

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

### **Excuse from Failure to Meet a Time Limit Due to the COVID 19 Disease Outbreak as a Natural Calamity: Waiver of the Submission of Evidence Required under Rule 5 of the Regulations**

1. The International Bureau of the World Intellectual Property Organization (WIPO) wishes to inform users of the Madrid System of measures it has taken under Rule 5 of the Regulations under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter referred to as “the Regulations”), with a view to providing further relief in cases of failure to meet a time limit due to the COVID-19 disease outbreak.
2. As recalled in Information Notice No. 7/2020, applicants, holders and Offices may be excused from failure to meet a time limit for a communication addressed to the International Bureau of WIPO. It is widely known that the COVID-19 outbreak has interrupted communications worldwide, to various degrees. Accordingly, the International Bureau of WIPO will treat favorably any request made under Rule 5 of the Regulations citing COVID-19 related issues and not require that applicants, holders or Offices submit evidence in respect thereof.
3. Rule 5 of the Regulations applies to any communication addressed to the International Bureau of WIPO for which there is a time limit under the Regulations or the treaty. For example, it applies to a communication in which an Office transmits an international application or a subsequent designation or notifies a provisional refusal, or in which an applicant, a holder or an Office remedies an irregularity in an international application or in a request for recording.
4. Acceptable modes of payment under the Madrid System require a communication addressed to the International Bureau of WIPO (e.g., instructions to debit from a current account with the International Bureau of WIPO or a payment by transfer to a WIPO bank or postal account). Accordingly, Rule 5 of the Regulations applies to the time limit to pay any fee to the International Bureau of WIPO, including the period of grace to pay the fees for the renewal of an international registration.
5. Applicants, holders and Offices are reminded that there is a six-month limitation under Rule 5 of the Regulations. Consequently, they are encouraged to take prompt action so that the International Bureau of WIPO receive the communication, instruction or payment no later than six months from the expiry of the time limit concerned.

6. Finally, the International Bureau of WIPO wishes to remind applicants, holders and Offices that it remains open and continues to process international applications and requests for recording and encourages them to address communications to the International Bureau of WIPO by electronic means. In particular, as recalled in Information Notice No. 11/2020, applicants and holders may present requests and send other communications to the International Bureau of WIPO by using the upload function in the Madrid Portfolio Manager<sup>1</sup> or through the Contact Madrid online service<sup>2</sup>. They may also use other online services, namely, e-Payment<sup>3</sup>, e-Renewal<sup>4</sup> and e-Subsequent designation<sup>5</sup>, to present requests and pay by credit card.

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<sup>1</sup> Madrid Portfolio Manager (MPM) is accessible by logging onto the WIPO IP Portal only, at: <https://ipportal.wipo.int/>.

<sup>2</sup> Contact Madrid is available at: <https://www3.wipo.int/contact/en/madrid/>.

<sup>3</sup> E-Payment is available at: <https://www.wipo.int/madrid/payment/>.

<sup>4</sup> E-Renewal is accessible by logging onto the WIPO IP Portal only, at: <https://ipportal.wipo.int/>.

<sup>5</sup> E-Subsequent designation is available at: <https://www3.wipo.int/osd/>.