

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

**Fourteenth Session  
Geneva, June 13 to 17, 2016**

### **PROPOSAL FOR THE INTRODUCTION OF THE RECORDING OF DIVISION AND MERGER CONCERNING AN INTERNATIONAL REGISTRATION**

*Document prepared by the International Bureau*

#### **INTRODUCTION**

1. This document contains a proposal for the introduction of the recording of division and merger of the international registrations resulting from division, prepared by the International Bureau at the request 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”).
2. It is recalled that the Working Group, in its thirteenth session, discussed a document that contained a proposal for the introduction of the recording of the division and merger of international registrations<sup>1</sup>. As noted in the Summary by the Chair<sup>2</sup>, the Working Group requested that the International Bureau prepare a new proposal that, based on the proposal contained in that document, addressed all the questions raised during its thirteenth session.
3. Moreover, the Working Group indicated that the new proposal should provide for (i) the option for the Office that is sending the request to verify that such request fulfills the requirements established in its applicable law; (ii) the option for this Office to transmit statements regarding the status of protection of the mark along with the request for division; (iii) an opt-out provision and, in addition, a transitional delayed implementation provision for division; (iv) and, similar opt-out and delayed implementation provisions for the merger of international registrations resulting from division.

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<sup>1</sup> Document MM/LD/WG/13/4 “Proposal for the Introduction of the Recordal of Division or Merger Concerning an International Registration”.

<sup>2</sup> Document MM/LD/WG/13/9 “Summary by the Chair”.

4. The Working Group also invited delegations and observers to send to the International Bureau further contributions for the development of the new proposal. The International Bureau has received valuable contributions from the Swiss Federal Institute of Intellectual Property<sup>3</sup> and the International Trademark Association (INTA)<sup>4</sup>, which have been taken into account in the elaboration of this document.

5. The new proposal contained in this document would entail amendments to Rules 22, 27, 32 and 40 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, correspondingly, “the Common Regulations” and “the Protocol”) and to Sections 16 and 17 of the Administrative Instructions for the Application of the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating Thereto (hereinafter referred to as “the Administrative Instructions”), as well as the introduction of new Rules *27bis* and *27ter* and a new item 7.7 in the Schedule of Fees.

## **FEATURES OF THE PREVIOUS PROPOSAL**

6. The proposal contained in the document discussed in the previous session of the Working Group required, in a new Rule *27bis*, that a request for the division of an international registration for some goods and services in respect of a Contracting Party be presented through the Office of that designated Contracting Party. The request would be subject to the payment of a fee equal to the one required for a request for the recording of a change in ownership. In that proposal, while it was not stated, it was implied that, by sending the request to the International Bureau, the Office had verified that such request also met the requirements of its applicable law.

7. The International Bureau would verify that the request complied with the formal requirements prescribed in the Common Regulations and, if this was the case, it would record the division under the parent international registration and create a divisional registration, following the same principles and processes for the recording of a partial change in ownership (i.e., using the same international registration number and adding a letter). After the recording of division, the Office concerned could send to the International Bureau the appropriate statements regarding the status of protection of the mark for the parent and divisional registrations.

8. The proposal also suggested a new Rule *27ter* dealing with the merger of international registrations but preserving the main features in Rule 27(3); namely, that a request for the merger of international registrations could be presented by the holder, directly to the International Bureau, without prescribing any further formal requirements. The proposal also suggested consequential amendments to Rules 27 and 32 of the Common Regulations, to the Schedule of Fees and to the Administrative Instructions.

9. As requested by the Working Group in its previous session, the new proposal contained in this document has preserved the key elements contained in the previous proposal, but it has been amended, where required, to address the issues raised during that session.

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<sup>3</sup> Document MM/LD/WG/13/COM2 “Comments on Division by Switzerland”.

<sup>4</sup> Document MM/LD/WG/13/COM1 “Comments on Division by INTA”.

## QUESTIONS RAISED IN THE PREVIOUS SESSIONS THAT ARE ADDRESSED BY THE NEW PROPOSAL

### CEASING OF EFFECT OF THE BASIC MARK

10. The Delegation of Japan requested that the Common Regulations explicitly mention that the divisional registration would be cancelled following the receipt by the International Bureau of a notification sent under Rule 22 of the Common Regulations requesting the cancellation of the parent registration due to the ceasing of effect of the basic mark.

11. Further to a proposed amendment to paragraph (2)(b) of Rule 22, contained in document MM/LD/WG/14/2, this paragraph would also have to be amended to provide for the cancellation of international registrations that resulted from division recorded under the cancelled international registration.

### OFFICE WHERE REQUEST IS TO HAVE EFFECT

12. The Delegation of India requested that the new proposal explicitly indicate that the request for the recording of division needed to be filed with the Office of the designated Contracting Party where the request is to have effect. Accordingly, paragraph (a) of proposed new Rule 27*bis* has been modified to clarify that a request by the holder for the division of an international registration in respect of a designated Contracting Party must be presented by the Office of that Contracting Party.

### REQUIREMENTS UNDER APPLICABLE LAW

13. The Delegation of Germany requested that the proposal expressly indicate that a request for the division of an international registration should meet, in addition to the requirements indicated in the Common Regulations, those requirements contained in the applicable law of the designated Contracting Party concerned, including the payment of the corresponding fee.

14. Consequently, paragraph (1)(a) of proposed new Rule 27*bis* explicitly indicates that, to transmit the request, the Office concerned should be satisfied that the request also meets the relevant requirements of its applicable law, including the payment of a fee to the said Office. The requirements for requesting the division of international registrations could not, in any case, exceed those for the division of applications or registrations filed directly with the Office.

### EFFECTIVE DATE OF DIVISION

15. The Delegations of Cuba and Germany indicated that the date proposed for the recording of division in the International Register, which would be the date on which the International Bureau receives a request that meets all the requirements specified in the Common Regulations, might not be a relevant date according to the law of the Contracting Party concerned. These Delegations requested that other dates be included in the recording of division, such as the date on which the Office of the designated Contracting Party received the request from the holder or the date on which division would have effect in that Contracting Party.

16. In consequence, paragraph (1)(b) of proposed new Rule 27*bis* now requires that the request for the recording of division presented by the Office indicate the date on which the Office received the request from the holder and, where applicable, the date on which division would have effect in the Contracting Party concerned. This information would be recorded, published and notified.

17. The dates indicated by the Office under paragraph (1)(b) of proposed new Rule 27*bis* would not change the date of effect of the divisional registration. As explained in paragraph 19, the date of effect of a divisional registration would be the date of effect of its parent registration in accordance with Article 4 of the Protocol.

## EFFECTS OF THE DIVISIONAL REGISTRATION

18. The Delegation of Japan sought clarification on the effects of the divisional registration; in particular, on (i) the date of effect of the divisional registration in the Contracting Party concerned; (ii) whether any priority claim would be preserved; and, (iii) the effect of previous decisions taken by the said Office.

19. A divisional registration would be created following the same principles already in place for the creation of an international registration resulting from the recording of a partial change in ownership. A partial change in ownership is recorded for some of the designated Contracting Parties, for some of the goods and services or for a combination thereof. In these cases, the part of the international registration that has been transferred continues to have the effects specified in Article 4 of the Protocol in the designated Contracting Parties concerned, including the right of priority.

20. The creation of a new international registration following the recording of a partial change in ownership does not give rise to a new date of effect or to a new refusal period nor does it affect any previously recorded decision regarding the protection of the mark in the Contracting Parties concerned. The new international registration would continue to have the same effects as the parent registration, as from the same date (i.e., the date of the international registration or subsequent designation), and any priority claim made in the parent registration would be preserved. Moreover, any decision concerning the scope of protection taken by the Office in respect of the parent registration would also continue to have effect in the new international registration.

21. Following similar principles, the divisional registration would continue to have the same effects as its parent registration. The divisional registration would contain the same relevant information that is contained in the parent registration, namely, the date of the international registration, information concerning the holder, the basic application or registration, the mark, including claims, disclaimers and miscellaneous indications, as well as information concerning any priority claim.

22. The divisional registration would have, as the only designated Contracting Party, that of the Office that sent the request. Moreover, only the goods and services listed in the request would be in the main list of the divisional registration. Finally, recordings relevant to the Contracting Party concerned, such as, cancellations, limitations, decisions and division, would be recorded under the divisional registration.

23. Any decision taken by the Office concerned and recorded under the parent registration would continue to have effect in the divisional registration. For instance, if, after a partial provisional refusal, a holder requests the division of the goods and services that were not refused, the International Bureau would create a divisional registration and include the provisional refusal in its history. Following this, the Office concerned could send a final decision stating that protection is granted for the goods and services in the divisional registration<sup>5</sup>.

24. In the case mentioned above, it would be important for the holder to receive a final decision from the Office stating that protection is granted for the goods and services in the divisional registration as early as possible.

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<sup>5</sup> A statement of grant of protection under Rule 18*ter*(2) of the Common Regulations.

## STATEMENTS CONCERNING THE STATUS OF PROTECTION

25. The Working Group requested that, for the sake of expediency, the new proposal provide for the option to send, along with the request, statements concerning the status of protection of the mark. Accordingly, paragraph (2)(d) of proposed new Rule 27*bis* provides the Office concerned with this option when sending a request for division. Two possibilities are envisaged. Under the first one, the statement could be sent simultaneously but in a separate document. Under the second one, the statement could be included in the request as part of the official form. The statements would be individually recorded and published, whether sent in a separate document or not. The Working Group is invited to indicate whether it would prefer the statements to be sent in a separate document or as part of the official form.

26. Paragraph (2)(d) specifically provides for the possibility of sending statements under Rules 18*bis* and 18*ter*. The Office concerned would be required to determine the appropriate statement. For instance, an Office may wish to send a statement under Rule 18*bis* where, following a partial provisional refusal, a request for division concerns the goods and services that have not been refused but the opposition period is yet to begin. On the other hand, the Office may wish to send a statement under Rule 18*ter*(2) when, following a partial provisional refusal, the request for division concerns the goods and services that have not been refused and all procedures before the Office have been completed in respect to those goods and services.

27. Some delegations indicated that there would be circumstances in which the Office would not be in a position to send a statement concerning the divisional registration when transmitting the request. These delegations indicated that such could be the case when, for instance, the request was not prompted by a refusal but as a result of negotiations with third parties or when the opposition period had not yet started. The optional nature of the provision in paragraph (2)(d) is meant to address those concerns. Offices might simply transmit the request without being required to send any statement at that time. Offices could send the appropriate statement, in a separate communication, at a later stage.

28. Some delegations and observers considered that it would be premature to send a decision for the divisional international registration before the recording of division and wondered what would happen with the decision if the request for the recording of division was deemed to have been abandoned. The proposed provision is meant to provide for the transmission of the request and the corresponding statement in one communication. The statement would not be recorded if the request for the recording of division is irregular and later deemed to have been abandoned.

## OPT-OUT PROVISION LIMITED TO CONTRACTING PARTIES THAT DO NOT PROVIDE FOR DIVISION IN THEIR LEGISLATION

29. At the request of the Working Group, the current proposal maintains an opt-out provision in paragraph (6) of proposed new Rule 27*bis*. As discussed in the previous session of the Working Group, one of the guiding principles for the introduction of division is to provide holders of international registrations with the same options available to holders of national or regional registrations in the designated Contracting Parties. Accordingly, the opt-out provision is limited to those Contracting Parties whose legislation does not provide for division. This declaration shall be notified before the entry into force of the new provision and it may be withdrawn at any time thereafter. The notification would be published in the *WIPO Gazette of International Marks* ("the Gazette"), for which a consequential amendment to Rule 32 is being proposed, and it would be the subject of the customary Information Notice, to be published on the Madrid System website.

## DELAYED IMPLEMENTATION FOR CONTRACTING PARTIES THAT PROVIDE FOR DIVISION IN THEIR LEGISLATION

30. The Delegation of Sweden indicated that some Contracting Parties whose legislation provide for division might not be in a position to send requests under proposed new Rule 27*bis* because they would need to amend their applicable legislations or regulations. Following this, the Representative of the Centre for International Intellectual Property Studies (CEIPI) proposed the adoption of a transitional measure that would suspend the application of the proposed new rule in a given Contracting Party on the grounds of incompatibility with its applicable law. The Representative of CEIPI recalled that similar measures had been adopted in the Regulations under the Patent Cooperation Treaty (PCT).

31. Accordingly, a proposed new paragraph (6) of Rule 40 would suspend the application of paragraph (1) of proposed new Rule 27*bis* in a Contracting Party, on the grounds that the paragraph is not compatible with its applicable law, provided that Contracting Party so notifies the International Bureau before the date of entry into force of the proposed new provisions.

32. Paragraph (1) of proposed new Rule 27*bis* would not apply to the Contracting Party that has made the declaration for as long as that paragraph continues to be incompatible with its law. Nevertheless, for the sake of transparency, the Contracting Party would be required to withdraw its notification once the incompatibility has been resolved. The notification would be published in the Gazette, for which a consequential amendment to Rule 32 is being proposed, and it would be the subject of the customary Information Notice, to be published on the Madrid System website.

## MERGER OF INTERNATIONAL REGISTRATIONS

33. The current proposal continues to suggest the deletion of paragraph (3) of Rule 27 and the adoption of a new Rule 27*ter* that would comprehensively deal with the merger of international registrations.

34. Paragraph (1) of proposed new Rule 27*ter* would deal with the merger of international registrations resulting from the recording of a partial change in ownership. While the proposed new paragraph reproduces current paragraph (3) of Rule 27, it would introduce the requirement to present the request in an official form. The use of an official form to request the merger of international registrations would ensure that the request is adequately processed.

35. Paragraph (2)(a) of proposed new Rule 27*ter* would deal with the merger of divisional registrations with their parent registrations only. In this case, the request would have to be presented by the holder, in the official form, through the designated Office that presented the request for division. This would allow the Office to verify that the request complies with the requirements of its applicable law, including the requirements concerning fees, before sending the request to the International Bureau.

36. Paragraph (2)(b) would provide for an opt-out declaration limited to Contracting Parties that do not provide for the merger of divisional registrations in their legislations, similar to the declaration in paragraph (6) of proposed new Rule 27*bis*. However, these declarations are independent. A Contracting Party that provides for division but not for merger in its legislation could make a declaration under new Rule 27*ter*(2)(b), but it would not be able to make a declaration under new Rule 27*bis*(6).

37. Finally, the incompatibility with the applicable law declaration provided in proposed new paragraph (6) of Rule 40 would also extend, where applicable, to paragraph (2)(a) of proposed Rule 27*ter*. A Contracting Party could send a notification under the proposed new paragraph (6) of Rule 40 for either division or merger or for both.

## NUMBERING OF REGISTRATIONS RESULTING FROM DIVISION AND MERGER

38. Amendments to Rule 27 of the Common Regulations and Section 16 of the Administrative Instructions, to address a perceived legal incongruence, are proposed in document MM/LD/WG/14/2. Following these amendments, only the numbering of international registrations would be dealt with in the Administrative Instructions.

39. Further to those proposals, consequential amendments to Sections 16 and 17 of the Administrative instructions would also be required to deal with the numbering of international registrations resulting from division and following the merger of registrations. These consequential amendments are presented in the Annex to this document.

## DATE OF ENTRY INTO FORCE

40. Several delegations considered that the introduction of division and merger should take into account that required changes to the laws and regulations of the Contracting Parties, as well as changes to the administrative, information and communications systems and to the processes followed by Offices and by the International Bureau would take time. Therefore, they suggested that the International Bureau propose a realistic date of entry into force for the proposed changes. Accordingly, the International Bureau proposes April 1, 2018, as the earliest date of entry into force of the proposed amendments.

41. Nevertheless, before the proposed date of entry into force, Offices could indicate whether they expect to make opt-out declarations or send delayed implementation notifications with respect to division or merger and, in the latter case, indicate the date on which the Offices anticipate that the proposed new provisions would be compatible with their applicable laws. Accordingly, the Director General of WIPO could invite Offices to send this information prior to the date the proposed provision enters into force. The information would be compiled and published by the International Bureau on the WIPO website.

42. *The Working Group is invited to:*

*(i) consider the proposals contained in this document;*

*(ii) indicate whether it would recommend to the Madrid Union Assembly the adoption of the corresponding changes to the Common Regulations and the Schedule of Fees, as presented in the Annex to this document or in amended form, and suggest a date for their entry into force; and,*

*(iii) indicate whether, as suggested in paragraph 41, it would request that the Director General of WIPO invite Offices to send information concerning possible opt-out declarations or delayed implementation notifications.*

[Annex follows]

**PROPOSED AMENDMENTS TO THE COMMON REGULATIONS UNDER THE MADRID  
AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS AND THE  
PROTOCOL RELATING TO THAT AGREEMENT**

**Common Regulations under  
the Madrid Agreement Concerning  
the International Registration of Marks  
and the Protocol Relating to that Agreement**

(as in force on ~~January 1, 2016~~)

[...]

**Chapter 4  
Facts in Contracting Parties  
Affecting International Registrations**

[...]

*Rule 22  
Ceasing of Effect of the Basic Application,  
of the Registration Resulting Therefrom,  
or of the Basic Registration*

[...]

(2) *[Recording and Transmittal of the Notification; Cancellation of the International  
Registration]*

[...]

(b) Where any notification referred to in paragraph (1)(a) or (c) requests  
cancellation of the international registration and complies with the requirements of that  
paragraph, the International Bureau shall cancel, to the extent applicable, the international  
registration in the International Register. The International Bureau shall also cancel, to the  
same extent, international registrations resulting from partial change in ownership or division  
recorded under the international registration that has been cancelled, following the  
above-mentioned notification, and those resulting from their merger.



## Chapter 5 Subsequent Designations; Changes

[...]

### Rule 27

*Recording and Notification of a Change or of a Cancellation;  
~~Merger of International Registrations; Declaration That a Change in  
Ownership or a Limitation Has No Effect~~*

[...]

(2) ~~[Deleted]~~ *[Recording of Partial Change in Ownership]* (a) Assignment or other transfer of the international registration in respect of only some of the goods and services or only some of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred.

(b) Any assigned or otherwise transferred part shall be deleted from the recording of the concerned international registration and recorded as a separate international registration.

(3) ~~[Deleted] *[Recording of Merger of International Registrations]* Where the same natural person or legal entity has been recorded as the holder of two or more international registrations resulting from a partial change in ownership, the registrations shall be merged at the request of the said person or entity, made either direct or through the Office of the Contracting Party of the holder. The International Bureau shall notify accordingly the Offices of the designated Contracting Parties affected by the change and shall inform at the same time the holder and, if the request was presented by an Office, that Office.~~

[...]

### Rule 27bis

#### Division of an International Registration

(1) *[Request for the Division of an International Registration]* (a) A request by the holder for the division of an international registration for some only of the goods and services in respect of a designated Contracting Party shall be presented to the International Bureau on the relevant official form by the Office of that designated Contracting Party, once the latter is satisfied that the division whose recording is requested meets the requirements of its applicable law, including the requirements concerning fees.

(b) The request shall indicate

(i) the Contracting Party of the Office presenting the request,

(ii) the name of the Office presenting the request,

(iii) the number of the international registration,

(iv) the name of the holder,

(v) the names of the goods and services to be set apart, grouped in the appropriate classes of the International Classification of Goods and Services,

(vi) the date on which the Office received the request from the holder and, where applicable, the effective date of the division in the designated Contracting Party concerned, and,

(vii) the amount of the fee being paid and the method of payment, or instructions to debit the required amount to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(c) The request shall be signed by the Office presenting the request and, where the Office so requires, also by the holder.

(d) Any request presented under this paragraph may [include] [be accompanied by] a statement sent in accordance with either Rule 18bis or 18ter for the goods and services listed in the request.

(2) [Fee] The division of an international registration shall be subject to the payment of the fee specified in item 7.7 of the Schedule of Fees.

(3) [Irregular Request] (a) If the request does not comply with the applicable requirements, the International Bureau shall invite the Office that presented the request to remedy the irregularity and at the same time inform the holder.

(b) If the irregularity is not remedied by the Office within three months from the date of the invitation under subparagraph (a), the request shall be considered abandoned and the International Bureau shall notify accordingly the Office that presented the request, it shall inform at the same time the holder and refund any fee paid, after deduction of an amount corresponding to one-half of the fee under paragraph (2).

(4) [Recording and Notification] (a) Where the request complies with the applicable requirements, the International Bureau shall record the division, create a divisional international registration in the International Register, notify accordingly the Office that presented the request and shall inform at the same time the holder.

(b) The division of an international registration shall be recorded with the date of receipt by the International Bureau of the request or, where applicable, the date where the irregularity referred to in paragraph (3) was remedied.

(5) [Request Not Considered as Such] A request for the division of an international registration in respect of a designated Contracting Party that is not or is no longer designated for the classes of the International Classification of Goods and Services mentioned in the request will not be considered as such.

(6) [Declaration That a Contracting Party Will Not Present Requests for Division] A Contracting Party, the law of which does not provide for division of applications for the registration of a mark and registrations of a mark, may notify the Director General, before the date this Rule comes into force or the date on which the said Contracting Party becomes bound by the Agreement or the Protocol, that it will not present to the International Bureau the request referred to in paragraph (1). This declaration may be withdrawn at any time.

#### Rule 27ter Merger of International Registrations

(1) [Merger of International Registrations Resulting from the Recording of a Partial Change in Ownership] Where the same natural person or legal entity has been recorded as the holder of two or more international registrations resulting from a partial change in ownership, the registrations shall be merged at the request of the said person or entity, made either direct or through the Office of the Contracting Party of the holder. The request shall be presented to the International Bureau on the relevant official form. The International Bureau shall notify accordingly the Offices of the designated Contracting Party or Parties affected by the change and shall inform at the same time the holder and, if the request was presented by an Office, that Office.

(2) [Merger of International Registrations Resulting from the Recording of the Division of an International Registration] (a) An international registration resulting from division shall be merged into the international registration it was divided from at the request of the holder, presented through the Office that presented the request referred to in paragraph (1) of Rule 27bis, provided that the same natural person or legal entity is the recorded holder in both aforementioned international registrations and the Office concerned is satisfied that the request meets the requirements of its applicable law, including the requirements concerning fees. The request shall be presented to the International Bureau on the relevant official form. The International Bureau shall notify accordingly the Office that presented the request and shall inform at the same time the holder.

(b) The Office of a Contracting Party, the law of which does not provide for the merger of registrations of a mark, may notify the Director General that it will not present to the International Bureau the request referred to in subparagraph (a). This declaration may be withdrawn at any time.

[...]

## Chapter 7 Gazette and Data Base

### Rule 32 Gazette

(1) [Information Concerning International Registrations] (a) The International Bureau shall publish in the Gazette relevant data concerning

[...]

(viii)bis) division recorded under Rule 27bis(4) and merger recorded under Rule 27ter;

[...]

(xi) information recorded under Rules 20, 20bis, 21, 21bis, 22(2)(a), 23, 27(3) and (4) and 40(3);

[...]

[...]

(2) [Information Concerning Particular Requirements and Certain Declarations of Contracting Parties] The International Bureau shall publish in the Gazette

(i) any notification made under Rules 7, or Rule 20bis(6), 27bis(6), 27ter(2)(b) or 40(6) and any declaration made under Rule 17(5)(d) or (e);

[...]

[...]

**Chapter 9**  
**Miscellaneous**

[...]

*Rule 40*  
*Entry into Force; Transitional Provisions*

[...]

(6) *[Incompatibility with National Laws]* If, on the date this Rule comes into force or the date on which a Contracting Party becomes bound by the Agreement or the Protocol, paragraph (1) of Rule 27bis or paragraph (2)(a) of Rule 27ter are not compatible with the national law of that Contracting Party, the paragraph or paragraphs concerned, as the case may be, shall not apply in respect of this Contracting Party, for as long as it or they continue not to be compatible with that law, provided that the said Contracting Party notifies the International Bureau accordingly, before the date this Rule comes into force or the date on which the said Contracting Party becomes bound by the Agreement or the Protocol. This notification shall be withdrawn as soon as the paragraph or paragraphs concerned become compatible with the aforementioned national law.

[...]

## PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES

### SCHEDULE OF FEES

(in force on ~~January 1, 2015~~)

Swiss francs

[...]

7. *Miscellaneous recordings*

[...]

[7.7 Division of an international registration](#)

[177](#)

[...]

**PROPOSED AMENDMENTS TO THE ADMINISTRATIVE INSTRUCTIONS FOR THE  
APPLICATION OF THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL  
REGISTRATION OF MARKS AND THE PROTOCOL RELATING THERETO**

**Administrative Instructions for the Application of the  
Madrid Agreement Concerning the International  
Registration of Marks and the Protocol  
Relating Thereto**

(as in force on ~~January 1, 2008~~)

[...]

**Part Six  
Numbering of International Registrations**

*Section 16: Numbering Following Division or Partial Change  
in Ownership*

(a) ~~Assignment or other transfer of the international registration in respect of only some of the goods and services or only some of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred. The separate international registration resulting from the recording of partial change in ownership or division shall bear the number of the international registration of which a part has changed in ownership or been divided, followed by a capital letter.~~

(b) ~~[Deleted] Any assigned or otherwise transferred part shall be cancelled under the number of the said international registration and recorded as a separate international registration. The separate international registration shall bear the number of the registration of which a part has been assigned or otherwise transferred, together with a capital letter.~~

*Section 17: Numbering Following Merger  
of International Registrations*

The international registration resulting from the merger of international registrations in accordance with Rule 27 ~~ter(3)~~ shall bear the number of the international registration of which a part had changed in ownership or been divided ~~assigned or otherwise transferred together, followed,~~ where applicable, ~~with~~by a capital letter.

[...]

[End of Annex and of document]