

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

**Sixteenth Session  
Geneva, July 2 to 6, 2018**

### **PROPOSAL BY THE DELEGATION OF CHINA**

1. In a communication dated May 31, 2018, the International Bureau received a proposal from the Delegation of China concerning the possibility of introducing Chinese as a working language of the Madrid System for the International Registration of Marks for consideration by the Working Group on the Legal Development of the Madrid System for the International Registration of Marks, at its sixteenth session to be held in Geneva from July 2 to 6, 2018.
2. The said proposal is annexed to this document.

[Annexes follow]

## **Draft Proposal on Introducing Chinese As One Working Language of Madrid System**

As is known to all, as an important member of the Madrid system, China has been the most designated member country for 13 consecutive years. Meanwhile, applications from China also witness the fastest growth in the world. In 2017, China has submitted 4810 Madrid filings, with a year-on-year growth of 59.6%, ranking the third in the Madrid Union. Consequently, the Madrid System has an even greater future in China, with implementation of a new round of high-level opening-up by Chinese Government and increasing awareness of overseas trademark protection by Chinese business community.

However, it should be pointed out that, China has received more than 5.7 million domestic trademark applications in 2017 and only less than 5% of which have been applied for international registration through the Madrid System. The Madrid System has not release its giant potential in China. To figure out the reason, language barrier is a major factor blocking more effective use of the Madrid System by Chinese applicants, since Chinese is not one of the working languages of the Madrid System yet. If Chinese becomes a working language of the Madrid System, it could provide more convenience and better protection for Chinese applicants, bringing benefits to internalization of Chinese trademarks and brands. It will surely stimulate more enthusiasm among Chinese business community in using the Madrid System, thus giving full play to China's great potential of the Madrid application.

Chinese is used by the largest population in the world. Meanwhile, as a permanent member of the UN Security Council, China plays a crucial role in the UN system. Chinese is one of the six official languages of the UN and also one of the six working languages of WIPO Assemblies. Introducing Chinese as one working language of Madrid System is totally reasonable and legitimate, and it not only follows the UN rule but would also further enhance international influence of the Madrid system, bringing benefits to all WIPO member states eventually.

In addition, with the improvement of the intelligent translation system of WIPO, we believe that introducing Chinese as one working language of Madrid System will not increase too much the cost of translation.

At the opening ceremony of the Boao Forum in April this year, the Chinese President Mr. Xi Jinping addressed a keynote speech in which he had clearly stated that strengthening intellectual property protection is one of the four major measures for expanding China's opening up, which reveals our country's standpoint and clear-cut attitude to strengthen the protection of intellectual property. Meanwhile, China's intellectual property protection comes to an unprecedented level. China will always serve as a firm defender, an important participant, and an active builder of the international regulations of intellectual property.

In view of this, it is a good opportunity to introducing Chinese as one working language of Madrid System, which has a very pragmatic reason that it can fully stimulate the enthusiasm of using the Madrid system in such a huge market as China, allow the Madrid system to achieve a higher level and a wider coverage in China, also conform to the trend of China's reform and opening up and world development. In the future, it will certainly promote the Madrid System and the World Intellectual Property Organization to play an extremely active role in the global arena.

After careful consideration, in order to further enhance the cooperation between China and WIPO, as well as to improve the development of Madrid System, we hope that the proposal on introducing Chinese as one working language of Madrid System and the related amendment of Rule 6 of Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to the Agreement could serve as a discussion topic in the coming working group meeting.

[Annex II follows]

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

(as in force on ~~November 1, 2017~~)

**Chapter 1  
General Provisions**

[...]

*Rule 6  
Languages*

(1) *[International Application]* The international application shall be in English, [Chinese](#), French or Spanish according to what is prescribed by the Office of origin, it being understood that the Office of origin may allow applicants to choose between English, [Chinese](#), French and Spanish.

(2) *[Communications Other Than the International Application]* Any communication concerning an international application or an international registration shall, subject to Rule 17(2)(v) and (3), be

(i) in English, [Chinese](#), French or Spanish where such communication is addressed to the International Bureau by the applicant or holder, or by an Office;

(ii) in the language applicable under Rule 7(2) where the communication consists of the declaration of intention to use the mark annexed to the international application under Rule 9(5)(f) or to the subsequent designation under Rule 24(3)(b)(i);

(iii) in the language of the international application where the communication is a notification addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that all such notifications are to be in English, [or are to be in Chinese](#) or are to be in French or are to be in Spanish; where the notification addressed by the International Bureau concerns the recording in the International Register of an international registration, the notification shall indicate the language in which the relevant international application was received by the International Bureau;

(iv) in the language of the international application where the communication is a notification addressed by the International Bureau to the applicant or holder, unless that applicant or holder has expressed the wish that all such notifications be in English, [or be in Chinese](#) or be in French or be in Spanish.

(3) *[Recording and Publication]* (a) The recording in the International Register and the publication in the Gazette of the international registration and of any data to be both recorded and published under these Regulations in respect of the international registration shall be in English, [Chinese](#), French and Spanish. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

(b) Where a first subsequent designation is made in respect of an international registration that, under previous versions of this Rule, has been published only in French, or only in English and French, the International Bureau shall, together with the publication in the Gazette of that subsequent designation, either publish the international registration in English, [Chinese](#) and Spanish and republish the international registration in French, or publish the international registration in [Chinese and](#) Spanish and republish it in English and French, as the case may be. That subsequent designation shall be recorded in the International Register in English, [Chinese](#), French and Spanish.

(4) *[Translation]* [...]