



Modelling Madrid System Processes

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Madrid System Model

- ❑ The Role of the IB
- ❑ The simple model
- ❑ More complex models, via the Life Cycle of a Mark

Transfer of ownership

Designation Overrides

Basic List Overrides

Partial Transfer <- Complex

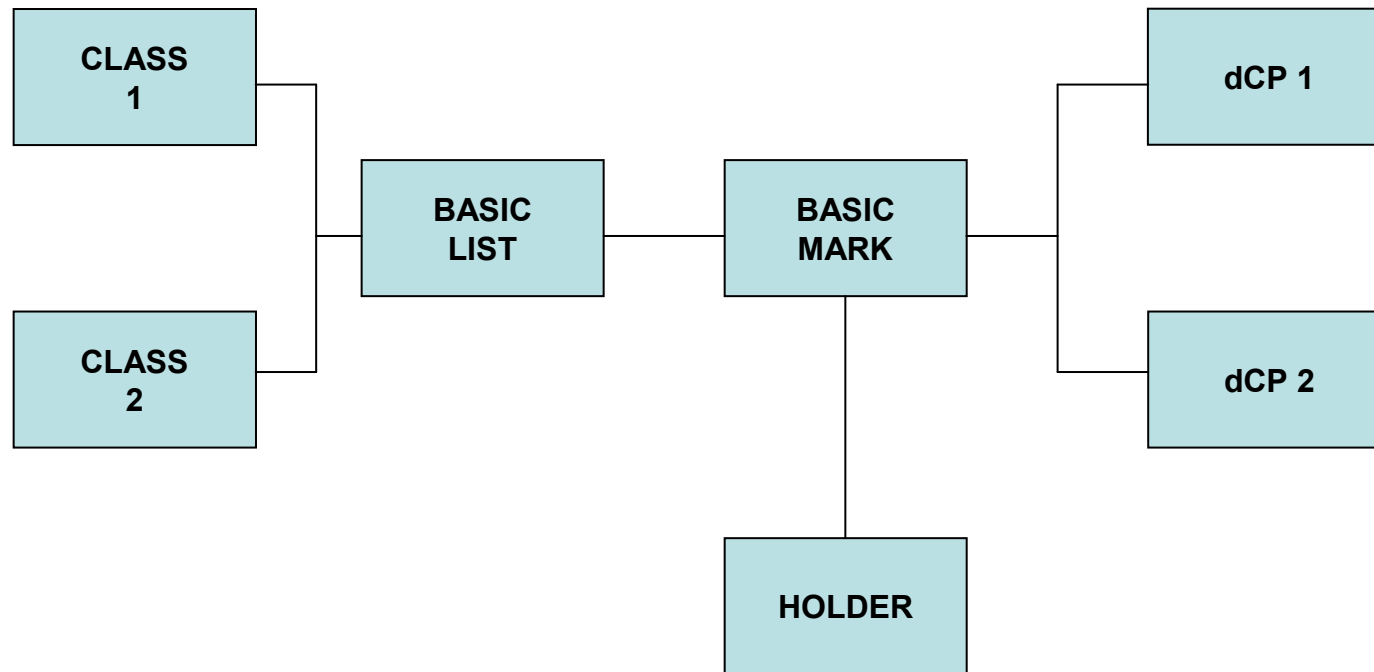
Merger <- Most Complex

- ❑ Application development freeze

The Role of the IB

- Receive requests for recordal (including IA's)
- Undertake formality examination according to legal framework (including classification and translation)
- Inscribe regular requests in the International register
- Notify inscriptions to concerned parties (Holders, representatives, Offices of Origin and designated Contracting Parties)
- Publish in the WIPO Gazette
- Non-interpretive approach

A Simple Model of Madrid after an International Registration is born



Life Cycle of an International Mark

Birth

Modify (name and address changes, change of ownership, appoint or revoke an agent)

Renew

Death = Non Renewal or cancellation

Life Cycle of an International Mark after its birth

❑ Restrictions of Scope of Protection

Decisions by Offices (Refusals, final decisions etc),

Limitations,

Partial ceasing of effect,

Partial cancellations,

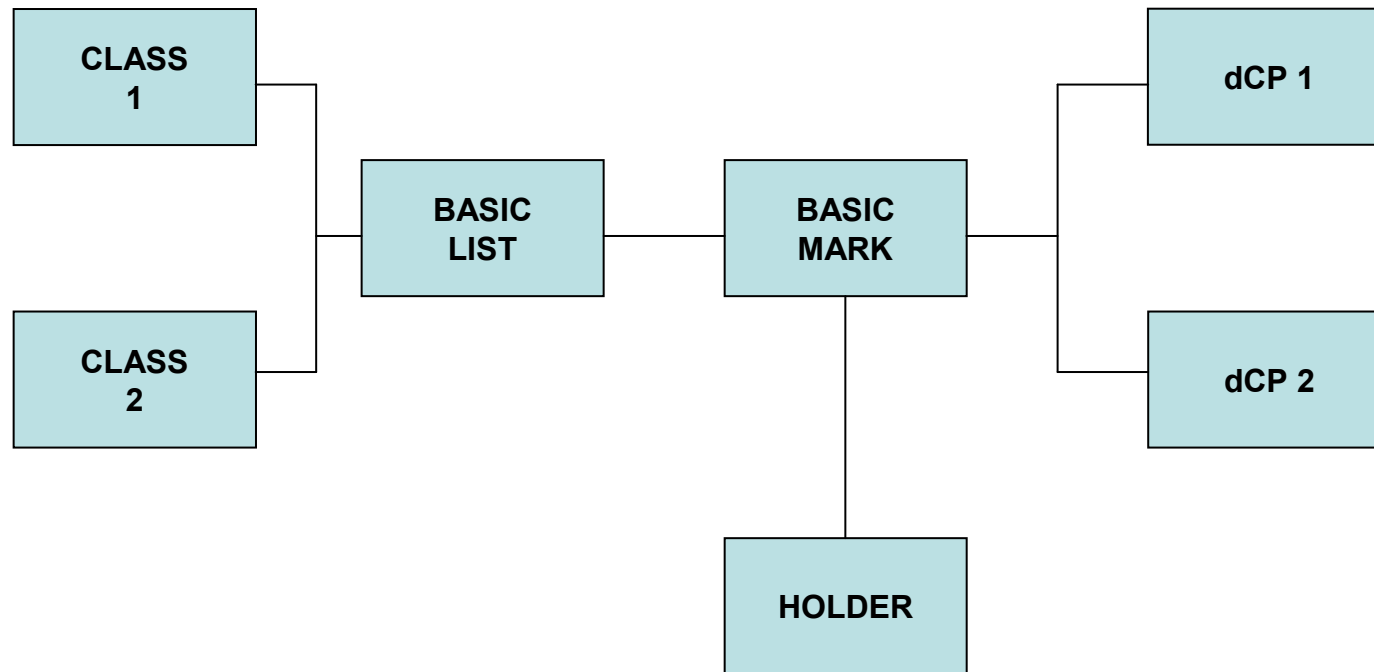
Partial transfer of ownership <- **Complex**

❑ Such transactions are known as protection overrides

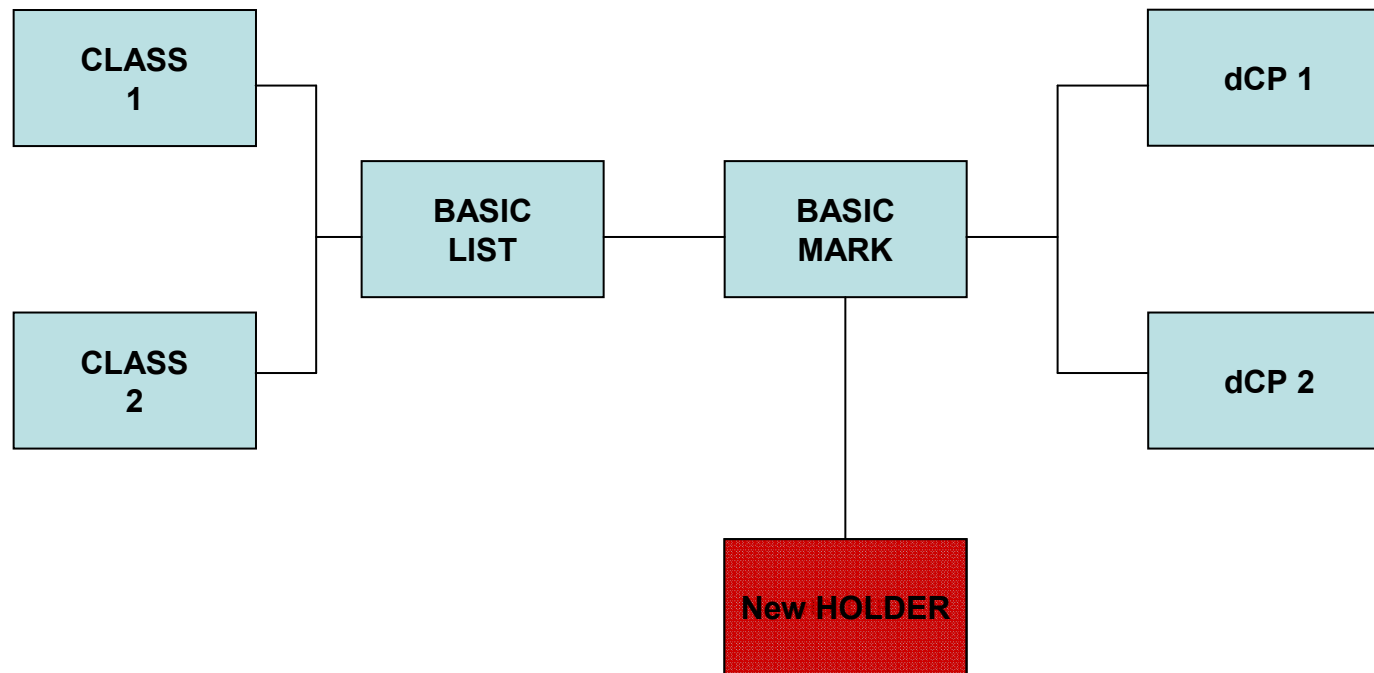
What is an override ?

- An override is a Madrid transaction that changes the scope of protection
- Examples are refusal, limitation, partial ceasing of effect and partial cancellation
- All overrides include expressions of goods and services
- Such expressions may be positive or negative (or both)
- Overrides can apply either to the designated Contracting Party, or to the Basic List

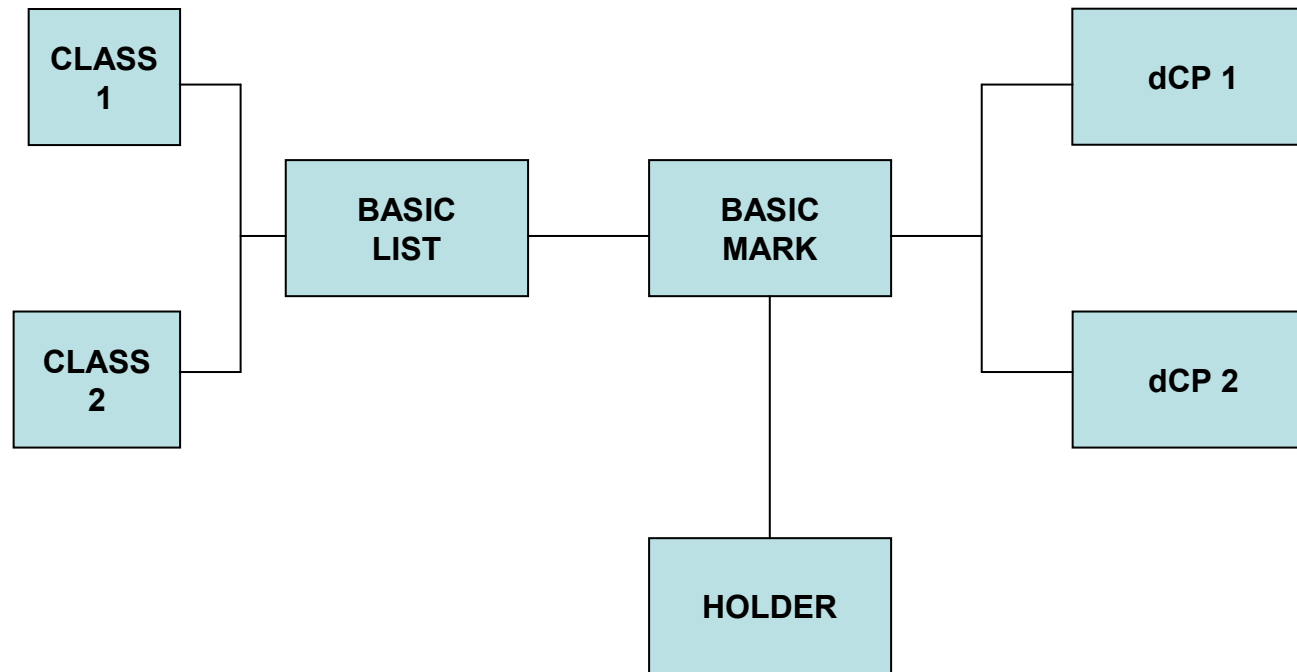
Transfer of Ownership – Before



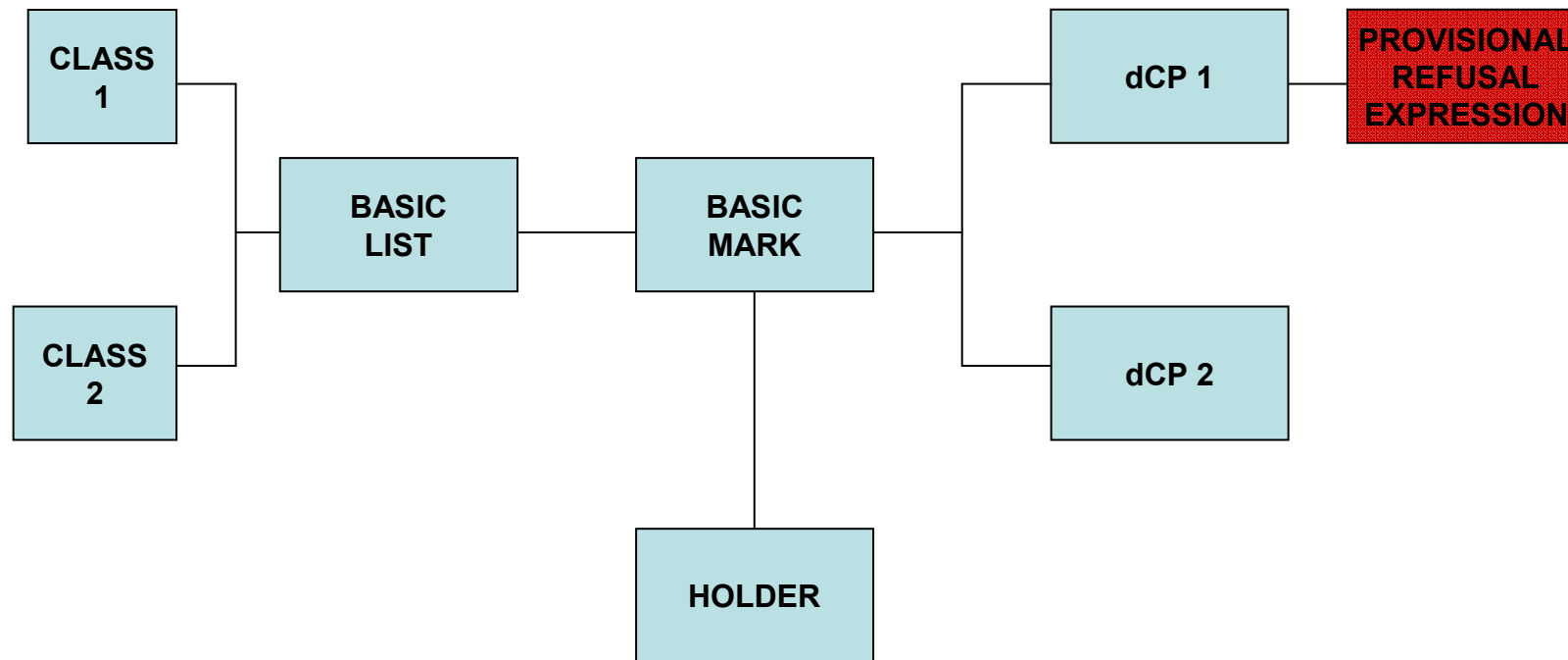
Transfer of Ownership – After



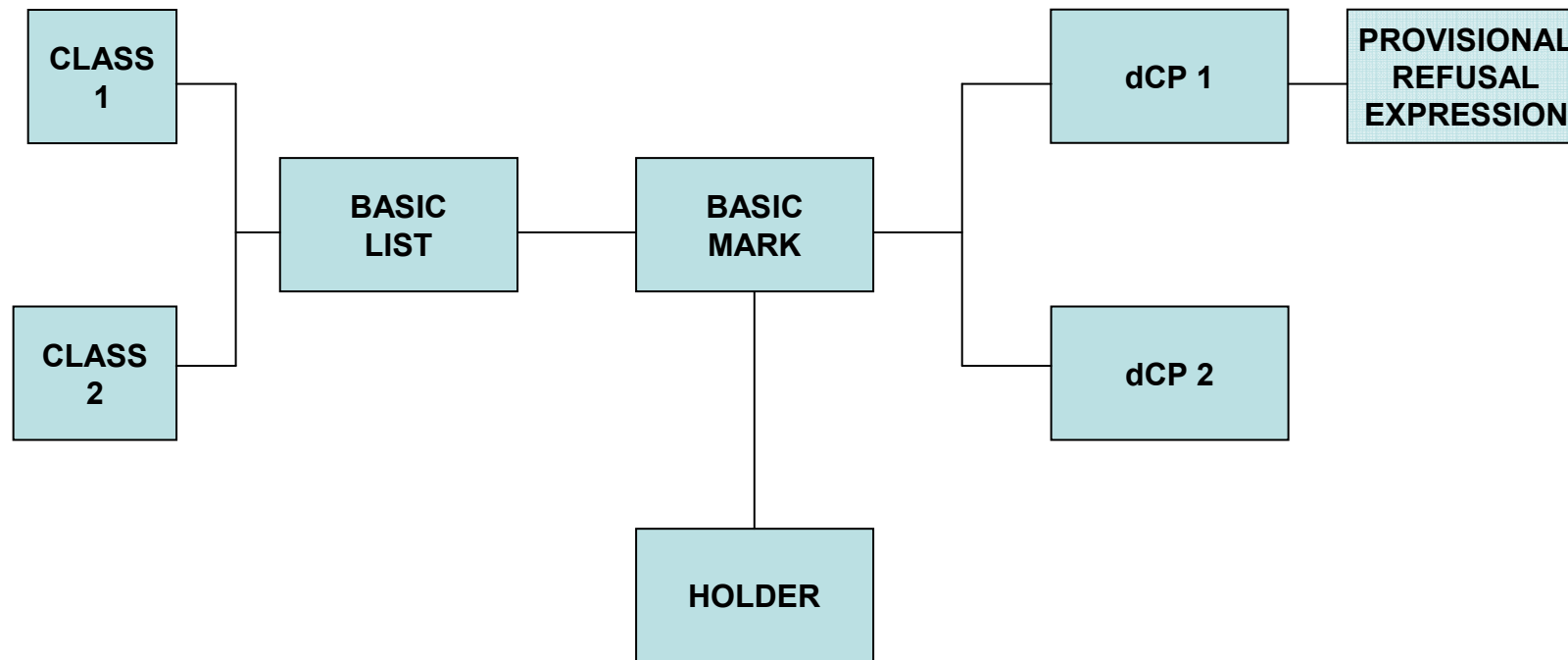
Designation Overrides Before (Refusal)



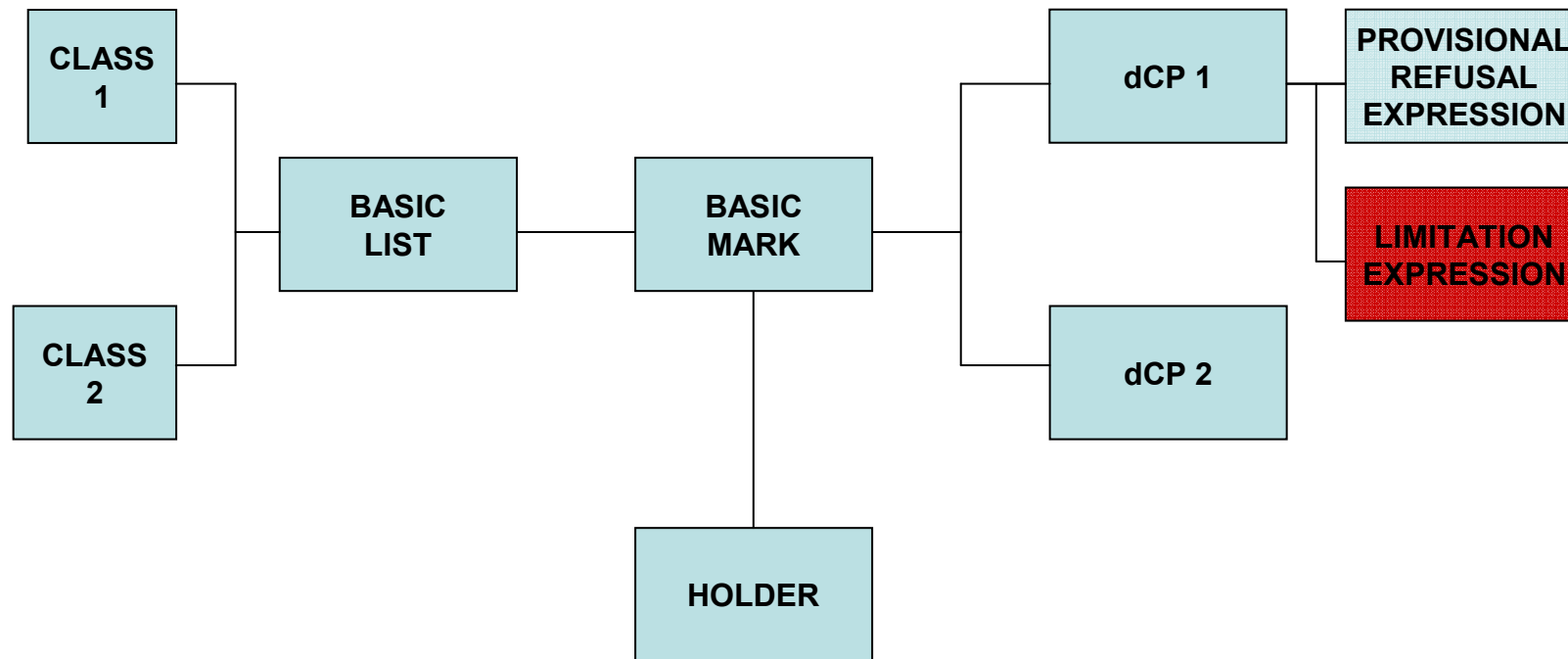
Designation Overrides After (Refusal)



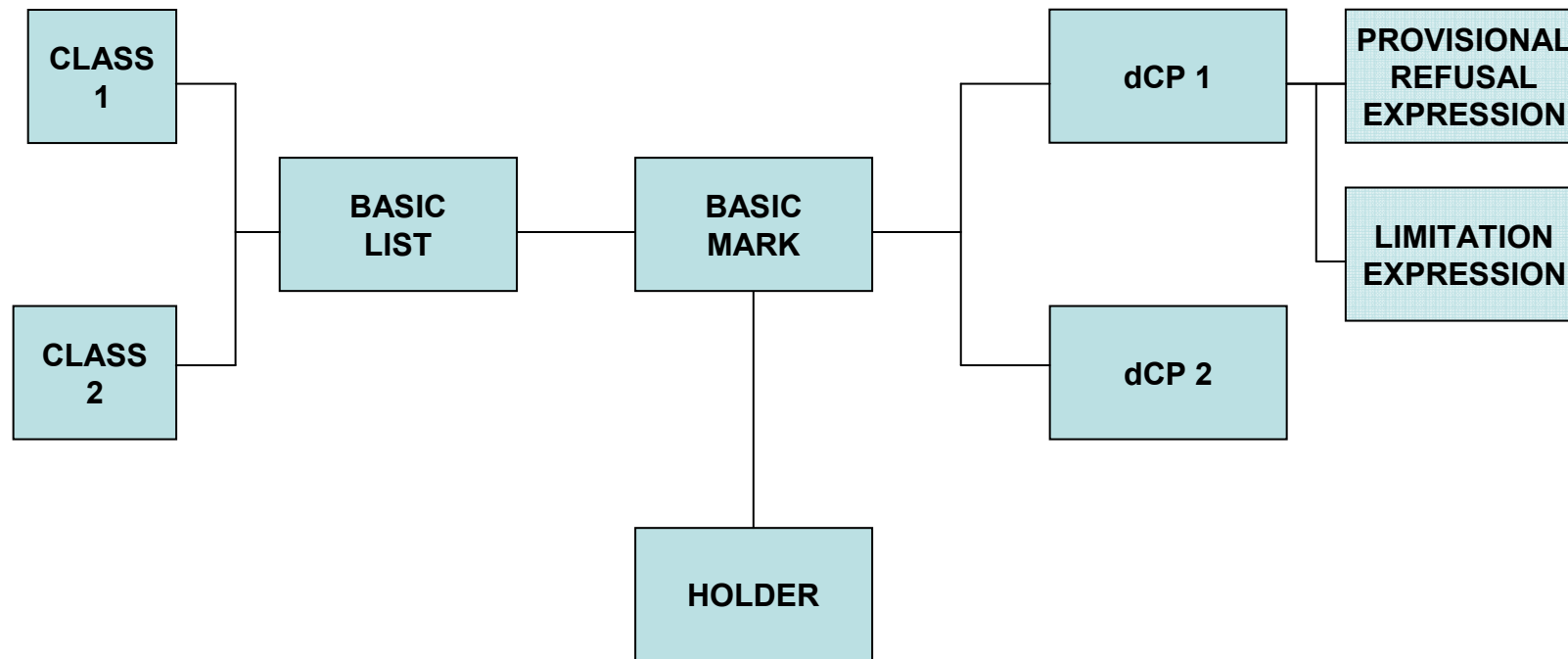
Designation Overrides Before (Limitation)



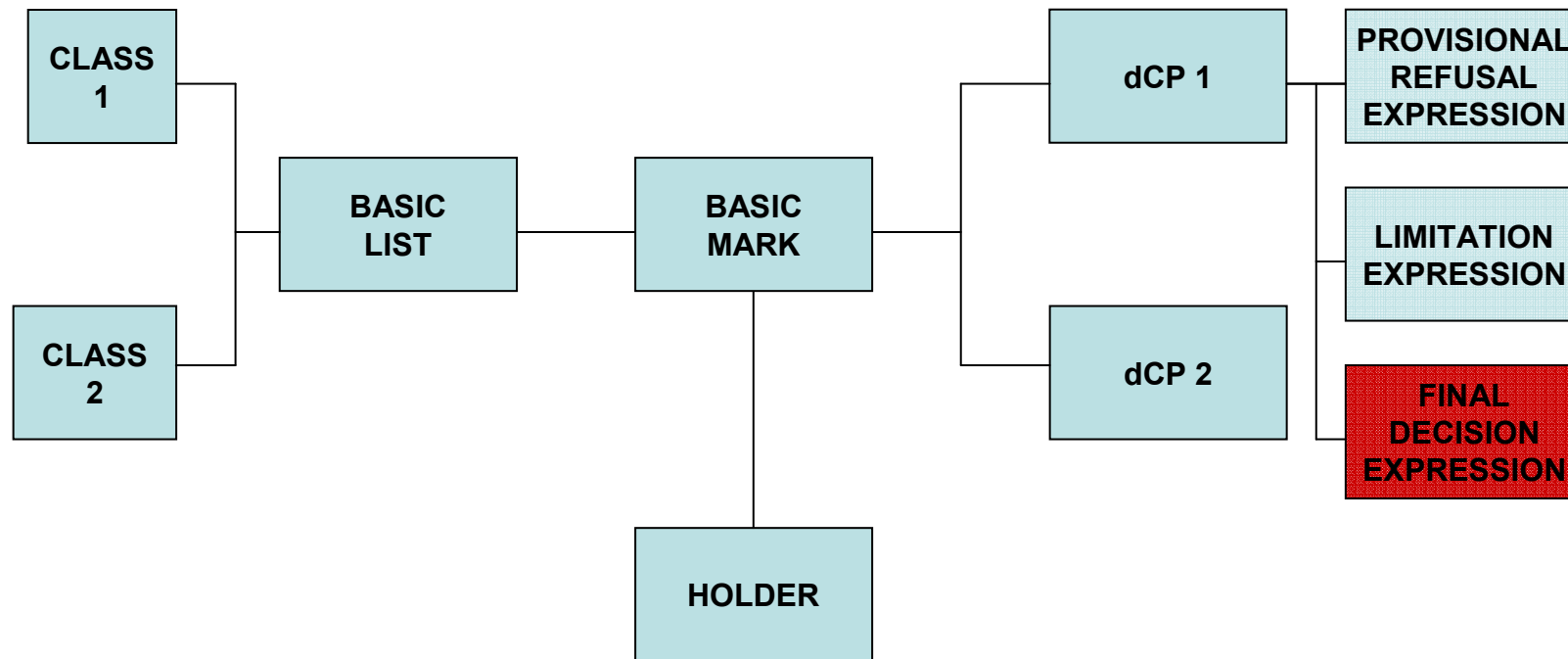
Designation Overrides After (Limitation)



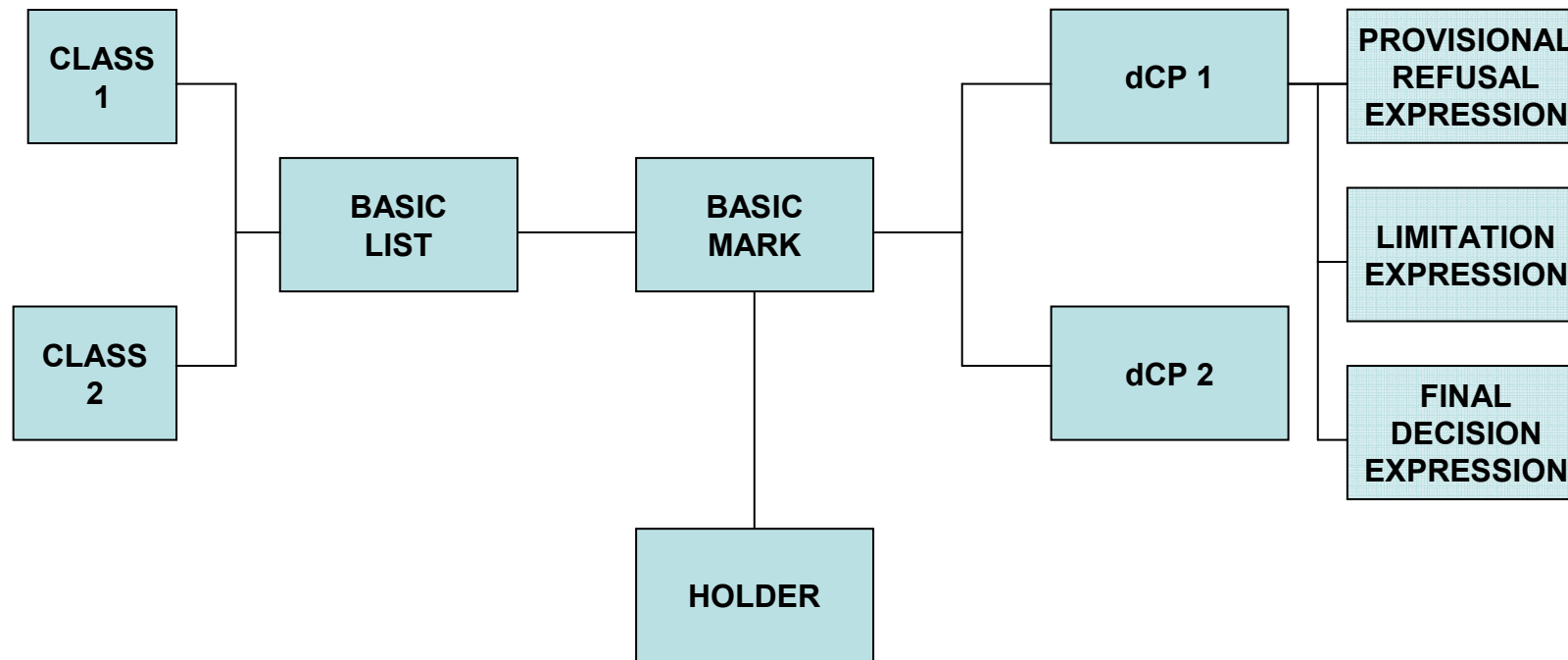
Designation Overrides Before (Final Decision)



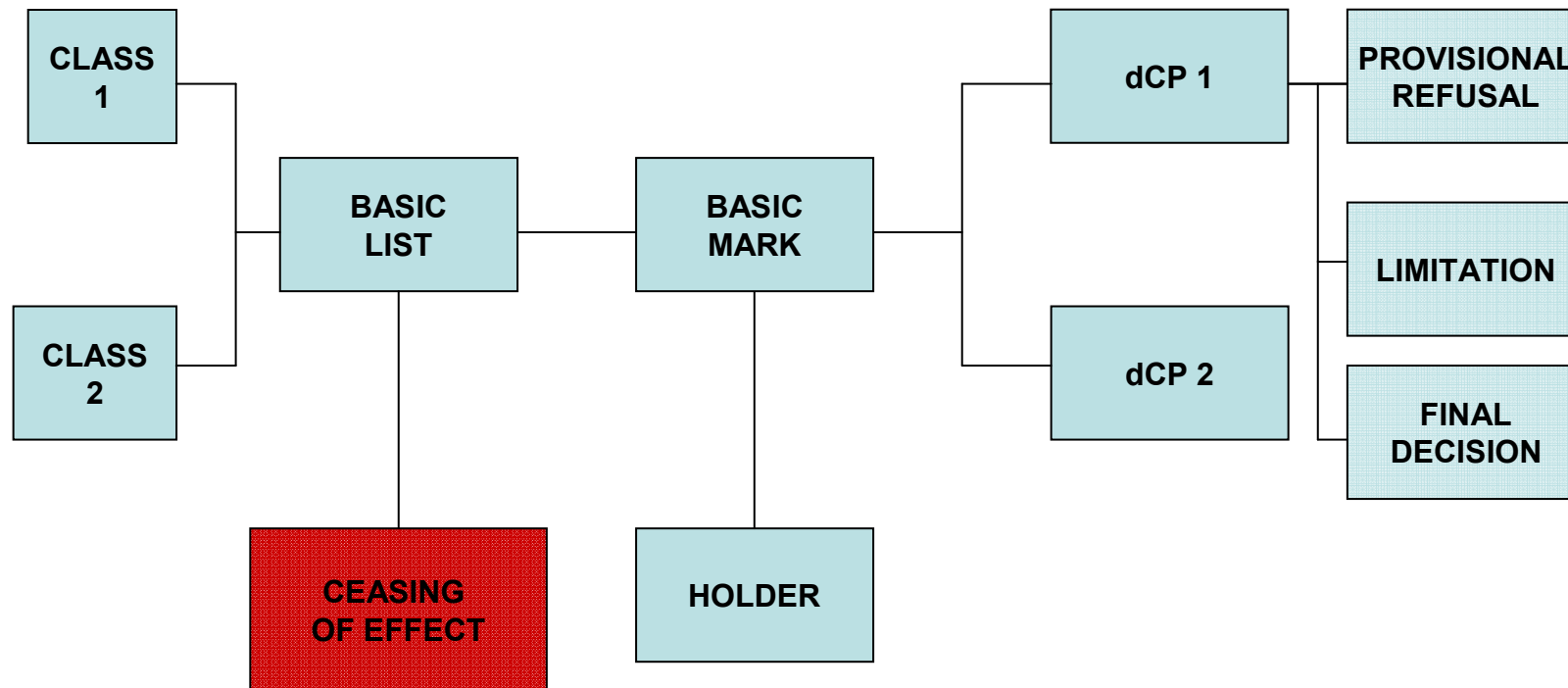
Designation Overrides After (Final Decision)



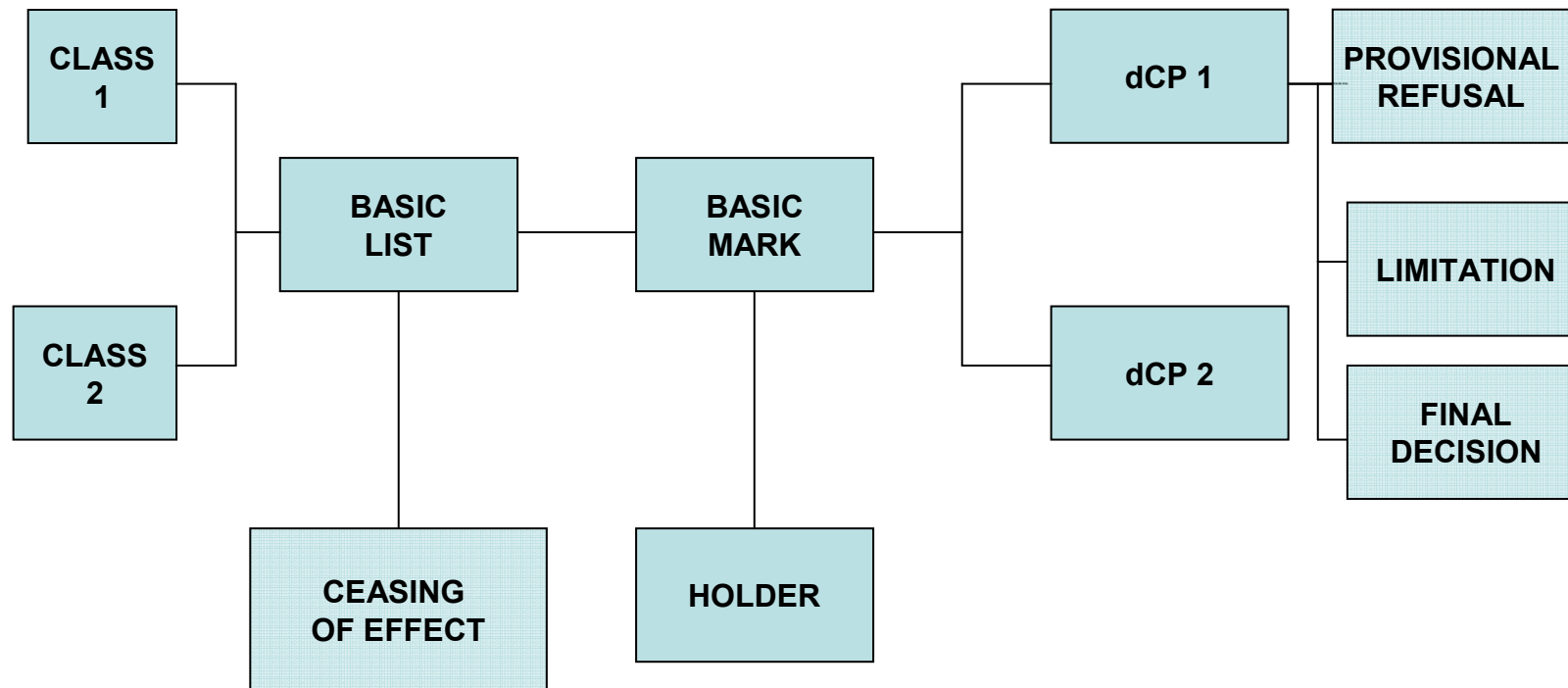
Basic List Overrides Before (Ceasing of Effect)



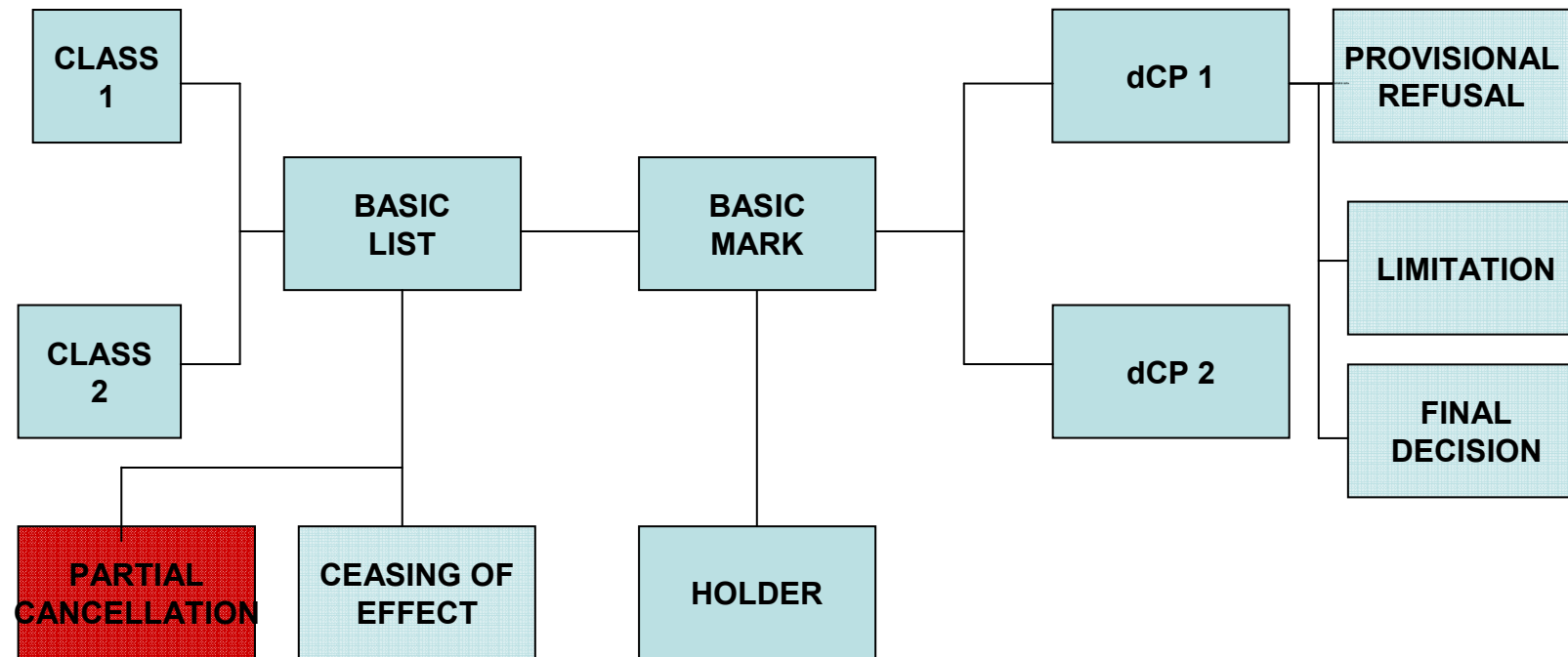
Basic List Overrides After (Ceasing of Effect)



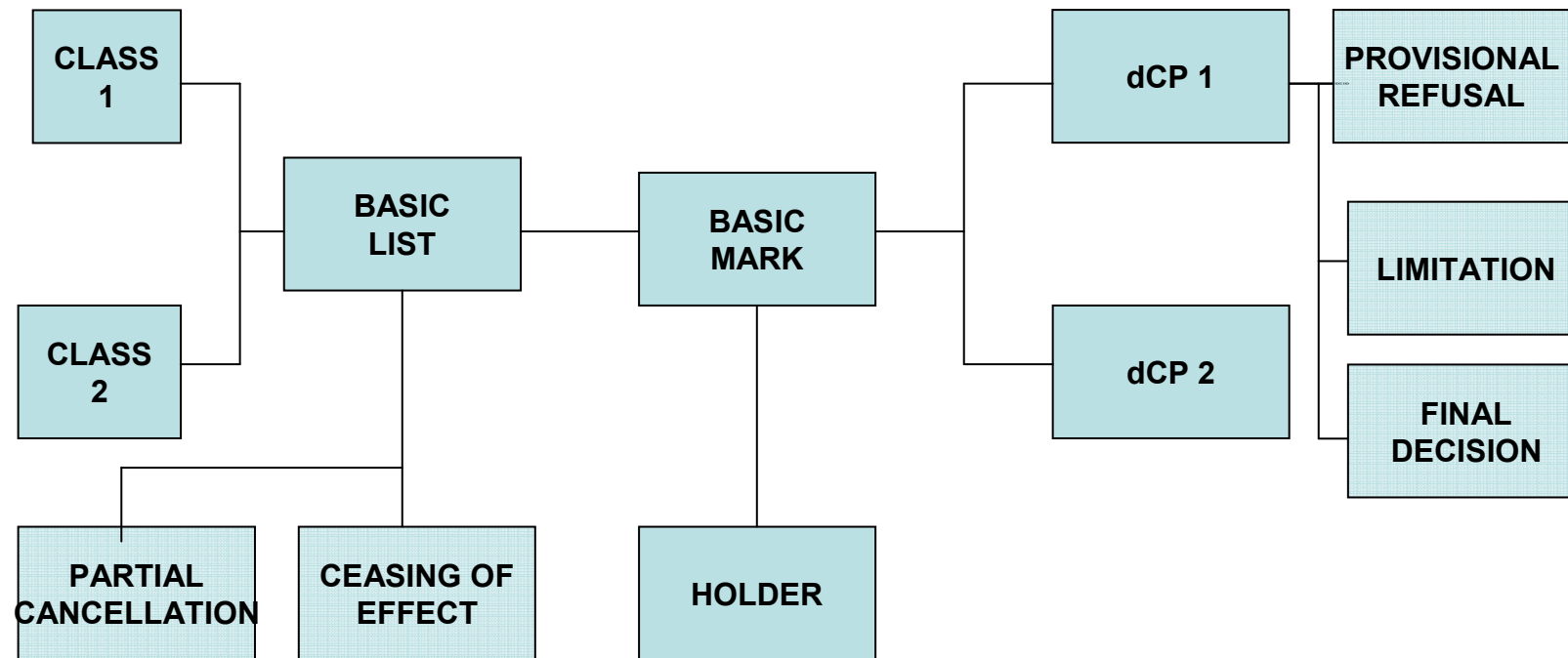
Basic List Overrides Before (Partial Cancellation)



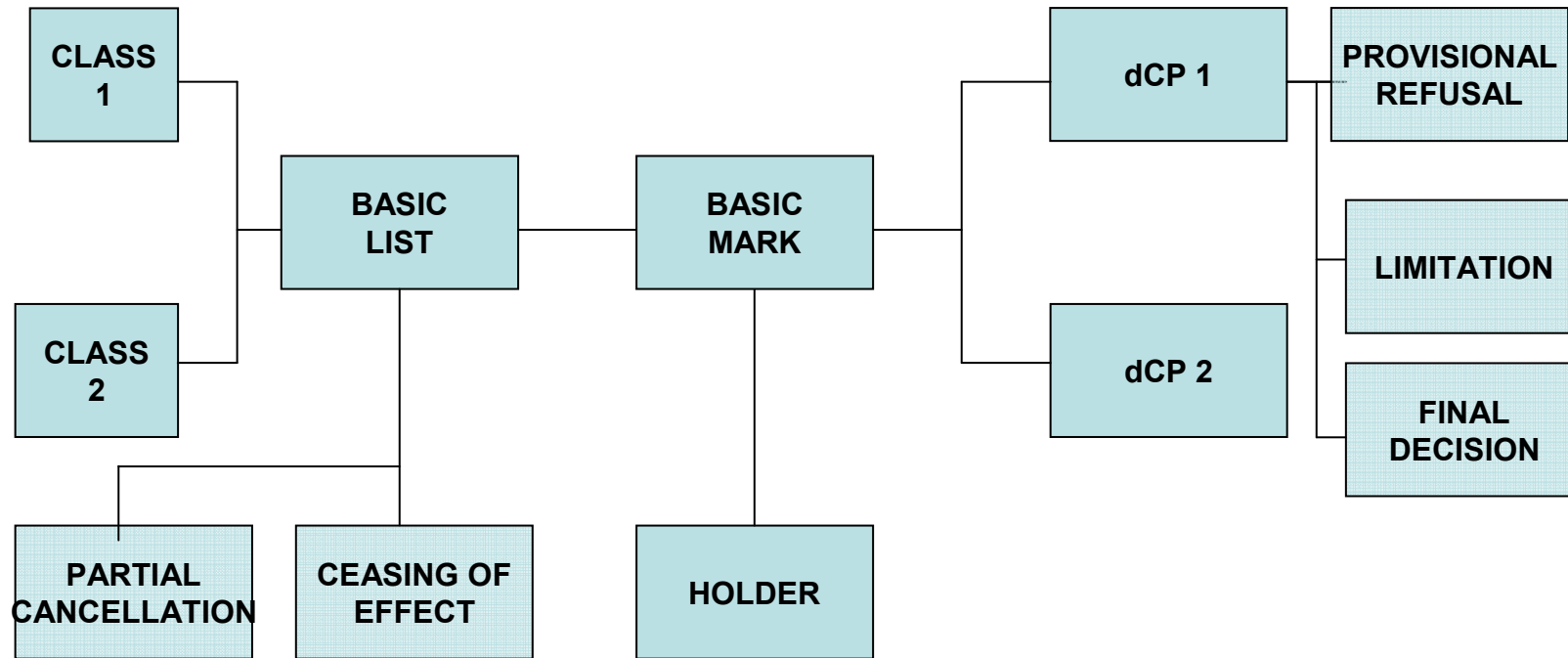
Basic List Overrides After (Partial Cancellation)



So what is the scope in dCP1 and dCP2 ?



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**dCP1 = Basic List +/-
Ceasing of effect +/-
Partial Cancellation +/-
Refusal +/-
Limitation +/-
Final Decision**

**dCP2 = Basic List +/-
Ceasing of effect +/-
Partial Cancellation**

Partial Change of Ownership

- ❑ 2nd most complex transaction we have
- ❑ Results in a birth, together with (some) Basic List and designation Overrides
- ❑ Birth IRN no longer numeric
- ❑ Three flavours* of partial transfer

SOME dCPs and **ALL** G&S

ALL dCPs and **SOME** G&S

SOME dCPs and **SOME** G&S

* (all dCPs and all G&S = **total transfer**)

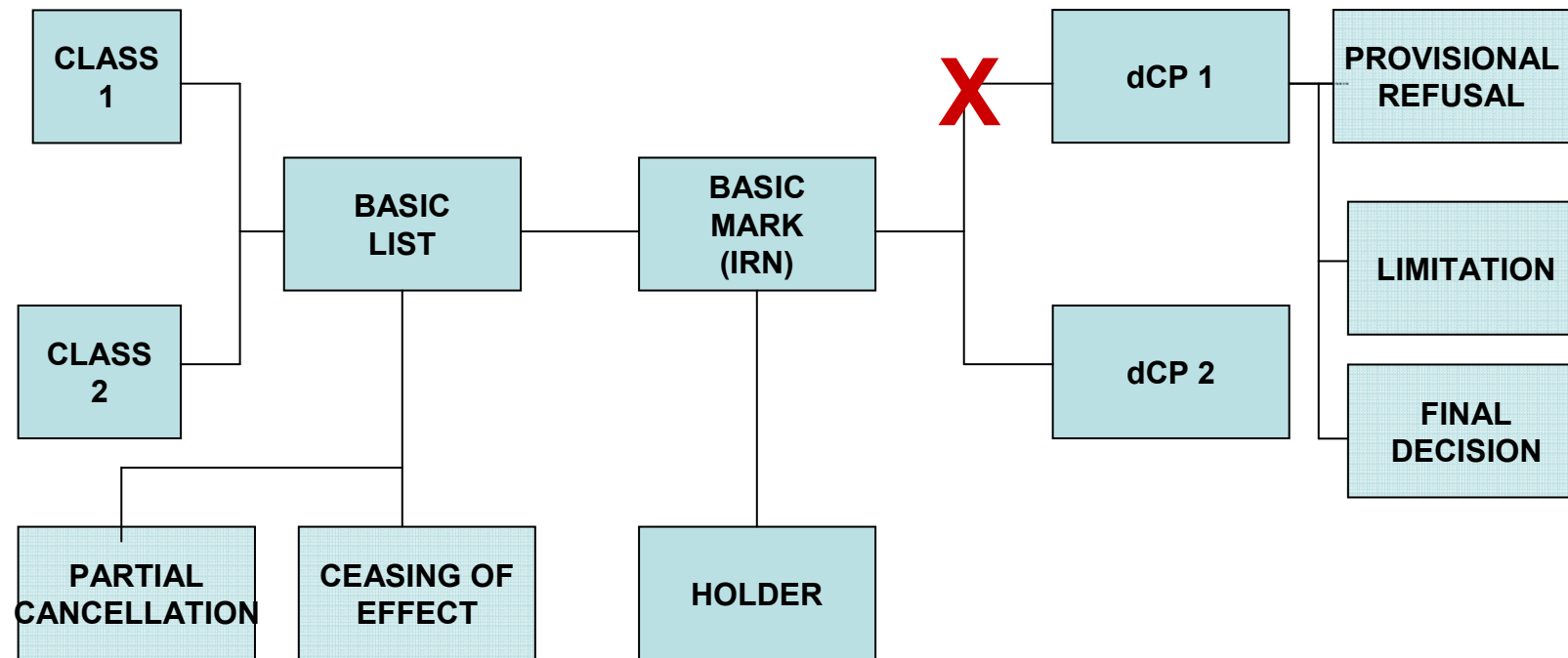
Partial Transfer – Case 1

SOME dCPs - ALL Goods

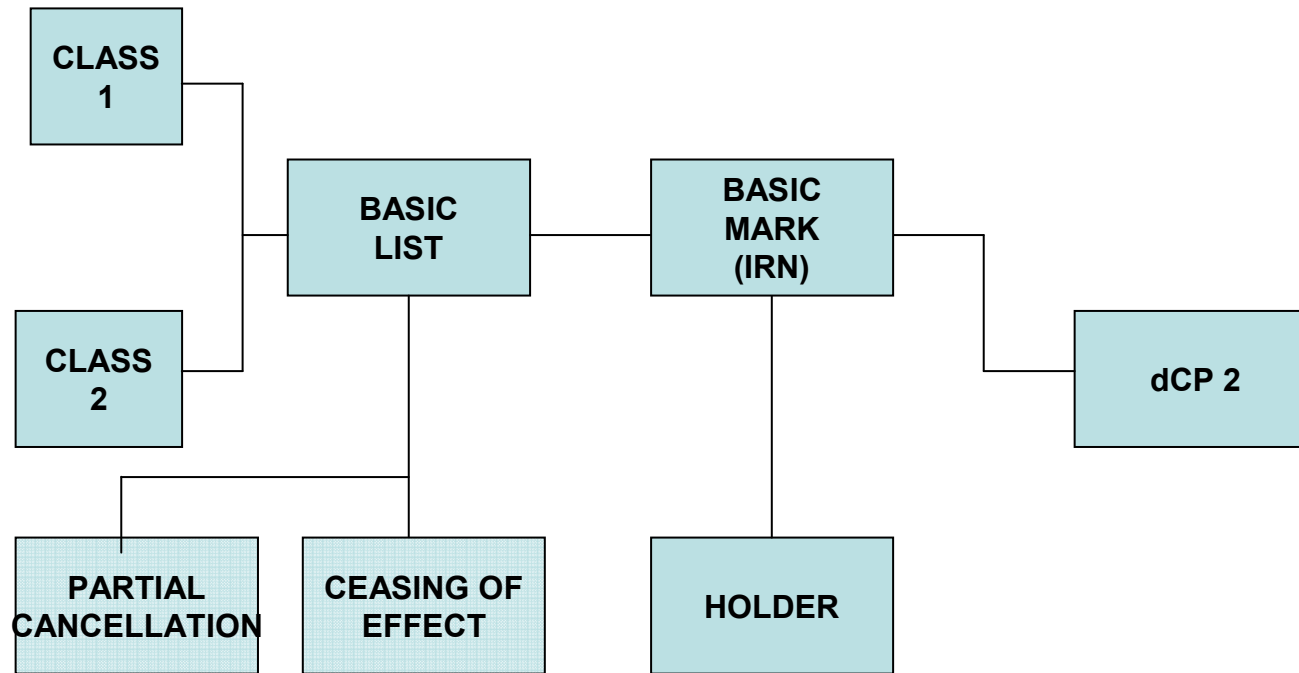
(e.g. Transfer ownership of dCP 1, for all goods)

- Create a new IRN (the child)
- The child IRN inherits basic list overrides
- The child IRN inherits dCP overrides
- The parent IRN has designations terminated

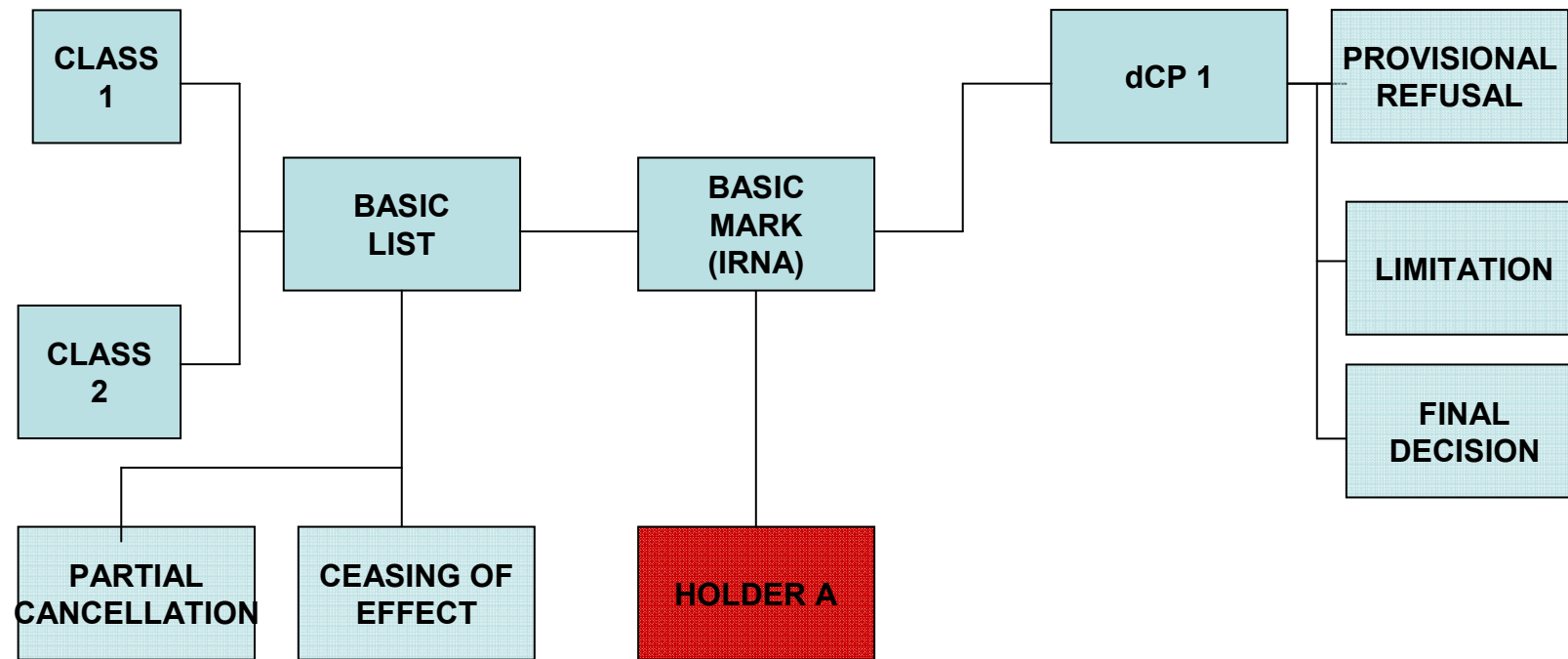
Parent IRN before



Parent IRN After



Child IRN



Partial Transfer – Case 2

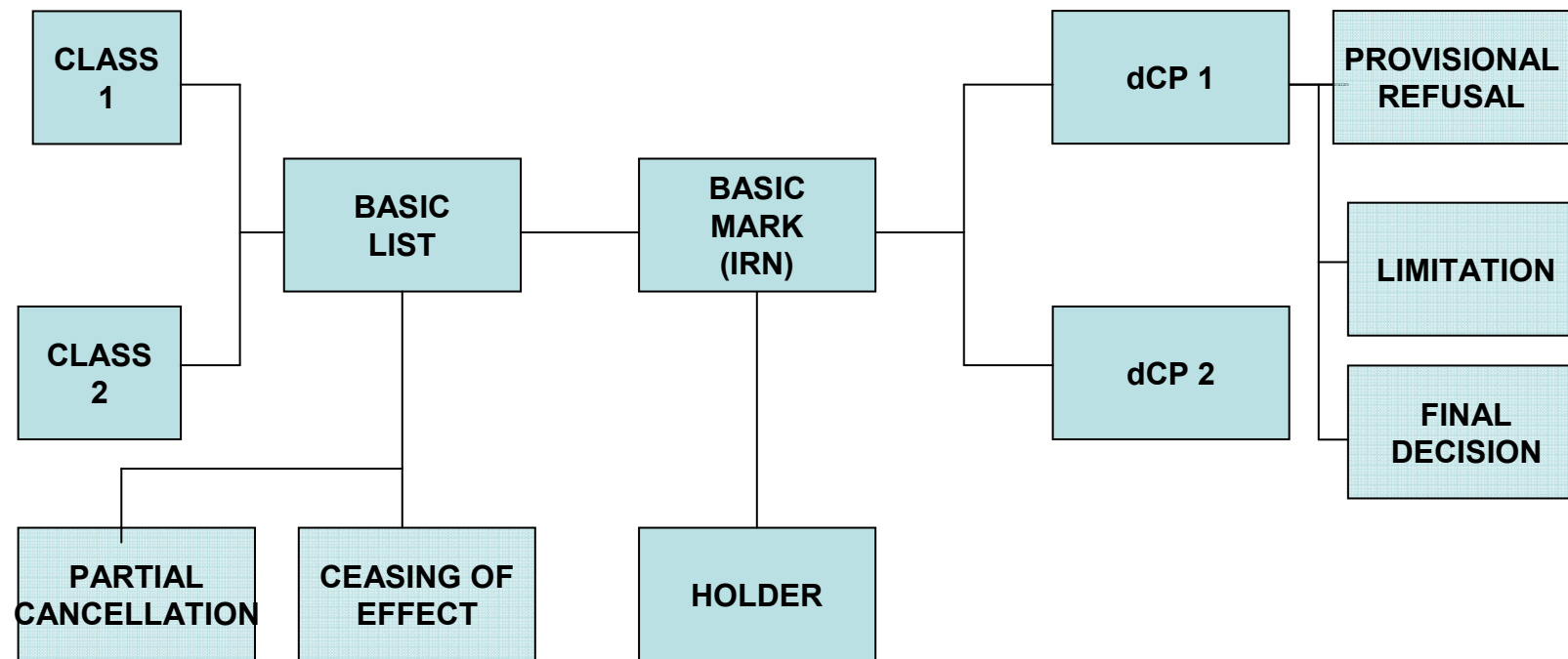
ALL dCPs - SOME goods

(e.g. Transfer of Class 1 for both dCP 1 and dCP 2)

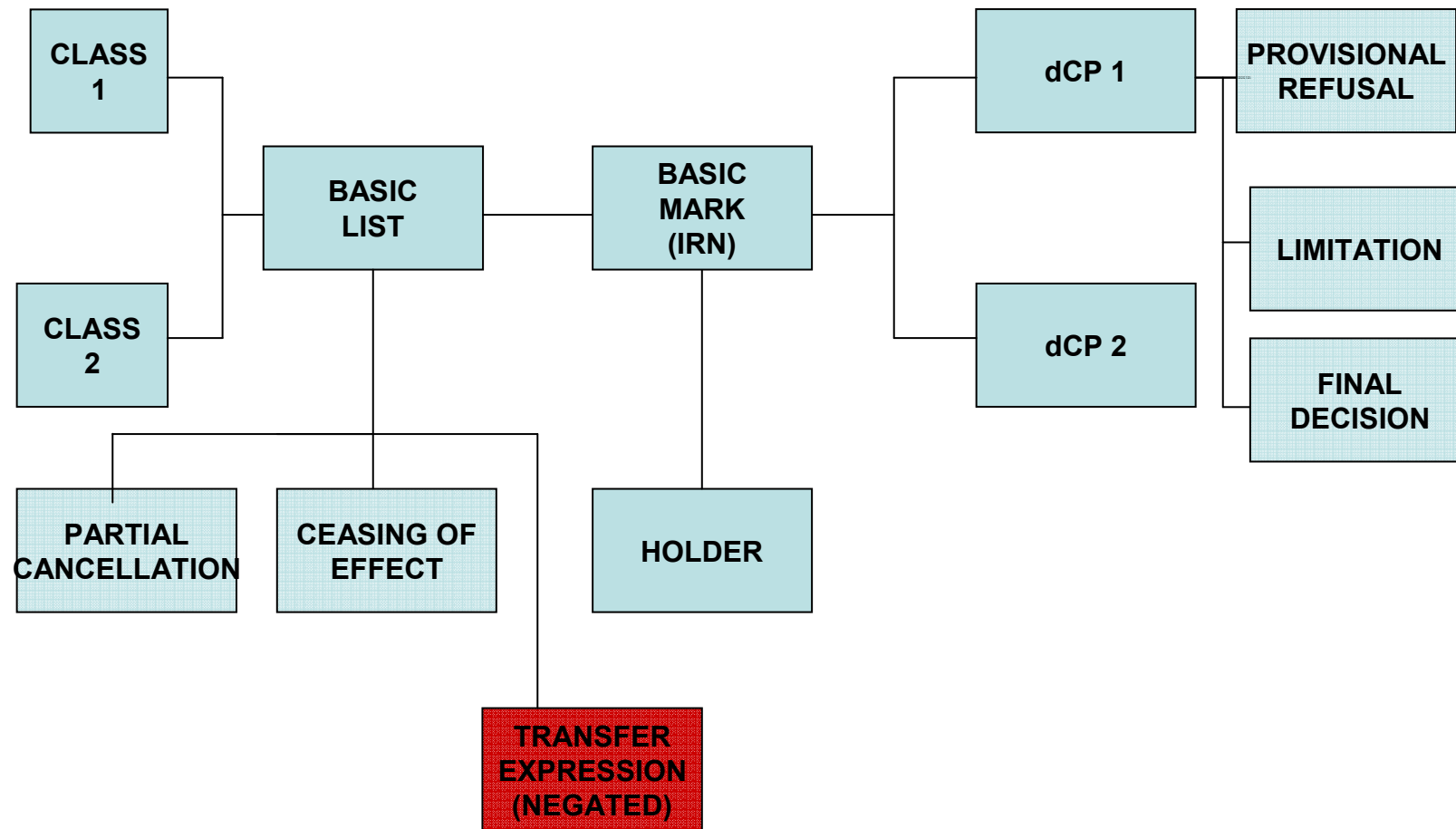
- Create a new IRN (the child)
- The child IRN basic list is the expression of good and services to be transferred (CL 1)
- The child IRN inherits basic list overrides
- The child IRN inherits the dCP overrides

- The parent IRN receives new basic list override

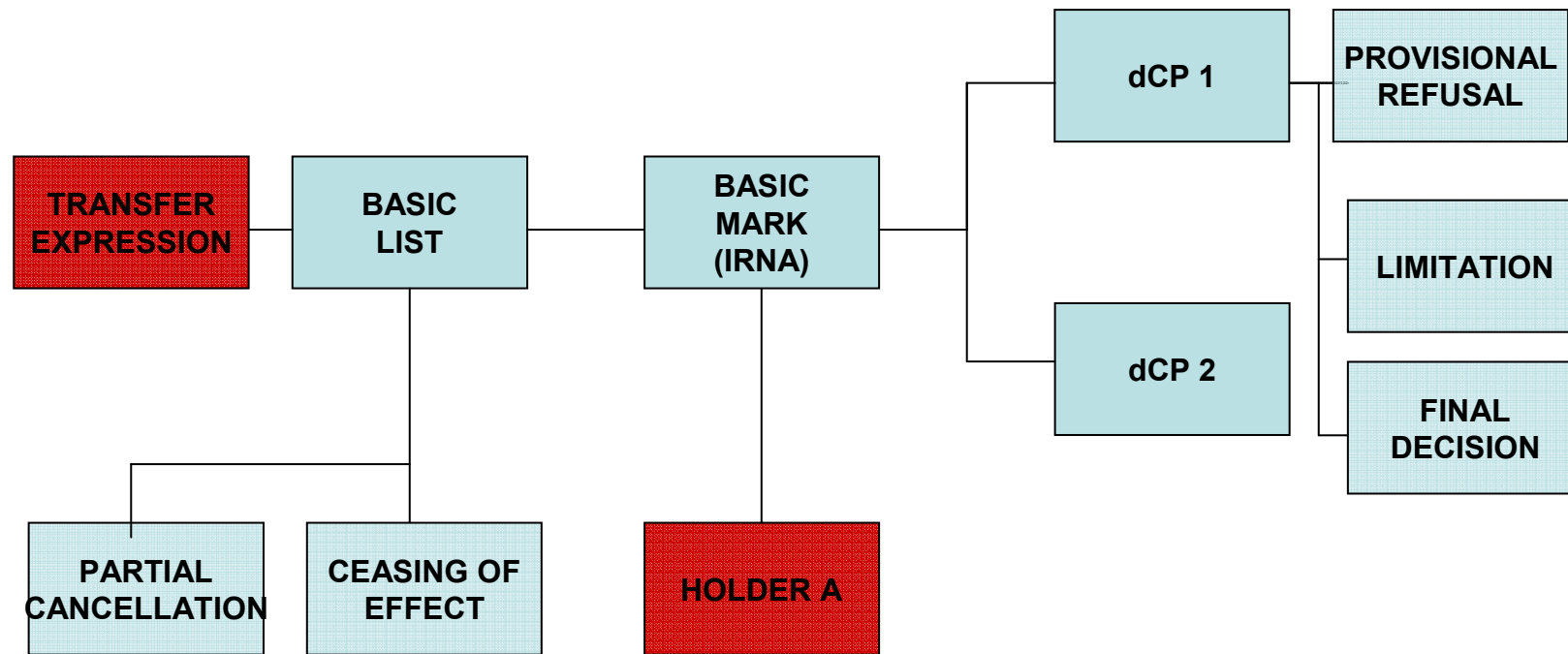
Parent IRN before



Parent IRN after



Child IRN



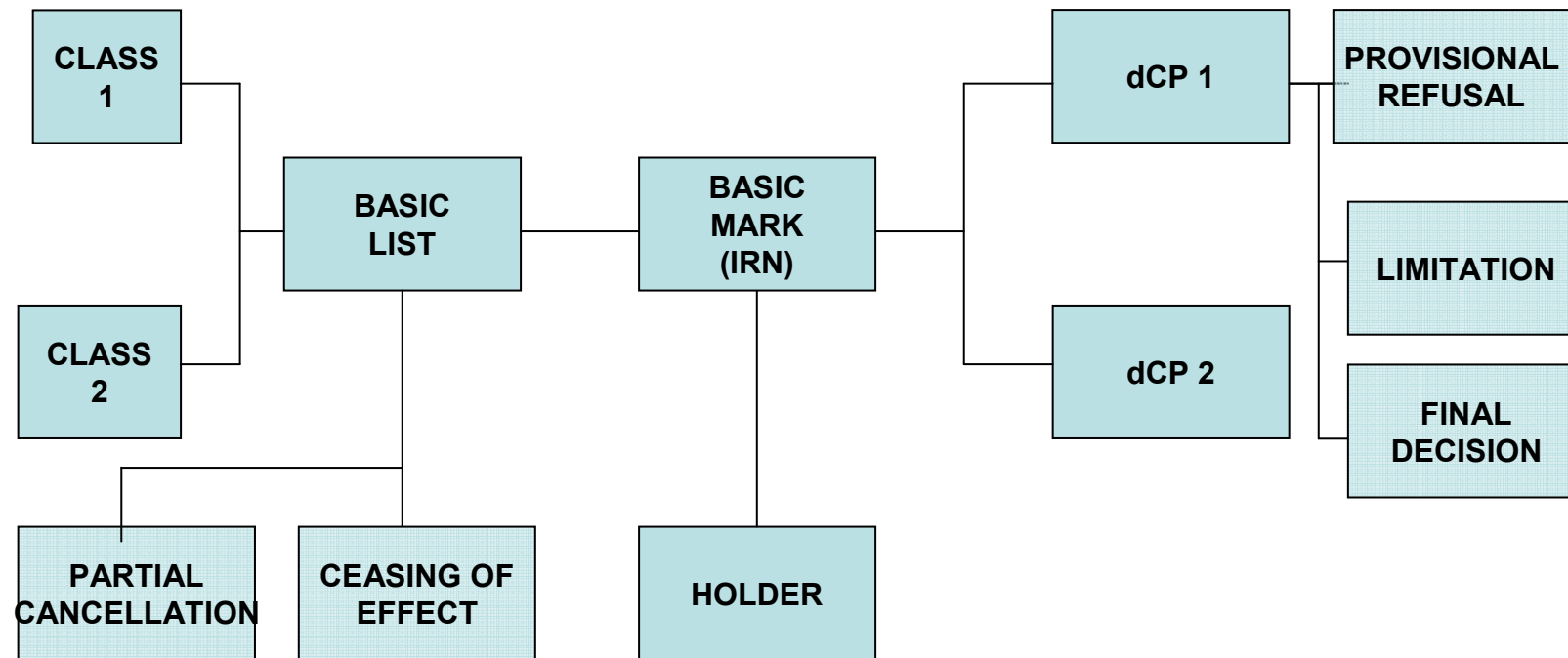
Partial Transfer – Case 3

SÔME dCPs - SOME goods

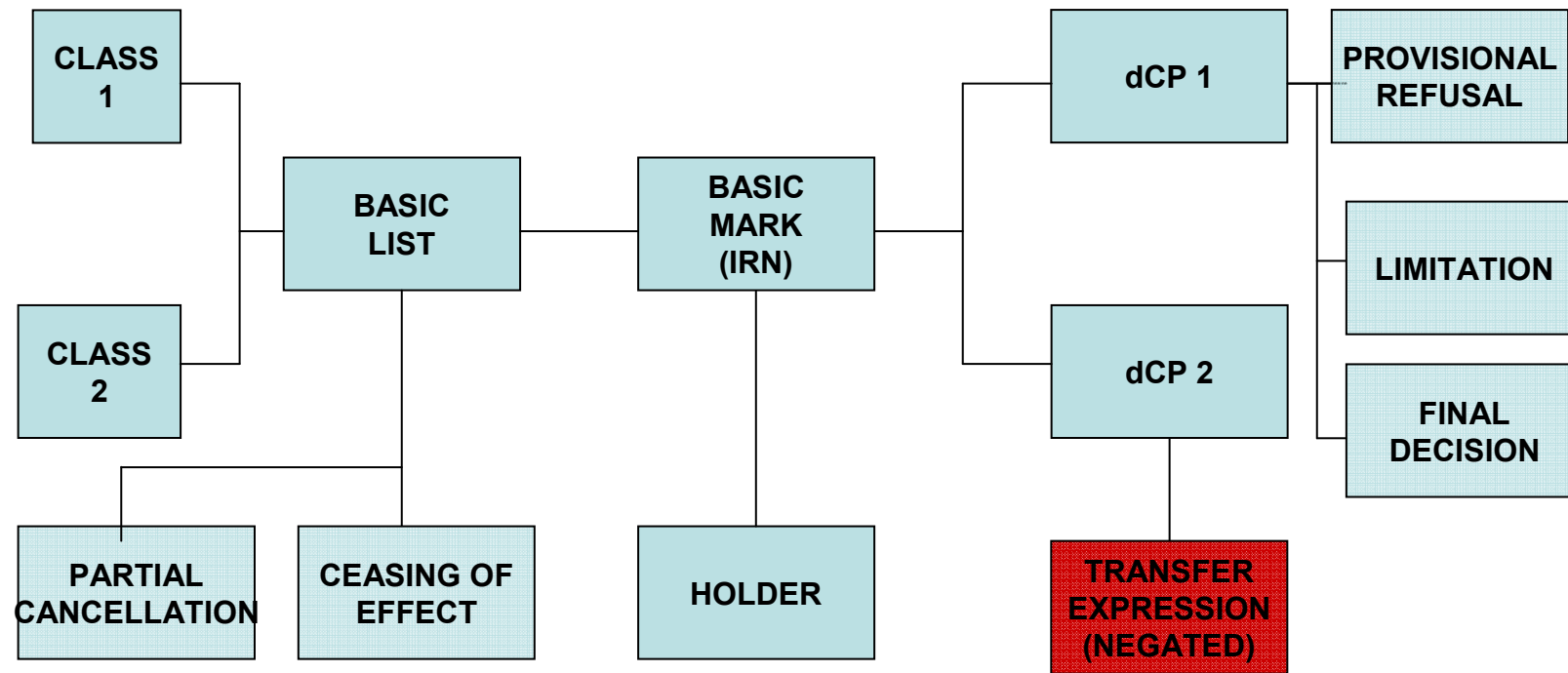
(e.g. Transfer ownership of Class 1 for dCP 2)

- Create a new IRN (the child)
- The child IRN basic list is the expression of good and services to be transferred (CL 1)
- The child IRN inherits basic list overrides
- The child IRN inherits the dCP overrides
- The parent IRN has dCP new overrides on the transferred dCPs

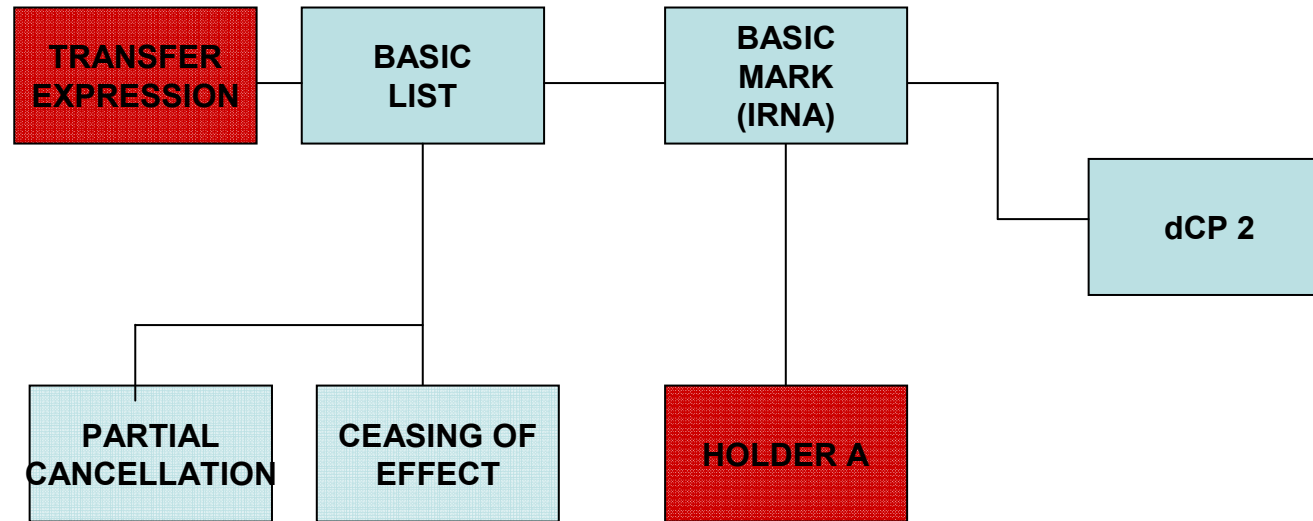
Parent IRN before



Parent IRN after



Child IRN



Partial Transfer/Merger Statistics

- ❑ At the end of 2011, there had 14,530 divisions recorded
- ❑ The most number of times an IRN has been divided is 13
- ❑ There were 1721 partial transfers inscribed in 2011
- ❑ There were 194 mergers inscribed in 2011

Merger

- ❑ Where a holder of international registrations that have resulted from a partial transfers within the same family of international registrations, the holder may request a merger
- ❑ The process involves the death of one IRN and the rationalization of the Basic List and its overrides, as well as the dCP overrides.
- ❑ Our systems handle Mergers automatically on about 90% of the occasions
- ❑ In 10% of the cases, Mergers require close interpretation of the history of the international registrations concerned

Application Development Freeze

- ❑ We have frozen developments in our administrative systems pending Modernization
- ❑ Scheduled completion at end 2013.
- ❑ Can undertake system modifications and enhancements from mid 2014 – or after stability