



The Madrid Working Group Roundtable

**Geneva
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Types of irregularities

- Classification of goods and/or services – Office of origin
 - Goods and services not in the appropriate classes or not classified (Rule 12)

- Indication of goods and/or services – Office of origin
 - Too vague, incomprehensible or linguistically incorrect (Rule 13)

- Miscellaneous – Office of origin, Applicant or Both
 - Signature of the Office of origin, entitlement of the applicant, basic registration/application, priority claim, MM18 Form, fees, etc. (Rule 11)

Rule 12

- Proposal from the International Bureau (3 month time-limit/2 month reminder)
- Office of origin's response – fees paid
 - Withdrawal of the proposal = registered as filed
 - Modification of the proposal = registered as per modification
 - Confirmation of the proposal = registered as per the International Bureau's proposal
- No response from the Office of origin
 - Fees paid = registered (as per the International Bureau's proposal)
 - Fees not paid = application abandoned
 - Non-payment of any additional amount of fees = application abandoned (refund*)

Opinion of the International Bureau prevails

* Refund: fees paid minus ½ basic fee for a registration in black and white

Rule 13

- Suggestions from the International Bureau (3 month time-limit/no reminder)

- Office of origin's response – fees paid
 - Accepted by the International Bureau = **registered** (as per the Office of origin's response)
 - Rejected by the International Bureau
 - **registered** as filed (if term is classified with annotation from the International Bureau)
 - **registered** (term deleted if not classified)

- No response from the Office of origin
 - Fees paid
 - **registered** as filed (if term is classified with annotation from the International Bureau)
 - **registered** (term deleted if not classified)

 - Fees not paid = **application abandoned**

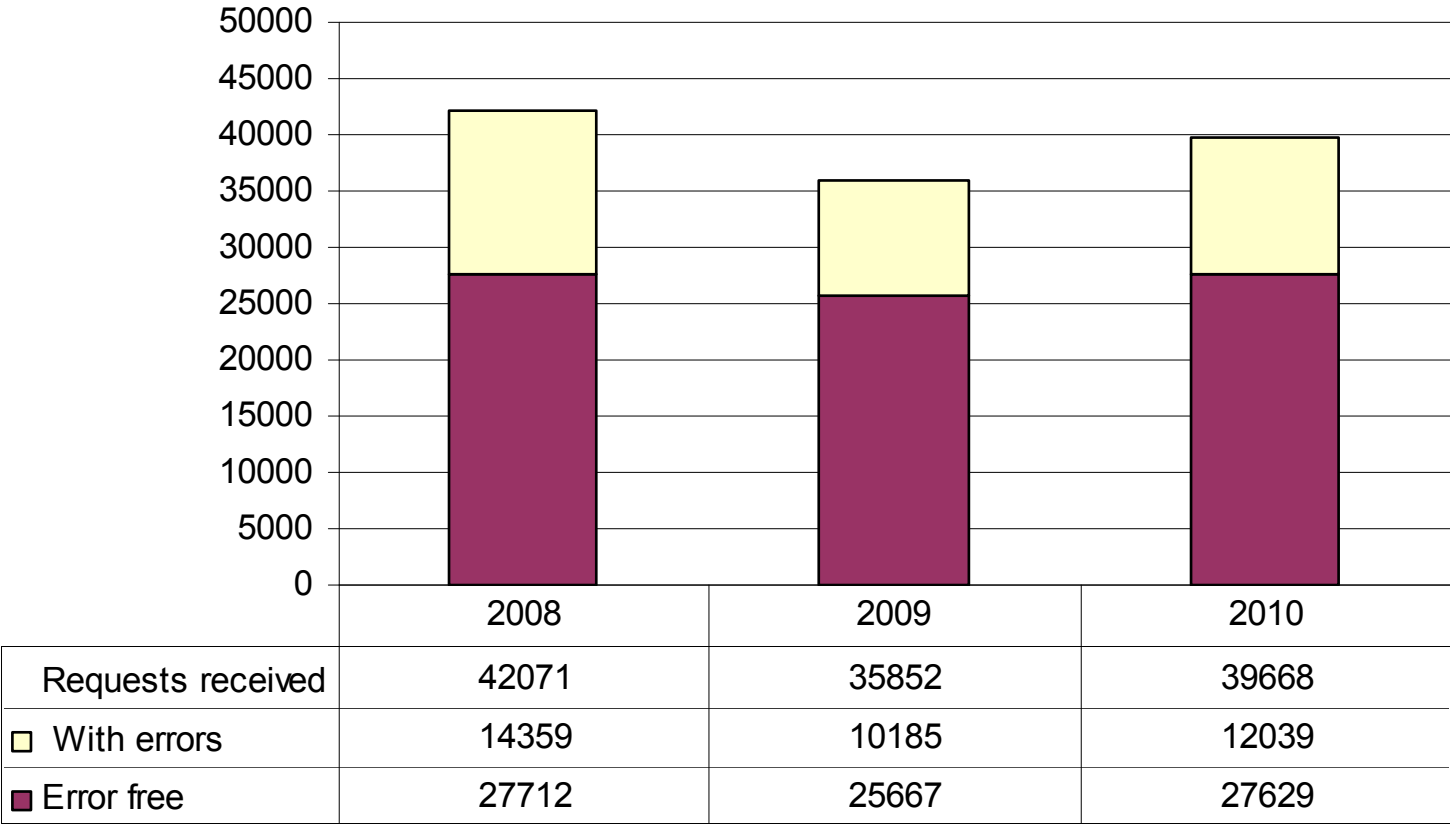
Opinion of the International Bureau prevails

Rule 11

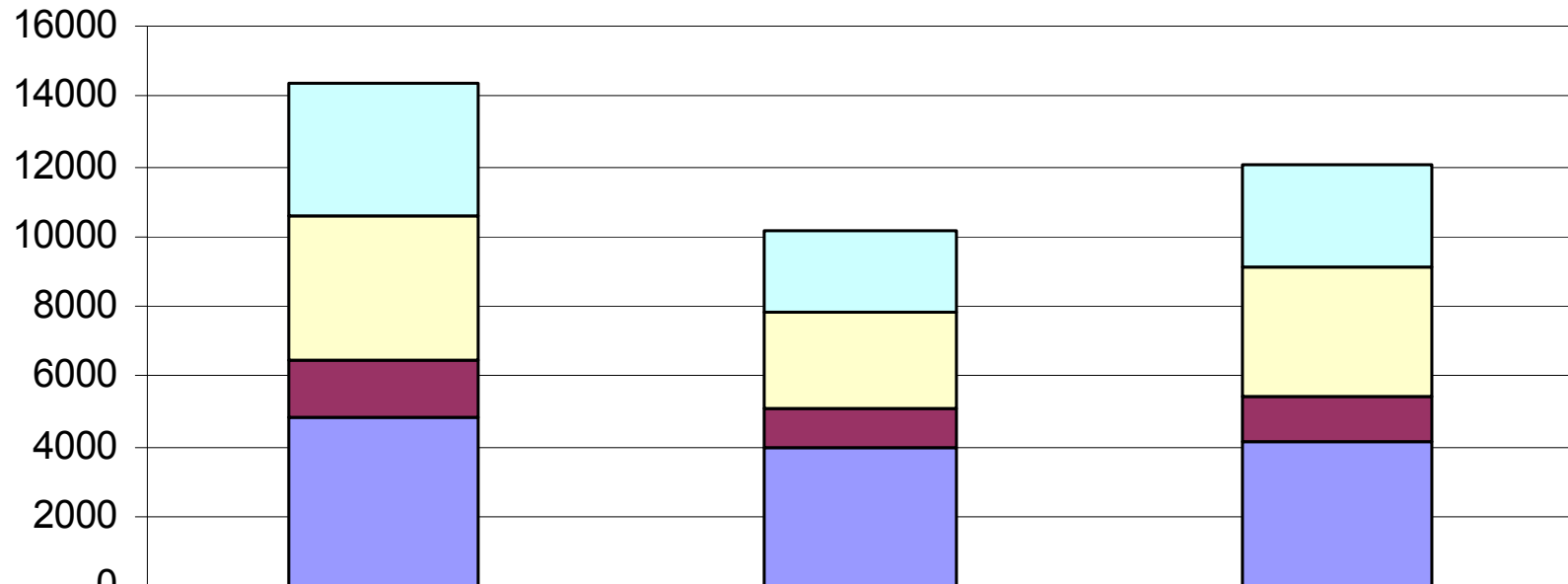
- Notice from the International Bureau (3 month time-limit - with the exception of the MM18 Form, when the United States of America is designated)
- Office of origin's/applicant's response – fees paid
 - Corrected = **registered**
 - Not corrected = **application abandoned (refund*)**
 - United States of America (MM18):
 - MM18 received within a period of 2 months from the date of receipt of the international application by the Office of origin = **registered** with the designation of the United States of America
 - No MM18 received/MM18 received after the period of 2 months = withdrawal of the designation of the United States of America (refund + possibility of subsequent designation)
- No response from the Office of origin/applicant
 - Where the irregularity relates to a deficiency in the indications concerning a priority claim = **registered** without the priority claim
 - Fees not paid = **application abandoned**
 - Other cases = **application abandoned (refund*)**

*Refund: fees paid minus ½ basic fee for a registration in black and white

Irregularities in international applications

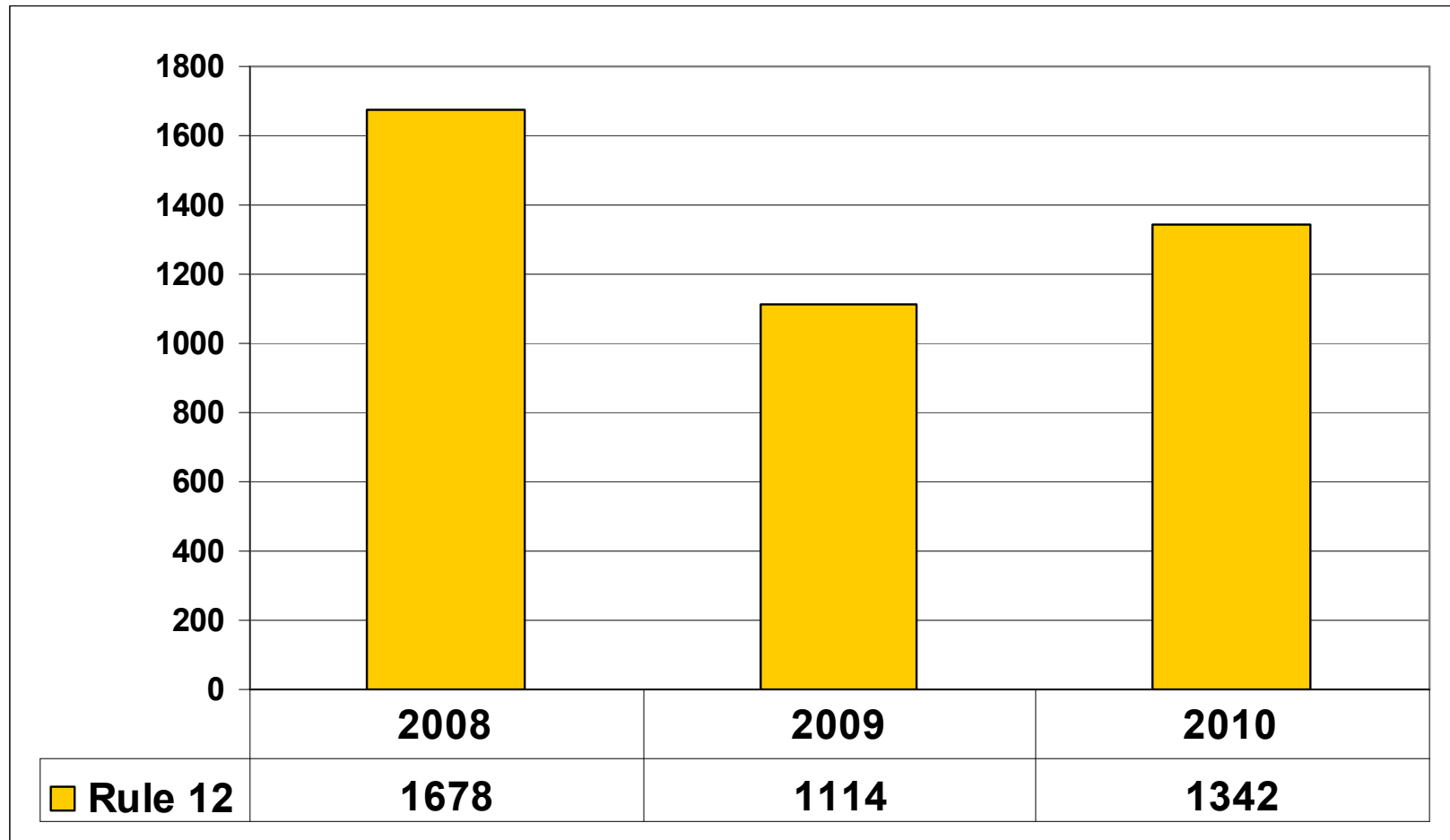


Type of irregularities

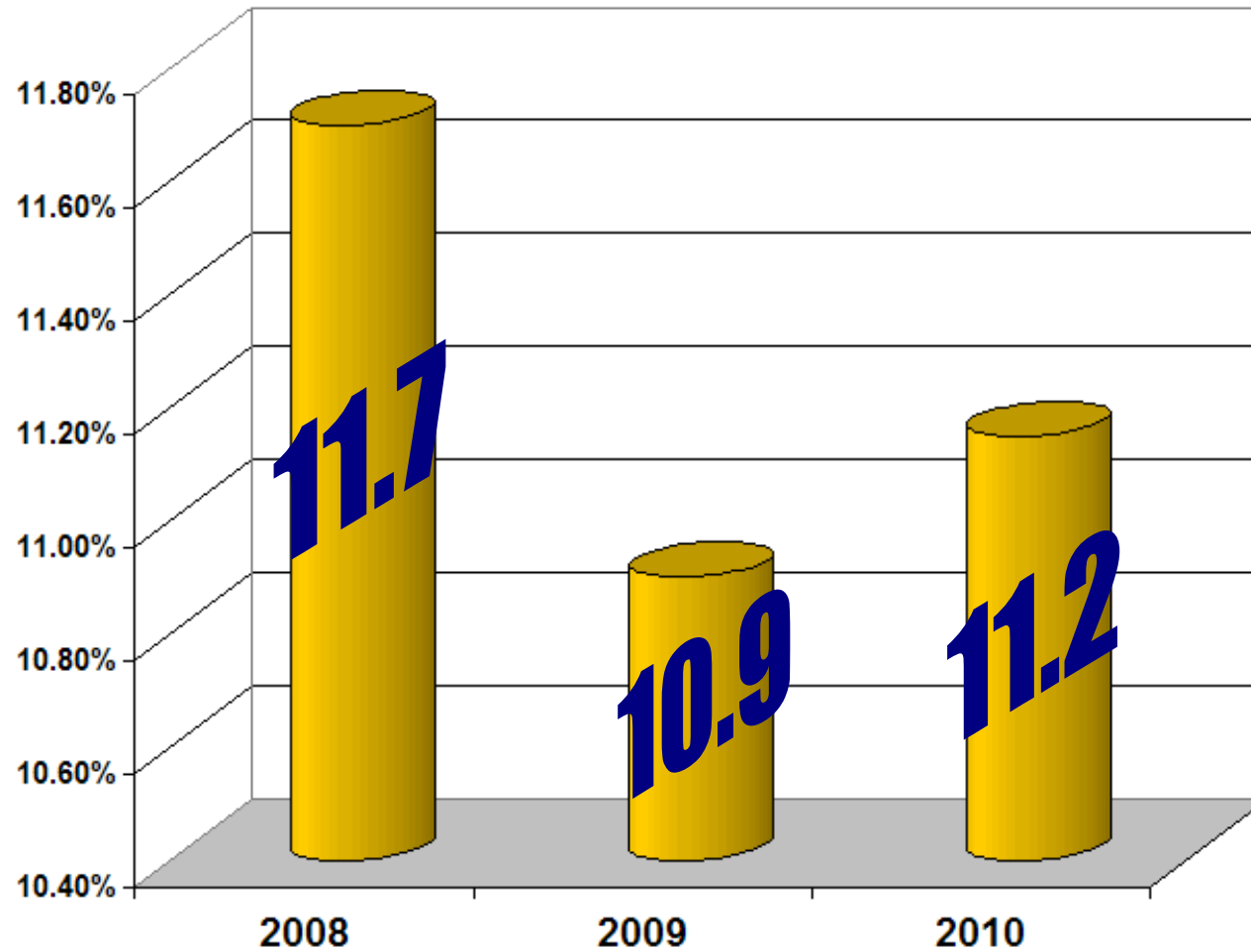


	2008	2009	2010
Others	3774	2385	2940
Rule 13	4099	2710	3659
Rule 12	1678	1114	1342
Rule 11	4808	3976	4098

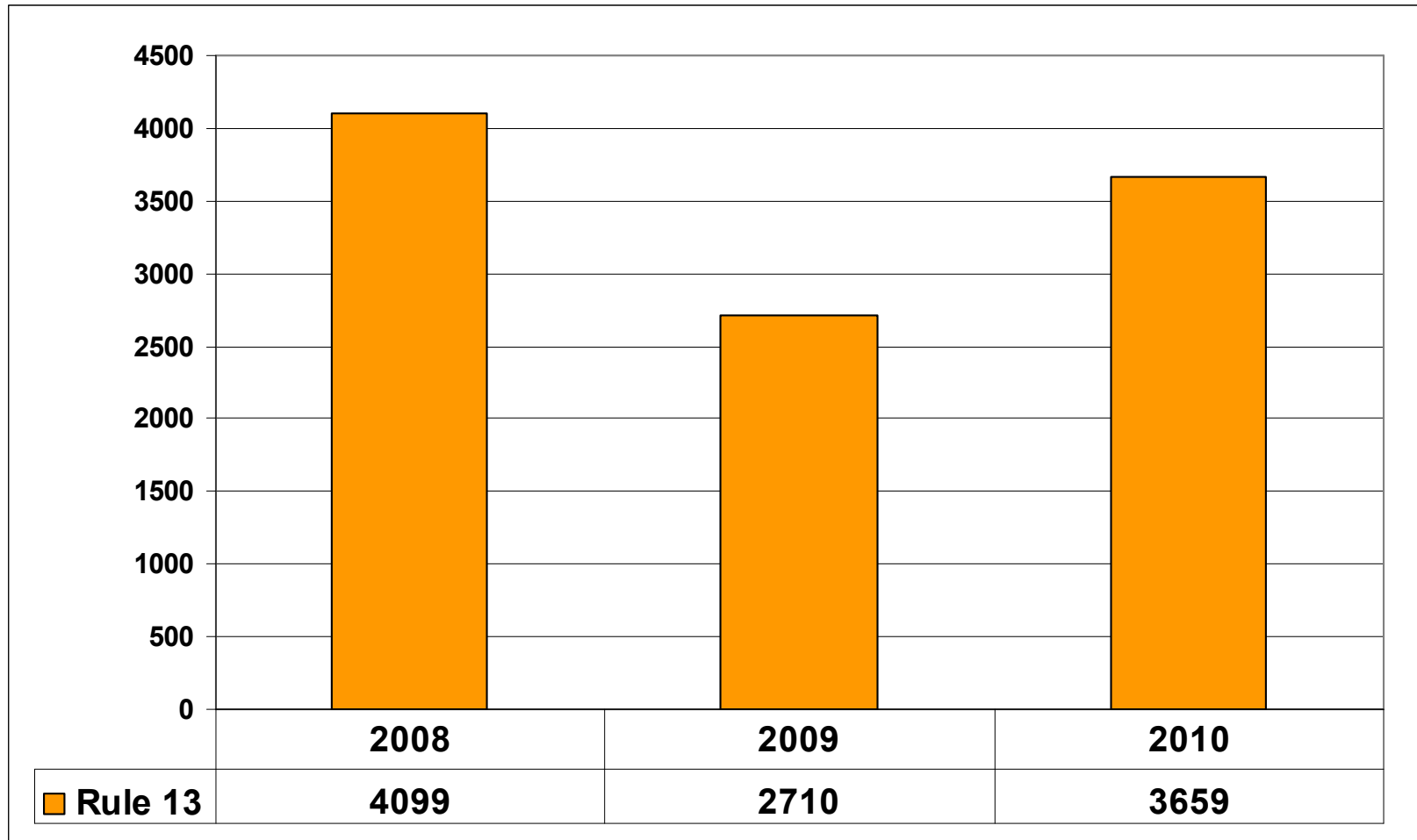
Rule 12 (1)(2) Irregularities



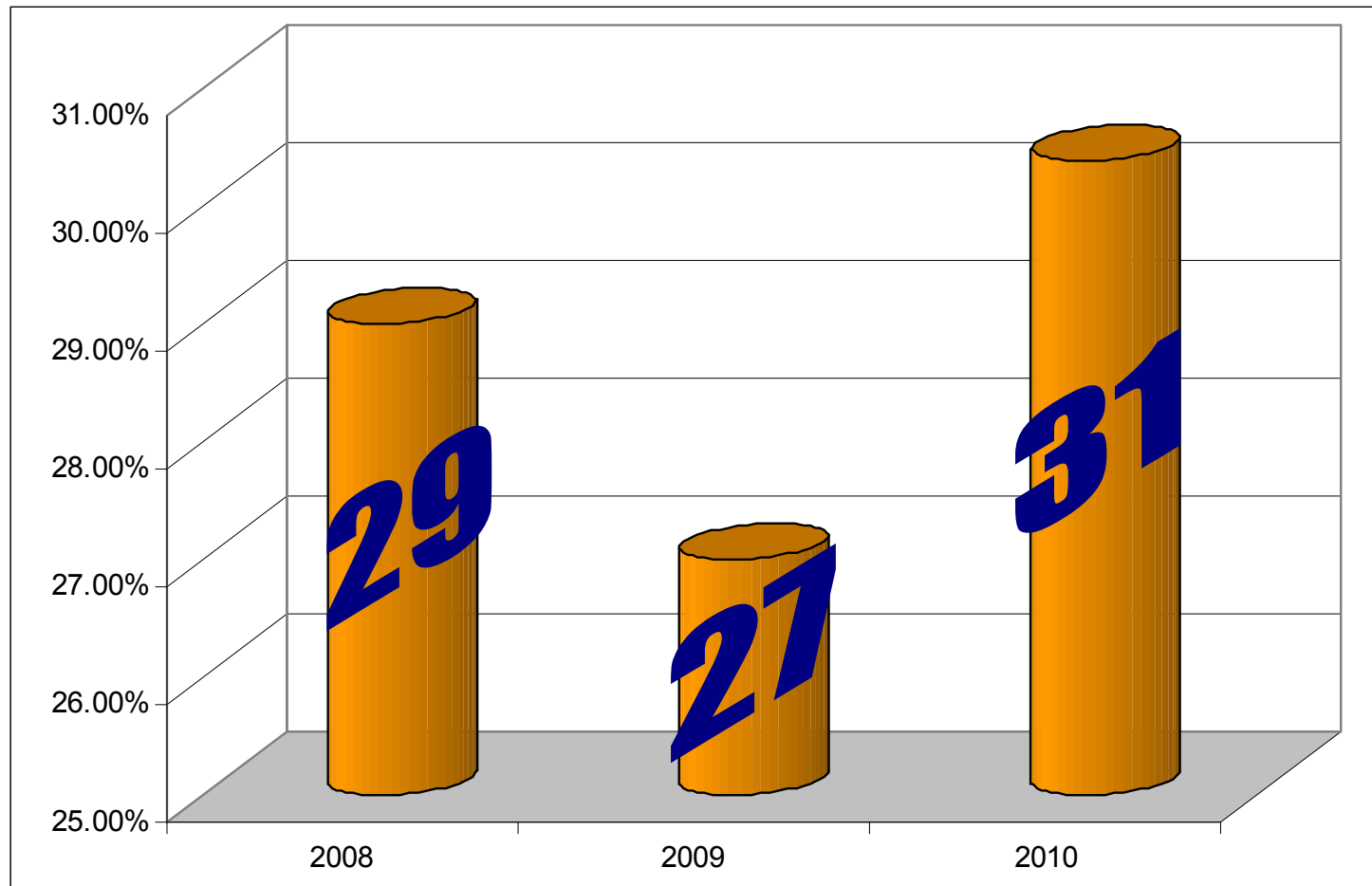
Rule 12 (1)(2) Irregularities [%]



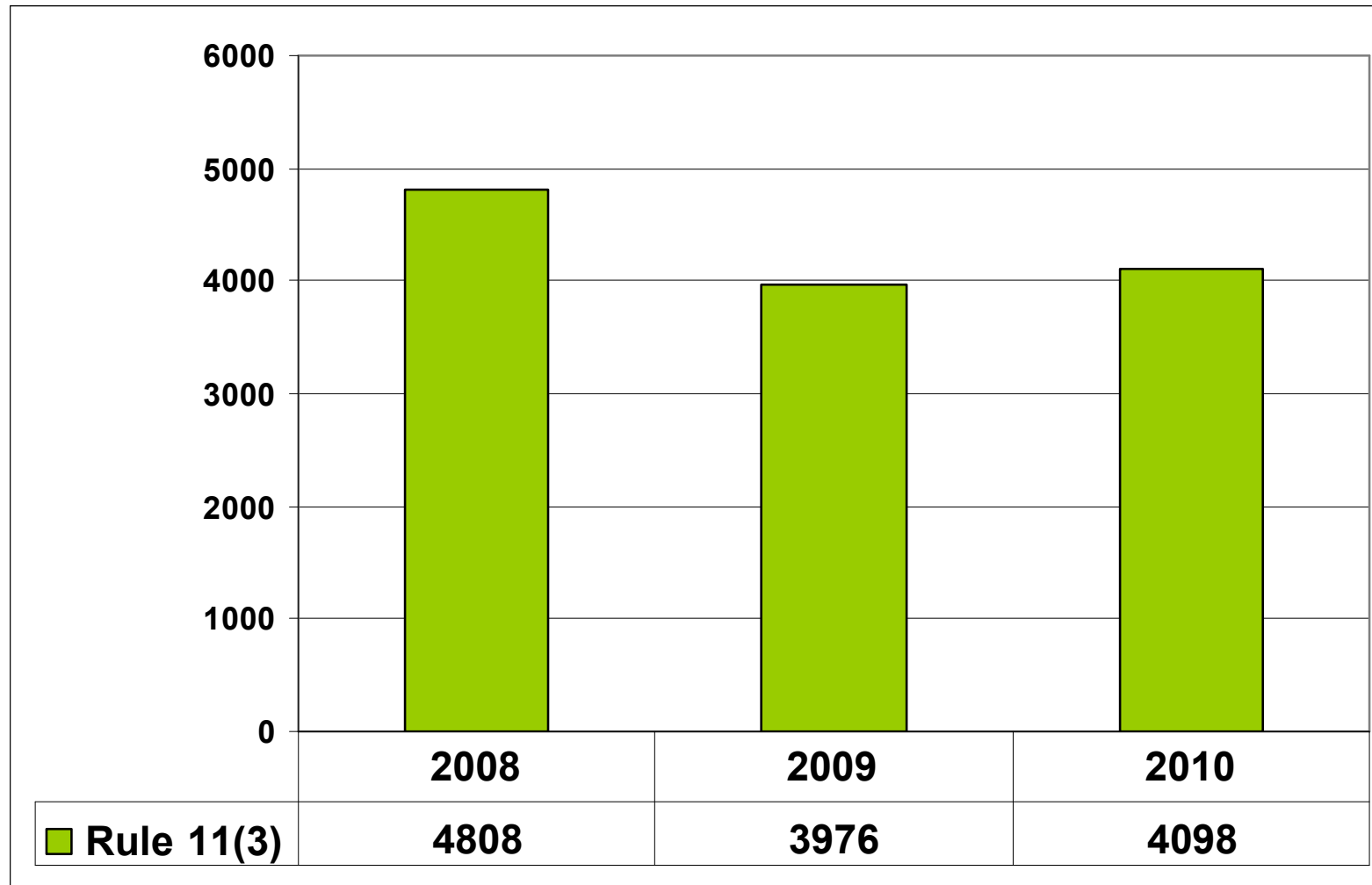
Rule 13 (1)(2) Irregularities



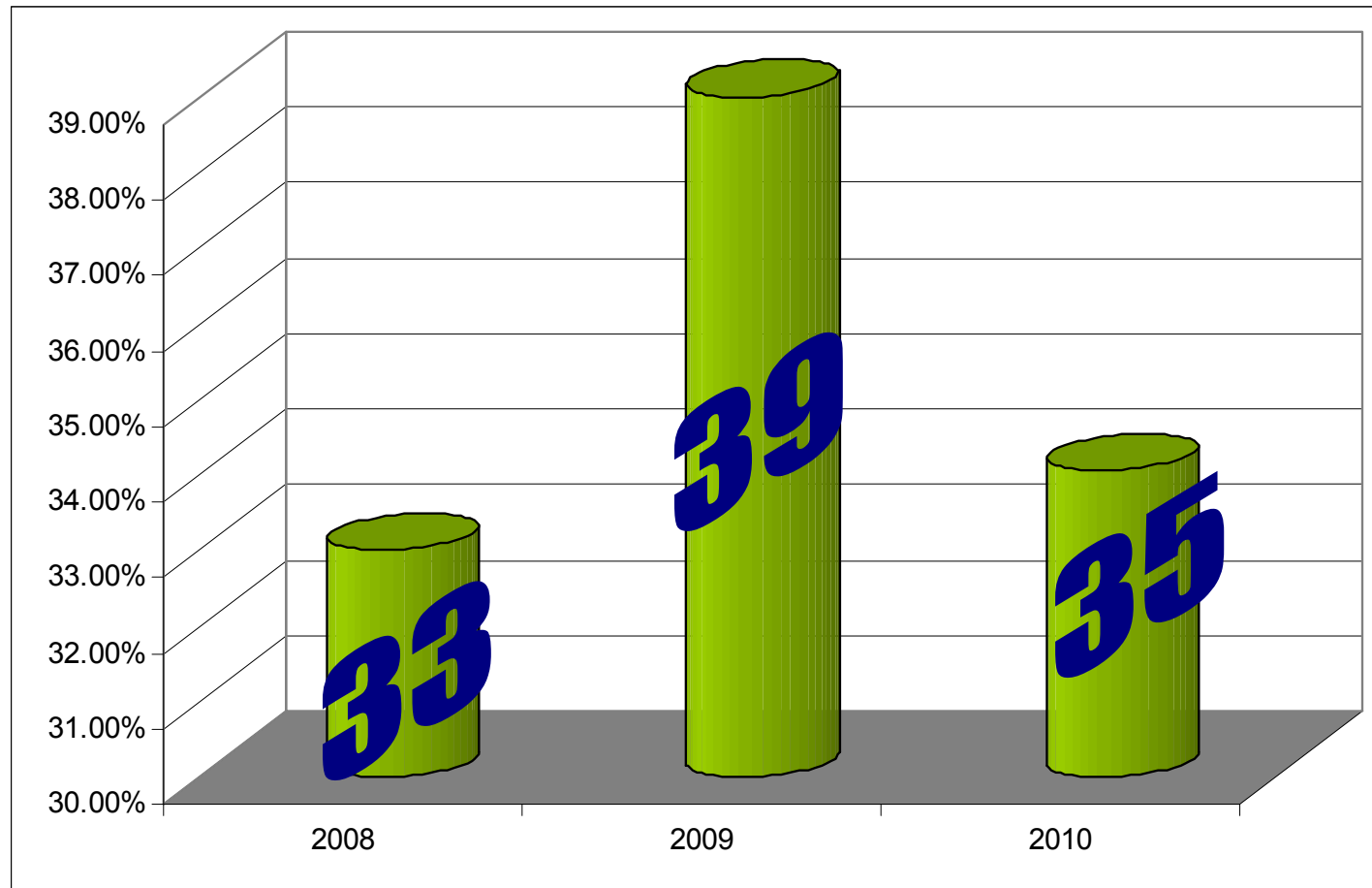
Rule 13 (1)(2) Irregularities [%]



Rule 11(3) Irregularities [Fees]

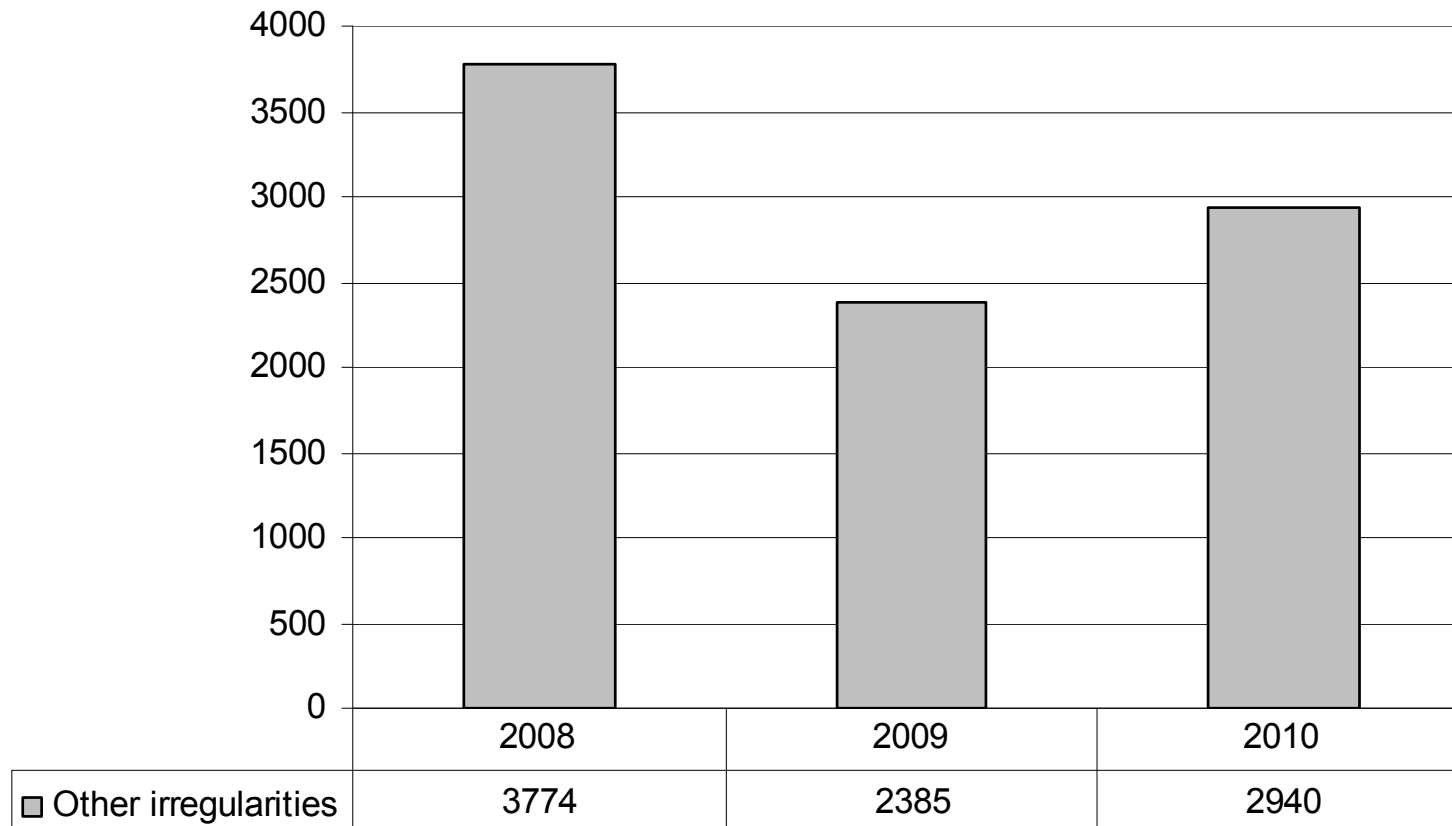


Rule 11(3) Irregularities [%]

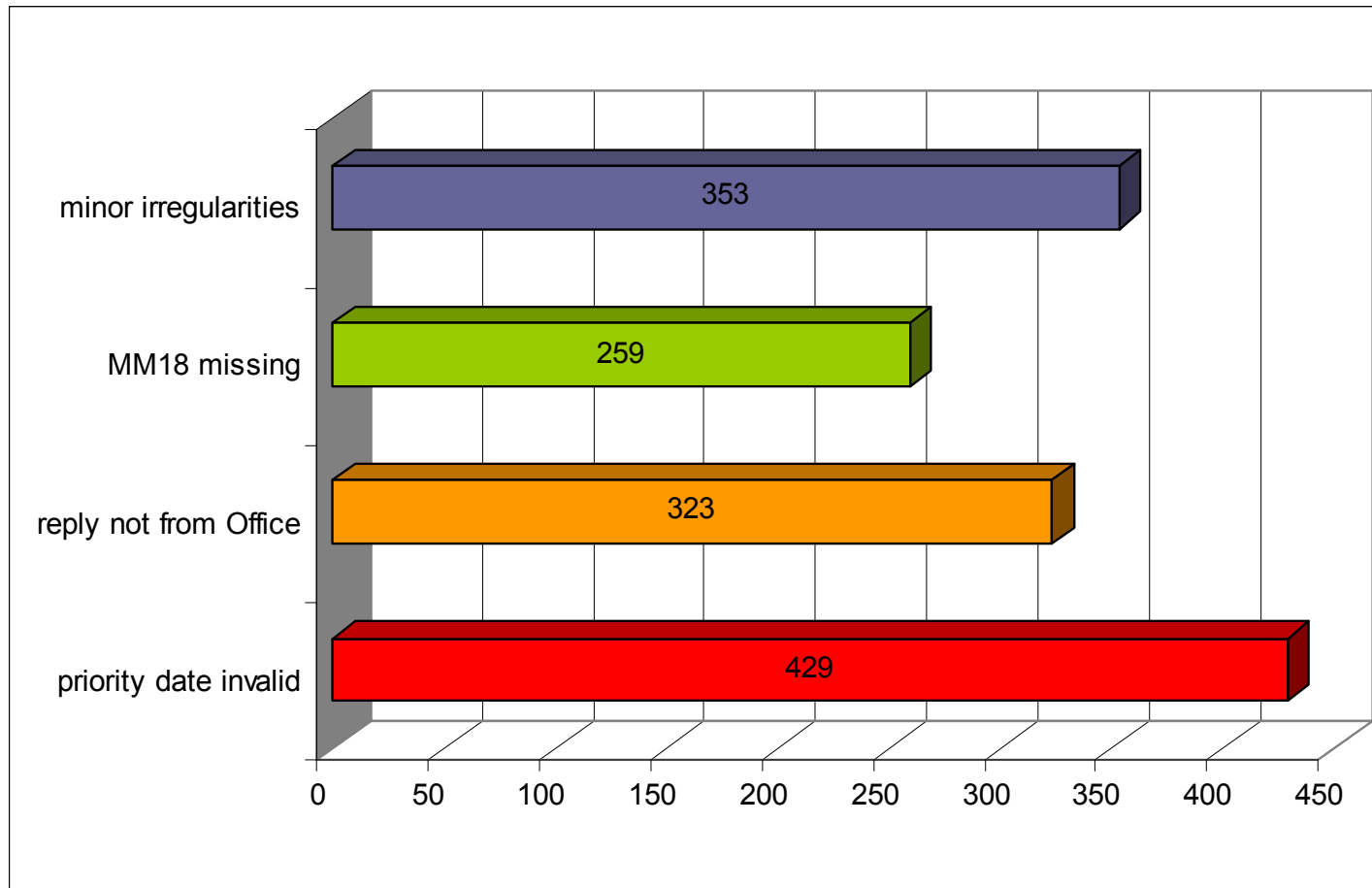


Rule 11(6)(b)(c) [Declaration of intention to use the mark], Rule 14 (2)

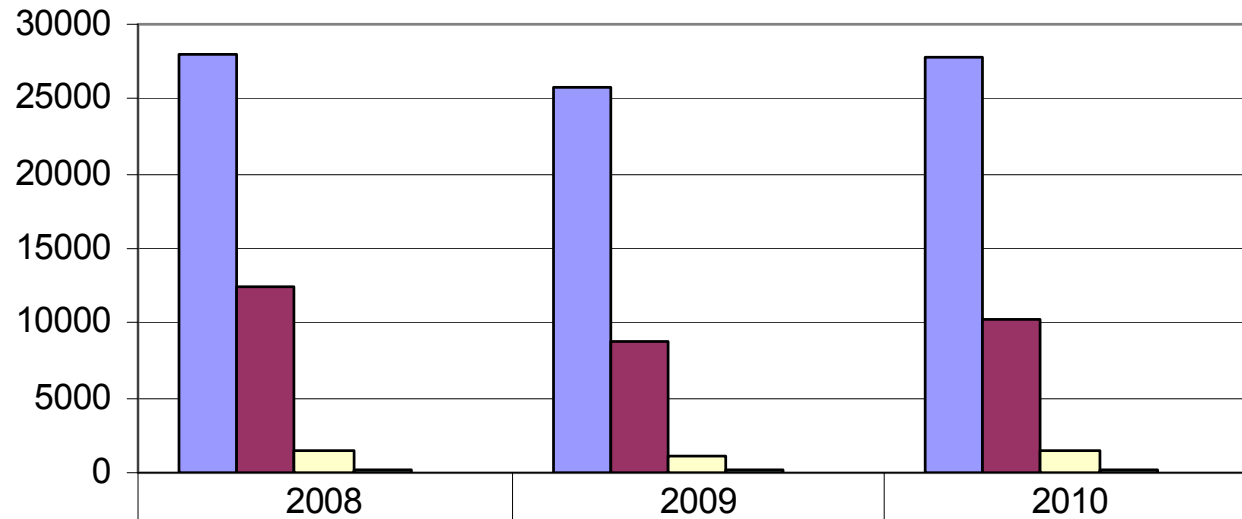
(i) [invalid claimed priority date], Rule 12 (3) [reminder of proposal]



Other irregularities in 2010



Number of irregularity letters issued by IB



	2008	2009	2010
0 letters	27935	25826	27895
1 letter	12448	8824	10156
2 letters	1468	1025	1374
3 letters	198	149	201
more than 3 letters	22	27	43

How to reduce the number of irregularities?

■ Some suggestions

A) Rule 12

- Look into further harmonization of pick-lists from National Offices;
- Use of Goods and Services Manager;
- Communication from National Offices to WIPO on their specific Classification's requirements (acceptance by designated country);
- Cooperation of Member States with WIPO on a programme to review the Nice International Classification.

How to reduce the number of irregularities

■ Some suggestions

B) Rule 13

- Quality of the translations – how can we work together to improve that?
- Increased use of new translations tools.

How to reduce the number of irregularities

■ Some suggestions

C) Rule 11 (3)

- Clear instructions from the applicants of their payments (indication of national application number or basic registration number);
- National Offices communicate to the applicants the importance of paying the right amount of fees in a timely manner.

How to reduce the number of irregularities

■ Some suggestions

D) Other irregularities

- WIPO intends to incrementally replace ordinary mail to National Offices by electronic communications portal;
- Emails may be sent by National Offices directly to the team boxes for queries or questions;
- Member States are kindly requested to provide WIPO a sole email address to contact them.

Thank you

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