

## NOTE FOR FILING FORM MM17: CLAIM OF SENIORITY (EUROPEAN UNION)

**Form MM17 (Mandatory):** Claim of Seniority (European Union) (Rules 9(5)(g)(ii), 21 *bis* and 24(3)(c)(iii)) of the Regulations under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks).

Please refer to our [Guide to the International Registration of Marks](#) for further detailed information concerning the application, registration and management of international marks.

### IMPORTANT INFORMATION

#### PURPOSE OF THE FORM

Use this form to claim seniority at the time of designating the European Union (EU) either in an international application, or subsequently in an international registration.

There can be only one seniority claim per form. If you wish to claim seniority for more than one member State of the EU, you will need to complete a separate form for each member State (see [Information Notice No. 2/2004](#)).

#### WHAT IS SENIORITY?

Seniority is a feature of the EU trademarks system, governed by EU legislation. It may apply to owners of EU trademarks, and holders of international trademarks designating the EU.

An applicant (or holder) designating the EU in an international application (or subsequently in an international registration), may claim the seniority (prior rights) of an existing national trademark registration, or international registration protected in an EU member State provided that several requirements are met (for example, the owner, the mark and the goods and services must be the same). A valid seniority claim means that the prior rights in the member State concerned, may be allowed to lapse, without detriment to the holder's trademark rights in that particular country. In principle, the concept of seniority is based on the concept of "replacement" in the Madrid System.

The details of the seniority claim will be published in the *WIPO Gazette of International Marks*, for the international registration concerned.

Once recorded in the International Register, the European Union Intellectual Property Office (EUIPO) will examine the seniority claim in accordance with its applicable legislation. If the EUIPO refuses the seniority claim, it will notify WIPO and the refusal will be recorded.

If a previously accepted seniority claim later ceases to have effect (for example, it is withdrawn or cancelled), the EUIPO will notify WIPO and the seniority claim recorded in the International Register will be amended accordingly.

It is possible to claim seniority after the designation of the EU in an international application (or subsequently in an international registration) has been recorded. However, any "late" seniority claim must be made directly to the EUIPO. Where the seniority claim in this case is accepted, the EUIPO will notify WIPO of the relevant information, which will then be recorded in the International Register.

For more information, contact the EUIPO:

European Union Intellectual Property Office (EUIPO)

Address: Avenida de Europa, 4  
E-03008 Alicante  
Spain

Telephone: +34 965 139 100

Fax: +34 965 131 344

E-mail: [information@euipo.europa.eu](mailto:information@euipo.europa.eu)

Website: <https://euipo.europa.eu/ohimportal/en/contact-us>

## HOW TO SUBMIT THIS FORM

If you have designated the EU and wish to claim seniority, you must complete and attach this form to your form MM2 (international application) or to form MM4 (subsequent designation) as applicable. This is also possible when using online forms such as the Madrid Application Assistant or online subsequent designation tool.

## FEE INFORMATION

There is no fee to claim seniority.

## HOW TO FILL IN FORM MM17

The form must be typed. WIPO cannot accept handwritten forms.

## NUMBER OF CONTINUATION SHEETS

If the space available in any part of the form is not sufficient, please use a “Continuation Sheet” at the last page of the form and indicate the number of continuation sheets attached here.

## REFERENCE NUMBERS

The holder and the EUIPO may indicate their own internal file reference number. WIPO will include these reference numbers in any further communication concerning this form.

## DESIGNATION OF THE EUROPEAN UNION

### Designation of the EU (international application)

If the EU is designated in an international application (form MM2), check the appropriate box and provide:

*(i) Name of applicant*

Indicate the name exactly as it appears in the international application (form MM2). If there are two or more joint applicants, indicate the names of all joint applicants here (i.e., the name appearing in the international application form **and** the name(s) provided in the “Continuation Sheet for Several Holders” attached to the international application form).

*(ii) Basic application or registration number*

Indicate the basic application or registration number as indicated in item 5 of the international application (form MM2).

**Subsequent designation of the EU (international registration)**

If the EU is designated subsequently in an international registration (form MM4), check the appropriate box and provide:

*(i) Name of holder*

Indicate the holder’s name (including joint holders) exactly as recorded in the International Register.

*(ii) Corresponding international registration number*

Indicate the full international registration number(s), for example 123456 or 123456A.

**PARTICULARS OF THE EARLIER MARK FOR WHICH SENIORITY IS CLAIMED**

There can be only one seniority claim per form. If you wish to claim seniority for more than one member State of the EU, you will need to complete a separate form for each member State.

**(1) Member State**

Indicate the member State from which you claim seniority by checking the corresponding box. For example, if you wish to claim seniority from Austria, check box AT only.

**(2) Nature of registration**

Indicate whether your seniority claim is from a national registration in a member State or an international registration protected in a member State by checking the relevant box. For example, if you wish to claim seniority from a trademark registered nationally in Austria, tick the first box. If you wish to claim seniority from a designation of Austria in an international registration, tick the second box.

**(3) Registration number**

Indicate the registration number of the mark registered in the member State from which you claim seniority.

**(4) Date from which the relevant registration was effective**

Indicate the date from which the relevant registration was effective in the member State from which you claim seniority. For an international registration, this would be the date of international registration or the date of the subsequent designation of that member State concerned.

**(5) Goods and services for which the earlier mark is registered.**

Indicate the goods and services covered by the registration from which you claim seniority. Use semi-colons to list clearly the indications of goods and services covered, and group them in the appropriate classes.

[End of Note for Filing Form MM17]