

Working Group on the Legal Development of the Madrid System for the International Registration of Marks

**Twelfth Session
Geneva, October 20 to 24, 2014**

REPLACEMENT

Document prepared by the International Bureau

1. This document recalls the basic elements of the operation of replacement and examines how the applicable provisions of the treaties of the Madrid System have been implemented by its Contracting Parties, based on information provided by them. It summarizes the divergent interpretations of the underlying principles governing replacement made by the Contracting Parties and it proposes, for the consideration of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”), issues for discussion and consideration aimed at simplifying and harmonizing the practices on replacement of the Offices of the Contracting Parties.

I. INTRODUCTION

2. Replacement is set out in Articles 4*bis* of the Madrid Agreement Concerning the International Registration of Marks and of the Protocol Relating to that Agreement (hereinafter referred to, respectively, as “the Agreement” and “the Protocol”) and in Rule 21 of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement (hereinafter referred to as “the Common Regulations”).

3. The issue of replacement was last discussed in the *ad hoc* Working Group, at its fifth session (May 5 to 9, 2008). Document MM/LD/WG/5/7 presented the findings of a survey where 48 Offices of Contracting Parties¹ had replied to a questionnaire on the practices concerning the replacement procedures. Reference is made also to document MM/LD/WG/3/3, presented in the third session of the Working Group.

4. The International Bureau frequently receives questions from users of the Madrid System on how replacement works and how the various Offices of the Contracting Parties to the Madrid System have implemented the procedure for replacement. Due to the sustained interest of users on replacement and the recent significant growth in the number of Contracting Parties to the Madrid System, the International Bureau wanted to revisit the issue of replacement, to gather more information on how this is implemented in the various Offices. The International Bureau invited Offices and other relevant authorities of the members of the Madrid Union to provide information in a questionnaire concerning replacement². This questionnaire was identical to the one sent to the Contracting Parties in November 2007; so, Offices had the options to submit information for the first time, to update the information provided in 2008, or to refrain from replying, if the information provided in 2008, was still valid.

5. By March 10, 2014, the International Bureau had received replies to the questionnaire from 57 out of the 92 Contracting Parties to the Madrid System. In addition, information from 14 Contracting Parties that was provided in 2008, has been taken into account, as it is assumed that this information is still valid since no new information has been submitted. The statistical compilation of all the replies to the questionnaire, from 71 Contracting Parties, is set out in Annex I, while Annex II provides a matrix showing the answers received.

II. REPLACEMENT: BASIC PRINCIPLES

6. The basic principles that govern the replacement procedure were set out in document MM/LD/WG/2/8. These are reproduced below for the convenience of this session of the Working Group.

7. Articles 4*bis*(1) of the treaties provide that a mark that is the subject of a national or regional registration in the Office of a Contracting Party is deemed to be replaced by an international registration of the same mark under the following conditions³:

(i) both the national or regional registration and the international registration are in the name of the same holder,

(ii) protection resulting from the international registration extends to the Contracting Party in question,

¹ In May 2008, the Madrid Union had 82 members, of which 75 were party to the Protocol.

² Note C. M 1402, dated December 16, 2013.

³ In the Basic Proposal for the Madrid Protocol submitted at the Conference of Madrid of 1989, the notes concerning Article 4*bis*(1) stated that “this provision – as well as paragraph (2) – is in essence the same as it is in the Stockholm Act but has been redrafted for greater clarity.” See document MM/DC/3, paragraph 133. Aside from the addition of the words “without prejudice to any rights acquired by virtue of the latter” – similar to the wording found in the Agreement – and from merely editorial changes, Article 4*bis*(1) of the Protocol was adopted as proposed. Against this background, the position of the International Bureau is that the conditions under which replacement takes place are the same under the Agreement and the Protocol. See in particular WIPO publication No. 455 *Guide to the International Registration of Marks under the Madrid Agreement and the Madrid Protocol*, paragraph B.II. 100.01.

(iii) all the goods and services listed in the national or regional registration are also listed in the international registration in respect of the Contracting Party in question, and

(iv) the extension of the international registration to that Contracting Party takes effect after the date of the national or regional registration.

8. Furthermore, Articles 4*bis*(1) of the treaties state that the international registration is deemed to replace the national or regional registration without prejudice to any rights acquired by virtue of the latter.

9. Articles 4*bis*(2) of the treaties provide that the Office, in whose national or regional register the mark is recorded, is required, upon request, to take note in its register of the international registration. Rule 21(1) of the Common Regulations further provides that where, following a request by the holder, an Office has taken note in its register, that Office is required to notify the International Bureau accordingly⁴. Such notification should indicate the following:

(i) the number of the international registration concerned,

(ii) where the replacement concerns only some of the goods and services in the international registration, those goods and services, and

(iii) the filing date and number, the registration date and number, and the priority date, if any, of the national or regional registration which has been replaced by the international registration.

10. Pursuant to Rules 21(2) and 32(1)(xi) of the Common Regulations, the International Bureau records and publishes the above indications. The purpose of this procedure is to ensure that the relevant information concerning replacement is made available to third parties in the national or regional registers, as well as in the International Register⁵.

11. It should be underlined that the fact that an Office takes note in its register of an international registration, pursuant to Articles 4*bis*(2) of the treaties, is not a precondition for replacement, only a formality. Articles 4*bis*(2) of the treaties merely provide that an Office take note "upon request". In other words, provided the conditions under Articles 4*bis*(1) of the treaties have been met, replacement has effect and the possibility of requesting an Office to take note of that fact is an option which the holder may elect, or not, to exercise. However, apart from the qualification relating to earlier acquired rights, neither the Agreement nor the Protocol elaborates further on the effects of replacement.

III. IMPLEMENTATION AND APPLICATION OF ARTICLES 4*BIS* OF THE MADRID AGREEMENT AND OF THE PROTOCOL, AND OF RULE 21 OF THE COMMON REGULATIONS

12. The information provided by the Offices shows that divergent procedures and practices prevail regarding the implementation of Articles 4*bis* of the treaties and of Rule 21 of the Common Regulations.

⁴ Rule 21 was introduced with the adoption of the Common Regulations, which entered into force on April 1, 1996. There was no equivalent procedure in the Regulations under the Agreement.

⁵ In this respect, it is further recalled that, following the recommendation of the Working Group, the Assembly of the Madrid Union adopted, at its thirty-seventh (21st extraordinary) session, an amendment to Rule 21(1) to broaden its scope by allowing the communication by Offices to the International Bureau of information relating to "other rights" acquired by virtue of a replaced national or regional registration. This amendment entered into force on April 1, 2007, and reads as follows: "The notification may also include information relating to any other rights acquired by virtue of that national or regional registration, in a form agreed between the International Bureau and the Office concerned."

Implementation of Articles 4bis

13. There are Contracting Parties that have not yet adopted any specific provisions concerning the implementation of Articles 4bis of the treaties. The information provided shows that Articles 4bis(1) are directly applicable in a large group of Offices (38), while a noteworthy number of Offices (27) have provisions in their national or regional trademark legislation specifically implementing these Articles. A small number of Offices (six) neither have implementing provisions nor is the Agreement or the Protocol directly applicable.

Request to take note (Article 4bis(2) – procedure)

14. While replacement as such is effective automatically, provided that the conditions are met, Articles 4bis(2) of the treaties state that an Office, upon request, shall be required to take note in its register of the international registration. Regarding the formality of an Office taking note in its register of an international registration, the replies to the questionnaire show that the following practices have been adopted:

(a) A noteworthy group of Offices (29) have provisions in their national trademark legislation to implement Articles 4bis(2) of the treaties, while a large group of Offices (44) have not implemented such provisions. Of the latter group, the Agreement or the Protocol is of direct application in 28 Offices, 13 Offices have a specific procedure for its application (such as Office practice or Administrative guidelines of Office), and three Offices have neither implementing provisions nor is the Agreement or the Protocol of direct application.

(b) Regarding the procedure of taking note, a noteworthy number of Offices (14) require that a request under Articles 4bis(2) of the treaties be presented on a specific form.

(c) Not all Offices have established fees concerning replacement, although a noteworthy number of Offices (24) require the payment of a specific fee.

(d) A number of Offices (28) have informed of other specific requirements. One Office (New Zealand) requires the request to be submitted electronically, another Office (Republic of Korea) requires the holder to submit an extract of the national registration, and in yet another Office (Turkey), the holder is required to submit a letter of application together with a power of attorney.

(e) Most of the Offices (54) have received requests to take note in their register of a replacement of a national or regional registration. Twenty-three Offices have received between one to five requests to take note, 15 Offices have received between five and 20 requests, and 16 Offices have received between 21 and 100 requests. No Office has received more than 100 requests. However, a noteworthy number of Offices (17) have not yet taken note of any replacement.

(f) Most of the Offices (60) that have taken note of replacement have done so upon request from the holder. However, a small number of Offices (10) have in place an *ex officio* procedure for taking note of the international registration, irrespective of a request from the holder: three Offices have indicated that they have not yet taken such note, three Offices have taken note less than five times, two Offices have taken note between five to 20 times, one Office has taken note between 21 to 100 times, and one Office reported having taken note *ex officio* more than 100 times.

(g) All of the Offices verify criteria for replacement before taking note. Almost all of the Offices verify that all the goods and services listed in the national registration are also listed in the international registration (69); that the same holder owns the national and the international mark (68); that the protection resulting from the international registration extends to the territory (66); and that the extension of the international registration takes effect after the date of the national registration (59). In addition, a noteworthy number of Offices (14) have other specific requirements, for example, identity of marks or payment of fees.

IV. INTERPRETATION OF ARTICLES 4BIS – DIVERGENT VIEWS AND PRACTICES AT THE NATIONAL OR REGIONAL LEVEL

15. Apart from the matter of the direct implementation and application of Articles 4*bis* of the treaties and Rule 21 of the Common Regulations, it seems clear that among those Offices where procedures for replacement are in place or where there is some experience with replacement, there are divergent interpretations on how to apply the provisions. The following differences, that were also addressed in the Working Group at its third session (see document MM/LD/WG/3/3), continue to exist according to the information given upon the latest questionnaire.

Date on which replacement takes place

16. There are different views among the Offices on the date of effect of replacement. A large group of Offices (30) take the view that the relevant date for the purpose of replacement is the date of the international registration in question. A smaller number of Offices (10) take the view that replacement takes place upon the date of expiry of the refusal period. A noteworthy number of Offices (19) consider that replacement would take place on the date of the grant of protection, where applicable. Ten Offices have provided specific information, such as that replacement would take place on the date of expiry of an opposition period, if no opposition has been filed (Estonia), or that replacement would take place within one month from the request for taking note of replacement (Lithuania).

Time at which a request under Articles 4*bis*(2) may be filed with the Office

17. Regarding the request to take note under Articles 4*bis*(2) of the treaties, there are various practices in the Offices regarding as from when they will accept such requests. A large group of Offices (47) accept such request after the date of notification of the international registration or the subsequent designation by the International Bureau. A noteworthy number of Offices (11) accepts the request only after the date of issuing a statement of grant of protection. A small number of Offices (7) accept the request only from the date of expiry of the refusal period, and another small number of Offices (6) indicate they have different practices, which have been specifically detailed; for example, that the holder would need to submit the request on a specific form (“Request for recordal on concurrent registration” – TM28 in the United Kingdom).

Goods and services listed in the national or regional registration

18. A noteworthy number of Offices (27) have informed that they do not take note of the international registration where the list of goods and services in the national or regional registration is not entirely covered by that of the international registration. A slightly larger group of Offices (28) accept “partial replacement”, meaning that the goods and services not fully covered by the international registration will remain unaffected in the national register. One Office (Japan) does not accept “partial replacement”, but the goods and services covered by the international registration are taken note in its register (so called “overlapping”). In a smaller group of Offices (12) such “partial replacement” takes place, but the holder will be required to request cancellation of the remainder of the registration in the national register. Only two Offices cancel the remaining goods and services *ex officio*.

Effects of replacement on the national or regional registration

19. Following a request made under Articles 4*bis*(2) of the treaties, the information provided by the Offices indicate different practices on whether the national registration that is deemed replaced by the international registration may continue to co-exist with the international registration. A large group of Offices (41) permits such co-existence of the national registration and the international registration, while a smaller number of Offices (10) only allow the co-existence for the goods and services in the national registration that are not considered replaced by the international registration (“partial replacement”) and then only for the remainder of the current term of protection. Few Offices (4) cancel the national registration *ex officio* and three Offices require the holder to renounce the national registration.

20. Where the holder has not requested the Office to take note under Articles 4*bis*(2) of the treaties, but where the Office is aware that replacement is deemed to have taken place and the conditions for taking note in the national register are met, a large number of Offices (46) have indicated that they allow the co-existence of the national registration and the international registration that has replaced it. A small number of Offices (7) only allow co-existence for the goods and services in the national registration that are not covered by the goods and services of the international registration and only for the remainder of the current term of protection. Few Offices (4) have indicated that they request the holder to renounce the national registration, and one Office would cancel the national registration *ex officio*.

21. Among the number of Offices that do not allow co-existence, a noteworthy number (14) do not allow for reinstatement of the national registration in the event that the international registration ceases to have effect within the five-year dependency period (Article 6 of the Agreement and the Protocol). However, a small number of Offices (8) have indicated that they allow for reinstatement of the national registration where the international registration ceases to have effect under Rule 22 of the Common Regulations.

22. Where an international registration, deemed to have replaced a national registration, ceases to have effect in accordance with Rule 22 of the Common Regulations, most of the Offices (55) have indicated that a transformation carries the benefit of the earlier national rights. However, 12 Offices have indicated that the transformation does not carry that kind of benefits.

Miscellaneous

23. A noteworthy number of Offices (21) replied that reliance on a replaced and non-renewed national mark is permitted in their legal and administrative proceedings, but only if the international registration has been noted in the national register. In a smaller group of Offices (11), reliance is possible even if the international registration has not been noted in the national register. A larger group of Offices have replied that reliance would either not be possible (17) or they are not certain (20).

24. The International Bureau has made available to the Offices of Contracting Parties to the Madrid System model provisions on replacement. Most of the Offices (52) have found these useful, a noteworthy number of Offices (14) were indifferent to their usefulness and two Offices did not consider them useful at all.

V. KEY ELEMENTS FOR DISCUSSION AND CONSIDERATION

25. The findings of the questionnaire, as summarized above, have revealed that divergent interpretations, procedures and practices continue to exist in respect of the implementation of replacement under Articles *4bis* of the treaties and of Rule 21 of the Common Regulations. The findings show that there are different interpretations of key elements of replacement, such as the effective date of replacement, the time at which a request under Articles *4bis*(2) may be filed with the Office, the goods and services listed in the national or regional registration, and the effects of replacement on the national or regional registration. It is therefore proposed that the Working Group discuss these key elements, with a view to make the Madrid System more user-friendly and to achieve a smoother process for the users and the Offices concerned.

The effective date of replacement

26. Replacement of the national registration by an international registration is deemed to be automatic when the conditions under Articles *4bis*(1) of the treaties are met; replacement is not depending on any action by the holder or an Office concerned. There are two relevant dates, namely the effective date of replacement and the date of the recording in the national or regional register taking note that replacement has occurred. The effective date of replacement is the date of the international registration or the subsequent designation.

The time at which a request under Articles *4bis*(2) may be filed with the Office

27. Offices of Contracting Parties shall, upon request, take note in their national or regional register of replacement, as established in Articles *4bis*(2) of the treaties. The Offices should accept requests to take note of replacement as from the date of notification of the international registration or the subsequent designation by the International Bureau.

The goods and services listed in the national or regional registration

28. Before taking note, the Offices should verify that the requirements under Articles 4*bis*(1) of the treaties are met, specifically, that the date of any extension of protection under Articles 3*ter* of the treaties is subsequent to the date of the national or regional registration, and that the goods and services listed in the national or regional registration are all listed in the international registration. The international registration does not need to have an identical list of goods and services: the list can be broader in scope, but not narrower. The names of the goods and services used in the international registration do not need to be the same, but they must be equivalent.

The effects of replacement on the national or regional registration

29. A national or regional registration and the international registration that is replacing it (totally or partially) should be able to co-exist. Replacement itself does not necessarily imply or require a cancellation of the national or regional registration. It should be a decision by the holder whether to renew the national or regional registration or not. With such co-existence, the holder may avoid losing protection for his trademark, where the international registration ceases to have effect in the five-year dependency period (Article 6(2) of the Agreement and Article 6(2) of the Protocol).

30. *The Working Group is invited to:*

(i) comment on the above, in particular on the key elements listed in part V; and

(ii) indicate any other action it deems appropriate in view of the current status of practices regarding replacement in Offices of Contracting Parties.

[Annexes follow]

STATISTICAL COMPILATION OF REPLIES RECEIVED TO THE QUESTIONNAIRE ON REPLACEMENT (DECEMBER 2013)

CONTRACTING PARTIES HAVING REPLIED TO THE QUESTIONNAIRE ON REPLACEMENT

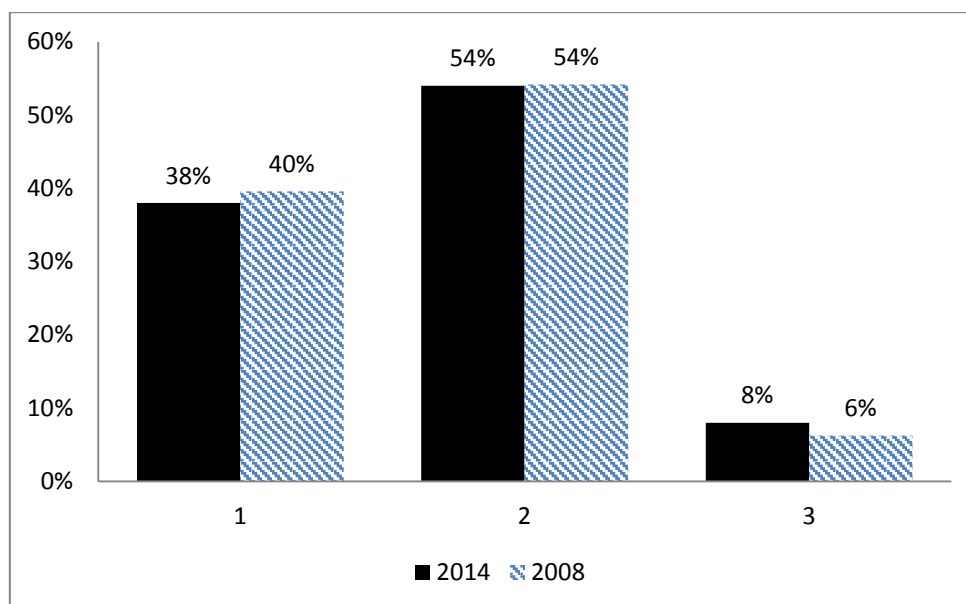
1.	Albania	37.	Madagascar
2.	Algeria	38.	Mexico
3.	Antigua and Barbuda	39.	Monaco (2008)
4.	Armenia	40.	Mongolia
5.	Australia	41.	Montenegro
6.	Austria (2008)	42.	Morocco (2008)
7.	Azerbaijan (2008)	43.	Netherlands Antilles (2008) / Curacao ¹ and Sint Maarten (Dutch part) ¹ (2014)
8.	Bahrain (2008)	44.	New Zealand
9.	Belarus	45.	Norway
10.	Benelux	46.	Philippines
11.	Bosnia and Herzegovina (2008)	47.	Poland
12.	Bulgaria	48.	Portugal (2008)
13.	China	49.	Republic of Korea
14.	Colombia	50.	Republic of Moldova
15.	Croatia	51.	Romania
16.	Cuba (2008)	52.	Russian Federation
17.	Cyprus	53.	Serbia (2008)
18.	Czech Republic	54.	Singapore (2008)
19.	Denmark	55.	Slovakia
20.	Estonia	56.	Slovenia
21.	European Union	57.	Spain
22.	Finland	58.	Sudan
23.	France (2008)	59.	Sweden
24.	Georgia	60.	Switzerland
25.	Germany	61.	The former Yugoslav Republic of Macedonia (2008)
26.	Greece	62.	Tajikistan
27.	Hungary	63.	Tunisia
28.	Iceland	64.	Turkey
29.	Ireland	65.	Turkmenistan
30.	Israel	66.	Ukraine
31.	Italy	67.	United Kingdom
32.	Japan	68.	United States of America
33.	Kenya (2008)	69.	Uzbekistan
34.	Kyrgyzstan	70.	Viet Nam
35.	Latvia (2008)	71.	Zambia
36.	Lithuania		

¹ Territorial entity previously part of the former Netherlands Antilles.

QUESTIONNAIRE ON REPLACEMENT (DECEMBER 2013)

I. APPLICABLE LEGISLATION

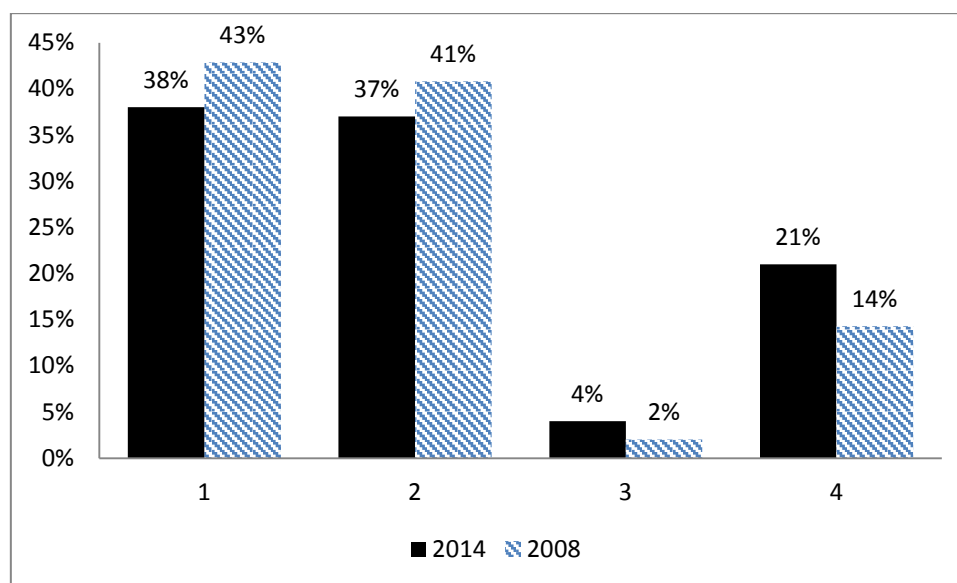
1. Are there provisions in your national² trademark legislation to implement Article 4*bis*(1) of the Madrid Agreement and/or the Protocol?



	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	Yes	27	38%	19	40%
2	No, because the Agreement/Protocol is of direct application	38	54%	26	54%
3	No, there are no such provisions, although the Agreement/Protocol is not of direct application	6	8%	3	6%
Total number of responses		71		48	
Number of Offices having responded to the question		71		48	

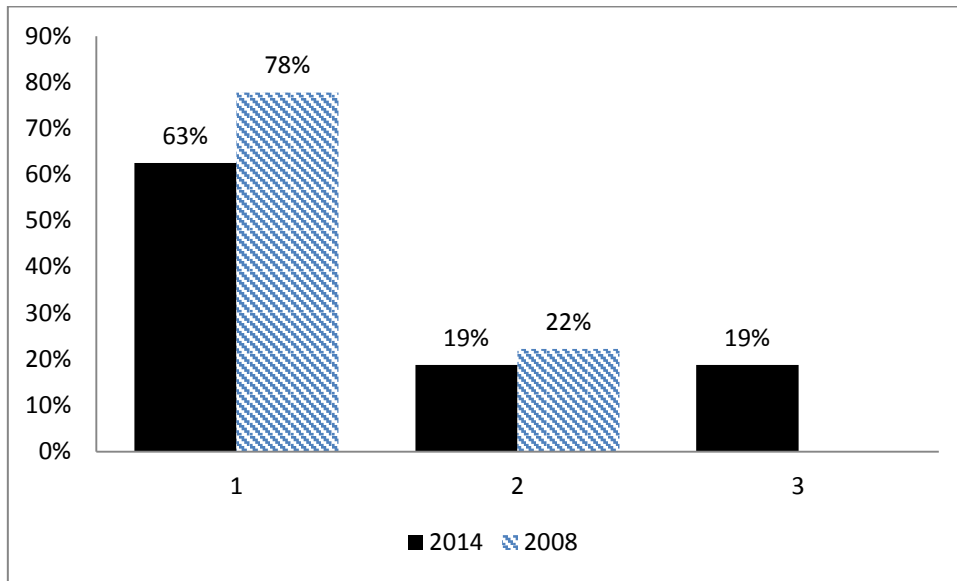
² Please note that the reference to "national" is intended to include also, where relevant, "regional".

2. Are there provisions in your national trademark legislation to implement Article 4bis(2) of the Madrid Agreement and/or the Protocol?



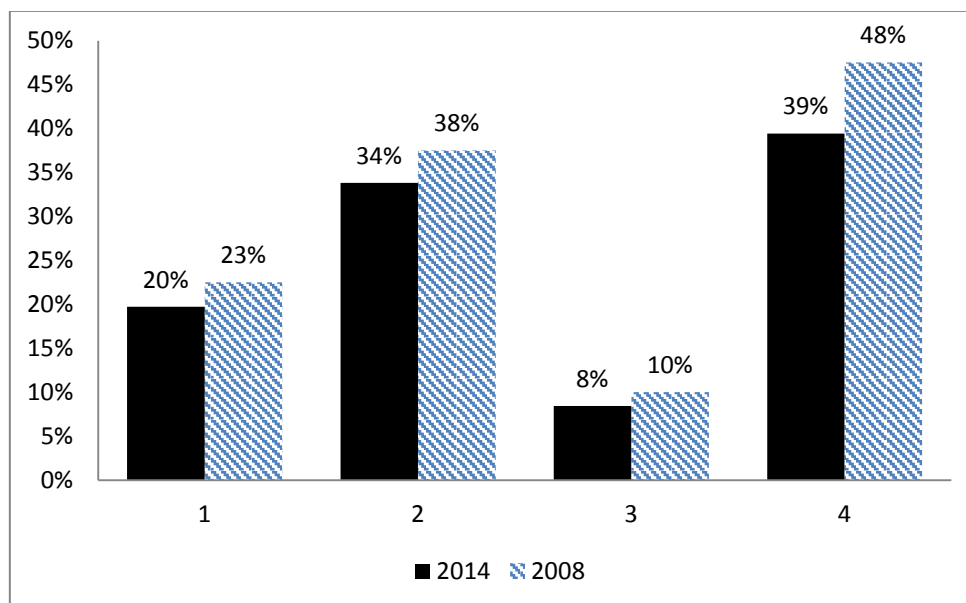
	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	Yes	29	38%	21	43%
2	No, because the Agreement/Protocol is of direct application	28	37%	20	41%
3	No, there are no such provisions, although the Agreement/Protocol is not of direct application	3	4%	1	2%
4	No, but there is a procedure	13	21%	7	14%
Total number of responses		73		49	
Number of Offices having responded to the question		71		47	

If No, but there is a procedure, this procedure:



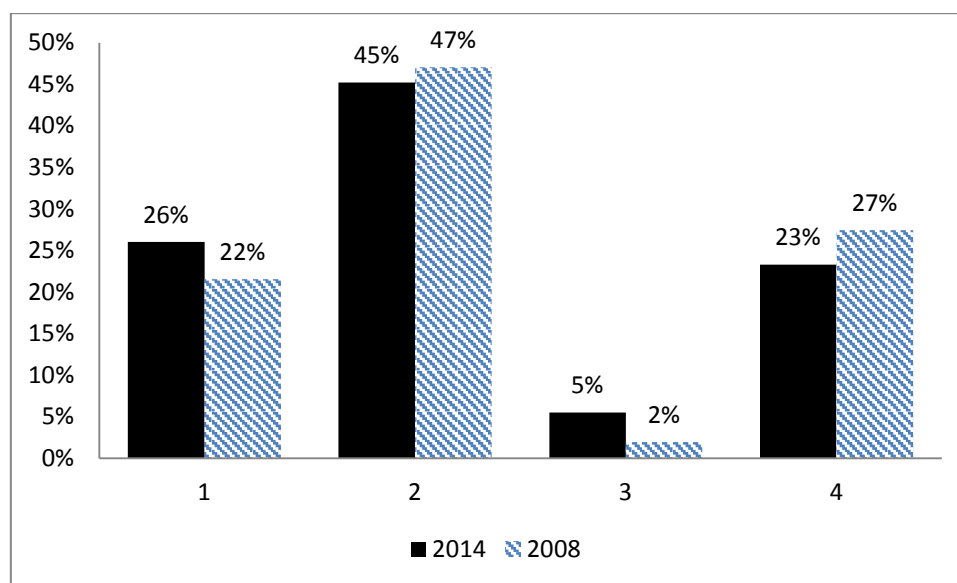
Option	2014		2008	
	Contracting Parties	Percentage	Contracting Parties	Percentage
1	10	63%	7	78%
2	3	19%	2	22%
3	3	19%		
Total number of responses		16		9
Number of Offices having responded to the question		15		9

3. If your Office does have in place a procedure for “taking note” of an international registration in accordance with Article 4*bis*(2) of the Madrid Agreement and/or of the Protocol, do you require:



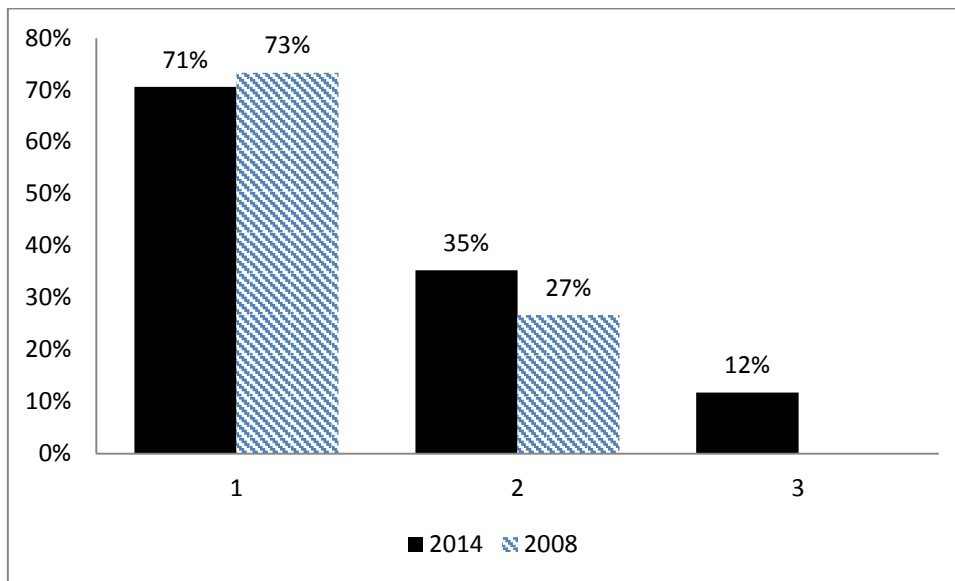
Option	2014		2008	
	Contracting Parties	Percentage	Contracting Parties	Percentage
1 Use a specific form	14	20%	9	23%
2 Payment of fee	24	34%	15	38%
3 Extract of the International Register	6	8%	4	10%
4 Other	28	39%	19	48%
Total number of responses	72		47	
Number of Offices having responded to the question	71		40	

4. Are there provisions in your national trademark legislation to implement Rule 21 of the Common Regulations?



	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	Yes	19	26%	11	22%
2	No, because the Regulations are of direct application	33	45%	24	47%
3	No, there are no such provisions, although the Regulations are not of direct application	4	5%	1	2%
4	No, but there is a procedure	17	23%	14	27%
	Total number of responses	73		51	
	Number of Offices having responded to the question	71		48	

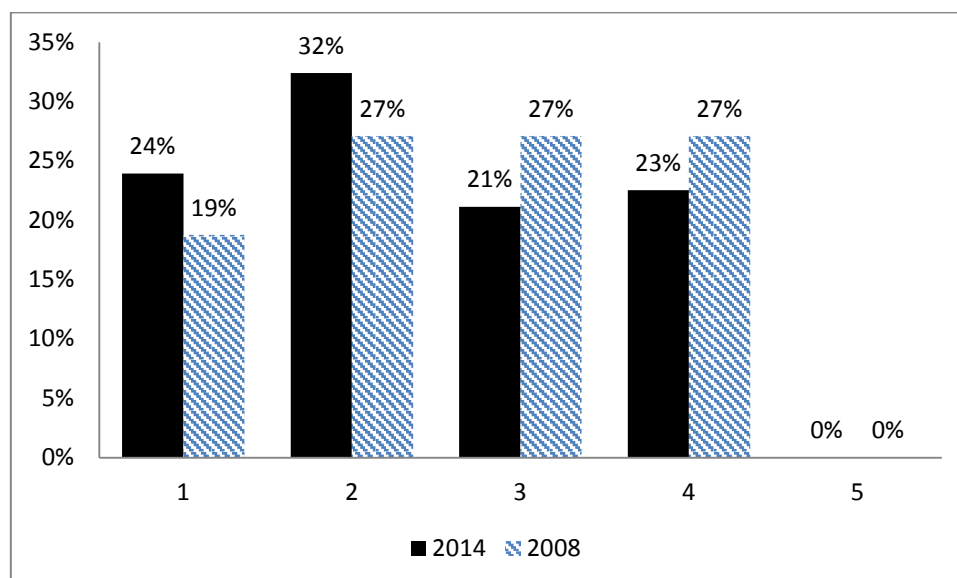
If No, but there is a procedure, this procedure:



Option	2014		2008	
	Contracting Parties	Percentage	Contracting Parties	Percentage
1	12	71%	11	73%
2	6	35%	4	27%
3	2	12%		
Total number of responses		17		15
Number of Offices having responded to the question		17		15

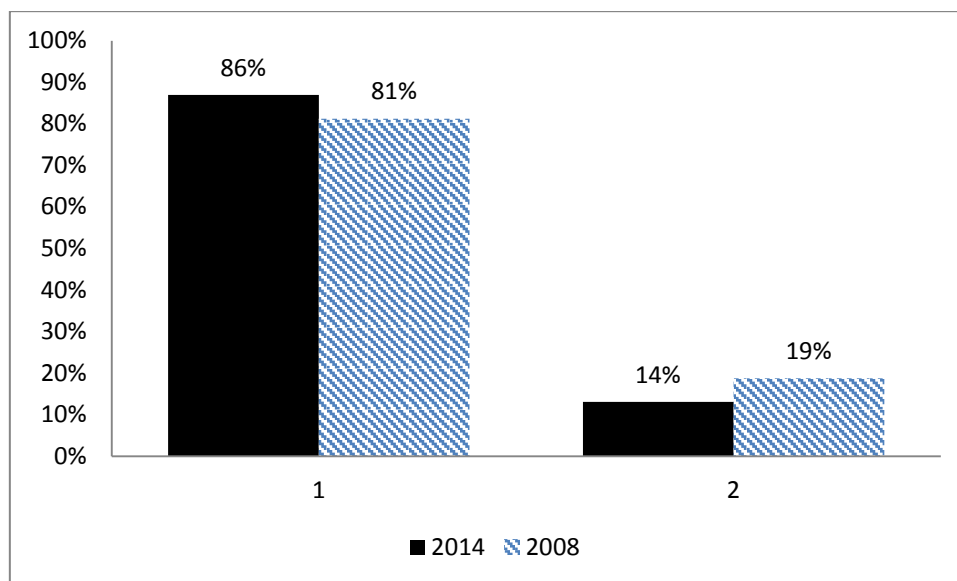
II. EXPERIENCE OF THE OFFICE

1. Has your Office, in fact, had occasion, on request, to take note of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol?



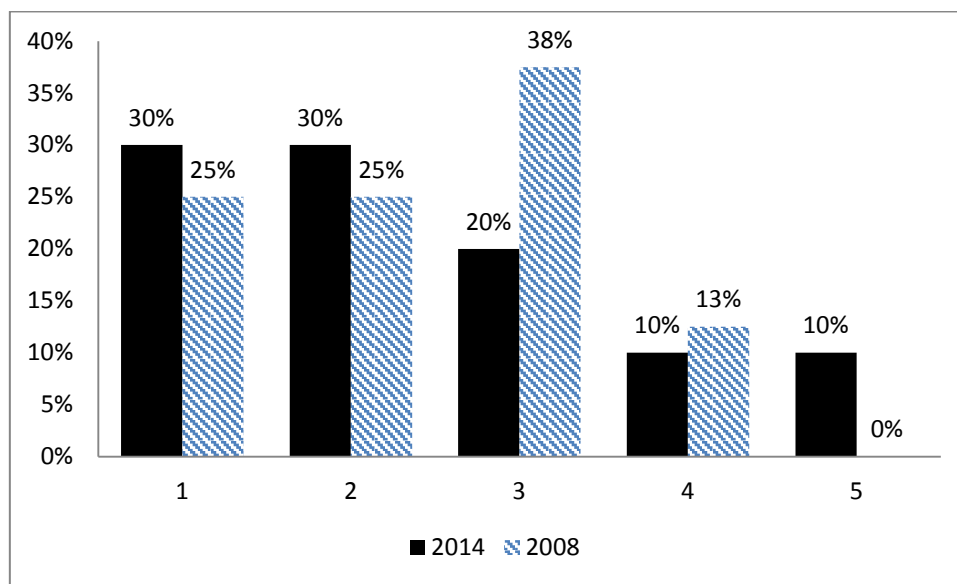
	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	No	17	24%	9	19%
2	Yes, but no more than 5 such requests	23	32%	13	27%
3	Yes, between 5 and 20 such requests	15	21%	13	27%
4	Yes, between 21 and 100 such requests	16	23%	13	27%
5	Yes, more than 100 such requests	0	0%	0	0%
	Total number of responses	71		48	
	Number of Offices having responded to the question	71		48	

2. Does your Office operate an *ex officio* procedure for “taking note” of an international registration – i.e., irrespective of the filing of a request to take note?



	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	No	60	86%	39	81%
2	Yes	10	14%	9	19%
Total number of responses		70		48	
Number of Offices having responded to the question		70		48	

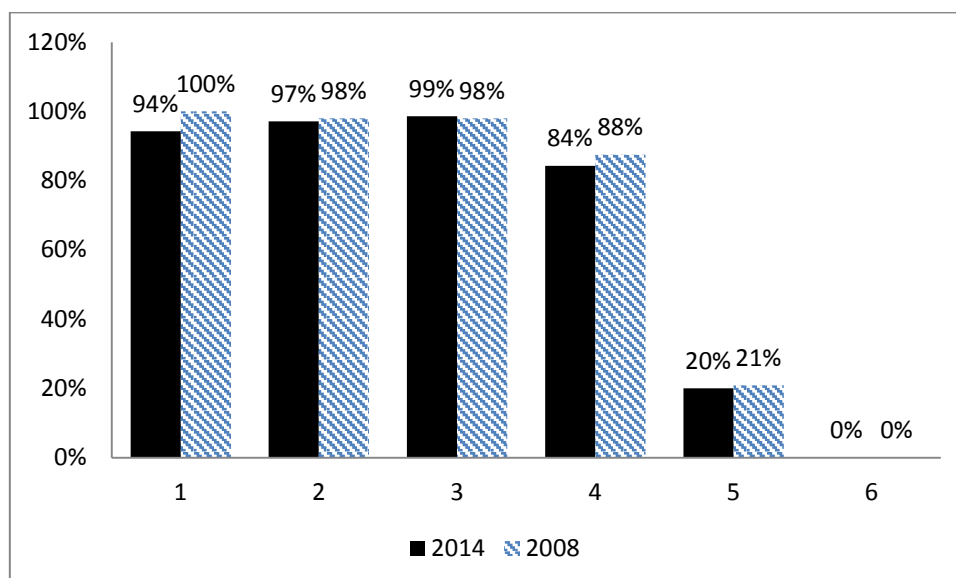
If Yes, how many cases have there been?



Option	2014		2008	
	Contracting Parties	Percentage	Contracting Parties	Percentage
1	3	30%	2	25%
2	3	30%	2	25%
3	2	20%	3	38%
4	1	10%	1	13%
5	1	10%	0	0%
Total number of responses	10		8	
Number of Offices having responded to the question	10		8	

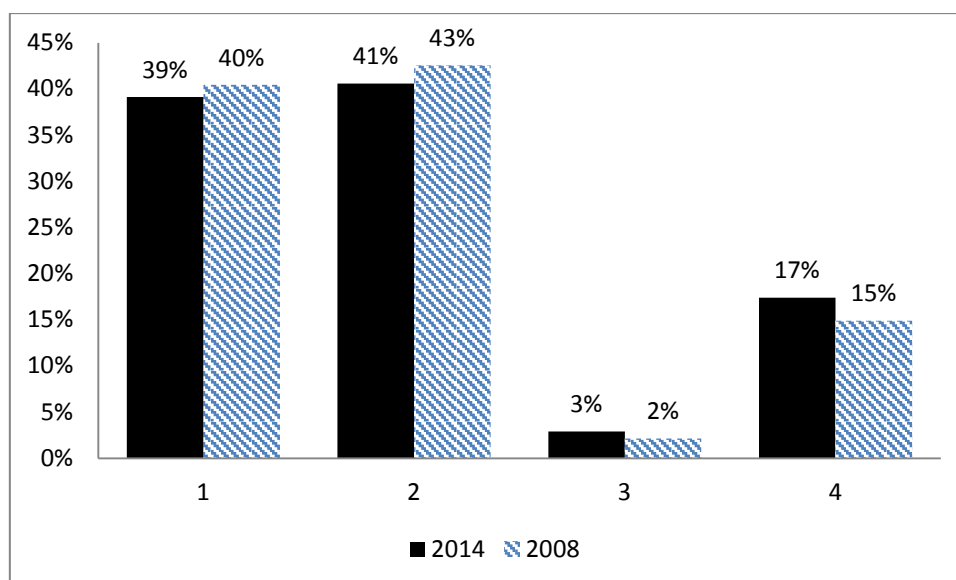
III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE

1. Assuming that your Office is presented with a request to take note of an international registration, on which criteria does it, or would it, carry out an examination to assess whether replacement should take place?



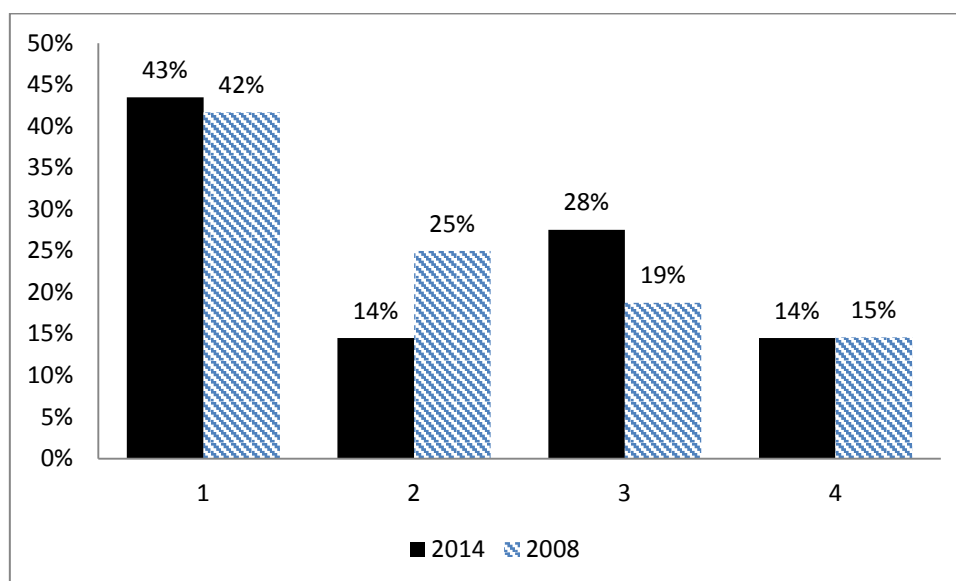
Option	2014		2008	
	Contracting Parties	Percentage	Contracting Parties	Percentage
1	66	94%	48	100%
2	68	97%	47	98%
3	69	99%	47	98%
4	59	84%	42	88%
5	14	20%	10	21%
6	0	0%	0	0%
Total number of responses		277	194	
Number of Offices having responded to the question		70	48	

2. If it occurs that the goods and services listed in the national registration are *not* all listed in the international registration, i.e., the list of goods and services in the international registration is narrower than the list recorded nationally, does, or would, your Office nevertheless consider that a partial replacement takes place in respect of the specification that is common to both the national and international registrations?



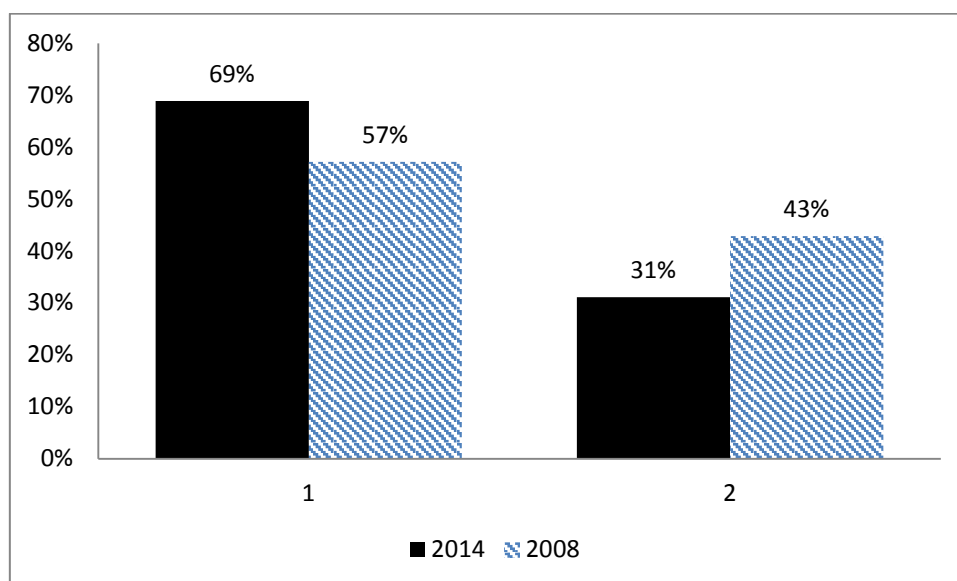
Option	2014		2008		
	Contracting Parties	Percentage	Contracting Parties	Percentage	
1	No, replacement would not take place	27	39%	19	40%
2	Yes, with the remainder of the specification remaining unaffected in the national register	28	41%	20	43%
3	Yes, but the Office would <i>ex officio</i> cancel the remainder of the specification in the national register	2	3%	1	2%
4	Yes, but the holder would be required to request cancellation of the remainder of the specification in the national register	12	17%	7	15%
Total number of responses		69		47	
Number of Offices having responded to the question		69		47	

3. At what time does, or would, your Office consider that replacement takes place?



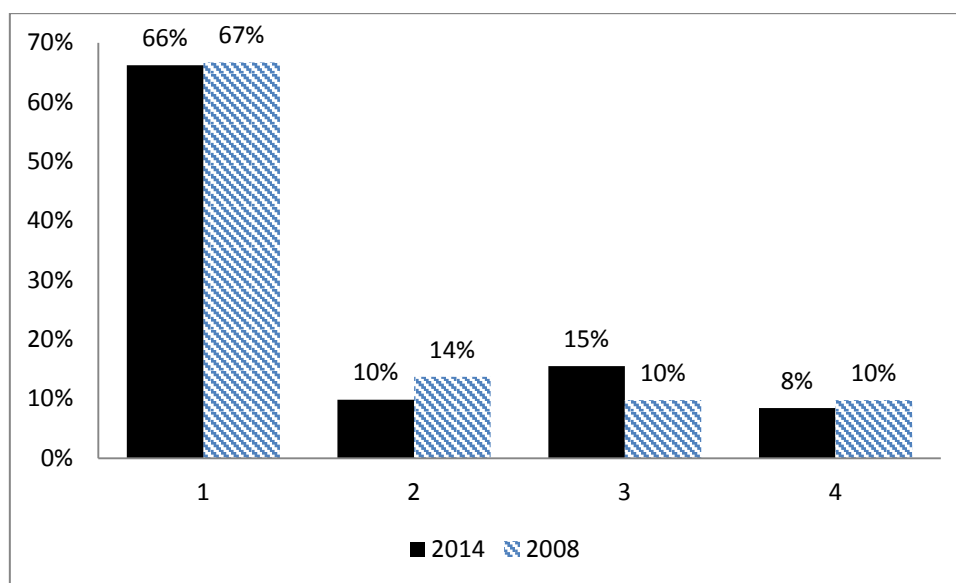
	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	On the date of international registration or subsequent designation	30	43%	20	42%
2	On the date of expiry of the refusal period	10	14%	12	25%
3	In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection	19	28%	9	19%
4	Other	10	14%	7	15%
Total number of responses		69		48	
Number of Offices having responded to the question		69		48	

4. If your Office considers, or would, consider that replacement takes place either on the date of expiry of the refusal period, or of issuing of a statement of grant of protection, is the effect of replacement considered to be retroactive to the date of the international registration or subsequent designation in question?



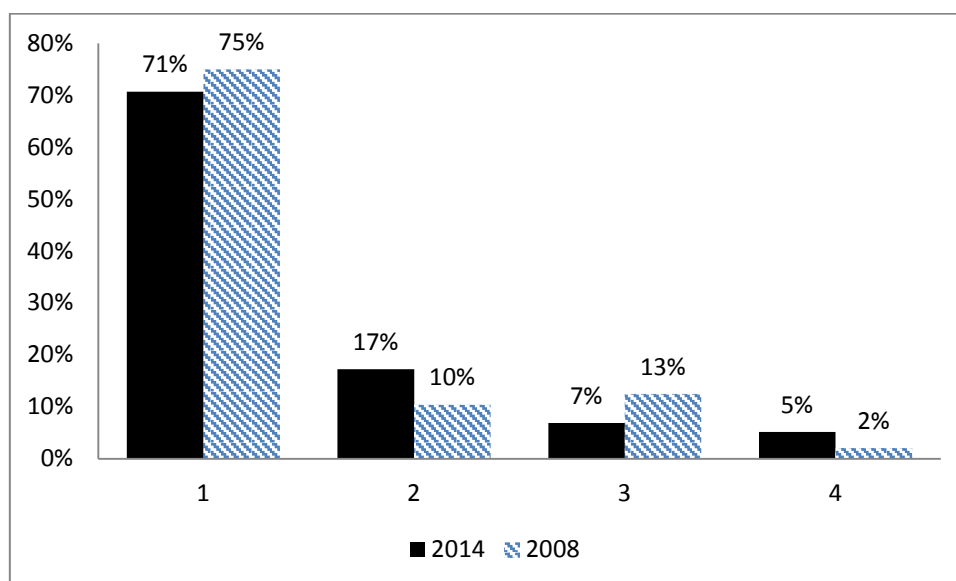
	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	Yes	31	69%	12	57%
2	No	14	31%	9	43%
Total number of responses		45		21	
Number of Offices having responded to the question		45		21	

5. When does, or would, your Office accept the filing of a request to take note under Article 4bis(2)?



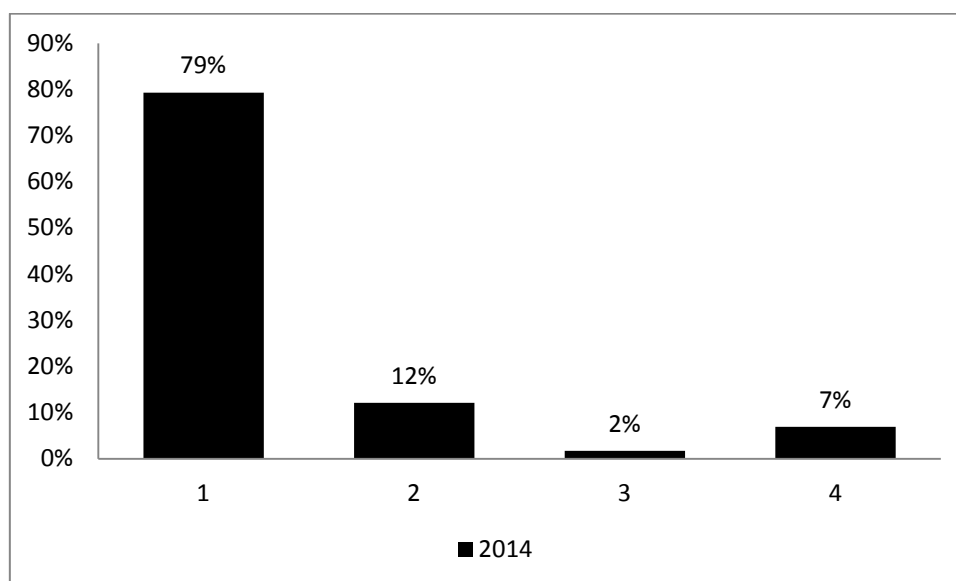
Option	2014		2008	
	Contracting Parties	Percentage	Contracting Parties	Percentage
1	47	66%	34	67%
2	7	10%	7	14%
3	11	15%	5	10%
4	6	8%	5	10%
Total number of responses	71		51	
Number of Offices having responded to the question	71		48	

6. (redrafted on June 23, 2008)
(a) In case it has been requested to take note, under Article 4bis(2), of the international registration, does your Office permit the coexistence of the national registration and the international registration that has replaced it?



	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	Yes	41	71%	36	75%
2	Yes, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	10	17%	5	10%
3	No, the Office <i>ex officio</i> cancels the national registration	4	7%	6	13%
4	No, the holder needs to renounce the national registration	3	5%	1	2%
Total number of responses		58		48	
Number of Offices having responded to the question		58		48	

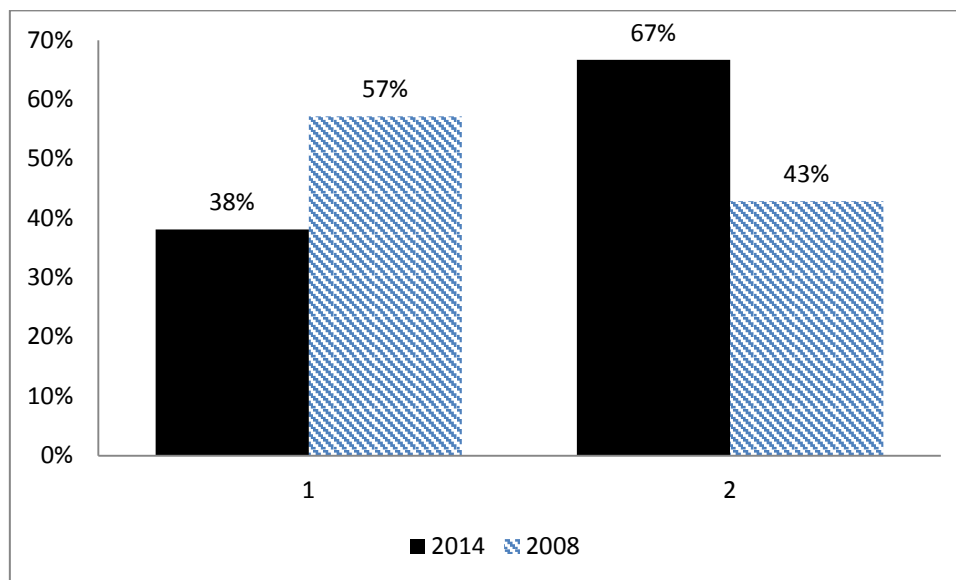
- (b) In case your Office has not been requested to take note, under Article 4*bis*(2), of the international registration, but is nevertheless aware that the conditions under Article 4*bis*(1) are met, does it permit the coexistence of the national registration and the international registration that has replaced it?³



Option		2014	
		Contracting Parties	Percentage
1	Yes	46	79%
2	Yes, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	7	12%
3	No, the Office <i>ex officio</i> cancels the national registration	1	2%
4	No, the holder needs to renounce the national registration	4	7%
Total number of responses		58	
Number of Offices having responded to the question		58	

³ This question was not present in the questionnaire sent in 2008.

7. If your Office does not, or would not, permit coexistence of a national registration and the international registration that has replaced it, does, or would, your Office nevertheless permit reinstatement of the national registration should the international registration cease to have effect within the five-year dependency period (Article 6 of the Agreement and/or the Protocol)?

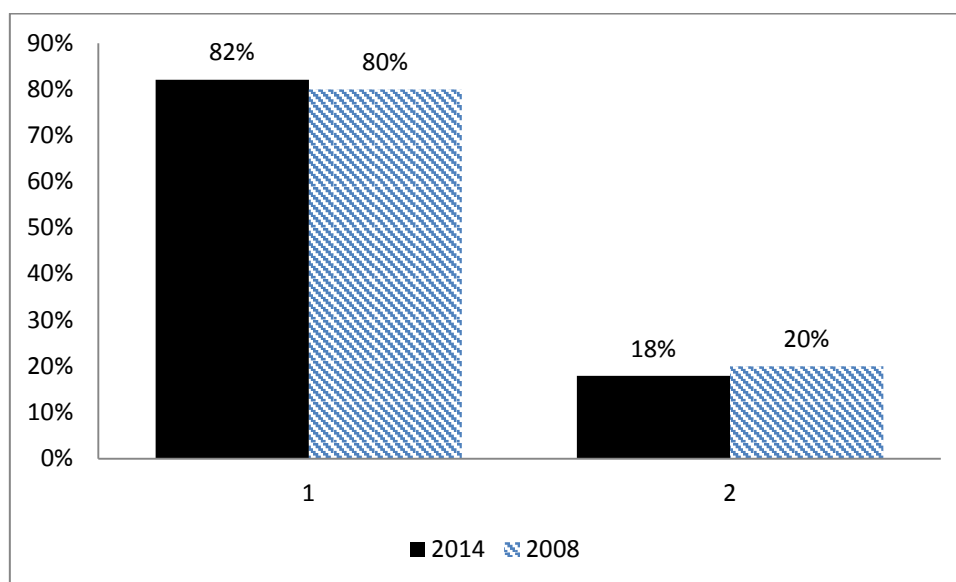


	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	Yes	8	38%	4	57%
2	No	14	67%	3	43%
Total number of responses		22		7	
Number of Offices having responded to the question		22		7	

8. **(For Offices of Members of the Protocol)** Article 4*bis* of the Agreement and of the Protocol provides that an international registration is deemed to replace a national registration without prejudice to any rights acquired by virtue of the latter. Thus, for example, replacement may include the benefit of a priority claim attached to the national registration.

Assume that replacement, under Article 4*bis*(1) of the Protocol, has taken place and has included certain such rights acquired by virtue of the national registration, but subsequently there has been recorded a ceasing of effect due to failure of the basic mark within the five-year dependency period in accordance with Article 6 of the Protocol. Assume also that in such case, the holder wishes to exercise his rights, under Article 9*quinquies* of the Protocol, to transform the international registration into national application.

In your Office, does, or would, such transformation carry the benefit of those earlier national rights, such as, for example, a priority date?

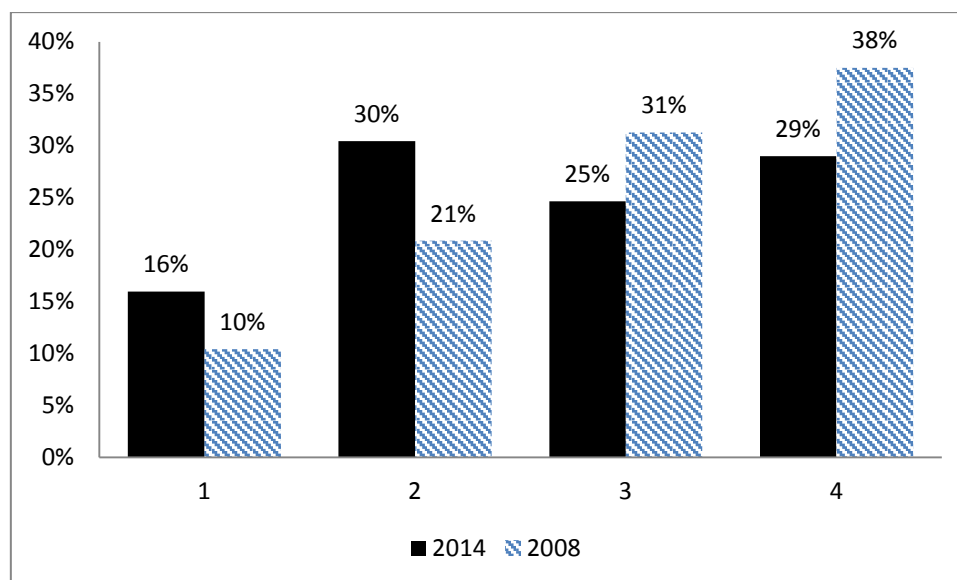


	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	Yes	55	82%	32	80%
2	No	12	18%	8	20%
Total number of responses		67		40	
Number of Offices having responded to the question		67		40	

IV. MISCELLANEOUS

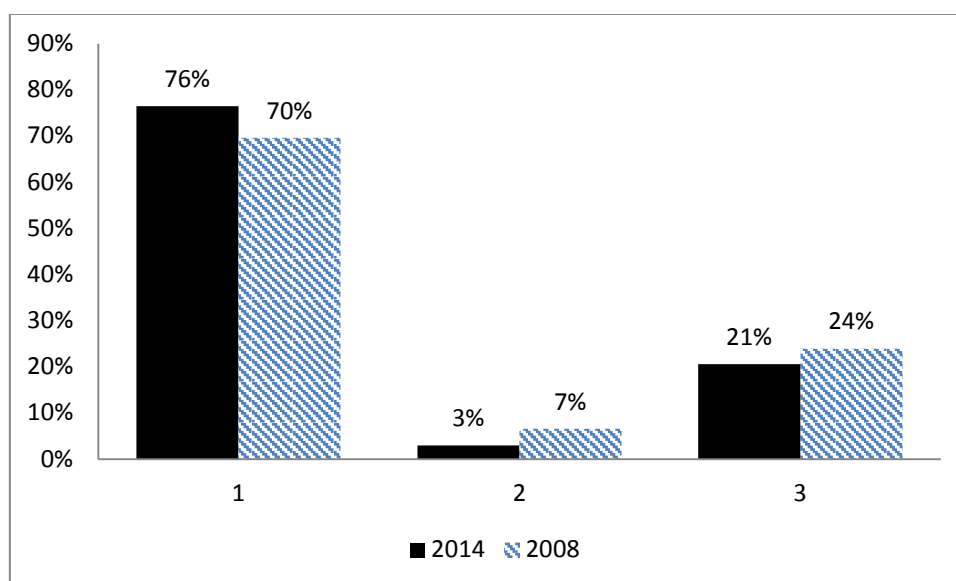
1. (redrafted on June 23, 2008)

Where the conditions under Article 4*bis*(1) are met and, in addition, the national mark has lapsed, is reliance on any rights acquired by virtue of the national registration permitted in legal and administrative proceedings?



	Option	2014		2008	
		Contracting Parties	Percentage	Contracting Parties	Percentage
1	Yes, even if the international registration has not been noted in the national register	11	16%	5	10%
2	Yes, but only if the international registration has been noted in the national register	21	30%	10	21%
3	No	17	25%	15	31%
4	Do not know	20	29%	18	38%
	Total number of responses	69		48	
	Number of Offices having responded to the question	69		48	

2. The International Bureau has made available model provisions with regard to the replacement procedure (see www.wipo.int/madrid/en/contracting_parties). Have you found the model provisions to be of assistance?



Option	2014		2008		
	Contracting Parties	Percentage	Contracting Parties	Percentage	
1	Yes	52	76%	32	70%
2	No	2	3%	3	7%
3	Do not know	14	21%	11	24%
Total number of responses		68		46	
Number of Offices having responded to the question		68		46	

[Annex II follows]

**MATRIX OF REPLIES RECEIVED TO THE QUESTIONNAIRE ON REPLACEMENT
(DECEMBER 2013)**

Contracting Party	QUESTION I.1. I. APPLICABLE LEGISLATION 1. Are there provisions in your national trademark legislation to implement Article 4 <i>bis</i> (1) of the Madrid Agreement and/or the Protocol?		
	YES	NO, because the Agreement/Protocol is of direct application	NO, there are no such provisions, although the Agreement/Protocol is not of direct application
Albania		•	
Algeria		•	
Antigua and Barbuda		•	
Armenia	•		
Australia	•		
Austria (2008)		•	
Azerbaijan (2008)			•
Bahrain (2008)	•		
Belarus	•		
Benelux		•	
Bosnia and Herzegovina (2008)		•	
Bulgaria	•		
China		•	
Colombia	•		
Croatia		•	
Cuba (2008)			•
Cyprus		•	
Czech Republic		•	
Denmark	•		
Estonia		•	
European Union		•	
Finland	•		
France (2008)		•	
Georgia		•	
Germany		•	
Greece	•		
Hungary		•	
Iceland	•		
Ireland	•		
Israel	•		
Italy		•	
Japan	•		
Kenya (2008)		•	
Kyrgyzstan		•	
Latvia (2008)	•		
Lithuania	•		
Madagascar		•	
Mexico	•		
Monaco (2008)		•	
Mongolia			•
Montenegro		•	
Morocco (2008)		•	

Contracting Party	QUESTION I.1. I. APPLICABLE LEGISLATION 1. Are there provisions in your national trademark legislation to implement Article 4bis(1) of the Madrid Agreement and/or the Protocol?		
	YES	NO, because the Agreement/Protocol is of direct application	NO, there are no such provisions, although the Agreement/Protocol is not of direct application
Netherlands Antilles (2008) / Curacao ⁷ and Sint Maarten (Dutch part) [*] (2014)			•
New Zealand	•		
Norway	•		
Philippines	•		
Poland		•	
Portugal (2008)		•	
Republic of Korea	•		
Republic of Moldova	•		
Romania		•	
Russian Federation		•	
Serbia (2008)		•	
Singapore (2008)	•		
Slovakia		•	
Slovenia		•	
Spain		•	
Sudan	•		
Sweden	•		
Switzerland		•	
The former Yugoslav Republic of Macedonia (2008)		•	
Tajikistan		•	
Tunisia		•	
Turkey		•	
Turkmenistan	•		
Ukraine		•	
United Kingdom	•		
United States of America	•		
Uzbekistan		•	
Viet Nam			•
Zambia			•

⁷ Territorial entity previously part of the former Netherlands Antilles.

Contracting Party	QUESTION I.2. I. APPLICABLE LEGISLATION 2. Are there provisions in your national trademark legislation to implement Article 4bis(2) of the Madrid Agreement and/or the Protocol?						
	YES	NO, because the Agreement /Protocol is of direct application	NO, there are no such provisions, although the Agreement/ Protocol is not of direct application	NO, but there is a procedure	Consists of Office practice	Is prescribed by Administrative Guidelines of Office	Other
Albania		•					
Algeria		•					
Antigua and Barbuda		•					
Armenia	•						
Australia	•						
Austria (2008)		•					
Azerbaijan (2008)			•		•		
Bahrain (2008)	•						
Belarus	•						
Benelux		•					
Bosnia and Herzegovina (2008)		•					
Bulgaria	•						
China				•	•		
Colombia	•						
Croatia		•			•		
Cuba (2008)				•	•		
Cyprus	•						
Czech Republic		•					
Denmark	•						
Estonia	•						
European Union	•						
Finland	•						
France (2008)		•					
Georgia		•					
Germany		•					
Greece				•	•		The tax for this procedure is specified in L.4072/2012 art.179 1) ið.
Hungary	•						
Iceland	•						
Ireland	•						
Israel	•						

Contracting Party	QUESTION I.2. I. APPLICABLE LEGISLATION 2. Are there provisions in your national trademark legislation to implement Article 4bis(2) of the Madrid Agreement and/or the Protocol?						
	YES	NO, because the Agreement /Protocol is of direct application	NO, there are no such provisions, although the Agreement/ Protocol is not of direct application	NO, but there is a procedure	Consists of Office practice	Is prescribed by Administrative Guidelines of Office	Other
Italy		•					
Japan		•					
Kenya (2008)		•					
Kyrgyzstan				•	•		
Latvia (2008)	•						
Lithuania	•						
Madagascar				•		•	
Mexico	•						
Monaco (2008)		•					
Mongolia			•				
Montenegro		•					
Morocco (2008)		•					
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part)* (2014)				•	•		
New Zealand	•						
Norway	•						
Philippines	•						
Poland				•			The request to take note on the replacement is processed as any other request for new entry in the national register.
Portugal (2008)				•		•	
Republic of Korea	•						
Republic of Moldova	•						
Romania		•					
Russian Federation				•		•	

Contracting Party	QUESTION I.2. I. APPLICABLE LEGISLATION 2. Are there provisions in your national trademark legislation to implement Article 4bis(2) of the Madrid Agreement and/or the Protocol?						
	YES	NO, because the Agreement /Protocol is of direct application	NO, there are no such provisions, although the Agreement/ Protocol is not of direct application	NO, but there is a procedure	Consists of Office practice	Is prescribed by Administrative Guidelines of Office	Other
Serbia (2008)		•					
Singapore (2008)	•						
Slovakia		•					
Slovenia		•		•	•		
Spain		•					
Sudan	•						
Sweden	•						
Switzerland		•		•	•		
The former Yugoslav Republic of Macedonia (2008)		•					
Tajikistan		•					
Tunisia		•					
Turkey				•	•		
Turkmenistan	•						
Ukraine		•					
United Kingdom	•						
United States of America	•						
Uzbekistan		•					
Viet Nam			•				
Zambia				•			Section 6(1) of our Trademarks Act require that all trademarks are placed on the register.

Contracting Party	QUESTION I.3. I. APPLICABLE LEGISLATION 3. If your Office does have in place a procedure for “taking note” of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol, do you require:			
	Use a specific form	Payment of fee	Extract of the International Register	Other
Albania				
Algeria				
Antigua and Barbuda		•	•	
Armenia		•		
Australia				Written request.
Austria (2008)				
Azerbaijan (2008)				
Bahrain	•			
Belarus	•	•		
Benelux				No specific requirements.
Bosnia and Herzegovina (2008)				
Bulgaria		•		
China	•			
Colombia	•	•		
Croatia				
Cuba (2008)				Written request in form of a letter, including the reference numbers of both the national and international registry for the replacement (more than one national registry might be involved, depending on the classes, as a consequence of the former mono-class registration system).
Cyprus				Until present our office communicates the Act of Replacement to the International Bureau in Geneva.
Czech Republic				Without specific form, requirement in accordance with Article 4bis (1), (2), numbers of TMs.
Denmark				The Danish Patent and Trademark Office have no formal requirements.
Estonia				
European Union				We consult databases.
Finland		•		

Contracting Party	QUESTION I.3. I. APPLICABLE LEGISLATION 3. If your Office does have in place a procedure for “taking note” of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol, do you require:			
	Use a specific form	Payment of fee	Extract of the International Register	Other
France (2008)				
Georgia				SAKPATENTI only requires a written request for replacement by the holder or a legal representative of the holder of the mark.
Germany				The German Patent and Trade Mark Office only requires a request for replacement by the holder of the mark.
Greece		•		An extract from the national register in which the national mark is registered and an extract from the national register in which the international registration is recorded.
Hungary				None of the above is required.
Iceland				A written request for replacement.
Ireland	•			
Israel		•		
Italy				The Italian Office requires only that the application by the holders, or his representative, includes a revenue stamp. No other fee has to be paid.
Japan	•			
Kenya (2008)				
Kyrgyzstan		•		
Latvia (2008)		•	•	
Lithuania		•		
Madagascar	•	•		
Mexico		•		The written requirement doesn't need a specific form.
Monaco (2008)				
Mongolia	•			
Montenegro				Payment of a fee for entry of alteration into the register.
Morocco (2008)				

Contracting Party	QUESTION I.3. I. APPLICABLE LEGISLATION 3. If your Office does have in place a procedure for “taking note” of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol, do you require:			
	Use a specific form	Payment of fee	Extract of the International Register	Other
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)				We do not require any formalities yet.
New Zealand				Written request submitted electronically.
Norway				
Philippines	•	•		
Poland		•		
Portugal (2008)	•	•		
Republic of Korea	•		•	Extract of the National Registration.
Republic of Moldova		•		1. The international registration which extends its effects for Republic of Moldova and national registration must be owned by the same person. 2. The international registration which extends its effects for Republic of Moldova and national registration must identify the same mark. 3. All of the goods/services listed in national registration are covered by international registration which extends its effects for Republic of Moldova. 4. The national trademark must be registered prior to the designation of the Republic of Moldova by international registration.
Romania				
Russian Federation		•		
Serbia (2008)	•			
Singapore (2008)	•	•		
Slovakia				
Slovenia				We require a written request.

Contracting Party	QUESTION I.3. I. APPLICABLE LEGISLATION 3. If your Office does have in place a procedure for “taking note” of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol, do you require:			
	Use a specific form	Payment of fee	Extract of the International Register	Other
Spain				A note is taken on the National registry.
Sudan			•	
Sweden		•		
Switzerland				A mail from the holder or representative, asking for the inscription of the replacement and mentioning the concerned registrations (both national and international).
The former Yugoslav Republic of Macedonia (2008)				
Tajikistan				Because the Agreement/Protocol is of direct application we have not in place a procedure of replacement for an international registration.
Tunisia				
Turkey		•		Letter of application and power of attorney.
Turkmenistan		•	•	
Ukraine				Request of the certificate owner in a free form.
United Kingdom				

Contracting Party	QUESTION I.3. I. APPLICABLE LEGISLATION 3. If your Office does have in place a procedure for “taking note” of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol, do you require:			
	Use a specific form	Payment of fee	Extract of the International Register	Other
United States of America		•		1. Both the registered extension of protection of the international registration and national registration must be owned by the same person and identify the same mark; 2. all of the goods/services listed in national registration are also listed in registered extension of protection; 3. must identify serial number or U.S. registration number of registered extension of protection; 4. must identify U.S. registration number of replaced national registration.
Uzbekistan			•	
Viet Nam	•	•		Information of holder, international registration number, list of goods and services, national registration number.
Zambia				Madrid notification form.

Contracting Party	QUESTION I.4. I. APPLICABLE LEGISLATION 4. Are there provisions in your national trademark legislation to implement Rule 21 of the Common Regulations?						
	YES	No, because the Regulations are of direct application	No, there are no such provisions, although the Regulations are not of direct application	No, but there is a procedure	Consists of Office practice	Is prescribed by the Administrative Guidelines of Office	Other
Albania		•					
Algeria		•					
Antigua and Barbuda		•					
Armenia		•					
Australia	•						
Austria (2008)		•					
Azerbaijan (2008)		•			•		
Bahrain (2008)	•						
Belarus	•						
Benelux			•				
Bosnia and Herzegovina (2008)		•					
Bulgaria	•						
China				•	•		
Colombia	•						
Croatia		•			•		
Cuba (2008)				•	•		
Cyprus	•						
Czech Republic		•					
Denmark				•	•		We follow Rule 21 of the Common Regulations.
Estonia				•	•		
European Union				•		•	
Finland				•		•	
France (2008)		•					
Georgia		•					
Germany		•					
Greece		•					
Hungary		•					
Iceland				•	•		
Ireland	•						
Israel	•						
Italy		•					
Japan		•					
Kenya (2008)		•					
Kyrgyzstan		•					
Latvia (2008)	•						
Lithuania		•					
Madagascar				•		•	

Contracting Party	QUESTION I.4. I. APPLICABLE LEGISLATION 4. Are there provisions in your national trademark legislation to implement Rule 21 of the Common Regulations?						
	YES	No, because the Regulations are of direct application	No, there are no such provisions, although the Regulations are not of direct application	No, but there is a procedure	Consists of Office practice	Is prescribed by the Administrative Guidelines of Office	Other
Mexico	•						
Monaco (2008)			•				
Mongolia			•				
Montenegro		•					
Morocco (2008)		•					
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)				•	•		
New Zealand	•						
Norway				•		•	
Philippines	•						
Poland		•					
Portugal (2008)				•		•	
Republic of Korea	•						
Republic of Moldova	•						
Romania		•					
Russian Federation				•		•	
Serbia (2008)		•					
Singapore (2008)	•						
Slovakia		•					
Slovenia		•		•	•		
Spain		•					
Sudan	•						
Sweden				•	•		
Switzerland		•		•	•		
The former Yugoslav Republic of Macedonia (2008)		•					
Tajikistan		•					
Tunisia		•					
Turkey				•	•		
Turkmenistan	•						
Ukraine		•					
United Kingdom	•						

Contracting Party	QUESTION I.4. I. APPLICABLE LEGISLATION 4. Are there provisions in your national trademark legislation to implement Rule 21 of the Common Regulations?						
	YES	No, because the Regulations are of direct application	No, there are no such provisions, although the Regulations are not of direct application	No, but there is a procedure	Consists of Office practice	Is prescribed by the Administrative Guidelines of Office	Other
United States of America	•						
Uzbekistan		•					
Viet Nam			•				
Zambia				•			Section 39 (1) of our Trademarks Act allows for registered proprietor of trademark to request for cancellation or removal of trademark from register.

Contracting Party	QUESTION II.1. II. EXPERIENCE OF THE OFFICE 1. Has your Office, in fact, had occasion, on request, to take note of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol?				
	NO	YES, but no more than 5 such requests	YES, between 5 and 20 such requests	YES, between 21 and 100 such requests	YES, more than 100 such requests
Albania		•			
Algeria	•				
Antigua and Barbuda	•				
Armenia		•			
Australia				•	
Austria (2008)				•	
Azerbaijan (2008)	•				
Bahrain (2008)	•				
Belarus			•		
Benelux	•				
Bosnia and Herzegovina (2008)	•				
Bulgaria				•	
China		•			
Colombia	•				
Croatia			•		
Cuba (2008)			•		
Cyprus		•			
Czech Republic		•			
Denmark				•	
Estonia				•	
European Union			•		
Finland			•		
France (2008)		•			
Georgia				•	
Germany				•	
Greece				•	
Hungary		•			
Iceland			•		
Ireland			•		
Israel			•		
Italy		•			
Japan			•		
Kenya (2008)	•				
Kyrgyzstan		•			
Latvia (2008)				•	
Lithuania				•	
Madagascar	•				
Mexico		•			
Monaco (2008)		•			
Mongolia		•			
Montenegro	•				
Morocco (2008)	•				

Contracting Party	QUESTION II.1. II. EXPERIENCE OF THE OFFICE 1. Has your Office, in fact, had occasion, on request, to take note of an international registration in accordance with Article 4bis(2) of the Madrid Agreement and/or of the Protocol?				
	NO	YES, but no more than 5 such requests	YES, between 5 and 20 such requests	YES, between 21 and 100 such requests	YES, more than 100 such requests
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)		•			
New Zealand		•			
Norway			•		
Philippines	•				
Poland				•	
Portugal (2008)		•			
Republic of Korea				•	
Republic of Moldova		•			
Romania		•			
Russian Federation				•	
Serbia (2008)		•			
Singapore (2008)				•	
Slovakia			•		
Slovenia		•			
Spain		•			
Sudan		•			
Sweden				•	
Switzerland			•		
The former Yugoslav Republic of Macedonia (2008)	•				
Tajikistan	•				
Tunisia	•				
Turkey			•		
Turkmenistan			•		
Ukraine		•			
United Kingdom				•	
United States of America			•		
Uzbekistan	•				
Viet Nam	•				
Zambia		•			

Contracting Party	QUESTION II.2. II. EXPERIENCE OF THE OFFICE 2. Does your Office operate an <i>ex officio</i> procedure for “taking note” of an international registration – i.e., irrespective of the filing of a request to take note?						
	NO	YES	None, so far	No more than 5	Between 5 and 20	Between 21 and 100	More than 100
Albania	•						
Algeria	•						
Antigua and Barbuda		•	•				
Armenia	•						
Australia	•						
Austria (2008)	•						
Azerbaijan (2008)		•					•
Bahrain (2008)		•	•				
Belarus	•						
Benelux	•						
Bosnia and Herzegovina (2008)	•						
Bulgaria	•						
China	•						
Colombia	•						
Croatia	•						
Cuba (2008)	•						
Cyprus		•		•			
Czech Republic	•						
Denmark	•						
Estonia	•						
European Union	•						
Finland	•						
France (2008)	•						
Georgia		•				•	
Germany	•						
Greece	•						
Hungary	•						
Iceland	•						
Ireland	•						
Israel	•						
Italy	•						

Contracting Party	QUESTION II.2. II. EXPERIENCE OF THE OFFICE 2. Does your Office operate an <i>ex officio</i> procedure for “taking note” of an international registration – i.e., irrespective of the filing of a request to take note?						
	NO	YES	None, so far	No more than 5	Between 5 and 20	Between 21 and 100	More than 100
Japan		<ul style="list-style-type: none"> However, the JPO has handled a number of overlaps (as defined previously). The number of “taking note” of international registrations in the national register based on national registrations, including the above-mentioned number of replacements is 306. We do not have the number only about replacements. 					
Kenya (2008)	•						
Kyrgyzstan	•						
Latvia (2008)	•						
Lithuania	•						
Madagascar	•						
Mexico	•						
Monaco (2008)	•						
Mongolia	•						
Montenegro	•						
Morocco (2008)	•						
Netherlands Antilles (2008) / Curacao* and Sint Maarten* (Dutch part) (2014)	•						
New Zealand	•						
Norway	•						
Philippines	•						
Poland	•						
Portugal (2008)		•			•		

Contracting Party	QUESTION II.2. II. EXPERIENCE OF THE OFFICE 2. Does your Office operate an <i>ex officio</i> procedure for “taking note” of an international registration – i.e., irrespective of the filing of a request to take note?						
	NO	YES	None, so far	No more than 5	Between 5 and 20	Between 21 and 100	More than 100
Republic of Korea		•			•		
Republic of Moldova	•						
Romania	•						
Russian Federation	•						
Serbia (2008)		•		•			
Singapore (2008)	•						
Slovakia	•						
Slovenia	•						
Spain	•						
Sudan		•		•			
Sweden	•						
Switzerland	•						
The former Yugoslav Republic of Macedonia (2008)	•						
Tajikistan	•						
Tunisia	•						
Turkey	•						
Turkmenistan	•						
Ukraine	•						
United Kingdom	•						
United States of America	•						
Uzbekistan	•						
Viet Nam	•						
Zambia		•	•				

Contracting Party	QUESTION III.1. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 1. Assuming that your Office is presented with a request to take note of an international registration, on which criteria does it, or would it, carry out an examination to assess whether replacement should take place?					
	The protection resulting from the international registration extends to the territory of your country/ region	The national and international marks are in the name of the same holder	All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/ region	The extension of the international registration to the territory of your country/ region takes effect after the date of the national registration	Other	There would be no examination
Albania	•	•	•	•		
Algeria	•	•	•			
Antigua and Barbuda		•	•			
Armenia	•	•	•	•		
Australia	•	•	•	•	The trademarks are identical.	
Austria (2008)	•	•	•	•		
Azerbaijan (2008)						
Bahrain (2008)	•	•	•	•		
Belarus	•	•	•	•		
Benelux	•	•	•	•		
Bosnia and Herzegovina (2008)	•	•	•	•		
Bulgaria	•	•	•			
China	•	•	•	•	The marks should be identical.	
Colombia	•	•	•	•		
Croatia	•	•	•	•		
Cuba (2008)	•	•	•	•		
Cyprus	•	•	•	•		
Czech Republic	•	•	•	•	Identity of TMs.	
Denmark	•	•	•	•	The Danish and International Trademark must be identical.	
Estonia	•	•	•	•		
European Union	•	•	•	•		
Finland	•	•	•	•		

Contracting Party	QUESTION III.1. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 1. Assuming that your Office is presented with a request to take note of an international registration, on which criteria does it, or would it, carry out an examination to assess whether replacement should take place?					
	The protection resulting from the international registration extends to the territory of your country/ region	The national and international marks are in the name of the same holder	All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/ region	The extension of the international registration to the territory of your country/ region takes effect after the date of the national registration	Other	There would be no examination
France (2008)	•	•	•			
Georgia	•	•	•	•		
Germany	•	•	•	•		
Greece	•	•	•	•		
Hungary	•	•	•	•		
Iceland	•	•	•	•		
Ireland	•	•	•	•		
Israel	•	•	•	•		
Italy	•	•	•	•		
Japan	•	•	•	•	The national and international trademarks are the same.	
Kenya (2008)	•	•	•	•	The marks are identical.	
Kyrgyzstan	•	•	•	•		
Latvia (2008)	•	•	•	•		
Lithuania	•	•	•	•	Fee for the replacement of a national registration by an international registration.	
Madagascar	•	•	•	•		
Mexico	•	•	•	•		
Monaco (2008)	•	•	•	•		
Mongolia		•	•			
Montenegro	•	•	•	•		
Morocco (2008)	•	•	•	•		

Contracting Party	QUESTION III.1. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 1. Assuming that your Office is presented with a request to take note of an international registration, on which criteria does it, or would it, carry out an examination to assess whether replacement should take place?					
	The protection resulting from the international registration extends to the territory of your country/ region	The national and international marks are in the name of the same holder	All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/ region	The extension of the international registration to the territory of your country/ region takes effect after the date of the national registration	Other	There would be no examination
Netherlands Antilles (2008) / Curacao* and Sint Maarten (Dutch part)* (2014)	•	•	•	•		
New Zealand	•	•	•	•	The marks are identical.	
Norway	•	•	•	•		
Philippines	•	•	•	•		
Poland	•	•	•	•		
Portugal (2008)	•	•	•	•		
Republic of Korea	•	•	•	•	The national and international marks are same.	
Republic of Moldova	•	•	•	•	1. The international registration which extends its effects for Republic of Moldova and national registration must identify the same mark. 2. The fee for replacement must be paid.	
Romania	•	•	•			
Russian Federation	•	•	•			

Contracting Party	QUESTION III.1. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 1. Assuming that your Office is presented with a request to take note of an international registration, on which criteria does it, or would it, carry out an examination to assess whether replacement should take place?					
	The protection resulting from the international registration extends to the territory of your country/ region	The national and international marks are in the name of the same holder	All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/ region	The extension of the international registration to the territory of your country/ region takes effect after the date of the national registration	Other	There would be no examination
Serbia (2008)	•	•	•	•	Identity of signs.	
Singapore (2008)	•	•	•	•		
Slovakia	•	•	•	•		
Slovenia	•	•	•	•		
Spain	•	•		•		
Sudan		•	•			
Sweden	•	•	•	•		
Switzerland	•	•	•	•		
The former Yugoslav Republic of Macedonia (2008)	•	•	•	•		
Tajikistan	•					
Tunisia	•	•	•	•		
Turkey	•	•	•	•	Payment of the replacement fee.	
Turkmenistan	•	•	•	•		
Ukraine	•	•	•	•	Mark that is the subject of a national registration in Ukraine is also the subject of an international registration.	
United Kingdom	•	•	•	•		

Contracting Party	QUESTION III.1. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 1. Assuming that your Office is presented with a request to take note of an international registration, on which criteria does it, or would it, carry out an examination to assess whether replacement should take place?					
	The protection resulting from the international registration extends to the territory of your country/ region	The national and international marks are in the name of the same holder	All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/ region	The extension of the international registration to the territory of your country/ region takes effect after the date of the national registration	Other	There would be no examination
United States of America	•	•	•	•	The same marks are identified in both the national and international registrations; request must provide registration numbers for both the national and extended registrations; proper fee is included.	
Uzbekistan	•	•	•			
Viet Nam	•	•	•	•	The same marks are identified in both the national and international registrations; request must provide registration numbers for both the national and extended registrations; proper fees are included.	
Zambia	•	•	•	•		

Contracting Party	QUESTION III.2. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 2. If it occurs that the goods and services listed in the national registration are not all listed in the international registration, i.e., the list of goods and services in the international registration is narrower than the list recorded nationally, does, or would, your Office nevertheless consider that a partial replacement takes place in respect of the specification that is common to both the national and international registrations?			
	NO, replacement would not take place	YES, with the remainder of the specification remaining unaffected in the national register	YES, but the Office would <i>ex officio</i> cancel the remainder of the specification in the national register	YES, but the holder would be required to request cancellation of the remainder of the specification in the national register
Albania		•		
Algeria				•
Antigua and Barbuda			•	
Armenia				•
Australia	•			
Austria (2008)		•		
Azerbaijan (2008)				
Bahrain (2008)	•			
Belarus	•			
Benelux				•
Bosnia and Herzegovina (2008)		•		
Bulgaria		•		
China	•			
Colombia		•		
Croatia		•		
Cuba (2008)		•		
Cyprus	•			
Czech Republic		•		
Denmark	•			
Estonia				•
European Union				•
Finland	•			
France (2008)		•		
Georgia	•			
Germany	•			
Greece		•		
Hungary		•		
Iceland		•		
Ireland	•			
Israel	•			
Italy	•			
Japan				
Kenya (2008)				•
Kyrgyzstan			•	
Latvia (2008)		•		
Lithuania				•
Madagascar	•			
Mexico	•			
Monaco (2008)		•		

Contracting Party	QUESTION III.2. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 2. If it occurs that the goods and services listed in the national registration are not all listed in the international registration, i.e., the list of goods and services in the international registration is narrower than the list recorded nationally, does, or would, your Office nevertheless consider that a partial replacement takes place in respect of the specification that is common to both the national and international registrations?			
	NO, replacement would not take place	YES, with the remainder of the specification remaining unaffected in the national register	YES, but the Office would <i>ex officio</i> cancel the remainder of the specification in the national register	YES, but the holder would be required to request cancellation of the remainder of the specification in the national register
Mongolia		•		
Montenegro		•		
Morocco (2008)				•
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)	•			
New Zealand	•			
Norway				•
Philippines		•		
Poland				•
Portugal (2008)		•		
Republic of Korea	•			
Republic of Moldova	•			
Romania		•		
Russian Federation		•		
Serbia (2008)	•			
Singapore (2008)				•
Slovakia		•		
Slovenia		•		
Spain		•		
Sudan		•		
Sweden	•			
Switzerland		•		
The former Yugoslav Republic of Macedonia (2008)		•		
Tajikistan	•			
Tunisia				•
Turkey	•			
Turkmenistan	•			
Ukraine	•			
United Kingdom		•		
United States of America	•			
Uzbekistan				•
Viet Nam	•			
Zambia		•		

Contracting Party	QUESTION III.3. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 3. At what time does, or would, your Office consider that replacement takes place?			
	On the date of international registration or subsequent designation	On the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection	Other
Albania	•			
Algeria			•	
Antigua and Barbuda	•			
Armenia			•	
Australia				When the trademark becomes protected.
Austria (2008)	•			
Azerbaijan (2008)				
Bahrain (2008)	•			
Belarus	•			
Benelux				The BOIP does not have an opinion on this issue.
Bosnia and Herzegovina (2008)	•			
Bulgaria			•	
China		•		
Colombia			•	
Croatia			•	
Cuba (2008)		•		
Cyprus		•		
Czech Republic	•			
Denmark	•			
Estonia				On the date of expiry of an opposition period if there has not been any opposition.
European Union	•			
Finland	•			
France (2008)		•		
Georgia	•			
Germany	•			
Greece				When filing the request for replacement.

Contracting Party	QUESTION III.3. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 3. At what time does, or would, your Office consider that replacement takes place?			
	On the date of international registration or subsequent designation	On the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection	Other
Hungary				On the date of issuing of a decision on the recordal of the replacement in the national register.
Iceland	•			
Ireland			•	
Israel			•	
Italy		•		
Japan	•			
Kenya (2008)	•			
Kyrgyzstan			•	
Latvia (2008)		•		
Lithuania				Within one month from the request for replacement of a national registration by an international registration.
Madagascar			•	
Mexico			•	
Monaco (2008)	•			
Mongolia	•			
Montenegro		•		
Morocco (2008)		•		
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)	•			
New Zealand	•			
Norway	•			
Philippines	•			
Poland			•	
Portugal (2008)			•	
Republic of Korea			•	
Republic of Moldova				From the date of record in the national Register.
Romania	•			

Contracting Party	QUESTION III.3. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 3. At what time does, or would, your Office consider that replacement takes place?			
	On the date of international registration or subsequent designation	On the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection	Other
Russian Federation				From date of entry in the State Register of Trademarks.
Serbia (2008)	•			
Singapore (2008)				On the date the international registration is updated as registered in our national register.
Slovakia			•	
Slovenia	•			
Spain				
Sudan	•			
Sweden	•			
Switzerland	•			
The former Yugoslav Republic of Macedonia (2008)	•			
Tajikistan				We have no practice of replacement of a national registration by an international registration and both registrations can coexist without replacement.
Tunisia		•		
Turkey			•	
Turkmenistan			•	
Ukraine	•			
United Kingdom	•			
United States of America			•	
Uzbekistan			•	
Viet Nam			•	
Zambia	•			

Contracting Party	QUESTION III.4.	
	III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE	
	4. If your Office considers, or would, consider that replacement takes place either on the date of expiry of the refusal period, or of issuing of a statement of grant of protection, is the effect of replacement considered to be retroactive to the date of the international registration or subsequent designation in question?	
	YES	NO
Albania	•	
Algeria	•	
Antigua and Barbuda		•
Armenia	•	
Australia		
Austria (2008)		
Azerbaijan (2008)	•	
Bahrain (2008)		
Belarus	•	
Benelux		•
Bosnia and Herzegovina (2008)	•	
Bulgaria	•	
China	•	
Colombia	•	
Croatia	•	
Cuba (2008)	•	
Cyprus	•	
Czech Republic	•	
Denmark		
Estonia	•	
European Union		
Finland		
France (2008)		
Georgia		•
Germany		
Greece		•
Hungary	•	
Iceland		
Ireland	No policy decision taken by the Office in this regard.	
Israel		•
Italy		•
Japan		
Kenya (2008)		
Kyrgyzstan	•	
Latvia (2008)		•
Lithuania		
Madagascar	•	
Mexico	•	
Monaco (2008)		
Mongolia	•	
Montenegro	•	
Morocco (2008)	•	
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)	•	
New Zealand		
Norway		
Philippines	•	
Poland		•
Portugal (2008)	•	

Contracting Party	QUESTION III.4. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 4. If your Office considers, or would, consider that replacement takes place either on the date of expiry of the refusal period, or of issuing of a statement of grant of protection, is the effect of replacement considered to be retroactive to the date of the international registration or subsequent designation in question?	
	YES	NO
Republic of Korea	•	
Republic of Moldova		
Romania		
Russian Federation		•
Serbia (2008)		
Singapore (2008)		
Slovakia	•	
Slovenia	•	
Spain		
Sudan		•
Sweden		
Switzerland		
The former Yugoslav Republic of Macedonia (2008)		
Tajikistan		•
Tunisia	•	
Turkey	•	
Turkmenistan		•
Ukraine		
United Kingdom		
United States of America		•
Uzbekistan		•
Viet Nam	•	
Zambia		

Contracting Party	QUESTION III.5. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 5. When does, or would, your Office accept the filing of a request to take note under Article 4 <i>bis</i> (2)?			
	After the date of notification by the International Bureau of the international registration or subsequent designation in question	Only from the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection	Other
Albania	•			
Algeria			•	
Antigua and Barbuda	•			
Armenia	•			
Australia	•			
Austria (2008)	•			
Azerbaijan (2008)				We do not have such kind of experience.
Bahrain (2008)	•			
Belarus	•			
Benelux				The BOIP does not have an opinion on this issue.
Bosnia and Herzegovina (2008)	•			
Bulgaria	•			
China		•		
Colombia	•			
Croatia			•	
Cuba (2008)	•			
Cyprus	•			
Czech Republic	•			
Denmark	•			The Danish Patent and Trademark Office will accept the filing but cannot take note of the international registration in accordance with Article 4 <i>bis</i> before statement of grant of protection has been issued or the refusal period has expired (tacit acceptance).
Estonia	•			
European Union	•			
Finland	•			
France (2008)		•		

Contracting Party	QUESTION III.5. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 5. When does, or would, your Office accept the filing of a request to take note under Article 4bis(2)?			
	After the date of notification by the International Bureau of the international registration or subsequent designation in question	Only from the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection	Other
Georgia	•			
Germany	•			
Greece	•			
Hungary	•			
Iceland	•			
Ireland	•			
Israel			•	
Italy	•			
Japan	•			
Kenya (2008)				On submission of a prescribed form and payment of prescribed fees. NOTE: form and fees not prescribed as yet.
Kyrgyzstan			•	
Latvia (2008)		•		
Lithuania	•			
Madagascar	•			
Mexico	•			
Monaco (2008)	•			
Mongolia	•			
Montenegro	•			
Morocco (2008)		•		
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part)* (2014)	•			
New Zealand	•			
Norway	•			
Philippines	•			
Poland			•	
Portugal (2008)			•	
Republic of Korea	•			
Republic of Moldova		•		Only from the date of expiry of the refusal period, if the trademark has been accepted.
Romania	•			
Russian Federation	•			
Serbia (2008)	•			

Contracting Party	QUESTION III.5. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 5. When does, or would, your Office accept the filing of a request to take note under Article 4bis(2)?			
	After the date of notification by the International Bureau of the international registration or subsequent designation in question	Only from the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection	Other
Singapore (2008)	•			
Slovakia			•	
Slovenia	•			
Spain			•	
Sudan	•			
Sweden	•			
Switzerland	•			
The former Yugoslav Republic of Macedonia (2008)	•			
Tajikistan				We have no practice of the filing of a request to take note under Article 4bis(2).
Tunisia		•		
Turkey			•	
Turkmenistan	•			
Ukraine	•			
United Kingdom				On the filing of a form TM28 "Request for recordal on concurrent registration", for which there is no fee.
United States of America			•	
Uzbekistan			•	
Viet Nam			•	
Zambia	•			

Contracting Party	QUESTION III.6. (2008) – QUESTION III.6.(A) (2014)			
	III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE			
	6. (redrafted on June 23, 2008)			
	(a) In case it has been requested to take note, under Article 4bis(2), of the international registration, does your Office permit the coexistence of the national registration and the international registration that has replaced it?			
	YES	YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	NO, the Office <i>ex officio</i> cancels the national registration	NO, the holder needs to renounce the national registration
Albania	•			
Algeria				•
Antigua and Barbuda		•		
Armenia	•			
Australia	•			
Austria (2008)	•			
Azerbaijan (2008)				•
Bahrain (2008)	•			
Belarus	•			
Benelux	•			
Bosnia and Herzegovina (2008)	•			
Bulgaria	•			
China		•		
Colombia	•			
Croatia	•			
Cuba (2008)	•			
Cyprus	•			
Czech Republic	•			
Denmark	•			
Estonia	•			
European Union	•			
Finland	•			
France (2008)				
Georgia			•	
Germany			•	
Greece	•			
Hungary	•			
Iceland	•			
Ireland	•			
Israel		•		
Italy	•			
Japan	•			
Kenya (2008)		•		
Kyrgyzstan		•		
Latvia (2008)	•			
Lithuania	•			
Madagascar	•			
Mexico	•			
Monaco (2008)	•			
Mongolia		•		
Montenegro	•			
Morocco (2008)	•			

Contracting Party	QUESTION III.6. (2008) – QUESTION III.6.(A) (2014)			
	III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE			
	6. (redrafted on June 23, 2008)			
	(a) In case it has been requested to take note, under Article 4bis(2), of the international registration, does your Office permit the coexistence of the national registration and the international registration that has replaced it?			
	YES	YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	NO, the Office <i>ex officio</i> cancels the national registration	NO, the holder needs to renounce the national registration
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part)* (2014)	•			
New Zealand	•			
Norway	•			
Philippines		•		
Poland		•		
Portugal (2008)			•	
Republic of Korea	•			
Republic of Moldova	•			
Romania	•	•		
Russian Federation	•			
Serbia (2008)			•	
Singapore (2008)	•			
Slovakia		•		
Slovenia		•		
Spain			•	
Sudan			•	
Sweden	•			
Switzerland	•			
The former Yugoslav Republic of Macedonia (2008)	•			
Tajikistan	•			
Tunisia	•			
Turkey	•			
Turkmenistan	•			
Ukraine	•			
United Kingdom	•			
United States of America	•			
Uzbekistan				•
Viet Nam				•
Zambia	•			

Contracting Party	QUESTION III.6.(B) (2014)			
	III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE			
	6. (b) In case your Office has not been requested to take note, under Article 4bis(2), of the international registration, but is nevertheless aware that the conditions under Article 4bis(1) are met, does it permit the coexistence of the national registration and the international registration that has replaced it?			
	YES	YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	NO, the Office <i>ex officio</i> cancels the national registration	NO, the holder needs to renounce the national registration
Albania	•			
Algeria				•
Antigua and Barbuda		•		
Armenia	•			
Australia	•			
Austria (2008)				
Azerbaijan (2008)				
Bahrain (2008)				
Belarus	•			
Benelux	•			
Bosnia and Herzegovina (2008)				
Bulgaria	•			
China		•		
Colombia				•
Croatia	•			
Cuba (2008)				
Cyprus	•			
Czech Republic	•			
Denmark	•			
Estonia	•			
European Union	•			
Finland	•			
France (2008)				
Georgia			•	
Germany	•			
Greece	•			
Hungary	•			
Iceland	•			
Ireland	•			
Israel	•			
Italy	•			
Japan	•			
Kenya (2008)				
Kyrgyzstan		•		
Latvia (2008)				
Lithuania	•			
Madagascar	•			
Mexico	•			
Monaco (2008)				
Mongolia		•		
Montenegro	•			
Morocco (2008)				

Contracting Party	QUESTION III.6.(B) (2014)			
	III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE			
	6. (b) In case your Office has not been requested to take note, under Article 4bis(2), of the international registration, but is nevertheless aware that the conditions under Article 4bis(1) are met, does it permit the coexistence of the national registration and the international registration that has replaced it?			
	YES	YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	NO, the Office <i>ex officio</i> cancels the national registration	NO, the holder needs to renounce the national registration
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)	•			
New Zealand	•			
Norway	•			
Philippines	•			
Poland	•			
Portugal (2008)				
Republic of Korea	•			
Republic of Moldova	•			
Romania	•	•		
Russian Federation	•			
Serbia (2008)				
Singapore (2008)				
Slovakia	•			
Slovenia		•		
Spain	•			
Sudan		•		
Sweden	•			
Switzerland	•			
The former Yugoslav Republic of Macedonia (2008)				
Tajikistan	•			
Tunisia	•			
Turkey	•			
Turkmenistan	•			
Ukraine	•			
United Kingdom	•			
United States of America	•			
Uzbekistan				•
Viet Nam				•
Zambia	•			

Contracting Party	QUESTION III.7. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 7. If your Office does not, or would not, permit coexistence of a national registration and the international registration that has replaced it, does, or would, your Office nevertheless permit reinstatement of the national registration should the international registration cease to have effect within the five-year dependency period (Article 6 of the Agreement and/or the Protocol)?	
	YES	NO
Albania		
Algeria		•
Antigua and Barbuda		•
Armenia	•	
Australia		
Austria (2008)		
Azerbaijan (2008)	•	
Bahrain (2008)		
Belarus	•	
Benelux		
Bosnia and Herzegovina (2008)		
Bulgaria		
China		
Colombia		•
Croatia		
Cuba (2008)		
Cyprus		
Czech Republic		
Denmark		
Estonia		
European Union		
Finland		
France (2008)		•
Georgia		•
Germany		•
Greece		
Hungary	•	
Iceland		
Ireland		
Israel		
Italy		
Japan		
Kenya (2008)		
Kyrgyzstan		•
Latvia (2008)		
Lithuania		
Madagascar		
Mexico		
Monaco (2008)		
Mongolia		•
Montenegro		
Morocco (2008)		
Netherlands Antilles (2008) / Curacao* and Sint Maarten (Dutch part)* (2014)	•	
New Zealand		
Norway		
Philippines		•
Poland		•

Contracting Party	QUESTION III.7.	
	YES	NO
	III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 7. If your Office does not, or would not, permit coexistence of a national registration and the international registration that has replaced it, does, or would, your Office nevertheless permit reinstatement of the national registration should the international registration cease to have effect within the five-year dependency period (Article 6 of the Agreement and/or the Protocol)?	
Portugal (2008)	•	
Republic of Korea		
Republic of Moldova		
Romania		
Russian Federation		•
Serbia (2008)	Never had such transformation in practice and we have no provisions in our national legislation.	
Singapore (2008)		
Slovakia		
Slovenia	•	
Spain		
Sudan	•	
Sweden		
Switzerland		
The former Yugoslav Republic of Macedonia (2008)		
Tajikistan		
Tunisia		
Turkey		
Turkmenistan		
Ukraine		
United Kingdom		
United States of America		
Uzbekistan		•
Viet Nam		•
Zambia		

Contracting Party	QUESTION III.8. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 8. (For Offices of Members of the Protocol) Article 4bis of the Agreement and of the Protocol provides that an international registration is deemed to replace a national registration without prejudice to any rights acquired by virtue of the latter. Thus, for example, replacement may include the benefit of a priority claim attached to the national registration. Assume that replacement, under Article 4bis(1) of the Protocol, has taken place and has included certain such rights acquired by virtue of the national registration, but subsequently there has been recorded a ceasing of effect due to failure of the basic mark within the five-year dependency period in accordance with Article 6 of the Protocol. Assume also that in such case, the holder wishes to exercise his rights, under Article 9quinquies of the Protocol, to transform the international registration into national application. In your Office, does, or would, such transformation carry the benefit of those earlier national rights, such as, for example, a priority date?	
	YES	NO
Albania		
Algeria		
Antigua and Barbuda	•	
Armenia	•	
Australia		•
Austria (2008)		
Azerbaijan (2008)	•	
Bahrain (2008)	•	
Belarus	•	
Benelux	•	
Bosnia and Herzegovina (2008)		
Bulgaria	•	
China		
Colombia		•
Croatia	•	
Cuba (2008)	•	
Cyprus		•
Czech Republic	•	
Denmark	•	
Estonia	•	
European Union	•	
Finland	•	
France (2008)	•	
Georgia		•
Germany	•	
Greece	•	
Hungary	•	
Iceland		•
Ireland		•
Israel	•	
Italy		
Japan	•	
Kenya (2008)	•	
Kyrgyzstan	•	
Latvia (2008)	•	

Contracting Party	QUESTION III.8. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 8. (For Offices of Members of the Protocol) Article 4bis of the Agreement and of the Protocol provides that an international registration is deemed to replace a national registration without prejudice to any rights acquired by virtue of the latter. Thus, for example, replacement may include the benefit of a priority claim attached to the national registration. Assume that replacement, under Article 4bis(1) of the Protocol, has taken place and has included certain such rights acquired by virtue of the national registration, but subsequently there has been recorded a ceasing of effect due to failure of the basic mark within the five-year dependency period in accordance with Article 6 of the Protocol. Assume also that in such case, the holder wishes to exercise his rights, under Article 9quinquies of the Protocol, to transform the international registration into national application. In your Office, does, or would, such transformation carry the benefit of those earlier national rights, such as, for example, a priority date?	
	YES	NO
Lithuania	•	
Madagascar	•	
Mexico		•
Monaco (2008)	•	
Mongolia	•	
Montenegro	•	
Morocco (2008)	•	
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)	•	
New Zealand	•	
Norway	•	
Philippines	•	
Poland		•
Portugal (2008)		•
Republic of Korea	•	
Republic of Moldova	•	
Romania	•	
Russian Federation	•	
Serbia (2008)	Never had such transformation in practice and we have no provisions in our national legislation.	
Singapore (2008)	•	
Slovakia	•	
Slovenia	•	
Spain		•
Sudan	•	
Sweden	•	
Switzerland		
The former Yugoslav Republic of Macedonia (2008)		
Tajikistan	•	
Tunisia	•	
Turkey	•	
Turkmenistan	•	
Ukraine	•	

Contracting Party	QUESTION III.8. III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE 8. (For Offices of Members of the Protocol) Article 4bis of the Agreement and of the Protocol provides that an international registration is deemed to replace a national registration without prejudice to any rights acquired by virtue of the latter. Thus, for example, replacement may include the benefit of a priority claim attached to the national registration. Assume that replacement, under Article 4bis(1) of the Protocol, has taken place and has included certain such rights acquired by virtue of the national registration, but subsequently there has been recorded a ceasing of effect due to failure of the basic mark within the five-year dependency period in accordance with Article 6 of the Protocol. Assume also that in such case, the holder wishes to exercise his rights, under Article 9quinquies of the Protocol, to transform the international registration into national application. In your Office, does, or would, such transformation carry the benefit of those earlier national rights, such as, for example, a priority date?	
	YES	NO
United Kingdom	•	
United States of America	•	
Uzbekistan	•	
Viet Nam	•	
Zambia		•

Contracting Party	QUESTION IV.1. IV. MISCELLANEOUS 1. (redrafted on June 23, 2008) Where the conditions under Article 4bis(1) are met and, in addition, the national mark has lapsed, is reliance on any rights acquired by virtue of the national registration permitted in legal and administrative proceedings?			
	YES, even if the international registration has not been noted in the national register	YES, but only if the international registration has been noted in the national register	NO	Do not know
Albania		•		
Algeria	•			
Antigua and Barbuda		•		
Armenia		•		
Australia				•
Austria (2008)		•		
Azerbaijan (2008)			•	
Bahrain (2008)				•
Belarus			•	
Benelux				•
Bosnia and Herzegovina (2008)				•
Bulgaria			•	
China			•	
Colombia			•	
Croatia		•		
Cuba (2008)			•	
Cyprus	•			
Czech Republic		•		
Denmark	•			
Estonia				•
European Union	•			
Finland				•
France (2008)				•
Georgia	•			
Germany		•		
Greece				•
Hungary		•		
Iceland		•		
Ireland				•
Israel		•		
Italy	•			
Japan			•	
Kenya (2008)		•		
Kyrgyzstan				•
Latvia (2008)		•		
Lithuania		•		
Madagascar		•		
Mexico		•		
Monaco (2008)				•
Mongolia	•			
Montenegro		•		
Morocco (2008)				•

Contracting Party	QUESTION IV.1. IV. MISCELLANEOUS 1. (redrafted on June 23, 2008) Where the conditions under Article 4bis(1) are met and, in addition, the national mark has lapsed, is reliance on any rights acquired by virtue of the national registration permitted in legal and administrative proceedings?			
	YES, even if the international registration has not been noted in the national register	YES, but only if the international registration has been noted in the national register	NO	Do not know
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)		•		
New Zealand			•	
Norway	•			
Philippines	•			
Poland				•
Portugal (2008)		•		
Republic of Korea			•	
Republic of Moldova			•	
Romania	•			
Russian Federation			•	
Serbia (2008)				•
Singapore (2008)			•	
Slovakia		•		
Slovenia			•	
Spain			•	
Sudan		•		
Sweden				•
Switzerland				•
The former Yugoslav Republic of Macedonia (2008)				•
Tajikistan				
Tunisia				
Turkey				•
Turkmenistan				•
Ukraine			•	
United Kingdom		•		
United States of America	•			
Uzbekistan			•	
Viet Nam				•
Zambia			•	

Contracting Party	QUESTION IV.2. IV. MISCELLANEOUS 2. The International Bureau has made available model provisions with regard to the replacement procedure (see www.wipo.int/madrid/en/contracting_parties). Have you found the model provisions to be of assistance?		
	YES	NO	Do not know
Albania			
Algeria	•		
Antigua and Barbuda	•		
Armenia	•		
Australia	•		
Austria (2008)			
Azerbaijan (2008)	•		
Bahrain (2008)	•		
Belarus			•
Benelux	•		
Bosnia and Herzegovina (2008)			•
Bulgaria	•		
China	•		
Colombia	•		
Croatia	•		
Cuba (2008)		•	
Cyprus	•		
Czech Republic	•		
Denmark	•		
Estonia	•		
European Union	•		
Finland			•
France (2008)	•		
Georgia	•		
Germany		•	
Greece	•		
Hungary	•		
Iceland			•
Ireland			•
Israel	•		
Italy	•		
Japan			•
Kenya (2008)	•		
Kyrgyzstan	•		
Latvia (2008)	•		
Lithuania	•		
Madagascar	•		
Mexico	•		
Monaco (2008)	•		
Mongolia	•		
Montenegro	•		
Morocco (2008)	•		
Netherlands Antilles (2008) / Curacao and Sint Maarten (Dutch part) (2014)	•		
New Zealand	•		
Norway			•
Philippines	•		
Poland			•
Portugal (2008)	•		
Republic of Korea	•		

Contracting Party	QUESTION IV.2. IV. MISCELLANEOUS 2. The International Bureau has made available model provisions with regard to the replacement procedure (see www.wipo.int/madrid/en/contracting_parties). Have you found the model provisions to be of assistance?		
	YES	NO	Do not know
Republic of Moldova	•		
Romania	•		
Russian Federation	•		
Serbia (2008)			•
Singapore (2008)	•		
Slovakia	•		
Slovenia			•
Spain			•
Sudan	•		
Sweden			•
Switzerland	•		
The former Yugoslav Republic of Macedonia (2008)			•
Tajikistan	•		
Tunisia	•		
Turkey	•		
Turkmenistan	•		
Ukraine	•		
United Kingdom	•		
United States of America			
Uzbekistan	•		
Viet Nam	•		
Zambia			•

[End of Annex II and of document]