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GENEVA

**WORKING GROUP ON THE MODIFICATION OF THE COMMON
REGULATIONS UNDER THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF
MARKS AND THE PROTOCOL RELATING TO THAT
AGREEMENT**

Geneva, October 9 to 13, 2000

**PROPOSALS FOR THE MODIFICATION OF THE COMMON REGULATIONS UNDER
THE MADRID AGREEMENT AND PROTOCOL**

Document prepared by the International Bureau

INTRODUCTION

The present document contains the proposals of the International Bureau for amending the Common Regulations under the Madrid Agreement and Protocol. Changes vis-à-vis the present text are indicated as follows: deleted text is struck out and new text is in bold. A detailed explanation of most of the proposals is given in document MM/WG/1/2, supplemented by footnotes in the present document.

Chapter 1 General Provisions

Rule 1 Abbreviated Expressions

For the purposes of these Regulations,

(i) “Agreement” means the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967, and amended on October 2, 1979;

(ii) “Protocol” means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989;

(iii) “Contracting Party” means any country party to the Agreement or any State or intergovernmental organization party to the Protocol;

(iv) “Contracting State” means a Contracting Party that is a State;

(v) “Contracting Organization” means a Contracting Party that is an intergovernmental organization;

(vi) “international registration” means the registration of a mark effected under the Agreement or the Protocol or both, as the case may be;

(vii) “international application” means an application for international registration filed under the Agreement or the Protocol or both, as the case may be;

(viii) “international application governed exclusively by the Agreement” means an international application whose Office of origin is the Office

- of a State bound by the Agreement but not by the Protocol, or
- of a State bound by both the Agreement and the Protocol where all the States designated in the international application are bound by the Agreement (whether or not those States are also bound by the Protocol);

(ix) “international application governed exclusively by the Protocol” means an international application whose Office of origin is the Office

- of a State bound by the Protocol but not by the Agreement, or
- of a Contracting Organization, or
- of a State bound by both the Agreement and the Protocol where the international application does not contain the designation of any State bound by the Agreement;

[Rule 1, continued]

(x) “international application governed by both the Agreement and the Protocol” means an international application whose Office of origin is the Office of a State bound by both the Agreement and the Protocol and which is based on a registration and contains the designations

- of at least one State bound by the Agreement (whether or not that State is also bound by the Protocol), and
- of at least one State bound by the Protocol but not by the Agreement or of at least one Contracting Organization;

(xi) “applicant” means the natural person or legal entity in whose name the international application is filed;

(xii) “legal entity” means a corporation, association or other group or organization which, under the law applicable to it, is capable of acquiring rights, assuming obligations and suing or being sued in a court of law;

(xiii) “basic application” means the application for the registration of a mark that has been filed with the Office of a Contracting Party and that constitutes the basis for the international application for the registration of that mark;

(xiv) “basic registration” means the registration of a mark that has been effected by the Office of a Contracting Party and that constitutes the basis for the international application for the registration of that mark;

(xv) “designation” means the request for extension of protection (“territorial extension”) under Article 3ter(1) or (2) of the Agreement or under Article 3ter(1) or (2) of the Protocol, as the case may be; it also means such extension as recorded in the International Register;

(xvi) “designated Contracting Party” means a Contracting Party for which the extension of protection (“territorial extension”) has been requested under Article 3ter(1) or (2) of the Agreement or under Article 3ter(1) or (2) of the Protocol, as the case may be, or in respect of which such extension has been recorded in the International Register;

(xvii) “Contracting Party designated under the Agreement” means a designated Contracting Party for which the extension of protection (“territorial extension”) requested under Article 3ter(1) or (2) of the Agreement has been recorded in the International Register;

(xviibis**) “Contracting Party whose designation is governed by the Agreement” means a Contracting Party designated under the Agreement or, where a change of ownership has been recorded and the Contracting Party of the holder is bound by the Agreement, a designated Contracting Party which is also bound by the Agreement;**

(xviii) “Contracting Party designated under the Protocol” means a designated Contracting Party for which the extension of protection (“territorial extension”) requested under Article 3ter(1) or (2) of the Protocol has been recorded in the International Register;

[Rule 1, continued]

(xviii^{bis}) “Contracting Party whose designation is governed by the Protocol” means a Contracting Party designated under the Protocol or, where a change of ownership has been recorded and the Contracting Party of the holder is bound by the Protocol, a designated Contracting Party which is also bound by the Protocol, provided that the said Contracting Parties are not both bound by the Agreement;

(xix) “refusal” means a notification by the Office of a designated Contracting Party according to Article 5(1) of the Agreement or Article 5(1) of the Protocol that protection cannot be granted in the said Contracting Party;

(xx) “Gazette” means the periodical gazette referred to in Rule 32;

(xxi) “holder” means the natural person or legal entity in whose name the international registration is recorded in the International Register;

(xxii) “International Classification of Figurative Elements” means the Classification established by the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks of June 12, 1973;

(xxiii) “International Classification of Goods and Services” means the Classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977;

(xxiv) “International Register” means the official collection of data concerning international registrations maintained by the International Bureau, which data the Agreement, the Protocol or the Regulations require or permit to be recorded, irrespective of the medium in which such data are stored;

(xxv) “Office” means the Office of a Contracting Party in charge of the registration of marks, or the common Office referred to in Article 9quater of the Agreement or Article 9quater of the Protocol, or both, as the case may be;

(xxvi) “Office of origin” means the Office of the country of origin defined in Article 1(3) of the Agreement or the Office of origin defined in Article 2(2) of the Protocol, or both, as the case may be;

(xxvii^{bis}) “Contracting Party of the holder” means

- **the Contracting Party whose Office is the Office of origin, or**
- **where a change of ownership has been recorded, the Contracting Party, or one of the Contracting Parties, in respect of which the holder fulfils the conditions, under Articles 1(2) and 2 of the Agreement or under Article 2 of the Protocol, to be the holder of an international registration;**

[Rule 1, continued]

(xxvii) “official form” means a form established by the International Bureau or any form having the same contents and format;

(xxviii) “prescribed fee” means the applicable fee set out in the Schedule of Fees;

(xxix) “Director General” means the Director General of the World Intellectual Property Organization;

(xxx) “International Bureau” means the International Bureau of the World Intellectual Property Organization;-

(xxxi) “Administrative Instructions” means the Administrative Instructions referred to in Rule 41.¹

¹ If it is decided to provide for Administrative Instructions, it is a matter for consideration whether or not it is necessary to include a definition of “Administrative Instructions” in Rule 1. Such a definition is included in the Regulations under the Geneva Act of the Hague Agreement but not in the Regulations under the 1934 and 1960 Acts of the Hague Agreement.

Rule 3

Representation Before the International Bureau

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(2) *[Appointment of the Representative]* (a) The appointment of a representative may be made in the international application, or in a subsequent designation or a request under Rule 25 if such subsequent designation or request is made through an Office.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations; ~~or to all future international applications and international registrations~~, of the same applicant or holder. The said communication shall be presented to the International Bureau

(i) by the applicant, the holder or the appointed representative,

(ii) by the Office of ~~origin~~ **the Contracting Party of the holder**.~~or~~;

~~(iii) by another interested Office if the applicant, the holder or the appointed representative asks for, and that Office admits, such presentation.~~²

The communication shall be signed by the applicant or the holder, or by the Office through which it was presented.

.....

² There is no reason why the Office of origin should be expected to handle such communications where it is not the Office of the holder's Contracting Party. It could be envisaged to retain the option for an Office to refuse to handle such communications, but this should not depend on whether it is the Office of origin or not.

Rule 7

Notification of Certain Special Requirements

[(1) *Presentation of Subsequent Designations by the Office of Origin*] Where a Contracting Party requires that, where its Office is the Office of origin and the holder's address is in the territory of that Contracting Party, designations made subsequently to the international registration be presented to the International Bureau by the said Office, it shall notify that requirement to the Director General.]³

.....

³ The Working Group may wish to examine whether there is any justification for this provision, which provides for the possibility to require that a subsequent designation under the Protocol be presented through an Office, even though the Protocol itself imposes no such restriction. It is not apparent why an Office should wish to insist on this, especially considering that Article 8(1) of the Agreement and Article 8(1) of the Protocol do not provide for an Office to be entitled to charge a fee for handling subsequent designations. No such justification is given in the reports of the Working Group that elaborated the Common Regulations; it appears that the provision is a hangover from the old way of thinking, according to which communication with the International Bureau was the prerogative of the Offices.

Rule 9
Requirements Concerning
the International Application

(1) [*Presentation*] The international application shall be presented to the International Bureau by the Office of origin.

(2) [*Form and Signature*] (a) The international application shall be presented on the official form in one copy.

(b) The international application shall be signed by the Office of origin and, where the Office of origin so requires, also by the applicant. Where the Office of origin does not require the applicant to sign the international application but allows that the applicant also sign it, the applicant may do so.

(3) [*Fees*] The prescribed fees applicable to the international application shall be paid as provided for in Rules 10, 34 and 35.

(4) [*Contents of ~~the All~~ International Applications*] (a) ~~Subject to paragraphs (5), (6) and (7),~~ **†**The international application shall contain or indicate

(i) the name of the applicant, **given in accordance with the Administrative Instructions;** ~~where the applicant is a natural person, the name to be indicated is the family or principal name and the given or secondary name(s) of the natural person; where the applicant is a legal entity, the name to be indicated is the full official designation of the legal entity; where the name of the applicant is in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application; where the applicant is a legal entity, and its name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application;~~

(ii) the address of the applicant, **given in accordance with the Administrative Instructions;** ~~that address shall be given in such way as to satisfy the customary requirements for prompt postal delivery and shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any; in addition, telephone and telefacsimile numbers as well as a different address for correspondence may be indicated; where there are two or more applicants with different addresses, one address for correspondence shall be indicated; where no such address is indicated, the address for correspondence shall be the address of the applicant named first in the international application;~~

(iii) the name and address of the representative, if any, **given in accordance with the Administrative Instructions;** ~~in addition, telephone and telefacsimile numbers may be indicated; where the name of the representative is in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application; where the representative is a legal entity, and its name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application;~~

[Rule 9(4)(a), continued]

(iv) where the applicant wishes, under the Paris Convention for the Protection of Industrial Property, to take advantage of the priority of an earlier filing, a declaration claiming the priority of that earlier filing, together with an indication of the name of the Office where such filing was made and of the date and, where available, the number of that filing, and, where the priority claim relates to less than all the goods and services listed in the international application, the indication of those goods and services to which the priority claim relates,

(v) a reproduction of the mark that shall fit in the box provided on the official form; that reproduction shall be clear and shall, depending on whether the reproduction in the basic application or the basic registration is in black and white or in color, be in black and white or in color,

(vi) where the applicant wishes that the mark be considered as a mark in standard characters, a declaration to that effect,

(vii) **where color is claimed in the basic application or basic registration, or** where, ~~according to Article 3(3) of the Agreement or Article 3(3) of the Protocol,~~ the applicant **wishes to claim** color as a distinctive feature of the mark **and the mark contained in the basic application or basic registration is in color**, an indication ~~of that fact that color is claimed~~ and an indication by words of the color or combination of colors claimed and, where the reproduction furnished under item (v) is in black and white, one reproduction of the mark in color,

(viii) where the basic application or the basic registration relates to a three-dimensional mark, the indication “three-dimensional mark,”

(ix) where the basic application or the basic registration relates to a sound mark, the indication “sound mark,”

(x) where the basic application or the basic registration relates to a collective mark or a certification mark or a guarantee mark, an indication to that effect,

(xi) where the basic application or the basic registration contains a description of the mark by words **and the applicant wishes to include the description, that**~~the~~ same description; where the said description is in a language other than the language of the international application, it shall be given in the language of the international application,

(xii) where the mark consists of or contains matter in characters other than Latin characters or numbers expressed in numerals other than Arabic or Roman numerals, a transliteration of that matter in Latin characters and Arabic numerals; the transliteration into Latin characters shall follow the phonetics of the language of the international application,

(xiii) the names of the goods and services for which the international registration of the mark is sought, grouped in the appropriate classes of the International Classification of Goods and Services, each group preceded by the number of the class and presented in the order of the classes of that Classification; the goods and services shall be indicated in precise terms, preferably using

[Rule 9(4)(a)(xiii), continued]

the words appearing in the Alphabetical List of the said Classification; the international application may contain limitations of the list of goods and services in respect of one or more designated Contracting Parties; the limitation in respect of each Contracting Party may be different, ~~and~~

(xiv) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions, ~~and~~

(xv) the designated Contracting Parties.

(b) The international application may also contain,

(i) where the applicant is a natural person, an indication of the State of which the applicant is a national;

(ii) where the applicant is a legal entity, indications concerning the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized;

(iii) where the mark consists of or contains a word or words that can be translated, a translation of that word or those words into French if the international application is governed exclusively by the Agreement, or into English or French or both if the international application is governed exclusively by the Protocol or is governed by both the Agreement and the Protocol;

(iv) where the applicant claims color as a distinctive feature of the mark, an indication by words, in respect of each color, of the principal parts of the mark which are in that color.

(5) *[Additional Contents of an International Application ~~Governed Exclusively by the Agreement~~]* (a) ~~In the case of a~~ **An international application governed exclusively by the Agreement or by both the Agreement and the Protocol, the international application shall contain or indicate, in addition to the indications referred to in paragraph (4)(a), one of the following:**

(i) that the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting State whose Office is the Office of origin, or

(ii) where the applicant has no such establishment in that Contracting State, that he has a domicile in the territory of that State, or

(iii) where the applicant has no such establishment or domicile in the territory of that Contracting State, that he is a national of that State.

The international application shall also contain the number and date of the basic registration.

[Rule 9(5), continued]

~~(i) the Contracting State party to the Agreement in which the applicant has a real and effective industrial or commercial establishment; if there is no such Contracting State, the Contracting State party to the Agreement in which the applicant is domiciled; if there is no such Contracting State, the Contracting State party to the Agreement of which the applicant is a national,~~

~~————— (ii) where the address of the applicant given in accordance with paragraph (4)(a)(ii) is in a State other than the State whose Office is the Office of origin, the address of the establishment or the domicile, referred to in item (i),~~

~~————— (iii) the States that are designated under the Agreement,~~

~~————— (iv) the date and the number of the basic registration, and~~

~~————— (v) the declaration by the Office of origin as specified in subparagraph (b).~~

~~————— (b) The declaration referred to in subparagraph (a)(v) shall certify~~

~~————— (i) the date on which the Office of origin received or, as provided in Rule 11(1), is deemed to have received, the request by the applicant to present the international application to the International Bureau,~~

~~————— (ii) that the applicant named in the international application is the same as the holder of the basic registration,~~

~~————— (iii) that any indication referred to in paragraph (4)(a)(viii) to (xi) and appearing in the international application appears also in the basic registration,~~

~~————— (iv) that the mark that is the subject matter of the international application is the same as in the basic registration,~~

~~————— (v) that, if colors are claimed in the international application, the claim for color is the same as in the basic registration, and~~

~~————— (vi) that the goods and services indicated in the international application are covered by the list of goods and services appearing in the basic registration.~~

~~————— (c) Where the international application is based on two or more basic registrations of the same mark in the Office of origin, the declaration referred to in subparagraph (a)(v) shall be deemed to apply to all those basic registrations.~~

[Rule 9(5), continued]

~~—— (6) [Additional Contents of an International Application Governed Exclusively by the Protocol] (ab) In the case of a~~ An international application governed exclusively by the Protocol, ~~the international application shall contain or indicate, in addition to the indications referred to in paragraph (4)(a), one [or more]⁴ of the following:~~

(i) where the Contracting Party whose Office is the Office of origin is a State, that the applicant is a national of that State;

(ii) where the Contracting Party whose Office is the Office of origin is an organization, the name of the Member State of that organization of which the applicant is a national;

(iii) that the applicant has a domicile in the territory of the Contracting Party whose Office is the Office of origin;

(iv) that the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting Party whose Office is the Office of origin.

The international application shall also contain the number and date of the basic application or basic registration.

~~—— (i) where the basic application has been filed with, or where the basic registration has been made by, the Office of a Contracting State of which the applicant is a national or in which the applicant is domiciled or has a real and effective industrial or commercial establishment, that Contracting State,~~

~~—— (ii) where the address of the applicant given in accordance with paragraph (4)(a)(ii) is in a State other than the State whose Office is the Office of origin, the domicile or the address of the establishment, referred to in item (i);~~

~~—— (iii) where the basic application has been filed with the Office of a Contracting Organization or where the basic registration has been made by such an Office, that organization and the State member of that organization of which the applicant is a national, or a statement that the applicant is domiciled in the territory in which the constituting treaty of the said organization applies, or a statement that the applicant has a real and effective industrial or commercial establishment in that territory;~~

~~—— (ivc) w~~ **Where the address of the applicant given in accordance with paragraph (4)(a)(ii) is not in the territory in which the constituting treaty of the Contracting Party Organization whose Office is the Office of origin applies and it has been indicated under subparagraph (a)(i) or (ii)**

⁴ If the words “or more” are included, the applicant will be able to claim more than one kind of connection with the Contracting Party whose Office is the Office of origin. This could be useful if the holder subsequently loses one of these connections, for example, if he ceases to have an establishment in that Contracting Party but continues to have a domicile or to have a connection through nationality. Where more than one connection is cited, all will be recorded.

[Rule 9(5)(c), continued]

or subparagraph (b)(iii) or (iv) that the applicant has a domicile or an establishment in the territory of that Contracting Party, ~~the that~~ domicile or the address of ~~the that~~ establishment shall be given in the international application, ~~referred to in item (iii);~~

~~———— (v) the Contracting Parties that are designated under the Protocol;~~

~~———— (vi) the date and the number of the basic application, or the date and the number of the basic registration, as the case may be, and~~

~~———— (vii) the declaration by the Office of origin as specified in subparagraph (b).~~

(bd) The **international application shall contain a declaration by the Office of origin referred to in subparagraph (a)(vii) shall certifying**

(i) the date on which the Office of origin received **or, as provided for in Rule 11(1), is deemed to have received** the request by the applicant to present the international application to the International Bureau,

(ii) that the applicant named in the international application is the same as the applicant named in the basic application or the holder named in the basic registration, as the case may be,

(iii) that any indication referred to in paragraph (4)(a)(viii) to (xi) and appearing in the international application appears also in the basic application or the basic registration, as the case may be,

(iv) that the mark that is the subject matter of the international application is the same as in the basic application or the basic registration, as the case may be,

(v) that, if colors **is are claimed as a distinctive feature of the mark in the international application, the claim for color is the same as** in the basic application or the basic registration, **as the case may be, the same claim is included in the international application or that, if color is claimed as a distinctive feature of the mark in the international application without having being claimed in the basic application or basic registration, the mark in the basic application or basic registration is in fact in the color or combination of colors claimed,** and

(vi) that the goods and services indicated in the international application are covered by the list of goods and services appearing in the basic application or basic registration, as the case may be.

(ee) Where the international application is based on two or more basic applications ~~for~~ or basic registrations ~~of the same mark in the Office of origin~~, the declaration referred to in subparagraph **(d)(a)(vii)** shall be deemed to apply to all those basic applications **and/or** basic registrations.

[Rule 9(5), continued]

(df) ~~Where T~~the international application ~~shall also~~ contains, ~~where a the~~ designation ~~concerns of~~ a Contracting Party that has made a notification under Rule 7(2), **the international application shall also contain** a declaration of intention to use the mark in the territory of that Contracting Party; the declaration shall be considered part of the designation of the Contracting Party requiring it and shall, as required by that Contracting Party,

(i) be signed by the applicant himself and be made on a separate official form annexed to the international application, or

(ii) be included in the international application.

~~(7) [Contents of an International Application Governed by Both the Agreement and the Protocol] In the case of an international application governed by both the Agreement and the Protocol, the international application shall contain or indicate, in addition to the indications referred to in paragraph (4)(a), the indications referred to in paragraphs (5) and (6), it being understood that only a basic registration, and not a basic application, may be indicated under paragraph (6)(a)(vi), and that that basic registration is the same basic registration as the one referred to in paragraph (5)(a)(iv).~~

Rule 15
Date of the International Registration
~~in Special Cases~~

(1) [*Irregularities Affecting the Date of the International Registration*~~*Irregular International Application*~~] (a) Where the international application received by the International Bureau does not contain all of the following elements:

- (i) indications allowing the identity of the applicant to be established and sufficient to contact the applicant or his representative, if any,
- ~~(ii) indications permitting the conclusion that the applicant is entitled to file an international application,~~
- (iii) the Contracting Parties which are designated,
- ~~(iv) the date and number of the basic application or basic registration, as the case may be,~~
- ~~(v) the declaration of the Office of origin referred to in Rule 9(5)(a)(v) or Rule 9(6)(a)(vii),~~
- (iii) a reproduction of the mark,
- (iv) the indication of the goods and services for which registration of the mark is sought,

the international registration shall bear the date on which the last of the missing elements has reached the International Bureau, provided that, where the last of the missing elements reaches the International Bureau within the two-month time limit referred to in Article 3(4) of the Agreement and Article 3(4) of the Protocol, the international registration shall bear the date on which the defective international application ~~was has been~~ received **or, as provided in Rule 11(1), is deemed to have been received** by the Office of origin.

~~(b) Where the international application received by the International Bureau does not comply with any applicable requirement other than those which are referred to in subparagraph (a), but where all such irregularities have been remedied within three months following the date of the notification referred to in Rule 11(2)(a), (3)(a) or (4)(a), the international registration shall bear~~

~~—— (i) the date on which the defective international application was received by the Office of origin, if the International Bureau has received the international application within the two-month time limit referred to in Article 3(4) of the Agreement and Article 3(4) of the Protocol;~~

~~—— (ii) the date on which the defective international application was received by the International Bureau, if the International Bureau has received the international application after the expiry of the two-month time limit referred to in Article 3(4) of the Agreement and Article 3(4) of the Protocol;~~

[Rule 15, continued]

(2) *[Date of the International Registration in Other Cases Irregular Classification]*
In any other case, the international registration shall bear the date determined in accordance with Article 3(4) of the Agreement and Article 3(4) of the Protocol. The date of the international registration shall not be affected by an irregularity in respect of the classification of goods and services if the amount referred to in Rule 12(1)(b) is paid to the International Bureau within whichever of the periods referred to in Rule 12(7)(a) and (b) is applicable.

Rule 16

Time Limit for Refusal in Case of Opposition

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(2) *[Recordal and Transmittal of the Information]* The International Bureau shall record in the International Register the information received under paragraph (1) and shall transmit that information [to the Office of **the Contracting Party of the holder**~~origin~~, if that Office has informed the International Bureau that it wishes to receive such information, and, at the same time,]⁵ to the holder.

⁵ It is not apparent why information concerning refusals, which is of interest only to the holder, should be sent to an Office, and the Working Group may consider whether to delete the words in square brackets (and the corresponding passages in Rules 17, 18 and 19). In any case, this information cannot possibly be of interest to the Office of origin where, following a transfer, the holder of the international registration has no connection with that Office.

Rule 17
Notification of Refusal

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(5) *[Transmittal of Copies of Notifications]* The International Bureau shall transmit copies of notifications received under paragraphs (2) to (4) [to the Office of **the Contracting Party of the holder~~origin~~**, if that Office has informed the International Bureau that it wishes to receive such copies, and, at the same time,⁶ to the holder.

[A proposal to insert into Rule 17 a new paragraph (6) entitled “Statement of Grant of Protection” is being submitted to the Assembly of the Madrid Union in September 2000. For the text of the proposal, see document MM/A/32/1.]

⁶ See footnote 5.

Rule 18
Irregular Refusals

(1) *[Contracting Party Designated Under the Agreement]*

.....

(c)

.....

The International Bureau shall transmit copies of the rectified notification [to the Office of **the Contracting Party of the holder** ~~origin~~, if that Office has informed the International Bureau that it wishes to receive such copies, and]⁷ to the holder. If the notification is not so rectified, it shall not be regarded as a notification of refusal. In the latter case, the International Bureau shall inform, at the same time, the holder and the Office that sent the notification that the notification of refusal is not regarded as such by the International Bureau, and shall indicate the reasons therefor.

.....

⁷ See footnote 5.

Rule 19

Invalidations in Designated Contracting Parties

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(2) *[Recordal of the Invalidation and Information of the Office of Origin and the Holder]*
The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation, and shall inform accordingly [the Office of **the Contracting Party of the holder~~origin~~**, if that Office has informed the International Bureau that it wishes to receive such information, and, at the same time,]⁸ the holder.

⁸ See footnote 5.

Rule 20

Restriction of the Holder's Right of Disposal

(1) *[Communication of Information]* **(a) The Office of the Contracting Party of the holder may inform the International Bureau that the holder's right to dispose of the international registration has been restricted.**

(b) The Office of any designated Contracting Party may inform the International Bureau that the holder's right of disposal has been restricted in respect of the international registration in the territory of that Contracting Party.

(c) ~~Such information, if given,~~ **in accordance with subparagraph (a) or (b)** shall consist of a summary statement of the main facts concerning the restriction.

(2) *[Partial or Total Removal of Restriction]* Where the International Bureau has been informed of a restriction of the holder's right of disposal in accordance with paragraph (1), the Office of the Contracting Party which communicated the information shall also inform the International Bureau of any partial or total removal of that restriction.

(3) *[Recordal]* The International Bureau shall record the information communicated under paragraphs (1) and (2) in the International Register and shall inform the holder accordingly.

[(4) *[Licenses]* The present Rule shall not apply to licenses.]⁹

⁹ See paragraph 44 of document MM/WG/1/2.

Rule 23

*Division **or Merger** of the Basic Applications,
of the Registrations Resulting Therefrom,
or of the Basic Registrations*

(1) [*Notification of the Division of the Basic Application **or Merger of the Basic Applications***] Where, during the five-year period referred to in Article 6(3) of the Protocol, the basic application is divided into two or more applications, **or several basic applications are merged into a single application**, the Office of origin shall notify the International Bureau accordingly and shall indicate

(i) the number of the international registration or, if the international registration has not yet been effected, the number of the basic application,

(ii) the name of the holder or applicant,

(iii) the number of each application **resulting from the division or the number of the application resulting from the merger**.

(2) [*Recordal and Notification by the International Bureau*] The International Bureau shall record the notification referred to in paragraph (1) in the International Register and shall notify the Offices of the designated Contracting Parties and, at the same time, the holder.

(3) [*Division **or Merger** of ~~the~~ Registrations Resulting From ~~the~~ Basic Applications or of ~~the~~ Basic Registrations*] Paragraphs (1) and (2) shall apply, *mutatis mutandis*, to the division of any registration **or merger of any registrations** which resulted from the basic application **or applications during the five-year period** referred to in Article 6(3) of the Protocol and to the division of the basic registration **or merger of the basic registrations during the five year period**¹⁰ referred to in Article 6(3) of the Agreement and in Article 6(3) of the Protocol.

¹⁰ The two insertions of the words “during the five-year period” are to correct an error.

Rule 24
Designation Subsequent to the
International Registration

(1) [Entitlement] (a) A Contracting Party may be the subject of a designation made subsequent to the international registration (hereinafter referred to as “subsequent designation” where, at the time of that designation, the holder is entitled, under Article 1(2) and 2 of the Agreement or Article 2 of the Protocol ~~and subject to Article 9sexies of the Protocol, to designate such a Contracting Party to file international applications.~~

(b) Where the Contracting Party of the holder is bound by the Agreement, the holder may designate, under the Agreement, any Contracting Party that is also bound by the Agreement.

(c) Where the Contracting Party of the holder is bound by the Protocol, the holder may designate, under the Protocol, any Contracting Party that is also bound by the Protocol, provided that the said Contracting Parties are not both bound by the Agreement.

~~(b) The holder of an international registration resulting from an international application governed exclusively by the Agreement may designate Contracting Parties bound by the Protocol but not by the Agreement, provided that, at the time of that designation, the Contracting Party whose Office is the Office of origin is bound by the Protocol, or, where a change in ownership has been recorded, the Contracting Party, or at least one of the Contracting Parties, in respect of which the new holder fulfills the conditions to be the holder of an international registration is bound by the Protocol.~~

~~(c) The holder of an international registration resulting from an international application governed exclusively by the Protocol may designate Contracting Parties bound by the Agreement, whether or not those Contracting Parties are bound also by the Protocol, provided that, at the time of that designation, the Contracting Party whose Office is the Office of origin is bound by the Agreement, or, where a change in ownership has been recorded, the Contracting Party, or at least one of the Contracting Parties, in respect of which the new holder fulfills the conditions to be the holder of an international registration, is bound by the Agreement, and provided that either the international registration is based on a basic registration, or, if it is based on a basic application, the said application resulted in a registration.~~

(2) [Presentation; Form and Signature] (a) A subsequent designation shall be presented to the International Bureau by the holder, ~~or by the Office of~~ **the Contracting Party of the holder**~~origin, or by another interested Office if the holder asks for, and that Office admits, such presentation;~~ however,

(i) where Rule 7(1) applies¹¹, it must be presented by the Office of origin;

¹¹ See footnote 3.

[Rule 24(2)(a), continued]

(ii) where any of the Contracting Parties are designated under the Agreement, the subsequent designation must be presented by the Office of **the Contracting Party of the holder origin or another interested Office**.

(b) The subsequent designation shall be presented on the official form in one copy. Where it is presented by the holder, it shall be signed by the holder. Where it is presented by an Office, it shall be signed by that Office and, where the Office so requires, also by the holder. Where it is presented by an Office and that Office, without requiring that the holder also sign it, allows that the holder also sign it, the holder may do so.

(3) [Contents] (a) The subsequent designation shall contain or indicate

(i) the number of the international registration concerned,

(ii) the name and address of the holder,

(iii) the Contracting Party that is designated,

(iv) where the subsequent designation is for all the goods and services listed in the international registration concerned, that fact, or, where the subsequent designation is for only part of the goods and services listed in the international registration concerned, those goods and services,

(v) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions, and,

(vi) where the subsequent designation is presented by an Office, the date on which it was received by that Office.

(b) Where the subsequent designation concerns a Contracting Party that has made a notification under Rule 7(2), that subsequent designation shall also contain a declaration of intention to use the mark in the territory of that Contracting Party; the declaration shall, as required by the said Contracting Party,

(i) be signed by the holder himself and be made on a separate official form annexed to the subsequent designation, or

(ii) be included in the subsequent designation.

(c) The subsequent designation may also contain

(i) the indications and translation or translations, as the case may be, referred to in Rule 9(4)(b),

[Rule 24(3)(c), continued]

(ii) a request that the subsequent designation take effect after the recordal of a change or a cancellation in respect of the international registration concerned or after the renewal of the international registration.

(d) Where the international registration is based on a basic application, ~~the a~~ subsequent designation **under the Agreement** shall be accompanied by a declaration, signed by the Office of origin, certifying that the said application has resulted in a registration and indicating the date and number of that registration, unless such a declaration has already been received by the International Bureau.

(4) [*Fees*] The subsequent designation shall be subject to the payment of the fees specified or referred to in item 5 of the Schedule of Fees.

(5) [*Irregularities*] (a) If the subsequent designation does not comply with the applicable requirements, and subject to paragraph (9), the International Bureau shall notify that fact to the holder and, if the subsequent designation was presented by an Office, that Office.

(b) If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, the subsequent designation shall be considered abandoned, and the International Bureau shall notify accordingly and at the same time the holder and, if the subsequent designation was presented by an Office, that Office, and refund any fees paid, after deduction of an amount corresponding to one-half of the basic fee referred to in item 5.1 of the Schedule of Fees, to the party having paid those fees.

(c) Notwithstanding subparagraphs (a) and (b), ~~if a subsequent designation is presented under paragraph (1)(b) or (c) and where~~ the requirements of paragraph (1)(b) or (c), ~~as the case may be,~~ are not complied with in respect of one or more of the designated Contracting Parties, the subsequent designation shall be deemed not to contain the designation of those Contracting Parties, and any complementary or individual fees already paid in respect of those Contracting Parties shall be reimbursed. If the requirements of paragraph (1)(b) or (c) are not complied with in respect of all the designated Contracting Parties, subparagraph (b) shall apply.

.....

Rule 25

*Request for Recordal of a Change;
Request for Recordal of a Cancellation*

(1) *[Presentation of the Request]* (a) A request for recordal shall be presented to the International Bureau on the relevant official form, in one copy, where the request relates to any of the following:

(i) a change in the ownership of the international registration in respect of all or some of the goods and services and all or some of the designated Contracting Parties;

(ii) a limitation of the list of goods and services in respect of all or some of the designated Contracting Parties;

(iii) a renunciation in respect of some of the designated Contracting Parties for all the goods and services;

(iv) a change in the name or address of the holder;

(v) cancellation of the international registration in respect of all the designated Contracting Parties for all or some of the goods and services.

(b) **Subject to subparagraph (c),** ~~the request shall be presented by the holder or by the Office of the Contracting Party of the holder origin or another interested Office, except that;~~ **however, the request for the recordal of a change in ownership may be presented through the Office of the Contracting Party, or one of the Contracting Parties, indicated in the said request in accordance with paragraph (2)(a)(iv).**

Version A of subparagraph (c)¹²

~~(c) The request for recordal of a change in ownership, a limitation or a renunciation or a cancellation other than a change in the name or address of the holder or of the representative must~~ **may not** be presented **directly** by the **holder** ~~Office of origin or another interested Office~~ where the change affects any Contracting Party **whose designation is governed by designated under** the Agreement, ~~and~~

¹² Version A would have the same effect as the current version of Rule 25(1)(b)(i).

[Rule 25(1), continued]

Version B of subparagraph (c)¹³

(c) ~~The request for recordal of a change other than a change in the name or address of the holder or of the representative must~~ **limitation, a renunciation or a cancellation may not** be presented **directly** by the **holder** ~~Office of origin or another interested office~~ where the ~~change~~ **limitation, renunciation or cancellation** affects any Contracting Party **whose designation is governed by designated under** the Agreement, ~~and~~

Version C of subparagraph (c)¹⁴

(c) ~~The request for recordal of a change other than a change in the name or address of the holder or of the representative must~~ **renunciation or a cancellation may not** be presented **directly** by the **holder** ~~Office of origin or another interested office~~ where the ~~change~~ **renunciation or cancellation** affects any Contracting Party **whose designation is governed by designated under** the Agreement, ~~and~~

Version D

[This version consists in omitting subparagraph (c).]¹⁵

~~(ii) the request for the recordal of a cancellation must be presented by the Office of origin or another interested Office where any of the designated Contracting Parties covered by the international registration to be cancelled had been designated under the Agreement.~~

¹³ Under version B, it would be possible to request the recordal of a change of ownership directly, whatever designated Contracting Parties are affected.

¹⁴ Version C would additionally allow a request for recordal of a limitation to be presented directly by the holder. The justification is that the words “a similar procedure shall be followed”, in Article 9(3) of the Agreement, may be taken to refer to the recording, notification and publication in accordance with paragraph (2) of Article 9, and not to the procedure for notifying the International Bureau in accordance with paragraph (1). Moreover paragraph (1) does not read onto this situation, given that the limitation of the international registration does not *result* from a change recorded in the national register (even where a similar change is effected at the same time with regard to the national registration).

¹⁵ Version D would allow *all* requests under Rule 25 to be filed directly with the International Bureau by the holder, irrespective of whether it is the Agreement or the Protocol that applies. This may be difficult to reconcile with Article 8*bis* of the Agreement in the case of a renunciation; it is less difficult to reconcile with Article 9 of the Agreement in the case of a cancellation since the cancellation of the international registration under this provision does not result from a cancellation in the national register but is made at the request of the holder. (Cancellation at the request of the Office of origin as a result of ceasing of effect of the basic mark is a separate matter and is dealt with under Article 6(3) and (4) of the Agreement and the Protocol and Rule 22 of the Common Regulations.)

[Rule 25(1), continued]

(ed) Where the request is presented by the holder, it shall be signed by the holder. Where it is presented by an Office, it shall be signed by that Office and, where the Office so requires, also by the holder. Where it is presented by an Office and that Office, without requiring that the holder also sign it, allows that the holder also sign it, the holder may do so.

(2) [*Contents of the Request*] (a) The request for the recordal of a change or the request for the recordal of a cancellation shall, in addition to the requested change or cancellation, contain or indicate

(i) the number of the international registration concerned,

(ii) the name of the holder, unless the change relates to the name or address of the representative,

(iii) in **the** case of a change in the ownership of the international registration, the name and address, indicated in accordance with Rule 9(4)(a)(i) and (ii), of the natural person or legal entity mentioned in the request as the new holder of the international registration (hereinafter referred to as “the transferee”),

(iv) in **the** case of a change in the ownership of the international registration, the Contracting Party or Parties in respect of which the transferee fulfills the conditions, under Articles 1(2) and 2 of the Agreement or under Article 2 of the Protocol to be the holder of an international registration,

(v) in **the** case of a change in the ownership of the international registration, where the address of the transferee given in accordance with subparagraph (a)(iii) is not in the territory of the Contracting Party, or of one of the Contracting Parties, given in accordance with subparagraph (a)(iv), and unless the transferee has indicated that he is a national of a Contracting State or of a State member of a Contracting Organization, the address of the establishment, or the domicile, of the transferee in the Contracting Party, or in one of the Contracting Parties, in respect of which the transferee fulfills the conditions to be the holder of an international registration,

(vi) in **the** case of a change in the ownership of the international registration that does not relate to all the goods and services and to all the designated Contracting Parties, the goods and services and the designated Contracting Parties to which the change in ownership relates, and

(vii) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(b) The request for the recordal of a change in the ownership of the international registration may also contain,

(i) where the transferee is a natural person, an indication of the State of which the transferee is a national;

[Rule 25(2)(b), continued]

(ii) where the transferee is a legal entity, indications concerning the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized.

(c) The request for recordal of a change or a cancellation may also contain a request that it be recorded before, or after, the recordal of another change or cancellation or a subsequent designation in respect of the international registration concerned or after the renewal of the international registration.

(3) [*Request Not Admissible*] A change in the ownership of an international registration may not be recorded in respect of a given designated Contracting Party if that Contracting Party

(i) is bound by the Agreement but not by the Protocol, and the Contracting Party indicated under paragraph (2)(a)(iv) is not bound by the Agreement, or none of the Contracting Parties indicated under that paragraph is bound by the Agreement;

(ii) is bound by the Protocol but not by the Agreement, and the Contracting Party indicated under paragraph (2)(a)(iv) is not bound by the Protocol, or none of the Contracting Parties indicated under that paragraph is bound by the Protocol.

(4) [*Several Transferees*] Where the request for the recordal of a change in the ownership of the international registration mentions several transferees, that change may not be recorded in respect of a given designated Contracting Party if any of the transferees does not fulfill the conditions to be holder of the international registration in respect of that Contracting Party.

*Rule 27**Recordal and Notification of a Change or of a Cancellation; **Merger of International Registrations; Declaration That a Change-in-Ownership or a Cancellation Has No Effect***

(1) *[Recordal and Notification of a Change or of a Cancellation]* (a) The International Bureau shall, provided that the request referred to in Rule 25(1)(a) is in order, promptly record the change or the cancellation in the International Register, shall notify accordingly the Offices of the designated Contracting Parties in which the change has effect or, in the case of a cancellation, the Offices of all the designated Contracting Parties, and shall inform at the same time the holder and, if the request was presented by an Office, that Office. Where the recordal relates to a change in ownership, the International Bureau shall also inform the former holder in the case of a total change in ownership and the holder of the part of the international registration which has been assigned or otherwise transferred in the case of a partial change in ownership. Where the request for the recordal of a cancellation was presented by the holder or **by an interested-Office other than the Office of origin**¹⁶ during the five-year period referred to in Article 6(3) of the Agreement and Article 6(3) of the Protocol, the International Bureau shall also inform the Office of origin.

(b) The change or the cancellation shall be recorded as of the date of receipt by the International Bureau of a request complying with the applicable requirements, except that, where a request has been made in accordance with Rule 25(2)(c), it may be recorded as of a later date.

(2) *[Recordal of Partial Change in Ownership]* Assignment or other transfer of the international registration in respect of some only of the goods and services or some only of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred; any assigned or otherwise transferred part shall be cancelled under the number of the said international registration and recorded as a separate international registration. The separate international registration shall bear the number of the registration of which a part has been assigned or otherwise transferred, together with a capital letter.

(3) *[Recordal of Merger of International Registrations]* Where the same natural person or legal entity has been recorded as the holder of two or more international registrations resulting from a partial change in ownership under paragraph (2), the registrations shall be merged at the request of the said person or entity, made either direct or through the Office of **the Contracting Party of the holder or origin or another interested-Office**. The international registration resulting from the merger shall bear the number of the international registration of which a part had been assigned or

¹⁶ This must be what was intended by this passage, whose purpose is presumably to enable the Office of origin to be aware of the case where a ceasing of effect of the basic mark has no consequences for the international registration because the latter has already been cancelled following a request by the holder which has been presented directly or through another Office.

[Rule 27(3), continued]

otherwise transferred, together, where applicable, with a capital letter. **The International Bureau shall notify accordingly the Offices of the designated Contracting Parties affected by the change¹⁷ and shall inform at the same time the holder and, if the request was presented by an Office, that Office.**

(4) *[Declaration That a Change ~~in Ownership or a Cancellation~~ Has No Effect]* (a) The Office of a designated Contracting Party which is notified, by the International Bureau, of a change in ownership **or a limitation of the list of goods and services** affecting that Contracting Party **or a cancellation in respect of some of the goods and services** may declare that the change ~~in ownership or cancellation~~ has no effect in the said Contracting Party. ~~The effect of such a declaration shall be that, with respect to the said Contracting Party, the international registration concerned shall remain in the name of the transferor.~~

(b) The declaration referred to in subparagraph (a) shall indicate

(i) the reasons for which the change ~~in ownership or cancellation~~ has no effect,

(ii) where the declaration relates to a limitation or a cancellation but does not affect all the goods and services to which the limitation or the cancellation relates, those which are affected by the declaration or those which are not affected by the declaration,

(iii) the corresponding essential provisions of the law, and

~~(iv)~~ whether such declaration may be subject to review or appeal.

(c) The declaration referred to in subparagraph (a) shall be notified to the International Bureau which shall notify accordingly the party (holder or Office) that presented the request for the recordal of a change ~~in ownership or cancellation~~ and, **in the case of a change in ownership**, the new holder.

(d) Any final decision relating to the declaration referred to in subparagraph (a) above shall be notified to the International Bureau which shall notify accordingly the party (holder or Office) that presented the request for the recordal of a change ~~in ownership or cancellation~~ and, **in the case of a change in ownership**, the new holder.

(e) The International Bureau shall record in the International Register any declaration referred to in subparagraph (a) which is not subject to review or appeal ~~or~~ **and** any final decision referred to in subparagraph (d).

¹⁷ Concerning the reference to “the designated Contracting Parties affected by the change”, it is envisaged that, for example, where international registration no. 800 000 designating countries A, B and C is merged with no. 800 000A designating countries X, Y and Z, resulting in international registration no. 800 000 designating countries A, B, C, X, Y and Z, it would be appropriate to notify countries X, Y and Z but not countries A, B and C (since the number of the international registration designating them has not changed and such notification could therefore cause confusion).

(f) ~~, and, as the case may be,~~ The effect of a declaration that a change in ownership has no effect in a Contracting Party shall be that, with respect to the said Contracting Party, the international registration concerned shall remain in the name of the transferor. The International Bureau shall record as a separate international registration that part of the international registration which has been the subject of the said declaration or final decision. The separate international registration shall bear the number of the registration of which a part has been assigned or otherwise transferred, together with a capital letter.

Rule 32

Gazette

(1) *[Information Concerning International Registrations]* (a) The International Bureau shall publish in the Gazette relevant data concerning

.....

(xi) information recorded under Rules 20, 21, 22(2)(a), 23, 27(3) and (4) and 40(3);

(xii) international registrations which have not been renewed.

.....

(2) *[Information Concerning Particular Requirements and Certain Declarations of Contracting Parties, and Other General Information]* The International Bureau shall publish in the Gazette

.....

~~————— (v) a list of the days on which the International Bureau is not scheduled to be open to the public during the current and the following calendar year and such a list for each Office which has communicated it to the International Bureau.~~

~~(3) *[Yearly Index]* In respect of every year, the International Bureau shall publish an index indicating, in alphabetical order, the names of the holders of the international registrations concerning which one or more entries were published in the Gazette during that year. The name of the holder shall be accompanied by the number of the international registration, the page number of the Gazette issue in which the entry affecting the international registration was published and the indication of the nature of the entry, such as registration, renewal, refusal, invalidation, cancellation or change. *[Further Details Concerning Content and Form]* Further details concerning the content and form of the Gazette may be specified in the Administrative Instructions.~~

(4) ~~*[Number of Copies for Offices of Contracting Parties]* (a) The International Bureau shall send to the Office of each Contracting Party copies of the Gazette, in accordance with the Administrative Instructions. Each Office shall be entitled, free of charge, to two copies and, where during a given calendar year the number of designations recorded with respect to the Contracting Party concerned has exceeded 2,000, in the following year one additional copy and further additional copies for every 1,000 designations in excess of 2,000. Each Contracting Party may purchase every year, at half of the subscription price, the same number of copies as that to which it is entitled free of charge.~~

~~————— (b) If the Gazette is available in more than one form, each Office may choose the form in which it wishes to receive any copy to which it is entitled.~~

Rule 34

Payment of Fees

(1) [Payments] (a) The fees indicated in the Schedule of Fees may be paid to the International Bureau by the applicant or the holder, or, where the Office of origin or **the Office of the Contracting Party of the holder** ~~another interested Office~~ accepts to collect and forward such fees, and the applicant or the holder so wishes, by that Office.

(b) Any Contracting Party whose Office accepts to collect and forward fees shall notify that fact to the Director General.

.....

(5) [Change in the Amount of the Fees] (a) Where the amount of the fees payable in respect of the filing of an international application is changed between, on the one hand, the date on which the request to present the international application to the International Bureau is received, or is deemed to have been received under Rule 11(1)(a) or (c), by the Office of origin and, on the other hand, the date of the receipt of the international application by the International Bureau, the fee that was valid on the first date shall be applicable.

(b) Where a designation under Rule 24 is presented by the Office of ~~origin or by another interested Office~~ **the Contracting Party of the holder**¹⁸ and the amount of the fees payable in respect of that designation is changed between, on the one hand, the date of receipt, by the Office, of the request by the holder to present the said designation and, on the other hand, the date on which the designation is received by the International Bureau, the fee that was valid on the first date shall be applicable.

(c) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid on the date of payment, or on the date considered to be the date of payment under Rule 30(1)(b), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.

(d) Where the amount of any fee other than the fees referred to in subparagraphs (a), (b) and (c) is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.

¹⁸ Consequential on the proposed change to Rule 24(2)(a).

Rule 35

Currency of Payments

(1) *[Obligation to Use Swiss Currency]* All payments due under these Regulations shall be made to the International Bureau in Swiss currency irrespective of the fact that, where the fees are paid by ~~the an Office of origin or by another interested Office~~, ~~that such~~ Office may have collected those fees in another currency.

.....

Rule 41
Administrative Instructions

(1) [Establishment of Administrative Instructions; Matters Governed by Them] (a) The Director General shall establish Administrative Instructions. The Director General may modify them. The Director General shall consult the Offices which have a direct interest in the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(2) [Control by the Assembly] The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

(3) [Publication and Effective Date] (a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions become effective. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette.

(4) [Conflict with the Agreement, the Protocol or These Regulations] In the case of conflict between any provision of the Administrative Instructions and any provision of the Agreement, the Protocol or these Regulations, the latter shall prevail.

[End of document]