

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Seventh Session
Geneva, July 7 to 10, 2009

SUMMARY BY THE CHAIR

approved by the Working Group

1. The Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”) met in Geneva from July 7 to 10, 2009.
2. The following Contracting Parties of the Madrid Union were represented at the session: Australia, Austria, Belgium, China, Cuba, Czech Republic, Denmark, European Community, Finland, France, Germany, Greece, Hungary, Italy, Japan, Kazakhstan, Kenya, Latvia, Lithuania, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Korea, Russian Federation, Sao Tome and Principe, Serbia, Singapore, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Viet Nam (36).
3. The following States were represented by observers: Brazil, Indonesia (2).
4. Representatives of the following international intergovernmental organization (IGO) took part in the session in an observer capacity: Benelux Organisation for Intellectual Property (BOIP) (1).

5. Representatives of the following international non-governmental organizations (NGOs) took part in the session in an observer capacity: *Association romande de propriété intellectuelle* (AROPI), Centre for International Intellectual Property Studies (CEIPI), European Communities Trade Mark Association (ECTA), German Association for the Protection of Industrial Property and Copyright Law (GRUR), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Federation of Industrial Property Attorneys (FICPI), International Trademark Association (INTA), Japan Patent Attorneys Association (JPAA), MARQUES (Association of European Trademark Owners), Union of European Practitioners in Industrial Property (UNION) (10).

6. The list of participants is contained in the Annex to this report.

Agenda Item 1: Opening of the session

7. Mr. Ernesto Rubio, Assistant Director General, on behalf of the Director General Mr. Francis Gurry, opened the session and introduced the Draft Agenda.

Agenda Item 2: Election of a Chair and two Vice-Chairs

8. Mr. António Campinos (Portugal) was unanimously elected as Chair of the Working Group, and Mr. Chan Ken Yu Louis (Singapore) and Mr. David Lambert (Switzerland) were elected as Vice-Chairs.

9. Mr. Grégoire Bisson (WIPO) acted as Secretary to the Working Group.

Agenda Item 3: Adoption of the Agenda

10. The Working Group adopted the Draft Agenda (document MM/LD/WG/7/1 Prov.) without modification.

Agenda Item 4: Adoption of the Draft Report of the Sixth Session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks

11. The Working Group adopted the revised draft report of the sixth session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks, as contained in document MM/LD/WG/6/7 Prov.2, without comment.

Agenda Item 5: Additional Filing Languages

12. Discussions were based on document MM/LD/WG/7/2., “Study on the Possible Introduction of ‘Filing Languages’ in the Madrid System”, prepared by the International Bureau, which was introduced by the Secretariat.

13. The International Bureau made a demonstration of the Madrid Filing Assistant, a forthcoming electronic tool that will give access to a database of indications of goods and services that are acceptable for the International Bureau and would assist in the filing of international applications under the Madrid system.
14. The Working Group took note of the study on the possible introduction of additional filing languages in the Madrid system, prepared by the International Bureau.
15. The Working Group was open to the possibility of introducing additional filing languages in the Madrid system, on the basis of bilateral agreements between the International Bureau and interested Offices meeting certain language eligibility criteria. Those bilateral agreements would provide for electronic communication and cooperation on the building of a database of acceptable terms for the indication of goods and services in the language concerned.
16. While some delegations indicated the readiness of their Offices to engage in such a type of agreement, others expressed concern about the feasibility of applying the procedure outlined in the study, particularly with regard to the operational implications for their Offices and for the International Bureau.
17. The Working Group agreed that a pilot project be established involving the participation of interested Offices meeting the criteria proposed in paragraph 43 of document MM/LD/WG/7/2., with a view to verifying the feasibility of the proposal to introduce new filing languages. The project would examine, *inter alia*, the implications of the proposed procedure, in particular, in terms of costs and compliance with time limits.
18. The Working Group recommended that the Assembly mandate the International Bureau to undertake such a pilot project and report its results to the Working Group and to the Assembly in due course.

Agenda Item 6: Other Matters

Contribution by Switzerland – Division of International Registrations

19. Discussions were based on document MM/LD/WG/7/3, prepared by the International Bureau.
20. The Working Group agreed that a study should be conducted by the International Bureau in order to ascertain the impact and the consequences of the possible introduction of a procedure which would permit the division of international registrations. The Working Group indicated that such a study should also examine the practices of Contracting Parties of the Madrid system in this regard. In due course, the International Bureau would present to the Working Group the results of the study.

Agenda Item 7: Summary by the Chair

21. The Working Group approved the Summary by the Chair as contained in the present document.

Agenda Item 8: Closing of the Session

22. The session was closed on July 10, 2009.

[Annex follows]

ANNEX

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

ALLEMAGNE/GERMANY

Li-Feng SCHROCK, Senior Ministerial Counsellor, Federal Ministry of Justice, Berlin

Carolin HÜBENETT (Ms.), Counsellor, German Patent and Trade Mark Office, Munich

AUSTRALIE/AUSTRALIA

Edwina LEWIS (Ms.), Assistant Director, International Policy Section, IP Australia, Woden ACT

AUTRICHE/AUSTRIA

Tanja WALCHER (Mrs.), Legal Department, Austrian Patent Office, Vienna

BELGIQUE/BELGIUM

Leen DE CORT (Mlle), attachée au Service des affaires juridiques et internationales, Office de la propriété intellectuelle, Direction générale de la régulation et de l'organisation du marché, Service public fédéral, économie, P.M.E., classes moyennes et énergie, Bruxelles

CHINE/CHINA

WU Qun, Director, Division of International Registrations, Trademark Office, State Administration for Industry and Commerce (SAIC), Beijing

COMMUNAUTÉ EUROPÉENNE (CE)/EUROPEAN COMMUNITY (EC)

Tomas Lorenzo EICHENBERG, Principal Administrator, Directorate General for Internal Market, European Commission, Brussels

Vincent O'REILLY, Director, Department for Industrial Property Policy, Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM), Alicante

CUBA

Clara Amparo MIRANDA VILA (Sra.), Jefa del Departamento de Marcas y Otros Signos Distintivos, Oficina Cubana de la Propiedad Industrial (OCPI), La Habana

DANEMARK/DENMARK

Anja M. BECH HORNECKER (Ms.), Special Legal Advisor, International Affairs, Danish Patent and Trademark Office, Ministry of Economic and Business Affairs, Taastrup

Christina M. F. JENSEN (Ms.), Legal Advisor, Trademarks/Designs, Danish Patent and Trademark Office, Ministry of Economic and Business Affairs, Taastrup

ESPAGNE/SPAIN

María del Carmen FERNÁNDEZ RODRÍGUEZ (Sra.), Jefa del Servicio de Examen de Marcas VI, Departamento de Signos Distintivos, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Turismo y Comercio, Madrid

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Brad HUTHER, Senior Director, Global Intellectual Property Center, United States Chamber of Commerce, Washington

Patricia KABULEETA (Ms.), Global Intellectual Property Center, United States Chamber of Commerce, Washington

Deborah LASHLEY-JOHNSON (Mrs.), Intellectual Property Attaché for Economic and Science Affairs, Permanent Mission, Geneva

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Tatiana ZMEEVSKAYA (Mrs.), Head of Division, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), Moscow

Larisa POLYAKOVA (Ms.), Senior Patent Examiner, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), Moscow

FINLANDE/FINLAND

Marjo AALTO-SETÄLÄ (Ms.), Coordinator of International Affairs, National Board of Patents and Registration, Helsinki

FRANCE

Daphné DE BECO (Mme), chargée de mission au Service des affaires européennes et internationales, Institut national de la propriété industrielle (INPI), Paris

Mathilde MECHIN (Mme), chargée de mission au Service des affaires juridiques et contentieuses, Institut national de la propriété industrielle (INPI), Paris

GRÈCE/GREECE

Stavroula KOUVARI-KOMATANOU (Mrs.), Director, Directorate of Commercial and Industrial Property, Ministry of Development, Athens

Evangelia GKRIMPA (Mrs.), Economist/Marketer, Directorate of Commercial and Industrial Property, Ministry of Development, Athens

HONGRIE/HUNGARY

Krisztina KOVÁCS (Ms.), Head, Industrial Property Law Section, Hungarian Patent Office, Budapest

ITALIE/ITALY

Renata CERENZA (Mrs.), First Examiner, International and Community Trademarks, Italian Patent and Trademark Office, Ministry of Economic Development, Rome

JAPON/JAPAN

Hirofumi AOKI, Director, Trademark Examination Planning, Trademark, Design and Administrative Affairs Department, Japan Patent Office (JPO), Tokyo

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KAZAKHSTAN

Nurzhan KUMAROV, A.I. Chief Officer, Committee for Intellectual Property Rights, Ministry of Justice, Astana

KENYA

Elvine Beryl APIYO (Mrs.), Legal Officer, Kenya Industrial Property Institute (KIPI), Nairobi

LETONIE/LATVIA

Līga RINKA (Mrs.), Deputy Director, International Trademark Matters, Department of Trademarks and Industrial Designs, Patent Office of the Republic of Latvia, Riga

LITUANIE/LITHUANIA

Jūratė KAMINSKIENĖ (Ms.), Head, Examination Subdivision, Trademarks and Designs Division, State Patent Bureau of the Republic of Lithuania, Vilnius

MONTÉNÉGRO/MONTENEGRO

Dušanka PEROVIĆ (Mrs.), Deputy Director, Intellectual Property Office, Ministry of Economic Development, Podgorica

NORVÈGE/NORWAY

Solvår Winnie FINNANGER (Ms.), Senior Legal Advisor, Section 3 Trademarks, Design and Trademarks Department, Norwegian Industrial Property Office, Oslo

Debbie RØNNING (Ms.), Senior Legal Advisor, Legal and International Affairs, Norwegian Industrial Property Office, Oslo

PAYS-BAS/NETHERLANDS

Angela VAN DER MEER (Mrs.), Senior Policy Advisor, Directorate-General for Enterprise and Innovation, Innovation Department, Ministry of Economic Affairs, The Hague

POLOGNE/POLAND

Maciej KRAWCZYK, chef de division au Département d'examen des marques, Office des brevets de la République de Pologne, Varsovie

PORTUGAL

António Serge CAMPINOS, President, National Institute of Industrial Property (INPI), Ministry of Justice, Lisbon

Luis SERRADAS FAVARES, Legal Counsellor, Permanent Mission, Geneva

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

YOO Jin-Ou, Deputy Director, International Application Division, Korean Intellectual Property Office (KIPO), Daejeon

RYU Gil-Fan, International Trademark Examiner, International Trademark Examination Team, Korean Intellectual Property Office (KIPO), Daejeon

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Zlatuše BRAUNŠTEINOVÁ (Ms.), Trademarks Department, Industrial Property Office, Prague

ROYAUME-UNI/UNITED KINGDOM

Mark JEFFERISS, Trade Marks and Designs Operations Manager, Intellectual Property Office, Newport

SAO TOMÉ-ET-PRINCIPE/SAO TOME AND PRINCIPE

Domingos DA SILVA DA TRINDADE, directeur de l'industrie, Service national de la propriété industrielle (SENAPI), Sao Tomé

SERBIE/SERBIA

Mirela BOŠKOVIĆ (Ms.), Assistant Director, Intellectual Property Office, Belgrade

Marija PETROVIĆ (Mrs.), Senior Counsellor, International Trademarks Division, Intellectual Property Office, Belgrade

SINGAPOUR/SINGAPORE

CHAN Ken Yu Louis, Director and Legal Counsel, Registry of Trade Marks, Intellectual Property Office of Singapore (IPOS), Singapore

SUÈDE/SWEDEN

Anneli SKOGLUND (Mrs.), Deputy Director, Division for Intellectual Property and Transport Law, Ministry of Justice, Stockholm

Göran SÖDERSTRÖM, Deputy Director, Division for Intellectual Property and Transport Law, Ministry of Justice, Stockholm

Anne GUSTAVSSON (Ms.), Senior Legal Advisor, Designs and Trademarks Department, Swedish Patent and Registration Office, Söderhamn

SUISSE/SWITZERLAND

Sandrine GERBER (Mme), conseillère juridique au Service juridique des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

David LAMBERT, conseiller juridique au Service juridique des marques, Division droit et affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

Julie POUPINET (Mme), responsable de section suppléante, Institut fédéral de la propriété intellectuelle (IPI), Berne

UKRAINE

Olena LYEVICHEVA (Mrs.), Head, Rights on Designation Division, Ukrainian Industrial Property Institute, State Department of Intellectual Property (SDIP), Ministry of Education and Science, Kyiv

Svitlana SUKHINOVA (Mrs.), Head, Department of International Trademark Registrations, Ukrainian Industrial Property Institute, State Department of Intellectual Property (SDIP), Ministry of Education and Science, Kyiv

VIET NAM

NGUYEN Thi Minh Hien (Mrs.), Director, Trademark Division 2, National Office of Intellectual Property (NOIP), Hanoi

II. ÉTATS OBSERVATEURS/OBSERVER STATES

BRÉSIL/BRAZIL

Schmuell Lopes CANTANHEDE, Trademark Examiner/Project Coordinator, National Institute of Industrial Property (INPI), Rio de Janeiro

Marcus Vinicius DUDKIEWICZ, Deputy Coordinator, National Institute of Industrial Property (INPI), Rio de Janeiro

INDONÉSIE/INDONESIA

Almira DEVAYANTI (Miss), Directorate General of Legal Affairs and International Treaties, Directorate of Legal and International Treaties on Economic, Social and Cultural Affairs, Department of Foreign Affairs, Jakarta

Yasmi ADRIANSYAH, First Secretary, Permanent Mission, Geneva

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

ORGANISATION BENELUX DE LA PROPRIÉTÉ INTELLECTUELLE (OBPI)/BENELUX
ORGANISATION FOR INTELLECTUAL PROPERTY (BOIP)

Hugues DERÈME, directeur général adjoint, La Haye

Camille JANSSEN, juriste, La Haye

IV. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Association allemande pour la propriété industrielle et le droit d'auteur (GRUR)/German Association for the Protection of Industrial Property and Copyright Law (GRUR)
Alexander VON MÜHLEND AHL (Attorney-at-Law, Munich)

Association communautaire du droit des marques (ECTA)/European Communities Trade Mark Association (ECTA)
Jan WREDE (Law Committee member, Antwerp)
Anne-Laure COVIN (Mrs.) (Legal Co-ordinator, Brussels)

Association internationale pour la promotion de l'enseignement et de la recherche en propriété intellectuelle (ATRIP)/International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)
François CURCHOD (représentant, Genolier)

Association japonaise des conseils en brevet (JPAA)/Japan Patent Attorneys Association (JPAA)
Reiko TOYOSAKI (Ms.) (Member, International Activities Center, Tokyo)
Chikako MORI (Ms.) (Member, Trademark Committee, Tokyo)

Association romande de propriété intellectuelle (AROPI)
Éric NOËL (observateur, Genève)

Centre d'études internationales de la propriété intellectuelle (CEIPI)/Centre for International Intellectual Property Studies (CEIPI)
François CURCHOD (chargé de mission, Genolier)

Fédération internationale des conseils en propriété industrielle (FICPI)/International Federation of Industrial Property Attorneys (FICPI)
Jean-Marie BOURGOGNON (Representative, Paris)

International Trademark Association (INTA)
Bruno MACHADO (Geneva Representative, Rolle)

MARQUES (Association des propriétaires européens de marques de commerce)/MARQUES (Association of European Trademark Owners)
Jane COLLINS (Mrs.) (Immediate Past President, Basel)

Union des praticiens européens en propriété industrielle (UNION)/Union of European Practitioners in Industrial Property (UNION)
Laurent OVERATH (vice-président, Commission des marques, Bruxelles)

V. BUREAU/OFFICERS

Président/Chair:	António Serge CAMPINOS (Portugal)
Vice-présidents/Vice-Chairs:	CHAN Ken Yu Louis (Singapour/Singapore)
	David LAMBERT (Suisse/Switzerland)
Secrétaire/Secretary:	Grégoire BISSON (OMPI/WIPO)

VI. **SECRETARIAT DE L'ORGANISATION MONDIALE DE LA
PROPRIÉTÉ INTELLECTUELLE (OMPI)/
SECRETARIAT OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)**

Ernesto RUBIO, sous-directeur général/Assistant Director General

Juan Antonio TOLEDO BARRAZA, directeur du Département des enregistrements internationaux/Director, International Registrations Department

Neil WILSON, directeur de la Division de l'appui fonctionnel/Director, Functional Support Division

Grégoire BISSON, chef du Service juridique des systèmes d'enregistrement international/Head, International Registration Systems Legal Service

Alan DATRI, conseiller principal au Bureau du sous-directeur général/Senior Counsellor, Office of the Assistant Director General

Päivi LÄHDESMÄKI (Mlle/Miss), juriste principale au Service juridique des systèmes d'enregistrement international/Senior Legal Officer, International Registration Systems Legal Service

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