

MODEL PROVISIONS RELATING TO THE REPLACEMENT OF A NATIONAL OR REGIONAL TRADEMARK REGISTRATION BY AN INTERNATIONAL REGISTRATION

Provision 1

(a) Where:

(i) a mark registered in [Contracting Party] is also the subject of an international registration and the protection resulting therefrom extends to [Contracting Party]; and

(ii) the same person is recorded as holder of the registration in [Contracting Party] and of the international registration; and

(iii) all the goods and services listed in the registration in [Contracting Party] are also listed in the international registration in respect of [Contracting Party]; and

(iv) the extension of that international registration to [Contracting Party] took effect after the date of registration of the mark in [Contracting Party],

the holder of the international registration may request the Registrar¹ to take note of that international registration in the register.

(b) A request filed with the Registrar in accordance with paragraph (a), shall be made on Form [...] and [shall be subject to the payment of the prescribed fee] [shall not be subject to the payment of a fee].

Provision 2

Where the Registrar has taken note of an international registration in accordance with Provision (1)(a), he shall notify the International Bureau accordingly. Such notification shall indicate the following:

(i) the number of the international registration in question,

(ii) where only some of the goods and services listed in the international registration are concerned, those goods and services,

(iii) the filing date and number of the application for registration of the mark in [Contracting Party],

(iv) the registration date and number of the registration in [Contracting Party], [and]

(v) the priority date, if any, of the registration in [Contracting Party][, and][.]

(vi) [information relating to other rights acquired by virtue of the registration in [Contracting Party]].

¹ The expression “Registrar” is used as a reference to the competent national (or regional) trademark authority.