

**AMENDED RULES OF THE
COMMON REGULATIONS UNDER THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF
MARKS AND THE PROTOCOL RELATING
TO THAT AGREEMENT**

(as in force on October 3, 2006)

**Chapter 1
General Provisions**

*Rule 1
Abbreviated Expressions*

For the purposes of these Regulations,

[...]

(xxvibis) “Contracting Party of the holder” means

- the Contracting Party whose Office is the Office of origin, or
- where a change of ownership has been recorded or in the case of State succession, the Contracting Party, or one of the Contracting Parties, in respect of which the holder fulfills the conditions, under Articles 1(2) and 2 of the Agreement or under Article 2 of the Protocol, to be the holder of an international registration;

[...]

**Chapter 9
Miscellaneous**

*Rule 39
Continuation of Effects of International Registrations
in Certain Successor States*

(1) Where any State (“the successor State”) whose territory was, before the independence of that State, part of the territory of a Contracting Party (“the predecessor Contracting Party”) has deposited with the Director General a declaration of continuation the effect of which is that the Agreement, the Protocol, or both the Agreement and the Protocol are applied by the successor State, the effects in the successor State of any international registration with a territorial extension to the predecessor Contracting Party which is effective from a date prior to the date fixed under paragraph (2) shall be subject to

(i) the filing with the International Bureau, within six months from the date of a notice addressed for that purpose by the International Bureau to the holder of the international registration concerned, of a request that such international registration continue its effects in the successor State, and

(ii) the payment to the International Bureau, within the same time limit, of a fee of 41 Swiss francs, which shall be transferred by the International Bureau to the Office of the successor State, and of a fee of 23 Swiss francs for the benefit of the International Bureau.

(2) The date referred to in paragraph (1) shall be the date notified by the successor State to the International Bureau for the purposes of this Rule, provided that such date may not be earlier than the date of independence of the successor State.

(3) The International Bureau shall, upon receipt of the request and the fees referred to in paragraph (1), notify the Office of the successor State and make the corresponding recording in the International Register.

(4) With respect to any international registration concerning which the Office of the successor State has received a notification under paragraph (3), that Office may only refuse protection if the applicable time limit referred to in Article 5(2) of the Agreement or in Article 5(2)(a), (b) or (c) of the Protocol has not expired with respect to the territorial extension to the predecessor Contracting Party and if the notification of refusal is received by the International Bureau within that time limit.

(5) This Rule shall not apply to the Russian Federation, nor to a State which has deposited with the Director General a declaration according to which it continues the legal personality of a Contracting Party.

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(as in force on April 1, 2007)

**Chapter 1
General Provisions**

[...]

*Rule 3
Representation Before the International Bureau*

(1) [*Representative; Number of Representatives*] (a) The applicant or the holder may have a representative before the International Bureau.

(b) The applicant or the holder may have one representative only. Where the appointment indicates several representatives, only the one indicated first shall be considered to be a representative and be recorded as such.

(c) Where a partnership or firm composed of attorneys or patent or trademark agents has been indicated as representative to the International Bureau, it shall be regarded as one representative.

(2) [*Appointment of the Representative*] [...]

(3) [*Irregular Appointment*] (a) Where the International Bureau considers that the appointment of a representative under paragraph (2) is irregular, it shall notify accordingly the applicant or holder, the purported representative and, if the sender or transmitter is an Office, that Office.

(b) As long as the relevant requirements under paragraph (2) are not complied with, the International Bureau shall send all relevant communications to the applicant or holder himself.

[...]

Chapter 4
Facts in Contracting Parties
Affecting International Registrations

[...]

Rule 19
Invalidations in Designated Contracting Parties

(1) *[Contents of the Notification of Invalidation]* [...]

(2) *[Recording of the Invalidation and Information to the Holder and the Office Concerned]* (a) [...]

(b) The invalidation shall be recorded as of the date of receipt by the International Bureau of a notification complying with the applicable requirements.

Rule 20
Restriction of the Holder's Right of Disposal

(1) *[Communication of Information]* [...]

(2) *[Partial or Total Removal of Restriction]* [...]

(3) *[Recording]* (a) The International Bureau shall record the information communicated under paragraphs (1) and (2) in the International Register and shall inform accordingly the holder, the Office of the Contracting Party of the holder and the Offices of the designated Contracting Parties concerned.

(b) The information communicated under paragraphs (1) and (2) shall be recorded as of the date of its receipt by the International Bureau, provided that the communication complies with the applicable requirements.

Rule 20bis
Licenses

- (1) *[Request for the Recording of a License]* [...]
- (2) *[Irregular Request]* [...]
- (3) *[Recording and Notification]* (a) [...]
(b) The license shall be recorded as of the date of receipt by the International Bureau of a request complying with the applicable requirements.
- (4) *[Amendment or Cancellation of the Recording of a License]* [...]
- (5) *[Declaration that the Recording of a Given License has no Effect]* [...]
 - (a) [...]
 - (b) [...]
 - (c) [...]
 - (d) The International Bureau shall record in the International Register any declaration made in accordance with subparagraph (c) and shall notify accordingly the party (holder or Office) that presented the request to record the license. The declaration shall be recorded as of the date of receipt by the International Bureau of a communication complying with the applicable requirements.
 - (e) [...]
- (6) *[Declaration that the Recording of Licenses in the International Register has no Effect in a Contracting Party]* [...]

Rule 21
Replacement of a National or Regional Registration
by an International Registration

- (1) *[Notification]* [...]
 - (i) [...]
 - (ii) [...]
 - (iii) [...]

The notification may also include information relating to any other rights acquired by virtue of that national or regional registration, in a form agreed between the International Bureau and the Office concerned.
- (2) *[Recording]* (a) [...]
 - (b) The indications notified under paragraph (1) shall be recorded as of the date of receipt by the International Bureau of a notification complying with the applicable requirements.

*Rule 28**Corrections in the International Register*

(1) *[Correction]* [...]

(2) *[Notification]* The International Bureau shall notify accordingly the holder and, at the same time, the Offices of the designated Contracting Parties in which the correction has effect. In addition, where the Office that has requested the correction is not the Office of a designated Contracting Party in which the correction has effect, the International Bureau shall also inform that Office.

(3) *[Refusal Following a Correction]* [...]

(0) *[Time Limit for Correction]* [...]

Chapter 7
Gazette and Data Base

*Rule 32**Gazette*

(1) *[Information Concerning International Registrations]* [...]

(2) *[Information Concerning Particular Requirements and Certain Declarations of Contracting Parties]* [...]

(3) *[Number of Copies for Offices of Contracting Parties]* [...]

[...]