



## WORLD INTELLECTUAL PROPERTY ORGANIZATION

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### MADRID PROTOCOL CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

#### **Declaration of Intention to Use the Mark: United States of America**

1. The United States of America has made the notification provided for by Rule 7(2) of the Common Regulations under the Madrid Agreement and Protocol, in accordance with which the United States of America requires, as a designated Contracting Party, a declaration of intention to use the mark. Pursuant to Rule 7(2), the said notification has further specified:

- the exact wording of the declaration of intention to use the mark, as required by the United States of America,
- that the said declaration is required to be in English (even if the international application or subsequent designation is in French), and
- that the declaration is required to be made on a separate official form annexed to the international application or subsequent designation, as the case may be.

2. The separate official form concerning the declaration of intention to use the mark required by the United States of America (MM18) is available on WIPO's Internet site. It contains the exact wording of the declaration required by the United States of America and should be annexed to all international applications designating the United States of America and to all subsequent designations of the United States of America.

#### International Applications designating the United States of America

3. If the International Bureau finds that the United States of America has been designated in an international application and that the declaration of intention to use the mark is missing or does not comply with the applicable requirements (for example, if it has not been signed), the International Bureau will promptly notify accordingly the applicant and the Office of origin.

4. Provided that the missing or corrected declaration is received by the International Bureau within the period of two months from the date of receipt of the international application by the *Office of origin*, the declaration of intention to use the mark shall be deemed to have been received together with the international application. If the missing or corrected declaration is not received by the International Bureau within this period of two months, the international application shall be deemed not to contain the designation of the United States of America, and the International Bureau will reimburse any designation fee already paid in respect of the United States of America.

Subsequent Designations of the United States of America

5. If the International Bureau finds that the United States of America has been the subject of a subsequent designation and that the declaration of intention to use the mark is missing or does not comply with the applicable requirements, the International Bureau will promptly notify accordingly the holder and, if the subsequent designation has been presented by an Office, that Office. A period of three months counted from the date of that irregularity notice will be allowed to furnish the missing or corrected declaration to the International Bureau.

6. If the irregularity is remedied within this prescribed period of three months, the subsequent designation will bear, with respect to *all* Contracting Parties which have been designated subsequently in the request, the date on which the missing or corrected declaration was received by the International Bureau. However, if the subsequent designation has been presented by an Office and provided that the missing or corrected declaration has been received by the International Bureau within the period of two months from the date on which the subsequent designation was received *by that Office*, then the subsequent designation will retain the date on which it was received by the said Office.

7. If the irregularity is not remedied within the prescribed period of three months, the subsequent designation *as a whole* shall be considered abandoned (i.e., in respect of all Contracting Parties which have been designated subsequently in the request). In this case, the International Bureau will refund any fees paid, after deduction of an amount corresponding to one-half of the basic fee (namely, 150 Swiss francs), to the party having paid those fees.

Entry into Force

8. The notification made by the United States of America under Rule 7(2) shall enter into force on the same date as the entry into force of the Madrid Protocol with regard to the United States of America, namely November 2, 2003.

October 28, 2003