

MADRID PROTOCOL CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

Statement on Behalf of the Kingdom of the Netherlands Concerning the Status of Protection of Marks for Which a Request for Territorial Extension Has Been Recorded With Respect to the Territorial Entity of the Caribbean Part of the Netherlands (BQ)

1. On May 16, 2011, the Government of the Kingdom of the Netherlands sent a statement to the International Bureau of the World Intellectual Property Organization (WIPO) concerning the status of protection of marks, subject of international registrations, for which a request for territorial extension to the territorial entity of the Caribbean part of the Netherlands (BQ), made under Article 3ter(1) or (2) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, has been recorded and notified to the Office concerned.
2. The said statement, which is reproduced under paragraph 5 of this Information Notice, indicates that “Protection in the Caribbean Netherlands is granted automatically with the designation. The Benelux Office for Intellectual Property, the Office executing the ‘Wet merken BES’ [the applicable legislation in the Caribbean Netherlands] on behalf of the Dutch Minister for Economic Affairs, Agriculture and Innovation, will therefore equate any notification by the International Bureau of an extension to that territory of the protection resulting from an international registration to a statement of grant of protection under Rule 18ter(1) of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement”.
3. Accordingly, the International Bureau of WIPO will include a reference to this effect in the notification of the recording of an international registration or subsequent designation sent to the holders of international registrations, with respect to the territorial entity of the Caribbean part of the Netherlands. The said reference will also be part of the corresponding publication in the *WIPO Gazette of International Marks*.
4. Furthermore, upon sending the notification to the Office concerned, regarding the recording of a request for territorial extension to the territorial entity of the Caribbean part of the Netherlands, the International Bureau of WIPO will include a similar reference in the ROMARIN database.

5. The statement on behalf of the Kingdom of the Netherlands concerning the statement of grant of protection for designations of the Caribbean Netherlands (BQ) under the Madrid Protocol reads as follows:

“Rule 18*ter* of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement obliges Contracting Parties to send to the International Bureau a statement that protection is granted after having completed all procedures before the national office without finding a reason for refusal of the protection sought in that territory.

“The applicable legislation in the Caribbean Netherlands (‘Wet merken BES’) does not provide in any procedure before the competent authorities that may lead to a decision to refuse protection in the Caribbean Netherlands of an international trademark registration under the Madrid Protocol.

“Protection in the Caribbean Netherlands is granted automatically with the designation. The Benelux Office for Intellectual Property, the Office executing the ‘Wet merken BES’ on behalf of the Dutch Minister of Economic Affairs, Agriculture and Innovation, will therefore equate any notification by the International Bureau of an extension to that territory of the protection resulting from an international registration to a statement of grant of protection under Rule 18*ter*(1) of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement.”

August 19, 2011