

## **NOTE FOR FILING FORM MM22: REQUEST FOR THE DIVISION OF AN INTERNATIONAL REGISTRATION**

**Form MM22** (Mandatory): Request for the Division of an International Registration (Rule 27*bis* 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 request the division of an international registration (divisional registration). The request must be filed with the Office of the designated Contracting Party in respect of which the international registration is to be divided.

#### **WHEN IS DIVISION OF AN INTERNATIONAL REGISTRATION POSSIBLE?**

The division of an international registration may not always be possible. Some Offices of designated Contracting Parties cannot accept division, because their domestic legislation does not provide for division or their domestic laws are not compatible with the rules in the Madrid System. Please refer to the [Madrid Member Profiles](#) database or the [declarations](#) made by Contracting Parties on WIPO's website.

Where an Office of a Contracting Party can accept requests for division, such request could be a good option where the Office concerned has refused an international registration for only some of the goods or services covered by the international registration.

Requesting division of the international registration before the Office concerned would allow the Office to grant protection for those goods and services that are not contested without further delay. The refused goods and services will be moved to a new international registration (i.e., a divisional registration allowing the holder to contest this part only through a local representative).

#### **EXAMINATION OF THE REQUEST FOR DIVISION**

The Office receiving the request for division will examine it to ensure that it meets the requirements of its applicable law, including any requirements concerning fees.

WIPO will examine the request for division to ensure it meets the formality requirements. If WIPO finds the request to be in order, it will record the division in the International Register. The divisional registration will have the same number as the original registration but with the addition of a capital letter (A or B, etc.). However, this divisional registration will have only one Contracting Party, which is the one presenting the request for division to WIPO.

## THE EFFECT OF THE RECORDING OF A DIVISION

Once the division has been recorded and the divisional registration is created, WIPO will notify the Office that presented the request and inform the holder.

## EFFECTIVE DATE AND RENEWAL

The division of the international registration will be recorded with the date on which WIPO received the request or, where the request was irregular, the date on which the irregularity was remedied. However, the effective date of the divisional registration will be the same as the original international registration. Therefore, it follows that the renewal date of the divisional registration will also be the same as the original international registration and not the recorded date of the request for division.

## HOW TO SUBMIT THIS FORM

The request must be filed with the Office of the designated Contracting Party in respect of which the international registration is to be divided.

However, before doing so, consult the Office concerned to determine whether it may accept such request and if so, how the form should be submitted (on paper or via e-mail or other electronic means).

## FEE INFORMATION

A fee of 177 Swiss francs is payable to WIPO per request for division.

## E-MAIL ADDRESS OF THE HOLDER AND WIPO'S ONLINE SERVICES

Where you have not already done so, for example, in the international application, you must provide (or update) your e-mail address using [Contact Madrid](#) (under “My request concerns” select the topic “a change in contact details of the holder”). Holders cannot indicate the e-mail address of their representative as their own. Therefore, the e-mail address of the holder and of the representative must be different.

Please note, WIPO will not include the e-mail address of applicants, holders or representatives on the Madrid System online information services (e.g., Madrid Monitor, Madrid Real-time Status) nor publish such information in the WIPO Gazette of International Marks.

Where a representative is appointed, WIPO will send all communications **only** to the e-mail address of the representative<sup>1</sup>.

Where a representative is not appointed, WIPO will send all communications to the e-mail address provided for the holder or to the alternative e-mail address for correspondence where one has been provided.

E-mail is the fastest, most efficient and secure means for WIPO to transmit information effectively to its users. You will receive time-sensitive electronic communications from Offices of designated Contracting Parties without delay. If you have already provided an e-mail address, please ensure it is up to date.

WIPO has developed a number of useful online tools and services. To have access to these tools and services you will need a WIPO Account. The WIPO Account will give you access to WIPO's online tools and services that have been designed to help you manage in one place your entire portfolio of internationally registered trademarks that are recorded with the same e-mail address.

### Monitoring your request

[Madrid Monitor](#) provides real-time monitoring of requests as they are being processed by WIPO. To monitor the status of your request, click the “Real-time Status” tab when viewing a specific record, or enter your international registration number in the “Real-time Search” tab in Madrid Monitor.

## HOW TO FILL IN FORM MM22

The form must be typed. Handwritten forms will not be accepted.

### NUMBER OF CONTINUATION SHEETS

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

### STATEMENT

In accordance with Rule 27*bis*(1)(d), if applicable, the Office presenting this request, may check this box and include a statement sent in accordance with either Rule 18*bis* or 18*ter* for the goods and services listed in the request.

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<sup>1</sup> Where a representative has been appointed, WIPO will not send communications directly to the applicant or holder. There are a few exceptions to this rule:

- where the appointment of a representative is irregular, WIPO will inform both the applicant or holder and the purported representative;
- six months before the expiry of the term of protection, WIPO will send an unofficial notice to both the holder and the representative;
- where insufficient fees are paid for the purpose of renewal, WIPO will notify both the holder and the representative;
- where an international registration is not renewed or is not renewed in respect of a designated Contracting Party, WIPO will send a notification to the holder and the representative;
- where cancellation of the appointment is requested by the representative, WIPO will, until such time as the cancellation becomes effective, send communications to both the applicant or holder and the representative.

## REFERENCE NUMBERS

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

## ITEM 1: CONTRACTING PARTY OF THE OFFICE PRESENTING THE REQUEST

Indicate the Contracting Party in respect of which the international registration is to be divided.

## ITEM 2: NAME OF THE OFFICE PRESENTING THE REQUEST

Indicate the full name of the Office of the Contracting Party named in item 1.

## ITEM 3: INTERNATIONAL REGISTRATION NUMBER

Indicate the full international registration number of the international registration subject of the division, for example, 123456 or 123456A.

## ITEM 4: NAME OF THE HOLDER

Indicate the holder's name exactly as it is recorded in the International Register. Where the international registration is jointly owned indicate the names of each joint holder as recorded.

## ITEM 5: GOODS AND SERVICES FOR WHICH DIVISION IS TO BE RECORDED

Clearly list the goods and services that should be set apart in the divisional registration, grouped in the appropriate classes, for example, "Class 3 soaps; perfumes".

Where the Office concerned has refused an international registration for only some of the goods or services covered by the international registration, you may list the refused goods and services here. This will result in a separate divisional registration being created just for those goods and services. Once the divisional registration has been recorded, the Office may then send a grant of protection for those goods and services that have not been refused and remain in the main international registration (with all the designations).

Alternatively, you may list the "accepted" goods and services here, and the Office may attach a grant of protection for those goods and services in the divisional registration to this request. However, this would result in the refused goods remaining in the main registration with all the other designations, and a separate divisional international registration protected for only some goods and services, covering only one designated Contracting Party. In such case, the holder could be left with two international registrations to manage and maintain if the Office concerned could not later accept a request to merge the two (should the refusal ultimately be overcome).

## **ITEM 6: SIGNATURE BY THE HOLDER AND/OR THE HOLDER'S REPRESENTATIVE**

The holder or their representative only needs to sign the form if the Office presenting the request requires them to do so. In this case, the holder will need to declare that he or she is entitled to do so under the applicable law, and complete this item as follows:

### **Holder**

Where the holder signs the form, indicate the name of the holder (including joint holders) exactly as recorded in the International Register.

### **Representative of the holder**

Where the representative signs the form, indicate the name of the representative exactly as recorded in the International Register. If the recorded holder signs the form, there is no need for the representative to sign it as well.

Where the holder or the representative is a legal entity, indicate the name as recorded in the International Register (not the name of the person signing the form on behalf of that legal entity).

### **Signature (holder/representative)**

The signature must be handwritten, printed, typed or stamped.

## **ITEM 7: SIGNATURE OF THE OFFICE PRESENTING THE REQUEST**

This item must be filled out by the Office presenting the form.

### **Name and signature of the official signing the form**

Indicate the full name of the official signing the form on behalf of the Office.

The signature must be handwritten, printed, typed or stamped.

### **E-mail address (of the official signing the form)**

Please provide an e-mail address that WIPO may use to contact the Office to discuss the request, if necessary.

## **FEE CALCULATION SHEET**

You must complete the “Fee Calculation Sheet” annexed to the form.

Where no payment or insufficient payment has been received by WIPO, the holder and the holder’s representative (where applicable) will be notified of an irregularity.

### **(a) Instructions to Debit from a Current Account**

Where the fee is to be debited from a Current Account at WIPO, check the box and indicate the following:

#### *Holder of the account*

Indicate the name of the holder of the Current Account.

#### *Account number*

Insert the five-digit account number.

#### *Identity of the party giving the instructions*

Indicate the name of the party giving the payment instructions, this could be the holder, representative, or third party.

If you choose this method of payment, WIPO will debit the required amount, subject to the availability of sufficient funds. This method of payment avoids the risk of making an insufficient payment.

To know how to open a Current Account at WIPO, please, use the following link: [Current Account at WIPO](#).

### **(b) Amount of Fees**

The fee is 177 Swiss francs.

### **(c) Method of Payment**

#### *Identity of the party effecting the payment*

It is important to identify the party who is making the payment (name of holder, representative, or third party).

#### *Payment received and acknowledged by WIPO*

Check this box where funds were previously received and acknowledged by WIPO. You need to provide the identity of the party who made the payment and the WIPO receipt number (issued when WIPO acknowledged your transfer).

*Payment made to WIPO Bank Account or Postal Account (within Europe only)*

Where the fee is transferred to a WIPO bank or postal account, check the respective box and indicate the following:

Indicate date of payment in day, month and year format.

*Payment identification*

When transferring funds to WIPO (bank or postal transfers), please provide your bank/post office with the following details, and enter this information in the “Payment identification” field of your form:

- ✓ Name of party making the payment and complete address;
- ✓ [Transaction code](#): enter the transaction code for division (DR);
- ✓ International Registration Number;
- ✓ The mark or verbal elements of mark (if available);
- ✓ Name of holder (if different than the name of the party making the payment).

*dd/mm/yyyy*

Indicate date of payment in day, month and year format.

[End of Note for Filing Form MM22]