

Seminar on the Madrid System for the International Registration of Marks

How to Obtain Protection – Filing the International Application

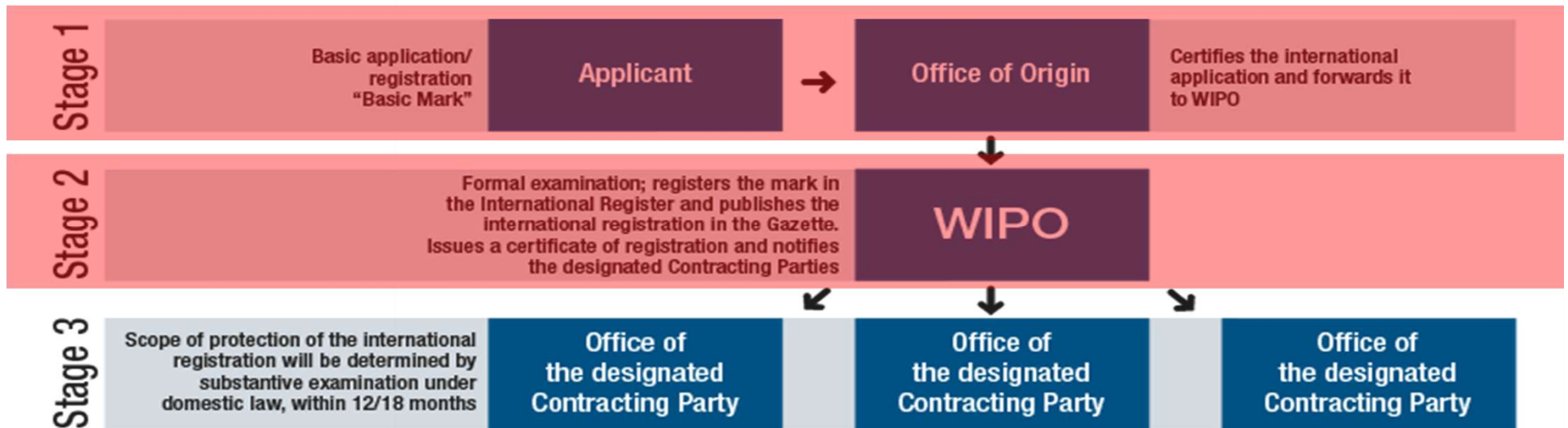
Aurea Plana
Madrid Legal Division
Madrid Registry
Brands and Designs Sector

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Guernsey (virtual event)
January 13, 2021

How the Madrid System works

The International Trademark Registration Process



Requirements for using the Madrid System

- The applicant must
 - have a connection (entitlement) with a member through nationality, domicile or place of business (“a real and effective industrial or commercial establishment”) – Office of origin (OO)
 - have a “basic mark” (application/registration with the OO)
 - submit an international application through the OO

Role of the Guernsey Registry as Office of origin

- Provide advice to local business and industry
- **Certify** the international application and send it to WIPO
- Remedy irregularities with the international application
- **Keep track** of basic mark during the 5 year pendency period and notify to WIPO any **ceasing of effect** of the basic mark
- Forward official forms to WIPO on behalf of the holder

The international application

- Must mirror the basic mark:
 - same applicant
 - same mark
 - the goods and services (G&S) must be within the scope of the basic mark

The international application

The screenshot shows the top navigation bar of the WIPO IP Portal. It includes the 'WIPO IP PORTAL' logo, a 'MENU' button, the page title 'Madrid Application Assistant', a 'Covid-19 Update' button with a close icon, a 'HELP' button, and a user profile 'AUREA PLANA'. The main content area has a light blue background with a network diagram. The heading 'MADRID APPLICATION ASSISTANT' is in large, bold, black letters, followed by 'COMPLETING YOUR INTERNATIONAL APPLICATION ONLINE' in a slightly smaller bold font. A blue button labeled 'Get started' is positioned below the heading. At the bottom left, there is a link 'DISCOVER THE MADRID APPLICATION ASSISTANT'.

WIPO IP PORTAL MENU Madrid Application Assistant Covid-19 Update X HELP AUREA PLANA

MADRID APPLICATION ASSISTANT

COMPLETING YOUR INTERNATIONAL APPLICATION ONLINE

Get started

DISCOVER THE MADRID APPLICATION ASSISTANT

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The international application

MM2 (E) – APPLICATION FOR INTERNATIONAL REGISTRATION UNDER THE MADRID PROTOCOL

For use by the applicant:

Number of continuation sheets
for several applicants:

Number of continuation sheets:

Number of MM17 forms:

☐ MM18 form (if applicable, check the box)

Applicant's reference (optional):

For use by the Office of origin:

2. APPLICANT¹

If there is more than one applicant, indicate the number of applicants and complete the “Continuation Sheet for Several Applicants”.

Number of applicants:

(a) Name:

(b) Address:

(c) E-mail address²:

(d) Telephone number³:

DRID

Trademark System

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(e) **Nationality or legal nature and State of organization⁴:**

- (i)
- ☐
- If the applicant is a
- natural person**
- , indicate the nationality of the applicant:

Nationality of the applicant:	
-------------------------------	--

- (ii)
- ☐
- If the applicant is a
- legal entity**
- , provide
- both**
- of the following indications:

Legal nature of the legal entity:	
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:	

Correspondence details (optional):

- (f)
- Preferred language for correspondence⁵:**
- ☐
- English
- ☐
- French
- ☐
- Spanish

(g) **Alternative address and e-mail address for correspondence⁶:**

- (i)
- Postal address:**

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- (ii)
- E-mail address:**

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3. ENTITLEMENT TO FILE⁷

(a) Check the appropriate box:

- (i) ☒ where the Contracting Party mentioned in item 1 is a State, the applicant is a national of that State; or
- (ii) ☐ where the Contracting Party mentioned in item 1 is an organization, the name of the State of which the applicant is a national:
_____; or
- (iii) ☒ the applicant is domiciled in the territory of the Contracting Party mentioned in item 1; or
- (iv) ☒ the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting Party mentioned in item 1.

(b) Where the address of the applicant, given in item 2(b), is not in the territory of the Contracting Party mentioned in item 1, indicate in the space provided below:

- (i) if the box in paragraph (a)(iii) of the present item has been checked, the domicile of the applicant in the territory of that Contracting Party, or,
- (ii) if the box in paragraph (a)(iv) of the present item has been checked, the address of the applicant's industrial or commercial establishment in the territory of that Contracting Party.

4. APPOINTMENT OF A REPRESENTATIVE⁸

(a) Name:

(b) Address:

(c) E-mail address⁹:

(d) Telephone number¹⁰:

- No special formalities, requirements or documents to appoint a representative
- Only one recorded representative per international application / registration
- Communications sent exclusively to the representative, not to the applicant
- Representation before the Guernsey Registry is outside the scope of the Madrid System

5. BASIC APPLICATION OR BASIC REGISTRATION

**Basic application
number:**

**Date of the basic
application
(dd/mm/yyyy):**

**Basic registration
number:**

**Date of the basic
registration
(dd/mm/yyyy):**

- When the basic mark is an application pending before the Guernsey Registry, the application number and date shall be indicated
- When the basic mark is registered in the Guernsey Registry, indicate only the registration number and date

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6. PRIORITY CLAIMED

☐ The applicant claims the priority of the earlier filing mentioned below:

Office of earlier filing:

Number of earlier filing
(if available):

Date of earlier filing
(dd/mm/yyyy):

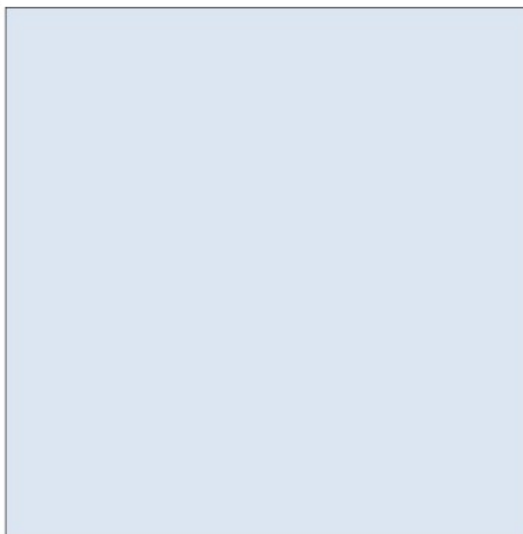
- You can claim priority if it is less than 6 months from the date of the earlier filing
- If the earlier filing only relates to some of the G&S listed in item 10, indicate those covered by the earlier filing
- It is possible to claim priority from several earlier filings/applications

7. THE MARK

(a) Place the reproduction of the mark, as it appears in the basic application or basic registration, in the square below.



(b) Where the reproduction in item (a) is in black and white and color is claimed in item 8, place a color reproduction of the mark in the square below.



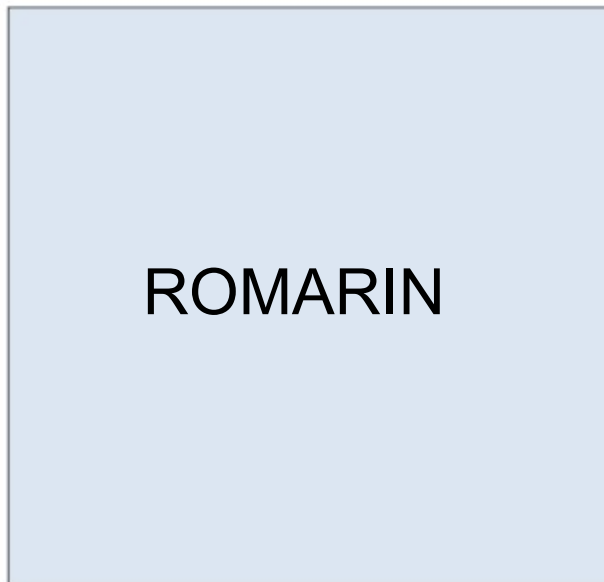
- (c) ☐ The applicant declares that he wishes the mark to be considered as a mark in standard characters.
- (d) ☐ The mark consists exclusively of a color or a combination of colors as such, without any figurative element.

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- Two-dimensional and graphical or photographic reproduction of the mark
- Reproduction must be **identical** to the basic mark
- Provide reproduction with sufficient quality for recording, publication and notification
- Mark may be typed, printed, pasted, etc.

Standard Characters

- (a) Place the reproduction of the mark, as it appears in the basic application or basic registration, in the square below.



- Mark in standard characters can be either word(s), letter(s), numeral(s) or a combination of these
- A standard character claim can only be made in the application

- (c)  The applicant declares that he wishes the mark to be considered as a mark in standard characters.

Color Mark

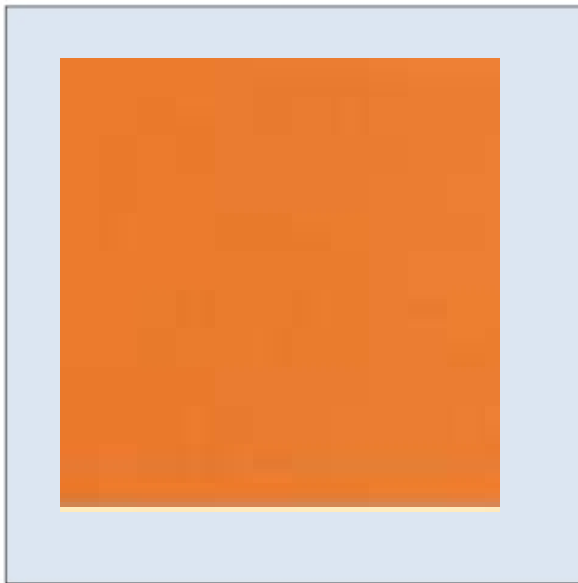
- (a) Place the reproduction of the mark, as it appears in the basic application or basic registration, in the square below.



- (d)  The mark consists exclusively of a color or a combination of colors as such, without any figurative element.

Color Mark

- (a) Place the reproduction of the mark, as it appears in the basic application or basic registration, in the square below.



- (d)  The mark consists exclusively of a color or a combination of colors as such, without any figurative element.

- A color or combination of colors is used to distinguish G&S of one enterprise from another
- It is not that the mark is in color nor that color is claimed
- Can only be claimed if also claimed in the basic mark
- In many jurisdictions, color, as such, may not be registered as a mark

8: Color(s) Claimed



- (a) **✗** The applicant claims color as a distinctive feature of the mark.

Color or combination of colors claimed:

blue, red

- (b) Indication, for each color, of the principal parts of the mark that are in that color (as may be required by certain designated Contracting Parties):

points: red
word: blue

- Where colors are considered to be an essential part of the mark and claimed as a distinctive feature, describe the colors claimed in words
- You may include a reference to an international color classification system, such as Pantone, RAL, RGB or NCS

Transliteration & Translation

鸡

- (a) ☒ **Transliteration of the mark** (this information is compulsory where the mark consists of or contains matter in characters other than Latin characters, or numerals other than Arabic or Roman numerals):

Ji

- (b) **Translation of the mark** (as may be required by certain designated Contracting Parties; **do not** check the box in item (c) if you provide a translation in this item):

(i) into English: Rooster

(ii) into French:

(iii) into Spanish:

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9(c): Mark has no meaning

KODAK

- (c) ☒ **The words contained in the mark have no meaning** (and therefore cannot be translated; **do not** check this box if you have provided a translation in item (b)).

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9(d): Special Type of Mark

(d) Where applicable, check the relevant box(es) below:

- ☐ Three-dimensional mark
- ☐ Sound mark
- ☒ Collective mark, certification mark, or guarantee mark

- Where the mark is a collective, certification or guarantee mark, send the regulations governing the use of a collective, certification or guarantee mark to the DCPs that require such regulations, not to WIPO.

9(d): Special Type of Mark



(d) Where applicable, check the relevant box(es) below:



Three-dimensional mark

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(e) **Description of the mark** (as may be required by certain designated Contracting Parties, such as, for example, the United States of America)

- (i) Description of the mark contained in the basic application or basic registration, where applicable (**only use this item** if the Office of origin requires to include this description in the international application for the purposes of item 13(a)(ii) of this form):

The mark is a pentagon outlined by a black, a white and a yellow frame. The inner part of the mark is divided into six blocks by yellow lines. The inner parts are in black and red.

- (ii) Voluntary description of the mark (any description of the mark by words, including the description contained in the basic application or registration, if you were not required to provide this description in item (e)(i) above):



100% TALC FREE
BABY POWDER

(f)

Verbal elements of the mark (where applicable):

Fresh & Dry CARE FOR YOUR BABY 100% TALC FREE BABY POWDER

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The International
Trademark System

Disclaimer

(g) The applicant wishes to disclaim protection for the following element(s) of the mark:



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10: Goods and Services

- Indicate the G&S for which the mark is to be protected
- The G&S must be within the scope of the basic mark (they can be narrower, but not broader)
- Indications should be grouped in the appropriate classes of the Nice Classification, preferably using terms of the MGS

Goods & Services

Main list of goods and services

- Class 41 Education; providing of training; entertainment; cultural activities; in-flight entertainment services; entertainment services provided in airport lounges; entertainment services for children; video game entertainment systems; online electronic publications (non-downloadable); providing online electronic publications relating to travel and accommodation; arranging and conducting of exhibitions, conferences and events for cultural, educational or entertainment purposes; arranging and conducting of virtual exhibitions, conferences and events for cultural, educational or entertainment purposes; information, advisory and consultancy services relating to the aforesaid .
- Class 43 Services for providing food and drink; restaurant and bar services; coffee bar services; food preparation services; serving food and drinks; serving in-flight food and drinks; serving food and drinks in airport lounges; hotel accommodation booking services; hotel accommodation reservation services; temporary accommodation services; travel agency services for booking accommodation; information, advisory and consultancy services relating to the aforesaid .

Limitation of the List of G&S

- There may be different limitations for different dCPs
- The G&S must be within the scope of the basic list (they can be narrower, but not broader)
- Indications should be grouped in the appropriate classes of the Nice Classification, preferably using terms of the MGS

Designated contracting parties limitation list of goods and services

Brazil
(1 class)

Class 41

Education; providing of training; entertainment; cultural activities; in-flight entertainment services; entertainment services provided in airport lounges; entertainment services for children; video game entertainment systems; online electronic publications (non-downloadable); providing online electronic publications relating to travel and accommodation; arranging and conducting of exhibitions, conferences and events for cultural, educational or entertainment purposes; arranging and conducting of virtual exhibitions, conferences and events for cultural, educational or entertainment purposes; information, advisory and consultancy services relating to the aforesaid

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MGS • Madrid Goods & Services Manager

[Import list](#)  [Export list](#)  [Print list](#)  [Delete list](#)  [Display preferences](#) 

Browse

Search

cloths



☐ NICE only

225 / 665 results in class(es)

1	2	3	5	6	7	9	10	11	16	17	18	20
21	22	24	25	26	27	28	35	37	39	40	42	45

N_{int} 25 clothing*

N_{int} 25 aprons [clothing]

25 athletic clothing

25 babies' clothing

25 babushkas [clothing]

25 baby clothes

25

Edit class 

Clear class 

Check acceptance by designated Contracting Party (dCP) 

25 Clothing, footwear, headgear.

dCP

Accepted by dCP

dCP

Rejected by dCP

dCP

Status unknown

CO	LV	US	250045	clothing
CO	LV	US		athletic clothing
CO	LV	US		baby clothes
CO	LV	US	250104	beach clothes
CO	LV	US	250031	belts [clothing]

Item 11: Designations

<input type="checkbox"/> AF Afghanistan	<input type="checkbox"/> DZ Algeria	<input type="checkbox"/> KZ Kazakhstan	<input type="checkbox"/> RO Romania
<input type="checkbox"/> AG Antigua and Barbuda	<input type="checkbox"/> EE Estonia	<input type="checkbox"/> LA Lao People's Democratic Republic	<input type="checkbox"/> RS Serbia
<input type="checkbox"/> AL Albania	<input type="checkbox"/> EG Egypt	<input type="checkbox"/> LI Liechtenstein	<input type="checkbox"/> RU Russian Federation
<input type="checkbox"/> AM Armenia	<input type="checkbox"/> EM European Union ^a	<input type="checkbox"/> LR Liberia	<input type="checkbox"/> RW Rwanda
<input type="checkbox"/> AT Austria	<input type="checkbox"/> ES Spain	<input type="checkbox"/> LS Lesotho ^b	<input type="checkbox"/> SD Sudan
<input type="checkbox"/> AU Australia	<input type="checkbox"/> FI Finland	<input type="checkbox"/> LT Lithuania	<input type="checkbox"/> SE Sweden
<input type="checkbox"/> AZ Azerbaijan	<input type="checkbox"/> FR France	<input type="checkbox"/> LV Latvia	<input type="checkbox"/> SG Singapore ^b
<input type="checkbox"/> BA Bosnia and Herzegovina	<input type="checkbox"/> GB United Kingdom ^{b,j}	<input type="checkbox"/> MA Morocco	<input type="checkbox"/> SI Slovenia
<input type="checkbox"/> BG Bulgaria	<input type="checkbox"/> GE Georgia	<input type="checkbox"/> MC Monaco	<input type="checkbox"/> SK Slovakia
<input type="checkbox"/> BH Bahrain	<input type="checkbox"/> GG Guernsey ^{b,k}	<input type="checkbox"/> MD Republic of Moldova	<input type="checkbox"/> SL Sierra Leone
<input type="checkbox"/> BN Brunei Darussalam ^b	<input type="checkbox"/> GH Ghana	<input type="checkbox"/> ME Montenegro	<input type="checkbox"/> SM San Marino
<input type="checkbox"/> BQ Bonaire, Saint Eustatius and Saba ^{f,g}	<input type="checkbox"/> GM Gambia	<input type="checkbox"/> MG Madagascar	<input type="checkbox"/> ST Sao Tome and Principe
<input type="checkbox"/> BR Brazil ^{e,h}	<input type="checkbox"/> GR Greece	<input type="checkbox"/> MK North Macedonia	<input type="checkbox"/> SX Sint Maarten (Dutch part) ^f
<input type="checkbox"/> BT Bhutan	<input type="checkbox"/> HR Croatia	<input type="checkbox"/> MN Mongolia	<input type="checkbox"/> SY Syrian Arab Republic
<input type="checkbox"/> BW Botswana	<input type="checkbox"/> HU Hungary	<input type="checkbox"/> MW Malawi ^b	<input type="checkbox"/> SZ Eswatini
<input type="checkbox"/> BX Benelux ⁱ	<input type="checkbox"/> ID Indonesia	<input type="checkbox"/> MX Mexico	<input type="checkbox"/> TH Thailand
<input type="checkbox"/> BY Belarus	<input type="checkbox"/> IE Ireland ^b	<input type="checkbox"/> MY Malaysia ^b	<input type="checkbox"/> TJ Tajikistan
<input type="checkbox"/> CA Canada	<input type="checkbox"/> IL Israel	<input type="checkbox"/> MZ Mozambique ^b	<input type="checkbox"/> TM Turkmenistan
<input type="checkbox"/> CH Switzerland	<input type="checkbox"/> IN India ^b	<input type="checkbox"/> NA Namibia	<input type="checkbox"/> TN Tunisia
<input type="checkbox"/> CN China	<input type="checkbox"/> IR Iran (Islamic Republic of)	<input type="checkbox"/> NO Norway	<input type="checkbox"/> TR Turkey
<input type="checkbox"/> CO Colombia	<input type="checkbox"/> IS Iceland	<input type="checkbox"/> NZ New Zealand ^b	<input type="checkbox"/> TT Trinidad and Tobago ^b
<input type="checkbox"/> CU Cuba ^e	<input type="checkbox"/> IT Italy	<input type="checkbox"/> OA African Intellectual Property Organization (OAPI) ^c	<input type="checkbox"/> UA Ukraine
<input type="checkbox"/> CW Curacao ^f	<input type="checkbox"/> JP Japan ^e	<input type="checkbox"/> OM Oman	<input type="checkbox"/> US United States of America ^d
<input type="checkbox"/> CY Cyprus	<input type="checkbox"/> KE Kenya	<input type="checkbox"/> PH Philippines	<input type="checkbox"/> UZ Uzbekistan
<input type="checkbox"/> CZ Czech Republic	<input type="checkbox"/> KG Kyrgyzstan	<input type="checkbox"/> PL Poland	<input type="checkbox"/> VN Viet Nam
<input type="checkbox"/> DE Germany	<input type="checkbox"/> KH Cambodia	<input type="checkbox"/> PT Portugal	<input type="checkbox"/> WS Samoa
<input type="checkbox"/> DK Denmark	<input type="checkbox"/> KP Democratic People's Republic of Korea		<input type="checkbox"/> ZM Zambia
	<input type="checkbox"/> KR Republic of Korea		<input type="checkbox"/> ZW Zimbabwe

11: Designations

- Some CPs have certain requirements, for which specific information may need to be provided on the MM2 form or on a separate form
- The European Union:
 - Check the box to indicate a second language before the Office of the European Union: English, French, German, Italian or Spanish.
 - Possibility of claiming seniority from earlier registrations (Form MM17)
- The mere fact of designating Brunei Darussalam, India, Ireland, Lesotho, Malawi, Mozambique, New Zealand, Singapore, Trinidad and Tobago or the United Kingdom is taken as a declaration of intention to use
- United States of America: Form MM18 Declaration of intention to use the mark

12: Signature by the Applicant or his Representative

12. SIGNATURE OF THE APPLICANT AND/OR THEIR REPRESENTATIVE

If required or allowed by the Office of origin.

By signing this form, I declare that I am entitled to sign it under the applicable law.

Signature:



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Item 13: Certification and Signature by the Guernsey Registry

(a) **Certification. The Office of origin certifies:**

(i) That the request to present this application was received on (dd/mm/yyyy):

(ii) that the applicant named in item 2 is the same as the applicant named in the basic application or the holder named in the basic registration mentioned in item 5, as the case may be,

that any indication given in item 7(d), 9(d) or 9(e)(i) appears also in the basic application or the basic registration, as the case may be,

that the mark in item 7(a) is the same as in the basic application or the basic registration, as the case may be,

that, if color is claimed as a distinctive feature of the mark in the basic application or the basic registration, the same claim is included in item 8 or that, if color is claimed in item 8 without having being claimed in the basic application or basic registration, the mark in the basic application or basic registration is in fact in the color or combination of colors claimed, and

that the goods and services listed in item 10 are covered by the list of goods and services appearing in the basic application or basic registration, as the case may be.

Where the international application is based on two or more basic applications or basic registrations, the above declaration shall be deemed to apply to all those basic applications or basic registrations.

(b) **Name of the Office:**

(c) **Name and signature of the official signing on behalf of the Office:**

By signing this form, I declare that I am entitled to sign it under the applicable law.

(d) **Name and e-mail address of the contact person in the Office:**

WIPO

 **MADRID**
International
Trademark System

Certification by the Office of origin

- Certify that the particulars of the MM2 correspond to those of the basic mark:
 - The applicant is the **same** as the owner of the basic mark
 - The mark is the **same** as the basic mark
 - The goods/services are **covered** by the basic mark
- That any claims also appear in the basic mark:
 - claims that the mark is a color, 3-D, sound, collective, certification or guarantee mark appear in the basic mark
 - colors claimed are also claimed or appear in the basic mark

Certification of MM2

- If the MM2 meets the requirements
 - The Guernsey Registry signs and sends it to WIPO
 - Within 2 months from the date of receipt
- If the MM2 does not meet the requirements
 - the Guernsey Registry shall not send it to WIPO

Fee Calculation

■ Basic fee:

■ B/W 653 CHF

■ Color 903 CHF

■ Standard fees:

■ Complementary 100 CHF

■ Supplementary* 100 CHF

** per class beyond 3*

■ Individual fees

WIPO FOR

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IP PORTAL

MENU

Madrid Fee Calculator

HELP

ENGLISH

LOGIN

WIPO

FEE CALCULATOR

Information The Fee Calculator helps you estimate the cost of registering your mark through the Madrid System, a simple, easy and cost-effective International registration procedure. It also helps you estimate other costs related to managing your international trademark such as the renewal, the subsequent designation, the second fee tax for certain Contracting Parties and all the Madrid transactions with fees.

MARK INFORMATION

Please select which transaction you wish to estimate the cost of:

Type of transaction *
New application

Date *
2021/01/13

Your office of origin *
Guernsey

Number of classes covered by the mark *
5

☐ Is your mark a collective mark, certification mark or guarantee mark?

☐ Is your mark in colour or colours?

If your office of origin is not listed, it is not a member of the Madrid Union. Therefore, the international protection of your mark can only be obtained by applying for its registration with the Industrial Property Office of each country or region in which you seek protection.

Please select the contracting parties

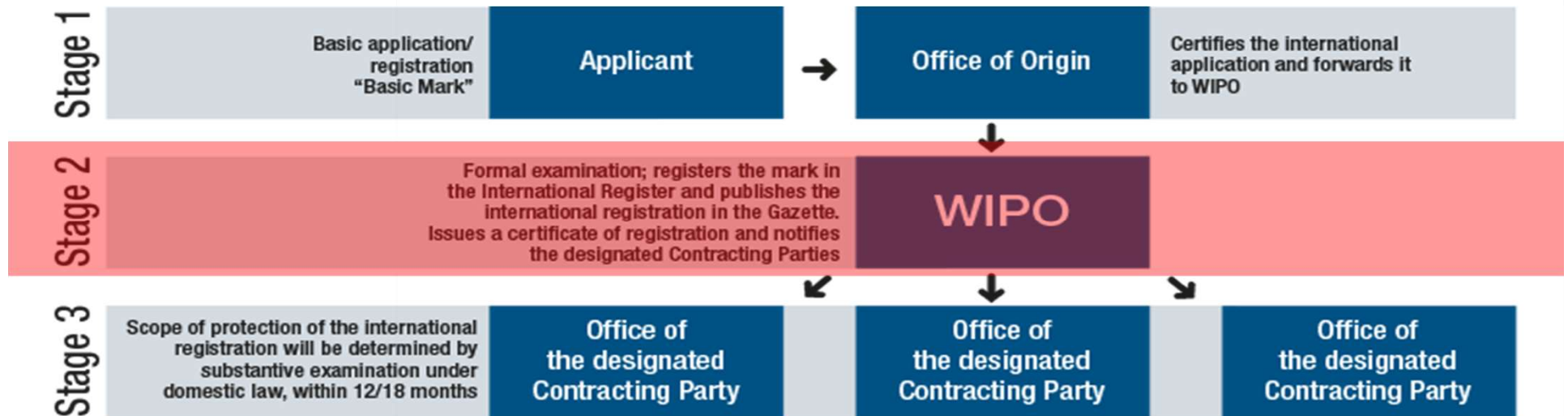
Hide

Methods of payment

- Current account at WIPO
- Credit card
- Bank transfer
- *<https://www.wipo.int/finance/en/madrid.html>

How the Madrid System works

The International Trademark Registration Process



Role of WIPO

- WIPO Performs a procedural role examining formalities, such as
 - The information set out in the application
 - Classification of G&S (Nice)
 - Classification of figurative elements (Vienna)
 - Fees

Role of WIPO

- WIPO will
 - Register the mark in the International Register
 - Publish the mark in the WIPO Gazette
 - Inform the Guernsey Registry as Office of Origin
 - Send a certificate to the holder/representative
 - Notify the Offices of the CPs designated

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Notice of irregularity

- If the formal requirements are not met, WIPO will send a notice of irregularity to the Guernsey Registry and the applicant
- The notice will specify:
 - Type of irregularity
 - How to remedy this
 - The time limit (3 months) to remedy, and
 - Who would need to respond – the Guernsey Registry or the applicant

NOTICE CONCERNING AN INTERNATIONAL APPLICATION

ATTENTION:

The irregularity(ies) indicated in this notice is/are to be remedied by the office of origin.

The response to this notice should be received by the International Bureau no later than **22 January 2021**. Please indicate the WIPO Reference number **1390604701** in all your communications with the International Bureau.

Re.: International application based on
application N° 30 2020 019 899
for the mark **baysense**
in the name of **Synatix GmbH**

Date of receipt of the international application
by the Office of origin: 16 September 2020
by the International Bureau: 28 September 2020

Our ref. : EN-I/1390604701/WK
Office ref. : 2020 30 76 57 (Eggt2DDdBdxUqhcA)
Applicant ref.: 20/1487
Examiner: Walaa KESHTA
Telephone N°: +41 22 338 8686
Contact: www.wipo.int/madrid/en/contact/

ID

Rule 12: classification of G & S

- G&S are not properly classified
- Proposal from WIPO
- Guernsey Registry to remedy within 3 months
- WIPO will send a reminder after 2 months
- Consequence: Proposal made by WIPO prevails

Rule 12: Example

IRREGULARITY(IES) CONCERNING THE CLASSIFICATION OF GOODS AND SERVICES: TO BE REMEDIED BY THE OFFICE OF ORIGIN (Rule 12).

1. The International Bureau considers that the goods and/or services listed in the international application are not grouped in the appropriate classes of the International Classification of Goods and Services (Rule 9(4)(a)(xiii)). The International Bureau proposes therefore to transfer the following terms:

"plant extracts for food" from class 29 to class 30 (by analogy with "processed herbs" and "herbs for culinary purposes")

The proposed grouping may entail the payment of further fees (see attached accounting statement).

Rule 12: Consequences

The proposed grouping may entail the payment of further fees (see attached accounting statement).

An opinion on this proposal may be communicated to the International Bureau. **Any such opinion must be communicated THROUGH THE OFFICE OF ORIGIN within three months from the date of the present notification, that is by 16 October 2020.** Failing this, the mark will be registered **with the classification and grouping proposed by the International Bureau.** However, if this proposal entails the payment of further fees and such fees are not paid within four months from the date of the present notification, the international application will be considered **abandoned.**

Applicants are strongly encouraged to check the existence and classification of terms appropriate to their needs in the Madrid Goods & Services Manager at <http://www.wipo.int/mgs>

Rule 13: Indication of G&S

- Too vague, linguistically incorrect or incomprehensible
- Suggestions from WIPO
- Office of origin to remedy within 3 months
- Consequence: If no satisfactory proposal from OO, original term is inscribed with a note from WIPO

Rule 13: Example

3. The International Bureau considers that the following term(s) of the list of goods and/or services is/are incomprehensible (Rule 13):

1. "stimulation current cosmetic apparatus" (class 10)
2. "toilettenecessaires" (class 21)

The International Bureau suggests therefore the following:

1. "current stimulation cosmetic apparatus" (class 10)
2. "toilet cases" (class 21)

A proposal as to different term(s) may be communicated to the International Bureau. Any such proposal must be communicated **THROUGH THE OFFICE OF ORIGIN, within three months** from the date of the present notification, **that is by 22 January 2021**. If no proposal acceptable to the International Bureau is made within this period, the International Bureau will include in the international registration the term(s) as appearing in the international application, **with an indication to the effect that, in the opinion of the International Bureau, the specified term(s) is/are too vague for the purposes of classification.**

Term incomprehensible – Rule 13(2)(b)

550 Indication relating to the nature or kind of mark

The words contained in the mark have no meaning

531 International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(7)

27.05.01

511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(10-2013)

- 28 Body-training apparatus; dumb-bells; bar-bells; beauty ware (term incomprehensible in the opinion of the International Bureau - Rule 13(2)(b) of the Common Regulations); weight lifting apparatus; weight lifting frame (term incomprehensible in the opinion of the International Bureau - Rule 13(2)(b) of the Common Regulations); running machine (term linguistically incorrect in the opinion of the International Bureau - Rule 13(2)(b) of the Common Regulations); cycling equipment; fitness ball; barcer (term incomprehensible in the opinion of the International Bureau - Rule 13(2)(b) of the Common Regulations); leg guard; waist support; wrist guard; hand-muscle developer.

822 Basic registration

01.07.10.0010.0010700

Rule 11: Miscellaneous irregularities

- Entitlement, basic mark/priority, missing fees, etc.
- Notice from WIPO (3 months time limit)
- Office of origin, applicant or both to remedy
- Consequence: If not remedied, the international application is abandoned (exceptions for certain irregularities)

Rule 11: Example

The examination of this application has revealed the irregularities which are listed hereafter:

IRREGULARITY(IES) CONCERNING THE FEES: TO BE REMEDIED BY THE APPLICANT OR THE OFFICE OF ORIGIN

1. The amount of the fees received is less than the amount required (Rule 9(3)). Missing amount: (see accounting statement enclosed).

In order to remedy this irregularity, the missing amount should be paid to the International Bureau:

- either online, by credit card or by debiting a sufficiently credited current account opened with WIPO, at <https://webaccess.wipo.int/epayment/> using reference 1097378101 ;
- or by transfer to WIPO's bank account: IBAN No. CH51 0483 5048 7080 8100 0, SWIFT code CRESCH ZZ80A, Crédit Suisse, CH-1211 Geneva 70;
- or by transfer to WIPO's postal account: IBAN No. CH03 0900 0000 1200 5000 8, SWIFT/BIC: POFICHBE;
- or by authorizing the International Bureau to debit the required amount from a sufficiently credited account opened with WIPO.

Swiss Francs

Basic fee where no reproduction of the mark is in color (Agreement application):	653.00
Complementary fee (Agreement application):	100.00

Total due:	753.00
Balance in our favour	753.00
<PAYMENT-INFO>	

Date of the IR

- Date of reception of the international application by the Guernsey Registry, if received by WIPO within 2 months
- If received after the period of 2 months, then the date of registration will be the date of receipt in WIPO
- The date of IR may be affected if the following substantive elements are missing: Identity of the applicant, designations, the mark or the list of G&S
 - The date of IR will be the date the last missing element was received by WIPO

CERTIFICATE OF REGISTRATION

The International Bureau of the World Intellectual Property Organization (WIPO) certifies that the indications appearing in the present certificate conform to the recording made in the International Register of Marks maintained under the Madrid Agreement and Protocol.

Reproduction of the mark



Registration number **1 563 910**
Registration date **October 31, 2020**
Date next payment due **October 31, 2030**
Name and address of holder Name and
address of the holder
*Legal nature of the holder (legal
entity) and place of organization* CORPORATION, Iowa, United States
*Name and address
of the representative* Name and
address of the representative
*Classification of
figurative elements* 3.1
Certified description of the mark The mark consists of stylized depiction of the face of a cat.
*List of goods and services
NCL(11-2020)* 31 Cat litter.
Basic application United States of America, 02.02.2009, 77661612
Basic registration United States of America, 13.04.2010, 3776000
*Designations under
the Madrid Protocol* Indonesia, Mexico, Russian Federation, Thailand, Ukraine
Date of notification 10.12.2020
*Language of
the international application* English



Hongbing Chen
Director, Madrid Operations Division
Madrid Registry

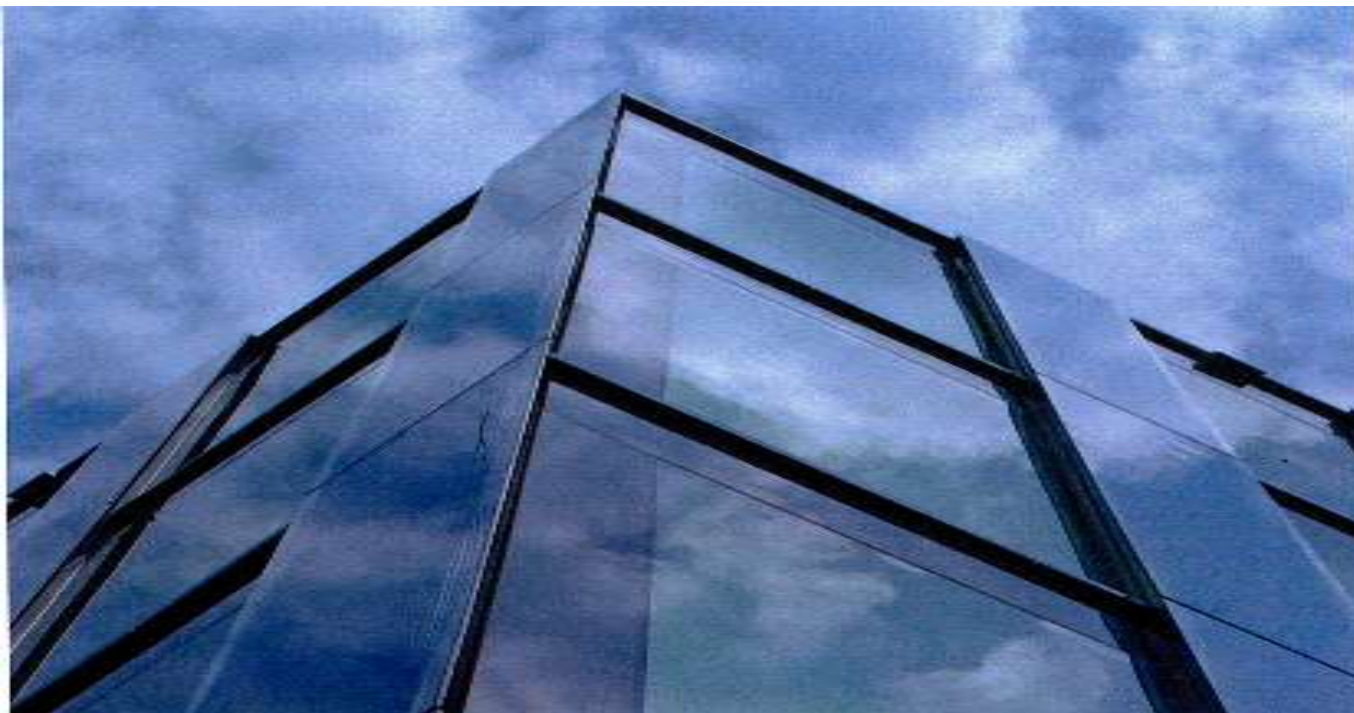
Information

- [Note for filing form MM2 and Madrid Application Assistant](#)
- [How to file your international application](#)
- [Member Profiles Database](#)
- [Fee Calculator and Fees and Payments](#)
- [Madrid Goods & Services Manager](#)

Questions?



WIPO FOR OFFICIAL USE ONLY



Thank you

aurea.plana@wipo.int

Contact Madrid: <https://www3.wipo.int/contact/en/madrid/>

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