

Administrative Instructions for the Application of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

as in force on February 1, 2021

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Part One
Definitions

Section 1
Abbreviated Expressions

- (a) For the purposes of these Administrative Instructions:
 - (i) “Regulations” means the Regulations under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks;
 - (ii) “Rule” means a Rule of the Regulations.
- (b) For the purposes of these Administrative Instructions, an expression which is referred to in Rule 1 has the same meaning as in the Regulations.

Part Two
Forms

Section 2
Prescribed Forms

For any procedure for which the Regulations prescribe the use of a form, the International Bureau shall establish such a form.

Section 3
Optional Forms

In respect of procedures under the Regulations other than those referred to in Section 2, the International Bureau may establish optional forms.

Section 4

Publication and Availability of Forms

The International Bureau shall publish and make available all prescribed and optional forms, as referred to in Sections 2 and 3, on the website of the World Intellectual Property Organization.

Section 5

[Deleted]

Part Three

Communications with the International Bureau; Signature

Section 6

Communication in Writing; Several Documents in One Envelope

- (a) Subject to Section 11(a), communications addressed to the International Bureau shall be effected in writing by typewriter or other machine and shall be signed.
- (b) If several documents are mailed in one envelope, they should be accompanied by a list identifying each of them.

Section 7

Signature

- (a) A signature shall be handwritten, printed, typed or stamped. As regards the electronic communications referred to in Section 11(a)(i), a signature may be replaced by a mode of identification agreed upon between the International Bureau and the Office concerned. With respect to the electronic communications referred to in Section 11(a)(ii), a signature may be replaced by a mode of identification to be determined by the International Bureau.

- (b) Where there are two or more applicants, holders, new holders or licensees, the signature of one of them shall be sufficient, provided the person signing declare to have the authority to do so under the applicable law.

Section 8
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Section 9
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Section 10
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Section 11
Electronic Communications; Acknowledgement and Date of Receipt of Electronic Transmission by the International Bureau

- (a) (i) Where an Office so desires, communications between that Office and the International Bureau, including the presentation of the international application, shall be by electronic means in a way agreed upon between the International Bureau and the Office concerned.
- (ii) Communications between the International Bureau and applicants and holders may take place by electronic means, at a time and in a manner and format to be determined by the International Bureau, the particulars of which shall be published on the website of the World Intellectual Property Organization.

- (b) The International Bureau shall promptly and by electronic transmission inform the originator of an electronic transmission of the receipt of that transmission, and, where the electronic transmission received is incomplete or otherwise unusable, also of that fact, provided that the originator can be identified and can be reached.
- (c) Where a communication is by electronic means and, because of the time difference between the place from where the communication is sent and Geneva, the date on which the sending started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

Part Four
Requirements Concerning Names and Addresses

Section 12
Names and Addresses

- (a) In the case of a natural person, the name to be indicated is the family or principal name and the given or secondary name(s) of the natural person.
- (b) In the case of a legal entity, the name to be indicated is the full official designation of the legal entity.
- (c) In the case of a name in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application. In the case of a legal entity whose name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application.

- (d) An address and an electronic mail address shall be given in such a way as to satisfy the customary requirements for prompt postal or electronic delivery, as the case may be. An address shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any. In addition, a telephone number, as well as a different address and an additional electronic mail address for correspondence may be indicated.

Section 13

Address for Correspondence

Where there are two or more applicants, new holders or licensees with different addresses, one address and one electronic mail address for correspondence may be indicated. Where no such addresses are indicated, the address and electronic mail address of the person named first shall be treated as the addresses for correspondence.

Part Five

Notification of Provisional Refusals

Section 14

Date of Sending of Notification of Provisional Refusal

In the case of a notification of provisional refusal sent through a postal service, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it was sent 20 days before the date of its receipt by the International Bureau. However, if the date of dispatch thus determined is earlier than any date of refusal or date of sending mentioned in the notification, the International Bureau shall treat such notification as if it had been sent on the latter date. In the case of a notification of refusal sent through a delivery service, the date of dispatch shall be determined by the indication given by such delivery service on the basis of the details of the mailing as recorded by it.

Section 15

Contents of a Notification of Provisional Refusal Based on an Opposition

- (a) A notification of provisional refusal based on an opposition shall be confined to the elements specified in Rule 17(2) and (3). The indication of the grounds on which the provisional refusal is based, in accordance with Rule 17(2)(iv), shall, in addition to stating that the refusal is based on an opposition, state concisely what are the grounds of the opposition (for example, conflict with an earlier mark or other right, lack of distinctive character). Where the opposition is based on a conflict with an earlier right other than a mark which is registered or is the subject of an application for registration, that right, and preferably the owner of that right, shall be identified as concisely as possible. The notification shall not be accompanied by memoranda or evidence.

- (b) Any document accompanying the notification which is not on separate sheets of A4 paper or is otherwise not suitable for scanning, and any non-documentary item such as samples or packaging, will not be recorded and will be disposed of by the International Bureau.

Part Six

Numbering of International Registrations

Section 16

Numbering Following Division or Partial Change in Ownership

- (a) The separate international registration resulting from the recording of partial change in ownership or division shall bear the number of the international registration of which a part has changed in ownership or been divided, followed by a capital letter.

- (b) [Deleted]

Section 17

Numbering Following Merger of International Registrations

The international registration resulting from the merger of international registrations in accordance with Rule 27*ter* shall bear the number of the international registration of which a part had changed in ownership or been divided, followed, where applicable, by a capital letter.

Section 18

Numbering Following Declaration that a Change in Ownership Has No Effect

The separate international registration which is recorded in the International Register in accordance with Rule 27(4)(e) shall bear the number of the registration of which a part has been assigned or otherwise transferred, together with a capital letter.

Part Seven

Payment of Fees

Section 19

Modes of Payment

Fees shall be paid to the International Bureau

- (i) by debit to a current account with the International Bureau; or,
- (ii) by payment into the Swiss postal account or to any of the specified bank accounts of the International Bureau; or,
- (iii) by credit card, where, in the context of an electronic communication envisaged in Section 11, an electronic interface for online payment has been made available by the International Bureau.