# 适用《商标国际注册马德里协定及

# 该协定有关议定书》的行政规程

（于 2019年2月1日生效）

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第一部分

定 义

第1条：缩略语

(a) 在本行政规程中：

(i) “实施细则” 指《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》；

(ii) “细则第……条” 指实施细则第……条。

(b) 在本行政规程中，凡用语是细则第1条所述的，其意义与实施细则中的相同。

第二部分

表 格

第2条：规定表格

凡《共同实施细则》规定必须使用表格办理的程序，国际局应为之制定表格。

第3条：任选表格

对于须按《共同实施细则》办理的除第2条所述以外的程序，国际局可以制定任选表格。

第4条：表格的公布

国际局应在世界知识产权组织网站上公布本规程第2条和第3条所述的一切现有规定表格和任选表格的完整清单。

第5条：表格的提供

国际局应在其网站上，并承索以纸件形式，提供本规程第2条和第3条所述的一切规定表格和任选表格。

第三部分

与国际局的通信；签字

第6条：书面通信；同一信封中寄送数份文件

(a) 除本规程第11条(a)项规定的情况外，与国际局的通信应以书面形式进行，使用打字机或其他机器打印，并须签字。

(b) 如果在同一信封中寄送数份文件，应附一份清单对各份文件加以说明。

第7条：签 字

签字应为手写、印刷或戳记；亦可加盖印章代替。对于本规程第11条(a)项第(i)目所述的电子通信，可以使用国际局与有关主管局商定的识别方式代替签字。对于本规程第11条(a)项第(ii)目所述的电子通信，可以使用国际局确定的识别方式代替签字。

第8条：［删除］

第9条：［删除］

第10条：［删除］

第11条：电子通信；国际局收到电子传送件的回执和日期

(a)

(i) 主管局与国际局之间的通信，包括提交国际申请，如果该主管局要求采用电子方式，应按国际局与该有关主管局商定的办法采用电子方式进行。

(ii) 国际局与申请人和注册人之间的通信，可以按国际局确定的时间、办法和格式采用电子方式进行，关于时间、办法和格式的细节，应在世界知识产权组织网站上予以公布。

(b) 只要能识别始发人并可与之取得联系，国际局应立即通过电子传送方式通知电子传送件始发人已收到该传送件；当所收到的电子传送件不完整或由于其他原因不能使用时，亦应如实向其通知。

(c) 如果通过电子方式发送通信，而因通信发送地与日内瓦之间的时差致使发送的起始日期与国际局收到完整通信的日期不一致的，二者中在先的日期应被视为国际局收到的日期。

第四部分

有关名称和地址的要求

第12条：名称和地址

(a) 就自然人的名称而言，应指明该自然人的姓氏和名字。

(b) 就法人的名称而言，应指明该法人的正式全称。

(c) 就使用非拉丁文字的名称而言，应按国际申请所用语言的发音方法以音译成拉丁字母的形式指明该名称；就使用非拉丁文字名称的法人而言，所述形式的音译可由译成国际申请所用语言的译文代替。

(d) 地址应以方便邮政迅速投递所要求的常规形式书写，并应至少包含直至包括门牌号（如有门牌号的话)在内的所有有关的行政单位；此外，还可写明电话和传真号码、电子邮件地址以及一个不同的通讯地址。

第13条：通讯地址

如果两个或多个申请人、新注册人或被许可人有不同地址，应指明一个统一的通讯地址；如果未指明该统一地址，则排名在先者的地址即被视为通讯地址。

第五部分

临时驳回通知

第14条：临时驳回通知的发送日期

对于通过邮局寄发的临时驳回通知，发送日期应以邮戳为准。如果邮戳不清楚或没有邮戳，国际局应将此种通知视作于其收到之日前20 天寄发。但如果以此种方式确定的发送日期早于宣布驳回的任何日期或通知中提及的发送日期，则国际局应将此种通知视作于在后的日期寄发。对于通过投递公司发送的驳回通知，发送日期应以该投递公司根据其所作的邮件记录所提供的说明为准。

第15条：依据异议的临时驳回通知的内容

(a) 依据异议的临时驳回通知应以细则第17条第(2)款和第(3) 款中规定的内容为限。根据细则第17条第(2)款第(iv)目指明临时驳回所依据的理由时，除说明驳回系依据异议作出以外，还应简要说明异议的理由（例如：与在先商标或其他权利发生冲突、缺乏显著性特征)。如果异议系依据与除注册商标或提出注册申请的商标以外的一项在先权发生冲突作出的，应尽可能简要地指明该项权利，最好指明该项权利的持有人。通知中不得附具备忘录或证据。

(b) 通知中所附的任何文件，凡未使用单独的 A4 纸张的，或在其他方面不适于扫描的，以及样品或包装等任何非文件性物品，均不予登记，并将由国际局任意处置。

第六部分

国际注册的编号

第16条：分割或部分变更所有权之后的编号

(a) 因所有权部分变更或分割登记而产生的单独的国际注册， 应使用所有权部分变更或被分割的国际注册的注册号，加上一大写字母。

(b)［删除］

第17条：国际注册合并之后的编号

根据细则第27条之三合并后的国际注册，应使用部分变更所有权或被分割的国际注册的注册号，并在可适用的情况下，加上一大写字母。

第18条：作出宣布所有权变更无效的声明之后的编号

根据细则第27条第(4)款(e)项登记在国际注册簿上的单独的国际注册，应使用被部分转让或被以其他方式部分移转的国际注册的注册号，并加上一大写字母。

第七部分

规费的缴纳

第19条：缴付方式

规费可以按下列方式向国际局缴付：

(i) 从在国际局开设的往来帐户中支取，

(ii) 向国际局的瑞士邮政帐户或向其任何指定的银行帐户缴付，

(iii) 对于本规程第11条规定的电子通信，凡国际局已提供在线支付电子界面的，以信用卡缴付。

# Administrative Instructions for the Application of the Madrid Agreement Concerning the

# International Registration of Marks and the Protocol Relating Thereto

(as in force on February 1, 2019)

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Part One

Definitions

Section 1: Abbreviated Expressions

(a) For the purposes of these Administrative Instructions:

(i) "Regulations" means the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement;

(ii) "Rule" means a Rule of the Regulations.

(b) For the purposes of these Administrative Instructions an expression which is referred to in Rule 1 has the same meaning as in the Regulations.

Part Two

Forms

Section 2: Prescribed Forms

For any procedure for which the Common Regulations prescribe the use of a form, the International Bureau shall establish such a form.

Section 3: Optional Forms

In respect of procedures under the Common Regulations other than those referred to in Section 2, the International Bureau may establish optional forms.

Section 4: Publication of Forms

The International Bureau shall publish the complete list of all available prescribed and optional forms, as referred to in Sections 2 and 3, on the website of the World Intellectual Property Organization.

Section 5: Availability of Forms

The International Bureau shall make available all prescribed and optional forms, as referred to in Sections 2 and 3, on its website and, upon request, on paper.

Part Three

Communications with the International Bureau; Signature

Section 6: Communication in Writing; Several Documents in One Envelope

(a) Subject to Section 11(a), communications addressed to the International Bureau shall be effected in writing by typewriter or other machine and shall be signed.

(b) If several documents are mailed in one envelope, they should be accompanied by a list identifying each of them.

Section 7: Signature

A signature shall be handwritten, printed or stamped; it may be replaced by the affixing of a seal. As regards the electronic communications referred to in Section 11(a)(i), a signature may be replaced by a mode of identification agreed upon between the International Bureau and the Office concerned. With respect to the electronic communications referred to in Section 11(a)(ii), a signature may be replaced by a mode of identification to be determined by the International Bureau.

Section 8: [Deleted]

Section 9: [Deleted]

Section 10: [Deleted]

Section 11: Electronic Communications; Acknowledgement and Date of Receipt of Electronic Transmission by the International Bureau

(a)

(i) Where an Office so desires, communications between that Office and the International Bureau, including the presentation of the international application, shall be by electronic means in a way agreed upon between the International Bureau and the Office concerned.

(ii) Communications between the International Bureau and applicants and holders may take place by electronic means, at a time and in a manner and format to be determined by the International Bureau, the particulars of which shall be published on the website of the World Intellectual Property Organization.

(b) The International Bureau shall promptly and by electronic transmission inform the originator of an electronic transmission of the receipt of that transmission, and, where the electronic transmission received is incomplete or otherwise unusable, also of that fact, provided that the originator can be identified and can be reached.

(c) Where a communication is by electronic means and, because of the time difference between the place from where the communication is sent and Geneva, the date on which the sending started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

Part Four

Requirements Concerning Names and Addresses

Section 12: Names and Addresses

(a) In the case of a natural person, the name to be indicated is the family or principal name and the given or secondary name(s) of the natural person.

(b) In the case of a legal entity, the name to be indicated is the full official designation of the legal entity.

(c) In the case of a name in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application. In the case of a legal entity whose name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application.

(d) An address shall be given in such a way as to satisfy the customary requirements for prompt postal delivery and shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any; in addition, telephone and telefacsimile numbers, an e-mail address as well as a different address for correspondence may be indicated.

Section 13: Address for Correspondence

Where there are two or more applicants, new owners or licensees with different addresses, one address for correspondence shall be indicated. Where no such address is indicated, the address of the person named first shall be treated as the address for correspondence.

Part Five

Notification of Provisional Refusals

Section 14: Date of Sending of Notification of Provisional Refusal

In the case of a notification of provisional refusal sent through a postal service, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it was sent 20 days before the date of its receipt by the International Bureau. However, if the date of dispatch thus determined is earlier than any date of refusal or date of sending mentioned in the notification, the International Bureau shall treat such notification as if it had been sent on the latter date. In the case of a notification of refusal sent through a delivery service, the date of dispatch shall be determined by the indication given by such delivery service on the basis of the details of the mailing as recorded by it.

Section 15: Contents of a Notification of Provisional Refusal Based on an Opposition

(a) A notification of provisional refusal based on an opposition shall be confined to the elements specified in Rule 17(2) and (3). The indication of the grounds on which the provisional refusal is based, in accordance with Rule 17(2)(iv), shall, in addition to stating that the refusal is based on an opposition, state concisely what are the grounds of the opposition (for example, conflict with an earlier mark or other right, lack of distinctive character). Where the opposition is based on a conflict with an earlier right other than a mark which is registered or is the subject of an application for registration, that right, and preferably the owner of that right, shall be identified as concisely as possible. The notification shall not be accompanied by memoranda or evidence.

(b) Any document accompanying the notification which is not on separate sheets of A4 paper or is otherwise not suitable for scanning, and any non-documentary item such as samples or packaging, will not be recorded and will be disposed of by the International Bureau.

Part Six

Numbering of International Registrations

Section 16: Numbering Following Division or Partial Change in Ownership

(a) The separate international registration resulting from the recording of partial change in ownership or division shall bear the number of the international registration of which a part has changed in ownership or been divided, followed by a capital letter.

(b) [Deleted]

Section 17: Numbering Following Merger of International Registrations

The international registration resulting from the merger of international registrations in accordance with Rule 27ter shall bear the number of the international registration of which a part had changed in ownership or been divided, followed, where applicable, by a capital letter.

Section 18: Numbering Following Declaration that a Change in Ownership Has No Effect

The separate international registration which is recorded in the International Register in accordance with Rule 27(4)(e) shall bear the number of the registration of which a part has been assigned or otherwise transferred, together with a capital letter.

Part Seven

Payment of Fees

Section 19: Modes of Payment

Fees may be paid to the International Bureau

(i) by debit to a current account with the International Bureau,

(ii) by payment into the Swiss postal account or to any of the specified bank accounts of the International Bureau,

(iii) by credit card, where, in the context of an electronic communication envisaged in Section 11, an electronic interface for online payment has been made available by the International Bureau.