



## 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](mailto:intreg.mail@wipo.int) – Internet: <http://www.wipo.int>

### MADRID PROTOCOL CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

#### **Refund of Fees Following a Refusal of Protection: European Community**

1. The Office of the European Community (hereinafter called “OHIM”) has drawn the attention of the International Bureau to the following.

2. The amounts of the individual fee payable with respect to a designation of the European Community have been established in accordance with Article 8(7) of the Protocol and Rule 35(2)(b) of the Common Regulations under the Madrid Agreement and Protocol (see Information Notice No. 17/2004 of August 2, 2004).

3. Pursuant to the Regulation Implementing the Community Trade Mark Regulation, where a final refusal of protection will be notified by OHIM to the International Bureau in respect of a mark which is the subject of an international registration, part of the individual fee paid in respect of the designation of the European Community will be reimbursed by OHIM to the holder of the international registration or his representative. Such refund will operate in the following manner:

(a) in the case of a total refusal of protection (i.e., for all the goods and services), the amount of the fee to be refunded will be:

- for an individual mark: 1,100 euros, plus 200 euros for each class of goods and services exceeding three;
- for a collective mark: 2,200 euros, plus 400 euros for each class of goods and services exceeding three;

(b) in the case of a partial refusal of protection (i.e., for only part of the goods and services), the amount of the fee to be refunded will be equivalent to 50% of the difference between the class fees paid and the class fees that would have been payable if the designation of the European Community had included only those classes for which the international registration remains protected in the European Community. For example, if a designation of the European Community covers six classes – so that the class fees paid have amounted to the equivalent in Swiss francs of 1,200 euros (400 euros for each class beyond the third) – and is finally protected for four classes, following a partial refusal notified by OHIM, 400 euros will be refunded to the holder of the international registration or his representative (2 x 200 euros).

4. The refund shall be made by OHIM *directly* to the holder of the international registration or his representative. The International Bureau will not be involved in any way in this procedure.
5. For further information concerning the above matter, users are invited to contact OHIM.

September 10, 2004