# 商标国际注册马德里协定及该协定

# 有关议定书的共同实施细则

（于2019年2月1日生效）

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第一章

总 则

第1条

缩略语

在本实施细则中，

(i) “协定”指于1891年4月14日签订、于1967年7月14日在斯德哥尔摩修订并于1979年9月28日修正的《商标国际注册马德里协定》；

(ii) “议定书”指于1989年6月27日在马德里通过的《商标国际注册马德里协定有关议定书》；

(iii) “缔约方”指协定的任何成员国、或议定书的任何成员国或政府间组织；

(iv) “缔约国”指系国家的缔约方；

(v) “缔约组织”指系政府间组织的缔约方；

(vi) “国际注册”指视具体情况，依协定或依议定书或依二者，进行的商标注册；

(vii) “国际申请”指视具体情况，依协定或依议定书或依二者，提交的国际注册申请；

(viii) “专属协定的国际申请”指国际申请的原属局为

受协定约束、而不受议定书约束国家的主管局者，或为

既受协定约束、又受议定书约束国家的主管局者，而该国际申请只指定国家，且所有指定的国家均受协定约束、而不受议定书约束；

(ix) “专属议定书的国际申请”指国际申请的原属局为

受议定书约束、而不受协定约束国家的主管局者，或为

缔约组织的主管局者，或为

既受协定约束、又受议定书约束国家的主管局者，而该国际申请未指定任何受协定约束、而不受议定书约束的国家；

(x) “同属协定和议定书的国际申请”指国际申请的原属局为既受协定约束、又受议定书约束国家的主管局者，而且该国际申请以注册为基础，并

至少指定一个受协定约束、而不受议定书约束的国家，且

至少指定一个受议定书约束的国家，无论该国是否亦受协定的约束，或至少指定一个缔约组织；

(xi) “申请人”指以其名义提交国际申请的自然人或法人；

(xii) “法人”指依据其可适用的法律，可以享有权利、履行义务并可在法庭上起诉和应诉的公司、协会或其他团体或组织；

(xiii) “基础申请”指已向缔约方主管局提交并构成该商标注册国际申请基础的商标注册申请；

(xiv) “基础注册”指已由缔约方主管局完成并构成该商标注册国际申请基础的商标注册；

(xv) “指定”指视具体情况，依协定第3条之三第(1)或(2)款，或者依议定书第3条之三第(1)或(2)款，提出的延伸保护（“领土延伸”）请求；“指定”亦指在国际注册簿登记的此种延伸；

(xvi) “被指定缔约方”指视具体情况，依协定第3条之三第(1)或(2)款，或者依议定第3条之三第(1)或(2)款，已对其请求给予延伸保护（“领土延伸”）、或对其请求的此种延伸已在国际注册簿登记的缔约方；

(xvii) “依协定指定的缔约方”指依协定第3条之三第(1)或(2)款对其请求给予延伸保护（“领土延伸”）的缔约方；

(xviii) “依议定书指定的缔约方”指依议定书第3条之三第(1)或(2)款对其请求给予的延伸保护（“领土延伸”）的缔约方；

(xix) “临时驳回通知”指某被指定缔约方的主管局根据协定第5条第(1)款或议定书第5条第(1)款所作出的声明；

(xix之二) “无效”指被指定缔约方的主管机关（无论是行政机关还是司法机关）的一项对指定该缔约方所涉的全部或部分商品或服务所作出的注销或撤销某国际注册在该缔约方领土上的效力的决定；

(xx) “公告”为第32条所述的定期公告；

(xxi) “注册人”指以其名义在国际注册簿登记国际注册的自然人或法人；

(xxii) “图形要素国际分类”指根据于1973年6月12日签订的《建立商标图形要素国际分类维也纳协定》所制定的分类；

(xxiii) “商品和服务国际分类”指根据于1957年6月15日签订并于1967年7月14日在斯德哥尔摩和1977年5月13日在日内瓦修订的《商标注册用商品和服务国际分类尼斯协定》所制定的分类；

(xxiv) “国际注册簿”指由国际局保存的关于国际注册数据的正式汇编，该数据系协定、议定书或本实施细则要求登记或允许登记的，而无论存储此种数据的媒介如何；

(xxv) “主管局”，视具体情况，指缔约方中负责商标注册的主管局，或指协定第9条之四或议定书第9条之四所述的共同局，或指二者；

(xxvi) “原属局”，视具体情况，指协定第1条第(3)款中所界定的原属国的主管局，或指议定书第2条第(2)款中所界定的原属局，或指二者；

(xxvi之二) “注册人缔约方”：

指主管局为原属局的缔约方，或

如果已登记所有权变更，或在发生国家继承的情况下，指注册人依协定第1条第(2)款和第2条或议定书第2条符合其成为国际注册注册人条件的缔约方或缔约方之一；

(xxvii) “正式表格”指国际局制定的表格或任何具有同样内容和形式的表格；

(xxviii) “规费”指规费表中所规定的可适用的费用；

(xxix) “总干事”指世界知识产权组织总干事；

(xxx) “国际局”指世界知识产权组织国际局；

(xxxi) “行政规程”指第41条所述的行政规程。

第1条之二

属于协定的指定和属于议定书的指定

(1) ［总则与例外］对缔约方的指定，应根据该缔约方是依协定还是依议定书被指定的，而属于协定或属于议定书。但是，

(i) 对于某一具体的国际注册，凡协定不再适用于注册人缔约方与其指定属于协定的缔约方之间关系的，对后一缔约方的指定应自协定不再适用于这一关系之日起属于议定书，但条件是注册人缔约方与被指定的缔约方在该日期均为议定书的缔约方，以及

(ii) 对于某一具体的国际注册，凡议定书不再适用于注册人缔约方与其指定属于议定书的缔约方之间关系的，对后一缔约方的指定应自议定书不再适用于这一关系之日起属于协定，但条件是注册人缔约方与被指定的缔约方在该日期均为协定的缔约方。

(2) ［登记］国际局应在国际注册簿中进行登记，指明每一项指定所属的条约。

第2条

与国际局的通信

与国际局的通信应按行政规程的规定进行。

第3条

对国际局的代理

(1) ［代理人；代理人数目］

(a) 申请人或注册人可对国际局指定一个代理人。

(b) 申请人或注册人只能指定一个代理人。若代理人文件中有数个代理人，只有最先指明的代理人应被视为代理人，并被登记为代理人。

(c) 若向国际局指定律师事务所或由律师、专利代理人或商标代理人组成的事务所为代理人，上述机构应被视为一个代理人。

(2) ［代理人的指定］

(a) 可在国际申请中指定代理人，或者在后期指定或第25条所规定的申请中指定代理人。

(b) 亦可在与同一个申请人或注册人的一项或多项具体国际申请或国际注册相关的另函通信中指定代理人。该通信应由下列任何一方交由国际局：

(i) 申请人、注册人或被指定的代理人，或

(ii) 注册人缔约方的主管局。

该通信应由申请人或注册人或负责递交的主管局签字。

(3) ［不规范指定］

(a) 国际局如果认为依据本条第(2)款对代理人的指定不规范，应就此通知申请人或注册人、该被指定的代理人，以及如果递交人或传送人系主管局，还应通知该局。

(b) 只要不符合本条第(2)款规定的有关要求，国际局应将所有有关通信寄给申请人或注册人本人。

(4) ［指定代理人的登记和通知；指定生效日期］

(a) 若国际局认为代理人的指定符合可适用的要求，国际局应在国际注册簿上对申请人或注册人有代理人的事实及代理人名称和地址予以登记。在此种情况下，指定生效日期应为国际局收到指定代理人的国际申请、后期指定、申请或另函通信的日期。

(b) 国际局应将本款(a)项所述登记一并通知申请人或注册人，在后一种情况下，并通知被指定缔约方的主管局以及代理人。如果代理人系由主管局递交的另函通信指定，国际局亦应将登记通知该局。

(5) ［代理人指定的效力］

(a) 除本实施细则另有明确规定外，应由依本条第(4)款(a)项登记的代理人的签字取代申请人或注册人的签字。

(b) 除本实施细则明确规定邀请书、通知书或其他通信须一并寄给申请人或注册人和代理人之外，国际局应将任何若无代理人本应寄给申请人或注册人的邀请书、通知书或其他通信寄给依本条第(4)款(a)项登记的代理人；任何如此寄给所述代理人的邀请书、通知书或其他通信应具有如同其本应寄给申请人或注册人的同等效力。

(c) 任何由依本条第(4)款(a)项登记的代理人寄给国际局的通信应具有如同其本应由申请人或注册人寄给该局的通信同等效力。

(6) ［登记的撤销；撤销生效日期］

(a) 任何依本条第(4)款(a)项的登记，如由申请人、注册人或代理人签字的通信要求撤销，均应予以撤销。如果已指定新代理人，或者已登记注册所有权变更但国际注册的新注册人未指定代理人，国际局应依职权撤销原代理人登记。

(b) 除本款(c)项外，代理人撤销应自国际局收到相应函件之日起生效。

(c) 若由代理人提出撤销请求，撤销应于下列情况中在先的日期生效：

(i) 国际局收到指定新代理人的通信之日；

(ii) 自收到代理人提出撤销登记的请求时算起两个月期限届满之日。

在撤销生效日期之前，国际局应将本条第(5)款(b)项所述全部通信一并寄给申请人或注册人和代理人。

(d) 国际局收到由代理人提出的撤销请求后，应就此通知申请人或注册人，并在通知中附上通知日前6个月内国际局寄给代理人的或国际局收到代理人的所有通信的复制件。

(e) 一俟撤销生效日期公布，国际局应将撤销及撤销生效日期通知已被撤销登记的代理人、申请人或注册人，如果代理人的指定系通过主管局提出，还应通知该局。

(f) 根据注册人或注册人代理人的请求进行的撤销，也应通知被指定缔约方的主管局。

第4条

时限的计算

(1) ［以年计的期限］凡以年计的期限，应于继后的有关年度中与该期限所起始的行为发生的日、月份名称相同的当月和日期相同的当日届满；但是，如果行为发生于2月29日，而在继后的有关年度2月只有28天，则期限应于2月28日届满。

(2) ［以月计的期限］凡以月计的期限，应于继后的有关月份中与该期限所起始的行为发生之日的日期相同的当日届满；但是，继后的有关月份没有相同日期的，期限应于该月最后一日届满。

(3) ［以日计的期限］凡以日计的期限，应自有关行为发生之日次日起算，并于相应的日期届满。

(4) ［届满日为国际局或主管局不办公之日］如果期限于国际局或有关主管局不办公之日届满，尽管有本条第(1)款至第(3)款的规定，该期限应于国际局或有关主管局办公后的第一天届满。

(5) ［指明届满日期］国际局在函告时限的所有情况下均应指明所述时限按本条第(1)款至第(3)款的规定届满的日期。

第5条

邮递服务和通过电子方式发送的通信出现非正常情况

(1) ［通过邮局寄送的通信］有关方通过邮局寄送给国际局的通信未能在时限内寄达的，如果该有关方提供下列能使国际局满意的证据，应予以宽限：

(i) 证明通信至少在时限届满前5天寄发，或当邮局在时限届满日前10天内的任何一天因战争、革命、内乱、罢工、自然灾害或其他类似原因而中断服务，证明通信不迟于邮局恢复服务后5天内寄发，

(ii) 证明通信寄送时已由邮局挂号或已由邮局登记有寄送的详细情况，并且

(iii) 在并非所有等级的邮件通常在寄出两天后能到达国际局的情况下，证明该邮件系以通常在寄出两天后能到达国际局的邮寄等级或以航空方式邮寄。

(2) ［通过投递公司递送的通信］有关方通过投递公司递送给国际局的通信未能在时限内递达的，如果该有关方提供下列能使国际局满意的证据，应予以宽限：

(i) 证明通信至少在时限届满前5天发出，或当投递公司在时限届满日前10天内的任何一天因战争、革命、内乱、罢工、自然灾害或其他类似原因而中断服务，证明通信不迟于投递公司恢复服务后5天内发出，并且

(ii) 证明通信递送时，投递公司对函件递送的详细情况已作登记。

(3) ［通过电子方式发送的通信］有关方通过电子方式递送给国际局的通信未能在时限内递达的，如果该有关方提供下列能使国际局满意的证据，应予以宽限：未能在时限内递达的原因是与国际局的电子通信出现故障，或者是该有关方无法控制的非常情况造成影响到该有关方所在地的故障，并且通信不迟于电子通信服务恢复后5天内发出。

(4) ［对宽限的限制］只有当国际局在不迟于时限届满后的6个月内收到本条第(1)、(2)或(3)款所述证据和通信或在可适用的情况下，其复印件时，方可依据本条对未能在时限内寄达的情况予以宽限。

(5) ［国际申请和后期指定］如果国际局收到国际申请或后期指定时已超过协定第3条第(4)款、议定书第3条第(4)款和本细则第24条第(6)款(b)项规定的两个月期限，而且有关主管局表明晚于规定时限收到系因本条第(1)、(2)或(3)款所述情况所致，则应适用本条第(1)、(2)或(3)款和第(4)款的规定。

第5条之二

继续处理

(1) ［申请］

(a) 申请人或注册人未遵守第11条第(2)款和第(3)款、第20条之二第(2)款、第24条第(5)款(b)项、第26条第(2)款、第34条第(3)款(c)项第(iii)目和第39条第(1)款规定或所述的任何时限，符合下列条件的，国际局仍应继续处理有关的国际申请、后期指定、缴费或申请：

(i) 以正式表格向国际局提出由申请人或注册人签字的继续处理申请；并且

(ii) 在有关时限届满之日起两个月内申请被收到，规费表中规定的规费被缴纳，而且该时限所适用的所有要求在申请的同时得到符合。

(b) 申请不符合本款(a)项第(i)目和第(ii)目的，不得被视为申请，并应就此通知申请人或注册人。

(2) ［登记和通知］国际局应将任何继续处理登记在国际注册簿上，并应就此通知申请人或注册人。

第6条

语 言

(1) ［国际申请］国际申请应根据原属局的规定使用英语、法语或西班牙语，不言而喻，原属局可以允许申请人在英语、法语和西班牙语中任选其一。

(2) ［除国际申请以外的通信］任何与国际申请或国际注册有关的通信，除第17条第(2)款第(v)项和第(3)款的规定外，均应：

(i) 当此种通信由申请人或注册人或由主管局致国际局时，使用英语、法语或西班牙语；

(ii) 当该通信为依第9条第(5)款(f)项附在国际申请上的声明，或为依第24条第(3)款(b)项第(i)目附在后期指定上的意欲使用商标的声明时，使用依第7条第(2)款可适用的语言；

(iii) 当通信系国际局致有关主管局的通知书时，使用国际申请所用的语言，除非该局已通知国际局，所有此种通知书均应使用英语、法语或西班牙语；如果国际局发出的通知书涉及在国际注册簿上登记国际注册，通知书应指明国际局收到的有关国际申请所用的语言；

(iv) 当通信系国际局致申请人或注册人的通知书时，使用国际申请所用的语言，除非申请人或注册人表示希望所有此种通知书均使用英语、法语或西班牙语。

(3) ［登记和公告］

(a) 在国际注册簿上登记和在公告上公告国际注册，以及登记和公告依本实施细则必须进行登记和公告的该国际注册的任何数据，均应使用英语、法语和西班牙语。登记和公告国际注册，应指明国际局收到国际申请时所用的语言。

(b) 如果第一次后期指定涉及依本细则过去版本仅以法语或仅以英语和法语公告的国际注册，国际局应在公告上公告该后期指定的同时，视具体情况，要么用英语和西班牙语公告该国际注册，并用法语再行公告该国际注册，要么用西班牙语公告该国际注册，并用英语和法语再行公告。该后期指定应以英语、法语和西班牙语登记在国际注册簿上。

(4) ［翻译］

(a) 依本条第(2)款第(iii)和(iv)项进行通知及依第(3)款进行登记和公告所需的翻译工作应由国际局承担。申请人或注册人视具体情况，可在国际申请中，或在后期指定登记申请或变更登记申请中，附上一份对该国际申请或该登记申请中的任何主要内容的拟议译文。如果国际局认为该拟议译文不正确，国际局应加以修改，并事先邀请申请人或注册人自邀请日起一个月内就拟议的修改提出意见。

(b) 尽管有本款(a)项的规定，国际局不对商标进行翻译。如果申请人或注册人根据第9条第(4)款(b)项第(iii)目或第24条第(3)款(c)项提供商标的一种或多种译文，国际局不对任何此种译文的正确性进行审核。

第7条

某些特殊要求的通知

(1) ［删除］

(2) ［意欲使用商标］若任何缔约方作为依议定书指定的缔约方，要求对意欲使用商标作出声明，该缔约方应将此要求通知总干事。若该缔约方要求，该声明须由申请人本人签字，并须填写一份单独的正式表格，附于国际申请之后，通知中应载有关于此种要求的说明，并应对所要求的这一声明的确切用语加以明确。若缔约方还要求该声明使用英语、法语或西班牙语，则该通知中还应明确所要求的语言。

(3) ［通知］

(a) 本条第(2)款规定的任何通知均可在缔约方交存对议定书的批准书、接受书、同意书或加入书时作出。该通知生效的日期应与议定书对作出通知的缔约方生效的日期相同。通知亦可在以后作出，在这种情况下，该通知应于总干事收到通知后的3个月生效，或者对于注册日与通知生效日相同或在其后的国际注册，于通知中指定的任何更晚的日期生效。

(b) 凡按第(2)款规定作出的任何通知均可随时撤回，撤回通知应向总干事作出。撤回在总干事收到撤回通知时或于通知中所指定的任何更晚的日期生效。

第二章

国际申请

第8条

数个申请人

(1) ［两个或多个申请人提出专属协定的申请或提出同属协定和议定书的申请］两个或多个申请人可共同提交一项专属协定或同属协定和议定书的国际申请，条件是基础注册为其共同所有，且协定第1条第(3)款所定义的原属国对每个申请人都相同。

(2) ［两个或多个申请人提出专属议定书的申请］两个或多个申请人可共同提交一项专属议定书的国际申请，条件是基础申请为其所共同提交，或基础注册为其共同所有，且对于主管局为原属局的缔约方，他们每个人均有资格依议定书第2条第(1)款提交国际申请。

第9条

国际申请的要求

(1) ［提交］国际申请应由原属局提交给国际局。

(2) ［表格和签字］

(a) 国际申请应以正式表格提交一份。

(b) 国际申请应由原属局签字，如果原属局要求申请人签字，亦应由申请人签字。如果原属局不要求但允许申请人亦在国际申请上签字，申请人可在国际申请上签字。

(3) ［规费］可适用于国际申请的规费应按第10、34和35条的规定缴纳。

(4) ［国际申请的内容］

(a) 国际申请中应包括或指明：

(i) 根据行政规程所注明的申请人名称，

(ii) 根据行政规程所注明的申请人地址，

(iii) 根据行政规程所注明的代理人（如有代理人的话）的名称和地址，

(iv) 申请人希望依《保护工业产权巴黎公约》享有在先申请的优先权的，应作出该在先申请优先权的声明，并同时指明受理在先申请的主管局的名称和申请日，如有申请号，还应指明该申请号；若在先申请不涉及国际申请中所列的全部商品和服务，应指明在先申请所涉及的商品和服务，

(v) 商标图样应粘贴于正式表格所留方框内；该图样必须清晰，图样是采用黑白还是彩色的，应根据基础申请或基础注册中的图样是黑白还是彩色的而定，

(vi) 若注册人希望商标被视为使用标准字体的商标，就此内容所作的声明，

(vii) 若基础申请或基础注册中要求将颜色作为商标的显著部分，或若申请人要求将颜色作为商标的显著部分且基础申请或基础注册中所包含的商标是彩色的，就对颜色提出要求这一事实所作的说明，以及对所要求的颜色或颜色组合的文字说明，若依本项第(v)目提供的商标图样为黑白颜色，该商标的一张彩色图样，

(vii之二) 若基础申请或基础注册的商标是由一种颜色或几种颜色组合本身构成，就这一情况所作的说明，

(viii) 若基础申请或基础注册涉及立体商标，“立体商标”的说明，

(ix) 若基础申请或基础注册涉及音响商标，“音响商标”的说明，

(x) 若基础申请或基础注册涉及集体商标或证明商标或保证商标，对此内容的说明，

(xi) 若基础申请或基础注册包含对商标的文字说明，而原属局要求包括这一说明，该说明本身；若该说明使用的语言为非国际申请所用的语言，应使用国际申请所用的语言作出说明，

(xii) 若商标由非拉丁字母的内容或由以非阿拉伯或罗马数字表达的数字构成，或者包含非拉丁字母的内容或包含以非阿拉伯或罗马数字表达的数字，将该内容音译成拉丁字母的形式和阿拉伯数字；拉丁字母的音译应按照国际申请所用语言的发音方法进行，

(xiii) 申请商标国际注册的商品和服务的名称，应按商品和服务国际分类的适当类别分组排列，每一组前应冠以类别序号，并按该国际分类的类别顺序排列；商品和服务应用准确的词语表达，最好使用前述分类的字母排列表中的用词；国际申请中可包含就一个或多个被指定缔约方对商品和服务清单的删减；该删减对各缔约方均可不同，

(xiv) 须缴纳的规费数额和付款方式，或从在国际局开设的帐户中支取所需规费数额的指令，以及付款方或发出付款指令当事方的身份，以及

(xv) 被指定缔约方。

(b) 国际申请还可包括以下内容：

(i) 若申请人为自然人，指明申请人系国民的国家；

(ii) 若申请人为法人，指明该法人的法律性质和所属国家，并在可适用的情况下指明该法人系依其法律而成立的该国域内单位；

(iii) 若商标为一个或几个可翻译的词或者包含一个或几个可翻译的词，应将该词或该几个词译成英语、法语和西班牙语，或者译成这些语言中的任何一种或两种；

(iv) 若申请人要求将颜色作为商标的显著部分，对于每一种颜色均用文字说明着该颜色的商标主要部分；

(v) 若申请人希望放弃对商标的任何要素的保护，就该事实所作的说明，以及就放弃保护的一个或几个要素所作的说明；

(vi) 对商标的任何文字说明，或如果申请人希望，基础申请或基础注册中包含的对商标的文字说明，条件是该说明尚未依本条第(4)款(a)项第(xi)目提供。

(5) ［国际申请的补充内容］

(a) 专属协定或同属协定和议定书的国际申请应包括基础注册的注册号和日期，并应指明下列一种情况：

(i) 申请人在主管局为原属局的缔约国的领土上设有真实有效的工商营业所，或

(ii) 如果申请人在协定的任何缔约国中均无此种营业所，他在主管局为原属局的国家的领土上有住所，或

(iii) 如果申请人在协定的任何缔约国的领土上既无此种营业所又无住所，他是主管局为原属局的国家的国民。

(b) 专属议定书的国际申请应包括基础申请或基础注册的申请号或注册号和日期，并应指明下列一种或多种情况：

(i) 如果主管局为原属局的缔约方是国家，申请人是该国的国民；

(ii) 如果主管局为原属局的缔约方是组织，申请人系国民的该组织成员国的名称；

(iii) 申请人在主管局为原属局的缔约方的领土上有住所；

(iv) 申请人在主管局为原属局的缔约方的领土上有真实有效的工商营业所。

(c) 如果根据本条第(4)款(a)项第(ii)目所注明的地址不在主管局为原属局的缔约方的领土上，而且已根据本款(a)项第(i)目或第(ii)目或(b)项第(iii)目或第(iv)目指明，申请人在该缔约方的领土上有住所或营业所，应在国际申请中注明该住所或该营业所的地址。

(d) 国际申请中应包含一份原属局的声明，证明：

(i) 原属局收到、或按第11条第(1)款规定被视为收到申请人提出的关于向国际局提交国际申请的请求的日期，

(ii) 国际申请中所列的申请人，视具体情况，系与基础申请中所列的申请人，或与基础注册中所列的注册人相同，

(iii) 本条第(4)款(a)项第(vii之二)目至第(xi)目所述并出现在国际申请中的任何指明内容，视具体情况，也在基础申请中，或在基础注册中出现，

(iv) 国际申请中的商标，视具体情况，系与基础申请中，或与基础注册中的商标相同，

(v) 如果基础申请或基础注册中要求将颜色作为商标的显著部分，国际申请中已包括该要求本身，或者如果国际申请中要求将颜色作为商标的显著部分，但基础申请或基础注册中并未要求，基础申请或基础注册中的商标实际上已在所要求的一种颜色或几种颜色的组合中，以及

(vi) 国际申请中指明的商品和服务，视具体情况，为基础申请中，或为基础注册中出现的商品和服务清单所包括。

(e) 如果国际申请以两项或多项基础申请或基础注册为依据，本款(d)项所述声明应被视为适用于所有这些基础申请或基础注册。

(f) 如果国际申请中包括对已依第7条第(2)款规定作出通知的缔约方的指定，该国际申请中还应包括在该缔约方领土上意欲使用商标的声明；该声明应被视为构成对要求作此声明的缔约方的指定的一部分，并根据该缔约方的要求应：

(i) 由申请人本人签字，并填写一份单独的正式表格，附于国际申请之后，或

(ii) 包括在国际申请之中。

(g) 如果国际申请中包括对缔约组织的指定，该国际申请中亦可包括如下说明：

(i) 申请人希望依该缔约组织的法律，就在该组织某成员国注册的或对该组织某成员国注册的一件或多件在先商标提出先有权要求的，一份关于该先有权要求的声明，并指明：该在先商标是在哪一个或哪几个成员国或者对哪一个或哪几个成员国注册的、该相关注册生效的时间、该相关注册的注册号以及该在先商标注册所涉的商品和服务。此种说明应以正式表格作出，并附于国际申请之后；

(ii) 该缔约组织的法律要求，申请人须指明除国际申请的语言以外还可对该缔约组织的主管局使用另一种工作语言的，关于该另一种语言的说明。

第10条

国际申请的规费

(1) ［专属协定的国际申请］专属协定的国际申请应缴纳基本费和补充费，在可适用的情况下，还应缴纳规费表第1项规定的附加费。这些费用应以10年为一期分两期支付。第二期的支付应适用第30条的规定。

(2) ［专属议定书的国际申请］专属议定书的国际申请应缴纳基本费、补充费和/或单独规费，在可适用的情况下，还应缴纳规费表第2项规定的附加费。这些费用应以10年为期支付。

(3) ［同属协定和议定书的国际申请］同属协定和议定书的国际申请应缴纳基本费和补充费，在可适用的情况下，还应缴纳规费表第3项规定的单独规费和附加费。依协定指定的缔约方应适用本条第(1)款。依议定书指定的缔约方应适用本条第(2)款。

第11条

除涉及商品和服务分类或其名称之外的不规范

(1) ［过早向原属局提出请求］

(a) 如果原属局收到一项要求向国际局提交专属协定的国际申请的请求，而该请求涉及的商标尚未在该原属局注册簿上注册，就协定第3条第(4)款而言，该请求应被视为由原属局于该商标在该局注册簿上注册之日收到。

(b) 除本款(c)项规定外，如果原属局收到一项要求向国际局提交同属协定和议定书的国际申请的请求，而该请求涉及的商标尚未在该原属局注册簿上注册，该国际申请应被作为专属议定书的国际申请处理，并且原属局应删除对任何受协定约束但不受议定书约束的缔约方的指定。

(c) 如果本款(b)项所述请求附有明确要求，则一俟商标在原属局注册簿上注册，该国际申请即被作为同属协定和议定书的国际申请，该原属局不得删除对任何受协定约束但不受议定书约束的缔约方的指定，并且就协定第3条第(4)款和议定书第3条第(4)款而言，该请求应被视为由原属局于该商标在该局注册簿上注册之日收到。

(2) ［需由申请人纠正的不规范］

(a) 国际局如果认为国际申请中包括非本条第(3)、(4)和(6)款以及第12和13条所述的不规范，应将该不规范通知申请人，并同时通告原属局。

(b) 此种不规范可由申请人在国际局发出关于不规范的通知之日起3个月内予以纠正。如果在国际局发出关于不规范的通知之日起3个月内该不规范未予纠正，该国际申请应被视为放弃，国际局应就此同时通知申请人和原属局。

(3) ［需由申请人或原属局纠正的不规范］

(a) 尽管有本条第(2)款的规定，如果原属局已依第10条向国际局缴纳应缴规费，而国际局认为收到的规费数额少于应缴数额，国际局应同时通知原属局和申请人。通知中应指明所欠款额。

(b) 所欠款额可由原属局或由申请人在国际局通知之日起3个月内补缴。如果在国际局发出关于不规范通知之日起3个月内未补缴所欠款额，该国际申请应被视为放弃，国际局应就此同时通知原属局和申请人。

(4) ［需由原属局纠正的不规范］

(a) 如果国际局：

(i) 发现国际申请不符合第2条的要求，或未使用第9条第(2)款(a)项规定的正式表格提交，

(ii) 发现国际申请中含有第15条第(1)款所述的任何不规范，

(iii) 认为国际申请中含有与申请人提出国际申请资格有关的不规范，

(iv) 认为国际申请中含有与第9条第(5)款(d)项所述原属局声明有关的不规范，

(v) ［删除］

(vi) 发现国际申请没有原属局的签字，或

(vii) 发现国际申请中，视具体情况，没有包含基础申请的日期和申请号，或没有包含基础注册的日期和注册号，国际局应通知原属局，并同时通告申请人。

(b) 此种不规范可由原属局在国际局发出关于不规范通知之日起3个月内予以纠正。如果在国际局发出关于不规范的通知之日起3个月内该不规范未予纠正，该国际申请应被视为放弃，国际局应就此同时通知原属局和申请人。

(5) ［规费的退还］如果根据本条第(2)款(b)项、第(3)款或第(4)款(b)项的规定，国际申请被视为放弃，国际局应在扣除相当于规费表第1.1.1项、第2.1.1项或第3.1.1项所述基本费的一半的款额之后，将对该申请所支付的任何费用退还给付款方。

(6) ［关于指定属议定书缔约方的其他不规范］

(a) 如果根据议定书第3条第(4)款的规定，国际局在申请人向原属局提交国际申请之日起两个月内收到该国际申请，并且国际局认为，根据第9条第(5)款(f)项的规定，应该附有意欲使用商标的声明，但该声明却遗漏或不符合可适用的要求，国际局应立即就此同时通知申请人和原属局。

(b) 如果国际局在本款(a)项所述两个月期限之内收到所遗漏的或经改正的声明，意欲使用商标声明应被视为与该国际申请一道寄达国际局。

(c) 如果在本款(b)项所述两个月期限之后收到所遗漏的或经改正的声明，国际申请应被视为不包括对需要意欲使用商标声明的缔约方的指定。国际局应就此同时通知申请人和原属局，退还就指定该缔约方已支付的任何指定费，并指明对该缔约方的指定只要附有所需的声明，即可依第24条规定作为后期指定提出。

(7) ［不被视为国际申请的国际申请］如果国际申请系由申请人直接提交国际局，或不符合依第6条第(1)款可适用的要求，该国际申请不得被视为国际申请，并应退还给提交人。

第12条

关于商品和服务分类的不规范

(1) ［分类建议］

(a) 国际局如果认为不符合第9条第(4)款(a)项第(xiii)目规定的要求，应就分类和组合提出自己的建议，并应将建议通知书寄给原属局，并同时通告申请人。

(b) 必要时，建议通知书也应说明因建议的分类和组合所需缴纳的规费数额。

(2) ［对建议的意见分歧］原属局可在建议通知之日起3个月之内向国际局提出对分类和组合的意见。

(3) ［提醒对建议的注意］如果原属局在本条第(1)款(a)项所述通知之日起两个月内未就建议的分类和组合向国际局提出意见，国际局应函告原属局及申请人，重申该建议。发出此种函告不影响本条第(2)款中所述的3个月限期。

(4) ［撤回建议］国际局如果按照依本条第(2)款所提出的意见撤回其建议，应就此通知原属局，并同时通告申请人。

(5) ［修改建议］国际局如果按照依本条第(2)款所提出的意见修改其建议，应将此种修改和因此而致使本条第(1)款(b)项所指明的款额发生的任何变动通知原属局，并同时通告申请人。

(6) ［确认建议］如果尽管有本条第(2)款所述意见，但国际局仍确认其建议，国际局应就此通知原属局，并同时通告申请人。

(7) ［规费］

(a) 如果未依本条第(2)款规定向国际局提出任何意见，本条第(1)款(b)项所述款额应在本条第(1)款(a)项所述通知之日起4个月内缴纳，否则，国际申请应被视为放弃，国际局应就此通知原属局，并同时通告申请人。

(b) 如果已依本条第(2)款规定向国际局提出意见，本条第(1)款(b)项所述款额或在可适用的情况下本条第(5)款所述款额，应视具体情况，在国际局依本条第(5)款或第(6)款函告修改或确认其建议之日起3个月内支付，否则，国际申请应被视为放弃，国际局应就此通知原属局，并同时通告申请人。

(c) 如果已依本条第(2)款规定向国际局提出意见，而且如果国际局按该意见根据本条第(4)款撤回其建议，则不需缴纳本条第(1)款(b)项所述款额。

(8) ［规费的退还］如果根据本条第(7)款的规定，国际申请被视为放弃，国际局应在扣除相当于规费表第1.1.1项、第2.1.1项或第3.1.1项所述基本费的一半的款额之后，将对该申请所支付的任何费用退还给付款方。

(8之二) ［删减的审查］国际局应比照适用本条第1款(a)项和第2款至第6款，对国际申请中的删减进行审查。删减中所列的商品和服务，视具体情况，依本条第1款至第6款补正后，国际局不能将其归入有关国际申请中所列的商品和服务国际分类类别的，应发出不规范。如果在发出关于不规范的通知之日起3个月内该不规范未予纠正，该删减应被视为不包括有关的商品和服务。

(9) ［注册中的分类］只要国际申请符合其他可适用的要求，商标应按国际局认为正确的分类和组合进行注册。

第13条

关于商品和服务名称的不规范

(1) ［国际局将不规范函告原属局］国际局如果认为国际申请中指称任何商品和服务所用的词语过于含混不便分类、费解、或用词不正确，应就此通知原属局，并同时通告申请人。在该通知书中，国际局可建议使用某替代词或建议删去该词。

(2) ［允许纠正不规范的期限］

(a) 原属局可在本条第(1)款所述通知之日起3个月内提出纠正不规范的建议。

(b) 如果在本款(a)项所述期限内未提出国际局可接受的任何纠正不规范建议，只要原属局已明确国际申请中出现的用词应归入的类别，国际局应将该词列入国际注册中；国际注册中应包括一段说明，表示国际局认为，视具体情况，所明确的用词过于含混不便分类、费解、或用词不正确。如果原属局未明确任何类别，国际局应依职权删除该词，应就此通知原属局，并同时通告申请人。

第三章

国际注册

第14条

在国际注册簿上注册商标

(1) ［在国际注册簿上注册商标］如果国际局认为国际申请符合可适用的要求，国际局应在国际注册簿上注册该商标，将该国际注册通知被指定缔约方的主管局，就此通告原属局，并将注册证寄交注册人。如果原属局愿意而且已将此愿望通告国际局，注册证应通过原属局寄交注册人。

(2) ［注册内容］国际注册应包括：

(i) 国际申请中所包含的全部数据，但在先申请日期比国际注册日期早6个月以上的，依第9条第(4)款(a)项第(vi)目提出的任何优先权要求除外，

(ii) 国际注册日期，

(iii) 国际注册号，

(iv) 如果商标可以按图形要素国际分类划分，由国际局确定的该分类的相应编号代码，除非国际申请中包含一段声明，表示申请人希望该商标被视为是标准字体的商标，

(v) 对每一个被指定缔约方的说明：其系依协定指定的缔约方或系依议定书指定的缔约方，

(vi) 根据第9条第(5)款(g)项第(i)目附于国际申请之后的，有关要求先有权的在先商标是在哪一个或哪几个成员国或者对哪一个或哪几个成员国注册的、该在先商标注册生效的日期以及相关注册的注册号的说明。

第15条

国际注册日期

(1) ［影响国际申请日期的不规范］如果国际局收到的国际申请未包括下列所有内容：

(i) 能够确定申请人身份并足以与申请人或其代理人（如有代理人的话）进行联系的说明，

(ii) 被指定的各缔约方，

(iii) 商标图样，

(iv) 申请商标注册的商品和服务的说明，

则国际注册的日期应为最后一项遗漏内容送达国际局的日期，但条件是如果该最后一项遗漏内容在协定第3条第(4)款和议定书第3条第(4)款所述两个月的时限内送达国际局，国际注册的日期应为原属局收到、或按第11条第(1)款规定被视为收到不完全的国际申请的日期。

(2) ［其他情况下的国际注册日期］在任何其他情况下，国际注册的日期应为根据协定第3条第(4)款和议定书第3条第(4)款确定的日期。

第四章

缔约方中影响国际注册的事实

第16条

就依据议定书第5条第(2)款(c)项规定的异议所作临时驳回发出通知的可能性

(1) ［关于可能异议的信息以及就依据异议所作临时驳回发出通知的期限］

(a) 除议定书第9条之六第(1)款(b)项规定的情况以外，如果缔约方已按议定书第5条第(2)款(b)项和(c)项第一句的规定作出声明，该缔约方的主管局在对于指定该缔约方的某具体国际注册而言，由于异议期限届满时间太晚，显然依据异议的任何临时驳回无法在第5条第(2)款(b)项所述18个月时限之内通知国际局的情况下，应将该国际注册的注册号及注册人名称通告国际局。

(b) 如果在函告本款(a)项所述信息时已知道异议期的起止日期，应在函件中指明这些日期；如果当时尚不知起止日期，应在知道该日期之后，立即函告国际局[1]。

(c) 如果适用本款(a)项的规定，并且该项中所述主管局已在同一项中所述的18个月时限届满前通告国际局：异议时限将于该18个月时限届满前的30天内届满，但在此30天期间仍有可能提出异议，则依据在该30天期间提出的异议作出的临时驳回，可在异议提出之日起的一个月内通知国际局。

(2) ［信息的登记和传送］国际局应将依本条第(1)款收到的信息登记在国际注册簿上，并应向注册人传送该信息。

第17条

临时驳回

(1) ［临时驳回通知］

(a) 临时驳回通知中可包括一份声明，说明发出通知的主管局认为该有关缔约方不能给予保护（依职权的临时驳回）所依据的理由，或包括一份关于因有异议而该有关缔约方不能给予保护（依据异议的临时驳回）的声明，或同时包括该两份声明。

(b) 临时驳回通知应仅涉及一项国际注册，应加注日期并应由发出通知的主管局签字。

(2) ［通知的内容］临时驳回通知应包括或指明：

(i) 发出通知的主管局，

(ii) 国际注册号，最好附有能确认该国际注册特征的其他说明，诸如商标的言语成分或基础申请号或基础注册号，

(iii) ［删除］

(iv) 临时驳回所依据的全部理由及所引证的相应的主要法律条款，

(v) 如果临时驳回所依据的理由涉及某个申请或注册的商标，并且国际注册商标将与上述商标发生冲突，指明上述商标的申请日期和申请号、优先权日期（如有优先权日期的话）、注册日期和注册号（如有注册号的话）、商标注册人的名称和地址、商标的图样、以及全部或有关商品和服务的清单，不言而喻，该清单可以使用该申请或注册所用的语言，

(vi) 要么指明临时驳回所依据的理由影响全部商品和服务，要么指明临时驳回所影响的商品和服务或临时驳回所不影响的商品和服务，

(vii) 对依职权的临时驳回或依据异议的临时驳回，提出复审请求或上诉，以及视具体情况，对异议作出答辩的在一定情况下合理的时限；最好指明该时限届满的日期，以及受理此种复审请求、上诉或答辩的主管机关；并在可适用的情况下指明，该复审请求或上诉必须经由在宣布驳回的主管局的缔约方领土内有住址的代理人提出。

(3) ［关于依据异议的临时驳回的补充要求］如果对保护的临时驳回系依据异议或依据异议及其他理由作出，通知除必须符合本条第(2)款所述要求外，还应包括对这一事实的说明并包括异议人的名称和地址；但尽管有本条第(2)款第(v)项的规定，如果异议是依据申请或注册中的商标提出的，则发出通知的主管局必须函告异议所依据的商品和服务的清单，此外还可函告该在先申请或在先注册的完整商品和服务清单，不言而喻，所述清单均可使用在先申请或在先注册所用的语言。

(4) ［登记；通知复制件的传送］国际局应将临时驳回连同驳回通知中所载的数据一起登记在国际注册簿上，并指明向国际局发送、或按第18条第(1)款(c)项规定被视为已发送该驳回通知的日期；如果原属局通告国际局其希望收到该通知的复制件，应向该局传送此种复制件，并同时传送给注册人。

(5) ［关于可能须审查的声明］

(a) ［删除］

(b) ［删除］

(c) ［删除］

(d) 缔约方的主管局可作出声明，通知总干事，根据该缔约方的法律，

(i) 已通知国际局的任何临时驳回，须经该局审查，而无论注册人是否要求进行此种审查，以及

(ii) 对于在审查之后所作的决定，可以在主管局进行复审或提出上诉。

如果适用该声明，而主管局尚不能直接将该决定函告所涉国际注册的注册人，则尽管在该局办理的有关商标保护的所有程序可能尚未全部办完，该局仍应在该决定作出之后立即向国际局作出本细则第18条之三第(2)款或第(3)款所述的说明。任何影响商标保护的进一步决定，均应根据本细则第18条之三第(4)款发送给国际局。

(e) 缔约方的主管局可作出声明，通知总干事，根据该缔约方的法律，对于已通知国际局的任何依职权的临时驳回，不在该局进行复审。如果适用该声明，该局依职权作出的任何临时驳回通知应被视为包括根据本细则第18条之三第(2)款第(ii)目或第(3)款作出的说明。

(6) ［删除］

第18条

临时驳回的不规范通知

(1) ［依协定指定的缔约方］

(a) 在下列情况下，国际局不得将依协定指定的缔约方的主管局所作出的临时驳回通知视为临时驳回通知：

(i) 临时驳回通知中未包含任何国际注册号的，除非根据该通知中指明的其他内容可以辨别临时驳回所涉的国际注册，

(ii) 临时驳回通知中未指明任何驳回理由的，或

(iii) 向国际局寄发临时驳回通知为时过晚的，即如果在进行国际注册登记或国际注册后期指定登记之日起一年期限届满后才寄发的，不言而喻，该日期与寄发国际注册通知或后期指定通知的日期为同一日期。

(b) 如果适用本款(a)项的规定，国际局仍应将通知的复制件传送给注册人，应同时通告注册人和作出通知的主管局：该临时驳回通知未被国际局视为驳回通知，并应说明其理由。

(c) 如果该通知：

(i) 未以作出通知的主管局名义签字，或者在其他方面不符合第2条规定的要求或不符合依第6条第(2)款可适用的要求，

(ii) 在可适用的情况下，未包含似与国际注册的商标发生冲突的商标的详细情况（第17条第(2)款第(v)项和第(3)款），

(iii) 不符合第17条第(2)款第(vi)项的要求，

(iv) 不符合第17条第(2)款第(vii)项的要求，或

(v) ［删除］

(vi) 在可适用的情况下，未包含异议人的名称和地址及关于异议所依据的商品和服务的说明（第17条第(3)款），国际局除本款(d)项适用的情况外，仍应将临时驳回登记在国际注册簿上。国际局应邀请作出临时驳回通知的主管局，在发出该邀请起两个月内作出修正通知，并应向注册人传送该不规范通知的复制件和该有关主管局收到的邀请书的复制件。

(d) 如果通知不符合第17条第(2)款第(vii)项的要求，不得将临时驳回登记在国际注册簿上。但如果在本款(c)项所述的时限内作出经修正的通知，为协定第5条的目的，应将该经修正的通知视为于不完全的通知发送国际局之日作出。该通知如果未经此种修正，不得被视为临时驳回通知。在这一情况下，国际局应同时通告注册人和作出通知的主管局：该临时驳回通知未被国际局视为临时驳回通知，并应说明其理由。

(e) 在可适用的法律允许的情况下，任何经修正的通知均应指明对依职权的临时驳回或依据异议的临时驳回，提出复审请求或上诉，以及视具体情况，对异议作出答辩的在一定情况下合理的时限，并最好指明该时限届满的日期。

(f) 国际局应将任何经修正的通知的复制件传送给注册人。

(2) ［依议定书指定的缔约方］

(a) 本条第(1)款的规定亦应适用于依议定书指定的缔约方的主管局函告临时驳回通知的情况，不言而喻，本条第(1)款(a)项第(iii)目所述的时限应为依议定书第5条第(2)款(a)项可适用的时限，或为依议定书第5条第(2)款(b)项或(c)项第(ii)目可适用的时限，但议定书第9条之六第(1)款(b)项规定的情况除外。

(b) 在确定有关缔约方的主管局必须向国际局提供议定书第5条第(2)款(c)项第(i)目所述信息所截止的时限是否得到遵守时，应适用本条第(1)款(a)项的规定。该信息如果是在时限届满之后才提供，应被视为未曾作出，国际局应就此通告有关主管局。

(c) 如果依据异议的临时驳回通知虽然系依议定书第5条第(2)款(c)项第(ii)目作出，但不符合议定书第5条第(2)款(c)项第(i)目的要求，则不得视其为临时驳回通知。在此种情况下，国际局仍应将通知的复制件传送给注册人，同时通告注册人和发出通知的主管局：该临时驳回通知未被国际局视为临时驳回通知，并应说明其理由。

第18条之二

商标在被指定缔约方中的临时地位

(1) ［依职权进行的审查业已完成但第三方仍可提出异议或意见］

(a) 未发出临时驳回通知的主管局，可以在依协定第5条第(2)款或议定书第5条第(2)款(a)项或(b)项可适用的期限内，向国际局发送一份说明，指明依职权进行的审查业已完成，而且主管局认为没有理由予以驳回，但第三方仍可对该商标保护提出异议或意见，并同时指明提出此种异议或意见的截止日期[2]。

(b) 已发出临时驳回通知的主管局，可以向国际局发送一份说明，指明依职权进行的审查业已完成，但第三方仍可对该商标保护提出异议或意见，并同时指明提出此种异议或意见的截止日期。

(2) ［登记，通知注册人和传送复制件］国际局应将依本条细则收到的任何说明登记在国际注册簿上，应就此通知注册人，并应在该说明系以某种具体文件通知的或能复制的情况下，向注册人传送一份该文件的复制件。

第18条之三

商标在被指定缔约方中地位的最终处理

(1) ［未发出临时驳回通知时给予保护的说明］[3] 在依协定第5条第(2)款或议定书第5条第(2)款(a)项、(b)项或(c)项可适用的期限届满之前，凡在主管局办理的所有程序已全部办完，而该局没有理由驳回保护的，该局应在上述期限届满前，尽快向国际局发送一份说明，指明已在有关缔约方对该国际注册商标给予保护[4]。

(2) ［临时驳回之后给予保护的说明］除依本条第(3)款发送说明的情况外，凡已发出临时驳回通知的主管局，一俟在该局办理的有关商标保护的所有程序全部办完，即应向国际局发送以下任何一份说明：

(i) 关于临时驳回已经撤回，而且在该有关缔约方已在所要求的全部商品和服务上对该商标给予保护的说明，或

(ii) 关于在该有关缔约方的哪些商品和服务上对该商标给予保护的说明。

(3) ［全部临时驳回的确认］已向国际局发出全部临时驳回通知的主管局，一俟在该局办理的有关商标保护的所有程序全部办完，而该局决定确认在该有关缔约方的全部商品和服务上驳回对该商标的保护的，即应向国际局发送一份说明，指明这一情况。

(4) ［进一步决定］如果在依协定或议定书第五条第(2)款所适用的时限内，未作出临时驳回通知，或者，在依本条第(1)、(2)或(3)款作出说明之后，主管局或其他主管机关作出的另一项决定对商标的保护产生影响，主管局在知悉该决定的情况下，在不损害第19条的前提下，应向国际局作出进一步说明，指明商标的状态，并在适用时，指明该有关缔约方在哪些商品和服务上对该商标给予保护[5]。

(5) ［登记，通知注册人和传送复制件］国际局应将依本条细则收到的任何说明登记在国际注册簿上，应就此通知注册人，并应在该说明系以某种具体文件函告或能复制的情况下，向注册人传送一份该文件的复制件。

第19条

在被指定缔约方中的无效

(1) ［无效通知中的内容］如果国际注册的效力依协定第5条第(6)款和议定书第5条第(6)款规定，在被指定缔约方中被宣布无效，并且对该无效不得再提出上诉，则宣布无效的主管机关所在的缔约方的主管局应就此通知国际局。该通知中应包括或指明：

(i) 宣布无效的主管机关，

(ii) 对该无效不得再提出上诉的事实，

(iii) 国际注册号，

(iv) 注册人名称，

(v) 如果无效不涉及全部商品和服务，指明被宣布无效的商品和服务，或未被宣布无效的商品和服务，和

(vi) 宣布无效的日期以及，如有可能，该无效生效的日期。

(2) ［对无效的登记及向注册人和有关主管局通告］

(a) 国际局应将无效连同无效通知中所载的数据一起登记在国际注册簿上，并应就此通告注册人。如果函告无效通知的主管局提出要求，国际局亦应向该局通告该无效在国际注册簿上登记的日期。

(b) 对无效的登记，应于国际局收到与可适用的要求相符合的通知之日起进行。

第20条

对注册人处置权的限制

(1) ［函告信息］

(a) 国际注册的注册人或注册人缔约方的主管局可通告国际局，该注册人对国际注册的处置权已受到限制，并可酌情指明有关的缔约方。

(b) 任何被指定缔约方的主管局均可通告国际局，注册人对国际注册的处置权在该缔约方领土内已受到限制。

(c) 在根据本款(a)项或(b)项所提供的信息中，应对有关该项限制的主要事实作出简要说明。

(2) ［部分或全部取消限制］如果国际局得到根据本条第(1)款作出的关于注册人的处置权受到限制的通告，函告该信息的当事方亦应将该项限制被部分或全部取消的任何情况通告国际局。

(3) ［登记］

(a) 国际局应将依本条第(1)款和第(2)款函告的信息登记在国际注册簿上，并应就此通告注册人、注册人缔约方的主管局和有关的被指定缔约方的主管局。

(b) 依本条第(1)款和第(2)款函告的信息，只要函告与可适用的要求相符合，应于国际局收到函告信息之日起进行登记。

第20条之二

使用许可

(1) ［使用许可登记申请］

(a) 使用许可登记申请应以有关正式表格，由注册人向国际局提出，或如果主管局允许，由注册人缔约方的主管局或被授予使用许可的缔约方的主管局提出。

(b) 申请中应指明：

(i) 有关国际注册的注册号，

(ii) 注册人的名称，

(iii) 根据行政规程所注明的被许可人的姓名和地址，

(iv) 被授予使用许可的被指定缔约方，

(v) 所授予的使用许可适用于国际注册所涉的全部商品和服务，或所授予的使用许可所适用的商品和服务（须按商品和服务国际分类的适当类别排列）。

(c) 申请中还可指明：

(i) 如果被许可人是自然人，被许可人系国民的国家，

(ii) 如果被许可人是法人，该法人的法律性质和所属国家，并在可适用的情况下，指明该法人依其法律而成立的该国域内单位，

(iii) 使用许可仅涉及某具体的被指定国家的部分领土，

(iv) 如果被许可人有代理人，根据行政规程所注明的该代理人的名称和地址，

(v) 如果使用许可是独占使用许可或唯一使用许可，这一事实，[6]

(vi) 在适用的情况下，使用许可的期限。

(d) 申请应由注册人或由负责递交申请的主管局签字。

(2) ［不规范申请］

(a) 如果使用许可登记申请不符合本条第(1)款(a)项、(b)项和(d)项的要求，国际局应将该事实通知注册人，如果申请系由主管局递交，还应通知该局。

(b) 如果在国际局发出关于不规范的通知之日起3个月内未对不规范予以纠正，该申请应被视为放弃，国际局应就此通知注册人，如果申请系由主管局递交，还应同时通知该局，并且国际局应在扣除相当于规费表第7项所述相关规费的一半的款额之后，将已支付的任何费用退还给付款方。

(3) ［登记和通知］

(a) 如果申请符合本条第(1)款(a)项、(b)项和(d)项的要求，国际局应将使用许可连同申请中所载的信息一起登记在国际注册簿上，应就此通知被授予使用许可的被指定缔约方的主管局，并应通告注册人，如果申请系由主管局递交，还应通告该局。

(b) 对使用许可的登记，应于国际局收到与可适用的要求相符合的申请之日起进行。

(c) 尽管有本款(b)项的规定，但如果已依第5条之二登记了继续处理，对使用许可的登记，应于第(2)款规定的时限届满之日起在国际注册簿上进行。

(4) ［使用许可登记的修正或撤销］本条第(1)款至第(3)款应比照适用于使用许可登记的修正或撤销申请。

(5) ［关于某具体使用许可登记无效的声明］

(a) 被指定缔约方的主管局接到国际局关于对该缔约方授予的使用许可已予登记的通知时，可声明此种登记在该缔约方中无效。

(b) 本款(a)项所述的声明中应指明：

(i) 使用许可登记无效的理由，

(ii) 如果声明不影响使用许可所涉的全部商品和服务，受声明影响的或不受声明影响的商品和服务，

(iii) 主要的相应法律规定，以及

(iv) 可否对此种声明进行复审或提出上诉。

(c) 本款(a)项所述的声明，应在本条第(3)款所述通知发送给有关主管局之日起的18个月期满之前，发送给国际局。

(d) 国际局应将根据本款(c)项所作出的任何声明登记在国际注册簿上，并应就此通知递交使用许可登记申请的当事方（注册人或主管局）。对声明的登记，应于国际局收到与可适用的要求相符合的通知之日起进行。

(e) 任何与根据本款(c)项所作的声明有关的终局决定，均应通知国际局，国际局应将该决定登记在国际注册簿上，并应就此通知递交使用许可登记申请的当事方（注册人或主管局）。

(6) ［关于国际注册簿中的使用许可登记在缔约方中无效的声明］

(a) 法律上未规定须对商标使用许可进行登记的缔约方的主管局可通知总干事，国际注册簿中的使用许可登记在该缔约方中无效。

(b) 法律上规定须对商标使用许可进行登记的缔约方的主管局可在本条规定生效之日前或该缔约方受协定或议定书约束之日前，通知总干事，国际注册簿中的使用许可登记在该缔约方中无效。此种通知可随时撤回[7]。

第21条

由国际注册代替国家注册或地区注册

(1) ［通知］如果根据协定第4条之二第(2)款或议定书第4条之二第(2)款，被指定缔约方的主管局依注册人向该局直接提出的请求已在其注册簿中记录：某一国家注册或地区注册已由国际注册所代替，则该局应就此通知国际局。此种通知中应指明：

(i) 有关的国际注册号，

(ii) 如果该代替仅涉及国际注册中列举的某个或某些商品和服务，这些商品和服务，以及

(iii) 由国际注册代替的国家注册或地区注册的申请日期和申请号、注册日期和注册号、及优先权日期（如有优先权日的话）。

通知中还可包括有关因该国家注册或地区注册而获得的任何其他权利的信息，具体形式由国际局与有关的主管局商定。

(2) ［登记］

(a) 国际局应将依本条第(1)款通知的内容登记在国际注册簿上，并应就此通告注册人。

(b) 依本条第(1)款通知的内容，应于国际局收到与可适用的要求相符合的通知之日起进行登记。

第21条之二

有关先有权要求的其他事实

(1) ［先有权要求的最终驳回］如果就某缔约组织的指定提出的先有权要求已在国际注册簿中登记，该组织的主管局应将部分或全部驳回该要求的有效性的任何终局决定通知国际局。

(2) ［在国际注册之后提出的先有权要求］如果对某缔约组织作出指定的国际注册的注册人，依据该缔约组织的法律，直接向该组织的主管局提出在该组织的某成员国或对该组织的某成员国注册的一件或多件在先商标的先有权要求，而该有关主管局已接受这一要求，则该主管局应将这一事实通知国际局。通知中应指明：

(i) 有关国际注册的注册号，以及

(ii) 该在先商标是在哪一个或哪几个成员国或者对哪一个或哪几个成员国注册的，以及该在先商标注册生效的日期和相关注册的注册号。

(3) ［对先有权要求产生影响的其他决定］缔约组织的主管局应将任何对国际注册簿中登记的先有权要求产生影响的其他终局决定，其中包括撤回和撤销，通知国际局。

(4) ［国际注册簿上的登记］国际局应将依本条第(1)款至第(3)款通知的信息登记在国际注册簿上。

第22条

基础申请效力、源于基础申请的注册效力

或基础注册效力的终止

(1) ［关于基础申请效力、源于基础申请的注册效力或基础注册效力终止的通知］

(a) 如果适用协定第6条第(3)款和第(4)款或议定书第6条第(3)款或第(4)款，或同时适用该两条规定，原属局应就此通知国际局并应指明：

(i) 国际注册号，

(ii) 注册人名称，

(iii) 影响基础注册的事实和决定；或如果有关的国际注册所依据的是未予注册的基础申请，指明影响基础申请的事实和决定；或如果国际注册所依据的是已予注册的基础申请，指明影响该注册的事实和决定，并指明这些事实和决定生效的日期，以及

(iv) 如果上述事实和决定仅在部分商品和服务上影响国际注册，受该事实和决定影响的商品和服务、或不受该事实和决定影响的商品和服务。

(b) 如果协定第6条第(4)款所述司法行为、或议定书第6条第(3)款第(i)、(ii)或(iii)项所述程序于5年期限届满之前已开始，但在该期限届满之前尚未作出协定第6条第(4)款所述终局裁决，或未作出议定书第6条第(3)款第二句所述终局裁决，或未提出议定书第6条第(3)款第三句所述撤回或放弃，原属局如果了解这一情况，应在上述期限届满之后尽快就此通知国际局。

(c) 一旦本款(b)项所述司法行为或程序已作出协定第6条第(4)款所述终局裁决，或已作出议定书第6条第(3)款第二句所述终局裁决，或已提出议定书第6条第(3)款第三句所述撤回或放弃，原属局如果了解这一情况，应尽快就此通知国际局，并应作出本款(a)项第(i)目至第(iv)目所述说明。如果本款(b)项所述司法行为或程序已经完成，而且未作出任何前述终局裁决、撤回或放弃，原属局如果了解这一情况，或者根据注册人的请求，应尽快就此通知国际局。

(2) ［通知的登记和传送；国际注册的撤销］

(a) 国际局应将本条第(1)款所述的任何通知登记在国际注册簿上，并应将通知的复制件传送给被指定缔约方的主管局和注册人。

(b) 如果本条第(1)款(a)项或(c)项所述的任何通知提出撤销国际注册请求，并且符合该款要求，国际局应在可适用的范围内，将该国际注册从国际注册簿中撤销。国际局还应在可适用的范围内，在上述通知后撤销在已撤销国际注册下登记的源于所有权部分变更或分割的各项国际注册，以及源于这些国际注册合并的各项国际注册。

(c) 如果已根据本款(b)项将国际注册从国际注册簿中撤销，国际局应将下列内容通知被指定缔约方的主管局和注册人：

(i) 国际注册在国际注册簿中被撤销的日期，

(ii) 撤销涉及全部商品和服务的，通知这一事实，

(iii) 撤销仅涉及部分商品和服务的，通知依本条第(1)款(a)项第(iv)目所指明的商品和服务。

第23条

基础申请、源于基础申请的注册或

基础注册的分割或合并

(1) ［基础申请分割或基础申请合并的通知］如果在议定书第6条第(3)款所述5年期限内基础申请被分割为两项或多项申请，或数项基础申请合并为一项单一申请，原属局应就此通知国际局，并应指明：

(i) 国际注册号，或尚未进行国际注册的，指明基础申请号，

(ii) 注册人或申请人的名称，

(iii) 分割后每个申请的申请号或合并后申请的申请号。

(2) ［国际局的登记和通知］国际局应将本条第(1)款所述通知登记在国际注册簿上，并应同时通知被指定缔约方的主管局和注册人。

(3) ［源于基础申请的注册或基础注册的分割或合并］本条第(1)款和第(2)款应比照适用于议定书第6条第(3)款所述5年期限内源于基础申请或申请的任何注册的分割或任何注册的合并，以及协定第6条第(3)款和议定书第6条第(3)款所述5年期限内的基础注册的分割或基础注册的合并。

第23条之二

被指定缔约方的主管局通过国际局发送的通信

(1) ［本实施细则未涵盖的被指定缔约方的主管局发出的通信］如果被指定缔约方的法律不允许主管局直接向注册人传送有关国际注册的通信，该主管局可以请求国际局代其向注册人传送该通信。

(2) ［通信的格式］国际局应规定有关主管局应发送的本条第(1)款所述通信的格式。

(3) ［向注册人的传送］国际局应以国际局规定的格式，向注册人传递本条第(1)款所述的通信，而不审查其内容或在国际注册簿中进行登记。

第五章

后期指定；变更

第24条

国际注册后期指定

(1) ［应享权利］

(a) 缔约方可在国际注册后被予指定（以下称为“后期指定”），但条件是在作出该指定时，注册人依协定第1条第(2)款和第2条或议定书第2条规定符合成为国际注册的注册人的条件。

(b) 如果注册人缔约方受协定约束，注册人可依协定指定受协定约束的任何缔约方，但条件是所述两缔约方不同时受议定书的约束。

(c) 如果注册人缔约方受议定书约束，注册人可依议定书指定受议定书约束的任何缔约方，不论所述两缔约方是否同时受协定的约束。

(2) ［提交；表格和签字］

(a) 后期指定应由注册人或由注册人缔约方的主管局提交国际局；但是，

(i) ［删除］

(ii) 如果依协定指定任何缔约方，后期指定必须由注册人缔约方的主管局提交。

(iii) 如果适用本条第(7)款的规定，源于转换的后期指定必须由缔约组织的主管局提交。

(b) 后期指定应以正式表格提交一份。如果由注册人提交，应由注册人签字。如果由主管局提交，应由该局签字；如果主管局要求注册人签字，注册人亦应签字。如果由主管局提交，而该局虽不要求但允许注册人亦签字的，注册人可在后期指定上签字。

(3) ［内容］

(a) 除本条第(7)款(b)项规定的情况以外，后期指定应包括或指明：

(i) 有关的国际注册号，

(ii) 注册人名称和地址，

(iii) 被指定缔约方，

(iv) 后期指定适用于有关国际注册中所列的全部商品和服务的，指明这一事实；后期指定仅适用于有关国际注册中所列的部分商品和服务的，指明这些商品和服务，

(v) 已缴纳的规费数额和付款方式，或从在国际局开设的帐户中支取所需规费数额的指令，以及付款方或发出付款指令的当事方的身份，以及

(vi) 后期指定由主管局提交的，指明该局的收文日期。

(b) 如果后期指定涉及依第7条第(2)款作出通知的缔约方，该后期指定亦应包括在该缔约方领土上意欲使用商标的声明；该声明根据该缔约方的要求应：

(i) 由注册人本人签字，并填写一份单独的正式表格，附于后期指定之后，或

(ii) 包括在后期指定之中。

(c) 后期指定还可包括：

(i) 视具体情况，第9条第(4)款(b)项所述的说明，以及一种或若干种译文，

(ii) 关于后期指定在有关国际注册的变更或撤销登记之后，或在该国际注册续展之后生效的申请。

(iii) 后期指定涉及缔约组织的，可包括第9条第(5)款(g)项第(i)目所述的应以一份单独的正式表格作出并附于后期指定之后的说明，以及第9条第(5)款(g)项第(ii)目所述的说明。

(d) 如果国际注册以基础申请为依据，依协定作出的后期指定中应附有原属局签署的声明，证明该申请已经注册，并说明该注册的日期和注册号，除非国际局已经收到此种声明。

(4) ［规费］后期指定应缴纳规费表第5项规定或所述规费。

(5) ［不规范］

(a) 如果后期指定不符合可适用的要求，除本条第(10)款外，国际局应将该事实通知注册人，如果后期指定由主管局提出，通知该局。

(b) 如果在国际局发出关于不规范的通知之日起3个月内该不规范未予纠正，该后期指定应被视为放弃，国际局应就此通知注册人，如果后期指定系由主管局提交，应同时通知该局，并在扣除规费表第5.1项所述基本费的一半的款额之后，将已支付的任何费用退还给付款方。

(c) 尽管有本款(a)项和(b)项的规定，但如果对于被指定的一个或多个缔约方来说，所作的后期指定不符合本条第(1)款(b)项或(c)项或者本条第(3)款(b)项第(i)目规定的要求，则应将该后期指定视为不包括对这些缔约方的指定，并应退回已就这些缔约方缴纳的补充费或单独规费。如果对于任何被指定缔约方来说，所作的后期指定均不符合本条第(1)款(b)项或(c)项或者本条第(3)款(b)项第(i)目规定的要求，则应适用本款(b)项的规定。

(6) ［后期指定的日期］

(a) 由注册人直接向国际局提交的后期指定，除本款(c)项第(i)目、(d)项和(e)项的规定外，其日期应为国际局收到该指定的日期。

(b) 由主管局向国际局提交的后期指定，除本款(c)项第(i)目、(d)项和(e)项外，其日期应为该局收到该指定的日期，条件是国际局在该日期起两个月内收到该后期指定。如果国际局在该期限内未收到后期指定，除本款(c)项第(i)目、(d)项和(e)项规定的情况外，该后期指定的日期应为国际局收到该指定的日期。

(c) 如果后期指定不符合可适用的要求，但该不规范在本条第(5)款(a)项所述通知之日起3个月内被予纠正：

(i) 如果该不规范涉及本条第(3)款(a)项第(i)、(iii)和(iv)目及(b)项第(i)目所述任何要求，后期指定的日期应为修改该指定的日期，除非所述指定系由主管局向国际局提交，而且该不规范已在本款(b)项所述两个月期限之内被予纠正；在后一种情况下，后期指定的日期应为该局收到该指定的日期；

(ii) 视具体情况，依本款(a)项或(b)项可适用的日期不得受到涉及除本条第(3)款(a)项第(i)、(iii)和(iv)目及(b)项第(i)目所述以外的任何要求的不规范的影响。

(d) 尽管有本款(a)、(b)和(c)项的规定，但如果后期指定中包括根据本条第(3)款(c)项第(ii)目提出的申请，该后期指定的日期可以晚于本款(a)、(b)或(c)项所规定的日期。

(e) 如果后期指定源于根据本条第(7)款进行的转换，该后期指定的日期应为对该缔约组织的指定在国际注册簿上登记的日期。

(7) ［源于转换的后期指定］

(a) 如果对某缔约组织的指定已在国际注册簿上登记，在该指定已被撤回、驳回或依该组织的法律不再有效的情况下，有关国际注册的注册人可请求将对所述缔约组织的指定转换为对该组织中参加协定和/或议定书的任何成员国的指定。

(b) 依本款(a)项提出的转换申请，应指明本条第(3)款(a)项第(i)目至第(iii)目和第(v)目所述的内容，并指明：

(i) 转换指定所涉的缔约组织，以及

(ii) 源于转换而对某缔约国作出的后期指定适用于对缔约组织的指定中所列的全部商品和服务的，指明这一事实；对该缔约国的指定仅适用于对该缔约组织的指定中所列的部分商品和服务的，指明这些商品和服务。

(8) ［登记和通知］国际局如果认为后期指定符合可适用的要求，应将其登记在国际注册簿上，应就此通知后期指定中被指定缔约方的主管局，并应同时通告注册人，如果后期指定系由主管局提交，还应通告该局。

(9) ［驳回］应比照适用第16条至第18条之三的规定。

(10) ［不被视为后期指定的后期指定］如果不符合本条第(2)款(a)项的要求，后期指定不得被视为后期指定，国际局应就此通告寄送人。

第25条

登记申请

(1) ［提出申请］

(a) 涉及以下任何内容的登记申请，应以相关正式表格向国际局提交一份：

(i) 就全部或部分商品和服务、及对全部或部分被指定缔约方进行的国际注册变更所有权；

(ii) 对全部或部分被指定缔约方删减商品和服务清单；

(iii) 对部分被指定缔约方放弃全部商品和服务；

(iv) 变更注册人的名称或地址，或者，注册人系法人的，增加或变更注册人的法律性质和该法人系依其法律而成立的国家，以及在可适用的情况下，该法人系依其法律而成立的该国的域内单位的有关说明；

(v) 撤销对全部被指定缔约方就全部或部分商品和服务进行的国际注册；

(vi) 变更代理人的名称或地址。

(b) 除本款(c)项规定的情况外，申请应由注册人或由注册人缔约方的主管局提交，但所有权变更登记申请可通过该申请中根据本条第(2)款(a)项第(iv)目指明的缔约方或缔约方之一的主管局提交。

(c) 如果在国际局收到放弃或撤销登记申请之日，放弃或撤销影响到其指定属于协定的缔约方，则该申请不得由注册人直接提出。

(d) 申请如果由注册人提交，应由注册人签字。如果由主管局提交，应由该局签字；如果该局要求注册人签字，注册人亦应签字。如果申请由主管局提出，而该局虽不要求但允许注册人亦签字的，注册人可在申请上签字。

(2) ［申请书的内容］

(a) 依本条第(1)款(a)项的申请书，除所申请的登记外，还应包括或指明：

(i) 有关的国际注册号，

(ii) 注册人名称，变更涉及代理人的名称或地址的，代理人名称，

(iii) 变更国际注册所有权的，根据行政规程所注明的成为国际注册新注册人（下称“新注册人”）的自然人或法人的名称和地址，

(iv) 变更国际注册所有权的，新注册人依协定第1条第(2)款和第2条或议定书第2条符合其成为国际注册注册人条件的缔约方或各缔约方，

(v) 在变更国际注册所有权的，如果根据本项第(iii)目所注明的新注册人地址不在根据本项第(iv)目注明的缔约方或缔约方之一的领土内，指明新注册人在符合其成为国际注册注册人条件的缔约方或缔约方之一中的营业所或住所的地址，除非新注册人已指明其系缔约国国民或缔约组织成员国国民，

(vi) 变更一项并不涉及全部商品、服务和全部被指定缔约方的国际注册的所有权的，所有权变更所涉及的商品、服务和被指定缔约方，以及

(vii) 缴纳的规费数额和付款方式，或从在国际局开设的帐户中支取所需规费数额的指令，以及付款方或发出付款指令当事方的身份。

(b) 国际注册所有权变更登记申请书中亦可包括以下内容：

(i) 若新注册人为自然人，指明新注册人系国民的国家；

(ii) 若新注册人为法人，指明该法人的法律性质和所属国家，并在可适用的情况下指明该法人依其法律而成立的该国域内单位。

(c) 变更或撤销登记申请书中亦可提出关于其在有关该国际注册的另一项变更或撤销或后期指定登记之前或之后、或在该国际注册续展之后进行登记的申请。

(d) 删减登记申请书应仅将删减的商品和服务归入国际注册中出现的相应的商品和服务国际分类的类号，或者，删减影响一个或多个类中所有商品和服务的，说明待删除的类。

(3) ［不予受理的申请］如果某具体的被指定缔约方属于下列情况，就该缔约方提出的国际注册所有权变更不得予以登记：

(i) 受协定约束而不受议定书约束，且依本条第(2)款(a)项第(iv)目指明的缔约方不受协定约束，或该款所指明的任何缔约方均不受协定约束；

(ii) 受议定书约束而不受协定约束，且依本条第(2)款(a)项第(iv)目指明的缔约方不受议定书约束，或该款所指明的任何缔约方均不受议定书约束。

(4) ［数个新注册人］国际注册所有权变更登记申请书中提及数个新注册人的，如果其中任何一个新注册人不符合某具体被指定缔约方的成为国际注册注册人的条件，不得对该被指定缔约方登记该变更。

第26条

第25条所述的变更登记申请书中的不规范

(1) ［不规范申请］如果第25条第(1)款(a)项所述的申请不符合可适用的要求，但不属于本条第(3)款的情况，国际局应将该事实通知注册人，如果申请系由主管局提出，还应通知该局。为本条之目的，申请涉及删减登记的，国际局应仅审查删减中指明的类号是否出现在有关的国际注册中。

(2) ［不规范纠正时限］不规范可在国际局发出关于不规范通知之日起3个月内予以纠正。如果在国际局发出关于不规范的通知之日起3个月内该不规范未予纠正，该申请应被视为放弃，国际局应就此通知注册人，如果第25条第(1)款(a)项所述的申请系由主管局提出，还应同时通知该局，并且国际局应在扣除相当于规费表第7项所述相关规费的一半的款额之后，将已支付的任何费用退还给付款方。

(3) ［不被视为申请的申请］如果不符合第25条第(1)款(b)项或(c)项的要求，不得将申请视为申请，国际局应就此通告寄送人。

第27条

关于第25条的登记和通知；

宣布所有权变更或限制无效的声明

(1) ［登记和通知］

(a) 只要第25条第(1)款(a)项所述申请符合规定程序，国际局应立即将说明、变更或撤销登记在国际注册簿上，应就此通知该登记发生效力的各缔约方的主管局，或若系撤销，通知所有被指定缔约方的主管局，并应同时通告注册人，如果申请系由主管局提交，还应通告该局。如果登记涉及所有权变更，国际局还应在所有权全部变更的情况下，通告原注册人，并在所有权部分变更的情况下，通告被转让或被以其他方式移转的部分国际注册的注册人。如果撤销登记申请系由注册人或非原属局的主管局在协定第6条第(3)款和议定书第6条第(3)款所述5年期限内提交，国际局亦应通告原属局。

(b) 说明、变更或撤销应按国际局收到符合可适用的要求的申请之日期登记，但是，申请系根据第25条第(2)款(c)项提出的，可按更晚的日期进行登记。

(c) 尽管有本款(b)项的规定，但如果已依第5条之二登记了继续处理，变更或撤销应按第26条第(2)款规定的时限届满之日在国际注册簿上登记，但是，申请系根据第25条第(2)款(c)项提出的，可按更晚的日期进行登记。

(2) ［所有权部分变更的登记］

(a) 仅就部分商品和服务或仅对部分被指定缔约方进行的国际注册的所有权变更，应以所有权部分变更所涉及的国际注册的注册号登记在国际注册簿上。

(b) 国际注册已登记所有权变更的部分应从有关国际注册中删除，并作为单独的国际注册予以登记。

(3) ［删除］

(4) ［宣布所有权变更无效的声明］

(a) 受所有权变更影响的缔约方的主管局在收到国际局关于所有权变更通知后可声明所有权变更对该缔约方无效。此种声明的效力应是，对于该缔约方，有关的国际注册的名义应仍为转让人。

(b) 本款(a)项所述声明中应指明：

(i) 所有权变更无效的理由，

(ii) 相应的主要法律规定，以及

(iii) 对此种声明可否进行复审或提出上诉。

(c) 本款(a)项所述声明应于该项所述通知发送给有关主管局之日起的18个月期满之前，发送给国际局。

(d) 国际局应将根据本款(c)项作出的任何声明登记在国际注册簿上，并视具体情况，将该声明所涉及的国际注册的部分作为单独的国际注册予以登记，而且还应就此通知提交所有权变更登记申请的当事方（注册人或主管局）及新注册人。

(e) 任何与根据本款(c)项作出的声明有关的终局决定均应通知国际局，国际局应将这一决定登记在国际注册簿上，并视具体情况，相应地修改国际注册簿，而且还应就此通知提交所有权变更登记申请的当事方（注册人或主管局）及新注册人。

(5) ［关于删减无效的声明］

(a) 被指定缔约方的主管局，在收到国际局关于对该缔约方产生影响的删减商品和服务清单的通知后，可声明该删减对该缔约方无效。此种声明的效力应是，对于该缔约方，该删减不适用于受该声明影响的商品和服务。

(b) 本款(a)项所述声明中应指明：

(i) 该删减无效的理由，

(ii) 如果声明并不影响该删减所涉的全部商品和服务，受该声明影响的或不受该声明影响的商品和服务，

(iii) 相应的主要法律规定，以及

(iv) 对此种声明可否进行复审或提出上诉。

(c) 本款(a)项所述声明应于本款(a)项所述通知发送给有关主管局之日起的18个月期满之前，发送给国际局。

(d) 国际局应将根据本款(c)项作出的任何声明登记在国际注册簿上，并应就此通知提交删减登记申请的当事方（注册人或主管局）。

(e) 任何与根据本款(c)项所作的声明有关的终局决定均应通知国际局，国际局应将这一决定登记在国际注册簿上，并应就此通知提交删减登记申请的当事方（注册人或主管局）。

第27条之二

国际注册的分割

(1) ［分割国际注册的申请］

(a) 注册人仅就部分商品和服务对被指定缔约方提出的分割国际注册的申请，一俟该被指定缔约方的主管局认为申请登记的分割满足其可适用的法律的要求，包括与规费有关的要求，应由该主管局以相关正式表格提交给国际局。

(b) 申请中应指明

(i) 提交申请的主管局的缔约方，

(ii) 提交申请的主管局的名称，

(iii) 国际注册号，

(iv) 注册人名称，

(v) 待分离的商品和服务的名称，应按商品和服务国际分类的适当类别分组排列，

(vi) 缴纳的规费数额和付款方式，或从在国际局开设的帐户中支取所需数额的指令，以及付款方或发出付款指令当事方的身份。

(c) 申请应由提交申请的主管局签字，如果该局要求注册人签字，注册人亦应签字。

(d) 依本款提交的申请，可包括或附有依细则第18条之二或第18条之三发送的对申请中所列商品和服务的说明。

(2) ［规费］国际注册的分割应缴纳规费表第7.7项规定的费用。

(3) ［不规范申请］

(a) 如果申请不符合可适用的要求，国际局应邀请提交申请的主管局对不规范予以纠正，并应同时通告注册人。

(b) 如果在依本款(a)项发出邀请书之日起3个月内，主管局未对不规范予以纠正，该申请应被视为放弃，国际局应就此通知提交申请的主管局，同时通告注册人，并在扣除相当于依本条第(2)款缴纳的规费的一半款额之后，将已支付的任何费用退还。

(4) ［登记和通知］

(a) 如果申请符合可适用的要求，国际局应将分割登记，在国际注册簿上创建分割后的国际注册，就此通知提交申请的主管局，并应同时通告注册人。

(b) 国际注册的分割应以国际局收到申请之日登记，或在适用的情况下，以本条第(3)款所述的不规范得到纠正之日登记。

(5) ［不被视为申请的申请］就被指定缔约方提出的分割国际注册的申请，如果在申请中所注明的商品和服务国际分类的类别上，该缔约方没有或不再被指定，则该申请将不被视为申请。

(6) ［关于缔约方将不提交分割申请的声明］法律上未规定商标注册申请的分割或商标注册的分割的缔约方，可在本条细则生效之日前，或该缔约方受协定或议定书约束之日前，通知总干事，它将不向国际局提交本条第(1)款中所述的申请。此声明可随时撤回。

第27条之三

国际注册的合并

(1) ［源于所有权部分变更登记的多项国际注册的合并］如果同一自然人或法人已被登记为因所有权部分变更而产生的两项或多项国际注册的注册人，各该项注册应根据该自然人或法人直接或通过注册人缔约方的主管局提出的申请予以合并。该申请应以相关正式表格向国际局提交。国际局应将合并进行登记，就此通知受该变更影响的各缔约方的主管局，并应同时通告注册人，如果请求系由主管局提交，还应通告该局。

(2) ［源于国际注册分割登记的多项国际注册的合并］

(a) 因分割而产生的国际注册，应根据注册人提出的申请予以合并，并入其从中分割而来的国际注册，条件是申请通过提交第27条之二第(1)款所述申请的主管局提交，而且同一自然人或法人是前述两项国际注册的登记注册人，并且有关主管局认为申请求满足其可适用的法律的要求，包括与规费有关的要求。该申请应以相关正式表格提交给国际局。国际局应将合并进行登记，就此通知提交该申请的主管局，并应同时通告注册人。

(b) 法律上未规定商标注册合并的缔约方的主管局，可在本条细则生效之日前，或该缔约方受协定或议定书约束之日前，通知总干事，它将不向国际局提交本款(a)项所述的申请。此声明可随时撤回。

第28条

国际注册簿内容的更正

(1) ［更正］如果国际局依职权或根据注册人或主管局的请求，认为国际注册簿中的国际注册有误，国际局应相应地修改注册簿。

(2) ［通知］国际局应就此通知注册人，并同时通知该更正发生效力的被指定缔约方的主管局。此外，如果请求更正的主管局不是该更正发生效力的被指定缔约方的主管局，国际局还应通告该主管局。

(3) ［更正后的驳回］本条第(2)款所述的任何主管局应有权在向国际局作出的临时驳回通知中声明，对更正后的国际注册不给予或不再给予保护。应比照适用协定第5条或议定书第5条和本细则第16条至第18条之三的规定，不言而喻，允许作出所述通知的期限应自关于更正的通知发送给有关主管局之日算起。

(4) ［更正的时限］尽管有本条第(1)款的规定，任何错误如可归咎于主管局，而且对其加以更正便会影响由国际注册所产生的权利的，只有当国际局在国际注册簿中的该项需要更正的条目被公告之日起的9个月之内收到更正申请时，才能予以更正。

第六章

续 展

第29条

期满的非正式通知

未收到协定第7条第(4)款和议定书第7条第(3)款所述非正式通知的事实不得构成对不符合第30条规定的任何时限的理由。

第30条

有关续展的细节

(1) ［规费］

(a) 在最迟于国际注册应当续展之日缴纳规费表第6项中所规定或提及的下列费用后，国际注册应予续展：

(i) 基本费，

(ii) 在可适用的情况下，附加费，以及

(iii) 视具体情况，对未在国际注册簿上就全部有关商品和服务登记依第18条之三的任何驳回说明或无效的每一个被指定缔约方所缴纳的补充费或单独规费。但是，此种费用可在国际注册应当续展之日起6个月内缴纳，条件是须同时缴纳规费表第6.5项规定的额外费。

(b) 如果为续展所缴纳的任何费用由国际局在早于国际注册应当续展之日前3个月收到，该费用应被视同在应当续展之日前3个月收到。

(2) ［补充细节］

(a) 如果注册人不希望对未在国际注册簿上就全部有关商品和服务登记依第18条之三的任何驳回说明的某被指定缔约方续展国际注册，在缴纳所需规费时应附一份注册人的声明，表示不在国际注册簿上登记对该缔约方的国际注册续展。

(b) 如果尽管国际注册簿上已登记对某被指定缔约方就全部有关商品和服务的依第18条之三的驳回说明，注册人仍希望对该缔约方续展国际注册，则在对该缔约方缴纳包括（视具体情况）补充费或单独规费在内的所需规费时，应附一份注册人的声明，表示在国际注册簿上登记对该缔约方的国际注册续展。

(c) 对于已依第19条第(2)款就全部商品和服务作出无效登记或依第27条第(1)款(a)项作出放弃登记的任何被指定缔约方，不得续展国际注册。对于已依第19条第(2)款就部分商品和服务的国际注册作出无效登记或依据第27条第(1)款(a)项就其作出删减登记的任何被指定缔约方，不得续展国际注册。

(d) 如果国际注册簿上已登记依第18条之三第(2)款第(ii)项或第(4)款的说明，对于有关被指定缔约方，不得在该声明中未包括的商品和服务上续展国际注册，除非在缴纳所需规费时附有一份注册人的声明，表示国际注册也在这些商品和服务上续展。

(e) 依本款(d)项未对全部有关商品和服务续展国际注册，不得被视为构成协定第7条第(2)款或议定书第7条第(2)款中的变更。未对全部被指定缔约方续展国际注册，不得被视为构成协定第7条第(2)款或议定书第7条第(2)款中的变更。

(3) ［缴费不足］

(a) 如果收到的规费数额少于需缴纳的续展规费数额，国际局应立即就此同时通知注册人和代理人（如有代理人的话）。通知中应注明所欠款额。

(b) 如果在本条第(1)款(a)项所述6个月期限届满时收到的规费数额少于依本条第(1)款所需缴纳的款额，国际局除本款(c)项规定的情况外，不得登记该续展，应将收到的款额退还给付款方，并通知注册人及代理人（如有代理人的话）。

(c) 如果在本条第(1)款(a)项所述6个月期限届满前3个月期间发出本款(a)项所述通知，并且如果在该6个月期限届满时所收到的规费数额少于依本条第(1)款所需缴纳的款额，但又至少达到应缴款额的70%，国际局应根据第31条第(1)和(3)款的规定办理。如果自上述通知发出起3个月内未付清所需缴纳的全部款额，国际局应撤销该续展，通知注册人、代理人(如有代理人的话)和已被通知续展的主管局，并将款额退还给付款方。

(4) ［续展规费支付的期限］无论国际注册在被指定缔约方的清单中所包含的仅是其指定属于协定的缔约方、或仅是其指定属于议定书的缔约方、或一并包含其指定属于协定的缔约方和其指定属于议定书的缔约方，每次续展需缴纳的规费应以10年为期支付。就依协定的付款而言，支付10年的款额应被视为以10年为一期付款。

第31条

续展登记；通知和注册证

(1) ［续展登记和续展生效日期］即使续展所需的规费在协定第7条第(5)款和议定书第7条第(4)款所规定的宽展期内缴纳，续展应以其应当续展之日在国际注册簿上登记。

(2) ［后期指定时的续展日期］无论国际注册簿中登记的此种指定日期如何，续展的生效日期对于国际注册中包含的所有指定均应相同。

(3) ［通知和注册证］国际局应将续展通知有关被指定缔约方的主管局，并应将注册证寄给注册人。

(4) ［未予续展时的通知］

(a) 如果国际注册未予续展，国际局应就此通知注册人、代理人（如有代理人的话）和国际注册中指定的所有缔约方的主管局。

(b) 如果国际注册对某被指定缔约方未予续展，国际局应就此通知注册人、代理人（如有代理人的话）和该缔约方的主管局。

第七章

公告和数据库

第32条

公 告

(1) ［有关国际注册的信息］

(a) 国际局应在公告中公布有关下列内容的数据：

(i) 依第14条进行的国际注册；

(ii) 依第16条第(1)款函告的信息；

(iii) 依第17条第(4)款登记的临时驳回，并指明该驳回是涉及全部商品和服务，还是仅涉及部分商品和服务，但不需指明有关的商品和服务，亦不公布驳回理由，以及依第18条之二第(2)款和第18条之三第(5)款登记的说明和信息；

(iv) 依第31条第(1)款登记的续展；

(v) 依第24条第(8)款登记的后期指定；

(vi) 依第39条国际注册效力的延续；

(vii) 依第27条的登记；

(viii) 依第22条第(2)款作出的撤销和依第27条第(1)款或第34条第(3)款(d)项登记的撤销；

(viii之二) 依第27条之二第(4)款登记的分割和依第27条之三登记的合并；

(ix) 依第28条作出的更正；

(x) 依第19条第(2)款登记的无效；

(xi) 依第20条、第20条之二、第21条、第21条之二、第22条第(2)款(a)项、第23条、第27条第(4)款以及第40条第(3)款登记的信息；

(xii) 未予续展的国际注册；

(xiii) 依第3条第(2)款(b)项函告的指定注册人代理人的登记和依第3条第(6)款(a)项由注册人或注册人代理人提出的撤销。

(b) 商标的图样应以其在国际申请中出现的形式予以公布。如果申请人作出第9条第(4)款(a)项第(vi)目所述声明，应如实予以公布。

(c) 如果依第9条第(4)款(a)项第(v)或(vii)目提供了商标的彩色图样，公告中应一并刊登该商品黑白和彩色两种形式的图样。

(2) ［有关缔约方的特殊要求和若干声明的信息，以及其他一般信息］国际局应在公告中公布：

(i) 依第7条、第20条之二第(6)款、第27条之二第(6)款、第27条之三第(2)款(b)项或第40条第(6)款所作的任何通知以及依第17条第(5)款(d)项或(e)项所作的任何声明；

(ii) 依议定书第5条第(2)款(b)项或第5条第(2)款(b)项和(c)项第一句所作的任何声明；

(iii) 依议定书第8条第(7)款所作的任何声明；

(iv) 依第34条第(2)款(b)项或第(3)款(a)项所作的任何通知；

(v) 当年及下一年国际局不对外办公日期的清单。

(3) 本条第(1)款和第(2)款所述的公布，应由国际局在世界知识产权组织的网站上进行。

第33条

电子数据库

(1) ［数据库内容］一并在国际注册簿上登记和依第32条在公告上公布的数据均应录入电子数据库。

(2) ［有关未决国际注册申请和后期指定的数据］如果国际申请或依第24条作出的指定在国际局收到该国际申请或指定后3个工作日内未在国际注册簿上登记，尽管该国际申请或指定在收到时可能有不规范之处，国际局应将该国际申请或该指定中所包括的全部数据录入电子数据库。

(3) ［电子数据库的使用］各缔约方的主管局以及在缴纳需缴的规费后的公众，应可通过联机或国际局确定的其他的适当方式使用电子数据库。进入电子数据库使用的费用由用户负担。依本条第(2)款录入的数据应附提示，表明国际局尚未就该国际申请或就依第24条的指定作出决定。

第八章

规 费

第34条

规费的数额与缴纳

(1) ［规费的数额］依协定、议定书或本细则应缴的规费数额，除单独规费外，均由附于本实施细则并作为本实施细则组成部分的规费表作出规定。

(2) ［缴费］

(a) 规费表中所列的规费可由申请人或注册人向国际局缴纳，或者如果注册人缔约方的主管局同意代收并转交此种规费，而且申请人或注册人愿意，可由该局向国际局缴纳。

(b) 主管局同意代收并转交规费的任何缔约方应将该事实通知总干事。

(3) ［可分两部分缴纳的单独规费］

(a) 依议定书第8条第(7)款作出或已经作出声明的缔约方，可通知总干事：因指定该缔约方而须缴纳的单独规费由两部分构成，第一部分须在提交国际申请时或对该缔约方作出后期指定时缴纳，第二部分须于根据该缔约方的法律所确定的更晚的日期缴纳。

(b) 如果适用本款(a)项，规费表第2项、第3项和第5项所述的单独规费应理解为提及第一部分单独规费。

(c) 如果适用本款(a)项，有关的被指定缔约方的主管局应将必须缴纳第二部分单独规费的时间通知国际局。通知中应指明：

(i) 有关的国际注册号，

(ii) 注册人的名称，

(iii) 必须缴纳第二部分单独规费的截止日期，

(iv) 如果第二部分单独规费数额的多少取决于有关被指定缔约方在多少类别的商品和服务上保护该商标，此种类别的数目。

(d) 国际局应将通知传送给注册人。如果在可适用的期限内缴纳第二部分单独规费，国际局应将缴付情况登记在国际注册簿上，并就此通知有关缔约方的主管局。如果在可适用的期限内未缴纳第二部分单独规费，国际局应通知有关缔约方的主管局，应从国际注册簿中撤销对有关缔约方的国际注册，并应就此通知注册人。

(4) ［向国际局缴付规费的方式］规费应以行政规程中所规定的方式向国际局缴付。

(5) ［付款说明］向国际局缴付任何规费时须说明：

(i) 国际注册前：申请人名称，有关的商标及付款用途；

(ii) 国际注册后：注册人名称，有关的国际注册号及付款用途。

(6) ［付款日期］

(a) 除第30条第(1)款(b)项和本款(b)项规定的情况外，任何规费均应被视为于国际局收到所需款额之日向国际局缴付。

(b) 如果在国际局开设的帐户中有所需款额，并且国际局得到帐户户主的提款指令，规费应被视为于国际局收到国际申请、后期指定、提款支付第二部分单独规费的指令、变更登记申请或国际注册续展通知之日向国际局缴付。

(7) ［规费数额的变动］

(a) 如果就提交国际申请所应缴纳的规费数额在下述两个日期之间变动：一是原属局收到、或依第11条第(1)款(a)项或(c)项被认为收到要求向国际局提交国际申请之请求的日期，二是国际局收到该国际申请的日期，应适用在先日期实行的规费。

(b) 如果依第24条的指定系由注册人缔约方的主管局作出，而就该指定所应缴纳的规费数额在下述两个日期之间变动：一是主管局收到注册人要求作出上述指定之请求的日期，二是国际局收到该指定的日期，应适用在先日期实行的规费。

(c) 如果适用本条第(3)款(a)项，应适用在该款所述更晚的日期所实行的第二部分单独规费数额。

(d) 如果就国际注册续展所应缴纳的规费数额在付款日期和应当续展之日之间变动，应适用付款日期、或依第30条第(1)款(b)项被视为付款日期之日实行的规费。在应当续展之日之后付款的，应适用应当续展之日实行的规费。

(e) 如果除本款(a)、(b)、(c)和(d)项所述规费以外的任何规费数额有所变动，应适用国际局收到规费之日实行的规费数额。

第35条

缴费币种

(1) ［必须使用瑞士货币］所有依本实施细则应缴费用均应以瑞士货币缴与国际局，而无论在由主管局缴纳规费时，该局代收的规费是否可能为另一种货币。

(2) ［以瑞士货币确定单独规费数额］

(a) 如果缔约方依议定书第8条第(7)款(a)项作出声明要求收取单独规费，向国际局说明该单独规费数额时应使用其主管局所用的币种。

(b) 如果本款(a)项所述声明中说明规费的币种不是瑞士货币，总干事应在与该有关缔约方的主管局协商后，依据联合国官方汇率以瑞士货币确定单独规费数额。

(c) 如果连续3个月以上，瑞士货币与缔约方指明单独规费数额的另一币种之间的联合国官方汇率，比最后一次以瑞士货币确定该单独规费数额时所适用的汇率高于或低于至少5%时，该缔约方的主管局可要求总干事按提出请求日期的前一天实行的联合国官方汇率以瑞士货币确定新的单独规费数额。总干事应照此办理。新的规费数额应自总干事确定的日期起适用，但条件是该日期须为上述款额在公告上公布日期之后一个月以后及两个月以内的某一日期。

(d) 如果连续3个月以上，瑞士货币与缔约方指明单独规费数额的另一币种之间的联合国官方汇率，比最后一次以瑞士货币确定该单独规费数额时所适用的汇率低于至少10%时，总干事应按现行的联合国官方汇率以瑞士货币确定新的单独规费数额。新的规费数额应自总干事确定的日期起适用，但条件是该日期须为上述款额在公告上公布日期之后一个月以后及两个月以内的某一日期。

第36条

免除规费

登记下列事项应免除规费：

(i) 代理人的指定，涉及代理人的任何变更及代理人登记的撤销，

(ii) 涉及申请人或注册人电话号码及传真号码、通讯地址、电子邮件地址或行政规程规定的任何其他通信方式的任何变更，

(iii) 国际注册的撤销，

(iv) 依第25条第(1)款(a)项第(iii)目的任何放弃，

(v) 依第9条第(4)款(a)项第(xiii)目国际申请本身或依第24条第(3)款(a)项第(iv)目的后期指定中作出的任何删减，

(vi) 依协定第6条第(4)款第一句或议定书第6条第(4)款第一句由主管局提出的任何申请，

(vii) 影响基础申请、或由该基础申请产生的注册、或基础注册的司法程序或终局裁决，

(viii) 依第17条、第24条第(9)款或第28条第(3)款的任何驳回、依第18条之二或第18条之三的任何说明或依第20条之二第(5)款或第27条第(4)款或第(5)款的任何声明，

(ix) 国际注册的无效，

(x) 依第20条函告的信息，

(xi) 依第21条或第23条发出的任何通知，

(xii) 国际注册簿中的任何更正。

第37条

补充费和附加费的分配

(1) 协定第8条第(5)和(6)款以及议定书第8条第(5)和(6)款所述系数如下：

对于仅进行驳回绝对理由审查的缔约方 ..... 2

对于亦进行在先权审查的缔约方：

(a) 因第三方提出异议 ..... 3

(b) 依职权进行 ..... 4

(2) 系数4应亦适用于依职权进行在先权检索并作出最重要的在先权说明的缔约方。

第38条

记入有关缔约方帐户的单独规费

向国际局就依议定书第8条第(7)款(a)项作出声明的缔约方缴纳的任何单独规费，应于对已缴纳该单独规费的国际注册、后期指定或续展进行登记或对缴纳第二部分单独规费进行登记的月份的下月之内，记入该缔约方在国际局开设的帐户。

第九章

其他条款

第39条

国际注册在某些继承国家中的延续效力

(1) 如果任何国家（“继承国家”）在该国独立前其领土属于某缔约方（“先前缔约方”）领土的一部分，向总干事交存了延续效力声明，表示协定或议定书或者协定和议定书二者适用于该继承国家，则任何自依本条第(2)款所确定日期之前的日期有效的、在先前缔约方有领土延伸的国际注册在继承国家的效力应符合下列条件：

(i) 在国际局为此目的向有关国际注册的注册人发出通知之日起6个月内，须向国际局提出要求该国际注册在继承国家继续有效的请求，及

(ii) 在同一时限内须向国际局缴纳41瑞士法郎的规费，由国际局转交继承国家的主管局，并须向国际局缴纳23瑞士法郎的规费。

(2) 本条第(1)款所述日期应为继承国家为本条目的通知国际局的日期，但条件是该日期不得早于继承国家独立的日期。

(3) 国际局在收到本条第(1)款所述请求和规费后，应通知继承国家的主管局，并在国际注册簿上进行相应登记。

(4) 对于继承国家主管局接到依本条第(3)款的通知所涉及的任何国际注册，该局只有在协定第5条第(2)款或者议定书第5条第(2)款(a)项、(b)项或(c)项提及的可适用于先前缔约方的领土延伸的期限尚未届满、且国际局在该时限内收到驳回通知的情况下，才能驳回保护。

(5) 本条不适用于俄罗斯联邦，亦不适用于任何向总干事交存声明，表示其继续某一缔约方的法人地位的国家。

第40条

生效；过渡条款

(1) ［生效］本实施细则应于1996年4月1日生效，并应自即日起取代截止到1996年3月31日有效的协定实施细则（以下称为“协定实施细则”）。

(2) ［过渡条款总则］

(a) 尽管有本条第(1)款的规定，但是：

(i) 原属局于1996年4月1日前收到、或依第11条第(1)款(a)项或(c)项被视为收到的请求向国际局提交的国际申请，只要符合协定实施细则所规定的要求，应被视为符合第14条中可适用的要求；

(ii) 原属局或另一有关主管局于1996年4月1日前寄给国际局的、或者若该日期能被确定由原属局或另一有关主管局收到要求向国际局提交的日期早于1996年4月1日的、依协定实施细则第20条的变更登记申请，只要符合协定实施细则所规定的要求，应被视为符合第24条第(7)款中可适用的要求或符合第27条中的规定程序；

(iii) 1996年4月1日之前由国际局依协定实施细则第11、12、13或21条进行处理的国际申请或依协定实施细则第20条的变更登记申请，应由国际局继续依所述条款办理；所产生的国际注册或在国际注册簿上登记的日期应按协定实施细则第15条或第22条办理；

(iv) 被指定缔约方的主管局于1996年4月1日前发出的驳回通知或无效通知，只要符合协定实施细则所规定的要求，应被视为符合第17条第(4)或(5)款中或第19条第(2)款中可适用的要求。

(b) 为第34条第(7)款的目的，于1996年4月1日之前任何日期所实行的规费，均应为协定实施细则第32条规定的规费。

(c) 尽管有第10条第(1)款的规定，但如果根据第34条第(7)款(a)项，就提出国际申请所缴纳的规费为协定实施细则第32条所规定的按20年缴纳的规费，不须缴纳第二期费用。

(d) 如果根据第34条第(7)款(b)项，就后期指定所缴纳的规费为协定实施细则第32条所规定的规费，不适用本条第(3)款的规定。

(3) ［按20年缴纳规费的国际注册可适用的过渡条款］

(a) 如果依第24条就按20年缴纳所需规费的国际注册进行后期指定，并且如果该国际注册的现行保护期在根据第24条第(6)款所确定的后期指定生效日期之后10年以上才届满，应适用本款(b)项和(c)项的规定。

(b) 在国际注册的现行保护期首期10年届满前6个月，国际局应向注册人及其代理人（如有代理人的话）发出通知，指明首期10年届满的确切日期和本款(a)项所述后期指定涉及的缔约方。应比照适用第29条的规定。

(c) 就本款(a)项所述后期指定，应为第二期10年缴纳相当于第30条第(1)款第(iii)目所述规费的补充费和单独规费。应比照适用第30条第(1)款和第(3)款的规定。

(d) 国际局应将已向国际局缴付第二期10年款项的事实在国际注册簿上登记。即使所需规费在协定第7条第(5)款和议定书第7条第(4)款规定的宽限期内支付，登记日期亦应为首期10年届满之日。

(e) 国际局应将第二期10年的款项是否已缴付的事实通知有关被指定缔约方的主管局，并应同时通告注册人。

(4) ［有关语言的过渡规定］

(a) 2004年4月1日之前有效的第6条，应继续适用于在该日期之前提出的任何国际申请，并应适用于该日期至2008年8月31日（含该日）期间提出的任何专属《协定》的国际申请、与之相关的任何通信以及与源于该申请的任何国际注册相关的任何通信、国际注册簿上的登记或《公告》上的公告；但以下情况除外：

(i) 有关国际注册已于2004年4月1日至2008年8月31日期间依《议定书》作出后期指定的；或

(ii) 有关国际注册已于2008年9月1日或该日期之后作出后期指定的；以及

(iii) 后期指定已在国际注册簿上登记的。

(b) 为本款的目的，国际申请被视为于原属局收到或根据第11条第(1)款(a)项或(c)项被视为收到关于向国际局提交国际申请的请求之日提出；国际注册的后期指定被视为于以下日期作出：如果后期指定直接系由注册人提交的，于该后期指定向国际局提交之日作出，或者如果后期指定系通过注册人缔约方的主管局提交的，于向该局提出关于提交该后期指定的请求之日作出。

(5) ［删除］

(6) ［与国内法不符］如果在本条细则生效之日或缔约方受协定或议定书的约束之日，细则第27条之二第(1)款或第27条之三第(2)款(a)项与该缔约方的国内法不符，只要所述缔约方在本条细则生效之日前，或所述缔约方受协定或议定书约束之日前，就此通知国际局，有关条款视具体情况，即不适用于该缔约方，直至这些条款与国内法相符。此通知可随时撤回。

第41条

行政规程

(1) ［行政规程的制定；所涉事项］

(a) 总干事应制定行政规程。总干事可对其进行修改。总干事在制定或修改行政规程之前，应与对拟议的行政规程或对行政规程进行的拟议修改有直接利害关系的主管局协商。

(b) 行政规程应处理本实施细则中明确规定由行政规程处理的事项，并处理适用本实施细则方面的具体事项。

(2) ［大会的监督］大会可请总干事对行政规程的任何规定作出修改，总干事应照此办理。

(3) ［公布和生效日期］

(a) 行政规程以及对行政规程的任何修改应在公告上公布。

(b) 每项公布中应指明所公布的规定生效的日期。不同规定的生效日期可以不同，但条件是，任何规定均不得在其在公告上公布之前生效。

(4) ［与协定、议定书或本实施细则相抵触］如果行政规程的任何规定与协定、议定书或本实施细则的任何规定之间发生抵触，应以后者规定为准。

[1] 在通过本条规定时，马德里联盟大会达成谅解：如果异议期可以延期，主管局仅函告异议期的起始日即可。

[2] 经马德里联盟大会核准的解释性声明：

“细则第18条之二提及第三方提出意见的情况，仅适用于立法规定可以提出此种意见的缔约方。”

[3] 在通过本条规定时，马德里联盟大会达成谅解：给予保护的说明可以涉及多项国际注册，各该国际注册可以列于一清单中，并通过电子手段或以纸件形式予以函告，以便查阅。

[4] 在通过本细则第(1)款和第(2)款时，马德里联盟大会达成谅解：如果适用细则第34条第(3)款，给予保护须以缴纳第二部分规费为条件。

[5] 经马德里联盟大会核准的解释性声明：

“细则第18条之三第(4)款提及对商标保护产生影响的另一项决定，亦包括尽管有主管局已作出关于主管局的程序已办完的说明这一事实，主管局又作出另一决定的情况，例如‘回复原状’的情况。”

[6] 经马德里联盟大会核准的解释性声明：

“使用许可登记申请中未包括细则第20条之二第(1)款(c)项第(v)目规定的关于该使用许可是独占或唯一使用许可的说明的，可认为该使用许可是非独占使用许可。”

[7] 经马德里联盟大会核准的解释性声明：

“细则第20条之二第(6)款(a)项涉及法律上未规定须对商标使用许可进行登记的缔约方所作通知的情况；此种通知可在任何时候作出；而该款(b)项却涉及法律上已规定须对商标使用许可进行登记但目前无法使国际注册簿上登记的使用许可生效的缔约方所作通知的情况；该后一通知只能在本条细则生效之前或在缔约方受协定或议定书约束之前作出，并可在任何时候撤回。”

# Common Regulations Under the Madrid Agreement Concerning

# the International Registration of Marks

# and the Protocol Relating to that Agreement

(as in force on February 1, 2019)

LIST OF RULES

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Chapter 1

General Provisions

Rule 1

Abbreviated Expressions

For the purposes of these Regulations,

(i) "Agreement" means the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979;

(ii) "Protocol" means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989;

(iii) "Contracting Party" means any country party to the Agreement or any State or intergovernmental organization party to the Protocol;

(iv) "Contracting State" means a Contracting Party that is a State;

(v) "Contracting Organization" means a Contracting Party that is an intergovernmental organization;

(vi) "international registration" means the registration of a mark effected under the Agreement or the Protocol or both, as the case may be;

(vii) "international application" means an application for international registration filed under the Agreement or the Protocol or both, as the case may be;

(viii) "international application governed exclusively by the Agreement" means an international application whose Office of origin is the Office

of a State bound by the Agreement but not by the Protocol, or

of a State bound by both the Agreement and the Protocol, where only States are designated in the international application and all the designated States are bound by the Agreement but not by the Protocol;

(ix) "international application governed exclusively by the Protocol" means an international application whose Office of origin is the Office

of a State bound by the Protocol but not by the Agreement, or

of a Contracting Organization, or

of a State bound by both the Agreement and the Protocol, where the international application does not contain the designation of any State bound by the Agreement but not by the Protocol;

(x) "international application governed by both the Agreement and the Protocol" means an international application whose Office of origin is the Office of a State bound by both the Agreement and the Protocol and which is based on a registration and contains the designations

of at least one State bound by the Agreement but not by the Protocol, and

of at least one State bound by the Protocol, whether or not that State is also bound by the Agreement or of at least one Contracting Organization;

(xi) "applicant" means the natural person or legal entity in whose name the international application is filed;

(xii) "legal entity" means a corporation, association or other group or organization which, under the law applicable to it, is capable of acquiring rights, assuming obligations and suing or being sued in a court of law;

(xiii) "basic application" means the application for the registration of a mark that has been filed with the Office of a Contracting Party and that constitutes the basis for the international application for the registration of that mark;

(xiv) "basic registration" means the registration of a mark that has been effected by the Office of a Contracting Party and that constitutes the basis for the international application for the registration of that mark;

(xv) "designation" means the request for extension of protection ("territorial extension") under Article 3ter(1) or (2) of the Agreement or under Article 3ter(1) or (2) of the Protocol, as the case may be; it also means such extension as recorded in the International Register;

(xvi) "designated Contracting Party" means a Contracting Party for which the extension of protection ("territorial extension") has been requested under Article 3ter(1) or (2) of the Agreement or under Article 3ter(1) or (2) of the Protocol, as the case may be, or in respect of which such extension has been recorded in the International Register;

(xvii) "Contracting Party designated under the Agreement" means a Contracting Party for which the extension of protection ("territorial extension") has been requested under Article 3ter(1) or (2) of the Agreement;

(xviii) "Contracting Party designated under the Protocol" means a Contracting Party for which the extension of protection ("territorial extension") has been requested under Article 3ter(1) or (2) of the Protocol;

(xix) "notification of provisional refusal" means a declaration by the Office of a designated Contracting Party, in accordance with Article 5(1) of the Agreement or Article 5(1) of the Protocol;

(xixbis) "invalidation" means a decision by the competent authority (whether administrative or judicial) of a designated Contracting Party revoking or cancelling the effects, in the territory of that Contracting Party, of an international registration with regard to all or some of the goods or services covered by the designation of the said Contracting Party;

(xx) "Gazette" means the periodical gazette referred to in Rule 32;

(xxi) "holder" means the natural person or legal entity in whose name the international registration is recorded in the International Register;

(xxii) "International Classification of Figurative Elements" means the Classification established by the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks of June 12, 1973;

(xxiii) "International Classification of Goods and Services" means the Classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977;

(xxiv) "International Register" means the official collection of data concerning international registrations maintained by the International Bureau, which data the Agreement, the Protocol or the Regulations require or permit to be recorded, irrespective of the medium in which such data are stored;

(xxv) "Office" means the Office of a Contracting Party in charge of the registration of marks, or the common Office referred to in Article 9quater of the Agreement or Article 9quater of the Protocol, or both, as the case may be;

(xxvi) "Office of origin" means the Office of the country of origin defined in Article 1(3) of the Agreement or the Office of origin defined in Article 2(2) of the Protocol, or both, as the case may be;

(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;

(xxvii) "official form" means a form established by the International Bureau or any form having the same contents and format;

(xxviii) "prescribed fee" means the applicable fee set out in the Schedule of Fees;

(xxix) "Director General" means the Director General of the World Intellectual Property Organization;

(xxx) "International Bureau" means the International Bureau of the World Intellectual Property Organization.

(xxxi) "Administrative Instructions" means the Administrative Instructions referred to in Rule 41.

Rule 1bis

Designations Governed by the Agreement and Designations Governed by the Protocol

(1) [General Principle and Exceptions] The designation of a Contracting Party shall be governed by the Agreement or by the Protocol depending on whether the Contracting Party has been designated under the Agreement or under the Protocol. However,

(i) where, with regard to a given international registration, the Agreement ceases to be applicable in the relations between the Contracting Party of the holder and a Contracting Party whose designation is governed by the Agreement, the designation of the latter shall become governed by the Protocol as of the date on which the Agreement so ceases to be applicable, insofar as, on that date, both the Contracting Party of the holder and the designated Contracting Party are parties to the Protocol, and

(ii) where, with regard to a given international registration, the Protocol ceases to be applicable in the relations between the Contracting Party of the holder and a Contracting Party whose designation is governed by the Protocol, the designation of the latter shall become governed by the Agreement as of the date on which the Protocol so ceases to be applicable, insofar as, on that date, both the Contracting Party of the holder and the designated Contracting Party are parties to the Agreement.

(2) [Recording] The International Bureau shall record in the International Register an indication of the treaty governing each designation.

Rule 2

Communication with the International Bureau

Communications addressed to the International Bureau shall be effected as specified in the Administrative Instructions.

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]

(a) The appointment of a representative may be made in the international application, or in a subsequent designation or a request under Rule 25.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be presented to the International Bureau

(i) by the applicant, the holder or the appointed representative, or

(ii) by the Office of the Contracting Party of the holder.

The communication shall be signed by the applicant or the holder, or by the Office through which it was presented.

(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.

(4) [Recording and Notification of Appointment of a Representative; Effective Date of Appointment]

(a) Where the International Bureau finds that the appointment of a representative complies with the applicable requirements, it shall record the fact that the applicant or holder has a representative, as well as the name and address of the representative, in the International Register. In such a case, the effective date of the appointment shall be the date on which the International Bureau received the international application, subsequent designation, request or separate communication in which the representative is appointed.

(b) The International Bureau shall notify the recording referred to in subparagraph (a) to both the applicant or holder and, in the latter case, the Offices of the designated Contracting Parties, as well as the representative. Where the appointment was made in a separate communication presented through an Office, the International Bureau shall also notify the recording to that Office.

(5) [Effect of Appointment of a Representative]

(a) Except where these Regulations expressly provide otherwise, the signature of a representative recorded under paragraph (4)(a) shall replace the signature of the applicant or holder.

(b) Except where these Regulations expressly require that an invitation, notification or other communication be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (4)(a) any invitation, notification or other communication which, in the absence of a representative, would have to be sent to the applicant or holder; any invitation, notification or other communication so addressed to the said representative shall have the same effect as if it had been addressed to the applicant or holder.

(c) Any communication addressed to the International Bureau by the representative recorded under paragraph (4)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

(6) [Cancellation of Recording; Effective Date of Cancellation]

(a) Any recording under paragraph (4)(a) shall be cancelled where cancellation is requested in a communication signed by the applicant, holder or representative. The recording shall be cancelled ex officio by the International Bureau where a new representative is appointed or, in case a change in ownership has been recorded, where no representative is appointed by the new holder of the international registration.

(b) Subject to subparagraph (c), the cancellation shall be effective from the date on which the International Bureau receives the corresponding communication.

(c) Where the cancellation is requested by the representative, it shall be effective from the earlier of the following:

(i) the date on which the International Bureau receives a communication appointing a new representative;

(ii) the date of the expiry of a period of two months counted from the receipt of the request of the representative that the recording be cancelled.

Until the effective date of the cancellation, all communications referred to in paragraph (5)(b) shall be addressed by the International Bureau to both the applicant or holder and the representative.

(d) The International Bureau shall, upon receipt of a request for cancellation made by the representative, notify accordingly the applicant or holder, and add to the notification copies of all communications sent to the representative, or received by the International Bureau from the representative, during the six months preceding the date of the notification.

(e) The International Bureau shall, once the effective date of the cancellation is known, notify the cancellation and its effective date to the representative whose recording has been cancelled, to the applicant or holder and, where the appointment of the representative had been presented through an Office, to that Office.

(f) Cancellations at the request of the holder or the holder's representative shall also be notified to the Offices of the designated Contracting Parties.

Rule 4

Calculation of Time Limits

(1) [Periods Expressed in Years] Any period expressed in years shall expire, in the relevant subsequent year, in the month having the same name and on the day having the same number as the month and the day of the event from which the period starts to run, except that, where the event occurred on February 29 and in the relevant subsequent year February ends on the 28th, the period shall expire on February 28.

(2) [Periods Expressed in Months] Any period expressed in months shall expire, in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(3) [Periods Expressed in Days] The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire accordingly.

(4) [Expiry on a Day on Which the International Bureau or an Office Is Not Open to the Public] If a period expires on a day on which the International Bureau or the Office concerned is not open to the public, the period shall, notwithstanding paragraphs (1) to (3), expire on the first subsequent day on which the International Bureau or the Office concerned is open to the public.

(5) [Indication of the Date of Expiry] The International Bureau shall, in all cases in which it communicates a time limit, indicate the date of the expiry, according to paragraphs (1) to (3), of the said time limit.

Rule 5

Irregularities in Postal and Delivery Services and in Communications Sent Electronically

(1) [Communications Sent Through a Postal Service] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed,

(ii) that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and

(iii) in cases where all classes of mail do not normally reach the International Bureau within two days of mailing, that the communication was mailed by a class of mail which normally reaches the International Bureau within two days of mailing or by airmail.

(2) [Communications Sent Through a Delivery Service] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was sent not later than five days after the delivery service was resumed, and

(ii) that details of the sending of the communication were recorded by the delivery service at the time of sending.

(3) [Communication Sent Electronically] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and submitted by electronic means shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau, that the time limit was not met because of failure in the electronic communication with the International Bureau, or which affects the locality of the interested party owing to extraordinary circumstances beyond the control of the interested party, and that the communication was effected not later than five days after the electronic communication service was resumed.

(4) [Limitation on Excuse] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1), (2) or (3) and the communication or, where applicable, a duplicate thereof are received by the International Bureau not later than six months after the expiry of the time limit.

(5) [International Application and Subsequent Designation] Where the International Bureau receives an international application or a subsequent designation beyond the two-month period referred to in Article 3(4) of the Agreement, in Article 3(4) of the Protocol and in Rule 24(6)(b), and the Office concerned indicates that the late receipt resulted from circumstances referred to in paragraph (1), (2) or (3), paragraph (1), (2) or (3) and paragraph (4) shall apply.

Rule 5bis

Continued Processing

(1) [Request]

(a) Where an applicant or holder has failed to comply with any of the time limits specified or referred to in Rules 11(2) and (3), 20bis(2), 24(5)(b), 26(2), 34(3)(c)(iii) and 39(1), the International Bureau shall, nevertheless, continue the processing of the international application, subsequent designation, payment or request concerned, if:

(i) a request to that effect, signed by the applicant or holder, is presented to the International Bureau on the official form; and

(ii) the request is received, the fee specified in the Schedule of Fees is paid and, together with the request, all of the requirements in respect of which the time limit concerned applied are complied with, within two months from the date of expiry of that time limit.

(b) A request not complying with items (i) and (ii) of subparagraph (a) shall not be considered as such and the applicant or holder shall be notified to that effect.

(2) [Recording and Notification] The International Bureau shall record in the International Register any continued processing and notify the applicant or holder accordingly.

Rule 6

Languages

(1) [International Application] The international application shall be in English, French or Spanish according to what is prescribed by the Office of origin, it being understood that the Office of origin may allow applicants to choose between English, French and Spanish.

(2) [Communications Other than the International Application] Any communication concerning an international application or an international registration shall, subject to Rule 17(2)(v) and (3), be

(i) in English, French or Spanish where such communication is addressed to the International Bureau by the applicant or holder, or by an Office;

(ii) in the language applicable under Rule 7(2) where the communication consists of the declaration of intention to use the mark annexed to the international application under Rule 9(5)(f) or to the subsequent designation under Rule 24(3)(b)(i);

(iii) in the language of the international application where the communication is a notification addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that all such notifications are to be in English, or are to be in French or are to be in Spanish; where the notification addressed by the International Bureau concerns the recording in the International Register of an international registration, the notification shall indicate the language in which the relevant international application was received by the International Bureau;

(iv) in the language of the international application where the communication is a notification addressed by the International Bureau to the applicant or holder, unless that applicant or holder has expressed the wish that all such notifications be in English, or be in French or be in Spanish.

(3) [Recording and Publication]

(a) The recording in the International Register and the publication in the Gazette of the international registration and of any data to be both recorded and published under these Regulations in respect of the international registration shall be in English, French and Spanish. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

(b) Where a first subsequent designation is made in respect of an international registration that, under previous versions of this Rule, has been published only in French, or only in English and French, the International Bureau shall, together with the publication in the Gazette of that subsequent designation, either publish the international registration in English and Spanish and republish the international registration in French, or publish the international registration in Spanish and republish it in English and French, as the case may be. That subsequent designation shall be recorded in the International Register in English, French and Spanish.

(4) [Translation]

(a) The translations needed for the notifications under paragraph (2)(iii) and (iv), and recordings and publications under paragraph (3), shall be made by the International Bureau. The applicant or the holder, as the case may be, may annex to the international application, or to a request for the recording of a subsequent designation or of a change, a proposed translation of any text matter contained in the international application or the request. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau after having invited the applicant or the holder to make, within one month from the invitation, observations on the proposed corrections.

(b) Notwithstanding subparagraph (a), the International Bureau shall not translate the mark. Where, in accordance with Rule 9(4)(b)(iii) or Rule 24(3)(c), the applicant or the holder gives a translation or translations of the mark, the International Bureau shall not check the correctness of any such translations.

Rule 7

Notification of Certain Special Requirements

(1) [Deleted]

(2) [Intention to Use the Mark] Where a Contracting Party requires, as a Contracting Party designated under the Protocol, a declaration of intention to use the mark, it shall notify that requirement to the Director General. Where that Contracting Party requires the declaration to be signed by the applicant himself and to be made on a separate official form annexed to the international application, the notification shall contain a statement to that effect and shall specify the exact wording of the required declaration. Where the Contracting Party further requires the declaration to be in English, French or Spanish, the notification shall specify the required language.

(3) [Notification]

(a) Any notification referred to in paragraph (2) may be made at the time of the deposit by the Contracting Party of its instrument of ratification, acceptance or approval of, or accession to, the Protocol, and the effective date of the notification shall be the same as the date of entry into force of the Protocol with respect to the Contracting Party having made the notification. The notification may also be made later, in which case the notification shall have effect three months after its receipt by the Director General, or at any later date indicated in the notification, in respect of any international registration whose date is the same as or is later than the effective date of the notification.

(b) Any notification made under paragraph (2) may be withdrawn at any time. The notice of withdrawal shall be addressed to the Director General. The withdrawal shall have effect upon receipt of the notice of withdrawal by the Director General or at any later date indicated in the notice.

Chapter 2

International Applications

Rule 8

Several Applicants

(1) [Two or More Applicants Applying Exclusively Under the Agreement or Applying Under both the Agreement and the Protocol] Two or more applicants may jointly file an international application governed exclusively by the Agreement or governed by both the Agreement and the Protocol if the basic registration is jointly owned by them and if the country of origin, as defined in Article 1(3) of the Agreement, is the same for each of them.

(2) [Two or More Applicants Applying Exclusively Under the Protocol] Two or more applicants may jointly file an international application governed exclusively by the Protocol if the basic application was jointly filed by them or the basic registration is jointly owned by them, and if each of them qualifies, in relation to the Contracting Party whose Office is the Office of origin, for filing an international application under Article 2(1) of the Protocol.

Rule 9

Requirements Concerning the International Application

(1) [Presentation] The international application shall be presented to the International Bureau by the Office of origin.

(2) [Form and Signature]

(a) The international application shall be presented on the official form in one copy.

(b) The international application shall be signed by the Office of origin and, where the Office of origin so requires, also by the applicant. Where the Office of origin does not require the applicant to sign the international application but allows that the applicant also sign it, the applicant may do so.

(3) [Fees] The prescribed fees applicable to the international application shall be paid as provided for in Rules 10, 34 and 35.

(4) [Contents of the International Application]

(a) The international application shall contain or indicate

(i) the name of the applicant, given in accordance with the Administrative Instructions,

(ii) the address of the applicant, given in accordance with the Administrative Instructions,

(iii) the name and address of the representative, if any, given in accordance with the Administrative Instructions,

(iv) where the applicant wishes, under the Paris Convention for the Protection of Industrial Property, to take advantage of the priority of an earlier filing, a declaration claiming the priority of that earlier filing, together with an indication of the name of the Office where such filing was made and of the date and, where available, the number of that filing, and, where the earlier filing relates to less than all the goods and services listed in the international application, the indication of those goods and services to which the earlier filing relates,

(v) a reproduction of the mark that shall fit in the box provided on the official form; that reproduction shall be clear and shall, depending on whether the reproduction in the basic application or the basic registration is in black and white or in color, be in black and white or in color,

(vi) where the applicant wishes that the mark be considered as a mark in standard characters, a declaration to that effect,

(vii) where color is claimed as a distinctive feature of the mark in the basic application or basic registration, or where the applicant wishes to claim color as a distinctive feature of the mark and the mark contained in the basic application or basic registration is in color, an indication that color is claimed and an indication by words of the color or combination of colors claimed and, where the reproduction furnished under item (v) is in black and white, one reproduction of the mark in color,

(viibis) where the mark that is the subject of the basic application or the basic registration consists of a color or a combination of colors as such, an indication to that effect,

(viii) where the basic application or the basic registration relates to a three-dimensional mark, the indication "three-dimensional mark,"

(ix) where the basic application or the basic registration relates to a sound mark, the indication "sound mark,"

(x) where the basic application or the basic registration relates to a collective mark or a certification mark or a guarantee mark, an indication to that effect,

(xi) where the basic application or the basic registration contains a description of the mark by words and the Office of origin requires the inclusion of the description, that same description; where the said description is in a language other than the language of the international application, it shall be given in the language of the international application,

(xii) where the mark consists of or contains matter in characters other than Latin characters or numbers expressed in numerals other than Arabic or Roman numerals, a transliteration of that matter in Latin characters and Arabic numerals; the transliteration into Latin characters shall follow the phonetics of the language of the international application,

(xiii) the names of the goods and services for which the international registration of the mark is sought, grouped in the appropriate classes of the International Classification of Goods and Services, each group preceded by the number of the class and presented in the order of the classes of that Classification; the goods and services shall be indicated in precise terms, preferably using the words appearing in the Alphabetical List of the said Classification; the international application may contain limitations of the list of goods and services in respect of one or more designated Contracting Parties; the limitation in respect of each Contracting Party may be different,

(xiv) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions, and

(xv) the designated Contracting Parties.

(b) The international application may also contain,

(i) where the applicant is a natural person, an indication of the State of which the applicant is a national;

(ii) where the applicant is a legal entity, indications concerning the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized;

(iii) where the mark consists of or contains a word or words that can be translated, a translation of that word or those words into English, French and Spanish, or in any one or two of those languages;

(iv) where the applicant claims color as a distinctive feature of the mark, an indication by words, in respect of each color, of the principal parts of the mark which are in that color;

(v) where the applicant wishes to disclaim protection for any element of the mark, an indication of that fact and of the element or elements for which protection is disclaimed;

(vi) any description of the mark by words or, if the applicant so wishes, the description of the mark by words contained in the basic application or the basic registration, where it has not been provided under paragraph (4)(a)(xi).

(5) [Additional Contents of an International Application]

(a) An international application governed exclusively by the Agreement or by both the Agreement and the Protocol shall contain the number and date of the basic registration and shall indicate one of the following:

(i) that the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting State whose Office is the Office of origin, or

(ii) where the applicant has no such establishment in any Contracting State of the Agreement, that he has a domicile in the territory of the State whose Office is the Office of origin, or

(iii) where the applicant has no such establishment or domicile in the territory of any Contracting State of the Agreement, that he is a national of the State whose Office is the Office of origin.

(b) An international application governed exclusively by the Protocol shall contain the number and date of the basic application or basic registration and shall indicate one or more of the following:

(i) where the Contracting Party whose Office is the Office of origin is a State, that the applicant is a national of that State;

(ii) where the Contracting Party whose Office is the Office of origin is an organization, the name of the Member State of that organization of which the applicant is a national;

(iii) that the applicant has a domicile in the territory of the Contracting Party whose Office is the Office of origin;

(iv) that the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting Party whose Office is the Office of origin.

(c) Where the address of the applicant given in accordance with paragraph (4)(a)(ii) is not in the territory of the Contracting Party whose Office is the Office of origin and it has been indicated under subparagraph (a)(i) or (ii) or subparagraph (b)(iii) or (iv) that the applicant has a domicile or an establishment in the territory of that Contracting Party, that domicile or the address of that establishment shall be given in the international application.

(d) The international application shall contain a declaration by the Office of origin certifying

(i) the date on which the Office of origin received or, as provided for in Rule 11(1), is deemed to have received the request by the applicant to present the international application to the International Bureau,

(ii) that the applicant named in the international application is the same as the applicant named in the basic application or the holder named in the basic registration, as the case may be,

(iii) that any indication referred to in paragraph (4)(a)(viibis) to (xi) and appearing in the international application appears also in the basic application or the basic registration, as the case may be,

(iv) that the mark that is the subject matter of the international application is the same as in the basic application or the basic registration, as the case may be,

(v) that, if color is claimed as a distinctive feature of the mark in the basic application or the basic registration, the same claim is included in the international application or that, if color is claimed as a distinctive feature of the mark in the international application without having being claimed in the basic application or basic registration, the mark in the basic application or basic registration is in fact in the color or combination of colors claimed, and

(vi) that the goods and services indicated in the international application are covered by the list of goods and services appearing in the basic application or basic registration, as the case may be.

(e) Where the international application is based on two or more basic applications or basic registrations, the declaration referred to in subparagraph (d) shall be deemed to apply to all those basic applications or basic registrations.

(f) Where the international application contains the designation of a Contracting Party that has made a notification under Rule 7(2), the international application shall also contain a declaration of intention to use the mark in the territory of that Contracting Party; the declaration shall be considered part of the designation of the Contracting Party requiring it and shall, as required by that Contracting Party,

(i) be signed by the applicant himself and be made on a separate official form annexed to the international application, or

(ii) be included in the international application.

(g) Where an international application contains the designation of a Contracting Organization, it may also contain the following indications:

(i) where the applicant wishes to claim, under the law of that Contracting Organization, the seniority of one or more earlier marks registered in, or for, a Member State of that Organization, a declaration to that effect, stating the Member State or Member States in or for which the earlier mark is registered, the date from which the relevant registration was effective, the number of the relevant registration and the goods and services for which the earlier mark is registered. Such indications shall be on an official form to be annexed to the international application;

(ii) where, under the law of that Contracting Organization, the applicant is required to indicate a second working language before the Office of that Contracting Organization, in addition to the language of the international application, an indication of that second language.

Rule 10

Fees Concerning the International Application

(1) [International Applications Governed Exclusively by the Agreement] An international application governed exclusively by the Agreement shall be subject to the payment of the basic fee, the complementary fee and, where applicable, the supplementary fee, specified in item 1 of the Schedule of Fees. Those fees shall be paid in two instalments of ten years each. For the payment of the second instalment, Rule 30 shall apply.

(2) [International Applications Governed Exclusively by the Protocol] An international application governed exclusively by the Protocol shall be subject to the payment of the basic fee, the complementary fee and/or the individual fee and, where applicable, the supplementary fee, specified or referred to in item 2 of the Schedule of Fees. Those fees shall be paid for ten years.

(3) [International Applications Governed by both the Agreement and the Protocol] An international application governed by both the Agreement and the Protocol shall be subject to the payment of the basic fee, the complementary fee and, where applicable, the individual fee and the supplementary fee, specified or referred to in item 3 of the Schedule of Fees. As far as the Contracting Parties designated under the Agreement are concerned, paragraph (1) shall apply. As far as the Contracting Parties designated under the Protocol are concerned, paragraph (2) shall apply.

Rule 11

Irregularities Other than Those Concerning the Classification of Goods and Services or Their Indication

(1) [Premature Request to the Office of Origin]

(a) Where the Office of origin received a request to present to the International Bureau an international application governed exclusively by the Agreement before the mark which is referred to in that request is registered in the register of the said Office, the said request shall be deemed to have been received by the Office of origin, for the purposes of Article 3(4) of the Agreement, on the date of the registration of the mark in the register of the said Office.

(b) Subject to subparagraph (c), where the Office of origin receives a request to present to the International Bureau an international application governed by both the Agreement and the Protocol before the mark which is referred to in that request is registered in the register of the said Office, the international application shall be treated as an international application governed exclusively by the Protocol, and the Office of origin shall delete the designation of any Contracting Party bound by the Agreement but not by the Protocol.

(c) Where the request referred to in subparagraph (b) is accompanied by an express request that the international application be treated as an international application governed by both the Agreement and the Protocol once the mark is registered in the register of the Office of origin, the said Office shall not delete the designation of any Contracting Party bound by the Agreement but not by the Protocol and the request to present the international application shall be deemed to have been received by the said Office, for the purposes of Article 3(4) of the Agreement and Article 3(4) of the Protocol, on the date of the registration of the mark in the register of the said Office.

(2) [Irregularities to Be Remedied by the Applicant]

(a) If the International Bureau considers that the international application contains irregularities other than those referred to in paragraphs (3), (4) and (6) and in Rules 12 and 13, it shall notify the applicant of the irregularity and at the same time inform the Office of origin.

(b) Such irregularities may be remedied by the applicant within three months from the date of the notification of the irregularity by the International Bureau. If an irregularity is not remedied within three months from the date of the notification of that irregularity by the International Bureau, the international application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the applicant and the Office of origin.

(3) [Irregularity to Be Remedied by the Applicant or by the Office of Origin]

(a) Notwithstanding paragraph (2), where the fees payable under Rule 10 have been paid to the International Bureau by the Office of origin and the International Bureau considers that the amount of the fees received is less than the amount required, it shall notify at the same time the Office of origin and the applicant. The notification shall specify the missing amount.

(b) The missing amount may be paid by the Office of origin or by the applicant within three months from the date of the notification by the International Bureau. If the missing amount is not paid within three months from the date of the notification of the irregularity by the International Bureau, the international application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the Office of origin and the applicant.

(4) [Irregularities to Be Remedied by the Office of Origin]

(a) If the International Bureau

(i) finds that the international application does not fulfill the requirements of Rule 2 or was not presented on the official form prescribed under Rule 9(2)(a),

(ii) finds that the international application contains any of the irregularities referred to in Rule 15(1),

(iii) considers that the international application contains irregularities relating to the entitlement of the applicant to file an international application,

(iv) considers that the international application contains irregularities relating to the declaration by the Office of origin referred to in Rule 9(5)(d),

(v) [Deleted]

(vi) finds that the international application is not signed by the Office of origin, or

(vii) finds that the international application does not contain the date and number of the basic application or basic registration, as the case may be, it shall notify the Office of origin and at the same time inform the applicant.

(b) Such irregularities may be remedied by the Office of origin within three months from the date of notification of the irregularity by the International Bureau. If an irregularity is not remedied within three months from the date of the notification of that irregularity by the International Bureau, the international application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the Office of origin and the applicant.

(5) [Reimbursement of Fees] Where, in accordance with paragraphs (2)(b), (3) or (4)(b), the international application is considered abandoned, the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to one-half of the basic fee referred to in items 1.1.1, 2.1.1 or 3.1.1 of the Schedule of Fees, to the party having paid those fees.

(6) [Other Irregularity with Respect to the Designation of a Contracting Party Under the Protocol]

(a) Where, in accordance with Article 3(4) of the Protocol, an international application is received by the International Bureau within a period of two months from the date of receipt of that international application by the Office of origin and the International Bureau considers that a declaration of intention to use the mark is required according to Rule 9(5)(f) but is missing or does not comply with the applicable requirements, the International Bureau shall promptly notify accordingly and at the same time the applicant and the Office of origin.

(b) The declaration of intention to use the mark shall be deemed to have been received by the International Bureau together with the international application if the missing or corrected declaration is received by the International Bureau within the period of two months referred to in subparagraph (a).

(c) The international application shall be deemed not to contain the designation of the Contracting Party for which a declaration of intention to use the mark is required if the missing or corrected declaration is received after the period of two months referred to in subparagraph (b). The International Bureau shall notify accordingly and at the same time the applicant and the Office of origin, reimburse any designation fee already paid in respect of that Contracting Party and indicate that the designation of the said Contracting Party may be effected as a subsequent designation under Rule 24, provided that such designation is accompanied by the required declaration.

(7) [International Application Not Considered as Such] If the international application is presented direct to the International Bureau by the applicant or does not comply with the requirement applicable under Rule 6(1), the international application shall not be considered as such and shall be returned to the sender.

Rule 12

Irregularities with Respect to the Classification of Goods and Services

(1) [Proposal for Classification]

(a) If the International Bureau considers that the requirements of Rule 9(4)(a)(xiii) are not complied with, it shall make a proposal of its own for the classification and grouping and shall send a notification of its proposal to the Office of origin and at the same time inform the applicant.

(b) The notification of the proposal shall also state the amount, if any, of the fees due as a consequence of the proposed classification and grouping.

(2) [Opinion Differing from the Proposal] The Office of origin may communicate to the International Bureau an opinion on the proposed classification and grouping within three months from the date of the notification of the proposal.

(3) [Reminder of the Proposal] If, within two months from the date of the notification referred to in paragraph (1)(a), the Office of origin has not communicated an opinion on the proposed classification and grouping, the International Bureau shall send to the Office of origin and to the applicant a communication reiterating the proposal. The sending of such a communication shall not affect the three-month period referred to in paragraph (2).

(4) [Withdrawal of Proposal] If, in the light of the opinion communicated under paragraph (2), the International Bureau withdraws its proposal, it shall notify the Office of origin accordingly and at the same time inform the applicant.

(5) [Modification of Proposal] If, in the light of the opinion communicated under paragraph (2), the International Bureau modifies its proposal, it shall notify the Office of origin and at the same time inform the applicant of such modification and of any consequent changes in the amount indicated under paragraph (1)(b).

(6) [Confirmation of Proposal] If, notwithstanding the opinion referred to in paragraph (2), the International Bureau confirms its proposal, it shall notify the Office of origin accordingly and at the same time inform the applicant.

(7) [Fees]

(a) If no opinion has been communicated to the International Bureau under paragraph (2), the amount referred to in paragraph (1)(b) shall be payable within four months from the date of the notification referred to in paragraph (1)(a), failing which the international application shall be considered abandoned and the International Bureau shall notify the Office of origin accordingly and at the same time inform the applicant.

(b) If an opinion has been communicated to the International Bureau under paragraph (2), the amount referred to in paragraph (1)(b) or, where applicable, paragraph (5) shall be payable within three months from the date of the communication by the International Bureau of the modification or confirmation of its proposal under paragraph (5) or (6), as the case may be, failing which the international application shall be considered abandoned and the International Bureau shall notify the Office of origin accordingly and at the same time inform the applicant.

(c) If an opinion has been communicated to the International Bureau under paragraph (2) and if, in the light of that opinion, the International Bureau withdraws its proposal in accordance with paragraph (4), the amount referred to in paragraph (1)(b) shall not be due.

(8) [Reimbursement of Fees] Where, in accordance with paragraph (7), the international application is considered abandoned, the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to one-half of the basic fee referred to in items 1.1.1, 2.1.1 or 3.1.1 of the Schedule of Fees, to the party having paid those fees.

(8bis) [Examination of Limitations] The International Bureau shall examine limitations contained in an international application, applying paragraphs (1)(a) and (2) to (6) mutatis mutandis. Where the International Bureau cannot group the goods and services listed in the limitation under the classes of the International Classification of Goods and Services listed in the international application concerned, as amended pursuant to paragraphs (1) to (6), as the case may be, it shall issue an irregularity. Where the irregularity is not remedied within three months from the date of the notification of the irregularity, the limitation shall be deemed not to contain the goods and services concerned.

(9) [Classification in the Registration] Subject to the conformity of the international application with the other applicable requirements, the mark shall be registered with the classification and grouping that the International Bureau considers to be correct.

Rule 13

Irregularities with Respect to the Indication of Goods and Services

(1) [Communication of Irregularity by the International Bureau to the Office of Origin] If the International Bureau considers that any of the goods and services is indicated in the international application by a term that is too vague for the purposes of classification or is incomprehensible or is linguistically incorrect, it shall notify the Office of origin accordingly and at the same time inform the applicant. In the same notification, the International Bureau may suggest a substitute term, or the deletion of the term.

(2) [Time Allowed to Remedy Irregularity]

(a) The Office of origin may make a proposal for remedying the irregularity within three months from the date of the notification referred to in paragraph (1).

(b) If no proposal acceptable to the International Bureau for remedying the irregularity is made within the period indicated in subparagraph (a), the International Bureau shall include in the international registration the term as appearing in the international application, provided that the Office of origin has specified the class in which such term should be classified; the international registration shall contain an indication to the effect that, in the opinion of the International Bureau, the specified term is too vague for the purposes of classification or is incomprehensible or is linguistically incorrect, as the case may be. Where no class has been specified by the Office of origin, the International Bureau shall delete the said term ex officio and shall notify the Office of origin accordingly and at the same time inform the applicant.

Chapter 3

International Registrations

Rule 14

Registration of the Mark in the International Register

(1) [Registration of the Mark in the International Register] Where the International Bureau finds that the international application conforms to the applicable requirements, it shall register the mark in the International Register, notify the Offices of the designated Contracting Parties of the international registration and inform the Office of origin accordingly, and send a certificate to the holder. Where the Office of origin so wishes and has informed the International Bureau accordingly, the certificate shall be sent to the holder through the Office of origin.

(2) [Contents of the Registration] The international registration shall contain

(i) all the data contained in the international application, except any priority claim under Rule 9(4)(a)(iv) where the date of the earlier filing is more than six months before the date of the international registration,

(ii) the date of the international registration,

(iii) the number of the international registration,

(iv) where the mark can be classified according to the International Classification of Figurative Elements, and unless the international application contains a declaration to the effect that the applicant wishes that the mark be considered as a mark in standard characters, the relevant classification symbols of the said Classification as determined by the International Bureau,

(v) an indication, with respect to each designated Contracting Party, as to whether it is a Contracting Party designated under the Agreement or a Contracting Party designated under the Protocol,

(vi) indications annexed to the international application in accordance with Rule 9(5)(g)(i) concerning the Member State or Member States in or for which an earlier mark, for which seniority is claimed, is registered, the date from which the registration of that earlier mark was effective and the number of the relevant registration.

Rule 15

Date of the International Registration

(1) [Irregularities Affecting the Date of the International Registration] Where the international application received by the International Bureau does not contain all of the following elements:

(i) indications allowing the identity of the applicant to be established and sufficient to contact the applicant or his representative, if any,

(ii) the Contracting Parties which are designated,

(iii) a reproduction of the mark,

(iv) the indication of the goods and services for which registration of the mark is sought, the international registration shall bear the date on which the last of the missing elements reached the International Bureau, provided that, where the last of the missing elements reaches the International Bureau within the two-month time limit referred to in Article 3(4) of the Agreement and Article 3(4) of the Protocol, the international registration shall bear the date on which the defective international application was received or, as provided in Rule 11(1), is deemed to have been received by the Office of origin.

(2) [Date of the International Registration in Other Cases] In any other case, the international registration shall bear the date determined in accordance with Article 3(4) of the Agreement and Article 3(4) of the Protocol.

Chapter 4

Facts in Contracting Parties Affecting International Registrations

Rule 16

Possibility of Notification of a Provisional Refusal Based on an Opposition Under Article 5(2)(c) of the Protocol

(1) [Information Relating to Possible Oppositions and Time Limit for Notifying Provisional Refusal Based on an Opposition]

(a) Subject to Article 9sexies(1)(b) of the Protocol, where a declaration has been made by a Contracting Party pursuant to Article 5(2)(b) and (c), first sentence, of the Protocol, the Office of that Contracting Party shall, where it has become apparent with regard to a given international registration designating that Contracting Party that the opposition period will expire too late for any provisional refusal based on an opposition to be notified to the International Bureau within the 18-month time limit referred to in Article 5(2)(b), inform the International Bureau of the number, and the name of the holder, of that international registration.

(b) Where, at the time of the communication of the information referred to in subparagraph (a), the dates on which the opposition period begins and ends are known, those dates shall be indicated in the communication. If such dates are not yet known at that time, they shall be communicated to the International Bureau as soon as they are known1.

(c) Where subparagraph (a) applies and the Office referred to in the said subparagraph has, before the expiry of the 18-month time limit referred to in the same subparagraph, informed the International Bureau of the fact that the time limit for filing oppositions will expire within the 30 days preceding the expiry of the 18-month time limit and of the possibility that oppositions may be filed during those 30 days, a provisional refusal based on an opposition filed during the said 30 days may be notified to the International Bureau within one month from the date of filing of the opposition.

(2) [Recording and Transmittal of the Information] The International Bureau shall record in the International Register the information received under paragraph (1) and shall transmit that information to the holder.

Rule 17

Provisional Refusal

(1) [Notification of Provisional Refusal]

(a) A notification of provisional refusal may comprise a declaration stating the grounds on which the Office making the notification considers that protection cannot be granted in the Contracting Party concerned ("ex officio provisional refusal") or a declaration that protection cannot be granted in the Contracting Party concerned because an opposition has been filed ("provisional refusal based on an opposition") or both.

(b) A notification of provisional refusal shall relate to one international registration, shall be dated and shall be signed by the Office making it.

(2) [Content of the Notification] A notification of provisional refusal shall contain or indicate

(i) the Office making the notification,

(ii) the number of the international registration, preferably accompanied by other indications enabling the identity of the international registration to be confirmed, such as the verbal elements of the mark or the basic application or basic registration number,

(iii) [Deleted]

(iv) all the grounds on which the provisional refusal is based, together with a reference to the corresponding essential provisions of the law,

(v) where the grounds on which the provisional refusal is based relate to a mark which has been the subject of an application or registration and with which the mark that is the subject of the international registration appears to be in conflict, the filing date and number, the priority date (if any), the registration date and number (if available), the name and address of the owner, and a reproduction, of the former mark, together with the list of all or the relevant goods and services in the application or registration of the former mark, it being understood that the said list may be in the language of the said application or registration,

(vi) either that the grounds on which the provisional refusal is based affect all the goods and services or an indication of the goods and services which are affected, or are not affected, by the provisional refusal,

(vii) the time limit, reasonable under the circumstances, for filing a request for review of, or appeal against, the ex officio provisional refusal or the provisional refusal based on an opposition and, as the case may be, for filing a response to the opposition, preferably with an indication of the date on which the said time limit expires, and the authority with which such request for review, appeal or response should be filed, with the indication, where applicable, that the request for review, the appeal or the response has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal.

(3) [Additional Requirements Concerning a Notification of Provisional Refusal Based on an Opposition] Where the provisional refusal of protection is based on an opposition, or on an opposition and other grounds, the notification shall, in addition to complying with the requirements referred to in paragraph (2), contain an indication of that fact and the name and address of the opponent; however, notwithstanding paragraph (2)(v), the Office making the notification must, where the opposition is based on a mark which has been the subject of an application or registration, communicate the list of the goods and services on which the opposition is based and may, in addition, communicate the complete list of goods and services of that earlier application or registration, it being understood that the said lists may be in the language of the earlier application or registration.

(4) [Recording; Transmittal of Copies of Notifications] The International Bureau shall record the provisional refusal in the International Register together with the data contained in the notification, with an indication of the date on which the notification was sent or is regarded under Rule 18(1)(d) as having been sent to the International Bureau and shall transmit a copy thereof to the Office of origin, if that Office has informed the International Bureau that it wishes to receive such copies, and, at the same time, to the holder.

(5) [Declarations Relating to the Possibility of Review]

(a) [Deleted]

(b) [Deleted]

(c) [Deleted]

(d) The Office of a Contracting Party may, in a declaration, notify the Director General that, in accordance with the law of the said Contracting Party,

(i) any provisional refusal that has been notified to the International Bureau is subject to review by the said Office, whether or not such review has been requested by the holder, and

(ii) the decision taken on the said review may be the subject of a further review or appeal before the Office.

Where this declaration applies and the Office is not in a position to communicate the said decision directly to the holder of the international registration concerned, the Office shall, notwithstanding the fact that all procedures before the said Office relating to the protection of the mark may not have been completed, send the statement referred to in Rule 18ter(2) or (3) to the International Bureau immediately following the said decision. Any further decision affecting the protection of the mark shall be sent to the International Bureau in accordance with Rule 18ter(4).

(e) The Office of a Contracting Party may, in a declaration, notify the Director General that, in accordance with the law of the said Contracting Party, any ex officio provisional refusal that has been notified to the International Bureau is not open to review before the said Office. Where this declaration applies, any ex officio notification of a provisional refusal by the said Office shall be deemed to include a statement in accordance with Rule 18ter(2)(ii) or (3).

(6) [Deleted]

Rule 18

Irregular Notifications of Provisional Refusal

(1) [Contracting Party Designated Under the Agreement]

(a) A notification of provisional refusal communicated by the Office of a Contracting Party designated under the Agreement shall not be regarded as such by the International Bureau

(i) if it does not contain any international registration number, unless other indications contained in the notification permit the international registration to which the provisional refusal relates to be identified,

(ii) if it does not indicate any grounds for refusal, or

(iii) if it is sent too late to the International Bureau, that is, if it is sent after the expiry of one year from the date on which the recording of the international registration or the recording of the designation made subsequently to the international registration has been effected, it being understood that the said date is the same as the date of sending the notification of the international registration or of the designation made subsequently.

(b) Where subparagraph (a) applies, the International Bureau shall nevertheless transmit a copy of the notification to the holder, shall inform, at the same time, the holder and the Office that sent the notification that the notification of provisional refusal is not regarded as such by the International Bureau, and shall indicate the reasons therefor.

(c) If the notification

(i) is not signed on behalf of the Office which communicated it, or does not otherwise comply with the requirements of Rule 2 or with the requirement applicable under Rule 6(2),

(ii) does not contain, where applicable, the details of the mark with which the mark that is the subject of the international registration appears to be in conflict (Rule 17(2)(v) and (3)),

(iii) does not comply with the requirements of Rule 17(2)(vi),

(iv) does not comply with the requirements of Rule 17(2)(vii), or

(v) [Deleted]

(vi) does not contain, where applicable, the name and address of the opponent and the indication of the goods and services on which the opposition is based (Rule 17(3)), the International Bureau shall, except where subparagraph (d) applies, nonetheless record the provisional refusal in the International Register. The International Bureau shall invite the Office that communicated the provisional refusal to send a rectified notification within two months from the invitation and shall transmit to the holder copies of the irregular notification and of the invitation sent to the Office concerned.

(d) Where the notification does not comply with the requirements of Rule 17(2)(vii), the provisional refusal shall not be recorded in the International Register. If however a rectified notification is sent within the time limit referred to in subparagraph (c), it shall be regarded, for the purposes of Article 5 of the Agreement, as having been sent to the International Bureau on the date on which the defective notification had been sent to it. If the notification is not so rectified, it shall not be regarded as a notification of provisional refusal. In the latter case, the International Bureau shall inform, at the same time, the holder and the Office that sent the notification that the notification of provisional refusal is not regarded as such by the International Bureau, and shall indicate the reasons therefor.

(e) Any rectified notification shall, where the applicable law so permits, indicate a new time limit, reasonable under the circumstances, for filing a request for review of, or appeal against, the ex officio provisional refusal or the provisional refusal based on an opposition and, as the case may be, for filing a response to the opposition, preferably with an indication of the date on which the said time limit expires.

(f) The International Bureau shall transmit a copy of any rectified notification to the holder.

(2) [Contracting Party Designated Under the Protocol]

(a) Paragraph (1) shall also apply in the case of a notification of provisional refusal communicated by the Office of a Contracting Party designated under the Protocol, it being understood that the time limit referred to in paragraph (1)(a)(iii) shall be the time limit applicable under Article 5(2)(a) or, subject to Article 9sexies(1)(b) of the Protocol, under Article 5(2)(b) or (c)(ii) of the Protocol.

(b) Paragraph (1)(a) shall apply to determine whether the time limit before the expiry of which the Office of the Contracting Party concerned must give the International Bureau the information referred to in Article 5(2)(c)(i) of the Protocol has been complied with. If such information is given after the expiry of that time limit, it shall be regarded as not having been given and the International Bureau shall inform the Office concerned accordingly.

(c) Where the notification of provisional refusal based on an opposition is made under Article 5(2)(c)(ii) of the Protocol without the requirements of Article 5(2)(c)(i) of the Protocol having been complied with, it shall not be regarded as a notification of provisional refusal. In such a case, the International Bureau shall nevertheless transmit a copy of the notification to the holder, shall inform, at the same time, the holder and the Office that sent the notification that the notification of provisional refusal is not regarded as such by the International Bureau, and shall indicate the reasons therefor.

Rule 18bis

Interim Status of a Mark in a Designated Contracting Party

(1) [Ex Officio Examination Completed but Opposition or Observations by Third Parties Still Possible]

(a) An Office which has not communicated a notification of provisional refusal may, within the period applicable under Article 5(2) of the Agreement or Article 5(2)(a) or (b) of the Protocol, send to the International Bureau a statement to the effect that the ex officio examination has been completed and that the Office has found no grounds for refusal but that the protection of the mark is still subject to opposition or observations by third parties, with an indication of the date by which such oppositions or observations may be filed2.

(b) An Office which has communicated a notification of provisional refusal may send to the International Bureau a statement to the effect that the ex officio examination has been completed but that the protection of the mark is still subject to opposition or observations by third parties, with an indication of the date by which such oppositions or observations may be filed.

(2) [Recording, Information to the Holder and Transmittal of Copies] The International Bureau shall record any statement received under this Rule in the International Register, inform the holder accordingly and, where the statement was communicated, or can be reproduced, in the form of a specific document, transmit a copy of that document to the holder.

Rule 18ter

Final Disposition on Status of a Mark in a Designated Contracting Party

(1) [Statement of Grant of Protection Where No Notification of Provisional Refusal Has Been Communicated]3 When, before the expiry of the period applicable under Article 5(2) of the Agreement or Article 5(2)(a), (b) or (c) of the Protocol, all procedures before an Office have been completed and there is no ground for that Office to refuse protection, that Office shall, as soon as possible and before the expiry of that period, send to the International Bureau a statement to the effect that protection is granted to the mark that is the subject of the international registration in the Contracting Party concerned4.

(2) [Statement of Grant of Protection Following a Provisional Refusal] Except where it sends a statement under paragraph (3), an Office which has communicated a notification of provisional refusal shall, once all procedures before the said Office relating to the protection of the mark have been completed, send to the International Bureau either

(i) a statement to the effect that the provisional refusal is withdrawn and that protection of the mark is granted, in the Contracting Party concerned, for all goods and services for which protection has been requested, or

(ii) a statement indicating the goods and services for which protection of the mark is granted in the Contracting Party concerned.

(3) [Confirmation of Total Provisional Refusal] An Office which has sent to the International Bureau a notification of a total provisional refusal shall, once all procedures before the said Office relating to the protection of the mark have been completed and the Office has decided to confirm refusal of the protection of the mark in the Contracting Party concerned for all goods and services, send to the International Bureau a statement to that effect.

(4) [Further Decision] Where a notification of provisional refusal has not been sent within the applicable time limit under Article 5(2) of the Agreement or of the Protocol, or, where following the sending of a statement under paragraph (1), (2) or (3), a further decision, taken by the Office or other authority, affects the protection of the mark, the Office shall, to the extent that it is aware of that decision, without prejudice to Rule 19, send to the International Bureau a further statement indicating the status of the mark and, where applicable, the goods and services for which the mark is protected in the Contracting Party concerned5.

(5) [Recording, Information to the Holder and Transmittal of Copies] The International Bureau shall record any statement received under this Rule in the International Register, inform the holder accordingly and, where the statement was communicated, or can be reproduced, in the form of a specific document, transmit a copy of that document to the holder.

Rule 19

Invalidations in Designated Contracting Parties

(1) [Contents of the Notification of Invalidation] Where the effects of an international registration are invalidated in a designated Contracting Party under Article 5(6) of the Agreement or Article 5(6) of the Protocol and the invalidation is no longer subject to appeal, the Office of the Contracting Party whose competent authority has pronounced the invalidation shall notify the International Bureau accordingly. The notification shall contain or indicate

(i) the authority which pronounced the invalidation,

(ii) the fact that the invalidation is no longer subject to appeal,

(iii) the number of the international registration,

(iv) the name of the holder,

(v) if the invalidation does not concern all the goods and services, those in respect of which the invalidation has been pronounced or those in respect of which the invalidation has not been pronounced, and

(vi) the date on which the invalidation was pronounced and, where possible, its effective date.

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

(a) The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation, and shall inform accordingly the holder. The International Bureau shall also inform the Office that communicated the notification of invalidation of the date on which the invalidation was recorded in the International Register if that Office has requested to receive such information.

(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]

(a) The holder of an international registration or the Office of the Contracting Party of the holder may inform the International Bureau that the holder's right to dispose of the international registration has been restricted and, if appropriate, indicate the Contracting Parties concerned.

(b) The Office of any designated Contracting Party may inform the International Bureau that the holder's right of disposal has been restricted in respect of the international registration in the territory of that Contracting Party.

(c) Information given in accordance with subparagraph (a) or (b) shall consist of a summary statement of the main facts concerning the restriction.

(2) [Partial or Total Removal of Restriction] Where the International Bureau has been informed of a restriction of the holder's right of disposal in accordance with paragraph (1), the party that communicated the information shall also inform the International Bureau of any partial or total removal of that 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]

(a) A request for the recording of a license shall be presented to the International Bureau on the relevant official form by the holder or, if the Office admits such presentation, by the Office of the Contracting Party of the holder or the Office of a Contracting Party with respect to which the license is granted.

(b) The request shall indicate

(i) the number of the international registration concerned,

(ii) the name of the holder,

(iii) the name and address of the licensee, given in accordance with the Administrative Instructions,

(iv) the designated Contracting Parties with respect to which the license is granted,

(v) that the license is granted for all the goods and services covered by the international registration, or the goods and services for which the license is granted, grouped in the appropriate classes of the International Classification of Goods and Services.

(c) The request may also indicate

(i) where the licensee is a natural person, the State of which the licensee is a national,

(ii) where the licensee is a legal entity, the legal nature of that entity and the State and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized,

(iii) that the license concerns only a part of the territory of a specified designated Contracting Party,

(iv) where the licensee has a representative, the name and address of the representative, given in accordance with the Administrative Instructions,

(v) where the license is an exclusive license or a sole license, that fact,6

(vi) where applicable, the duration of the license.

(d) The request shall be signed by the holder or by the Office through which it is presented.

(2) [Irregular Request]

(a) If the request for the recording of a license does not comply with the requirements of paragraph (1)(a), (b) and (d), the International Bureau shall notify that fact to the holder and, if the request was presented by an Office, to that Office.

(b) If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, the request shall be considered abandoned, and the International Bureau shall notify accordingly and at the same time the holder and, if the request was presented by an Office, that Office, and refund any fees paid, after deduction of an amount corresponding to one-half of the relevant fees referred to in item 7 of the Schedule of Fees, to the party having paid those fees.

(3) [Recording and Notification]

(a) Where the request complies with the requirements of paragraph (1)(a), (b) and (d), the International Bureau shall record the license in the International Register, together with the information contained in the request, shall notify accordingly the Offices of the designated Contracting Parties in respect of which the license is granted and shall inform at the same time the holder and, if the request was presented by an Office, that Office.

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

(c) Notwithstanding subparagraph (b), where continued processing has been recorded under Rule 5bis, the license shall be recorded in the International Register as of the date of expiry of the time limit specified in paragraph (2)(b).

(4) [Amendment or Cancellation of the Recording of a License] Paragraphs (1) to (3) shall apply mutatis mutandis to a request for the amendment or cancellation of the recording of a license.

(5) [Declaration that the Recording of a Given License Has No Effect]

(a) The Office of a designated Contracting Party which is notified by the International Bureau of the recording of a license in respect of that Contracting Party may declare that such recording has no effect in the said Contracting Party.

(b) The declaration referred to in subparagraph (a) shall indicate

(i) the reasons for which the recording of the license has no effect,

(ii) where the declaration does not affect all the goods and services to which the license relates, those which are affected by the declaration or those which are not affected by the declaration,

(iii) the corresponding essential provisions of the law, and

(iv) whether such declaration may be subject to review or appeal.

(c) The declaration referred to in subparagraph (a) shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification referred to in paragraph (3) was sent to the Office concerned.

(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) Any final decision relating to a declaration made in accordance with subparagraph (c) shall be notified to the International Bureau which shall record it in the International Register and notify accordingly the party (holder or Office) that presented the request to record the license.

(6) [Declaration that the Recording of Licenses in the International Register Has No Effect in a Contracting Party]

(a) The Office of a Contracting Party the law of which does not provide for the recording of trademark licenses may notify the Director General that the recording of licenses in the International Register has no effect in that Contracting Party.

(b) The Office of a Contracting Party the law of which provides for the recording of trademark licenses may, before the date on which this Rule comes into force or the date on which the said Contracting Party becomes bound by the Agreement or the Protocol, notify the Director General that the recording of licenses in the International Register has no effect in that Contracting Party. Such notification may be withdrawn at any time7.

Rule 21

Replacement of a National or Regional Registration by an International Registration

(1) [Notification] Where, in accordance with Article 4bis(2) of the Agreement or Article 4bis(2) of the Protocol, the Office of a designated Contracting Party has taken note in its Register, following a request made direct by the holder with that Office, that a national or a regional registration has been replaced by an international registration, that Office shall notify the International Bureau accordingly. Such notification shall indicate

(i) the number of the international registration concerned,

(ii) where the replacement concerns only one or some of the goods and services listed in the international registration, those goods and services, and

(iii) the filing date and number, the registration date and number, and, if any, the priority date of the national or regional registration which has been replaced by the international registration.

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) The International Bureau shall record the indications notified under paragraph (1) in the International Register and shall inform the holder accordingly.

(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 21bis

Other Facts Concerning Seniority Claim

(1) [Final Refusal of Seniority Claim] Where a claim of seniority has been recorded in the International Register in respect of the designation of a Contracting Organization, the Office of that Organization shall notify the International Bureau of any final decision refusing, in whole or in part, the validity of such claim.

(2) [Seniority Claimed Subsequent to the International Registration] Where the holder of an international registration designating a Contracting Organization has, under the law of such Contracting Organization, claimed directly with the Office of that Organization the seniority of one or more earlier marks registered in, or for, a Member State of that Organization, and where such claim has been accepted by the Office concerned, that Office shall notify that fact to the International Bureau. Such notification shall indicate:

(i) the number of the international registration concerned, and

(ii) the Member State or Member States in or for which the earlier mark is registered, together with the date from which the registration of that earlier mark was effective and the number of the relevant registration.

(3) [Other Decisions Affecting Seniority Claim] The Office of a Contracting Organization shall notify the International Bureau of any further final decision, including withdrawal and cancellation, affecting a claim to seniority which has been recorded in the International Register.

(4) [Recording in the International Register] The International Bureau shall record in the International Register the information notified under paragraphs (1) to (3).

Rule 22

Ceasing of Effect of the Basic Application, of the Registration Resulting Therefrom, or of the Basic Registration

(1) [Notification Relating to Ceasing of Effect of the Basic Application, of the Registration Resulting Therefrom, or of the Basic Registration]

(a) Where Article 6(3) and (4) of the Agreement or Article 6(3) and (4) of the Protocol, or both, apply, the Office of origin shall notify the International Bureau accordingly and shall indicate

(i) the number of the international registration,

(ii) the name of the holder,

(iii) the facts and decisions affecting the basic registration, or, where the international registration concerned is based on a basic application which has not resulted in a registration, the facts and decisions affecting the basic application, or, where the international registration is based on a basic application which has resulted in a registration, the facts and decisions affecting that registration, and the effective date of those facts and decisions, and

(iv) where the said facts and decisions affect the international registration only with respect to some of the goods and services, those goods and services which are affected by the facts and decisions or those which are not affected by the facts and decisions.

(b) Where a judicial action referred to in Article 6(4) of the Agreement, or a proceeding referred to in item (i), (ii) or (iii) of Article 6(3) of the Protocol, began before the expiry of the five-year period but has not, before the expiry of that period, resulted in the final decision referred to in Article 6(4) of the Agreement, or in the final decision referred to in the second sentence of Article 6(3) of the Protocol or in the withdrawal or renunciation referred to in the third sentence of Article 6(3) of the Protocol, the Office of origin shall, where it is aware thereof and as soon as possible after the expiry of the said period, notify the International Bureau accordingly.

(c) Once the judicial action or proceeding referred to in subparagraph (b) has resulted in the final decision referred to in Article 6(4) of the Agreement, in the final decision referred to in the second sentence of Article 6(3) of the Protocol or in the withdrawal or renunciation referred to in the third sentence of Article 6(3) of the Protocol, the Office of origin shall, where it is aware thereof, promptly notify the International Bureau accordingly and shall give the indications referred to in subparagraph (a)(i) to (iv). Where the judicial action or proceedings referred to in subparagraph (b) has been completed and has not resulted in any of the aforesaid final decisions, withdrawal or renunciation, the Office of origin shall, where it is aware thereof or at the request of the holder, promptly notify the International Bureau accordingly.

(2) [Recording and Transmittal of the Notification; Cancellation of the International Registration]

(a) The International Bureau shall record any notification referred to in paragraph (1) in the International Register and shall transmit a copy of the notification to the Offices of the designated Contracting Parties and to the holder.

(b) Where any notification referred to in paragraph (1)(a) or (c) requests cancellation of the international registration and complies with the requirements of that paragraph, the International Bureau shall cancel, to the extent applicable, the international registration in the International Register. The International Bureau shall also cancel, to the extent applicable, international registrations resulting from partial change in ownership or division recorded under the international registration that has been cancelled, following the above-mentioned notification, and those resulting from their merger.

(c) Where the international registration has been cancelled in the International Register in accordance with subparagraph (b), the International Bureau shall notify the Offices of the designated Contracting Parties and the holder of the following:

(i) the date on which the international registration was cancelled in the International Register;

(ii) where the cancellation concerns all goods and services, that fact;

(iii) where the cancellation concerns only some of the goods and services, the goods and services indicated under paragraph (1)(a)(iv).

Rule 23

Division or Merger of the Basic Applications, of the Registrations Resulting Therefrom, or of the Basic Registrations

(1) [Notification of the Division of the Basic Application or Merger of the Basic Applications] Where, during the five-year period referred to in Article 6(3) of the Protocol, the basic application is divided into two or more applications, or several basic applications are merged into a single application, the Office of origin shall notify the International Bureau accordingly and shall indicate

(i) the number of the international registration or, if the international registration has not yet been effected, the number of the basic application,

(ii) the name of the holder or applicant,

(iii) the number of each application resulting from the division or the number of the application resulting from the merger.

(2) [Recording and Notification by the International Bureau] The International Bureau shall record the notification referred to in paragraph (1) in the International Register and shall notify the Offices of the designated Contracting Parties and, at the same time, the holder.

(3) [Division or Merger of Registrations Resulting from Basic Applications or of Basic Registrations] Paragraphs (1) and (2) shall apply, mutatis mutandis, to the division of any registration or merger of any registrations which resulted from the basic application or applications during the five-year period referred to in Article 6(3) of the Protocol and to the division of the basic registration or merger of the basic registrations during the five-year period referred to in Article 6(3) of the Agreement and in Article 6(3) of the Protocol.

Rule 23bis

Communications from the Offices of the Designated Contracting Parties Sent Through the International Bureau

(1) [Communications from the Offices of the Designated Contracting Parties Not Covered by These Regulations] Where the law of a designated Contracting Party does not allow the Office to transmit a communication concerning an international registration directly to the holder, that Office may request the International Bureau to transmit that communication to the holder on its behalf.

(2) [Format of the Communication] The International Bureau shall establish the format in which the communication referred to in paragraph (1) shall be sent by the Office concerned.

(3) [Transmission to the Holder] The International Bureau shall transmit the communication referred to in paragraph (1) to the holder, in the format established by the International Bureau, without examining its contents or recording it in the International Register.

Chapter 5

Subsequent Designations; Changes

Rule 24

Designation Subsequent to the International Registration

(1) [Entitlement]

(a) A Contracting Party may be the subject of a designation made subsequent to the international registration (hereinafter referred to as "subsequent designation" where, at the time of that designation, the holder fulfills the conditions, under Article 1(2) and 2 of the Agreement or under Article 2 of the Protocol, to be the holder of an international registration.

(b) Where the Contracting Party of the holder is bound by the Agreement, the holder may designate, under the Agreement, any Contracting Party that is bound by the Agreement, provided that the said Contracting Parties are not both bound also by the Protocol.

(c) Where the Contracting Party of the holder is bound by the Protocol, the holder may designate, under the Protocol, any Contracting Party that is bound by the Protocol, whether or not the said Contracting Parties are both also bound by the Agreement.

(2) [Presentation; Form and Signature]

(a) A subsequent designation shall be presented to the International Bureau by the holder or by the Office of the Contracting Party of the holder; however,

(i) [Deleted]

(ii) where any of the Contracting Parties are designated under the Agreement, the subsequent designation must be presented by the Office of the Contracting Party of the holder;

(iii) where paragraph (7) applies, the subsequent designation resulting from conversion must be presented by the Office of the Contracting Organization.

(b) The subsequent designation shall be presented on the official form in one copy. Where it is presented by the holder, it shall be signed by the holder. Where it is presented by an Office, it shall be signed by that Office and, where the Office so requires, also by the holder. Where it is presented by an Office and that Office, without requiring that the holder also sign it, allows that the holder also sign it, the holder may do so.

(3) [Contents]

(a) Subject to paragraph (7)(b), the subsequent designation shall contain or indicate

(i) the number of the international registration concerned,

(ii) the name and address of the holder,

(iii) the Contracting Party that is designated,

(iv) where the subsequent designation is for all the goods and services listed in the international registration concerned, that fact, or, where the subsequent designation is for only part of the goods and services listed in the international registration concerned, those goods and services,

(v) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions, and,

(vi) where the subsequent designation is presented by an Office, the date on which it was received by that Office.

(b) Where the subsequent designation concerns a Contracting Party that has made a notification under Rule 7(2), that subsequent designation shall also contain a declaration of intention to use the mark in the territory of that Contracting Party; the declaration shall, as required by the said Contracting Party,

(i) be signed by the holder himself and be made on a separate official form annexed to the subsequent designation, or

(ii) be included in the subsequent designation.

(c) The subsequent designation may also contain

(i) the indications and translation or translations, as the case may be, referred to in Rule 9(4)(b),

(ii) a request that the subsequent designation take effect after the recording of a change or a cancellation in respect of the international registration concerned or after the renewal of the international registration,

(iii) where the subsequent designation concerns a Contracting Organization, the indications referred to in Rule 9(5)(g)(i), which shall be on a separate official form to be annexed to the subsequent designation, and in Rule 9(5)(g)(ii).

(d) Where the international registration is based on a basic application, a subsequent designation under the Agreement shall be accompanied by a declaration, signed by the Office of origin, certifying that the said application has resulted in a registration and indicating the date and number of that registration, unless such a declaration has already been received by the International Bureau.

(4) [Fees] The subsequent designation shall be subject to the payment of the fees specified or referred to in item 5 of the Schedule of Fees.

(5) [Irregularities]

(a) If the subsequent designation does not comply with the applicable requirements, and subject to paragraph (10), the International Bureau shall notify that fact to the holder and, if the subsequent designation was presented by an Office, that Office.

(b) If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, the subsequent designation shall be considered abandoned, and the International Bureau shall notify accordingly and at the same time the holder and, if the subsequent designation was presented by an Office, that Office, and refund any fees paid, after deduction of an amount corresponding to one-half of the basic fee referred to in item 5.1 of the Schedule of Fees, to the party having paid those fees.

(c) Notwithstanding subparagraphs (a) and (b), where the requirements of paragraphs (1)(b) or (c) or (3)(b)(i) are not complied with in respect of one or more of the designated Contracting Parties, the subsequent designation shall be deemed not to contain the designation of those Contracting Parties, and any complementary or individual fees already paid in respect of those Contracting Parties shall be reimbursed. Where the requirements of paragraphs (1)(b) or (c) or (3)(b)(i) are complied with in respect of none of the designated Contracting Parties, subparagraph (b) shall apply.

(6) [Date of Subsequent Designation]

(a) A subsequent designation presented by the holder direct to the International Bureau shall, subject to subparagraph (c)(i), bear the date of its receipt by the International Bureau.

(b) A subsequent designation presented to the International Bureau by an Office shall, subject to subparagraph (c)(i), (d) and (e), bear the date on which it was received by that Office, provided that the said designation has been received by the International Bureau within a period of two months from that date. If the subsequent designation has not been received by the International Bureau within that period, it shall, subject to subparagraph (c)(i), (d) and (e), bear the date of its receipt by the International Bureau.

(c) Where the subsequent designation does not comply with the applicable requirements and the irregularity is remedied within three months from the date of the notification referred to in paragraph (5)(a),

(i) the subsequent designation shall, where the irregularity concerns any of the requirements referred to in paragraph (3)(a)(i), (iii) and (iv) and (b)(i), bear the date on which that designation is put in order, unless the said designation was presented to the International Bureau by an Office and the irregularity is remedied within the period of two months referred to in subparagraph (b); in the latter case, the subsequent designation shall bear the date on which it was received by the said Office;

(ii) the date applicable under subparagraph (a) or (b), as the case may be, shall not be affected by an irregularity concerning requirements other than those which are referred to in paragraph (3)(a)(i), (iii) and (iv) and (b)(i).

(d) Notwithstanding subparagraphs (a), (b) and (c), where the subsequent designation contains a request made in accordance with paragraph (3)(c)(ii), it may bear a date which is later than that resulting from subparagraph (a), (b) or (c).

(e) Where a subsequent designation results from conversion in accordance with paragraph (7), that subsequent designation shall bear the date on which the designation of the Contracting Organization was recorded in the International Register.

(7) [Subsequent Designation Resulting from Conversion]

(a) Where the designation of a Contracting Organization has been recorded in the International Register and to the extent that such designation has been withdrawn, refused or has ceased to have effect under the law of that Organization, the holder of the international registration concerned may request the conversion of the designation of the said Contracting Organization into the designation of any Member State of that Organization which is party to the Agreement and/or the Protocol.

(b) A request for conversion under subparagraph (a) shall indicate the elements referred to in paragraph (3)(a)(i) to (iii) and (v), together with:

(i) the Contracting Organization whose designation is to be converted, and

(ii) where the subsequent designation of a Contracting State resulting from conversion is for all the goods and services listed in respect of the designation of the Contracting Organization, that fact, or, where the designation of that Contracting State is for only part of the goods and services listed in the designation of that Contracting Organization, those goods and services.

(8) [Recording and Notification] Where the International Bureau finds that the subsequent designation conforms to the applicable requirements, it shall record it in the International Register and shall notify accordingly the Office of the Contracting Party that has been designated in the subsequent designation and at the same time inform the holder and, if the subsequent designation was presented by an Office, that Office.

(9) [Refusal] Rules 16 to 18ter shall apply mutatis mutandis.

(10) [Subsequent Designation Not Considered as Such] If the requirements of paragraph (2)(a) are not complied with, the subsequent designation shall not be considered as such and the International Bureau shall inform the sender accordingly.

Rule 25

Request for Recording

(1) [Presentation of the Request]

(a) A request for recording shall be presented to the International Bureau on the relevant official form, in one copy, where the request relates to any of the following:

(i) a change in the ownership of the international registration in respect of all or some of the goods and services and all or some of the designated Contracting Parties;

(ii) a limitation of the list of goods and services in respect of all or some of the designated Contracting Parties;

(iii) a renunciation in respect of some of the designated Contracting Parties for all the goods and services;

(iv) a change in the name or address of the holder or, where the holder is a legal entity, an introduction of or a change in the indications concerning the legal nature of the holder and the State and, where applicable, the territorial unit within that State under the law of which the said legal entity has been organized;

(v) cancellation of the international registration in respect of all the designated Contracting Parties for all or some of the goods and services;

(vi) a change in the name or address of the representative.

(b) Subject to subparagraph (c), the request shall be presented by the holder or by the Office of the Contracting Party of the holder; however, the request for the recording of a change in ownership may be presented through the Office of the Contracting Party, or of one of the Contracting Parties, indicated in the said request in accordance with paragraph (2)(a)(iv).

(c) The request for the recording of a renunciation or a cancellation may not be presented directly by the holder where the renunciation or cancellation affects any Contracting Party whose designation is, on the date of receipt of the request by the International Bureau, governed by the Agreement.

(d) Where the request is presented by the holder, it shall be signed by the holder. Where it is presented by an Office, it shall be signed by that Office and, where the Office so requires, also by the holder. Where it is presented by an Office and that Office, without requiring that the holder also sign it, allows that the holder also sign it, the holder may do so.

(2) [Contents of the Request]

(a) A request under paragraph (1)(a) shall, in addition to the requested recording, contain or indicate

(i) the number of the international registration concerned,

(ii) the name of the holder or the name of the representative where the change relates to the name or address of the representative,

(iii) in the case of a change in the ownership of the international registration, the name and address, given in accordance with the Administrative Instructions, of the natural person or legal entity mentioned in the request as the new holder of the international registration (hereinafter referred to as "the transferee"),

(iv) in the case of a change in the ownership of the international registration, the Contracting Party or Parties in respect of which the transferee 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,

(v) in the case of a change in the ownership of the international registration, where the address of the transferee given in accordance with item (iii) is not in the territory of the Contracting Party, or of one of the Contracting Parties, given in accordance with item (iv), and unless the transferee has indicated that he is a national of a Contracting State or of a State member of a Contracting Organization, the address of the establishment, or the domicile, of the transferee in the Contracting Party, or in one of the Contracting Parties, in respect of which the transferee fulfills the conditions to be the holder of an international registration,

(vi) in the case of a change in the ownership of the international registration that does not relate to all the goods and services and to all the designated Contracting Parties, the goods and services and the designated Contracting Parties to which the change in ownership relates, and

(vii) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(b) The request for the recording of a change in the ownership of the international registration may also contain,

(i) where the transferee is a natural person, an indication of the State of which the transferee is a national;

(ii) where the transferee is a legal entity, indications concerning the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized.

(c) The request for recording of a change or a cancellation may also contain a request that it be recorded before, or after, the recording of another change or cancellation or a subsequent designation in respect of the international registration concerned or after the renewal of the international registration.

(d) The request for the recording of a limitation shall group the limited goods and services only under the corresponding numbers of the classes of the International Classification of Goods and Services appearing in the international registration or, where the limitation affects all the goods and services in one or more of those classes, indicate the classes to be deleted.

(3) [Request Not Admissible] A change in the ownership of an international registration may not be recorded in respect of a given designated Contracting Party if that Contracting Party

(i) is bound by the Agreement but not by the Protocol, and the Contracting Party indicated under paragraph (2)(a)(iv) is not bound by the Agreement, or none of the Contracting Parties indicated under that paragraph is bound by the Agreement;

(ii) is bound by the Protocol but not by the Agreement, and the Contracting Party indicated under paragraph (2)(a)(iv) is not bound by the Protocol, or none of the Contracting Parties indicated under that paragraph is bound by the Protocol.

(4) [Several Transferees] Where the request for the recording of a change in the ownership of the international registration mentions several transferees, that change may not be recorded in respect of a given designated Contracting Party if any of the transferees does not fulfill the conditions to be holder of the international registration in respect of that Contracting Party.

Rule 26

Irregularities in Requests for Recording Under Rule 25

(1) [Irregular Request] If a request under Rule 25(1)(a) does not comply with the applicable requirements, and subject to paragraph (3), the International Bureau shall notify that fact to the holder and, if the request was made by an Office, to that Office. For the purposes of this Rule, where the request is for the recording of a limitation, the International Bureau shall only examine whether the numbers of the classes indicated in the limitation appear in the international registration concerned.

(2) [Time Allowed to Remedy Irregularity] The irregularity may be remedied within three months from the date of the notification of the irregularity by the International Bureau. If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, the request shall be considered abandoned, and the International Bureau shall notify accordingly and at the same time the holder and, if the request under Rule 25(1)(a) was presented by an Office, that Office, and refund any fees paid, after deduction of an amount corresponding to one-half of the relevant fees referred to in item 7 of the Schedule of Fees, to the party having paid those fees.

(3) [Requests Not Considered as Such] If the requirements of Rule 25(1)(b) or (c) are not complied with, the request shall not be considered as such and the International Bureau shall inform the sender accordingly.

Rule 27

Recording and Notification with Respect to Rule 25;

Declaration that a Change in Ownership or a Limitation Has No Effect

(1) [Recording and Notification]

(a) The International Bureau shall, provided that the request referred to in Rule 25(1)(a) is in order, promptly record the indications, the change or the cancellation in the International Register, shall notify accordingly the Offices of the designated Contracting Parties in which the recording has effect or, in the case of a cancellation, the Offices of all the designated Contracting Parties, and shall inform at the same time the holder and, if the request was presented by an Office, that Office. Where the recording relates to a change in ownership, the International Bureau shall also inform the former holder in the case of a total change in ownership and the holder of the part of the international registration which has been assigned or otherwise transferred in the case of a partial change in ownership. Where the request for the recording of a cancellation was presented by the holder or by an Office other than the Office of origin during the five-year period referred to in Article 6(3) of the Agreement and Article 6(3) of the Protocol, the International Bureau shall also inform the Office of origin.

(b) The indications, the change or the cancellation shall be recorded as of the date of receipt by the International Bureau of a request complying with the applicable requirements, except that, where a request has been made in accordance with Rule 25(2)(c), it may be recorded as of a later date.

(c) Notwithstanding subparagraph (b), where continued processing has been recorded under Rule 5bis, the change or cancellation shall be recorded in the International Register as of the date of expiry of the time limit specified in Rule 26(2), except that, where a request has been made in accordance with Rule 25(2)(c), it may be recorded as of a later date.

(2) [Recording of Partial Change in Ownership]

(a) A change in ownership of the international registration in respect of only some of the goods and services or only some of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration concerned by the partial change in ownership.

(b) The part of the international registration for which a change in ownership has been recorded shall be deleted from the international registration concerned and recorded as a separate international registration.

(3) [Deleted]

(4) [Declaration that a Change in Ownership Has No Effect]

(a) The Office of a designated Contracting Party which is notified, by the International Bureau, of a change in ownership affecting that Contracting Party may declare that the change in ownership has no effect in the said Contracting Party. The effect of such a declaration shall be that, with respect to the said Contracting Party, the international registration concerned shall remain in the name of the transferor.

(b) The declaration referred to in subparagraph (a) shall indicate

(i) the reasons for which the change in ownership has no effect,

(ii) the corresponding essential provisions of the law, and

(iii) whether such declaration may be subject to review or appeal.

(c) The declaration referred to in subparagraph (a) shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification referred to in subparagraph (a) was sent to the Office concerned.

(d) The International Bureau shall record in the International Register any declaration made in accordance with subparagraph (c) and, as the case may be, record as a separate international registration that part of the international registration which has been the subject of the said declaration, and shall notify accordingly the party (holder or Office) that presented the request for the recording of a change in ownership and the new holder.

(e) Any final decision relating to a declaration made in accordance with subparagraph (c) shall be notified to the International Bureau which shall record it in the International Register and, as the case may be, modify the International Register accordingly, and shall notify accordingly the party (holder or Office) that presented the request for the recording of a change in ownership and the new holder.

(5) [Declaration that a Limitation Has No Effect]

(a) The Office of a designated Contracting Party which is notified by the International Bureau of a limitation of the list of goods and services affecting that Contracting Party may declare that the limitation has no effect in the said Contracting Party. The effect of such a declaration shall be that, with respect to the said Contracting Party, the limitation shall not apply to the goods and services affected by the declaration.

(b) The declaration referred to in subparagraph (a) shall indicate

(i) the reasons for which the limitation has no effect,

(ii) where the declaration does not affect all the goods and services to which the limitation relates, those which are affected by the declaration or those which are not affected by the declaration,

(iii) the corresponding essential provisions of the law, and

(iv) whether such declaration may be subject to review or appeal.

(c) The declaration referred to in subparagraph (a) shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification referred to in subparagraph (a) was sent to the Office concerned.

(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 limitation.

(e) Any final decision relating to a declaration made in accordance with subparagraph (c) shall be notified to the International Bureau which shall record it in the International Register and notify accordingly the party (holder or Office) that presented the request to record the limitation.

Rule 27bis

Division of an International Registration

(1) [Request for the Division of an International Registration]

(a) A request by the holder for the division of an international registration for some only of the goods and services in respect of a designated Contracting Party shall be presented to the International Bureau on the relevant official form by the Office of that designated Contracting Party, once the latter is satisfied that the division whose recording is requested meets the requirements of its applicable law, including the requirements concerning fees.

(b) The request shall indicate

(i) the Contracting Party of the Office presenting the request,

(ii) the name of the Office presenting the request,

(iii) the number of the international registration

(iv) the name of the holder,

(v) the names of the goods and services to be set apart, grouped in the appropriate classes of the International Classification of Goods and Services,

(vi) the amount of the fee being paid and the method of payment, or instructions to debit the required amount to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(c) The request shall be signed by the Office presenting the request and, where the Office so requires, also by the holder.

(d) Any request presented under this paragraph may include or be accompanied by a statement sent in accordance with either Rule 18bis or 18ter for the goods and services listed in the request.

(2) [Fee] The division of an international registration shall be subject to the payment of the fee specified in item 7.7 of the Schedule of Fees.

(3) [Irregular Request]

(a) If the request does not comply with the applicable requirements, the International Bureau shall invite the Office that presented the request to remedy the irregularity and at the same time inform the holder.

(b) If the irregularity is not remedied by the Office within three months from the date of the invitation under subparagraph (a), the request shall be considered abandoned and the International Bureau shall notify accordingly the Office that presented the request, it shall inform at the same time the holder and refund any fee paid under paragraph (2), after the deduction of an amount corresponding to one-half of that fee.

(4) [Recording and Notification]

(a) Where the request complies with the applicable requirements, the International Bureau shall record the division, create a divisional international registration in the International Register, notify accordingly the Office that presented the request and shall inform at the same time the holder.

(b) The division of an international registration shall be recorded with the date of receipt by the International Bureau of the request or, where applicable, the date where the irregularity referred to in paragraph (3) was remedied.

(5) [Request Not Considered as Such] A request for the division of an international registration in respect of a designated Contracting Party that is not or is no longer designated for the classes of the International Classification of Goods and Services mentioned in the request will not be considered as such.

(6) [Declaration that a Contracting Party Will Not Present Requests for Division] A Contracting Party, the law of which does not provide for division of applications for the registration of a mark or registrations of a mark, may notify the Director General, before the date this Rule comes into force or the date on which the said Contracting Party becomes bound by the Agreement or the Protocol, that it will not present to the International Bureau the request referred to in paragraph (1). This declaration may be withdrawn at any time.

Rule 27ter

Merger of International Registrations

(1) [Merger of International Registrations Resulting from the Recording of a Partial Change in Ownership] Where the same natural person or legal entity has been recorded as the holder of two or more international registrations resulting from a partial change in ownership, the registrations shall be merged at the request of the said person or entity, made either direct or through the Office of the Contracting Party of the holder. The request shall be presented to the International Bureau on the relevant official form. The International Bureau shall record the merger, notify accordingly the Offices of the designated Contracting Party or Parties affected by the change and shall inform at the same time the holder and, if the request was presented by an Office, that Office.

(2) [Merger of International Registrations Resulting from the Recording of the Division of an International Registration]

(a) An international registration resulting from division shall be merged into the international registration it was divided from at the request of the holder, presented through the Office that presented the request referred to in paragraph (1) of Rule 27bis, provided that the same natural person or legal entity is the recorded holder in both aforementioned international registrations and the Office concerned is satisfied that the request meets the requirements of its applicable law, including the requirements concerning fees. The request shall be presented to the International Bureau on the relevant official form. The International Bureau shall record the merger, notify accordingly the Office that presented the request and shall inform at the same time the holder.

(b) The Office of a Contracting Party, the law of which does not provide for the merger of registrations of a mark, may notify the Director General, before the date this Rule comes into force or the date on which the said Contracting Party becomes bound by the Agreement or the Protocol, that it will not present to the International Bureau the request referred to in subparagraph (a). This declaration may be withdrawn at any time.

Rule 28

Corrections in the International Register

(1) [Correction] Where the International Bureau, acting ex officio or at the request of the holder or of an Office, considers that there is an error concerning an international registration in the International Register, it shall modify the Register accordingly.

(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] Any Office referred to in paragraph (2) shall have the right to declare in a notification of provisional refusal addressed to the International Bureau that it considers that protection cannot, or can no longer, be granted to the international registration as corrected. Article 5 of the Agreement or Article 5 of the Protocol and Rules 16 to 18ter shall apply mutatis mutandis, it being understood that the period allowed for sending the said notification shall be counted from the date of sending the notification of the correction to the Office concerned.

(4) [Time Limit for Correction] Notwithstanding paragraph (1), an error which is attributable to an Office and the correction of which would affect the rights deriving from the international registration may be corrected only if a request for correction is received by the International Bureau within nine months from the date of publication of the entry in the International Register which is the subject of the correction.

Chapter 6

Renewals

Rule 29

Unofficial Notice of Expiry

The fact that the unofficial notice referred to in Article 7(4) of the Agreement and Article 7(3) of the Protocol is not received shall not constitute an excuse for failure to comply with any time limit under Rule 30.

Rule 30

Details Concerning Renewal

(1) [Fees]

(a) The international registration shall be renewed upon payment, at the latest on the date on which the renewal of the international registration is due, of

(i) the basic fee,

(ii) where applicable, the supplementary fee, and,

(iii) the complementary fee or individual fee, as the case may be,

for each designated Contracting Party for which no statement of refusal under Rule 18ter or invalidation, in respect of all the goods and services concerned, is recorded in the International Register, as specified or referred to in item 6 of the Schedule of Fees. However, such payment may be made within six months from the date on which the renewal of the international registration is due, provided that the surcharge specified in item 6.5 of the Schedule of Fees is paid at the same time.

(b) If any payment made for the purposes of renewal is received by the International Bureau earlier than three months before the date on which the renewal of the international registration is due, it shall be considered as having been received three months before the date on which renewal is due.

(2) [Further Details]

(a) Where the holder does not wish to renew the international registration in respect of a designated Contracting Party for which no statement of refusal under Rule 18ter, in respect of all the goods and services concerned, is recorded in the International Register, payment of the required fees shall be accompanied by a statement by the holder that the renewal of the international registration is not to be recorded in the International Register in respect of that Contracting Party.

(b) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that a statement of refusal under Rule 18ter is recorded in the International Register for that Contracting Party in respect of all the goods and services concerned, payment of the required fees, including the complementary fee or individual fee, as the case may be, for that Contracting Party, shall be accompanied by a statement by the holder that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(c) The international registration shall not be renewed in respect of any designated Contracting Party in respect of which an invalidation has been recorded for all goods and services under Rule 19(2) or in respect of which a renunciation has been recorded under Rule 27(1)(a). The international registration shall not be renewed in respect of any designated Contracting Party for those goods and services in respect of which an invalidation of the effects of the international registration in that Contracting Party has been recorded under Rule 19(2) or in respect of which a limitation has been recorded under Rule 27(1)(a).

(d) Where a statement under Rule 18ter(2)(ii) or (4) is recorded in the International Register, the international registration shall not be renewed in respect of the designated Contracting Party concerned for the goods and services that are not included in that statement, unless payment of the required fees is accompanied by a statement by the holder that the international registration is to be renewed also for those goods and services.

(e) The fact that the international registration is not renewed under subparagraph (d) in respect of all the goods and services concerned, shall not be considered to constitute a change for the purposes of Article 7(2) of the Agreement or Article 7(2) of the Protocol. The fact that the international registration is not renewed in respect of all of the designated Contracting Parties shall not be considered to constitute a change for the purposes of Article 7(2) of the Agreement or Article 7(2) of the Protocol.

(3) [Insufficient Fees]

(a) If the amount of the fees received is less than the amount of the fees required for renewal, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly. The notification shall specify the missing amount.

(b) If the amount of the fees received is, on the expiry of the period of six months referred to in paragraph (1)(a), less than the amount required under paragraph (1), the International Bureau shall not, subject to subparagraph (c), record the renewal, and shall reimburse the amount received to the party having paid it and notify accordingly the holder and the representative, if any.

(c) If the notification referred to in subparagraph (a) was sent during the three months preceding the expiry of the period of six months referred to in paragraph (1)(a) and if the amount of the fees received is, on the expiry of that period, less than the amount required under paragraph (1) but is at least 70% of that amount, the International Bureau shall proceed as provided in Rule 31(1) and (3). If the amount required is not fully paid within three months from the said notification, the International Bureau shall cancel the renewal, notify accordingly the holder, the representative, if any, and the Offices which had been notified of the renewal, and reimburse the amount received to the party having paid it.

(4) [Period for Which Renewal Fees Are Paid] The fees required for each renewal shall be paid for ten years, irrespective of the fact that the international registration contains, in the list of designated Contracting Parties, only Contracting Parties whose designation is governed by the Agreement, only Contracting Parties whose designation is governed by the Protocol, or both Contracting Parties whose designation is governed by the Agreement and Contracting Parties whose designation is governed by the Protocol. As regards payments under the Agreement, the payment for ten years shall be considered to be a payment for an instalment of ten years.

Rule 31

Recording of the Renewal; Notification and Certificate

(1) [Recording and Effective Date of the Renewal] Renewal shall be recorded in the International Register with the date on which renewal was due, even if the fees required for renewal are paid within the period of grace referred to in Article 7(5) of the Agreement and in Article 7(4) of the Protocol.

(2) [Renewal Date in the Case of Subsequent Designations] The effective date of the renewal shall be the same for all designations contained in the international registration, irrespective of the date on which such designations were recorded in the International Register.

(3) [Notification and Certificate] The International Bureau shall notify the Offices of the designated Contracting Parties concerned of the renewal and shall send a certificate to the holder.

(4) [Notification in Case of Non-Renewal]

(a) Where an international registration is not renewed, the International Bureau shall notify accordingly the holder, the representative, if any, and the Offices of all of the Contracting Parties designated in that international registration.

(b) Where an international registration is not renewed in respect of a designated Contracting Party, the International Bureau shall notify the holder, the representative, if any, and the Office of that Contracting Party accordingly.

Chapter 7

Gazette and Data Base

Rule 32

Gazette

(1) [Information Concerning International Registrations]

(a) The International Bureau shall publish in the Gazette relevant data concerning

(i) international registrations effected under Rule 14;

(ii) information communicated under Rule 16(1);

(iii) provisional refusals recorded under Rule 17(4), with an indication as to whether the refusal relates to all the goods and services or only some of them but without an indication of the goods and services concerned and without the grounds for refusal, and statements and information recorded under Rules 18bis(2) and 18ter(5);

(iv) renewals recorded under Rule 31(1);

(v) subsequent designations recorded under Rule 24(8);

(vi) continuation of effects of international registrations under Rule 39;

(vii) recordings under Rule 27;

(viii) cancellations effected under Rule 22(2) or recorded under Rule 27(1) or Rule 34(3)(d);

(viiibis) division recorded under Rule 27bis(4) and merger recorded under Rule 27ter;

(ix) corrections effected under Rule 28;

(x) invalidations recorded under Rule 19(2);

(xi) information recorded under Rules 20, 20bis, 21, 21bis, 22(2)(a), 23, 27(4) and 40(3);

(xii) international registrations which have not been renewed;

(xiii) recordings of the appointment of the holder's representative communicated under Rule 3(2)(b) and cancellations at the request of the holder or the holder's representative under Rule 3(6)(a).

(b) The reproduction of the mark shall be published as it appears in the international application. Where the applicant has made the declaration referred to in Rule 9(4)(a)(vi), the publication shall indicate that fact.

(c) Where a color reproduction of the mark is furnished under Rule 9(4)(a)(v) or (vii), the Gazette shall contain both a reproduction of the mark in black and white and the reproduction in color.

(2) [Information Concerning Particular Requirements and Certain Declarations of Contracting Parties] The International Bureau shall publish in the Gazette

(i) any notification made under Rules 7, 20bis(6), 27bis(6), 27ter(2)(b) or 40(6) and any declaration made under Rule 17(5)(d) or (e);

(ii) any declarations made under Article 5(2)(b) or Article 5(2)(b) and (c), first sentence, of the Protocol;

(iii) any declarations made under Article 8(7) of the Protocol;

(iv) any notification made under Rule 34(2)(b) or (3)(a);

(v) a list of the days on which the International Bureau is not scheduled to be open to the public during the current and the following calendar year.

(3) The International Bureau shall effect the publications under paragraphs (1) and (2) on the website of the World Intellectual Property Organization.

Rule 33

Electronic Data Base

(1) [Contents of Data Base] The data which are both recorded in the International Register and published in the Gazette under Rule 32 shall be entered in an electronic data base.

(2) [Data Concerning Pending International Applications and Subsequent Designations] If an international application or a designation under Rule 24 is not recorded in the International Register within three working days following the receipt by the International Bureau of the international application or designation, the International Bureau shall enter in the electronic data base, notwithstanding any irregularities that may exist in the international application or designation as received, all the data contained in the international application or designation.

(3) [Access to Electronic Data Base] The electronic data base shall be made accessible to the Offices of the Contracting Parties and, against payment of the prescribed fee, if any, to the public, by on-line access and through other appropriate means determined by the International Bureau. The cost of accessing shall be borne by the user. Data entered under paragraph (2) shall be accompanied by a warning to the effect that the International Bureau has not yet made a decision on the international application or on the designation under Rule 24.

Chapter 8

Fees

Rule 34

Amounts and Payment of Fees

(1) [Amounts of Fees] The amounts of fees due under the Agreement, the Protocol or these Regulations, other than individual fees, are specified in the Schedule of Fees that is annexed to these Regulations and forms an integral part thereof.

(2) [Payments]

(a) The fees indicated in the Schedule of Fees may be paid to the International Bureau by the applicant or the holder, or, where the Office of the Contracting Party of the holder accepts to collect and forward such fees, and the applicant or the holder so wishes, by that Office.

(b) Any Contracting Party whose Office accepts to collect and forward fees shall notify that fact to the Director General.

(3) [Individual Fee Payable in Two Parts]

(a) A Contracting Party that makes or has made a declaration under Article 8(7) of the Protocol may notify the Director General that the individual fee to be paid in respect of a designation of that Contracting Party comprises two parts, the first part to be paid at the time of filing the international application or the subsequent designation of that Contracting Party and the second part to be paid at a later date which is determined in accordance with the law of that Contracting Party.

(b) Where subparagraph (a) applies, the references in items 2, 3 and 5 of the Schedule of Fees to an individual fee shall be construed as references to the first part of the individual fee.

(c) Where subparagraph (a) applies, the Office of the designated Contracting Party concerned shall notify the International Bureau when the payment of the second part of the individual fee becomes due. The notification shall indicate

(i) the number of the international registration concerned,

(ii) the name of the holder,

(iii) the date by which the second part of the individual fee must be paid,

(iv) where the amount of the second part of the individual fee is dependent on the number of classes of goods and services for which the mark is protected in the designated Contracting Party concerned, the number of such classes.

(d) The International Bureau shall transmit the notification to the holder. Where the second part of the individual fee is paid within the applicable period, the International Bureau shall record the payment in the International Register and notify the Office of the Contracting Party concerned accordingly. Where the second part of the individual fee is not paid within the applicable period, the International Bureau shall notify the Office of the Contracting Party concerned, cancel the international registration in the International Register with respect to the Contracting Party concerned and notify the holder accordingly.

(4) [Modes of Payment of Fees to the International Bureau] Fees shall be paid to the International Bureau as specified in the Administrative Instructions.

(5) [Indications Accompanying the Payment] At the time of the payment of any fee to the International Bureau, an indication must be given,

(i) before international registration, of the name of the applicant, the mark concerned and the purpose of the payment;

(ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment.

(6) [Date of Payment]

(a) Subject to Rule 30(1)(b) and to subparagraph (b), any fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives the required amount.

(b) Where the required amount is available in an account opened with the International Bureau and that Bureau has received instructions from the holder of the account to debit it, the fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives an international application, a subsequent designation, an instruction to debit the second part of an individual fee, a request for the recording of a change or an instruction to renew an international registration.

(7) [Change in the Amount of the Fees]

(a) Where the amount of the fees payable in respect of the filing of an international application is changed between, on the one hand, the date on which the request to present the international application to the International Bureau is received, or is deemed to have been received under Rule 11(1)(a) or (c), by the Office of origin and, on the other hand, the date of the receipt of the international application by the International Bureau, the fee that was valid on the first date shall be applicable.

(b) Where a designation under Rule 24 is presented by the Office of the Contracting Party of the holder and the amount of the fees payable in respect of that designation is changed between, on the one hand, the date of receipt, by the Office, of the request by the holder to present the said designation and, on the other hand, the date on which the designation is received by the International Bureau, the fee that was valid on the first date shall be applicable.

(c) Where paragraph (3)(a) applies, the amount of the second part of the individual fee which is valid on the later date referred to in that paragraph shall be applicable.

(d) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid on the date of payment, or on the date considered to be the date of payment under Rule 30(1)(b), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.

(e) Where the amount of any fee other than the fees referred to in subparagraphs (a), (b), (c) and (d) is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.

Rule 35

Currency of Payments

(1) [Obligation to Use Swiss Currency] All payments due under these Regulations shall be made to the International Bureau in Swiss currency irrespective of the fact that, where the fees are paid by an Office, that Office may have collected those fees in another currency.

(2) [Establishment of the Amount of Individual Fees in Swiss Currency]

(a) Where a Contracting Party makes a declaration under Article 8(7)(a) of the Protocol that it wants to receive an individual fee, the amount of the individual fee indicated to the International Bureau shall be expressed in the currency used by its Office.

(b) Where the fee is indicated in the declaration referred to in subparagraph (a) in a currency other than Swiss currency, the Director General shall, after consultation with the Office of the Contracting Party concerned, establish the amount of the individual fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(c) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the other currency in which the amount of an individual fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the individual fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the individual fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Gazette.

(d) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the other currency in which the amount of an individual fee has been indicated by a Contracting Party is lower by at least 10% than the last exchange rate applied to establish the amount of the individual fee in Swiss currency, the Director General shall establish a new amount of the individual fee in Swiss currency according to the current official exchange rate of the United Nations. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Gazette.

Rule 36

Exemption From Fees

Recording of the following shall be exempt from fees:

(i) the appointment of a representative, any change concerning a representative and the cancellation of the recording of a representative,

(ii) any change concerning the telephone and telefacsimile numbers, address for correspondence, electronic mail address and any other means of communication with the applicant or holder, as specified in the Administrative Instructions,

(iii) the cancellation of the international registration,

(iv) any renunciation under Rule 25(1)(a)(iii),

(v) any limitation effected in the international application itself under Rule 9(4)(a)(xiii) or in a subsequent designation under Rule 24(3)(a)(iv),

(vi) any request by an Office under Article 6(4), first sentence, of the Agreement or Article 6(4), first sentence, of the Protocol,

(vii) the existence of a judicial proceeding or of a final decision affecting the basic application, or the registration resulting therefrom, or the basic registration,

(viii) any refusal under Rule 17, Rule 24(9) or Rule 28(3), any statement under Rules 18bis or 18ter or any declaration under Rule 20bis(5) or Rule 27(4) or (5),

(ix) the invalidation of the international registration,

(x) information communicated under Rule 20,

(xi) any notification under Rule 21 or Rule 23,

(xii) any correction in the International Register.

Rule 37

Distribution of Supplementary Fees and Complementary Fees

(1) The coefficient referred to in Article 8(5) and (6) of the Agreement and Article 8(5) and (6) of the Protocol shall be as follows:

for Contracting Parties which examine only for absolute grounds of refusal ..... two

for Contracting Parties which also examine for prior rights:

(a) following opposition by third parties ..... three

(b) ex officio ..... four

(2) Coefficient four shall also be applied to Contracting Parties which carry out ex officio searches for prior rights with an indication of the most significant prior rights.

Rule 38

Crediting of Individual Fees to the Accounts of the Contracting Parties Concerned

Any individual fee paid to the International Bureau in respect of a Contracting Party having made a declaration under Article 8(7)(a) of the Protocol shall be credited to the account of that Contracting Party with the International Bureau within the month following the month in the course of which the recording of the international registration, subsequent designation or renewal for which that fee has been paid was effected or the payment of the second part of the individual fee was recorded.

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.

Rule 40

Entry into Force; Transitional Provisions

(1) [Entry into Force] These Regulations shall enter into force on April 1, 1996, and shall, as of that date, replace the Regulations under the Agreement as in force on March 31, 1996 (hereinafter referred to as "the Regulations under the Agreement").

(2) [General Transitional Provisions]

(a) Notwithstanding paragraph (1),

(i) an international application the request for presentation to the International Bureau of which was received, or is deemed to have been received under Rule 11(1)(a) or (c), by the Office of origin before April 1, 1996, shall, to the extent that it conforms to the requirements of the Regulations under the Agreement, be deemed to conform to the applicable requirements for the purposes of Rule 14;

(ii) a request for the recording of a change under Rule 20 of the Regulations under the Agreement sent by the Office of origin or by another interested Office to the International Bureau before April 1, 1996, or, where such date can be identified, whose date of receipt by the Office of origin or by another interested Office for presentation to the International Bureau is earlier than April 1, 1996, shall, to the extent that it conforms to the requirements of the Regulations under the Agreement, be deemed to conform to the applicable requirements for the purposes of Rule 24(7) or to be in order for the purposes of Rule 27;

(iii) an international application, or a request for the recording of a change under Rule 20 of the Regulations under the Agreement, that, before April 1, 1996, has been the subject of any action by the International Bureau under Rules 11, 12, 13 or 21 of the Regulations under the Agreement, shall continue to be processed by the International Bureau under the said Rules; the date of the resulting international registration or recording in the International Register shall be governed by Rule 15 or 22 of the Regulations under the Agreement;

(iv) a notification of refusal or a notification of invalidation sent by the Office of a designated Contracting Party before April 1, 1996, shall, to the extent that it conforms to the requirements of the Regulations under the Agreement, be deemed to conform to the applicable requirements for the purposes of Rule 17(4) and (5) or of Rule 19(2).

(b) For the purposes of Rule 34(7), the fees valid at any date before April 1, 1996, shall be the fees prescribed by Rule 32 of the Regulations under the Agreement.

(c) Notwithstanding Rule 10(1), where, in accordance with Rule 34(7)(a), the fees paid in respect of the filing of an international application are the fees prescribed for 20 years by Rule 32 of the Regulations under the Agreement, no second instalment shall be due.

(d) Where, in accordance with Rule 34(7)(b), the fees paid in respect of a subsequent designation are the fees prescribed by Rule 32 of the Regulations under the Agreement, paragraph (3) shall not apply.

(3) [Transitional Provisions Applicable to International Registrations for Which Fees Have Been Paid for 20 Years]

(a) Where an international registration for which the required fees had been paid for 20 years is the subject of a subsequent designation under Rule 24 and where the current term of protection of that international registration expires more than ten years after the effective date of the subsequent designation as determined in accordance with Rule 24(6), the provisions of subparagraphs (b) and (c) shall apply.

(b) Six months before the expiry of the first period of ten years of the current term of protection of the international registration, the International Bureau shall send to the holder and his representative, if any, a notice indicating the exact date of expiry of the first period of ten years and the Contracting Parties which were the subject of subsequent designations referred to in subparagraph (a). Rule 29 shall apply mutatis mutandis.

(c) Payment of complementary and individual fees corresponding to the fees referred to in Rule 30(1)(iii) shall be required for the second period of ten years in respect of the subsequent designations referred to in subparagraph (a). Rule 30(1) and (3) shall apply mutatis mutandis.

(d) The International Bureau shall record in the International Register the fact that payment has been made to the International Bureau for the second period of ten years. The date of recording shall be the date of expiry of the first period of ten years, even if the fees required are paid within the period of grace referred to in Article 7(5) of the Agreement and in Article 7(4) of the Protocol.

(e) The International Bureau shall notify the Offices of the designated Contracting Parties concerned of the fact that payment has or has not been made for the second period of ten years and shall at the same time inform the holder.

(4) [Transitional Provisions Concerning Languages]

(a) Rule 6 as in force before April 1, 2004, shall continue to apply to any international application filed before that date and to any international application governed exclusively by the Agreement filed between that date and August 31, 2008, inclusively, to any communication relating thereto and to any communication, recording in the International Register or publication in the Gazette relating to the international registration resulting therefrom, unless

(i) the international registration has been the subject of a subsequent designation under the Protocol between April 1, 2004, and August 31, 2008; or

(ii) the international registration is the subject of a subsequent designation on or after September 1, 2008; and

(iii) the subsequent designation is recorded in the International Register.

(b) For the purposes of this paragraph, an international application is deemed to be filed on the date on which the request to present the international application to the International Bureau is received, or deemed to have been received under Rule 11(1)(a) or (c), by the Office of origin, and an international registration is deemed to be the subject of a subsequent designation on the date on which the subsequent designation is presented to the International Bureau, if it is presented directly by the holder, or on the date on which the request for presentation of the subsequent designation is filed with the Office of the Contracting Party of the holder if it is presented through the latter.

(5) [Deleted]

(6) [Incompatibility with National Laws] If, on the date this Rule comes into force or the date on which a Contracting Party becomes bound by the Agreement or the Protocol, paragraph (1) of Rule 27bis or paragraph (2)(a) of Rule 27ter are not compatible with the national law of that Contracting Party, the paragraph or paragraphs concerned, as the case may be, shall not apply in respect of this Contracting Party, for as long as it or they continue not to be compatible with that law, provided that the said Contracting Party notifies the International Bureau accordingly before the date this Rule comes into force or the date on which the said Contracting Party becomes bound by the Agreement or the Protocol. This notification may be withdrawn at any time.

Rule 41

Administrative Instructions

(1) [Establishment of Administrative Instructions; Matters Governed by Them]

(a) The Director General shall establish Administrative Instructions. The Director General may modify them. Before establishing or modifying the Administrative Instructions, the Director General shall consult the Offices which have a direct interest in the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(2) [Control by the Assembly] The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

(3) [Publication and Effective Date]

(a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions become effective. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette.

(4) [Conflict with the Agreement, the Protocol or These Regulations] In the case of conflict between, on the one hand, any provision of the Administrative Instructions and, on the other hand any provision of the Agreement, the Protocol or these Regulations, the latter shall prevail.

1 In adopting this provision, the Assembly of the Madrid Union understood that if the opposition period is extendable, the Office may communicate only the date the opposition period begins.

2 Interpretative statement endorsed by the Assembly of the Madrid Union:

"The references in Rule 18bis to observations by third parties apply only to those Contracting Parties whose legislation provides for such observations."

3 In adopting this provision, the Assembly of the Madrid Union understood that a statement of grant of protection could concern several international registrations and take the form of a list, communicated electronically or on paper, that permits identification of these international registrations.

4 In adopting paragraphs (1) and (2) of this rule, the Assembly of the Madrid Union understood that where Rule 34(3) applies, the grant of protection will be subject to the payment of the second part of the fee.

5 Interpretative statement endorsed by the Assembly of the Madrid Union:

"The reference in Rule 18ter(4) to a further decision that affects the protection of the mark includes also the case where that further decision is taken by the Office, for example in the case of restitutio in integrum, notwithstanding the fact that the Office has already stated that the procedures before the Office have been completed."

6 Interpretative statement endorsed by the Assembly of the Madrid Union:

"Where a request to record a license does not include the indication, provided for in Rule 20bis(1)(c)(v), that the license is exclusive or sole, it may be considered that the license is non-exclusive."

7 Interpretative statement endorsed by the Assembly of the Madrid Union:

"Subparagraph (a) of Rule 20bis(6) deals with the case of a notification by a Contracting Party whose law does not provide for the recording of trademark licenses; such a notification may be made at any time; subparagraph (b) on the other hand deals with the case of a notification by a Contracting Party whose law does provide for the recording of trademark licenses but which is unable at present to give effect to the recording of a license in the International Register; this latter notification, which may be withdrawn at any time, may only be made before this Rule has come into force or before the Contracting Party has become bound by the Agreement or the Protocol."