

Madrid Agreement and Protocol Concerning the International Registration of Marks

Inadmissibility of Requests to Change an International Registration to Include a Standard Character Claim Where Such Claim Was Not Made in the Corresponding International Application

1. The International Bureau of the World Intellectual Property Organization (WIPO) would like to bring to the attention of applicants, holders of international registrations, Offices of the Contracting Parties and users of the Madrid system that a claim to the effect that a mark is to be considered as a mark in standard characters may only be made in the international application. There are no provisions in the legal framework of the Madrid system which would allow the international registration to be changed in order to include such claim where it was not made in the corresponding international application.
2. As of April 1, 1996, the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol relating to that Agreement (the Common Regulations) introduced, as an optional feature, the possibility to make a standard character claim while filing an international application. International registrations resulting from applications presented according to the Common Regulations in force before April 1, 1996, do not include a standard character claim and cannot be changed or amended to include such claim.
3. International registrations resulting from applications presented as from April 1, 1996, may include a standard character claim where such claim was made in the corresponding application. Failure to indicate, in the international application, that the applicant wishes the mark to be considered as a standard character mark, barring any irregularity, would not prevent the international registration from being effected. Once effected, the international registration cannot be changed to include the aforesaid claim.
4. Users are strongly encouraged to contact Offices of Contracting Parties designated in an international registration to ascertain the possibility that a standard character claim may be presented directly before such Offices.

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