The Madrid System for Business in Real Life

Orsolya Szentesi
Head of Trademark Department

Egis Pharmaceuticals PLC
About the speaker

Orsolya Szentesi

Lawyer – Hungarian national degree

MA in IP law
Nice/Sophia Antipolis

Ministry of Education and Culture (EU affairs)

10+ years at Egis Pharmaceuticals PLC

Pharma brand names

Use of trademark symbols
Tradition, expertise, quality

2022/2023 business year

Foundation of the legal predecessor of Egis by Swiss Dr. Albert Wander and Hungarian Sándor Balla
Budapest

1913

Commencement of API production
Budapest

1950

Start of galenic products’ manufacturing
Kőrmend

1976

Start of injection production
Budapest

1989

Egis became listed on the Budapest Stock Exchange

1994
Tradition, expertise, quality

2022/2023 business year

- Servier acquired 100% ownership of Egis
- Egis launched Europe’s first biosimilar monoclonal antibody medicine
- The company inaugurated a brand new galenic plant Körmend

- French Servier acquired 51% Stake in Egis
- Modernisation of the active ingredient manufacturing infrastructure started Budapest
- Egis strengthened its presence in the OTC market with the acquisition of Biovital in Poland
- Two technology-intensive investments finished in Körmend:
  - Modernisation of the existing packaging infrastructure (1st phase)
  - Inauguration of a plant for finished oncology products with special manufacturing requirements
Vertically integrated leading regional pharmaceutical company

Research and Development
- State-of-the-art research laboratories
- Highly potent active ingredients, value-added generics, branded generics

Contract manufacturing and development
- active ingredients

Active Ingredient and Finished Product Production
- Active ingredient synthesis
- Finished product formulation: tablets, capsules, injections, galenic forms
- Biosimilar: drug release testing secondary packaging
- Packaging

Sales
- 22% domestic
- 78% export

2022/2023 business year
In the 2021/2022 business year our portfolio consisted of 642 products, belonging to 166 product lines containing 149 active ingredients.
Main therapeutic areas

2022/2023 business year

- Cardiovascular system: 41.4%
- Central nervous system: 19.3%
- Blood forming organs: 8.6%
- Respiratory system: 8.9%
- Musculo-skeletal system: 8.5%
- Others: 6.3%
- Alimentary tract and metabolism: 3.5%
- Oncology / immunomodulators: 3.5%

2021/2022 business year, based on turnover of human drug sales
More than 30 million patients are treated yearly with Egis medicines

181 million boxes of drugs sold …

Los Angeles - Budapest – Tokyo …the length of the chain of boxes

835 tons active ingredients/intermediates

5.6 billion tablets and capsules

70% of the world population

2022/2023 business year
Egis in the world

2022/2023 business year

Egis products reach 103 countries

€ 577.6 million turnover in 2021/2022

18 countries, where Egis has its own marketing network

4560 colleagues

Sales under the brand name Egis through our subsidiaries and representative offices, respectively

Sales through our partners
Branded generic trademark filing strategy...

...from Armenia to Viet Nam

Hungary

+ 17 countries of operation

- Armenia
- Azerbaijan
- Bulgaria
- Belarus
- Czech Republic
- Georgia
- Kazakhstan
- Lithuania
- Latvia

- Moldova
- Poland
- Romania
- Russian Federation
- Slovakia
- Ukraine
- Uzbekistan
- Viet Nam

Sales under the brand name Egis through our subsidiaries and representative offices, respectively

Sales through our partners
EGIS Trademark portfolio in numbers

**TM portfolio** contains 17047 registered trademarks, 1414 brands of which 16592 are word trademarks (local script, block letters) 394 are figurative trademarks (306 without EGIS figurative marks) 57 are slogans 4 are colour marks

EGIS house mark is protected by

- **101 word trademarks**
  of which 7 trademarks with local script (China, India, Taiwan)
- **88 figurative trademarks** (means i.e. our company logo)
Number of TM filings per year

- Via Madrid
- HU national
- other
## Egis as TOP Madrid applicant

### A2. Top Madrid applicants, 2021

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Change in position from 2020</th>
<th>Madrid applicant</th>
<th>Origin</th>
<th>Madrid applications</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>2019</td>
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<td>L'OREAL</td>
<td>France</td>
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<td>2</td>
<td>ADP GAUSELMANN GMBH</td>
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Source: [Madrid Yearly Review 2022](https://wipo.int)
In the 2021/2022 business year our portfolio consisted of 642 products, belonging to 166 product lines containing 149 active ingredients.
**Pharma Brand Names – Double Barriers**

**Trademark Barrier**

A name must be:

- accepted by trademark offices.
- not disputed by third parties.

*PREDICTABLE* (more or less)

**Regulatory Barrier**

A name must be:

- accepted by health agencies.

*UNPREDICTABLE* (strict decisions)

The worst case (so far):

21 name refusals for one product

*INN = international non-proprietary name*
Pharma Brand Names – Double Barriers

TRADEMARK BARRIER

- Lack of distinctiveness
- Similar to earlier TM

REGULATORY BARRIER

The worst case (so far): 21 name refusals for one product

Reasons for rejection

Artificial example for an ibuprofen product

- Similar to earlier brand name (also under evaluation; counting identical letters)
- Similar to INN* IBUFENOR (sim. to own INN), PAREMO (sim. to diff. INN paracetamol)
- Contains INN stem ZYTPROFEN (-profen)
- Promotional/meaningful DOLYXHELP
- Containing (part of) company name EGIBUP

*INN = international non-proprietary name
Pharma Brand Names – Double Barriers

SOLUTION:

- unusual brand names
- multiplication of TMs dedicated to 1 product

The worst case (so far): 21 name refusals for one product
Number of TM filings per year

- Via Madrid
- HU national
- Other
Why Madrid?

Hungary + 17 countries
Armenia, Azerbaijan, Bulgaria, Belarus, Czech Rep., Georgia, Kazakhstan, Lithuania, Latvia, Moldova, Poland, Romania, Russia, Slovakia, Ukraine, Uzbekistan, Viet Nam

- Predictable timing

National TM filing proceedings
3-36 months

vs.

WIPO
12/18 months

- vs. EUTM: legally safer

Lower number of earlier rights

27 national TM registries
including in WEU

vs.

8 national TM registries
in CEU
Why Madrid?

Hungary + 17 countries
Armenia, Azerbaijan, Bulgaria, Belarus, Czech Rep., Georgia, Kazakhstan, Lithuania, Latvia, Moldova, Poland, Romania, Russia, Slovakia, Ukraine, Uzbekistan, Vietnam

- **Cheaper**

**Cost of national TM applications in 1 class in 17 countries**

- Official fee cca. EUR 5714*
- Local agent fee min. EUR 6800 (EUR 400/country)

**Madrid fee in 1 class** (basic fee + countries) + forwarding fee from basic office to WIPO

- Cca. EUR 3.709

**Sum:**

- Cca. EUR 12,500

**Less administration**

- instructions / contract
- docketing
- payment arrangement

17 x Local agents
cca. 17x 1 hour

vs.

1x Madrid e-filing
cca. 1 hour

*Source: https://www.country-index.com/country_surveys.aspx
Number of TM filings per year
WHO FILED THE MOST MADRID TRADEMARK APPLICATIONS IN 2013?

TOP 10 COUNTRIES

- Germany: 9,622 applications
- USA: 6,437 applications
- China: 3,142 applications
- France: 2,746 applications
- UK: 2,462 applications
- India: 1,381 applications
- Japan: 1,365 applications
- Italy: 1,281 applications
- China: 1,281 applications
- Korea: 1,281 applications

Total applications: 46,829

+6.4% Growth in 2014

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TOP 10 COUNTRIES

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- Italy: 1,281 applications
- Korea: 1,281 applications
- Spain: 1,281 applications

Total applications: 47,885

+2.3% Growth in 2014

2013
111 applications

2014
132 applications
2024?
Thank you for your attention
Source: WIPO Global Brand Database - Vienna cl. 5.13.15 Christmas trees, branches of Christmas trees
Global Brand Database (wipo.int)