



WORLD INTELLECTUAL PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20 (Switzerland)
‡ (41-22) 338 91 11 – Facsimile (International Trademark Registry): (41-22) 740 14 29
e-mail: intreg.mail@wipo.int – Internet: <http://www.wipo.int>

MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS AND PROTOCOL RELATING TO THAT AGREEMENT

Language of Subsequent Designation and Possibility of Changing the Language of Communication with the International Bureau

1. In accordance with Rule 6(2)(a) of the Common Regulations under the Madrid Agreement and Madrid Protocol, any communication concerning an international application governed exclusively by the Agreement or the international registration resulting therefrom must be in French.
2. Where however that international registration is or has been the subject of a subsequent designation under the Protocol, the use of language becomes governed by Rule 6(2)(b). This happens where, at the time of that subsequent designation, the Contracting Party whose Office is the Office of origin is bound by both the Agreement and the Protocol and the Contracting Party designated is party only to the Protocol. Similarly, it happens where, at the time of the subsequent designation, the Contracting Party designated is bound by both the Agreement and the Protocol but a change in ownership has been recorded and the Contracting Party in respect of which the new holder fulfills the conditions to be the holder of an international registration is bound only by the Protocol. Moreover, Rule 6(2)(b) will be applied where a Contracting Party to the Agreement and Protocol has already been designated under the Agreement but a change in ownership has been recorded and the Contracting Party in respect of which the new holder fulfills the conditions to be the holder of an international registration is bound only by the Protocol.
3. Where Rule 6(2)(b) applies, any communication relating to the international registration and addressed by the holder to the International Bureau can be in either English or French, in accordance with Rule 6(2)(b)(i). On the other hand, in accordance with Rule 6(2)(b)(iv), a communication sent by the International Bureau to a holder will be in the language of the international application (and therefore, in the case contemplated by the present note, French), *unless the holder has expressed the wish to receive all such communications in English*. This wish may be expressed in a letter accompanying the first subsequent designation under the Protocol, or later.

November 6, 1998