

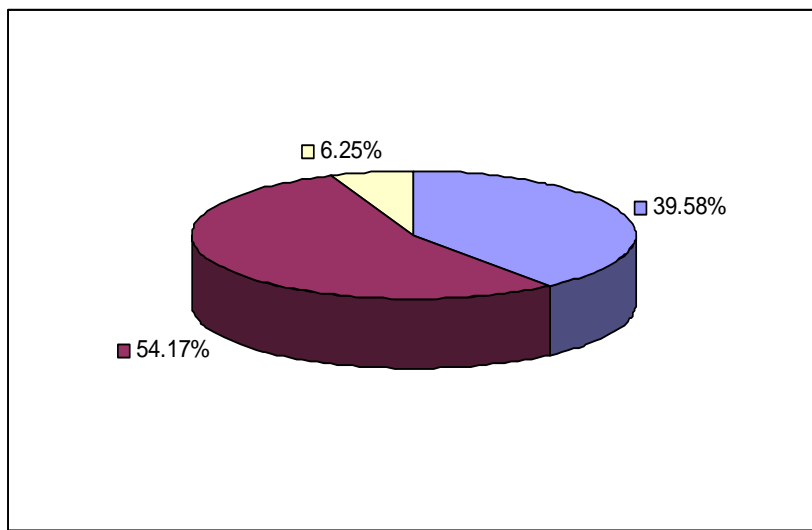
**CONTRACTING PARTIES HAVING REPLIED TO THE QUESTIONNAIRE ON
REPLACEMENT**

1. Antigua and Barbuda	26. Kenya
2. Armenia	27. Latvia
3. Australia	28. Lithuania
4. Austria	29. Moldova
5. Bahrain	30. Morocco
6. Belarus	31. Netherlands Antilles
7. Benelux	32. Norway
8. Bulgaria	33. Portugal
9. China	34. Republic of Korea
10. Croatia	35. Russian Federation
11. Cuba	36. Serbia
12. Cyprus	37. Singapore
13. Czech Republic	38. Slovakia
14. Denmark	39. Slovenia
15. Estonia	40. Spain
16. European Community	41. Sweden
17. Finland	42. Switzerland
18. Georgia	43. The former Yugoslav Republic of Macedonia
19. Germany	44. Turkey
20. Greece	45. Turkmenistan
21. Hungary	46. United Kingdom
22. Iceland	47. United States of America
23. Ireland	48. Uzbekistan
24. Italy	
25. Japan	

I. APPLICABLE LEGISLATION

1. Are there provisions in your national¹ trademark legislation to implement Article 4*bis*(1) of the Madrid Agreement and/or of the Protocol?

- YES
- NO, because the Agreement/Protocol is of direct application
- NO, there are no such provisions, although the Agreement/Protocol is not of direct application

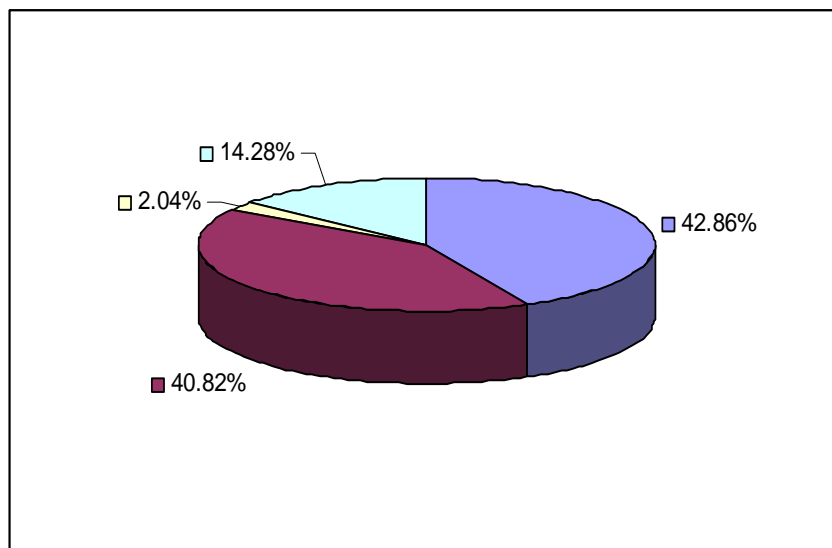


Option	Contracting Party	Percentage
YES	19	39.58%
NO, because the Agreement/Protocol is of direct application	26	54.17%
NO, there are no such provisions, although the Agreement/Protocol is not of direct application	3	6.25%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

¹ Please note that the reference to “national” is intended to include also, where relevant, “regional”.

2. Are there provisions in your national trademark legislation to implement Article 4bis(2) of the Madrid Agreement and/or of the Protocol?

- YES
- NO, because the Agreement/Protocol is of direct application
- NO, there are no such provisions, although the Agreement/Protocol is not of direct application
- No, but there is a procedure

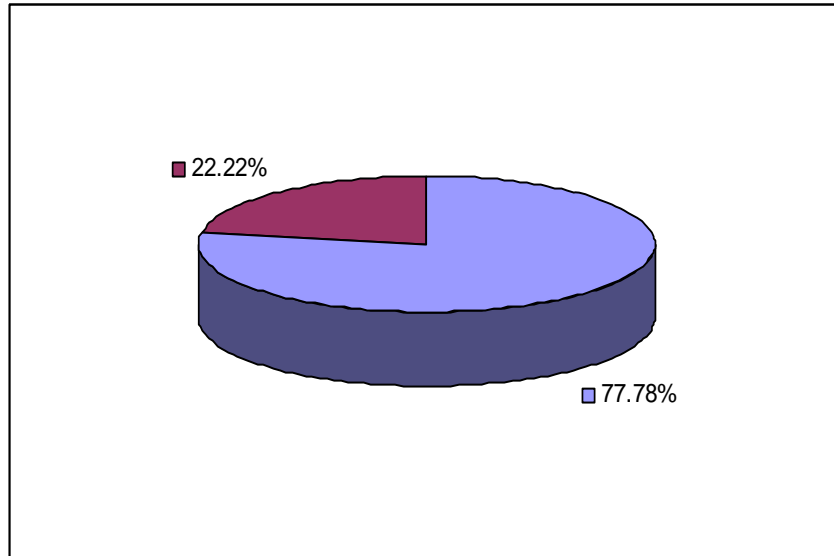


Option	Contracting Party	Percentage
YES	21	42.86%
NO, because the Agreement/Protocol is of direct application	20	40.82%
NO, there are no such provisions, although the Agreement/Protocol is not of direct application	1	2.04%
NO, but there is a procedure	7	14.28%
Total number of responses	49	100%
Number of Offices having responded to the question	47	

Two Offices have replied twice.
One Office did not reply.

If NO, but there is a procedure, this procedure:

- Consists of Office practice
- Is prescribed by Administrative Guidelines of Office

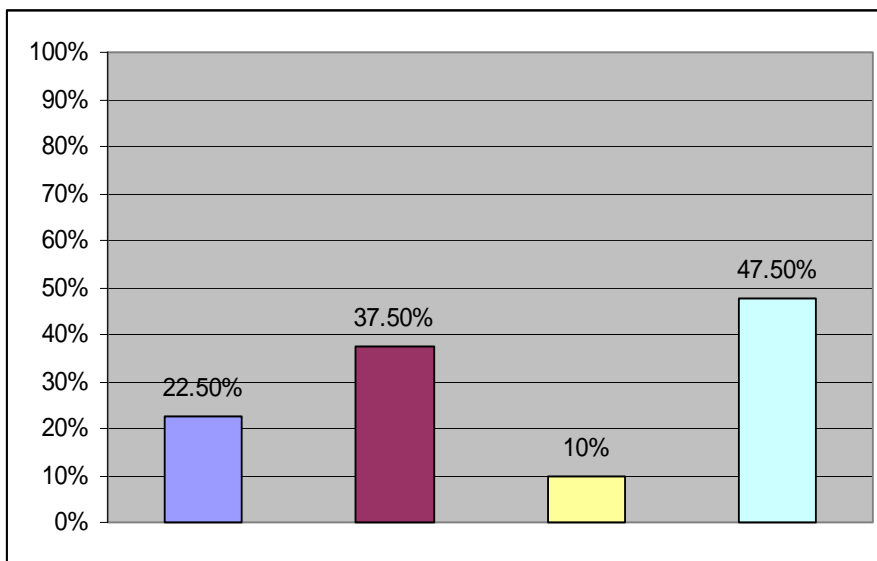


Option	ContractingParty	Percentage
Consists of the Office practice	7	77.78%
Is prescribed by the Administrative Guidelines of the Office	2	22.22%
Total number of responses	9	100%
Number of Offices having responded to the question	9	

Three Offices did not reply.

3. If your Office does have in place a procedure for ‘taking note’ of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol, do you require:

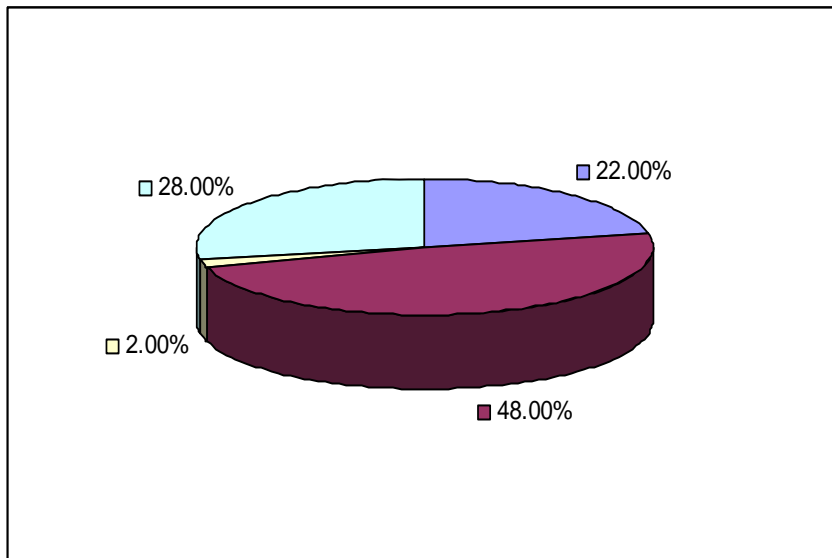
- Use of a specific form
- Payment of a fee
- Extract of the International Register
- Other



Option	Contracting Party	Percentage
Use a specific form	9	22.50%
Payment of a fee	15	37.50%
Extract of the International Register	4	10.00%
Other	19	47.50%
Total number of responses	47	
Number of Offices having responded to the question	40	

4. Are there provisions in your national trademark legislation to implement Rule 21 of the Common Regulations?

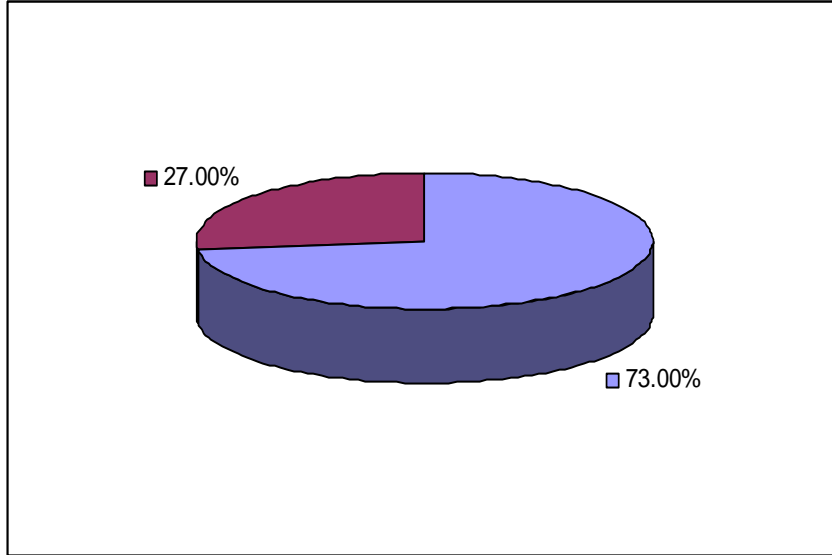
- YES
- NO, because the Regulations are of direct application
- NO, there are no such provisions, although the Regulations are not of direct application
- NO, but there is a procedure



Option	Contracting Party	Percentage
YES	11	22.00%
NO, because the Regulations are of direct application	24	48.00%
NO, there are no such provisions, although the Regulations are not of direct application	1	2.00%
NO, but there is a procedure	14	28.00%
Total number of responses	50	100%
Number of Offices having responded to the question	48	

If NO, but there is a procedure, this procedure:

- Consists of Office practice
- Is prescribed by Administrative Guidelines of Office



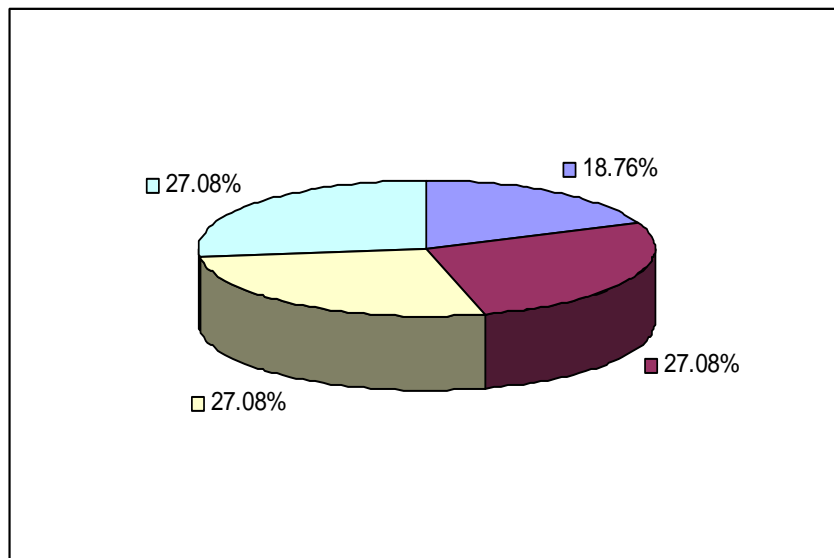
Option	Contracting Party	Percentage
Consists of the Office practice	11	73.00%
Is prescribed by the Administrative Guidelines of the Office	4	27.00%
Total number of responses	15	100%
Number of Offices having responded to the question	15	

One Office did not reply.

II. EXPERIENCE OF THE OFFICE

1. Has your Office, in fact, had occasion, on request, to take note of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol?

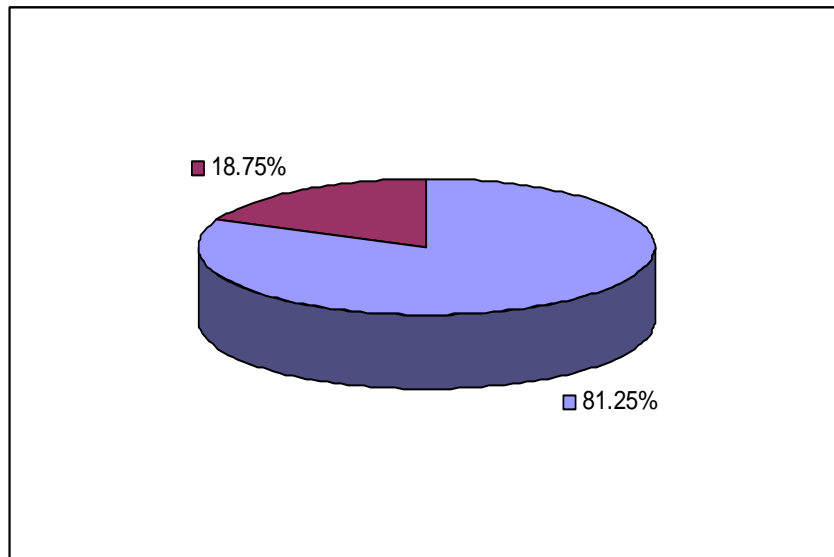
- NO
- YES, but no more than 5 such requests
- YES, between 5 and 20 such requests
- YES, between 21 and 100 such requests



Option	Contracting Party	Percentage
NO	9	18.76%
YES, but no more than 5 such requests	13	27.08%
YES, between 5 and 20 such requests	13	27.08%
YES, between 21 and 100 such requests	13	27.08%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

2. Does your Office operate an *ex officio* procedure for ‘taking note’ of an international registration – i.e., irrespective of the filing of a request to take note?

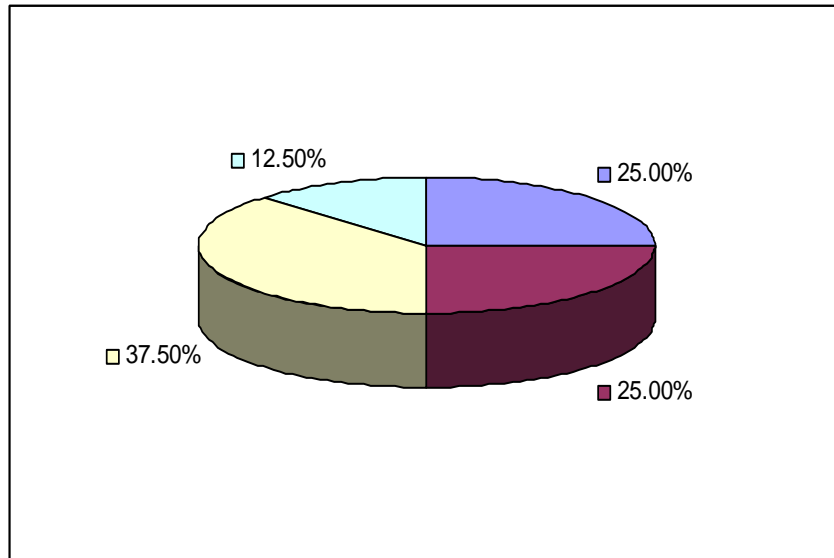
- NO
- YES



Option	Contracting Party	Percentage
NO	39	81.25%
YES	9	18.75%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

If YES, how many cases have there been?

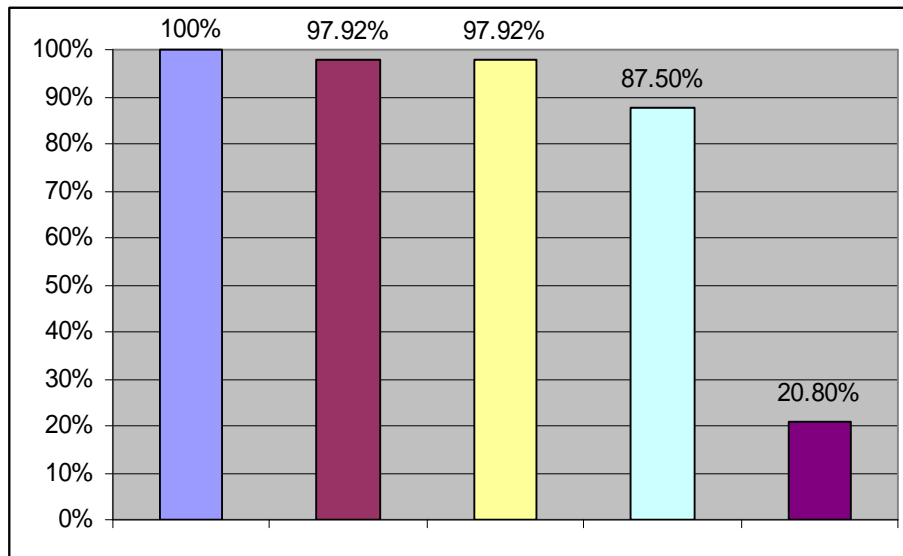
- None, so far
- No more than 5
- Between 5 and 20
- Between 21 and 100



Option	Contracting Party	Percentage
None, so far	2	25.00%
No more than 5	2	25.00%
Between 5 and 20	3	37.50%
Between 21 and 100	1	12.50%
Total number of responses	8	100%
Number of Offices having responded to the question	8	

III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE

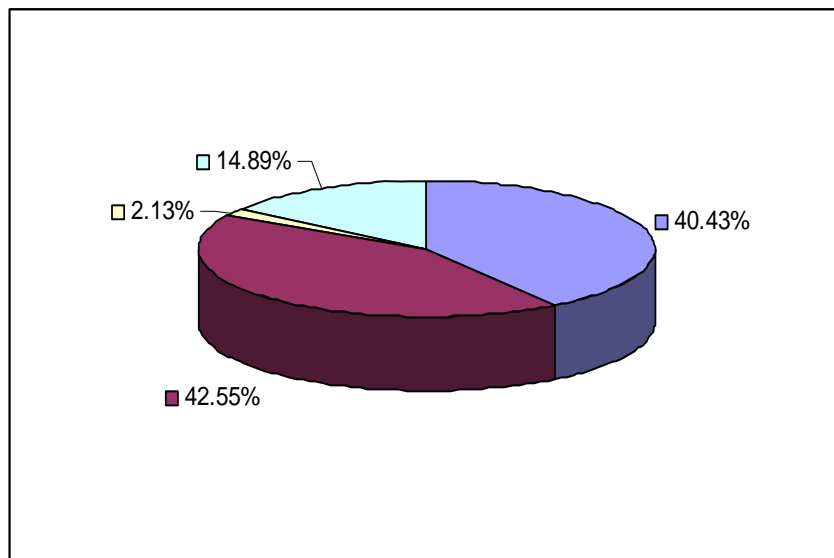
1. Assuming that your Office is presented with a request to take note of an international registration, on which criteria does it, or would it, carry out an examination to assess whether replacement should take place?
 - The protection resulting from the international registration extends to the territory of your country/region
 - The national and international marks are in the name of the same holder
 - All goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/region
 - The extension of the international registration to the territory of your country/region takes effect after the date of the national registration
 - Other



Option	Contracting Party	Percentage
The protection resulting from the international registration extends to the territory of your country/region	48	100%
The national and international marks are in the name of the same holder	47	97.92%
All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/region	47	97.92%
The extension of the international registration to the territory of your country/region takes effect after the date of the national registration	42	87.50%
Other	10	20.80%
Total number of responses	194	
Number of Offices having responded to the question	48	

2. If it occurs that the goods and services listed in the national registration are *not* all listed in the international registration, i.e., the list of goods and services in the international registration is narrower than the list recorded nationally, does, or would, your Office nevertheless consider that a partial replacement takes place in respect of the specification that is common to both the national and international registrations?

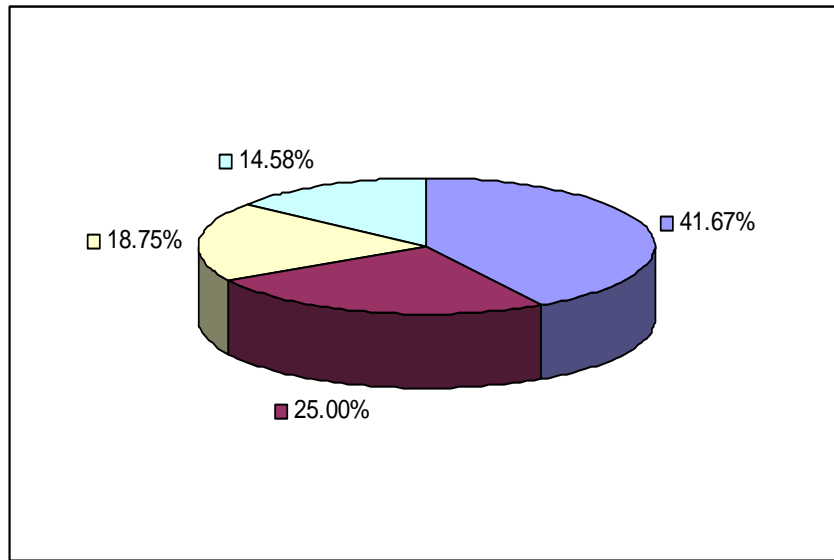
- NO, replacement would not take place
- YES, with the remainder of the specification remaining unaffected in the national register
- YES, but the Office would *ex officio* cancel the remainder of the specification in the national register
- YES, but the holder would be required to request cancellation of the remainder of the specification in the national register



Option	Contracting Party	Percentage
NO, replacement would not take place	19	40.43%
YES, with the remainder of the specification remaining unaffected in the national register	20	42.55%
YES, but the Office would <i>ex officio</i> cancel the remainder of the specification in the national register	1	2.13%
YES, but the holder would be required to request cancellation of the remainder of the specification in the national register	7	14.89%
Total number of responses	47	100%
Number of Offices having responded to the question	47	

3. At what time does, or would, your Office consider that replacement takes place?

- On the date of international registration or subsequent designation
- On the date of expiry of the refusal period
- In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection
- Other

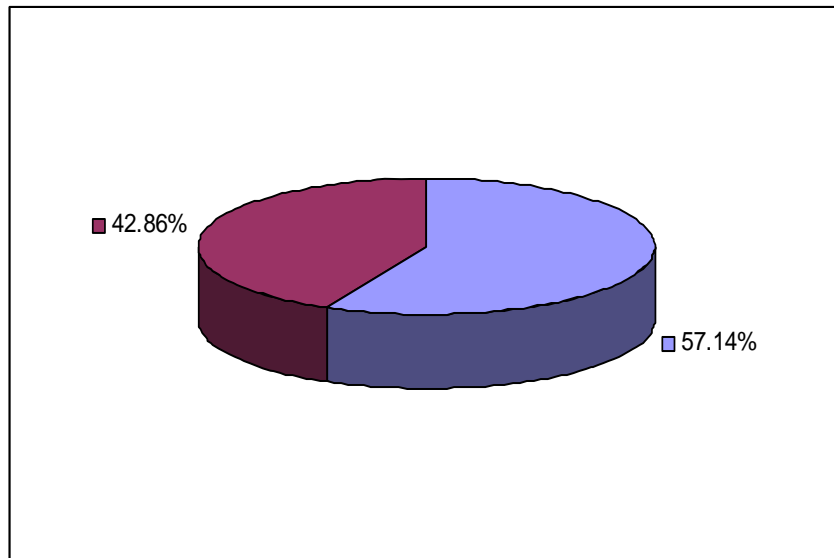


Option	Contracting Party	Percentage
On the date of international registration or subsequent designation	20	41.67%
On the date of expiry of the refusal period	12	25.00%
In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection	9	18.75%
Other	7	14.58%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

4. If your Office considers, or would, consider that replacement takes place either on the date of expiry of the refusal period, or of issuing of a statement of grant of protection, is the effect of replacement considered to be retroactive to the date of the international registration or subsequent designation in question?

■ YES

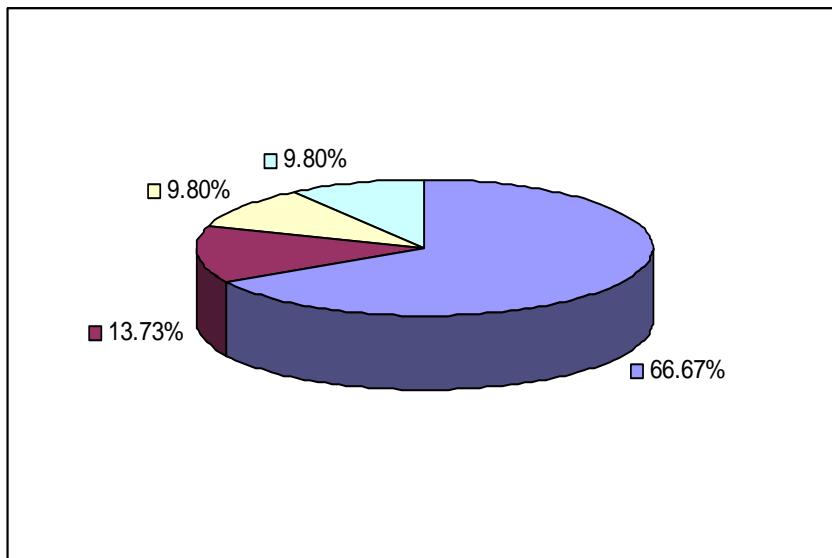
■ NO



Option	Contracting Party	Percentage
YES	12	57.14%
NO	9	42.86%
Total number of the responses	21	100%
Number of Offices having responded to the question	21	

5. When does, or would, your Office accept the filing of a request to take note under Article 4bis(2)?

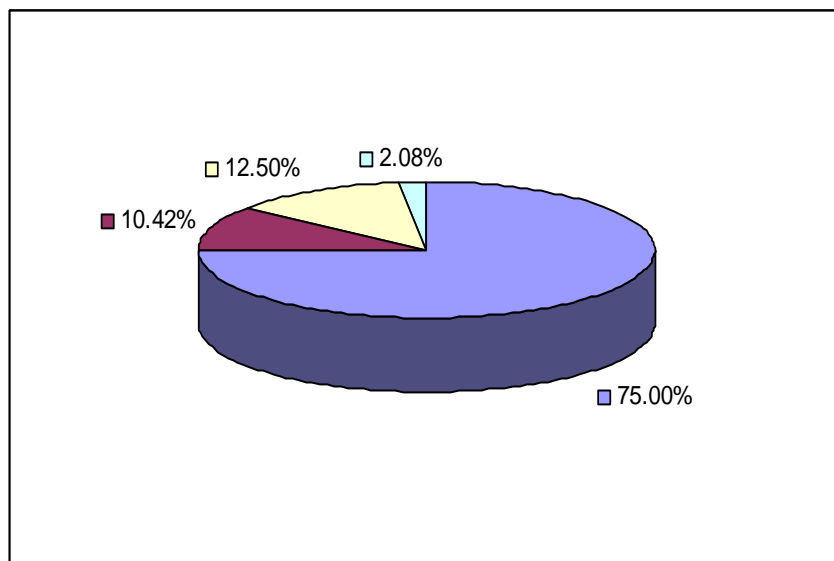
- After the date of notification by the International Bureau of the international registration or subsequent designation in question
- Only from the date of expiry of the refusal period
- In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection
- Other



Option	Contracting Party	Percentage
After the date of notification by the International Bureau of the international registration or subsequent designation in question	34	66.67%
Only from the date of expiry of the refusal period	7	13.73%
In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection	5	9.80%
Other	5	9.80%
Total number of the responses	51	100%
Number of Offices having responded to the question	48	

6. Does, or would, your Office permit coexistence of a national registration and the international registration that has replaced it?

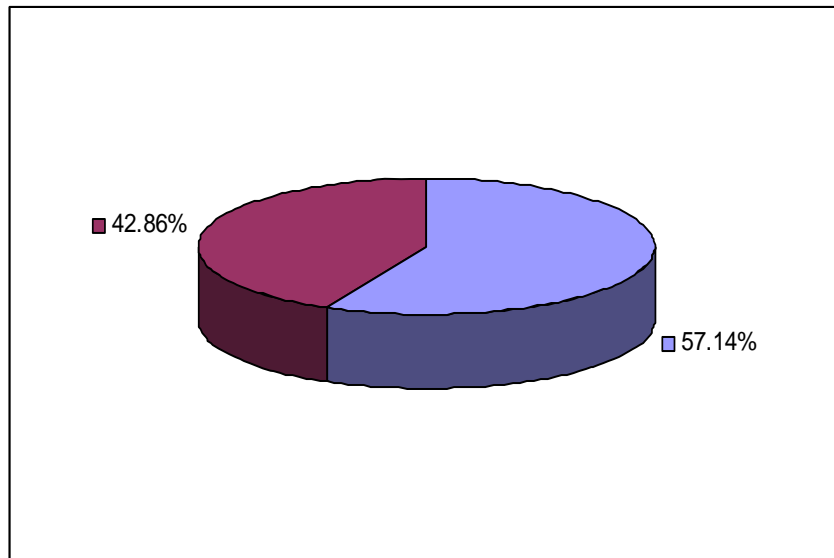
- YES
- YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)
- NO, the Office *ex officio* cancels the national registration
- NO, the holder needs to renounce the national registration



Option	Contracting Party	Percentage
YES	36	75.00%
YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	5	10.42%
NO, the Office <i>ex officio</i> cancels the national registration	6	12.50%
NO, the holder needs to renounce the national registration	1	2.08%
Total number of the responses	48	100%
Number of Offices having responded to the question	48	

7. If your Office does not, or would not, permit coexistence of a national registration and the international registration that has replaced it, does, or would, your Office nevertheless permit reinstatement of the national registration should the international registration cease to have effect within the five-year dependency period (Article 6 of the Agreement and/or the Protocol)?

- YES
- NO



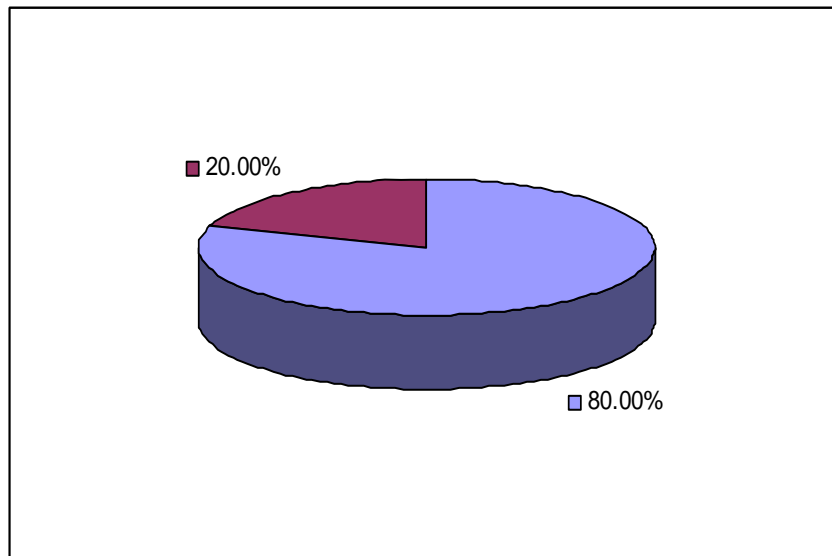
Option	Contracting Party	Percentage
YES	4	57.14%
NO	3	42.86%
Total number of responses	7	100%
Number of Offices having responded to the question	7	

8. **(For Offices of Members of the Protocol)** Article 4*bis* of the Agreement and of the Protocol provides that an international registration is deemed to replace a national registration without prejudice to any rights acquired by virtue of the latter. Thus, for example, replacement may include the benefit of a priority claim attached to the national registration.

Assume that replacement, under Article 4*bis*(1) of the Protocol, has taken place and has included certain such rights acquired by virtue of the national registration, but subsequently there has been recorded a ceasing of effect due to failure of the basic mark within the five-year dependency period in accordance with Article 6 of the Protocol. Assume also that in such case, the holder wishes to exercise his rights, under Article 9*quinquies* of the Protocol, to transform the international registration into national application.

In your Office, does, or would, such transformation carry the benefit of those earlier national rights, such as, for example, a priority date?

- YES
- NO

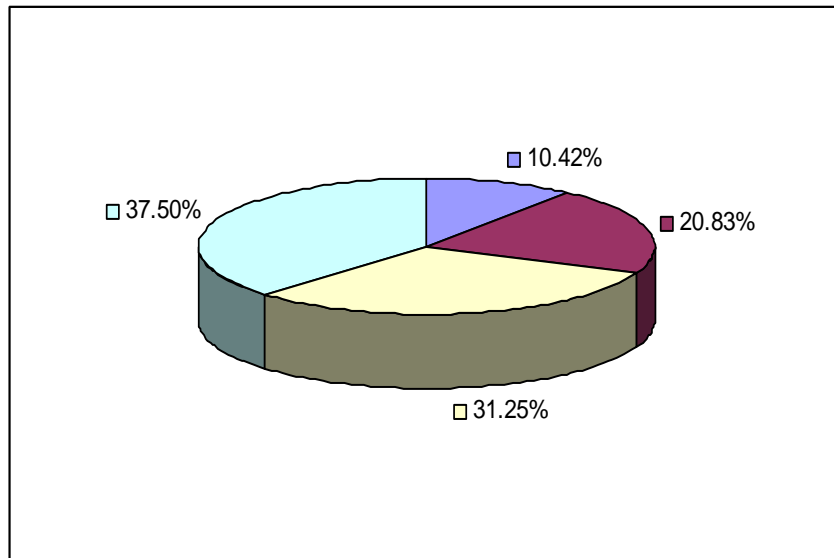


Option	Contracting Party	Percentage
YES	32	80.00%
NO	8	20.00%
Total number of responses	40	100%
Number of Offices having responded to the question	40	

IV. MISCELLANEOUS

1. In the territory of your country/region is reliance on a replaced and non-renewed national mark permitted in legal and administrative proceedings?

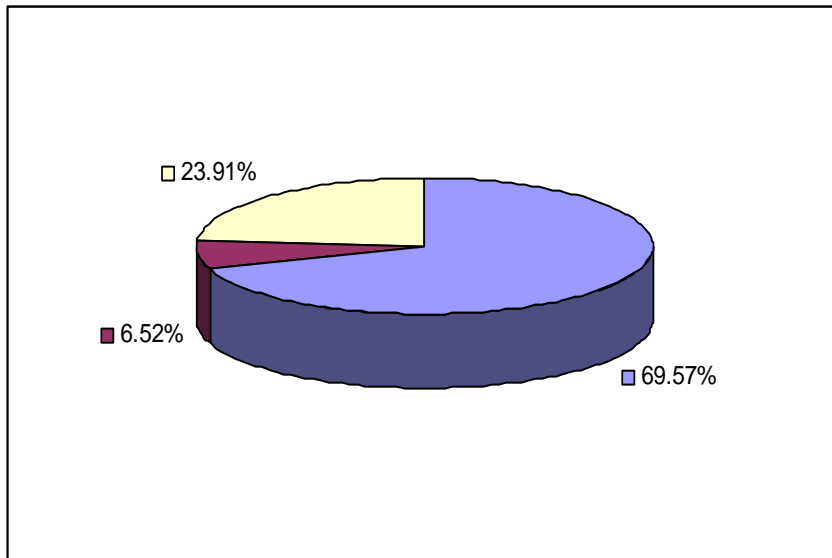
- YES, even if the international registration has not been noted in the national register
- YES, but only if the international registration has been noted in the national register
- NO
- Do not know



Option	Contracting Party	Percentage
YES, even if the international registration has not been noted in the national register	5	10.42%
YES, but only if the international registration has been noted in the national register	10	20.83%
NO	15	31.25%
Do not know	18	37.50%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

2. The International Bureau has made available model provisions with regard to the replacement procedure (see www.wipo.int/export/sites/www/madrid/en/contracting_parties/pdf/model_replacement.pdf). Have you found the model provisions to be of assistance?

- YES
- NO
- Do not know



Option	Contracting Party	Percentage
YES	32	69.57%
NO	3	6.52%
Do not know	11	23.91%
Total number of responses	46	100%
Number of Offices having responded to the question	46	