

STATE OFFICE OF INDUSTRIAL PROPERTY

REGULATION ON TRADE MARK

On the base of Article 181 paragraph (3), 184 paragraph (2), 185 paragraph (6), 189 paragraph (2), 195 paragraph (4), 197 paragraph (4), 200 paragraph (4), 201 paragraph (3), 203 paragraph (2), 204 paragraph (2), 205 paragraph (6), 211 paragraph (5), 213 paragraph (2) and 225 paragraph (3), of the Law on Industrial Property ("Official Gazette of the Republic of Macedonia" No 21/2009), the Director of the State Office of Industrial Property enacts:

REGULATION

ON TRADE MARK

I. GENERAL PROVISIONS

Content of the Regulation

Article 1

This Regulation regulates the content and form of the trade mark application and other constituent elements and attachments to the application; the content and manner of maintaining the Register of trade mark application and the extract from the register; the content of the request for division of the trade mark application; the content of the request for priority right on trade mark and the content of the priority right certificate; application data for trade mark that are published in the Official Gazette of the State Office of Industrial Property; (hereinafter: Office), content of the opposition and manner of filing an opposition; content and manner of maintaining the register for trade mark and the content and form of the extract from the register; changes that are entered in the registers; content and form of the request and changes entry procedure; data which are published in the Official Gazette of the Office; the content of trade mark certificate; the content of the request for division of the trade mark registration; the content and form of the request for the renewal trade mark validity; content of the request for cancellation of a trade mark validity and procedure upon the application for international registration of the trade marks.

II. APPLICATION FOR A TRADE MARK

1. Content and form of the application

Article 2

(1) Trade mark application shall contain:

- 1) request for grant of a trade mark right, in the Form DZIS-TM1, on A4 paper in three copies;
- 2) appearance of the sign for which protection is sought and
- 3) list of goods or services.

Other constituent elements and attachments to the application

Article 3

(1) The following constituent elements and attachments shall be filed in written to the trade mark application of the Article 2 of this Regulation:

- 1) data for a joint agent, if the application is filed by more applicants;
- 2) general act for collective trade mark, if the application is filed for collective trade mark or rules for using of the certificate trade mark if the application is filed for corticated trade mark;
- 3) evidence for the recognized priority right, in accordance with Articles 187 and 188 of the Law on Industrial Property, if requested;
- 4) Power of attorney, if the application is filed through a representative and
- 5) evidence for paid appropriate fee;

(2) The constituent elements and attachments in paragraph (1) in this Article shall contain signature and seal of the applicant, or the representative, if the application is filed through a representative.

(3) If the constituent elements and attachments of paragraph (1) in this Article are filed additionally, they should contain the application number of the trade mark (hereinafter "TM-number"), as well.

Request for grant of a trade mark right

Article 4

(1) The request for granting trade mark right shall be filed in the Form DZIS-TM1, given in Appendix 1 which forms an integral part of this Regulation.

(2) If the space provided in the related section of the request for DZIS-TM1 is not sufficient, the requested data shall be enclosed as a separate supplement to the Form in total content, indicating the number of the section to which the supplement refers to.

(3) The Office shall not examine data punctuality listed in the request for grant of a trade mark.

Verbal signs

Article 5

(1) If a trade mark application shall protect verbal sign (words, letters, numerals or their combination) it shall be indicated in the request.

(2) In the cases of paragraph (1) of this Article, the sign shall be inscribed on the marked space of the application Form, in printing letters or by electronic way.

(3) The verbal sign in all written documents, electronic collections of data and in the Official Gazette of the SOIP, shall be inscribed in standard letters used by the Office.

Transliteration and translation

Article 6

If the sign or parts of the sign are written in letters, which are not Cyrillic, or numerals, other than Arabic, the trade mark applicant may state, in the application, the transliteration of the sign in Cyrillic letters or in Arabic numerals, i.e. the translation of the sign or its parts that have meaning, inscribed in a language, other than Macedonian.

Figurative signs

Article 7

(1) In case the trade mark application, which contains a request for protection of a sign, including figurative elements (sign in color, or a special form of the letters and other elements), the appearance of the sign shall be stick on the marked area in the request Form or recorded by electronic way.

(2) The three additional copies of the appearance of the sign in the Form shall be filed.

(3) In case a protection of a sign in color is sought, the application shall include the colors.

(4) The sign should be made in such a manner as to be placed in a square with side length of 80 mm, whereas the distance between the two farthest points of the sign (horizontally, vertically or diagonally), should not be less than 15 mm.

(5) The sign must be clear, made on a quality paper and suitable for reproduction.

(6) Regarding the position of the sign in the space, in the procedure for grant of a trade mark right, the position of the sign presented on the Application Form shall be considered to be correct.

Three-dimensional signs

Article 8

(1) In case the trade mark application, contains a request for protection of a three-dimensional sign, presentation of the appearance of the sign shall be presented on the designated space in the requested Form. The presentation of the sign shall clearly indicate its three-dimensional shape.

(2) The three additional copies of the appearance of the sign in the Form shall be filed.

(3) In case a protection of the three-dimensional sign in color is sought the application shall include the colors.

List of goods and services

Article 9

(1) The goods, i.e. the services shall be ordered and identified according to the International Classification of goods and services, first of all stating the number of the class, afterwards the goods, i.e. the services encompassed with that class.

(2) If the space provided in the related section of the request for DZIS-TM1 is not sufficient, the requested number of the class shall be indicated only and the a separate list of goods and services shall be enclosed as supplement to the Form in total content, in three copies.

(3) Goods, i.e. services which may be set out in two or more classes, shall be specified by the expressions used in the International Classification for the goods and services (hereinafter: International Classification), so that the class can be determined on the basis of the formulation.

III. REGISTER OF TRADE MARK APPLICATIONS AND EXTRACT FROM THE REGISTER

Content and manner of maintaining the Register

Article 10

(1) The Register of trade marks applications shall contains:

- 1) TM-number and register number;
- 2) filing data of the trade mark application;

- 3) correspondence address; surname, name, address, telephone, fax and e-mail address;
- 4) data of the applicant: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 5) representative data, if the application is filed through a representative: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 6) appearance of the sign, for which protection is sought;
- 7) data for the type of the sign: goods, service; individual, collective, certificate;
- 8) statement of the applicant that he/her is not sought exclusive rights on non distinctive elements of the sign;
- 9) transliteration and translation of the sign;
- 10) indicating number of classes and list of goods and services according to the International Classification of goods and services;
- 11) data for the requested priority right: date of the first application, and name of a state in which the application is filed and number of the first application, i.e. name of the exhibition or the fair and date of the first display;
- 12) data of the application division: number and date of the request, number and date of the decision for division of the application and TM-number of the divisional application and of the first application;
- 13) date of publishing the trade mark application;
- 14) data for the filed opposition: number and date of opposition;
- 15) data for the changes: number and date of the request, number and date of the decision and the pursued change;
- 16) date for the assignment of the right: number and date of the request, number and date of the decision and data for the new applicant;
- 17) data for paid fees and expenses;
- 18) data for the filed international application: register number and date of the international application; number and date of the international registration;
- 19) data for the Office decision;
- 20) data for the judicial decision;
- 21) data for the Administrative Court decision;
- 22) data for the request for continuation of the procedure and decision, and
- 23) data for the proposal of returning to the previous condition and decision.

(2) The Register of paragraph (1) in this Article shall be maintain in electronic form.

Extract from the Register of applications

Article 11

(1) The Office shall issue an extract from the register of trade mark applications upon a request of an interested party, indicating TM-number after an evidence for paid fees is enclosed.

(2) The extract from the register of industrial design shall contain data from Article 10 of this Regulation, in accordance with the condition on the day indicated in the extract.

IV. DIVISION OF THE APPLICATION

Content of the request for division of the application

Article 12

(1) The request for division of the trademark application shall contain:

- 1) indication the request for division of the application;
- 2) filing date and number of the first application;
- 3) applicant's data (identical to the data of the first application);
- 4) data for the representative, if the request is filed through a representative;
- 5) list of goods and services, which shall be filed for a divisional application as a separate part from the list of goods and services from the first application and
- 6) evidence for paid fee for division of the application.

(2) To every divisional application, a number of new applications equal to the number of the applications deriving from the division shall be filed, in the Form DZIS-TM1, given in Appendix 1 of this regulation.

(3) Every application shall be given a new TM number.

V CERTIFICATE FOR PRIORITY RIGHT

Content of the request

Article 13

(1) The request for issuing the certificate for the priority right shall contain:

- 1) indication of the request for issuing a certificate for the priority right;
- 2) TM number which the certificate issue is required for;
- 3) data of the person filing the request;
- 4) indication of the needed number of certificates for the priority right;
- 5) signature and seal of the person filing the request, i.e. the representative and
- 6) evidence for a paid appropriate fee.

Content of the certificate

Article 14

- (1) The certificate for the priority right shall contain:
- 1) data of the applicant; surname, name and address of a natural person, i.e. company and registered seat of a legal person;
 - 2) TM-number;
 - 3) filing date of the trade mark application;
 - 4) appearance of the sign;
 - 5) indication of the colors, in case of sought protection of the sign in color;
 - 6) indication of the type of the trade mark;
 - 7) list of goods and services and
 - 8) indication that the data in the certificate are identical to the data from the trade mark application.
- (2) Data of paragraph (1) in this Article shall be identified by INID-codes for identification of bibliographic data of the trade marks for goods and services, established by the World Intellectual Property Organization (hereinafter: "INID-codes").

VI. PUBLICATION OF THE DATA FROM THE TRADE MARK APPLICATION

Article 15

- (1) The following data for the trade mark application shall be published in the Official Gazette of the Office:
- 1) TM-number;
 - 2) filing date of the trade mark application;
 - 3) data for the requested priority right (date of the first application, and name of a state in which the application is filed and number of the first application, i.e. name of the exhibition or the fair and date of the first display);
 - 4) filing date and number of the first application if it is a divisional application;
 - 5) publishing date of the application;
 - 6) data of the applicant; surname, name and address of a natural person, i.e. company and registered seat of a legal person;
 - 7) representative data, if the application is filed through a representative: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
 - 8) appearance of the sign, transliteration and translation;
 - 9) indication of the colors, in case of sought protection of the sign in color;
 - 10) indication that the protection of the three-dimensional sign is sought if such protection is required;
 - 11) Indication that a protection of the collective, i.e. certificate sign is sought if such protection is required;

- 12) statement of the applicant that he/her is not sought exclusive rights on non distinctive element of the sign and
- 13) numbers of the classes according to the International Classification and list of goods and services.

(2) The data of paragraph 1, of this Article shall be indicated with INID-codes.

(3) The Office shall republish the trade mark application, in case of significant deficiencies in the first publication.

(4) If after the publishing of the application data there are changes of the applicant data and sought right, those shanges and appropriate data in paragraph (1) of this Article, shall be published in the Official Gazette of the Office.

VII OPPOSITION TO A PUBLISHED TRADE MARK APPLICATION

Content of the opposition

Article 16

The opposition to a published application shall contain:

- 1) data for the person filing the opposition: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 2) representative data, if the opposition is filed through a representative: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 3) data of the applicant: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 4) TM-number and date of publication;
- 5) number of classes according to the International Classification, i.e. a list or a part of the list of goods and services, related to the filed opposition;
- 6) reasons for filing the opposition and evidence for those reasons, and
- 7) evidence for paid opposition fee.

Manner of filing an opposition

Article 17

- (1) The opposition shall be filed to the Office in written form with an explanation for the reasons for filing the opposition along with the appropriate documents.
- (2) If the opposition is filed on the base of identity or similarity of a previously registered trade mark, or well-known trade mark, or a trade mark with reputation, the person filing the opposition must file evidences that his/her mark is protected, or became well-known or is mark with reputation in the

Republic of Macedonia before the priority right from the published application.

- (3) If the opposition is filed on the basis of infringement of the trade mark by the representative, i.e. the agent of the right holder, the person filing the opposition must prove that his/her trade mark is protected in some Member-State of the Paris Union or the World Trade Organization, and that his/her agent, i.e. agent is authorized merely for representation, i.e. presentation.
- (4) If the opposition is filed on the base of identity or similarity of the sign from the published application with name and surname or an image of the physical entity, the person filing the opposition must prove, by presenting relevant documentation, that those personal rights existed prior to the priority right of the published application.
- (5) If the opposition is filed on the basis of infringement of other industrial property right, the person filing the opposition must submit evidence which visibly shows that the recognition of the published trade mark application infringes certain earlier industrial property right.
- (6) If the opposition is filed on the basis of copyright infringement, the person filing the opposition must submit an evidence of the authorship, to indicate the authors work that is subject of infringement and list the evidences which show that the recognition of the trade mark of the published application infringes the authors work.

VIII. REGISTER OF TRADE MARKS AND EXTRACT FROM THE REGISTER

Content and manner of maintaining the Register

Article 18

- (1) The Register of Trade Marks shall contain:
 - 1) register number of the trade mark;
 - 2) TM-number and filing data of the trade mark application;
 - 3) data for the trade mark-holder: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
 - 4) data for the representative, if the trade mark holder has a representative: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
 - 5) number and date of the decision for granting of the trade mark right;
 - 6) data for the publishing of the registered trade mark (number of the Official Gazette of the Office);
 - 7) appearance of the trade mark;
 - 8) data for the type of the trade mark (goods, service; individual, collective, certificate);

- 9) transliteration and translation of the trade mark;
- 10) statement of the applicant that he/her is not sought exclusive rights on non distinctive elements of the sign;
- 11) indication of the numbers of classes and list of goods and services according to the International Classification of goods and services;
- 12) data for the recognized priority right (date of the first application, and name of a state in which the application is filed and number of the first application, i.e. name of the exhibition or the fair and date of the first display);
- 13) validity date of a trade mark and data for renewal of trade mark validity;
- 14) data for the changes regarding the registered trade mark and the trade mark holder (number and date of the request, number and date of the decision and the pursued change);
- 15) data for assignment of right (number and date of the request, number and date of the decision and data for the new right- holder);
- 16) data for division of the registered trade mark: number and date of the request, number and date of the decision and registrar number of the divided registration and of the basic registration;
- 17) data for the filed international application (register number and date of the international application);
- 18) data for the judicial decision;
- 19) data for the cancelation of trade mark validity, i.e. declaring nullification (number and date of the request, i.e. proposal, number and date of the decision, legal grounds and cancelation date);
- 20) data for the Administrative court decision;
- 21) data for the request for continuation of the procedure and decision, and
- 22) data for the proposal of returning to the previous condition and decision.

(2) The Register of paragraph (1) in this Article shall be maintaining in an electronic form.

Extract from the Register of Trade Marks

Article 19

- (1) The extract form the Register of trade mark shall be issued by the Office upon a request of an interested party, indicating the register number of the trade mark and after enclosing evidence for the paid fees.
- (2) The extract from the Trade Mark Register shall contain the data of the Article 18 of this Regulation, according to the condition on the day indicated in the extract.

IX. PUBLISHING THE DATA ON THE TRADE MARK

Article 20

- (1) The following data concerning the granting of the trade mark right shall be published In the Official Gazette of the Office:
- 1) registration number of the trade mark and date of entering in the Register;
 - 2) TM-number, date of filing the trade mark application;
 - 3) validity date of a trade mark;
 - 4) date of publication;
 - 5) data for the recognized priority right: date of the first application and name of a state in which the application is filed and number of the first application, i.e. name of the exhibition or the fair and date of the first display;
 - 6) number and date of the first application, if the application is divisional;
 - 7) data for the trade mark-holder: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
 - 8) data for the representative, if the trade mark holder has a representative: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
 - 9) appearance of the trade mark, transliteration and translation;
 - 10) statement of the applicant that he/her is not sought exclusive rights on non distinctive elements of the sign;
 - 11) indication of the colors of the trade mark, if the trade mark is in color;
 - 12) indication for three-dimensional trade mark;
 - 13) indication for collective, i.e. certificate mark;
 - 14) numbers of the classes according to the International Classification and list of products and services and
 - 15) relevant data from the decision for deviation of the registered trade mark.
- (2) The data on paragraph 1, of this Article shall be indicated with INID-codes.
- (3) The following data shall be published In the Official Gazette of the Office:
- 1) Changes entered in the Register for trade marks;
 - 2) Assignment of a right;
 - 3) Renewal of a trade mark validity and
 - 4) Cancellation of trade mark validity.

X. TRADE MARK CERTIFICATE

Content of the certificate

Article 21

- (1) The trade mark certificate shall contain:
- 1) register number of the trade mark;

- 2) TM-number;
- 3) data for the trade mark-holder: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 4) 4)numbers of the classes according to the International Classification;
- 5) data for the recognized priority right;
- 6) validity date of a trade mark;
- 7) publishing date of the registered trade mark (number of the Official Gazette of the Office);
- 8) appearance of the sign;
- 9) statement of the applicant that he/her is not sought exclusive rights on non distinctive elements of the sign and
- 10)List of goods and services.

(2) The data of paragraph (1) of this Article shall be identified by INID-codes.

XI. DIVISION OF THE REGISTERED TRADE MARK

Content of the request

Article 22

(1) The request for division of the registered trade mark shall contain:

- 1) indication the request for division of the registered trade mark;
- 2) registration date and registracion number of the first registration;
- 3) data for the trade mark- holder (identical with the data of the first registration);
- 4) data for the representative, if the request is filed through representative;
- 5) List of goods and services, which shall be filed for the divisional registration of a trade mark as a separate part from the list of goods and services from the first registration of the trade mark and
- 6) evidence for paid fee for division of the registered trade mark.

(3) To every divisional registered trade mark derivied from the first registration of the trade mark shall be given a new register number.

XII. PROCEDURE FOR ENTERING CHANGES IN THE REGISTERS

Changes that shall be entered

Article 23

The following changes shall be entered in the Register of trade marks application, i.e. in the Register of trade marks: change of name, i.e company name of the applicant, i.e the right-holder; change of address i.e registered seat of the applicant, i.e. the right-holder; enter, i.e. change of the

representative; assignment of right, recording and invalidation of the licence; pledge; limitation of the list of goods and services; court decision regarding the declaration of nullification; Administrative court decisions; decisions regarding court protection of rights.

Contents and form of the request for entering changes

Article 24

- (1) The request for the entry of changes in the appropriate register shall be filed in the Form DZIS-TM2 on A4 paper size.
- (2) The following additional attachments shall be filed to the request of paragraph (1):
 - 1) evidence for a legal ground of the change;
 - 2) Power of attorney for appropriate change, if the request for entering changes is filed through representative and
 - 3) evidence for paid appropriate fee.
- (3) If the Act proving the legal ground is filed for the change of paragraph(2) 1 of this article, the Act is filed in original or a certified copy, completely or only the part, from which the change pursued is evident.
- (4) If the Act of paragraph (3) of this article is filed in foreign language, the person filing the request to the Office shall submit a translation in Macedonian language.
- (5) The Form DZIS-TM 2 of paragraph (1) of this article, given in Appendix 2, which forms an integral part of this Regulation.

Entry of homogenous changes in one request

Article 25

- (1) One request for entry of changes shall be filed according to Article 24 paragraph (1) of this Regulation in regard with the name and/ or address or change of a representative for more registered trade mark, i.e. more trade mark applications of the same holder, i.e. applicant, and in the request shall be indicated register numbers, i.e. TM-numbers to which the request refers to.
- (2) One request for entry of changes shall be filed according to Article 24 paragraph (1) of this Regulation in regard with several name and address changes for the same trade mark application or for the same registered trade mark, if all changes are indicated in the request in the order of their implementing, without any interruption of the continuity from the first until the last implemented change.
- (3) One request for entry of changes shall be filed according to Article 24 paragraph (1) of this Regulation in regard with the assignment of right which refers to more trade marks i.e. trade mark applications of the the

same owner or applicant, if all register numbers, or TM-numbers are indicated in the request, and if the scope of the right that is transferred is equal and indicated in the request.

- (4) One request for entry of changes shall be filed according to the Article 24 paragraph (1) of this Regulation in regard with recording of a license of more trade marks, or more trade mark applications, if all register numbers, or TM-numbers are indicated in the request, and if the right- holder, the licensee and the scope of the license remain the same.
- (5) The number of copies of the form in which the requests for the entry of changes are filed according to paragraphs (1), (2), (3) and (4) of this Article shall be equal to the number of the registered trade marks, or trade mark applications to which the change refers to.
- (6) If entry of more changes with one request is required, for every single change fees and expenses shall be paid.

Entry of a partial assignment and limitation

Article 26

If entry of a partial assignment of the right of a trade mark application, i.e. registered trade mark is required, the provisions of the Article 12 and 22 of this regulation are pursuant applied.

Procedure for entry of changes

Article 27

- (1) If the request is filed in accordance with Articles 24, 25 and 26 of this Regulation, and the evidence meet the requirements for the change the Office adopts a decision for entry of changes.
- (2) If the request is filed in accordance with Articles 24 and 25 Paragraph (2) of this Regulation, the Office adopts a decision for the latest change indicating all changes mentioned in the request.
- (3) Changes which are entered in the Register of applications which occurred after the publishing of the application in the Official Gazette of the Office and changes entered in the trade mark register shall be published in the Official Gazette of the Office, after filing the evidence of paid fees.
- (4) If the request for the entry of changes is not filed in accordance with Articles 24, 25 and 26 of this Regulation, the Office shall invite the applicant of the request to complete the request in the prescribed term.
- (5) If the applicant of the request does not act in accordance with the Office notification, the request for change shall be rejected.

- (6) If the legal ground of the request for the entry of changes does not meet the prescribed requirements of the Law on Industrial Property, or if data for the request do not contemplate with the data of the register, the Office will invite the applicant to explain the reasons for which the changes may not be entered in the register.

XIII. RENEWAL OF A TRADE MARK VALIDITY

Content and form of the request

Article 28

(1) The request for renewal of the trade mark validity shall be filed on the Form DZIS-TM3, on paper A4, in two copies.

(2) The following additional attachments shall be filed to the request of paragraph (1):

- 1) if the renewal of the validity is sought only for some of the goods and services for which the trade mark is registered, the list of goods and services;
- 2) Power of attorney, if the request is filed through a representative and
- 3) evidence for payment of appropriate fee.

(3) the Form DZIS-TM3, given in Appendix 3 which forms an integral part of this Regulation.

XIV. CANCELLATION OF A TRADE MARK VALIDITY

Contents of the request

Article 29

(1) The request for cancellation of the trade mark validity shall contain:

- 1) indication of the reasons for which according to Article 213 of the Law on Industrial Property is sought;
- 2) data of the applicant: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 3) representative data, if the request is filed through a representative: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 4) data for the trade mark-holder for which a request for cancellation of validity in case of non-use is filed: name and surname for a natural person, or company name and registered seat for a legal person;
- 5) register number of the trade mark;
- 6) explanation of the reasons for which the request for cancellation of the trade mark validity is sought;
- 7) legal interest for cancellation of the trade mark validity and

- 8) signature and seal of the applicant of the request;
- (2) The following attachments shall be filed to the request of paragraph (1):
- 1) Power of attorney, if the request is filed through representative;
 - 2) evidence of the reasons for cancelation of a trade mark validity and
 - 3) evidence for paid appropriate fee.

XV. INTERNATIONAL REGISTRATION OF TRADE MARKS

Initiation of the procedure

Article 30

The procedure for international registration of a trade mark shall be initiated upon filing an application for international registration to the Office.

Article 31

Content and form of the request

- (1) The application for international registration of a trade mark shall contain a request for international registration of trade mark in the Form DZIS-MTM4, on A4 paper in three copies;
- (2) The following constituent elements and attachments shall be filed in written to the trade mark application of paragraph (1) of this article:
 - 1) appearance of the sign if the sign is figurative in three copies;
 - 2) list of goods and services, if the space provided in the form of the request for International registration of trade mark is not sufficient;
 - 3) evidence for paid fees - according to the Law on Administrative Fees of the Republic of Macedonia and fees according to the Madrid Agreement Concerning the International Registration of Marks (hereinafter: Madrid Agreement), i.e. or Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter: Madrid Protocol) and
 - 4) complete Power of attorney, if the application is filed through a representative.
- (3) The list of goods and services and the colors if the sign is in color shall be in French, if the application is filed in compliance with the Madrid Agreement i.e. in French or English, if the application is filed according to the Madrid Protocol, in three copies;
- (4) The Form DZIS-MTM4 is given in Appendix 4 which forms an integral part of this Regulation.

Identity of the data

Article 32

- (1) All data of the international trade mark application must be identical with the data of the Register of trade mark applications, i.e. Register of trade marks in the Republic of Macedonia.
- (2) List of the goods and services may comprise all products and services, or part of the goods and services contained in the application or registration of a trade mark in the Republic of Macedonia, on whose base an application for international registration of a trade mark is filed.

Procedure following the international application

Article 33

- (1) Following the receipt of the application for international registration, the Office shall examine whether the application is filed in compliance with the provisions of this Regulation.
- (2) If the application is not filed in compliance with the provisions of this Regulation, the Office shall invite the applicant to correct the application in a term of 30 days from the day of reference receipt.
- (3) If the applicant shall not proceed according to the reference in a term of the paragraph 2 of this Article, the Office shall make a decision for refusal of the application for international registration of a trade mark.

Delivering the application to the International Bureau

Article 34

The Bureau shall deliver the complete application to the International Bureau of the World Organization for Intellectual Property, in compliance with the Madrid Agreement or Madrid Protocol and the Regulation of the Madrid Agreement and Madrid Protocol.

Entering the changes in the International Register

Article 35

- (1) Upon request of the applicant, i.e. the holder of the internationally registered trade mark, the Office shall proceed the request for entry in the International Register of all changes provided with the provisions of the Madrid Agreement or Madrid Protocol.
- (2) The request for the entry of changes in the International Register shall contain:

- 1) number of the international application or registration;
- 2) name and address of the applicant for the international application or holder of the international registration;
- 3) name and address of the person filing the request;
- 4) name and address of the representative if the request is filed through representative;
- 5) the type of the change shall be clearly indicated and
- 6) signature and seal of the person filing the request, or his representative.

(3) If the request for entry of changes of the list of goods and services contained in the international registration refers to a part of this goods and services only, this part shall be indicated in the language of the first application for international registration, prescribed in to mutual Regulation of the Madrid Agreement and Madrid Protocol.

(4) In the procedure of entry of the changes of paragraph (1) of this Article the provisions of the Madrid Agreement and Madrid Protocol shall apply.

Entry of renewal of the trade mark validity in international register of the World Intellectual Property Organization

Article 36

The holder of the International trade mark registration may file request for renewal of the trade mark validity, direct to World Intellectual Property Organization or through the Office.

XIII. TRANSITIONAL AND FINAL PROVISIONS

Cessation of validity

Article 30

The validity of the Regulation for industrial design ("Official Gazette of the Republic of Macedonia", No. 18/2004 and 93/2006) shall cease on the day when this Regulation enters into force.

Entry into force

Article 31

This Regulation shall enter into force on the day following that of its publication in the "Official Gazette of the Republic of Macedonia ".

No. _____

Skopje

Director

Safet Emruli MSc.
