

New countries widely anticipated to join Madrid Protocol International System of Trade Mark Registration in 2010

1. Introduction

1.1 The International system of trade mark registration known as the Madrid Protocol has long been a popular, cheaper and more efficient route for global trade mark protection for applicants who wish to cover a number of countries in their portfolios.

1.2 Provided a country is party to the Protocol and provided a client has a 'base' mark upon which to base the International Registration (IR), then as many countries as desired can be designated through an IR.

2. Background

2.1 Many key commercial territories are party to the IR system such as the US, Australia, China and Japan.

2.2 The benefits of using the IR system are that you are granted one filing date and one official number and when all the designations are registered, they can then be all renewed together as one rather than having to manage and renew numerous registrations in different jurisdictions.

2.3 Relatively recently, the EU joined this IR system so that it has become possible to have a Community Trade Mark designation which covers all 27 EU member states. This has proved to be a popular choice with applicants.

2.4 Despite this, some key territories and particularly those in South America have long resisted joining the IR system for fear of a decrease in national filings. At present, no South American countries are party to the system aside from Cuba. Often, applicants are surprised to learn that fast developing nations like India cannot be designated under an IR or that Australia can be designated but New Zealand cannot.

3. Anticipated Countries for 2010

3.1 After many discussions, debates and petitions for change in certain countries

aiming to encourage them to join the Madrid Protocol, it is widely expected that the following countries will join the IR system in 2010/2011:

Argentina
Brazil
Colombia
India
New Zealand
Thailand

3.2 Many commentators also believe that once one or two South American countries join, a domino effect of encouraging other South American countries to also accede to the system should result over time.

3.3 In order to meet the requirements of the World Intellectual Property Organisation who oversees and runs the IR system, many of these countries will need to vastly improve their turnaround times for examination and for registration of their marks.

3.4 Currently, in some South American countries, it can take 3-5 years for a mark to mature to registration- Under the IR system, this would be unacceptable and a maximum turnaround time of 18 months to complete matters (assuming there are no third party oppositions) is expected.

4. Your Portfolio

4.1 If you have an existing IR, it will be possible to apply for what is known as 'subsequent designations' to be effective in these new territories as and when they officially sign up to the system.

4.2 If you have international interests and would like more information about the IR system or would like to be notified as to when these countries have officially joined, please contact us for further details.

4.3 Click [here](#) for a list of the current and up to date list of IR members that can be designated under this system.

For further information please contact:

Rob White
HLBBshaw
Reading
United Kingdom

Tel : +44(0)118 950 9937

E-mail : rob.white@hlbbshaw.com

URL : www.hlbbshaw.com

Peer reviewed by Christopher Moore

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