

Madrid Protocol Concerning the International Registration of Marks

Accession to the Madrid Protocol: Samoa

1. On December 4, 2018, the Government of Samoa deposited with the Director General of the World Intellectual Property Organization (WIPO) its instrument of accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (“the Madrid Protocol”). The Madrid Protocol will enter into force, with respect to Samoa, on March 4, 2019.
2. The said instrument of accession was accompanied by:
 - the declaration referred to in Article 5(2)(b) and (c) of the Madrid Protocol, whereby the time limit of one year to notify a provisional refusal of protection is replaced by 18 months, and a provisional refusal resulting from an opposition may be notified after the expiry of the 18-month time limit;
 - the declaration referred to in Article 8(7)(a) of the Madrid Protocol, whereby Samoa wishes to receive an individual fee where it is designated in an international application, in a designation subsequent to an international registration, and in respect of the renewal of an international registration where Samoa has been designated (instead of a share in the revenue produced by the supplementary and complementary fees);
 - the notification under Rule 20*bis*(6)(b) of the Common Regulations, whereby the recording of licenses in the International Register shall have no effect in Samoa. Consequently, a license relating to an international registration shall be recorded in the national Register of the Office of Samoa in order to have effect in that Contracting Party. The formalities required for such recording must be completed directly with the Office of Samoa and according to the conditions laid down by the legislation of that Contracting Party;
 - the notification under new Rule 40(6) of the Common Regulations, according to which new Rules 27*bis*(1) and 27*ter*(2)(a) of the Common Regulations are not compatible with the 2011 Intellectual Property Act of Samoa and shall not apply in respect of Samoa. As a result, the Office of Samoa will not present to the International Bureau of WIPO requests for the division of an international registration and requests for the merger of international registrations resulting from division in respect of Samoa under these new Rules.

3. The amounts of the individual fee, indicated by Samoa under Article 8(7)(a) of the Madrid Protocol, will be the subject of a separate information notice.

4. Accession to the Madrid Protocol by Samoa brings the number of Contracting Parties of the Madrid Protocol to 103. A list of the members of the Madrid Union, with information on the dates on which these members became party to the Madrid Agreement or the Madrid Protocol, is available on WIPO's website, at the following address: www.wipo.int/madrid/en/members.

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