



Recent Developments in Global IP Protection Systems and their Advantages for *Developing Countries*

From the Madrid System perspective

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2010**

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- Madrid System Fundamentals
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Overview of the Madrid System

Madrid is a global system for the international registration of marks

Madrid facilitates the protection of brands in foreign markets providing a simple, easy to use, efficient and cost-effective process for:


- the centralized filing of applications,
- the centralized administration of registrations.

In operation since 1893

- More than a 120 years of experience



- More than a million marks registered

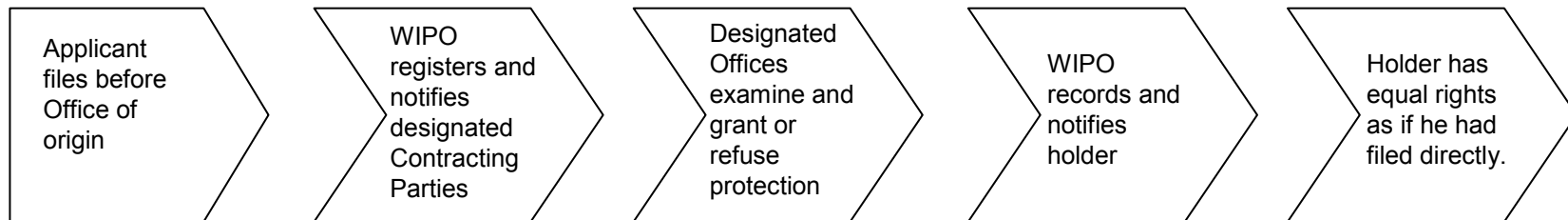
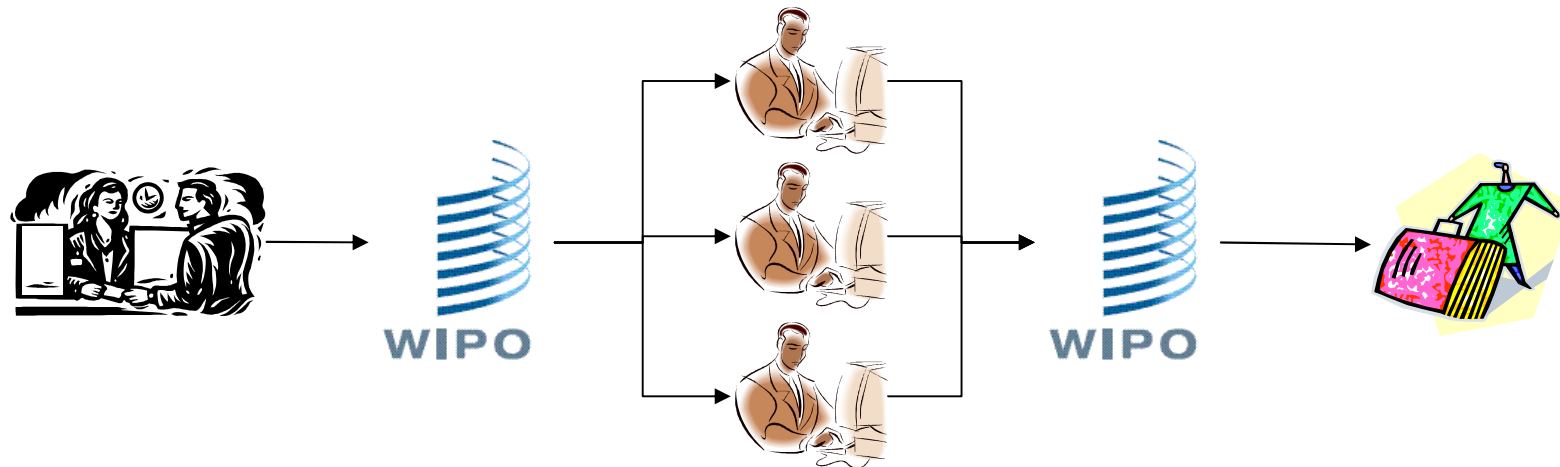
Grüne  Erde

Madrid System Fundamentals

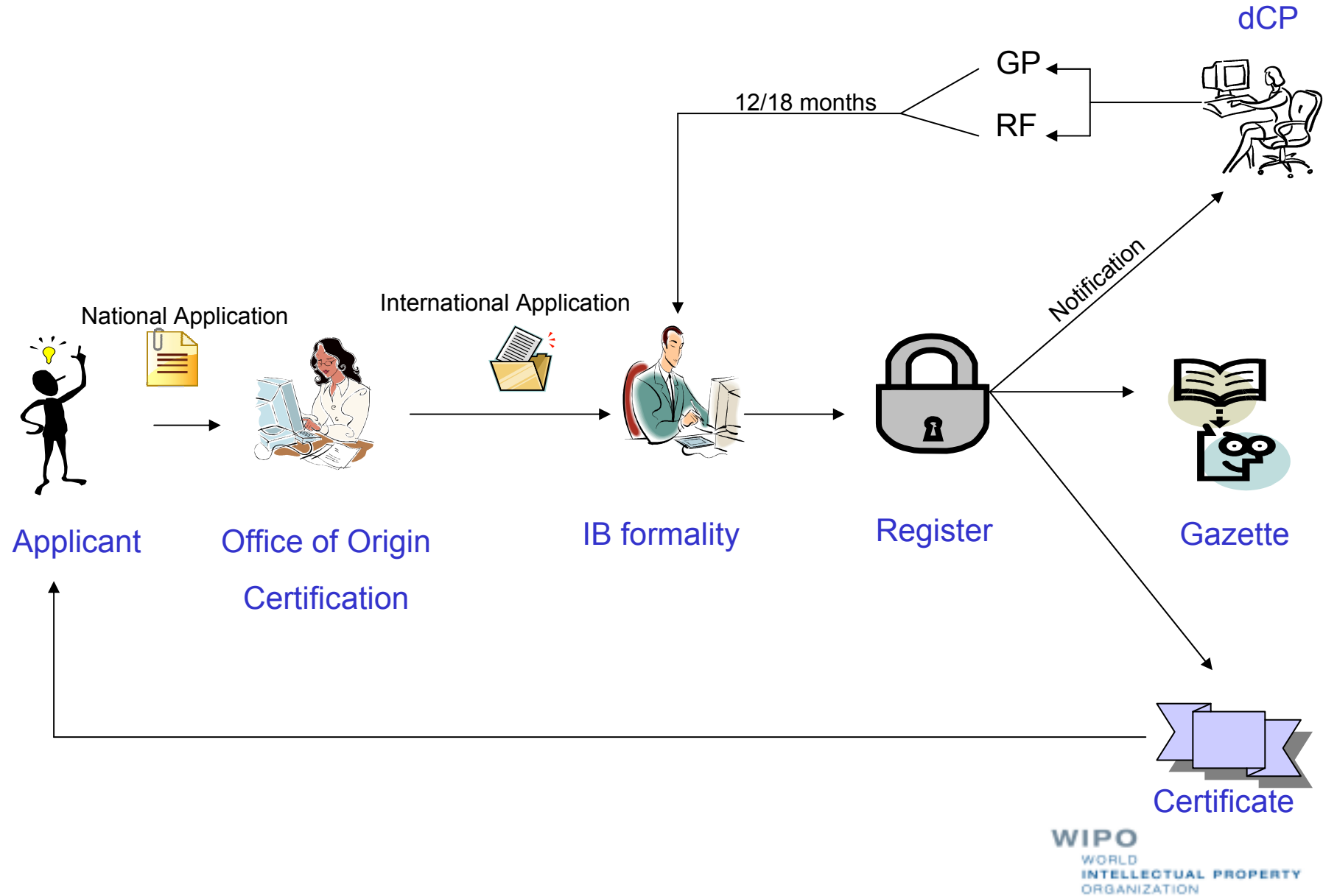
Madrid System Fundamentals

- An additional route
- An optional route
- A closed system
- One registration – a bundle of rights

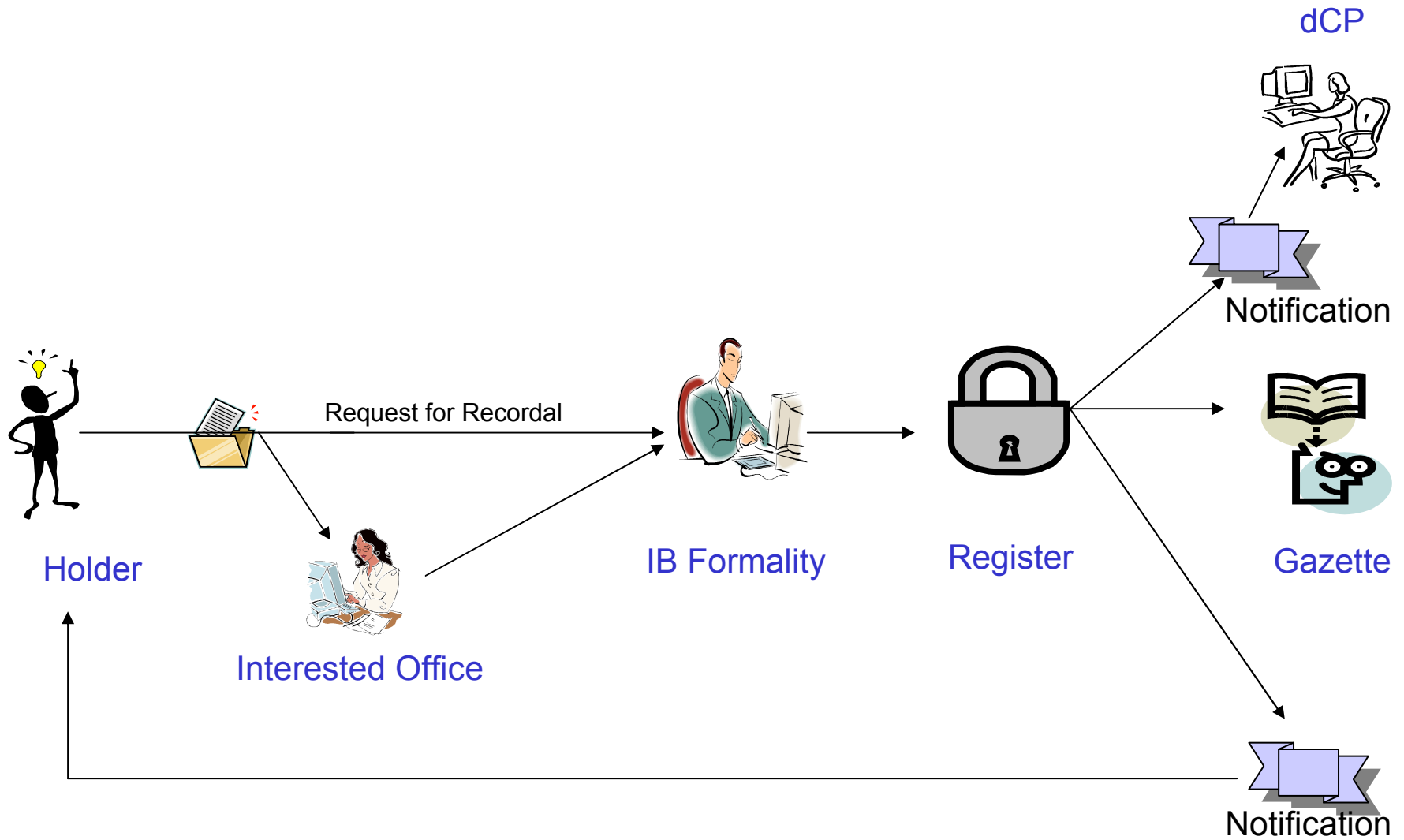
General Procedure



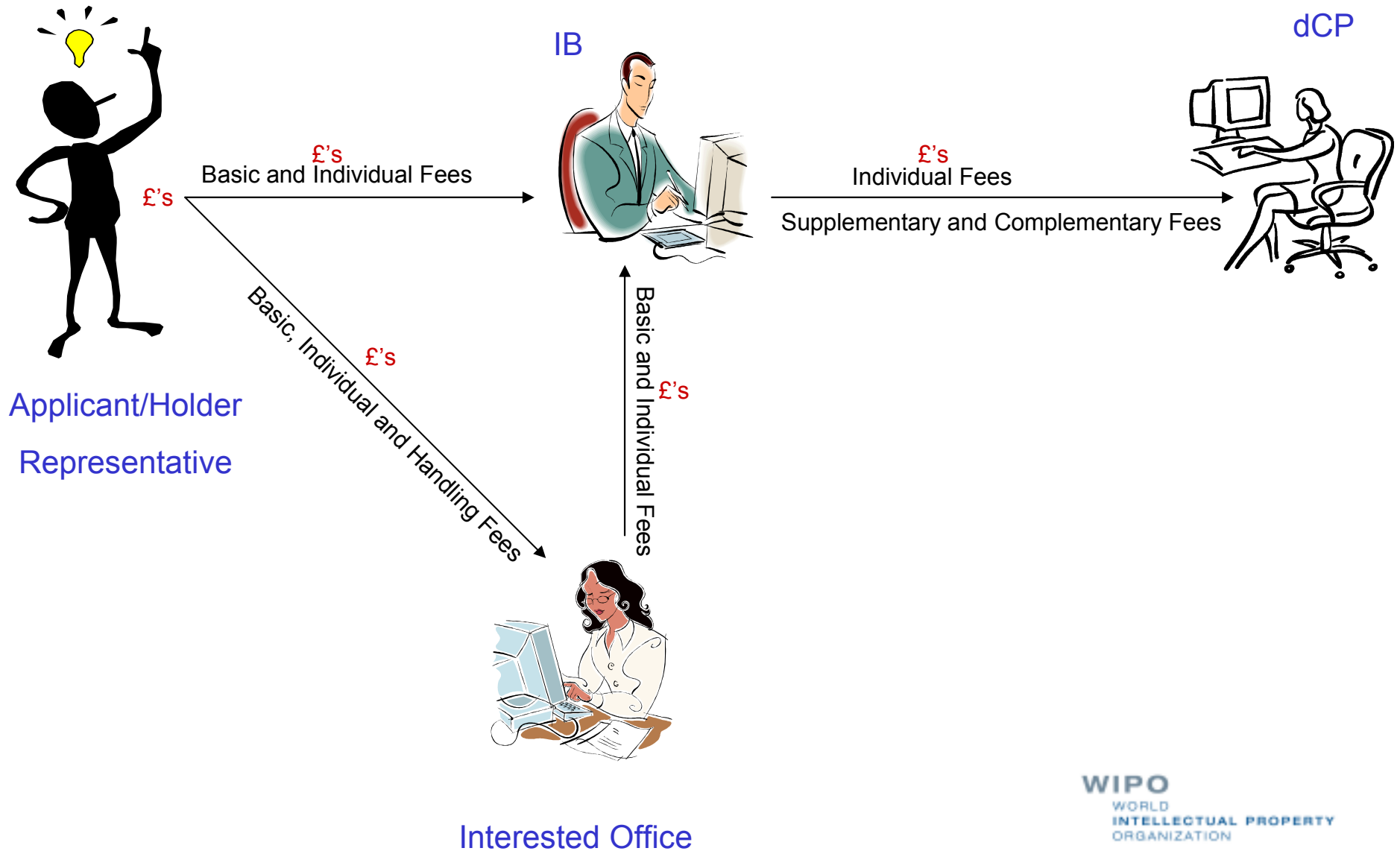
International Application Procedure



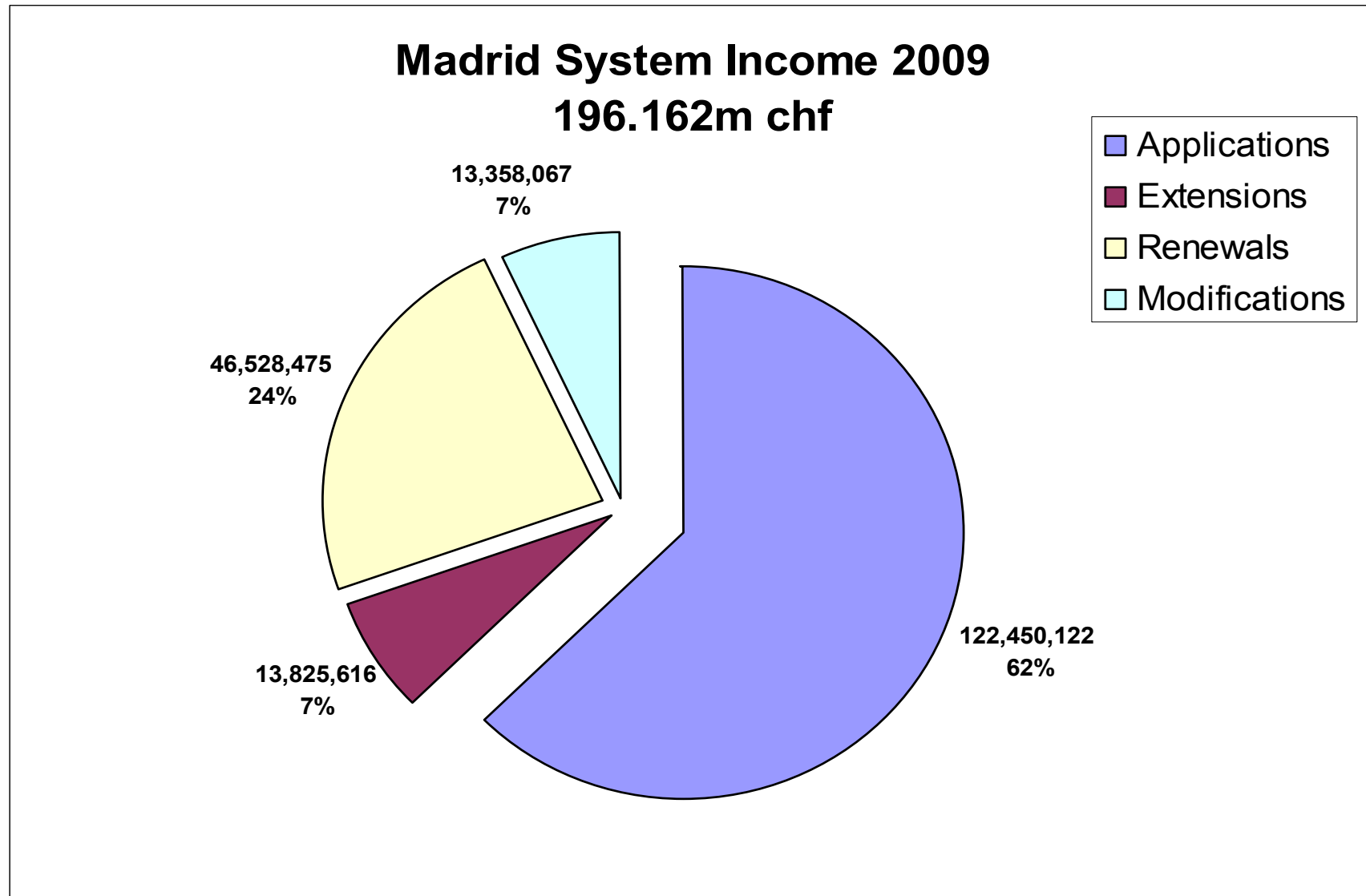
Modification Procedure



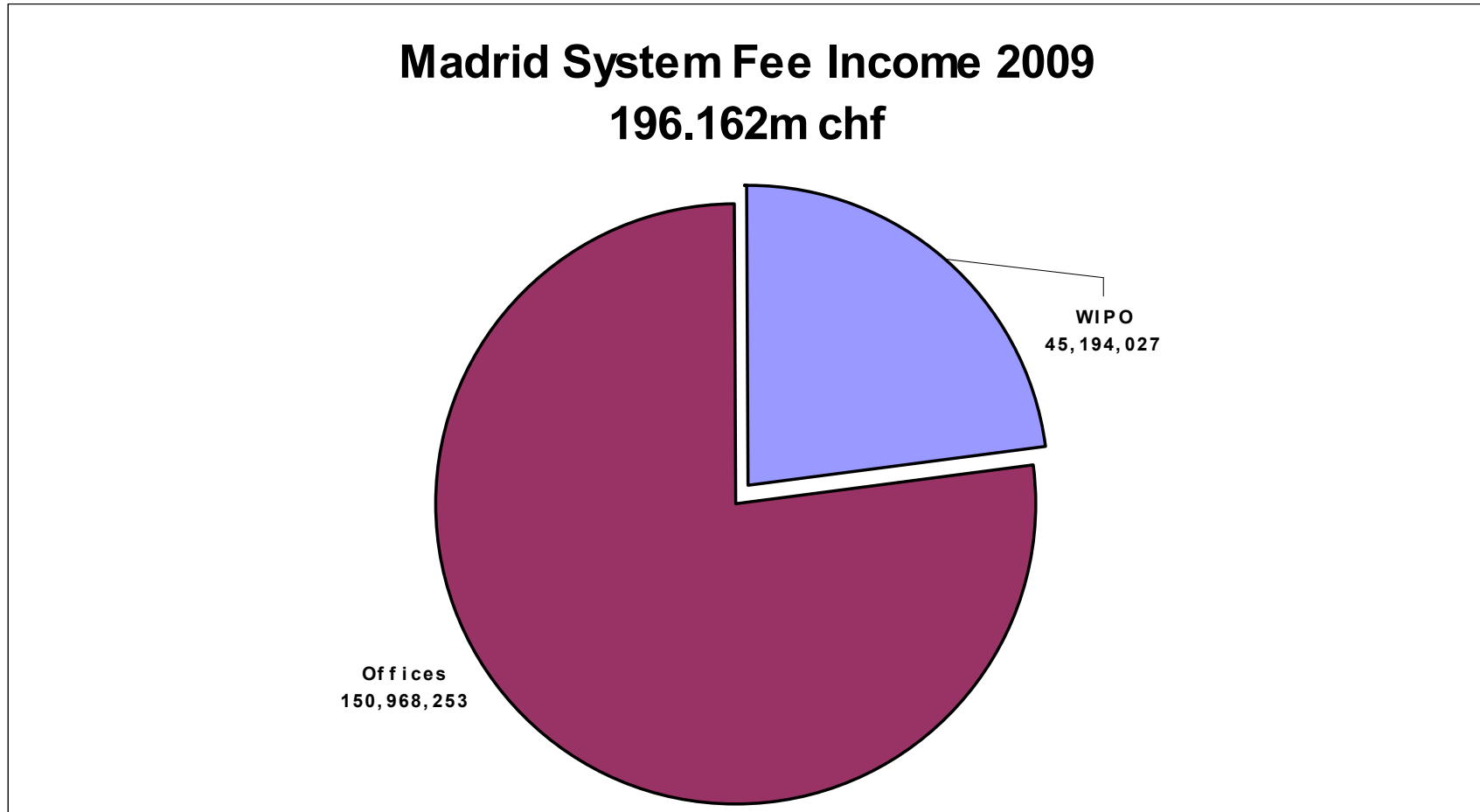
Distribution of Fees



Distribution of Fees



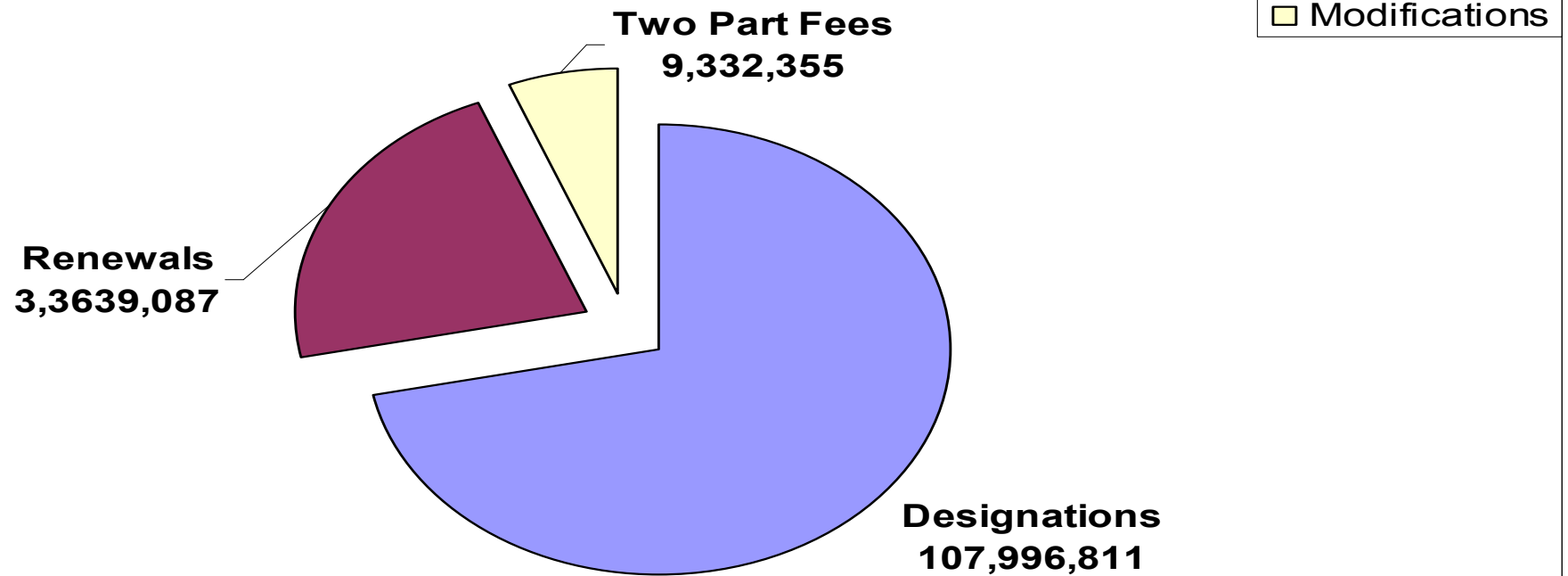
Distribution of Fees



Distribution of Fees

Madrid System Fee Distribution to Member States

150.968m chf



Madrid vs. Filing Direct

Direct Filing (national):

- Different processes.
- Diverse languages.
- Different fees in several currencies.

Administration of rights:

- Changes filed individually in each country.

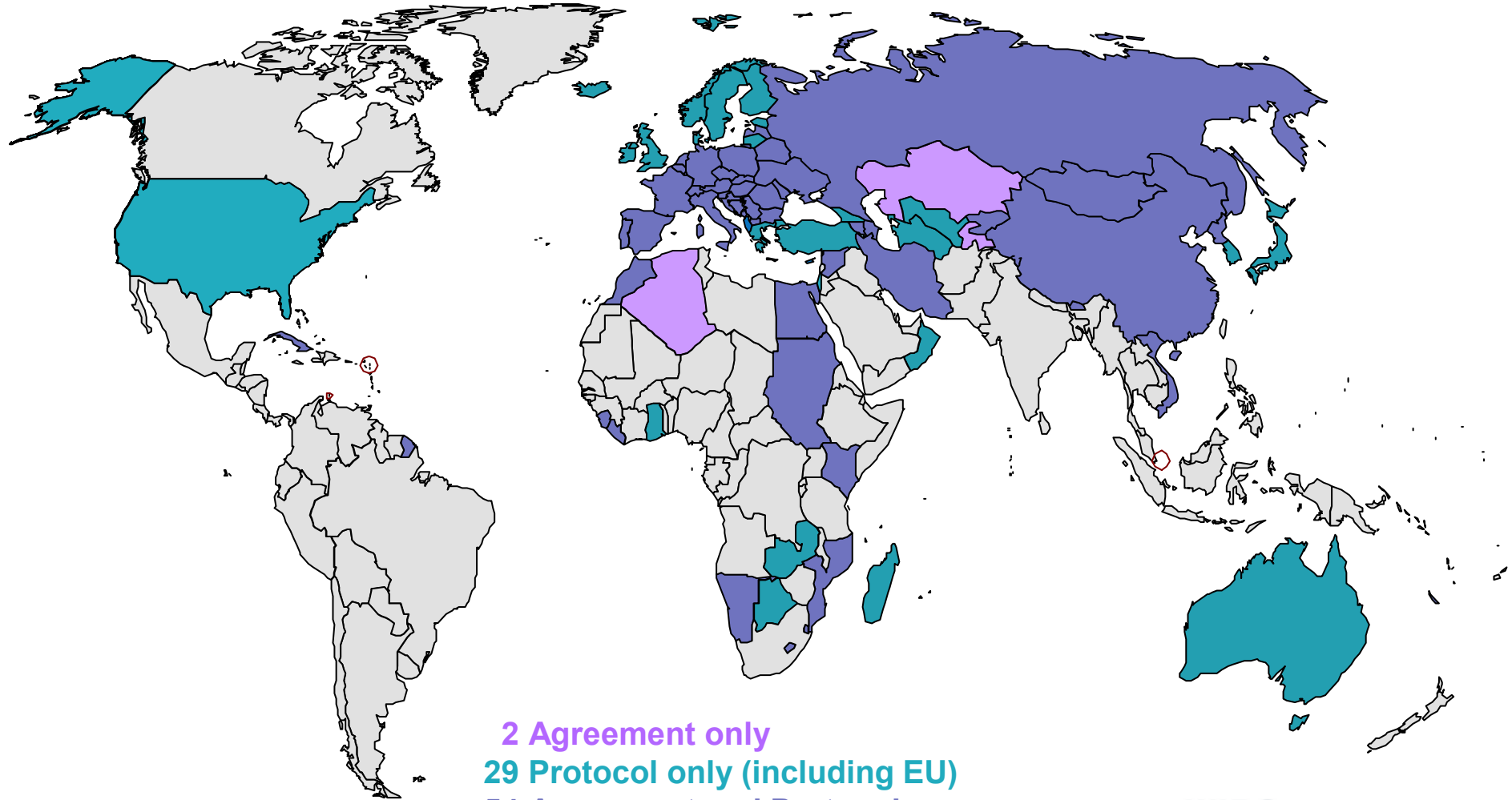
Madrid System (international):

- One process
- One of three languages (E/F/S)
- A single fee in Swiss francs.

Administration of rights:

- One simple procedure with respect to all designated Contracting Parties.

Madrid Union Coverage



2 Agreement only
29 Protocol only (including EU)
54 Agreement and Protocol

85 Members

Madrid System Products and Services

Online access at <http://www.wipo.int/madrid/>:

- Legal texts, treaties, regulations, administrative instructions

- The Applicants Guide

- Prescribed and optional forms (PDF, MS Word).

Madrid System Products and Services

Online Services

- WIPO Gazette <http://www.wipo.int/madridgazette/en/browse.jsp>
- Application Simulator <https://webaccess.wipo.int/epayment/>
- Fees Calculator <http://www.wipo.int/madrid/en/fees/calculator.jsp>
- e-Renewal https://webaccess.wipo.int/trademarks_ren/erenewal_en.jsp
- e-Payment Gateway <https://webaccess.wipo.int/epayment/>
- ROMARIN <http://www.wipo.int/romarin/>

Madrid System Statistics

World Intellectual Property Indicators



- World Intellectual Property Indicators is the source for most statistics in this presentation

- PDF version can be found here

http://www.wipo.int/export/sites/www/ipstats/en/statistics/patents/pdf/941_2010.pdf

- Raw data can be found here

http://www.wipo.int/export/sites/www/ipstats/en/statistics/patents/zip/wipi_data_2010.zip



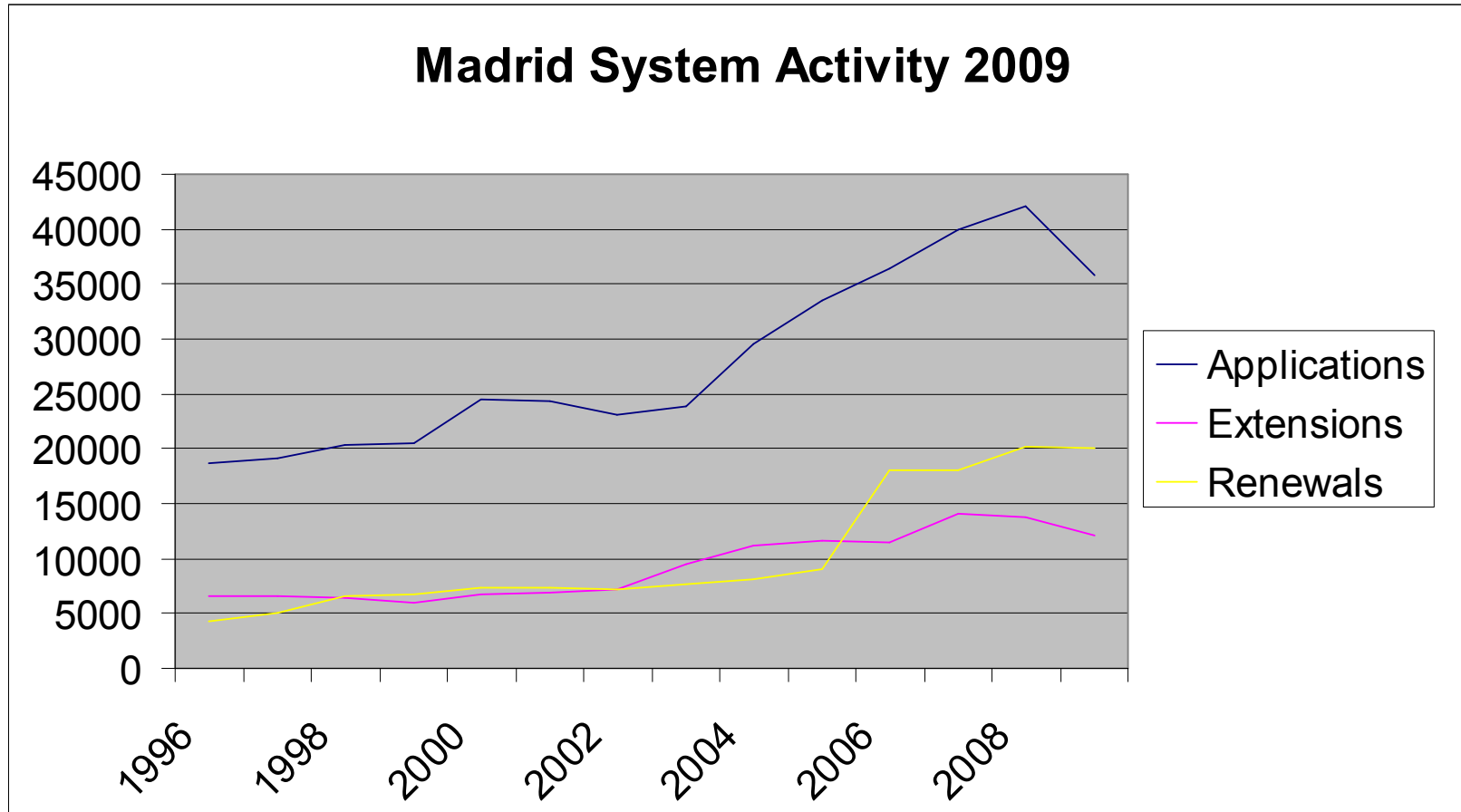
International Registrations in Force

As of December 31, 2009, there were:

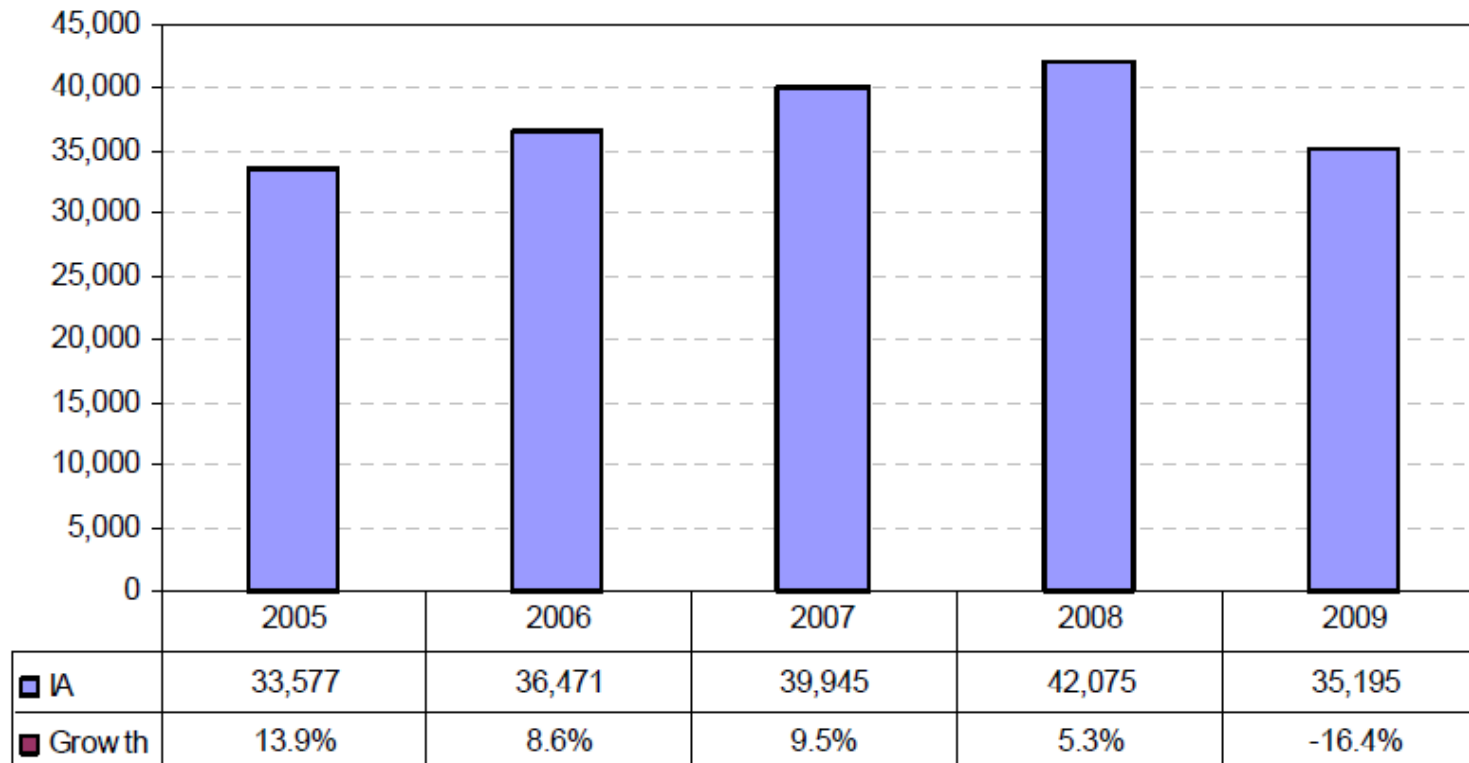
- 515,562 registrations in force,
- 5.6 million of designations in force,
- 169,939 holders



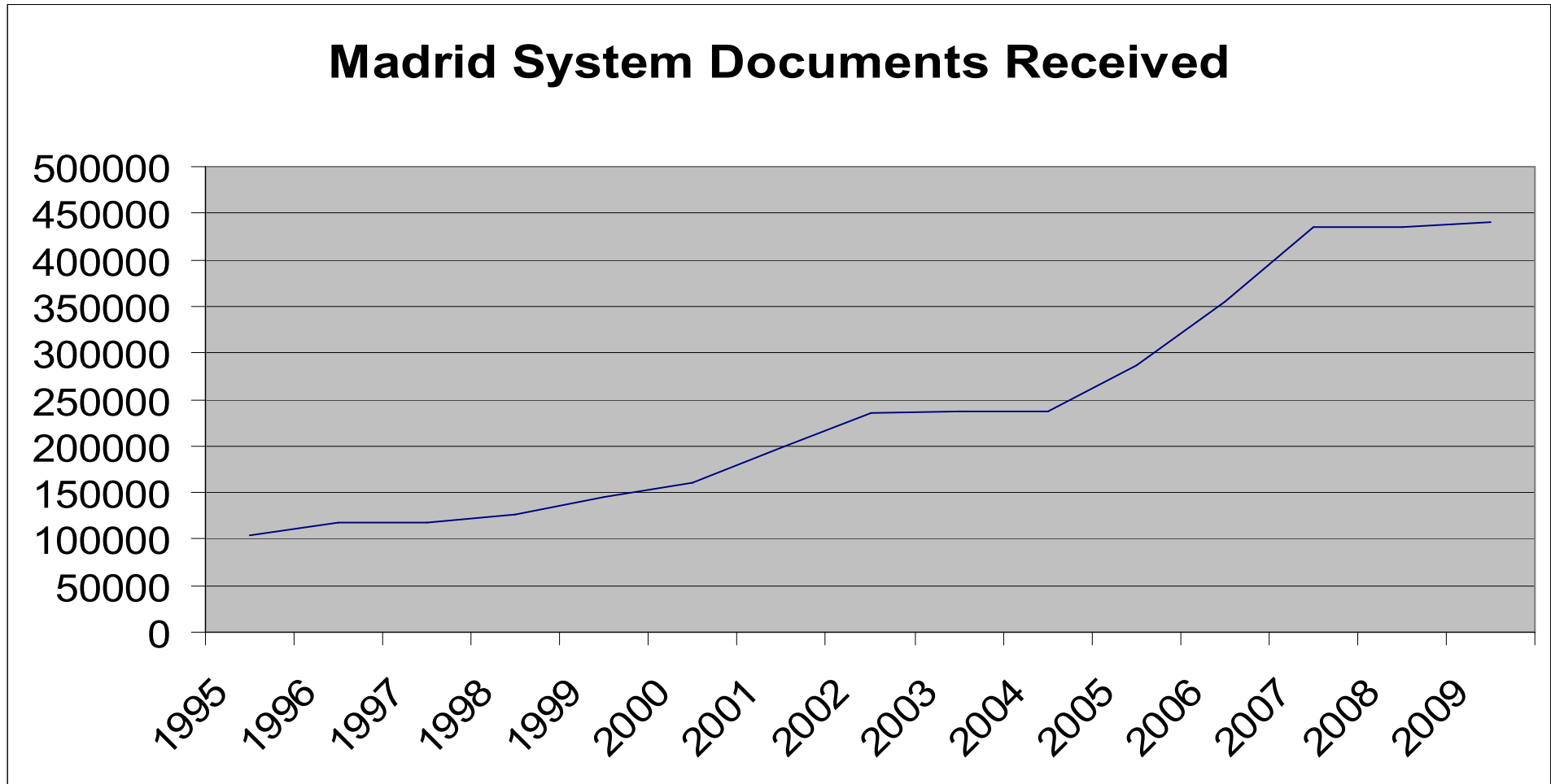
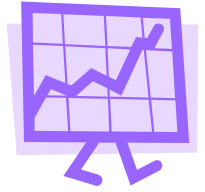
Registry Activity 1996-2009



International Applications Filed 2005-2009



Registry Activity 1996-2009



International Applications by Office of Origin 2002-2009



	2002	2003	2004	2005	2006	2007	2008	2009
DE	5'126	5'559	5'395	5'803	5'663	6'100	6'214	4'793
EM			354	1'852	2'445	3'384	3'600	4'367
FR	3'609	3'331	3'518	3'497	3'705	3'930	4'218	3'523
US		139	1'737	2'849	3'148	3'741	3'684	3'201
CH	2'531	2'189	2'133	2'235	2'468	2'656	2'885	2'671
BX	2'467	2'189	2'482	2'426	2'639	2'508	2'668	1'968
IT	1'800	1'915	2'499	2'340	2'958	2'664	2'763	1'876
CN	241	472	1'015	1'334	1'328	1'444	1'584	1'358
JP	242	394	692	893	847	985	1'278	1'312
RU	276	502	575	605	622	891	1'190	1'068
AT	982	861	1'181	1'191	1'117	1'135	1'245	1'050
GB	670	674	917	1'016	1'055	1'178	1'162	1'007
AU	222	340	683	852	1'100	1'169	1'092	1'000
OTHER	4985	5'314	6'292	6'688	7'401	8'180	8'487	6'654
TOTAL	23'151	23'879	29'473	33'581	36'496	39'965	42'070	35'848



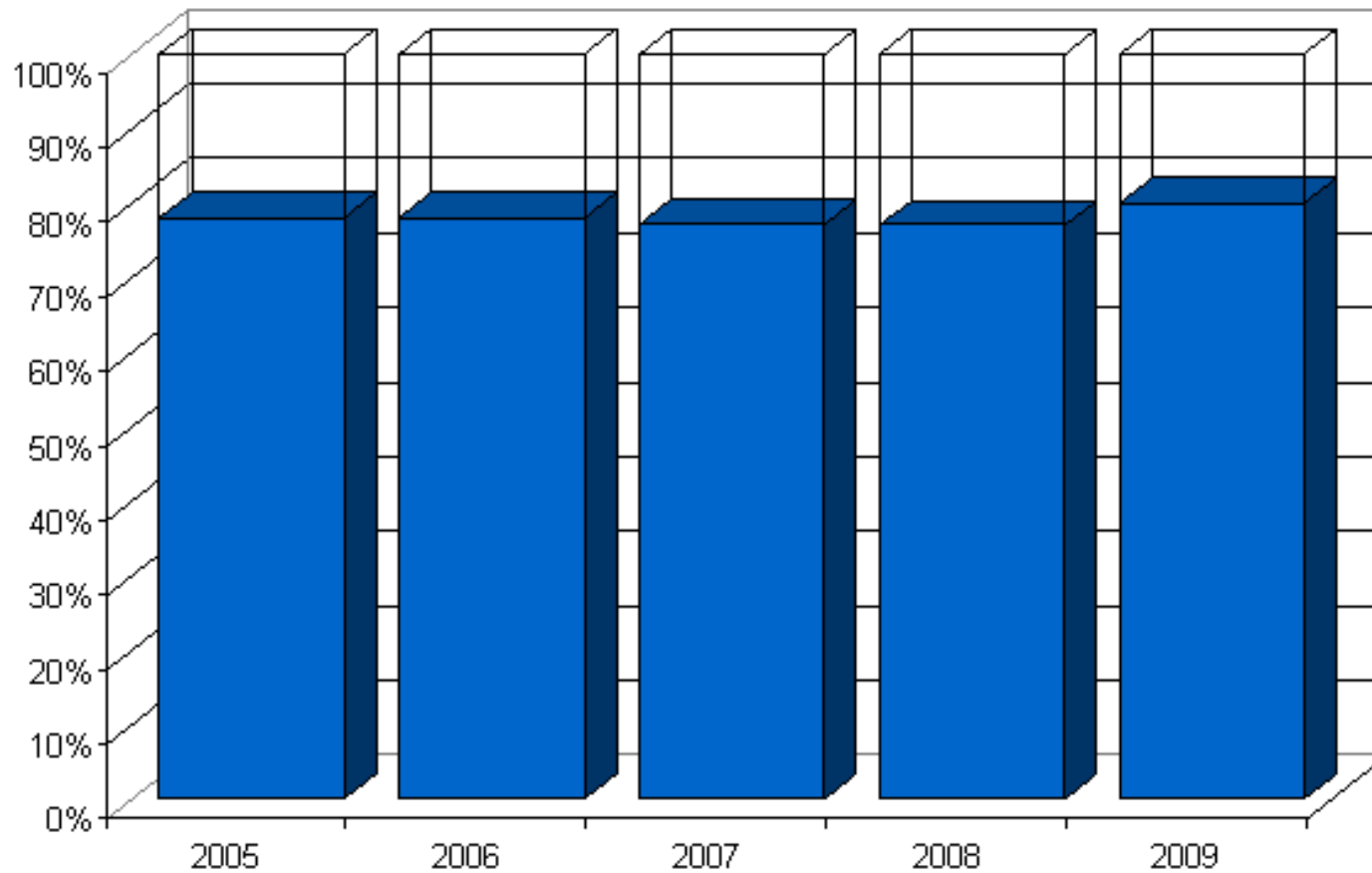
Most designated Contracting Parties 2002-2009



	2002	2003	2004	2005	2006	2007	2008	2009
★ CN	6684	7106	9265	13575	15801	16676	17829	14766
RU	8312	9006	9940	12813	14432	15455	16768	14150
US		238	7109	11863	13994	14618	15715	13406
CH	10577	10174	10137	13197	14260	14528	14907	13161
EM			114	6309	10640	12744	14502	12564
★ JP	5323	5359	7071	10104	11844	12348	12748	10386
AU	3905	4683	5917	7989	9115	9848	10529	8575
UA	5280	6262	6361	8271	9057	9751	10635	8539
TR	5458	5878	6272	8602	8958	9377	3844	7942
★ KR		1694	4852	7160	8334	8988	9539	7755
NO	6967	6582	6821	8443	9102	9346	9787	7627
HR	4743	5054	5298	6716	6970	7059	7482	5967
★ SG	3547	3708	4451	6127	6717	7005	7607	5957
OTHER	222569	232232	214592	235370	225501	119540	182706	136538
TOTAL	283365	290870	298200	356539	364725	267283	334598	267333

Madrid System Advantages for Developing Countries

Madrid Union global trade share (2005-2009)



Source: COMTRADE statistics

Right-Holders (2009)

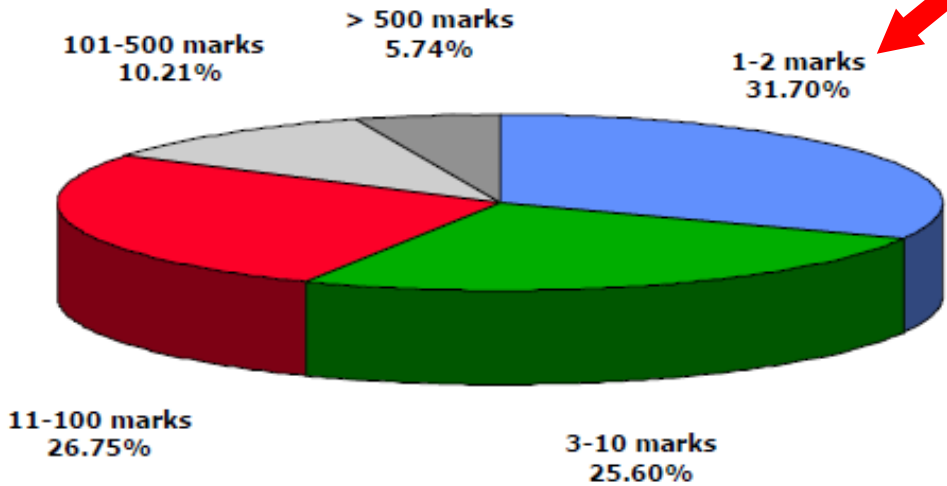
**Right-holders
(169,939)**



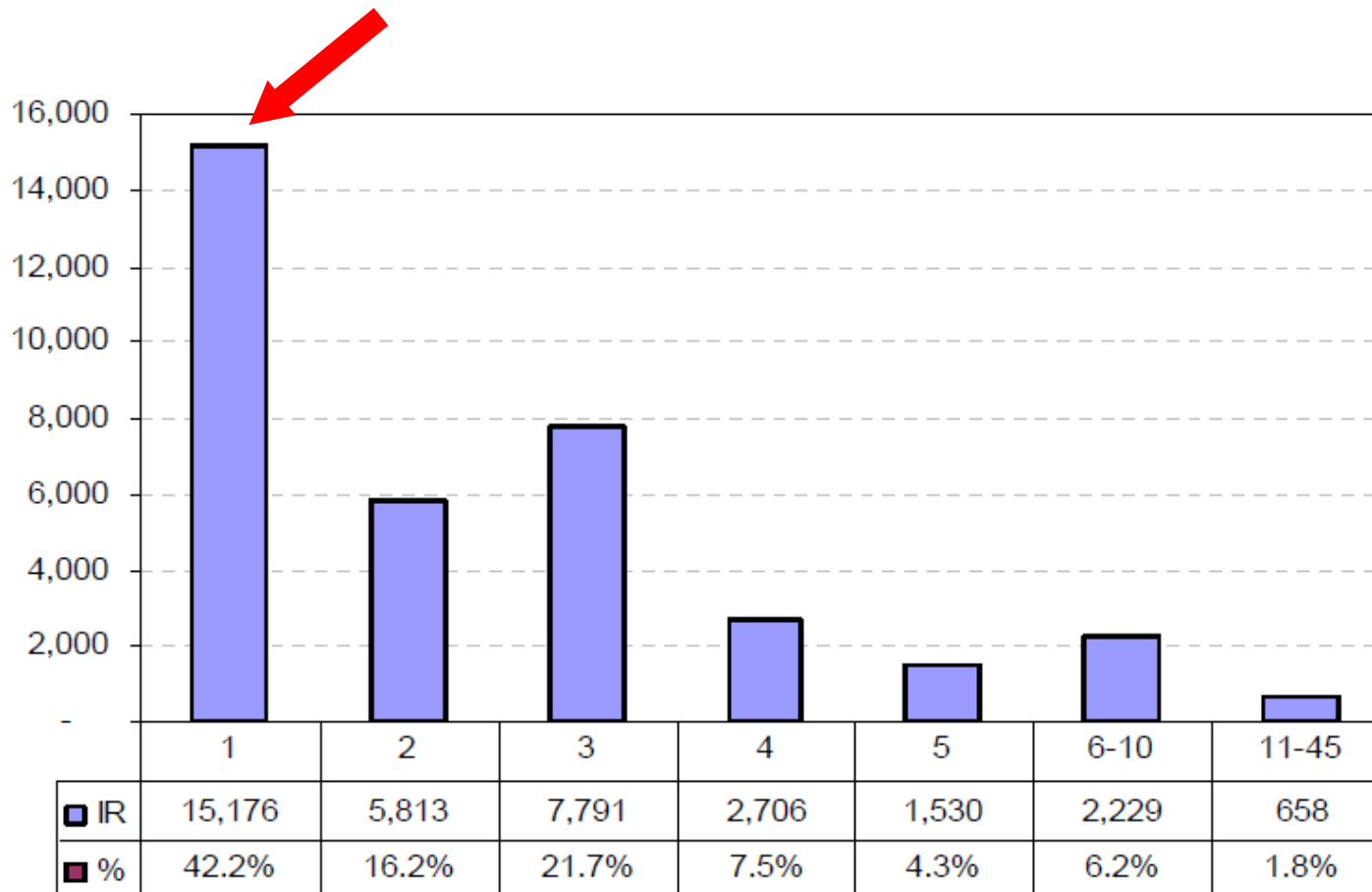
Trademarks by right-holder	Number of right-holders	
1-2 marks	135,273	79.60%
3-10 marks	28,553	16.80%
11-100 marks	5,788	3.41%
101-500 marks	295	0.17%
> 500 marks	30	0.02%
All	169,939	100.00%



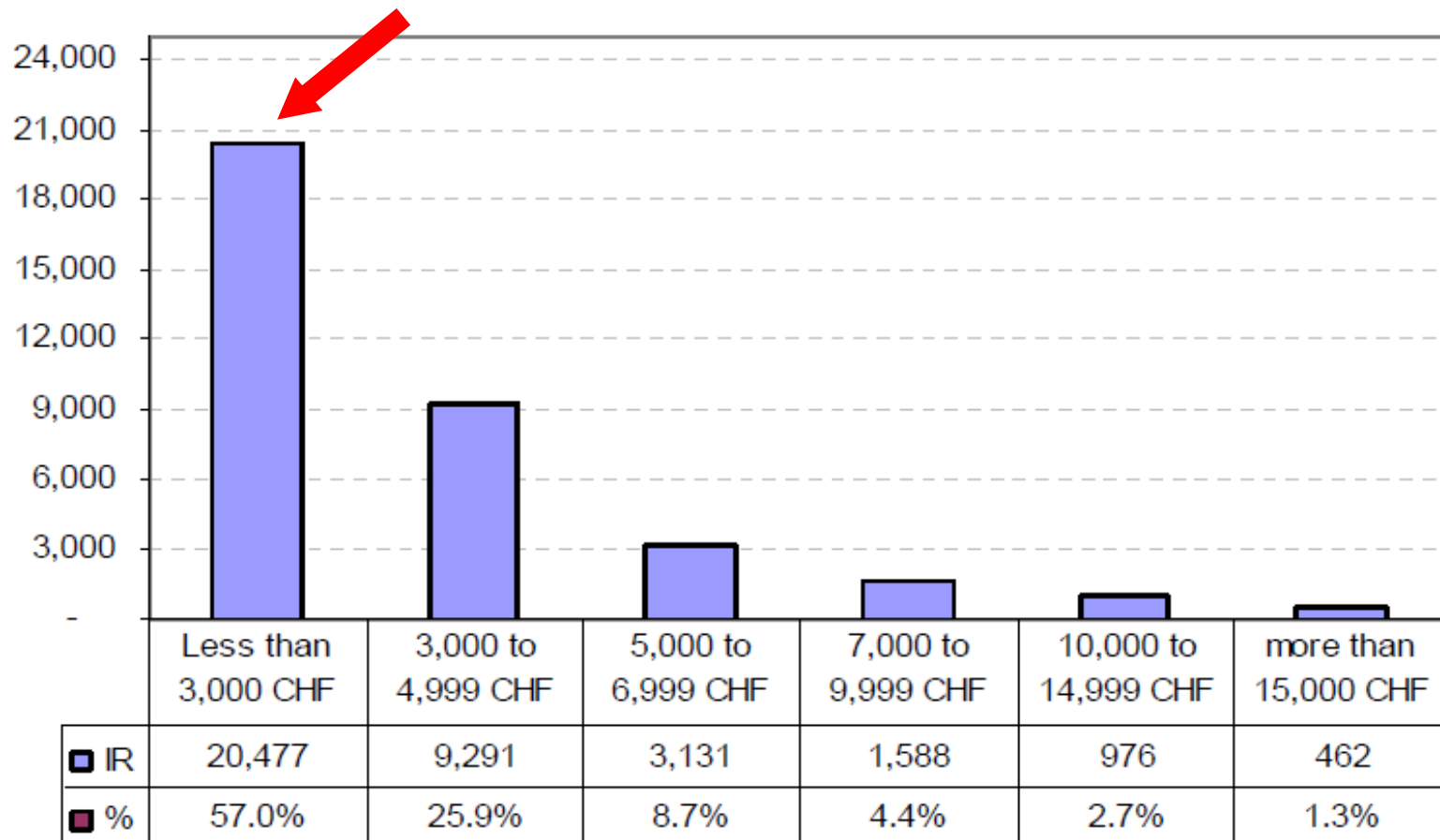
**Registrations
in force
(515,562)**



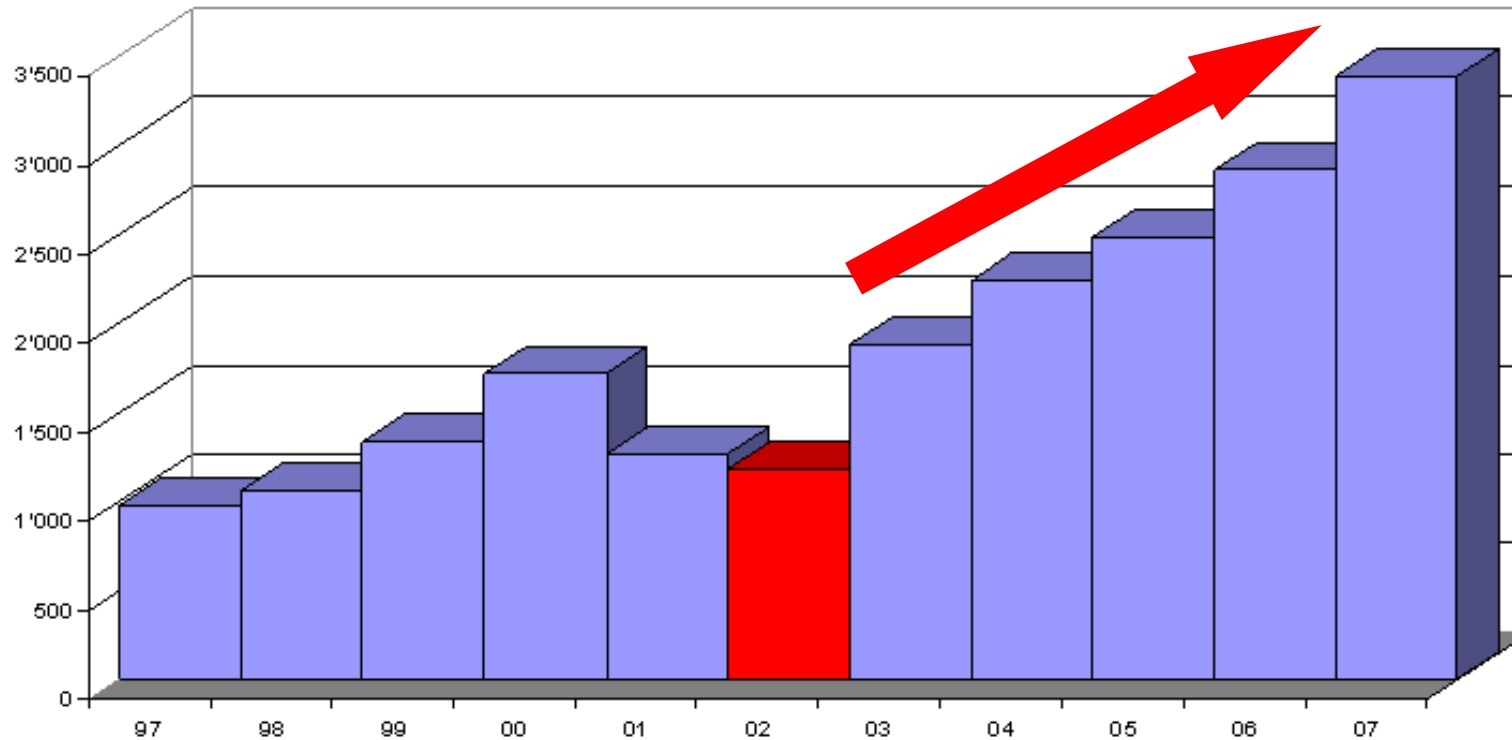
Designations (2009)



Fees (2009)

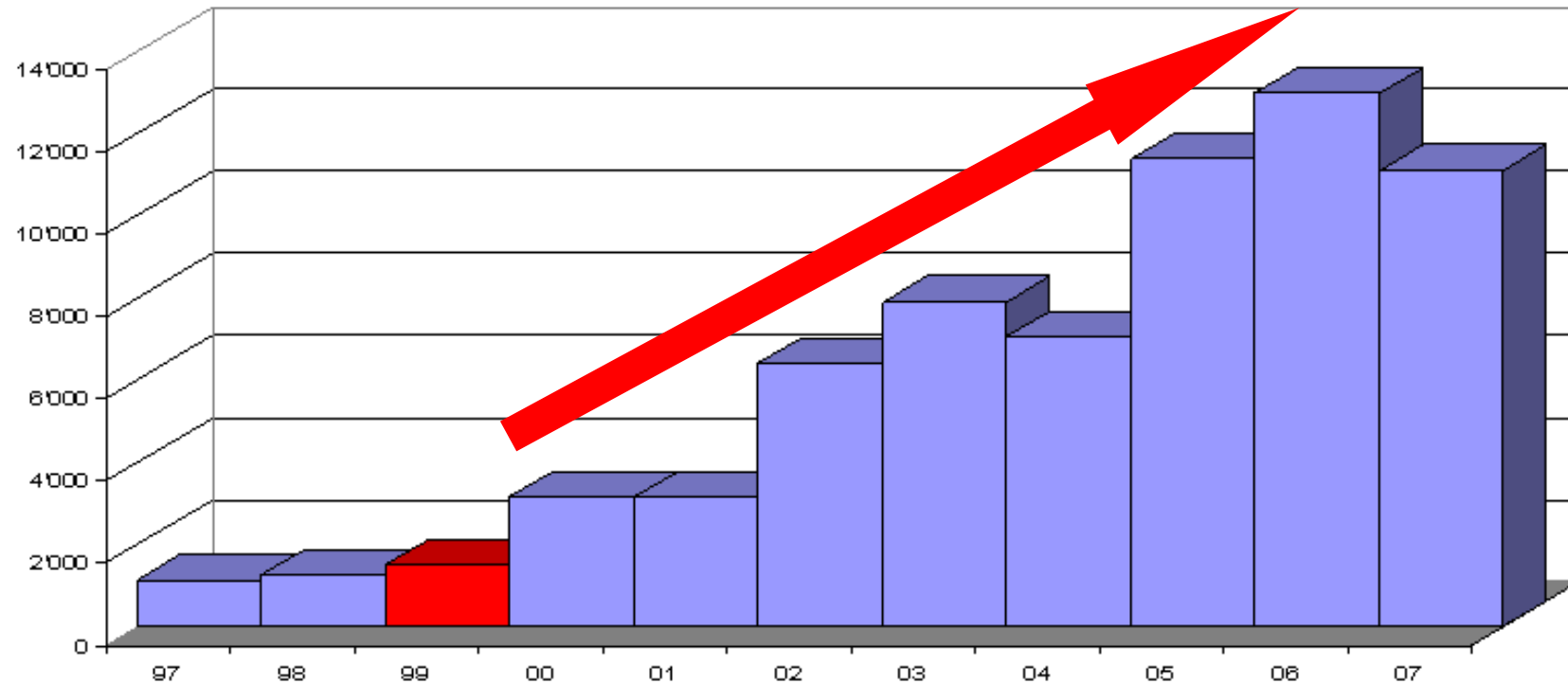


Trademark applications by Irish Residents Abroad – including Madrid Designations



Red bar indicates the year of entry into force of the Madrid Protocol

Trademark Applications by Turkish Residents Abroad – including Madrid Designations



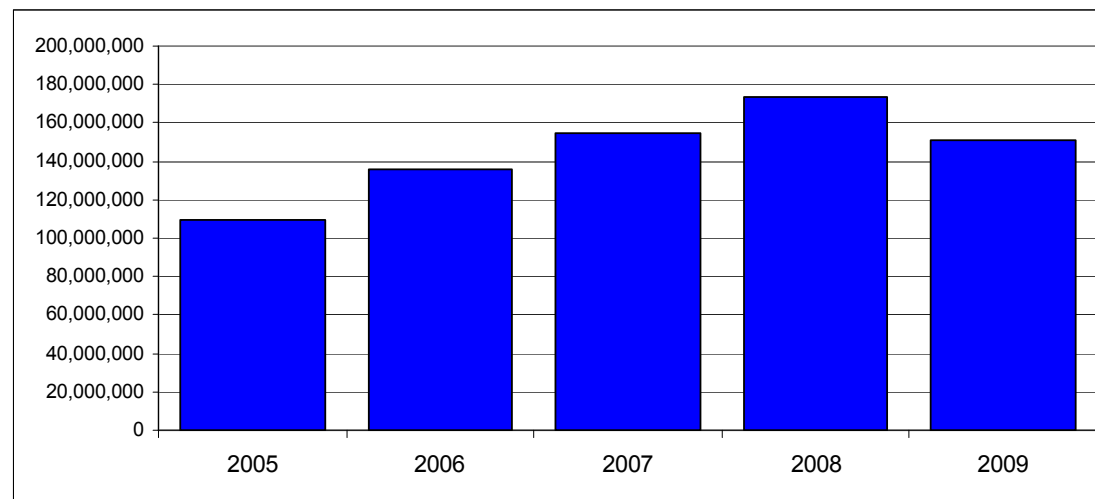
Red bar indicates the year of entry into force of the Madrid Protocol

Advantages for Developing Countries

- The Madrid system facilitates brand protection in markets which represent 80 per cent of global trade.
- The Madrid system is heavily used by small and medium enterprises; in 2009:
 - almost 80 per cent of users are holders of one or two registrations,
 - over 80 per cent of applications designate three or fewer Contracting Parties,
 - close to 60 per cent of applicants paid less than three thousand Swiss francs in fees.
- The Madrid system facilitates exporting differentiated (branded) value added products to small and medium enterprises.
- Given the right conditions, the Madrid System could increase the number of national enterprises with appropriately protected global brands.

Advantages for National Trademark Administrations

- The International Bureau supports WIPO Member States during the accession and implementation stages with capacity building and awareness raising activities.
- The Madrid System collects and redistributes fees on behalf of the Offices of Contracting Parties. Between 2005-2009, over 700 million Swiss francs were distributed.



Current Madrid System Developments

Recent Developments

- New Rules, in force since September 1, 2009, for improved communications:
 - New statement of Grant of Protection (mandatory as from January 1, 2009);
 - Clearer rules regarding communications concerning the final disposition of the mark.
- New model forms recommended by the Assembly of the Madrid Union for the notifications of provisional Refusals, interim and final status of the mark, further decisions and Ceasing of Effect.
- New model provisions for replacement and transformation.

Future Developments

- Several proposals have been submitted for the assessment of the Working Group:
 - Norwegian proposal for the elimination of the requirement of the basic mark,
 - contribution of Japan for introducing flexibilities concerning the identity with the basic mark,
 - Swiss proposal concerning the division of the international registration.

- The Working Group has requested that the International Bureau:
 - collect information for assessing the actual impact of the principle of dependence and of transformation,
 - present proposals for the consideration of the Working Group to make the Madrid System more efficient, cost-effective, user friendly - simplification
 - further efficiency gains by the International Bureau.

Future Developments

- Accelerated geographic expansion of the Madrid system
- Several WIPO Member States in Asia and Latin America have expressed interest in the Madrid system and are assessing their accession to the Madrid Protocol.

Upcoming Products and Services

- Madrid Filing Assistant
- Madrid Portfolio Manager
- Madrid Electronic Alerts



Thank You