

THE END OF THE MADRID AGREEMENT

The last of the 95 members of the Madrid System, signatory only to the Madrid Agreement but not to the Madrid Protocol, has acceded to the latter. Thus, the Madrid System is now transformed into a One Treaty System with Algeria being the last member.

THE MADRID SYSTEM

The Madrid Agreement Concerning the International Registration of Marks, concluded back in 1891 (the "Agreement"), and the Protocol Related to the Madrid Agreement, concluded in 1989 (the "Protocol"), govern the System for International Registration of Marks (the "Madrid System"). The latter system is administrated by the World Intellectual Property Organisation.

Thanks to the Madrid System, an applicant, i.e. an individual or a legal entity – related to a contracting party to the Agreement or the Protocol based on nationality, domicile or establishment, is entitled to apply for international registration of a trade mark. The System offers several advantages to the applicant(s) and the owner(s) of a trade mark.

Under the Madrid System, an applicant may apply for registration of a trade mark in all member countries of the Madrid System simply by filing a single international application in one language and paying one set of fees. Likewise, any further changes in the trade mark registration (e.g. change in ownership) can be registered with effect for all designated contracting parties, i.e. countries and/or organizations, if possible, by undertaking a single action and submitting a single fee. Moreover, the validity period of an international trade mark registration is the same for all designated contracting parties and can be renewed for further periods of 10 years by means of a single request.

IMPACT ON INTERNATIONAL TRADE MARKS

Until now, the application for international trade mark registration required that the applicant designates one or more contracting parties where protection is sought either under the Agreement, on the basis of a trade mark registration in the office of origin, or under the Protocol, on the basis of a trade mark application filed with the office of origin. The applicable treaty depends on the treaty that is common for the designated party and the contracting party which office is the office of origin. If both contracting parties were party to the Agreement and the Protocol, the application was governed by the Protocol.

Having Algeria sign the Protocol, all designations under the Madrid System will now be governed by the Protocol as all contracting parties to the Agreement are parties to the Protocol, too.

From a practical perspective, this is expected to speed up the international trade mark

registration procedure since all applications for international trade mark registration shall be filed only on the basis of a trade mark application filed with the office of origin (i.e. the applicant shall be entitled to file an application of international trade mark registration prior to the completion of the entire registration procedure with respect to his/her trade mark before the office of origin). This shall save the applicant from several months to more than a year.

In view of the above, there will be no more applications for international trade mark registration governed exclusively by the Agreement. Thus, following the entry into force of the Protocol with respect to Algeria on the 31st of October 2015, the Agreement would lose practical meaning, i.e. is no longer to be applied.

ABOUT WOLF THEISS

Wolf Theiss is one of the leading law firms in Central, Eastern and South-Eastern Europe. We have established our reputation of unsurpassed local knowledge and strong international capabilities. We opened the first Wolf Theiss office in Vienna over 50 years



Anna Rizova
Managing Partner
Anna.rizova@wolftheiss.com
T: +359 2 86 13 700



Georgi Kanev
Associate
Georgi.kanev@wolftheiss.com
T: +359 2 86 13 700

ago, and today our team is comprised of over 300 associates with different practice areas, working in offices spread in 13 countries in Central and Eastern Europe.

For more information about our services, please contact:

This memorandum has been prepared solely for the purpose of general information and is not a substitute for legal advice.

Therefore, WOLF THEISS accepts no responsibility if – in reliance on the information contained in this memorandum – you act, or fail to act, in any particular way.

If you would like to know more about the topics covered in this memorandum or our services in general, please get in touch with your usual WOLF THEISS contact or with:

Wolf Theiss
Rainbow Plaza
29 Atanas Dukov Str.
BG – 1407 Sofia