

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**SPECIAL UNION FOR THE INTERNATIONAL REGISTRATION OF MARKS
(MADRID UNION)**

ASSEMBLY

**Twenty-Fifth Session (10th Ordinary)
Geneva, September 20 to 29, 1993**

REPORT

adopted by the Assembly

INTRODUCTION

1. The Assembly was concerned with the following items of the Consolidated Agenda (document AB/XXIV/1 Rev.): 1, 2, 3, 4, 8, 14, 16, 17, 19, 24 and 25.
2. The report on the said items, with the exception of item 8, is contained in the General Report (document AB/XXIV/18).
3. The report on item 8 is contained in the present document.
4. Mr. Alexander von Mühlendahl (Germany) was elected Chairman of the Assembly.

ITEM 8 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE MADRID UNION

Finances of the Madrid Union

5. Discussions were based on document MM/A/XXV/1.
6. The Delegations of France, Switzerland, Bulgaria and Cuba expressed their satisfaction with the operations of the Madrid system, which users considered worked extremely well. The Delegation of Portugal added that it was particularly satisfied with ROMARIN.
7. The discussions focussed on the proposed increase of the Madrid fees by 10% effective April 1, 1994.
8. The Chairman noted that the budget for the 1994-95 biennium had been prepared on the basis that there would be a 10% fee increase and that the interest earnings of the Madrid Union reserve fund would be credited to the income of the Madrid Union; without those, a deficit would result, to be covered from the reserve fund.
9. The Delegation of Portugal said that it supported the proposed increase, which it considered was justified by the need for important investments for computerization and for additional premises. The Delegation said that it expected that States receiving international trademark registrations (and therefore fees) under the Madrid Agreement would support a fee increase, whereas States with high numbers of registrations filed by their nationals might take a different view. The Delegation added that the fee increase would be helpful for developing countries.
10. The Delegations of Algeria, Sudan, Bulgaria, Cuba, Egypt and the Democratic People's Republic of Korea said that they also supported the proposed (10%) fee increase, which they considered to be necessary, reasonable and of benefit to all States.
11. The Delegations of France, Switzerland, the Netherlands, Italy, Belgium, Austria and Germany said that they would prefer no fee increase or, in any case, less than 10%. They gave one or several of the following reasons: a fee increase might reduce the use of the Madrid system, especially in the present economic climate; any deficit should be covered from the Madrid Union reserve fund; economies should be made in budgeted expenditures; some expenditures needed for the preparation for the entry into force of the Madrid Protocol should be deferred.
12. The Delegation of the Netherlands noted that the 50% fee increase of the Benelux Office in 1991 was the first since 1975, and that as that increase had been too high, the fees would be reduced by 15% in January 1994.
13. The Delegation of Spain suggested that a compromise should be sought, taking into account the inflation factor, the need to develop new systems for the Madrid Protocol, and the desire to hold down fee increases.

14. In conclusion, the Assembly decided to increase the Madrid fees by 7%, effective April 1, 1994, and accordingly amended the Schedule of Fees for the Madrid system.

15. The amended Schedule of Fees for the Madrid system (Rule 32(1)) is contained in the Annex.

16. The Delegations of Italy and France said that they hoped that certain expenditures would be reduced in line with the lower than budgeted income that would result from the fee increase just decided. The Delegation of France added that that should be done by the Director General as he saw fit.

17. The Chairman stated that economizing should also apply to the hiring of new staff.

18. The Director General said that the exact income of the Madrid Union could not be known at the present time as it depended upon the level of activity under the Madrid system. If possible, economies would be made without causing harm to the activities involved so as to make the deficit, if any, as small as possible. Any deficit would be covered from the reserve fund.

19. The Assembly then decided to approve the proposals contained in paragraphs 13, 30 and 34 of document MM/A/XXV/1.

Identification Codes

20. The International Bureau informed the Assembly of its plan to start assigning identification codes, corresponding to their names and addresses, to the owners of international registrations. The following procedure will be adopted.

21. When a new international registration is effected, the International Bureau assigns an identification code to its owner and he is sent a letter in which he is requested to submit to the International Bureau a list of all the international registrations owned by him, and informed that, for all the registrations that he has listed, the name and address that have been given for the new registration will be entered in the International Register free of charge. In that way the Register can be gradually cleared of the many inconsistencies now to be found in it in relation to the indication of names and addresses given for persons who are one and the same although they appear to be two or more. This clearance will make it possible, at no cost to the owners, to improve the reliability of searches made on the basis of the owner's name, notably on the ROMARIN compact disc.

22. In reply to questions raised by one delegation, the International Bureau said, on the one hand that it was not able to give the date on which the Register would be fully cleared, and, on the other hand, that the offices of the countries concerned would be informed of all name and address changes that would be made in the course of the operation.

23. The Assembly noted with approval the plan of the International Bureau as described in the preceding paragraphs.

Extracts from the International Register; Amendment to Rule 32(1)(f) of the Regulations under the Madrid Agreement

24. Discussions were based on paragraphs 1 and 6 of document MM/A/XXV/2.

25. The Assembly adopted, with effect from April 1, 1994, the new wording of Rule 32(1)(f) of the Regulations under the Madrid Agreement given in the Annex to this report.

Recordings Concerning Representatives; Amendment of Rules 2(1)(f) and (g), 2(3) and 33(vii) of the Regulations under the Madrid Agreement

26. Discussions were based on paragraphs 7 and 8 of document MM/A/XXV/2.

27. The Assembly adopted, with effect from April 1, 1994, the new wording of Rules 2(1)(f) and (g), 2(3) and 33(vii) of the Regulations under the Madrid Agreement given in the Annex to this report.

Translation of the Nice Classification

28. Discussions were based on paragraphs 9 to 11 of document MM/A/XXV/2.

29. The Assembly adopted the proposal that financial assistance be given to certain offices in the preparation of the translation of the sixth edition of the Nice Classification in their own languages, according to the procedure set out in paragraph 11 of document MM/A/XXV/2.

[Annex follows]

ANNEX

MODIFIED RULES OF THE REGULATIONS UNDER THE MADRID (STOCKHOLM) AGREEMENT
APPLICABLE FROM APRIL 1, 1994

Rule 2

Representation Before the International Bureau

(1)(a) to (e) [No change]

(f) Recording of a representative may be requested by completion of the appropriate section of the application form for international registration, the form for the recording of a change or correction to an international registration or the form for renewal of an international registration, provided that the renewal is effected through the national Office of the owner's country.

(g) The recording of a change of representative or of any change concerning the representative may be requested at the time of the recording of a change or correction affecting the international registration or the renewal of an international registration, provided that the renewal is effected through the national Office of the owner's country, by completion of the appropriate section of the form for the recording of a change, the form for recording of a correction or the renewal request form.

(h) and (i) [No change]

(2) [No change]

(3) Notwithstanding paragraph (1)(e),

(i) the appointment of the representative may be revoked by means of a written communication made direct to the International Bureau by the owner and signed by him; the International Bureau shall inform the national Office of the owner's country, and also the representative whose mandate has been revoked, of such revocation;

(ii) the appointment may be renounced by means of a written communication made direct to the International Bureau and signed by the representative; the International Bureau shall inform the national Office of the owner's country, and the owner, of such renunciation.

(4) and (5) [No change]

Rule 32

The Required Fees

(1) The International Bureau shall collect the following fees, payable in advance, in Swiss francs:

(a) International registration or renewal fees	
(i) basic fee	
for 20 years (Rules 10(1) and 25(1))	846
for a first period of 10 years (Rule 10(1))	556
balance of the basic fee for the second period of 10 years (Rule 10(2))	706
(ii) supplementary fee for each class of goods and services after the third (Articles 7(1) and 8(2)(b) of the Agreement)	94
(iii) complementary fee for territorial extension to one country (Articles 3 ^{ter} , 7(1) and 8(2)(c) of the Agreement)	94
(b) Surcharge	
(i) for a mark including a figurative element or for a word mark in a special form of writing, except when published in color (Rule 9(1))	70
(ii) for a mark published in color (Rule 9(2)(ii))	428
(c) Fee for classification of goods and services (Rule 12(2))	
(i) where the goods and services are not classified or grouped in classes	75
and per word after the twentieth	4
(ii) where the classification indicated is incorrect per word	4
(but no fee if the number of reclassified words is 19 or less)	
(d) Surcharge for the use of the period of grace (Rules 10(3) and 25(3)):	50% of the fees payable under (a)

(e) Fee for recording a change (Article 9(4) of the Agreement and Rule 20)	
(i) territorial extension requested subsequent to international registration (Article 3 ^{ter} (2) of the Agreement)	172
(ii) total transfer of the international registration	172
(iii) partial assignment of the international registration, for some of the goods and services or for some of the countries	172
(iv) limitation of the list of goods and services requested subsequent to registration, for all or some of the countries, except in the case covered by Rule 33(iv) ..	172
(v) change of name and address of the owner for a single international registration	96
for each of the following international registrations for the same owner if the same change is requested at the same time	10
(f) Fee for communicating information concerning the contents of the International Register (Article 5 ^{ter} (1) of the Agreement)	
(i) establishing a certified extract from the International Register consisting of an analysis of the situation of an international registration (detailed certified extract), up to three pages	150
for each page after the third	10
(ii) establishing a certified extract from the International Register consisting of a copy of all publications, and of all notifications of refusal, made with respect to an international registration (simple certified extract), up to three pages	75
for each page after the third	2
(iii) a single attestation or information in writing for a single international registration	75
for each of the following international registrations for the same owner if the same information is requested at the same time	10
(iv) information given orally, per international registration	27
(v) reprint or photocopy of the publication of an international registration, per page	5
(2) and (3) [No change]	

Rule 33

Exemption from Fees

The following shall be exempt from fees:

- (i) to (vi) [No change]
- (vii) recording of a representative, of a change of representative or of any change concerning the representative.

[End of Annex and of document]