



WIPO | MADRID

The International
Trademark System

■ Dealing with Corrections in the International Register

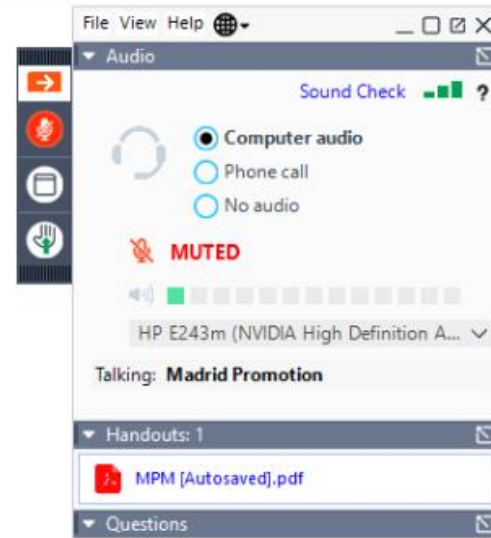
Webinar of the Madrid System

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Madrid Operations Team 4

Geneva
30 October 2019

How to use GoToWebinar



Structure of the Webinar

- Presentation: Dealing with Corrections in the International Register
 - General information Rule 28, Communications and Examples
- Questions and answers session at the end
- Presentation slides available for download
- Recording will be uploaded on the [Madrid Webinar page](#)
- Short survey to provide feedback

What are corrections?

General Information

- The WIPO carries out corrections in the following cases:
 - **Errors by an Office:** requested by the Office within 9 months from the date of publication
 - **Errors by the WIPO:** no time limit
 - **Errors by an Office the correction of which would not affect the rights deriving from the international registration:** any time and presented by the Office

Admissible or not?

- A holder sends a correction request directly to WIPO. The error was made by the holder as he forgot to add 2 countries in the list of designations.

Do we accept this type of correction?

General Information

- WIPO does **not** carry out corrections when the error is made by the holder.

Which rule applies to corrections?

- Rule 26
- Rule 27
- Rule 28
- None of the above

Rule 28

- (1) *Corrections*
- (2) *Notification of correction*
- (3) *Refusal following a correction*
- (4) *Time limit for Offices to request a correction: 9 months*

Rule 28 (1)

- WIPO considers that there is an error in an international registration, it must correct that error *ex officio*
- WIPO will also correct an error at the request of the holder or an Office

Rule 28 (2)

- Notification of correction published and sent to:
 - *Holder or current representative*
 - *Offices of designated Contracting Parties*
 - *Office that requested correction*

Rule 28 (3)

- When an international registration is corrected:
Offices of designated Contracting Parties may send a notification of provisional refusal from the date of the notification of such correction

What is the time limit for requesting a correction of an error made by an Office?

- 8 months
- 9 months
- 10 months
- no time limit

Rule 28 (4)

- Time limit for request of correction of an error made by an Office, the correction of which would affect the rights deriving from the international registration: 9 months from publication date

605000- ROMARIN

Full details Summary By Office Documents Real-time Status

Current Status

English Multilingual

180 Expected expiration date of the registration/renewal

16.06.2023

151 Date of the registration

16.06.1993

270 Language of the application

French

732 Name and address of the holder of the registration

ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
chemin des Colombettes 34 |
CH-1211 GENÈVE 20 (CH)

811 Contracting State of which the holder is a national

CH

540 Mark

ROMARIN

511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(6)

- 09 Machine-readable bibliographic and graphic data media, including magnetic tapes, optical disks, CD-ROM disks for mark documentation; software on magnetic or optical media.
- 35 Services relating to data banks in connection with data relating to marks, namely collection, storage, update, formatting, analysis, archiving, sorting and documentation of data, including information, communications, images, films and documents.
- 38 Services relating to data banks in connection with data relating to marks, namely distribution and delivery of data, including information, communications, images, films and documents.

822 Basic registration

CH, 01.04.1993, 402 418

300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin

CH, 01.04.1993, 402 418

832 Designation(s) under the Madrid Protocol

AG - AU - BH - BQ - BW - CO - CW - DK - EE - FI - GB - GE - GH - GR - IE - IL - IS - JP - KR - LT - MG - MX - NO - NZ - OM - RW - SE - SG - ST - SX - SY - TM - TN - TR - US - UZ - ZM

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AL - AM - AT - AZ - BA - BG - BT - BX - BY - CN - CU - CY - CZ - DE - DZ - EG - ES - FR - HR - HU - IR - IT - KE - KG - KP - KZ - LI - LR - LS - LV - MA - MC - MD - ME - MK - MN - MZ - PL - PT - RO - RS - RU - SD - SI - SK - SL - SM - SZ - TJ - UA - VN

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527 Indications regarding use requirements

GB - IE - NZ - SG - US

Transaction History

EXPAND

or, only those pertinent to selected countries

AG AL AM AT AU AZ BA BG BH BQ BT BW BX BY CN CO CU CW CY CZ DE DK DZ EE EG
ES FI FR GB GE GH GR HR HU IE IL IR IS IT JP KE KG KP KR KZ LI LR LS LT LV
MA MC MD ME MG MK MN MX MZ NO NZ OM PL PT RO RS RU RW SD SE SG SI SK SL SM
ST SX SY SZ TJ TM TN TR UA US UZ VN YU ZM

HIGHLIGHT Contracting Parties above which have issued the document:

Registration : 1993/8 LMI, 18.10.1993, AT, BG, BX, BY, CN, CU, CZ, DE, DZ, EG, ES, FR, HR, HU, IT, KP, KZ, LI, MA, MC, MN, PL, PT, RO, RU, SD, SI, SK, SM, UA, VN, YU

450 Publication number and date

1993/8 LMI, 18.10.1993

831 Designation(s) under the Madrid Agreement

AT - BG - BX - BY - CN - CU - CZ - DE - DZ - EG - ES - FR - HR - HU - IT - KP - KZ - LI - MA - MC - MN - PL - PT - RO - RU - SD - SI - SK - SM - UA - VN - YU

580 Date of recording (date of notification from which the time limit to notify the refusal starts)

22.09.1993

Which date do we count the 9 month delay?

- Date of registration
- Date of publication
- Date of recording

Publication date

Transaction History

EXPAND

or, only those pertinent to selected countries.

AG AL AM AT AU AZ BA BG BH BO BT BW BX BY CN CO CU CW CY CZ DE DK DZ EE EG
 ES FI FR GB GE GH GR HR HU IE IL IR IS IT JP KE KG KP KR KZ LI LR LS LT LV
 MA MC MD ME MG MK MN MX MZ NO NZ OM PL PT RO RS RU RW SD SE SG SI SK SL SM
 ST SX SY SZ TJ TM TN TR UA US UZ VN YU ZM

HIGHLIGHT Contracting Parties above which have issued the document:

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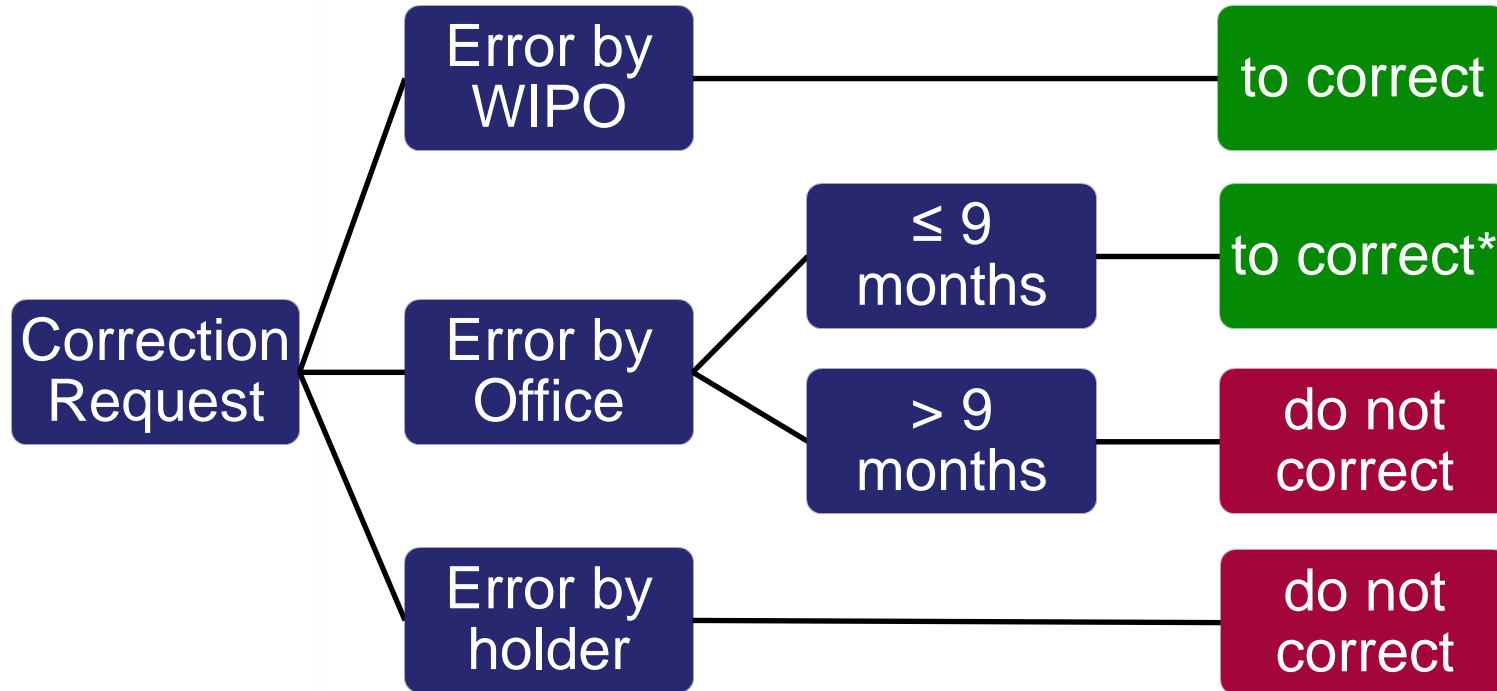
450 Publication number and date
 1993/8 LMI, 18.10.1993

831 Designation(s) under the Madrid Agreement
 AT - BG - BX - BY - CN - CU - CZ - DE - DZ - EG - ES - FR - HR - HU - IT - KP - KZ - LI - MA - MC - MN - PL - PT - RO - RU - SD - SI - SK - SM - UA - VN - YU

580 Date of recording (date of notification from which the time limit to notify the refusal starts)
 22.09.1993

The International
Trademark System

General Information



** If requested by the Office*

Communications

- How to request a correction (using form MM21)
 - Madrid Office Portal (only for IP Offices)
 - Contact Madrid (for everyone)

Communications: suggestions

MM21(E)

Form MM21

REQUEST FOR THE CORRECTION OF A RECORDING

For use by the holder	For use by the Office																				
This form includes the following number of continuation sheets: 0..... Holder's reference: JMM-71460/MM21.....	This form includes the following number of continuation sheets: Office's reference:																				
<div style="border: 1px solid black; padding: 5px;"> <p>1 INTERNATIONAL REGISTRATION NUMBER (Please, provide the international registration number (and the letter, if any). Type one digit in each box. For example, for international registration number 123456A, type 123456A)</p> <table style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="border: 1px solid black; width: 20px;">7</td> <td style="border: 1px solid black; width: 20px;">6</td> <td style="border: 1px solid black; width: 20px;">3</td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> </tr> </table> </div>		7	6	3																	
7	6	3																			
<div style="border: 1px solid black; padding: 5px;"> <p>2 REFERENCE NUMBER</p> <p>(a) If the holder or his/her representative requests the correction:</p> <p>WIPO REFERENCE NUMBER (Please, provide the 9 or 10-digit number that appears in the notification as part of the WIPO reference number. Type one digit in each box. For example, for reference number 806/123456789, type: 123456789)</p> <table style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="border: 1px solid black; width: 20px;">1</td> <td style="border: 1px solid black; width: 20px;">9</td> <td style="border: 1px solid black; width: 20px;">0</td> <td style="border: 1px solid black; width: 20px;">2</td> <td style="border: 1px solid black; width: 20px;">1</td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> </tr> </table> <p>(b) If the Office requests the correction:</p> <p>WIPO NOTIFICATION NUMBER (Please, provide the 3-letter and the 6-digit number that appear in the notification. Type one letter or digit in each box. For example, for reference number ENN201401, type: ENN201401)</p> <table style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> <td style="border: 1px solid black; width: 20px;"> </td> </tr> </table> </div>		1	9	0	2	1															
1	9	0	2	1																	



Communications: suggestions

■ Form MM21

MM21(E), page 2

3 DESCRIPTION OF THE REQUESTED CORRECTION
(Please, provide details of the error to be corrected)

We found that the "railway rolling stock and their parts and accessories" in Class 12 were duplicated. Therefore, please correct the description of goods as follows:

Class 12: Rearview mirrors (of automobiles), automobiles and their parts and accessories, rearview mirrors (of two-wheeled motor vehicles), rearview mirrors (of bicycles), two-wheeled motor vehicles, bicycles and their parts and accessories, vessels and their parts and accessories (other than "air-cushion vehicles"), air-cushion vehicles, aircraft and their parts and accessories, railway rolling stock and their parts and accessories, railway rolling stock and their parts and accessories, baby carriages (prams), rickshaws, sleighs and sleds, wheelbarrows, carts, horse-drawn carriages, rickshaws (bicycle trailers), adhesive rubber patches for repairing tubes or tires.

If the space provided above is not sufficient, check the box and use a continuation sheet.

4 PRESENTATION AND SIGNATURE

(a) The request is presented by (please, check the appropriate box):

(i) Holder

(ii) Representative of the holder

(iii) Office

By signing this form, I declare that I am entitled to sign it under the applicable law:

(b) Name: _____

(c) Signature: _____

(d) E-mail address: _____



Communications

- How to request a correction
 - Contact Madrid

Contact Madrid

Use this form to make an enquiry or to submit a form/response to WIPO.
To get started, tell us who you are.

I am:

a trademark holder, representative or any other interested party
from a national or regional IP office

Submit

Communications: Contact Madrid

I am:

a trademark holder, representative or any other interested party



My request concerns:

a form submission

Information on the Madrid System

the status of an international application or of a request to change an existing registration

an irregularity letter

a notification sent by WIPO

a payment

Madrid e-Services (Madrid Monitor, Goods & Services Manager, e-notifications, etc.)

a correction

a change in contact details of the holder

certified document(s)

something else

Communications: WINS

■ WIPO Inquiry Notification System

<input type="checkbox"/>			TICKET#	▼ AGE	CHANGED
<input type="checkbox"/>	■	★	5019082377	22 m	29/10/2019 15:05
<input type="checkbox"/>	■	★	5019082368	57 m	29/10/2019 14:30
<input type="checkbox"/>	■	★	5019082333	2 h 7 m	29/10/2019 13:20



Exercise on admissibility

Question 1

- A correction request was received from a holder.
- Mistake in the list of goods and services
- The holder attached the application that they sent to the German Patent Office:

Therefore the list of goods and services should read:

14 - Jewellery; clocks

18 - Bags for sports; cosmetic purses; vanity cases sold empty; leisure bags; backpacks; beach bags; suitcases; travel bags; umbrellas; parasols

24 - Towels made of textile fabrics; bath towels; fabrics made from synthetic fibres for the manufacturing of swimwear

25 - Clothing; swimwear; beachwear; headgear for wear; footwear

Original request received from the Office of origin

Request : [REDACTED] Application (Common)

IRN : as at 29/10/2019 Actual

Classes : 14 18 24 25

Goods and Services in English : Jewellery

Is this admissible?

- Yes
- No

Answer: Rejected

■ Solution: Office of origin sends the request

Notification of: 01/03/2018 (ENN/2018/07)
International registration n° : [REDACTED]

Rectification/Correction

Dear Sir or Madam,

We notify an error in our application of aforesaid international registration concerning the list of goods and services in class 14.

The correct list of goods and services should read as follows:

Cl. 14: Jewellery; **clocks**.

The other classes remain unchanged.

We apologize for this failing and therefore ask you to be so kind and rectify the International Register accordingly.

Question 2

Dear Sirs,

Thank you for your e-mail.

As we already explained, the submission of the official form MM8 for the cancelation of classes 29 and 35 and some products of class 05 from contracting party China in IR XX **has been a mistake attributed only to us.**

We well know that we had to use form MM6 for this type of limitation, but we confused due to the fact the IR XX designated only the contracting party China

Is this admissible?

- Yes
- No

Answer: Rejected

Dear Sirs,

Yesterday, we have received phone calls from you, asking for a correction to cancel the partial cancellation of 1 August 2019, in regard to the International Registration XX.

We investigated and confirmed that the request for partial cancellation was submitted with the official form MM8, signed by the representative. It was processed in line with rule 25 of the Common Regulations and no mistake has been made by the International Bureau. As a result, **a correction under rule 28 of the Common Regulations is not admissible in this case**. I also sought advice from the **Madrid legal department, which confirmed that we cannot do a correction**.

TIPS:

- Please read the description of the form and the «Note for filing»
- Forms are typewritten and in black ink
- Review your forms before it is submitted
- Review the notification of your request after it has been published



Q&A Session about the Webinar

Erica Martin
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Laurent Huchard
Examiner
Madrid Operations
Division

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