

PRACTICAL CONSIDERATIONS OF USING THE MADRID PROTOCOL

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Practical Considerations of Using the Madrid Protocol

I. Introduction

What does U.S. adherence to the Madrid Protocol mean for trademark owners, domestic and foreign? What change in analysis or approach should be adopted for building a sound international trademark portfolio? This overview presents some of the factors for consideration. For a quick review of some of the factors, see Appendix 1.

A. What It Is

Upon implementation of the Madrid Protocol by the United States on November 2, 2003, a new central filing system will be available to U.S. trademark owners interested in protecting their marks abroad. Also, foreign trademark owners will be able to add the U.S. as a designated country in their Madrid Protocol applications or in connection with existing Madrid Protocol registrations.

While U.S. trademark owners have readily adopted the Community Trademark (CTM) and its single unified register, with protection enforceable in all European Union member countries, this new option will have to be viewed differently. The International Registration (IR) obtained through the International Bureau of WIPO is not a single unified right or any right at all in and of itself. It facilitates filing in member countries on the basis of a single application, in a single language, filed by a person or company that is a national of a Contracting Party, or a legal entity that is domiciled or has a real and effective industrial or commercial establishment in the originating country. The designated member countries then examine the extensions of protection the same as they examine directly filed applications.

B. Further Advantages

There are additional advantages as well, such as a single fee paid in a single currency. Because of the simplicity of the filing procedure, there is no need to instruct foreign representatives in each country that one designates for protection. Only in the case of an official action in a designated country must one obtain legal representation to prosecute the application. Further, the process results in one registration with one number and one renewal date. Renewals, changes in ownership or address, or limitations to the goods or services are likewise effected by one filing and one fee administered by the International Bureau (IB).

II. Facilitating the Expansion of Trademark Rights

A. Flexibility

Since designations of protection to additional member countries may be made after registration, the system facilitates the expansion of trademark rights as the trademark owner expands into new markets. The latter factor certainly distinguishes the Madrid system from the CTM. If a party is not only interested in Western Europe and the EU enlargement countries, or hopes to expand beyond Europe in the future, establishing an international registration affords foreseeable benefits of ease, flexibility and cost savings, particularly as more countries join the

Madrid Protocol. See the attached list of the Contracting Parties to the Madrid Agreement and the Madrid Protocol as of August 4, 2003.

In considering using the Madrid system, trademark owners and counsel should consider, in addition to countries of potential interest, questions of the nature of the mark, ownership, the breadth of goods and/or services covered, speed of registration and tax consequences. Broad-based international protection under Madrid to selected Protocol countries (currently 59 not counting the US), either from the early adoption of a mark or for an existing portfolio, may be more efficient than planning on subsequent designations as the need arises.

Any existing US application or registration, or any newly filed application, may be the basis for an International application under the Madrid Protocol. More than one existing record may be relied on for the International Madrid filing provided they reflect the same owner and the same mark, and the goods and services in the International application do not exceed those in the records relied upon.

With U.S. implementation on November 2, 2003, a U.S. trademark owner may claim Paris convention priority based on any U.S. filing on or after May 2, 2003. This is done at the time of electronically filing the Madrid Protocol application through the USPTO. The USPTO plans on making the following new electronic forms available for review sometime in October: Application for International Registration; Subsequent Designation; Response to a Notice of Irregularity and Transformation of an International Registration into a National Application. They will be accessible from the front page of the TEAS site.

While a registration on the Supplemental Register may form the basis for an International application, it must be kept in mind that each request for an extension of protection to a Madrid Protocol country will be examined at the national level on absolute grounds. Many countries are quite strict on the issue of distinctiveness. Thus, it may not be worthwhile to proceed with Madrid filings relying on a registration on the Supplemental Register, or a mark that may be considered lacking in distinctiveness under the national law of particular Madrid Protocol countries.

Note that incoming requests for extension of protection to the U.S. will not be able to avail themselves of the Supplemental Register. If the mark is not registrable on the Principal Register, with or without a claim of acquired distinctiveness pursuant to Section 2(f) of the Trademark Act, registration will be refused.

B. Relation to Community Trademark

It is anticipated that the European Community will eventually become a Contracting Organization, as may the Organisation Africaine de Propriete Industrielle (OAPI). Once that occurs, it will be possible to designate these jurisdictions for extension of protection through the Madrid system. A CTM application could also be used as the basic application for extension under Madrid, provided one qualifies for filing by means of nationality, domicile or real and effective industrial or commercial establishment.

Until there is a link between the CTM and the Madrid Protocol, one must analyze the options for protection in Europe. The CTM remains attractive for several reasons. As with national filings, a broader scope of goods and services is available than in the US or a US-

dependent IR. The CTM is maintained by use in one EU member country, while extensions of protection under the Madrid Protocol are each subject to challenge for non-use, generally after 3 or 5 years. With the CTM, there is one examination on absolute grounds only. Each designation or request for extension of protection under the Madrid Protocol is examined by the national office, many on relative grounds also. The mark in a CTM registration may be amended in some circumstances, whereas one is unable to amend the mark in an IR (see XI below). The CTM is enforceable throughout all of the EU. Rights established through the Madrid Protocol are enforced on a county-by-country basis.

On the other hand, the Madrid Protocol would be less expensive than the CTM if the applicant is only interested in four or fewer EU member countries. Further, the entire CTM is subject to failure based on a problem in one country, whether on absolute grounds or because of a successful opposition. Conversion to national applications is available, but entails national fees and examination. With the Madrid Protocol, one can be selective and avoid countries where there is a clear conflict or you expect a refusal on absolute grounds.

III. Cost Savings Under the Protocol

A. Filing

Under the Protocol, the cost savings upfront, other than with respect to representatives' fees, will not be as large if the countries designated have opted to set their own individual fees. For example, the U. S. Patent and Trademark Office (USPTO) will charge the same fees based on the number of classes of goods or services in applications received through the International Bureau as it does for applications filed directly. It cannot fix a higher amount. See Appendix 2, which lists the 23 countries that charge an individual national fee.

More Protocol countries, (37 out of 60 as of September 1, 2003) however, have opted for the standard fee structure that includes the following: a "basic" fee of the International Bureau (653 Swiss Francs or about \$460); a "complementary" fee for each country designated (73 Swiss Francs or about \$51); and a "supplementary" fee for each class of goods or services beyond three (73 Swiss Francs or about \$51). The member country under the standard fee structure obtains a proportion of the complementary and supplementary fees according to the number of designations received. Applicants interested in these countries can designate them by paying only 73 Swiss Francs for up to three classes.

B. Post Registration

The greater cost savings no doubt is in the post registration activities mentioned above. Renewal of the ten year term, and other changes to the registration, are accomplished in a single step with a single fee. This is a tremendous savings on the time and effort spent on maintenance and the recordation of transfers. Note that the same scheme for individual or complimentary fees applies to renewals.

IV. Docketing

Holders of Certificates of Extension of Protection (CEP's) to the United States will need to separately docket renewal of the IR and Section 8 Declarations of Use. New Section 71 of the Lanham Act requires a filing between the fifth and sixth year after registration and at every ten

years after registration. However, this runs from issuance of the CEP, not the date of the IR (see VII B. below).

Renewal of the IR in ten year intervals runs from the date of filing in the Office of Origin, provided the Office certifies the application to the IB within two months of the filing date and there are no unrectified irregularities raised by the IB. Six months before the end of the preceding period, the IB sends an unofficial notice to the holder and its representative of the expiration date. Renewal is effected by payment of similar basic, supplementary and complimentary fees directly to WIPO. The USPTO will not accept or process requests for renewal.

In terms of tracking the extensions of protection to designated countries through the Madrid Protocol, since each application undergoes differing national examinations, it is likely best to create separate files for each country. However, due to the dependency, each file should refer back to the basic application(s) or registration(s). With respect to reporting to the client, consideration should be given to advising the client of the IR as if it were the issuance of an official filing receipt.

Because some countries are under the 12 month notice provisions with respect to refusals or oppositions while other countries are under the 18 month notice provisions, and given the fact that some countries will not issue certificates of extensions of protection, consideration should be given to the docketing of a confirmation of extension of protection in individual designated countries. The official WIPO record could be consulted for this purpose at the 14 month and 20 month points after receipt of application by the designated countries, as appropriate.

Due to the short turnaround time on irregularity notices issued by the International Bureau, it will be important to docket the deadlines for timely responses, whether the issue pertains to the identification or classification of goods or services or to fee irregularities. With respect to fee irregularities, consideration should be given to establishing an account with the International Bureau in order to facilitate payment where the fee irregularity is not tied to a reclassification of goods or services, the response to which must be submitted through the USPTO. Response terms are generally 90 days, but the USPTO may impose a shorter term to facilitate transmission to the International Bureau. The formalities for opening an account at WIPO are set out in the back of the "Guide to the International Registration of Marks," WIPO Publication No. 455(E), 2001

Finally, docketing practices should be adjusted to cover the term for transformation due to the failure, in whole or in part, of the International Registration, whether outgoing or incoming.

V. Ownership

With respect to transfers of ownership, one must keep in mind that while the basic home registration, the whole or part of the Madrid registration, or any of the country designations are assignable to a third party or parties, the assignee(s) must be eligible to hold the right by having an establishment in, domicile in, or the nationality of a country in the Madrid system. This can limit a holder's ability to transfer rights in a mark, particularly where the country involved is a Madrid Agreement only country, as opposed to a Madrid Protocol/Agreement country. Then the

assignee must have an establishment in a Madrid Agreement country in order for the transfer to be recorded by the IB. See Sections 60.01 to 60.04 of the “Guide to the International Registration of Marks,” WIPO Publication No. 455(E), 2001.

All requests to record changes of ownership, except where the assignee is unable to obtain the assignor’s signature or in the case of security interests, are filed directly with the IB. Otherwise, US assignees may request recordation of such transfers through the USPTO.

A US Madrid applicant should be cautioned against assigning the basic application or registration apart from the designations of extension of protection during the dependency period (see VI below). The danger is that the assignee could jeopardize the rights in the designated countries by discontinuing use, invalid licensing or assignment.

VI. Dependency

A. Central Attack and Transformation

During its first five years, the international registration and all extensions of protection are dependent on the basic home or original application or registration. If the basic application or registration is amended in any way, so is the international registration and all of the extensions to designated countries. If the basic application or registration fails, is withdrawn or cancelled, so is the International Registration and all of its extensions. However, there is a three month window in which the trademark owner has the right to transform the failed International Registration into national applications or registrations in the designated countries, all of which will retain the original filing date and any priority claimed. The resulting national applications are subject to a further examination under the national laws or rules pertaining to the country concerned, and the payment of a further national fee. However, after the expiry of the five year term after application, the international registration and all designations become independent of the basic application or registration.

Thus, before placing all rights in one basket for this five year term, the nature of the mark and the status of ownership should be sound. There should be no question about the distinctiveness of the mark or its validity, i.e., that the owner has exclusive rights to its use and it clearly functions as a mark.

With respect to transformation, watch for the final rule on the deadline for filing petitions to revive, Trademark Rule 2.66(a)(2). At some point, the USPTO must report the abandonment to WIPO, which will then cancel the IR and notify designated countries, triggering the three-month window for transformation. If the current standard of “within two months of actual knowledge of the abandonment” is retained, when will the USPTO notify the WIPO?

Note – when considering challenging an international registration by central attack on the basic application or registration, keep in mind that designated countries that are Madrid Protocol only countries will allow the owner to seek transformation. Thus, do not allow an opposition deadline to pass with the mistaken belief that a central attack will defeat the extension. However, it may be possible to obtain a stay of the opposition pending the outcome of the central attack.

B. U.S. Identifications

Because of this dependency, a U.S. trademark owner must consider the required level of specificity of the USPTO in describing the goods and services. If the identification in the basic application is amended to a narrower, more definite statement, the identifications in all of the designated countries will also be so amended. Thus, broader protection may be available by filing national applications. Accordingly, the advantages of the Madrid Protocol must be weighed against the importance of obtaining a broad scope of protection for the mark in the desired countries.

VII. WIPO and Time Issues

A. WIPO's Role

If an International Registration is not refused by the national office of a designated country, the protection of the mark is the same as if the mark had been registered directly with the national office as of the date of the International Registration. The International Bureau of WIPO does not examine the application on absolute or relative grounds, for substantive matters such as distinctiveness or prior rights. It requires compliance with only minimum formalities before notifying the international registration to each national office designated by the applicant. If the applicant files within six months of the basic application, a timely request for Paris Convention priority may be made. No further certification is necessary to establish a priority filing date in designated countries.

The IB will notify both the applicant and the Office of Origin of any irregularities in the international application. Irregularities with respect to the classification of goods and services or with respect to the identification of goods and services must be corrected through the USPTO. However, the Office will not review the response or respond on behalf of an applicant. It will merely forward the response electronically to the IB. The generally applicable response term is three months.

If the fees submitted are insufficient, or if the IB requires additional fees as the result of irregularities in the classification of goods or services, the fees may be paid directly to the IB or through the USPTO. If an applicant fails to meet the response deadline for correcting irregularities, the international application shall be considered abandoned and the IB will notify the applicant and the Office of Origin.

B. Date of Registration

The date of the International Registration will be the date of filing the basic application at the national office of origin, provided that the application is received, without a deficiency, by the International Bureau within 2 months of the filing date. Otherwise, the date will be the date when the last of any missing formal elements reach the International Bureau. The applicant thus must rely on the efficiency of the national office of origin to timely forward the certified application and a response to a non-fee or non-classification deficiency notice, or risk loss of the filing date and possibly the loss of convention priority. This is why the USPTO will require electronic filing of Madrid applications and responses to irregularity notices. It facilitates transfer of documents and fees to WIPO.

C. Examination Window

Another time limit the USPTO will have to meet is the 18 months, from the date on which a notification of a request for extension is sent by WIPO, to examine the application and notify WIPO of a refusal of protection, whether based on examination or the filing of an opposition. Indeed, the USPTO must notify WIPO of the possibility of an opposition within the 18 month term and must provide a statement of all of the grounds within 7 months of the beginning of the opposition period, or within one month of the end of the opposition period, whichever is earlier. No additional grounds of refusal may be notified to WIPO after the expiration of the noted time periods. In other words, if no notifications are made within the time periods, the USPTO loses the right to reject the application.

VIII. TTAB Extension Practice

Because of the requirement that the USPTO notify the International Bureau of all grounds for opposition within 7 months after the beginning of the opposition period, extension practice before the TTAB will change. It will no longer be possible merely to wait for the USPTO to accept and enter an agreed upon amendment to the goods or services. In order to preserve the Opposer's rights, a Notice of Opposition may need to be filed. The proposed rule contemplate an across-the-board requirement that Notices of Opposition be filed by the 120th day after publication for opposition. Proposed Rule 2.102(c). It remains to be seen if the final rule will extend the deadline to the 180th day across-the-board or only as to Madrid applications. Nonetheless, it will not be possible to amend a Notice of Opposition after filing to add new grounds or new goods or services opposed. Potential Opposers will have to consider whether they are foregoing grounds that may come to light during discovery, or consider a cancellation action after registration. Note – any requests for extension of time to oppose, and Notices of Opposition, to Madrid applications will have to be filed electronically.

IX. Searches

Note that it will become prudent for those conducting clearance searches in the U.S. to include the trademark records on the WIPO database. This may alert the potential applicant to possible conflicting marks bearing earlier filing dates, or priority filing dates, that have not yet been notified to the USPTO and entered into the USPTO database. It will also be important to conduct follow-up searches approximately eight months after filing of both the Federal Register and the International Register to locate all conflicting Madrid filings with superior priority rights.

WIPO has both a free online searching tool called the Madrid Express Database, which is updated daily, and a CD-based subscription service under the name ROMARIN, which contains more information but has a six week delay. Note that the WIPO Gazette is the only official publication and that certified extracts of the IR issued upon request by the IB are the only official records.

X. Replacement

Section 74 of the Madrid Protocol and new Rule 7.28 provide a mechanism for prior US registrations for the same mark and the same goods to be replaced by the Madrid filing, i.e., the new filing will have the same rights accrued to a previously issued U.S. registration. The USPTO, for a fee of \$100 per class, will take note of the replacement in its automated records.

However, the legal effect is unclear as Rule 7.29 requires maintenance under Sections 8 and 9 of the prior US registrations that are the subject of replacement.

XI. No Amendments to the Mark

One final consideration, there is no provision allowing for the change of the form of the mark in a Madrid application or registration. Both during prosecution and at the time of renewal, the mark is to remain the same as in the basic application. Thus, if one is in an industry where it is expected that the mark will change over time, taking advantage of the Madrid process may not be appropriate.

XII. Conclusion

The Madrid Protocol provides an effective and well-established means of obtaining multiple foreign trademark registrations at less cost. Understanding the system and its limitations, however, is crucial to developing the best strategy for the international registration of important marks.

Appendix 1.

Madrid Protocol Checklist of Factors for Consideration

- I. Nature of Mark
 - Is it a strong, distinctive mark?
 - Is it likely to encounter objection on absolute grounds, in specific countries?
 - Will the mark change over time?

- II. Status of Basic Application(s), Registration(s)
 - Pending or registered
 - Use or ITU
 - Date of filing or registration
 - Is a priority claim possible?
 - Is registration incontestable
 - Is a new filing required?
 - Known third party issues

- III. Nature of Goods and/or Services
 - Has ID been accepted?
 - Is it sufficiently broad?
 - Are more goods/services contemplated?

- IV. Status of Use
 - If in use, has use been continuous in connection with all goods and services?
 - If not in use, is comprehensive use anticipated soon?

- V. Status of Ownership
 - Is ownership sound and likely to remain with current entity?
 - If assignments are planned, is assignee eligible to hold rights to be transferred?
 - Would assignment adversely effect IR and designations?
 - Is owner a multinational?
 - Does owner have related companies abroad?
 - Is the U.S. the best choice for Country of Origin?

- VI. Countries in Which Protection is Desired
 - Are EU member countries involved?
 - How many countries are involved now?
 - Are additional countries likely to be of interest later on?
 - Do countries charge individual national fees?
 - Check costs on WIPO fee calculator
 - How quickly must protection be established?

VII. Searching

- Has the International Register been searched for conflicting extensions bearing earlier filing dates, or priority filing dates, to the U.S. or other countries of interest?
- Were follow-up searches conducted after filing?

Appendix 2.

Madrid Agreement	Madrid Protocol
No. of Contracting Parties – 53	No. of Contracting Parties – 60
13 - Agreement only ex. Egypt Vietnam	20 - Protocol only ex. Australia Japan United Kingdom United States
40 – Both ex. Benelux China France Germany Switzerland Russian Federation	

MADRID PROTOCOL OPTIONS

Countries Opting for Individual National Fee	Individual Extension Fees		Renewal Fees		Countries Opting for 18 Month Notification Rather Than 12 Months Notice *No Opposition
	Swiss Francs	US\$	Swiss Francs	US\$	
Armenia	221	154	221	154	Armenia*
Australia	397	277	265	189	Australia
Belarus	600	418	700	498	Belarus*
Benelux	201	140	329	234	
Bulgaria	251	175	196	140	Bulgaria*
China	345	240	690	490	China
Denmark	487	339	487	346	Denmark
Estonia	291	203	291	207	Estonia
Finland	236	164	266	189	Finland
Georgia	285	198	285	203	Georgia*
Greece	94	65	94	65	Greece*
Iceland	226	157	226	157	Iceland*
Ireland	372	259	380	270	Ireland
Italy	112	78	75	53	Italy
Japan	980	682	1724	1225	
					Kenya
					Lithuania
Norway	394	274	394	280	Norway

Countries Opting for Individual National Fee	Individual Extension Fees		Renewal Fees		Countries Opting for 18 Month Notification Rather Than 12 Months Notice *No Opposition
	Swiss Francs	US\$	Swiss Francs	US\$	
Republic of Korea	327	228	374	266	Republic of Korea
					Poland*
Singapore	230	160	162	115	Singapore
					Slovakia*
Sweden	198	138	198	141	Sweden
Switzerland	600	418	600	418	Switzerland*
					Turkey*
Turkmenistan	274	191	274	191	Turkmenistan*
					Ukraine
United Kingdom	386	269	429	305	United Kingdom
United States	481	335	563	400	United States
(23)					(27)

The quoted individual fees are for single class applications with the exceptions of Belarus, Benelux, Denmark, Finland and Norway, which cover up to three classes, and Switzerland, which covers up to two classes. Additional fees apply for each additional class and, in some instances, for collective or certification marks (Benelux, Bulgaria, China, Estonia, Finland, Iceland and Italy) or, with respect to Sweden, marks with design elements or special characters.

The remaining Protocol countries accept the complementary fee (73 Swiss francs=\$51) and supplementary fees (73 Swiss francs=\$51) for additional classes.

Note that 9 current European Union countries and one European Union expansion country have opted to receive the individual fee. Further, all current EU member countries and all of the expansion countries, except Malta, are members of at least the Madrid Protocol. Several are also members of the Madrid Agreement (Austria, Benelux, France, Germany, Italy, Portugal, Spain, Cyprus, Czech Republic, Hungary, Latvia, Poland, Slovakia and Slovenia).

5. Madrid Agreement Concerning the International Registration of Marks

Madrid Agreement (Marks) (1891), revised at Brussels (1900), Washington (1911),
The Hague (1925), London (1934), Nice (1957) and Stockholm (1967), and amended in 1979

and

Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

Madrid Protocol (1989)

(Madrid Union)ⁱ

Status on August 4, 2003

State	Date on which State became party to the Madrid Agreement ⁱⁱ	Date on which State became party to the Madrid Protocol (1989)
Albania	October 4, 1995	July 30, 2003
Algeria	July 5, 1972	—
Antigua and Barbuda	—	March 17, 2000
Armenia	December 25, 1991	October 19, 2000 ^{vi,x}
Australia	—	July 11, 2001 ^{v,vi}
Austria	January 1, 1909	April 13, 1999
Azerbaijan.....	December 25, 1995	—
Belarus.....	December 25, 1991	January 18, 2002 ^{vi,x}
Belgium	July 15, 1892 ⁱⁱⁱ	April 1, 1998 ^{iii,vi}
Bhutan.....	August 4, 2000	August 4, 2000
Bosnia and Herzegovina	March 1, 1992	—
Bulgaria	August 1, 1985	October 2, 2001 ^{vi,x}
China.....	October 4, 1989 ^{iv}	December 1, 1995 ^{iv,v,vi}
Croatia	October 8, 1991	—
Cuba.....	December 6, 1989	December 26, 1995
Cyprus.....	November 4, 2003	November 4, 2003
Czech Republic	January 1, 1993	September 25, 1996
Democratic People's Republic of Korea	June 10, 1980	October 3, 1996
Denmark	—	February 13, 1996 ^{v,vi,vii}
Egypt.....	July 1, 1952	—
Estonia	—	November 18, 1998 ^{v,vi,ix}
Finland.....	—	April 1, 1996 ^{v,vi}
France	July 15, 1892 ^{viii}	November 7, 1997 ^{viii}
Georgia.....	—	August 20, 1998 ^{vi,x}
Germany	December 1, 1922	March 20, 1996
Greece.....	—	August 10, 2000 ^{vi,x}
Hungary	January 1, 1909	October 3, 1997 ^{ix}
Iceland	—	April 15, 1997 ^{vi,x}
Ireland.....	—	October 19, 2001 ^{v,vi}
Italy.....	October 15, 1894	April 17, 2000 ^{v,vi}
Japan.....	—	March 14, 2000 ^{vi,x}
Kazakhstan.....	December 25, 1991	—
Kenya.....	June 26, 1998	June 26, 1998 ^v
Kyrgyzstan.....	December 25, 1991	—
Latvia.....	January 1, 1995	January 5, 2000
Lesotho	February 12, 1999	February 12, 1999
Liberia.....	December 25, 1995	—
Liechtenstein.....	July 14, 1933	March 17, 1998
Lithuania.....	—	November 15, 1997 ^v
Luxembourg.....	September 1, 1924 ⁱⁱⁱ	April 1, 1998 ^{iii,vi}
Monaco.....	April 29, 1956	September 27, 1996

State	Date on which State became party to the Madrid Agreement ⁱⁱ	Date on which State became party to the Madrid Protocol (1989)
Mongolia.....	April 21, 1985	June 16, 2001
Morocco.....	July 30, 1917	October 8, 1999
Mozambique.....	October 7, 1998	October 7, 1998
Netherlands.....	March 1, 1893 ^{iii,xi}	April 1, 1998 ^{iii,vi,xi}
Norway.....	–	March 29, 1996 ^{v,vi}
Poland.....	March 18, 1991	March 4, 1997 ^x
Portugal.....	October 31, 1893	March 20, 1997
Republic of Korea.....	–	April 10, 2003 ^{v,vi}
Republic of Moldova.....	December 25, 1991	December 1, 1997
Romania.....	October 6, 1920	July 28, 1998
Russian Federation.....	July 1, 1976 ^{xii}	June 10, 1997
San Marino.....	September 25, 1960	–
Serbia and Montenegro.....	April 27, 1992	February 17, 1998
Sierra Leone.....	June 17, 1997	December 28, 1999
Singapore.....	–	October 31, 2000 ^{v,vi}
Slovakia.....	January 1, 1993	September 13, 1997 ^x
Slovenia.....	June 25, 1991	March 12, 1998
Spain.....	July 15, 1892	December 1, 1995
Sudan.....	May 16, 1984	–
Swaziland.....	December 14, 1998	December 14, 1998
Sweden.....	–	December 1, 1995 ^{v,vi}
Switzerland.....	July 15, 1892	May 1, 1997 ^{vi,x}
Tajikistan.....	December 25, 1991	–
The former Yugoslav Republic of Macedonia.....	September 8, 1991	August 30, 2002
Turkey.....	–	January 1, 1999 ^{ix,x}
Turkmenistan.....	–	September 28, 1999 ^{vi,x}
Ukraine.....	December 25, 1991	December 29, 2000 ^v
United Kingdom.....	–	December 1, 1995 ^{v,vi,xiii}
United States of America.....	–	November 2, 2003 ^{v,vi}
Uzbekistan.....	December 25, 1991	–
Viet Nam.....	March 8, 1949	–
Zambia.....	–	November 15, 2001
(Total: 73 States)	(53)	(60)

ⁱ The Madrid Union is composed of the States party to the Madrid Agreement and the Contracting Parties to the Madrid Protocol.

ⁱⁱ All the States party to the Madrid Agreement have declared, under Article 3*bis* of the Nice or Stockholm Act, that the protection arising from international registration shall not extend to them unless the proprietor of the mark so requests.

ⁱⁱⁱ The territories of Belgium, Luxembourg and the Kingdom of the Netherlands in Europe are to be deemed a single country, for the application of the Madrid Agreement as from January 1, 1971, and for the application of the Protocol as from April 1, 1998.

^{iv} Not applicable to either the Hong Kong Special Administrative Region or the Macau Special Administrative Region.

^v In accordance with Article 5(2)(b) and (c) of the Protocol, this Contracting Party has declared that the time limit to notify a refusal of protection shall be 18 months and that, where a refusal of protection results from an opposition to the granting of protection, such refusal may be notified after the expiry of the 18-month time limit.

^{vi} In accordance with Article 8(7)(a) of the Protocol, this Contracting Party has declared that, in connection with each request for territorial extension to it of the protection of an international registration and the renewal of any such international registration, it wants to receive, instead of a share in the revenue produced by the supplementary and complementary fee, an individual fee. As regards the Kingdom of the Netherlands, such a declaration was made only in respect of the Kingdom in Europe, not in respect of the Netherlands Antilles.

^{vii} Not applicable to the Faroe Islands and to Greenland.

^{viii} Including all Overseas Departments and Territories.

^{ix} In accordance with Article 14(5) of the Protocol, this Contracting Party has declared that the protection resulting from any international registration effected under this Protocol before the date of entry into force of this Protocol with respect to it cannot be extended to it.

^x In accordance with Article 5(2)(b) of the Protocol, this Contracting Party has declared that the time limit to notify a refusal of protection shall be 18 months.

^{xi} The instrument of ratification of the Stockholm Act and the instrument of acceptance of the Protocol were deposited for the Kingdom in Europe. The Netherlands extended the application of the Madrid Protocol to the Netherlands Antilles with effect from April 28, 2003.

^{xii} Date of accession by the Soviet Union, continued by the Russian Federation as from December 25, 1991.

^{xiii} Ratification in respect of the United Kingdom and the Isle of Man.