

Special Union for the International Registration of Marks (Madrid Union)

Assembly

**Forty-Sixth (20th Ordinary) Session
Geneva, September 23 to October 2, 2013**

DRAFT REPORT

prepared by the International Bureau

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/51/1 Prov.3): 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 38, 47 and 48.
2. The reports on the said items, with the exception of item 38, are contained in the draft General Report (document A/51/20 Prov.).
3. The report on item 38 is contained in the present document.
4. Mrs. Grace Issahaque (Ghana), was elected Chair of the Assembly; Mr. Rimvydas Naujokas (Lithuania) was elected Vice-Chair.

ITEM 38 OF THE CONSOLIDATED AGENDA

MADRID SYSTEM

5. Discussions were based on documents MM/A/46/1 and MM/A/46/2.
6. The Chair opened the session and announced that there had been four new accessions to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter referred to as “the Madrid Protocol”) since the last meeting of the Madrid Union Assembly. The Madrid Protocol entered into force in Mexico on February 19, 2013, in India on July 8, 2013, in Rwanda on August 17, 2013, and will enter into force in Tunisia on October 16, 2013. With these accessions, the membership of the Protocol now stands at 91 and only one member of the Madrid Union remains bound by the Agreement alone, keeping the total membership of the Madrid Union at 92. The Chair congratulated the new members of the Madrid Union.

Information Technology Modernization Program (Madrid International Registration System): Progress Report

7. Discussions were based on document MM/A/46/1.
8. The document contains the progress made in the Information Technology Modernization Program since the last Madrid Union Assembly.
9. The Secretariat stated that Phase I of the said Program was now complete, and that deliverables included a variety of web tools for both offices and users. Phase II development was progressing well and deployment was scheduled during the third quarter of 2014. The document proposed that Phase III of the project be undertaken to address any ergonomic or process reengineering issues that may arise post deployment next year. The details of Phase III activities would be presented to the next Madrid Union Assembly and should be undertaken within the original project budget.
10. The Delegation of the Republic of Korea recognized that the development of IT systems was very important for WIPO, IP Offices and applicants. The Delegation requested WIPO to further invest in IT development. While recognizing the importance of these developments, the Delegation also stressed the need to address other issues which would be beneficial to users of the Madrid system, such as the requirement of the basic mark and central attack. The Delegation would therefore make contributions on these matters in the relevant Working Group.
11. The Delegation of India stated that it was very pleased to inform the Assembly that the Madrid Protocol came into force in India on July 8, 2013. Even though India had made a declaration under Article 14(5) of the Protocol, meaning that India could not be designated in international registrations dated earlier than July 8, 2013, India had been designated in more than 1,100 international applications. The Delegation announced that the Indian Intellectual Property Office was fully automated and was prepared to discharge its responsibility as an Office of Origin and as an Office of a designated Contracting Party. Moreover, it had started receiving electronic notifications from WIPO regarding international registrations designating India, and that international applications from India were being sent electronically to the International Bureau of WIPO. The Delegation appreciated the utility of the Madrid Goods and Services Database (hereinafter referred to as “MGS”), which had been accessed by a number of Indian trademark stakeholders.

12. The Assembly:

- (i) took note of the completion of Phase I of the Program;
- (ii) took note of the progress of Phase II of the Program; and
- (iii) took note that a detailed description of Phase III activities will be presented with the next Progress Report.

Madrid System Goods and Services Database: Progress Report

13. Discussions were based on document MM/A/46/2.

14. The Secretariat gave an update on the operational status of the Madrid Goods and Services Manager. The Secretariat indicated that the MGS was now available in 15 languages, and that the tool might be useful for both national and international filings. The Secretariat added that MGS had a function to check the acceptability of goods and services by participating Madrid Contracting Parties and the Secretariat also informed that the remaining project funds would continue to be dedicated to increasing linguistic diversity of MGS.

15. The Delegation of Norway thanked the International Bureau of WIPO for providing a very informative document. The Delegation indicated that the development of MGS was very positive and that the work of the International Bureau of WIPO in developing the database was very solid. The Delegation also thanked the International Bureau of WIPO for its fruitful cooperation when translating the database into Norwegian. The Delegation said it had taken particular note of the new feature “Check Acceptance by a designated Contracting Party”, and it highlighted that this function enabled users to check whether or not a term was accepted in a designated Contracting Party, thereby avoiding the communication of a provisional refusal from the designated Contracting Party and subsequent additional costs and delays. The Delegation added that this function was also beneficial for the Contracting Parties, which could avoid issuing provisional refusals on what was, after all, a matter that often could be resolved easily. As an example, the Delegation said that this function might be of great use if a Contracting Party decided to implement changes in practice on the acceptance of terms. A user might then immediately be informed of this change, thereby avoiding what were essentially inefficient consequences, both for the user and the Contracting Party. Finally, the Delegation encouraged as many Contracting Parties as possible to participate in this database, stating that, whether or not Contracting Parties wanted to participate fully, the Delegation encouraged them to participate at least in the “Check Acceptance” function.

16. The Delegation of China thanked the Secretariat for the great work done and expressed its satisfaction to see that MGS had made progress that would benefit the users with more convenient service, and reduce irregularities. The Delegation expressed its support for the development of the database, and indicated that China would continue to strengthen its cooperation with WIPO in this regard. The Delegation expressed its agreement on the use of outstanding funds to provide financial support to interested offices, so as to encourage them to join MGS and thereby increase the linguistic diversity of the database.

17. The Assembly:

- (i) took note of the progress made in the implementation of the MGS, as described in document MM/A/46/2, up to May 30, 2013;
- (ii) took note of the continued use of the remaining project funds (see paragraph 26 of document MM/A/46/2 Rev.) to provide financial assistance to certain interested and relevant offices to enable them to translate the MGS and make it available in their national languages; and
- (iii) requested the International Bureau of WIPO to report to the Assembly in 2014 on the operational status of the implementation of the MGS and the use of remaining project funds.

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