

No. 8470

**AUSTRIA, BELGIUM, FEDERAL REPUBLIC
OF GERMANY, FRANCE, SPAIN, etc.**

**Agreement of Madrid for the international registration of
trademarks of 14 April 1891, revised at Brussels on
14 December 1900, at Washington on 2 June 1911, at
The Hague on 6 November 1925, at London on 2 June
1934, and at Nice on 15 June 1957**

Official text: French.

Registered by France on 15 December 1966.

**AUTRICHE, BELGIQUE, RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE, FRANCE, ESPAGNE, etc.**

**Arrangement de Madrid concernant l'enregistrement inter-
national des marques de fabrique ou de commerce du
14 avril 1891, révisé à Bruxelles, le 14 décembre 1900,
à Washington, le 2 juin 1911, à La Haye, le 6 novem-
bre 1925, à Londres, le 2 juin 1934, et à Nice, le
15 juin 1957**

Texte officiel français.

Enregistré par la France le 15 décembre 1966.

[TRANSLATION¹ — TRADUCTION²]

No. 8470. AGREEMENT OF MADRID³ FOR THE INTERNATIONAL REGISTRATION OF TRADEMARKS OF 14 APRIL 1891, REVISED AT BRUSSELS ON 14 DECEMBER 1900, AT WASHINGTON ON 2 JUNE 1911, AT THE HAGUE ON 6 NOVEMBER 1925, AT LONDON ON 2 JUNE 1934, AND AT NICE ON 15 JUNE 1957

Article 1

(1) The countries to which this Agreement applies form a separate Union for the international registration of trademarks.

(2) Nationals of any of the contracting countries may, in all the other countries parties to this Agreement, secure protection for their marks applicable to goods or services, registered in the country of origin, by deposit of the said marks at the International Bureau for the Protection of Industrial Property through the intermediary of the Administration of the said country of origin.

(3) Shall be considered as the country of origin the country of the separate Union where the applicant has a real and effective industrial or commercial establishment; if he has no such establishment in a country of the separate Union, the country of the separate Union where he is domiciled; if he has no domicile in the separate Union, the country of his nationality, if he is a national of one of the countries of the separate Union.

¹ Translation by the United International Bureaux for the Protection of Intellectual Property.

² Traduction des Bureaux internationaux réunis pour la protection de la propriété intellectuelle.

³ Came into force on 15 December 1966, the date fixed by all the signatory or acceding States, with respect to the following States on whose behalf the instruments of ratification or accession (a) were deposited* on the dates indicated below:

<i>State</i>	<i>Date of deposit</i>	<i>State</i>	<i>Date of deposit</i>
Spain**	13 November 1958	Switzerland	2 October 1962
Romania	9 February 1959 (a)	Luxembourg**	20 January 1964
Portugal**	2 April 1959	German Democratic	
France	9 November 1959	Republic	23 September 1964 (a)
Italy	25 July 1960	Federal Republic of	
Czechoslovakia**	21 October 1960	Germany	8 October 1964
Monaco**	8 March 1961	United Arab Republic	4 August 1965 (a)
Belgium**	8 March 1962	Yugoslavia	23 September 1966
Netherlands**	11 May 1962		

* In accordance with articles 11 and 12, the instruments of ratification were deposited with the French Government and the instruments of accession with the Swiss Government.

** Spain, Portugal, Czechoslovakia, Monaco, Belgium, the Netherlands and Luxembourg have declared that they wish to avail themselves of the reservation provided for in article 3 *bis* of the Arrangement.

Article 2

Nationals of countries which have not acceded to this Agreement, who, within the territory of the separate Union constituted by this Agreement, satisfy the conditions of Article 3 of the Paris Convention for the Protection of Industrial Property,¹ shall be treated in the same manner as nationals of contracting countries.

Article 3

(1) Every application for international registration must be presented on the form prescribed by the Regulations ; the Administration of the country of origin of the mark shall certify that the particulars appearing in the application are in accordance with the particulars in the national Register, and shall indicate the dates and numbers of the application and registration of the mark in the country of origin and also the date of the application for international registration.

(2) The applicant shall indicate the goods or services in respect of which protection of the mark is claimed and also, if possible, the corresponding class or classes, according to the classification established by the Nice Agreement concerning the International Classification of Goods and Services to which Trademarks are Applied. If the applicant does not give this indication, the International Bureau shall classify the goods or services in the appropriate classes of the said classification. The indication of the classes given by the applicant shall be subject to control by the International Bureau which will exercise it in association with the national Administration. In the event of disagreement between the national Administration and the International Bureau, the opinion of the latter shall prevail.

(3) If the applicant claims color as a distinctive feature of his mark, he shall be obliged :

1. to mention this fact, and to accompany his application with a statement indicating the color or the combination of colors claimed ;
2. to append to his application copies in color of the said mark, which shall be attached to the notifications made by the International Bureau. The number of such copies shall be fixed by the Regulations.

(4) The International Bureau shall register immediately the marks filed in accordance with Article 1. The registration shall bear the date of the application for international registration in the country of origin provided that the application has been received by the International Bureau within a period of two months from that date. If the application has not been received within that period, the International Bureau shall register it with the date on which it was received. The International Bureau shall notify the registration without delay to the Administration

¹ League of Nations, *Treaty Series*, Vol. CXCH, p. 17 ; Vol. CCIV, p. 469 ; Vol. CCV, p. 218 ; and United Nations, *Treaty Series*, Vol. 1, p. 269 ; Vol. 32, p. 406 ; Vol. 267, p. 393, and Vol. 343, p. 369.

concerned. The marks registered shall be published in a periodical journal issued by the International Bureau, utilizing the particulars contained in the application for registration. With regard to marks comprising a figurative element or a special form of writing, the Regulations shall determine whether a printing block must be supplied by the applicant.

(5) In view of the publicity to be given in the contracting countries to registered marks, each Administration shall receive from the International Bureau a number of copies of the said publication free and a number of copies at a reduced price, in proportion to the number of units, according to the provisions of Article 13, paragraph (8), of the Paris Convention for the Protection of Industrial Property, under the conditions set out in the Regulations. This publicity shall be considered in all contracting countries as fully sufficient, and no other publicity may be required of the depositor.

Article 3 bis

(1) Any contracting country may, at any time, notify the Government of the Swiss Confederation in writing that the protection resulting from the international registration shall not extend to that country unless the proprietor of the mark expressly requests it.

(2) This notification shall not take effect until six months after the date of its communication by the Government of the Swiss Confederation to the other contracting countries. Nevertheless, this period shall not apply in the case of countries which avail themselves, at the time of their ratification or accession, of the right given by paragraph (1).

Article 3 ter

(1) Any request for the extension of the protection resulting from an international registration to a country which has availed itself of the provided for in Article 3 *bis* must be specially mentioned in the application referred to in Article 3, paragraph (1).

(2) Any request for territorial extension made subsequently to the international registration must be presented through the intermediary of the Administration of the country of origin on a form prescribed by the Regulations. It shall be immediately registered by the International Bureau which shall notify it without delay to the Administration or Administrations concerned. It shall be published in the periodical journal issued by the International Bureau. This territorial extension shall be effective from the date on which it is entered in the International Register ; it shall cease to be valid on the expiration of the international registration of the mark to which it relates.

Article 4

(1) From the date of the registration thus effected at the International Bureau in accordance with the provisions of Articles 3 and 3 *ter*, the protection of the mark in each of the contracting countries concerned shall be the same as if the mark had been directly deposited there. The indication of the classes of the goods or services provided for in Article 3 shall not bind the contracting countries with regard to the determination of the scope of the protection of the mark.

(2) Every mark which has been the subject of an international registration shall enjoy the right of priority provided by Article 4 of the Paris Convention for the Protection of Industrial Property, without requiring compliance with the formalities provided for in section D of that Article.

Article 4 bis

(1) When a mark already deposited in one or more contracting countries is subsequently registered by the International Bureau in the name of the same proprietor or his successor in title, the international registration shall be considered as replacing the earlier national registrations, without prejudice to any rights acquired by such earlier registrations.

(2) The national Administration shall, upon request, be obliged to take note in its Registers of the international registration.

Article 5

(1) In countries where the legislation so authorizes, the Administrations notified by the International Bureau of the registration of a mark or a request for extension of protection made in accordance with Article 3 *ter* shall have the right to declare that protection cannot be granted to such mark in their territory. Any such refusal can only be based on grounds which would apply, by virtue of the Paris Convention for the Protection of Industrial Property, in the case of marks deposited for national registration. Nevertheless, protection may not be refused, even partially, for the sole reason that national legislation would not permit registration except in a limited number of classes or for a limited number of goods or services.

(2) The Administration exercising this right must notify its refusal to the International Bureau, with an indication of all grounds, within the period prescribed by its domestic law and, at the latest, before the expiration of one year calculated from the international registration of the mark or from the request for extension of protection made in accordance with Article 3 *ter*.

(3) The International Bureau shall, without delay, transmit to the Administration of the country of origin and to the proprietor of the mark, or to his agent, if an agent has been indicated to the Bureau by the said Administration, one of the copies