

## NOTE FOR FILING FORM MM18: DECLARATION OF INTENTION TO USE THE MARK (UNITED STATES OF AMERICA)

**Form MM18 (Mandatory):** Declaration of intention to use the mark (United States of America) (Rules 9(5)(f) and 24(3)(b) 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

If you are designating the United States of America (USA), you **must** complete and submit this form together with the international application ([form MM2](#)) or the request for subsequent designation ([form MM4](#)), as applicable. This also applies to applicants and holders using online forms such as the [Madrid Application Assistant](#) or [online subsequent designation tool](#).

This form contains the exact wording of the declaration of intention to use the mark required by the USA. **You must not amend it.** You must also complete the form in English, even if the international application or the subsequent designation is in French or Spanish.

#### WHAT HAPPENS IF I DESIGNATE THE USA, BUT DO NOT TO ATTACH THIS FORM?

What happens if the form is missing will depend on whether the USA is designated in an international application or in a request for subsequent designation.

Where the USA is designated in an international application and the form is missing or does not comply with the applicable requirements, WIPO will notify the applicant and the Office of origin accordingly. If WIPO receives the missing or corrected form within the period of two months from the date of receipt of the international application by the Office of origin, the application will be processed as if it had been included in the initial application. If the form is not received within the aforementioned timeframe, WIPO will disregard the designation of the USA, and continue processing the international application if it contains other designations. In this case, WIPO will also reimburse any designation fees paid in respect of the USA. The international application will be abandoned if it contains no other designations.

Where the USA is designated in a request for subsequent designation and the form is missing or does not comply with the applicable requirements, WIPO will issue an irregularity notice and give the holder a time limit to submit the missing or corrected form. Where the irregularity is not remedied, WIPO will disregard the designation of the USA, process the request for subsequent designation where it contains other designations and reimburse any designation fees already paid for the designation of the USA. Where the irregularity is remedied, the date of the subsequent designation of the USA – and all other designations included in the request – will be the date the missing or corrected declaration was received by WIPO.

## HOW TO FILL IN FORM MM18 (SIGNATURE REQUIREMENTS)

Instructions concerning the completion of this form are clearly set out in the form itself.

However, it is important to highlight the requirements of the United States Patent and Trademark Office (USPTO) concerning the signature.

### WHO MUST SIGN THE FORM?

The declaration of intent to use must be signed by:

- a person with legal authority to bind applicant (such as a guardian);
- a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of applicant (such as an Executive Director where the applicant or holder is a legal entity); **or**
- an attorney who has passed the bar exam in any State in the USA.

Where an applicant or holder has appointed a representative to act on their behalf before WIPO, the representative may only sign the form if they meet one of the requirements mentioned above.

Where there are several applicants/holders, all of them must separately sign the form.

Electronic signatures are permitted. The signature must be handwritten, printed, stamped or typed.

### Signatory's title

You need to include information concerning the title of the person signing the form on behalf of the applicant or holder. This is to clarify that the person signing the form has the proper authorization to do so. For example, if the applicant or holder is a legal entity, their title could be "Chief Executive Officer" or "President"; if the applicant or holder is an individual, their title could be "applicant" or "holder". If the signatory is an attorney licensed to practice before the USPTO, their title could be "attorney".

### FURTHER INFORMATION

For further information, please see our [Information Notice No. 23/2003](#) or contact the USPTO directly.

United States Patent and Trademark Office (USPTO)  
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[End of Note for Filing Form MM18]