

Комитет по стандартам ВОИС (КСВ)

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ПРОСЬБА О ПЕРЕСМОТРЕ СТАНДАРТА ВОИС ST.60 (КОДЫ ИНИД)

Документ подготовлен Секретариатом

1. В рамках текущей работы по обеспечению ясности при публикации данных в *Бюллетене ВОИС по международным знакам*¹ (далее "Бюллетень ВОИС") и в базе данных ROMARIN² Международным бюро были определены следующие нерешенные вопросы:

- а) описания ИНИД (Согласованных на международном уровне номеров для идентификации (библиографических) данных) кодов в серии 890 под заголовком "Данные", относящихся к окончательным решениям, уже не соответствуют формулировкам, используемым в Общей инструкции к Мадридскому соглашению о международной регистрации знаков и Протоколу к этому Соглашению (далее "Общая инструкция");
- б) кроме того, дата уведомления, направляемого Международным бюро в ведомства Договаривающихся сторон Мадридской системы международной регистрации знаков, надлежащим образом не публикуется и не сообщается;
- в) кроме того, в публикации и уведомлении о последующих указаниях и продлениях международных регистраций надлежащим образом также не

¹ Бюллетень ВОИС является периодическим изданием, упомянутым в статье 3(4) Мадридского соглашения о международной регистрации знаков и Протоколе к Мадридскому соглашению о международной регистрации знаков.

² ROMARIN является электронной базой данных, которую в соответствии с правилом 33(1) Общей инструкции обслуживает Международное бюро и в которой представлена как информация, заносимая в Международный реестр, так и информация, публикуемая в Бюллетене ВОИС.

отражаются частичные аннулирования в перечне товаров и услуг, имеющем международную регистрацию.

2. В этой связи международное бюро подготовило предложение о пересмотре перечня кодов ИНИД по Стандарту ВОИС ST.60 для рассмотрения Комитетом по стандартам ВОИС (КСВ). Предложение воспроизводится в Приложении I к настоящему документу.

3. В рамках Задачи № 33 ("Непрерывный пересмотр стандартов ВОИС") и в соответствии с вышеупомянутым предложением Международное бюро подготовило проект пересмотренной версии Приложения 1 к Стандарту ВОИС ST.60 (Перечень кодов ИНИД), который воспроизведен в Приложении II к настоящему документу, для рассмотрения и одобрения КСВ; изменения отмечены выделением.

4. С учетом пункта 6 Стандарта ST.60 Международное бюро в последующем обновит Приложение 2 к данному Стандарту (Удаления и изменения к перечню кодов), в котором "приводятся те коды ИНИД с их определениями и/или примечаниями, которые использовались в определенный период времени, но более недоступны для использования или были исправлены".

5. *КСВ предлагается:*

а) принять к сведению просьбу Международного бюро о пересмотре Стандарта ВОИС ST.60, как это указано в Приложении I к настоящему документу;

б) рассмотреть и утвердить предложение о пересмотре Стандарта ВОИС ST.60, как это указано в Приложении к настоящему документу; и

с) принять к сведению редакционные изменения в Приложении 2 к Стандарту ВОИС ST.60, как это указано в пункте 4 выше.

[Приложения следуют]

ПРОСЬБА О ПЕРЕСМОТРЕ СТАНДАРТА ВОИС ST.60

УКАЗАНИЕ НА ПРОБЛЕМУ ИЛИ КОНКРЕТНУЮ ПОТРЕБНОСТЬ

1. 1 сентября 2009 г. в Общую инструкцию к Мадридскому соглашению о международной регистрации знаков и Протоколу к этому Соглашению (далее "Общая инструкция") были включены новые правила 18*bis* и 18*ter*. Новые правила упростили положения, ранее содержащиеся в правиле 17, о том, каким образом указанным ведомствам следует сообщать о статусе охраны знака в указанной Договаривающейся стороне Мадридской системы международной регистрации знаков. Новые описания были добавлены с целью дальнейшего разъяснения фактического объема предоставляемой охраны. Описания кодов ИНИД в серии 890 под заголовком "*Данные, касающиеся окончательных решений*" уже не соответствуют формулировкам, используемым в Общей инструкции.
2. Кроме того, важное значение имеет дата уведомления о внесении данных или записи, направляемого Международным бюро в ведомства указанных Договаривающихся сторон. Таковой является дата, начиная с которой отсчитывается срок, в течение которого указанное ведомство должно отправить уведомление или заявление в связи с соответствующим внесением данных или записи. Для ясности необходимо однозначно указать дату уведомления, направляемого Международным бюро в указанные ведомства.
3. Наконец, в результате частичного аннулирования перечня товаров и услуг соответствующие товары и услуги исключаются из международной регистрации, что непосредственным образом влияет на объем охраны во всех указанных Договаривающихся сторонах. Соответственно, такую информацию необходимо четко указывать в публикации и уведомлении об указаниях после международной регистрации и о ее продлении. Для ясности необходимо однозначно указывать частичные аннулирования.

КАК БЫЛА ОПРЕДЕЛЕНА ПОТРЕБНОСТЬ

4. В ходе непрерывной работы по обеспечению ясности при публикации данных в *Бюллетене ВОИС по международным знакам* и базе данных ROMARIN вышеупомянутые соображения были учтены в ходе подготовки данной просьбы о пересмотре Стандарта ВОИС ST.60.

ВАРИАНТЫ РЕШЕНИЯ

5. Для гармонизации описаний, используемых в соответствующих кодах ИНИД, и формулировок, используемых в Общей инструкции, следует рассмотреть возможность внесения изменений в описание кодов ИНИД (895), (896), (897) и (898), содержащихся в Стандарте ВОИС ST.60.

КОД ИНИД (895): новое описание кода ИНИД (895) выглядело бы следующим образом:

"Заявление о том, что предварительный отказ отозван и что охрана знака действительна в отношении всех товаров и услуг".

КОД ИНИД (896): новое описание кода ИНИД (896) выглядело бы следующим образом:

"Подтверждение полного предварительного отказа".

КОД ИНИД (897): новое описание кода ИНИД (897) выглядело бы следующим образом:

"Заявление с указанием товаров и услуг, в отношении которых действует охрана знака после предварительного отказа"

КОД ИНИД (898): новое описание кода ИНИД (898) выглядело бы следующим образом:

"Последующее решение, которое затрагивает охрану знака"

6. Принимая во внимание необходимость ясного указания даты уведомления, направляемого Международным бюро в ведомства указанных Договаривающихся сторон, следует рассмотреть возможность введения нового кода ИНИД (581).

КОД ИНИД (581): описание предлагаемого кода ИНИД (581) выглядело бы следующим образом:

"Дата уведомления Международного бюро указанным Договаривающимся сторонам".

7. Ввиду необходимости четкого указания на частичное аннулирование перечня товаров и услуг следует рассмотреть возможность введения нового кода ИНИД (852).

КОД ИНИД (852): описание предлагаемого кода ИНИД (852) выглядело бы следующим образом:

"Частичное аннулирование".

8. Наконец, в целях обеспечения единообразия следует рассмотреть возможность изменения описания заголовка, предшествующего серии 850, содержащегося в Стандарте ВОИС ST.60.

Описание выглядело бы следующим образом:

"Данные, касающиеся аннулирования или ограничения перечня товаров и услуг".

ОЖИДАЕМЫЕ ВЫГОДЫ

9. Предлагаемые изменения позволят повысить ясность и точность данных, публикуемых в Бюллетене ВОИС и базе данных ROMARIN, и уведомлений о них, что будет полезным для всех пользователей Мадридской системы.

[Приложение II следует]

ST.60 - APPENDIX 1

LIST OF INID CODES

(Any explanatory notes appear at the end of this list)

(100) *Data concerning the registration/renewal*

*Serial number

- (111) Serial number of the registration
- (116) Serial number of the renewal where different from initial registration number
- (117) In case of a renewal, the number(s) of the registration prior to the renewal(s)

- (141) Date of the termination of the registration of the mark

*Date of the registration/renewal

- (151) Date of the registration
- (156) Date of the renewal

Related registration numbers

- (161) Earlier registration number(s) of the renewed registration if different from the number(s) indicated under the codes (111) and (116)

- (170) Expected duration of the registration/renewal
- (171) Expected duration of the registration
- (176) Expected duration of the renewal

- (180) Expected expiration date of the registration/renewal
- (181) Expected expiration date of the registration
- (186) Expected expiration date of the renewal

Authority registering the mark

- * (190) Identification using the two-letter code (WIPO Standard [ST.3](#)) of the authority registering the mark

(200) *Data concerning the application*

- * (210) Serial number of the application
- * (220) Date of filing of the application
- (230) Data concerning exhibitions
- (250) Place of filing of the application
- * (260) Serial number of the examined application
- (270) Language(s) of the application

(300) *Data relating to priority under the Paris Convention and other data relating to seniority or to the registration of the mark in the country of origin*

- * (310) Serial number assigned to the first application
- * (320) Date of filing of the first application
- * (330) WIPO Standard [ST.3](#) code, identifying the national or regional Office where the first application was made or the organization where the first application was made
- (340) Partial priority
- (350) Seniority
- (360) Partial seniority
- (390) Data relating to the registration in the country of origin (for instance in the case of a "telle quelle" registration)

(400) *Date(s) of making information available to the public*

- (441) Date of making information available to the public regarding the non-examined application
- (442) Date of making information available to the public regarding the examined application

- (450) Date of making information available to the public regarding the registration

(500) *Various information*

Classification, goods and/or services

- * (510) List of goods and/or services, if not classified
- * (511) The International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) and/or list of goods and/or services classified according thereto
- (512) National classification and/or list of goods and/or services classified according thereto

Indications regarding the use of the mark

- (521) Indication to the effect that the mark has acquired distinctiveness through use in trade
- (523) Indication that the applicant has submitted evidence of his right to use certain elements of the mark
- (525) Indication that the mark has been cancelled for non-use
- (526) Disclaimer
- (527) Indications regarding use requirements
- (529) Indications regarding use limitations

Description of the figurative elements of the mark

- (531) According to the International Classification of the Figurative Elements of Marks (Vienna Classification)
- (532) According to a national classification
- (539) By using keywords or a freely formulated text
- * (540) Reproduction of the mark
- * (541) Reproduction of the mark where the mark is represented in standard characters
- * (546) Reproduction of the mark where the mark is represented in non-standard characters
- (550) Indication relating to the nature or kind of mark
- (551) Indication to the effect that the mark is a collective mark, a certification mark or a guarantee mark
- (554) Three-dimensional mark
- (555) Hologram mark
- (556) Sound mark, including characteristics
- (557) Olfactory mark, including characteristics
- (558) Mark consisting exclusively of one or several colors
- (561) Transliteration of the mark
- (566) Translation of the mark or of words contained in the mark
- (571) Description of mark
- (580) Date of recording of any kind of transaction in respect of applications or registrations (e.g., change in ownership, change in name or address, renunciation, termination of protection)
- (581) Date of notification by the International Bureau to the designated Contracting Parties**
- (591) Information concerning colors claimed

(600) *References to other legally related application(s) and registration(s)*

- (641) Number(s) and date(s) of other legally related applications
- (646) Number(s) and date(s) of other legally related registrations

(700) *Information concerning parties concerned with the application/registration*

- * (730) Name and address of the applicant or the holder of the registration
- (731) Name and address of the applicant
- * (732) Name and address of the holder of the registration
- (733) Indication of the trade of the applicant
- (740) Name and address of the representative
- (750) Address for correspondence
- (770) Name and address of the previous applicant or holder (in case of change in ownership)
- (771) Previous name and address of the applicant or holder (in case of no change in ownership)

Information regarding licensee(s)

- (791) Name and address of the licensee
- (793) Indication of conditions and/or restrictions under the license

(800) *Certain data relating to the international registration of marks under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement*

Data concerning entitlement

- (811) Contracting State of which the holder is a national
- (812) Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment
- (813) Contracting State or Contracting Organization in the territory of which the holder has his domicile
- (814) Contracting Party in the territory of which the new holder fulfills the conditions to be the holder of the international registration

Data concerning the basic application or the basic registration

- (821) Basic application
- (822) Basic registration
- (823) Cancellation effected for some of the goods and services at the request of an Office of origin in accordance with Article 6(4) of the Agreement or Article 6(4) of the Protocol
- (824) Cancellation effected for all the goods and services at the request of an Office of origin in accordance with Article 6(4) of the Agreement or Article 6(4) of the Protocol
- (825) Judicial actions or proceedings under Rule 22(1)(b)

Data concerning the Contracting Parties covered by the international registration, the renewal or a change

- (831) Designations under the Madrid Agreement
- (832) Designations under the Madrid Protocol
- (833) Interested Contracting Parties
- (834) Designations under the Madrid Protocol by virtue of Article 9*sexies*

Various information

- (841) State of which the holder is a national
- (842) Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized
- (843) No request for review or appeal has been lodged
- (844) A request for review or an appeal has been lodged
- (845) Withdrawal of request for review or appeal

Data concerning the **cancellation or** limitation of the list of goods and services

- (851) Limitation of the list of goods and services
- (852) Partial cancellation**

Data concerning refusal of protection and invalidations

- (861) Total refusal of protection
- (862) Partial refusal of protection
- (863) Effective date of invalidation
- (864) Total Invalidation
- (865) Partial Invalidation
- (866) Provisional refusals notified without an indication of the products/services concerned (Rule 18(1)(c)(iii))
- (867) Refusal Grounds
- (868) Grant of Protection
- (869) Accepted with Reserve

Data concerning a change in respect of the international registration

- (871) Number of the assigned part of the international registration
- (872) Numbers of the international registrations which have been merged
- (873) Number of the international registration resulting from the merger

Data concerning replacement and division

- (881) Number(s) and date(s) of national or regional registration(s) replaced by an international registration (Article 4bis of the Madrid Agreement and Article 4bis of the Protocol)
- (882) Date and number of the basic application, of the registration resulting therefrom, or of the basic registration, which is the subject of the division
- (883) New numbers of the basic application, of the registration resulting therefrom, or of the basic registration, resulting from the division

Data concerning subsequent designations

- (891) Date of subsequent designation (Rule 24(6) of the Common Regulations)

Data concerning final decisions

- (892) Final Decision confirming the disclaimer
- (893) Final Decision withdrawing the disclaimer
- (894) Final decision confirming the refusal of protection
- (895) **Statement to the effect that the provisional refusal is withdrawn and that protection to the mark is granted for all goods and services** ~~Statement indicating that the mark is protected for all the goods and services requested (Rule 17(5)(a) or (b))~~
- (896) **Confirmation of total provisional refusal** ~~Statement indicating that protection of the mark is refused for all the goods and services requested (Rule 17(5)(a) or (b))~~
- (897) **Statement indicating the goods and services for which protection of the mark is granted, following a provisional refusal** ~~Statement indicating that protection of the mark is protected for some of the goods and services requested (Rule 17(5)(a) or (b))~~
- (898) **Further decision which affects the protection of the mark** ~~Other final decision~~

EXPLANATORY NOTES

Re: INID codes (111), (116), (210), (260) and (310)

By "serial" is meant the number of the application, registration or renewal in the applicable series of numbers.

Re: INID code (117)

Only applicable to offices which allot a new registration number when a registration is renewed.

Re: INID code (141)

By termination is meant any way provided for in the law for terminating the registration: e.g., cancellation by the holder, *ex officio* by the office, by court decision.

Re: INID code (170) vis-à-vis codes (171) and (176) and
INID code (180) vis-à-vis codes (181) and (186), respectively

The codes (170) and (180) are to be used when an office does not differentiate between registrations and renewals.

Re: INID codes (171), (176) and (181), (186)

The "expected duration" is normally expressed in number of years: e.g., 10 years.

The "expected expiration date" is normally expressed by a date: e.g., 1998.11.11 or November 11, 1998. (See WIPO Standard [ST.2](#).)

The codes (171) and/or (176), on the one hand, and (181) and/or (186), on the other hand, are mutually exclusive.

Re: INID code (190)

This code is mainly intended for use in mark databases and in certificates where the identification of the authority registering the mark is indispensable; for gazettes, the authority publishing them is normally already mentioned on the cover page.

Re: INID code (220)

By "date of filing" is meant the date of filing as allotted to the application by the Office.

Re: INID code (230)

It is possible to indicate various data here such as place, dates of the exhibition; "exhibition" is defined as in Article 11 of the Paris Convention or according to the applicable law.

Re: INID code (260)

This code is essential for countries such as Japan and the Republic of Korea, which publish applications after examination in a number series different from the number series referred to in INID code (210).

Re: INID codes (300) plus (310), (320) and (330)

If multiple priorities are invoked, these INID codes can have multiple occurrences of at least the serial number and the date.

Re: INID codes (340), (350) and (360)

These codes are essential for Offices such as the Office for Harmonization in the Internal Market (Trade Marks and Designs) to indicate certain data related to national applications or registrations in respect of community trade marks.

Re: INID codes in category (400)

By "making available to the public" is also meant making available for the purposes of opposition.

Re: INID codes (511) and (512)

These codes may be used to identify either (a) a class (or classes) only, or (b) list of goods and/or services only, or (c) both a class (or classes) and list of goods and/or services.

Re: INID codes (512) and (532)

These codes should be preceded in parentheses by the two-letter code (WIPO Standard [ST.3](#)) identifying the country whose national classification is used.

Re: INID codes (526), (527) and (529)

Normally to be used for indications in text form concerning certain limitations regarding the use of the mark or part of the mark, concerning geographical limitations, etc.

The code (527) may be used not only for indications relating to actual use but also for indications to intention to use the mark.

Re: INID codes (540) vis-à-vis (541) and (546)

The code (540) is to be used when an office does not want to differentiate between code (541) and code (546).

Re: INID code (541)

This code is normally to be used when the mark is considered to be a word mark.

Re: INID code (546)

This code is normally to be used when the mark contains figurative elements.

Re: INID code (550)

This code is provided to allow the grouping of the data elements corresponding to codes (551) to (558).

Re: INID code (600)

Category code (600) should be used by countries which were previously part of another entity for identifying bibliographic data elements relating to applications or registrations of marks which data had initially been announced by the industrial property office of that entity.

Re: INID codes (641) and (646)

These data are different from those referred to in INID code (161). They relate, e.g., to associated marks, divisional applications and partial assignments.

Re: INID codes (730), (731), (732), (770) and (791)

These codes also cover several applicants, holders, representatives or licensees.

Re: INID codes (730) vis-à-vis (731) and (732)

The code (730) is to be used when an office does not want to differentiate between code (731) and code (732).

Re: INID codes (730), (731) and (732) vis-à-vis (770) and (771)

The codes (730), (731) and (732) should also be used to identify the name and address of the new applicant or holder in case of change in ownership, and the new name and address of the applicant or holder in case of no change in ownership.

Re: INID codes (812) and (813)

Only applicable where the address of the holder (or of one of the holders) is not in the territory of the Contracting Party whose Office is the Office of origin or, where a change in the ownership of the international registration has been recorded in the International Register, where the address of the transferee (or of one of the transferees) is not in the territory of the Contracting Party (or of one of the Contracting Parties) in respect of which the transferee fulfills the conditions to be the holder of an international registration.

Re: INID codes (821) and (822)

In some cases (e.g., where a country which has become party to the Protocol still applies the single class application system), the international application (exclusively governed by the Protocol) can be based on one or more basic applications (code (821)) and basic registrations (code (822)) if the international registration covers several classes of goods and/or services.

Re: INID codes (831) to (834)

No INID codes are provided for where a change affects all the designated Contracting Parties (in the case of total change in ownership (transfer)).

Re: INID codes (831), (832) and (834)

By "designation" is meant a territorial extension made in the international application or subsequent to the international registration. Code (831) and/or code (832) and/or code (834) will be used in the publication of international registrations, subsequent designations, renewals and partial changes in ownership.

Re: INID code (833)

This code will be used in the publications of renunciations, limitations and partial cancellation.

Re: INID codes (841) and (842)

The information covered by these codes is optional for the purposes of international registration and is intended to comply with requirements under the laws of some designated Contracting Parties.

Re: INID codes (843) to (845)

The provisions regarding 'requests for review or appeal' were in force for the period April 1, 1996 to March 31, 2002. They do not form part of the current regulations.

Re: INID code (851)

This code will be used where a limitation of the list of goods and services is included in an international application or in a subsequent designation.

Re: INID code (852)

This code will be used where a partial cancellation of the list of goods and services covered by the international registration has been recorded.

Re: INID code (868)

When this code is used, the data should also include the date on which the Grant of Protection was received by WIPO.

Re: INID code (869)

This code will be used where protection is accepted, with the reserve that some elements of the mark itself are not protected.

Re: INID code (871)

In the case of a partial assignment of the international registration, the assigned part (recorded in the name of the transferee) will bear the same number as the international registration concerned, followed by a capital letter.

Re: INID code (894)

The provisions regarding 'confirming the refusal of protection' were in force for the period April 1, 1996 to March 31, 2002. They do not form part of the current regulations.