



WORLD INTELLECTUAL PROPERTY ORGANIZATION

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MADRID PROTOCOL CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

Accession to the Madrid Protocol: European Community

1. On July 1, 2004, the Council of the European Union deposited with the Director General of the World Intellectual Property Organization (WIPO) the instrument of accession of the European Community to the Madrid Protocol Concerning the International Registration of Marks. The Madrid Protocol will enter into force with respect to the European Community on October 1, 2004.
2. The said instrument of accession was accompanied by the following declarations:
 - the declaration referred to in Article 5(2)(b) of the Protocol, whereby the time limit of one year to notify a provisional refusal of protection is replaced by 18 months;
 - the declaration referred to in Article 8(7)(a) of the Protocol, whereby the European Community wants to receive an individual fee where it is designated in an international application, in a subsequent designation or in respect of the renewal of an international registration (instead of a share in the revenue produced by the supplementary and complementary fees). The amounts in Swiss francs of the said individual fee will be published as soon as they have been established in accordance with Rule 35(2)(b) of the Common Regulations under the Madrid Agreement and Protocol.
3. In addition, the said instrument of accession also specified that, where a designation of the European Community has been recorded in the International Register, and to the extent that such designation has been withdrawn, refused or has ceased to have effect under the law of that Organization, such designation may be converted into the designation of any of its Member States pursuant to Article 154 of the Regulations on the Community trade mark, as amended, and Rule 24(7) of the Common Regulations under the Madrid Agreement and Protocol (the so-called “opting-back provision”).
4. As regards the consequences of the accession of the European Community to the Madrid Protocol, and the amendments which have been made to the Common Regulations in connection with its accession (relating to the indication of a second language before the Office of the European Community, claims of seniority, and the so-called “opting-back provision”), users are invited to refer to Information Notice No. 2/2004, dated

January 12, 2004, which is available on WIPO's website, at the following address: www.wipo.int. The new forms MM17 (relating to a seniority claim) and MM16 (relating to a subsequent designation resulting from conversion), referred to in paragraphs 9 and 14 of this Information Notice, are already available on the International Marks page on WIPO's website (heading "Forms").

5. Accession to the Madrid Protocol by the European Community brings the number of Contracting Parties of the Protocol to 66, and the total number of Contracting Parties of the Madrid system to 77. A list of the members of the Madrid Union, including the dates on which these Contracting Parties became party to the Agreement and/or the Protocol, is available on the International Marks page on WIPO's website.

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