

WIPO



MM/LD/WG/5/7

ORIGINAL: English

DATE: April 17, 2008

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WORKING GROUP ON THE LEGAL DEVELOPMENT OF THE MADRID SYSTEM FOR THE INTERNATIONAL REGISTRATION OF MARKS

Fifth Session
Geneva, May 5 to 9, 2008

OPEN FORUM AND SURVEY OF OFFICE PRACTICES ON REPLACEMENT

Document prepared by the International Bureau

1. It is recalled that, at its third session, the *ad hoc* Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”) considered that the harmonization of the work of Offices with regard to replacement under Article 4*bis*(1) of the Madrid Agreement Concerning the International Registration of Marks and of the Protocol Relating to that Agreement should be pursued. To this end, the Working Group agreed with the establishment of an open Internet discussion forum, during the second part of 2007, to foster the exchange of views on the issue of replacement. The Working Group further agreed that at the same time, and independently, the International Bureau would conduct a survey of Office practices (see document MM/LD/WG/3/5, paragraph 69).

2. As from November 1, 2007, an open discussion forum on replacement has been accessible through the website of the World Intellectual Property Organization (WIPO) at http://www.wipo.int/madrid/en/services/open_forum.html. Information on the forum, including a background paper on the objectives of replacement, has also been made available

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on that website. The participation in the forum is open to all interested parties. In particular, the Offices, users and user groups of the Madrid system, legal professionals and intellectual property specialists are encouraged to participate. However, on the date of writing the present document, the forum had attracted but only two postings.

3. The Offices and other relevant authorities of the members of the Madrid Union were invited, by WIPO Note No. C. M 1288 of November 2, 2007, to reply to the questionnaire on replacement prepared by the International Bureau, by filling in the electronic form available on the WIPO website. The questionnaire was also available in printable form and could be sent to the International Bureau by post, by facsimile or by e-mail. The purpose of the questionnaire was to collect information regarding the applicable legislation, experience of the Offices and Office practices concerning replacement.

4. By February 29, 2008, the International Bureau had received replies to the questionnaire from 48 (out of 81, at the time of sending) Contracting Parties to the Madrid Agreement and/or the Madrid Protocol. As suggested by the Chair of the Working Group, the International Bureau did not conduct an in-depth analysis of the replies received but they were simply posted, for the future assistance of Offices and users, on the WIPO website at http://www.wipo.int/madrid/en/contracting_parties/ (see document MM/LD/WG/3/5, paragraph 63). Furthermore, as foreseen during the fourth session of the Working Group, the International Bureau has prepared an evaluation of the replies to the questionnaire in the form of a statistical compilation of the replies (see document MM/LD/WG/4/7 Prov.2, paragraph 134).

5. The said statistical compilation is annexed to this document. Also annexed, for background information, is a matrix showing all the answers received. It is the intention of the International Bureau to have both of these made available on its website, under the thread relating to replacement.

6. The Working Group is invited to note the contents of the statistical compilation of the replies to the questionnaire.

[Annexes follow]

ANNEX I

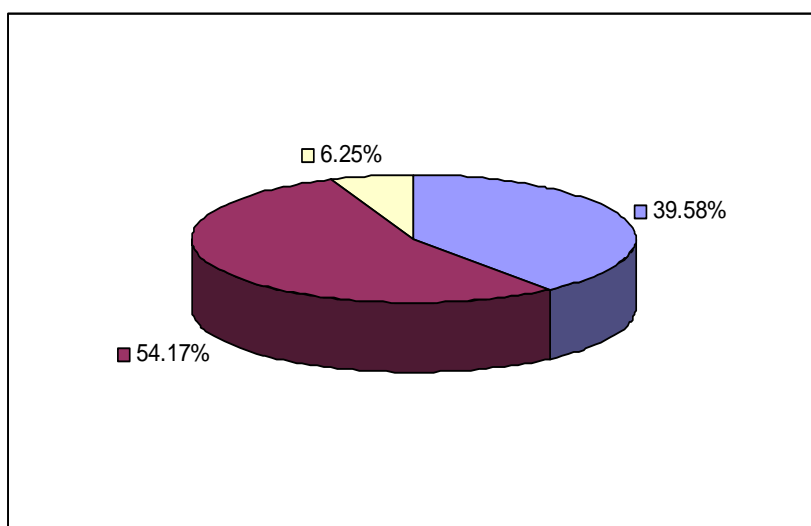
**CONTRACTING PARTIES HAVING REPLIED TO THE QUESTIONNAIRE ON
REPLACEMENT**

1. Antigua and Barbuda	26. Kenya
2. Armenia	27. Latvia
3. Australia	28. Lithuania
4. Austria	29. Moldova
5. Bahrain	30. Morocco
6. Belarus	31. Netherlands Antilles
7. Benelux	32. Norway
8. Bulgaria	33. Portugal
9. China	34. Republic of Korea
10. Croatia	35. Russian Federation
11. Cuba	36. Serbia
12. Cyprus	37. Singapore
13. Czech Republic	38. Slovakia
14. Denmark	39. Slovenia
15. Estonia	40. Spain
16. European Community	41. Sweden
17. Finland	42. Switzerland
18. Georgia	43. The former Yugoslav Republic of Macedonia
19. Germany	44. Turkey
20. Greece	45. Turkmenistan
21. Hungary	46. United Kingdom
22. Iceland	47. United States of America
23. Ireland	48. Uzbekistan
24. Italy	
25. Japan	

I. APPLICABLE LEGISLATION

1. Are there provisions in your national¹ trademark legislation to implement Article 4*bis*(1) of the Madrid Agreement and/or of the Protocol?

- YES
- NO, because the Agreement/Protocol is of direct application
- NO, there are no such provisions, although the Agreement/Protocol is not of direct application

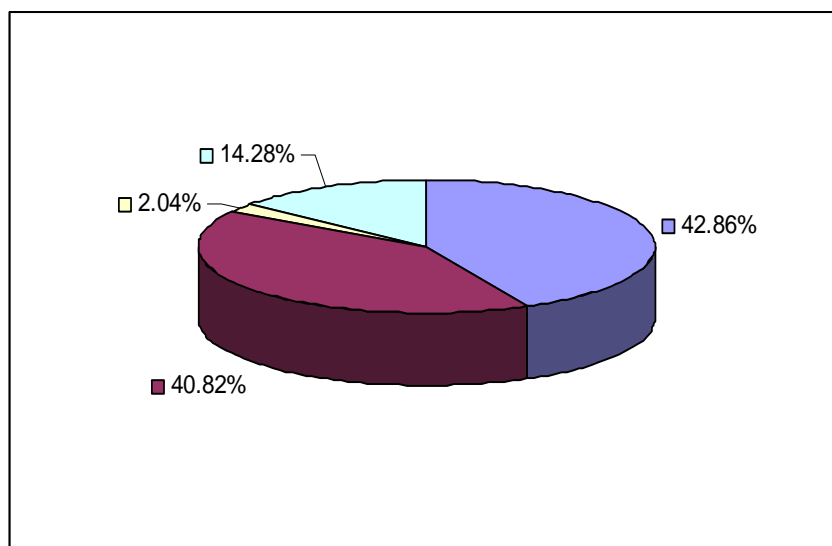


Option	Contracting Party	Percentage
YES	19	39.58%
NO, because the Agreement/Protocol is of direct application	26	54.17%
NO, there are no such provisions, although the Agreement/Protocol is not of direct application	3	6.25%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

¹ Please note that the reference to “national” is intended to include also, where relevant, “regional”.

2. Are there provisions in your national trademark legislation to implement Article 4*bis*(2) of the Madrid Agreement and/or of the Protocol?

- YES
- NO, because the Agreement/Protocol is of direct application
- NO, there are no such provisions, although the Agreement/Protocol is not of direct application
- No, but there is a procedure

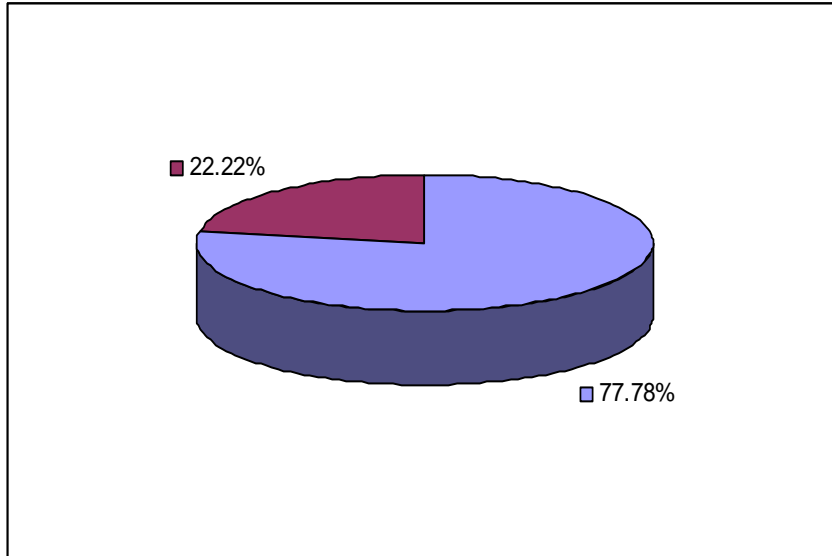


Option	Contracting Party	Percentage
YES	21	42.86%
NO, because the Agreement/Protocol is of direct application	20	40.82%
NO, there are no such provisions, although the Agreement/Protocol is not of direct application	1	2.04%
NO, but there is a procedure	7	14.28%
Total number of responses	49	100%
Number of Offices having responded to the question	47	

Two Offices have replied twice.
One Office did not reply.

If NO, but there is a procedure, this procedure:

- Consists of Office practice
- Is prescribed by Administrative Guidelines of Office

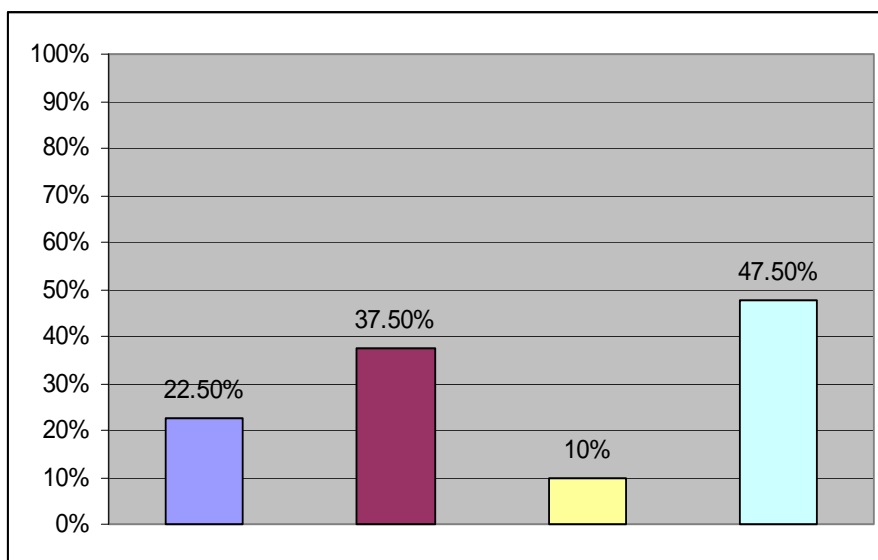


Option	ContractingParty	Percentage
Consists of the Office practice	7	77.78%
Is prescribed by the Administrative Guidelines of the Office	2	22.22%
Total number of responses	9	100%
Number of Offices having responded to the question	9	

Three Offices did not reply.

3. If your Office does have in place a procedure for 'taking note' of an international registration in accordance with Article 4*bis*(2) of the Madrid Agreement and/or of the Protocol, do you require:

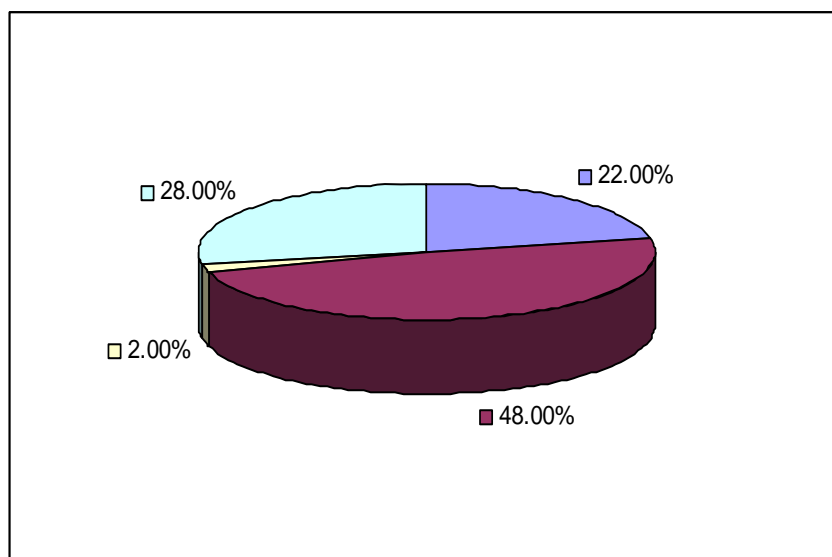
- Use of a specific form
- Payment of a fee
- Extract of the International Register
- Other



Option	Contracting Party	Percentage
Use a specific form	9	22.50%
Payment of a fee	15	37.50%
Extract of the International Register	4	10.00%
Other	19	47.50%
Total number of responses	47	
Number of Offices having responded to the question	40	

4. Are there provisions in your national trademark legislation to implement Rule 21 of the Common Regulations?

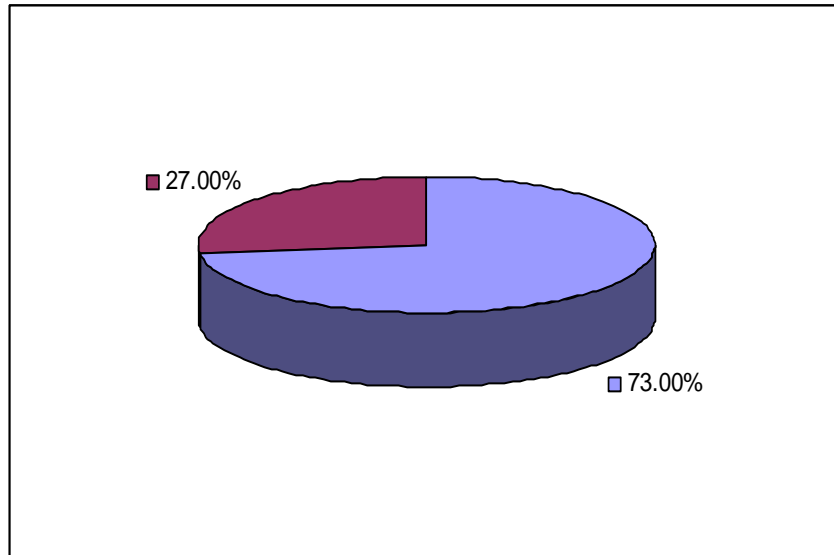
- YES
- NO, because the Regulations are of direct application
- NO, there are no such provisions, although the Regulations are not of direct application
- NO, but there is a procedure



Option	Contracting Party	Percentage
YES	11	22.00%
NO, because the Regulations are of direct application	24	48.00%
NO, there are no such provisions, although the Regulations are not of direct application	1	2.00%
NO, but there is a procedure	14	28.00%
Total number of responses	50	100%
Number of Offices having responded to the question	48	

If NO, but there is a procedure, this procedure:

- Consists of Office practice
- Is prescribed by Administrative Guidelines of Office



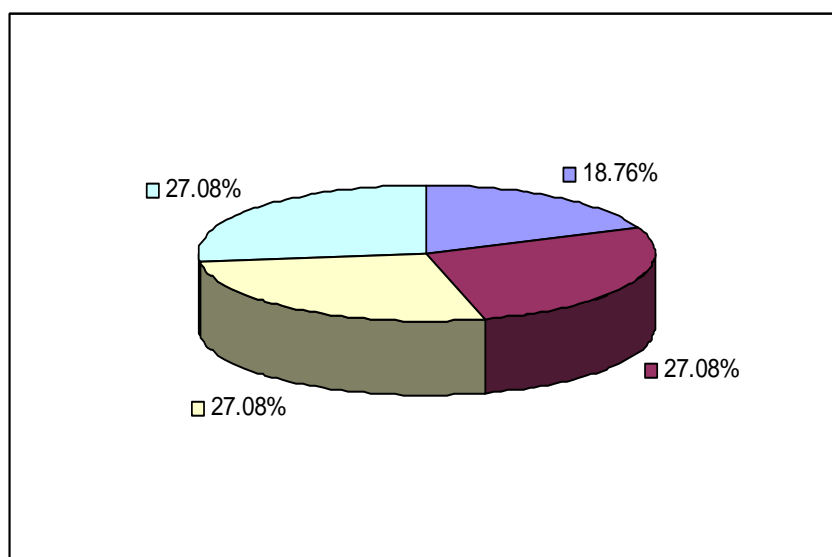
Option	Contracting Party	Percentage
Consists of the Office practice	11	73.00%
Is prescribed by the Administrative Guidelines of the Office	4	27.00%
Total number of responses	15	100%
Number of Offices having responded to the question	15	

One Office did not reply.

II. EXPERIENCE OF THE OFFICE

1. Has your Office, in fact, had occasion, on request, to take note of an international registration in accordance with Article 4*bis*(2) of the Madrid Agreement and/or of the Protocol?

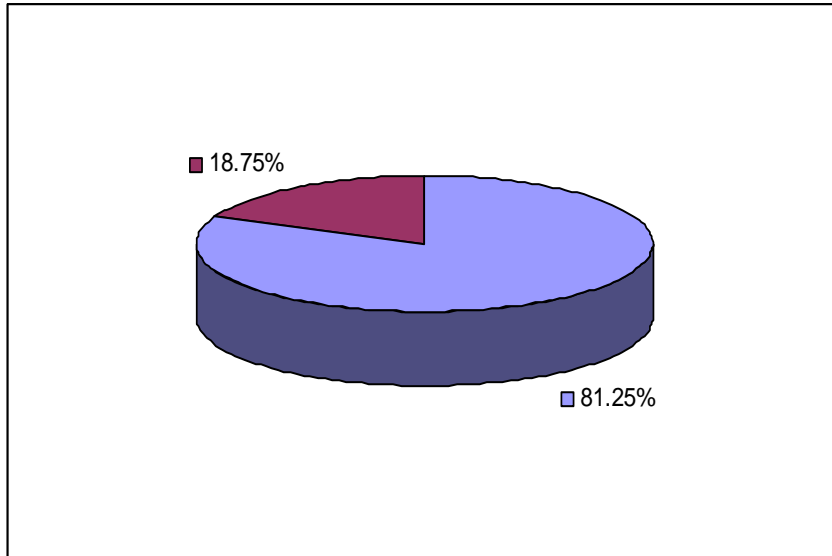
- NO
- YES, but no more than 5 such requests
- YES, between 5 and 20 such requests
- YES, between 21 and 100 such requests



Option	Contracting Party	Percentage
NO	9	18.76%
YES, but no more than 5 such requests	13	27.08%
YES, between 5 and 20 such requests	13	27.08%
YES, between 21 and 100 such requests	13	27.08%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

2. Does your Office operate an *ex officio* procedure for ‘taking note’ of an international registration – i.e., irrespective of the filing of a request to take note?

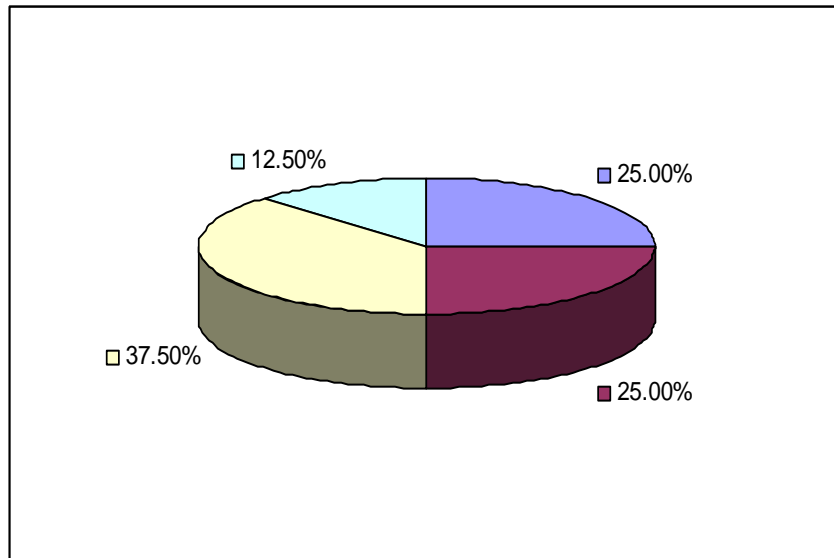
- NO
- YES



Option	Contracting Party	Percentage
NO	39	81.25%
YES	9	18.75%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

If YES, how many cases have there been?

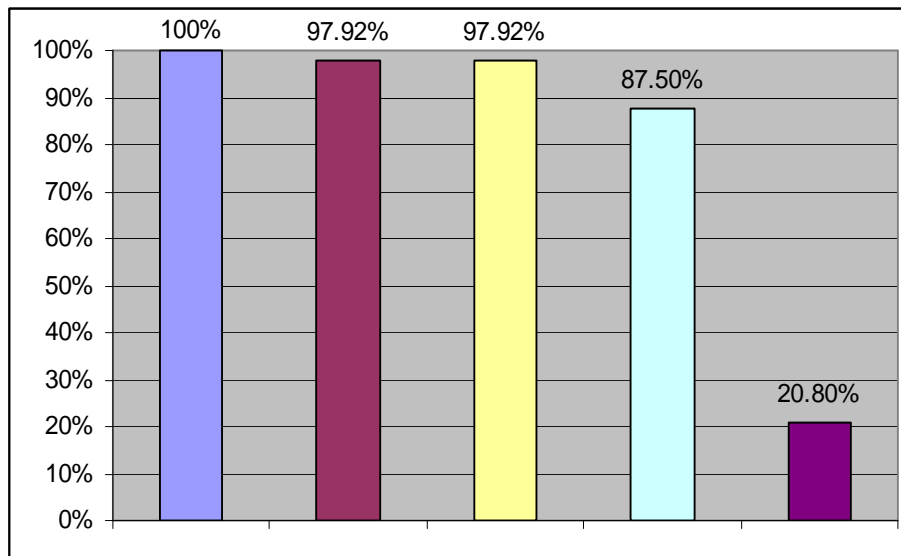
- None, so far
- No more than 5
- Between 5 and 20
- Between 21 and 100



Option	Contracting Party	Percentage
None, so far	2	25.00%
No more than 5	2	25.00%
Between 5 and 20	3	37.50%
Between 21 and 100	1	12.50%
Total number of responses	8	100%
Number of Offices having responded to the question	8	

III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE

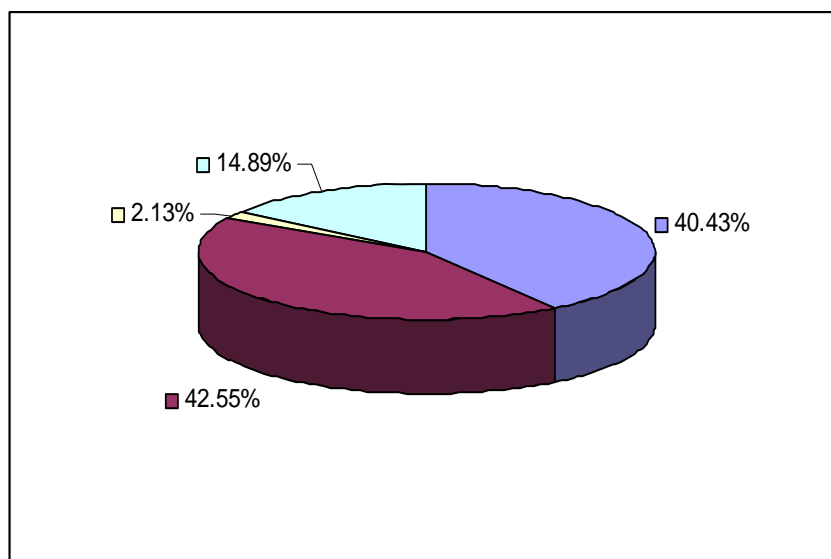
1. Assuming that your Office is presented with a request to take note of an international registration, on which criteria does it, or would it, carry out an examination to assess whether replacement should take place?
 - The protection resulting from the international registration extends to the territory of your country/region
 - The national and international marks are in the name of the same holder
 - All goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/region
 - The extension of the international registration to the territory of your country/region takes effect after the date of the national registration
 - Other



Option	Contracting Party	Percentage
The protection resulting from the international registration extends to the territory of your country/region	48	100%
The national and international marks are in the name of the same holder	47	97.92%
All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/region	47	97.92%
The extension of the international registration to the territory of your country/region takes effect after the date of the national registration	42	87.50%
Other	10	20.80%
Total number of responses	194	
Number of Offices having responded to the question	48	

2. If it occurs that the goods and services listed in the national registration are *not* all listed in the international registration, i.e., the list of goods and services in the international registration is narrower than the list recorded nationally, does, or would, your Office nevertheless consider that a partial replacement takes place in respect of the specification that is common to both the national and international registrations?

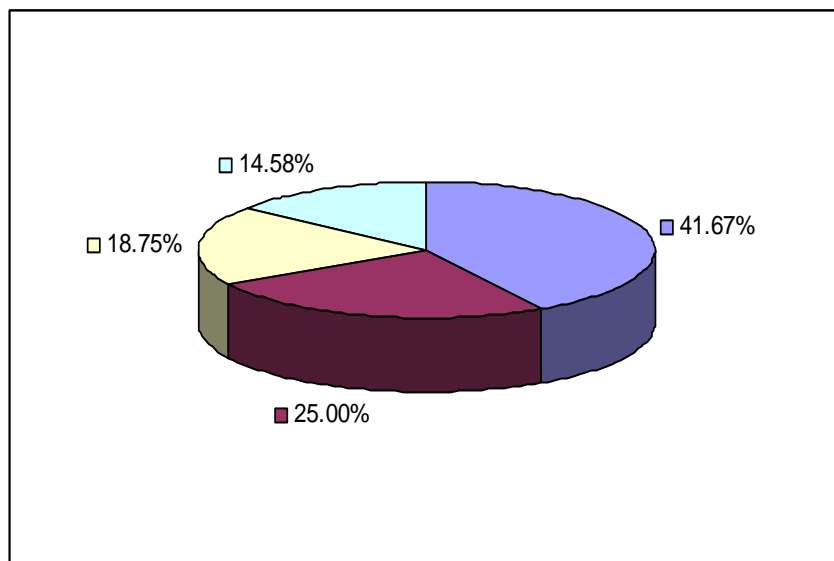
- NO, replacement would not take place
- YES, with the remainder of the specification remaining unaffected in the national register
- YES, but the Office would *ex officio* cancel the remainder of the specification in the national register
- YES, but the holder would be required to request cancellation of the remainder of the specification in the national register



Option	Contracting Party	Percentage
NO, replacement would not take place	19	40.43%
YES, with the remainder of the specification remaining unaffected in the national register	20	42.55%
YES, but the Office would <i>ex officio</i> cancel the remainder of the specification in the national register	1	2.13%
YES, but the holder would be required to request cancellation of the remainder of the specification in the national register	7	14.89%
Total number of responses	47	100%
Number of Offices having responded to the question	47	

3. At what time does, or would, your Office consider that replacement takes place?

- On the date of international registration or subsequent designation
- On the date of expiry of the refusal period
- In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection
- Other

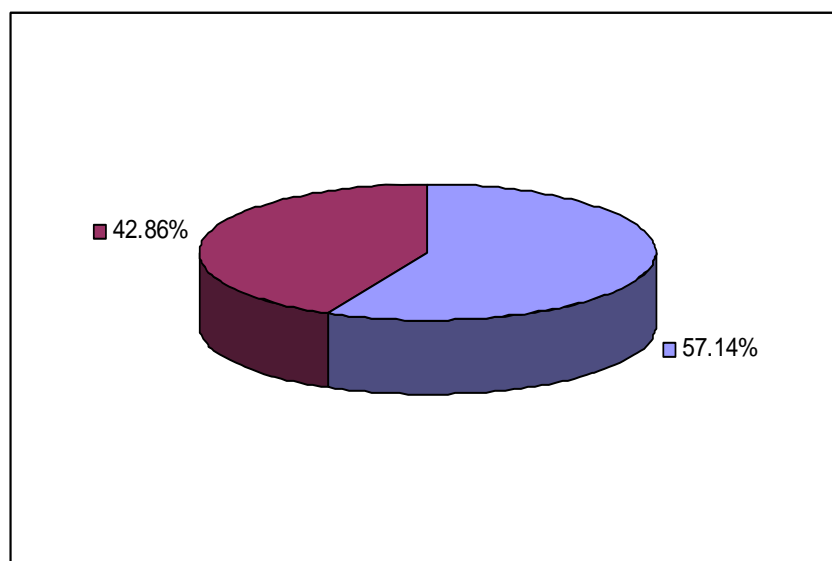


Option	Contracting Party	Percentage
On the date of international registration or subsequent designation	20	41.67%
On the date of expiry of the refusal period	12	25.00%
In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection	9	18.75%
Other	7	14.58%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

4. If your Office considers, or would, consider that replacement takes place either on the date of expiry of the refusal period, or of issuing of a statement of grant of protection, is the effect of replacement considered to be retroactive to the date of the international registration or subsequent designation in question?

■ YES

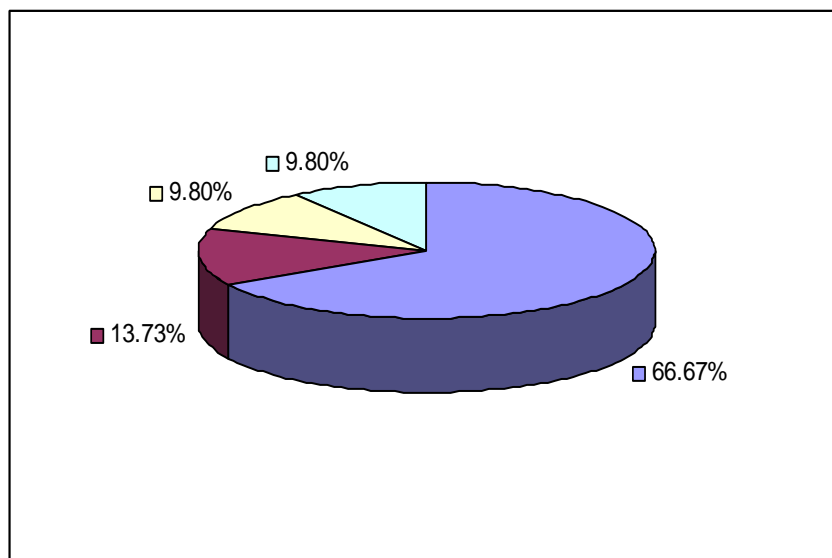
■ NO



Option	Contracting Party	Percentage
YES	12	57.14%
NO	9	42.86%
Total number of the responses	21	100%
Number of Offices having responded to the question	21	

5. When does, or would, your Office accept the filing of a request to take note under Article 4*bis*(2)?

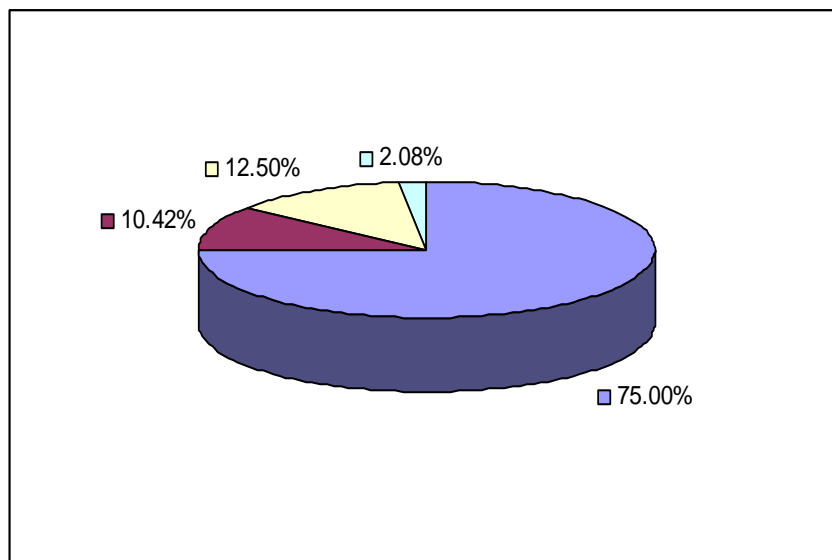
- After the date of notification by the International Bureau of the international registration or subsequent designation in question
- Only from the date of expiry of the refusal period
- In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection
- Other



Option	Contracting Party	Percentage
After the date of notification by the International Bureau of the international registration or subsequent designation in question	34	66.67%
Only from the date of expiry of the refusal period	7	13.73%
In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection	5	9.80%
Other	5	9.80%
Total number of the responses	51	100%
Number of Offices having responded to the question	48	

6. Does, or would, your Office permit coexistence of a national registration and the international registration that has replaced it?

- YES
- YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)
- NO, the Office *ex officio* cancels the national registration
- NO, the holder needs to renounce the national registration

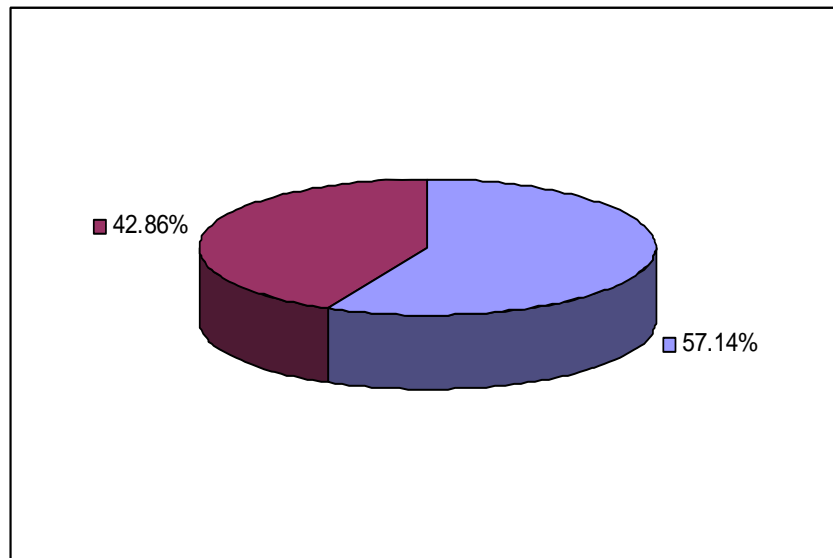


Option	Contracting Party	Percentage
YES	36	75.00%
YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	5	10.42%
NO, the Office <i>ex officio</i> cancels the national registration	6	12.50%
NO, the holder needs to renounce the national registration	1	2.08%
Total number of the responses	48	100%
Number of Offices having responded to the question	48	

7. If your Office does not, or would not, permit coexistence of a national registration and the international registration that has replaced it, does, or would, your Office nevertheless permit reinstatement of the national registration should the international registration cease to have effect within the five-year dependency period (Article 6 of the Agreement and/or the Protocol)?

YES

NO



Option	Contracting Party	Percentage
YES	4	57.14%
NO	3	42.86%
Total number of responses	7	100%
Number of Offices having responded to the question	7	

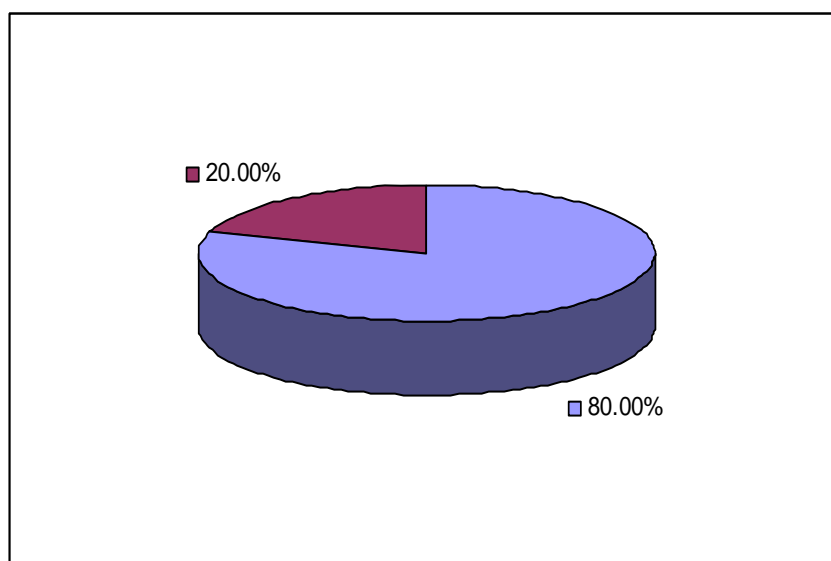
8. **(For Offices of Members of the Protocol)** Article 4*bis* of the Agreement and of the Protocol provides that an international registration is deemed to replace a national registration without prejudice to any rights acquired by virtue of the latter. Thus, for example, replacement may include the benefit of a priority claim attached to the national registration.

Assume that replacement, under Article 4*bis*(1) of the Protocol, has taken place and has included certain such rights acquired by virtue of the national registration, but subsequently there has been recorded a ceasing of effect due to failure of the basic mark within the five-year dependency period in accordance with Article 6 of the Protocol. Assume also that in such case, the holder wishes to exercise his rights, under Article 9*quinquies* of the Protocol, to transform the international registration into national application.

In your Office, does, or would, such transformation carry the benefit of those earlier national rights, such as, for example, a priority date?

YES

NO

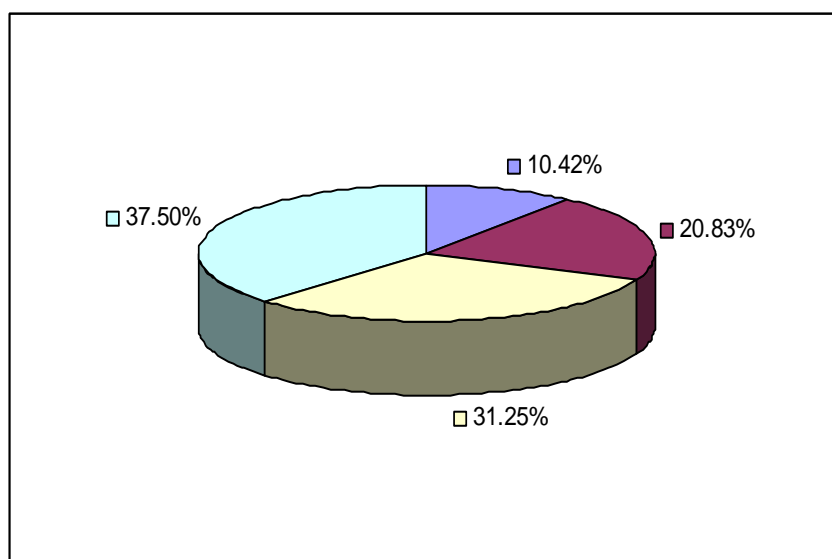


Option	Contracting Party	Percentage
YES	32	80.00%
NO	8	20.00%
Total number of responses	40	100%
Number of Offices having responded to the question	40	

IV. MISCELLANEOUS

1. In the territory of your country/region is reliance on a replaced and non-renewed national mark permitted in legal and administrative proceedings?

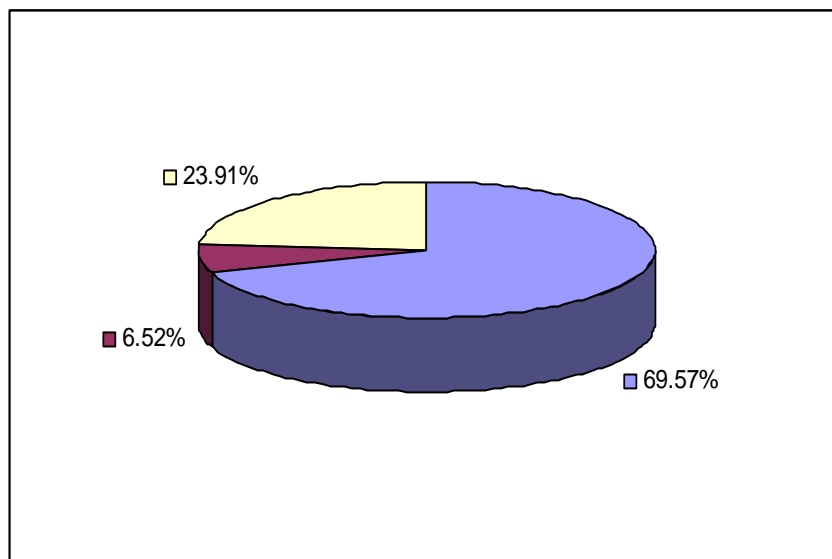
- YES, even if the international registration has not been noted in the national register
- YES, but only if the international registration has been noted in the national register
- NO
- Do not know



Option	Contracting Party	Percentage
YES, even if the international registration has not been noted in the national register	5	10.42%
YES, but only if the international registration has been noted in the national register	10	20.83%
NO	15	31.25%
Do not know	18	37.50%
Total number of responses	48	100%
Number of Offices having responded to the question	48	

2. The International Bureau has made available model provisions with regard to the replacement procedure (see www.wipo.int/export/sites/www/madrid/en/contracting_parties/pdf/model_replacement.pdf). Have you found the model provisions to be of assistance?

- YES
- NO
- Do not know



Option	Contracting Party	Percentage
YES	32	69.57%
NO	3	6.52%
Do not know	11	23.91%
Total number of responses	46	100%
Number of Offices having responded to the question	46	

[Annex II follows]

ANNEX II

Contracting Party	I.1		
	YES	NO, because the Agreement/Protocol is of direct application	NO, there are no such provisions, although the Agreement/Protocol is not of direct application
Antigua and Barbuda	•		
Armenia		•	
Australia	•		
Austria		•	
Bahrain	•		
Belarus		•	
Benelux		•	
Bulgaria	•		
China		•	
Croatia		•	
Cuba			•
Cyprus		•	
Czech Republic		•	
Denmark	•		
Estonia	•		
European Community		•	
Finland	•		
Georgia		•	
Germany		•	
Greece		•	
Hungary		•	
Iceland	•		
Ireland	•		
Italy		•	
Japan	•		
Kenya		•	
Latvia	•		
Lithuania	•		
Moldova			•
Morocco		•	
Netherlands Antilles			•
Norway	•		
Portugal		•	
Republic of Korea	•		
Russian Federation		•	

Contracting Party	I.1		
	YES	NO, because the Agreement/Protocol is of direct application	NO, there are no such provisions, although the Agreement/Protocol is not of direct application
Serbia		•	
Singapore	•		
Slovakia		•	
Slovenia		•	
Spain		•	
Sweden	•		
Switzerland		•	
The former Yugoslav Republic of Macedonia		•	
Turkey		•	
Turkmenistan	•		
United Kingdom	•		
United States of America	•		
Uzbekistan		•	

Contracting Party	I.2						
	YES	NO, because the Agreement/ Protocol is of direct application	NO, there are no such provisions, although the Agreement/ Protocol is not of direct application	NO, but there is a procedure	Consists of Office practice	Is prescribed by Administrative Guidelines of Office	Other
Antigua and Barbuda	•						
Armenia		•					
Australia	•						
Austria		•					
Bahrain	•						
Belarus		•					
Benelux		•					
Bulgaria	•						
China				•	•		
Croatia		•					
Cuba				•	•		
Cyprus	•						
Czech Republic		•					
Denmark	•						
Estonia	•						
European Community	•						
Finland	•						
Georgia		•					
Germany		•					
Greece							
Hungary	•						
Iceland	•						
Ireland	•						
Italy		•					
Japan		•					
Kenya		•					
Latvia	•						
Lithuania	•						
Moldova			•				
Morocco		•					

Contracting Party	I.2						
	YES	NO, because the Agreement/ Protocol is of direct application	NO, there are no such provisions, although the Agreement/ Protocol is not of direct application	NO, but there is a procedure	Consists of Office practice	Is prescribed by Administrative Guidelines of Office	Other
Netherlands Antilles				•	•		
Norway	•						
Portugal				•		•	
Republic of Korea	•						
Russian Federation		•				•	
Serbia		•					
Singapore	•						
Slovakia		•					
Slovenia		•		•	•		
Spain		•			•		
Sweden	•						
Switzerland		•		•	•		
The former Yugoslav Republic of Macedonia		•					
Turkey				•	•		
Turkmenistan	•						
United Kingdom	•						
United States of America	•						
Uzbekistan		•					

Contracting Party	I.3			
	Use a specific form	Payment of fee	Extract of the International Register	Other
Antigua and Barbuda		•	•	
Armenia				Our national legislation does not provide use of a specific form, payment of a fee and extract of the International Register
Australia				Written request
Austria				
Bahrain	•			
Belarus				La demande du titulaire de prendre note d'un enregistrement international
Benelux				No specific requirements
Bulgaria		•		
China	•			
Croatia				Payment of fee for an ordinary administrative procedure
Cuba				Solicitud por escrito, en forma de carta, con la referencia del número de registro internacional y número(s) de registro(s) nacional(es) para la sustitución (puede estar involucrado más de un número de registro nacional, en dependencia de las clases, por las consecuencias del antiguo sistema de registro monoclasa)
Cyprus				Till present, our office communicates the act of replacement to the International Bureau in Geneva

Contracting Party	I.3			
	Use a specific form	Payment of fee	Extract of the International Register	Other
Czech Republic				Without specific form, requirement in accordance with Article 4 <i>bis</i> (1), (2), numbers of TMs
Denmark				The Danish Patent and Trademark Office has no formal requirements
Estonia				Written request by the holder
European Community				We consult data bases
Finland		•		
Georgia				Notification by the International Bureau of the international registration or subsequent designation
Germany				The GPTO only requires a request for replacement by the holder of the trademark
Greece				
Hungary				None of the above is required
Iceland		•		
Ireland	•			
Italy				The Italian Office requires only that the application by the holders, or his representative, includes a revenue stamp. No other fee has to be paid
Japan	•			
Kenya				
Latvia		•	•	
Lithuania		•		
Moldova				No requirements
Morocco				
Netherlands Antilles				We do not require any formalities yet
Norway		•		
Portugal	•	•		

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Contracting Party	I.3			
	Use a specific form	Payment of fee	Extract of the International Register	Other
Republic of Korea	•			
Russian Federation		•		
Serbia	•			
Singapore	•	•		
Slovakia		•		
Slovenia				We require a written request
Spain				
Sweden		•		
Switzerland				Un courrier avec mention du numéro d'enregistrement international et national
The former Yugoslav Republic of Macedonia				
Turkey		•		Letter of application and power of attorney
Turkmenistan		•	•	
United Kingdom	•			
United States of America		•		<p>1. both the registered extension of protection of the international registration and national registration must be owned by the same person and identify the same mark;</p> <p>2. all of the goods/services listed in national registration are also listed in registered extension of protection;</p>

Contracting Party	I.3			
	Use a specific form	Payment of fee	Extract of the International Register	Other
				3. must identify serial number or U.S. registration number of registered extension of protection; must identify U.S. registration number of replaced national registration
Uzbekistan			•	

Contracting Party	I.4						
	YES	No, because the Regulations are of direct application	No, there are no such provisions, although the Regulations are not of direct application	No, but there is a procedure	Consists of Office practice	Is prescribed by the Administrative Guidelines of Office	Other
Antigua and Barbuda	•						
Armenia		•					
Australia	•						
Austria		•					
Bahrain	•						
Belarus		•					
Benelux		•					
Bulgaria		•					
China				•	•		
Croatia		•					
Cuba				•	•		
Cyprus	•						
Czech Republic		•					
Denmark				•	•		
Estonia				•	•		
European Community				•		•	
Finland				•	•		
Georgia		•					
Germany		•					
Greece		•					
Hungary		•					
Iceland				•	•		
Ireland	•						
Italy		•					
Japan		•					
Kenya		•					
Latvia	•						
Lithuania		•					
Moldova			•				
Morocco		•					
Netherlands Antilles				•	•		

Contracting Party	I.4						
	YES	No, because the Regulations are of direct application	No, there are no such provisions, although the Regulations are not of direct application	No, but there is a procedure	Consists of Office practice	Is prescribed by the Administrative Guidelines of Office	Other
Norway				•		•	
Portugal				•		•	
Republic of Korea	•						
Russian Federation		•				•	
Serbia		•					
Singapore	•						
Slovakia		•					
Slovenia		•		•	•		
Spain		•					
Sweden				•	•		
Switzerland		•		•	•		
The former Yugoslav Republic of Macedonia		•					
Turkey				•	•		
Turkmenistan	•						
United Kingdom	•						
United States of America	•						
Uzbekistan		•					

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Contracting Party	II.1				
	NO	YES, but no more than 5 such requests	YES, between 5 and 20 such requests	YES, between 21 and 100 such requests	YES, more than 100 such requests
Antigua and Barbuda	•				
Armenia	•				
Australia				•	
Austria				•	
Bahrain	•				
Belarus			•		
Benelux	•				
Bulgaria				•	
China		•			
Croatia		•			
Cuba			•		
Cyprus		•			
Czech Republic		•			
Denmark				•	
Estonia			•		
European Community		•			
Finland				•	
Georgia			•		
Germany				•	
Greece				•	
Hungary		•			
Iceland		•			
Ireland			•		
Italy		•			
Japan			•		
Kenya	•				
Latvia				•	
Lithuania				•	
Moldova	•				
Morocco	•				
Netherlands Antilles		•			
Norway				•	
Portugal		•			
Republic of Korea			•		
Russian			•		

Contracting Party	II.1				
	NO	YES, but no more than 5 such requests	YES, between 5 and 20 such requests	YES, between 21 and 100 such requests	YES, more than 100 such requests
Federation					
Serbia		•			
Singapore				•	
Slovakia			•		
Slovenia		•			
Spain		•			
Sweden				•	
Switzerland			•		
The former Yugoslav Republic of Macedonia	•				
Turkey			•		
Turkmenistan			•		
United Kingdom				•	
United States of America			•		
Uzbekistan	•				

Contracting Party	II.2						
	NO	YES	None, so far	No more than 5	Between 5 and 20	Between 21 and 100	More than 100
Antigua and Barbuda		•	•				
Armenia	•						
Australia	•						
Austria	•						
Bahrain		•	•				
Belarus	•						
Benelux	•						
Bulgaria	•						
China	•						
Croatia	•						
Cuba	•						
Cyprus		•		•			
Czech Republic	•						
Denmark	•						
Estonia	•						
European Community	•						
Finland	•						
Georgia		•			•		
Germany	•						
Greece	•						
Hungary	•						
Iceland	•						
Ireland	•						
Italy	•						
Japan		•					
Kenya	•						
Latvia	•						
Lithuania	•						
Moldova	•						
Morocco	•						
Netherlands Antilles	•						
Norway	•						
Portugal		•			•		
Republic of Korea		•				•	
Russian Federation	•						

Contracting Party	II.2						
	NO	YES	None, so far	No more than 5	Between 5 and 20	Between 21 and 100	More than 100
Serbia		•		•			
Singapore	•						
Slovakia	•						
Slovenia	•						
Spain	•						
Sweden	•						
Switzerland	•						
The former Yugoslav Republic of Macedonia	•						
Turkey		•			•		
Turkmenistan	•						
United Kingdom	•						
United States of America	•						
Uzbekistan	•						

Contracting Party	III.1					
	The protection resulting from the international registration extends to the territory of your country/region	The national and international marks are in the name of the same holder	All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/region	The extension of the international registration to the territory of your country/region takes effect after the date of the national registration	Other	There would be no examination
Antigua and Barbuda	•	•	•	•		
Armenia	•	•	•	•		
Australia	•	•	•	•	The trade marks are identical	
Austria	•	•	•	•		
Bahrain	•	•	•	•		
Belarus	•	•	•	•		
Benelux	•	•	•	•		
Bulgaria	•	•	•	•		
China	•	•	•	•	The marks should be identical	
Croatia	•	•	•	•		
Cuba	•	•	•	•		
Cyprus	•	•	•	•		
Czech Republic	•	•	•	•	Identity of TMs	
Denmark	•	•	•	•		
Estonia	•	•	•	•		
European Community	•			•	Check that there are goods and services in common	
Finland	•	•	•	•		
Georgia	•	•	•	•		
Germany	•	•	•	•		
Greece	•	•	•	•		
Hungary	•	•	•	•		
Iceland	•	•	•	•		
Ireland	•	•	•	•		
Italy	•	•	•	•		

Contracting Party	III.1					
	The protection resulting from the international registration extends to the territory of your country/region	The national and international marks are in the name of the holder	All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/region	The extension of the international registration to the territory of your country/region takes effect after the date of the national registration	Other	There would be no examination
Japan	•	•	•		The national and international marks are the same	
Kenya	•	•	•	•	The marks are identical	
Latvia	•	•	•	•		
Lithuania	•	•	•		The international registration to the territory of your country has been extended after filing of a national application	
Moldova	•	•	•	•		
Morocco	•	•	•	•		
Netherlands Antilles	•	•	•	•		
Norway	•	•	•	•		
Portugal	•	•	•	•		
Republic of Korea	•	•	•	•		
Russian Federation	•	•	•			
Serbia	•	•	•	•	Identity of signs	
Singapore	•	•	•	•		
Slovakia	•	•	•	•		
Slovenia	•	•	•	•		
Spain	•	•	•			
Sweden	•	•	•	•		
Switzerland	•	•	•	•		
The former Yugoslav	•	•	•	•		

Contracting Party	III.1					
	The protection resulting from the international registration extends to the territory of your country/region	The national and international marks are in the name of the same holder	All the goods and services listed in the national registration are also listed in the international registration, in respect of the territory of your country/region	The extension of the international registration to the territory of your country/region takes effect after the date of the national registration	Other	There would be no examination
Republic of Macedonia						
Turkey	•	•	•	•	Payment of the replacement fee	
Turkmenistan	•	•	•	•		
United Kingdom	•	•	•	•		
United States of America	•	•	•	•	The same marks are identified in both the national and international registrations; request must provide registration numbers for both the national and extended registrations; proper fee is included	
Uzbekistan	•	•	•			

Contracting Party	III.2			
	NO, replacement would not take place	YES, with the remainder of the specification remaining unaffected in the national register	YES, but the Office would <i>ex officio</i> cancel the remainder of the specification in the national register	YES, but the holder would be required to request cancellation of the remainder of the specification in the national register
Antigua and Barbuda				•
Armenia		•		
Australia	•			
Austria		•		
Bahrain	•			
Belarus		•		
Benelux				•
Bulgaria		•		
China	•			
Croatia		•		
Cuba		•		
Cyprus	•			
Czech Republic		•		
Denmark	•			
Estonia				•
European Community		•		
Finland	•			
Georgia		•		
Germany	•			
Greece		•		
Hungary		•		
Iceland	•			
Ireland	•			
Italy	•			
Japan				•
Kenya				
Latvia		•		
Lithuania	•			
Moldova			•	
Morocco				•
Netherlands Antilles	•			
Norway	•			

Contracting Party	III.2			
	NO, replacement would not take place	YES, with the remainder of the specification remaining unaffected in the national register	YES, but the Office would <i>ex officio</i> cancel the remainder of the specification in the national register	YES, but the holder would be required to request cancellation of the remainder of the specification in the national register
Portugal		•		
Republic of Korea	•			
Russian Federation		•		
Serbia	•			
Singapore				•
Slovakia		•		
Slovenia		•		
Spain		•		
Sweden	•			
Switzerland		•		
The former Yugoslav Republic of Macedonia		•		
Turkey	•			
Turkmenistan	•			
United Kingdom		•		
United States of America	•			
Uzbekistan				•

Contracting Party	III.3			
	On the date of international registration or subsequent designation	On the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection	Other
Antigua and Barbuda	•			
Armenia			•	
Australia				When the mark becomes protected
Austria	•			
Bahrain	•			
Belarus				Après la date d'inscription dans le registre national
Benelux				The BOIP does not have an opinion on this issue
Bulgaria		•		
China		•		
Croatia		•		
Cuba		•		
Cyprus		•		
Czech Republic	•			
Denmark	•			
Estonia		•		
European Community	•			
Finland	•			
Georgia	•			
Germany	•			
Greece	•			
Hungary				On the date of issuing of a decision on the recordal of the replacement in the national register
Iceland	•			
Ireland			•	
Italy		•		
Japan	•			
Kenya	•			
Latvia		•		

Contracting Party	III.3			
	On the date of international registration or subsequent designation	On the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, on the date of issuing of statement of grant of protection	Other
Lithuania				From the day of record in the national register, which shall be made within one month from the date of the receipt of the request of replacement
Moldova				From the date of record in the national register
Morocco		•		
Netherlands Antilles	•			
Norway	•			
Portugal			•	
Republic of Korea			•	
Russian Federation		•		
Serbia	•			
Singapore				On the date the international registration is updated as registered in our national register
Slovakia		•		
Slovenia	•			
Spain			•	
Sweden	•			
Switzerland		•		
The former Yugoslav Republic of Macedonia	•			
Turkey			•	
Turkmenistan			•	
United Kingdom	•			
United States of America			•	
Uzbekistan			•	

Contracting Party	III.4	
	YES	NO
Antigua and Barbuda	•	
Armenia		•
Australia		
Austria		
Bahrain		
Belarus		•
Benelux		•
Bulgaria		•
China	•	
Croatia	•	
Cuba	•	
Cyprus	•	
Czech Republic	•	
Denmark		
Estonia	•	
European Community		
Finland		
Georgia		
Germany		
Greece		
Hungary	•	
Iceland		
Ireland		
Italy		•
Japan		
Kenya		
Latvia		•
Lithuania		
Moldova		
Morocco	•	
Netherlands Antilles	•	
Norway		
Portugal	•	
Republic of Korea		•
Russian Federation		•
Serbia		
Singapore		
Slovakia	•	
Slovenia	•	
Spain	•	
Sweden		

Contracting Party	III.4	
	YES	NO
Switzerland	•	
The former Yugoslav Republic of Macedonia		
Turkey	•	
Turkmenistan		•
United Kingdom		
United States of America		•
Uzbekistan		•

Contracting Party	III.5			
	After the date of notification by the International Bureau of the international registration or subsequent designation in question	Only from the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection	Other
Antigua and Barbuda	•			
Armenia	•			
Australia	•			
Austria	•			
Bahrain	•			
Belarus		•		
Benelux				The BOIP does not have an opinion on this issue
Bulgaria	•			
China		•		
Croatia	•			
Cuba	•			
Cyprus	•			
Czech Republic	•			
Denmark	•			The Danish Patent and Trademark Office can not take note of the international registration in accordance with Article 4bis before the designation of Denmark has been accepted
Estonia	•			
European Community	•			
Finland	•			
Georgia	•			
Germany	•			
Greece	•			
Hungary	•			
Iceland	•			
Ireland			•	
Italy	•			

Contracting Party	III.5			
	After the date of notification by the International Bureau of the international registration or subsequent designation in question	Only from the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection	Other
Japan	•			
Kenya				On submission of a prescribed form and payment of prescribed fees. NOTE: Form and Fees not prescribed as yet
Latvia		•		
Lithuania	•			
Moldova		•		Only from the date of expiry of the refusal period, if the trademark has been accepted
Morocco		•		
Netherlands Antilles	•			
Norway	•			
Portugal			•	
Republic of Korea	•			
Russian Federation		•		
Serbia	•			
Singapore	•			
Slovakia	•			
Slovenia	•			
Spain	•			
Sweden	•			
Switzerland	•	•		
The former Yugoslav Republic of Macedonia	•			
Turkey			•	
Turkmenistan	•			

Contracting Party	III.5			
	After the date of notification by the International Bureau of the international registration or subsequent designation in question	Only from the date of expiry of the refusal period	In the event that your Office issues statements of grant of protection, only after the date of issuing of statement of grant of protection	Other
United Kingdom				On the filing of a form TM28 "Request for recordal of concurrent registration", for which there is no fee
United States of America			•	
Uzbekistan			•	

Contracting Party	III.6			
	YES	YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	NO, the Office <i>ex officio</i> cancels the national registration	NO, the holder needs to renounce the national registration
Antigua and Barbuda		•		
Armenia	•			
Australia	•			
Austria	•			
Bahrain	•			
Belarus	•			
Benelux	•			
Bulgaria	•			
China		•		
Croatia	•			
Cuba	•			
Cyprus	•			
Czech Republic	•			
Denmark	•			
Estonia	•			
European Community	•			
Finland	•			
Georgia			•	
Germany			•	
Greece	•			
Hungary	•			
Iceland	•			
Ireland	•			
Italy	•			
Japan	•			
Kenya	•			
Latvia	•			
Lithuania	•			
Moldova	•			
Morocco	•			
Netherlands Antilles		•		
Norway	•			
Portugal			•	

Contracting Party	III.6			
	YES	YES, but only for the remainder of the current term of protection (i.e., the national registration may not be renewed)	NO, the Office <i>ex officio</i> cancels the national registration	NO, the holder needs to renounce the national registration
Republic of Korea	•			
Russian Federation	•			
Serbia			•	
Singapore	•			
Slovakia		•		
Slovenia		•		
Spain			•	
Sweden	•			
Switzerland	•			
The former Yugoslav Republic of Macedonia	•			
Turkey	•			
Turkmenistan			•	
United Kingdom	•			
United States of America	•			
Uzbekistan				•

Contracting Party	III.7	
	YES	NO
Antigua and Barbuda	•	
Armenia		
Australia		
Austria		
Bahrain		
Belarus		•
Benelux		
Bulgaria	•	
China		
Croatia		
Cuba		
Cyprus		
Czech Republic		
Denmark		
Estonia		
European Community		
Finland		
Georgia	•	
Germany		•
Greece		
Hungary	•	
Iceland		
Ireland		
Italy		
Japan		
Kenya		
Latvia		
Lithuania		
Moldova		
Morocco		
Netherlands Antilles	•	
Norway		
Portugal	•	
Republic of Korea		
Russian Federation		
Serbia		
Singapore		
Slovakia		
Slovenia	•	
Spain		•
Sweden		
Switzerland		
The former Yugoslav Republic of Macedonia		

Contracting Party	III.7	
	YES	NO
Turkey		
Turkmenistan	•	
United Kingdom		
United States of America		
Uzbekistan		•

Contracting Party	III.8	
	YES	NO
Antigua and Barbuda		•
Armenia	•	
Australia		•
Austria		
Bahrain	•	
Belarus	•	
Benelux	•	
Bulgaria	•	
China		
Croatia	•	
Cuba	•	
Cyprus		•
Czech Republic	•	
Denmark		•
Estonia	•	
European Community	•	
Finland		•
Georgia	•	
Germany	•	
Greece		•
Hungary	•	
Iceland		•
Ireland		
Italy	•	
Japan		
Kenya	•	
Latvia	•	
Lithuania		•
Moldova	•	
Morocco	•	
Netherlands Antilles	•	
Norway	•	
Portugal	•	
Republic of Korea	•	
Russian Federation	•	
Serbia		
Singapore	•	
Slovakia	•	
Slovenia	•	
Spain		
Sweden	•	
Switzerland		
The former Yugoslav Republic of Macedonia		

Contracting Party	III.8	
	YES	NO
Turkey	•	
Turkmenistan	•	
United Kingdom	•	
United States of America	•	
Uzbekistan	•	

Contracting Party	IV.1			
	YES, even if the international registration has not been noted in the national register	YES, but only if the international registration has been noted in the national register	NO	Do not know
Antigua and Barbuda				•
Armenia			•	
Australia				•
Austria		•		
Bahrain				•
Belarus				•
Benelux				•
Bulgaria			•	
China			•	
Croatia		•		
Cuba			•	
Cyprus				•
Czech Republic		•		
Denmark	•			
Estonia				•
European Community				•
Finland	•			
Georgia		•		
Germany			•	
Greece		•		
Hungary		•		
Iceland		•		
Ireland				•
Italy	•			
Japan			•	
Kenya				•
Latvia		•		
Lithuania				•
Moldova			•	
Morocco				•
Netherlands Antilles		•		
Norway	•			
Portugal			•	
Republic of Korea	•			
Russian Federation				•
Serbia				•
Singapore			•	
Slovakia			•	

Contracting Party	IV.1			
	YES, even if the international registration has not been noted in the national register	YES, but only if the international registration has been noted in the national register	NO	Do not know
Slovenia			•	
Spain			•	
Sweden				•
Switzerland				•
The former Yugoslav Republic of Macedonia				•
Turkey				•
Turkmenistan			•	
United Kingdom		•		
United States of America			•	
Uzbekistan			•	

Contracting Party	IV.2		
	YES	NO	Do not know
Antigua and Barbuda	•		
Armenia			•
Australia	•		
Austria			
Bahrain	•		
Belarus	•		
Benelux	•		
Bulgaria	•		
China	•		
Croatia	•		
Cuba		•	
Cyprus	•		
Czech Republic	•		
Denmark		•	
Estonia	•		
European Community	•		
Finland			•
Georgia	•		
Germany		•	
Greece	•		
Hungary	•		
Iceland			•
Ireland			•
Italy	•		
Japan			•
Kenya	•		
Latvia	•		
Lithuania	•		
Moldova	•		
Morocco	•		
Netherlands Antilles			•
Norway			•
Portugal	•		
Republic of Korea	•		
Russian Federation	•		
Serbia			•
Singapore	•		
Slovakia	•		
Slovenia			•
Spain	•		
Sweden			•
Switzerland	•		
The former Yugoslav Republic of Macedonia			•

Contracting Party	IV.2		
	YES	NO	Do not know
Turkey	•		
Turkmenistan	•		
United Kingdom	•		
United States of America			
Uzbekistan	•		

[End of Annex II and of document]