

# Collection of Information on the Procedures Concerning the International Trademark Application based on the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

## I. Purpose of Collection of Information

The purpose of collecting information is to realize smooth operation of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (the "Madrid Protocol") as well as to improve the users' convenience and promote their use of the system primarily by collecting information on the "procedures conducted when a notification of provisional refusal is received " with respect to the procedures of each country concerning the Madrid Protocol and providing such information to users.

## II. Details of Collection of Information

### 1. Countries from which information is collected

Europe (European Union Intellectual Property Office), India, Mexico

### 2. Items subject to the collection of information

- (1) Development, etc. of trademark laws
- (2) Definition of trademarks
- (3) Formal requirements
- (4) Examination
  - (i) Outline of the substantive examination
  - (ii) Contents of examination
  - (iii) Period for giving notification of provisional refusal
  - (iv) Contents of absolute grounds for refusal
  - (v) Contents of relative grounds for refusal
- (5) Response procedures to be taken by holders of international application for trademark registration when a notification of provisional refusal is received
  - (i) Sample and translation of a notification of provisional refusal, explanation on its contents (language used), treatments of total refusal/partial refusal
  - (ii) Period for responding to the notification of provisional refusal
  - (iii) Whether or not a local agent is required
  - (iv) Procedures which can be carried out by the holder of an international application for trademark registration without hiring a local agent
  - (v) Overview of the procedures until the decision of refusal is confirmed in the case where the

applicant fails to make direct response to each country with respect to the notification of provisional refusal or in the case where the grounds for refusal are not resolved even after making a direct response

(6) Overview of the procedures to be taken until registration after the grounds for refusal has been resolved or in the case where there are no grounds for refusal

(7) Registration

(i) Registry

(ii) Issuance of registration certificate

(8) Precautions after registration

(9) Opposition

(10) Appeal

(11) Exercise of rights

(i) Timing and conditions for emergence of rights

(ii) Institution of infringement actions (claims for injunction, damages)

(12) Treatments under the system that are specific to international registrations based on the Madrid Protocol

(13) Declaration concerning the Madrid Protocol

(i) Fees (whether or not there is any declaration of individual fees)

(ii) Declaration on the period for notification of provisional refusal (18 months)

(iii) Declaration of intention to use the mark

(iv) Declaration concerning the license

(14) Characteristic system of each country

(15) Information available from the websites, etc. of the patent offices

(i) Trademark search system of each country

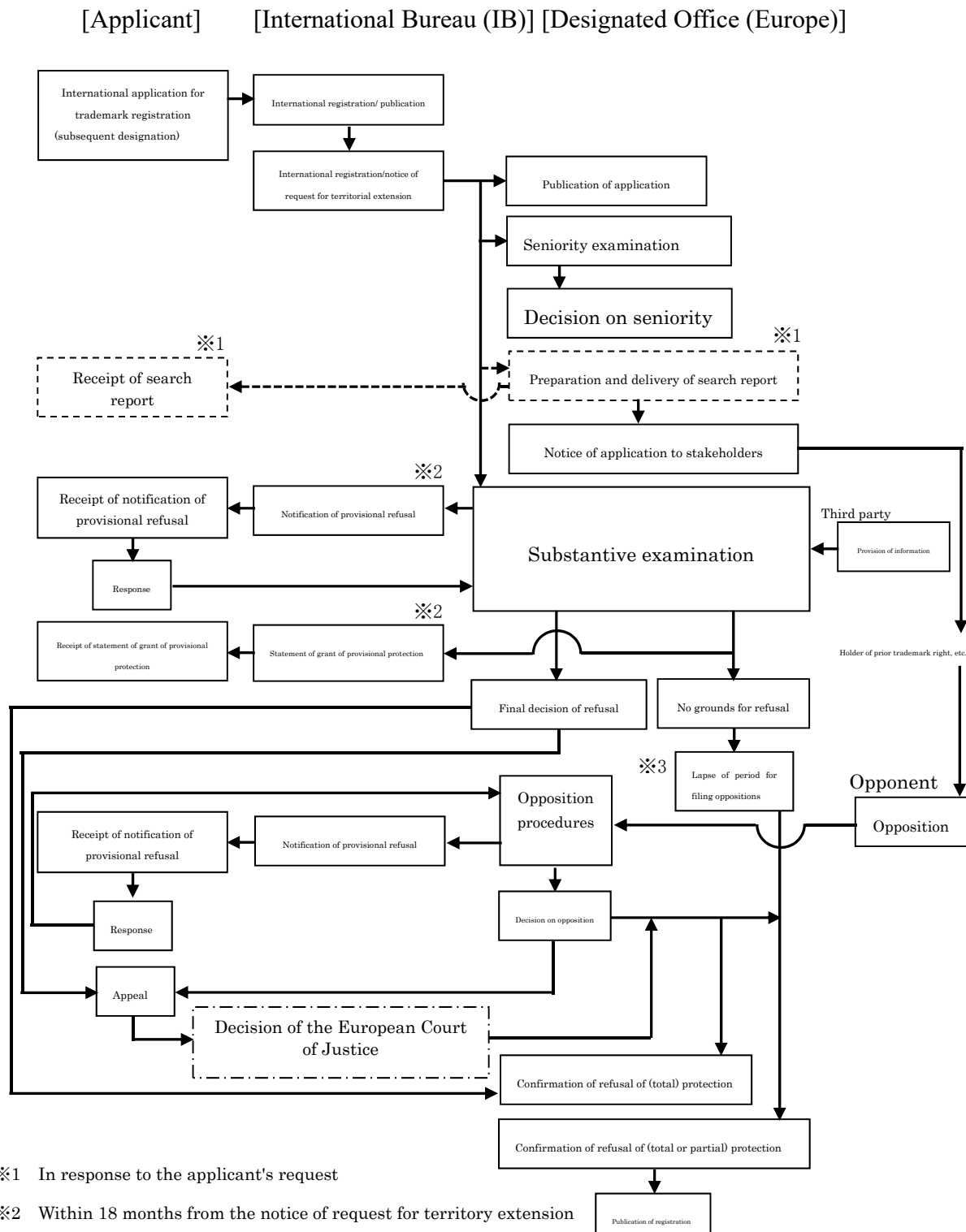
(ii) Websites to check the name of the designated goods or services that are effective in each country

### III. Outline of the Substantive Examination

The general flow of the substantive examination of each country is as follows.

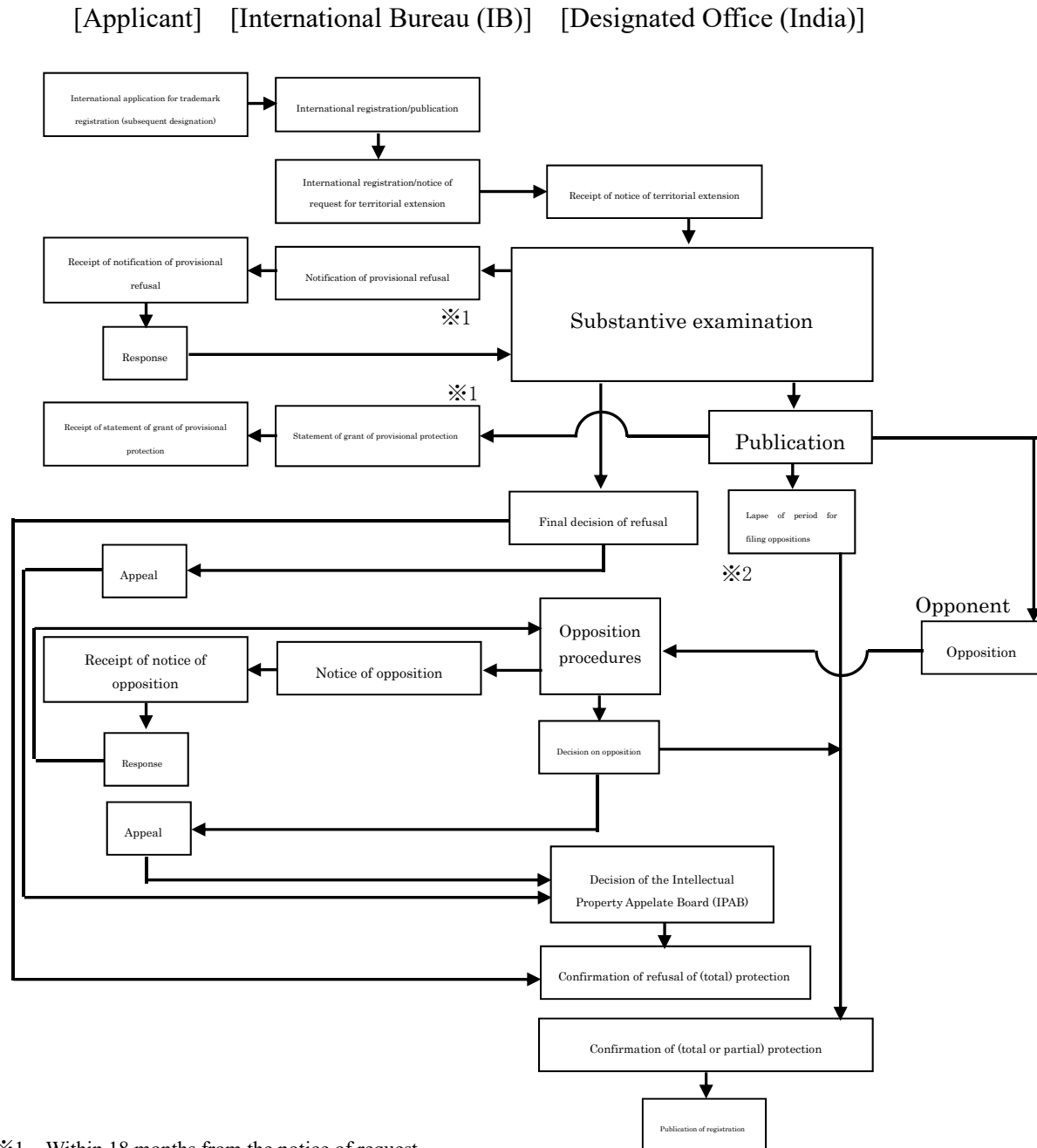
# 1. Europe (European Union Intellectual Property Office)

Figure 1: General flow of the substantive examination (Europe: European Union Intellectual Property Office)



## 2. India

Figure 2: General flow of the substantive examination (India)



### 3. Mexico

Figure 3: General outflow of substantive examination (Mexico)

