

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

**Thirteenth Session  
Geneva, November 2 to 6, 2015**

### **USER SURVEY ON MADRID DEPENDENCY PRINCIPLE ISSUES**

*Document prepared by the International Bureau*

#### **INTRODUCTION**

1. It is recalled that the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”), at its twelfth session, requested the International Bureau to conduct a survey on the views of users of the Madrid System on the dependency principle and related issues, for the Working Group to obtain a better understanding of the practical advantages and disadvantages of dependency for users.
2. Following that request, the International Bureau drafted a questionnaire which was posted on the Madrid System Legal Forum for comments. The final version of the questionnaire took into account contributions made by several Offices of members of the Madrid Union and by representatives from various users’ organizations.
3. The final version of the questionnaire had four parts. The first part was designed to collect background information on the participants in order to validate the relevance of the sample. The second part sought to gather information on the experience of users with dependency, in particular with central attack, and to solicit their opinion on the possibility to either restrict or abolish dependency. The third part inquired whether using the Madrid System for obtaining protection for marks in a script other than the script used in the country of origin creates an additional obstacle for users. Finally, the last part dealt with the use of transformation and sought to determine the degree of satisfaction among users with this mechanism.

4. The International Bureau conducted a survey, online and anonymously, in English, French and Spanish, from May 18 to June 7, 2015 (the questions of the survey are reproduced in Annex II to this document). The International Bureau sent an invitation to participate in the survey to some 10,000 individual e-mail addresses, corresponding to holders of international registrations, representatives and users of the WIPO online services. In addition, a communication was sent to the Offices of all the members of the Madrid Union and to several users' organizations requesting their support to promote the survey. The technical aspects of the survey were managed by MBeeM, a Swiss-based company specialized on research and data processing, previously retained by WIPO for other user surveys.

5. The objective of this exercise, requested by the Working Group in its previous session, was to consult stakeholders and obtain their opinions in order to make an informed decision on the future of dependency. The survey has achieved its objective as it has been able to gather the opinion of a large and highly representative sample of users of the Madrid System.

### RELEVANCE OF THE SAMPLE

6. The website hosting the survey received some 5,000 visits; 1,331 users answered the entire questionnaire, while some 500 users answered a few questions. This analysis only takes into account the replies of users who answered the entire questionnaire; that is, the sample size is 1,331 users of the Madrid System who are, almost entirely, holders of international registrations or their representatives. The replies received to the questionnaire (raw data) can be consulted in the Madrid System Legal Forum at [http://www.wipo.int/madrid/en/contracting\\_parties/](http://www.wipo.int/madrid/en/contracting_parties/).

7. The sample corresponds to the geographic diversity of the Madrid System. Eighty-one per cent of users indicated a member State of the Madrid Union as their country of origin (see Annex I, Chart I). The 10 most mentioned countries were, by order of importance, the United States of America, Germany, France, Italy, Switzerland, Japan, Spain, the United Kingdom, China and Australia. These countries correspond to the 10 Contracting Parties with the most number of international applications filed in 2014, not considering the European Union (see Annex I, Table I).

8. The sample is also highly representative of users of the Madrid System, either as a holder of international registrations or as a holder's representative. A vast majority replied that they are or represent holders of international registrations (see Annex I, Table II). Most users in the sample are regular users of the Madrid System, as a large majority of them indicated to either have or represent a sizable portfolio of international registrations, with 43 per cent indicating between 11 and 100 international registrations and 27 per cent more than 100 international registrations in those portfolios (see Annex I, Table III).

9. An important number of users, 35 per cent, have experience with the effects of dependency, as they reported to have been affected by the total or partial cancellation of an international registration due to the ceasing of effect of the basic mark (see Annex I, Chart II). Twenty per cent of users further indicated that such cancellation was the result of a third party action, while 27 per cent reported that it was for other reasons, such as *ex officio* refusals or failure to meet a maintenance requirement. Moreover, an equally noteworthy number of users have experience with central attack; 30 per cent reported having received a threat of central attack in negotiations and 33 per cent indicated that they had initiated a central attack or had threatened to do so.

10. It is worth recalling that, on average, 8 per cent of international registrations are affected by the recording of a total or partial cancellation due to the ceasing of effect of the basic mark. For instance, of the 35,925 international registrations effected in 2009, 2,852 were cancelled, totally or partially, due to ceasing of effect (see Table below).

*International Registrations Affected by the Recording of a Total or Partial Cancellation Under Rule 22 (Ceasing of Effect)*

Year	2005	2006	2007	2008	2009
International Registrations	33,169	37,228	38,471	40,985	35,925
Total or Partial Cancellation Under Rule 22	2,338	2,803	3,514	3,306	2,852
Percentage	7%	8%	9%	8%	8%

## **SURVEY FINDINGS**

11. Based on the analysis of the replies and comments received in the survey, the main findings can be summarized as follows:

### **FINDING NO. 1:**

*Cancellations of international registrations due to the ceasing of effect of the basic mark are not, for the most part, the result of a central attack*

12. Most users, who reported that they had been affected by the cancellation of an international registration due to the ceasing of effect of the basic mark, also commented on the circumstances that resulted in such cancellation. Users indicated that the mark had ceased to have effect due to a variety of reasons, such as objections raised by the Office of origin during the examination of the basic application; due to third party actions against the registration of the mark or to negotiations with third parties that led to the limitation of the basic application or registration, both of them unrelated to central attack; or, due to failure to maintain the basic registration. Some users said that they had never witnessed an actual case of central attack, while two users reported having witnessed no more than a handful of cases that might be considered as central attack.

### **FINDING NO. 2:**

*A significant number of users question the fairness of dependency and consider that it lowers the value of the Madrid System*

13. Users referred to the effects of dependency in very negative terms and questioned its fairness. Some of the words used to describe the cancellation of the international registration due to the ceasing of effect of the basic mark were “meaningless, unfair, unreasonable, illogical, unacceptable, problematic, unfriendly, pointless” and “almost hostile”. Users considered that dependency increases the cost of using the Madrid System, generates uncertainty, destroys value and leads to the loss of acquired rights.

14. Users pointed to the unfairness of having requirements or grounds that are relevant only in the Contracting Party of the Office of origin affecting rights acquired in other jurisdictions, and indicated that such would not be aligned with the Paris Convention for the Protection of Industrial Property (hereinafter referred to as “the Paris Convention”). Finally, a few users said that the risk associated with dependency and the possibility of central attack leads them to avoid or to not recommend using the Madrid System.

FINDING NO 3:

*A few users employ central attack as a mere incentive to bring holders of international registrations into negotiations, without the intention or means to actually execute such threat*

15. As previously indicated, 30 per cent of users reported having been threatened by central attack, while 33 per cent reported that they had initiated or had threatened to initiate central attack.

16. In their comments, users indicated that in none of the cases the threat of central attack actually materialized, either because there were no grounds on which to initiate a central attack or because matters were settled amicably.

17. Some users said that, mindful of dependency, they take the necessary precautions to minimize the risk of a central attack. A few users indicated that they perceive central attack as an empty threat, as it is unlikely that it could succeed. Two users actually considered that the length of proceedings at certain Offices of origin and the possibility of transformation have rendered central attack meaningless.

18. Finally, a small number of users said that they view central attack as a strategic tool or as an effective leverage to bring parties to the negotiating table.

FINDING NO 4:

*A majority of users do not view dependency as an advantage of the Madrid System*

19. On the question on whether they considered dependency to be an advantage or a disadvantage, 58 per cent of users considered dependency to be a disadvantage of the Madrid System. That percentage can be further broken down into 35 per cent of users who considered dependency to be only a disadvantage and 23 per cent who viewed it as both an advantage and a disadvantage. While this overall negative perception of dependency is consistent across all regions, it is significantly stronger in Asia and in the United States of America (see Annex I, Chart VII).

20. As stated above, 35 per cent of users viewed dependency only as a disadvantage. Users considered that dependency, *inter alia*, makes the international registration vulnerable and introduces uncertainty; increases the cost of using the Madrid System and unbalances it in favor of third parties; voids decisions already taken by national Offices and impinges on the principle of territoriality of industrial property rights; and, it makes the Madrid System inflexible and misaligned with the needs of its users who are forced to maintain the basic registration, even where they may no longer need it. Finally, users indicated that dependency is a clear disadvantage and a disincentive for those holders with a basic application filed with an Office that has very strict requirements because their international registrations are almost certain to be affected by dependency and, therefore, questioned the value of keeping dependency in the Madrid System.

21. Twenty-three per cent of users viewed dependency both as a disadvantage and as an advantage; however, in their comments, they indicated that the disadvantages of dependency outweigh its possible advantages. Users said that dependency, in certain cases, might be an efficient defense mechanism against infringing marks but that the uncertainty that it introduces, together with the additional costs that it represents and its far-reaching implications deter holders from using the Madrid System.

22. Only 19 per cent of users said that they considered dependency to be an advantage. For the most part, users who consider it to be an advantage underscored the potential cost-saving implications of dependency for affected third parties because, after the basic mark had ceased to have effect, the international registration would be automatically cancelled without requiring further actions.

FINDING NO 5:

*A majority of users are in favor of either abolishing or restricting dependency*

23. Sixty-two per cent of users in the survey are in favor of abolishing, suspending or restricting dependency. Views in favor of abolishing or restricting dependency are equally strong across all regions (see Annex I, Chart VIII).

24. Almost 30 per cent of users favor either abolishing or suspending dependency for a trial period; 20 per cent suggest shortening the period of dependency to three years or less; and, 12 per cent of users consider that dependency should apply only in certain cases, mainly, to applications filed or registrations obtained in demonstrated bad faith.

25. Twenty-eight per cent of users favor maintaining dependency as it is today, while two per cent consider that the dependency period should be longer.

FINDING NO 6:

*A strong majority of users indicate that, if dependency was abolished or restricted, they would be equally or more inclined to use the Madrid System*

26. Eighty-six per cent of users in the survey said that, without dependency, they would be equally or more inclined to use the Madrid System. Of these, 52 per cent stated that they would use the Madrid System to the same extent and 34 per cent indicated that they would be more inclined to use the Madrid System. Only five per cent of users said that, without dependency, they would be less inclined to use the Madrid System (see Annex I, Chart IX).

27. The percentage of users who, without dependency, would be more inclined to use the Madrid System is high in Asia (50 per cent), the United States of America (55 per cent) and in the rest of the world, excluding Europe (41 per cent).

28. Users who said that they would be more inclined to use the Madrid System stated that dependency was the main reason for not using or not recommending the System to their clients. In general, they argued that the increased legal certainty resulting from the removal of dependency would serve as an incentive for users who fear the “*house of cards*” effect.

29. Users who, while wishing to preserve dependency, would be, nonetheless, more or equally inclined to use the Madrid System even if dependency was abolished or restricted, stated that dependency was not the main reason why they chose or recommended the Madrid System. They indicated that the two more valuable features of the Madrid System upon which they based their decision were centralized filing and centralized management; therefore, dependency or its abolishment would not have an effect on their use of the Madrid System.

FINDING NO 7:

*The use of the Madrid System to protect trademarks in a script other than the script used in the country of origin is an issue that affects users worldwide*

30. On average, 20 per cent of users acknowledged that they had filed a national application for a mark in a script other than the script used in the country of origin for the sole purpose of using that national application as the basis for filing an international application. More precisely, 19 per cent of users from non-Latin script countries and 21 per cent from Latin-script countries admitted to having done so (see Annex I, Charts X and XI).

31. In general, users indicated that the strength of the use requirement in the home country was the main consideration when weighing this option. Users from countries that have stricter use requirements or shorter periods for non-use actions did not consider this a viable option. Moreover, when evaluating this option, users also considered, among others, the examination practices of the Office of origin, the likelihood of the ceasing of effect of the basic mark within the dependency period or whether export activities would be considered to be genuine use.

32. Users, mostly from Latin-script countries, indicated that the perceived difficulties, risks and uncertainty associated with this strategy increased the cost of using the Madrid System. As a result, users said that they preferred to file directly.

FINDING NO 8:

*A large majority of users does not have an opinion on transformation, a procedure that is seldom employed and that is viewed by some users as expensive and difficult*

33. A large majority of users, 80 per cent, reported that they had either never used transformation or did not reply to this question (see Annex I, Chart XII). Only 20 per cent of users reported ever using the transformation procedure and seven per cent indicated that they had difficulties with it (see Annex I, Chart XIII). Users equally reported problems at every stage of the process, namely, understanding transformation, filing the request and during the procedure before the national Office (see Annex I, Chart XIV).

34. A majority of users, 65 per cent, did not rate their degree of satisfaction with the transformation procedure. Twenty-four per cent of users indicated that they were satisfied or very satisfied, while 11 per cent said that they were moderately satisfied or dissatisfied.

35. The degree of satisfaction with the transformation procedure was influenced by the experience of users with the national Office that handled the procedure. Some users reported that some Offices were very helpful, explaining the procedure and guiding users throughout the entire process. Others reported inconsistent practices and, in a few cases, said that certain Contracting Parties had not enacted legislation or adopted regulations or directives to process requests for transformation. Users suggested either guidelines for its consistent implementation or a centralized procedure for filing the request.

36. Finally, users overwhelmingly mentioned cost as the main reason for not choosing the transformation procedure, even though it was available to them. Users mentioned filing costs and all the other costs associated with a direct filing, such as the need for representation, translations and other formal requirements, possible further proceedings and maintenance costs. Users also indicated that the transformation process was complicated, the outcome was uncertain and that, in certain cases, it was preferable or easier to just file a new application.

## THE WAY FORWARD

37. The findings of the survey are clear; cancellations of international registrations due to the ceasing of effect of the basic mark are not, for the most part, the result of central attack. This is consistent with the findings of the exercise on ceasing of effect, central attack and transformation that were discussed during the eleventh session of the Working Group (see document MM/LD/WG/11/4). The findings of the survey also suggest that the threat of central attack, while used in negotiations, rarely materializes.

38. According to these findings, a majority of users does not view dependency as an advantage of the Madrid System, and a significant number of users questions its fairness and believes that dependency makes the Madrid System less attractive. Consequently, a majority of users are in favor of either restricting or abolishing dependency.

39. Lessening the effects of dependency would make the Madrid System more flexible and attractive and such measure might lead to an increase in its use. This is supported by the 34 per cent of users who said that they would be more inclined to use the Madrid System if dependency was abolished or restricted, compared to the small group of users, five per cent, who stated that, in that case, they would be less inclined to do so.

40. There is evidence that the Madrid System is seen by some of its users as rigid and unresponsive to modern business needs. Some features, such as the need for a basic mark, dependency and the impossibility of self-designation, are mentioned as hurdles that keep the Madrid System from realizing its full potential. This perception is expressed in several comments received in the survey.

41. There is also evidence that the Madrid System is underserving some users, such as, for example, those users seeking to protect their brands in countries using characters other than those used in the country of origin. The prevailing view was that this issue concerned mostly trademark holders in countries using non-Latin characters. According to the findings of this survey, however, this issue also hinders trademark holder in countries using Latin characters.

42. While the original intention of preserving dependency was to provide third parties with an effective defense mechanism, this should be understood in the context of the Madrid Agreement Concerning the International Registration of Marks (hereinafter referred to as “the Agreement”), where cancellations of international registrations due to ceasing of effect were a rare occurrence. As, under the Agreement, international applications were based on national registrations, it was highly unlikely that the mark ceased to have effect within the dependency period, either as a result of central attack or for other reasons within or beyond the control of the holder.

43. The Protocol Relating to that Agreement (hereinafter referred to as “the Protocol”) introduced the possibility of filing an international application based on a national or regional application, as a flexibility that would allow holders to secure an earlier date of effect of the international registration in the designated Contracting Parties. However, this flexibility has been eroded by the uncertainty resulting from dependency. In 1995, only 114 international registrations were cancelled, either totally or partially, due to the ceasing of effect of the basic mark (see document MM/LD/WG/8/4). In 2014, that number had reached almost 4,000 international registrations; roughly 77 per cent of those cancellations resulted from the ceasing of effect of a basic application.

44. The cancellation of an international registration due to the ceasing of effect of the basic mark is no longer rare and exceptional. It affects, on average, some eight per cent of all international registrations; that is, one in 12. This concerns in particular holders in Contracting Parties that have stricter filing or maintenance requirements, which increase the likelihood of a cancellation unrelated to a central attack, or lengthier proceedings that prolong the period of uncertainty far beyond the dependency period. In these cases, holders might prefer to avoid the Madrid System, file directly and claim priority under the Paris Convention.

45. As a result of this exercise, it is clear that users are strongly in favor of abolishing, restricting or suspending the effects of dependency. The first two options, abolishing or restricting dependency, would entail a permanent modification of Articles 6 of the Agreement and of the Protocol, which would require convening a diplomatic conference. However, the third option, suspending the effects of dependency, is a revocable decision that falls within the mandate of the Madrid Union Assembly.

46. In its previous session, the Working Group discussed a proposal, contained in document MM/LD/WG/12/4, to temporarily freeze the operation of dependency by a decision to be taken by the Assembly of the Madrid Union. As indicated in that document, that proposal would provide a flexible approach allowing the Madrid Union to assess the effects of a new development in the Madrid System. In light of the findings of the survey, the Working Group might wish to reconsider the proposal contained in the aforementioned document.

*47. The Working Group is invited to:*

*(i) consider this document and provide comments thereon; and,*

*(ii) provide guidance to the International Bureau on possible further actions, including a recommendation to the Madrid Union Assembly to suspend the operation of Articles 6(2), (3) and (4) of the Madrid Agreement and Protocol, as proposed in document MM/LD/WG/12/4 or in modified form.*

[Annexes follow]



## STATISTICAL COMPILATION OF REPLIES RECEIVED TO THE USER SURVEY ON MADRID SYSTEM DEPENDENCY PRINCIPLE ISSUES (JUNE 2015)

### GENERAL INFORMATION

Chart I – Users from Member States of the Madrid Union

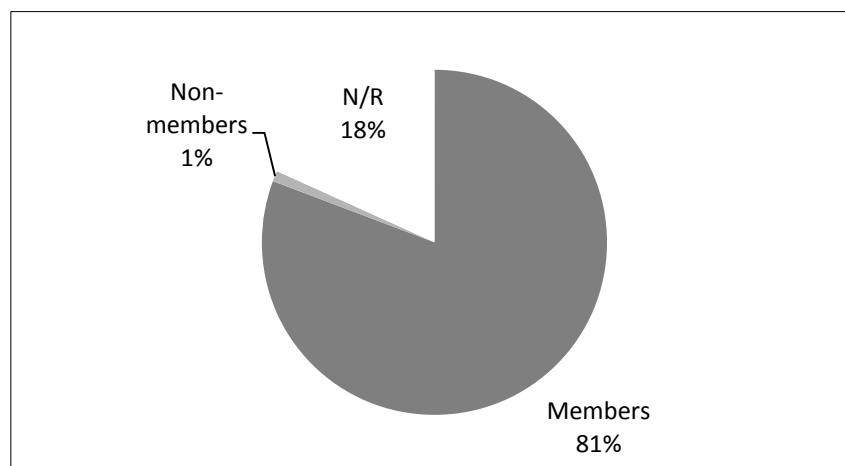


Table I – Country of Origin

<i>Please indicate your country of origin</i>		
United States of America	121	9%
Germany	105	8%
France	87	7%
Italy	68	5%
Switzerland	59	4%
Japan	58	4%
Spain	58	4%
United Kingdom	54	4%
China	42	3%
Australia	41	3%
Russian Federation	31	2%
Netherlands	22	2%
Sweden	21	2%
Denmark	18	1%
Israel	18	1%
Austria	17	1%
New Zealand	15	1%
Belgium	14	1%
Bulgaria	12	1%
Poland	12	1%
Turkey	12	1%
India	10	1%
Norway	10	1%
Portugal	10	1%
Mexico	9	1%
Finland	8	1%
Republic of Korea	8	1%
Hungary	7	1%
Singapore	7	1%
Viet Nam	7	1%
Others	50	4%
Unknown	243	18%
<b>Total</b>	<b>1,331</b>	<b>100%</b>

Table II – User Profile

<i>Please select one or several of the following</i>	
I am the holder of international registrations or I work for a company that holds international registrations	969
I represent clients who hold international registrations	1146
I represent an association of users, legal scholars or professionals	822
I use the information recorded in the International Register and published in the WIPO Gazette of International Marks, or made available in information products, for clearance, enforcement or other purposes	990
I am otherwise interested in the Madrid System for the international registration of marks	851

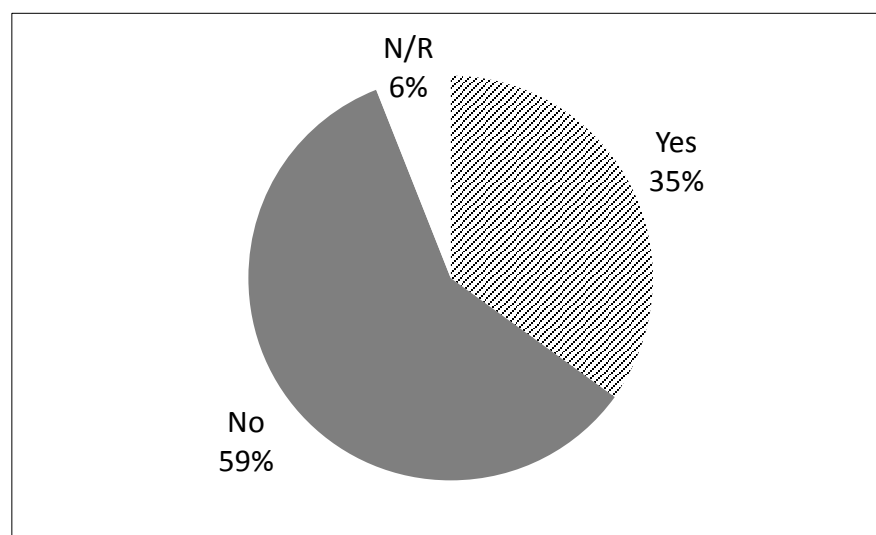
Table III – Size of International Registration Portfolio

<i>How many international registrations do you, or the clients you represent, hold?</i>		
1 – 10	307	23%
11 – 100	574	43%
More than 100	357	27%
N/A	93	7%

#### DEPENDENCY PRINCIPLE

Chart II – Cancellation Due to Ceasing of Effect

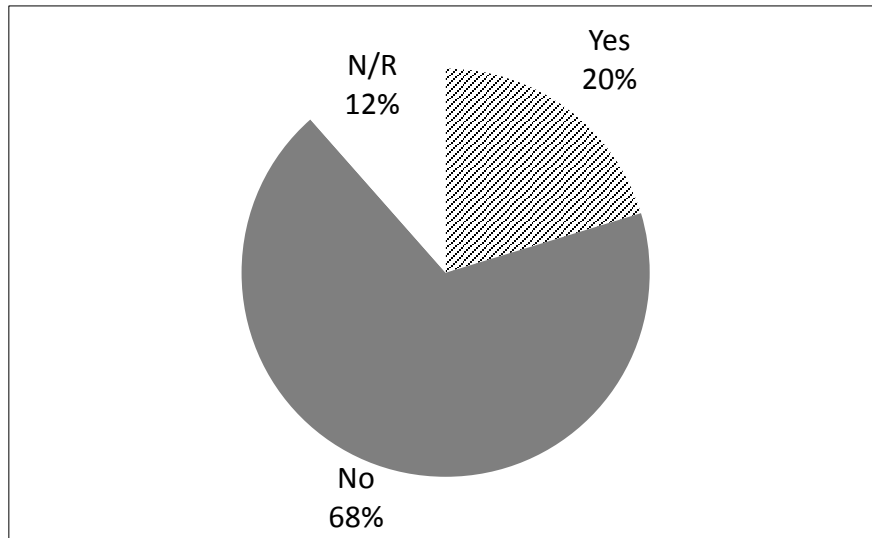
*Has any of your international registrations, or your clients' international registrations, been cancelled (totally or partially) because the basic mark ceased to have effect?*



Total replies: 1,241 out of 1,331

*Chart III – Ceasing of Effect Due to a Third Party Action*

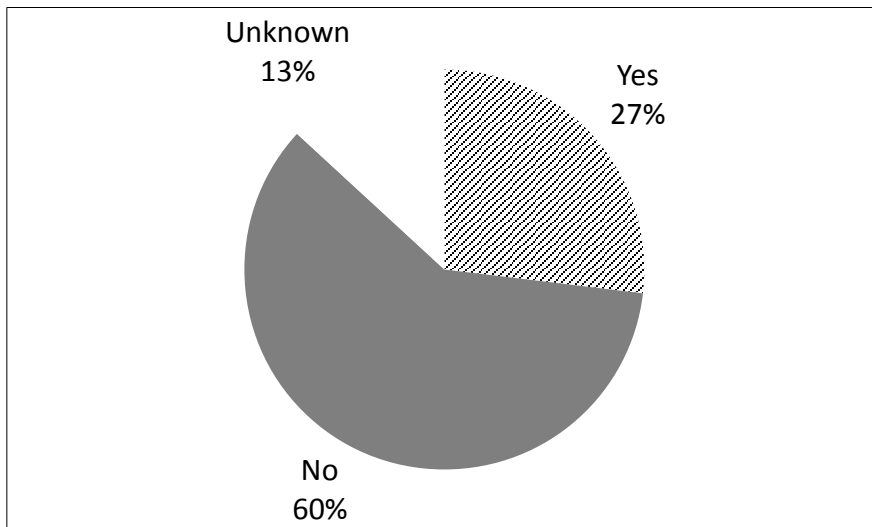
*Was any of those international registrations cancelled as a result of an action by a third party against the basic mark (also referred to as “central attack”)?*



Total replies: 1,178 out of 1,331

*Chart IV – Ceasing of Effect Not Due to a Third Party Action*

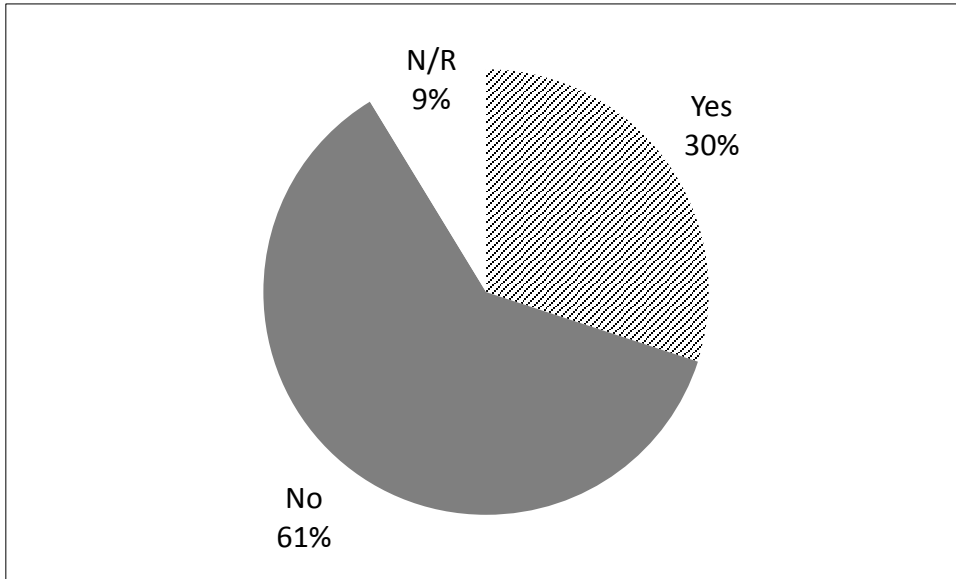
*Was any of those international registrations cancelled because of other reasons (e.g. absolute grounds refusal)?*



Total replies: 1,156 out of 1,331

*Chart V – Central attack received as a threat in negotiations*

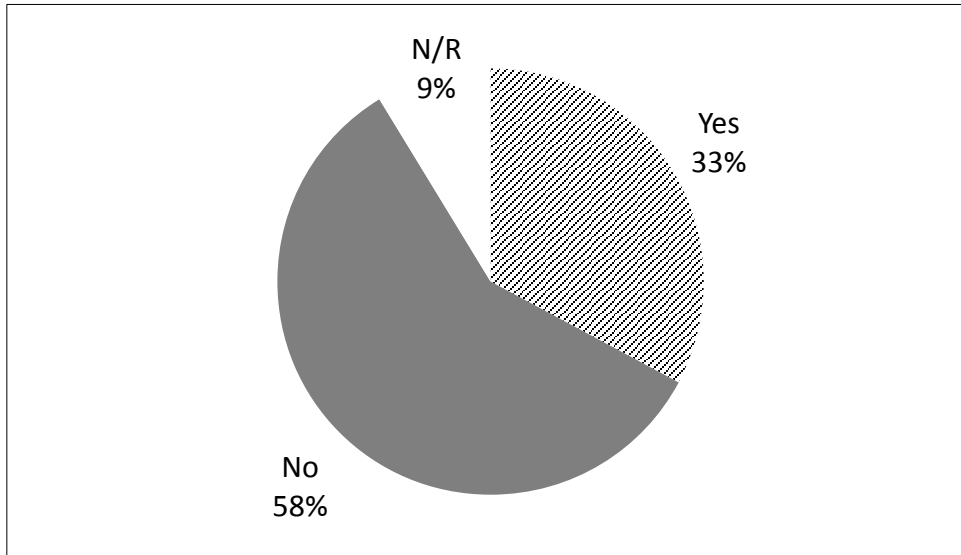
*Have you, as a holder of an international registration or as his representative, been threatened by a third party of a possible central attack?*



Total replies: 1,215 out of 1,331

*Chart VI – Use of Central Attack as an Action or Threat in Negotiations*

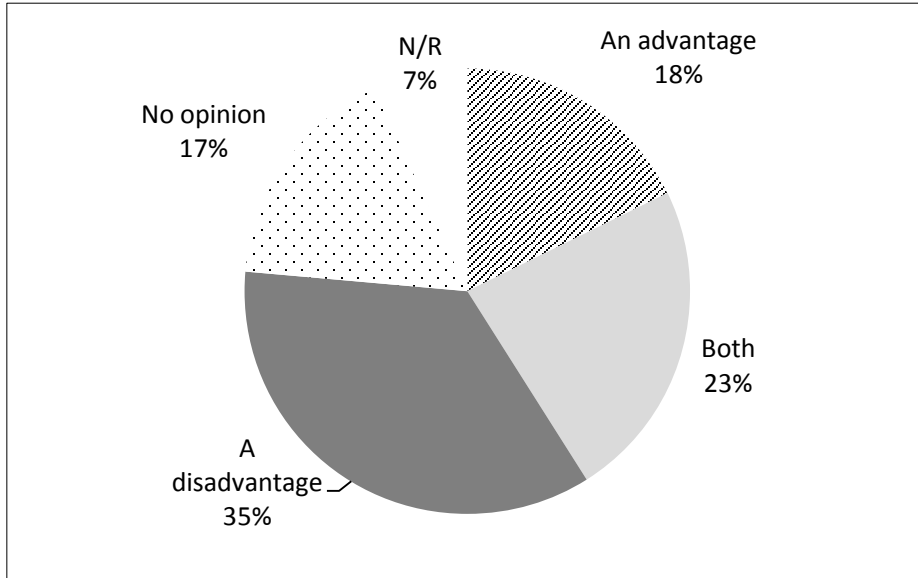
*Have you, as a third party, initiated a central attack – or threatened to do so – with the intent to cancel the international registration (totally or partially)?*



Total replies: 1,215 out of 1,331

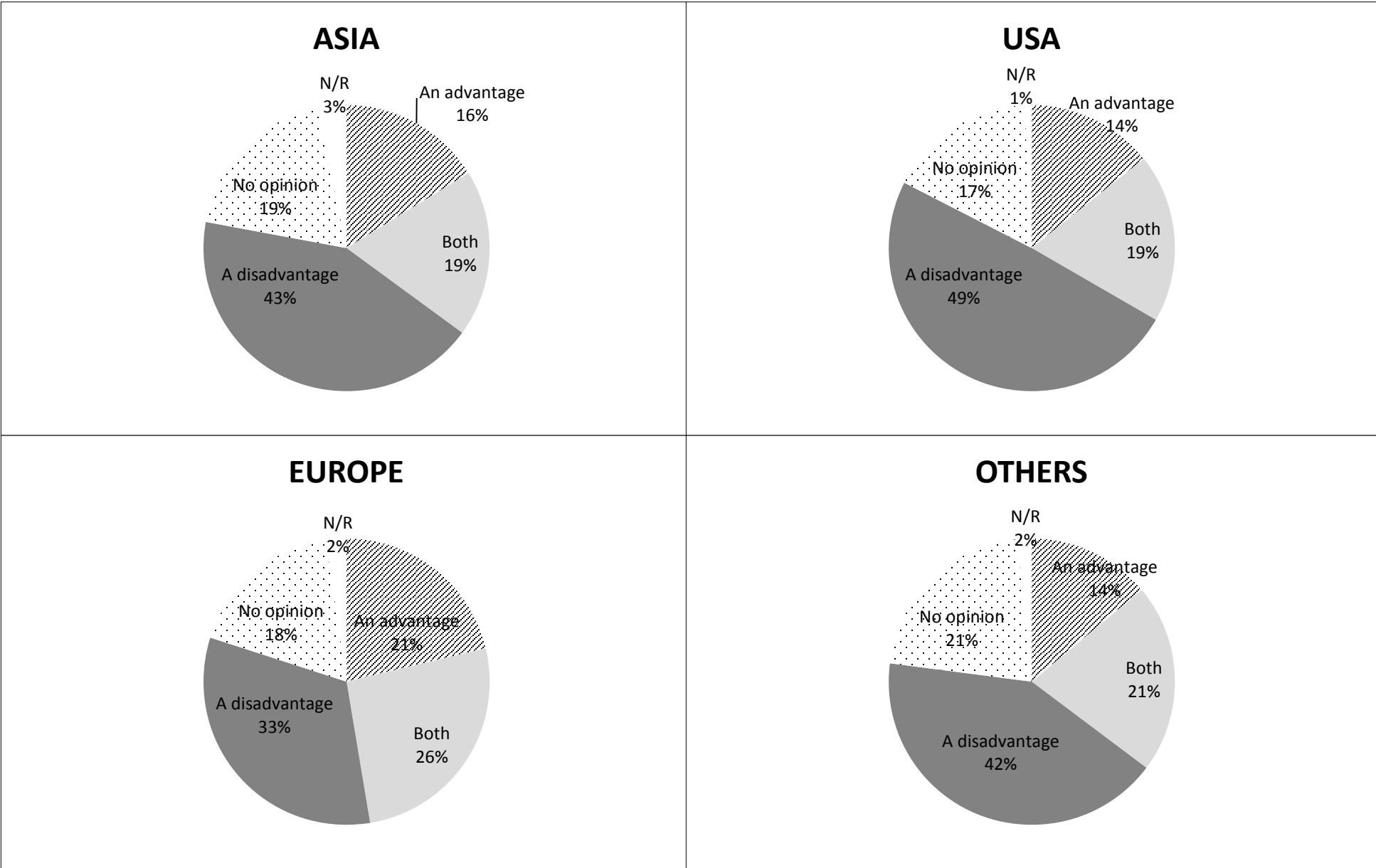
Chart VII – General Perception of the Effects of Dependency on the Madrid System

Overall, do you consider the dependency principle to be



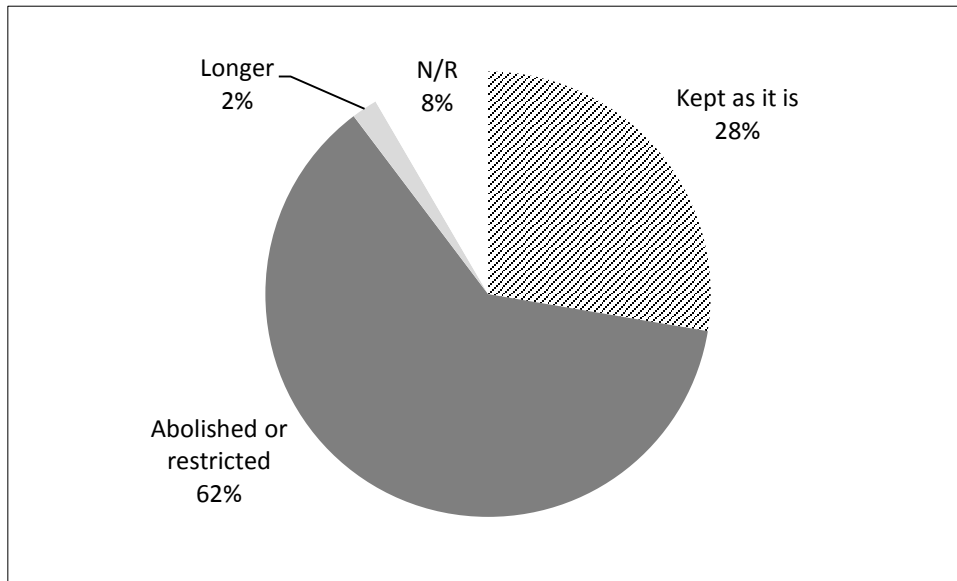
Total replies: 1,240 out of 1,331

Regional Overview of the Perception of the Effects of Dependency



*Chart VIII – The Future of Dependency*

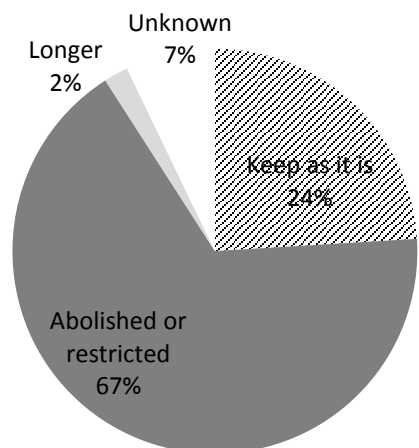
*Going forward, what should the future of the dependency be? Dependency should be*



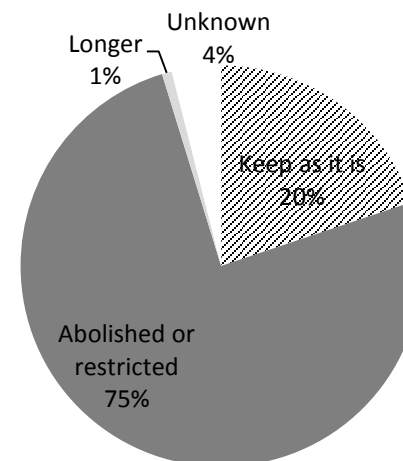
Total replies: 1,219 out of 1,331

Regional Overview of the Future of Dependency

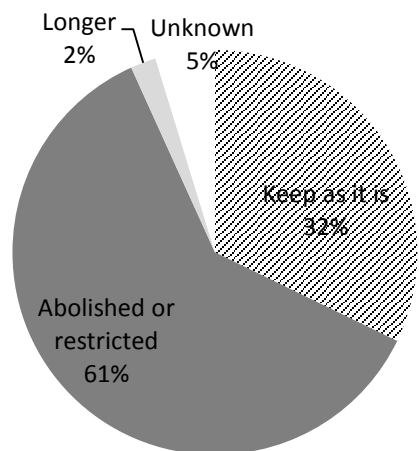
### ASIA



### USA



### EUROPE



### OTHERS

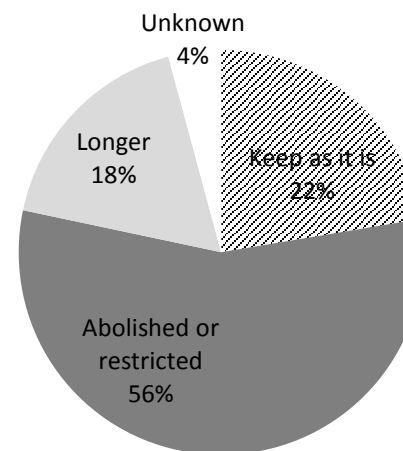
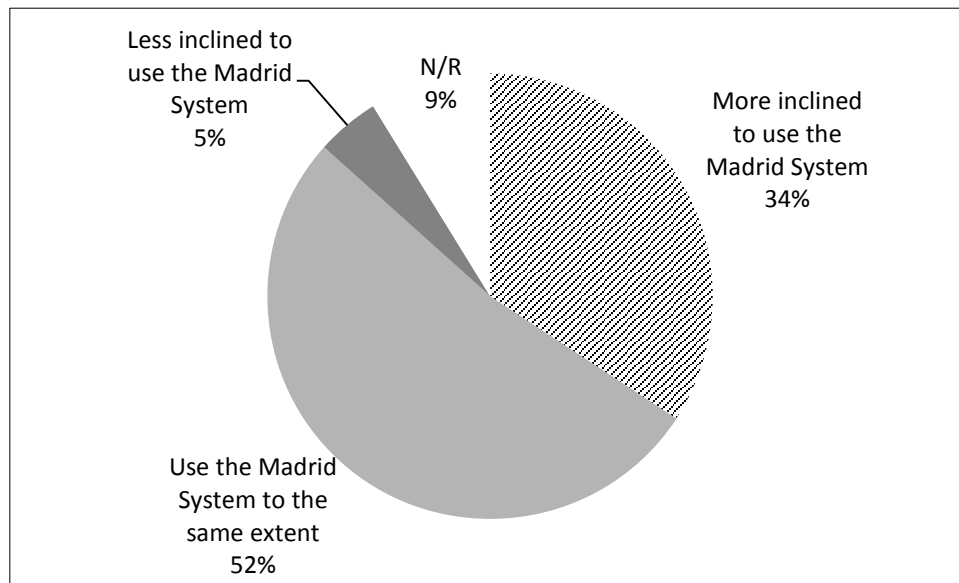




Chart IX – The Likely Use of the Madrid System Without Dependency

Without dependency you would be:



Total replies: 1,214 out of 1,331

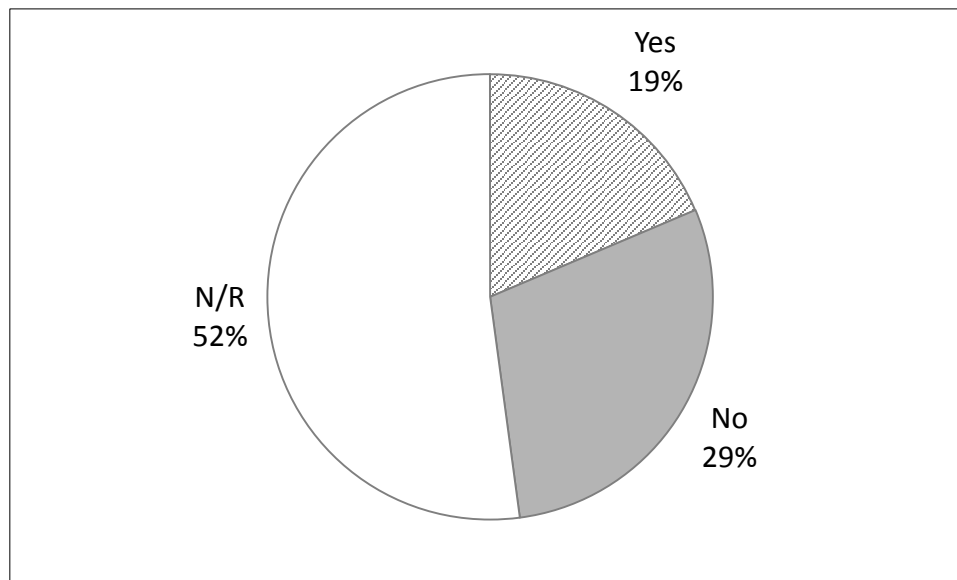
Regional Overview of the Likely Use of the Madrid System Without Dependency



## PROTECTION OF MARKS IN CHARACTERS OTHER THAN THOSE USED IN THE COUNTRY OF ORIGIN UNDER THE MADRID SYSTEM

*Chart X – Protection From Countries Using non-Latin Characters*

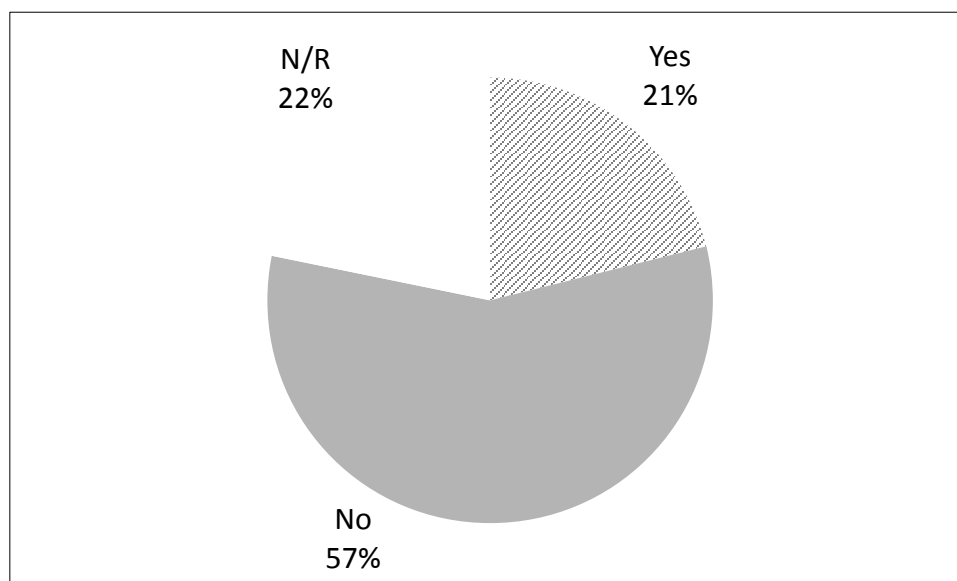
*If you come from a country where non-Latin script is used (such as Arabic, Chinese, Cyrillic, Hebrew, Japanese and Korean), have you ever filed a national application for a mark in Latin script, exclusively for the purpose of using that mark as the basic mark for an international application?*



Total replies: 637 out of 1,331

*Chart XI – Protection From Countries Using Latin Characters*

*If you come from a country where Latin script is used, have you ever filed a national application for a mark in non-Latin script, exclusively for the purpose of using that mark as the basic mark for an international application?*

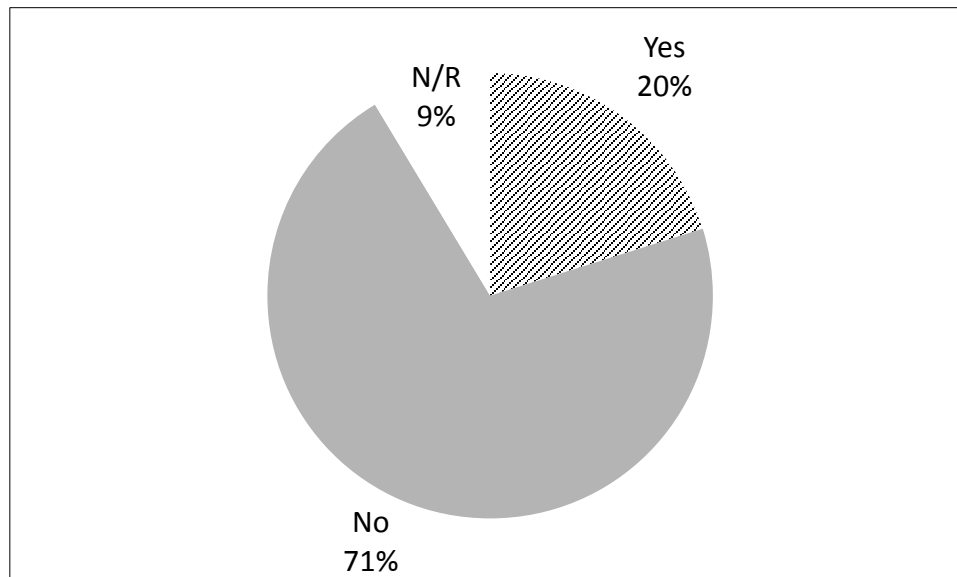


Total replies: 1,041 out of 1,331

## TRANSFORMATION

*Chart XII – The Use of Transformation*

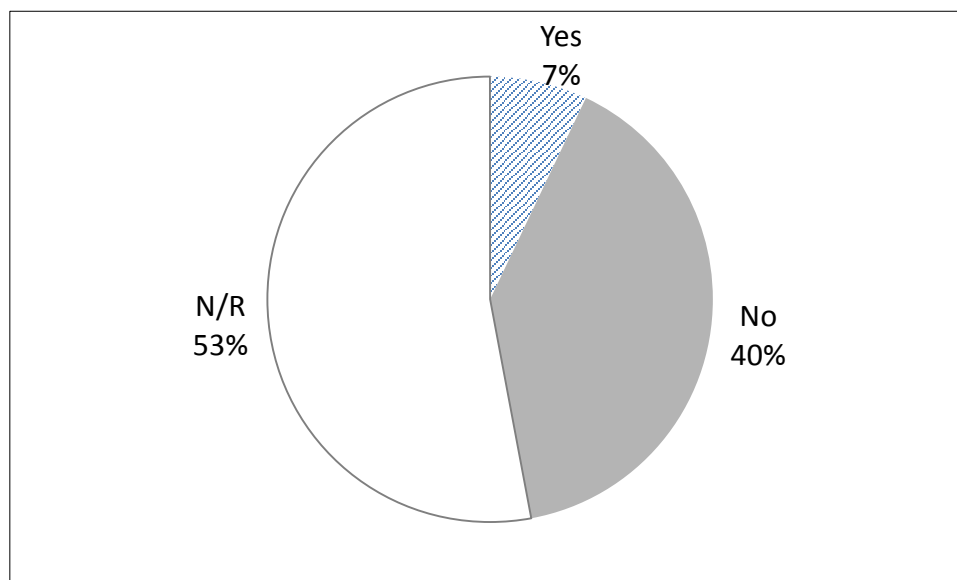
*Have you ever used the transformation procedure as set out in Article 9quinquies of the Madrid Protocol?*



Total replies: 1,216 out of 1,331

*Chart XIII – Difficulties Using Transformation*

*Did you experience any difficulties with the transformation procedure?*



Total replies: 626 out of 1,331

Chart XIV – Difficulties Using Transformation

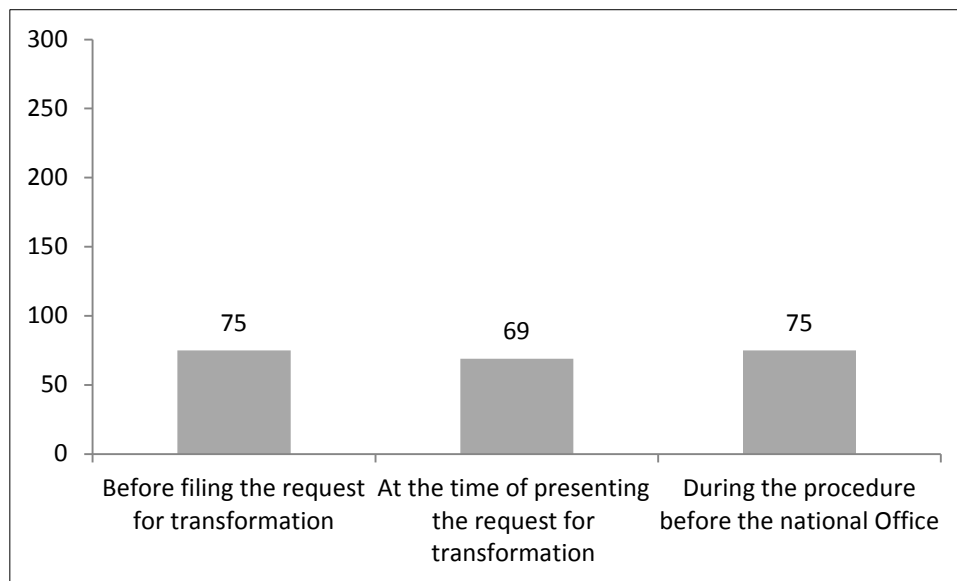
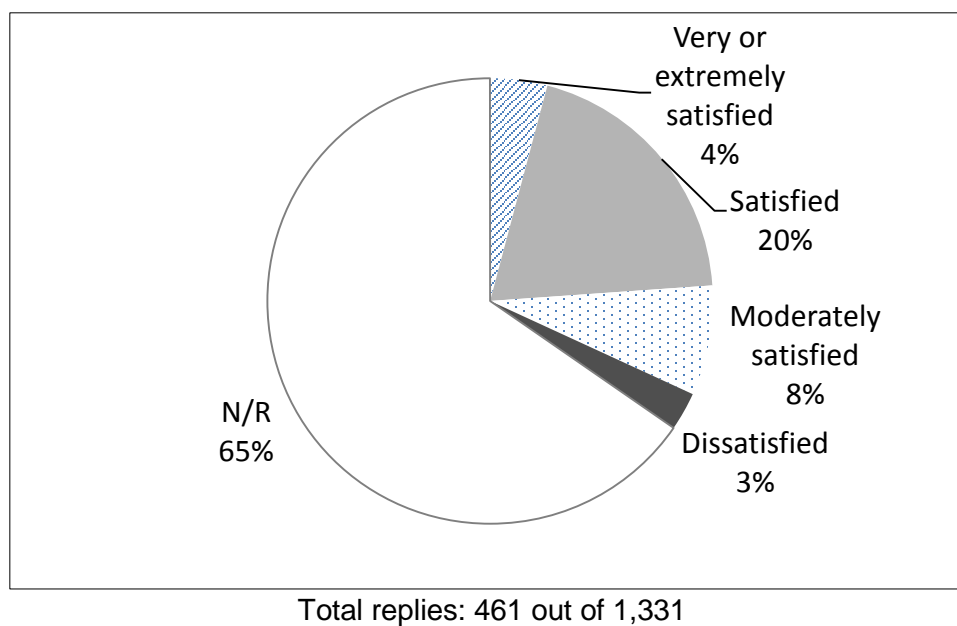


Chart XV – Satisfaction With Transformation

Are you satisfied with the transformation procedure?



[Annex II follows]

## USER SURVEY ON MADRID SYSTEM DEPENDENCY PRINCIPLE ISSUE – 2015

1. Please indicate your country of origin.
2. Please, select one or several of the following:
  - a. I am the holder of international registrations or I work for a company that holds international registrations.
  - b. I represent clients who hold international registrations.
  - c. I represent an association of users, legal scholars or professionals.
  - d. I use the information recorded in the International Register and published in the WIPO Gazette of International Marks, or made available in information products, for clearance, enforcement or other purposes.
  - e. I am otherwise interested in the Madrid System for the international registration of marks.
3. Please, specify your interest.
4. How many international registrations do you, or the clients you represent, hold?
  - a. 1 – 10
  - b. 11 – 100
  - c. More than 100

### *Dependency principle*

5. Has any of your international registrations, or your clients' international registrations, been cancelled (totally or partially) because the basic mark ceased to have effect?
6. Was any of those international registrations cancelled as a result of an action by a third party against the basic mark (also referred to as "central attack")?
7. How many registrations?
8. Was any of those international registrations cancelled because of other reasons (e.g. absolute grounds refusal)?
9. How many registrations?
10. Do you have any comment on these cases?
11. Have you, as a holder of an international registration or as his representative, been threatened by a third party of a possible central attack?
12. How many times has this happened?
13. Do you have any comment on the above?
14. Have you, as a third party, initiated a central attack – or threatened to do so – with the intent to cancel the international registration (totally or partially)?
15. How many times has this happened?
16. Do you have any comment on the above?

17. Overall, do you consider the dependency principle to be:
  - a. an advantage of the Madrid System?
  - b. a disadvantage of the Madrid System?
  - c. both?
  - d. I do not have an opinion on this issue.
18. Please, briefly explain the reason.
19. Going forward, what should the future of the dependency be?  
Please select one of the following:
  - a. No change, keep it as it is.
  - b. Dependency should be applicable only to certain cases depending on the reasons for the ceasing of effect.
  - c. Dependency should be suspended for a trial period.
  - d. Dependency should be abolished completely.
  - e. The period of dependency of five years should be shortened.
  - f. The period of dependency should be longer.
20. Please specify the shorter or longer period.
21. If you have selected the answer 'dependency should be applicable only to certain cases depending on the reasons for the ceasing of effect', please specify the cases and reasons.
22. Please make any other suggestion you might have.
23. Without dependency would you:
  - a. be more inclined to use the Madrid System?
  - b. be less inclined to use the Madrid System?
  - c. use the Madrid System to the same extent?
24. Please, explain the reason.

*Latin Script and non-Latin script*

25. If you come from a country where non-Latin script is used (such as Arabic, Chinese, Cyrillic, Hebrew, Japanese and Korean), have you ever filed a national application for a mark in Latin script, exclusively for the purpose of using that mark as the basic mark for an international application?
26. If you have done this, have you experienced any problem?
27. Please, specify.
28. If you come from a country where Latin script is used, have you ever filed a national application for a mark in non-Latin script, exclusively for the purpose of using that mark as the basic mark for an international application?
29. If you have done this, have you experienced any problem?
30. Please, specify.

*Transformation*

31. Have you ever used the transformation procedure as set out in Article 9*quinquies* of the Madrid Protocol?
32. How many times have you used the transformation procedure?
33. Did you experience any difficulties with the transformation procedure?
34. At which moment of the transformation procedure, did you experience difficulties? Please select one or more of the following, if appropriate:
  - a. Before filing the request for transformation (in particular, understanding the requirements for transformation)?
  - b. At the time of presenting the request for transformation before a national or regional Office?
  - c. During the procedure before the national or regional Office?
35. Please describe the problem.
36. Are you satisfied with the transformation?
  - a. Dissatisfied
  - b. Moderately satisfied
  - c. Satisfied
  - d. Very satisfied
  - e. Extremely satisfied
37. Please explain why you are satisfied or not or make any suggestion on how to improve the transformation procedure.
38. If you could have used transformation, but chose not to, please briefly explain the reason.

[End of Annex II and of document]