

Madrid Protocol Concerning the International Registration of Marks

Information concerning the United Kingdom, British Overseas Territories and British Crown Dependencies

1. The Intellectual Property Office of the United Kingdom (IPO) has provided information to the International Bureau of the World Intellectual Property Organization (WIPO) on the coverage of a designation of the United Kingdom through the Madrid Protocol with respect to the British Overseas Territories and the British Crown Dependencies¹.

British Overseas Territories and Crown Dependencies

2. The British Overseas Territories are territories under the jurisdiction and sovereignty of the United Kingdom. These territories do not form part of the United Kingdom and, with the exception of Gibraltar, are not part of the European Union².

3. The British Crown Dependencies are autonomous and self-governing with their own independent legal, administrative and fiscal systems. The Crown Dependencies are not part of the United Kingdom or the European Union. International treaties only extend to the British Crown Dependencies with their consent.

Designation of the United Kingdom through the Madrid Protocol

4. A designation of the United Kingdom in international applications and in subsequent designations through the Madrid Protocol extends to England, Wales, Scotland, Northern Ireland, the British Overseas Territory of the Falkland Islands (Malvinas)³ as well as to the two British Crown Dependencies of the Isle of Man⁴ and Jersey⁵.

¹ A list of these territories and dependencies is reproduced in the Annex to the present Information Notice.

² Gibraltar is covered by a designation of the European Union through the Madrid Protocol.

³ As per the United Nations Terminology Bulletin

([http://untermportal.un.org/display/Record/UNHQ/Falkland_Islands_\(Malvinas\)/c279569](http://untermportal.un.org/display/Record/UNHQ/Falkland_Islands_(Malvinas)/c279569)), “[a] dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas)”.

⁴ The Government of the United Kingdom deposited the instrument of ratification of the Madrid Protocol also in respect of the Isle of Man, see Madrid (Marks) Notification No. 66 available at: http://www.wipo.int/treaties/en/notifications/madridp-gp/treaty_madridp_gp_66.html.

⁵ IPO has drawn the attention of the International Bureau of WIPO to the Jersey legislation on trademarks, the *Trade Marks (Jersey) Law 2000*, Article 13, which provides that an international mark that is protected in the United Kingdom is also protected in Jersey, without the need for re-registration (https://www.jerseylaw.je/law/display.aspx?url=lawsinforce%2fconsolidated%2f05%2f05.900_TradeMarksLaw2000_RevisedEdition_1January2014.htm).

Applicant's entitlement to file an international application

5. Where the applicant is entitled to file an international application through the Madrid Protocol due to, for example, a domicile⁶ or a real and effective industrial or commercial establishment ("establishment")⁶ in the United Kingdom, the applicant must enter the relevant information in item 3(a) of the international application form MM2⁷.

6. If the applicant, at the same time, has indicated, in item 2(b) of the form, an address in any British Overseas Territory or in the British Crown Dependencies of Guernsey or Jersey, the applicant must also provide an address, in item 3(b) of the form, of a domicile⁶ or an establishment⁶ in the United Kingdom or in the Isle of Man⁴. If the address indicated in item 2(b) of the form is in the Isle of Man⁴, no additional information is needed in item 3(b).

Entitlement of the new holder ("transferee") to be the holder of an international registration

7. Where the new holder of an international registration ("transferee") is entitled to be the recorded holder due to, for example, a domicile⁶ or an establishment⁶ in the United Kingdom, the new holder must enter the relevant information in item 4(a) of the Request for the Recording of a Change in Ownership (form MM5).

8. If the new holder, at the same time, has indicated, in item 3(b) of the form, an address in any British Overseas Territory or in the British Crown Dependencies of Guernsey or Jersey, the new holder must also provide an address of a domicile⁶ or an establishment⁶ in the United Kingdom or in the Isle of Man⁴, in item 4(b) of the form. If the address indicated in item 3(b) of the form is in the Isle of Man⁴, no additional information is needed in item 4(b).

Further information

9. For further information on this matter, please contact directly IPO (<http://www.wipo.int/madrid/en/members/profiles/gb.html>).

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⁶ The interpretation of what may be considered "domicile", "real and effective industrial or commercial establishment" or "nationality" is a matter for the law of the Contracting Party concerned and is not an issue that the International Bureau of WIPO is competent to concern itself with.

⁷ "Application for International Registration governed exclusively by the Madrid Protocol", form MM2.

LIST OF BRITISH OVERSEAS TERRITORIES AND CROWN DEPENDENCIES¹

The information is given by the Intellectual Property Office of the United Kingdom (IPO).

BRITISH OVERSEAS TERRITORIES:

Anguilla;

Bermuda;

British Antarctic Territory;

British Indian Ocean Territory;

British Virgin Islands;

Cayman Islands;

Falkland Islands (Malvinas)²;

Gibraltar;

Montserrat;

Pitcairn (including Henderson, Ducie and Oeno Islands);

Saint Helena (including Ascension Island and Tristan da Cunha);

South Georgia and the South Sandwich Islands;

Turks and Caicos Islands.

BRITISH CROWN DEPENDENCIES:

Guernsey;

Isle of Man;

Jersey.

[End of Annex]

¹ This list is only an indicative, non-binding list for information purposes.

² As per the United Nations Terminology Bulletin

([http://untermportal.un.org/display/Record/UNHQ/Falkland_Islands_\(Malvinas\)/c279569](http://untermportal.un.org/display/Record/UNHQ/Falkland_Islands_(Malvinas)/c279569)), “[a] dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas)”.