



## WORLD INTELLECTUAL PROPERTY ORGANIZATION

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### MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS AND PROTOCOL RELATING THERETO

#### Possibility of requesting the accelerated examination procedure in relation to international registrations of marks designating Switzerland

1. The Federal Institute of Intellectual Property of Switzerland, (hereinafter referred to as “the Institute”), has drawn the attention of the International Bureau to the possibility of requesting the application of an accelerated examination procedure in respect of international registrations of marks designating Switzerland. The text communicated by the Institute for the purpose of so informing the users of the Madrid system follows.

“According to Swiss legislation on the protection of marks, any applicant may request that **examination on absolute grounds be carried out under an accelerated procedure**. This accelerated procedure entails the payment of an additional fee of 400 Swiss francs.

The holder of an international registration designating Switzerland has the possibility of presenting to the Institute a request for accelerated examination of his international registration. **However, the examination deals only with absolute grounds**. A request for accelerated examination may take place either before the expiry of the applicable refusal period or after the notification of provisional refusal of protection based on absolute grounds.

– If the request for accelerated examination is received by the Institute **before the expiry of the applicable refusal period**, the Institute will examine as to absolute grounds for refusal upon receipt of the payment of the fee. If protection is to be granted to the mark, the holder will be so informed by means of a statement of grant of protection under Rule 17(6) of the Common Regulations under the Madrid Agreement and Protocol. However, such statement will not be notified until the expiry of the time-limit for filing of oppositions. If protection of the mark is to be refused, the Institute will notify immediately a provisional refusal based on absolute grounds.

The request for accelerated examination may be made directly from outside of Switzerland provided that it is accompanied also by payment of the fee and an indication, on the payment voucher, of the purpose of the payment. If the request for accelerated examination is not, at the same time, accompanied by the payment of the corresponding fee, it must then be sent to the Institute through a representative established in Switzerland and holding a power of attorney.

– If the request for accelerated examination is received by the Institute **after the notification of a provisional refusal based on absolute grounds**, the Institute will apply the accelerated procedure to the communications following such provisional refusal, upon receipt of the payment of the fee. In this case, since an administrative procedure is already in place, it will be necessary that the request for the accelerated procedure be made through a representative established in Switzerland and holding a power of attorney.

The attention of the Member Countries of the Madrid system is drawn to the fact that this **accelerated procedure does not apply to examination based on relative grounds**.”

2. For additional information on the implementation of the accelerated examination procedure, please contact the Federal Institute of Intellectual Property of Switzerland.