

## Madrid Protocol Concerning the International Registration of Marks

### Accession to the Madrid Protocol: Brazil

1. On July 2, 2019, the Government of Brazil 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 Brazil on October 2, 2019.
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 declaration referred to in Article 8(7)(a) of the Madrid Protocol, whereby Brazil wants to receive an individual fee when it is designated in an international application, in a designation subsequent to an international registration and in respect of the renewal of an international registration where it has been designated, instead of a share in the revenue produced by the supplementary and complementary fees;
  - the declaration referred to in Article 14(5) of the Madrid Protocol, whereby the protection resulting from any international registration effected under the Madrid Protocol before the date on which this treaty enters into force with respect to Brazil cannot be extended to it;
  - the notification under Rule 17(5)(d) of the Common Regulations, whereby any provisional refusal that has been notified to the International Bureau of WIPO by the Office of Brazil will be subject to a review by this Office, whether or not such review has been requested by the holder; and, the decision taken on the said review may be the subject of a further review or appeal before that Office;
  - 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 Brazil and, consequently, a license relating to an international registration shall be recorded in the national Register of the Office of Brazil, complying with the formalities required for such recording directly with this Office, in accordance with the conditions laid down by the legislation of Brazil, to have effect in this Contracting Party;

- the notification under Rule 27*bis*(6) of the Common Regulations, whereby the Office of Brazil will not present to the International Bureau of WIPO requests for the division of an international registration in respect of Brazil because its law does not provide for the division of registrations of a mark;
- the notification under Rule 27*ter*(2)(b) of the Common Regulations, whereby the Office of Brazil will not present to the International Bureau of WIPO requests for the merger of international registrations resulting from division because the law of Brazil does not provide for the merger of registrations of a mark; and,
- the notification under Rule 34(3)(a) of the Common Regulations, whereby the individual fee in respect of a designation of Brazil is to be paid in two parts, the first part to be paid when filing the international application or the subsequent designation of Brazil, and the second part to be paid at a later date which is determined in accordance with the law of Brazil.

3. The amounts of the individual fee indicated by the Government of Brazil under Article 8(7)(a) of the Madrid Protocol will be the subject of a separate information notice.

4. With the accession of Brazil to the Madrid Protocol, the number of Contracting Parties of this treaty and members of the Madrid Union is now 105. A list of the members of the Madrid Union, with information on the dates on which they became party to 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).

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