15 days	From the date on which the holder receives the notification	Not applicable	
Mongolia	3 months	From the date on which WIPO transmits the notification to the holder	3 months	From the date on which WIPO transmits the notification to the holder
Montenegro	4 months	From the date on which the Office issues the notification	4 months	From the date on which the Office issues the notification
Morocco	2 months	From the date on which WIPO transmits the notification to the holder	2 months	From the expiry of the opposition period
Mozambique	3 months	From the date on which WIPO transmits the notification to the holder	30 days	From the date on which WIPO transmits the notification to the holder
Namibia	30 days	From the date on which the Office issues the notification	30 days	From the date on which the Office issues the notification
New Zealand	1 year	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification

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North Macedonia	60 days	From the date on which WIPO transmits the notification to the holder	60 days	From the date on which WIPO transmits the notification to the holder
Norway	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Oman	2 months	From the date on which the holder receives the notification	2 months	From the date on which the holder receives the notification
Pakistan	2 months	From the date on which the holder receives the notification	1 month	From the date on which the holder receives the notification
Philippines	2 months	From the digital signature date on the notification	30 days	From the date on which the holder receives the notification
Poland	5 months	From the date on which the holder receives the notification	2 months	From the date on which the holder receives the notification
Portugal	1 month	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder
Republic of Korea	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Republic of Moldova	2 months	From the date on which the holder receives the notification.	2 months	From the date on which the holder receives the notification
Romania	3 months;	From the date on which the holder receives the notification	30 days	From the date on which the holder receives the notification
Russian Federation	6 months	From the date on which the Office issues the notification	Not applicable	
Rwanda	3 months	From the date on which WIPO transmits the notification to the holder	14 days	From the date on which WIPO transmits the notification to the holder
Samoa	6 months	From the date on which the Office issues the notification	2 months	From the date on which the holder receives the notification
San Marino	2 months	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder
Sao Tome and Principe	1 month	From the date on which the holder receives the notification	3 months	From the date on which the holder receives the notification
Serbia	6 months	From the date on which the Office issues the notification	60 days	From the date on which the holder receives the notification
Sierra Leone	No information is available			
Singapore	4 months	From the date on which the Office issues the notification	4 months	From the date on which the Office issues the notification
Sint Maarten	3 months	From the date on which the Office issues the notification	Not applicable	

Office	Time Limit to Respond to Ex Officio Provisional Refusals	How to Calculate the Time Limit (Ex Officio)	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
Slovakia	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Slovenia	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Spain	4 months	From the date on which the Office issues the notification	4 months	From the date on which the Office issues the notification
Sudan	1 month	From the date on which the holder receives the notification	1 month	From the date on which the holder receives the notification
Sweden	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Switzerland	5 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Syrian Arab Republic	30 days	From the date on which WIPO transmits the notification to the holder	3 months	From the date on which WIPO transmits the notification to the holder
Tajikistan	2 months	From the date on which the holder receives the notification	3 months	From the date on which the holder receives the notification
Thailand	90 days	From the date on which the Office issues the notification	90 days	From the date on which the Office issues the notification
Trinidad and Tobago	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Tunisia	1 month	From the date on which the holder receives the notification	2 months	From the date on which the holder receives the notification
Türkiye	2 months	From the date on which WIPO transmits the notification to the holder	1 month	From the date on which WIPO transmits the notification to the holder
Turkmenistan	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification.
Ukraine	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
United Arab Emirates	30 calendar days	From the date on which the holder receives a copy of the notification	30 calendar days	From the date on which the holder receives a copy of the notification
United Kingdom	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification

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United States of America	6 months	From the date on which the Office issues the notification	Notice of institution of Trademark Trial and Appeal Boards (...) shall designate a time, not less than 30 days from the mailing date of the notice	From the date on which the Office issued the notice of institution of opposition proceeding
Uzbekistan	6 months	From the date on which the Office issues the notification	6 months	From the date on which the Office issues the notification
Viet Nam	3 months	From the date on the Office transmits the notification to WIPO	Not applicable	
Zambia	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Zimbabwe	2 months	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder

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