

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

**Nineteenth Session**  
**Geneva, November 15 to 19, 2021**

### **INFORMATION ON THE TIME LIMIT TO RESPOND TO NOTIFICATIONS OF PROVISIONAL REFUSAL AND ON THE WAY TO CALCULATE THEM**

*Document prepared by the International Bureau*

1. The International Bureau has prepared a document concerning notifications of provisional refusal\* for its discussion at the nineteenth session 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. In paragraph 11, the above-mentioned document refers to the practical challenges that holders of international registrations face when calculating the time limit to respond to notifications of provisional refusal. Such practical challenges stem from the diverse time limits and varied methods to calculate them, in particular, when the notification fails to indicate the end date of the time limit.
3. To illustrate the practical challenges holders face, the International Bureau has compiled information on the time limits to respond to a notification of provisional refusal issued by the Offices of the designated Contracting Parties and on the ways to calculate them. This information is presented in the Annex to this document.

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\* See document MM/LD/WG/19/3  
([https://www.wipo.int/edocs/mdocs/madrid/en/mm\\_ld\\_wg\\_19/mm\\_ld\\_wg\\_19\\_3.pdf](https://www.wipo.int/edocs/mdocs/madrid/en/mm_ld_wg_19/mm_ld_wg_19_3.pdf)).

4. The International Bureau extracted the said information either from the replies to a questionnaire that it sent to the Offices of the Contracting Parties in April 2021, or from the Madrid Member Profiles database. When compiling this information, the International Bureau noticed that, in a few cases, it does not correspond to the information provided in notifications of provisional refusal issued by the Offices of some Contracting Parties.

5. In view of the above, delegations of the Contracting Parties are kindly invited to review the information presented in the Annex to this document and, where appropriate, provide the International Bureau with the necessary updates. The International Bureau will make this updated information available on the Madrid Member Profiles database.

6. The International Bureau transmits a copy of the notification of provisional refusal to the holder attached to a letter from the International Bureau. This letter is in the language in which the holder has chosen to receive communications from the International Bureau. The International Bureau is considering ways to provide more pertinent and clear information in this letter. For example, the International Bureau could indicate in the above-mentioned letter the end date of the time limit to respond to the notification of provisional refusal, provided the Office has specified this date in the notification or has given to the International Bureau sufficient information on the applicable time limits and on how to calculate them.

[Annex follows]

**ANNEX: INFORMATION ON THE TIME LIMIT TO RESPOND TO NOTIFICATIONS OF PROVISIONAL REFUSAL AND ON THE WAY TO CALCULATE THEM**

Office	Time Limit to Respond to <i>Ex-Officio</i> Provisional Refusals	How to Calculate the Time Limit ( <i>Ex-Officio</i> )	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
<b>Afghanistan</b>	Information not yet available			
<b>African Intellectual Property Organization (OAPI)<sup>1</sup></b>	3 months	From date on which the holder receives the notification	3 months	From date on which the holder receives the notification
<b>Albania<sup>1</sup></b>	3 months	From the first day of the month following the publication of the notification in the <i>WIPO Gazette of International Marks</i>	3 months	From date on which the holder receives the notification
<b>Algeria<sup>2</sup></b>	2 months	From date on which the holder receives the notification	No opposition procedure available.	
<b>Antigua and Barbuda<sup>2</sup></b>	2 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
<b>Armenia<sup>2</sup></b>	2 months	From date on which the holder receives the notification	1 month	From date the on which the holder receives the notification
<b>Australia<sup>1</sup></b>	15 months	From the date on which the Office issues the notification	1 month	From the date on which the Office issues the notification
<b>Austria<sup>1</sup></b>	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
<b>Azerbaijan<sup>1</sup></b>	3 months	From the date on which the holder receives the notification	No opposition procedure available	
<b>Bahrain<sup>2</sup></b>	60 days	From the date on which the Office issues the notification	60 days	From the date on which the Office issues the notification
<b>Belarus<sup>2</sup></b>	3 months	From date on which holder receives the notification	No information in Madrid Member Profiles database	
<b>Benelux (Belgium, Netherlands, Luxembourg)<sup>1</sup></b>	No information in Madrid Member Profiles database	From the date on which the Office issues the notification	2 months	From the date on which the Office invites the holder to provide arguments
<b>Bhutan<sup>1</sup></b>	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
<b>Bonaire, Saint Eustasius Saba</b>	Protection in Bonaire, Saint Eustasius and Saba is granted automatically			

Office	Time Limit to Respond to <i>Ex-Officio</i> Provisional Refusals	How to Calculate the Time Limit ( <i>Ex-Officio</i> )	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
<b>Bosnia and Herzegovina<sup>1</sup></b>	4 months	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder
<b>Botswana<sup>1</sup></b>	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
<b>Brunei Darussalam<sup>2</sup></b>	No information in Madrid Member Profiles database	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
<b>Bulgaria<sup>1</sup></b>	2 months	From the date on which the holder receives the notification	2 months	From the date on which the cooling period expires
<b>Cambodia<sup>1</sup></b>	60 days	From the date on which WIPO transmits the notification to the holder	90 days	From the date on which WIPO transmits the notification to the holder
<b>Canada<sup>1</sup></b>	6 months	From the date on which the Office issues the notification	2 months	From the date on which a copy of the statement of opposition has been forwarded to the applicant
<b>China<sup>1</sup></b>	15 days	From the date on which the holder receives the notification	30 days	From the date on which WIPO transmits the notification to the holder
<b>Colombia<sup>1</sup></b>	1 month + 10 working days	From the date on which the Office issues the notification	30 working days	From the date on which Office issues the notification
<b>Croatia<sup>1</sup></b>	4 months	From the date on which the Office issues the notification	60 days	<ul style="list-style-type: none"> <li>- 4 months to appoint the representative (from the date on which the Office issues the notification); and,</li> <li>- 60 days to provide counter arguments (from the date the appointed representative receives the notice of opposition)</li> </ul>
<b>Cuba<sup>2</sup></b>	30 days	From the date on which WIPO transmits the notification to the holder	30 days	From the date on which WIPO transmits the notification to the holder
<b>Curaçao<sup>1</sup></b>	6 months	From the date on which the Office issues the notification	No opposition procedure available	
<b>Cyprus<sup>2</sup></b>	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
<b>Czech Republic<sup>1</sup></b>	6 months	From the date on which the Office issues the notification	6 months	From the date on which the Office issues the notification
<b>Democratic People's Republic of Korea<sup>2</sup></b>	6 months	From the date on which the Office issues the notification	6 months	From the date on which the Office issues the notification

Office	Time Limit to Respond to <i>Ex-Officio</i> Provisional Refusals	How to Calculate the Time Limit ( <i>Ex-Officio</i> )	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
Denmark <sup>1</sup>	4 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Egypt <sup>2</sup>	90 days	From the date on which WIPO transmits the notification to the holder	90 days	From the date on which the Office issues the notification
Estonia <sup>1</sup>	4 months	From the date on which the Office issues the notification	2 months	From the date on which the Office accepted to process the opposition
Eswatini <sup>2</sup>	No option to reply to <i>ex-officio</i> provisional refusals		3 months	From the date on which the Office issues the notification
European Union <sup>1</sup>	2 months	From the date on which the Office issues the notification	As indicated in a direct notification sent to the parties	Where the Office sets a time limit in a notification, the 'relevant event' is the date on which the document is notified or deemed notified (...). <sup>3</sup>
Finland <sup>1</sup>	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
France <sup>1</sup>	45 days	From the date on which the holder receives the notification (for absolute grounds)	2 months	From the date on which the Office issues the notification, plus 15 days <sup>4</sup>
Gambia <sup>2</sup>	No information in Madrid Member Profiles database	From the date on which the Office issues the notification	1 month	From the date on which the Office issues the notification
Georgia <sup>1</sup>	- 3 months when appealed before SAKPATENTI Chamber of Appeals; or,  - 1 month when appealed before the Mtskheta City Court	From the date on which the notification is published in the <i>WIPO Gazette of International Marks</i>	2 months	From the date on which the notification is published in the <i>WIPO Gazette of International Marks</i>
Germany <sup>2</sup>	4 months	From the date on which WIPO transmits the notification to the holder	4 months	From the date on which WIPO transmits the notification to the holder
Ghana <sup>2</sup>	1 month	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder

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Greece <sup>1</sup>	3 months	From the date on which WIPO receives the notification	3 months	From the date on which WIPO receives the notification
Guernsey	Information not yet available			
Hungary <sup>1</sup>	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Iceland <sup>1</sup>	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
India <sup>1</sup>	1 month	From the date on which the holder receives the notification	2 months	From the date on which the holder receives the notification
Indonesia <sup>2</sup>	30 days	From the date on which WIPO transmits the notification to the holder	30 days	From the date on which WIPO transmits the notification to the holder
Iran (Islamic Republic of) <sup>2</sup>	60 days	From the date on which WIPO transmits the notification to the holder	60 days	From the date on which WIPO transmits the notification to the holder
Ireland <sup>2</sup>	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Israel <sup>1</sup>	3 months	From the date on which the Office issues the notification	2 months	From the date on which the holder receives the notification
Italy <sup>1</sup>	3 months	From the date on which the holder receives the notification	3 months	From the date on which the holder receives the notification
Japan <sup>1</sup>	3 months	From the date on which the Office issues the notification	The Office has a post-registration opposition system	
Kazakhstan <sup>1</sup>	3 months	From the date on which the Office issues the notification	No opposition procedure available.	
Kenya <sup>2</sup>	90 days	From the date on which the Office issues the notification	42 days	From the date on which the holder receives the notification
Kyrgyzstan <sup>1</sup>	2 months	From the date on which the holder receives the notification	3 months	From the date on which the holder receives the notification
Lao People's Democratic Republic <sup>1</sup>	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Latvia <sup>1</sup>	3 months	From the date on which WIPO transmits the notification to the holder	3 months	From the date on which WIPO transmits the notification to the holder
Lesotho <sup>2</sup>	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification

<b>Office</b>	<b>Time Limit to Respond to Ex-Officio Provisional Refusals</b>	<b>How to Calculate the Time Limit (Ex-Officio)</b>	<b>Time Limit to Respond to Provisional Refusals based on Opposition</b>	<b>How to Calculate the Time Limit (Opposition)</b>
<b>Liberia<sup>1</sup></b>	No information in Madrid Member Profiles database	From the date on which WIPO transmits the notification to the holder	3 months	From the date on which WIPO transmits the notification to the holder
<b>Liechtenstein<sup>1</sup></b>	5 months	From the date on which the Office issues the notification	No opposition procedure available.	
<b>Lithuania<sup>1</sup></b>	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
<b>Madagascar<sup>1</sup></b>	2 months	From the date on which WIPO transmits the notification to the holder	No opposition procedure available.	
<b>Malawi<sup>2</sup></b>	30 days	From the date on which the holder receives the notification	60 Days	From the date on which the Office issues the notification
<b>Malaysia<sup>1</sup></b>	2 months	From the date on which the Office issues the notification	2 months	From the date on which WIPO transmits the notification to the holder
<b>Mexico<sup>1</sup></b>	2 months (it may be extended for additional 2 months)	From the date on which WIPO transmits the notification to the holder	2 months (it may be extended for additional 2 months)	From the date on which WIPO transmits the notification to the holder
<b>Monaco<sup>1</sup></b>	15 days	From the date on which the holder receives the notification	No opposition procedure available	
<b>Mongolia<sup>1</sup></b>	3 months	From the date on which WIPO transmits the notification to the holder	3 months	From the date on which WIPO transmits the notification to the holder
<b>Montenegro<sup>2</sup></b>	4 months	From the date on which the Office issues the notification	4 months	From the date on which the Office issues the notification
<b>Morocco<sup>2</sup></b>	2 months	From the date on which the Office issues the notification	2 months	From the expiry of the opposition period
<b>Mozambique<sup>2</sup></b>	3 months	From the date on which WIPO transmits the notification to the holder	30 days	From the date on which WIPO transmits the notification to the holder
<b>Namibia<sup>2</sup></b>	30 days	From the date indicated on the official Office date stamp	One month	From the date on which the Office issues the notification
<b>New Zealand<sup>1</sup></b>	One year	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
<b>North Macedonia<sup>1</sup></b>	60 days	From the date on which WIPO transmits the notification to the holder	60 days	From the date on which WIPO transmits the notification to the holder
<b>Norway<sup>1</sup></b>	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
<b>Oman<sup>1</sup></b>	2 months	From the date on which the holder receives the notification	2 months	From the date on which the holder receives the notification

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Pakistan <sup>1</sup>	2 months	From the date on which the holder receives the notification	One month (it may be extended twice for one month)	From the date on which the holder receives the notification
Philippines <sup>1</sup>	2 months (it may be extended for 2 months)	From the mailing date stamped or printed on the notification	30 days (it may be extended 3 times, but shall not exceed 120 days from the date on which the holder receives the notice to answer)	From the date on which the holder receives the notice to answer.
Poland <sup>1</sup>	5 months	From the date on which the holder receives the notification	2 months	From the date on which the holder receives the notification
Portugal <sup>1</sup>	One month	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder
Republic of Korea <sup>2</sup>	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Republic of Moldova <sup>1</sup>	2 months	From the date on which the holder receives the notification.	2 months	From the date on which the holder receives the notification
Romania <sup>2</sup>	3 months;	From the date on which the holder receives the notification	30 days	From the date on which the holder receives the notification
Russian Federation <sup>1</sup>	6 months	From the date on which the Office issues the notification	No opposition procedure available.	
Rwanda <sup>1</sup>	3 months	From the date on which WIPO transmits the notification to the holder	14 days	From the date on which WIPO transmits the notification to the holder
Samoa <sup>2</sup>	6 months	From the date on which the Office issues the notification	2 months	From the date on which the holder receives the notification
San Marino <sup>1</sup>	2 months	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which WIPO transmits the notification to the holder
Sao Tome and Principe <sup>2</sup>	One month	From the date on which WIPO transmits the notification to the holder	No information in Madrid Member Profiles database	From the date on which the holder receives the notification
Serbia <sup>1</sup>	6 months	From the date on which the Office issues the notification	2 months	From the date of the notification
Sierra Leone	Information not yet available			



Office	Time Limit to Respond to <i>Ex-Officio</i> Provisional Refusals	How to Calculate the Time Limit ( <i>Ex-Officio</i> )	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
Singapore <sup>1</sup>	4 months (to request review or to apply for an extension of the time limit)	From the date on which the Office issues the notification	4 months	From the date on which the Office issues the notification
Sint Maarten <sup>2</sup>	3 months (it may be extended to 6 months).	From the date on which the Office issues the notification	No opposition procedure available.	
Slovakia <sup>1</sup>	3 months	From the date on which the Office issues the notification	2 months	From the date on which WIPO transmits the notification to the holder
Slovenia <sup>1</sup>	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Spain <sup>1</sup>	4 months	From the date on which the Office issues the notification	4 months	From the date on which the Office issues the notification
Sudan <sup>1</sup>	One month	From the date on which the holder receives the notification	One month	From the date on which the holder receives the notification
Sweden <sup>1</sup>	3 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Switzerland <sup>2</sup>	5 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
Syrian Arab Republic <sup>1</sup>	30 days	From the date on which WIPO transmits the notification to the holder	3 months	From the date on which WIPO transmits the notification to the holder

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Tajikistan <sup>2</sup>	2 months	From the date on which the holder receives the notification	No information in Madrid Member Profiles database	From the date on which WIPO transmits the notification to the holder
Thailand <sup>1</sup>	90 days <sup>5</sup>	From the date on which the Office issues the notification	90 days <sup>6</sup>	From the date on which the Office issues the notification
Trinidad and Tobago	Information not yet available			
Tunisia <sup>2</sup>	One month	From the date on which the holder receives the notification <sup>6</sup>	2 months (60 days)	From the date on which WIPO transmits the notification to the holder
Turkey <sup>1</sup>	2 months	From the date on which WIPO transmits the notification to the holder	One month	From the date on which WIPO transmits the notification to the holder <sup>7</sup>
Turkmenistan <sup>2</sup>	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification.
Ukraine <sup>1</sup>	3 months	From the date on which the Office issues the notification	3 months	From the date on which the Office issues the notification
United Kingdom <sup>1</sup>	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
United States of America <sup>1</sup>	6 months	From the date on which the Office issues the notification	Notice of institution of Trademark Trial and Appeal Boards (...) shall designate a time, not less than thirty days from the mailing date of the notice	From the date on which the Office issued the notice of institution of opposition proceeding
Uzbekistan <sup>1</sup>	6 months	From the date on which the Office issues the notification	6 months	From the date on which the Office issues the notification

Office	Time Limit to Respond to <i>Ex-Officio</i> Provisional Refusals	How to Calculate the Time Limit ( <i>Ex-Officio</i> )	Time Limit to Respond to Provisional Refusals based on Opposition	How to Calculate the Time Limit (Opposition)
Viet Nam <sup>1</sup>	3 months	From the date on the Office transmits the notification to WIPO	No information in Madrid Member Profiles database	No information in Madrid Member Profiles database
Zambia <sup>1</sup>	2 months	From the date on which the Office issues the notification	2 months	From the date on which the Office issues the notification
Zimbabwe <sup>2</sup>	2 months	From the date on which WIPO transmits the notification to the holder	2 months	From the date on which the Office issues the notification

[End of Annex and of document]

<sup>1</sup> According to the replies to a questionnaire that the International Bureau of WIPO sent to the Offices of the Contracting Parties of the Madrid System on April 20, 2021.

<sup>2</sup> According to information available in the Madrid Member Profiles database on September 23, 2021.

<sup>3</sup> A notification issued by electronic means is deemed to have been notified on the fifth calendar day following the day on which the document is placed in the account holder's inbox (and a notification issued by post or courier is deemed to have been notified on the tenth day after it was posted).

<sup>4</sup> If the holder submits evidence of having received the notification of provisional refusal later than 15 days from the date on which the Office issued the said notification, the time limit may be extended accordingly.

<sup>5</sup> The holder is deemed to have received a notification of provisional refusal 30 days from the date on which the Office transmitted the notification to WIPO. The holder has 60 days to respond to the provisional refusal as from the date on which the holder is deemed to have received the said notification.

<sup>6</sup> The holder is deemed to have received the notification of provisional refusal 15 days from the date on which the Office transmitted the notification to WIPO.

<sup>7</sup> As an exception, in particular for postal communications, if the holder submits counterarguments to the Office after the end of the prescribed period and presents evidence showing that the date of receipt of the notification is less than one month prior to the date of submission of the counterarguments, these counterarguments will be accepted.