

# WIPO



SCIT/SDWG/10/8

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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
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## STANDING COMMITTEE ON INFORMATION TECHNOLOGIES STANDARDS AND DOCUMENTATION WORKING GROUP

Tenth Session  
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PROPOSAL ON THE REVISION OF WIPO STANDARD ST.60 (TASK No. 33)

*Document prepared by the Secretariat*

1. The amendment of Article 9*sexies* of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks came into effect on September 1, 2008. As a result of the said amendment, the Internationally agreed Numbers for the Identification of (bibliographic) Data (INID codes) as provided by WIPO Standard ST.60 are insufficient for clear identification, in the various publications and notifications of the International Bureau (IB), of certain designations under the Madrid System for the International Registration of Marks that are governed by the Protocol by virtue of new Article 9*sexies*.
2. Consequently, in the framework of Task No.33 (“Ongoing revision of non-electronic WIPO Standards”), the IB has prepared a document, which is reproduced as Annex I to this document, proposing the addition of a new code (834) to the list of INID codes under WIPO Standard ST.60 for consideration and approval by the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT). The IB has also prepared a draft revised version of WIPO Standard ST.60, which is reproduced as Annex II to this document. The changes proposed by the IB are highlighted on pages 5 and 9 of the said Annex.

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3. The IB recommends that this revision of WIPO Standard ST.60 be brought to the attention of the ST.66 Task Force for consideration and its subsequent revision of WIPO Standard ST.66.

4. It is requested that comments and questions concerning this proposal for the revision of WIPO Standard ST.60 be submitted in writing to the International Bureau in advance of the SDWG meeting in order to allow for the preparation of the discussions during the meeting. Comments should be sent to the International Bureau, by e-mail, to *scit.mail@wipo.int*, by November 10, 2008.

5. *The SDWG is invited to:*

*(a) note the proposal by the International Bureau for the revision of WIPO Standard ST.60 as given in Annex I to this document;*

*(b) consider and adopt the proposal concerning the revision of WIPO Standard ST.60 reproduced on pages 5 and 9 of Annex II to this document; and*

*(c) request the ST.66 Task Force to consider the corresponding changes to WIPO Standard ST.66 as result of the revision of WIPO Standard ST.60.*

[Annexes follow]

ANNEX I

PROPOSAL ON THE REVISION OF WIPO STANDARD ST.60

*Document prepared by the International Bureau*

Overview

1. Article 9*sexies* of the Madrid Protocol contains what is commonly known as “the safeguard clause”. By virtue of the safeguard clause, in the mutual relations between Contracting Parties that are both bound by the two treaties (the Madrid Agreement and the Madrid Protocol), it is the provisions of the Madrid Agreement that will prevail.
2. With effect from September 1, 2008, the safeguard clause has been repealed. Thus, as from that date, in the mutual relations between Contracting Parties that are both bound by the two treaties, it is the provisions of the Madrid Protocol that will prevail.
3. However, despite the fact that it is the Protocol that will govern such designations, amended Article 9*sexies* contains a qualification which renders inoperative certain provisions of the Protocol in such a case, that is to say, the extended period in which to notify a provisional refusal, and the entitlement to receive individual fees.
4. It will be necessary to distinguish those ‘Article 9*sexies*’ designations from regular Protocol-governed designations, in notifications, recordings and publications effected by the International Bureau.
5. Currently WIPO Standard ST.60 contains the following INID codes:  
  
Data concerning the Contracting Parties covered by the international registration, the renewal or a change  
  
(831) Designations under the Madrid Agreement  
(832) Designations under the Madrid Protocol  
(833) Interested Contracting Parties.
6. It is therefore proposed to add INID code (834) to this section in order to indicate designations governed by the Protocol by virtue of Article 9*sexies*.
7. This new INID code and its description will be used in various publications and notifications of the International Bureau, including the Gazette, certificates, notifications to Offices, ROMARIN and Madrid Express.

INID code (834)

8. The following description is proposed for this new INID code:

English: Designations under the Madrid Protocol by virtue of Article 9*sexies*

French: Désignations selon le Protocole de Madrid en vertu de l'article 9*sexies*

Spanish: Designaciones en virtud del Protocolo de Madrid con arreglo al Artículo 9*sexies*

[Annex II follows]

ANNEX II

**STANDARD ST.60**

RECOMMENDATION CONCERNING BIBLIOGRAPHIC DATA RELATING TO MARKS

(Identification and minimum required)

*Revision adopted by the SCIT Standards and Documentation Working Group  
at its sixth session on September 22, 2005*

INTRODUCTION

1. This recommendation is aimed at improving the access to information relating to marks in general and to the bibliographic content of (trademark) gazettes and certificates in particular.
2. This recommendation provides for codes whereby the various bibliographic data relating to marks, e.g., as given in (trademark) gazettes or certificates, can be identified without knowledge of the language used and the industrial property laws applied.
3. This recommendation further indicates the bibliographic data which as a *minimum* should be published in (trademark) gazettes.

DEFINITIONS

4. For the purpose of this recommendation the expression:
  - (a) "mark" means a trademark, a service mark or another type of distinguishing sign according to the definition of the mark in the legislation concerned, including but not limited to collective marks, certification marks or guarantee marks;
  - (b) "certificate" means the official document which is delivered to a mark owner certifying that his/her mark has been registered by the Office of the country/organization in question, or that such registration has been renewed or amended (this definition also covers "certificates" or "registry extracts" delivered by the Office, e.g., for the purposes of proceedings in court);
  - (c) "gazette" means an official publication containing announcements relating to marks and made in accordance with requirements under national industrial property laws or international industrial property conventions or treaties;
  - (d) "entry in a gazette" means a comprehensive announcement, including bibliographic data, made in a gazette regarding an application for the registration of a mark or a registration of a mark;
  - (e) "INID" is an acronym for "Internationally agreed Numbers for the Identification of (bibliographic) Data."

REFERENCES

5. The following WIPO Standards are of fundamental importance to this Standard:

WIPO Standard <a href="#">ST.2</a>	Standard Manner for Designating Calendar Dates by Using the Gregorian Calendar;
WIPO Standard <a href="#">ST.3</a>	Recommended Standard on Two-Letter Codes for the Representation of States, Other Entities and Intergovernmental Organizations.

#### IDENTIFICATION OF BIBLIOGRAPHIC DATA AND MINIMUM REQUIREMENTS

6. The list of definitions of bibliographic data with their corresponding INID codes is given in Appendix 1 to this recommendation and entitled "List of INID Codes." To assist industrial property offices and users of industrial property documentation, Appendix 2 to this recommendation contains those INID codes, with their definitions and/or notes, which were used at a certain period of time but have either ceased to be available for use or have been amended.

7. The list of bibliographic data has been organized into categories (100 to 800) to facilitate grouping of related data. Each category has several subdivisions to each of which an INID code has been assigned. Category codes, ending in "0," can themselves be used in one, or both, of the following situations:

(a) where several individual bibliographic data items of the same category are present and it is desired to present those individual data items together without using individual INID codes;

(b) where none of the specific INID codes can be assigned to one of the bibliographic data elements which clearly fall within the category definition.

Offices should clearly describe how they use category codes in each of the above situations.

8. The INID codes which are preceded by an asterisk (\*) relate to those data elements which are considered to be the minimum elements which should appear in gazette entries and in certificates.

#### APPLICATION OF CODES

9. INID codes can be used in all entries in gazettes. However, as a minimum, if applied, they should be used in announcements regarding applications published for the first time, e.g., for opposition purposes, and announcements regarding registrations, if such announcements contain comprehensive entries.

10. INID codes can also be used in certificates. Since the language of the certificate is not always known to the user, the use of INID codes facilitates the recognition and understanding of the data.

11. The INID codes should be associated with the corresponding bibliographic data in so far as these data normally appear in gazettes.

12. Provided the presentation of bibliographic data in entries in a gazette is uniform, INID codes may be applied to the bibliographic data in a representative specimen entry in each issue of the gazette, instead of being included in each entry.

13. The INID codes should be printed in Arabic numerals, preferably within brackets (round or square) immediately *before* the corresponding bibliographic data element.

14. The presentation of calendar dates in any of the INID codes concerned should be in the sequence and format as recommended in WIPO Standard [ST.2](#).

#### IMPLEMENTATION

15. If bibliographic data to which INID codes are assigned in accordance with this recommendation do not appear in an entry in a gazette—because they are not applicable (e.g., where no priority is claimed or for some other reason)—it is not necessary to call attention to the non-existence of such elements (e.g., by leaving a space or by providing the relevant INID code followed by a dash).

16. In order that the users of gazettes may be able to make maximum use of the INID codes, it is recommended that a list of the codes used or the complete standard be published at regular intervals in official publications, e.g., in the gazette.

17. Industrial property offices can start using this recommendation at any time. It is recommended that when implementing the INID codes an announcement be made as indicated above and the International Bureau of WIPO be informed, e.g., by being forwarded a sample of the gazette.

18. Industrial property offices can be advised and assisted by the International Bureau of WIPO if they encounter problems in implementing this Standard.

[Appendix 1 follows]

**APPENDIX 1**

LIST OF INID CODES

(Any explanatory notes appear at the end of this list)

(100) *Data concerning the registration/renewal*

\*Serial number

- (111) Serial number of the registration
- (116) Serial number of the renewal where different from initial registration number
- (117) In case of a renewal, the number(s) of the registration prior to the renewal(s)

- (141) Date of the termination of the registration of the mark

\*Date of the registration/renewal

- (151) Date of the registration
- (156) Date of the renewal

Related registration numbers

- (161) Earlier registration number(s) of the renewed registration if different from the number(s) indicated under the codes (111) and (116)
- (170) Expected duration of the registration/renewal
- (171) Expected duration of the registration
- (176) Expected duration of the renewal
- (180) Expected expiration date of the registration/renewal
- (181) Expected expiration date of the registration
- (186) Expected expiration date of the renewal

Authority registering the mark

- \* (190) Identification using the two-letter code (WIPO Standard [ST.3](#)) of the authority registering the mark

(200) *Data concerning the application*

- \* (210) Serial number of the application
- \* (220) Date of filing of the application
- (230) Data concerning exhibitions
- (250) Place of filing of the application
- \* (260) Serial number of the examined application
- (270) Language(s) of the application

(300) *Data relating to priority under the Paris Convention and other data relating to seniority or to the registration of the mark in the country of origin*

- \* (310) Serial number assigned to the first application
- \* (320) Date of filing of the first application
- \* (330) WIPO Standard [ST.3](#) code, identifying the national or regional Office where the first application was made or the organization where the first application was made
- (340) Partial priority
- (350) Seniority
- (360) Partial seniority
- (390) Data relating to the registration in the country of origin (for instance in the case of a "telle quelle" registration)

(400) *Date(s) of making information available to the public*

- (441) Date of making information available to the public regarding the non-examined application
- (442) Date of making information available to the public regarding the examined application
- (450) Date of making information available to the public regarding the registration

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(500) *Various information*

Classification, goods and/or services

- \* (510) List of goods and/or services, if not classified
- \* (511) The International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) and/or list of goods and/or services classified according thereto
- (512) National classification and/or list of goods and/or services classified according thereto

Indications regarding the use of the mark

- (521) Indication to the effect that the mark has acquired distinctiveness through use in trade
- (523) Indication that the applicant has submitted evidence of his right to use certain elements of the mark
- (525) Indication that the mark has been cancelled for non-use
- (526) Disclaimer
- (527) Indications regarding use requirements
- (529) Indications regarding use limitations

Description of the figurative elements of the mark

- (531) According to the International Classification of the Figurative Elements of Marks (Vienna Classification)
- (532) According to a national classification
- (539) By using keywords or a freely formulated text
- \* (540) Reproduction of the mark
- \* (541) Reproduction of the mark where the mark is represented in standard characters
- \* (546) Reproduction of the mark where the mark is represented in non-standard characters
- (550) Indication relating to the nature or kind of mark
- (551) Indication to the effect that the mark is a collective mark, a certification mark or a guarantee mark
- (554) Three-dimensional mark
- (555) Hologram mark
- (556) Sound mark, including characteristics
- (557) Olfactory mark, including characteristics
- (558) Mark consisting exclusively of one or several colors
- (561) Transliteration of the mark
- (566) Translation of the mark or of words contained in the mark
- (571) Description of mark
- (580) Date of recording of any kind of transaction in respect of applications or registrations (e.g., change in ownership, change in name or address, renunciation, termination of protection)
- (591) Information concerning colors claimed

(600) *References to other legally related application(s) and registration(s)*

- (641) Number(s) and date(s) of other legally related applications
- (646) Number(s) and date(s) of other legally related registrations

(700) *Information concerning parties concerned with the application/registration*

- \* (730) Name and address of the applicant or the holder of the registration
- \* (731) Name and address of the applicant
- \* (732) Name and address of the holder of the registration
- (733) Indication of the trade of the applicant
- (740) Name and address of the representative
- (750) Address for correspondence
- (770) Name and address of the previous applicant or holder (in case of change in ownership)
- (771) Previous name and address of the applicant or holder (in case of no change in ownership)

Information regarding licensee(s)

- (791) Name and address of the licensee
- (793) Indication of conditions and/or restrictions under the license



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(800) *Certain data relating to the international registration of marks under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement*

Data concerning entitlement

- (811) Contracting State of which the holder is a national
- (812) Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment
- (813) Contracting State or Contracting Organization in the territory of which the holder has his domicile
- (814) Contracting Party in the territory of which the new holder fulfills the conditions to be the holder of the international registration

Data concerning the basic application or the basic registration

- (821) Basic application
- (822) Basic registration
- (823) Cancellation effected for some of the goods and services at the request of an Office of origin in accordance with Article 6(4) of the Agreement or Article 6(4) of the Protocol
- (824) Cancellation effected for all the goods and services at the request of an Office of origin in accordance with Article 6(4) of the Agreement or Article 6(4) of the Protocol
- (825) Judicial actions or proceedings under Rule 22(1)(b)

Data concerning the Contracting Parties covered by the international registration, the renewal or a change

- (831) Designations under the Madrid Agreement
- (832) Designations under the Madrid Protocol
- (833) Interested Contracting Parties
- (834) Designations under the Madrid Protocol by virtue of Article 9sexies

Various information

- (841) State of which the holder is a national
- (842) Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized
- (843) No request for review or appeal has been lodged
- (844) A request for review or an appeal has been lodged
- (845) Withdrawal of request for review or appeal

Data concerning the limitation of the list of goods and services

- (851) Limitation of the list of goods and services

Data concerning refusal of protection and invalidations

- (861) Total refusal of protection
- (862) Partial refusal of protection
- (863) Effective date of invalidation
- (864) Total Invalidation
- (865) Partial Invalidation
- (866) Provisional refusals notified without an indication of the products/services concerned (Rule 18(1)(c)(iii))
- (867) Refusal Grounds
- (868) Grant of Protection
- (869) Accepted with Reserve

Data concerning a change in respect of the international registration

- (871) Number of the assigned part of the international registration
- (872) Numbers of the international registrations which have been merged
- (873) Number of the international registration resulting from the merger

Data concerning replacement and division

- (881) Number(s) and date(s) of national or regional registration(s) replaced by an international registration (Article 4bis of the Madrid Agreement and Article 4bis of the Protocol)
- (882) Date and number of the basic application, of the registration resulting therefrom, or of the basic registration, which is the subject of the division
- (883) New numbers of the basic application, of the registration resulting therefrom, or of the basic registration, resulting from the division

Data concerning subsequent designations

- (891) Date of subsequent designation (Rule 24(6) of the Common Regulations)

Data concerning final decisions

- (892) Final Decision confirming the disclaimer
- (893) Final Decision withdrawing the disclaimer
- (894) Final decision confirming the refusal of protection
- (895) Statement indicating that the mark is protected for all the goods and services requested (Rule 17(5)(a) or (b))
- (896) Statement indicating that protection of the mark is refused for all the goods and services requested (Rule 17(5)(a) or (b))
- (897) Statement indicating that protection of the mark is protected for some of the goods and services requested (Rule 17(5)(a) or (b))
- (898) Other final decision

[Explanatory notes follow]

EXPLANATORY NOTES

Re: INID codes (111), (116), (210), (260) and (310)

By “serial” is meant the number of the application, registration or renewal in the applicable series of numbers.

Re: INID code (117)

Only applicable to offices which allot a new registration number when a registration is renewed.

Re: INID code (141)

By termination is meant any way provided for in the law for terminating the registration: e.g., cancellation by the holder, *ex officio* by the office, by court decision.

Re: INID code (170) vis-à-vis codes (171) and (176) and  
INID code (180) vis-à-vis codes (181) and (186), respectively

The codes (170) and (180) are to be used when an office does not differentiate between registrations and renewals.

Re: INID codes (171), (176) and (181), (186)

The “expected duration” is normally expressed in number of years: e.g., 10 years.

The “expected expiration date” is normally expressed by a date: e.g., 1998.11.11 or November 11, 1998. (See WIPO Standard [ST.2](#).)

The codes (171) and/or (176), on the one hand, and (181) and/or (186), on the other hand, are mutually exclusive.

Re: INID code (190)

This code is mainly intended for use in mark databases and in certificates where the identification of the authority registering the mark is indispensable; for gazettes, the authority publishing them is normally already mentioned on the cover page.

Re: INID code (220)

By “date of filing” is meant the date of filing as allotted to the application by the Office.

Re: INID code (230)

It is possible to indicate various data here such as place, dates of the exhibition; “exhibition” is defined as in Article 11 of the Paris Convention or according to the applicable law.

Re: INID code (260)

This code is essential for countries such as Japan and the Republic of Korea, which publish applications after examination in a number series different from the number series referred to in INID code (210).

Re: INID codes (300) plus (310), (320) and (330)

If multiple priorities are invoked, these INID codes can have multiple occurrences of at least the serial number and the date.

Re: INID codes (340), (350) and (360)

These codes are essential for Offices such as the Office for Harmonization in the Internal Market (Trade Marks and Designs) to indicate certain data related to national applications or registrations in respect of community trade marks.

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Re: INID codes in category (400)

By "making available to the public" is also meant making available for the purposes of opposition.

Re: INID codes (511) and (512)

These codes may be used to identify either (a) a class (or classes) only, or (b) list of goods and/or services only, or (c) both a class (or classes) and list of goods and/or services.

Re: INID codes (512) and (532)

These codes should be preceded in parentheses by the two-letter code (WIPO Standard [ST.3](#)) identifying the country whose national classification is used.

Re: INID codes (526), (527) and (529)

Normally to be used for indications in text form concerning certain limitations regarding the use of the mark or part of the mark, concerning geographical limitations, etc.

The code (527) may be used not only for indications relating to actual use but also for indications to intention to use the mark.

Re: INID codes (540) vis-à-vis (541) and (546)

The code (540) is to be used when an office does not want to differentiate between code (541) and code (546).

Re: INID code (541)

This code is normally to be used when the mark is considered to be a word mark.

Re: INID code (546)

This code is normally to be used when the mark contains figurative elements.

Re: INID code (550)

This code is provided to allow the grouping of the data elements corresponding to codes (551) to (558).

Re: INID code (600)

Category code (600) should be used by countries which were previously part of another entity for identifying bibliographic data elements relating to applications or registrations of marks which data had initially been announced by the industrial property office of that entity.

Re: INID codes (641) and (646)

These data are different from those referred to in INID code (161). They relate, e.g., to associated marks, divisional applications and partial assignments.

Re: INID codes (730), (731), (732), (770) and (791)

These codes also cover several applicants, holders, representatives or licensees.

Re: INID codes (730) vis-à-vis (731) and (732)

The code (730) is to be used when an office does not want to differentiate between code (731) and code (732).

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Re: INID codes (730), (731) and (732) vis-à-vis (770) and (771)

The codes (730), (731) and (732) should also be used to identify the name and address of the new applicant or holder in case of change in ownership, and the new name and address of the applicant or holder in case of no change in ownership.

Re: INID codes (812) and (813)

Only applicable where the address of the holder (or of one of the holders) is not in the territory of the Contracting Party whose Office is the Office of origin or, where a change in the ownership of the international registration has been recorded in the International Register, where the address of the transferee (or of one of the transferees) is not in the territory of the Contracting Party (or of one of the Contracting Parties) in respect of which the transferee fulfills the conditions to be the holder of an international registration.

Re: INID codes (821) and (822)

In some cases (e.g., where a country which has become party to the Protocol still applies the single class application system), the international application (exclusively governed by the Protocol) can be based on one or more basic applications (code (821)) and basic registrations (code (822)) if the international registration covers several classes of goods and/or services.

Re: INID codes (831) to (834)

No INID codes are provided for where a change affects all the designated Contracting Parties (in the case of total change in ownership (transfer)).

Re: INID codes (831), (832) and (834)

By "designation" is meant a territorial extension made in the international application or subsequent to the international registration. Code (831) and/or code (832) and/or code (834) will be used in the publication of international registrations, subsequent designations, renewals and partial changes in ownership.

Re: INID code (833)

This code will be used in the publications of renunciations, limitations and partial cancellation.

Re: INID codes (841) and (842)

The information covered by these codes is optional for the purposes of international registration and is intended to comply with requirements under the laws of some designated Contracting Parties.

Re: INID codes (843) to (845)

The provisions regarding 'requests for review or appeal' were in force for the period April 1, 1996 to March 31, 2002. They do not form part of the current regulations.

Re: INID code (851)

This code will be used where a limitation of the list of goods and services is included in an international application or in a subsequent designation.

Re: INID code (868)

When this code is used, the data should also include the date on which the Grant of Protection was received by WIPO.

Re: INID code (869)

This code will be used where protection is accepted, with the reserve that some elements of the mark itself are not protected.

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Re: INID code (871)

In the case of a partial assignment of the international registration, the assigned part (recorded in the name of the transferee) will bear the same number as the international registration concerned, followed by a capital letter.

Re: INID code (894)

The provisions regarding 'confirming the refusal of protection' were in force for the period April 1, 1996 to March 31, 2002. They do not form part of the current regulations.

[Appendix 2 follows]

**APPENDIX 2**

DELETIONS AND AMENDMENTS TO THE CODE LIST GIVEN IN APPENDIX 1

INID Code	Previous definition(s) of code	Pertinent previous note(s)	Date of deletion or amendment	Kind of change
(171), (176) and (181), (186)	–	The “expected expiration date” is normally expressed by a date, e.g., November 11, 1998.	November 21, 1997, by PCIPI/EXEC/XXI	Note amended
(300)	Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin	–	May 24, 1996, by PCIPI/EXEC/XVIII	Code definition amended
(500)	Various information Goods and/or services	–	May 24, 1996, by PCIPI/EXEC/XVIII	Code definition amended
(510)	List of goods and/or services	–	May 24, 1996, by PCIPI/EXEC/XVIII	Code definition amended
(511)	According to the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)	This code should preferably be used in conjunction with INID code (510).	May 24, 1996, by PCIPI/EXEC/XVIII	Code definition and note amended
(512)	According to a national classification	–	May 24, 1996, by PCIPI/EXEC/XVIII	Code definition amended
(546)	–	This code is normally to be used when the mark is considered figurative.	May 24, 1996, by PCIPI/EXEC/XVIII	Note amended
(551)	–	Any other kinds of “non-individual” marks, e.g., “quality marks,” are also coded here.	May 24, 1996, by PCIPI/EXEC/XVIII	Note deleted
(641) and (646)	–	These data are different from those referred to in INID code (161). Those related to the data are, e.g., associated marks.	May 24, 1996, by PCIPI/EXEC/XVIII	Note amended
(770)	Name and address of the previous holder (in case of change in ownership)	–	May 24, 1996, by PCIPI/EXEC/XVIII	Code definition amended
(800)	Identification of data related to international conventions other than the Paris Convention [Reserved for data relating to the international registration of marks under the Madrid Agreement and the Madrid Protocol]	–	May 24, 1996, by PCIPI/EXEC/XVIII	Code definition amended

[End of Annex and of document]