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**WIPO | MADRID**

The International  
Trademark System



# Role of the International Bureau (IB)

**Phnom Penh  
21 Jan 2016**

Kazutaka Sawasato  
Legal Division, Madrid Registry

# International Application Process

## Applicant

- Filing with the IB through the Office of origin

## Office of origin

- Certification
- Transmission

## International Bureau

- Formality examination
- Inscription
- Publication
- Notification

# Applicant

- Having an **establishment**, or **domicile** in the Office of origin, or being a **national** of that country
- **Registering** the mark or **filing** an application with the Office of origin

# Role of the representative (before filing)

- Whether the countries your client is interested in are members of the Madrid Union
- Whether your client is eligible to file an international application
- Whether the scope of the basic trademark includes all the goods and services your client wishes to protect overseas
- Trademark clearance services, if necessary

# Role of the Office of origin

- **Certifying** the international application
- **Transmitting** the international application
- **Remedying** the irregularities

# Certification by the Office of origin

- The international application shall contain a declaration by the Office of origin certifying that:
  - the **date of receipt** of the international application
  - the **applicant** is the same as the applicant or holder of the basic mark
  - the **mark** is the same as the basic mark
  - the **goods** and services are covered by the list of goods and services in the basic mark

# Role of the Representative

- Filling the form MM2 appropriately, in particular;
  - Priority claim (item 6)
  - **Reproduction of the mark** (item 7(a))
  - Standard Characters (item 7(c))
  - **Mark consists of a color as, as such** (item 7(d))
  - **Color claimed** (item 8)
  - **Type of mark** (item 9 (d))
  - **Description of mark** (item 9(e))
  - Disclaimer (item 9(g))
  - **Goods and services** (item 10)

# Role of the International Bureau

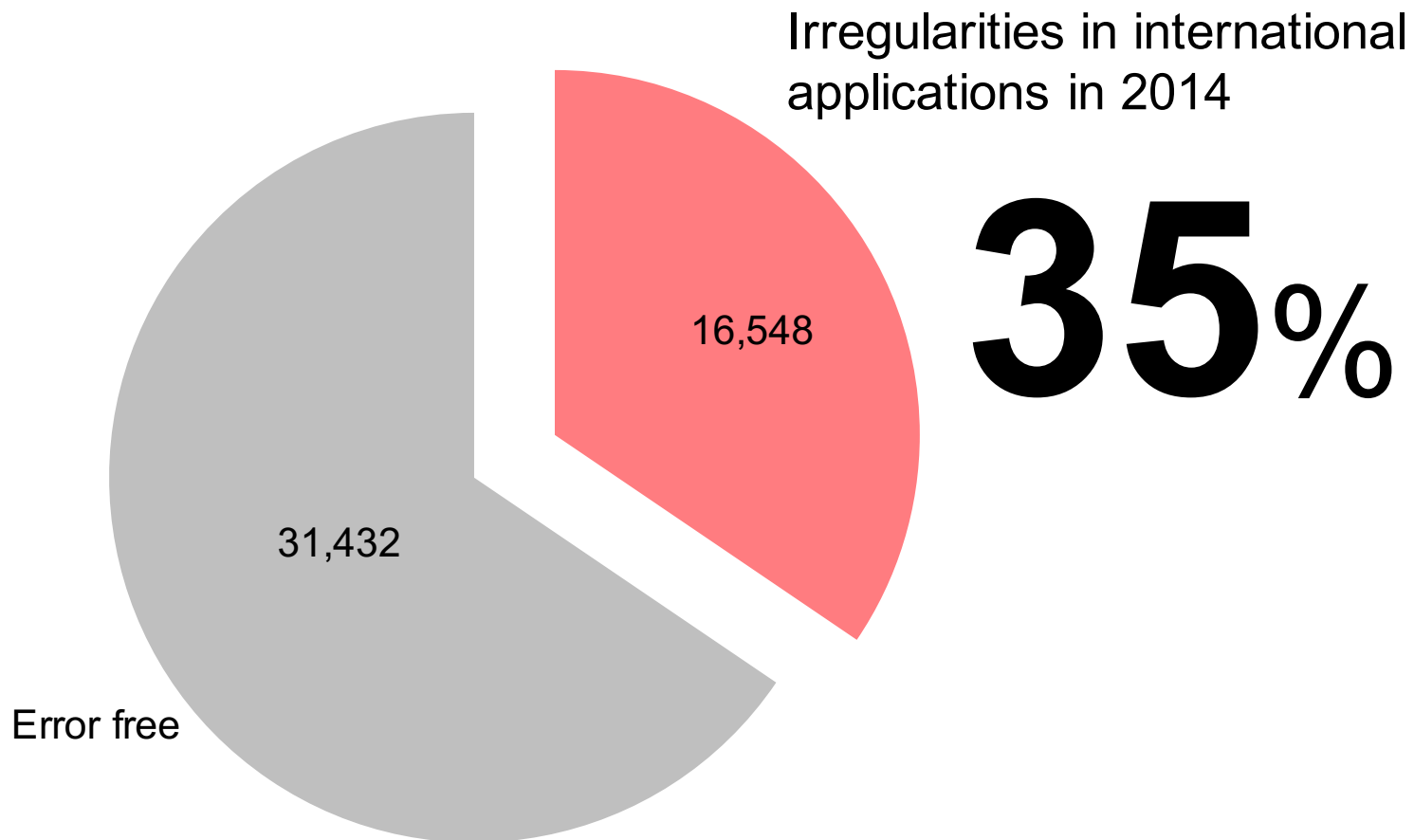
- **Examining** the formalities
- **Inscribing** the mark in the Register
- **Publishing** the mark in the Gazette
- **Notifying** the registration to the Office concerned



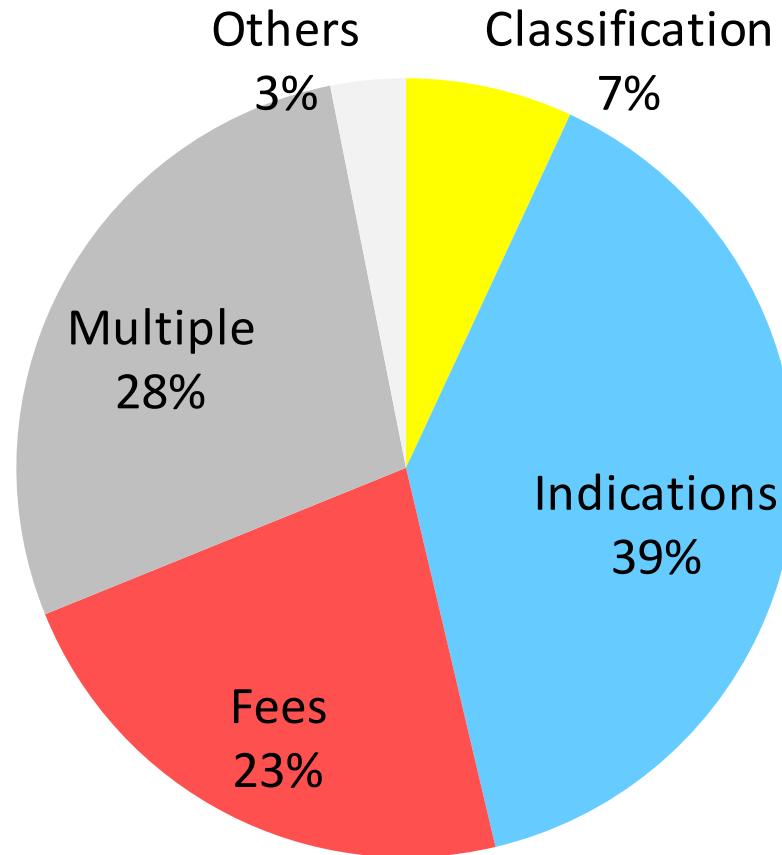
# What does the irregularity mean?

- Where there are deficiencies in an international application, the IB will notify **both** the Office of origin and the applicant
- Most irregularities can be remedied **within three months** from the date of the notification

# Irregularities in international applications in 2014



# Breakdown of irregularities from January to August, 2015



# Irregularities at WIPO

<b>Irregularities</b>	<b>Remedied by</b>	<b>Within</b>	<b>Failure results in</b>
Classification	Office of origin	3 months from irregularity	Recorded as classified by IB
Indications	Office of origin	3 months from irregularity	Recorded with a note
Fees	Applicant	3 months from irregularity	Abandonment
Others	Office of origin or applicant	3 months from irregularity	Abandonment

# Date of the international registration

- The date of receipt of the international application if it is received by the IB within 2 months
- The date of receipt by the IB if it is received from the Office of origin later than 2 months
- The date of IR will be affected if the substantive elements are missing (e.g. mark or list of goods)
- The date of IR will be the date the last missing element was received by the IB

# Inscription Approach

- The IB inscribes precisely what we receive
- The IB cannot interpret the information in the form
- The IB can control the classification (IB's opinion prevails)

# Examination is impossible

## Registrations



## NOTIFICATION

ENN/2011/52

1 102 430

Registration date: **September 30, 2011**  
Date next payment due: **September 30, 2021**

Cross Company Co., Ltd.  
2-8, Saiwaicho,  
Kita-ku,  
Okayama-shi  
Okayama 700-0903  
(Japan).

*Legal nature of the holder (legal entity) and place of organization:* Corporation, Japan.

*Name and address of the representative:* KOZU Takako c/o HIRAI & KOZU, 41-2-111, Senju-akebonocho, Adachi-ku, Tokyo 120-0023 (Japan).



*Classification of figurative elements:*  
24.17; 29.1.

*Colours claimed:* Red, orange, yellow, green, light blue, deep blue and **purple**.

*List of goods and services - NCL(9):*

14 Ingots of precious metal; jewelry cases of precious metal; boxes of precious metal; jewelry made of precious metals

- or coated therewith, namely, earrings, necklaces, bracelets, brooches, pendants, chains, rings, tie pins, tie clips and cuff links; jewelry made of gems, namely, gem brooches, gem pendant heads and gem rings, gem earrings; precious and semi-precious stones; charms; key rings of precious metal or coated therewith; horological and chronometric instruments.
- 18 Bags, namely, hand bags, shoulder bags, briefcases, shopping bags, backpacks, suitcases, luggage and traveling bags; products made of leather and imitation leather, namely, purses, wallets, credit card cases, business card cases, key cases; cosmetic bags sold empty; umbrellas and parasols.
- 25 Clothing, namely, suits, dresses, coats, overcoats, jackets, rainwear, pants, skirts, jeans, blouses, shirts, T-shirts, vests, sweaters, underwear, nightwear, sweat suits, swimwear, ties, scarves, shawls, mufflers, gloves, socks, tights, sock suspenders, stocking suspenders, braces for clothing, Japanese style clothing being kimonos; sashes; wedding dresses; waist belts for clothing; headgear, namely, caps and hats; footwear, namely, shoes, boots, sandals, slippers, Japanese style clogs and sandals.

*Basic application:* Japan, 26.09.2011, 2011-68373.

*Data relating to priority under the Paris Convention:* Japan, 26.09.2011, 2011-68373.

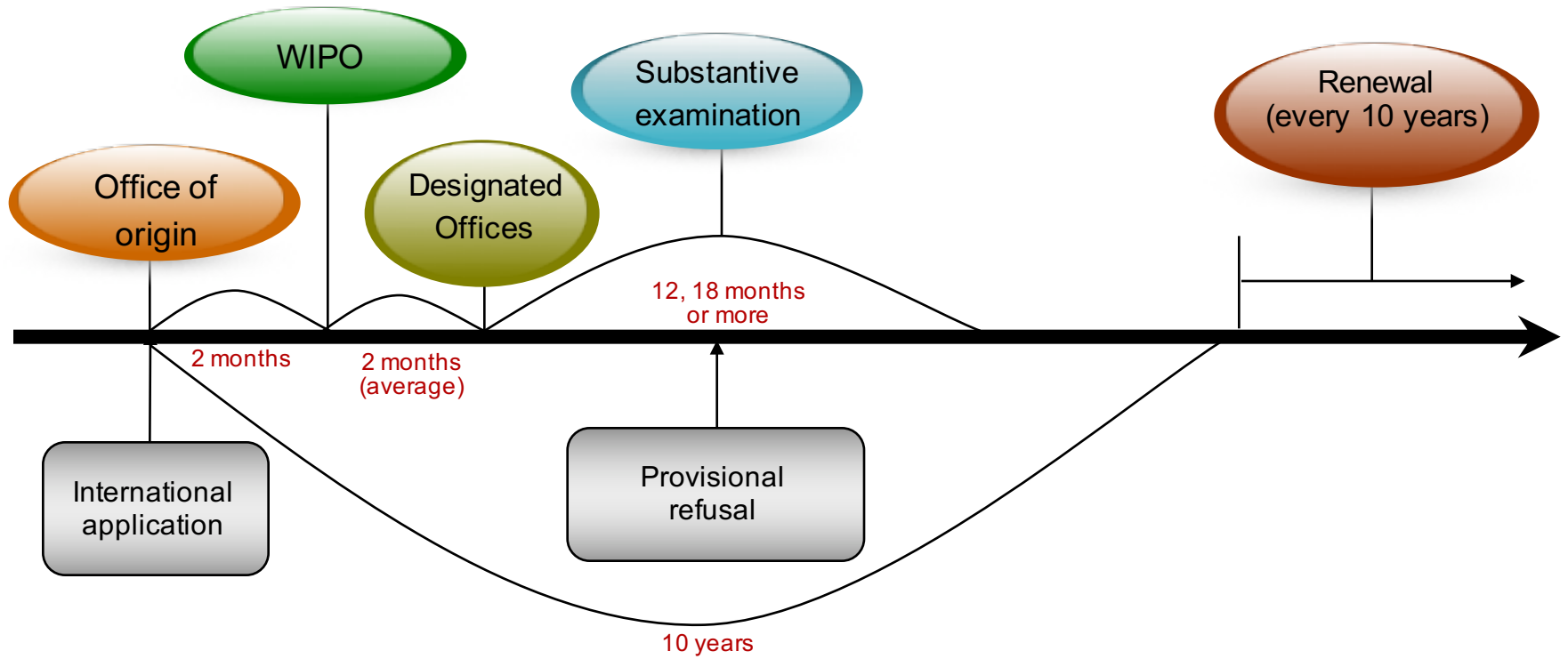
*Designations under the Madrid Protocol:* China, France, Germany, Russian Federation, Singapore, United Kingdom.

*Declaration of intention to use the mark:* United Kingdom, Singapore.

*Date of notification:* 12.01.2012

*Language of the international application:* English

# Madrid Timeline





Thank you

