

## **Madrid Protocol Concerning the International Registration of Marks**

### **Accession to the Madrid Protocol: Malawi**

1. On September 25, 2018, the Government of Malawi deposited with the Director General of the World Intellectual Property Organization (WIPO) its instrument of accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (“the Madrid Protocol”). The Madrid Protocol will enter into force, with respect to Malawi, on December 25, 2018.
2. The said instrument of accession was accompanied by:
  - the declaration referred to in Article 5(2)(b) and (c) of the Madrid Protocol, whereby the time limit of one year to notify a provisional refusal of protection is replaced by 18 months, and a provisional refusal resulting from an opposition may be notified after the expiry of the 18-month time limit;
  - the notification under Rule 7(2) of the Common Regulations under the Madrid Agreement and the Madrid Protocol (“the Common Regulations”), whereby Malawi requires a declaration of intention to use the mark when Malawi is designated in an international application or a subsequent designation. The International Bureau of WIPO will modify the footnotes in item 11 of form MM2 and item 4 of form MM4 to indicate that, by designating Malawi, applicants or holders declare that they intend the mark to be used by them or with their consent in this Contracting Party in connection with the goods and services identified in the international application or subsequent designation;
  - the notification under Rule 20*bis*(6)(b) of the Common Regulations, whereby the recording of licenses in the International Register shall have no effect in Malawi. Consequently, a license relating to an international registration shall be recorded in the national Register of the Office of Malawi in order to have effect in that Contracting Party. The formalities required for such recording must be completed directly with the Office of Malawi and according to the conditions laid down by the legislation of that Contracting Party.
3. Accession to the Madrid Protocol by Malawi brings the number of Contracting Parties of the Madrid Protocol to 102. A list of the members of the Madrid Union, with information on the dates on which these members became party to the Madrid Agreement or the Madrid Protocol, is available on WIPO’s website, at the following address: [www.wipo.int/madrid/en/members](http://www.wipo.int/madrid/en/members).