

NOTE FOR FILING MM5: REQUEST FOR THE RECORDING OF A CHANGE IN OWNERSHIP

Form MM5 (Mandatory): Request for the recording of a change in ownership (Rule 25 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 record a change in ownership. The change in ownership can be total or partial. A total change in ownership relates to all the designated Contracting Parties and to all the goods and services covered by the international registration. A partial change in ownership relates to only some of the designated Contracting Parties and/or only some of the goods and services covered by the international registration.

The new holder (the transferee) must be entitled to use the Madrid System (a national, domicile or has a real and effective commercial establishment in a member of the Madrid System).

The recording of a change in ownership can be requested for multiple registrations in a single MM5 form, provided that:

- the registrations are being transferred from the same recorded holder (transferor) to the same new holder (transferee) and that
- for each registration, the change applies to all the designated Contracting Parties and concerns all the goods and services.

Otherwise, separate MM5 forms will be needed.

Please note that WIPO will record the information received in the International Register, provided it meets the requirements of Rule 25 of the Regulations. Therefore, it is important that you provide accurate and complete information.

IS THIS THE RIGHT FORM?

Do not use this form if you wish to request the recording of a change in name of the holder, use [form MM9](#) for this purpose.

A change in the name of the holder implies that the same person or legal entity continues to be the holder of the international registration. The holder needs to determine, in line with the applicable national /regional laws, whether it would be legally appropriate to request the mere recording of a change in name (or legal nature) rather than record a change in actual ownership of the international registration.

Providing all the formality requirements are met WIPO will inscribe the change of ownership as requested, without any verification. Do not send any supporting documentation to WIPO.

THE EFFECT OF RECORDING THE CHANGE

Once WIPO has recorded the change of holder in the International Register, it will notify the Offices of the designated Contracting Parties concerned. The Offices of those Contracting Parties, in accordance with their local laws and practices, will determine the validity of the change in ownership. Each Office has a period of 18 months to declare (and notify the holder) that the change of ownership has no effect in their jurisdiction.

HOW TO SUBMIT THIS FORM

You can submit this request directly to WIPO by using [Contact Madrid](#) (*under* “My request concerns”, select the topic “a form submission”) providing it is signed by the holder.

If the form is not signed by the recorded holder it **must** be sent through an Office, either the Office of the Contracting Party of the recorded holder or that of the new owner. However, before doing so, you will need to check with the Office on how to submit the form – on paper or by electronic means, and whether any handling fee is charged for the transmission to WIPO.

FEE INFORMATION

A fee of 177 Swiss francs is payable per international registration listed in the form.

HOW TO PAY THE FEES

You can pay the fees:

- by debiting the required amount from a [Current Account at WIPO](#), *or*
- from funds that you have already transferred to WIPO (where you have been provided with a WIPO reference number), *or*
- by transferring the required fees into WIPO’s postal account (within Europe only) or bank account.

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

When completing this form, you **must** provide the e-mail address of each new holder (transferee). You must also indicate the e-mail address of the representative (if any).

The new holder (transferee) cannot indicate the e-mail address of their representative as their own. Therefore, the e-mail address of the new holder (transferee) must be different from the e-mail address of their representative. Where there is more than one new holder (transferee), each new holder (transferee) must provide their own e-mail address, which must be different from each other and their representative.

Please note that 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 representative¹.

Where a representative is not appointed, WIPO will send all communications to the e-mail address of the new holder (transferee) 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.

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 MM5

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 the “Continuation Sheet” at the last page of the form and indicate the number of continuation sheets attached here.

Where there is more than one new holder (transferee), please complete the dedicated “Continuation Sheet for Several New Holders (Transferees)”.

¹ 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, if the holder submits the form through an Office) may indicate their own internal file reference. WIPO will include these reference numbers in any further communication concerning this form.

ITEM 1: INTERNATIONAL REGISTRATION NUMBER(S)

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

You may indicate more than one international registration providing that registrations are being transferred from the same recorded holder (transferor) to the same new holder (transferee) and that the change applies to all the designated Contracting Parties and all the goods and services. If this is not the case, separate forms must be submitted.

ITEM 2: HOLDER OF THE INTERNATIONAL REGISTRATION

Indicate the name of the holder 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 3: NEW HOLDER (TRANSFEEE)

If there is more than one new holder (transferee) please indicate the total number of new holders (transferees) and then the details of first new holder (transferee) **only**. Please provide the name(s), the address(es) and e-mail addresses of the other new holder(s) in the “Continuation Sheet for Several New Holders (Transferees)” attached to this form. Do not indicate the details of more than one holder in item 3.

Item 3(a): Name

If the new holder (transferee) is a natural person, indicate their full name. Their family (or last) name and given (or first) name should be indicated in the order that they are used. If the new holder (transferee) is a legal entity, the full official designation must be indicated.

Item 3(b): Address

Indicate the address in a form that will ensure prompt postal delivery. The address must include the postal code (if applicable) and name of country/region.

Item 3(c): E-mail address (mandatory)

You must provide the e-mail address of the new holder (transferee). WIPO will send all communications concerning the international registration(s) listed in this request electronically only. WIPO will send all communications to the e-mail address indicated here, unless an alternative e-mail address for correspondence is indicated in item 3(g)(ii) or a representative is appointed in item 5. If a representative is appointed, the e-mail address of the new holder (transferee) and the representative must be different. The new holder (transferee) must ensure that the e-mail address provided in this form is correct and kept up to date.

Item 3(d): Telephone

Please also indicate your telephone number with the country and area codes (e.g., +41 22 338 86 86). You do not need to provide a telephone number but it could be useful if you need to be contacted.

Item 3(e): Nationality or legal nature and State of organization

We recommend providing the indications in item 3(e)(i) or 3(e)(ii) as applicable. The Offices of some Contracting Parties may issue provisional refusals where such indications are not provided.

Item 3(e)(i): If the new holder (transferee) is a natural person, nationality of the new holder (transferee)

If the new holder (transferee) is a natural person, indicate nationality or citizenship.

Item 3(e)(ii): If the new holder (transferee) is a legal entity (please, provide both of the following indications)

Legal nature of the legal entity

If the new holder (transferee) is a legal entity, indicate the legal nature (e.g., “proprietary limited company (Pty Ltd)” or “a limited liability company (LLC)”).

State (country) and, where applicable, territorial unit within that State (canton, province, state, etc.), under the law of which the said legal entity has been organized

If the new holder (transferee) is a legal entity, indicate the name of the country and where applicable, territory within that country, in which it was organized (e.g., “NSW, Australia”).

Item 3(f): Preferred language of correspondence

The new holder (transferee) may indicate English, French or Spanish as their preferred language to communicate with WIPO (it is not necessary to check this box if they wish to receive communications in the language in which the international application was filed). If a preferred language is not indicated, WIPO will send all communications concerning the international registration(s) listed in this request in the language of the international application(s).

Item 3(g): Alternative address and e-mail address for correspondence

Complete this item only if you want WIPO to send all communications concerning the international registration(s) listed in this form, to an address and e-mail address different from those indicated in items 3(b) and 3(c) above. WIPO will use this e-mail address for communication unless a representative is appointed.

Where there is more than one new holder (transferee), it is recommended to indicate an alternative address and e-mail address for correspondence.

ITEM 4: ENTITLEMENT OF THE NEW HOLDER (TRANSFEEE) TO BE THE RECORDED HOLDER OF THE INTERNATIONAL REGISTRATION(S)

The new holder (transferee) must have entitlement through establishment, domicile or nationality with a Contracting Party of the Madrid System. Where there are several new holders (transferees) it is not necessary for them to have the same entitlement. For example, new holder 1 may be a national of France and new holder 2 may be domiciled in the United States of America.

If there is more than one new holder (transferee) please indicate the entitlement details for the first new holder (transferee) only here and provide the details for the additional new holder(s) (transferee(s)) in the “Continuation Sheet for Several New Holders (Transferees) attached to this form.

Item 4(a)(i)

If the new holder (transferee) is claiming entitlement through nationality with a Contracting Party of the Madrid System, indicate the name of the Contracting Party of which the new holder (transferee) is a national here.

Item 4(a)(ii)

If the new holder (transferee) is claiming entitlement through nationality with a State member of a Contracting Organization of the Madrid System, indicate the name of the State member of the Contracting Organization of which the new holder (transferee) is a national here.

Item 4(a)(iii)

If the new holder (transferee) is claiming entitlement through domicile with a Contracting Party, indicate the name of the Contracting Party of which the new holder (transferee) is domiciled here.

Item 4(a)(iv)

If the new holder is claiming entitlement based on their real and effective industrial or commercial establishment, indicate the name of the Contracting Party of which the new holder (transferee) has a real and effective industrial or commercial establishment here.

Where entitlement is derived from a connection with a member State of the EU, the new owner may indicate, in (iii) or (iv) either the State, if it is also a Contracting Party to the Madrid System (e.g., France), or the EU.

Item 4(b): Where the new owner is not a national of a Contracting Party or of an EU member State, and the address given under item 3(b) is not in the territory of any Contracting Party where the new holder (transferee) claims the entitlement, then the new holder (transferee) must indicate

Item 4(b)(i)

An address in a Contracting Party where they is domiciled, or

Item 4(b)(ii)

Where the industrial or commercial establishment is located. Provide the address in a form that will ensure prompt postal delivery.

ITEM 5: APPOINTMENT OF A REPRESENTATIVE BY THE NEW HOLDER (TRANSFeree)

Complete this section if the new owner wishes to appoint a representative.

Item 5(a): Name

If the representative is a natural person, indicate their full name. Their family (or last) name and given (or first) name should be indicated in the order they are used. If the representative is a legal entity or a law firm, the full official designation must be indicated.

Item 5(b): Address

Indicate the address in a form that will ensure prompt postal delivery. The address must include the postal code (if applicable) and name of country/region.

Item 5(c): E-mail address

You **must** provide the e-mail address of the representative. All communications from WIPO concerning the international registration(s) listed in this form will be sent only electronically to the e-mail address indicated here. The new holder (transferee) and the representative must ensure that the e-mail address indicated here is accurate and kept up to date.

Item 5(d): Telephone number

Indicate the telephone number with the country and area codes (e.g., +41 22 338 86 86). A telephone number is not required, but it will allow WIPO to reach your representative if needed.

Signature of the new holder (transferee) appointing the new representative

The new holder (transferee) **must** sign this item. The signature should be handwritten, printed, typed or stamped. If there is no signature WIPO will process your request, but the appointment of the representative will not be recorded and all communications from WIPO will be sent directly to the e-mail address for the new holder (transferee) of the international registration(s) listed in this form.

A representative may only record a single e-mail address to communicate with WIPO. All communications from WIPO will be sent to the representative by e-mail only.

ITEM 6: SCOPE OF THE CHANGE IN OWNERSHIP

You must check either box (a) **or** (b).

Item 6(a): Total change in ownership

Check this box if the change in ownership is total; that is, if it relates to all designated Contracting Parties and all goods and services covered by the registration.

Item 6(b): Partial change in ownership

Check this box if the change in ownership is partial; that is, if it relates to only some of the designated Contracting Parties and/or only some of the goods and services covered by the registration; and complete items 6(b)(i) and/or 6(b)(ii).

Item 6 (b)(i): Contracting Parties

Indicate the specific Contracting Parties which are the subject of the change in ownership, and/or

Item 6(b)(ii): Goods and services

Indicate the specific goods and services which are the subject of the change in ownership.

The list of specific goods and/or services cannot be broader than the main list in the international registration, and semicolons (;) should be used to separate items in the list. For example, if the international registration is for “shoes”, then “shoes” or “sandals” may be specified as the subject of the change in ownership, but “pants” or “hats” cannot be indicated since those goods are not included in the main list of the international registration.

If more space is needed to indicate the Contracting Parties or the goods and/or services, check the box at the bottom of the page, to indicate the use of a continuation sheet.

If the request for change of ownership applies to all designations and all goods and services, it will be treated as a total change in ownership.

ITEM 7: SIGNATURE OF THE HOLDER (TRANSFEROR) AND/OR THEIR REPRESENTATIVE

The recorded holder or the representative of the recorded holder must sign this form before presenting it directly to WIPO. If the form is not signed, the request for change of ownership will not be recorded.

Where the recorded holder or their representative is not available to sign the form, it must be submitted through an Office.

If the request is presented through, and signed by, an Office, the signature of the holder or the holder’s representative is not required and this item may be left blank. However, the Office may require or allow the holder (or the holder’s representative) to sign this item.

The person signing this form must declare that he or she is entitled to do so under the applicable law.

Holder

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

Representative of the holder

Where the recorded holder's representative signs the form, indicate the name of the representative as 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 8: SIGNATURE OF THE OFFICE PRESENTING THE REQUEST

This item should only be filled out by the Office presenting the form.

FEE CALCULATION SHEET

You must complete the "Fee Calculation Sheet" annexed to the form. You will need to calculate and indicate the amount of fees (unless the fee is to be debited from a Current Account at WIPO) and provide details of your chosen method of payment.

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.

There is no need to calculate and indicate the amount of fees to be debited from a Current Account at WIPO.

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, use the following link: [Current Account at WIPO](#).

(b) Amount of Fees

If you have not provided any instructions above to debit the required fee from a Current Account at WIPO, you will need to indicate the total amount of fees payable.

The fee for recording of a change in ownership is 177 Swiss francs per international registration listed in this form (regardless of whether the transfer is total or partial).

You must indicate the number of international registrations listed in item 1 and the Grand Total (in Swiss francs). For example, if you have listed four international registrations in item 1 you will need to pay 4 x 177 Swiss francs and indicated the total amount of 708 Swiss franc as the "Grand Total".

(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:

Payment identification

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

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

dd/mm/yyyy

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

[End of Note for Filing Form MM5]