

## **Madrid Protocol Concerning the International Registration of Marks**

### **Notification under new Rules 27*ter*(2)(b) and 40(6) of the Common Regulations: Australia**

1. The Government of Australia has notified the Director General of the World Intellectual Property Organization (WIPO) in accordance with new Rules 27*ter*(2)(b) and 40(6) of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement (the Common Regulations), which will enter into force on February 1, 2019.
2. In accordance with new Rule 27*ter*(2)(b) of the Common Regulations, the Government of Australia has declared that its Office will not present to the International Bureau of WIPO requests for the merger of international registrations resulting from division, under paragraph (2)(a) of this new Rule, because the Australian Trade Marks Act 1995 does not provide for the merger of registrations of a mark.
3. In addition, in accordance with new Rule 40 of the Common Regulations, the Government of Australia has notified that new Rule 27*bis*(1) of the Common Regulations is not compatible with the Australian Trade Marks Act 1995 and shall not apply in respect to Australia. As a result, the Office of Australia will not present to the International Bureau of WIPO requests for the division of an international registration in respect of Australia under this new Rule.
4. Further details on new Rules 27*bis*, 27*ter* and 40(6) of the Common Regulations can be found in Information Notice No 21/2018.

November 13, 2018