



WORLD INTELLECTUAL PROPERTY ORGANIZATION

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

Notification of Refusal: Need to Provide Sufficient Information Enabling Contact with the Owner of a Conflicting Mark and/or with an Opponent

1. Under Rule 17(2)(v) of the Common Regulations under the Madrid Agreement and Protocol, where a refusal is based on a prior application or registration of a mark cited *ex officio*, the notification of refusal must contain, *inter alia*, the name and address of the owner of the conflicting mark. Likewise, under Rule 17(3) of the aforementioned Common Regulations, where a refusal is based on an opposition or on an opposition and other grounds, the notification of refusal must contain, *inter alia*, the name and address of the opponent. Where this information is not included in a notification of refusal, or is incomplete, the refusal is considered to be irregular.

2. The International Bureau will not however treat the notification of refusal as irregular where the name and complete address of the *representative* of the owner of a conflicting mark and/or of the opponent are indicated in the notification of refusal instead of the address of the said owner or opponent. In this case, the aim of Rules 17(2)(v) and 17(3) i.e., to provide the holder of the international registration with the necessary information enabling him to contact the owner of a conflicting mark and/or the opponent, is considered to be attained.

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