# MADRID MEMBER PROFILES DATABASE QUESTIONNAIRE

## INFORMATION ABOUT THE OFFICES OF THE MEMBERS OF THE MADRID SYSTEM

The Madrid System is a centralized filing and management system, where the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (the Protocol) sets out the formal requirements for registration and maintenance of an international registration. However, since each of its members determines the conditions and scope of protection and the rights resulting from protection in its territory, in accordance with its domestic legislation, it is important for the users of the Madrid System to have an easy access to information on the relevant procedures of each member.

The Madrid System website provides this information through the Madrid Member Profiles database, which enables its users to quickly find the required information.

We would appreciate if you can provide as much information as possibe on the procedures applicable in your Office, by filling in this questionnaire, which has the following three categories:

* General information about a member;
* Information on procedures in the member acting as the Office of origin; and
* Information on procedures in the member where it is designated in an international registration.

Please return the questionnaire with the relevant information to the Madrid Legal Division by e-mail at: [madridlegal@wipo.int](mailto:madridlegal@wipo.int).

# Contents

Table of Contents

[MADRID MEMBER PROFILES DATABASE QUESTIONNAIRE 1](#_Toc76649646)

[INFORMATION ABOUT THE OFFICES OF THE MEMBERS OF THE MADRID SYSTEM 1](#_Toc76649647)

[Contents 2](#_Toc76649648)

[Part 1. General Information 5](#_Toc76649649)

[Contact Information 5](#_Toc76649650)

[Applicable Legislation 6](#_Toc76649651)

[Membership in the Madrid Union 6](#_Toc76649652)

[Applicable Declarations and Notifications 6](#_Toc76649653)

[Part 2. Information on Procedures as Office of Origin 8](#_Toc76649654)

[Methods of Filing an International Application (MM2 Form) 8](#_Toc76649655)

[Filing Languages 9](#_Toc76649656)

[Handling Fee 9](#_Toc76649657)

[Filing Requirements 10](#_Toc76649658)

[Part 3. Information on Procedures as a Designated Contracting Party 10](#_Toc76649659)

[Specific Requirements for Designations 10](#_Toc76649660)

[Types of Marks; Requirements and Acceptable Formats for Representation of the Mark 11](#_Toc76649661)

[Graphical Representation of the Mark 11](#_Toc76649662)

[Description of the Mark 12](#_Toc76649663)

[Type of Marks That Can Be Protected and Additional Requirements 12](#_Toc76649664)

[Formats for Representation of the Mark before the Office 14](#_Toc76649665)

[Requirements for Protection of Collective, Certification and Guarantee Marks 15](#_Toc76649666)

[EXAMINATION SYSTEM – NICE CLASSIFICATION 17](#_Toc76649667)

[Nice Classification; Class Headings; Specifications 17](#_Toc76649668)

[Examination System – Absolute and Relative Grounds 18](#_Toc76649669)

[Examination Manual 18](#_Toc76649670)

[Examination on Absolute Grounds 18](#_Toc76649671)

[Acquired Distinctiveness 20](#_Toc76649672)

[Letter of Consent from Relevant Authority 20](#_Toc76649673)

[Examination on Relative Grounds 21](#_Toc76649674)

[Letter of Consent from Owner of Prior Right 22](#_Toc76649675)

[Third Party Observations 23](#_Toc76649676)

[Opposition System 24](#_Toc76649677)

[Publication for Opposition 25](#_Toc76649678)

[Grounds for Opposition 25](#_Toc76649679)

[Filing an Opposition 26](#_Toc76649680)

[Notifications by the Office 28](#_Toc76649681)

[Language of Notifications to WIPO 28](#_Toc76649682)

[Interim Status 28](#_Toc76649683)

[Statements of Grant of Protection 29](#_Toc76649684)

[Requirements of Local Representation 29](#_Toc76649685)

[*Ex Officio* Provisional Refusals; Time Limits and Possible Review or Appeal 33](#_Toc76649686)

[Total or Partial *Ex Officio* Provisional Refusals 33](#_Toc76649687)

[Filing an Appeal 35](#_Toc76649688)

[Provisional Refusals Based on Opposition; Time Limits and Possible Response or Appeal 37](#_Toc76649689)

[Provisional Refusals Based on Opposition 37](#_Toc76649690)

[Total or Partial Provisional Refusals Based on Opposition, Time Limit and its Calculation 37](#_Toc76649691)

[Appeal 39](#_Toc76649692)

[Extension of Time Limits 41](#_Toc76649693)

[Requirement of Actual Use of the Mark (Maintenance Requirements) 42](#_Toc76649694)

[Cancellation Due to Non-Use of the Mark 43](#_Toc76649695)

[Cancellation of the Mark – on Grounds Other Than Non-Use 45](#_Toc76649696)

[Invalidations 47](#_Toc76649697)

[Division of an International Registration 49](#_Toc76649698)

[Merger of International Registrations Resulting From Division 49](#_Toc76649699)

[Replacement 50](#_Toc76649700)

[Transformation 51](#_Toc76649701)

[Declaration Concerning Change in Ownership 52](#_Toc76649702)

# Part 1. General Information

## Contact Information

|  |  |
| --- | --- |
| 1. **General Contact Information:** | Contracting Party: |
| Name of the Office: |
| Address: |
| Phone number: |
| E-mail address: |
| Website: |
| Working days: |
| Opening hours: |
| 1. **Contact person/Unit for questions related to the Madrid System:** | Name: |
| Title (if applicable): |
| Phone number: |
| E-mail address: |

## Applicable Legislation

|  |  |
| --- | --- |
| 1. **If the current applicable domestic trademark legislation is not available on WIPO Lex (**[**http://www.wipo.int/wipolex/en**](http://www.wipo.int/wipolex/en)**), please provide link if possible:** |  |

## Membership in the Madrid Union

|  |  |
| --- | --- |
| 1. **Member of…** | the Protocol; as of: |
| the Agreement; as of: |

## Applicable Declarations and Notifications

|  |  |
| --- | --- |
| 1. **The following declarations and notifications have been made by the Contracting Party:** | Extension of the refusal period to 18 months (Article 5(2)(b) of the Protocol). |
| Possible notification of refusals based on an opposition after the 18‑month time limit (Article 5(2)(c) of the Protocol). |
| Individual fee (Article 8(7)(a) of the Protocol). |
| Restriction on subsequent designation (Article 14(5) of the Protocol). |
| Provisional refusals are subject to review before the Office, whether the holder has requested such review or not (Rule 17(5)(d) of the Regulations under the Protocol). |
| *Ex officio* provisional refusals are not open to review before the Office (Rule 17(5)(e) of the Regulations under the Protocol). |
| Common Office of several Contracting States (Article 9*quater* of the Protocol). |
| Declaration of intention to use the mark (Rule 7(2) of the Regulations under the Protocol). |
| Recording of licenses is not provided for in the domestic law(Rule 20*bis*(6)(a) of the Regulations under the Protocol). |
| Recording of licenses in the International Register has no effect (Rule 20*bis*(6)(b) of the Regulations under the Protocol). |
| Division is not provided for in the domestic law (Rule 27*bis*(6) of the Regulations under the Protocol). |
| Merger is not provided for in the domestic law (Rule 27*ter*(2)(b) of the Regulations under the Protocol). |
| The Office accepts to collect and forward fees to WIPO (Rule 34(2)(b) of the Regulations under the Protocol). |
| Individual fee payable in two parts (Rule 34(3)(a) of the Regulations under the Protocol). |
| Rule 27*bis*(1) concerning division of an international registration is not compatible with the domestic law (Rule 40(6) of the Regulations under the Protocol). |
| Rule 27*ter*(2)(a) concerning merger of international registrations resulting from the recording of the division of an international registration is not compatible with the domestic law (Rule 40(6) of the Regulations under the Protocol). |

# Part 2. Information on Procedures as Office of Origin

## Methods of Filing an International Application (MM2 Form)

|  |  |
| --- | --- |
| 1. **The applicant can file the international application using the following method(s):** | Paper form; please specify how the form may be presented to the Office (in person, by e-mail, etc.): |
| Electronic form; please provide the link to the form: |
| WIPO’s Madrid eFiling; please provide the link to the eFiling: |
| Customized national/regional version of the form MM2; please provide the link to the form: |

## Filing Languages

|  |  |
| --- | --- |
| 1. **The applicant may submit the international application to the Office in the following language(s):** | English. |
| French. |
| Spanish. |
| Other; please specify the language:  In such case, the Office will submit the international application to WIPO in the following language:  English.  French.  Spanish. |

## Handling Fee

|  |  |
| --- | --- |
| 1. **If the Office charges a handling fee for transmitting an international application to WIPO, please indicate the amount and currency of the handling fee:** |  |

## Filing Requirements

|  |  |
| --- | --- |
| 1. **If there are additional filing requirements *(besides those mentioned in questions 6 to 7 above)*, please specify:** |  |

# Part 3. Information on Procedures as a Designated Contracting Party

## Specific Requirements for Designations

|  |  |
| --- | --- |
| 1. **Second language:** | Indication of the second language (designation of the European Union). |
| 1. **Intention to use:** | Intention to use is declared by ticking the relevant box for designation in the MM2 form (international application) and the MM4 form (subsequent designation). |
| Intention to use must be provided in a separate form (MM18). |
| 1. **Translation:** | Translation of the mark is required. Please, indicate into which language:  English.  French.  Spanish. |
| 1. **Indications and claims:** | Indication of a legal nature where the holder is a legal entity. |
| Indication of nationality where the holder is a natural person. |
| Color claim where the mark is in color. |

## Types of Marks; Requirements and Acceptable Formats for Representation of the Mark

### Graphical Representation of the Mark

|  |  |
| --- | --- |
| 1. **Does the Office require marks to be represented graphically?** | Yes, all marks must be represented graphically. No additional form of representation is permitted. |
| Yes, all marks must be represented graphically, but additional forms of representation of the mark are optional for specific types of marks and may be submitted with the graphical representation if the applicant so wishes (for example, a graphical representation of the notation of a sound may be accompanied by a sound file (MP3)); please specify: |
| Yes, all marks must be represented graphically, but additional forms of representation of the mark are mandatory for specific types of marks (for example, a graphical representation of a sound *must* be accompanied by a sound file); please specify: |
| No, the following marks do not need to be represented graphically; please specify: |

### Description of the Mark

|  |  |
| --- | --- |
| 1. **Is a description of the mark mandatory?** | Yes, for all types of marks. |
| Yes, but only for the following types of marks; please specify: |
| No, a description is not mandatory. |

### Type of Marks That Can Be Protected and Additional Requirements

|  |  |
| --- | --- |
| 1. **The following marks can be protected:** | Word marks (or marks in standard characters). |
| Figurative marks (device marks). |
| Combination marks (figurative/device + word elements). |
| Hologram marks.  If the Office has any specific requirements or guidelines on how a hologram mark should be represented (for example, various images when viewed from different angles), please specify: |
| Three-dimensional marks (shape marks).  If the Office has any specific requirements or guidelines on how a three-dimensional mark should be represented (for example, various images when viewed from different angles), please specify: |
| Color marks *per se* (marks that comprise exclusively of color with no other features).  If it is necessary to indicate the color or a color code according to an internationally recognized color identification system (e.g., Pantone), please specify acceptable systems: |
| Sound marks.  If there are any specific requirements or guidelines on how a sound mark should be represented (for example, soundwaves or musical notation), please specify: |
| Motion (movement) marks.  If there are any specific requirements or guidelines on how a motion mark should be represented (for example, in the correct sequence of perceivable movement), please specify: |
| Multimedia marks (motion and sound).  If there are any specific requirements or guidelines on how a multimedia mark should be represented (for example, in the correct sequence of perceivable movement), please specify: |
| Smell/scent/olfactory marks.  If there are any specific requirements or guidelines on how a smell/scent/olfactory mark should be represented, please specify: |
| Gesture marks.  If there are any specific requirements or guidelines on how a gesture mark should be represented, please specify: |
| Position marks.  If there are any specific requirements or guidelines on how a position mark should be represented (for example, by use of dotted lines to separate the parts that are not included in the exclusive right), please specify: |
| Trade-dress.  If there are any specific requirements or guidelines on how trade-dress should be represented, please specify: |

### Formats for Representation of the Mark before the Office

|  |  |
| --- | --- |
| 1. **Please indicate below which formats for representation are required for what types of marks:**   ***[Only the types of mark selected in question 16 should be displayed here.]*** | Word marks: |
| Figurative marks (device marks): |
| Combination marks (figurative/device + word elements): |
| Hologram marks: |
| Three-dimensional marks (shape marks): |
| Color marks *per se* (marks that comprise exclusively of color with no other features): |
| Sound marks: |
| Motion (movement) marks: |
| Multimedia marks (motion and sound): |
| Smell/scent/olfactory marks: |
| Gesture marks: |
| Position marks: |
| Trade-dress: |
| Other: |

### Requirements for Protection of Collective, Certification and Guarantee Marks

|  |  |
| --- | --- |
| 1. **The Office accepts the following types of mark (indicate all that apply):** | Collective. |
| Certification. |
| Guarantee. |
| The Office does not accept such marks.  *[Please go to question 24.]* |
| 1. **Are the regulations governing the use of such marks required?** | Yes. |
| No. |
| 1. **Please specify when the regulations can be filed with the Office (indicate all that apply):** | After the Office has received the notification of the designation in the international registration. |
| Before a provisional refusal has been issued. |
| After a provisional refusal has been issued. |
| 1. **Is there a time limit to submit those regulations?** | Yes; please specify the time limit and its calculation: |
| No. |
| 1. **Would a summary of such regulations be considered sufficient?** | Yes. |
| No. |
| 1. **Please specify in which language the regulations or summary should be presented:** |  |

# EXAMINATION SYSTEM – NICE CLASSIFICATION

## Nice Classification; Class Headings; Specifications

|  |  |
| --- | --- |
| 1. **Does the Office accept the use of class headings in specifications of goods and services (for example, “clothing footwear, headwear” in class 25)?** | Yes, the Office accepts the use of all class headings. |
| Yes, the Office accepts the use of class headings for the following classes: |
| No, the Office does not accept class headings at all.  *[Please go to question 26.]* |
| 1. **Does a claim for a class heading equate to a claim for all the goods or services that may be in that class?** | Yes, the class heading covers all goods or services in the particular class concerned. |
| No, the class heading only covers the “literal meaning” of the goods or services listed in the class heading concerned. |
| 1. **Does the Office require that goods and services only be selected from the Nice Alphabetical list?** | Yes. |
| No. |
| 1. **Does the Office accept general terms, for example, “clothing” in class 25?** | Yes. |
| No, the holder would need to specify items, for example, types of clothing in class 25 (shirts, pants, socks, etc.). |
| 1. **If the Office has a list of acceptable or preferred terms available on its website, please provide the link to the website:** |  |
| 1. **Does the Office supplement the Nice Classification by, for example, dividing individual classes of goods and services into smaller subclasses (sub-classification system)?** | Yes; please specify or provide a link to the website with more details: |
| No. |

## Examination System – Absolute and Relative Grounds

### Examination Manual

|  |  |
| --- | --- |
| 1. **If the Office has an examination manual, please provide a link:** |  |

### Examination on Absolute Grounds

|  |  |
| --- | --- |
| 1. **Does the Office examine the mark for absolute grounds?** | Yes. |
| No.  *[Please go to question 33.]* |
| 1. **Please indicate which of the following signs (marks) are excluded from registration on absolute grounds:** | Signs that do not satisfy other requirements of the definition of a mark. |
| Signs devoid of any distinctive character. |
| Signs consisting exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the services. |
| Signs consisting exclusively of signs or indications which have become customary in the current language or in the *bona fide* and established practices of the trade. |
| Signs consisting exclusively of the shape, or other characteristic which results from the nature of the goods themselves, or is necessary to obtain a technical result, or gives substantial value to the goods. |
| Signs contrary to morality or public order. |
| Signs of such a nature as to deceive the public, for instance as to the nature, quality or geographical origin of the goods or services. |
| Signs contrary to Article 6*ter* of the Paris Convention for the Protection of Industrial Property. |
| Signs that are prohibited from registration under any enactment or rule of law, or international agreement (for example, plant variety denomination and industrial design). |
| Signs where the application for the registration of which was filed in bad faith. |
| Other; please specify: |

### Acquired Distinctiveness

|  |  |
| --- | --- |
| 1. **Would it be possible for the holder to overcome a refusal by providing evidence that the mark has acquired distinctiveness through use?** | Yes; please specify what grounds could be overcome with such evidence, and the kind of evidence that would be required: |
| No. |

### Letter of Consent from Relevant Authority

|  |  |
| --- | --- |
| 1. **Does the Office accept letters of consent, for example, from the relevant authority whose flag or other protected element forms part of the mark?** | Yes. |
| No.  *[Please go to question 37.]* |
| 1. **Does the Office require the original letter of consent?** | Yes. |
| Yes, but a copy of the letter of consent will suffice to meet the deadline provided the original is submitted later within a specified time limit; please specify the time limit: |
| No, a copy will suffice. |
| No. |
| 1. **Please specify when a letter of consent can be filed with the Office:** | After the Office has received the notification of the international registration. |
| Before a provisional refusal has been issued. |
| After a provisional refusal has been issued. |

### Examination on Relative Grounds

|  |  |
| --- | --- |
| 1. **Does the Office examine the mark for relative grounds?** | Yes. |
| No.  *[Please go to question 39.]* |
| 1. **Please indicate which of the following signs (marks) are excluded from registration on relative grounds:** | Signs identical to an earlier mark registered or applied for in respect of identical goods or services. |
| Signs identical to an earlier mark registered or applied for in respect of similar goods or services. |
| Signs similar to an earlier mark registered or applied for in respect of identical goods or services. |
| Signs similar to an earlier mark registered or applied for in respect of similar goods or services. |
| Signs identical or similar to a well-known mark. |
| Other; please specify: |
| 1. **If the Office has a list of well-known marks, please provide a link to the list:** |  |

### Letter of Consent from Owner of Prior Right

|  |  |
| --- | --- |
| 1. **Does the Office accept letters of consent to overcome a refusal based on prior rights?** | Yes. |
| No.  *[Please go to question 44.]* |
| 1. **Does the Office require the original letter of consent?** | Yes. |
| Yes, but a copy of the letter of consent will suffice to meet the deadline provided the original is submitted later within a specified time limit; please specify the time limit: |
| No, a copy will suffice. |
| 1. **Will a letter of consent automatically overcome the refusal, for example, even where the marks and goods or services are identical?** | Yes. |
| No. |
| 1. **Please specify when a letter of consent can be filed with the Office:** | After the Office has received the notification of the international registration. |
| Before a provisional refusal has been issued. |
| After a provisional refusal has been issued. |

## Third Party Observations

|  |  |
| --- | --- |
| 1. **Can a third party file observations?** | Yes. |
| Yes, but only in specific time period; please specify: |
| No.  *[Please go to question 52.]* |
| 1. **Should such observations be submitted to the Office?** | Yes. |
| No, to another authority; please specify name, address, phone number and e-mail address: |
| 1. **Who can submit third party observations?** | Any person. |
| An interested party (for example, proprietors of earlier rights and their representatives). |
| Other, please specify: |
| 1. **Please, specify in which language these must be submitted:** |  |
| 1. **If there are any fees for submission of third party observations, please indicate the amount and currency of the fee:** |  |
| 1. **If there are other requirements to submit third party observations, please specify:** |  |
| 1. **Does the holder have a right to reply to the observations?** | Yes. |
| No. |
| 1. **Would the Office take into account any received such observation as part of its *ex officio* examination?** | Yes. |
| No. |

## Opposition System

|  |  |
| --- | --- |
| 1. **Does the Office allow for opposition by third parties?** | Yes. |
| No.  *[Please go to question 69.]* |
| 1. **When does the opposition procedure take place?** | The opposition procedure takes place before the Office has granted protection (pre-grant opposition system). |
| The opposition procedure takes place after the Office has decided to grant protection (post-grant opposition system). |
| The Office conducts the *ex officio* examination and the opposition system in parallel (simultaneous opposition system). |

### Publication for Opposition

|  |  |
| --- | --- |
| 1. **Are marks published for opposition?** | Yes, in a publication by the Office; please specify the name of the publication: |
| Yes, in local newspaper(s); please specify the name of the local newspaper(s): |
| Yes, in a publication managed by another entity within the government; please specify the name of the publication: |
| No. |
| 1. **Please specify the language of the publication:** |  |
| 1. **If the publication is in electronic manner, please provide a link:** |  |

### Grounds for Opposition

|  |  |
| --- | --- |
| 1. **Please specify the grounds on which an opposition can be based:** | Only absolute. |
| Only relative. |
| Absolute and relative. |
| Other grounds; please specify: |

### Filing an Opposition

|  |  |
| --- | --- |
| 1. **Who may file an opposition?** | Any person. |
| An interested party (for example, proprietors of earlier rights and their representatives). |
| Other; please specify: |
| 1. **Must the opposition be filed with the Office?** | Yes. |
| No, the opposition must be filed with the following authority (please specify name, address, phone number and e-mail address): |
| 1. **What is the time limit to file an opposition?** | Two months. |
| Three months. |
| Other; please specify: |
| 1. **How is the time limit to file an opposition calculated?** | Time limit starts from the date of publication of the international registration by the Office. |
| Time limit starts from the date of publication of the international registration by WIPO in the *WIPO Gazette of International Marks*. |
| Other; please specify: |
| 1. **Can this time limit be extended?** | Yes. |
| No.  *[Please go to question 65.]* |
| 1. **Please select the applicable requirements for requesting an extension:** | Through a local representative. *(See questions 74 to 83.)* |
| By letter. |
| Using a special form; please provide a link to the form: |
| Paying fees; please indicate the amount and currency of the fee: |
| By showing evidence justifying the extension; please specify what evidence: |
| Other; please specify: |
| 1. **What is the maximum time limit for extension?** | One month. |
| Two months. |
| Other; please specify: |
| 1. **If there are any fees for filing an opposition, please indicate the amount and currency of the fee:** |  |
| 1. **Please indicate in which language an opposition can be submitted:** |  |
| 1. **Please specify if there are any other requirements for filing an opposition:** |  |
| 1. **Please provide any other relevant details on the examination or opposition procedure (for example, suspension of proceedings) or provide a link to a website:** |  |

## Notifications by the Office

### Language of Notifications to WIPO

|  |  |
| --- | --- |
| 1. **The Office issues notifications to WIPO in the following language(s):** | English. |
| French. |
| Spanish. |

### Interim Status

|  |  |
| --- | --- |
| 1. **Does the Office issue statements of interim status under Rule 18*bis* of the Regulations under the Protocol?** | Yes. |
| No. |

### Statements of Grant of Protection

|  |  |
| --- | --- |
| 1. **How does the Office communicate the granting of protection to WIPO?** | By sending a separate document for each international registration. |
| By sending a list of international registrations that have been granted protection during a specific period. |
| 1. **Does the Office, in addition to the statement of grant of protection, automatically issue a local certificate of protection?** | Yes, the certificate is sent to WIPO together with the statement of grant of protection. |
| Yes, the certificate is sent directly to the holder. |
| No, the certificate must be requested directly from the Office. |
| The certificate can be downloaded from the Internet; please provide a link: |
| Other; please specify: |
| 1. **If there are any fees for obtaining the certificate, please indicate the amount and currency of the fee:** |  |

## Requirements of Local Representation

|  |  |
| --- | --- |
| 1. **Would the holder or third party be required to appoint a local representative for specific procedures before the Office if the holder has no address for service in the territory?** | Yes. |
| No.  *[Please go to question 76.]* |
| 1. **For which procedures would the holder or third party be required to appoint a local representative?** | To contest observations by third parties. |
| To submit regulations for collective mark, certification mark and/or guarantee mark (before, or in the absence of, a provisional refusal being issued). |
| To submit a letter of consent (before, or in the absence of, a provisional refusal being issued). |
| To contest an *ex officio* provisional refusal, by requesting review or file an appeal. |
| To contest a provisional refusal based on opposition; to submit counter arguments. |
| To file an opposition. |
| To contest a decision by the Office or file an appeal. |
| To request extension of time limits. |
| To contest a cancellation action. |
| To request cancellation of a third party right. |
| To contest an invalidation action. |
| To request an invalidation of a third party right. |
| To request a division of an international registration before the Office. |
| To request merger of international registrations resulting from division before the Office. |
| To record a license in the territory (where the Office has notified WIPO of its declaration under Rule 20*bis*(6)(b) of the Regulations under the Protocol). |
| To request the Office to take note of replacement. |
| To file a transformation application. |
| To request a local certificate of protection. |
| To submit observations as a third party. |
| Other; please specify: |
| 1. **How can the holder or third party obtain information about possible representatives to appoint?** | Information can be obtained online; please provide a link: |
| By contacting the Office. |
| 1. **Does the Office require a power of attorney?** | Yes. |
| No.  *[Please go to question 83.]* |
| 1. **Does the power of attorney have to be notarized or legalized/apostilled?** | Yes; please specify the requirements: |
| No. |
| 1. **Does the Office require the original power of attorney?** | Yes. |
| Yes, but a copy of the power of attorney will suffice for recording of the representative provided the original is submitted within a specified time limit; please specify the time limit: |
| No, a copy will suffice. |
| 1. **Can the power of attorney be filed after the time limit to respond to a provisional refusal?** | Yes. |
| No.  *[Please go to question 83.]* |
| 1. **What is the time limit to file the power of attorney?** |  |
| 1. **Is there a fee for such late submission?** | Yes; please specify the fee: |
| No. |
| 1. **Are there any procedures where the holder may appear directly before the Office without a local representative?** | Yes; please specify such procedures: |
| No. |

## *Ex Officio* Provisional Refusals; Time Limits and Possible Review or Appeal

### Total or Partial *Ex Officio* Provisional Refusals

|  |  |
| --- | --- |
| 1. **Would the Office issue a total provisional refusal (for all the goods and services) where the grounds for refusal only apply to some of the goods and services?** | Yes. |
| No. |
| 1. **How would the Office proceed where the holder has not replied to a refusal?** | With the reduced list of goods and services (i.e., for those goods and services not affected by the refusal). |
| The designation will be treated as abandoned or withdrawn in respect of all the goods and services. |
| Other; please specify: |
| 1. **How must the holder respond to, or contest, provisional refusals (indicate all that apply)?** | By providing their agreement to the requirements of the Office (for example, accepting a disclaimer, limiting the list of the goods and services, or claim association with prior rights). |
| By requesting a review of the decision before the Office. |
| By filing an appeal before another authority; please specify name, address, phone number and e-mail address: |
| Through a local representative. *(See questions 74 to 83.)* |
| Other; please specify: |
| 1. **Would submitting a MM6 form (request for the recording of a limitation of the list of goods and services) to WIPO be sufficient to respond to a provisional refusal (where applicable)?** | Yes. |
| No.  *[Please go to question 89.]* |
| 1. **Does the holder also need to inform the Office, before the expiry of the time limit to respond, that an MM6 form has been submitted to WIPO?** | Yes; please specify how this information should be submitted to the Office: |
| No. |
| 1. **If there are any other requirements to contest or respond to a provisional refusal, please specify these:** |  |
| 1. **What is the time limit for the holder to contest or respond to a provisional refusal?** | One month. |
| Two months. |
| Three months. |
| Other; please specify: |
| 1. **Please indicate how the time limit to contest, or respond to, a provisional refusal is calculated:** | From the date of issuance of the provisional refusal by the Office. |
| From the date of notification of the provisional refusal by WIPO to the holder. |
| From the date of receipt of the provisional refusal by the holder. |
| Other; please specify: |
| 1. **If the time limit is calculated from the date of receipt by the holder, must the holder submit evidence of the date of receipt?** | Yes; please specify what evidence: |
| No. |
| 1. **Please indicate in which language the review must be submitted:** |  |

### Filing an Appeal

|  |  |
| --- | --- |
| 1. **Is it possible to file an appeal against a decision made by the Office?** | Yes. |
| No.  *[Please go to question 101.]* |
| 1. **Can this appeal be presented to the Office?** | Yes. |
| No; please indicate to which authority an appeal can be presented (specify name, address, phone number and e-mail address): |
| 1. **If there are any other requirements for filing an appeal, please indicate these requirements:** |  |
| 1. **What is the time limit for the holder to file an appeal?** | One month. |
| Two months. |
| Three months. |
| Other; please specify: |
| 1. **Please indicate how the time limit is calculated:** | From the date of issuance of the decision made by the Office. |
| From the date of notification of the decision made by the Office, by WIPO to the holder. |
| From the date of receipt of the notification of the decision made by the Office, by the holder. |
| Other; please specify: |
| 1. **If the time limit is calculated from the date of receipt of the decision by the holder, would the Office require the holder to submit evidence of the date of receipt?** | Yes; please specify what evidence: |
| No. |
| 1. **Please indicate in which language the appeal must be submitted:** |  |

## Provisional Refusals Based on Opposition; Time Limits and Possible Response or Appeal

### Provisional Refusals Based on Opposition

|  |  |
| --- | --- |
| 1. **When would the Office issue a provisional refusal based on opposition?** | Automatically, upon receipt of an opposition by third party. |
| Only, when the Office has checked that the opposition complies with its formality requirements. |
| Only, when the Office has examined the opposition on the substance, and considers that it may have merit. |
| Other; please specify: |

### Total or Partial Provisional Refusals Based on Opposition, Time Limit and its Calculation

|  |  |
| --- | --- |
| 1. **Where an opposition has been filed against only some of the goods and services, would the Office issue:** | A *total* provisional refusal based on opposition (for all the goods and services)? |
| A *partial* provisional refusal based on opposition (for only the goods and services that have been opposed)? |
| 1. **Is the holder required to provide counter arguments?** | Yes. |
| No.  *[Please go to question 111.]* |
| 1. **Is the holder required to go through a local representative?** | Yes. *(See questions 74 to 83.)* |
| No. |
| 1. **What are the consequences if the holder does not reply or provide counter arguments?** | The Office will make no decision on the opposition and the designation will be deemed abandoned (withdrawn) in respect of all the goods and services. |
| The Office will not make a decision on the opposition and the designation will be deemed abandoned in respect of the opposed goods and services (the Office will proceed with the goods and services that were not subject of the opposition if any). |
| The Office will make a decision on the opposition and inform the holder accordingly. |
| 1. **What is the time limit for the holder to reply or provide counter arguments?** | One month. |
| Two months. |
| Three months. |
| Other; please specify: |
| 1. **How is the time limit calculated?** | From the date of issuance of the provisional refusal by the Office. |
| From the date of notification of the provisional refusal by WIPO to the holder. |
| From the date of receipt of the provisional refusal by the holder. |
| Other; please specify: |
| 1. **If the time limit is calculated from the date of receipt by the holder, would the Office require the holder to submit evidence of the date of receipt?** | Yes; please specify what evidence: |
| No. |
| 1. **Are there any other requirements for providing counter arguments?** | Yes; please specify: |
| No. |
| 1. **In which language must the counter arguments/reply be submitted?** |  |

### Appeal

|  |  |
| --- | --- |
| 1. **Is it possible to appeal the decision taken by the Office following an opposition?** | Yes. |
| No.  *[Please go to question 118.]* |
| 1. **May the appeal be presented to the Office?** | Yes. |
| No; please indicate to which authority an appeal can be presented (specify the name, address, phone number and e-mail address): |
| 1. **What is the time limit to file an appeal?** | One month. |
| Two months. |
| Three months. |
| Other; please specify: |
| 1. **How is the time limit calculated?** | From the date of issuance of the decision made by the Office. |
| From the date of notification of the decision made by the Office, by WIPO to the holder. |
| From the date of receipt of the notification of the decision made by the Office, by the holder. |
| Other; please specify: |
| 1. **If the time limit is calculated from the date of receipt by the holder, would the Office require the holder to submit evidence of the date of receipt?** | Yes; please specify what evidence: |
| No. |
| 1. **If there are other requirements for filing an appeal, please indicate these requirements:** |  |
| 1. **In which language must the appeal be submitted?** |  |

## Extension of Time Limits

|  |  |
| --- | --- |
| 1. **Is it possible to request extension of time limits for some or all procedures before the Office?** | Yes. |
| No.  *[Please go to question 121.]* |
| 1. **Please specify the procedures where time limits may be extended before the Office and the duration of the extension concerned:** | Procedures concerning *ex officio* provisional refusal: |
| Procedures concerning provisional refusal based on opposition: |
| Other; please specify: |
| 1. **Please select all applicable requirements for extension of time limits:** | Through a local representative. *(See questions 74 to 83.)* |
| By letter. |
| Using a special form; please provide a link to the form: |
| Paying fees; please indicate the amount and currency of the fee: |
| If evidence justifying the extension is required, please specify what evidence: |
| Other; please specify: |

## Requirement of Actual Use of the Mark (Maintenance Requirements)

|  |  |
| --- | --- |
| 1. **Is the holder required to submit proof of actual use of the mark?** | Yes. |
| No.  *[Please go to question 128.]* |
| 1. **Please specify the time limit within which the holder must submit proof of provide actual use:** |  |
| 1. **Please provide a link to information about the requirements for actual use of the mark, if available:** |  |
| 1. **What are the procedural requirements for proving actual use?** | Evidence of use must be submitted with mandatory or applicable form; please specify what type of evidence would be required and indicate what language the form should be in: |
| Through a local representative. *(See questions 74 to 83.)* |
| Fees for submission of the applicable documents; please indicate the amount and currency of the fee: |
| Other; please specify: |
| 1. **What are the consequences if the holder does not respond or provide evidence of use?** | The designation will be cancelled with no right to appeal/request a review. |
| The holder would be given a further opportunity to appeal/request a review; please specify details: |
| Other; please specify: |
| 1. **If there are any acceptable excuses for non-use, please specify:** |  |
| 1. **Does the Office send courtesy reminders to holders/representatives of upcoming post- registration maintenance (use) requirements and deadlines?** | Yes; please specify details and provide a link: |
| No. |

## Cancellation Due to Non-Use of the Mark

|  |  |
| --- | --- |
| 1. **Does the domestic legislation provide for cancellation of a registration due to non-use of the mark?** | Yes. |
| No.  *[Please go to question 142.]* |
| 1. **When can a request to cancel mark on the grounds of non-use be made?** | After three consecutive years of non‑use. |
| After a period of five years of non-consecutive use. |
| Other; please specify: |
| 1. **From which date is the use period calculated?** | From the date of the international registration or the date of the subsequent designation (date of application). |
| From the date on which the Office granted protection to the mark (date of registration). |
| Other; please specify: |
| 1. **Who can request a cancellation?** | Any person. |
| An interested party (for example, proprietors of earlier rights and their representatives). |
| Other; please specify: |
| 1. **If there any fees for requesting a cancellation, please indicate the amount and currency of the fee:** |  |
| 1. **Does the Office require use of a special form for requesting a cancellation?** | Yes; please provide a link to the form: |
| No. |
| 1. **Please indicate in which language a cancellation can be requested:** |  |
| 1. **Please provide any other relevant details on the cancellation procedure or, provide a link to a website:** |  |
| 1. **What is the time limit for the holder to respond to the cancellation request?** |  |
| 1. **How must the holder respond to the cancellation action?** | By submitting counter arguments (with evidence to follow); please specify relevant time limits: |
| By submitting evidence. |
| Other; please specify: |
| 1. **If there are acceptable reasons for non-use, please specify these:** |  |
| 1. **Please specify to which authority the holder should respond to the cancellation action, and provide the name, address, phone number and e-mail address:** |  |
| 1. **Where a cancellation procedure has been initiated before the Office, how would the Office inform the holder of this fact if the holder does not have a locally appointed representative?** | The Office would send a communication directly to the holder. |
| The Office would send a communication through WIPO (Rule 23*bis* of the Regulations under the Protocol). |
| 1. **What are the consequences if the holder does not respond or provide evidence of use?** | The designation will be cancelled with no right to appeal/request a review. |
| The holder would be given a further opportunity to appeal/request a review; please specify details: |
| Other; please specify: |

## Cancellation of the Mark – on Grounds Other Than Non-Use

|  |  |
| --- | --- |
| 1. **Does the domestic legislation provide for cancellation of a registration on grounds other than non-use of the mark?** | Yes. |
| No.  *[Please go to question 150.]* |
| 1. **Please specify on which grounds a cancellation may be based:** |  |
| 1. **Who can request a cancellation?** | Any person. |
| An interested party (for example, proprietors of earlier rights and their representatives). |
| The Office may request this *ex officio*. |
| Other; please specify: |
| 1. **Does the Office require use of a special form for requesting a cancellation?** | Yes; please provide a link to the form: |
| No. |
| 1. **If there is a time limit for the holder to respond to the cancellation request, indicate this, and how it is calculated:** |  |
| 1. **Please specify to which authority the holder should respond to the cancellation request, and provide the name, address, phone number and e-mail address:** |  |
| 1. **How would the Office inform the holder of a cancellation request that has either been filed directly with the Office or with other authorities and where the Office is aware of this fact, if the holder does not have a locally appointed representative?** | The Office would send a communication directly to the holder. |
| The Office would send a communication through WIPO (Rule 23*bis* of the Regulations under the Protocol). |
| The Office would not send a communication to the holder. |
| 1. **What are the consequences if the holder does not respond?** | The designation will be cancelled with no right to appeal/request a review. |
| The holder would be given a further opportunity to appeal/request a review; please specify details: |
| Other; please specify: |

## Invalidations

|  |  |
| --- | --- |
| 1. **Does the domestic legislation provide for invalidation?** | Yes. |
| No.  *[Please go to question 162.]* |
| 1. **Please specify on which grounds a mark may be invalidated:** |  |
| 1. **Who can request an invalidation?** | Any person |
| An interested party (for example, proprietors of earlier rights and their representatives) |
| Other; please specify: |
| 1. **If there is a time limit to request an invalidation, please indicate this and how it is calculated:** |  |
| 1. **Does the Office require use of a special form for requesting an invalidation?** | Yes; please provide a link to the form: |
| No. |
| 1. **If there are any fees for requesting an invalidation, please indicate the amount and currency of the fee:** |  |
| 1. **Please indicate in which language an invalidation can be requested:** |  |
| 1. **Please provide any other relevant details on the invalidation procedure or provide a link to a website:** |  |
| 1. **If there is a time limit for the holder to respond to the request for invalidation, please indicate this:** |  |
| 1. **Please specify to which authority the holder should respond to the request for invalidation, and provide the name, address, phone number and e-mail address:** |  |
| 1. **What are the consequences if the holder does not respond to the request for invalidation?** | The designation will be invalidated with no right to appeal/request a review. |
| The holder would be given a further opportunity to appeal/request a review; please specify details: |
| Other; please specify: |
| 1. **How would the Office inform the holder of an invalidation request that has either been filed directly with the Office or with other authorities and where the Office is aware of this fact, if the holder does not have a locally appointed representative?** | The Office would send a communication directly to the holder. |
| The Office would send a communication through WIPO (Rule 23*bis* of the Regulations under the Protocol). |
| The Office would not send a communication to the holder. |

## Division of an International Registration

|  |  |
| --- | --- |
| 1. **Does the domestic legislation allow for division of national/regional rights?** | Yes. |
| No.  *[Please go to question168.]* |
| 1. **Will the Office present to WIPO requests for the division of an international registration?** | Yes. |
| No. |
| 1. **If the Office requires the payment of a fee, please indicate the amount and currency of the fee:** |  |

## Merger of International Registrations Resulting From Division

|  |  |
| --- | --- |
| 1. **Does the domestic legislation allow for merger of national/regional rights?** | Yes. |
| No.  *[Please go to question 168.]* |
| 1. **Will the Office present to WIPO requests for the merger of international registrations resulting from division?** | Yes. |
| No. |
| 1. **If the Office requires the payment of a fee, please indicate the amount and currency of the fee:** |  |

## Replacement

|  |  |
| --- | --- |
| 1. **Does the domestic legislation contain a specific provision on replacement?** | Yes. |
| No. |
| 1. **Does the Office allow for partial replacement?** | Yes. |
| No. |
| 1. **Does the Office require use of a special form for requesting to take note of the international registration?** | Yes; please provide a link to the form: |
| No. |
| 1. **In which language should the request to take note of the international registration be submitted?** |  |
| 1. **If there is a fee for requesting to take note of the international registration, please indicate the amount and currency of the fee:** |  |

## Transformation

|  |  |
| --- | --- |
| 1. **Does the domestic legislation contain a specific provision on transformation?** | Yes. |
| No. |
| 1. **Does the Office require use of a special form for requesting transformation?** | Yes; please provide a link to the form: |
| No. |
| 1. **If there is a fee for requesting transformation, please indicate the amount and currency of the fee:** |  |
| 1. **Would the Office re-open examination after the request for transformation?** | Yes. |
| No.  *[Please go to question 178.]* |
| 1. **Please specify on which grounds:** | Only absolute grounds. |
| Only relative grounds. |
| Absolute and relative grounds. |
| Other, please specify: |
| 1. **Does the Office follow any other specific procedures (republication for opposition etc.) before transformation takes place?** | Yes, please specify: |
| No. |

## Declaration Concerning Change in Ownership

|  |  |
| --- | --- |
| 1. **Does the Office examine requests for change in ownership?** | Yes. |
| No.  *[Please go to question 183.]* |
| 1. **Does the Office send to WIPO declarations that the change in ownership in respect of the international registration has no effect in its territory?** | Yes. |
| No. |
| 1. **Please specify the reasons for which the change in ownership has no effect:** |  |
| 1. **Is the declaration subject to review or appeal?** | Yes, please specify the authority to which the holder should file or present the request for review or an appeal (provide the name, address, phone number and e-mail address): |
| No. |
| 1. **What is the procedure for the holder to request the Office to record a change in ownership of a national/regional registration?** | By letter. |
| By using a special form; please provide a link to the form: |
| 1. **Please select the applicable requirements:** | With the applicable fees; please indicate the amount and currency of the fee: |
| Through a local representative. *(See questions 74 to 83.)* |
| With evidence of the change; please specify the type of evidence: |
| Other, please specify: |

[End of document]