

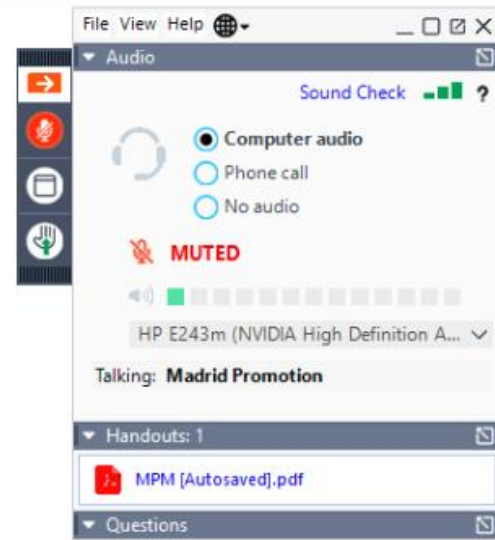
更正马德里国际商标注册：详解和案例说明

马德里网络研讨会

李强强
马德里业务四组组长
马德里运营司

日内瓦
2021年9月23日

如何使用GoToWebinar

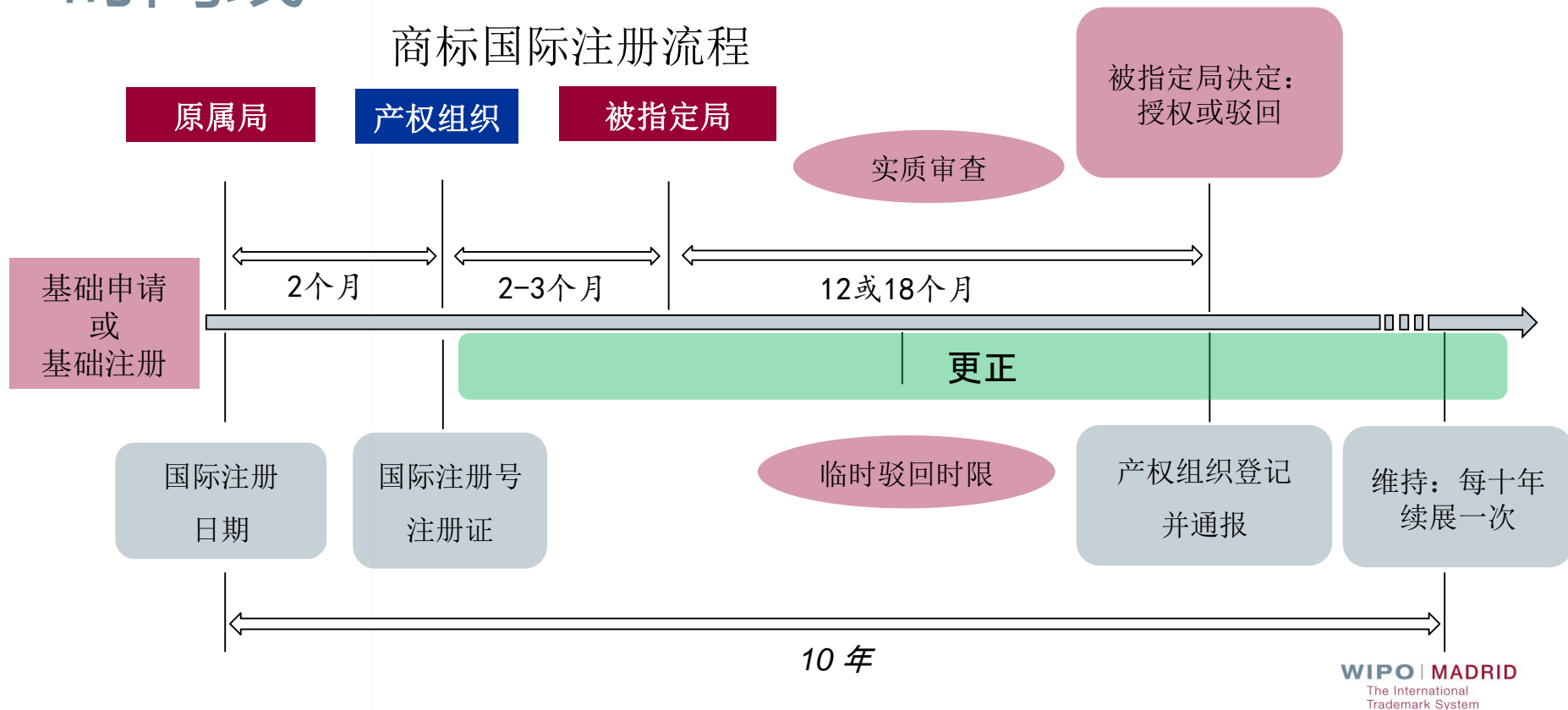


网络研讨会内容框架

- 介绍马德里注册商标更正的内容
- 介绍马德里注册商标的权利变更与续展
- 会间互动问答
- 结尾问答环节
- 讲座PPT和参考资料可供下载
- 视频会上传到[马德里网络研讨会](#)页面
- 简短调查问卷搜集反馈意见

时间线

商标国际注册流程



更正：概述

- 基本信息
- 通信
- 统计数据
- 案例

基本信息

- 在以下情况下，产权组织进行更正：
 - **主管局所致的错误**：主管局在公布之日起九个月内提出请求
 - **产权组织所致的错误**：没有时间限制
 - **主管局所致的错误（更正不影响国际注册所产生的权利）**：只需主管局提出请求，没有时间限制

问答环节1

■ 原属局或者马德里商标注册人在9个月内向产权组织发出更正请求，声称注册人在国际注册申请中提供的法律实体信息有误。产权组织国际局是否会受理此更正申请？

A: 会

B: 不会

基本信息

- 产权组织不更正注册人所犯的错误。

基本信息： 第28条

- (1) 更正
- (2) 通知更正
- (3) 更正后的驳回
- (4) 主管局请求更正的时限：九个月

第28条第(1)款

- 如果产权组织认为国际注册有误，则必须依职权更正错误
- 产权组织也会根据注册人或主管局的请求更正错误

第28条第(2)款

■ 公布更正通知并将其发送至：

- 注册人或当下的代理人
- 被指定缔约方的主管局
- 请求更正的主管局

第28条第(3)款

- 当国际注册作出更正：自通知更正之日起，被指定的缔约方主管局可以发出临时驳回通知。

第28条第(4)款

- 错误由主管局所致，并且更正会影响由国际注册所产生的权利时，请求更正的时限为：公布之日起九个月内。

通信

通信

- 如何请求更正（使用表MM21）
 - 马德里主管局门户（仅适用于知识产权局）
 - 联系马德里（适用于所有人）

通信：马德里主管局门户

■ 如何请求更正

■ 马德里主管局门户

For IP offices

Current members

Current members of the Madrid Union have duties as both an Office of Origin and an Office of a designated Contracting Party. Learn more about members' obligations, as well as helpful tools like [Madrid System statistics](#), [model forms](#) and provisions.

[International applications and subsequent designations in progress](#)

[Madrid Office Portal](#)

通信：所有人

- 如何请求更正
 - 联系马德里

Contact Madrid

Use this form to make an enquiry or to submit a form/response to WIPO.
To get started, tell us who you are.

I am:

a trademark holder, representative or any other interested party
from a national or regional IP office

Submit

通信：联系马德里

I am:

a trademark holder, representative or any other interested party

My request concerns:

a form submission

Information on the Madrid System
the status of an international application or of a request to change an existing registration
an irregularity letter
a notification sent by WIPO
a payment
Madrid online services

a correction

a change in contact details of the holder
a change in contact details of the representative
certified document(s) / certificates(s)
Madrid System webinars, seminars and video tutorials
something else



通信： 建议

■ 表MM21

MM21 (E) – REQUEST FOR THE CORRECTION OF A RECORDING

For use by the holder:

Number of continuation sheets:

Holder's reference:

For use by the Office:

Number of continuation sheets:

Office's reference:

1. INTERNATIONAL REGISTRATION NUMBER

Please, provide the international registration number (and the letter, if any). Type one digit in each box. For example, for international registration number 123456A, type 123456A)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

2. REFERENCE NUMBER

(a) If the holder or his/her representative requests the correction:

WIPO REFERENCE NUMBER

Please, provide the 9 or 10-digit number that appears in the notification as part of the WIPO reference number. Type one digit in each box. For example, for reference number 806/123456789, type: 123456789.

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

(b) If the Office requests the correction:

WIPO NOTIFICATION NUMBER

Please, provide the 3-letter and the 6-digit number that appear in the notification. Type one letter or digit in each box. For example, for reference number ENN/2014/01, type: ENN201401.

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

通信： 建议

■ 表MM21

MM21 (E), page 2

3. DESCRIPTION OF THE REQUESTED CORRECTION

Please, provide details of the error to be corrected.

If the space provided is not sufficient, check the box and use a **continuation sheet**.

MM21 (E) – July 2021

MM21 (E), page 3

4. PRESENTATION AND SIGNATURE

(a) The request is presented by (check the appropriate box):

- (i) Holder
(ii) Representative of the holder
(iii) Office

(b) Name:

(c) Signature:
By signing this form, I declare that I am entitled to sign it under the applicable law.

(d) E-mail address:

MM21 (E) – July 2021

统计数据

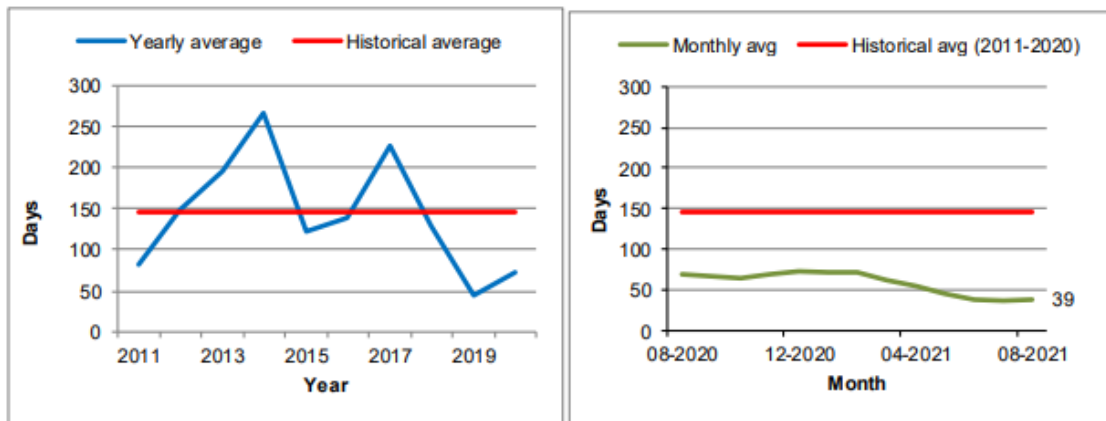
更正的数量

- 2021年平均每个月收到的更正数量：**428**
- 每天收到与更正相关的邮件数量：**40**

更正所花的时间

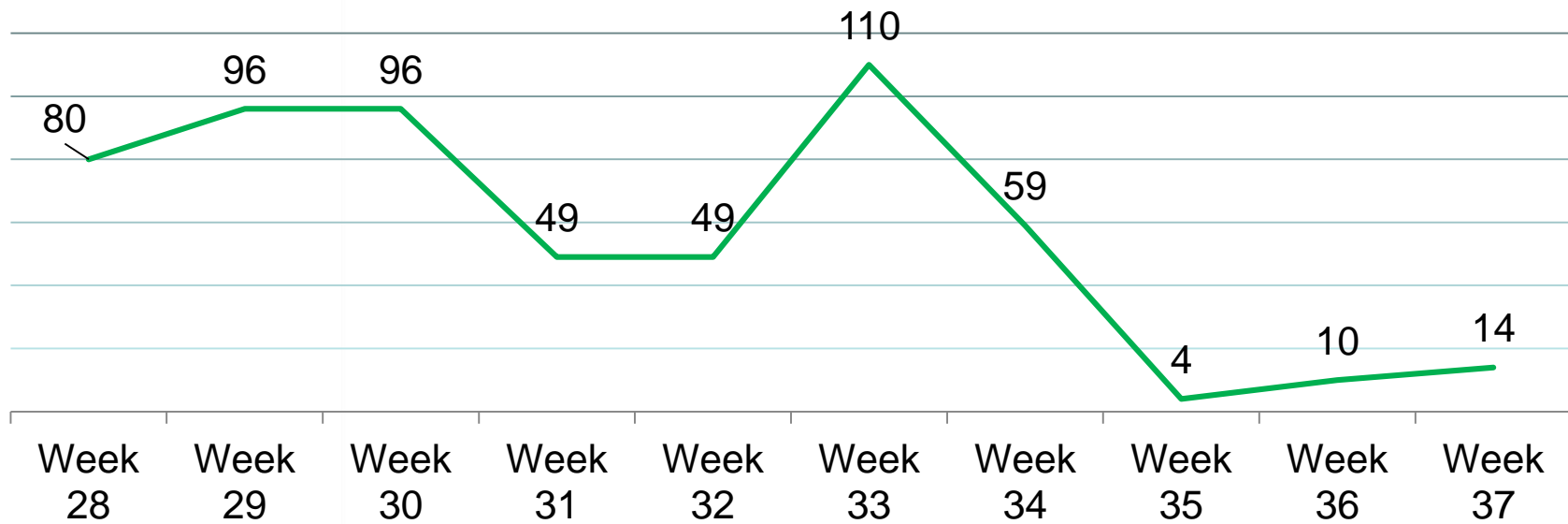
■ 目前审查的更正请求所等待的真实时间：**8天**

Corrections



待审查的更正

待审查的更正 2021



案 例

案例1

:	<u>1041258000</u>	Application (Common)
:		as at 02/03/2018
:	<u>09</u>	<u>15</u>
:	<p>Apparatus, instruments and software for capturing, creating, processing, recording, transmission, reproduction, sound-recording consoles and software; equalizers; sound processing equipment, namely equalizers; so-called peak, and program equalizers; musical instrument digital interface controllers, converters and software; downloading from a computer database or the internet; music-composition software; docking stations for computers, transferring and transmitting sound; microphones; amplifiers; microphone pre-amplifiers; stereo pre-amplifiers; network interface devices for transmitting and recording audio; audio interfaces to record music and audio; carriers; record players; acoustic conduits; cabinets for loudspeakers; diaphragms for acoustics; audio equipment, namely couplers; downloadable electronic publications in relation to audio and audio equipment; mains, namely wires and cables; electronic connections, namely plugs, sockets and other contacts; sound controllers other than musical instruments; containers and bags adapted for use with all of the aforesaid, excluding telecommunications and telephonic equipment, devices, apparatus and instruments; none of the above for creation, storage, delivery, manipulation, recording, playback or viewing of still moving images.</p>	

案例1：标点符号错误

- 电子申请中有标点符号错误
- 审查过程中没有发现不规范

案例2

Request	:	<u>1118986000</u>			Application (Common)
IRN	:			as at	26/06/2018
Classes	:	<u>14</u>	<u>18</u>	<u>24</u>	<u>25</u>
Goods and Services in English	:	Jewellery			

案例2：是否可以受理？

Dear Sir/Madam,

We refer to your letter of March 1, 2018 with which you forwarded the Certificate of Registration of the above-mentioned international registration.

While reviewing the Certificate of Registration for the above-mentioned international registration we have found an error in regard to the list of goods. Apparently the amendment to the list of goods in class 14 agreed to with our letter of December 19, 2017 to the Patent- and Trademark Office has not been considered. A respective copy of said letter is enclosed.

Therefore the list of goods and services should read:

14 - Jewellery; **clocks**

18 - Bags for sports; cosmetic purses; vanity cases sold empty; leisure bags; backpacks; beach bags; suitcases; travel bags; umbrellas; parasols

24 - Towels made of textile fabrics; bath towels; fabrics made from synthetic fibres for the manufacturing of swimwear

25 - Clothing; swimwear; beachwear; headgear for wear; footwear

Please rectify this error and let us have a rectified Certificate of Registration as soon as possible.



案例2：驳回

Dear Sir/Madam,

We refer to your letter of March 1, 2018 with which you forwarded the Certificate of Registration of the above-mentioned international registration.

While reviewing the Certificate of Registration for the above-mentioned international registration we have found an error in regard to the list of goods. Apparently the amendment to the list of goods in class 14 agreed to with our letter of December 19, 2017 to the Patent- and Trademark Office has not been considered. A respective copy of said letter is enclosed.

Therefore the list of goods and services should read:

14 - Jewellery; **clocks**

18 - Bags for sports; cosmetic purses; vanity cases sold empty; leisure bags; backpacks; beach bags; suitcases; travel bags; umbrellas; parasols

24 - Towels made of textile fabrics; bath towels; fabrics made from synthetic fibres for the manufacturing of swimwear

25 - Clothing; swimwear; beachwear; headgear for wear; footwear

Please rectify this error and let us have a rectified Certificate of Registration as soon as possible.

案例2：受理

Notification of: 01/03/2018 (ENN/2018/07)
International registration n° : 1 391 111

Rectification/Correction

Dear Sir or Madam,

We notify an error in our application of aforesaid international registration concerning the list of goods and services in class 14.

The correct list of goods and services should read as follows:

Cl. 14: Jewellery; **clocks**.

The other classes remain unchanged.

We apologize for this failing and therefore ask you to be so kind and rectify the International Register accordingly.

更多案例

16 September 2021

**International application based on German trademark No. 30 2021 114 370
for the mark „METALEVELS”
in the name of MA2 Verwaltungsgesellschaft mbH
WIPO-Reference: 1500667401**

Dear Madam or Sir:

We refer to the above-mentioned request for international registration of the trademark “METALEVELS” filed on August 25, 2021.

Our contact details under point 4 “Appointment of a representative” of the application form “MM2” contain an incorrect e-mail address.

We herewith kindly request the correction of the e-mail address to

de-markenmanagement@kpmg-law.com.

更多案例

International Registration Number 1559192; WIPO Reference 921/1420866101

Dear Sirs,

We have received a notification that the limitation was recorded in the International Register.

However, we found a typo in Class 35.

In our MM6, we used a semicolon (;) after the services “sales agency services in relation to footwear”, however, a comma (,) was used in the WIPO notification.

For your reference, we uploaded the MM6 as filed and the WIPO notification as we received.

Please kindly confirm and correct this matter.

Best regards

Eunwoo (Vera) Lee / Il Hee Bahn

Direct: +82.2.6386.6249 | Mobile: +82.10.5657.0677

ilhee.bahn@leekoip.com

Lee & Ko IP

and events for commercial or advertising purposes; promoting the goods and services of others; commercial administration of the licensing of the goods and services of others; sales agency services in relation to sun glasses; sales agency services in relation to undergarments; sales agency services in relation to watches; sales agency services in relation to footwear, wholesale services in relation to footwear; retail services in relation to footwear; sales agency services in relation to spectacles; retail services in relation to games and playthings; wholesale services in relation to games and playthings; sales agency services in relation to clothing; wholesale services in relation to clothing; retail services in relation to clothing; sales agency services in relation to quilts; promoting the goods and services by means of operating an on-line comprehensive shopping mall; sales agency services in relation to fabric;

administrative processing of purchase orders; sales agency services in relation to caps being headwear; sales agency services in relation to necklaces; organisation of exhibitions and events for commercial or advertising purposes; promoting the goods and services of others; commercial administration of the licensing of the goods and services of others; sales agency services in relation to sun glasses; sales agency services in relation to undergarments; sales agency services in relation to watches; sales agency services in relation to footwear, wholesale services in relation to footwear; retail services in relation to footwear; sales agency services in relation to spectacles; retail services in relation to games and playthings; wholesale services in relation to games and playthings; sales agency services in relation to clothing; wholesale services in relation to clothing;

所有权变更登记

- MM5表是**正式表格**
- 一份MM5表可用于多项国际注册（所有权部分变更除外）
- MM5表中每个国际注册号费用为177瑞郎
- 所有权全部或部分变更
- 国际局仅负责登记——登记的影响由所涉司法管辖区决定

问答环节2

■ 提交国际商标注册人变更的表格，是否需要提供受让人的电子邮件地址？

A: 是

B: 否

所有权变更登记

■ MM5 表格展示和其中要注意的地方

- 3 (c): 电子邮件
- 3 (e): 法律性质
- 多个受让人

问答环节3

■ 提交国际商标注册变更/国际商标转让, 受让人是否必须满足使用马德里体系的主体资格?

A: 是

B: 否

受让人的资格

- 中国大陆对议定书的加入不适用于中国香港和中国澳门
- 在中国香港成立或以中国香港为居所的实体，不具备成为国际注册持有人的有效资格
- 必须有在中国大陆(或某其他马德里体系缔约方)的地址

国际注册的续展

- 国际注册的有效期以十年为期
- 以十年为一期续展

国际注册的续展

- 可仅对部分被指定缔约方续展
- 如果国际注册簿上已登记对有单独规费要求的被指定缔约方的部分保护（细则第18条之三第(2)款)(ii)项或第(4)款），则应缴纳的规费数额应仅根据给予保护的商品和服务计算。
- 如果国际注册簿上已登记全部驳回（细则第18条之三），则续展应针对所有商品和服务。

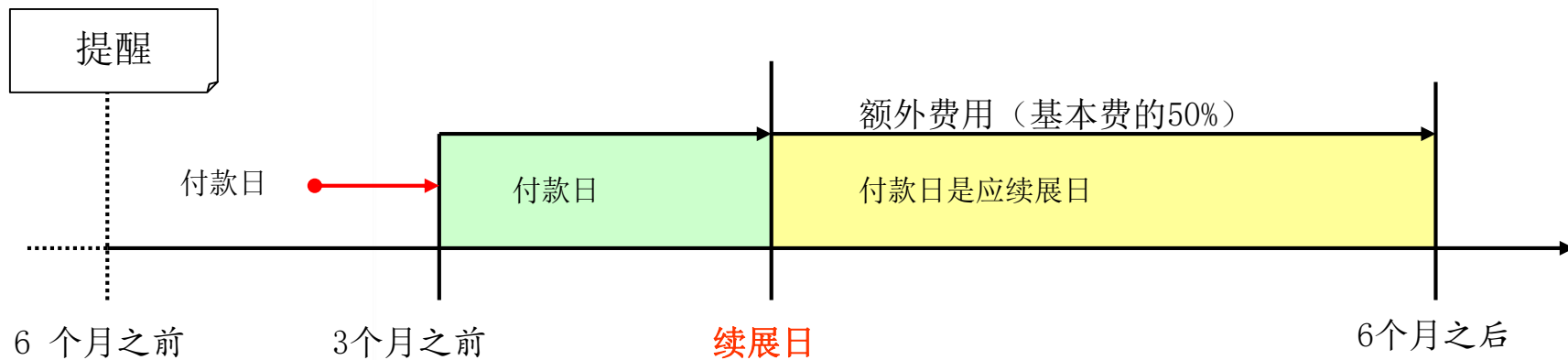
问答环节4

■ 马德里商标权利人最早在什么时候可以在线提交续展申请？

A: 从马德里商标有效期届满前6个月那天开始

B: 从马德里商标有效期届满前3个月那天开始

续展时间线



国际注册的续展

- 产权组织应当以续展之日在国际注册簿中登记续展
- 国际注册已经续展的，产权组织将续展通知有关被指定缔约方的主管局，并将续展注册证寄给注册人
- 如果国际注册未予续展，或对某被指定缔约方未予续展，产权组织应通知被指定缔约方、注册人和代理人



感谢您的参与！

■ 问答环节

李强强
马德里业务四组组长
马德里运营司



WIPO | MADRID

The International
Trademark System

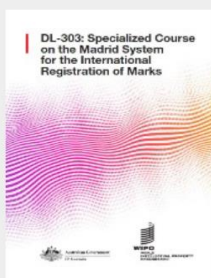
马德里远程教育课程火热招生中

Last Call: Registration for the Specialized Distance Learning Course on the Madrid System

September 15, 2021

Registration for the second session of the specialized distance learning (DL) course on [the Madrid System for the International Registration of Marks](#) (DL-303) is open **until September 30, 2021** on the [WIPO eLearning Center](#) website.

[Register for the DL-303 course](#)



DL-303: Specialized Course on the Madrid System for the International Registration of Marks

[Download](#)

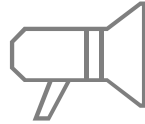
https://www.wipo.int/academy/en/news/2021/news_0025.html

随时了解最新信息



■ 网站

访问[马德里体系网站](#)



■ 马德里新闻

订阅[马德里新闻](#)



■ 网络研讨会

观看[马德里网络研讨会](#)的录像并随时关注新主题



■ YouTube频道

在产权组织的[YouTube](#)频道上查看我们的马德里视频播放列表



■ 教程

播放我们的马德里“[How-to](#)”系列视频和教程



■ 问题

将您的问题、评论意见或建议[发送给我们](#) (Contact Madrid)