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JTA Position Paper regarding the Working Group on the Legal Development of the Madrid System for the International Registration of Marks Twenty-Fourth Session Geneva, October 5 to 9, 2026

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The Japan Trademark Association (JTA) is an independent, nonprofit organization in Japan, founded on November 28, 1988. As of September 2026, JTA has 908 members, including 4 advisors, 16 special members (academic experts), 455 individual members, 282 corporate members, and 151 other legal entities, such as patent and trademark agencies or law firms. JTA members share interests and experiences in trademarks and related fields and collaborate on activities such as research, policy advocacy, information exchange, and mutual development.

JTA has reviewed the working documents for the Twenty-Fourth Session of the Working Group and would like to submit the following comments as a user organization of the Madrid System for the International Registration of Marks.

JTA Comments

1. Proposed Amendments to the Regulations Under the Protocol Relating to the Madrid Agreement Introducing Requirements to Issue a National or Regional Certificate and to Indicate Certain Relevant Dates in Statements Granting Protection (MM/LD/WG/24/3)

JTA greatly appreciates the International Bureau (IB) for conducting two questionnaires for Offices of Contracting Parties and users of the Madrid System, focusing on the Offices' current practices on issuing national or regional certificates, users' needs, and the practical advantages of the certificates. We also thank the IB for preparing the document MM/LD/WG/24/3.

As we stated in the previous session of the Madrid Working Group, JTA basically supports the International Bureau (IB)'s proposal to mandate the issuance of national or regional registration certificates by the Offices of the Designated Contracting Parties, as this would enhance convenience for Madrid users.

JTA also supports the following IB' revised proposed amendments based on the discussion of the previous Working Group because these amendments will enhance the transparency and reliability of the Madrid System:

- Requiring all Offices to send statements of grant of protection as a standalone document, not in list form, and to issue a national or regional certificate of protection in a locally accepted language, whether in electronic form or in downloadable format, simultaneously with the said statements or at a later stage, upon granting protection and upon renewal.
- Requiring the Offices to indicate in a statement of grant of protection or in the said certificate the date on which protection was granted in each designated Contracting Party and encouraging the Offices to indicate the date by which use of the mark is required in the designated Contracting Parties concerned to avoid possible loss of right due to non-use.

In the meantime, JTA still faces situations where statements of grant of protection are not issued by some Offices of Designated Contracting Parties, or, in some cases, we receive them after the deadlines for notifying provisional refusals have passed. Therefore, JTA hopes that the proposed amendments will be properly implemented to prevent situations such as receiving a statement of grant of protection but not a certificate of registration, because such situations would increase users' administrative burden and create uncertainty about the effective dates of protection.

Furthermore, even after the amendments to the Regulations take effect, JTA hopes that the IB will continue to monitor whether the issuance of the certificates is actually reducing the burden on users when exercising their rights in each designated Contracting Party.

2. Further Elaboration of the Proposal by the Delegation of the United Kingdom (MM/LD/WG/23/4 and MM/LD/WG/24/4)

JTA appreciates the endeavor of the IB and the Delegation of the United Kingdom to prepare the working document MM/LD/WG/24/4, in order to analyze the legal, operational, and other practical implications of the possible introduction of partial renewal, a centralized replacement mechanism, and subsequent designation for pending international applications, based on the discussion of the document MM/LD/WG/23/4 at the twenty-third session of the Working Group.

JTA would like to share its views on the revised proposals mentioned in the document MM/LD/WG/24/4.

2.1 Partial Renewal

As JTA stated in the previous session of the Working Group, we support the UK delegation's proposal to allow a holder or representative to renew an International Registration only for the classes where protection is still needed at the time of renewal, because it is expected to make

the Madrid System more user-friendly and simplify the procedures.

In this sense, JTA greatly appreciates the IB's proposal to introduce a practical solution through the new eMadrid platform without amending the Regulations, based on the fact that certain Offices have implemented practical solutions at the national or regional level that enable cancellation of entire classes in conjunction with renewal requests through automated processing systems.

2.2 A centralized replacement procedure

Regarding a centralized replacement procedure, JTA supports introducing a centralized filing mechanism because it would benefit Madrid users who have faced difficulties, such as different procedures or lack of procedures, in the Offices of designated Contracting Parties.

JTA also agrees that a centralized examination mechanism should not be adopted because we believe that only the Offices of the Designated Contracting Parties can verify the accuracy and validity of the information in replacement requests and examine whether, in the International Registration, there are goods and services that overlap with some or all of the goods and services of national or regional registration(s) to be replaced.

Regarding several issues for further discussions that are indicated in paragraphs 50 and 51 of the working document MM/LD/WG/24/4, JTA thinks as follows:

- From a user-friendly perspective, JTA prefers a standard fee for each request per designated Contracting Party that is not too high.
- JTA prefers to set a time limit for Offices to inform WIPO of their decision to take notes or refuse, so that trademark holders can decide the appropriate time to abandon their replaced domestic registration(s) due to, for example, non-renewal.
- Similarly, if an Office fails to respond, JTA thinks that silence should be considered acceptance so that trademark holders can determine the timing for abandoning the replaced domestic registration.
- To avoid making the Madrid System too complicated, we agree that a dual system permitting both centralized filing through the IB and direct filing with individual Offices should not be adopted.

2.3 Subsequent Designation for Pending International Applications

Provided that it does not affect the IB's processing speed for recording applications in the International Register, JTA supports allowing subsequent designations prior to international registration, as this amendment would improve convenience for Madrid users for the following reasons.

- In the case of national applications filed directly with each Designated Contracting Party, it is possible to file an additional application immediately. However, in the case of

international applications, it is inconvenient and disadvantageous that applicants cannot file subsequent designations during the period between application submission and international registration number assignment.

- Furthermore, allowing for subsequent designations prior to international registration is likely to be of significant benefit to users who are claiming priority in their international applications.

3. Continued Discussions on Dependency and the Possible Evolution of the Madrid System (MM/LD/WG/20/5, MM/LD/WG/21/8 Rev.2, MM/LD/WG/22/5 Rev. and MM/LD/WG/22/14, MM/LD/WG/23/6 and MM/LD/WG/23/13)

As JTA has mentioned so far, we believe that the stability of rights should not be compromised by increasing the complexity of the Madrid System, and that a certain level of the central attack mechanism should be maintained as a safeguard against the increase of bad faith trademark applications because the existence of a central attack is believed to serve as a deterrent against bad faith applications and the like.

In this sense, JTA thinks that "reducing the dependency period from five years to three years" is the most balanced proposal because it would contribute to earlier stabilization of rights and has been widely supported as a practical improvement in past Working Groups, even if it does not resolve all the problems related to the dependency.

For JTA's views on other elements suggested by the IB as having the potential for convergence (MM/LD/WG/23/6), please refer to our position paper for the previous session, namely, MM/LD/WG/23/JTA_POSITION_PAPER.

Regarding the ADR (Alternative Dispute Resolution) mechanism that the IB proposes to address bad-faith international applications and respond to users' concerns about a potential increase in such applications resulting from relaxing the dependency principle, JTA appreciates the IB's proposal. However, JTA finds it difficult to evaluate the mechanism at this stage because it lacks details such as the criteria for determining "bad faith," the procedures involved, and the selection of panel members, and also has the impression that this mechanism could reduce the predictability of rights, undermine the stability of rights, and be misused as a negotiation tool. Therefore, JTA requests that the Working Group discuss this matter carefully, but once the details of the proposed ADR mechanism are made clear, JTA would like to further consider them.

Regarding the optional system for Member States which were suggested in documents MM/LD/WG/21/8 Rev.2 and MM/LD/WG/23/13, given that the uniformity and clarity of the system are fundamental advantages of the Madrid System, we find it difficult to support the proposal because the proposed system would increase the complexity of the Madrid System

and the search burden on users as described below, and could adversely affect the users' brand strategies.

- From applicants' perspective, if an applicant has two or more real and effective industrial or commercial establishments in multiple Contracting Parties, it will become necessary to determine which office of origin would be the most appropriate or advantageous for filing an application when formulating a brand strategy. Consequently, the burden of researching the options available in each Member State would increase.
- From third parties' perspective, if they wish to challenge another party's rights, they must consider whether a "central attack" is possible at the Office of Origin of that right, which could increase the search burden in this regard.
- Furthermore, if basic requirements and dependency become declaratory matters, the Member States may change the options; therefore, even within the same Member State, if the presence or absence of basic requirements or dependency varies depending on the timing, this could potentially cause unexpected disadvantages for users.

4. Languages

JTA greatly appreciates the IB's efforts to prepare several working documents on the introduction of new languages into the Madrid System (MM/LD/WG/24/5, MM/LD/WG/24/6, MM/LD/WG/24/7, MM/LD/WG/24/8). Regarding the introduction of new languages into the Madrid System, JTA maintains its position that the principle of multilingualism adopted by the United Nations should be respected, and that introducing new languages as working languages in the Madrid System should not undermine the efficiency and reliability of the Madrid System or the stability of each trademark right.

Bearing this in mind, JTA would like to share our views regarding some of the new Working documents related to this issue as follows:

(i) Report on the Completion of the Introduction of the Differentiated Translation Practice and Assessment on the Quality of the Related Translations (MM/LD/WG/24/5)

JTA appreciates that the IB has provided a report on the implementation status of the Differentiated Translation Practice and on the assessment of the quality of the related translations, in response to user concerns about declining translation quality and processing delays.

We understand from the Working Document MM/LD/WG/24/5 that approximately 10 percent of machine-translated words require amendment during post-editing, and the overall proportion of words amended across the entire translation workload ranges from 2.5% to 3%. While this percentage may increase depending on the nature of the language, JTA hopes to

further reduce it by improving the accuracy of machine translation and expanding the terminology database.

Under the new translation practice, JTA understands that post-edited translations and translations that are not subject to post-editing will be published together. Furthermore, machine translations not subject to post-editing may later become subject to post-editing if a subsequent designation is made, which could result in amendments to the translation. Since it is not always apparent from a third-party perspective whether the translated content is the one to be used to communicate with an Office or user, JTA would like to suggest considering a way to distinguish between post-edited translations and the translations which are not subject to post-editing.

(ii) Technical Aspects of Processing Non-Latin Characters and Non-Arabic Numerals in Relation to the Possible Introduction of New Madrid System Languages (MM/LD/WG/24/6)

During the discussions in the previous session of the Working Group, JTA expressed concern that when an international application is filed in a new language, the transliteration or translation of the applicant's name and address in that new language might differ from the applicant's name and address in its prior trademark registration(s) in each designated Contracting Party, potentially leading to the rejection of the international application based on the applicant's own prior registered trademark.

According to the working document MM/LD/WG/24/6, JTA understands that this concern can be resolved by amending the Regulations and Administrative Instructions. In this regard, JTA sincerely thanks the IB for reviewing this matter and presenting the proposed amendments to the Regulations and Administrative Instructions described in the working document.

Meanwhile, JTA understands that the proposed solution applies not only to the "International Registration Language Option" but also to the option of adding a new language as a working language. In this regard, JTA would like to reiterate that it sees an advantage in the distinctive feature of the "International Registration Language Option," particularly where notifications of provisional refusal are issued in the existing three languages, which would help minimize the impact of introducing a new language.

JTA looks forward to participating in the Madrid Working Group meeting and assisting the Working Group in considering improvements to the Madrid System.