

A Guide to the Main WIPO Services



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A Guide to the Main WIPO Services

WIPO is the global forum for intellectual property services, policy, information and cooperation.

WIPO services provide efficient and cost-effective solutions across the entire intellectual property life cycle, helping you to:

- protect inventions, trademarks, designs and geographical indications internationally;
- resolve intellectual property and domain name disputes; and
- access global intellectual property data.

Introduction

Globalization and recent technological advances have provided even the smallest of enterprises with unprecedented access to export markets, offering a world of opportunity for smart organizations. However, operating in international markets means competing on the world stage.

In this environment, intellectual property is more important than ever. The World Intellectual Property Organization (WIPO) supports organizations around the world, from multinational corporations to small and medium-sized enterprises (SMEs), through its extensive range of global intellectual property (IP) services. Whether you are a multinational business or an individual, WIPO services provide efficient and cost-effective solutions to meet your IP needs throughout the intellectual property life cycle.

These services include:

- WIPO global databases which make it easy for anyone, anywhere, to access the wealth of information in the IP system, and thus support all other IP activities;
- WIPO global services for cost-effective and efficient protection of IP including patents, trademarks, industrial designs and geographical indications across borders, thereby protecting business investment in innovation; and
- the WIPO Arbitration and Mediation Center, which provides neutral, international and non-profit dispute resolution services tailored for IP and technology disputes in a time- and cost-efficient manner.

This brochure offers an overview of the main WIPO services. Further information and contact details can be found at <https://www.wipo.int>.

Patent Cooperation Treaty (PCT) – The International Patent System

What is a patent?

A patent is a legal right protecting an invention, which provides a new and inventive technical solution to a problem. The owner of a patent has the right to stop others from commercially exploiting the protected invention, for example by making, using, importing or selling it, in the country or region in which the patent has been granted.

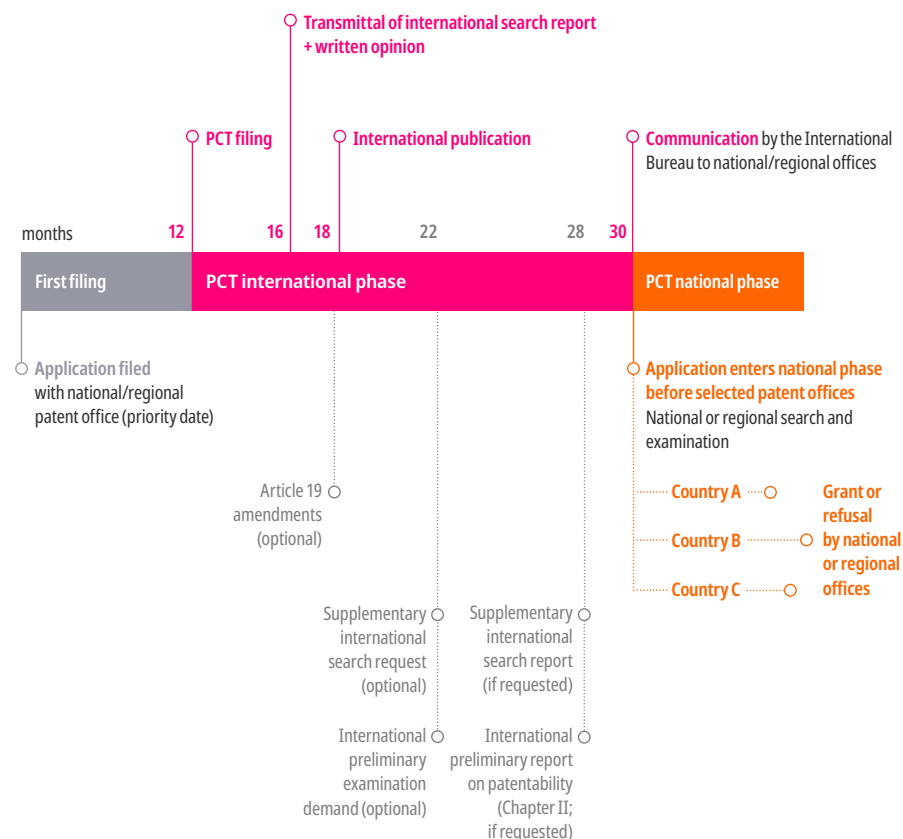
Patent protection helps to differentiate your inventive products and services in the marketplace as it inhibits competitors from simply copying them. In turn, this helps to drive higher sales and support increased profit margins, allowing investment costs to be recovered.

Patent protection may be obtained for products, for example a new bottle opener, or processes, for example a new process for making a chemical compound. Patents may be used to protect inventions in any field of technology, from everyday kitchen utensils to nanotechnology chips. In fact, most patents aren't granted for ground-breaking scientific breakthroughs, but for improvements to existing technologies, for example improvements that allow a product to work more efficiently or cost-effectively. Moreover, a product such as a smartphone may contain a number of inventions, each of which is protected by a separate patent.

A brief overview of the PCT system

The PCT system provides a cost-effective process for seeking patent protection multinationally which has numerous benefits for applicants. With just one PCT application, you can seek patent protection in more than 150 countries instead of filing a separate application directly in each country. It should be noted that the

The PCT System procedure



Benefits

- One PCT application with legal effect in all PCT Contracting States
- Harmonized formal requirements
- Receive patentability information to support strategic decision-making
- Postpone significant costs for national processing by 18 months

PCT System itself does not grant patents, and international patents do not exist; the granting of patents is up to each country or region.

The process under the PCT System is split into two phases. In the “international phase,” you file your application with either your national patent office, a regional patent office or the International Bureau of WIPO. It is checked to make sure it complies with certain formal requirements, and an international search is performed to provide an initial assessment of the potential patentability of your invention. Unless you decide to withdraw your application, it is published along with the international search report. During this phase, you can also request an optional supplementary international search and/or an international preliminary examination, which can provide more information about the potential patentability of your invention.

If you wish, you can then have your application proceed to the “national phase,” by sending a translation of your application (where necessary) to the patent office of each of the countries or regions in which you wish to seek patent protection and paying the required fees. Each national or regional office determines whether to grant you a patent in accordance with its own law, taking into account the relevant documents discovered during the international phase.

The PCT System itself does not grant patents; that is up to each country or region. However, it does provide important advantages in terms of timing, information on the potential patentability of your invention and ease of management that cannot be achieved by filing separate patent applications directly in each desired country or region.

Who uses the PCT system?

The PCT is used by the world’s major corporations, research institutions and universities as well as by individuals and small and medium-sized enterprises.

Key advantages of using a PCT application

1. Keep your options open. The PCT system allows you to delay the decision of where to ultimately seek patent protection – in which countries and regions. The delay is normally 18 months longer than under the traditional patent system of direct filing in each country. Because of this extra time you may have a clearer idea of the commercial value of your invention, and because of the information you will receive during the PCT international phase you should have a clearer idea of the likely scope of patent protection that you may obtain for it. You will thus be better placed to decide where you need patent protection, reducing the risk that you miss commercial opportunities by failing to choose a country that you later find is important to you.

2. Postpone costs. While one set of fees is payable when you file your PCT application, you can wait until the end of the international phase to pay the more significant costs of pursuing protection in the national phase: fees relating to the translation of your patent application into various languages, for retention of local patent attorneys to represent you in the countries in which you enter the national phase, and official fees payable to the individual patent offices where you are seeking patents. Postponing payment of these fees by 18 months can be very advantageous for businesses and individuals. It means you can evaluate the information on the potential patentability of your invention that you receive during the international phase to help you decide whether it is worth paying to seek protection in each country or region.

3. Gain valuable information. Your PCT application will automatically trigger an international search of prior inventions and technical documents, and you will get a written opinion based on that search. This is valuable information concerning the potential patentability of your invention – it can help you make an informed decision about whether to seek patent protection. For example, if the search report and written opinion reveal published documents which would make it difficult or impossible to obtain patent protection, you can decide to discontinue the pursuit of patents and so avoid all the national phase costs. And you also have the opportunity to amend your PCT application through the optional international preliminary examination.

4. Satisfy all formal application requirements. The PCT system establishes one set of formal requirements with which PCT applications

must comply, and national laws are prohibited under the Treaty from applying national formality requirements to PCT applications. In other words, by complying with the formal requirements of the PCT system, your application will avoid the need to meet the different formal requirements normally required of each country (or region) in which you seek patent protection.

Key elements of the PCT system

Filing

Who may file a PCT application?

You may file a PCT application if you, or one of your co-applicants, are a resident or national of a country that is a member of the PCT system (PCT Contracting State).

Where may I file a PCT application?

At the national patent office of the country where you are a national or resident (as long as that State is a PCT Contracting State), at your regional patent office, if applicable and permitted, or directly at WIPO.

Most applicants prefer to file international applications using ePCT, managing all subsequent processes electronically. ePCT is a secure browser-based system that also offers a wide range of functions for applicants, IP Offices and third parties. Further information can be found at <https://pct.wipo.int/ePCT/>.

What is the effect of a PCT application?

A PCT application that satisfies the requirements for an international filing date has the effect of a national patent application in all PCT Contracting States designated in the application.

Can a PCT application claim priority to a previously filed application?

The principle of priority is very useful as it means you do not have to file your application in several countries at the same time. Once you file an application in one country which is party to the Paris Convention for the Protection of Industrial Property, you are entitled to claim the priority of that filing for a period of 12 months, and the filing date of that first application is considered the “priority date.” During those 12 months, the filing date of your first application is considered to have “priority” over

other applications filed after that date in all member countries of the Paris Convention. A PCT application may be filed as a first filing or, alternatively, it may claim priority from an appropriate application filed up to 12 months beforehand, in which case the PCT application will be treated as if it was filed on the same date as the earlier application.

International search and written opinion

What is the international search?

The international search is a high-quality search of the relevant “state of the art” against which the patentability of your invention will be assessed (“state of the art” or “prior art” refers to all information that was publicly available on a given date).

What is the written opinion?

The written opinion is a detailed analysis of the patentability of your invention, taking into account the prior art documents identified in the search.

When do I receive these documents?

The international search and written opinion are normally sent to you within 16 months of the priority date of your application.

International publication

What is international publication?

Your application, with its international search report, will be published shortly after the expiration of 18 months from the priority date of your application. On publication, your invention will become publicly known.

Can I prevent international publication?

You can prevent your PCT application from being published if you withdraw it before publication. Strict time limits apply to being able to withdraw it from publication.

International preliminary examination

What is international preliminary examination?

International preliminary examination is an optional procedure which allows you to make amendments to your PCT application after having received the international search report, and to put forward arguments to distinguish

your invention from the prior art cited in that report. At the end of procedure, an international preliminary report on patentability is issued, which contains a second patentability opinion on your amended application.

When do I trigger the international preliminary examination?

It must be requested within three months of the date of transmittal to the applicant of the international search report or 22 months of the priority date, whichever is later.

When do I receive the international report on patentability?

In accordance with the PCT Regulations, you should normally receive it within 28 months from the priority date.

National phase

When does the national phase start?

For many Contracting States you must fulfill the requirements to enter the national phase within 30 months from the priority date, for some, however, you have additional time (31 months or more) to do so.

What requirements must I fulfill?

These requirements include paying national patent office fees, appointing a local patent attorney and, where required, filing a translation of the application.

What happens in the national phase?

The patent office for each of your chosen countries or regions will begin a procedure governed by the applicable national law which will result in a decision to grant or refuse to grant a patent in the country or region. In doing so, those patent offices are assisted by the existence of the PCT work products from the international phase, including the international search report, the written opinion of the International Searching Authority and potentially an international preliminary examination report. Furthermore, the offices don't have to spend time on a formality examination as the PCT formal requirements are uniformly accepted.

Additional information

Additional information on the PCT, including the various fees involved in the application procedure, is available at:
<https://www.wipo.int/pct/en>.

For detailed PCT user guidance, please refer to *The PCT Applicant's Guide* at: <https://www.wipo.int/pct/en/appguide>.

The International Bureau periodically organizes, all around the world and upon request, webinars and seminars on the PCT for Member States, patent attorneys and users. Please check the calendar of events on the PCT in the WIPO website, <https://www.wipo.int/pct/en/>, under "Training."

WIPO strongly recommends that anyone seeking to use the Patent Cooperation Treaty to seek multinational patent protection engage the services of a qualified professional representative.

Madrid – The International Trademark System

What is a trademark?

A trademark is a sign, such as a word or a logo, which distinguishes products or services of one enterprise from those of another. The holder of a trademark registered in a given country has the right to stop third parties from using the same or similar trademarks commercially in that country in relation to the same or similar products or services as those for which the trademark is registered.

Trademarks are often a key factor in consumers' purchasing decisions. From a consumer's perspective, trademarks are useful because they give information about the commercial origin and quality of different products and services. From a trademark owner's perspective, trademarks provide the principal means for a business to prevent others from unfairly exploiting its goodwill and reputation.

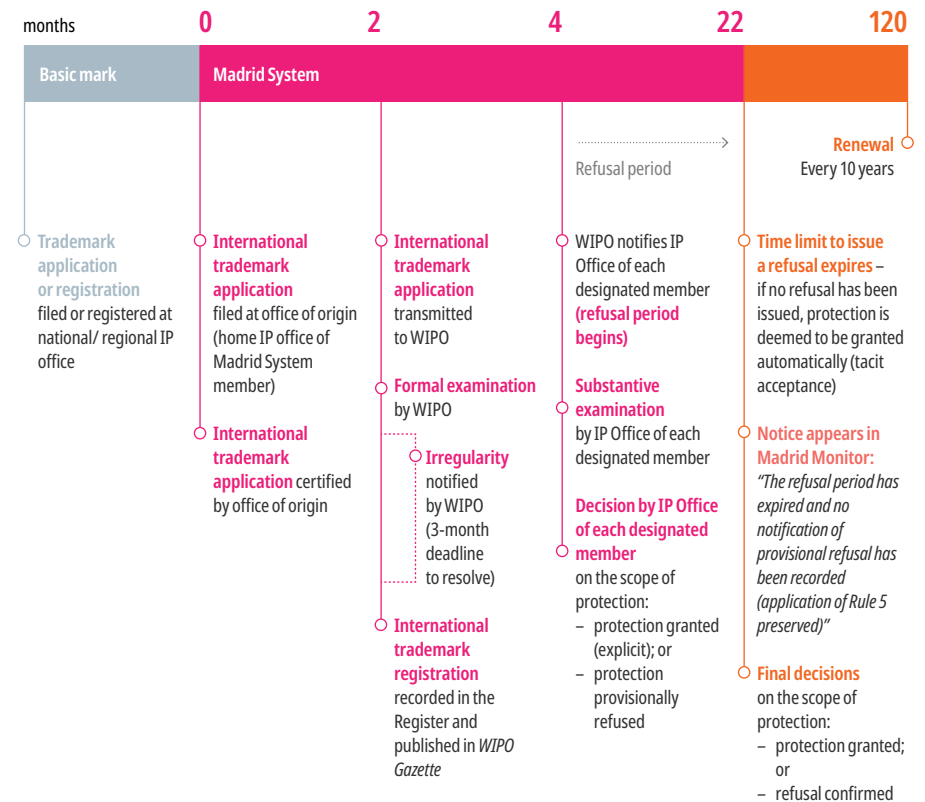
Typically, trademarks consist of words, logos, names, numerals or symbols. "Non-traditional" trademarks may even consist of a mere color alone (without any figurative shape), three-dimensional marks or a particular sound, provided they meet the legal requirements for obtaining trademark protection in the jurisdiction in question.

A brief overview of the Madrid System

The Madrid System provides a cost-effective process for obtaining and maintaining trademark protection in multiple countries.

By filing a single application, you can seek protection of your trademark in all or any countries of the Madrid System members - up to 130 to date. This international procedure is more cost-effective and time-efficient than filing separate national or regional applications directly with each desired jurisdiction.

The Madrid System procedure



Benefits

- File one application in one language to seek protection in up to 130 countries
- Pay one set of fees in a single currency (Swiss francs)
- Manage renewals and changes through one central system
- Expand your trademark to other countries through subsequent designation

Managing your international trademark registration is also easier; with one request, you can record changes to your name or address, changes in ownership, and more, with effect for all the countries covered by your international trademark registration. Your international trademark registration is valid for 10 years. You can renew it directly with WIPO at the end of each 10-year period, with effect in all the members concerned. And you can expand protection of your international trademark registration to cover further territories through “subsequent designation.”

Over more than 130 years – since 1892 – the Madrid System has helped businesses protect more than 1.8 million trademarks worldwide, facilitating their access to their export markets.

Who uses the Madrid System?

Along with the world’s major corporations, Madrid System users include small and medium-sized enterprises. In fact, some 80 percent of users are small IP rights holders with a portfolio of just one or two registered trademarks.

Key advantages of the Madrid System

1. Choose where you want to protect your brand. The Madrid System allows you to seek protection of your trademark in up to 130 countries simultaneously – including the members of the European Union and the African Intellectual Property Organization – representing more than 80 percent of world trade. The Madrid System includes most developed countries and many developing and transition countries, and is growing all the time.

2. Save time and money applying for trademark protection. Using the Madrid System is easier and cheaper than applying for trademark protection separately in lots of different countries. You can obtain trademark protection in multiple countries through a single application in one language (English, French or Spanish) and with fees in one currency (Swiss francs).

3. Save time and money managing your trademarks. The Madrid System also makes it cheaper and easier to manage your international

trademark portfolio; renewals or changes to your international trademark registration can be recorded directly with WIPO for all relevant countries with a single procedure through one centralized system.

4. Expand your trademark protection when you want to. The Madrid System lets you extend your international trademark registration to cover more countries later. So, as your business strategy evolves, you can protect your brand in new target markets, empowering your business to expand.

N° 1

23 janvier 1893

RUSS-SUCHARD & C^{ie}, fabricants
NEUCHÂTEL (Suisse)



Chocolats et cacaos

Suchard was the first international trademark registered under the Madrid Agreement Concerning the International Registration of Marks, in 1893.

La marque ci-dessus a été enregistrée en Suisse le 1^{er} novembre 1880 sous le N° 86

Key elements of the Madrid System

Filing

Who can apply for an international trademark registration?

Anyone who is a national of – or has a domicile or business in – a Madrid System member and has already filed an application for, or registered, the same trademark in the national or regional IP Office of a Madrid System member. This is called the “basic mark.”

Where can I file an international trademark application?

You file your international trademark application through the national or regional IP Office (“Office of origin”) where your trademark is registered. Your Office of origin will forward your application to WIPO.

Formal examination

What is formal examination?

WIPO checks that your international trademark application meets the formal requirements of the Madrid System. If so, your trademark will be recorded in the International Register and published in the *WIPO Gazette of International Marks*. WIPO will then send you a certificate of your international trademark registration and will notify the IP Office in each country where you seek protection of your trademark (the territories that you have designated in your application).

Is my trademark then protected in the countries I have chosen?

Not yet. The certificate from WIPO means that the international trademark registration has passed formalities examination. The scope of protection will be determined by the IP Office of each designated member through substantive examination.

Substantive examination

What is substantive examination?

The IP Office of each designated member determines whether it can grant protection to your mark in accordance with its domestic law, checking for example that the mark is distinctive and not in conflict with prior rights. If the international trademark registration passes the substantive examination, then the IP Office will grant protection; if not, it will refuse protection.

Is there a fixed time limit for refusing protection?

Any IP Office that finds grounds for refusal must send a provisional refusal within a period of 12 or 18 months from the date when WIPO notified it of its designation. The default time limit is 12 months, but Madrid System members may declare that this be extended to 18 months. If you do not hear anything after the expiry of the 12 – or 18 – month time limit, your international trademark registration is considered protected in that territory.

What can I do if an IP Office refuses protection of my international trademark registration?

Refusal of protection, either totally or partially, by one IP Office does not affect protection in other members. You can contest a refusal at the IP Office concerned in accordance with its domestic legislation and procedures.

Additional information

Find out more about the Madrid System, including countries covered, and fees applicable, at <https://www.wipo.int/web/madrid-system>.

For detailed user guidance, refer to the Guide to the *Madrid System*.

Hague – The International Design System

What is an industrial design?

An industrial design constitutes the appearance or ornamental aspect of a product. It may consist of three-dimensional features, such as the shape or form, or two-dimensional features such as patterns, lines or color.

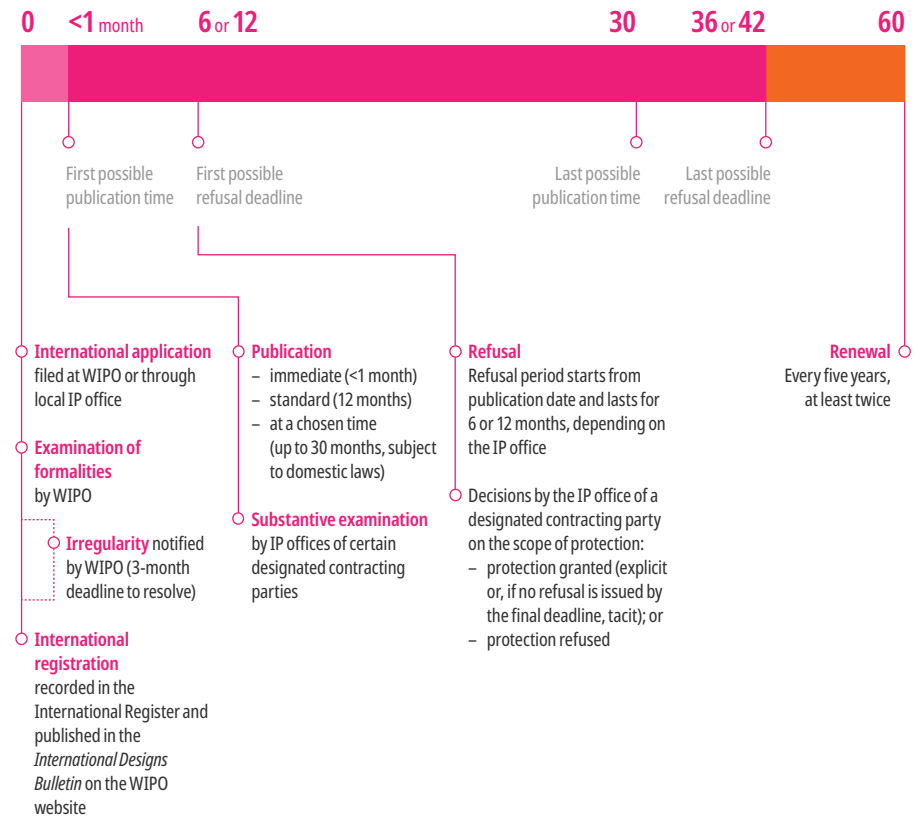
The holder of an industrial design has the right to prevent third parties from making, selling, importing, or commercially exploiting products bearing or embodying a design, which is a copy, or substantially a copy of the protected design.

The appearance of a product can be a key factor in consumers' purchasing decisions, its protection is therefore crucial to its commercial success, driving sales, supporting increased profit margins, and return on investments. Differentiating products in the market can strengthen a company's brand. In this manner, exclusive rights over a design inhibit competitors from copying.

To be registered, a design must be new or original; the assessment of novelty and originality depends on the applicable law. In general, a design is considered new or novel if it has not been disclosed previously to the public. It is considered original if it significantly differs from known designs or combinations of known design features.

Registration of designs protects the appearance of a broad variety of products and handicraft items such as furniture, lighting equipment, jewelry, textiles, toys, electronic devices or graphical user interfaces (GUI).

The Hague System procedure



Benefits

- File one international application in one language to register up to 100 designs – for products belonging to the same class – in more than 90 countries
- Pay one set of fees in a single currency (Swiss francs)
- Time the publication of your registration to fit your business strategy
- Renew and manage your registration directly through WIPO

A brief overview of the Hague System

WIPO's Hague System provides a unique international mechanism for securing and managing design rights simultaneously in multiple jurisdictions, through the filing of a single international application with WIPO. One international registration provides holders with the equivalent of a bundle of national or regional registrations. Subsequent management of that international registration – including modifications, updates and renewals – is a single-step procedure through WIPO.

International applications are filed according to the requirements and procedures established by the Hague Agreement. The domestic legal framework of each designated contracting party governs the design protection provided by the resulting international registrations.



Photo: By Swatch

Swatch is one of the biggest users of the Hague System.

Key advantages of the Hague System

- 1. Efficient.** Digitally file one application, in one language, with one set of fees in close to 100 countries simultaneously.
- 2. Economical.** Enjoy significant cost and time savings, thanks to the single-application framework.
- 3. Centralized.** Easily manage all aspects of your international registrations directly with WIPO.

Key elements of the Hague System

Filing

Who can use the Hague System?

You can file an international application under the Hague System if you:

- are a national of,
- have a domicile or habitual residence in, or
- have a real and effective industrial or commercial establishment in...

...any Hague System contracting party, including any country of the European Union (EU) or the African Intellectual Property Organization (OAPI).

Where can I secure protection?

You can secure protection within any Hague System contracting party, including any country of the EU or OAPI.

How do I file an application?

The simplest and most efficient way to file an application is electronically using eHague. Forms are also available. Applications must be filed in English, French or Spanish – the official languages of the Hague System.

There is no pre-requirement to file a national or regional application to use the Hague System.

What should my application include?

One international application may include up to 100 different designs. All designs must belong to the same class of the Locarno Classification – the international classification used to register designs. An international application must contain at least one reproduction of each design, plus designation of the contracting parties where you seek protection.

Formality examination and publication

What is formality examination?

WIPO checks international applications to ensure that they meet all formal requirements (required information for applicant/representative, quality of reproductions, payment of fees, etc.). WIPO does not check the novelty of a design or perform substantive review. You are notified of any irregularities that must be corrected within three months.

Once an application meets all formal requirements, WIPO issues a certificate of international registration and you become the holder of an international design registration.

When will WIPO publish my international registration?

WIPO publishes all international registrations online in the *International Designs Bulletin*. Standard publication of the international registration takes place 12 months after the date of international registration (normally the filing date, i.e., the date on which WIPO received the application). Alternatively, immediate publication or publication at a chosen time within 30 months from the filing date (or earliest priority date) may be requested – depending on the domestic laws of the individual designated contracting parties.

Substantive examination

What is substantive examination?

Once WIPO has published an international registration in the *International Designs Bulletin*, the IP office of each designated contracting party may perform substantive examination, for example, checking the novelty of a design or other substantive requirements that apply under its own domestic system.

Each contracting party has the right to refuse the effects of the international registration within its own territory if substantive requirements under its domestic law are not met.

What happens if an IP office refuses protection?

WIPO must be notified of any refusal within six (in some cases, 12) months of the date of publication in the *International Designs Bulletin*. WIPO notifies you, as holder of the registration, of any refusals so that you can take any remedial action. Refusals can be contested only at the domestic level according to the established procedures of the IP office concerned. WIPO does not get involved in the proceedings.

Refusal by one party is limited to its own territory and does not affect the international registration in other designated jurisdictions.

Post-registration

How long are international design registrations valid?

The initial period of protection under the Hague System is five years. It is possible to renew an international registration twice, which guarantees at least 15 years of protection. If the domestic legislation of an individual contracting party allows for a longer duration of protection, this applies also to international registrations.

How can I renew protection?

Protection can easily be renewed online. Renewals may be made for all or some of the designs included in an international registration, for as many of the designated contracting parties as desired.

Find out more about the Hague System

Additional information, tools and resources are available on the Hague System website to help you throughout the life cycle of your international design applications and registrations:
<https://www.wipo.int/hague/>.

Lisbon – The International System of Appellations of Origin and Geographical Indications

What are appellations of origin and geographical indications?

Appellations of origin and geographical indications are identifiers (usually a place name) used to designate products that have a specific geographical origin and possess qualities, characteristics, and/or a reputation that are due to that origin.

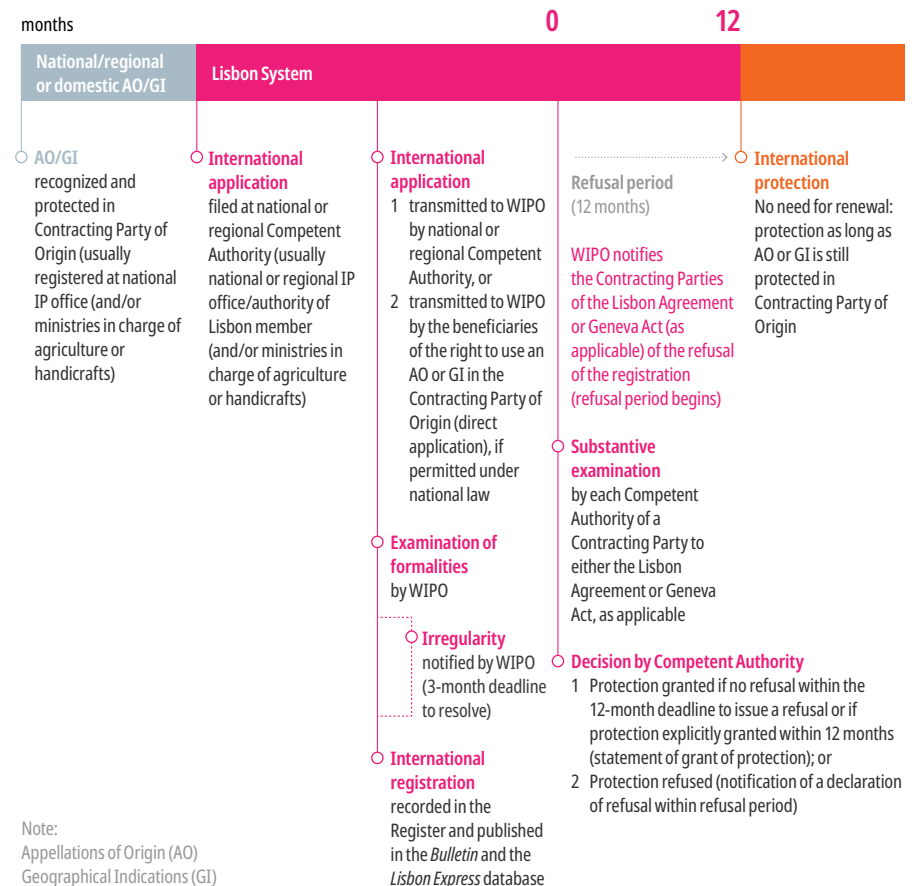
These product identifiers are a collective tool for producers of origin-based quality products to promote their products in national and global markets. In parallel, they also provide guarantees to consumers with respect to quality, authenticity and traceability of products.

A brief overview of the Lisbon System

The Lisbon System for the International Registration of Appellations of Origin and Geographical Indications offers a streamlined means of obtaining protection in multiple jurisdictions. Through a single registration procedure with WIPO and a set of fees in one currency, protection can be obtained in the other Lisbon members (countries or intergovernmental organizations, such as the European Union) covered by the Lisbon System.

Geographical indication or appellation of origin producers in a given Lisbon member will thus acquire the right to prevent third parties from using their internationally registered appellation of origin or geographical indication commercially, in the other Lisbon members, for products which do not come from a specific geographical area or do not comply with the product's requirements for using the appellation of origin or geographical indication.

The Lisbon System procedure



Note:
Appellations of Origin (AO)
Geographical Indications (GI)

Benefits

- Single registration period with WIPO
- Apply only once, in one language for registration in potentially all Contracting Parties
- Pay one set of fees in a single currency
- No need for renewal

This is not only advantageous for producers who want stronger protection for their distinctive designations in global markets but it benefits consumers seeking product assurance in terms of quality, authenticity and traceability.

Together, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 1958 ('the Lisbon Agreement') and, its latest revision, the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications of 2015 ('the Geneva Act') form the Lisbon System.

Who uses the Lisbon System?

The Lisbon System benefits producers, processors and distributors of goods protected by an appellation of origin or geographical indication in any of the Lisbon members. This includes individuals or any legal entity, including small and medium-sized enterprises, who may all seek international protection of their product designations under the Lisbon System.



Key advantages of the Lisbon System

- 1. Save time and money when you apply for registration.** A single application with WIPO provides convenience and savings by allowing appellation of origin or geographical indication recognition and protection in many countries. In addition, the geographical scope of protection can be extended to new Lisbon members without a formal (subsequent) designation. The application is filed in one language (English, French or Spanish) and is subject to one set of fees, deadlines and administrative procedures.
- 2. Indefinite protection.** An appellation of origin or geographical indication registered under the Lisbon System will remain valid as long as it is protected in the country of origin. There are no renewal requirements and no renewal fees.
- 3. A flexible international registration system.** Lisbon members can use any type of legislation (e.g. sui generis laws, trademark laws, administrative provisions, or other legal means) to protect appellations of origin and geographical indications registered under the Lisbon System, provided that the legislation in question meets the requirements of the Lisbon Agreement or the Geneva Act, as applicable.
- 4. All product categories can be protected.** Effective protection is provided to appellations of origin and geographical indications regardless of the nature of the goods (e.g. agricultural products, foodstuffs, wine and spirit drinks, handicrafts) to which they apply.

Key elements of the Lisbon System

Filing

Who may apply for the international registration of an appellation of origin or geographical indication?

International registration of an appellation of origin or a geographical indication takes place at the request of your country of origin, as a Lisbon member, in your name. Under the Geneva Act, you or your representatives may also submit an application directly to WIPO if such direct applications are permitted by your domestic legislation.

Prior national protection is required.

To qualify for international registration, the protection of the appellation of origin or geographical indication must have been formalized first in your country of origin, either by means of legislative provisions, or administrative provisions, a judicial decision or any form of registration.

Where may I file an international registration?

You may file an application at the national or regional 'Competent Authority' (usually the national IP Office) designated by your country of origin. The list of Competent Authorities of the members of the Lisbon Union is available on the WIPO website at <https://www.wipo.int/export/sites/www/lisbon/en/docs/contacts.pdf>.

Your application will then be submitted in your name to WIPO by your Competent Authority. As previously stated, under the Geneva Act, you or your representatives may also submit an application directly to WIPO if such direct applications are permitted under your domestic legislation.

Formal examination

What is formal examination?

WIPO checks that your application meets the formal requirements of the Lisbon System. If so, the appellation of origin or geographical indication for which protection is sought is recorded in the International Register. WIPO then sends your Competent Authority a certificate of international registration and notifies the application to the Competent Authorities of the other members of the Lisbon Agreement or the Geneva Act, as applicable.

Substantive examination

What is substantive examination?

The Competent Authority in each country or intergovernmental organization party to the Lisbon Agreement or the Geneva Act, as applicable, determines whether protection can be granted to the appellation of origin or geographical indication in accordance with its domestic law (e.g. that it is not in conflict with prior rights or that it is not considered generic on its territory). If the international registration passes the substantive examination then protection will be granted, if not protection will be refused.

The Lisbon System does not provide the grounds by which an international registration may be refused, but leaves it to the Lisbon members to determine the grounds on which they cannot protect a given international registration in their territory (e.g. prior trademark rights, prior use of generic terms, etc.), under their domestic legislation.

Is there a fixed time limit for substantive examination?

Competent Authorities of the Lisbon members have one year from the date of receiving notification of the international registration to determine whether they may recognize and protect the international registration in their respective territories.

Should protection be refused, a declaration of refusal must be communicated to WIPO within the one-year time limit, otherwise protection of the appellation of origin or geographical indication takes effect as of the date of international registration, in principle.

What can I do if a Lisbon member has refused protection for my international registration?

WIPO notifies the Competent Authority of your country of origin of any declaration refusing the protection of the international registration of an appellation of origin or geographical indication. This refusal does not affect possible protection in any of the other countries party to the Lisbon System.

Upon being informed by your Competent Authority of the declaration of refusal made by another Lisbon member – or by WIPO in case of an application filed directly – you may resort, in that other Lisbon member, to all the judicial and administrative remedies open to the nationals of that Lisbon member.

Additional information

Additional information on the Lisbon System is available at: <https://www.wipo.int/lisbon/en/>

What is alternative dispute resolution?

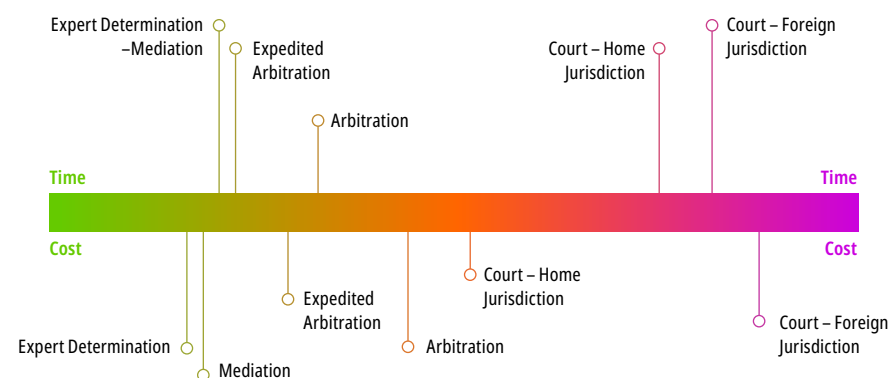
Alternative dispute resolution embraces various ways of resolving disputes between two or more parties without resorting to conventional court litigation. Court litigation can be a challenging process, potentially causing a range of negative consequences even for the winning party. To avoid such consequences, disputing parties are increasingly turning to alternative dispute resolution. For most IP- and technology-related disputes, mediation, arbitration and expert determination may be suitable. If well managed, alternative dispute resolution can save time and money as well as providing the following range of benefits:

1. Consensual process. Alternative dispute resolution is normally a less adversarial process than court litigation. In practice, this can mean it is easier for parties to preserve or even create a positive working relationship with one another when disputes are resolved through alternative dispute resolution.

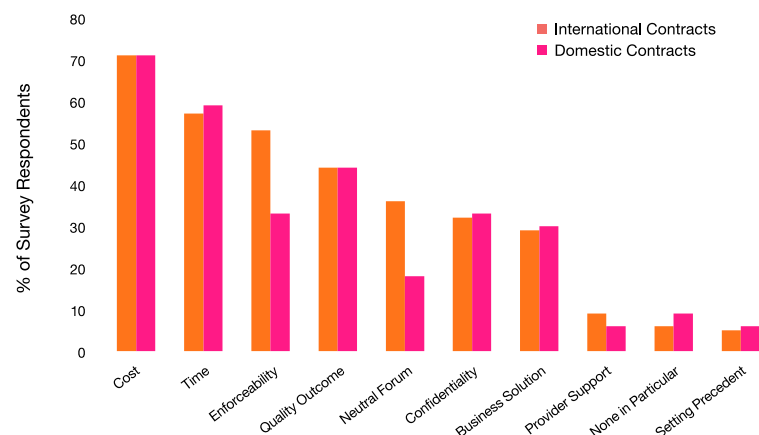
2. A single procedure. Through alternative dispute resolution, parties can agree to resolve an IP or technology dispute spanning a number of countries in one procedure, avoiding the expense and complexity of multi-jurisdictional litigation and the risk of inconsistent results in different countries.

3. Party autonomy. Parties to alternative dispute resolution have greater control over dispute resolution proceedings. For example, they may select the most appropriate mediator, arbitrator or expert and the place and language of the proceedings for their dispute, as well as the applicable law for arbitrations. This increased autonomy may be used by the parties to ensure a faster and less costly process, and one which is tailored to their needs.

IP dispute resolution – timeline



Top ten priorities in choice of dispute resolution clause



Source of graphs:
WIPO International Survey on Dispute Resolution
in Technology Transactions

4. Neutrality. Alternative dispute resolution can be neutral to the law, language and institutional culture of the parties, avoiding any perceived home advantage for one of the parties.

5. Confidentiality. Alternative dispute resolution proceedings are private. Under the WIPO Rules, the existence and results of proceedings are confidential, as is any evidence or other documentation submitted in the course of them. This allows parties to focus on the merits of the dispute without concern for its public impact. This may be of particular importance where commercial reputations and trade secrets are involved.

6. Finality of awards. Unlike court decisions, which can generally be contested through one or more rounds of litigation, arbitral awards are not normally subject to appeal.

7. Enforceability of awards. The United Nations Convention for the Recognition and Enforcement of Foreign Arbitral Awards of 1958 (the New York Convention) generally provides for the recognition of arbitral awards on a par with domestic court judgments without review on the merits. This greatly facilitates the enforcement of awards across borders.

A brief overview of the WIPO Arbitration and Mediation Center

The WIPO Arbitration and Mediation Center (WIPO Center) is a neutral, international and non-profit dispute resolution provider. With offices in Geneva, Switzerland and in Singapore, it offers alternative dispute resolution options, including mediation, arbitration, expert determination and domain name dispute resolution, to enable private parties to efficiently settle their domestic or cross-border commercial disputes. The WIPO Center specializes in IP and technology disputes and caters to the specific needs arising in such disputes. It handles disputes arising out of contractual situations, such as patent or software license agreements, as well as disputes that do not arise from a contract, such as patent infringements. The WIPO Center is also the global leader in the provision of domain name dispute resolution services under the WIPO-initiated Uniform Domain Name Dispute Resolution Policy (UDRP).

Through active case management, the WIPO Center offers efficient alternative dispute resolution options, providing the opportunity for parties to get back to business as quickly as possible.

Who uses the WIPO Center's IP alternative dispute resolution services?

Multinational corporations, small and medium-sized enterprises, research and development institutions, universities and individuals from around the world use the WIPO Center's services. The WIPO Center also develops and administers adapted procedures with national IP offices and other stakeholders.

Parties may elect to use WIPO alternative dispute resolution in advance of a dispute arising by including a WIPO alternative dispute resolution clause in their contract. Equally, they may agree to use WIPO alternative dispute resolution after a dispute has arisen. If a party wishes to propose submitting a dispute to mediation, it may also complete and send a unilateral Request for WIPO Mediation in accordance with Article 4 of the WIPO Mediation Rules. To facilitate the referral of a dispute to WIPO alternative dispute resolution procedures, the WIPO Center offers recommended clauses and submission agreements, as well as an online clause generator. This user-friendly web-based tool enables parties to develop tailored clauses and submission agreements on the basis of the recommended WIPO clauses and submission agreements.

When parties are involved in a dispute, the WIPO Center can provide procedural assistance to them (Good Offices) in order to facilitate direct settlement or the submission of their dispute to WIPO Mediation or WIPO Arbitration, as alternatives to court litigation.

Key advantages of the WIPO Center's services

In addition to the advantages of alternative dispute resolution listed above, the WIPO Center offers:

1. Specialized mediators, arbitrators and experts. Parties can draw upon a database of over 2,000 independent international WIPO mediators, arbitrators and experts skilled in IP and alternative dispute resolution.

Moreover, the WIPO Center adds further neutrals to meet the needs of a case where required.

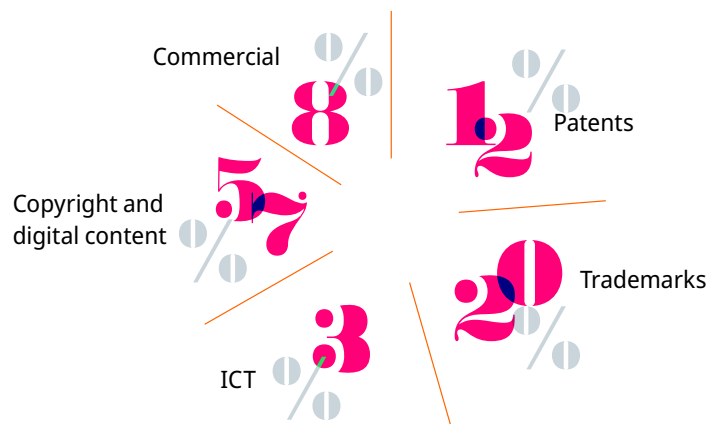
2. Fees and costs. The WIPO Center is a non-profit dispute resolution provider. It administers the financial aspects of proceedings for the parties actively and transparently, for example by setting the neutrals' fees in close consultation with the parties and the neutrals, and by agreeing and fixing costs with the parties in advance. The WIPO Center is committed to assisting the parties in cost-effective dispute resolution.

3. IP-specific needs. The WIPO Mediation, Arbitration, Expedited Arbitration and Expert Determination Rules feature provisions to address specific needs found in IP disputes, such as provisions on confidentiality and technical evidence.

4. Flexibility. The parties are free to determine the procedure's location, language, timelines, neutrals, and applicable law.

5. Online case management facilities. For all WIPO alternative dispute resolution cases, to easily connect parties, the WIPO Center makes available at no cost, online case administration tools. Notably, this includes the WIPO eADR online case management platform, and videoconferencing facilities.

Types of disputes



The WIPO Center's services

Mediation. An informal consensual process in which a neutral intermediary, the mediator, assists the parties in reaching a settlement based on the parties' interests. The mediator cannot impose a settlement, but any settlement agreement has contractual force. Mediation does not exclude any possible court or arbitration options at a later time. In addition to a request for WIPO Mediation arising from a contract clause or submission agreement, under the WIPO Mediation Rules, a party that wishes to propose referring a dispute to WIPO Mediation can unilaterally submit a Request for Mediation to the WIPO Center.

Arbitration. A consensual procedure in which the parties submit their dispute to one or more chosen arbitrators for a binding and final decision ("award") based on the parties' respective rights and obligations and enforceable under arbitral law. As a private alternative, arbitration normally forecloses court options.

Expedited arbitration. An arbitration procedure that is carried out in a shortened time frame and at a reduced cost. The arbitral tribunal normally consists of a sole arbitrator.

Expert determination. A consensual procedure in which the parties submit a specific matter (e.g., a technical question) to one or more experts who make a determination on the matter. The parties can agree for the determination to be legally binding.

Domain name dispute resolution

The UDRP is the principal domain name dispute resolution policy administered by the WIPO Center. Based on recommendations made by WIPO, the UDRP provides trademark owners worldwide with an effective administrative transfer remedy against clear cases of bad-faith registration and use of domain names infringing their rights, a practice commonly known as cybersquatting. This policy applies to all international domains, such as .com and .online, and has also been adopted by a significant number of country-code domains. In addition to the international domains, the WIPO Center provides domain name dispute resolution services to over 85 country-code domains.

This cost-effective two-month procedure is conducted fully online. To assist their case preparation, WIPO parties can take advantage of the WIPO Legal Index and the WIPO Jurisprudential Overview, in addition to model forms. Cases are decided by panelists appointed by the WIPO Center from a special WIPO list. Transfer decisions are normally implemented directly by domain name registrars. Interested counsel may subscribe through the WIPO Center's website to receive a daily notification of newly published decisions.

Additional information

Additional information on the WIPO Arbitration and Mediation Center and its services is available at: <https://www.wipo.int/amc>.

The WIPO Center's information brochure and other publications are available at: <https://www.wipo.int/amc/en/publications>.

Subscribe to the WIPO ADR Highlights newsletter at:
<https://www3.wipo.int/newsletters/en>.

Subscribe to the WIPO Center's LinkedIn page for timely updates on WIPO ADR initiatives at: <https://www.linkedin.com/showcase/wipo-arbitration-and-mediation-center/>

Become a member of WIPO ADR Young:
<https://www.wipo.int/amc/en/center/wipoadryoung/index.html>

Information on upcoming WIPO Center events can be found at:
<https://www.wipo.int/amc/en/events/>

WIPO's IP and technology databases

WIPO offers free online access to global databases that make it easy for anyone, anywhere to use the wealth of information in the IP system.

A brief overview of PATENTSCOPE

PATENTSCOPE is WIPO's global patent search system. It offers a powerful, fully searchable database with flexible, multilingual interfaces and translation tools to assist users in finding and understanding patent documents.

Key features of PATENTSCOPE

Coverage. All published international patent applications filed under the PCT are available in PATENTSCOPE. In addition, published patent documents from more than 75 participating national and regional patent offices are also searchable through PATENTSCOPE.

Multilingual interface. The PATENTSCOPE interface is available in 10 languages.

Highly configurable search. PATENTSCOPE offers a wide range of search operators that can be used to combine search terms, including Boolean, proximity, range and wildcard operators.

Cross-language search. PATENTSCOPE's Cross Lingual Information Retrieval system (CLIR) allows you to search a term or a phrase and its variants in 14 languages.

Chemical searches. Exact, substructure and Markush are available in PATENTSCOPE.

Search result analysis. PATENTSCOPE provides a comprehensive set of tools for managing search results, including how they are presented, sorted and further searched.

Machine translation. PATENTSCOPE allows you to obtain machine translations of patent documents of interest in a large number of languages.

PCT national phase entries. PATENTSCOPE facilitates access to information about PCT national phase entries by compiling and indexing the relevant information from the national registers of various jurisdictions.

RSS feeds. PATENTSCOPE allows you to set up RSS notifications based on your search query, helping you to monitor patenting activity and to receive updates in your area of interest.

International Patent Classification (IPC) statistics. PATENTSCOPE includes IPC data, allowing you to visualize global trends in PCT applications; for example, you can see who the main actors are in a particular technological field.

Who uses PATENTSCOPE?

Among others, PATENTSCOPE is used by: examiners in patent offices to look for prior art for patent applications; inventors looking to see whether an invention has already been patented; researchers interested in seeing which technologies have been developed in a given field; entrepreneurs wanting to understand the identities and activities of their competitors; and patent attorneys looking for specific patent documents.

Additional information

PATENTSCOPE is available at: <https://patentscope.wipo.int>.

The PATENTSCOPE User Guide is available on the WIPO website: https://patentscope.wipo.int/search/help/en/users_guide.pdf

A brief overview of the Global Brand Database

The Global Brand Database is WIPO's global database of trademarks, appellations of origin and official emblems. It streamlines trademark searches by allowing you to perform a single trademark search across multiple national and international sources. Moreover, it provides an intuitive, flexible and powerful search function that supports image-based as well as text-based searches.

Key features of the Global Brand Database

Coverage. The Global Brand Database comprises the WIPO collections of Madrid Trademark Registrations, Lisbon Appellations of Origin and Article 6ter official emblems of countries and international organizations plus the data collections of more than 70 national and regional IP offices.

Powerful search features. The Global Brand Database offers a powerful and highly configurable search function across 14 data fields together with a range of operators that can be used to combine search terms, including Boolean, proximity and range operators. It also provides “fuzzy,” phonetic and word-stem matches, automatic suggestion of matches, and an easy search of image class by description for the international (Vienna Agreement) or U.S. classification standards.

Image search. The image-search functionality allows users to upload an image and search for visually similar trademark and other brand-information records from among the millions of images in the collection.

Search result analysis. The Global Brand Database provides a comprehensive set of tools for managing search results, including customizable results browsing, the option to save searches and record sets, and instant graphical data analysis.

Who uses the Global Brand Database?

The Global Brand Database is used by, among others, trademark professionals, brand managers and entrepreneurs who want to know which trademarks, appellations of origin and Article 6ter emblems have been registered in countries or regions of interest, or to find out

other data relating to the brand landscape. The system is also used by people looking for an internet domain name that does not conflict with existing trademarks.

Additional information

The Global Brand Database is available at:
<https://www3.wipo.int/branddb>.

The Global Brand Database help page is available at:
<https://www3.wipo.int/branddb/en/branddb-help.jsp>

A brief overview of the Global Design Database

The Global Design Database is WIPO's global database of industrial designs. It streamlines design searches by allowing you to perform a single design search across multiple national and international sources. Moreover, it provides intuitive, flexible and powerful search functions.

Key features of the Global Design Database

Coverage. The Global Design Database comprises the WIPO collection of the Hague System and the data collections of more than 35 national and regional IP offices.

Powerful search features. The Global Design Database offers 18 data fields to perform your searches. Among those fields, the design class allows you to search by national design classification such as the Japanese national classification. Numerous filters are also available to help you narrow down your results and/or find statistical information.

Search result analysis. The Global Design Database provides a comprehensive set of tools for managing search results, including customizable results browsing, the option to save searches and record sets, and instant graphical data analysis.

Who uses the Global Design Database?

The Global Design Database is used by, among others, design professionals, design managers and entrepreneurs who want to know which designs have been registered in countries or regions of interest, or to find out the latest trends in the worlds of designs. It is also used by people looking to follow what competitors are doing.

Additional information

The Global Design Database is available at:
<https://www3.wipo.int/designdb/en/>.

The Global Design Database help page is available at:
<https://www3.wipo.int/designdb/en/designdb-help.jsp>

Acknowledgement

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